8/11/2020 - Minutes

MISSION STATEMENT

To provide high-quality public services in partnership with our community to enhance our quality of life.

MEETING OF THE BOARD OF CITY COMMISSION

1. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).

   Tamara Berger and Pat Spilman residents of Misty Waters, spoke on behalf of supporting the ordinance process in regards to the Misty Waters Planned Unit Setback item 12 on regular agenda.

   Jordan Anderson, owner of Big River Builders, defended the ordinance process and the work the Community Development Department did on the Misty Water Planned Unit Setback project.

2. Consider the approval of the minutes.

   Commissioner Zenker moved to approve the minutes as presented. Commissioner Marquardt seconded the motion.

   Upon a roll call vote, all voted aye. M/C.

3. CONSENT AGENDA

   Commissioner Zenker moved to approve all items on the consent agenda. Commissioner Guy seconded the motion.

   Upon a roll call vote, all voted aye. M/C.

   A. Consider approval of expenditures.

      Vouchers: 1094199 - 1094379.

   B. Consider approval of personnel actions.

   C. Consider the request for approval from the Administration Department for the following:

      1. Gaming Site Authorization - Sixteen03 Main Events, located at 1603 E. Main Ave.
      2. Introduction of and call for a public hearing on a new Class I-1 Restaurant Full Alcohol Liquor License for Karman & Saiba Inc., doing business as India Clay Oven Bar & Grill, located at 510 E. Main Ave.

   D. Consider the request for approval from the Community Development Department for the following:

      1. Introduction of and call for a public hearing on Ordinance 6432, a request for a zoning change from the RT - Residential and CA - Commercial zoning districts to the RT - Residential and CA - Commercial zoning districts for Northern Sky Second Addition.

E. Consider the request for approval from the Engineering Department for the following:

1. Approve dedication of and acceptance of an access and utility easement on Lots 3 & 4, Block 38 Northern Pacific Second Addition.
2. Approve placement of street banners on Washington St. for the Bismarck Bobcats by the Bismarck Sports Group.
3. Sewer Improvement SE 577 - Request for resolution creating Water Improvement District WA 333 & Sewer Improvement District SE 577 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
4. Street Improvement District No. 539 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 539 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.

F. Consider the request for approval from the Finance Department for the following:

1. Approve the Resolution Directing Special Assessment to be levied.
2. Application for abatement, 2020, Church, for Truth Fellowship Live, 2702 E. Rosser Ave. The Assessing Division recommends denial of the application for abatement.

G. Consider the request for approval from the Human Resources Department for the following:

1. Permission to shred and destroy 24 boxes of Human Resources records.

H. Consider the request for approval from the Library for the following:

1. Appoint Dianna Kindseth and Mike Fladeland to the Library Board of Trustees.

I. Consider the request from the Public Works - Service Operations Department for the following:

1. Approve Change Order 4 for Street Utility Project No. 52.
2. Approve purchase of an SUV for Bismarck-Burleigh Public Health.
3. Permission to provide garbage containers for the Tri-City Community Picnic on Aug. 29, 2020.
4. Permission to purchase a wing mower and offset hitch for the Solid Waste Disposal operations.
5. Permission to purchase roll-off containers for Solid Waste Collections and the Wastewater Treatment Plant.

J. Consider the request from the Public Works - Utility Operations Department for the following:

1. Permission to support Great Plains Housing Authority and Community Action ND in their efforts in applying for the HUD Lead Hazard Reduction Grant.

4. REGULAR AGENDA

5. Consider the request from the Community Development Department for Dennis Wetzel to appeal the July 2, 2020 decision of the Board of Adjustment to uphold an administrative zoning determination made by staff for the construction of a structure to be located on Lots 14 and 15, Block 4, Southbay Fifth Addition (4408 and 4412 Downing Street).

The item was placed on hold at the appeal applicant's request.

Commissioner Zenker moved to approve placing the item on hold. Commissioner Marquardt seconded the motion.

Upon a roll call vote, all voted aye. M/C.

6. Consider the request from the Finance Department for the approval of the 2019 Audited Comprehensive Annual Financial Report, the Schedule of Expenditures of Federal Awards and the Passenger Facility Charges Report.

   Finance Director, Dmitiry Chernyak, presented the 2019 Audited Comprehensive Annual Financial Report, the Schedule of Expenditures of Federal Awards and the Passenger Facility Charges Report to the Commission.

   Please see link for the full report: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5324?fileID=12834.

   Commissioner Zenker approved the report as presented. Commissioner Sponskowski seconded the motion.

   Upon a roll call vote, all voted aye. M/C.

7. Public hearing on Ordinance 6429, a request for a annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision. The Bismarck Planning and Zoning Commission recommends approval.

   No member of the public appeared for comment.

   Commissioner Marquardt moved to approve the annexation as presented. Commissioner Zenker seconded the motion.

   Upon a roll call vote, all voted aye. M/C.

8. Public hearing on Ordinance 6430, a request for a zoning change from the RM30 - Residential and HM - Medical Facility zoning districts to the HM - Medical Facility zoning district for Tract 500 of Blocks 27 & 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 & 10, Block 38, Northern Pacific Second Addition, requested by the Bismarck Cancer Center.

   No member of the public appeared for comment.

