



MEETING OF THE BOARD OF CITY COMMISSIONERS

1/9/2024 - Minutes

Call to Order

The Board of City Commissioners met on January 9, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Cleary, Commissioner Connelly, Commissioner Marquardt, Commissioner Zenker, and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS:

- January 23, 2024
- February 13, 2024 & February 27, 2024
- March 12, 2024 & March 26, 2024

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 public comment was received.

2. CONSENT AGENDA

Commissioner Zenker motioned to approve as presented, and Commissioner Connelly 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: #1115346-1115544

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

1. Taxi License Application - Bismarck Transportation Services, Co.
2. Taxi License Application - Dakota Transportation Services, LLC.
3. Gaming Site Authorization for Bismarck Youth Baseball, LLC. to conduct gaming at the Scheels Youth Baseball Complex, 2000 Shiloh Drive.
4. Introduction of and call for a public hearing on a request for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

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

1. Introduction of and call for public hearing on Ordinance 6570, the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township where the Planning and Zoning Commission recommends approval.
2. Request of Donald and Cynthia Klym for approval of a minor subdivision final plat titled Centennial First Addition First Replat where the Planning and Zoning Commission recommends conditional approval.
3. Introduction of and call for public hearing on a zoning ordinance text amendment, requested by the City of Bismarck, to amend certain dimensional requirements for residential accessory structures where the Planning and Zoning Commission recommends approval.
4. Consider the 2021 Annual Action Plan for CDBG – Substantial Amendment.
5. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, to approve the Updated Designation of Signature Authority for TrAMS and Authorization of User Manager Privileges for MPO staff.

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

1. Encroachment agreement with Charity Lutheran Church.
2. Encroachment agreement with Hope Manor Foundation, Inc.
3. Resolution of necessity for Street Improvement District SI 578.
4. Resolution approving preliminary report and directing preparation of plans and specifications and resolution of necessity for Street Improvement District SI 579.

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

1. Applications for Abatement
2. Receive, consider, and award bid for actuarial services.
3. Public Depositories for City Funds

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

1. Permission to sell two decommissioned Police patrol vehicles at auction.
2. Permission to sell a 2015 Chevrolet Equinox at auction and replace it with a forfeited 2015 GMC Sierra.

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

1. Time extension change orders for PKG Contracting and Edling Electric for the Water Treatment Plant High Lift No. 5 project.

3. REGULAR AGENDA

A. Public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's LLC (dba) Thomas & Moriarty's at 200 West Main Street, Mandan.

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

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

B. Public hearing on a request for a new Class C-2: Hotel or Motel Liquor license for NHS, LLC. (dba) Wingate by Wyndham Bismarck at 1421 Skyline Blvd.

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

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

C. Public hearing on Ordinance 6567 to amend portions of Title 9 - Personnel Regulations.

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

The Commission discussed the proposed ordinance amendments and sought feedback from Roger Krueger, Civil Service Commission Chairman, on appropriate changes to the ordinance. Mr. Krueger stated that it is his opinion the ordinance should be adopted as written, which would allow the City Administrator to hire and terminate directors. Mr. Krueger noted that the City Commission always has the authority to review personnel actions as part of each regular Commission meeting Consent Agenda. Mr. Krueger suggested that the Commission develop a procedural process to help guide the hiring and termination process for department directors, which the City Administrator would use in those situations. Mr. Krueger closed by offering his perspective relating to civil service protection, which he believes each department director deserves.

Commissioner Zenker stated that he is comfortable with most of the changes and reaffirmed his position that the City Commission should have the appointing and termination authority of department directors. Commissioner Zenker noted he had

communications with multiple department directors, all of whom expressed support for upholding civil service protection for department directors and staff.

The general consensus of the Commission is to preserve the civil service protection for department directors and to develop procedures that will help define the roles for hiring, terminating, and performance evaluations for department directors.

Commissioner Cleary motioned to approve the ordinance as amended and start the process to create procedures, determine termination, and performance review of department directors, and Commissioner Marquardt seconded. Upon a roll call vote, Commissioners Marquardt, Connelly, Cleary, and Mayor Schmitz voted aye. Commissioner Zenker voted nay. M/C.

<https://bismarcknd.gov/DocumentCenter/View/44623/Item-3C-PDF>

D. Public hearing on Ordinance 6568 to amend the city pension.

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

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

E. Public hearing on Ordinance 6569 to amend the city police pension.

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

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

F. Consider approval of amendment 1 with Apex Engineering Group, Inc for design engineering services related to FEMA South Bismarck Flood Control Project.

Gabe Schell, City Engineer, provided information relating to amendment 1 with Apex Engineering Group, Inc. for design engineering services related to the FEMA South Bismarck Flood Control Project. The City of Bismarck has been awarded \$50,000,000 in Hazardous Mitigation Assistance (HMA) funding from the Federal Emergency Management Agency (FEMA) to address flood mitigation in south Bismarck.

Commissioner Marquardt motioned to Approve amendment 1 with Apex Engineering Group, Inc. for design engineering services related to FEMA South Bismarck Flood Control Project and grant permission for City Engineering to engage with stakeholders on potential impacts this project may cause, including but not limited to Bismarck Parks and Recreation District, Dakota Zoo, and ND Department of Transportation and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

G. Receive an update from the City Commission Fact Finding Subcommittee.

Commissioner Cleary provided an update on the progress of the Fact-Finding Subcommittee. The Subcommittee has been researching and investigating the processes relating to contracts for events and alcohol sales by the third-party vendor. Commissioner Cleary noted that the Subcommittee expressed concerns with the cash-

only alcohol sales and the inability to verify quantities without cash register receipts or other electronic means of inventory. Commissioner Cleary suggested the implementation of cash registers or electronic payment methods for the alcohol vendor. Commissioner Zenker shared with the Commission potential hurdles to overcome for the successful implementation of an electronic payment system, which would include investments in IT and cybersecurity to ensure adequate coverage and a safe network capable of financial transactions and large-scale events. Commissioner Connelly reported the Subcommittee had discussed a potential recommendation to consider a third-party management company to support operations at the Event Center and noted that the Subcommittee will continue exploring this option. Commissioner Connelly closed by informing the Commission that the Subcommittee's work will continue and will include reviewing contracts and interviews with vendors who have worked with the Event Center in the past. The Subcommittee's goal is to report back to the Commission at the February 27, 2024, City Commission meeting.

4. Other Business

Mayor Schmitz asked Leanne Schmidt to reengage the hiring process for the vacant City Administrator position.

Adjourn

There being no further business to discuss, the meeting adjourned at 6:49 PM.

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