



## MEETING OF THE BOARD OF CITY COMMISSIONERS

1/10/2023 - Minutes

### Call to Order

The Board of City Commissioners met in regular session on January 10, 2023, 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, and Mayor Schmitz. Commissioner Zenker attended the meeting via Teams. Commissioner Sploskowski joined the meeting via teams at 5:34 PM.

### FUTURE COMMISSION MEETINGS:

- January 24, 2023
- February 14, 2023 & February 28, 2023
- March 14, 2023 & March 28, 2023

### 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)

Landon Niemiller, with Swenson Hagen & Company, spoke regarding regular agenda item number 6. He asked the Commission to consider removing the condition set by the City Planning and Zoning Commission for the development to have two access points. Mr. Niemiller stated that the development would consist of four parcels, which he is confident should not require more than one access point. Mr. Niemiller noted the benefit to the neighborhood of having a secondary access point would be solely borne by his client.

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 the request for approval from the Administration Department for the following:
  - 1. Consider approving recommendations to the Animal Advisory Board.
- D. Consider the request for approval from the Airport for the following:
  - 1. Amendment 3 to January 8, 2019, Agreement with Kadrmas, Lee & Jackson for the Taxiway C North Project.
  - 2. Three Lease Amendments with Simson Holding Company, LLC.
- E. Consider the request for approval from the Community Development Department for the following:
  - 1. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of the Bis-Man Transit Farebox Upgrade.
  - 2. Introduction of and Call for a public hearing on Ordinance 6533, a request for the annexation of a portion of Clear Sky Addition, requested by FRM Investments, LLP. The Bismarck Planning and Zoning Commission recommends approval.
  - 3. Introduction of and call for a public hearing on Ordinance 6534, a request for annexation of Boulder Ridge First Addition First Replat, requested by Wilment Development, LLC.
- F. Consider the request for approval from the Engineering Department for the following:
  - 1. Street closure for the 50th Annual Downtowners Street Fair.
  - 2. Approval of Contract Change Order No. 1 for Street Improvement District SI 557.
  - 3. Approval of Contract Change Order No. 1 for Street Improvement District SI 568.
  - 4. Approval of Resolution of Necessity for Street Improvement District SI 570.
  - 5. 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 571.
  - 6. Approval of Resolution of Necessity for Street Improvement District SI 574.
- G. Consider the request for approval from the Finance Department for the following:
  - 1. Applications for Abatement where the Assessing Division recommends approval.
  - 2. Revised Credit Card, Travel, and Food and Beverage Policies.

3. Decline all bids for the special assessment management software and maintenance/support.

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

1. Permission to Award Contract for Boulevard Tree Pruning.
2. Permission to purchase Video Detection and Cobalt equipment at the Minnesota DOT Contract Bid Price.

### 3. REGULAR AGENDA

4. Receive a report from the City of Bismarck Human Relations Committee relating to the launch of a new radio program through Dakota Media Access.

Sargianna Wutzke and Thea Jorgensen, members of the Bismarck Human Relations Committee (HRC), addressed the Commission with information regarding the launch of the committee's new radio program through Dakota Media Access. Ms. Jorgensen and Ms. Wutzke will be the hosts of the program. Each month the program will focus on a different topic relating to the work and areas of interest supported by the HRC. Guests with an interest or expertise supporting each topic will be welcomed in each episode. The program will air regularly on Radio Access 102.5FM and will also be available on-demand as a podcast through the Dakota Media Access website. City Administration staff will support the program with a communications plan intended to generate media attention and through regular social media postings providing a direct link to each month's new program.

The Commission received the report.

5. Public hearing regarding the revisions to the Special Assessment Policy and consider approval of the Special Assessment Policy.

City Engineer, Gabe Schell, provided information regarding the revisions to the City's Special Assessment Policy. The City of Bismarck Special Assessment Policy is reviewed to recommend revisions or changes to improve the policy's assignment of benefits. A collaboration between Engineering, Finance, Public Works, and Administration Departments resulted in the recommended policy changes. The first primary change is expanding the "adjustments" section to consolidate existing adjustments for multi-street, private drive, non-buildable area, and undersized/oversized parcels to a single section within the policy. The adjustments are made in recent applications of the policy, but the non-buildable area and undersized/oversized parcels were not explicitly stated in the policy. An additional tier of residential undersized lots and a maximum cap of oversized residential lots are also included that have not previously been utilized.

The second primary change is the creation of a new section titled "subdivision of parcels" to codify the existing practice of reassignment of existing special assessments when properties are combined or split based on parcel area and the allowance of water and sewer trunk line assessments to be credited as part of the Utility Capital Charge process.

A third primary change is the addition of an "assessment terms" section to codify the payback schedule benefitting properties can expect for various types of special assessments. The remaining proposed revisions to the policy are clerical in nature.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Cleary motioned to approve the revisions to the Special Assessment Policy as presented, and Commissioner Marquardt seconded the motion.

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

<https://bismarcknd.gov/DocumentCenter/View/41679/Item-5-PDF>

6. Major subdivision final plat of Norbs Subdivision, requested by GKNG Properties, LLC., located east of Bismarck, east of 52nd street SE, and south of East Main Avenue/County Highway 10, along the west side of Mulberry Lane.

Ben Ehreth, Community Development Director, addressed the Commission regarding GKNG Properties, LLC's request for approval of a major subdivision final plat for Norbs Subdivision. The request is located east of Bismarck, east of 52nd street SE, and south of East Main Avenue/County Highway 10, along the west side of Mulberry Lane.

Director Ehreth described the City's secondary access policy which limits the number of residential units to 16 without a second means of ingress and egress access to the neighborhood. Currently, the policy has been exceeded; however, much of this neighborhood has been established for decades. Director Ehreth closed by stating the condition placed on the approval by the Planning Commission. A gated secondary access point would be constructed at the intersection of Southview Lane and 52nd Street, with a Knox box being installed and maintained by the property owner(s) within Norbs Subdivision.

