

SPECIAL MEETING OF THE BOARD OF CITY COMMISSIONERS

June 23, 2011

The Board of City Commissioners of the City of Bismarck met in special session at 4:00 pm on Thursday, June 23, 2011, in the Mayor's Conference Room on the Fourth Floor in the City/County Building at 221 North 5th Street in Bismarck, ND. The following were present: Commissioners Seminary, Smith, Askvig, Grossman and President Warford.

1. President Warford asked the commission to consider an authorization for the city to apply for Public Assistance funding from the Federal Emergency Management Administration in connection with the 2011 Missouri River flood. He also asked for approval for Keith Hunke and Mary Olson to be named primary and secondary Applicant Agents respectively for any funding requests made to FEMA.

Commissioner Grossman moved approval of both the application and the designation of Applicant Agents for the 2011 Missouri River flood. Commissioner Askvig seconded the motion. On roll call the following vote was taken: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried.

2. President Warford next asked the commission to consider approval of an access agreement with Kevin Turnbow regarding the use of Riverwood Drive and passage over the plug portion of the dike with heavy equipment for the purpose of plugging the channel entrance to Southport Bay.

Commissioner Seminary recalled that the commission had previously taken action to prohibit heavy truck traffic on Riverwood Drive. In light of that he asked why the traffic envisioned by the request should be allowed. Assistant Administrator Keith Hunke responded that staff had met with the requestor and the contractor doing the work. They had reviewed the equipment proposed to be used and found that it had a weight distribution that would not, in the verbal opinion of the Corps of Engineers, cause problems for the dikes. The National Guard will continue to patrol the dikes with Corps of Engineers technical assistance. City Attorney Charlie Whitman explained how liability for damages incurred would be handled.

Commissioner Askvig asked about the equipment needed to plug the bay. Assistant Administrator Hunke and City Engineer Mel Bullinger explained there would be eight trucks carrying equipment plus a few loads of clay. A barge will be brought across the river from Mandan and the crane will be loaded onto the barge on a vacant Southport lot. The barge will accomplish the plugging operation from inside the bay. This application results in many fewer loaded truckloads running close to the dikes. The frequency of traffic was the major factor in asking for the traffic prohibition previously requested.

Commissioner Grossman said the reduction in the number of loaded trucks was important to his decision. Commissioner Smith asked when the plugging operation was set to begin. Staff responded that they understood the operation was ready to proceed if approval was given. Commissioner Seminary asked about a point of contact for this operation. The Corps of Engineers John Bartel, ND National Guard dike patrol and Veit Construction project manager will be contact personnel. He asked about unanticipated ground water occurrence in other areas as a consequence of plugging the bay. City Engineer, Mel Bullinger, said this was not anticipated to occur if the bay level is lowered three to four feet.

In answer to further questions by the commissioners staff responded that the dikes are presently in good condition and that the plug is solid. The plugging operation is expected to take about five days. The barge used to transport the crane is in place and being assembled. Commissioner Askvig questioned why the agreement with the contractor was effective for a 90 day period if the plugging process would only take five days. The longer period was used in the contract because it includes removal of the sheet pile. Commissioner Seminary asked if all the users of slips in the marina had been notified of the bay closure. Staff did not know if these notifications had been made.

Commissioner Grossman moved approval of the requested access agreement for Riverwood Drive and the plug portion of the dike. Commissioner Askvig seconded the motion. On roll call the following vote was taken: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried.

Commissioner Seminary wished it to be clear that Mr. Turnbow is responsible for the bay closure, not the city of Bismarck.

3. President Warford next asked the commission to consider approval to apply crushed concrete to Riverwood Drive from the Welcome to Bismarck sign to the dike plug. Director of Service Operations, Jeff Heintz, said Northern Improvement had bid \$42,510 for this work and Mariner Construction had bid \$17,500. The ND Department of Transportation had declined to assist with the project due to commitment of its resources for the flood in Minot. This improvement was needed to provide a more reliable surface for access to Southport for emergency responders.

Commissioner Grossman moved to approve the application of crushed concrete to the north portion of Riverwood Drive. Commissioner Seminary seconded the motion. On roll call the following vote was taken: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried.

4. President Warford next asked the commission to consider the installation of approximately 300 feet of HESCO barrier along the east side of the southern portion of Riverwood Drive near the Horse Club parking lot. The cost of this improvement was estimated to be less than \$20,000.

Commissioner Seminary asked if this improvement could be specially assessed. City Attorney Charlie Whitman said that vehicle would not work well for emergency situations. He said he had a concern that the neighborhood adjacent to Riverwood Golf Course had paid for their protection measures and he wished this area to be treated similarly. Commissioner Askvig inquired about the potential depth of water in this area. City Engineer Mel Bullinger explained the situation. Commissioner Askvig asked if the dike needed to be installed immediately. Staff responded that the soil in the area was saturated and that it was holding water high enough to hit the running boards on pickup trucks at present and it is expected to rise higher.

President Warford said he thought this improvement was needed to provide better access to the area, especially for emergency service providers. It would also reduce the amount of pumping of the standing water the city currently performs frequently under these wet conditions. Commissioner Grossman asked if these barriers would help to ensure that south access onto Fox Island would be maintained. This would be most critical if Riverwood Drive was lost.

Commissioner Seminary moved that the requested HESCO barriers be installed by Kevin Turnbow or Veit Construction or their chosen contractor at their cost. No second was offered for this motion so it was removed from consideration. Commissioner Grossman then moved that the requested HESCO barrier be installed at city expense by a city selected contractor and the Corps of Engineers. Commissioner Smith seconded the motion. Commissioner Askvig asked that this item be considered at the next regular meeting. There being no compelling reason to proceed at this point both the mover and the second withdrew their motion and second, respectively. Commissioner Grossman then moved to table the issue until the meeting of June 28, 2011. Commissioner Askvig seconded the motion. On roll call the following vote was taken: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried.

5. President Warford next asked the commission for review of the stormwater structure at Tavis Road. City Administrator Bill Wocken asked the commission to allow the staff to study the Tavis Drive drainage and to report back to the commission at the next meeting.

Commissioner Askvig moved to table this item until June 28, 2011. Commissioner Grossman seconded the motion. On roll call the following vote was taken: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried.

EXECUTIVE SESSION:

Commissioner Askvig made a motion to go into executive session. Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried.

The Board of City Commissioners considered an executive session under NDCC Section 44-04-19.2 regarding contract negotiation/negotiation strategy under NDCC Section 44-04-19.1(9) and economic development information under NDCC Section 44-04-18.4(5) for the following item:

- Consideration of response to NPCC Facility RFP regarding purchase/lease of real property

Commissioner Askvig made a motion to come out of executive session. Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried.

The Board reconvened.

Commissioner Grossman made a Motion to approve the strategy discussed in executive session with respect to the Northern Plains Commerce Centre RFP. Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried.

Having completed the items on the agenda, President Warford declared the meeting at 5:34 p.m.