

## 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. Proclamation recognizing May as National Historic Preservation Month.

Mayor Bakken signed the proclamation declaring May as National Historic Preservation Month.

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

No member of the public appeared for comment.

3. Consider the approval of the minutes.

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

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

4. CONSENT AGENDA

Commissioner Marquardt moved to approve the consent agenda as presented. Commissioner Zenker seconded it.

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

- A. Consider approval of expenditures.

Vouchers: 1093063-1093276.

- B. Consider approval of personnel actions.

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

1. Authorize gaming site renewals for the following:

Amvets Post #9

- Amvets Post #9 - 2400 Railroad Ave.

Fort Abraham Lincoln Foundation

- Ramada of Bismarck/ 701 Lounge - 1400 E. Interchange Ave.
- Bismarck Radisson Hotel - 604 E. Broadway Ave.

Fraternal Order of Eagles Bismarck Aerie 2237

- Eagles - 313 N. 26 St.

NoDak Sportsmen's Club

- Space Aliens - 1304 E. Century Ave.
- Corral Bar - 2111 E. Main Ave.
- Midway Tavern - 1915 E. Sweet Ave.

North Dakota Association for the Disabled, Inc.

- ND Association for the Disabled, Inc. - 1014 S. 12th St.

D. Consider the request for approval from the Airport for the following:

1. Accept donation from KLJ for the design and construction of an Electrical Vehicle (EV) charging station.
2. Award bid for Airfield Painting to Fahrner Asphalt Sealers, LLC.

E. Consider the request for approval from the Attorney for the following:

1. Ratify the May 14, 2020 State of Emergency Declaration relating to COVID-19 by President Bakken and extend its effect to June 13, 2020.

F. Consider the request for approval from Bismarck-Burleigh Public Health for the following:

1. Apply for the Drug-Free Communities Support Program grant.

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

1. Reappoint Curt Janssen to the Bismarck Board of Adjustment until June 2023.
2. Change the name of the street Colony Loop, as recorded on the plat of Heritage Park Addition and Heritage Park Addition First Replat, to Colony Place and Colony Point.
3. Change the name of the street Valley Vista Lane, as recorded on the plat of Heritage Ridge Addition, to Heritage Ridge Road.

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

1. Approve the placement of banners as requested by Bismarck Towns & Gowns.
2. Approve the NDDOT Cost Participation, Construction and Maintenance Agreement.
3. Change Order No. 4 for Sewer Improvement District SE 563.

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

1. Approve the IT Division to upgrade the current Oracle point of sale system and corresponding equipment at the Bismarck Event Center.

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

1. Permission to solicit donations to support the 2020 annual Bismarck Police Department Benefit Golf Tournament.

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

1. Approve the contract with Apex Engineering Group for the City/County Building backup generator replacement project.
2. Approve the sale of Public Works inventory at a public marketplace.

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

1. Approve a three-year contract extension with Neptune Technology Group.
2. Approve the sole source purchase of replacement parts for a chopper pump at the Wastewater Treatment Plant.
3. Approve the sole source purchase of water meter reading transmitters.

## 5. REGULAR AGENDA

6. Receive a Budget Committee update from Dmitriy Chernyak, Finance Director.

No motion was made for this item.

Please see the link for Dmitriy Chernyak, the Finance Director's full presentation:

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5189?fileID=12595>

7. Public hearing on Ordinance 6424, a staff initiated zoning ordinance text amendment relating to off-street parking and loading requirements.

Jenny Wollmuth, Planner with the Community Development Department, presented on behalf of the staff initiated zoning ordinance change for off-street parking.

Please see the link for her full presentation: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5161?fileID=12599>

No member of the public appeared for comment.

Commissioner Oban moved to approve the ordinance change as presented. Commissioner Zenker seconded the motion.

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

8. Public hearing on Ordinance 6423, a staff initiated zoning ordinance text amendment relating to the regulation of signs.

Daniel Nairn, Planner with the Community Development Department, presented on behalf of the staff initiated zoning ordinance change for sign regulation.

Please see the link for his full presentation: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5162?fileID=12596>

Jamie McLean, of the Bismarck-Mandan Board of Realtors, thanked the Community Development Department for initiating the zoning ordinance change.

Commissioner Marquardt moved to approve the ordinance change with the amendment to the square footage of the site signs from 60 square feet to 64 square feet and changing the height limit from 8 feet to 10 feet for site signs relating to real estate development and property sales.

Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye.

After further discussion, Commissioner Guy suggested changing the time limit of the portable temporary signs to 60 days. Commissioner Oban suggested to change it to 240 days, which is comparable to Mandan's sign ordinance. Commissioner Zenker then made a motion to limit portable signs to 240 days. Commissioner Oban seconded it.

Upon a roll call vote, Commissioner Marquardt, Zenker, Guy and Oban aye. President Bakken nay. M/C.

Commissioner Oban then made a motion to adopt the zoning ordinance, in regards to signs, with the changes the Commissioners had just approved. Commissioner Zenker seconded it.

