

MEETING OF THE BOARD OF CITY COMMISSION
July 23, 2019

The Board of City Commission met in regular session on July 23, 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, Oban and President Bakken.

1. Commissioner Marquardt moved to approve the minutes of the June 9, 2019 Regular Commission meeting. Commissioner Guy 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). Julie Fedorchak, Brenda Nagel, Pat Finken and Dave Hunter were in favor of the proposed 2020 Budget item regarding the United Way Call for Projects submission. Tandra Kraft discussed concerns with the possible change to employee benefits included in item 6. Kate Herzog requested the City to resume the maintenance of Chancellor Square Planting Beds included in item 6.
3. Commissioner Zenker moved to pull item C2 and G8 and approve the remaining items on the consent agenda. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

City Engineer Gabe Schell informed the Commission that the developer of Street Improvement District 530 requested the item, G8, be removed from the agenda.

A. Voucher numbers: 1088172-1088415

B. Personnel actions

C. Administration Department:

1. Renewal of Gaming Site Authorizations from July 1, 2019 to June 30, 2020:
 - Matpac Wrestling Club, Inc.
 - Bird Dog Brewing
2. Friends of the Rail Bridge final feasibility study report.
3. Appointments of Trevor Vanette, Darcy Andahl, and Brandi Jude to the Bismarck Human Relations Committee.
4. Revised 2020 Budget Schedule.
5. Renewal of Liquor Licenses from August 1, 2019 to July 31, 2020:
 - Ale Works, 1100 Canada avenue.
 - Bird Dog Brewing LLC – 931 South 9th Street
 - Bismarck Brewing – 1100 Canada Avenue, Suite 1.
 - Buffalo Wings & Rings – 4424 North 15th Street
 - Corral Bar – 2111 East Main Avenue

- Elbow Room – 115 South 5th Street
 - Jack’s Steakhouse & Saloon – 1201 South 12th Street
 - La Tejana Mexican Market & Restaurant – 1235 South 12th Street
 - LaQuinta Inn & Suites – 2240 North 12th Street
 - MacKenzie River Pizza Grill & Pub – 4510 Skyline Crossing
 - Oahu Hawaiian BBQ & Asian Cuisine – 2626 State Street
 - Stadium Sports Bar & The Lodge – 1247 West Divide Avenue
 - The Toasted Frog – 124 North 4th Street
6. Renewal of Liquor Licenses from August 1, 2019 to July 31, 2020, Contingent Upon the Police Department and the Administration Department approval:
- Famous Daves – 401 East Bismarck Expressway.
 - Tom O’Leary Golf Course – 1200 North Washington Street
 - Riverwood Golf Course – 735 Riverwood Drive
 - The Walrus – 1136 North 3rd Street
 - Terra Nomad – 514 East Main Avenue
 - Los Luna’s – 108 North Mandan Street
 - Tap-In-Tavern – 601 Memorial Highway

D. Airport:

1. Mortgage Assignment to Simson Investment Leases.
2. Amendment one to the August 25, 2015 Mead and Hunt Airport Master Plan Agreement.

E. Bismarck-Burleigh Public Health Department:

1. Authorize the acceptance of grant funding from the North Dakota Department of Health for the Community-Based Hypertension Pilot Event.
2. Authorize the application for the Immunization Information System Grant from the North Dakota Department of Health.
3. Authorize the application for the Pediatric Influenza Immunization Grant from the North Dakota Department of Health.

F. Community Development Department:

1. Introduction of and Call for a Public Hearing on Ordinance 6393, a request for the annexation of Lots 1 and 2, Block 1, Memory Second Addition and the south half of the Brookside Lane right-of-way adjacent to the plat, requested by TPR Partnership, Mapleton Investors, LLP and Costco Wholesale. The Planning and Zoning Commission recommends approval.
2. 2019 Community Development Block Grant application and Annual Action Plan.

