



MEETING OF THE BOARD OF CITY COMMISSIONERS

7/11/2023 - Minutes

Call to Order

The Board of City Commissioners met in regular session on July 11, 2023, at the hour of 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners present included: Commissioner Connelly, Commissioner Marquardt, Commissioner Zenker, and Mayor Schmitz. Commissioner Cleary attended the meeting via Teams.

FUTURE COMMISSION MEETINGS:

- July 25, 2023
- August 8, 2023 & August 22, 2023
- September 12, 2023 & September 26, 2023

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)
 - Trevor Vennette, Susan Dingle, Josh Askvig, and Randee Sailer all spoke in support of regular agenda item number 8, the funding request for BisMan Transit.

2. CONSENT AGENDA

Commissioner Zenker motioned to approve the consent agenda with the removal of Pub 21 from item D1 as presented, and Commissioner Connelly seconded.

- A. Consider approval of minutes
- B. Consider approval of personnel actions
- C. Consider approval of expenditures

Vouchers: #1111855-1112087.

- D. Consider the request for approval from the Administration Department for the following:
1. Liquor license renewals.
- E. Consider the request for approval from the Bismarck-Burleigh Public Health Department for the following:
1. Permission to accept donations for the Women's Way Program.
- F. Consider the request for approval from the City Attorney for the following:
1. Call for a public hearing on Ordinance 6555 to amend several criminal and traffic ordinances.
- G. Consider the request for approval from the Community Development Department for the following:
1. Introduction of and call for a public hearing on Ordinance 6554, a request for a zoning change from the RM30 – Residential, CG – Commercial, and PUD – Planned Development zoning districts, to the RM30 – Residential and CG – Commercial zoning districts for Lots 1-3 and 7, Block 16, Wachters Second Addition and adjacent lands, where the Planning and Zoning Commission recommends approval.
 2. A request of Waldon and Magdaline Seibel to release the south 40 feet of the 100-foot non-access line along the west side of Lot 14, Block 2, Apple Meadows Third Subdivision.
- H. Consider the request for approval from the Engineering Department for the following:
1. Geotechnical testing services contract with Terracon Consultants, Inc. relating to 2023 Geotechnical Services.
 2. Resolution approving contracts & bonds for previously awarded special assessed projects.
- I. Consider the request for approval from the Finance Department for the following:
1. Applications for abatement.
 2. Introduction of and call for a public hearing for on Ordinances 6551-6552.
- J. Consider the request for approval from the Public Works - Service Operations Department for the following:
1. Permission to award the Construction of the Final Cover Closure of Phases I-III and related items in Solid Waste Utility Project Number (LF 2023-001).
- K. Consider the request for approval from the Public Works - Utility Operations Department

for the following:

1. Contract time extension with Skeels Electric for SCADA Upgrade submitted as Change Order No. 1 to the Bismarck Lift Station SCADA Upgrade contract.
2. Right of Way Plats, Warranty Deeds, and Temporary construction easements associated with the Hay Creek Interceptor – Main Ave to Divide Ave Project (SU23-91).

3. REGULAR AGENDA

4. Receive a report from former Bismarck Mayor Marlan “Hawk” Haakenson on the history of Centennial Beach along the Missouri River.

Marlan Haakenson addressed the Commission with information relating to a project from 1989 where the City of Bismarck participated in the North Dakota State Centennial Celebration by naming the area along the Missouri River north of the Interstate 94 bridge as Centennial Beach and the Port of Bismarck. Mr. Haakenson told the Commission he was Mayor at that time and this project was Bismarck's contribution to the State's 100th Anniversary celebration. Mr. Haakenson displayed a plaque that his family commissioned which was previously on display on-site and way-finding street signage. Mr. Haakenson requested the items he provided be put on display at the Landing as a commemorative effort recognizing the project from 1989.

