



MEETING OF THE BOARD OF CITY COMMISSIONERS

6/28/2022 - Minutes

Call to Order

The Board of City Commissioners met in regular session on June 14, 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 Guy, Commissioner Marquardt, Commissioner Splonskowski, Commissioner Zenker, and Mayor Bakken.

FUTURE COMMISSION MEETINGS:

- July 12, 2022 & July 26, 2022
- August 9, 2022 & August 23, 2022
- September 13, 2022 & September 27, 2022

MISSION STATEMENT

Mayor Bakken read the mission statement.

MEETING OF THE BOARD OF CITY COMMISSION

1. Presentation of the 2021 Humanitarian Award Individual Recipient to Geraldine Ambe

Members of the Bismarck Human Relations Committee presented the 2021 Humanitarian Award to Geraldine Ambe.

2. Consider approval of minutes

Commissioner Zenker motioned to approve the minutes from the June 14, 2022 meeting as presented, Commissioner Guy seconded.

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

3. Canvass returns of the City of Bismarck candidates for the June 14, 2022 Primary Election

Commissioner Marquardt motioned to approve the Canvass returns of the City of Bismarck candidates for the June 14, 2022, Primary Election as presented, Commissioner Splonskowski seconded.

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

Adjourn

There being no further business, the meeting adjourned at 5:30 PM.

Oath of Office for Newly Elected Commissioners, Administered by the City Attorney.

City Attorney Jannelle Combs swore the elected Mayor and Commissioners in as members of the Board of City Commissioners.

MEETING OF THE BOARD OF CITY COMMISSION

Call to Order

The Board of City Commissioners met in regular session on June 14, 2022, at the hour of 5:35 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.

1. Assignment of Commission Portfolios

Mayor Schmitz presented his portfolio recommendation. The portfolio assignment recommendation is as follows:

Mayor Schmitz

- Administration
- City & County Planning Commissions
- City Attorney
- Community Development
- Economic Development
- Human Resources
- Vision Fund

Commissioner Zenker

- Airport
- Engineering
- Event Center
- Renaissance Zone Authority
- Sidewalks
- Strategic Plan Liaison
- Storm Water
- Water and Sewer Utility

Commissioner Cleary

- Facility Maintenance
- Fleet
- Forestry
- Library Liaison
- Public Health
- Roads & Streets

- Solid Waste Utility
- Street Light Utility

Commissioner Marquardt

- Budget Committee
- Central Dakota Communications Center (CenCom)
- County Planning Commission
- Finance
- Fire
- Intergovernmental Relations
- Pension Review Board
- Police

Commissioner Splonskowski

- Dakota Media Access Liaison
- Historic Preservation Commission Liaison
- Mayor's Committee on Employment of Persons with Disabilities
- Municipal Court
- Parking Lots
- Transit Liaison
- Weeds

Commissioner Marquardt motioned to approve the portfolio assignments as presented, and Commissioner Splonskowski seconded.

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

2. Appoint Vice-Chair of City Commission

Commissioner Zenker motioned for Commissioner Marquardt to remain serving as Vice-Chair of the City Commission, and Commissioner Splonskowski seconded.

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

3. Appointment of Officers

Commissioner Marquardt motioned to appoint the following positions with the individuals as presently appointed, and Commissioner Splonskowski seconded.

1. Finance Director as Treasurer
2. City Administrator as Auditor
3. Attorney
4. Assessor
5. Health Officer
6. Engineer
7. Chief of the Fire Department
8. Chief of the Police Department
9. Police Officers
10. City Engineer portfolio as Street Commissioner
11. The Board of Public Works is the Board of City Commissioners

12 Members of the boards and committees as the Board of City Commissioners have previously appointed.

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

4. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items)

No comment was received.

5. CONSENT AGENDA

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

A. Consider approval of personnel actions

B. Consider approval of expenditures

Vouchers: 1105038-1105326.

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

1. Renewal of gaming site(s) authorization for the following:

- Cystic Fibrosis Association of North Dakota
 - Riverwood Golf Course – 725 Riverwood Drive

2. Renewal of liquor licenses for the following businesses:

- Applebee's Neighborhood Grill & Bar – 3200 North 14th Street
- Applebee's Neighborhood Grill & Bar – 434 South 3rd Street
- Bismarck Distillery – 1100 Canada Avenue
- Bismarck Staybridge Suites Hotel – 2801 Gateway Avenue
- Buffalo Wild Wings – 3420 North 14th Street
- Buffalo Wild Wings – 218 South 3rd Street
- Golf Etc. Bismarck – 511 Airport Road
- Harvest Catering and Events – 308 West Main Street, Mandan, ND
- India Clay Oven Bar & Grill – 510 East Main Avenue
- LaQuinta Inn and Suites – 2240 North 12th Street
- Loaf N Jug – 2835 North Washington Street
- Panchero's Mexican Grill – 1225 West Century Avenue
- Paradiso of Bismarck, Inc. – 2620 State Street
- Plaza Beer Depot - 204 East Boulevard Avenue
- Pub 21 – 1014 South 12th Street
- Ramada Bismarck Hotel – 1400 East Interchange Avenue

- Ruby Tuesday – 3520 State Street
- Sidelines Sports Bar – 3003 South 5th Street
- Taco Del Mar – 1024 South 12th Street
- The Pier Bar & Grill – 1120 Riverwood Drive
- The Toasted Frog – 124 North 4th Street
- Touchmark on West Century – 1000 West Century Avenue

3. Introduction of and call for a public hearing on a request to transfer the Class E Beer-Only On/Off-Sale License to Tri-Energy Cenex (dba) Runway Express Mart at 1740 Airport Road.

