



## MEETING OF THE BOARD OF CITY COMMISSIONERS

9/14/2021 - Minutes

FUTURE COMMISSION MEETINGS:

MISSION STATEMENT

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

### 2. CONSENT AGENDA

Item K1 was struck from the Agenda. Commissioner Zenker made a motion to approve the consent agenda as presented, Commissioner Splonskowski seconded. Upon roll call all voted aye. M/C

A. Consider approval of minutes.

B. Consider approval of expenditures.

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C. Consider approval of personnel actions.

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

1. Introduction of and call for a public hearing on a request for a new I-2 Beer & Wine Restaurant liquor license for Noodlezip at 208 E Main Ave.
2. Request for a letter of support for Blueline Development, Inc. for a 40 - unit apartment building.

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

1. Receive and consider bids for Asphalt Pavement Maintenance.
2. Amendment 1 to January 8, 2019, Agreement with Kadrmas, Lee & Jackson (KLJ) for Taxiway C North Project.
3. Amendment 2 to April 27, 2021, Agreement with Kadrmas, Lee & Jackson (KLJ) for Wetland Phase 7 Project.
4. Deferral of airport rents and fees.
5. Change Order #12 Final with Strata Corporation for Short-Term, Economy, and

Long-Term Parking Expansion.  
6. Actions related to Wetland Phase 7 project.

F. Consider the request for approval from the City Attorney for the following:

1. Receive and award the case management software bid to Prosecutor by Karpel, subject to ITGC scheduling of the project.
2. Consider introduction and call for a public hearing on Ordinance 6484 to amend Bismarck Ordinance Section 8-11-02 regarding tattooing and body piercing of minors.
3. Consider introduction and call for a public hearing on Ordinance 6485 to amend Bismarck Ordinance Section 8-10-04 regarding noise ordinance changes.

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

1. Material changes to the approved final plat of Burleigh County Housing Addition. Staff recommends approval.
2. Approval of contract with Metcalf Archeological Consultants, Inc. for Highland Acres Historic District nomination.
3. Introduction and call for a Public Hearing on Ordinance 6483, a request for a zoning change from the A-Agricultural and MA-Industrial zoning districts to the RT-Residential, MA-Industrial and P-Public zoning districts for the Fairview Cemetery Addition. The Planning and Zoning Commission recommends approval.

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

1. Permission for BBPH to accept funding from the ND Department of Health to respond to the COVID-19 pandemic.

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

1. Consultant services contract and Scope of Work with KLJ Engineering LLC (KLJ) relating to Ash Coulee Drive Reconstruction Project HC 143.
2. Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for PI 006.
3. Contract Change Order No. 3 Time Extension for SI 531A.

J. Consider the request for approval from the Event Center for the following:

1. Capital City Christmas

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

1. ~~Application for Abatement for the following where the Assessing Division recommends denial: 1333 Golden Eagle Ln~~
2. Application for Abatement for the following where the Assessing Division recommends approval:
  - o 1801 Santa Gertrudis Dr - Market Value Reduction
  - o 1827 N 9th St - Disabled Veteran
  - o 414 N Hannifin St - Market Value Reduction

3. Introduction and Call for Public Hearing for approval of ordinances 6264-6269, 6427-6428, and 6469-6471 to create special assessment districts for annexed properties.
4. Introduction and Call for Public Hearing for Sidewalk 2020 Assessments.
5. Resolution Authorizing the Issuance of an additional \$2 million to the existing Water Treatment Revenue Bond, Series 2020 for replacement and reconstruction of cast iron water mains and lead service lines.
6. Approval to purchase IT equipment from the ND State Contract.

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

1. Authorization to sell a forfeited 2011 Hyundai Sonata at auction.
2. Authorization to sell decommissioned police patrol vehicle at auction.

### 3. REGULAR AGENDA

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

Senior Planner Jenny Wollmuth gave a brief overview of the background and appeal. Anton Sattler, the Environmental Health Administrator, elaborated on the timeline of the complaint and extensions. Mayor Bakken asked about the timeline if the appeal is upheld, and if the Bismarck Fire Department had been consulted. Mr. Sattler said that if upheld it would likely go to Municipal Court, but that this would allow a window of time to become compliant before a date could be set in court. He also stated that the Fire Department was not involved. Commissioner Guy asked to see the photos that were taken today, and they were shown. Leisha Aaseth spoke, asking for additional time to become compliant. Commissioner Splonskowski asked Mr. Sattler how long the deadline could be extended. Anton Sattler stated that it could be extended, but that there have already been two deadline extensions since this began in April 2021. City Attorney Jannelle Combs said that the Commission is only able to approve or deny the appeal. Commissioner Guy stated that clean up week is next week, and that Ms. Aaseth could potentially use that as an opportunity to remove items.

