



MEETING OF THE BOARD OF CITY COMMISSIONERS

3/12/2024 - Minutes

Call to Order

The Board of City Commissioners met on March 12, 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

- March 26, 2024
- April 9, 2024 & April 23, 2024
- May 14, 2024 & May 28, 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. Proclamations

- A. MDU 100th Anniversary Proclamation
- B. National Drug and Alcohol Facts Week Proclamation

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

1. Terry Fleck requested that an item relating to Morrison Ave be placed on a Commission meeting agenda in April.

3. CONSENT AGENDA

Commissioner Zenker motioned to approve the Consent Agenda 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 # 1116540 - 1116754.

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 Class I-2: Complementary Alcohol license for Le Beauty, LLC. dba Lux Nails at 3001 Yorktown Drive.
2. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for COM Garden Center Inc. dba Plant Perfect at 4615 Ottawa Street.

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

1. Appointment for the Bismarck Historic Preservation Commission.
2. Additional supplemental HOME funds to pass through the City to NDHFA as a subrecipient.
3. Mitchell Unterseher, Mark Unterseher, and Tamara Unterseher are requesting the release of non-access lines over two 30-foot sections along Fernwood Drive and one 20-foot section along Sandy River Drive, as well as the dedication of a non-access line over one 30-foot section along Fernwood Drive, where staff recommends approval.
4. J & D Construction is requesting approval of a revision to the minor subdivision final plat titled Sonnet Heights Subdivision Ninth Replat, where Staff recommends approval.
5. Introduction of and call for a public hearing on Ordinance 6573, a request by Remedy Housing Solutions, LLC., Cory Louser, and Katilla Wiseman, for a zoning map amendment from the R10 – Residential zoning district to the PUD – Planned Unit Development zoning district for part of McKenzie and Coffins Second Addition, where the Bismarck Planning and Zoning Commission recommends approval.

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

1. Street closure for the KFYZ TV Food Truck Festival.
2. Private Drive and Private Utility Agreement with J & D Construction, Inc.
3. Award concurrence of North Dakota Department of Transportation (NDDOT) Centennial Rd/Bismarck Expy Interchange Reconstruction project, IM-NHU-1-094(212)161), PCN 22648, City project HC 132.
4. North Dakota Department of Transportation (NDDOT) Cost Participation, Construction, and Maintenance Agreement for Urban Grant Project UGP-1-981 (141), City Project HC 166.

5. Resolution receiving bids and ordering preparation of the Engineer's Statement and resolution rejecting all bids for Sewer Improvement District SE 582/WPSP392.

6. Receive bids and award contract for Street Light and Traffic Signal Project SV 75.

7. Receive bids and award contract for Water Utility WU 145.

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

1. Approval of Abatements.

2. Authorize P-Card Program and Security Administrators for JP Morgan P-Card Program.

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

1. Permission to use Sourcewell contract to purchase safety equipment and personal protective equipment through M & T Fire & Safety Equipment.

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

1. Task Order 24-02 from Houston Engineering for the Solid Waste operations to provide Air Quality Tier 2 NMOC Emission Testing, Analysis, and Reporting.

2. Permission to enter into an agreement with Ames Construction for the purchase of Borrow Dirt from the Landfill for the price of \$1.00 per Cubic Yard.

3. Permission to award the Landfill Cell 2 Construction Project to R.J. Zavoral and Sons, Inc.

4. Permission to award the bid for City of Bismarck Lawn Care Services, managed by Service Operations.

5. \$500 sponsorship to the 2024 North Dakota Excavator Meeting.

6. Permission to accept the signed deed from the State of North Dakota to turn back unused property near the Landfill to the City of Bismarck.

7. Permission to sell Environmental Health Assets at a Public Auction or Online Auction.

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

1. Expense coverage from professional organization for AWWA DC Fly-In.

2. Permission to award lawn care services bids.

3. Skeel's Electric Change Order No. 2 for Lift Station SCADA Project.

4. Amendment No.4 to Stantec License & Maintenance Agreement for Use of FAMS-XL.

4. REGULAR AGENDA

- A. Continued discussion and final decision regarding the final recommendation from the City Commission Fact-Finding Subcommittee relating to the performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations.

Commissioner Cleary motioned to table this item for two weeks and be brought back to the March 26, 2024 meeting, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

https://www.bismarcknd.gov/DocumentCenter/View/45234/Item-4A-_March-12-2024-PDF

- ~~B. Continued discussion and approval of department director employment and performance processes.~~
- C. Request for resolution creating district Parts A-1, A-2, and B, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24 - Parts A-1, A-2, and B.

Gabe Schell, City Engineer, provided information relating to the request for a resolution creating district Parts A-1, A-2, and B, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24—Parts A-1, A-2, and B.

Commissioner Zenker motioned to approve the request to create district Parts A-1 and B, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24 - Parts A-1 and B as presented, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Zenker motioned to approve the request to create district Part A-2, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24 - Part A-2 as presented and directed staff to identify properties that were built at least 15 years ago where sidewalk gaps currently exist and provide that information at the March 26, 2024 meeting, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

- D. Request for resolutions receiving bids, ordering preparation of the engineer's statement and awarding contracts for SI 578.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SI 578.

Commissioner Zenker motioned to approve the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SI 578 to Municipal Pipe Tool Company for \$361,918.48 as presented, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

https://www.bismarcknd.gov/DocumentCenter/View/45235/Item-4D_March-12-2024-PDF

- E. Request for resolutions receiving bids, ordering preparation of the engineer's statement and awarding contracts for Street Improvement District SI 579.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SI 579.

Commissioner Zenker motioned to approve the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SI 579 to Ti-Zack Concrete, LLC. for \$2,890,695.48 as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

https://www.bismarcknd.gov/DocumentCenter/View/45236/Item-4E_March-12-2024-PDF

- F. Request to receive bids and award contract for Sewer Utility Project SU 95.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SU 95.

Commissioner Marquardt motioned to approve the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SU 95 as presented, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

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- G. Request to receive bids and award contract for Water Utility WU 143.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids and award contract for WU 143.

Commissioner Zenker motioned to approve the request for resolutions to receive bids and award the contract for WU 143 to Basaraba Excavating for \$2,499,999.99, contingent upon concurrence from the Bismarck Parks and Recreation District and the removal of the Department of Water Resources state grant funds condition, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

- H. Request to receive bids and award contract for Water Utility WU 144.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids and award contract for WU 144.

Commissioner Zenker motioned to approve the request for resolutions to receive bids and award contract for WU 144 to Basaraba Excavating for \$1,851,346.80 contingent upon the removal of the Department of Water Resources state grant funds condition, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

5. Other Business

Commissioner Zenker thanked Dmitriy Chernyak, Leanne Schmidt, and the HR and Finance staff for assisting with activities at the Event Center over the past two weekends.

Adjourn

There being no further business to discuss, the meeting adjourned at 5:59 PM.

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