



MEETING OF THE BOARD OF CITY COMMISSIONERS

4/23/2024 - Minutes

Call to Order

The Board of City Commissioners met on April 23, 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, and Commissioner Zenker, were present. Mayor Schmitz attended the meeting via Teams.

FUTURE COMMISSION MEETINGS

- May 14, 2024 & May 28, 2024
- June 11, 2024 & June 25, 2024
- July 9, 2024 & July 23, 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. Girl Scout Gold Award Recognitions

The Commission recognized Susanna Franchetich and Katie Townsend for their achievement of the Girl Scout Gold Award.

2. Proclamations

Chair Marquardt read the following proclamations:

1. Arbor Day
2. Historic Preservation Month
3. Law Enforcement Memorial Week

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

4. CONSENT AGENDA

Commissioner Zenker motioned to approve the Consent Agenda as presented, and Commissioner Cleary 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: 1117219 to 1117508.

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

- 1. Gaming Site Authorization Renewals.
- 2. Liquor License Renewal.

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

- 1. Sale of surplus/obsolete items at Police Auction.

- F. Consider the request for approval from the Central Dakota Communications Center for the following:

- 1. Permission to receive a food donation from Voice Products, as a thank you to the hard work and dedication of our staff during National Public Safety Telecommunications Week.

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

- 1. Contract and scope of work for the Bismarck Arts and Culture Plan.
- 2. Revision to the major subdivision final plat titled Elk Ridge Third Addition.
- 3. Title VI Monitoring Review for 2021, 2022 and 2023.

- H. Consider the request for approval from the Engineering Department for the following:

- 1. Development Agreement with HD Partners, LLP.
- 2. Development Agreement with HD Real Estate Investments, Inc.
- 3. Encroachment and waiver agreement with 630 Main Partners, LLC for signs projecting into and overhanging the right of way.
- 4. Contract Change Order No. 4 for Highway Construction Project 143.
- 5. Amendment to existing agreement for professional services with KLJ for E Century Ave Reconstruction – HC 165.
- 6. Selection of Terracon and Braun Intertec for Project 1 for material testing services and the ability to retain their services for two subsequent years and approval of Terracon for Project 2 for material testing services.
- 7. Private Drive and Private Utility Agreement and Access Easement with Edgewood Properties, LLLP.

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

1. Applications for Abatement.
2. Special Assessment Commission Member Appointment.

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

1. Concrete Street Light Poles to Graybar Electric Company, Inc. for Public Works Service Operations Electrical Division.
2. Agreement with EngTech, LLC to provide consulting services for Bismarck Veterans Memorial Library Restroom Renovation Project.
3. Contract with HDR Engineering for the new Scale House Conceptual Design Scope and Fees.
4. Authorize staff to purchase two traffic control cabinets from Traffic Control Corporation.
5. Permission to sell surplus vehicles, equipment, and furniture at the City Auction.
6. **Permission for the Weeds Division to assist the Bismarck Parks and Recreation Board, as a subrecipient, in the application for two grants for noxious weeds management on Parks property.**

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

1. Purchase of property for future lift station.
2. Award bid for construction of sanitary sewer - Hay Creek Interceptor from Main Avenue to Divide Avenue project (SU24-91).
3. Time extension and cost change order from Leo A. Daly for the Public Works Expansion Project.
4. Wetland mitigation credit purchase for Boulder Ridge Stormwater Project.

5. REGULAR AGENDA

A. Receive the reports from the Bismarck-Mandan Chamber EDC and the Downtown Community Foundation (Downtowners) relating to the economic development services provided by each organization.

Brenda Nagel, CEO of the Bismarck Mandan Chamber EDC, Kate Herzog, COO of the Downtown Community Foundation, and Karel Sovak, Dean of the Gary Tharaldson School of Business provided a first quarter update on the work each organization is doing in support of the economic development services contract through the City of Bismarck.

- B. Receive an update on the City of Bismarck's technical evaluation of local limits.

Katie Greenstein, with HDR Consultants, Michelle Klose and Paul Olson with Public Works Utility Operations presented information relating to a plan relating to limiting the volume of pollutants of concern (POC) that enter the wastewater treatment facility and provided dates for a public comment period. A public meeting will be held Tuesday, April 30, 2024 at 2:00 PM at the Public Works Facility.

