

MEETING OF THE BOARD OF CITY COMMISSION
July 9, 2019

The Board of City Commission met in regular session on July 9, 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 face time.

1. Commissioner Marquardt moved to approve the minutes of the June 25, 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). Kyle Downs, Bill Gefroh, Jerry Reinisch, Bryan Hintz, Jerry Spaedy, and Jay Wacker opposed item 9 on the regular agenda.
3. Commissioner Marquardt moved to approve the consent agenda. Commissioner Zenker seconded the motion. Commissioner Guy informed the commission that she wanted to be transparent and let them know that she is employed by the company that provides the ND Opportunity Fund Loan Program in regards to items C5 and C6 and that if the commission would like her to abstain from voting on this item she would do so. The commission did not have any issue with her voting on the item. Upon a roll call vote, all voted aye. M/C
 - A. Voucher numbers: 1087916-1088171
 - B. Personnel actions
 - C. Administration Department:
 1. Renewal of Liquor Licenses from August 1, 2019 to July 31, 2020:
 - 40 Steak & Seafood – 1401 East Interchange Avenue.
 - A&B Pizza South, Inc – 311 South 7th Street.
 - A&B Pizza South, Inc – 600 South 5th Street.
 - Amvets Post #9 – 2402 Railroad Avenue.
 - Anima Cucina – 101 North 5th Street.
 - Applebee’s Neighborhood Grill & Bar – 3200 North 14th Street.
 - Applebee’s Neighborhood Grill & Bar – 343 South 3rd Street.
 - Bareknuckle Events LLC – 300 North 4th Street.
 - Bismarck Courtyard – 3319 North 14th Street.
 - Bismarck Baseball Concessions LLC – 303 West Front Street.
 - Bismarck Residence Inn – 3421 North 14th Street.

- Sickies Garage – 3130 N. 14th St.
- Bistro 1100 Inc. – 1103 East Front Avenue.
- Broadway Grill & Tavern – 100 West Broadway Avenue.
- Bruno’s Pizza – 910 East Front Avenue.
- Buffalo Wild Wings – 3420 North 14th Street.
- Buffalo Wild Wings – 218 South 3rd Street.
- Country West MVP – 2205 Tyler Parkway.
- Edwinton Brewing Company – 403 East Main Avenue.
- Fireflour Pizza – 111 North 5th Street.
- Hong Kong Restaurant Inc. – 1055 East Interstate Avenue.
- Humpback Sally’s LLC – 510 East Main Avenue.
- Interstate A&B Pizza, Inc. – 1017 East Interstate Avenue.
- James River Café – 612 East Boulevard Avenue.
- JL Beers – 217 North 3rd Street.
- Lady J’s Catering Inc. – 930 North Griffin Street.
- Landers’ Shell – 2210 North 12th Street.
- Main Bar & Package Store – 804 East Main Avenue.
- Mesa Airlines, Inc. – 2301 University Drive.
- Noodlezip – 208 Main Ave #2.
- Northbrook MVP – 1905 North Washington Street.
- Our Place Tavern – 1305 East Front Avenue.
- Pancheros – 1485 East Lasalle Drive.
- Peacock Alley – 422 East Main Avenue.
- Pirogue Grille – 121 North 4th Street.
- Radisson Hotel & Conference Center Bismarck – 605 East Broadway Avenue.
- Ramkota Hotel & Conference Center Bismarck – 800 South 3rd Street.
- Sixteen03 Main Events – 1603 East Main Avenue.
- Stonehome Brewing Company – 1601 North 12th Street.
- Superpumper 39 – 2901 North 19th Street.
- Superpumper 40 – 1120 Tacoma Avenue.
- Taco Del Mar – 1024 South 12th Street.
- The Craftcade – 405 North 4th Street.
- The Starving Rooster – 512 East Main Avenue.
- Williquors, Inc. – 3025 Yorktown Drive.

2. Renewal of Gaming Site Authorizations from July 1, 2019 to June 30, 2020:
 - Special Olympics North Dakota
 - Bismarck municipal Ballpark

3. Introduction of and Call for a Public Hearing for a New Class I1 Restaurant Full Liquor License for Country House Deli at 1045 East Interstate Avenue.
 4. Introduction of and Call for a Public Hearing for a New Class C2 Hotel or Motel Liquor License for Expressway Suites at 180 East Bismarck Expressway.
 5. Letter of Support to Solid Rock Music, LLC located at 1317 Tacoma Avenue, Suite 203.
 6. Letter of Support to Matthew Markel located at 1317 Tacoma Avenue, Suite 203.
- D. City Attorney:
1. Lease Amendment with the State of North Dakota.
 2. Receive and accept the disposition of bids for liability, auto and equipment insurance agent services.
 3. Introduction of and Call for a Public Hearing on Ordinance 6392, an amendment to portions of Title 6-Criminal Offenses and Title 12-Traffic Code.
- E. Community Development Department:
1. Introduction of and Call for a Public Hearing on Ordinance 6388, a request for the partial annexation of Boulder Ridge Seventh Addition. The Planning and Zoning Commission recommends approval.
 2. Introduction of and Call for a Public Hearing on Ordinance 6389, a request for a zoning change from the A-Agricultural, R5-Residential, RM15-Residential, RT-Residential and Conditional CA-Commercial zoning districts to the R5-Residential, R10-Residential, RM15-Residential, RT-Residential, Conditional CA-Commercial and P-Public zoning districts for Boulder Ridge Seventh Addition. The Planning and Zoning Commission recommends approval.
 3. Introduction of and Call for a Public Hearing on Ordinance 6390, a request for a zoning change from the A-Agricultural zoning district to the RR-Residential zoning district for Maier Subdivision. The Planning and Zoning Commission recommends approval.
 4. Introduction of and Call for a Public Hearing on Ordinance 6391, a request for a zoning change from the PUD-Planned Unit Development zoning district to a new PUD-Planned Unit Development zoning district for Kamrose Crossing Addition Second Replat. The Planning and Zoning Commission recommends approval.
- F. Engineering Department:
1. Resolutions for Street Improvement District 530:
 - Resolution Declaring Petitions for Improvements have been Received.

