



MEETING OF THE BOARD OF CITY COMMISSIONERS

9/24/2024 - Minutes

CALL TO ORDER

The Board of City Commissioners met on September 24, 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

October 8, 2024 & October 22, 2024
November 5, 2024 & November 26, 2024
December 17, 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 members of the public appeared for comment.

2. CONSENT AGENDA

Commissioner Cleary motioned to approve the consent agenda with the removal of items 2.E.1, 2.G.1, and 2.J.1, and Commissioner Connelly seconded for discussion. After discussion, Commissioner Cleary withdrew her motion.

Commissioner Cleary motioned to approve the consent agenda item with the removal of items 2.A.1, 2.E.1, 2.G.1, and 2.J.1 for discussion and Commissioner Zenker 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: 1120166-1120430.

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

1. Request for gaming site authorization.

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

1. Consider and award bids for Aviation Worker Screening services.
2. Right of Entry Agreement for the Aviation Support Facility's Remedial Study.

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

1. Permission to move forward with the proposal from Hussey Seating through Sourcewell for the telescopic retractable seating which was approved in the 2024 budget.
2. Permission to move forward with the proposal from See Thru Professional Window Cleaning for the Window Cleaning Contract.

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

1. Vacation of all platted building setback lines less the eastern 20 feet of the 40-foot rear yard setback on the lots adjacent to South Washington Street, shown on the plat of Wachter's Seventh Addition.

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

1. Contract Change Order Nos. 4 and 5 for Highway Construction Project 158.
- I. Consider the request for approval from the Finance Department for the following:
1. Applications for abatement.
- J. Consider the request for approval from the Legal Department for the following:
1. Introduction of and call for a public hearing on Ordinance 6587 to create the Prohibited Camping ordinance.
- K. Consider the request for approval from the Bismarck Veterans Memorial Public Library for the following:
1. Award the bid for Library weekday janitorial services.
- L. Consider the request for approval from the Police Department for the following:
1. Permission for the Bismarck Police Department to procure a bomb squad suit from MED ENG.
 2. Permission to sell 5 decommissioned police vehicles at the on-line city auction scheduled for October 13, 2024. We are also requesting to transfer one decommissioned police vehicle to the Fire Department.
 3. Permission to dispose of all fraudulent ShotStop special threat plates.
- M. Consider the request for approval from the Public Works - Service Operations Department for the following:
1. ~~Permission to accept a proposal from Energy Tech Systems, Inc. to upgrade HVAC controls at City County Building, 221 North 5th Street.~~

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

1. **Sole source emergency repair of Goulds low lift pump at the Water Treatment Plant.**
2. Receive notification of emergency repair of stormwater pipe along West Main Avenue.
3. Time extension change order from Leo Daly for the Public Works Expansion Project.
4. Water Treatment Plant CMAR Contract Amendment 1 for additional services.

3. **REGULAR AGENDA**

2.A.

Commissioner Risch motioned to approve the September 10, 2024, minutes and Commissioner Cleary seconded. After discussion, Commissioner Risch withdrew his motion.

Commissioner Connelly motioned to approve the September 10, 2024, minutes amended to include that incentives may or may not be available for Regular Agenda Item 3G and Commissioner Cleary seconded.

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

2.E.1.

Commissioner Risch requested that Consent Agenda Item 2.E.1 be pulled from the agenda as Airport staff have additional information to add to the item which they will bring back at an upcoming meeting. The consensus of the Commission was to pull the item from the agenda.

2.G.1

Commissioner Zenker requested further explanation regarding the proposed changes to setback lines in Wachter's Seventh Addition as he had received calls questioning the proposed changes.

Daniel Nairn, Planning Manager, provided information regarding the proposed changes.

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

[Public Comment](#)

2.J.1

Commissioner Risch introduced Ordinance 6587, which creates the Prohibited Camping Ordinance. Dave Draovitch, Police Chief, and Renae Moch, Bismarck-Burleigh Public Health Director, both provided additional information on the need for the ordinance and its intent.

