



## MEETING OF THE BOARD OF CITY COMMISSIONERS

3/8/2022 - Minutes

Call to Order.

The Board of City Commissioners met in regular session on March 8, 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 22, 2022
- April 12, 2022 & April 26, 2022
- May 10, 2022 & May 24, 2022

### MISSION STATEMENT

Mayor Bakken read the mission statement.

### MEETING OF THE BOARD OF CITY COMMISSION

#### Women in Construction Week Proclamation

The Mayor read the proclamation declaring March 6-12, 2022, as Women in Construction Week in the City of Bismarck.

<https://bismarcknd.gov/Archive.aspx?ADID=2941>

1. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).
  - Dustin Gawrylow spoke during public comment encouraging the support of Item 8, green-field / new development special assessments.
  - Hunter Carlson, a Bismarck Boy Scout, attended the meeting as part of the requirements to earn the Citizenship in the Community Merit badge towards becoming an Eagle Scout.

#### 2. CONSENT AGENDA

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

Upon roll call, all voted aye. M/C

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

Vouchers 103202-1103395

- C. Consider approval of personnel actions.
- D. Consider the request for approval from the Administration Department for the following:

1. Approve gaming site application for the Bismarck-Mandan Convention & Visitors Bureau at:

- o O'Brian's Sports Tavern – 1059 East Interstate Avenue
- o Quality Inn – 1030 East Interstate Avenue
- o Radisson Hotel Bismarck – 605 East Broadway Avenue
- o Ramkota Hotel – 800 South 3rd Street
- o Stadium Sports Bar & The Lodge – 1247 West Divide Avenue

2. Approve gaming site application for the Bismarck Gymnastics Academy at:

- o Buffalo Wild Wings – 218 South 3rd Street

3. Introduction of and call for a public hearing on a request for a new Class E Retail Beer liquor license for John's Meat Market, Inc.

4. Request for a letter of support from DJK Ventures, LLC.

5. Appoint Julie Ramos Lagos and Carl Young to the Bismarck Human Relations Committee with terms to expire December 31, 2024.

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

1. Change Order 3 to September 11, 2021, Edling Electric Wetland Phase 5/6 Agreement.

2. Consider Engineering Agreement with KLJ for the Snow Removal Equipment (SRE) Building Project.

3. Amendment 1 to September 8, 2020, KLJ Wetland Phase 5/6 Agreement.

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

1. Introduction of and call for a public hearing on Ordinance 6500, a zoning change from the Conditional CA-Commercial zoning district to the Conditional CG-Commercial zoning district for Lot 1, Block 1, Cottonwood Parkview Addition, requested by Western Partners, LLP. The Bismarck Planning and Zoning Commission recommends approval.

2. Introduction of and call for a public hearing on a request for an amendment to the Fringe Area Road Master Plan (FARMP) to relocate the future beltway alignment from the curve that is identified through the N½ of Section 7, Gibbs Township, to the adjacent arterial roadways (66th Street NE and 71st Avenue NE requested by Tim Staloch. The Bismarck Planning and Zoning Commission recommends approval.

3. Material changes to the approved final plat of South Meadows Third Addition. Staff recommends approval.

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

1. The request of the North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for Bismarck Expy RR Overpass Repair Project CVD-NHU-1-810(029)004, City Project HC 135.
2. The request for Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for Street Improvement District SI 562.
3. The request for Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for Street Improvement District SI 564.
4. The request for Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for Street Improvement District SI 565 and Sewer Improvement District SE 581.
5. The request for Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for Street Improvement District SI 566.
6. The revised Private Drive and Private Utility Agreement with Investcore, Inc.
7. The request for a street closure for BisMarket.
8. The request for a street closure for Urban Harvest.

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

1. Purchase of a fire engine.

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

1. Permission to close out competitive bidding for asphalt and concrete crushing without a bid award.
2. Permission to enter into a contract with EAPC Architects Engineers to provide architectural consulting services for the Fire Station 1 Remodel Project.
3. Permission to purchase fleet management software for Fleet Services.
4. Permission to purchase a motor grader wing plow assembly for Roads & Streets operations.
5. Permission to accept the contract with F&D Office, LLC to continue leasing a shop condo at 1347 South 22nd Street Unit 20, Bismarck, ND, for our Building Maintenance Division.

### 3. REGULAR AGENDA

#### 4. Commissioner Portfolio Report - Commissioner Guy

Commissioner Guy gave a portfolio presentation to the Commission.

