

MEETING OF THE BOARD OF CITY COMMISSION
June 11, 2019

The Board of City Commission met in regular session on June 11, 2019 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Marquardt, Guy, Zenker, and President Bakken. Commissioner Oban participated via facetime.

1. Commissioner Marquardt moved to approve the minutes of the May 28, 2019 Regular Commission meeting Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C
2. Public comment (restricted to items on the Consent Agenda and the Regular Agenda, excluding public hearing items). Trevor Vannete, Susan Engel, Greg Vetter addressed the Commission in support of item 12 & 13. Darcy Andahl addressed the Commission in support of item 12 but not in favor of item 13. Gary Schumacher addressed the Commission to oppose item 13.
3. Commissioner Guy moved to approve the consent agenda. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

A. Voucher numbers: 1087446-1087674

B. Personnel actions

C. Administration Department:

1. Gaming Site Authorizations for the following:

- NoDak Sportsmen's Club
 - Midway Tavern
 - OK Corral
 - Space Alien's
 - The Tap In Tavern
- North Dakota Friends of NRA State Fund Committee
 - Bismarck Eagles Club
- Bis-Man Elks Lodge BPOE 1199
 - Bismarck Municipal Ballpark
- Fraternal Order of Eagles Aerie 2237
 - Bismarck Eagles Club

2. Liquor License Renewals for the following:

- Beer Cave – 1020 S Washington St
- Bismarck-Mandan Elks Lodge 1199 BPOE – 900 S Washington St
- Bismarck Moose Lodge #302 – 312 N 20th St

- Blarney Stone Pub – 408 E Main Ave
- Borrowed Bucks Roadhouse – 118 3rd Street S
- Carino’s Italian – 1601 W Century Ave
- Ground Round – 526 S 3rd St
- Holiday Inn Bismarck – 3903 State St
- Loaf N Jug #685 – 2835 N Washington St
- Longhorn Steakhouse #5557 – 1070 Interstate Ave
- Panchero’s Mexican Grill – 1225 W Century Ave
- Paradiso – 2620 State St.
- Polar Package Place / Lucky’s Bar – 2130 E Thayer Ave
- Sam’s Club #4933 – 2821 Rock Island Pl
- Shogun Japanese Steakhouse – 2700 State St H1
- Space Aliens Grill & Bar – 1304 E Century Ave
- Stamart Travel Center – 3936 Miriam Ave
- The Olive Garden Italian Restaurant #1787 – 3400 N 14th St
- The Wood House Restaurant – 1825 N 13th St
- TRI Energy Cenex Centennial – 2520 Centennial Rd
- Walmart #1534 – 2717 Rock Island Pl
- Walmart #3648 – 1400 Skyline Blvd

D. Airport:

1. Sublease to the July 11, 2013 Simson Investment lease with the State of North Dakota Department of Transportation.

E. Community Development Department:

1. Introduction of and Call for a Public Hearing on Ordinance 6382, a request for a zoning change from the R5-Residential zoning district to the R10-Residential zoning district on Lots 27-35, Block 4, Silver Ranch First Addition, requested by Investcore, Inc. The Planning and Zoning Commission recommends approval.

F. Engineering Department:

1. Contract Amendment 4 with Apex Engineering Group and the revised Sewer Utility 58 Phase B project budget.
2. Authorization to pursue ownership of the Bismarck State College GPS base station from the North Dakota Geological Survey.
3. Contracts and bonds for the 2019 projects.
4. Sidewalk and Traffic Signal Easement for MDI LTD Partnership 92.
5. Encroachment agreement with 43rd Bismarck, LLC.

G. Finance Department:

1. Application for property tax abatement 2018, Disabled Veteran Credit at 1415 E Ave B.

2. Application for property tax abatement 2018 & 2019, Comparable Market Value at 1000 W Century Ave.

H. Police Department:

1. Authorization to purchase a 2018 Ford Sedan.

I. Public Works Service Operations Department:

1. Authorization to advertise for sale as described in City Ordinance 7-01-05, of the metal building located on the recently purchased Billington Salvage Yard property.
2. Bid Award for street light poles.
3. Shop condo lease agreement with F & D Office, LLC.

