

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

1. Consider approval of the minutes.

Commissioner Marquardt moved to approve the minutes of the January 14, 2020 Regular Commission Meeting. Commissioner Oban seconded it. Upon a roll call vote, all voted aye. M/C.

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

No member of the public appeared.

3. CONSENT AGENDA

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

- A. Consider approval of expenditures.

Voucher Numbers: 1091280-1091492.

- B. Consider approval of personnel actions.

- C. Consider the request for approval from the Airport for the following:

1. Trade out agreement with Newman Signs Inc. for billboard advertising.
2. Joining the national pledge by transportation leaders against Human Trafficking.

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

1. Request of the Historic Preservation Commission (HPC) to apply for an Historic Preservation Fund grant.
2. Permission for the Bismarck-Mandan MPO to submit a 'Bicycle friendly Community' renewal application on behalf of the City of Bismarck.
3. Request of chris and Kaycee Loraas to vacate the non-access line adjacent to Lot 3B of Lot 3, Block 3, Trillium 4th Addition, less the west 150 feet, which will reduce the length of the non-access line along Airway Ave. from 355.82 ft. to 150 ft.
4. Call for continued public hearing on Ordinance 6403, an amendment to Title 4 of the City Code of Ordinances (Building Regulation) regarding the 2018 Building Code and Fire Code adoption.

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

1. Park District No. 003 - Resolution approving plans and specifications and resolutions directing advertisement of bids and receiving bids for PI 003.
2. Accept the North Dakota Department of Transportation's Special Roads Fund for the Chief Looking's Village Road Project.
3. North Dakota Department of Transportation's Bridge Inspection and Load Rating Services Agreement.
4. Street Improvement District No. 532 - Request for resolution approving plans and specifications, request for resolution of necessity, request for resolution directing the advertisement of bids and receive bids.
5. Street Improvement District No. 534 - Request for resolution creating district SI 534 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. Application for Abatement for year 2018 & 2019, Wheelchair Exemption, at 3723 Valcartier St.
2. Application for Abatement for year 2018 & 2019, Disabled Veteran Credit, at 2831 Essex Loop.
3. Application for Abatement for year 2018 & 2019, Disabled Veteran Credit, at 3418 Chisholm Trail.
4. Approval to enter into a five-year contract with US Bank's Higher Education and Public Sector Program.
5. Replace and upgrade the wireless infrastructure at the Bismarck Events Center.
6. Replace all outdated network switches within the City of Bismarck's infrastructure.

G. Consider the request for approval from the Police Department for the following:

1. Grant approval of Memorandum of Understanding with the MSA United Way for "Single Point of Contact" services related to the operation of their homeless shelter.

H. Consider the request for approval from the Public Works - Utility Operations for the following:

1. Sole Source the purchase of four Frontheads, 4 Fronthead wear rings and 4 Volute gaskets for the 26th St. Sanitary Lift Station.

4. REGULAR AGENDA

5. Receive an update from Bill Panos, the new director of the North Dakota Department of Transportation.

Please see link for presentation documents.

<https://www.bismarcknd.gov/DocumentCenter/View/35014/DOT-Presentation-1-28-20-PDF>

6. Consider the request from the Administration Department for the Park Board President Brian Beattie to make a presentation to the City Commission.

During the presentation, Mr. Brian Beattie, requested the Commission support the Bismarck Parks and Recreation District's request for a 1/2 cent increase in the city sales tax for the indoor community recreation complex, which will sunset when the bonds to finance up to \$108 million in costs to construct the complex are in full. The Park Board also requested the Commission draft the ballot language for the June 9, 2020 ballot and draft the necessary amendments to the City's Home Rule Charter for the proposed increase in City sales tax.

Commissioner Oban moved to approve the requests of the Park Board and clarified that his motion included the item appearing on the June 9, 2020 ballot. Commissioner Guy seconded the motion, and upon a roll call vote, all voted aye. M/C

7. Consider the request from the Administration Department to receive a presentation from PARC 365 Group.

Laura Pritchard and Heather Davis, PARC 365 Group members, spoke in favor of the Commission supporting the Park Board's indoor community recreation complex. The Commission received the presentation and took no action.

8. Receive an update from Bruce Whittey regarding the installation of sidewalks in the Highland Acres neighborhood.

Commissioner Zenker moved to extend the deadline of the construction of the Highland Acre sidewalks for 18 months, with the additional request that the Historical Preservation Committee provide the Commission with quarterly updates on their research. Commissioner Guy seconded the motion. Upon a roll call vote, Commissioner Marquardt, Zenker, Guy and President Bakken voted aye, Commissioner Oban voted nay. M/C

9. Consider the request from the Community Development Department for Premier Homes to appeal the January 2, 2020 decision of the Board of Adjustment to deny a variance from Section 14-04-03(7) of the City Code of Ordinances (R5-Residential) (Front Yard) to reduce the required front yard setback from twenty-five (25) feet to twenty-one (21) feet for the purpose of constructing a single-family dwelling to be located on Lot 26, Block 10, Silver Ranch First Addition (4011 Silver Boulevard).

