



## MEETING OF THE BOARD OF CITY COMMISSIONERS

7/12/2022 - Minutes

### Call to Order

The Board of City Commissioners met in regular session on July 12, 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 Cleary, Commissioner Marquardt, Commissioner Splonskowski, Commissioner Zenker, and Mayor Schmitz.

### FUTURE COMMISSION MEETINGS:

- July 26, 2022
- August 9, 2022 & August 23, 2022
- September 13, 2022 & September 27, 2022

### MISSION STATEMENT

Mayor Schmitz read the mission statement.

### 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 comment was received.

2. CONSENT AGENDA

Commissioner Marquardt motioned to approve as presented, and Commissioner Cleary 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
- D. Consider the request for approval from the Administration Department for the following:

1. Liquor License Renewals

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

1. Lease Amendments with Aircraft Management Services.
2. Utility Easement for Central Power Electric Cooperative.

F. Consider the request for approval from the Community Development Department for the following which the Planning & Zoning Commission recommends approval:

1. Introduction of and call for a public hearing on Ordinance 6510, a zoning change from the CG-Commercial zoning district to the RMH-Residential zoning district for Block 49 and part of Block 56, Governor Pierce Addition, requested by Bismarck Rental Properties, LLC.
2. Introduction of and call for a public hearing on Ordinance 6511, a zoning change from the CG-Commercial zoning district to the RMH-Residential zoning district for Block 45, Governor Pierce Addition, requested by Bismarck Rental Properties, LLC.
3. Introduction of and call for a public hearing on Ordinance 6512, a zoning change from the RT-Residential zoning district to the DF-Downtown Fringe zoning district for Lot 7, Block 41, Northern Pacific 2<sup>nd</sup> Addition, requested by Venture Property Management.
4. Introduction of and call for a public hearing on Ordinance 6513, a staff-initiated zoning ordinance text amendment relating to agency foster homes for adults.
5. Introduction of and call for a public hearing on Ordinance 6514, a staff-initiated zoning ordinance text amendment relating to front yard setbacks in CG and MA zoning districts.
6. Introduction of and call for a public hearing on Ordinance 6515, a request for the annexation of Paradise Valley Addition.
7. Introduction of and call for a public hearing on Ordinance 6516, a request for a zoning change from the RR – Rural Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial, and P – Public zoning districts for Paradise Valley Addition.
8. Introduction of and call for a public hearing on a Future Land Use Plan amendment to increase the size of the area designated as Commercial/Mixed Use from approximately 12 acres to approximately 19 acres in Section 21, Lincoln Township.
9. Minor subdivision final plat of Hamburg Industrial Park 1<sup>st</sup> Addition 1<sup>st</sup> Replat, requested by BRB Woodworking and Design, LLC.
10. Minor subdivision final plat of Airport Industrial Park Third Addition First Replat, requested by Airway Storage, LLP.

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

1. Development Agreement with Don Ressler.
2. Development Agreement – Paul Szarkowski, ETAL.
3. Contract Change Order No. 3, contract increase and revised project budget for Street Improvement District No. 551 and Sewer Improvement District No. 579.
4. Contract Change Order No. 2 for Street Improvement District No. 547.
5. Dedication of and acceptance of a sidewalk easement on Lot 2, Block 5 Trillium Fourth Addition.
6. Request to accept North Dakota Department of Transportation (NDDOT) funding to construct a shared-use path within State Street right of way from Calgary Avenue to 43rd Avenue.

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

1. Applications for Abatement where the Assessing Division recommends approval.
2. Introduction of and call for a public hearing for ordinances 6507-6509 to create special assessment districts for annexed properties.

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

1. License agreement with Chick-fil-A
2. License agreement with Exceptionally Nuts
3. Award bid to Jesse Braun Electric, LLC for Exhibit Hall meeting rooms lighting and control upgrades.

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

1. Receive and approve the bid for Employee Health Insurance Benefits Broker & Consulting.

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

1. Permission to award bid for electronic recyclable items.
2. Permission to dispose of/sell Public Works inventory at a public marketplace commonly used for the sale of motor vehicles.
3. Permission to award the 2022 furnishing street maintenance materials for salt and sand.

