



MEETING OF THE BOARD OF CITY COMMISSIONERS

9/27/2022 - Minutes

Call to Order

The Board of City Commissioners met in regular session on September 27, 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 Cleary, Commissioner Marquardt, Commissioner Splonskowski, Commissioner Zenker, and Mayor Schmitz.

FUTURE COMMISSION MEETINGS:

- October 11, 2022 & October 25, 2022
- November 8, 2022 & November 22, 2022
- December 13, 2022 & December 27, 2022

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)

The following people expressed concerns with the proposed changes to the operational hours of the paratransit system: Trevor Vannett, Susan Dingle, Jacey Enget, and Renee Wetzstein.

2. 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 minutes
- B. Consider approval of personnel actions

C. Consider approval of expenditures

Vouchers: 1106718-1107021.

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

1. Bismarck Human Relations Committee resignation & appointment.

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

1. Consider approving a Federal Transit Administration grant with terms that are not typically accepted by Legal Department.

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

1. The final 2022 Annual Action plan for Community Development Block Grant (CDBG) funds.
2. Request from KC Land Holdings, LLC. to remove a condition of approval of the minor subdivision final plat for Jacks First Addition requiring that an off-site easement for storm sewer and drainage easement be secured and recorded in conjunction with the plat.
3. Resolution to reflect the prior approval of the release of an access easement over Lots 9-10, Block 5, Promontory Point VI Addition made during the September 13, 2022, City Commission meeting.

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

1. A request of the Northern Plains Heritage Foundation for an Encroachment Agreement to place signs in the right-of-way or on City-owned poles in the right-of-way.
2. Acceptance of a warranty deed for a lot in Clear Sky Addition for the sanitary sewer lift station and acceptance of warranty deed for a lot in Eagle Crest 8th Addition for the sanitary sewer lift station.
3. Approval of geotechnical testing services contract with American Engineering Testing, Inc. (AET) relating to 2022 Geotechnical Services.
4. A request for Resolution Approving Contracts and Bonds for previously awarded special assessed projects.

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

1. Applications for Abatement where the Assessing Division recommends approval.

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

1. Permission to request donations for the Forestry Division's 2023 Partners in Planting and Arbor Day Fund.
2. Permission to purchase a floor scrubber from the State of Minnesota bid contract from Tennant Sales and Service Company for the 2023 budget year.

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

1. Permission to enter into Sourcewell contract with Greystone Construction for the construction of one 100' x 144' sand tent.
2. Permission to award the bid for the Bismarck Lift Station supervisory control and data acquisition (SCADA) upgrade.

3. REGULAR AGENDA

4. Consider the request from Molly McLain, Executive Director of Dakota West Arts Council to provide a report on DWAC's activities and projects.

Molly McLain, Executive Director of Dakota West Arts Council (DWAC), provided an annual report on the group's activities and projects. Ms. McLain closed by asking the Commission to add a portfolio designated for community arts and culture.

The Commission received the report.

<https://bismarcknd.gov/DocumentCenter/View/41209/Item-4-PDF>

5. Consider the request to receive an update from members of the Human Relations Committee regarding upcoming activities in recognition and celebration of the Committee's 20th Anniversary.

Members of the Bismarck Human Relations Committee (HRC) addressed the Commission regarding upcoming activities to celebrate the committee's 20th anniversary. The HRC is hosting a celebration on October 22, 2022, with invitations going out to the Commission, members of the community, former HRC members, and Humanitarian Award recipients. The celebration will include light refreshments, music, dancing, and a chance for past members to speak about the committee's accomplishments.

The Commission received the update and encouraged the HRC to move forward with its event.

<https://bismarcknd.gov/DocumentCenter/View/41212/20th-Anniversary-Invite-PDF>

6. Public hearing on an application to transfer the Class D Alcoholic Beverages Liquor License to ND Hospitality, LLC. (dba) Quality Inn at 1030 East Interstate Avenue.

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

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

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

7. Public hearing on an application for a Class M Catering Liquor License for The Scapegoat Bar, Inc. (dba) The Scapegoat Bar at 202 East Main Street, Mandan, ND 58554.

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

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

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

8. Public hearing on Ordinance 6522 to amend the penalty procedure in the traffic codes for clarity.

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

Commissioner Marquardt motioned to approve Ordinance 6522 as presented, and Commissioner Cleary seconded the motion.

