

The Board of City Commission met in regular session on February 12, 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 January 22, 2019 Regular Commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C
  2. Commissioner Marquardt moved to remove item Q2 for discussion and approve the remaining items of the consent agenda. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C
- B. Voucher numbers: 1085373 – 1085719
- C. Personnel actions.
- D. Administration Department:
1. Introduction of and Call for a Public Hearing on a New Class S liquor license for The CraftCade to be located at 405 N 4th St
  2. Gaming Site Authorization for RMEF Mindak Inc. located at Amvets 2402 Railroad Ave.
- E. Airport:
1. Change Order #11 - Final to the September 21, 2017 agreement with Strata Corporation for Runway 13/31 Reconstruction Phase 3.
  2. Engineering Services Agreement with Kadrmass, Lee & Jackson for Design of Wetland Mitigation Phase 5.
- F. Bismarck-Burleigh Public Health:
1. Authorize the application for Culture of Health Leaders Program.
  2. Authorize the application for AAA North Dakota Traffic Safety Grant.
- G. Bismarck Event Center:
1. Credit card convenience fee policy.
- H. City Attorney:
1. Engagement agreement with Bormann, Myerchin, Espeseth & Edison, LLP.
- I. Community Development Department:
1. Introduction of and Call for a Public Hearing on Ordinance 6364, a request for the annexation of part of Lot A of Lot 4, Block 2, Spiritwood

Estates Subdivision, requested by Glenn and Julie Bosch and Kurt and Judy Steiner. The Planning and Zoning Commission recommends approval.

2. Introduction of and Call for a Public Hearing on Ordinance 6365, a request for a zoning change from the RR-Residential zoning district to the R5-Residential zoning district for part of Lot A of Lot 4, Block 2, Spiritwood Estates. The Planning and Zoning Commission recommends approval.
3. Introduction of and Call for a Public Hearing on Ordinance 6366, a request for a zoning change from the RR-Residential zoning district to the RT-Residential and Conditional CG-Commercial zoning districts for Washington Square Addition. The Planning and Zoning Commission recommends approval.
4. Introduction of and Call for a Public Hearing on Ordinance 6367, a request for a zoning change from a PUD-Planned Unit Development zoning district to a new PUD-Planned Unit Development zoning district on part of Lot 21, Lounsberry Outlots, requested by Bismarck Public Schools and Inspire Family Fellowship. The Planning and Zoning Commission recommends approval.
5. Corrected Ordinance 6292 regarding a zoning change for Silver Ranch First Addition. Staff recommends approval.
6. Appoint Brian Eiseman to serve on the Planning & Zoning Commission for a term expiring in April 2021.

J. Engineering Department:

1. Annual Quiet Rail Zone maintenance fee from Burlington Northern Santa Fe Railroad.
2. Encroachment agreement with Boll Properties, LLP.
3. Resolution Approving Plans and Specifications, Resolution of Necessity and Resolution Directing Advertisement of Bids and Receiving Bids for Street Improvement District No. 525 - Phases A & B.
4. Resolution Approving Plans and Specifications, Resolution of Necessity and Resolution Directing Advertisement of Bids and Receiving Bids for Street Improvement District No. 526.
5. Resolution Creating Street Improvement District No. 527 and Ordering Preparation of the Preliminary Report, Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications for Street Improvement District No. 527.

K. Finance Department:

1. Authorize the 2019 contingency funds for equipment replacement.

L. Finance Department – Assessing Division:

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1. Application for property tax abatement 2018, blind exemption at 1714 N 7th St.
  2. Application for property tax abatement 2017 and 2018, blind exemption at 314 W Boulevard Ave.
- M. Fire Department:
1. Authorization to accept an offer from the North Dakota Safety Council for one free conference registration.
  2. Updated Bismarck-Burleigh Mutual Aid Agreement.
- N. Human Resources Department:
1. Leadership Training Contract with Exploring Leadership Solutions.
- O. Police Department:
1. Authorization to accept a donation of up to \$1,800 from the now dissolved Crime Stopper Program.
  2. Authorization to participate in the solicitation of donations for regional K9 training.
  3. Authorization to apply for and compete on the television show America's Greatest K9.
- P. Public Works Service Operations Department:
1. Adjustment to the 2019 waste recycling disposal fees for non-City resident and commercial customers.
  2. Adjustment to the 2019 saw log fee.
  3. Exercise the first option year for 2019 lawn care services for city-owned property.
- Q. Public Works Utility Operations Department:
1. Change Order 1 with Stantec Consulting Services, Inc. for the Cost of Service and Rate Design Study.
  2. Water Service Contract with the City of Lincoln from February 1, 2019 thru January 31, 2039.
  3. License and Maintenance Agreement for the use of FAMS-XL with Stantec Consulting Services Inc.

