



## MEETING OF THE BOARD OF CITY COMMISSIONERS

5/14/2024 - Minutes

### CALL TO ORDER

The Board of City Commissioners met on May 14, 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

- 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. PLEDGE OF ALLEGIANCE LED BY BOY SCOUT TROOP 1089
2. PROCLAMATIONS

- Bike Month: <https://bismarcknd.gov/Archive.aspx?ADID=3205>
- Maternal Mental Health Awareness Month: <https://bismarcknd.gov/Archive.aspx?ADID=3206>
- National Public Works Week: <https://bismarcknd.gov/Archive.aspx?ADID=3207>

3. PUBLIC COMMENT

No Public Comment was received.

4. CONSENT AGENDA

Commissioner Marquardt 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: 1117509 to 1117883.

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

1. Gaming Site Authorization Renewals.
2. Liquor License Renewals.
3. Blue Bowtie Properties, LLC Letter of Support
4. Krumm & Co., PLLC Letter of Support
5. Mustard Seed, LLC Letter of Support
6. Introduction of and call for a public hearing on a request for a new Class C-2: Hotel or Motel Alcohol license for Merlin Hotel Group, LLC. (dba) Days Inn Bismarck, ND at 1300 E Capitol Ave.
7. Introduction of and call for a public hearing on a request for a new Class E - Sale at Retail of Beer Only Liquor License for Tri-Energy Cooperative (dba) Tri-Energy Cenex - Expressway at 3801 East Rosser Avenue.
8. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for Rainbow Nails & Spa, LLC at 722 South 26th Street, Units A & B.

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

1. Change Order 4 to Edling Electric April 12, 2023, Agreement for GA Apron Phase 4 Project.

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

1. Minor subdivision final plat titled Apple Creek Country Club Fourth Subdivision where the Planning and Zoning Commission recommends approval.
2. Ordinance 6577 to amend Section 14-04-19 of the City Code of Ordinances (FP – Floodplain).
3. Proposed street name change of “Gallatin Loop” to “Gallatin Drive” within Fox Island Subdivision and Fox Island Second Subdivision.

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

1. Consider the request for US Foods to close Saratoga Avenue next to their building on Saturday, May 18, 2024, from 8 AM to 3 PM.
2. Consider the request for the Church of St Mary's to close 8th St from Broadway Avenue to Thayer Avenue on Saturday, June 1, 2024, at 5:30 PM until Sunday, June 2, 2024, at 5:00 PM.
3. Development Agreement with Grendahl Design Company, LLC.
4. Cost share reimbursement agreement with the State Water Commission relating to the South Bismarck Flood Control Project and Amendment 2 with Apex Engineering Group, Inc. relating to the South Bismarck Flood Control Project.

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

1. Applications for Abatement.

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

1. Increase to the design fee due to an increase in total project cost as well as a time extension to the contract for the Fire Station 1 Remodel.

J. Consider the request for approval from the Human Resources Department for the following:

1. Revised Drug Free Workplace and Substance Abuse Screening Program.

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

1. Permission to sell city vehicles and worn out broom cores at public or online auction.

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

1. Amendment No. 2 to HDR Engineering WTP Expansion Contract.
2. Change Order No. 3 to Edling Electric's Contract for Water Treatment Plant Filters 1-6 & 12 MGD Accelerator Project.
3. Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for the Watermain Replacement Project (HC158).
4. Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for the 2024 Water Main Replacement Project (WU143).
5. Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for the 2024 CIPP Water Main Rehabilitation Project (WU144).
6. Reject bids for Stormwater Improvement Project SU92 and rebid Boulder Ridge Stormwater Improvements.

## 5. REGULAR AGENDA

A. Consider the recommendation from the Vision Fund Committee to support a Flex PACE program interest buy-down for Great Plains Restorative Services, LLC.

Mayor Schmitz recused himself from Item 5.A. due to a conflict of interest.

