



MEETING OF THE BOARD OF CITY COMMISSIONERS

8/22/2023 - Minutes

Call to Order

The Board of City Commissioners met in regular session on August 22, 2023, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Cleary, Commissioner Marquardt, Commissioner Zenker, and Mayor Schmitz were present.

Commissioner Connelly attended the meeting via Teams.

FUTURE COMMISSION MEETINGS:

- September 12, 2023 & September 26, 2023
- October 10, 2023 & October 24, 2023
- November 14, 2023 & November 28, 2023

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)

No public comment was received.

2. CONSENT AGENDA

Commissioner Zenker motioned to approve the consent agenda without the minutes, and Commissioner Marquardt seconded the motion. Upon roll call vote, all voted aye. M/C.

Commissioner Zenker motioned to approve the minutes with the additional language requested added to regular agenda item number 8, and Commissioner Cleary seconded the motion. Upon a roll call vote, all voted aye. M/C.

- A. Consider approval of minutes
- B. Consider approval of personnel actions

C. Consider approval of expenditures

Vouchers: #1112609-1112861.

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

1. Application for gaming.
2. Letter of support for Pro Marine Properties, LLC.

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

1. A proposal from High Point Networks to update the airport terminal public announcement system using ND State Contract NDIT Stagenet 110.
2. Utility Easement with United Tribes Technical College (UTTC) for stormwater force main pipe.

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

1. Sidewalk easement in Lot 1, Block 3 Cottonwood Parkview Addition First Replat.
2. Agreement and waiver with Zygi Condo Association for encroachments within the right of way of LaSalle Drive.
3. North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement Termination Amendment for Hay Creek Trail Retaining Wall Repairs (IM-1-094(217)159, HC 163).
4. Revised project budget for Street Improvement District SI 575.
5. Resolution of Necessity for Street Improvement District SI 576.
6. Contract Change Order No. 1 for Street Lighting and Traffic Signal Project SV 68 to Strata Corporation until October 1, 2023.

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

1. Resolution to direct special assessments to be levied.
2. Introduction and call for a public hearing on Ordinance 6560 for the 2024 City budget.

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

1. Receive bids and award the Medical/Health Insurance bid to Blue Cross/Blue Shield for 2024 and 2025.

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

1. Finalize the purchase of property for a future water storage facility.

3. REGULAR AGENDA

4. Receive a presentation from the Bismarck Riverfront Partners and consider approving the City's participation to support the project as recommended by Administration Staff.

Jake Axtman, a representative with AGL Landscape Architects, presented to the Commission regarding the proposed project by Bismarck Riverfront Planning Partners at Keelboat Park. The Fort Abraham Lincoln Foundation (FALF) has partnered with AGL Landscape Architects, P.C., to envision the redevelopment of select areas along the Missouri River south of the Grant Marsh / I-94 Bridge. Bismarck Riverfront Planning Partners intends to apply for the Destination Development Grant to support a publicly-spirited project at the current location of Keelboat Park.

City leadership and staff have collaborated with FALF and AGL staff to support the grant application. Additionally, leadership personnel from the Bismarck-Mandan Convention & Visitors Bureau (CVB) and the Bismarck Parks & Recreation District (BPRD) have collaborated with FALF and AGL and support the proposed project. The CVB Executive Board of Directors has voted to support the project with a financial contribution of \$500,000. The City of Bismarck, which owns the 4.4 acres of land intended for the new project, would provide financial support through the contribution of the land. A current estimate of the land's value is \$10.34 per square foot, which is approximately \$2 million. The intent would be to donate the land to FALF, a non-profit organization currently leasing the City-owned parcel north of the Grant Marsh Bridge known as The Landing.

The support proposed by the City of Bismarck Administration to donate the 4.4 acres of land to FALF is prefaced with the understanding if the project does not receive the necessary funding and support to become a realization, the donated land would revert to the City of Bismarck.

The Commission discussed the removal of the boat ramp and the potential loss of parking for the public at Keelboat Park, safety along River Road, and the opportunity for revenue at the redeveloped site.

Mr. Axtman informed the Commission that there are 19 public boat docks within a 20-mile radius of Bismarck, and the Mandan Parks and Recreation District is currently pursuing the construction of a new public boat launch near the area locally known as "Carbodies." Mr. Axtman continued by noting the redesigned parking area would be more efficient than the current configuration and could lead to additional parking spaces. He also noted that separation between the public gathering space and River Road could effectively address safety concerns using landscape buffers, fencing, or other physical barriers. Mr. Axtman closed by suggesting revenue could be generated at the redeveloped site by collecting user fees and various user fees.

City Attorney Jannelle Combs described how the City of Bismarck could donate the land to the FALF by first establishing a land value that would be used as a contribution/gift to a publicly spirited project. Attorney Combs recommended the Commission consider a clause allowing the land to revert to the City of Bismarck ownership if the riverfront project would not materialize as proposed.

The Commission discussed other funding opportunities and recognized the land contribution of \$2 million would unlock the opportunity for the Destination Development Grant and additional federal grants. The state and federal dollars would support the infrastructure and build-out of phase 1.

Mr. Axtman thanked the Commission for their support and enthusiasm for the project. He and his colleagues have spent the last 18 months working to this point in the project and are genuinely grateful and optimistic for the future of Bismarck's riverfront.

Commissioner Zenker made a motion to approve the donation of 4.4 acres of land to the Fort Abraham Lincoln Foundation, with the understanding that FALF must generate \$4 million in grants or other donations within five years; phase one does not occur within seven years of the transfer of the land to the FALF; and the property cannot be sold or leased except for those uses generally identified in the plan, and Commissioner Marquardt seconded the motion. Upon roll call vote, all voted aye. M/C.

