



SPECIAL MEETING OF THE BOARD OF CITY COMMISSIONERS

3/24/2023 - Minutes

Call to Order

The Board of City Commissioners met in a special session on March 24, 2023, at the hour of 10:00 AM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners present included: Commissioner Cleary, Commissioner Marquardt, Commissioner Zenker, and Mayor Schmitz

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Review applications and discuss next steps regarding the current vacant City Commission position.

Mayor Schmitz opened the meeting by welcoming those in attendance.

Commissioner Cleary stated that she received a request from applicant Mason Sisk to withdraw his application due to possible conflicts of interest with his current employer. The Commissioners agreed to remove Mr. Sisk's application.

City Attorney Janelle Combs addressed the Commission, explaining how the score sheets provided are modeled after the recent Bismarck Parks and Recreation District process. Attorney Combs noted that the scorecards could be used to narrow the candidate field to a reasonable number of candidates for interviews. Attorney Combs closed by outlining the options for the Commission to consider; call for a special election before March 29, 2023, interview candidates, or appoint an individual to fulfill the unexpired term after March 29, 2023.

The group discussed options to narrow the applicants from 13 to a smaller number sufficient for interviews. Commissioner Zenker suggested the Commission select a candidate who has been through the election process in the past and believes the Commission should appoint Michael Connelly because he has been through two different election processes in the past two years.

Commissioner Marquardt stated he believes the current Commission should not have the opportunity to select a Commission, but rather, the voters should.

Commissioner Zenker motioned to select Michael Connelly as the appointed applicant to fulfill the vacant City Commission term expiring in June 2024, and Commissioner Marquardt seconded. Upon a roll call vote, Commissioners Marquardt and Zenker voted aye. Commissioner Cleary and Mayor Schmitz voted nay. M/F.

Commissioner Cleary suggested the Commission consider applicants that had previously run for other positions, including Dvorak, Gawrylow, Bakken, and Guy. Commissioner Cleary agreed

that Connelly should be considered as well.

Commissioner Marquardt asked Attorney Combs if there may be a conflict of interest with Gawrylow's involvement as a lobbyist in the Legislature. Attorney Combs responded she is unsure who Mr. Gawrylow represents, and a potential conflict would depend on his clientele and the type of work he performs on their behalf. Attorney Combs stated if his clients are adverse to the City of Bismarck voted positions, that could be a conflict.

Commissioner Cleary stated her preference is to interview a small group of applicants before appointing someone to the position.

Mayor Schmitz noted that two applicants had done the work and were previously elected; with 14 months remaining on this term and the 2024 budget process on the horizon, he expressed concerns about a lack of experience by someone who had not previously held the position.

Commissioner Cleary noted that Guy stated that she has no desire to run for City Commission in 2024, which leaves the election untainted.

Commissioner Zenker stated that Guy chose not to run in 2022, and whoever is appointed would need to run a campaign seeking election.

Commissioner Marquardt said he ran for City Commission in June 2014 but was not elected. However, Commissioner Mike Seminary ran for Mayor and vacated his Commission seat with two years remaining. The City Commission chose to hold a special election in November 2014. At that time, Commissioner Marquardt campaigned again and was elected to fulfill the unexpired term vacated by Seminary's election to Mayor.

Commissioner Zenker motioned to remove the option for the City Commission to call for a special election due to the cost and timing limitations associated with the effort, and Commissioner Marquardt seconded. Upon a roll call vote, all voted, aye. M/C.

Commissioner Marquardt asked Mayor Schmitz for his direction on moving forward.

Mayor Schmitz stated it would be his preference for each Commission to identify three or four applicants to interview.

Commissioner Marquardt added that it would be his preference that the candidates interviewed would have previously campaigned or held elected positions.

Commissioner Cleary echoed support and noted in those situations, voters have had the opportunity to help make the decision.

Mayor Schmitz noted that Bakke, Connelly, Dvorak, Gawrylow, Guy, and Schwartz have either held or campaigned for positions in Bismarck or Burleigh County.

The Commission discussed the potential to interview the six applicants, as noted by Mayor Schmitz because Bismarck citizens have previously had the opportunity to vote for those individuals. Mayor Schmitz noted concerns with personal preferences impacting the outcome of applicant interviews and requested Commissioner Zenker resubmit his original motion.

Commissioner Zenker motioned to have his previous motion reconsidered, and Commissioner Cleary seconded. Upon a roll call vote, Commissioners Marquardt, Zenker, and Mayor Schmitz voted aye. Commissioner Cleary voted nay. M/C.

Adjourn

There being no further business, the meeting adjourned at 10:42 AM.

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