MEETING OF THE BOARD OF CITY COMMISSIONERS

4/9/2024 - Minutes

Call to Order

The Board of City Commissioners met on April 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

- April 9, 2024 & April 23, 2024
- May 14, 2024 & May 28, 2024
- June 11, 2024 & June 25, 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)

    1. Susan Dingle addressed the Commission regarding her perspective on matters relating to the Bismarck Event Center. https://bismarcknd.gov/DocumentCenter/View/46581/Item-3F---April-9-2024-PDF

2. CONSENT AGENDA

    A. Consider approval of minutes

    B. Consider approval of personnel actions

    C. Consider approval of expenditures

    Vouchers: 1117013 - 1117218

    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 to transfer the Class E: Sale at Retail of Beer Only from Mini Mart, Inc. (dba) Loaf 'N Jug #685 to Washington Bismarck ND, LLC. (dba) Brake Time, at 2835 North Washington Street.

2. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol License for Coco Nails & Spa, LLC (dba) Coco Nails & Spa at 820 43rd Avenue NE.

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

1. Permission to enter into a new extraterritorial area agreement (ETA) with Missouri Township to address actions in the existing agreement that are no longer current.

2. Introduction of and call for public hearing on Ordinance 6575, a request for zoning map amendment from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision.

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

1. Approval of a Memorandum of Understanding with Blue Jay Transit USFM, LLC to operate standup electric scooter sharing within the City of Bismarck right of way.

2. Approval of revised Development Agreement with MBR Properties, LLC for Paradise Valley Additions.

3. Approval for Bismarck State College to close Schafer Street from Edwards Avenue to College Drive on Thursday, April 18, 2024, from 8:00 AM to 3:00 PM.

4. Approval of hanging banners on city-owned light poles adjacent to Bismarck Municipal Field.

5. Approval for Resolution to Close Street Improvement District SI 567.

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

1. Applications for abatement.

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

1. Approve a Memorandum of Understanding with the North Dakota Firefighter's Association.

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

1. Consider introduction and call for a public hearing on Ordinance 6576 regarding equipment of vehicles.

2. Consider approving a hold harmless agreement with Doosan Bobcat North America, Inc. regarding mowing.

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

1. Permission to conduct the Annual Deer and Turkey Hunting Program on City properties.

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

1. Award bid for the Roof Replacement for the Convention & Visitors Bureau to Wegner Roofing.
2. Award bid for Type BL LED Luminaires to Border States Industries, Inc.

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

1. Approve all Service Operations and Utility Operations payment convenience fees and credit card processing fees to be paid by the customer.
2. Approval of Amendment No. 1 for Apex Engineering Task Order 4 for Hay Creek Interceptor Main to Divide.
3. Approval of bid award for Mandan Street water tower removal to Iseler Demolition Inc.
4. Approval to award bid for Water Treatment Plant Expansion GMP3A for the UPS replacement.
5. Approval of contracts with seven engineering consulting firms for operations and maintenance activities for Utility Operations.
6. ~~Approval to finalize the purchase of property for future lift station.~~

3. REGULAR AGENDA

A. Receive the annual report from the City of Bismarck Human Relations Committee.

Human Relations Committee members Jason Grueneich, Sargianna Wutzke, and Thea Jorgensen provided an overview of the committee's Annual Report.

https://bismarcknd.gov/DocumentCenter/View/46578/Item-3A---April-9-2024-PDF

B. Public hearing, second reading, and approval of Ordinance 6574 to amend the 2023 budget ordinance.

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

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

C. Consider the request for resolution receiving bids, ordering preparation of the Engineer's Statement and awarding contracts for City Concrete Contracts Parts A-1, A-2, and B.

Gabe Schell, City Engineer, presented the bid tabulation for construction of concrete sidewalks, driveways, and curb and gutter for 2024. The recommendation is as follows:

- Part A1: Strata Corporation - $1,494,649.00
- Part A2: Knife River - $244,792.95
- Part B: Knife River - $1,103,172.95

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

https://bismarcknd.gov/DocumentCenter/View/46579/Item-3C---April-9-2024-PDF

D. Consider the request to receive bids and award contract for project 2024 Pavement Crack Sealing Project HC 167.

Gabe Schell, City Engineer, presented the bid tabulation for the 2024 Pavement Crack Sealing Project HC 167. The recommendation is to award the bid to Roadway Services, Inc. for $108,640.00.

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

https://bismarcknd.gov/DocumentCenter/View/46580/Item-3D---April-9-2024-PDF

E. Consider approval of development agreement and purchase agreement relating to 2712 Hamilton Street.

Gabe Schell, City Engineer, presented a finalized purchase agreement for the city-owned property located at 2712 Hamilton Street. Engineer Schell recommended if approved the Commission also remove related agenda item 3G (Executive Session).

Commissioner Zenker motioned to approved item as presented with removal of item 3G from the regular agenda and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

https://bismarcknd.gov/DocumentCenter/View/46599/Item-3E---April-9-2024-PDF

F. Discussion on next steps for the Bismarck Event Center.

Amanda Yellow, Acting Event Center Director, provided an overview of a plan to work through the next 30, 60, and 90 days of events and activities. She included recommendations and references to the findings of the Fact Finding Subcommittee with an effort to address some of the items noted in the report. Ms. Yellow noted that Event Center staff is working with Human Resources to address personnel concerns and develop a training program. Additionally Ms. Yellow stated she and other Event Center staff continue to work with other city staff to become proficient with DocuSign for processing contracts.

G. Consider the request to enter into Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiation/negotiation strategy under NDCC

Section 44-04-19.1 (9).

Item G was removed by Commission action in item 3E.

H. Consider the request to enter into Executive Session under North Dakota Century Code Section 44-04-19.1(9) regarding contract negotiation/negotiation strategy.

Commissioner Marquardt motioned to enter into Executive Session at 6:16 PM, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 6:48 PM, with all members present.

Commissioner Zenker motioned to move forward with the consensus discussed during the Executive Session, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

4. Other Business

Adjourn

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