Commissioner Marquardt moved to approve item Q2 contingent upon approval from the City Attorney. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

## 2. REGULAR AGENDA

3. Bis-Man Transit National Express Employee Scott Rohrich was recognized for Outstanding Act of Customer Service.

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4. Certificate of Achievement for Excellence in Financial Reporting Award.
5. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). No member of the public appeared for comment.
6. Commissioner Zenker provided a portfolio report.
7. The Commission received the 2017-2018 Annual Report from Sister Hannah Vanorny with the Bismarck Human Relations Committee.
8. The Commission President called for the Public Hearing on New Class I-3 Restaurant Beer Only Liquor License for The Wood House Restaurant, located at 1825 N 13th Street.

Dan Vondrachek representing The Wood House appeared to discuss the intentions of the new license.

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

9. The Commission President called for the Public Hearing on a New Class M Catering Liquor License for Bareknuckle Events, LLC., located at 300 N 4th Street, #103.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the request as presented. 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 a New Class M Catering Liquor License for Sixteen 03 Main Events, located at 1603 E Main Avenue.

Michelle Kaufman representing Sixteen 03 Main Events appeared to discuss the intentions of the new license.

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

11. The Commission President called for the Public Hearing on Ordinance 6362, a request for the annexation of Elk Ridge Addition, less the Tyler Parkway right-of-way.

Ron Knutson addressed the commission as the owner/developer of Elk Ridge Addition to discuss the development. Agnes Solberg addressed the commission to discuss her

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concerns with the Future Land Use Plan relating to the conservation land near the Elk Ridge Addition development. Nick Bradbury addressed the commission to discuss his concerns with ground water and erosion relating to the Elk Ridge Addition development. Roger Weigel addressed the commission to discuss his concerns and opposition to the Elk Ridge Addition development. Tom Deis addressed the commission and presented a petition signed by 95 residents that live around the proposed Elk Ridge Addition development that are opposed to the development.

Commissioner Zenker moved to approve the second reading and final passage of Ordinance 6362, a request for the annexation of Elk Ridge Addition, less the Tyler Parkway right-of-way, Ordinance 6363, a request for a zoning change from the A-Agricultural zoning district to the R5-Residential and P-Public zoning districts for Elk Ridge Addition, the Elk Ridge Addition Park Development Agreement, and the final plat for Elk Ridge Addition. Commissioner Marquardt seconded the motion. Upon a roll call vote, Marquardt, Zenker, Guy and Bakken aye, Oban nay. M/C

12. The Commission considered the request from the Administration Department for the review, discussion, and approval of the 2019 Legislative Report #3. City Administrator Hunke provided an update on the 2019 Legislative report.

Commissioner Marquardt moved to support HB1435. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission considered the request for approval from 630 Main Development, LLC for a New Construction Renaissance Zone Project at 630 East Main Avenue. The Renaissance Zone Authority recommends approval.

Commissioner Oban moved to approve the 630 Main Development, LLC for a New Construction Renaissance Zone Project at 630 East Main Avenue as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission considered the request from the City Attorney for the approval of the Purchase Agreement with Denizen Partners including an amendment to extend the closing date to no later than April 15, 2019, and up to \$1,500 prepare the irregular plat. City Attorney Combs appeared to discuss the agreement with commission.

Commissioner Guy moved to approve the Purchase Agreement, amendment to the closing date, and up to \$1,500 for the irregular plat with Denizen Partners as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

15. The Commission considered the request for approval from the Engineering Department for the Engineering Consultant Services Contract in the amount of

\$330,930.84 with Kadrmas, Lee & Jackson for 43<sup>rd</sup> Avenue North Reconstruction – HC 121.

Commissioner Marquardt moved to approve the request as presented. Commissioner Zenker 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. Commissioner Guy informed the commission that the Gold Star Community Task Force has been re-named Burleigh-Morton Behavioral Health Coalition. Mayor Bakken asked if there could be a report relating to the budget status for snow removal at the next commission meeting. The meeting was declared adjourned at 8:30 p.m.