MEETING OF THE BOARD OF CITY COMMISSIONERS

7/23/2024 - Minutes

CALL TO ORDER

The Board of City Commissioners met on July 23, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Connelly, Commissioner Risch, and Commissioner Zenker were present. Commissioner Cleary and Mayor Schmitz attended the meeting via Teams.

FUTURE COMMISSION MEETINGS

- August 13, 2024 & August 27, 2024
- September 10, 2024 & September 24, 2024
- November 12, 2024 & November 26, 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

No public comment was received.

2. **CONSENT AGENDA**

Commissioner Zenker motioned to approve the item as presented, and Commissioner Connelly seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch 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: 1118935 to 1119179.

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 Yellow Stitch Boutique, LLC (dba) Yellow Stitch Boutique at 114 North 4th Street.

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

1. Engineering and environmental consultant selection recommendation.

2. Engineering Services Agreement with Kadrmas, Lee & Jackson (KLJ) for Runway 03/21 and Taxiway D Rehabilitation Engineer Design Report.

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

1. 2024 Annual Action Plan, which functions as the City's application to the Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds.

2. City of Bismarck's Disadvantaged Business Enterprise (DBE) Goal of .25% for the years 2025-2027.

3. Release a 40-foot portion of the non-access line adjacent to the east lot line of Lot 3, Block 1, Fairview Cemetery Addition.

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

1. Consultant services contract and Scope of Work with Apex Engineering Group relating to Tyler Parkway Extension Project HC 173.

2. Sidewalk easement in Lot 1, Block 1 Cottonwood Parkview Addition First Replat.

3. Partial release of an existing easement, accept a new easement, and approve private drive and private utility agreement within Lots 16-19, Block 4, Southbay Fifth Addition.

4. Resolution of necessity for Street Improvement District No. SI 583.

5. Change Order for Time Extension - HC146 - Traffic Signal Modifications.

6. 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.

7. Warranty deed and right of way documents with the North Dakota Department of Transportation relating to an upcoming traffic signal replacement project on Bismarck Expressway.

8. Permission to close Raymond Street between Avenue A and Avenue B from Friday, September 13, 2024, at noon through Saturday, September 14, 2024, at noon.

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

1. Applications for abatement.

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

1. Permission to accept a donation from Electric Systems.

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

   1. Introduction of and call for a public hearing on Ordinance 6585 to amend the Running At Large ordinance.

K. Consider the request for approval from Municipal Court for the following:

   1. Designate Alternate/Conflict Judges: Retired Judge William Severin and Mandan Municipal Court Judge Thomas Jackson

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

   1. Permission to award the bid for Fire Station 4 Cold Storage Building Construction to Dakota West Contracting, Inc.

   2. Agreement for Weed Control Mowing with Schmidt Seasonal Services, LLC.

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

   1. Recieve bids and award contract for Sewer Utility Project SU-92.

   2. Work Authorization 3 with PKG Contracting, Inc., the construction manager at risk (CMAR) for the Water Treatment Plant Expansion Project.

   3. Amendment No.1 with HDR, Inc. for the Water Treatment Plant Masterplan Agreement.

   4. Task Order No. 1 with HDR Engineering, Inc. for the Industrial Pretreatment Program Sewer Use Ordinance (SUO) project.

5. Change order #27 with Kraus-Anderson Construction Company for the PW Expansion Project and give delegation of signing authority to the Director of Utility Operations.

3. **REGULAR AGENDA**

A. Receive a presentation from Bismarck-Mandan Convention & Visitors Bureau Executive Director, Sheri Grossman.

Sheri Grossman, CEO of the Bismarck-Mandan Convention & Visitors Bureau, provided a presentation to the Commission.

- Supporting Documents

B. 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.

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

Commissioner Zenker motioned to approve the item as presented, and Commissioner Connelly seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

C. Public hearing on Ordinance 6584, a zoning map amendment on Lot 1 Less the North 250 Feet, Block 1, Northern Sky Addition and all of Northern Sky Second Addition First Replat.

