MEETING OF THE BOARD OF CITY COMMISSIONERS

8/13/2024 - Minutes

CALL TO ORDER

The Board of City Commissioners met on August 13, 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 Cleary, Commissioner Risch, Commissioner Zenker, and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

- August 27, 2024
- September 10, 2024 & September 24, 2024
- October 8, 2024 & October 22, 2024

MISSION STATEMENT

To provide high-quality public services in partnership with our community to enhance our quality of life.

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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 Cleary motioned to approve the consent agenda as presented and Commissioner Risch seconded. 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: 1119180 to 1119614.

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

1. Request to approve the application for gaming for Bismarck Lodge #302 Loyal Order of Moose at 312 North 20th Street.

2. Letter of Support for PT Real Estate Holdings, LLC.

3. Letter of Support for ND Opportunity Fund applicant Little Scholars Learning Center.

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

1. Consent to Sublease and Consent to Assignment to U'Ren Brothers Development Lease.

2. Change Order No. 6 to the April 12, 2023, Strata Corporation Agreement for GA Apron Expansion Phase 4 Project.

3. Change Order No. 11 to the April 27, 2022, Weisz & Sons agreement for Wetland Phase 7 project.

4. Receive report of Change Order 6 to Weisz & Sons Wetland Phase 5 Completion Contract.

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

1. Purchase vaccines as a member of the group purchasing organization, Physicians Resource Network (PRN).

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

1. 2019 and 2022 Annual Action Plan for Community Development Block Grant (CDBG) -Substantial Amendments

2. Decommission and dispose of Bis-Man Transit Van #1911.

3. Introduction of and call for a public hearing on Ordinance 6588, a zoning map amendment from the A – Agriculture and RR – Residential zoning district to the A – Agriculture zoning district on Auditor's Lot S-3, Section 25, 138N-R81W/Hay Creek Township.

4. Final consideration for approval of a revision to the minor subdivision final plat titled "McKenzie and Coffin's Second Addition" on all of Lots 11-12 and the East 90 Feet of Lots 13-16, Block 69, McKenzie and Coffin's Addition.

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

1. Geotechnical testing services contract with Terracon Consultants, Inc. relating to 2024 Geotechnical Services

2. Contract Change Order No. 2, a time extension, for Highway Construction Project HC 161.

3. Dedication and acceptance of Temporary Turnaround Easements in Paradise Valley Addition and Paradise Valley Second Addition.

4. ND Dept of Transportation (NDDOT) Cost Participation and Maintenance Agreements - State St/Boulevard Ave/7th St/9th St Concrete Pavement Repair - NHU-SU-1-083(145)901, PCN 23742; SU-1-981(136), PCN 23747; NHU-1-083(146)900, PCN 23743 - City Project HC 162.

5. Close Schafer Street between College Drive and Edwards Avenue on 10/15/2024 from 9am to 3pm for BSC Homecoming 2024.

6. Sanitary Sewer, Stormwater and Drainage, and Temporary Construction Easements in Eagle Crest Addition.

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

1. Resolution Directing Special Assessments to be Levied.

2. Applications for abatement.

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

1. Change Flexible Spending and Cobra vendor from WEX to P&A Group.

2. Approval of terms for the current Civil Service Board and approval to call for applications to fill the two expired seats.

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

1. Agreement for Weed Control Mowing with DirtBoss, LLC.

2. Agreement for Weed Control Mowing with KM Mowers, LLC.

3. Permission to award the contract for Recyclable Materials Collection to Gerdau Ameristeel US, Inc.

4. Agreement for Weed Control Mowing with Knockout Land Management, LLC.

5. Houston Engineering, Inc. Task Order 24-03 to complete EPA Method 9 compliance monitoring and prepare a testing report for the operation of the Air Curtain Incinerator (ACI).

6. Permission to award Landfill Main Shop Concrete Floor Replacement to Glass Concrete Construction, Inc.

7. Permission to enter into an agreement for the Collection and Disposal of Electronics Recyclable Items with North Dakota E-Waste, LLC and to increase household hazardous waste and electronic recycling fees (yearly) for non-residents and commercial/businesses to capture increased fees and administrative costs.

