



MEETING OF THE BOARD OF CITY COMMISSIONERS

5/23/2023 - Minutes

Call to Order

The Board of City Commissioners met in regular session on May 23, 2023, at the hour of 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners present included: Commissioner Cleary, Commissioner Connelly, Commissioner Marquardt, Commissioner Zenker, and Mayor Schmitz.

FUTURE COMMISSION MEETINGS:

- June 13, 2023 & June 27, 2023
- July 11, 2023 & July 25, 2023
- August 8, 2023 & August 22, 2023

MISSION STATEMENT

To provide high-quality public services in partnership with our community to enhance our quality of life.

MEETING OF THE BOARD OF CITY COMMISSION

1. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items)

No public comment was received.

2. CONSENT AGENDA

Commissioner Marquardt motioned to approve as presented, and Commissioner Zenker seconded. Upon a roll call vote, all voted, aye. M/C

- A. Consider approval of minutes
- B. Consider approval of personnel actions
- C. Consider approval of expenditures

Vouchers: #1111001-1111249.

- D. Consider the request for approval from the Administration Department for the following:

1. Gaming site authorization renewals.

E. Consider the request for approval from the Airport for the following:

1. Engineering Agreement with KLJ for the Hangar 5 demolition and General Aviation Apron Phase 5 Project.
2. Pay parking lot rate adjustment.
3. Engineering Agreement with KLJ for the Gate 2 & 3 Passenger Boarding Replacement Project.

F. Consider the request for approval from the Community Development Department for the following:

1. Introduction of and call for a public hearing on Ordinance 6536, a request for annexation of parts of Silver Ranch Third Addition and Silver Ranch Fourth Addition, requested by Investcore, Inc. and Silver Ranch 18, LLLP.
2. Appointment of Renaissance Zone Authority Member.
3. Permission to decommission and dispose of Bus 53 and the Odyssey Farebox System requested by the Bismarck-Mandan Metropolitan Planning Organization on behalf of Bis-Man Transit.
4. Permission to accept the bid by National Express for Transit's Operations Contract and to issue a notice to proceed with the contract (#23-002) for Transit Operations requested by Bismarck-Mandan Metropolitan Planning Organization on behalf of Bis-Man Transit.

G. Consider the request for approval from the Engineering Department for the following:

1. Approval of ND Department of Transportation amendment to the maintenance agreement for University Dr (ND 1804).
2. Approval of ND Department of Transportation agreement to enter and do work on highway right-of-way as part of US Highway 83 improvements associated with Mills Fleet Farm intersection improvements – HC 161.
3. Request for a resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 573.
4. Request for a resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 575.

H. Consider the request for approval from the Human Resources Department for the following:

1. Revised Employee Recognition Guidelines policy to Employee Service Awards policy.
2. Revised Notice of Demotion, Suspension, and Dismissal policy based on a revision to Ordinance 6543.

3. Reclassifications of positions as recommended by Condrey and Associates.

I. Consider the request for approval from the Public Works - Service Operations Department for the following:

1. Permission to sell Enclosed Trailer, 2012 Forest River 48.5' Cargo Mate, at Public Sale or Online Auction.
2. Permission to sell off or dispose of two yard utility sheds.

3. REGULAR AGENDA

4. Public hearing on Ordinance 6550, a request by Eric and Melanie Wagner for a zoning change from the A – Agricultural zoning district to the RR – Residential and Conditional RR5 – Residential zoning districts and major subdivision final plat of Tall Pines Subdivision.

Ben Ehreth, Community Development Director, addressed the Commission regarding a zoning change from the A – Agricultural zoning district to the RR – Residential and Conditional RR5 – Residential zoning districts and major subdivision final plat of Tall Pines Subdivision, requested by Eric and Melanie Wagner.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Zenker motioned to approve Ordinance 6545 as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted, aye. M/C

5. Receive presentation and recommendations on South Washington Street Reconstruction project.

Gabe Schell, City Engineer, and Troy Ripplinger, a representative from Apex Engineering Group, Inc., addressed the Commission regarding the recommendations on the South Washington Street Reconstruction project. Mr. Ripplinger presented options for the roadway improvements along South Washington Street between the drainage ditch and Burleigh Avenue.

The options include:

1. Alternative A: No Build
2. Alternative B: Three-Lane Section on South Washington Street, Widening Burleigh Avenue, and a traffic signal at London/Santa Fe.
3. Alternative C: Five-Lane Section on South Washington Street, Widening Burleigh Avenue, and stop control at London/Santa Fe with pedestrian actuated overhead flashing beacon.

The estimated cost of a three-lane section is \$15.5 million, and the five-lane section is \$17.5 million. Features of the three-lane section include wider boulevards, which allow for more trees, larger areas for snow storage, and increased bicycle and pedestrian safety, and the three-lane section would meet traffic demand projections to 2045. With the three-lane scenario, a traffic signal at London Avenue/Santa Fe Avenue and Washington Street would be warranted based on traffic models. Features of the five-lane section include a maximum six-foot boulevard width resulting in less snow storage, fewer/smaller trees, increased maintenance costs associated with a wider street, and increased snow removal time due to additional driving lanes. A traffic signal at London Avenue/Santa Fe Avenue and Washington

Street is not warranted with a five-lane section based on traffic models.

The Commission discussed the two options for the Burleigh Avenue and Washington Street intersection: option one, a roundabout that would improve operations and safety features for vehicles and pedestrians, and Option two includes a traffic signal.

