



## MEETING OF THE BOARD OF CITY COMMISSIONERS

2/22/2022 - Minutes

Call to Order.

The Board of City Commissioners met in regular session on February 22, 2022, at the hour of 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners present included: Commissioner Guy, Commissioner Marquardt, Commissioner Splonskowski, Commissioner Zenker, and Mayor Bakken.

### FUTURE COMMISSION MEETINGS:

- March 8, 2022 & March 22, 2022
- April 12, 2022 & April 26, 2022
- May 10, 2022 & May 24, 2022

### MISSION STATEMENT

The mission statement was read by Mayor Bakken.

### 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. Joshua Ternes spoke regarding consent agenda item H7.
  2. Jon Wald spoke regarding consent agenda item H7.

### 2. CONSENT AGENDA

Commissioner Guy made a motion to approve as presented, Commissioner Zenker seconded.

Upon roll call, all voted aye. M/C

- A. Consider approval of minutes.
- B. Consider approval of expenditures.

Vouchers 1102951-1103201.

- C. Consider approval of personnel actions.

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

1. Request to appoint Tami Ternes to the Bismarck-Mandan Mayors' Committee for People with Disabilities.

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

1. Approve Utility Easement with MDU supporting the U'Ren Hangar Development project.
2. Receive and consider bids for Meisner Building Demolition.

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

1. Permission to apply for grant funding from AARP's Community Challenge Grant.

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

1. Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, requests approval to purchase one 29-foot heavy-duty fixed-route bus to replace a fixed-route bus that has exceeded its useful life.

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

1. Award of Downtown CPR Project UGP-1-981(120) & UGP-1-981(122), PCN 22512 & 22870, HC 128, SI 555.
2. Award of 43rd Avenue NE Reconstruction AC-NHU-1-981(123), PCN 22929, HC 131.
3. ~~NDDOT GPM agreement for Bismarck Expressway Railroad Overpass—HC 435.~~
4. Resolution receiving bids and ordering the preparation of the Engineer's Statement and resolution awarding contract for Street Improvement District SI 556 and Sewer Improvement District SE 580.
5. Resolution receiving bids and ordering the preparation of the Engineer's Statement and resolution awarding contract for Street Improvement District SI 557.
6. Resolution approving plans and specifications and resolution directing the advertisement of bids and receive bids for Street Improvement District SI 559.
7. Resolution approving plans and specifications and resolution directing the advertisement of bids and receive bids for Street Improvement District SI 560.
8. Resolution Declaring Petitions for Improvements have been received, request for resolution creating district and ordering preparation of preliminary report, and request for resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 562.
9. Resolution declaring petitions for improvements have been received, resolution creating district and ordering preparation of preliminary report, and resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 563.
10. Resolution declaring petitions for improvements have been received, resolution creating districts and ordering preparation of preliminary reports, and resolution approving the preliminary reports and directing the preparation of plans and specifications for Street Improvement District SI 565 and Sewer Improvement

District SE 581.

11 Resolution declaring petitions for improvements have been received, resolution creating district and ordering preparation of preliminary report, and resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 566.

I. Consider the request for approval from the Event Center for the following:

1. Permission to purchase equipment for Pro-Ad and software upgrades for Daktronic equipment operations.
2. Permission to approve the agreement for freight services at the Event Center with Jobbers Moving & Storage.

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

1. Application for Abatement for the following where the Assessing Division recommends approval:
  - o 2515 Domino Dr, Leroy & Shirley Brend, Disabled Veterans Credit 2020 & 2021
  - o 3224 Tyndale Dr, Matthew & Melissa Mitzel, Reduction of True and Full Market Value 2021
  - o 920 Arthur Dr, James Fuglie & Lillian Crook, Disabled Veterans Credit 2020
  - o 416 S 11th St, Corey Kaseman, Disabled Veterans Credit 2020 & 2021
2. 2021 budget transfers, appropriations, amendments, and rollovers into the 2022 budget.

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

1. Accept a donation received from ORS Impact for Animal Control.

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

1. Amendment to Task Order 2021-01 to the Agreement with HDR Engineering for Solid Waste Operations.
2. Electronics recycling contract for 2022-2023 option year.

3. REGULAR AGENDA

4. Receive a report from HDR Engineering regarding the Set-Out Study results.

Jennefer Klennert gave a report from HDR Engineering with the results of the Set-Out Study.

Commissioner Zenker made a motion to accept the survey and allow the Public Works Service Operations Department to continue to look for improvements, including automated trucks and the methods of collecting, Commissioner Guy seconded.

Upon roll call, all voted aye. M/C

- <https://bismarcknd.gov/DocumentCenter/View/39912/Waste-Collections-Set-Out-Study-Report-PDF>

- <https://bismarcknd.gov/DocumentCenter/View/39913/Waste-Collections-Set-Out-Study-Presentation-PDF>

5. Public Hearing on Ordinance 6498, the annexation of part of Silver Ranch Third Addition, requested by Investcore, Inc. and Bismarck Parks and Recreation District.

Daniel Narin, with the Community Development Department, addressed the Commission regarding Ordinance 6498. An annexation of part of Silver Ranch Third Addition, requested by Investcore, Inc. and Bismarck Parks and Recreation District.

Commissioner Marquardt made a motion to approve the ordinance as presented, Commissioner Guy seconded.