8. Permission to award the 2024 Salt and Sand Material for Street Maintenance to the lowest bidder for Part 1 and lowest bidder for Part 2.

9. Permission to sell assets from Utility Operations at Public Sale or Online Auction.

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

1. Agreement with Apex Engineering Group for the Boulder Ridge Stormwater Project Phases 3 and 4.

2. Task Order No. 1 for Advanced Engineering and Environmental Services, LLC (AE2S) for the Sanitary Sewer/Collections Control System Upgrade Phase III.

3. Edling Electric Change Order No. 4 for the Water Treatment Plant High Lift Pump project.

4. HDR Engineering, Inc’s Amendment No. 3 for the Water Treatment Plant Expansion Project.

3. **REGULAR AGENDA**

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.

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

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

B. Public hearing on the corrected annexation Ordinance 6503, recorded as Document Number 966323 for a correction to the annexation ordinance for Elk Ridge Third Addition.

Daniel Nairn, Community Development Planning Manager, presented information relating to the Elk Ridge Third Addition revised annexation.

Mayor Schmitz opened the public hearing. No public comment was received.

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

C. Public hearing on Ordinance 6585 to amend running at large ordinance.

Commissioner Risch presented information on Ordinance 6585, to amend the running at large ordinance.

Mayor Schmitz opened the public hearing. No public comment was received.

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

D. Consider the request for discussion to pursue a zoning map amendment through the facilitation of a stakeholder group for Misty Waters Subdivision.

Daniel Nairn, Community Development Planning Manager, presented a request for direction on how to pursue a zoning map amendment for rear year setbacks for all lots in the Misty Waters Subdivision.

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

E. Consider the request for resolution to receive bids, ordering preparation of the engineer's statement and awarding the contract for Street Improvement District SI 582.

Gabe Schell, City Engineer, presented the bid summary for Street Improvement District No. 582 for Silver Ranch Third and Fourth Additions Storm Sewer and Paving. Engineer Schell recommended awarding the bid to the lowest bidder, Strata Corporation, for $2,233,217.36, with the contingency that the developer prepay for the commercial lots in the project area and the Utility Capital Charge payment being made by August 20, 2024.

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

Bid Summary

F. Consider the request for resolution to receive bids, ordering preparation of the engineer's statement and awarding the contract for Street Improvement District SI 584.

Gabe Schell, City Engineer, presented the bid summary for Street Improvement District No. 584 for Elk Ridge Third Addition Storm Sewer and Paving. Engineer Schell recommended awarding the bid to the lowest bidder, Northern Improvement Company, for $1,686,925.70.

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

Bid Summary

G. Consider the request to begin preliminary engineering via consultant for reconstruction of Ottawa Street.

Gabe Schell, City Engineer, provided information on a Request for Proposals (RFP) seeking a consultant for the Ottawa Street Reconstruction.

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

H. Consider the request to receive an update on planned roadway changes to River Road relating to the Burlington Northern Santa Fe (BNSF) rail bridge replacement project.

Mike Herzog, a representative with Burlington Northern Santa Fe (BNSF) provided an update on the rail bridge construction project. He indicated that the project is 1/3 complete and the original work took place on the west side of the Missouri River. Future work on the project will bring construction to the East side of the Missouri River. BNSF intends to make every effort for their work to not impact citizen use of River Road when possible.

I. Consider the draft Request for Proposal (RFP) for the operations and management of the Bismarck Event Center.

Jason Tomanek, City Administrator, presented a draft Bismarck Event Center Management and Operations Request for Proposal (RFP). The general consensus of the commission is to remove the dates in the RFP Schedule from the Final Deliverables due to City Administration and Presentation of findings and recommendations to the Board of City Commissioners at a public meeting and let them be determined through the submitted proposal. The commission also agreed to remove a project budget from the RFP and let the budget be determined by the submitted proposals.

J. Consider the request to review, discuss, and adopt the proposed Leadership Code for Elected Officials.

The Commission discussed the leadership code that the Mayor provided. The general consensus of the group was to have each commissioner email their notes to City Administration to be reviewed at the next Commission meeting.

4. **OTHER BUSINESS**

ADJOURN

There being no further business to discuss, the meeting adjourned at 6:17 PM.