<https://bismarcknd.gov/DocumentCenter/View/46676/Item-5B---April-23-2024-PDF>

- C. Consider the request from Terry Fleck to receive a presentation relating to sidewalks along Morrison Avenue.

Terry Fleck presented information relating to the installation of sidewalks in an industrial area in which Mr. Fleck is a property owner. He would like the Commission to reconsider the implementation of sidewalks in these areas in the future.

- D. Public hearing on the request for a new Class I-2: Complementary Alcohol license for Coco Nails & Spa, LLC (dba) Coco Nails & Spa at 820 43rd Avenue NE.

Chair Marquardt opened the public hearing. No members of the public appeared for comment.

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

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

Chair Marquardt opened the public hearing. No members of the public appeared for comment.

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

- F. Public hearing for Ordinance 6575 to amend zoning from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision and take final action on this item.

Lauren Oster, City of Bismarck Planner, presented an overview of the proposal for Ordinance 6575.

Chair Marquardt opened the public hearing. The following members of the public spoke against the zoning change:

1. Ron Knutson
2. Tim Hennessey
3. Claudia Berg
4. Parrell Grossman
5. Loren Schwab

Jacob Barney, a representative of Five Star Storage, presented the plan proposed for the

site consisting of self storage facilities.

Commissioner Connelly motioned to deny the zoning change and uphold the Planning and Zoning Commission's recommendation, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

<https://bismarcknd.gov/DocumentCenter/View/46677/Item-5F---April-23-2024-PDF>

- G. Consider the recommendation from the Vision Fund Committee to support a PACE program interest buy-down for Superior Precast, LLC.

Nathan Schneider, Vice President of Economic Development for Bismarck Mandan Chamber EDC, presented the recommendation from the Vision Fund Committee to award the PACE program interest buy-down to Superior Precast, LLC.

Arthur Goldammer, owner of Superior Precast provided information about the company to the Commission.

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

- H. Consider a request to receive bids and award contract for Street Light and Traffic Signal Project SV 76.

Gabe Schell, City Engineer presented the bid tabulations for Street Light and Traffic Signal Project SV 76. He recommended that the bid be awarded to the lowest bidder Edling Electric for \$69,800.00.

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/46678/Item-5H---April-23-2024-PDF>

- I. Consider and discuss options moving forward with the Bismarck Event Center director position.

Item I was pulled from the agenda at the beginning of the meeting to be brought back at a later date.

<https://bismarcknd.gov/DocumentCenter/View/46679/Item-5I---April-23-2024-PDF>

- J. Consider the request to identify a new commissioner to handle the Finance Portfolio for the development of the 2025 budget.

Commissioner Marquardt requested that the Finance portfolio be transferred to another Commissioner as he will not be seeking re-election in June. He explained some of the time commitment and expectations required of the Finance portfolio holder and asked for discussion.

Mayor Schmitz expressed that he still believes that he should not be the Finance portfolio holder and expressed his interest in appointing the portfolio to Commissioner Cleary. He also noted that the portfolio assignments will be reviewed again after the election in June.

Commissioner Cleary confirmed that she can meet the time requirements required as a member of the budget committee and would accept the portfolio recommendation.

Commissioner Marquardt voiced his support for Commissioner Zenker to take over the Finance portfolio until assignment are determined after the election.

Commissioner Connelly stated that he had received feedback from members of the public regarding both Cleary and Zenker if they were assigned the Finance portfolio.

Commissioner Marquardt motioned to appoint the Finance portfolio to Commissioner Zenker and Commissioner Connelly seconded. Upon a roll call vote Commissioners Connelly, Cleary, Zenker, and Chair Marquardt voted aye. Mayor Schmitz voted nay. M/C.

6. Other Business

Commissioner Cleary reminded the public of the Keep Bismarck Beautiful event taking place on Saturday, May 4, 2024, from 9:00 AM to Noon. Those interested in participating should register through the Bismarck Parks and Recreation District's website.

ADJOURN

There being no further business to discuss, the meeting adjourned at 8:07 PM.

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