

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. Proclamation recognizing September 23, 2020 as Arbor Day.

President Bakken signed the proclamation declaring September 23, 2020 Arbor Day in Bismarck. A belated Arbor Day celebration will be held tomorrow in Optimist Park. President Bakken will present the Proclamation to the Forestry Division then.

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

Several members of the community addressed their opposition to Bismarck-Burleigh Public Health's agenda item F1. These individuals included: Joel Hylden, Steve Nagel, Kendi Chase, Marvin Lepp, Jennifer and Justin Sabo, Jan Wangler, Ellen Scheels, Renae Leese, Stacey Williams, Vince Tweede, Erin Reidman, Christie Weixel, Mike Carlson, Vicki Laworway and Doris Wald.

In regards to the same item, Life 2.0 representative, Tyler Waters, shared his concerns with the bidding process for the shelter management services.

Tyler Skaff also spoke on an unrelated issue concerning fraudulent phone calls and the abilities the City and State have to track and combat them.

3. Consider the approval of the minutes.

Commissioner Marquardt moved to approve the minutes as presented. Commissioner Zenker seconded the motion.

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

4. CONSENT AGENDA

Commissioner Splonskowski requested discussion. Commissioner Marquardt moved to approve the consent agenda with the exception of F1. Commissioner Zenker seconded the motion.

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

City Attorney Jannelle Combs provided clarification on the security contract. She informed the Commission that the individuals this agreement was serving had the ability to leave the premises as they please, but once they left, they were not allowed back to the location. Furthermore, she identified the population in which this contract was intended to serve, as homeless individuals who were COVID positive.

She further explained the bid process. Two organizations had submitted bids for the sheltering management contract. The one that was picked was able to start sooner and had a larger staff to assist the population they were serving. She stated the Underserved Population Committee, a subcommittee of the Burleigh-Morton COVID Task Force, reviewed the proposals, and the committee felt it was important to keep the same management in place no matter how many people were seeking the assistance, at a comparable price.

Commissioner Guy and Attorney Combs added that the shelter management gives individuals the opportunity to get connected with other agencies and assistance if they need it.

Commissioner Splonskowski requested even more clarification on the security measures. After Attorney Combs provided more information, he stated he wanted the language changed to read that individuals were allowed to leave the scene when they please and to identify exactly who the contract serves.

Attorney Combs stated she can add a definition or alter the language to his liking.

Commissioner Marquardt suggested waiting for the next Commission Meeting. Attorney Combs stated that if the Commission did that, the individuals they are trying to serve, would be without services for two weeks. She then reminded the Commission that the initial contract had been approved at the Sept. 8, 2020 Meeting.

Commissioner Guy moved to approve both contracts with a change to clause 2.4 on the security contract to read a resident can leave, but not come back to the location. Commissioner Zenker seconded her motion.

Commissioner Splonskowski stated he wanted clause 2.1 changed as well to further identify who the contract serves. Commissioner Guy then withdrew her motion. Attorney Combs stated it seemed like Commissioner Splonskowski wanted to develop a policy, not make addendums to the security contract and suggested holding a special meeting to develop a policy on clause 2.1.

Commissioner Splonskowski moved to approve the contract with the change to 2.4 for people to be free to leave at their will and if they do so, they cannot come back to the facility. Commissioner Zenker seconded.

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

A Special Meeting to discuss a policy for 2.1 will follow later this week.

For more information on the Emergency Occupancy Agreement visit: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5437?fileID=13037>

A. Consider approval of expenditures.

Vouchers: 1094830 and 1095043.

B. Consider approval of personnel actions.

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

1. Appoint Ermuun Bulgan Schmidt to the Mayors' Committee for People with Disabilities.

2. Approve Street Utility Consultant selection recommendations.
3. Approve the following liquor license renewals:

Country West MVP - 2205 Tyler Parkway
Horizon Market, LLC - 125 Durango Dr.
Mesa Airlines, Inc. - 2301 University Dr.
Northbrook MVP - 1905 N. Washington St.
Sam's Club #4933 - 2821 Rock Island Pl.
Superpumper #39 - 2901 N. 19th St.
Superpumper #40 - 1120 Tacoma Ave.
Walmart #3648 - 1400 Skyline Blvd.
Walmart #1534 - 2717 Rock Island Pl.