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

The changes approved by the Commission this evening will go into effect 60-day after tonight's, May 26, 2020, meeting.

9. Consider the request from the Community Development Department for the following:

1. Public hearing on Ordinance 6419, a request for annexation of Heritage Park Second Addition.
2. Public hearing on Ordinance 6420, a request for a zoning change from the A-Agricultural to the R5-Residential, R10 - Residential and RM10 - Residential zoning districts for Heritage Park Second Addition.
3. Final Plat of Heritage Park Second Addition.
4. Private Drive and Private Utility Agreement.

Chad Moldenhauer, the developer and owner of K&L Homes, Inc., spoke in favor of the requests during public comment.

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

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

10. Consider the request from the Community Development Department for the following:

1. Public hearing on Ordinance 6421, a request for a zoning change from the A-Agricultural to the R5-Residential and Conditional RT-Residential zoning districts for Heritage Ridge Second Addition.
2. Final plat of Heritage Ridge Second Addition.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the item as presented. Commissioner Guy seconded the motion.

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

11. Consider the request from the Engineering Department for the approval of a Development Agreement with Heritage Development, Inc. for Heritage Park Second and Heritage Ridge Second Addition.

Commissioner Zenker moved to approve the development agreement as presented. Commissioner Guy seconded the motion.

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

12. Consider the request from the Community Development Department for the following:

1. Public hearing on Ordinance 6422, a request for a zoning change from the A-Agricultural to the R5-Residential and Conditional RT-Residential zoning districts for Edgewood Village 7th Addition 1st Replat.
2. Minor subdivision final plat of Edgewood Village 7th Addition 1st Replat.
3. Private Drive and Private Utility Agreement.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the requests as presented. Commissioner Oban seconded it.

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

13. Consider the request from the Community Development Department for a request of JJ Hageness Renovation, LLC. for approval of a Rehabilitation Renaissance Zone project at 418 Rosser Ave., as a 100% property tax exemption on the building for five years and an exemption from state tax on income derived from the location for five years. The property is owned by JJ Hageness Renovation, LLC. and is legally described as Part of Lot 25, Block 122, Original Plat. The Renaissance Zone Authority recommends approval.

Commissioner Oban moved to approve the request as presented. Commissioner Guy seconded the motion.

Upon a roll call vote, Commissioners Marquardt, Zenker, Oban and Guy voted aye. President Bakken nay. M/C.

14. Consider the request from the Community Development Department, regarding Southbay Fifth Addition First Replat, requested by Southbay Development LLC., for the following:

1. Minor subdivision final plat of Southbay Fifth Addition First Replat.
2. Private Drive and Private Utility Agreement.

Commissioner Zenker moved to approve the requests as presented. Commissioner Oban seconded the motion.

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

15. Consider the request from the Community Development Department for direction associated with the update of the FEMA Risk Map.

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

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

16. Consider the request from the Event Center for the approval of staff to collaborate with various committees and organizations to plan the Capital City Christmas event.

Charlie Jeske, department director of the Bismarck Event Center, along with Andrea Birst and Wendy Bakken of the Capital City Christmas Committee presented on behalf of the request.

Please see the link for their full presentation: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5191?fileID=12594>

Commissioner Zenker moved to approve the request as presented. Commissioner Oban seconded the motion.

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

17. Consider the request from the Event Center to award bid for the arena lighting project.

The bid was awarded to Denny's Electric in the amount of \$906,600.

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

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

18. Consider the request from the Administration Department for discussion regarding the annual alcohol license renewal process.

Commissioner Guy made a motion for the Budget Committee to prepare a detailed breakdown of the difference in 2020 revenue from liquor license renewals if we were to prorate one month, two month, three month, to show the Commission what the impact would have on the budget that is coming up, so they could make a decision based on that. This would provide the opportunity to understand to see how that prorated discount would affect the license holders and the City overall. It was understood that this information would be provided at the June 9, 2020 City Commission Meeting. Commissioner Zenker seconded the motion.

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

19. Consider the request from the Attorney for discussion on firework displays within City limits.

Commissioner Zenker moved to direct staff to contact the surrounding cities and counties who allow fireworks within City limits to see what an ordinance change could look like, and present the information to the Commission at the June 9, 2020 City Commission Meeting.

Commissioner Marquardt seconded the motion.

Commissioner Oban then directed staff to include in their findings how allowing fireworks within City limits would affect City services regarding cleanup and safety.

Upon a roll call vote, Commissioners Zenker, Marquardt, Guy and President Bakken voted aye. Commissioner Oban nay. M/C.

#### Other Business

Attorney Combs informed the Commission a citizen of Burleigh County received a ballot for the wrong district for the June 9, 2020 election. The resident lives outside City limits and received a ballot which would allow her to vote for the Bismarck City Commission and Park Board.

Burleigh County, who is coordinating the vote-by-mail election, is requesting anyone who receives a ballot for the wrong district to contact their office at 701-222-6694.

In addition, Attorney Combs stated she has been in contact with the Secretary of State's Office regarding the issue.

#### Adjourn

The meeting was adjourned at 8:17 p.m.