



MEETING OF THE BOARD OF CITY COMMISSIONERS

5/24/2022 - Minutes

Call to Order

The Board of City Commissioners met in regular session on May 24, 2022, 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 Marquardt, Commissioner Splonskowski, Commissioner Zenker, and Mayor Bakken.

Commissioner Guy was absent.

FUTURE COMMISSION MEETINGS:

- June 14, 2022 & June 28, 2022
- July 12, 2022 & July 26, 2022
- August 9, 2022 & August 23, 2022

MISSION STATEMENT

Mayor Bakken read the mission statement.

MEETING OF THE BOARD OF CITY COMMISSION

1. National Public Works Week Proclamation 2022

Mayor Bakken read a proclamation declaring May 15-21, 2022 as National Public Works Week.

<https://bismarcknd.gov/Archive.aspx?ADID=2946>

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

3. CONSENT AGENDA

The Airport Department requested that consent agenda item F1 be removed from the agenda.

Commissioner Zenker motioned to approve as presented with the removal of item F1, Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

- A. Consider approval of minutes
- B. Consider approval of expenditures

Vouchers: 1104409-1104687.

- C. Consider approval of personnel actions
- D. Consider the request for approval from the Administration Department for the following:

1. Approve gaming site application for the following:

- Amvets Post #9
 - Amvets Post #9 – 2402 Railroad Avenue

- Bismarck Hockey Boosters, Inc.
 - Blarney Stone – 408 East Main Avenue
 - Lucky's Bar – 2176 East Thayer Avenue
 - Our Place Tavern – 1305 East Front Avenue
 - Tap-In-Tavern – 601 Memorial Highway
 - The Pier – 1120 Riverwood Drive

- Bismarck Mandan Elks Lodge No. 1199
 - Bismarck Mandan Elks Lodge – 900 South Washington Street

- Dakota Junior Golf Association
 - Elbow Room – 115 South 15th Street
 - ~~Golf Etc. – 511 Airport Road~~

- Fort Abraham Lincoln Foundation
 - Expressway Suites – 180 East Expressway
 - Huckleberry House LLC – 1700 River Road
 - Sixteen03 Main Events – 1603 East Main Avenue

- Light of Christ Catholic Schools
 - St. Mary's Academy – 1025 North 2nd Street
 - St. Mary's Central High School – 5802 Ridgeland Drive

- Lloyd Spetz American Legion Post 1
 - Jack's Steakhouse – 1201 South 12th Street

- Mandan Baseball Club Inc.
 - 701 Lounge – 1400 Interchange Avenue
 - Jimmy V's – 512 East Main Avenue

- Laughing Sun Brewing – 1023 East Front Avenue
- Lucky's 13 Pub – 915 South 3rd Street
- Matpac Wrestling Club Inc.
 - Borrowed Bucks Roadhouse – 118 South 3rd Street
 - Main Bar – 804 East Main Avenue
 - Sidelines – 300 South 5th Street
 - Sports Page – 1120 Tacoma Avenue
 - The Craftcade – 405 4th Street
- New Salem Civic Club, Inc.
 - Big Dog Distillery – 307 South 3rd Street

2. Approval of the following liquor license renewals:

- Beer Cave – 1020 South Washington Street
- Bismarck-Mandan Elks Lodge No. 1199 BPOE – 900 South Washington Street
- Bismarck Hotel and Conference Center – 800 South 3rd Street
- Borrowed Bucks Roadhouse – 118 3rd Street South
- Charras and Tequila – 4503 Skyline Crossings
- Chinatown Buffett – 330 Riverwood Drive
- Expressway Suites – 180 East Bismarck Expressway
- Famous Daves – 401 East Bismarck Expressway
- Holiday Inn Bismarck – 3903 State Street
- Horizon Market – 125 Durango Drive
- JL Beers – 217 North 3rd Street
- Johnny Carino's – 1601 West Century Avenue
- Lucky's 13 Pub – 915 South 3rd Street
- Main Bar and Package Store – 804 East Main Avenue
- Marlin's Family Restaurant – 3938 Miriam Avenue
- Nara Ramen and Izakaya Inc. – 309 North 3rd Street
- Pancheros – 1485 East Lasalle Drive
- Petro Serve USA #077 – 1120 East Divide Avenue
- Polar Package Place/Lucky's Bar – 2150 East Thayer Avenue
- Shogun Japanese Steakhouse – 2700 State Street H1
- Sickies Garage – 3130 North 14th Street
- Space Aliens Grill and Bar – 1304 East Century Avenue
- Stadium Sports Bar & The Lodge – 1247 West Divide Avenue

- Stonehome Brewing Company – 1601 North 12th Street
- The Junction – 2301 University Drive Building 17 Space 223BCD
- Vintner's Cellar Winery – 3250 Rock Island Place

E. Consider the request for approval from the Bismarck-Burleigh Public Health Department for the following:

1. Permission to apply for Hazard Mitigation Grant Program funding from the ND Department of Emergency Services for costs associated with an emergency power generator for the new Bismarck-Burleigh Public Health facility.

