



MEETING OF THE BOARD OF CITY COMMISSIONERS

12/26/2023 - Minutes

Call to Order

The Board of City Commissioners met on December 26, 2023, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Cleary, Commissioner Connelly, Commissioner Marquardt, and Commissioner Zenker were present. Mayor Schmitz attended the meeting over Teams. Commissioner Marquardt resided over the meeting due to Mayor's online participation.

FUTURE COMMISSION MEETINGS:

- January 9, 2024 & January 23, 2024
- February 13, 2024 & February 27, 2024
- March 12, 2024 & March 26, 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)

2. CONSENT AGENDA

Commissioner Zenker 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

Vouchers: #1115053-1115345.

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

1. Appointing members to the Human Relations Committee.
2. Introduction of and call for a public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's, LLC. (dba) Thomas & Moriarty's at 200 West Main Street, Mandan, ND.
3. Introduction of and call for a public hearing on a request for a new Class C-2: Hotel or Motel Liquor license for NHS, LLC. (dba) Wingate by Wyndham Bismarck at 1421 Skyline Blvd.

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

1. Appointing a member to the Board of Adjustment.
2. Appointing members to the Renaissance Zone Authority.
3. Appointing members to the Bismarck Historic Preservation Commission.
4. Appointing a member to the Bismarck Parking Authority.

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

1. Consider request for resolution approving contracts and bonds for previously awarded special assessed projects.
2. Consider approval of resolution of necessity for Street Improvement District SI 577.
3. Consider request for 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 578.
4. Consider request for resolution creating district and ordering preparation of preliminary report for Street Improvement District SI 579.
5. Consider approving a contract for sidewalk snow removal services with Yard Butler for the 2023-2024 winter season.

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

1. Applications for abatement.
2. Consider approval of the Senior Project Engineer Position to manage City projects.

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

1. Contract Change with Electric Systems for a time extension for the Station 1 remodel.
2. Contract Change with HA Thompson & Sons for a time extension for the Station 1 remodel.

I. Consider the request for approval from the Legal Department for the following:

1. Permission to opt-out of CVS class action suit from Sheet Metal Workers and opt-in to the Blue Cross/CVS matter.

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

1. Permission to receive and consider the disposition of bids for the 2024 City of Bismarck Tow Contract.
2. Permission to accept a bid from Peraton to supply a bomb disposal robot to the BPD Bomb Team.

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

1. Permission to sell Unit # 1428, 4.0 Yard Grapple Bucket at Public Sale for the Roads and Streets Department.

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

1. Amendment to the 2019 South Central Regional Water District Contract.
2. Guaranteed Maximum Price 1 (GMP 1) Contract with PKG Contracting, Inc for the WWTP Effluent Flood Control Project.

3. REGULAR AGENDA

4. Consider the request for approval of the Silver Ranch Fourth Addition and part of Silver Ranch Third Addition, requested by Investcore, Inc and Chad Wachter, LLC.

Daniel Nairn, Planning Manager, provided information relating to Ordinance 6536 and 6537.

1. Public hearing on Ordinance 6536, a request for annexation of parts of Silver Ranch Third Addition and Silver Ranch Fourth Addition
2. Public hearing on Ordinance 6537, a request for zoning map amendment from the A – Agricultural zoning district to the Conditional RM20 – Residential, R10 – Residential, and P – Public zoning districts for Silver Ranch Fourth Addition
3. Major subdivision final plat of Silver Ranch Fourth Addition

Commissioner Marquardt opened the public hearing. No member of the public appeared for comment.

Mayor Schmitz motioned to approve the items related to Ordinance 6566 as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted, aye. M/C

5. Public hearing on Ordinances 6568 to amend the city pensions.

Attorney Combs addressed the commission regarding Ordinance 6568 to amend the City Employee Pensions. Due to publication constraints, the public hearing was not able to be advertised ten days prior to the public hearing, therefore, the public hearing will need to be extended to the January 9, 2024, meeting.

Commissioner Marquardt opened the public hearing. No member of the public appeared for comment.

Commissioner Cleary motioned to table items 5 and 6 to the January 9, 2024, City Commission meeting, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

6. Public hearing on Ordinances 6569 to amend the city pensions.

Attorney Combs addressed the commission regarding Ordinance 6569 to amend Police Pensions. Due to publication constraints, the public hearing was not able to be advertised ten days prior to the public hearing, therefore, the public hearing will need to be extended to the January 9, 2024, meeting.

Commissioner Marquardt opened the public hearing. No member of the public appeared for comment.

7. Consider the request from the Finance department to receive, consider, and award bid for actuarial services.

Chair Marquardt noted that Dmitriy Chernyak, Finance Director, requested that this item be pulled from the agenda prior to the meeting.

8. Consider the request from the Human Resources Department to receive additional information regarding personnel regulation changes.

Leanne Schmidt, Human Resources Director, provided information to the Commission regarding the recommendations of the Civil Service Commission.

The Commission received the information and discussed possible impacts if Department Director positions were changed from positions protected by Civil Service to Contract Positions including fiscal impacts, potential challenges with recruitment, and impacts on current directors' status as an employee protected by Civil Service. The consensus of the Commission was to keep directors as employees protected by the Civil Service and to avoid requiring them to operate as Contract Employees going forward.

<https://bismarcknd.gov/DocumentCenter/View/44556/Item-8-PDF>

9. Consider continued discussion and call for a public hearing on Ordinance 6567 to amend portions of Title 9 -Personnel Regulations.

Attorney Combs addressed the commission regarding Ordinance 6567 to amend portions of Title 9 -Personnel Regulations. Due to publication constraints, the public hearing was not able to be advertised ten days prior to the public hearing, therefore, the public hearing will need to be extended to the January 9, 2024, meeting.

Commissioner Marquardt opened the public hearing. No member of the public appeared for comment.

The Commission discussed the proposed changes as drafted. Commissioner Cleary noted that she supports the language and stated that she believes that the Commission is elected to make policy and not to regulate the organizations day to day operations.

Commissioner Marquardt noted that he would like to see the Commission take on the responsibility of providing personnel evaluations for the appointed positions, City Administrator, Assistant City Administrator, and the City Attorney.

Mayor Schmitz stated that he believes the ordinance should be passed as written and supported the remarks of Commissioner Marquardt in regard to annual evaluations of the three appointed position employees.

Commissioner Connelly motioned to leave the public hearing open and table the item until the January 9, 2024, Commission meeting, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

10. Discussion regarding appointing Jason Tomanek as acting City Administrator.

The Commission discussed the Mayor's recommendation to appoint Jason Tomanek, Assistant City Administrator, as acting City Administrator.

Commissioner Cleary motioned to appoint Jason Tomanek as acting City Administrator effective January 3, 2024, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

11. Other Business

Commissioner Cleary requested the Commission consider reassigning the Event Center portfolio to a member of the City Commission Fact Finding Subcommittee to avoid any potential violations of open meeting regulations. Mayor Schmitz encouraged the subcommittee to have Gordy Smith handle all interactions on behalf of the subcommittee to help avoid the need to shuffle portfolios at this time; Mayor Schmitz noted that portfolios will be reconsidered following the June 2024 election. The consensus of the group was to leave the portfolio assignments as-is.

Commissioner Marquardt thanked outgoing Administrator, Keith Hunke, for his 40 years of service and dedication to the City and community.

Administrator Hunke thanked the Commissioners for their support and remarked that it has been an honor and privilege to serve the community, and thanked his wife and family for their ongoing support.

Adjourn

There being no further business to discuss, the meeting adjourned at 6:36 PM.

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