4. REGULAR AGENDA

5. Proclamation declaring June 17, 2019 as Lemonade Day in the City of Bismarck.

6. Commission Portfolio Report - Commissioner Guy.

7. The Commission considered the request from the Engineering Department to receive a presentation on the Tyler Coulee Sanitary Sewer Servicing Master Plan and accept the report prepared by Apex Engineering Group. Mike Berg, representing Apex Engineering Group provided a presentation.

Commissioner Zenker moved to accept the report prepared by Apex Engineering Group as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

8. The Commission considered the request from Trent Rittenbach to appeal the May 2, 2019 decision of the Board of Adjustment to approve a modified variance request from Section 14-03-06(1)(b)(4) of the City Code of Ordinances (Incidental Uses/Accessory Buildings) to increase the maximum allowable square footage of accessory buildings on the property from 1,200 square feet to 1,600 square feet on Lot 1, Block 4, Imperial Valley Subdivision. Mr. & Mrs. Rittenbach provided comment to the commission.

Commissioner Oban moved to approve the request as presented and overturn the decision of the Board of Adjustment. Commissioner Zenker seconded the motion. Upon a roll call vote, Zenker, Oban and Bakken aye, Guy and Marquardt nay. M/C

9. The Commission President called for the Public Hearing on Ordinance 6377, a request for the annexation of Auditor's Lot 6A of Lot 6, part of Auditor's Lot 7, and part of Auditor's Lot 8B of Lot 8 in the NE 1/4 and SE 1/4 of Section 1, T138N-R80W/Lincoln Township and Lots 1-15, Block 1, Lots 1-11, Block 2, Lots 1-11, and Lot 22, Block 3,

MN06112019

Lots 1-8, Block 5, Lot 1, Block 10, Clear Sky Addition; Public Hearing on Ordinance 6378, a request for a zoning change from the A-Agricultural zoning district to the R5-Residential and P-Public zoning districts for Clear Sky Addition; Approval of the final plat of Clear Sky Addition, and Approval of the Park Development Agreement. Robert Aberle, and Mike Bossert, addressed the Commission in opposition of item 9. Harvey Schneider addressed the Commission in support of item 9. Matt Geiger addressed the Commission as one of the owners of the Clear Sky Addition property to provide additional information about the property.

Commissioner Zenker moved to approve the second reading and final passage of Ordinance 6377; Ordinance 6378; the final plat of Clear Sky Addition, and the Park Development Agreement for Clear Sky Addition. Commissioner Marquardt seconded the motion. Upon a roll call vote, Marquardt, Zenker, Oban and Bakken aye, Guy nay. M/C

10. The Commission President called for the Public Hearing on Ordinance 6375 regarding All-Terrain and Off-Highway Vehicles. Ruben Straub and Josh Vallely addressed the Commission if favor of ordinance 6375.

Commissioner Oban moved to approve the second reading and final passage of Ordinance 6375. Commissioner Zenker seconded the motion. Upon a roll call vote, all vote aye. M/C

11. The Commission President called for the Public Hearing on Ordinance 6381 regarding Trash Collection by the City; Exceptions.

Commissioner Marquardt moved to approve the second reading and final passage of Ordinance 6381. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

12. The Commission considered the request the Bis-Man Transit Board to continue the Green Route to the University of Mary and United Tribes Technical College.

Commissioner Marquardt moved to approve to continue the Green Route to the University of Mary and United Tribes Technical College. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission consider the request for approval from the Bis-Man Transit Board request for funding. The request is \$112,000 for FY19 and \$90,000 for FY20.

Commissioner Guy moved to include the FY2019 and FY2020 requests within the 2020 budget discussion. Commissioner Marquardt seconded the motion. Upon a roll call vote, Marquardt, Guy, Oban aye, Zenker and Bakken nay. M/C

The Commission held a discussion on the Bismarck Strategic Plan.

Having completed the items on the agenda, President Bakken asked if there was any other business. Commissioner Zenker introduced the new Finance Director Dmitriy Chernyak. The meeting was declared adjourned at 8:18 p.m.