- Resolution Creating District.
 - Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
2. Resolutions for Sewer Improvement District 575:
 - Resolution Creating District.
 - Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
 3. Resolutions for Street Improvement District 529:
 - Resolution Declaring Petitions for Improvements have been Received.
 - Resolution Creating District.
 - Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
 4. Contract Change Order No. 1 for Street Utility Project No. 49.
 5. Contract Change Order No. 2 for Street Improvement District 523 and Sewer Improvement District No. 574.
 6. Dedication of and acceptance of a sidewalk easement on Lot 1, Block 5, East Divide Industrial Park Addition.
 7. Encroachment Agreement with Sweet Treats Bakery.

G. Finance Department:

1. Introduction of and Call for a Public Hearing on Ordinances 6383-6387 to create special assessment districts for annexed properties.
2. Authorize Dmitriy Chernyak, Finance Director, to sign for City financial transactions.
3. Maintenance agreement for IP phone/voice systems with BEK Business Solutions.

H. Human Resources Department:

1. Reclassification of one System Administrator to Programmer Analyst, reclassification of Parking Enforcement and Animal Control Officers to Community Service Officers Grade 11, and reclassification of Office Assistant in Fleet to an Administrative Technician Grade 12.

I. Bismarck Veterans Memorial Public Library:

1. Appoint Mike LaLonde and re-appoint Bob Bartosh to the Library Board of Trustees for three-year terms.

4. REGULAR AGENDA

5. Commission Portfolio Report – Commissioner Oban. (removed until July 23, 2019 meeting).

6. Consider the request from the Engineering Department to receive a presentation on 43rd Avenue Northeast alternatives, options for reconstruction, and to recommend a preferred option. Troy Ripplinger with KLJ Engineering provided the presentation.

Commissioner Guy moved to suspend a decision on the design option until the first meeting in August to allow staff to discuss the need for traffic signals within the proposed design options with the North Dakota Department of Transportation. Commissioner Marquardt seconded the motion for discussion purposes. Upon a roll call vote, Guy and Bakken aye, Marquardt, Zenker, and Oban nay. Motion failed.

Commissioner Marquardt moved to proceed with Alternative C: Five-Lane Intersection to include future traffic signals for the 43rd Avenue NE project, Commissioner Zenker seconded the motion. Upon a roll call vote, Marquardt, Zenker, Oban and Bakken aye, Guy nay. M/C

Commissioner Oban moved to approve option C-1.3 – $\frac{3}{4}$ access at Montreal Street, option C-2.3 – $\frac{3}{4}$ access at Boulder Ridge Road, and option C-3.1 – full access at Lockport/Ottawa Street of the 43rd Avenue NE project. Commissioner Zenker seconded the motion. Upon a roll call vote all voted aye. M/C

Commissioner Zenker moved to send the 43rd Avenue NE Project to the Budget Committee for a funding source for budget cycle 2020. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

7. The Commission President called for the Public Hearing on a Class E liquor license transfer from Starnart Travel Center to Pilot Travel Centers, LLC to be located at 3936 Miriam Avenue.

Commissioner moved to approve the request as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

8. The Commission President called for the Public Hearing on a new Waste Collection Franchise Application from U Call I Haul, LLC.

Commissioner Guy moved to approve the Waste Collection Franchise application for U Call I Haul, LLC as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission considered the request from the Engineering Department to order the construction of new sidewalks in accordance with applicable City of Bismarck Code of Ordinances.

Commissioner Oban moved to approve the request as presented. Commissioner Guy seconded the motion for discussion purposes. Upon a roll call vote, Oban aye, Marquardt, Zenker, Guy and Bakken nay. Motion failed.

Commissioner Oban moved to approved the request with the exclusion of 26th Street, 2101 N 7th St., and 2102 N 8th St., which would be removed from the project. Commissioner Zenker asked if Commissioner Oban would amend his motion to also remove 209 N 24th Street.

Commissioner Oban moved to amend his motion to approve the request with the exclusion of 26th Street, 2101 N 7th St., 2102 N 8th St., and 209 N 24th St. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Having completed the items on the agenda, President Bakken asked if there was any other business. The meeting was declared adjourned at 7:41 p.m.