

MEETING OF THE BOARD OF CITY COMMISSION
August 13, 2019

The Board of City Commission met in regular session on August 13, 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 July 23, 2019 Regular Commission meeting and the minutes of the July 30, 2019 Special 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). No member if the public appeared for comment.
- 3. Consent Agenda:**
 - A. Voucher numbers: 1088416-1088752
 - B. Personnel actions
 - C. Administration Department:
 1. Financial contribution to ND League of Cities for Annual Conference support.
 2. Introduction of and Call for a Public Hearing on a New Class I1 Restaurant liquor license for A&B Pizza South, Inc. at 656 Kirkwood Mall.
 3. Introduction of and Call for a Public Hearing on a New Class F1 Restaurant liquor license for Ale Works at 1100 Canada Avenue.
 4. Gaming Site Authorization for the Bismarck Hockey Boosters, Inc. to be located at Borrowed Bucks.
 5. Audio video technology engineering services proposal from KFI Engineers for the CenCom/EOC facility.
 - D. Airport:
 1. Authorize the use of state bid to complete Airport Phase 1 Camera Improvements.
 2. Sole source airfield lighting control modifications.
 3. Sole source license agreement for flight status feeds from OAG Aviation Worldwide, LLC.
 - E. Bismarck-Burleigh Public Health Department:
 1. Application for Caring for Communities Grant.

- F. City Attorney:
 1. Award a new Class D Liquor license to TBM Group, LLC.

- G. Community Development Department:
 1. Downtown Streetscape Standards. The Renaissance Zone Authority, acting as the Downtown Design Review Committee, recommends approval.

- H. Engineering Department:
 1. Placement of street banners on Main Avenue by Bismarck Towns and Gowns.
 2. Development agreement with Gary Plante at 200 Arabian Avenue.
 3. Re-authorization of funds to perform repairs relating to Century Avenue Bridge mechanically stabilized earth walls.
 4. Part B1 of the 2019 City Sidewalk Construction Project.
 5. North Dakota Department of Transportation Cost Participation, Construction, and Maintenance Agreement for Bismarck Sunrise Trail.
 6. Resolution Receiving Bids and Awarding Contract for Sewer Utility No. 77.

- I. Finance Department:
 1. Change order 006-Rev2 to allow the continuation of phase 2 of the AssetWorks implementation.
 2. Application for property tax abatement 2019, Comparable Market Value at 2931 Carriage Circle.
 3. Application for property tax abatement 2017 and 2018, Disabled Veteran Credit at 1665 Pocatello Drive.
 4. Resolution Directing Special Assessments to be Levied.

- J. Public Works Service Operations Department:
 1. Contract with Rainbow Gas Company for natural gas for the 2019-2020 option year.
 2. Sale of Fleet Division equipment at a public marketplace as described in City Ordinance 7-01-05.
 3. Authorize the participation in Mess Fest 2019.
 4. Agreement with EngTech for professional design work, contract administration, construction observation for mechanical renovations project at Fire Station 1.

- K. Public Works Utility Operations Department:
 1. Agreement for cost-share reimbursement with the North Dakota State Water Commission for the Lockport Pump Station Project.

2. Task Order 3 of the HDR Contract for Disinfection at the Wastewater Treatment Plant.

Commissioner Guy moved to approve the consent agenda. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

4. REGULAR AGENDA

5. Commission Portfolio Report – Mayor Bakken.

6. 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. The owner of the property requested the item be continued until the August 27, 2019 meeting.

No members of the public appeared for comment.

Commissioner Marquardt moved to continue the Public Hearing until the August 27, 2019 Commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

7. Public Hearing on the request from the Bismarck Parks and Recreation District to vacate segments of North 17th Street, North 18th Street, North 19th Street, and East Avenue F.

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

8. Consider the request for approval from the Airport to receive and award the bid for crack sealing to Zimmerman Contracting as the lowest bidder in the amount of \$39,436.90.

Commissioner Zenker moved to award the bid to Zimmerman Contracting in the amount of \$39,436.90 as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

9. Consider the request for approval from the Airport to receive and award the bid for runway deicer to Pelican Chemicals as the lowest bidder in the amount of \$4.214 per gallon. Cryotech Deicing Tech. \$\$4.93, Nachurs Alpine Solution \$4.30, Two Rivers Terminal \$4.69, Hawkins \$4.32, Harmony Deicing \$4.75 also submitted bids.

Commissioner Guy moved to award the bid to Pelican Chemicals in the amount of \$4.214 as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

10. Consider the request for approval from the Community Development Department of the minor subdivision final plat for Southbay Fourth Addition Second Replat. The Planning and Zoning Commission recommends approval.

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

11. Consider the request for approval from the Community Development Department for the release of building setback lines on the plat of Imperial Valley Subdivision. Staff recommends approval.

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

12. Consider the request from the Engineering Department to receive an update on 43rd Avenue reconstruction project; provide direction on special assessment costs associated with the project; and receive an update on the project.

Commissioner Oban moved to not change the current special assessment policy, to use the ½ cent sales tax to fund the projects outlined in the Home Rule Charter regarding the use of the ½ cent sales tax, and to require commission direction for each project. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Zenker moved to approve utilizing sales tax cash balance funds as an interim funding source until the ½ cent sales tax generates adequate revenue to cover the costs of the project. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

13. Consider the request for approval from the Engineering Department for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement and the Resolution Awarding Contract for Street Improvement District 529 and Sewer Improvement District 575. Northern Improvement Co was the low bidder in the amount of \$1,124,577. Strata Corp submitted a bid of \$1,131,547.15.

Commissioner Marquardt moved to approve the request as presented and award the bid for Street Improvement District 529 and Sewer Improvement District 575 to Northern Improvement Co. in the amount of \$1,124,577. Commissioner Guy seconded the motion.

Commissioner Oban moved to amend the motion to award the bid for Street Improvement District 529 and Sewer Improvement District 575 to Northern Improvement Co. in the amount of \$1,124,577 contingent upon entering into a separate three-way contract with the developer and his contractor for the water and sanitary sewer associated with the project and upon receiving the associated utility capital charges from the developer. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Roll call on the amended motion, all voted aye. M/C

14. Consider the request for approval from the Engineering Department for an amendment to the Existing Agreement for Professional Services with AE2S for Tyler Coulee Regional Stormwater Design not to exceed \$368,900.

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

15. Consider the request for approval from the Engineering Department of Amendment 1 to the Existing Agreement for Professional Services with KLJ for 43rd Avenue.

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

16. Consider the request from the Event Center to enter into Executive Session under North Dakota Century Code Section 44-04-19.2 regarding direction on non-standard negotiation strategy for possible event.

At 6:08 p.m. Commissioner Oban moved to enter into Executive Session under North Dakota Century Code Section 44-04-19.2 regarding direction on non-standard negotiation strategy for possible event. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

At 6:36 p.m. Commissioner Marquardt moved to exit Executive Session and reconvene the regular city commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Zenker moved to approve Event Center Director, Charlie Jeske to enter into contract negotiations for the Event Center 50th Anniversary Celebration entertainment. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Other Business

The next regular commission meeting is August 27, 2019.

Meeting adjourned at 6:37 p.m.