

The Board of City Commission met in regular session on January 8, 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 December 11, 2018 Special Commission meeting and the December 18, 2018 Regular Commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C
2. Commissioner Guy moved to remove item F5 for discussion and approve the remaining items of the consent agenda. Commissioner Oban seconded the motion. Upon a roll call vote, Marquardt, Zenker, Guy and Oban aye, Bakken nay. M/C
 - A. Voucher numbers: 1084808-1085120
 - B. Personnel actions.
 - C. Administration Department:
 1. Appoint Rick Collin to the Dakota Media Access Board of Directors to the unexpired term through July 1, 2020.
 2. Gaming Site Authorization for Dakota Pheasants Forever at the Amvets Club 319, located at 2400 Railroad Avenue.
 3. Gaming Site Authorization for Bismarck Cancer Center at the Bismarck Moose Lodge #302 located at 312 N 20th St.
 4. Re-appoint Amy Ingersoll-Johnson and Krista Rausch for three year terms ending January 2022; to accept the resignations from Barb Strikes the Enemy, Bernie Botone, Karen Lolita Clayton, Lavonne Wohl, and Rissa Williams; and to fill the vacant positions.
 - D. Bismarck-Burleigh Public Health Department:
 1. Authorize application for the North Dakota Breastfeeding Mini-Grant.
 2. Adjustments to the 2019 Public Health Fees & Charges.
 - E. City Attorney:
 1. Release of the trunkline certificates of deposit that were held with the curb and gutter certificates of deposit to the developers.
 - F. Community Development Department:
 1. Introduction of and Call for a Public Hearing on Ordinance 6359, a request for the annexation of Lots 3-9, Block 1 and all of Blocks 2-8,

Cottonwood Parkview Addition. The Planning and Zoning Commission recommends approval.

2. Introduction of and Call for a Public Hearing on Ordinance 6360, a staff-initiated zoning change from the CG - Commercial zoning district to the DC - Downtown Core zoning district for Tract 118 of part of Blocks 5 and 7, Original Plat and to the DF - Downtown Fringe zoning district for all of Blocks 49 and 51, Original Plat. The Planning and Zoning Commission recommends approval.
3. Introduction of and Call for a Public Hearing on Ordinance 6361, a staff-initiated zoning ordinance text amendment relating to residential district setbacks. The Planning and Zoning Commission recommends approval.
4. Introduction of and Call for a Public Hearing on a staff-initiated amendment to the Priority and Future areas of the Urban Service Areas Boundary of the Growth Phasing Plan in the 2014 Growth Management Plan. The Planning and Zoning Commission recommends approval.
5. Appointment of Dustin Gawrylow to the City of Bismarck Renaissance Zone Authority.
6. Authorization to dispose of two paratransit vehicles.

G. Engineering Development:

1. North Dakota Department of Transportation Cost Participation and Maintenance Agreement.

H. Finance Department – Assessing Division:

1. Application for property tax abatement 2018, Disabled Veteran Credit, at 147 Lorrain Dr.
2. Application for property tax abatement 2018, Disabled Veteran Credit, at 808 W Sweet Ave.
3. Application for property tax abatement 2018, Disabled Veteran Credit, at 2025 Saint Benedict Drive.
4. Application for property tax abatement 2018, reduction in value due to fire, at 604 Browning Avenue.
5. Application for property tax abatement 2017 and 2018, Disabled Veteran Credit, at 5112 Autumblaze Way.

I. Public Works Service Operations Department:

1. Authorization to solicit donations for the 2019 Public Works Week Celebration.
2. Change order G009 for the Library Re-Roof and Window Repair Project with Industrial Enterprises, Inc.

- J. Public Works – Utility Operations Department:
1. Change order FM03 for the Wastewater Treatment Plant Trickling Filters - Media Equipment with Enexio.

Commissioner Guy moved to remove item F5 for discussion and approve the remaining items on the consent agenda. Commissioner Oban seconded the motion. Upon a roll call vote, Marquardt, Zenker, Guy and Oban aye, Bakken nay. M/C

The Commissioners discussed the recommendation from Mayor Bakken to appoint Dustin Gawrylow to the Renaissance Zone Authority. Commissioner Guy reviewed the other applicants for the appointment and questioned why an applicant with a background in architecture would not be a better candidate for this type of committee. Mayor Bakken stated he felt that Mr. Gawrylow would bring diversity and a different perspective to the committee. The Commissioners asked Mr. Gawrylow questions regarding his interest in being on the committee and if he was in support of the Renaissance Zoning Program. Mr. Gawrylow stated that he is in favor of the program and that he feels he would bring diversity to the committee.