Upon roll call, all voted aye. M/C

6. Public Hearing on Ordinance 6499, the annexation of parts of Silver Ranch First Addition First Replat and Silver Ranch Second Addition, requested by Investcore, Inc.

Daniel Narin, with the Community Development Department, addressed the Commission regarding Ordinance 6499. An annexation of parts of Silver Ranch First Addition First Replat and Silver Ranch Second Addition, requested by Investcore, Inc.

Commissioner Splonskowski made a motion to approve the ordinance as presented, Commissioner Guy seconded.

Upon roll call, all voted aye. M/C

7. Consider the request of My Happy Place, LLC and Ann Andre for designation of 319 North Mandan Street as a rehabilitation Renaissance Zone project as a 100% property tax exemption on the building for five years and an exemption from state tax on income derived from the location for five years. The property is owned by My Happy Place, LLC and is legally described as the West 100 feet of Lots 21-22 and West 100 feet of the South 5 feet of Lot 23, Block 112, Original Plat.

Commissioner Zenker moved to approve the request. Commissioner Splonskowski seconded the motion.

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

8. Consider the request of the Community Development Department and Central Dakota Communications Center (CENCOM) to change the name of Cogburn Drive to Cogburn Road within Elk Ridge Second Addition.

Commissioner Marquardt moved to approve the request. Commissioner Zenker seconded the motion.

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

9. Consider the request of the Community Development Department and Central Dakota Communications Center (CEMCOM) to change the name of portions of Silver Ranch Road to Silbernagel Drive within Silver Ranch First Addition and Silver Ranch First Addition First

Replat.

Commissioner Splonskowski moved to approve the request. Commissioner Guy seconded the motion.

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

10. Consider the request from the Engineering Department to hear insufficiency of protests on resolution of necessity for Street Improvement District SI 559.

City Engineer Gabe Schell presented information regarding the protests on the resolution of necessity for Street Improvement District SI 559. Joshua Ternes and Jon Wald spoke regarding their opposition to the special assessment. Mr. Ternes collected letters opposing SI 559 from other property owners within the district. It was determined that an insufficient percentage of property owners opposed the project. Commissioners Zenker and Splonskowski indicated they did not support Unit 7 of the district, which is the area Mr. Ternes referenced in his comments.

Commissioner Guy moved to approve the request. Commissioner Zenker seconded the motion for discussion.

Upon roll call vote, Commissioners Marquardt, Guy, and Mayor Bakken voted aye, Commissioners Splonskowski and Zenker voted no. M/C

- <https://bismarcknd.gov/DocumentCenter/View/39911/SI559-Protest-PDF>

11. Consider the request for approval of a resolution authorizing the issuance and delivery of allonge and amendment to loan agreement for Water Treatment Revenue Bond, Series 2009, with the State of North Dakota State Revolving Fund Program.

Finance Director Dmitriy Chernyak presented information regarding the issuance and delivery of allonge and amendment to the loan agreement for Water Treatment Revenue Bond, Series 2009, with the State of North Dakota State Revolving Fund Program. Through this effort, there is a savings of \$555,000.

Commissioner Zenker moved to approve the request. Commissioner Splonskowski seconded the motion.

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

12. Continue discussion on Water, Sewer, and Stormwater Utility.

Commissioner Marquardt outlined the scope of work and cost proposal from Stantec to analyze the water and sewer rate structure that was implemented in the 2018 water rate study. There was a discussion at the table regarding Stantec's proposal initially presented. After negotiations and modifications to the scope of work, the final proposal amount is \$89,700. Commissioners expressed concerns about the cost and expressed interest in having additional City staff support to analyze data and determine ways to help through internal customer service support. The commission directed staff to continue working with Stantec to revise the proposal. It indicated if a special meeting to discuss this project is necessary, the commission indicated support of a special meeting.

13. Receive an update on the Bismarck Citizen Academy program.

Assistant City Administrator Jason Tomanek provided an update on the progress of the Bismarck Citizen Academy. The class is halfway through the program and feedback has been positive from attendees and staff. The spring 2022 session is scheduled to conclude on March 22, 2022.

14. Consider approving the request to fund select items to support activities associated with the Bismarck 150th Anniversary celebrations during the summer of 2022.

Assistant City Administrator Jason Tomanek presented a request to the commission for staff to purchase promotional material not to exceed \$10,000, accept donations for the celebration from community partners, implement the Yondar augmented reality website at no cost to the City and accept the proposal from Agency MABU. Agency MABU has provided a list of promotional materials produced for the City's use and other participating organizations. The materials would include, but not be limited to, 40-60 social media graphics and supporting text to be shared and made available on the City's website; a two to a three-minute video featuring a montage of historical photos and facts relating to Bismarck's storied history; and six flyers to be used to promote various activities taking place during the sesquicentennial celebration. The proposal from Agency MABU is not to exceed \$27,750.

Commissioner Zenker moved to approve the request. Commissioner Splonskowski seconded the motion.

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

- <https://bismarcknd.gov/DocumentCenter/View/39914/Promotional-Material-Examples-PDF>

Other Business

Adjourn

There being no further business, the meeting adjourned at 8:02 PM.

*Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501  
[www.bismarcknd.gov](http://www.bismarcknd.gov) | TDD 711 | An Equal Opportunity-Affirmative Action Employer*

