MEETING OF THE BOARD OF CITY COMMISSIONERS

7/9/2024 - Minutes

CALL TO ORDER

The Board of City Commissioners met on July 9, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Cleary, Commissioner Connelly, Commissioner Risch, Commissioner Zenker, and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

- July 23, 2024
- August 13, 2024 & August 27, 2024
- September 10, 2024 & September 24, 2024

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

   1. Susan Dingle addressed the Commission regarding Regular Agenda Item 3G.
      Attachment

2. **CONSENT AGENDA**

Commissioner Zenker motioned to approve the item with the removal of item M3 for discussion, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. None abstained from voting. M/C.

Commissioner Zenker motioned to approve the addition of Indivior, Inc., Mylan, Express Scripts and OptumRx as defendants to the opioid litigation, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. None abstained from voting. M/C.

A. Consider approval of minutes

B. Consider approval of personnel actions

C. Consider approval of expenditures

Vouchers No. 1118641-1118934.

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

   1. Approval of liquor license renewal applications.

   2. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for Hi Honey Corporation (dba) Hi Honey Salon at 117 North 4th Street.

   3. Assign the Bismarck Parking Authority portfolio to Mayor Mike Schmitz.

   4. Letter of Support for Carol Spain Properties and Elsberry and Shively, P.C.

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

   1. Asphalt Surface Technologies Corporation Change Order No. 4 to August 11, 2023, Agreement.

   2. Receive and consider bids for the Gate 2 & 3 Passenger Boarding Replacement Project.

   3. Receive report of Change Order No. 13 to KLE Wetland Phase 5 Project.

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

1. Permission to accept a donation to the Women's Way Program.

G. Consider the request for approval from the Bismarck Event Center for the following:

1. Permission to allow Capital City Christmas to use Exhibit Hall D rent-free on Saturday, November 30, 2024, for their Breakfast with Santa and Holiday Mingle events.

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

1. Permission to decommission and dispose of four (4) Ford Econoline paratransit buses and one (1) Dodge Caravan van on behalf of Bis-Man Transit.

2. Permission to decommission office equipment including cubical wall panels and a drafting table.

3. Introduction of and call for public hearing on Ordinance 6583 of the City Code of Ordinances related to home occupations and model homes.

4. Permission to apply for National Endowment for the Humanities (NEH) Humanities Collections and Reference Resources grant funds.

5. Introduction of and call for a public hearing on Ordinance 6584, a zoning map amendment from the RT – Residential district and CA – Commercial district to the CG – Commercial district for Lot 1 Less the North 250 Feet, Block 1, Northern Sky Addition and all of Northern Sky Second Addition First Replat.

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

1. Approval of curb ramp agreements with the North Dakota Department of Transportation as part of an upcoming concrete pavement repair project on 7th Street.

2. Request for resolutions declaring petitions have been received, creating the district and ordering the preparation of the preliminary report for Street Improvement District No. SI 581.

3. Request for resolutions approving the preliminary engineer's report, directing the preparation of plans and specifications, approving plans and specifications and directing the advertisement for bids and receive bids for Street Improvement District SI 582.

4. Consider the request for resolutions creating districts and ordering preparation of the preliminary engineer's report, approving the preliminary engineer's report, and directing the preparation of plans and specifications for Street Improvement District SI 583.

5. Request for resolutions approving the preliminary engineer's report, directing the preparation of plans and specifications, approving plans and specifications and directing the advertisement of bids and receive bids for Street Improvement District SI 584.

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

1. Permission of the sale of expired IT equipment through the Govdeals auction.

2. Applications for abatement.

K. Consider the request for approval from the Fire Department for the following:

1. Approval of a contract extension for the Fire Department for a new fire engine.

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

1. Appointment of new member to serve on the Business Ethics Committee.

2. Receive, consider, and approve the Travel Time for Non-Exempt Employees policy.

M. Consider the request for approval from the Legal Department for the following:

1. Request Attorney General's opinion regarding the time-frame for initiated measure signature gathering.

2. Accept the donation of one-half of the reverter clause for the Police Department property and execute IRS Form 8283.

3. Permission to add additional defendants to opioid litigation.

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

1. Permission to purchase two License Plate Reader (LPR) systems from Motorola utilizing the National Association of State Procurement Officials (NASPO) Cooperative bid contract for procurement.

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

1. Approval of Change Order No. 2 for the Public Works Roofing Project with Tecta America Dakotas.

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

1. Approval of Change Order No. 4 for the Water Treatment Plant Filters 1-6 Face Piping Replacement Project with Swanberg Construction, Inc.

2. Approval of Amendment No. 1 to the Cost-Share Reimbursement Agreement with the North Dakota State Water Commission for the Water Treatment Plant Expansion Project.

3. Approval of the Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for a Western ND pH Stabilizer Storage Facility.

4. Notification of emergency replacement of the Variable Frequency Drive (VFD) at the horizontal collector well.

3. **REGULAR AGENDA**

A. Receive the reports from the Bismarck-Mandan Chamber EDC and the Downtown Community Foundation (Downtowners) relating to the economic development services provided by each organization.

Brenda Nagel, CEO of the Bismarck Mandan Chamber EDC, and Kate Herzog, COO of the Downtown Community Foundation provided updates on their work with Economic Development Services.

- Presented Information

The Commission received the report.

B. Consider the request to provide direction to staff on how to address The Pier's non-compliance with the City's Code of Ordinances requirements for F-1 Restaurant Alcoholic Beverage Licenses.

Jason Tomanek, City Administrator presented information regarding the Class F-1 liquor license renewal for The Pier.

Ryan Dichert presented information regarding the restaurant's action plan to have the alcohol and food sales meet City Ordinance.

Commissioner Connelly motioned to renew the Class F1 liquor license and asked that the business submit quarterly reports showing their sales are being compliant with City Ordinance, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

C. Public hearing on Ordinance 6582 relating to the Renaissance Zone Authority, revisions to the Renaissance Zone Development Plan, and support for a five-year extension of the Renaissance Zone program.

Daniel Narin, Planning Manager, presented information on ordinance 6582.

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

D. Consider the request to receive bids and award contract for Street Light and Traffic Signal Project SV 77.

Gabe Schell, City Engineer, presented the bid results for Street Light and Traffic Signal Project No. 77 and recommended awarding the bid to Edling Electric for $128,850.00.

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

E. ~~**Consider the request for resolutions receiving bids, ordering preparation of the engineer's statement, and awarding a contract for Sewer Improvement District SE 582.**~~

F. ~~**Consider the request to review, discuss, and adopt the proposed Leadership Code for Elected and Appointed Officials.**~~

G. Discuss options moving forward relating to the management and operations of the Bismarck Event Center.

Jason Tomanek, City Administrator, addressed the Commission regarding the options that were provided in the agenda memo.

Amanda Yellow, Acting Event Center Director, provided information she had gathered relating to establishing an Event Center Advisory Board.

The Commission directed staff to move forward with items 1, 2, 4, and 5 from the list of options presented. City Administration will report back with progress at the July 23, 2024, meeting.

H. Consider the request to enter into Executive Session under North Dakota Century Code Section 44-04-19.2 regarding easement negotiation strategy under NDCC Section 44-04-19.1 (9).

Commissioner Cleary motioned to enter into Executive Session, and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 7:34 PM with all members present.

Commissioner Zenker motioned to direct staff to move forward with the negotiation strategy agreed upon during the executive session, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

4. **OTHER BUSINESS**

ADJOURN

There being no further business to discuss, the meeting adjourned at 7:35 PM.