Commissioner Marquardt inquired about the need for a Knox box and maintenance of the secured access. Mr. Niemiller commented that the five lots would not be interested in maintaining the secondary access gate, and as a result, a homeowners association would likely need to be established. Mr. Niemiller noted the developer would prefer to have Burleigh County maintain the gate or have it be assessed to the neighborhood.

Mayor Schmitz noted the City of Bismarck cannot assess Burleigh County residents outside of City limits for the construction and maintenance costs related to the secondary access point and suggested the developer coordinate with Burleigh County to resolve the situation.

Commissioner Marquardt motioned to table the item until the January 24, 2023, meeting to allow the property owner time to consult with Burleigh County regarding assessment fees, and Commissioner Cleary seconded the motion.

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

7. Major subdivision final plat of Technology Hill Addition, requested by the City of Bismarck and Bismarck State College, located in west-central Bismarck, south of Edwards Avenue and west of Schafer Street.

Ben Ehreth, Community Development Director, addressed the Commission regarding the request of The City of Bismarck and Bismarck State College for approval of a major subdivision final plat for the Technology Hill Addition. The request is located in west-central Bismarck, south of Edwards Avenue and west of Schafer Street.

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

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

8. Consider a request from Mayor Mike Schmitz to create the City of Bismarck – Burleigh County Joint Committee.

Mayor Schmitz introduced a request to form a committee to address concerns impacting Bismarck and Burleigh County residents. The committee would be composed of Mayor Schmitz and Keith Hunke, City Administrator representing the City of Bismarck. County Commission Chair Becky Matthews and County Auditor Leo Vetter would represent Burleigh County. In addition to the four committee members, City and County Department Directors would be called upon to provide information and insight into current policies, practices, and projects impacting both political subdivisions. Portfolio-holding Commissioners would be invited to participate in discussions associated with their assigned departments and committees. As this committee would be designated by the Board of City Commissioners, all meetings would be noticed by the Administration Department and open to the public.

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

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

9. Receive an update on Better Bismarck Campaign.

Renae Moch, Bismarck-Burleigh Public Health (BBPH) Director, provided an informational update on the status of the Better Bismarck Campaign. The campaign, which launched on November 22, 2022, has received \$12,332 in donations and \$12,332 in Opioid settlement funds match. Director Moch is requesting the Commission extend the “Better Bismarck Campaign” donation period and develop an application and scoring process for the distribution of the funds. Extending the donation period will allow time to promote the campaign and increase contributions and allow a steering committee to finalize an application and scoring process. Steering Committee Members will include Mayor Schmitz, BBPH Director Renae Moch, Assistant City Administrator Jason Tomanek, Finance Director Dmitriy Chernyak, Community Development Director Ben Ehreth, Deputy Police Chief Randy Ziegler, Communications Strategist Kalen Ost, and a local business leader. Applications will be accepted from April 1, 2023, with a due date of May 1, 2023, and funds will be awarded on June 1, 2023.

Commissioner Marquardt motioned to approve the request to extend the “Better Bismarck Campaign” donation period and develop an application and scoring process to distribute funds as presented, and Commissioner Cleary seconded the motion.

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

<https://bismarcknd.gov/DocumentCenter/View/41675/Item-9-PDF>

10. Provide direction on how to revise the Inclement Weather policy.

Leanne Schmidt, Human Resources Director, addressed the Commission seeking direction on revisions to the current Inclement Weather Policy.

Mayor Schmitz opened the discussion. Commissioner Marquardt noted that he spoke with three directors and received three responses without any consensus between the departments.

Commissioner Cleary stated that she had similar results from her discussions with directors, and the consensus was a need for two separate policies, one to address emergency services personnel and one for non-emergency services personnel.

Commissioner Marquardt added that working from home should be considered for individuals who could perform their duties remotely.

Commissioner Zenker noted that the City is a 24/7, 365, nonstop operation. He suggested two policies, one for the 8:00 AM-5:00 PM office-type group and a second policy for all other employees. The policies should give guidance but also allow managers and supervisors to manage their staff. Commissioner Zenker closed by suggesting a small committee be formed to discuss the policies' aspects and come back with a recommendation for the Commission's consideration.

Mayor Schmitz noted that he prefers using the decision tree model provided by Director Schmidt to draft appropriate policies. The Commissioners reviewed the decision tree for employees that do not need to be on-site. The consensus of the Commission was to accept the model as drafted.

Commissioner Splonskowski noted that a small committee would be most suited to work through the remaining policy and return with a recommendation for the Commission.

Commissioner Zenker noted that the Commission historically has prioritized the needs of employees as the number one objective and believes that practice should remain throughout this process as well.

Mayor Schmitz designated Commissioners Cleary, Marquardt, and Zenker to work with directors and return with a recommendation with a focus on employees who are required to be on-site to perform their work duties.

## 11. Other Business

City Administrator Keith Hunke addressed the Commission with a Legislative update. Administrator Hunke noted that House Bill (HB) 1237 has been introduced; this bill would enable school districts and park districts to continue to pay special assessments as they have done in the past in situations where the city would establish a street utility fee. Administrator Hunke added that January 19, 2023, is the deadline for all draft bills in the House, and January 23, 2023, is the deadline for all draft bills in the Senate. To date, more than 450 bills have been introduced. Administrator Hunke closed by stating that City Administration will participate in the weekly Legislative call hosted by the North Dakota League of Cities and invited Commissioners interested in the weekly updates to participate.

Adjourn

There being no further business to discuss, the meeting adjourned at 7:21 PM.



