

MEETING OF THE BOARD OF CITY COMMISSIONERS

6/22/2021 - Minutes

FUTURE COMMISSION MEETINGS:

MISSION STATEMENT

MEETING OF THE BOARD OF CITY COMMISSION

1. Recognition of Bismarck Burleigh Public Health Department being honored with with the 2021 Bronze Innovative Practice Award by the National Association of County and City Health Officials.

The Commission recognized Bismarck Burleigh Public Health Department being honored with with the 2021 Bronze Innovative Practice Award by the National Association of County and City Health Officials.

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

There was no public comment

3. CONSENT AGENDA

Commissioner Guy made a motion to approve the minutes and consent agenda as presented, Commissioner Splonskowski seconded the motion.

Upon roll call vote, all voted aye. M/C

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

Vouchers 1098929-1099169.

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

1. Approve renewal of liquor licenses from August 1, 2021 to July 31, 2022.
 - Applebee's Neighborhood Grill & Bar - 434 South 3rd Street

- Applebee's Neighborhood Grill & Bar – 3200 North 14th Street
- Broadway Grill and Tavern - 100 West Broadway Avenue, Ste 100
- China Star – 1065 East Interstate Avenue
- Comfort Lounge – 1030 East Interstate Avenue
- Costco Wholesale #1380 – 1325 57th Avenue NE
- Golf Etc. Bismarck – 511 Airport Road
- Holiday Inn Bismarck – 3903 State Street
- India Clay Oven Bar/Grill – 510 East Main Avenue
- Kobe's Japanese Cuisine – 915 West Interstate Avenue
- Pilot Travel Centers Store #1224 – 3936 Miriam Avenue
- Pirogue Grille – 121 North 4th Street
- Plaza Beer Depot – 204 East Boulevard Avenue
- Pub 21 – 1014 South 12th Street
- Sidelines Sports Bar – 300 South 5th Street
- Superpumper #80139 – 2901 North 19th Street
- Superpumper #80140 – 1122 Tacoma Avenue
- Superpumper #81049 – 1905 North Washington Street
- Superpumper #80150 – 2205 Tyler Parkway

2. Approve gaming site authorization renewal for CHI St. Alexius Health Bismarck at:

- Bismarck Event Center – 315 South 5th Street
- CHI St. Alexius Health Bismarck – 900 East Broadway Avenue

3. Approve gaming site authorization renewal for Horse Race North Dakota at:

- Golf Etc. – 511 Airport Road

4. Approve gaming site authorization renewal for Gilbert N Nelson Post 1326 at:

- Bismarck Municipal Ball Park – 303 West Front Avenue

5. Approve gaming site authorization renewal for Bismarck Moose Lodge #302 at:

- Bismarck Moose Lodge – 312 North 20th Street

6. Approve City of Bismarck Human Relations Committee to engage with City staff to improve and/or complete the Municipal Equality Index Scorecard.

7. Provide a resolution of support for Dakota West Arts Council to help facilitate the application to the National Endowment for the Arts.

8. Introduction of and call for a public hearing on a request for a new Class F1 Restaurant Full Alcohol liquor license for Pitorro Restaurant & Bar LLC (dba) Pitorro Restaurant & Bar, located at 1235 South 12th Street.

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

1. Approve acceptance of the Guthmiller and Son Dirtworks bid to purchase the Kodiak Northwest Blower.
2. Award bid to Cedric Theel for two ½ ton double cab pickups subject to FAA approval to Buy American waiver.
3. Approve the purchase of a John Deere 6155R tractor from Sourcewell Cooperative. Purchasing delivered through RDO Equipment Company Bismarck and allow staff to enter into contracts for the purchase.
4. Award bid to RDO Equipment Company for the loader, vee plow, self controlled snow blower and cupping plow subject to FAA approval of Buy American Waivers.
5. Consider Change Order to the September 11, 2020 agreement with KLE for Wetland Phase 5/6.

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

1. Introduction and call for a public hearing on Ordinance 6465 to amend Ordinance 6-08-06, regarding BB and Pellet Guns.