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

1. Permission to proceed with the Utility Billing Fulfillment Services Contract for an additional one-year term.

3. REGULAR AGENDA

4. Public hearing on the request to transfer the Class E Beer-Only On/Off-Sale License to Tri-Energy Cenex (dba) Runway Express Mart at 1740 Airport Road.

No member of the public appeared for comment.

Commissioner Zenker motioned to approve the license transfer as presented, and Commissioner Splonskowski seconded the motion.

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

5. Consider the request for an appeal of the June 22, 2022 decision of the Planning and Zoning Commission to deny a zoning change from the RT – Residential zoning district to the CA – Commercial zoning district on Lot 1 and Lot 2, Block 1, Kilber North Addition First Replat requested by DPH Investments LLC.

The commission considered the request for an appeal of the June 22, 2022, decision of the Planning and Zoning Commission made by DPH Investments, LLC.

Daniel Keith, representative of DPH Investments, LLC. addressed the commission requesting approval of the appeal of the Bismarck Planning and Zoning Commission's decision to deny a zoning change from RT - Residential zoning district to the CA - Commercial zoning district on Lot 1 and Lot 2, Block 1, Kilber North Addition First Replat.

Loran Galpin and Chuck Huber, representatives of Ridge West and Ridge View Developments, addressed the commission requesting that they uphold the Bismarck Planning and Zoning Commission's decision. Mr. Huber and Mr. Galpin expressed concerns about traffic impacts and incompatible land uses.

Commissioner Marquardt motioned to uphold the Bismarck Planning and Zoning Commission's decision, and Commissioner Splonskowski seconded the motion.

Upon a roll call vote, Commissioners Marquardt, Splonskowski, Zenker, and Mayor Schmitz voted aye. Commissioner Cleary voted nay. M/C

6. Consider the request from the Community Development Department to provide information on the FEMA Risk Map update for the area and obtain direction on regulating development in the Floodway/Floodplain based on the best available data.

Ben Ehreth, Community Development Director, presented the FEMA Risk Map update to the commission. Mr. Ehreth stated that FEMA and the North Dakota State Water Commission are in the process of updating the flood risk map for our region. This effort is made to provide accurate information to form the basis for the National Flood Insurance Program. The resulting product will be an updated effective Flood Insurance Rate Map (FIRM). Mr. Ehreth noted that there would be an opportunity for public comment in the near future. Brady Blaskowski, City Building Official/Floodplain Administrator, and Gabe Schell, City Engineer, addressed questions resulting from the commission discussion.

Commissioner Zenker motioned to approve as presented, and Commissioner Splonskowski

seconded the motion.

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

7. Consider the request from the Finance Department to receive the 2021 audit results and the 2021 Annual Comprehensive Financial Report.

Dmitriy Chernyak, Finance Director, presented the 2021 Annual Comprehensive Financial Report to the commission.

Commissioner Marquardt motioned to approve as presented, and Commissioner Zenker seconded the motion.

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

8. Consider the request from the Finance Department for guidance for the City's 2023 preliminary budget, budget requests, and Budget Committee recommendations.

Commissioner Marquardt and Dmitriy Chernyak, Finance Director, presented the 2023 preliminary budget, budget requests, and Budget Committee recommendations to the commission. Commissioner Marquardt provided a recommendation from the Budget Committee that would result in a zero-mill increase in property tax, additional key staff in public safety, continued investment in cyber security protection efforts, ongoing infrastructure maintenance improvements, and an overall balanced budget for 2023. Leanne Schmidt, Human Resources Director, addressed the commission regarding 2023 Salary Planning. After researching other cities and organizations, Ms. Schmidt recommended an overall increase of 5.75% in employee salaries, with a 3.75% adjustment for cost of living and 2% based on performance. Mr. Chernyak stated that the City collects 31.2 million annually in property tax collections, and over 35 million is required to support public safety departments. Mr. Chernyak noted that 56% of the general fund expenses are directly attributed to public safety.

Commissioner Cleary motioned to approve the preliminary budget as presented, and Commissioner Zenker seconded the motion.

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

<https://bismarcknd.gov/DocumentCenter/View/40813/2023-Budget-Presentation-PDF>

#### Other Business

Commissioner Marquardt asked Community Development Director Ben Ehreth for an update on the Together 2045 Comprehensive Plan.

#### Adjourn

There being no further business, the meeting adjourned at 7:51 PM.





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