Commissioner Guy moved to deny appointing Dustin Gawrylow to the Renaissance Zone Authority. Commissioner Oban seconded the motion. Upon a roll call vote, Marquardt, Zenker and Bakken nay, Guy and Oban aye. Motion Failed

Commissioner Zenker moved to appoint Dustin Gawrylow to the Renaissance Authority. Commissioner Marquardt seconded the motion. Upon a roll call vote, Marquardt, Zenker and Bakken aye, Guy and Oban nay. M/C

3. REGULAR AGENDA

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

5. Mayor Bakken provided a portfolio report.

6. The Commission President called for the Public Hearing on a New Class O Alcohol License for Bird Dog Brewing, LLC, located at 931 S 9th St.

No member 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. The Commission President called for the Public Hearing on a transfer of a Class D Alcohol License from 1144 E. Bismarck Expressway to 900 43rd Ave.

No member 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

8. The Commission President called for the Public Hearing on Ordinance 6355, relating to an amendment to the noise ordinance.

No member of the public appeared for comment.

Commissioner Guy moved to approve the second reading and final passage of Ordinance 6355, relating to an amendment to the noise ordinance. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission President called for the Public Hearing on Ordinance 6356, relating to design standards and operational practices for semi-public swimming pools.

No member of the public appeared for comment.

Commissioner Oban moved to approve the second reading and final passage of Ordinance 6356. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

10. The Commission President called for the Public Hearing on Ordinance 6357, a request for a zoning change from the RT-Residential and CG-Commercial zoning districts to the RT-Residential zoning district for part of Lot 5, Block 1, Wachter's North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition, requested by Evangel Assembly of God.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the second reading and final passage of Ordinance 6357. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission President called for the Public Hearing on Ordinance 6358, a City-initiated request to create an Historic Preservation Commission.

Bruce Whittey and Kate Herzog addressed the Commission in support of Ordinance 6358.

Commissioner Guy moved to approve the second reading and final passage of Ordinance 6358. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

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12. The Commission President called for the Public Hearing regarding Special Assessment revisions.

Mark Swenson addressed the Commission in opposition of the elimination of the water and sewer special assessments as listed within the revisions being proposed.

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

13. The Commission reviewed and discussed the 2019 Legislative Report #1 presented by City Administrator Hunke.

Commissioner Guy moved to support HB 1041. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to support HB 1066. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Guy moved to support HB 1201. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Guy moved to monitor HB 1210. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Oban moved to support HB 1239. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Oban moved to oppose HB 1297. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Oban moved to oppose HB 1307. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to support HB 3010. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to monitor HB 2040. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Oban moved to support HB 2060. Commissioner Guy seconded the motion. Upon a roll call vote, Marquardt, Guy and Oban aye, Zenker and Bakken nay. M/C

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Commissioner Guy moved to support the Street Utility Tax House Bill. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission considered the request for approval from the Bismarck Airport of Kadrmas Lee and Jackson Engineering for Airport Engineering Consultant Services and Environmental Consultant Services for up to 5 years.

Commissioner Zenker moved to approve the selection committee recommendation of KLJ for Airport Engineering Consultant Services and Environmental Consultant Services for up to 5 years. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

15. The Commission considered the request for approval from the Bismarck Airport for an Engineering Services Agreement with Kadrmas, Lee & Jackson for the Taxiway C North Engineer Design Report.

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

16. The Commission considered the request for approval from the Bismarck Airport for the food and beverage concessions contract with Faber, Coe & Gregg of Florida, Inc.

Commissioner Marquardt moved to approve the selection committee recommendation of Faber, Coe & Gregg of Florida Inc., dba The Junction Bismarck for airport food and beverage concession, and authorize airport staff and the City Attorney to work with Faber to complete the contract and have it signed by Mayor Bakken. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

17. The Commission considered the request for approval from the Engineering Department to join the North Dakota Department of Transportation Vision Zero Partner Network.

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

18. The Commission considered the request for approval from the Bismarck Event Center to award the bid for the Third Party Stage Show Labor. HB Sound was the only bid received.

Commissioner Oban moved to award the bid to HB Sound. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

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19. The Commission considered the request for approval from the Public Works Service Operations Department to award the bid and award the contract for Electronic Recycling.

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

20. The Commission considered the request for approval from the Public Works Service Operations Department to award the bid and award contract for the HPS and LED Luminaries. There were 5 bids received. The Grabar proposal did not have a bid bond or certified check attached as we the general specifications, and the JDR Industries proposal did not meet specifications. The lowest bid was received from Dakota Supply Group in the amount of \$70,404. Other bids received were Border States \$70,778.12 and Wesco Distribution \$73,380.

Commissioner Marquardt moved to award the bid to Dakota Supply in the amount of \$70,404 as the lowest bidder. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

21. The Commission considered the request for approval from the Community Development Department for the Bismarck-Mandan Regional Freight Study.

Commissioner Guy moved to approve the Bismarck-Mandan Regional Freight Study as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Having completed the items on the agenda, President Bakken asked if there was any other business. The meeting was declared adjourned at 7:37 p.m.