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

- A. Consider the request to receive a presentation on Bismarck's Land Development Code, including an assessment of the existing zoning and subdivision ordinance and available options to consider for organizing the new version of this ordinance.

Jenny Baker with Clarion Associates provided a presentation regarding the Land Development Code. Ms. Baker and the Community Development Department will host two public input meetings to gain knowledge about what the citizens' opinions are about the current City Ordinance and what they would like to see for the future.

[Land Development Code - Presentation](#)
[Land Development Code - Issues Assessment](#)

The Commission received the report.

- B. Public hearing on a request for a new Class I-2: Complimentary Alcohol license for White Lace Bridal, Inc. (dba) White Lace Bridal at 202 East Broadway Avenue.

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

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

- C. Public hearing on Ordinance 6588 to create the Resisting Arrest ordinance.

Commissioner Risch introduced the item.

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

Commissioner Risch motioned to approve Ordinance 6588 as presented, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

- D. Public hearing on the approval of the concrete sidewalk, curb and gutter, and private driveway assessments as part of SW2023 assessments.

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

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

- E. Public hearing for the 2024 special assessment districts and confirm the assessments as amended.

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.

F. Public hearing on Ordinance 6589 for the 2025 City budget.

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

Commissioner Risch motioned to remove two Fire Department positions as they are not currently being filled and allow Administration to fill two positions that are more urgent, and Commissioner Cleary seconded for discussion. Upon a roll call vote, Commissioner Risch voted aye, Commissioners Cleary, Zenker, Connelly, and Mayor Schmitz voted nay. M/F.

Commissioner Zenker motioned to reduce mills for 2025 by one mill based on the prior agreement with Burleigh County, and Commissioner Connelly seconded. After discussion, Commissioner Zenker withdrew his motion.

Commissioner Zenker motioned to reduce the budget by \$525,104, currently equal to a one-mill contribution to Burleigh County, and Commissioner Connelly seconded. Upon a roll call vote, Commissioners Risch, Zenker, Connelly, and Mayor Schmitz voted aye, Commissioner Cleary voted nay. M/C.

Commissioner Zenker motioned to move reserve funds of \$242,602 to the income side of the 2025 budget to offset the mill reduction, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Cleary motioned to approve the 2025 budget Ordinance 6589, including the 2025 fees and charges and general fund commitment balance amounts that were presented during the preliminary budget on July 23, 2024, and the changes made by the Commission at this meeting, and Commissioner Zenker seconded. After discussion, Commissioner Clear withdrew her motion.

Commissioner Cleary motioned to approve Ordinance 6589 for the 2025 Budget with the previously approved motions including the budget reduction of \$525,104, and moving reserves of \$242,602 to the income side of the budget, and a 5% reduction in the base charge for water, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

G. Consider the request to receive a presentation regarding regulatory compliance with legislative revisions to the EPA Lead and Copper Rule (LCRR).

Michelle Klose, Public Works Utility Operations Director, presented information resulting from the Environmental Protection Agency's (EPA) Lead and Copper Rule Revision and how the City will work to maintain compliance moving forward.

EPA Lead and Copper Rule Revision Presentation

The Commission received the report.

H. Consider the request for approval to eliminate two 911 Communications Specialist positions in CenCom and reallocate budget dollars to provide equity increases to employees.

Jason Tomanek, City Administrator, addressed the Commission seeking approval of a pilot program to address the chronic struggle to attract and retain staffing for Central Communications (CenCom).

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

- I. Consider the request from Public Works Service Operations to enter Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiations/negotiation strategy under NDCC Section 44-04-19.1 (9).

Commissioner Cleary motioned to enter into Executive Session at 7:42 PM, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 8:24 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

Commissioner Connelly encouraged citizens to attend the September 25, 2024, public input meeting to discuss the Land Development Code revision, hosted at the City/County Building by the Community Development Department.

ADJOURN

There being no further business to discuss, the meeting adjourned at 8:25 PM.