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

1. Lease of Canon Copier/Printer using North Dakota State Bid.
2. Request to assign the 2022-24 Airport Crop Land Contract to Steve Berger.

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

1. The request of Sandra and Russell Johnson to release the West 1 foot of a 7-foot Capital Electric utility easement for Lot 1, Block 1, Eagle Crest Eighth Addition.

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

1. Request for resolution approving the revised engineer's report, resolution approving revised plans and specifications, and resolution directing the advertisement of bids and receive bids for Street Improvement District SI 565 and Sewer Improvement District SE 581.
2. Request for resolution declaring petitions for improvements have been received and resolution creating district and ordering preparation of preliminary report for Street Improvement District SI 569.

I. Consider the request for approval from the Event Center for the following:

1. Request approval to use the Event Center for Capital City Christmas. We are asking for your approval for the Bismarck Event Center staff to collaborate with the Capital City Christmas Committee and others to continue this great event by helping with planning and fundraising.

J. Consider the request for approval from the Finance Department for the following:

1. Application for Abatement for the following where the Assessing Division recommends approval:
 - 1727 Valley Drive (0936-001-020) - Nick W Lees - Disabled Veteran (2021)

2. Permission to purchase office equipment through Interiors by Design under ND State Contract.

K. Consider the request for approval from the Fire Department for the following:

1. Approval for the Fire and Police Departments to participate in the Costco Wholesale Corporation's charity fundraiser for Children's Miracle Network Hospitals.

L. Consider the request for approval from the Police Department for the following:

1. Permission to decommission 63 police mobile radios and donate to the City of Mandan

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

1. Permission to purchase 8 cobalt controllers under the MNDOT bid for Electrical operations.
2. Permission to purchase a generator and forklift for Public Works operations.
3. Permission to advertise for public sale, the salt/sand storage fabric building facility located on the Public Works property.

N. Consider the request for approval from the Public Works - Utility Operations Department for the following:

1. Approval of Limited Authorization to Proceed with Kraus-Anderson Construction Company for the Public Works Expansion Project.
2. Approval of a Water Service Contract with Journey Campground Bismarck LLC from April 18, 2022, thru April 17, 2027.
3. Approval of Change Order 1 with PKG Contracting, Inc. for the WTP High Lift Pump No. 5 Replacement & Electrical Improvements.
- 4. Approval to accept Task Order No. 16 to the Agreement with AE2S for Engineering Consulting Services for O&M Projects for Utility Operations.**

4. REGULAR AGENDA

5. Public hearing on Ordinance 6501 to enact new Bismarck Ordinances for hate crimes.

Due to a family emergency, Commissioner Guy was not able to attend the public hearing for Ordinance 6501. The public hearing for Ordinance 6501 has been moved to the June 14, 2022, commission meeting.

6. Consider the request for approval for the Elk Ridge Third Addition, requested by Tyler Coulee, LLP, Bismarck North Developers, LLC, Ron Knutson, Henry and Jeanette Albers, and Paulette Thurn and Michael Hoffman.

Ben Ehreth, Community Development Director, addressed the Commission regarding the request from Tyler Coulee, LLP, Bismarck North Developers, LLC, Ron Knutson, Henry and Jeanette Albers, and Paulette Thurn and Michael Hoffman for Ordinance 6502, a request for a zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential, and P – Public zoning districts for Elk Ridge Third Addition, Ordinance 6503, a request for annexation of part of Elk Ridge Third Addition, and a major subdivision final plat of Elk Ridge Third Addition. Jason Petryszyn with Swenson, Hagen & Company representing Bismarck North Developers, LLC, addressed the commission to answer questions regarding the request for Elk Ridge Third Addition.

Commissioner Zenker motioned to approve the ordinance as presented, Commissioner Splonskowski seconded.

