



## MEETING OF THE BOARD OF CITY COMMISSIONERS

2/9/2021 - Minutes

Future Commission Meetings:

February 23

March 9 & 23

April 13 & 27

### 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 member of the public appeared for comment.

2. Consider the approval of the minutes.

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

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

3. CONSENT AGENDA

Commissioner Guy moved to approve the consent agenda as presented. Commissioner Zenker seconded the motion.

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

- A. Consider approval of expenditures.

Vouchers: 1097002 - 1097231.

- B. Consider approval of personnel actions.

- C. Consider the request for approval from the Administration Department for the following:
1. Introduction of and call for a public hearing on a new Class M Liquor License for the Harvest LLC (dba) Harvest Catering and Events.
- D. Consider the request for approval from the Attorney for the following:
1. Ratify the February 19, 2021 State of Emergency Declaration, relating to COVID-19 by the President of the City Commission and extend its effect to March 6, 2021.
- E. Consider the request for approval from Bismarck-Burleigh Public Health for the following:
1. Grant permission to apply for NDSU's Junior Master Gardener Program Grants.
  2. Grant permission to accept donations for the Women's Way Program.
- F. Consider the request for approval from the Community Development Department for the following:
1. Introduction of and call for a public hearing on Ordinance 6449, a request for the annexation of parts of Promontory Point VI Addition and Promontory Point VII Addition. The Bismarck Planning and Zoning Commission recommends approval.
  2. Introduction of and call for a public hearing on Ordinance 6448, a request for the annexation of the remainder of Sattler's Sunrise Tenth Addition. The Bismarck Planning and Zoning Commission recommends approval.
  3. Approve the authorization of Bis-Man Transit to apply for Section 5310 and Section 5339 funding through North Dakota Department of Transportation.
  4. Approve a request from Montana-Dakota Utilities (MDU), Midcontinent and CenturyLink to release the utility easements over Lots 1-4, Block 1, 3-11, Block 3,1 and 21-26, Block 5, and 1-22 and 30-36, Block 9, Southland Second Addition. Staff recommends approval.
  5. Grant permission to apply for an ESG-CV Grant for COVID-19 Homeless Sheltering Costs.
- G. Consider the request for approval from the Engineering Department for the following:
1. Approve a sidewalk easement at Southland Second Addition.
  2. Approve a storm water and drainage easement for Burleigh County Housing Addition.
  3. Approve a storm water and drainage easement and maintenance agreement for Carols Addition.
  4. Street Improvement District No. 541 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
  5. Street Improvement District No. 542 - Request for resolution of necessity.
  6. Street Improvement District No. 543 - Request for resolution creating district SI543 and ordering preparation of the preliminary report. Request for resolution approving the preliminary report and directing preparation of plans and specifications.
  7. Street Improvement District No. 544 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
- H. Consider the request for approval from the Event Center for the following:

1. Award bid to HB Sound & Light for the arena hybrid fiber camera system.

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

1. Application for abatement for 2020, at 1252 Parkview Dr., Theresa Finck, Market Value Reduction.
2. Application for abatement for 2020, at 5132 Driftwood Ln., Kenneth & Lorraine Weber, Market Value Reduction.
3. Application for abatement for 2020, at 1542 Mutineer Pl., Patrick & Laura Hoffman, Market Value Reduction.
4. Application for abatement for 2020, at 623 Nelson Dr., Drake & Debra McClland, Disabled Veteran.

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

1. Allow the destruction of old Human Resource files in accordance with the N.D. State Retention Records.
2. Approve the revised Employee Status Policy.

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

1. Approve the fee for electronics recycling disposal at the Household Hazardous Waste and Electronics Recycling Center.
2. Approve the contracts with Houston Engineering and HDR for consulting services for solid waste utility projects.

#### 4. REGULAR AGENDA

5. Consider the request from the Community Development Department for continuation of a request for Bryan Skager to appeal the November 4, 2020 decision of the Board of Adjustment to deny a variance from Section 14-04-19(6)(b)(4)(c) of the City Code of Ordinances (FP-Floodplain District) to allow a recently constructed residential accessory building, located within the Special Flood Hazard Area (SFHA) or 100-year floodplain, below the elevation requirement, located on Lot 6, Block 11, Falconer Estates (6300 Apple Creek Drive).