4. Reappointment of Jack McDonald and Constance Hofland to the Dakota Media Access Board of Directors.

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

1. Approve the lease agreement between the City of Bismarck and ARINC.
2. Consider a Development Agreement with Simson Investment Company.
3. Accept the bids, award bid to Strata Corporation, and authorize staff to enter into the agreement for the removal and disposal of a deteriorated bridge on Airport property.
4. Consider Change Order 1 to the October 22, 2021, Edling Electric Agreement for Lancair Loop Improvements.
5. Consider Amendment 2 to the October 29, 2009, Jeff Dick / Mary Selzler Ground Lease.

E. Consider the request for approval from the Bismarck-Burleigh Public Health Department for the following:

1. Permission to accept funding from the ND Department of Health and Human Services.

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

1. Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, requests approval to decommission and sell one 2009 Chevrolet Tahoe and one Toro Tractor Mower and decommission their obsolete Eventide Logger Software.
2. Request for approval of the updated Citizen Participation Plan for the City's Community Development Block Grant (CDBG) program.

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

1. Contract Change Order No. 5 for Highway Construction Project 131, the

reconstruction of 43rd Avenue between State Street and 26th Street.

2. Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for Street Improvement District SI 568.

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

1. Application for Abatement for the following where the Assessing Division recommends approval:

- 4106 Roosevelt Drive (1364-008-030) - Jesse & Renee Hagen - Disabled Veteran Credit 2021

2. Authorize signatures of the Mayor, City Administrator, Finance Director, Comptroller, and Accounting Supervisor for City financial transactions.

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

1. Permission to have 20 boxes of Human Resources records shredded and destroyed.

2. Reclassify the position of Records Supervisor Grade 14 to Records Administrator Grade 16.

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

1. Permission to sell two decommissioned police vehicles through Mid States Auto Auction.

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

1. Approval of Task Order 22-01 from Houston Engineering for the Solid Waste operations to provide 2022 Bismarck Municipal Waste Facility (BMWF) Groundwater Sampling, Analysis, and Reporting.

2. Permission to purchase equipment for Solid Waste operations.

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

1. Task Order 4 with Apex Engineering Group, Inc. for the Hay Creek Interceptor Improvements Project.

2. Agreement for Cost-Share Reimbursement with the State Water Commission for the WTP Improvements Project.

3. Agreement for Cost-Share Reimbursement with the State Water Commission for the WU137 Watermain Replacement Project.

6. REGULAR AGENDA

7. Consider the request to receive an Update from Sister Kathleen Atkinson, Director for Ministry on the Margins in Bismarck, on Ministry on newly implemented community services offered at Ministry on the Margins.

Sister Kathleen Atkinson, Director of Ministry on the Margins gave a presentation about the work that Ministry on the Margins is doing for the community, in specific the homeless population of Bismarck.

The commission received the report.

8. Consider the request to receive an update from the Special Assessment Task Force.

Commissioner Splonskowski discussed the Memorandum of Recommended Direction, the Sub-Committee Proposed Home Rule Charter Amendment, the Footnotes of Intent, and the potential rate structures. Special Assessment Task Force Committee member Dustin Gawrylow provided comments which outlined options for the commission to consider. Gawrylow also encouraged the commission to provide ample opportunities for public input before any decisions are made. The commission discussed moving forward and the general consensus was to schedule a meeting between the full commission and the task force subcommittee members. City staff will work to coordinate a meeting date in the upcoming weeks.

9. Public hearing on a new Class I-3 Restaurant Beer Only License for Mars Restaurant Group, LLC (dba) Pancho's Mexican Grill at 711 South 3rd Street.

No member of the public appeared for comment.

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

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

10. Public hearing on Ordinance 6506, a zoning change from the A-Agriculture zoning district to the R5-Residential zoning district on Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township.

Ben Ehreth, Community Development Director presented information on the zoning change from the A-Agriculture zoning district to the R5-Residential zoning district on Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township.

Mayor Schmitz opened the public hearing. No comment was received.

Commissioner Marquardt motioned to approve Ordinance 6506 as presented, and Commissioner Splonskowski seconded the motion.

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

Other Business

Adjourn

There being no further business, the meeting adjourned at 6:35 PM.

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