Ben Ehreth, Community Development director, presented information to the Commission regarding Ordinance 6584.

Mayor Schmitz opened the public hearing. Landon Niemiller, with Swenson Hagen, made himself available for questions the Commission may have.

Commissioner Connelly motioned to approve the item as presented, and Commissioner Zenker seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

D. Public hearing on Ordinance 6583 of the City Code of Ordinances related to home occupations and model homes.

Ben Ehreth, Community Development Director, presented information regarding Ordinance 6583.

Mayor Schmitz opened the public hearing.

1. Ellen Hamlet, a representative with the Institute for Justice, presented information supporting the proposed ordinance. Supporting Documents

Commissioner Risch motioned to approve the item as presented, and Commissioner Connelly seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

E. Consider the requests for approval of a New Construction Renaissance Zone Project and a Commercial Lease Renaissance Zone project by First North, LLC and Mulloy Law, PLLC, respectively, at 319 North 1st Street along with a local property tax exemption for five years as well as an exemption from state income tax on income derived from the same location.

Isak Johnson, a Community Development Planner, presented information regarding the request.

Commissioner Zenker motioned to approve the item as presented, and Commissioner Cleary seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

F. **~~Consider Bismarck Manufactured Housing Park (MPH) LLC's request for approval for the resale of water from Bismarck MHP, LLC Water Service Contract.~~**

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

Gabe Schell, City Engineer, presented the bid results as follows:

- Unit 1 to Crow River Construction Unit 1 for $3,944,529.80.
- Unit 2 to Edling Electric for $162,800.00.

Supporting Documents

Commissioner Zenker motioned to approve the item as presented, and Commissioner Risch seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

H. Consider the request to discuss the Bismarck Event Center Director's current job description.

Jason Tomanek, City Administrator, presented information regarding the current and future job description for the Event Center Director position.
Supporting Documents

The general consensus of the Commission is to have Administrator Tomanek work with the Human Resources Department to modify the Event Center Director job description. Administrator Tomanek will provide an update at the August 27, 2024, regular meeting.

I. Consider the request to discuss the creation and expectation of an Event Center Advisory Board

Jason Tomanek, City Administrator, presented information regarding the creation of an Event Center Advisory Board. The general consensus of the group is to continue research and preparation of the board and bylaws with the inclusion of a City Commissioner as a board member or liaison.

J. Consider the request to accept the 2023 Audit Results and the 2023 Annual Comprehensive Financial Report.

Dmitriy Chernyak, Finance Director, presented the 2023 Audit and Annual Financial Report presentation to the Commission.

Commissioner Connelly motioned to approve the item as presented, and Commissioner Cleary seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

K. Consider the request to receive and approve the City's 2025 preliminary budget, budget requests, and Budget Committee recommendations.

Dmitriy Chernyak, Finance Director, and Commissioner Cleary presented the 2025 Preliminary Budget to the Commission.

- 2025 Preliminary Budget Presentation
- Supporting Documents

Commissioner Cleary motioned to approve the 2025 preliminary budget for all City funds, priority initiatives, capital projects, 5-year capital improvement plan, fees and charges, estimated tax revenue, and other information as presented in the agenda packet, and Commissioner Zenker seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

L. **Consider the request for approval of a contract with Marketing Würks for banner design services for the Cathedral Area Historic District banners.**

Lauren Oster, Community Development Planner, presented information regarding the contract for Banner Design Services for the Cathedral Area Historic District.

Commissioner Zenker motioned to Approve the item as presented, and Commissioner Risch seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

M. Consider the request from the Engineering Department to enter Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiation/negotiation strategy under NDCC Section 44-04-19.1 (9).

Commissioner Zenker motioned to enter into Executive Session at 8:05 PM, and Commissioner Connelly seconded. Upon a roll call vote, Mayor Schmitz, Commissioner Connelly, Commissioner Cleary, Commissioner Zenker, Commissioner Risch voted aye. None abstained from voting. M/C.

The Commission reconvened at 8:18 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 Connelly 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 8:19 PM.