Building Inspection Division Official Brady Blaskowski informed the Commission they had met the requests given at the December 8, 2020 City Commission Meeting, where the appeal was tabled, and the Commission requested the division reach out to FEMA and assemble a stakeholder group to investigate buildings in our floodplain, while preserving insurance rates.

Building Official Blaskowski stated FEMA was willing to allow the existing structure Mr. Skager built to remain within the floodplain until the floodplain violation is resolved.

Commissioner Guy asked if the ordinance would affect the outcome for Mr. Skager's structure. Blaskowski stated it was a possibility, as FEMA is looking at the Apple Creek Drive area as part of their floodplain management project study. Building Official Blaskowski also stated the stakeholder group they created reached out to the North Dakota State Water Commission in assistance for determining adequate floodplain levels for the ordinance.

Commissioner Splonskowski moved to table the item until the July 27, 2021 to give the

division more time to work with the stakeholder group, FEMA and the state water commission on developing the ordinance. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

6. Public hearing on Ordinance 6447, regarding Payment Provisions.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the ordinance as presented. Commissioner Guy seconded the motion.

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

7. Receive an update from the Human Resources Department, regarding the City's Classification and Compensation Plan.

Director Robert McConnell informed the Commission of the benefits of using Condrey & Associates for recruitment and retention purposes. He stated that in the past, the City has voted not to implement the recommendations made by the company, which has created a salary lag of about 6.1 percent and an average turnover rate of 8.3 percent. in 2020. Director McConnell informed the Commission that the current study proposed by Condrey & Associates could provide accurate estimates for compensation for City employees for the next 10-15 years.

The updated Compensation Plan would cost the City \$32,500. Commissioner Guy asked if the company was offering this study at a discounted rate, as the City had worked with Condrey & Associates prior. Director McConnell stated they are, and that the City would save money by accepting their offer now.

Commissioner Zenker stated he does not approve of the Condrey & Associates' study only focusing on employee's salary.

Mayor Bakken requested Director McConnell to reach out to Condrey & Associates to include the City's benefit package into their study moving forward and bring the findings back to the next meeting on February 23, 2021.

No motion was made for this item.

8. Consider the request from the Community Development Department for a letter to oppose the federal Office of Management and Budget (OMB) proposal to change Metropolitan and Micropolitan Statistical Area standards.

Commissioner Marquardt moved to approve the request as presented. Commissioner Splonskowski seconded the motion.

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

9. Consider the request from the Engineering Department for Century Ave. Turn Lane Safety Improvement HEU-1-981 (121), HC 126.

The low bid was submitted by Northern Improvement Company in the amount of \$697,258.80, as part of the total project budget. Commissioner Zenker moved to approve the request as presented. Commissioner Guy seconded the motion.

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

10. Review and discuss the 2021 Legislative Report #2.

Assistant City Administrator Jason Tomanek provided the report to the Commission. This is the sixth week of the Legislative Session. A detailed explanation of bills the Commission took position on can be found at this link:

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5796?fileID=13816>

Commissioner Guy stated she would like a comprehensive list provided to them before each Legislative update.

SB2091 - The Commission moved forward with the recommendation of support.

HB3028 - The Commission moved forward with the recommendation of support.

11. Consider the request from the Attorney to enter into an Executive Session under the North Dakota Century Code Section 44-04-19.2.

At 6:55 p.m. Commissioner Marquardt moved to enter into the Executive Session under North Dakota Century Code Section 44-01-19.2. Commissioner Zenker seconded the motion.

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

At 7:15 p.m. the board moved to enter back into regular session.

Commissioner Guy moved to reject the request discussed during the executive session. Commissioner Splonskowski seconded the motion.

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

#### Other Business

The Commission congratulated Patty Rath, the Administrative Coordinator for the Fire Department on her retirement. Rath's last day was on February 5, 2021 after more than 35 years of service.

#### Adjourn

The meeting was adjourned at 7:16 p.m.

Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501  
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