Upon roll call, all voted aye. M/C

7. Consider the request for approval of the Boden Addition, requested by Ron and Ruth Knutson

Ben Ehreth, Community Development Director, addressed the Commission regarding the request from Ron and Ruth Knutson for approval of a zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential, R10 – Residential and Conditional RT – Residential zoning districts and a major subdivision final plat for Boden Addition. This action would create 23 lots for small-scale offices, 26 lots for one and two-family dwellings, two small R5-zoned lots that will be transferred to adjacent properties, and a large lot for stormwater management. The property is located in north Bismarck, on the east side of North Washington Street and the south side of East Lasalle Drive (part of the W1/2 of Section 16, T139N-R80W/City Lands and a replat of Lots 2 and 3, Block 1 and Lot 4, Block 2, Boulder Ridge Fifth Addition).

The following individuals spoke in opposition to the zoning change: Jamie Wagendorf, Mandar Nangare, Dawn Ulmer, Michelle Swenson, and Dan Wrolstad. Their concerns included increased traffic volumes, stormwater and drainage, the introduction of non-residential uses to the neighborhood, and the safety of children walking to Liberty Elementary School.

Cam Knutson, the project developer, addressed the commission to explain the project and the various projects that preceded the final version presented at the meeting. He also addressed market changes that caused the master plan to be modified from its original concept that was developed in the early 2000s. Mr. Knutson noted the intended office uses would be complementary to the neighborhood; retail uses would be limited.

Commissioner Zenker motioned to approve the ordinance as presented, Commissioner Marquardt seconded.

Upon roll call, Commissioners Marquardt, Zenker, and Mayor Bakken all voted aye; Commissioner Splonskowski voted nay. M/C

<https://bismarcknd.gov/DocumentCenter/View/40569/Regular-Agenda-Item-7-PDF>

8. Public hearing on Ordinance 6505, a staff-initiated zoning ordinance text amendment relating to allowing data centers as a special use.

Daniel Narin, with the Community Development Department, addressed the Commission

regarding the request of the Community Development Department for a zoning ordinance text amendment to allow data centers as a special use in the MA – Industrial zoning district and an administrative special use in the MB – Industrial district.

Commissioner Marquardt motioned to approve the ordinance as presented, Commissioner Zenker seconded.

Upon roll call, all voted aye. M/C

9. Consider the request to receive an update from the Special Assessment Task Force Subcommittee.

The commission received an update from Dustin Gawrylow, a member of the Special Assessment Task Force Subcommittee, regarding the progress of the Special Assessment Task Force Subcommittee. Mr. Gawrylow noted that the full task force will convene a meeting on Wednesday, June 15, 2022. The purpose of the meeting will be to share the proposed recommendations with the full task force.

10. Consider the request to receive an update regarding the on-street bicycle network.

Ben Ehreth, Community Development Director, provided an update regarding the on-street bicycle network within Bismarck. Public Works Director Jeff Heintz also noted the costs associated with initial implementation and annual maintenance for the on-street bicycle network. The commission took no action.

11. Consider the request for approval of amendments to the Renaissance Zone Development Plan.

Daniel Narin, with the Community Development Department, addressed the Commission regarding the proposed changes to the Renaissance Zone Development Plan. Mr. Narin noted that the Renaissance Zone boundary would be reduced in size, with three blocks being removed and one block added. The Renaissance Zone Authority will be required to present to all political subdivisions on the current status of the Renaissance Zone program at least annually. Criteria for future block closures and expansions would be established. The Renaissance Zone Authority is not proposing any additional expansion, including the use of a non-contiguous island, at this time.

Commissioner Zenker motioned to approve the ordinance as presented, Commissioner Splonskowski seconded.

Upon roll call, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/40570/Regular-Agenda-Item-11-PDF>

12. Consider the request for resolution receiving bids and ordering preparation of the Engineer's Statement and resolution awarding contract for Street Improvement District SI 561.

City Engineer, Gabe Schell, requested resolutions to receive bids and order preparation of the Engineer's Statement and resolution awarding contract for Street Improvement District SI 561.

Commissioner Zenker motioned to approve the resolution to receive bids and order preparation of the Engineer's Statement and resolution awarding contract to Northern

Improvement Company in the amount of \$876,628.42 for Street Improvement District SI 561, Commissioner Splonskowski seconded.

Upon roll call, all voted aye. M/C

13. Consider the request to receive bids and award contract for Water Utility Project WU 136.

City Engineer, Gabe Schell, requested resolutions to receive bids and award contract for Water Utility Project WU 136.

Commissioner Splonskowski motioned to approve the resolution to receive bids and award the contract to D.L. Barkie Construction in the amount of \$164,550.00 for Water Utility Project WU 136, Units 2 and 3, Commissioner Marquardt seconded.

Upon roll call, all voted aye. M/C

Other Business

There being no further business, the meeting adjourned at 7:47 PM.

Adjourn

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