City Engineer Schell described additional safety features throughout the corridor, including three pedestrian refuge islands at Warwick Avenue, Irvine Loop, and Rutland Drive. The pedestrian refuge islands allow pedestrians to cross Washington Street at select intersections safely. Engineer Schell also described an option to provide for a bus stop lane and shelter with the three-lane section alternative. Engineer Schell stated that bids would be received in 2024, with construction occurring throughout the summer of 2024, and the project will be funded through the 1/2 cent sales tax collection dedicated to voter-approved roadway corridor projects. Engineer Schell closed by stating that he recommends implementing Alternative B, which includes a three-lane section of South Washington Street, the widening of Burleigh Avenue and the inclusion of a roundabout at Washington Street and Burleigh Avenue, and a traffic signal at London Avenue/Santa Fe Avenue and Washington Street.

Mayor Schmitz noted his preference would be to implement the proposed three-lane section due to its safety features for the many pedestrians and bicyclists traveling through the corridor.

Commissioner Cleary preferred a three-lane section with a traffic signal at London Avenue/Santa Fe Avenue and Washington Street. Additionally, she noted concerns with the proposed locations of the pedestrian refuge islands that may create additional obstacles for street maintenance and snow plow operations.

Commissioner Marquardt stated that he is not opposed to a three-lane section but would prefer additional data supporting the need and location of the pedestrian islands. He closed by indicating he prefers using a roundabout at Burleigh Avenue and Washington Street.

Commissioner Zenker said he preferred a five-lane section but also noted his concerns with a lack of a traffic signal at London Avenue/Santa Fe Avenue and Washington Street because it could cause increased speeds and reckless driving behaviors. Commissioner Zenker asked Engineer Schell what the implications would be if the City installed a traffic signal where one is not warranted based on traffic volumes and modeling. Engineer Schell implied that the City of Bismarck could risk losing federal funding for future roadway and improvement projects.

Commissioner Connelly noted that he attended the public information meeting and supports the concept of a three-lane section and pedestrian safety.

Commissioner Marquardt motioned to move forward with Option B, which includes a three-lane section, a turn signal at London Avenue / Santa Fe Avenue and Washington Street, and a roundabout at Burleigh Avenue and Washington Street, and Commissioner Cleary seconded. Upon a roll call vote, all voted, aye. M/C.

Commissioner Cleary motioned to move forward with a bus shelter along Washington Street as part of this project, and Commissioner Zenker seconded. Upon a roll call, voted, all voted, aye. M/C.

<https://bismarcknd.gov/DocumentCenter/View/42374/Item-5-PDF>

6. Permission to provide information about a new interactive map available to the public.

Dave Draovitch, Police Chief, and Darrel Nucech, GIS Manager, provided the Commission with information about a new map that GIS developed that provides information about what the Police Department is facing regarding calls for service. The GIS Division developed a map that uses Computer Aided Dispatch (CAD) data to show the calls for service that the Police Department responds to. It is an interactive map that can display the data and locations in many different ways. The map allows the Police Department to be transparent regarding what is happening in the community. Specific calls for service are not displayed to protect victims' identities.

The Commission received the report.

7. Request of Bismarck Veterans Memorial Public library to appeal the denial of Downtown Design Review of a freestanding sign on the south side of the building.

Daniel Nairn, Senior Planner, addressed the Commission regarding Bismarck Veterans Memorial Public Library's appeal of the denial of the Downtown Design Review approval of a freestanding sign on the south side of the library property at 515 N 5th Street. The sign featuring the library logo would be placed in a recessed area on the south side of the library property. Generally, signs may be administratively approved if they meet all Section 14-03.1-09 Downtown Zoning District Standards requirements, with the option to present to the Downtown Design Review Committee for waivers if certain conditions apply. The proposed sign does not strictly meet the definition of a pole sign, monument sign, or public art.

Commissioner Zenker motioned to approve the request by the Bismarck Veterans Memorial Public Library to appeal the decision by the Renaissance Zone Authority acting as the Downtown Design Review Committee and allow the sign and adopt the findings as drafted by staff, and Commissioner Cleary seconded. Upon a roll call vote, all voted, aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/42373/Item-7-PDF>

8. Review and discuss 2023 Legislative Report.

Keith Hunke, City Administrator, addressed the Commission regarding the 2023 Legislative Session and Senate Bill 2020 - ND Department of Water Resources 2023-2025 biennial appropriation. Administrator Hunke thanked local legislators, commissioners, and staff for their work and support resulting in a \$50 million grant for the water treatment plant facility expansion, which will meet the projected water demand needs through 2040.

The Commission received the report.

9. **Receive an update on Better Bismarck Campaign applications and receive recommendation from selection committee to award funds.**

Renae Moch, Bismarck-Burleigh Public Health Director, provided the Commission with an update on the Better Bismarck Campaign applications and provided the award recommendations by the selection committee.

Commissioner Connelly motioned to award funds to Ministry on the Margins for \$17,000 for continued support and services relating to the need of individuals experiencing opioid addiction, homelessness, and mental health needs and to Heartview Foundation for \$8,000 for the purchase of a methadone pump within the next 12 months as recommended by the selection committee, and Commissioner Cleary seconded. Upon a roll call vote, all voted,

aye. M/C

10. Other Business

Commissioner Cleary noted that Burleigh County discussed moving forward with a single Board of Health that would be composed of a City Commissioner, a County Commissioner, and health care professionals approved by both commissions, and it will be a topic of discussion at future Bismarck-Burleigh Commissions Committee meetings.

Adjourn

There being no further business to discuss, the meeting adjourned at 7:04 PM.

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