Jenny Wollmuth, planner for the Community Development Department, presented the staff report and back-ground information on the request. Kevin Nelson, Mountain Plains Engineering, provided information relating to the survey work that was performed which resulted in the misplacement of the concrete foundation and an encroachment of 4-feet into the front yard setback.

Commissioner Marquardt inquired if this situation had occurred in the past. Miss Wollmuth replied that she was aware of one time in the past 12 years. City Attorney Janelle Combs informed the Commission that the denial of the variance by the Board of Adjustment cannot be overturned for financial hardship reasons. It was the general consensus of the commission is that no other hardship could be determined.

Commissioner Oban moved to deny the request for an appeal. Commissioner Guy seconded it, and upon a roll call vote, all voted in favor of denying the appeal. M/C.

10. Public hearing for a new Class C2 Hotel/Motel Liquor License, for the Expressway Suites, 180 E. Bismarck Expressway.

No member of the public appeared for comment.

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

11. Public hearing on Ordinance 6406, regarding the age of purchase for Tobacco or Electronic Smoking Devices.

Jessica Arndt of the Bismarck Tobacco Free Coalition spoke in favor of the ordinance change. Century High School student, Maddy House, also spoke in favor of the change.

Commissioner Marquardt moved to approve the change to Ordinance 6406, Commissioner Guy seconded it. Upon a roll call vote, all voted aye. M/C.

12. Public hearing on Ordinance 6407, to amend Ordinance 2-11-01, regarding the Purpose of the Human Relations Committee.

No member of the public appeared for comment.

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

13. Public Hearing on staff-initiated amendments to the Growth Phasing Plan in the 2014 Growth Management Plan.

No member of the public appeared for comment.

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

14. Consider the request from the Community Development Department on staff and Historic Preservation Commission recommendations associated with the BNSF Rail Bridge programmatic agreement.

Ben Ehreth, Community Development Director, provided recommendations from City staff and the Historic Preservation Commission.

Please see the link for the full explanation of the recommendations. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/4795?fileID=11366>

Mr. Ehreth noted that BNSF will have the opportunity to respond to the recommendations.

Commissioner Oban moved to approve the drafted recommendations. Commissioner Guy seconded the motion. Upon a roll call vote, President Bakken, Commissioner Oban and Guy voted aye. Commissioner Marquardt voted aye with the request of an update on the programmatic agreement as it is further developed. Commissioner Zenker nay. M/C.

15. Consider the request from the Engineering Department for Costco Related Items - Highway Construction 129.

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

16. Consider the request from the Engineering Department to receive additional traffic analysis and provide direction for E. Divide Ave. and S. Washington St. within the proposed SI 531 work area.

Gabe Schell, City Engineer, provided information and diagrams demonstrating the various lane configurations and turn lane scenarios along with recent crash data collected, over the past three years. Mr. Schell also noted there was a fatality involving a motorcyclist that was struck by a vehicle attempting to make a left-hand turn.

After Commissioners discussed and reviewed e-mails and feedback, primarily opposed to the proposed reconfigurations of S. Washington, St. from Expressway to the drainage ditch, Commissioner Oban moved to keep S. Washington St. 4 lanes. Commissioner Zenker seconded the motion. President Bakken requested the Engineering Department look into the possibility of turning the section of road into a 5-lane roadway. Upon a roll call vote, all voted aye. M/C.

Commissioner Zenker then made a motion to move forward with the E. Divide changes as presented by the Engineering Department. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C.

17. Consider the request from the Fire Department to continue participation in the Community Rating System Program and submit annual re-certification documentation.

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

18. Consider the request from the Administration Department to review information to be presented to the Interim Taxation Committee.

City Administrator, Keith Hunke, presented information from the Interim Taxation Committee. No motion was made at this time.

19. Consider the request from the Public Works - Utility Operations Department for approval on the draft Lead and Copper Rule to the EPA and our congressional delegation, working with the North Dakota League of Cities and communities across the state.

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

Please see link for additional information presented at the meeting.

<https://www.bismarcknd.gov/DocumentCenter/View/35015/Lead-Service-Line-1-28-20-PDF->

Other Business

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

The next City Commission Meeting will be at 5:15 p.m. on February 11, 2020.

Adjourn

The meeting was adjourned at 8:29 p.m.

