

MEETING OF THE BOARD OF CITY COMMISSION
September 24, 2019

The Board of City Commission met in regular session on September 24, 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. Proclamation recognizing the month of October as National Disability Employment Awareness Month.
2. Commissioner Marquardt moved to approve the minutes of the September 10, 2019 Regular Commission meeting. Commissioner Guy seconded the motion. Upon Roll call vote, all voted aye. M/C
3. Public comment (restricted to items on the Consent Agenda and the Regular Agenda, excluding public hearing items). Paul Fitterer, General Manager with Capital Electric Cooperative in Bismarck appeared in favor of item 15.
4. Consent Agenda:
 - A. Voucher numbers: 1089197-1089478
 - B. Personnel actions
 - C. Community Development Department:
 1. Reappoint Chris Seifert and Rick Wohl for a term on the Bismarck Board of Adjustment to expire in April 2022.
 2. Approval of a Corrected Resolution to vacate the right-of-way described as North 17th Street, North 18th Street and East Avenue F adjacent to Blocks 1-4 and 14-16, Flannery and Wetherby Addition Second Replat.
 3. Request of the Historic Preservation Commission to provide Bismarck Parks and Recreation District a Letter of Support for Chief Looking's Village Special Road Fund Program grant.
 4. Request of Dakota Pioneer Land Company, LLP for modifications to the approved plat of Kamrose Crossing Addition Second Replat.
 5. Request of Southbay Development, LLC for the approval of an access easement release over parts of Lots 16-21, Block 4, Southbay 5th Addition. The released easement would be replaced by a different access, sanitary sewer, and stormwater and drainage easement to serve the same function. Staff recommends approval.
 - D. Engineering Department:
 1. Approval of geotechnical testing services contract with Terracon Consultants, Inc. relating to 2019 Geotechnical Services ongoing services related to River Road slope stability.
 2. Approval of crossing agreements for conduits under the BNSF tracks at 3rd Street and 5th Street.
 3. Approval of the quit claim deed, right of way easement and storm sewer easement pending approval from the Capital Electric Cooperative Board on the same.

4. Approval of development agreement with Verity Homes for reconstruction of Arabian Avenue.
5. Approval to apply for North Dakota Department of Transportation Special Road Funds on behalf of Bismarck Parks and Recreation Department.
6. Approval to award contract for Water Utility Project 127 to DL Barkie Construction, Inc. for \$88,200.00.

E. Finance Department:

1. Application for property tax abatement for 2017 and 2018, Disabled Veteran at 820 Camellia Lane.
2. Application for property tax abatement for 2017 and 2018, Disabled Veteran at 3114 Manchester Street.
3. Application for property tax abatement for 2017 and 2018, Disabled Veteran at 664 Oberhausen drive.

F. Human Resources:

1. Approval of a Customer Service Training contract with the University of Mary.

G. Public Health Department:

1. Approval to apply for grant funding from The Consensus Council, Inc.

H. Public Works Service Operations Department:

1. Enter into contracts with snow haulers, utilizing the lowest bidder and to select the next lowest bidder's equipment as needed during snow hauling events.
2. Approve the contract with Ubl Design Group, P.C. for the Bismarck Police Department Water Infiltration Study Project.
3. Award the contract for a refuse compactor for the Solid Waste Division to Butler Machinery for \$593,800 with trade in.
4. Approve option year two to the 2017-2018 Snow Removal Agreement with All Seasons Landscaping for a one-year term commencing October 1, 2019 - September 30, 2020.

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

5. Regular Agenda:

6. Public Hearing on a New Class O Microbrewery liquor license for Gideon's Brewing Company to be located at 107 North 5th Street.

No members of the public appeared for comment.

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

7. Consider the request for approval from the Community Development Department regarding part of the West half of Sections 19 & 30, Gibbs Township:

- A. Public Hearing on a Future Land Use Plan amendment from the High Density Residential and Conservation designations to the Commercial Mixed Use and Conservation designations requested by Sattler Family, LLLP.
- B. Public Hearing on Ordinance 6397, a request for a zoning change from the A - Agricultural zoning district to the A - Agricultural and CA - Commercial zoning districts for that portion of the West half of Sections 19 and 30, Gibbs Township, requested by Sattler Family, LLLP.

No members of the public appeared for comment.

Commissioner Guy moved to approve the second reading and final passage of Ordinance 6397. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

- 8. Public Hearing on Ordinance 6398, a request for a zoning change from the RM30 - Residential zoning district to the Conditional CA - Commercial zoning district for Auditor's Lots A and B lying in the Southeast Quarter of the Northeast Quarter of Section 33 / City Lands and Lots 1 and 2, Block 1, Replat of Calkins Addition, requested by Choice Financial Group and Lutheran Social Services Housing.

Jessica Thomason with Lutheran Social Services and Debra Eiseman with Choice Financial Group appeared for public comment in favor of item 8. Synthia Graham, Alice Morris, Gael Wood, Wilma Binder, Veronica Schneider, Robert Graham and Leigh Jacobs appeared for public comment in opposition to item 8 due to the impacts on the residents in the neighborhood.

Commissioner Oban moved to approve the second reading and final passage of Ordinance 6398. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

- 9. Public Hearing and Confirmation of Health and Safety Assessments.

No members of the public appeared for comment.

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

- 10. Public Hearing and Confirmation of the 2019 Special Assessment Districts.

No members of the public appeared for comment.

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

- 11. Public Hearing for the Sidewalk 2018 assessments.

No members of the public appeared for comment.

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

12. Public Hearing for the Colorado Health Facilities Authority Revenue Bonds, Series 2019 (Sanford) as requested by Amy Cobb Curran with Chapman and Cutler LLP.

Angie Scioscia, the Executive Director at Bismarck Sanford appeared for the bond hearing. She expressed that there would be no obligation from the City of Bismarck or the State of North Dakota.

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

13. Public Hearing on Ordinance 6400 regarding Snow Emergency Route Change.

No members of the public appeared for comment.

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

14. Consider the request of Lisa Fleury for approval of a Rehabilitation Renaissance Zone project at 522 North 5th Street, with 100% property tax exemption on the building for five years and an exemption from state tax on income for five years. The property is owned by Lisa Fleury and is legally described as Lots 13-18, Block 51, Original Plat. The Renaissance Zone Authority recommends approval.

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

15. Request of Capital Electric Cooperative, Inc. and AutoZone for the release of the west 30 feet of the east 40 feet of the non-access line adjacent to the north side of Lot 1, Block 1, Capital Electric Headquarters Addition. Staff recommends denial.

Commissioner Oban moved to deny the request as recommended by the Community Development Department. Commissioner Marquardt seconded the motion. Upon a roll call vote, Commissioner Guy, Marquardt, Oban and Zenker aye, Bakken nay. M/C

16. Public Hearing on Ordinance 6399, relating to the 2020 Budget.

No members of the public appeared for comment.

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

Other Business

The next regular commission meeting is October 8, 2019.
Meeting adjourned at 8:03 p.m.