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 Great Plains Restorative Services, LLC.

Commissioner Zenker motioned to approve the item as presented and Commissioner Connelly seconded. Upon a roll call vote, Commissioners Connelly, Cleary, Marquardt, and Zenker voted aye. Mayor Schmitz abstained from voting. M/C.

B. Public hearing on Ordinance 6576 regarding equipment of vehicles.

Mayor Schmitz opened the public hearing. No public comment was received.

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

- C. Receive a presentation about the City of Bismarck's refaced website.

Kalen Ost, Communications Strategist, presented a presentation about the City of Bismarck's refaced website.

The Commission received the presentation.

- D. Receive a presentation about current recruitment and retention issues the Police Department is facing.

Dave Draovitch, Police Chief, presented information relating to recruitment and retention issues the Police Department is facing.

Mayor Schmitz and Commissioner Cleary discussed the staffing difficulties across the organization that are ongoing.

The general consensus of the Commission was to support the needs of the Police Department and find ways to ensure public safety.

<https://www.bismarcknd.gov/DocumentCenter/View/46829/Item-5D---May-14-2024-PDF>

- E. Consider approval of a Memorandum of Understanding with Bismarck Parks and Recreation District and Bismarck North Developers, LLC., regarding Elk Ridge Third Addition.

Gabe Schell, City Engineer, presented information regarding the Memorandum of Understanding regarding Elk Ridge Third Addition.

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

- F. Consider the request for approval to negotiate a joint powers agreement with other western North Dakota water systems to seek funding and construction of a regional pH stabilizer storage facility.

Michelle Klose, Public Works Utility Operations Director provided information regarding the need for a pH stabilizer storage facility and requested permission to negotiate a joint powers agreement with other western North Dakota water systems.

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

<https://www.bismarcknd.gov/DocumentCenter/View/46830/Item-5F---May-14-2024-PDF>

- G. Consider the request for approval of adoption of local limits specific to the Bismarck Wastewater Treatment Plant.

Michelle Klose, Public Works Utility Operations Director provided information regarding the adoption of local limits for the Bismarck Wastewater Treatment Plant.

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

- H. Receive update on proposed projects to be included in the Water Development Plan for the ND Department of Water Resource upcoming legislative budget.

Michelle Klose, Public Works Utility Operations Director provided an update on the proposed projects to be included in the Water Development Plan for the ND Department of Water Resource legislative budget.

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

## 6. OTHER BUSINESS

- Commissioner Connelly presented a report with his thoughts regarding the Bureau of Criminal Investigation's (BCI) report on Charlie Jeske. Mayor Schmitz provided clarification on Commissioner Connelly's statement regarding the Chief Ethics Officer. Part of the role of the City Attorney is to act as the Chief Ethics Officer according to the Bismarck Code of Ordinances and the North Dakota Century Code. Attorney Combs spoke regarding her role as the Chief Ethics Officer, how her actions were performed ethically, and how she will continue to represent the City ethically and professionally. Commissioner Marquardt commented on his concerns with the timeliness of when information was presented to the Commission. Mayor Schmitz commented that the threshold for criminal offenses should be much higher than that for employment offenses and that the situations should be handled differently. Mayor Schmitz referenced the information provided in the report from the Fact Finding Subcommittee which provided evidence on grounds for employment termination. Mayor Schmitz noted that the community needs to move on and be able to heal after months of turmoil. Commissioner Cleary commented that she supports the work and the report resulting from the Fact Finding Subcommittee. Commissioner Cleary stated that she believes that the threshold for employment termination and criminal prosecution are on different levels and that the Commission needs to take that into consideration. No action was taken by the Commission after the discussion.
- Commissioner Cleary thanked the Solid Waste staff for helping with the Keeping Bismarck Beautiful event, on Saturday, May 4, 2024.

## ADJOURN

There being no further business to discuss, the meeting adjourned at 7:11 PM.