5. Public hearing on the request for a new Class B-3 Commercial Passenger Vessels on the Missouri River alcohol license for Missouri Riverboat, Inc. (dba) Mnishoshe at 1700 River Road.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Marquardt motioned to approve the license as presented, and Commissioner Zenker seconded the motion. Upon a roll call vote, all voted, aye. M/C.

6. Public hearing on Ordinance 6556, a request for a zoning map amendment from the CG – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lot 2, Block 1, Schilling Second Addition.

Daniel Nairn, Planning Manager, addressed the Commission regarding Ordinance 6556, a request by Club House West, LLC and Capital Electric Cooperative, for a zoning map amendment from the CG – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lot 2, Block 1, Schilling Second Addition requested by Club House West, LLC and Capital Electric Cooperative. The lot currently contains an office building constructed in 1970 and altered over the years. Club House West, LLC proposes to purchase the property from Capital Electric Cooperative, demolish the existing building, and construct an indoor self-storage building on the site.

Mayor Schmitz opened the public hearing.

Commissioner Zenker motioned to approve Ordinance 6556 as presented, and Commissioner Marquardt seconded. Upon a roll call vote, all voted, aye. M/C.

7. Public hearing on Ordinance 6557, a request for a zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, Basin Electric 4th Addition; Tracts 1A, 2A, 3A (of Lot 1), Lot 2, Block 1, Basin Electric 3rd Addition and Lot 3, Block 1, Wisdom Office Park Addition.

Daniel Nairn, Planning Manager, addressed the Commission on Ordinance 6557, a request by Columbo, LLC, Sanford Health, and 1838 Properties, LLC / Jason Dean Dockter, regarding the approval of a zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, Basin Electric 4th Addition; Tracts 1A, 2A, 3A (of Lot 1), Lot 2, Block 1, Basin Electric 3rd Addition and Lot 3, Block 1, Wisdom Office Park Addition. The proposed zoning district would allow a range of commercial and multifamily residential uses, although with specific, more intensive uses restricted.

Mayor Schmitz opened the public hearing.

Commissioner Marquardt motioned to approve Ordinance 6557 as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted, aye. M/C.

8. Public hearing on Ordinance 6558, a request for a zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lot 52, Block 1, Edgewood Village Seventh Addition First Replat.

Daniel Nairn, Planning Manager, addressed the Commission on Ordinance 6558, a request by Edgewood Properties LLLP, for a zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lot 52, Block 1, Edgewood Village Seventh Addition First Replat. The proposed zoning district would allow up to 31 detached single-family homes on one lot, a shared clubhouse designed to be converted into a single-family dwelling, and other amenities such as greenspace and sports courts. The proposed development would be accessed via a 26-foot-wide internal access easement / private roadway connecting Knudsen Avenue and Minnesota Drive.

Mayor Schmitz opened the public hearing.

Commissioner Marquardt motioned to approve Ordinance 6558 with the condition on the access easement as noted in the staff report, and Commissioner Cleary seconded. Upon a roll call vote, all voted, aye. M/C.

9. Public hearing on Ordinance 6559 to Amend the 2023 Budget.

Mayor Schmitz opened the public hearing.

Trevor Vannett, Veronica Zietz, and Susan Dingle addressed the Commission in support of the 2023 budget amendment, which would provide gap funding for Bismar Transit to enable the continuing operation of the Paratransit service.

Commissioner Zenker motioned to approve Ordinance 6559 to amend the 2023 budget as presented, and Commissioner Cleary seconded the motion. Upon a roll call vote, all voted, aye. M/C.

<https://www.bismarcknd.gov/DocumentCenter/View/42744/Item-9-PDF>

10. Consider the request to provide direction for recruiting to fill the upcoming vacant City Administrator position.

Leanne Schmidt, Human Resources Director, addressed the Commission seeking direction for recruiting to fill the upcoming vacant City Administrator position. The consensus of the Commission was for Director Schmidt to move forward with the tentative plan as presented.

11. **Consider the request from the Public Works Service Operations Department to award the bid for the 2023 Furnishing Street Maintenance Materials.**

Steve Salwei, Public Works Service Operations Director, addressed the Commission regarding the request to award bids for furnishing street maintenance materials, salt and sand, to NSC Minerals, Ltd. for \$116.86/ton. The bids for Furnishing Street Maintenance Materials - Salt And Sand were awarded at the August 8, 2023, City Commission meeting. Five bids were received for two different contracts. The bid tabulation is included for your review. The recommendation was to award Part 1 – Deicing Sand to Northern Improvement Company for \$21.93/ton and Part 2 - Brine Salt to Maddog Brokerage, Inc. for \$114.83/ton.

Maddog Brokerage, Inc., however, cannot meet the insurance qualifications and has forfeited its bid. Director Salwei and Public Works staff recommend the bid be awarded to the next bidder, NSC Minerals, Ltd.

Commissioner Zenker motioned to award the 2023 Furnishing Street Maintenance Minerals Part 2 - Brine Salt to NSC Minerals, Ltd. for \$116.86/ton as presented, and Commissioner Cleary seconded the motion. Upon a roll call vote, all voted, aye. M/C.

12. Other Business

Commissioner Marquardt asked City Engineer Gabe Schell for an update on road construction projects. Engineer Schell noted August 23rd is a substantial completion date for many of the projects, which coincides with the first day of Bismarck Public Schools classes. Mr. Schell noted that most of the projects are on schedule, except for a street lighting project, which has experienced delays caused by the lack of materials.

Adjourn

There being no further business to discuss, the meeting adjourned at 6:47 PM.

*Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501
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