- D. Consider the request for approval from the Airport for the following:
1. Approve Amendment 1 to the Ground Lease Agreement with CCH Turbine, LLC.
 2. Approve the assignment of the lease for the Runway Express Mart.
- E. Consider the request for approval from the Attorney for the following:
1. Ratify the September 11, 2020 State of Emergency Declaration, relating to COVID-19 by President Bakken, and extend its effect to October 11, 2020.
- F. Consider the request for approval from Bismarck-Burleigh Public Health for the following:
1. Approve two contracts for the Burleigh-Morton County COVID-19 Task Force to support the need for shelter management services.
- G. Consider the request for approval from the Engineering Department for the following:
1. Approve the release of a storm water and drainage easement document 769110 for Northern Sky Second Addition.
 2. Approve the dedication and acceptance of a sidewalk easement on the National Guard Addition.
 3. Approve the North Dakota Department of Transportation Cost Participation and Maintenance Agreement for the Bismarck Expressway Bridge Project.
- H. Consider the request for approval from the Finance Department for the following:
1. Application for Abatement, 2020, Exempt from Taxation, for Bismarck Public School District #1, 828 N. 7th St., 824 N. 7th St. and 822 N. 7th St.
 2. Application for Abatement, 2020, Market Value Reduction, Dean & Cindy Schick, 2802 Lexington Dr.
 3. Application for Abatement, 2020, Market Value Reduction, K&L Investments, Inc., 300 N. 31st St.
 4. Application for Abatement, 2020, Market Value Reduction, for New Life Worship Center, 1320 Tacoma Ave.
 5. Application for Abatement, 2019 & 2020, Option for Lease Never Materialized, City of Bismarck C/O Blue Wing Holdings, LLC., 1625 Airport Rd.
- I. Consider the request for approval from the Public Works - Service Operations Department for the following:

1. Grant permission to purchase an all-wheel drive van for Bismarck-Burleigh Public Health.

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

1. Approve the acceptance of additional grant funding from the state for the lead service line replacements.
2. Bid award for construction of the Wastewater Treatment Plant Phase 4 dewatering and disinfection.

5. REGULAR AGENDA

6. Receive a Public Health COVID-19 update from Renae Moch, Bismarck-Burleigh Public Health Director.

Director Moch briefed the Commission on Burleigh and Morton's COVID case count. In addition, she also shared the resources to learn more on the COVID Task Force Meetings.

Please see the link to view her full presentation. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5419?fileID=13043>

Commissioner Zenker made a motion to have task force meeting minutes sent to all Commissioners within two hours after the meeting. Commissioner Splonskowski seconded his motion.

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

7. Public hearing on Budget 2021.

Commissioner Marquardt, the Budget Committee representative, gave a brief review of Budget 2021.

Chad Schiermeister, a Bismarck resident and City of Bismarck employee, presented a letter from the Employee Representative Committee to the commission about employees' salaries and benefits.

To read the letter, please see the link. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5435?fileID=13039>

Travis Doll a Public Works-Utility Department employee spoke in favor of approving the Budget.

Wendy Connelly, read a letter from her husband Mike Connelly, in opposition to the Budget and the property tax increase.

To read the letter, please see the link. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5411?fileID=13044>

In addition, several other Bismarck residents spoke against the approval of Budget 2021. These individuals included: Rich Skojonsky, Shawn Woodbury, Sheila Heiser, Kendi Chase, Steve Nagel, Linda Hagen-Mathern and Darwin Reinhardt.

Finance Director Dmitriy Chernyak clarified the different funds and explained how property tax provides money to the general fund which supports the departments that provide direct services to the community, such as Police, Fire and CenCom.

Commissioner Marquardt reminded the Commission that the Budget Committee placed new eyes on the Budget and developed it based off the "bare bones" that departments would need to continue services and be sustainable in the future. He warned that not approving the Budget, could cost residents more money in the long run.

Commissioner Marquardt motioned to approve Budget 2021 as presented, including the 3% salary adjustment for City employees. Commissioner Guy seconded it.

Upon a roll call vote, Commissioner Marquardt and Commissioner Guy aye, Commissioner Zenker, Splonskowski and Mayor Bakken nay.

Motion denied.

Mayor Bakken suggested exploring the option of not giving a raise to department directors, appointed staff and elected officials. Commissioner Marquardt asked the Mayor what changed, as he had voted for the Budget at the last Commission Meeting. Mayor Bakken stated his opinion changed after assessing the delay in federal COVID funding and testimony from citizens.

Fleet Manager Kurt Ohnell explained the critical need for approving the Budget, as he felt the challenges they are facing today would continue to evolve as the City grew. Commissioner Marquardt then reiterated the fleet manager's points.

Commissioner Guy stated she felt the fleet plan portion of the Budget was absolutely crucial, but overall, she felt it was essential to stick with the Budget Commissioner Marquardt and the plan the Budget Committee developed.

Commissioner Marquardt then moved to approve Budget 2021 as presented with the exception salary increases for elected officials and the appointed staff includes the City Administrator, Assistant City Administrator, the City Attorney and Municipal Court Judge Severin. Commissioner Zenker seconded for discussion.

Mayor Bakken stated he would be ok with moving forward with the fleet plan, but he did not feel comfortable with the 3% raise for employees. He then elaborated how important he felt it was for the Commission to take care of the issue and pay back the reserves within the two-year time frame, they had approved earlier in the Budget process.

Director Chernyak stated it was also critical to maintain a reserve for future development and emergencies.

Upon a roll call vote, Commissioner Marquardt and Commissioner Guy aye, Commissioner Zenker, Commissioner Splonskowski and Mayor Bakken nay.

Motion denied.

Commissioner Guy stated the Commission needed to make a decision tonight because they are out of time, as the City's Budget needs to be completed by October.

Commissioner Marquardt stated the Budget Committee had cut thinner than the absolute needs presented by the directors and if the Budget was not approved as is, the services the

City provide to the public could be jeopardized. He then reminded the Commission that the tax increase for a \$274,000 home was equal to about \$10 a month.