3. 2019 HOME Program pre-application.
 4. Receive bids and award contract for renovation work at Kiwanis Park.
- G. Engineering Department:
1. Contract Change Order No. 3 for Street Improvement District 523 and Sewer Improvement District 574.
 2. Development Agreement with Five Guys Investments, LLC for Boulder Ridge Seventh Addition.
 3. 2019 Geotechnical Services Contract with Terracon Consultants, Inc.
 4. Release of existing easement documents 785979, 785980, 785981 and 851742 in an area to be platted as Boulder Ridge Seventh Addition contingent on approval of the plat to be released prior to recordation of the Boulder Ridge Seventh Addition plat.
 5. Resolution Receiving Petition and Enlarging District for Sewer Improvement District 574.
 6. Resolution Approving Plans and Specifications and Resolution Directing Advertisement of Bids and Receiving Bids for Sewer Improvement District 575.
 7. Resolution Approving Plans and Specifications and Resolution Directing Advertisement of Bids and Receiving Bids for Street Improvement District 529.
 8. Resolution Approving Plans and Specifications and Resolution Directing Advertisement of Bids and Receiving Bids for Street Improvement District 530.
- H. Police Department:
1. Authorize the acceptance of a donation from Glasser Images to create a video about the Crime Prevention/Community Services Section.
- I. Public Works Service Operations Department:
1. Receive and award the contract for a high compaction front loading refuse collection truck for the Solid Waste Division.
 2. Reject all bids submitted for the Traffic Signal Video Detection Systems.
- J. Public Works Utility Operations Department:
1. Receive and award the bid for the Wastewater Treatment Plant fencing project.
 2. Contract Change Order G-6 with PKG Contracting, Inc. for the Wastewater Treatment Plant Trickling Filters Phase 2.
 3. Adjustment to the water and sewer trunkline assessments located at 4607 Miriam Avenue.

4. REGULAR AGENDA

5. Commission Portfolio Report – Commissioner Oban.
6. Consider a discussion of the Budget Committee recommendations regarding 2020 Budget Funding.
7. The Commission President called for the Public Hearing for a New Class I1 Restaurant Full Liquor License for Country House Deli at 1045 East Interstate Avenue.

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

8. The Commission President called for the Public Hearing for a New Class C2 Hotel or Motel Liquor License for Expressway Suites at 180 East Bismarck Expressway.

The applicant requested the item be removed from the agenda.

9. The Commission considered the request from the Community Development regarding Boulder Ridge Seventh Addition:
 1. Public Hearing on Ordinance 6388, a request for the partial annexation of Boulder Ridge Seventh Addition.
 2. 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.
 3. Approval of the major subdivision final plat of Boulder Ridge Seventh Addition.
 4. Approval of the Park Development Agreement of Boulder Ridge Seventh Addition.

Public Comment: Jeff Wedul, Kayla Dunnigan, Collin Dunnigan provided comment opposing the location of the R10-Residential zoned lots. The Commission received written comments from Tom Gerhardt. Jason Petryszyn, Landon Niemiller and Cory Knutson provided additional information on the project.

Commissioner Marquardt moved to approve the second reading and final passage of Ordinance 6388, 6389; and the approval of the major subdivision final plat of Boulder Ridge Seventh Addition and the Park Development Agreement of Boulder Ridge Seventh Addition as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, Marquardt, Zenker and Bakken aye. Guy and Oban nay. M/C

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10. The Commission considered the request from the Community Development Department regarding Maier Subdivision:

1. 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.
2. Approval of the major subdivision final plat of Maier Subdivision.

Commissioner Marquardt moved to approve the second reading and final passage of Ordinance 6390; and the approval of the major subdivision final plat of Maier Subdivision as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission considered the request from the Community Development Department regarding Kamrose Crossing Addition Second Replat:

1. 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.
2. Approval of the final, plat of Kamrose Crossing Addition Second Replat.

Commissioner Oban moved to approve the second reading and final passage of Ordinance 6391; and the approval of the final plat of Kamrose Crossing Addition Second Replat as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

12. The Commission President called for the Public Hearing on Ordinances 6383-6387 to create special assessment districts for annexed properties.

Commissioner Oban moved to approve the second reading and final passage of Ordinances 6383-6387 as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission President called for the Public Hearing on Ordinance 6392, an amendment to portions of Title 6-Criminal Offenses and Title 12-Traffic Code.

Commissioner Marquardt moved to approve the second reading and final passage of Ordinance 6392 as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission considered the request for approval from the Engineering Department to Receive Bids and Award Contract for Water Utility Project 129 to Weisz

& Sons, Inc. in the amount of \$83,309 as the lowest bidder. Other bids received were from Knife River Central ND Division \$89,597 and Mariner Construction \$110,120.50.

Commissioner Zenker moved to award the contract for Water Utility Project 129 to Weisz & Sons, Inc. in the amount of \$83,309. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

15. The Commission considered receiving a report from the Public Works Service Operations Department regarding the lack of bids for the metal building at 221 South 26th Street. Public Works Director Jeff Heintz discussed the removal of the building and recycling the metal.

Having completed the items on the agenda, President Bakken asked if there was any other business. The meeting was declared adjourned at 9:31 p.m.