



MEETING OF THE BOARD OF CITY COMMISSIONERS

4/27/2021 - Minutes

FUTURE COMMISSION MEETINGS:

MISSION STATEMENT

MEETING OF THE BOARD OF CITY COMMISSION

Call to Order.

Commissioners present included: Commissioner Guy, Commissioner Marquardt, Commissioner Zenker, and Mayor Bakken.

Commissioner Splonskowski was absent.

1. Proclamation recognizing May 7, 2021 as Arbor Day.
2. Proclamation Recognizing May 2021 as National Historic Preservation Month
3. Present the Humanitarian Award to Rachael Howard and Dakota OutRight.
4. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).
Kate Herzog with the Downtowners Association spoke in general support of Regular Agenda Item #18.
5. Consider the approval of the minutes.

Commissioner Marquardt moved to approve the minutes as presented. Commissioner Zenker seconded the motion.

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

6. CONSENT AGENDA

Commissioner Marquardt moved to approve the Consent Agenda with the exception of Item E3. Commissioner Zenker seconded the motion.

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

Jannelle Combs provided a report of the emergency declaration items that will either discontinue or be modified due to the emergency declaration's expiration. Attorney Combs listed the following:

1. EOC will stand down.

2. Transfer of remaining personal protective equipment (PPE) to appropriate departments.
3. Call center for vaccine appointments will not be impacted.
4. Cleaning staff from the Bismarck Event Center will need to return to their assigned duties.
5. COVID E-Leave for City Employees is discontinued.
6. Employee operations and mask requirements while working may need to be modified.
7. Approved straight-time overtime pay for Public Health staff working on the emergency shelter operations.
8. Emergency shelter contract: 14-day notice to end the contract is required.
9. Zoom meetings and City Commission protocols will be modified but will continue to allow remote participation in meetings for staff and the public and remote bid openings for City projects.

A motion was made by Commissioner Guy and seconded by Commissioner Marquardt to extend the emergency order to May 20, 2021, with the understanding that the powers would only continue to emergency shelter operations and straight overtime pay for Public Health Staff working on the emergency shelter operations, but the remaining pandemic change in operations will remain in effect until April 30, 2021. Department Directors will retain discretion relating to employees' mask-wearing and encourage employees to wear a mask when deemed appropriate.

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

- A. Consider approval of personnel actions.
- B. Consider approval of expenditures.
- C. Consider the request for approval from the Administration Department for the following:
- D. Consider the request for approval from the Airport for the following:
- E. Consider the request for approval from the Attorney for the following:
- F. Consider the request for approval from the Community Development Department for the following:
- G. Consider the request for approval from the Engineering Department for the following:
- H. Consider the request for approval from the Finance Department for the following:
 - I. Consider the request for approval from the Police Department for the following:
 - J. Consider the request for approval from the Public Works - Service Operations Department for the following:
 - K. Consider the request for approval from the Public Works - Utility Operations Department for the following:

7. REGULAR AGENDA

8. Commissioner Portfolio Report - Commissioner Guy
Commissioner Guy provided an update of the portfolios she holds.

9. Consider the request for approval from the Administration Department of the revised City of Bismarck logo, new slogan, and other organizational branding standards.

The commission received a report from Mike Mabin with Agency MABU relating to the City's organizational branding. Mr. Mabin reported on the progress to develop the City's Public Information Council to improve communications, the Citizen's Academy Project, and organizational brand standards, including a revised logo, a new tagline, and an internal brand guidelines handbook.

Commissioner Guy moved to adopt the report, the revised City logo, brand guidelines document, and the new tagline "Bismarck's the Spot." Commissioner Zenker seconded the motion.

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

10. Consider the the discussion with representatives from Friends of the Rail Bridge relating to mitigation measures.

Susan Wefald and Claudia Berg with Friends of the Rail Bridge provided the commission with a list of mitigation measures relating to the future of the BNSF rail bridge. Mitigation measures would include a \$2 million endowment that BNSF would pay to preserve the memory of the rail bridge if it were to be demolished. The endowment could be managed by the City of Bismarck and the City of Mandan collectively or by the North Dakota State Historical Society. No decision was requested at this meeting. The report was for the sharing of information.

11. Public hearing on a new Class U Domestic Distillery Liquor License for Big Dog Beverages, LLC., dba, Big Dog Beverages, located at 307 S. 3rd St.

Commissioner Zenker moved to approve the Class U Domestic Distillery Liquor License at 307 S. 3rd Street. Commissioner Marquardt seconded the motion.

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

12. Public hearing on a new Class U Domestic Distillery Liquor License for Bismarck Distillery, LLC., dba, Bismarck Distillery, located at 1100 Canada Ave.

Commissioner Marquardt moved to approve the Class U Domestic Distillery Liquor License at 1100 Canada Avenue. Commissioner Guy seconded the motion.

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

13. Public hearing on a new Class F1 Restaurant Full Alcohol Liquor License for Shelter Belt, LLC., dba, Shelter Belt, located at 307 N. 3rd St.