   Commissioner Zenker moved to approve the zoning change as presented. Commissioner Marquardt seconded the motion.

   Upon a roll call vote, all voted aye. M/C.

9. Public hearing on Ordinance 6431, a request for a zoning change from the A - Agricultural, R5 - Residential, R10 - Residential, RM30 - Residential and RT - Residential zoning districts to the P-Public zoning district for part of the S 1/2 of Section 19 and part of the N 1/2 of Section 30, T139N - R80W/Hay Creek Township & City Lands, requested by Clairmont Family Trust.

   No member of the public appeared for comment.

   Commissioner Marquardt moved to approve the zoning change as presented. Commissioner Guy seconded the motion.

   Upon a roll call vote, all voted aye. M/C.

10. Public hearing on a request from the Community Development Department for a petition from the Bismarck Cancer Center to vacate the dedicated alley over the North 20 feet of Lot 5, the deeded alley over the East 8 feet of the North 20 feet of Lot 8, the deeded alley over the South 19.3 feet of the East 8 feet of Lot 9, and the deeded alley over the South 19.3 feet of the West 8 feet of Lot 4, all in Block 38, Northern Pacific Second Addition.

    No member of the public appeared for comment.

    Commissioner Guy moved to table the item until the September 8, 2020 regular City Commission Meeting. Commissioner Zenker seconded the motion.

    Upon a roll call vote, all voted aye. M/C.

11. Consider the request from the Community Development Department for verification on the easement release process.

    Ben Ehreth, the director of the Community Development Department, provided an overview of the easement release process and asked for direction from the Commission to ensure their process matched their standards.

    Commissioner Zenker asked if there was a way to make Bismarck residents aware of the easements on their property, as not everyone is aware they have one on their property. Director Ehreth stated that a lot survey is conducted when the applicant applies for a building permit.

    Commissioner Zenker then asked if they should make the neighbors of the applicants aware of easement release requests. Mayor Bakken stated that he felt comfortable alerting adjacent property owners of the requests. Director Ehreth stated that it will have a financial impact on the process and it would take staff additional time to meet the Commissioner request.

    City Attorney, Jannelle Combs, offered options for the Commission to move forward with their requests, such as requiring the application for easement release requests to go through the public hearing process.

    Commissioner Zenker motioned to have Director Ehreth to bring statistics of easement requests to the next meeting. Commissioner Splonskowski seconded the motion.

    Upon a roll call vote, all voted aye. M/C.

12. Consider the request from the Community Development Department for discussion on staff's interpretation of Misty Waters Planned Unit Development setback.

    Director Ehreth provided the Commission with a brief history of Misty Waters and how the Community Development Department came to their decision to support the Misty Waters builders request for an easement. He then asked the Commission for direction regarding the interpretation of the setback requirements and the language in the ordinance.

    Commissioner Guys stated she felt that if we have approved applications in the past, on staff's recommendations, based off of the ordinance, we should continue following that.

    Commissioner Splonskowski stated he would like to see a number in the ordinance that you can build up to, for example 30 feet from a home to a setback.

    Commissioner Zenker motioned to have staff hold a public input meeting with the Misty Waters landowners for clarification for the bay lots' rear setback. Commissioner Marquardt seconded the motion.

Upon a roll call vote, all voted aye. M/C.

13. Consider the request from the Engineering Department to receive recommendations to convert a two-lane section of roadway to a three-lane section of roadway for HC 125.

    City Engineer, Gabe Schell, explained the proposed lane conversion from two-lane to three lanes on Interstate Ave. between 9th St. and Gateway Ave. and a two-lane to three-lane conversion on 26th St. from Broadway to Boulevard Ave.

    These conversions were brought to the Commission after the Engineering Department heard suggestions from the public, in addition to the observations made by the Engineering Department.

    Please see link to view a map with proposed lane conversions: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5345?fileID=12878.

    The Commission discussed concerns with off-street parking upon approval of the conversion and asked if the Engineering Department has reached out to adjacent property owners.

    Commissioner Zenker motioned to have staff gather info from apartments and religious institutions on Valley View, and to keep off-street parking prohibited on all of 26th St. Commissioner Marquardt seconded the motion.

    Upon a roll call vote, all voted aye. M/C.

14. Receive a May 2020 Financial Update from Finance Director, Dmitriy Chernyak.

    Finance Director, Dmitriy Chernyak, provided the Commission with an overview on the City's collected sales, lodging, liquor, restaurant and highway distribution tax.

    Please see link for his full presentation: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5349?fileID=12882.

    No motion was made for this item.

15. Consider the request from the Public Works - Utility Operations Department for review of the Wastewater Treatment Plant Facility Plan as part of the requirements for the State Revolving Fund Loan funding.

    Travis Carufel, the Superintendent of the Waste Water Treatment Plant, presented the facility plan to the Commission.

    Please see link for her full presentation: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5346?fileID=12873

    Commissioner Marquardt moved to accept the plan as presented. Commissioner Zenker seconded the motion.

    Upon a roll call vote, all voted aye. M/C.

16. Consider discussion of portfolio assignments.

    This item was tabled until the 2021 Budget is complete.

Other Business

Having completed all the items on the agenda, President Bakken asked if there were any other business.

Adjourn

The meeting was adjourned at 7:33 p.m.