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

1. Reappointment of Jennifer Clark and Ken Hoff to the City of Bismarck Board of Adjustment and determination of alternate Board of Adjustment member.
2. Approval of Corrective Ordinance 6457 regarding the annexation of parts of Clear Sky Addition.
3. Material changes to the approved final plat of Wachter's Addition Second Replat

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

1. Approval of North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for Bismarck Expressway lighting and turn lanes improvement project SHE-1-810(030)004, PCN 23155 (City Project HC 141).

2. Street Improvement District SI 554

- Request for Resolution Declaring Petitions for Improvements have been received.
- Request for Resolution Creating District SI 554 and Ordering Preparation of Preliminary Report.
- Request for Resolution Approving the Preliminary Reports and Directing the Preparation of Plans and Specifications.
- Request for Resolution Approving Plans and Specifications.

- Request for Resolution Directing the Advertisement of Bids and Receive Bids.

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

1. Approval to purchase the equipment and services needed to implement an offsite Disaster Recovery and Business Continuity solution from HighPoint Networks.
2. Application for Abatement for 2020, Comparable Market Value at 3002 Arizona Dr.

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

1. Approve the contract with Rainbow Gas Company for natural gas for the 2021-2022 option year.
2. Approval of Task Order 21-04 to Agreement with Houston Engineering for Solid Waste Operations Engineering Services.

4. REGULAR AGENDA

5. Consider the request from the Human Resource Department for the following:

Robert McConnell, the Human Resources Director gave the presentation on the Condrey & Associates report and recommendations of the City's Classification and Compensation Plan. Steve Condrey and Jan Hansford from Condrey & Associates were available by Zoom. Stated that they compared regional cities in MT, ND, SD, & MN, as well as 10 private organizations. They recommended Plan B or Plan A if financially viable. Commissioner Zenker asked if benefits were included in the plans, HR Director stated they were not. Mayor Bakken requested that this be reviewed by the Budget Committee as part of the 2022 budget prep. Commissioner Marquardt agreed.

Commissioner Marquardt moved to accept the report. Commissioner Zenker seconded.

Upon roll call vote, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/38064/R-HR---Condrey-and-Assoc-Report>

6. Consider the request from the Community Development Department for the following:

Community Development Director Ben Ehreth presented the request of Five Star Storage, Steve Mariner and Art Mariner to appeal the May 26, 2021 decision of the Bismarck Planning and Zoning Commission to deny a zoning change from the CA-Commercial zoning district to the PUD-Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way. Jake Hendricks from Five Star Storage spoke, noted that it was recommended by staff to approve original proposal, stated

that neighbors were supportive with the planned development and included a map showing this. Commissioner Marquardt asked about fencing, security, and landscaping. Jake stated that fencing is decorative, the property will be self controlled. Commissioner Marquardt stated that this would have lower traffic than a gas station, which had been a prior development suggestion at this location.

Commissioner Marquardt moved to reverse the decision of the Planning and Zoning Commission and set the matter for a public hearing. Commissioner Splonskowski seconded the motion.

Upon roll call vote, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/38062/R-CD---Appeal-Northridge-Estates-Commercial-Park-Map>

7. Public Hearing on Ordinance 6466, a request for the annexation of Lots 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat, requested by Five Guys Investment, LLP.

Commissioner Splonskowski moved to approve Ordinance 6466. Commissioner Guy seconded the motion.

Upon roll call vote, all voted aye. M/C

8. Consider the request from the Community Development Department for the following:

RBK Ventures Second Subdivision, requested by RBK Ventures, LLC

- Public Hearing on Ordinance 6468, a request for a zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district.
- Final plat of RBK Ventures Second Subdivision.

Community Development Department Director Ben Ehreth presented the Ordinance change, recommended approval.

Commissioner Marquardt moved to approve Ordinance 6468. Commissioner Guy seconded the motion.

Upon roll call vote, all voted aye. M/C

9. Consider the request for resolution from the Airport for the following:

- Receive and consider bids for Airfield Painting.
- Award contract for Airfield Painting

Greg Haug, the Airport Director, presented the bids and proposed awarding the bid to West River Striping Company for \$49,957.52 with funds being paid through the CARES program.

Commissioner Zenker moved to approve the motion. Commissioner Guy seconded the motion.

Upon roll call vote, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/38063/R-AIR---Bids-for-Airfield-Painting-Winning-Bid>

10. ~~Consider the request for resolution from the Public Works Service Operations Department for the following:~~

Other Business

Adjourn

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