<https://bismarcknd.gov/DocumentCenter/View/39977/Commissioner-Guy-Portfolio-Presentation---March-8-2022-PDF>

#### 5. Receive the Human Relations Committee's annual report from Sargianna Wutzke.

Sargianna Wutzke with the Human Relations Committee presented the annual report to the Commission.

<https://bismarcknd.gov/DocumentCenter/View/39978/2021-HRC-Annual-Report-Presentation-PDF>

6. Consider the request to hear Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 560.

City Engineer Gabe Schell presented information regarding the protests on the resolution of necessity for Street Improvement District SI 560. The Engineering Department sent 60 letters to the property owners and did not receive protests for the improvement.

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

Upon roll call, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/39976/SI560---Protest-Summary-PDF>

7. Consider the request for construction of Sidewalk, Curb and Gutter, and Driveways - 2022

City Engineer Gabe Schell presented information regarding the sidewalk, curb and gutter, and driveway construction for 2022.

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

Upon roll call, all voted aye. M/C

8. Discussion of the elimination of green-field/new development special assessments.

Commissioner Guy started the discussion about the elimination of green-field/new development special assessments as a result of a conversation at a recent Special Assessment Task Force Meeting. Commissioner Guy indicated that the topic had previously been discussed in 2017 by the Special Assessment Task Force at that time. Currently, some developers use the City of Bismarck special assessment process for new development. In recent years the City has instituted capital charges associated with new water and sewer projects as a means to recover costs associated with new development. One advantage of eliminating special assessments is a value for homebuyers as the special assessments are not considered a portion of the debt to income ratio. Those costs could be rolled into the price of the lot and, in turn, included in the mortgage. It was also noted that the City of Bismarck would save in administrative fees for the bonding and project preparation of bonding for special assessments. The general consensus was favorable to move this concept forward. The conversation closed with the note that a public vote would not be required to make this change as it is a policy discussion and Commission action only.

Commissioner Guy made a motion to direct staff to move forward with talks with developers and stakeholders to work toward eliminating green-field special assessments. Commissioner Splonskowski seconded the motion.

Upon roll call, all voted aye. M/C

9. Consider the request to approve the 2023 tentative budget calendar.

Dmitriy Chernyak, Finance Director, and Commissioner Marquardt outlined the proposed

schedule for the 2023 budget process. Key dates include the following:

- May 16 – June 17, City Commissioners meet with Finance Director and respective portfolio Department Directors to discuss the budget.
- June 20 – June 24, Budget Committee meets with Departments on priority initiatives requests for employees, base budgets, one-time budget expenditures, and other budget-related items.
- June 27 – July 11, Finance Director meets with each City Commissioner to discuss budget committee recommendations.
- July 12, Budget Committee presents draft #1 recommendations and budget information to the City Commission
- July 26, Budget Committee presents draft #2 recommendations and budget information to the City Commission
- August 2, (8:00 AM) City Commission reviews final Budget Committee recommendations and approves 2023 preliminary budget.
- August 10, City submits the preliminary budget to the County Auditor.
- August 23, Budget Ordinance introduced by City Commission.
- September 13, City Commission adopts Budget Ordinance.
- October 10, City submits Budget Ordinance to County Auditor.

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

Upon roll call, all voted aye. M/C

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

Commissioner Marquardt began the discussion of water rates by stating that Finance is working with Public Works Utility staff to understand and interpolate the collected data associated with water production and distribution. Commissioner Marquardt noted that it was recommended in 2018 that a five-year check-in would be appropriate when the current model was implemented. Commissioner Marquardt noted that Stantec has provided a proposal to complete that work for \$89,700.

Commissioner Zenker expressed frustration with the length of time necessary to conduct the study. He indicated a preference to see a reduction of the rates before summer. Commissioner Zenker added that he believes that the current water rate structure deterred people from watering their lawns, and it penalizes large families that consume higher quantities of water.

Michelle Klose, Public Works Utility Operations Director, noted that the intent of the fees is to reflect the cost of the service to produce and supply the water, and it was at the direction of the Commission in 2018.

Commissioner Marquardt noted that his primary concern is fire protection and clean drinking water.

Commissioner Guy made a motion to move forward with the water rate study and revised scope of work as presented by Commissioner Marquardt. Commissioner Marquardt seconded the motion.

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

**11. Approval of Limited Authorization to Proceed with Kraus-Anderson for the New Public Health Building and Public Works Expansion Projects.**

Commissioner Zenker moved to approve the request as presented. Commissioner Guy seconded the motion.

Upon roll call, all voted aye. M/C

Other Business

Adjourn

There being no further business, the meeting adjourned at 7:05 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*