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

9. Public hearing for the 2022 special assessment districts and confirm the assessments as amended.

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

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

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

10. Public Hearing on the concrete sidewalk, curb and gutter, and private driveway assessments as part of SW2021 assessments.

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

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

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

11. Consider the request to pursue North Dakota Department of Transportation Highway Safety Improvement Program (HSIP) funding.

Gabe Schell, City Engineer, presented information on the North Dakota Department of Transportation Highway Safety Improvement Program (HSIP) funding.

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

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

12. Consider the request to pursue funding from the North Dakota Department of Transportation

(NDDOT) Rail Safety Improvement Program.

Gabe Schell, City Engineer, presented information on the North Dakota Department of Transportation Rail Safety Improvement Program.

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

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

13. Consider request to pursue NDDOT Urban Road, Urban Regional and Urban Grant program projects.

Gabe Schell, City Engineer, presented information requests for funding from the North Dakota Department of Transportation for Urban Road, Urban Regional, and Urban Grant Programs.

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

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

14. Continued discussion on Amendment 3 to the Bis-Man Transit Board 2016 brokerage agreement.

Janelle Combs, City Attorney, addressed the Commission requesting guidance on how to proceed with revisions to the contract with Bis-Man Transit. Attorney Combs noted that the Transit Board expressed concerns with conflicting terms in the contract's language. Attorney Combs stated that the contract's terms result from differing interpretations of the language. Attorney Combs clarified her interpretation to mean that an increase in hours of operation would not require a hearing of the City Commission, a decrease in hours would require a hearing. Additionally, temporary changes in hours of operation are the authority of the Transit Board; however, holiday hours are not considered temporary hours because they reoccur annually.

The general consensus of the Commission is a concern about any decrease in operational hours for para-transit services. Additionally, the Commission agreed that any decrease in service would require a presentation to the City Commission from the Transit Board, which would allow for an opportunity for public comment.

Commissioner Zenker motioned to direct Attorney Combs, Commissioner Marquardt, and Commissioner Splonskowski to meet with the Bis-Man Transit Board to discuss a compromise that is amenable to all parties involved, and Commissioner Cleary seconded.

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

<https://bismarcknd.gov/DocumentCenter/View/41210/Item-14-PDF>

15. Receive an update regarding efforts to address traffic issues.

The Commission received a report from Police Chief Dave Draovitch, Traffic Lieutenant Jeff Solemsaas, and Officer Joseph Petersen relating to traffic concerns throughout the community. Issues highlighted include red light running, excessive speeding, distracted

driving, and driving under the influence resulting in significant vehicle collisions. Chief Draovitch stated the number one need is a more substantial deterrent, such as an increase in traffic fines, and encouraged citizens to contact local legislators to express their concerns about driving habits and support for increased fines.

Commissioner Marquardt requested a report of analysis of citations over the past few years to be presented at the next meeting and encouraged citizens to keep reporting concerns to the Police Department.

16. Consider the request to discuss the Sesquicentennial Tree Planting Project at New Generations Park on October 1, 2022.

Doug Wiles, Acting Public Works Service Operations Director, reported on the upcoming Sesquicentennial tree planting event scheduled for October 1, 2022. Through the support of service groups, boy scouts, and local businesses, 150 trees will be planted at New Generations Park on Valley Drive. Doug offered a special thanks to the North Dakota State Forrest Service and the Farwest Rotary for their donations and grants to support the project. Director Wiles closed by inviting the Commissioners and the general public to attend and help plant trees.

<https://bismarcknd.gov/DocumentCenter/View/41211/Item-16-PDF>

17. Request to go into executive session under NDCC 44-04-19.1(9) for contract negotiation / negotiation strategy.

Commissioner Marquardt motioned to enter executive session under NDCC 44-04- 19.1 (9), and Commissioner Splonskowski seconded.

Upon roll call, all voted aye. M/C

Entered into executive session at 7:15 PM with roll call - all present.

The executive session ended at 7:31 PM.

The regular session was reconvened at 7:32 PM with roll call - all present.

Commissioner Zenker motioned to direct staff to proceed per the consensus of the commissioners during the executive session negotiation strategy discussion, and Commissioner Splonskowski seconded.

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

There being no further business to discuss, the meeting adjourned at 7:33 PM.

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