MEETING OF THE BOARD OF CITY COMMISSIONERS

1/23/2024 - Minutes

Call to Order

The Board of City Commissioners met on January 23, 2024, 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

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

   No public comment was received.

2. CONSENT AGENDA

   Commissioner Marquardt noted that Item E1 was being pulled from the Consent Agenda.

   Mayor Schmitz motioned to approve with the removal of Item E1 and Commissioner Zenker 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: #1115545 - 1115848.

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

1. Introduction of and call for a public hearing on the request to have the Class E - Sale At Retail of Beer Only alcohol license located at 619 Memorial Hwy transferred from 3 Fat Boys, LLC. to BHB, LLC.

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

1. ~~Actions for the Hangar 5 Demolition and GA Apron Phase 5 Project.~~

2. Permission to sell the 2005 Ford Expedition at a public marketplace.

3. Amendment 1 to the Architectural Agreement with Ubl Design Group for the Snow Removal Equipment (SRE) Building Project.

4. $1,500 sponsorship to the North Dakota Aviation Association (NDAA) for the 2024 Conference and Expo.

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

1. Authorizing Resolution to allow Bis-Man Transit to make application through the North Dakota Department of Transportation.

2. Permission for the Historic Preservation Commission to apply for the 2024 Historic Preservation Fund Grant.

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

1. Street closure for BisMarket.
2. North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for I-94 Exit 161 Interchange Reconstruction Project IM-NHU-1-094(212)161, PCN 22648; City project HC 132.
3. Request for Resolution Approving the Revised Preliminary Engineering Report and Approving Plans and Specifications, Resolution Approving Plans and Specifications, and Resolution Directing the Advertisement of Bids and Receive Bids for Sewer Improvement SE 582.
4. Consider Request for Resolution Approving Plans and Specifications and Request for Resolution Directing the Advertisement for Bids and Receive Bids for Street Improvement District SI 577 Part A and Part B.
5. Development Agreement with COM Properties, LLC.
6. Encroachment Agreement - 205 N 2nd St - Shelter Partners, LLP.

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

1. Applications for Abatement.

2. Permission to use the ND State Contract to purchase Technology Equipment from Advanced Business Methods.

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

1. Continue participation in the Community Rating System (CRS) program and submit annual recertification documentation.
2. Permission to purchase Rapid Intervention Packs from Grand Forks Fire and Equipment.
3. Change order for the Fire Station 1 Remodel.

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

1. Permission to accept grant funds from the Law Enforcement Resiliency Grant Award.

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

1. Award bid for Bismarck Expressway Warranty LED Replacement Project.

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

1. Permission to accept wastewater flows from the University of Mary.

3. REGULAR AGENDA

A. Public Hearing on the application for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

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

Commissioner Cleary motioned to approve the item as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

B. Public Hearing on Taxi License Application for Bismarck Transportation Services, Co.

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

Mayor Schmitz motioned to approve the item as presented, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

C. Public Hearing on Taxi License Application for Dakota Transportation Services, LLC.

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

Commissioner Cleary motioned to approve the item as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

D. Public hearing to amend the dimensional requirements for residential accessory buildings – Zoning Ordinance Text Amendment.

Isak Johnson, Community Development Planner, presented information to amend the dimensional requirements for residential accessory buildings – Zoning Ordinance Text Amendment.

Commissioner Connelly motioned to approve Ordinance 6570 as presented with the exception of a uniform measurement of 25 feet height limit for Urban and Rural areas, and Mayor Schmitz seconded. Upon a roll call vote, Commissioners Connelly, Cleary, Marquardt and Mayor Schmitz voted aye. Commissioner Zenker voted nay. M/C.

E. Consider the abatement application requested by Harbor Properties LLC for the 2023 assessment year.

Allison Jensen, City Assessor, presented information to the Commission regarding the application for abatement requested by Harbor Properties, LLC to reduce the value from $1,053,700.00 to $804,000.00 for the 2023 assessment year. The Assessing Division recommends the denial of the proposed abatement application but rather a reduced valuation of $924,900.00, land value is $91,800.00, improvements value is $833,100.00.

Commissioner Cleary motioned to approve the abatement with a certified value of $924,900.00, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

F. Consider the request for the New Extraterritorial Area (ETA) Agreement with Apple Creek Township.

Ben Ehreth, Community Development Director, presented information regarding the request for the New Extraterritorial Area (ETA) Agreement with Apple Creek Township to address actions in the existing agreement that are no longer current.

Commissioner Zenker motioned to approve the request as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

G. Consider the request by the Community Development Department to provide an update on the status of the FEMA Risk MAP Project for Burleigh County.

Brady Blaskowski, City Building Official, presented information to the Commission regarding the status of the FEMA Risk Map Project for Burleigh County. FEMA issued a Letter of Final Determination to the City of Bismarck stating that the new Flood Insurance Study (FIS) Report and Flood Insurance Rate Map (FIRM) for the City of Bismarck and Burleigh County will become effective on June 6, 2024. City of Bismarck staff is in the process of reviewing the current floodplain management ordinance with a stakeholder group to determine if any modifications to the ordinance are necessary and will provide an updated floodplain management ordinance to the Commission for consideration prior to the June 6, 2024, effective date.

The Commission received the report.

H. Consider the request to authorize the renewal of Bismarck's Renaissance Zone Program.

Ben Ehreth, Community Development Director, presented information regarding the request to issue a resolution and enter into a Memorandum of Agreement with the North Dakota Division of Community Services to continue the Renaissance Zone program for a period of one year.

Commissioner Zenker motioned to approve the request as presented and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

I. Consider request to pursue NDDOT Urban Road and Urban Regional program projects.

Gabe Schell, City Engineer, presented information regarding a request to pursue federal aid through the North Dakota Department of Transportation (NDDOT) for the following projects:

Urban Roads

- Burleigh Avenue – Tavis Road to Washington Street
- South 12th Street - Santa Fe Avenue to Burleigh Avenue
- Yegen Road – University Drive to Hagen Avenue – mill and overlay

Urban Regional

- Regional roadway sign replacement project (previously applied)
- 7th St. and 9th St. underpass stormwater improvements (previously applied)
- 7th Street and Boulevard Avenue and 9th Street and Boulevard Avenue traffic signal improvements
- Tyler Parkway and Westbound off ramp I-94 Ramp traffic signal improvements
- Regional roadway microsurface pavement preservation
- State Street Trail Rehabilitation – Divide Avenue to Calgary Avenue

Commissioner Zenker motioned to approve the request as presented and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

J. Consider discussion and approval of department director employment and performance processes.

Mayor Schmitz introduced a proposed policy for Department Director employment and performance processes.

Commissioner Connelly noted that the policy should include a record of the attempts made by the Administrator to communicate with the portfolio holding Commissioner to discuss the situation prior to any employment related action in item three. Attorney Combs will update the policy with Commissioner Connelly's requested language.

Mayor Schmitz requested that the item be brought back with the changes to the February 13, 2024, meeting.

4. Other Business

Commissioner Marquardt requested that employees review and follow all policies relating to procurement of equipment, fleet, and IT services and software, especially when purchasing new equipment.

Adjourn

There being no further business to discuss, the meeting adjourned at 6:30 PM.