Mayor Bakken made a motion to uphold the ruling of the Board of Adjustment.  
Commissioner Guy seconded the motion. Upon roll call, all voted aye. M/C

5. Public hearing on a request for a new Class M Catering liquor license for Thomas & Moriarty's LLC (dba) Thomas & Moriarty's.

Stacy Sturm, owner of Thomas & Moriarty's, spoke about the intentions for the license.

Commissioner Splonskowski made a motion to approve the request, Commissioner Zenker seconded. Upon roll call all voted aye. M/C

6. Public Hearing on 2022 Budget

Public Comment: Lyn Schumaker spoke about concerns with her homestead credit reduction and the increase in overall property tax statement. Tim Fischer expressed concerns on increases he has noticed on his personal property valuation and tax statement over the last few years. Darin Lee listed concerns with property tax increases, city spending, and the need for a new Public Health facility. Marlan Haakenson proposed that he would establish a committee to explore lowering water rates for city residents. Mr. Haakenson offered a concept where sales tax could be used to offset water revenues from city consumers. Jean Sullivan was worried about mill levy increases and its effect on property

taxes. Robert Gregoire noted the significant increase in the budget for 2022 versus 2021. Dave Ludwig had concerns about tax increases. Robert Dolajak said that he is recently retired and on a fixed income and echoes the concerns shared by others relating to increase in property taxes. Chris Hanson suggested that city property taxes be eliminated, with the losses being made up in sales tax. Mr. Hanson suggested that Burleigh County residents should be taxed for the services within city limits that they are using.

Commissioner Marquardt gave an overview of how funds are used, highlighting the difference between enterprise and general funds. He also noted that the Commission only determines the budget for the City, not Bismarck Public Schools, Bismarck Parks and Recreation, nor Burleigh County. Director of Finance Dmitriy Chernyak stated that increases vary by property and that the budget increase is due in large part to timing. Commissioner Guy asked him to clarify. Mr. Chernyak said that many infrastructure projects started years ago have been completed and payments are now due. Mr. Chernyak also stated that funding for the Public Health building was from funds that were only able to be used for building construction and maintenance. The fund had \$8 million, and then \$2 million from the sale of the current building. Commissioner Guy asked if building funds are replenished, Mr. Chernyak stated they will not currently be but that the Commission could order that in the future. Commissioner Splonskowski asked for the total amount of property tax increases from 2020 to 2022, Mr. Chernyak said approximately \$8 million.

Mayor Bakken gave an overview of the reason for a two year plan, citing the need to take care of issues that have been pushed off in years past, and that the current City Commission be the ones to complete the two year plan. Commissioner Splonskowski asked Mr. Chernyak if any departments have reduced or held the same budget as 2021. Mr. Chernyak stated that many requests were denied, and that all Commissioners reviewed the budget with Directors of every department in their portfolio before they were sent to the Budget Committee. Commissioner Zenker stated that he had not supported the two year plan, but would support a longer span of time to make up the difference.

Commissioner Guy made a motion to approve the 2022 budget as presented. Mayor Bakken seconded the motion. Upon roll call Commissioners Zenker and Splonskowski voted nay, Mayor Bakken and Commissioners Guy and Marquardt voted aye. M/C

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

Director of Community Development Ben Ehreth gave an overview of the request.

Commissioner Splonskowski made a motion to approve the request as presented. Commissioner Guy seconded. Upon roll call all voted aye. M/C

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

Director of Community Development Ben Ehreth gave an overview of the request.

Commissioner Zenker made a motion to approve the request as presented. Commissioner Splonskowski seconded. Upon roll call all voted aye. M/C

#### Other Business

Commissioner Marquardt thanked all the citizens who had spoken, the entire Commission, and the budget committee. He also highlighted Public Works Day and the great attendance.

Adjourn

Meeting was adjourned at 7:08 p.m.

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