Commissioner Guy moved to approve the Class F1 Restaurant Full Alcohol Liquor License at 307 N. 3rd Street. Commissioner Zenker seconded the motion.

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

14. Public hearing on Ordinance 6459, regarding motorized scooters.

Commissioner Zenker moved to approve Ordinance 6459 regarding motorized scooters as

presented. Commissioner Marquardt seconded the motion.

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

15. Public hearing on Ordinance 6457, the annexation and development agreement for part of Clear Sky Addition.

Commissioner Marquardt moved to approve Ordinance 6457, the annexation and development agreement for part of Clear Sky Addition. Commissioner Guy seconded the motion.

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

16. Consider the request from the Community Development Department for the following:

1. Public hearing on Ordinance 6458; annexation of First Responders Second Addition.
2. Final consideration of the final plat for First Responders Second Addition.

Commissioner Marquardt moved to approve Ordinance 6458, the annexation of First Responders Second Addition, and the final plat of First Responders Second Addition. Commissioner Zenker seconded the motion.

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

17. Public hearing on release of sanitary sewer and storm sewer easements over Lot 7, Block 1, Pinehurst Square Addition.

Commissioner Zenker moved to approve the release of a sanitary sewer and storm sewer easements over Lot 7, Block 1, Pinehurst Square Addition. Commissioner Marquardt seconded the motion.

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

<https://bismarcknd.gov/DocumentCenter/View/37516/RCD-Pinehurst-Square-Easement-Release-AmendedPDF>

18. Consider the request from the Engineering Department to receive a presentation and recommendations on Downtown Concrete Pavement Repair.

City Engineer Gabe Schell provided a report to the commission highlighting features of the proposed street improvement district for downtown Bismarck. The project includes concrete street, sidewalk, ADA ramp upgrades, pedestrian curb extensions, select watermain replacement, retrofit lighting fixtures to LED lighting, landscaping, and curb and gutter repairs. Engineer Schell noted that a portion of the project would be funded through the NDDOT Urban Grant's program.

Project costs are estimated from \$5.0 million to \$5.5 million. The federal share of the two separate urban grant awards is capped at \$2.28 million. Public Works Water Utility will be responsible for the water main replacement costs associated with this project. The remaining \$2.3 to \$2.8 million has been identified as funded through special assessments to the benefited property. Anticipated next steps would be the creation of the special assessment district for this project which would include a direct mailing to all property owners within the district boundary.

Commissioner Zenker moved to direct City Engineer Schell to develop a special assessment district and to move forward with the project as described. Commissioner Guy seconded the motion.

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

<https://bismarcknd.gov/DocumentCenter/View/37515/Downtown-Bismarck-Concrete-Pavement-Repair-Project-Presentation-PDF>

19. Discussion on how the new Police Department and Public Health facilities will be financed.

Commissioner Marquardt described four different plans to address the space needs by the Police Department and the Bismarck-Burleigh Public Health Department. Those options are described in the link below.

- Commissioner Marquardt discussed bonding options for payment, but his preference would be Plan B.
- Commissioner Zenker referenced the existing building construction fund as an additional means of revenue.
- Commissioner Guy stated her preference would be for Plan D. For any project without a dedicated revenue source; there is a hesitancy to move forward because the property tax impact on homeowners isn't palatable.

A discussion was held regarding the timing of a ballot measure in either June of 2022, November of 2022, or a special election.

Commissioner Guy motioned to adopt Plan D for Bismarck-Burleigh Public Health and Plan C for the Police Department. Commissioner Marquardt seconded the motion.

Upon roll call vote, Commissioner Guy voted aye. Commissioner Marquardt, Commissioner Zenker, and Mayor Bakken voted nay. M/F

Commissioner Marquardt made a motion to support Plan B to purchase a greenfield site for the Police Department, purchase an existing property for Bismarck-Burleigh Public Health using the construction reserve fund, and a vote for a sales tax increase for the construction of a new Police Department Facility. Commissioner Zenker seconded the motion.

Upon roll call vote, Commissioner Marquardt and Mayor Bakken voted aye. Commissioner Guy and Commissioner Zenker voted nay. M/F for lack of a majority.

Commissioner Zenker made a motion to table the discussion until the May 11, 2021 meeting. Commissioner Guy seconded the motion. Upon roll call vote, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/37518/Space-Needs-Options-PDF>

20. Review and discuss the 2021 Legislative Report #6.

Administrator Hunke noted that it was day 74 of the legislative session. Administrator Hunke noted the passage of House Bill 1419, relating to the street utility fee. Administrator Hunke indicated a desire to reengage the Special Assessment Task Force to see if those individuals are interested in serving in that capacity again.

Commissioner Guy made a motion to reconvene the Special Assessment Task Force and direct staff to audit the membership and determine if there are gaps in availability and return to the commission's next meeting with a report of how to move forward. Marquardt seconded the motion. Upon roll call vote, all voted aye. M/C

Other Business

Adjourn

The meeting adjourned at 8:35 p.m.

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