Mayor Bakken asked where would the City be for mills with a 2.75 raise for employees but no raises for elected officials and appointed staff. Director Chernyak estimated the amount would be \$96,000, smaller than a quarter of a mill. Commissioner Guy asked how much that would affect someone's taxes. Director Chernyak estimated it would be a matter of a few cents each month.

Commissioner Splonskowski then gave the Commissioners a handout of his proposed priority initiatives for Budget 2021. He stated that under his plan, the City could save close to 2 million dollars. His cuts to priority initiatives included vehicles, remodels and employee raises.

To view the full list of his proposed priority initiatives, visit the link. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5411?fileID=13042>

Commissioner Marquardt moved to approve the budget as is with no raises for Commissioners and appointed staff. Commissioner Guy seconded the motion.

Upon a roll call vote, Commissioner Marquardt, Commissioner Guy and Mayor Bakken aye. Commissioners Zenker and Commissioner Splonskowski nay. M/C.

8. Public hearing on Burleigh County Housing Authority to apply for the Payment in Lieu of Taxes (PILOT) property tax incentive.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the Lieu of Taxes as presented. Commissioner Guy seconded the motion.

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

9. Public hearing on the concrete sidewalk, curb and gutter and private driveway assessment as part of the SW2019 assessments.

No member of the public appeared for comment.

Commissioner Guy moved to approve the SW2019 assessments as presented. Commissioner Zenker seconded the motion.

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

10. Public hearing for the 2020 special assessment districts and confirm the assessments as amended.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the special assessment districts as presented. Commissioner Guy seconded the motion.

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

11. Public hearing on Ordinance 6433, a request for the annexation of Lots 1-3, Block 3, Meadowlark Commercial 7th Addition and adjacent rights-of-way not previously annexed.

No member of the public appeared for comment.

Commissioner Guy moved to approve the annexation as presented. Commissioner Zenker seconded the motion.

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

12. Silver Ranch Second Addition, requested by Investcore, Inc. and Silver Ranch 19, LLLP.

1. Public hearing on Ordinance 6435, a request for a zoning change from the A-Agricultural , R10-Residential, CA Commercial and P-Public zoning districts for Silver Ranch Second Addition.

2. Final plat on Silver Ranch Second Addition.

No member of the public appeared for comment.

Commissioner Splonskowski moved to approve the zoning change and final plat as presented. Commissioner Zenker seconded the motion.

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

13. Stoneridge Addition Second Replat, requested by Verity Homes of Bismarck, LLC.

1. Public hearing on Ordinance 6434, a request for a zoning change from an existing PUD-Planned Unit Development zoning district to a new PUD-Planned Unit Development zoning district for Stoneridge Addition Second Replat.

2. Minor subdivision final plat of Stoneridge Addition Second Replat.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the request as presented. Commissioner Splonskowski seconded the motion.

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

14. Public hearing on Ordinance 6436, for a zoning change from the A-Agricultural and RR-Residential zoning districts to the PUD-Planned Unit Development zoning district for Lot 1, Block 1, Pat's Acres and Auditor's Lots A, B and C of the NE 1/4 of the NE 1/4 of Section 14, T139N-R81W/West Hay Creek Township, requested by Chase and Toni Dauenhauer.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the zoning change as presented. Commissioner Zenker seconded it.

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

15. Consider the request from the Engineering Department for the resolution to receive bids and ordering the preparation of the Engineer's Statement for WA333, SE577 and SI539.

Commissioner Zenker moved to approve WA333, SE577 and SI539 as presented. Commissioner Splonskowski seconded the motion.

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

For information on the bids for this item, please see the link. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5434?fileID=13038>

16. Consider the request from the Engineering Department to receive bids and award contract for SV 56.

Commissioner Splonskowski moved to approve SV 56. Commissioner Zenker seconded the motion.

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

For more information on the bids for this item, please see the link. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5435?fileID=13039>

17. Consider the request from the Engineering Department to pursue North Dakota Department of Transportation federal aid for Urban Roads, Urban Regional and Urban Grant projects.

Commissioner Zenker moved to approve the request as presented. Commissioner Splonskowski seconded the motion.

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

18. Consider the request from the Engineering Department to pursue the North Dakota Department of Transportation Highway Safety Improvement Program for the citywide conversion of the existing 5-section protective/permissive traffic signal heads to flashing yellow left turns and for east Bismarck Expressway pedestrian improvements.

Commissioner Zenker moved to approve the request as presented. Commissioner Guy seconded the motion.

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

19. Consider the request from the Engineering Department for the approval of pursuing the North Dakota Department of Transportation Alternatives funding for a pedestrian facility along Bismarck Expressway and a multi-use trail along US 83/State St. from Calgary Ave. to 43rd Ave.

Commissioner Zenker moved to approve the request as presented. Commissioner Splonskowski seconded the motion.

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

Other Business

Having completed all the items on the agenda, President Bakken asked if there was any other

business.

Adjourn

The meeting was adjourned at 10:08 p.m.

DRAFT