

MEETING OF THE BOARD OF CITY COMMISSION
August 27, 2019

The Board of City Commission met in regular session on August 27, 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.

National Association of City and County Health Officials 2019 Promising Practice Award presentation to Bismarck-Burleigh Public Health.

1. Commissioner Marquardt moved to approve the minutes of the August 7, 2019 Special Commission meeting and the August 13, 2019 Regular Commission meeting. Commissioner Oban 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). William Watson representing the landowners requesting improvements to North 26th Street between Grant Drive and E Capitol Avenue.
- 3. Consent Agenda:**
 - A. Voucher numbers: 1088753 – 1088978
 - B. Personnel actions
 - C. Airport:
 1. Lease agreement with the State Historical Society of North Dakota for a storage building.
 2. Receive and award the bid for the removal of airport timber.
 3. Sole source upgrade to the existing security system with Johnson Controls and the three-year Service Agreement.
 - D. City Attorney:
 1. Introduction of and Call for a Public Hearing on Ordinance 6394, regarding changes to Public Places and Property Franchises.
 - E. Community Development Department:
 1. Introduction of and Call for a Public Hearing on Ordinance 6395, a request for the annexation of Lot 2, Block 2, Memory 1st Addition, requested by Three Affiliated Tribes of Fort Berthold. The Planning and Zoning Commission recommends approval.
 2. Introduction of and Call for a Public Hearing on Ordinance 6396, a staff-initiated zoning ordinance text amendment relating to right-of-way

and roadway design standards. The Planning and Zoning Commission recommends approval.

3. Request of Investcore, Inc. and Stoneshire Builders, Inc. to release a portion of the utility easement within Lots 26-27, Block 2, Silver Ranch First Addition. Staff recommends approval.
4. Request of Five Guys Investment, LLP for modifications to the approved plat of Boulder Ridge Seventh Addition, and the resulting Corrected Ordinance 6388 and Corrected Ordinance 6389.

F. Engineering Department:

1. Joint Powers Agreement with the state of North Dakota transferring ownership and maintenance responsibilities of a GPS Base Station to the City of Bismarck.
2. Repair of sidewalks in accordance with applicable City of Bismarck Code of Ordinances unless petition has been received prior to contractor authorization to perform the work.
3. Resolution Creating Sewer Improvement District 573 and Ordering Preparation of the Preliminary Report, and the Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

G. Finance Department:

1. Resolution Directing Special Assessments to be Levied.
2. Authorize the engagement letter with Dougherty & Company LLC as the City's bond underwriter.
3. Utilization of Verizon Wireless as the primary cell phone carrier within the City of Bismarck.
4. Continuation of phase 2 and funding through phase 3 of the AssetWorks Implementation.

H. Police Department:

1. Application for the 2019 Justice Assistance Grant and a Memorandum of Understanding with Burleigh County.
2. Sell decommissioned vehicle at a public marketplace as described in City Ordinance 7-01-05.

I. Public Works Service Operations Department:

1. Award the contract for traffic signal video detection systems.
2. Award the contract for installation of traffic signal video detection systems.
3. Authorize the request to provide 96-gallon containers to be used during the Out of the Darkness Suicide Walk, Sunday, September 8, 2019.
4. Sell Fleet Division vehicles at a public marketplace as described in City Ordinance 7-01-05.

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

4. REGULAR AGENDA

5. Commission Portfolio Report – Commissioner Marquardt.

6. Public Hearing on a New Class I1 Restaurant liquor license for A&B Pizza South, Inc. at 656 Kirkwood Mall.

No members of the public appeared for comment.

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

7. Public Hearing on a New Class F1 Restaurant liquor license for Ale Works at 1100 Canada Avenue.

No members of the public appeared for comment.

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

8. Consider the request from the Engineering Department to consider the Development Agreement with Costco Wholesale Corporation regarding off-site improvements associated with development of Memory Second Addition.

Commissioner Zenker moved to approve the Costco Wholesale Corporation as presented. Commissioner Guy seconded the motion. Upon a roll call vote, Marquardt, Zenker, Guy, and Bakken aye. Oban nay. M/C

9. Continued Public Hearing on Ordinance 6393, a request for the annexation of Lots 1 and 2, Block 1, Memory Second Addition and all of the Brookside Lane right-of-way adjacent to the plat, requested by TPR Partnership, Mapleton Investors, LLP and Costco Wholesale Corporation.

Bruce Hicks and Darin Will appeared opposed item 9 due to the impacts to Brookside Lane and to property owners in the area.

Commissioner Marquardt moved to approve the second reading and final passage of Ordinance 6393 as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, Marquardt, Zenker, Guy and Bakken aye. Oban nay. M/C

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10. Consider the request for approval from the Airport to receive and award the bid for Runway 3-21 painting. Fahrner Asphalt Sealers, LLC was the low bidder with a bid of \$116,047.32. West River Striping Co. \$162,668.60 also submitted a bid.

Commissioner Oban moved to award the contract to Fahrner Asphalt Sealers, LLC in the amount of \$116,047.32. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

11. Consider the request for approval from the Bismarck Event Center to receive and award the bid for retubing a boiler. Capital City Boiler Repair was the low bidder with a bid of \$20,775. Others submitting bids were Wrigley Mechanical Inc. \$29,750 and Burn Boiler & Mechanical Inc. \$35,750.

Commissioner Marquardt moved to award the contract to Capital City Boiler Repair in the amount of \$20,775. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

12. Consider the request from the City Attorney for a discussion and direction regarding the request of the University of Mary to extend the closing date and grant the lease agreement of September 1, 2019.

Commissioner Guy moved to approve extending the closing date for 90 days and to negotiate the lease terms that shall start on September 1, 2019. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

13. Consider the request from the Engineering Department to provide direction on a landowner request to improve North 26th Street between Grant Drive and E Capitol Avenue.

Commissioner Oban moved to approve the request as presented by the landowners to have the City of Bismarck design, bid, and construct the infrastructure improvements within North 26th Street from Grant Drive to East Capitol Avenue and all costs for the improvements be assessed to the benefited properties within the assessment district. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

14. Consider the request for approval from the Engineering Department to provide direction on support for a North Dakota Department of Transportation developed reconstruction of Interstate 94 Exit 161 Interchange.

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

Other Business

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The next regular commission meeting is September 10, 2019.
Meeting adjourned at 6:47 p.m.