Commissioner Marquardt asked City Engineer Gabe Schell to explain the logistics involved with placing the plaque near the original location. Engineer Schell stated that the location is not the City's property and the ND DOT would need to be consulted given land falls within the I-94 right-of-way. Engineer Schell discussed the potential project to construct a new bridge at this location which could have significant impacts on the site in the future.

Commissioner Marquardt asked Dr. Aaron Barth, Executive Director of the Northern Plains National Heritage Area, for his thoughts on the placement of the plaque. Dr. Barth explained that the organization is always willing to promote and preserve regional history and is willing to work with Mr. Haakenson to find a suitable location for the plaque's display.

5. Consider a request for resolution receiving bids and ordering the preparation of the Engineer's statement and resolution awarding the contract for Sewer Improvement District SE 583, Part A.

Gabe Schell, City Engineer, presented the bid tabulation for Sewer Improvement District SE 583, Part A, with the low bid being from Earthwork Services Inc. in the amount of \$984,556.00.

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

<https://bismarcknd.gov/DocumentCenter/View/42600/Item-5-PDF>

6. Presentation of the 2022 audit results and the 2022 Annual Comprehensive Financial Report.

Dmitriy Chernyak, City Finance Director, presented the 2022 Annual Comprehensive Financial Report to the Commission.

The Commission received the report.

<https://www.bismarcknd.gov/DocumentCenter/View/42566/2022-Annual-Comprehensive-Financial-Report?bidId=>

7. Presentation of the City's 2024 preliminary budget, budget requests, and Budget Committee recommendations.

Commissioner Marquardt began the presentation of the 2024 preliminary budget and outlined the following objectives: balanced budget, no tax rate increases, adjust for inflationary impact, improve public safety, address roads and streets and snow removal services, focus on employee retention, analyze and resolve employee compression, maintain streets and infrastructure, continue to maintain equipment replacement program, plan to the future to reduce the burden on taxpayers. Commissioner Marquardt also highlighted some of the significant expenses anticipated in 2024 including the following general fund expenses: inflation adjustments to budgets, Police Tasers (ongoing cost), new firefighters (2) for the 2026 fire station, new equipment operator positions (2) to address road repairs and snow removal services, add public works equipment to help with snow removal and roads repairs, equipment replacement program (continue), street maintenance projects (annual). He also highlighted the following enterprise fund expenses: Water Treatment Plant Expansion Project, Cast-iron water main replacement (annual), Landfill equipment replacement, Traffic signal and streetlights replacement (annual), Airport Taxiway C Construction, Hay Creek Lift Station Construction, WWTP –Flow Equalization Project.

Dmitriy Chernyak, Finance Director, outlined the following general fund expenditures for 2024: Public Safety is \$38.9M or 58% of the General Fund; this is greater than the \$34.9M property tax revenue projected for 2024, Roads and Streets, Forestry, and Weeds continue to be heavily subsidized by the General Fund due to a flat highway/gas tax revenue, operating expense projections have increased in certain areas due to inflation, supply chain issues, and current economic conditions, examples include gas, utilities, insurance, and equipment replacement costs.

Leanne Schmidt, Human Resources Director, outlined the recommendation for the 2024 employee salary adjustments as follows: A 6% overall salary increase to address up to 2% compression adjustment; the remainder is applied to merit and/or market adjustments, the City needs the plan to maintain 2% merit on top of market adjustments per year for an average employee to attain mid-point in 12.5 years of employment to address identified compression issues in 2023. Director Schmidt noted that other political subdivisions are proposing an average increase of 6% in salaries for full-time personnel.

Director Chernyak outlined the recommendations for the use of existing American Rescue Plan funds as follows: Beginning Balance of \$9,239,625; Fire Station Alerting System purchase in 2024 \$596,000; Station #1 Fire Truck purchase in 2026 \$1,200,000; Station #6 Fire Truck purchase in 2026 \$1,200,000; Construction of Fire Station #6 in 2026 \$5,000,000; with the remaining funds to be used for the purchase of land suitable to construct a new Police Station in the future \$1,243,625. Director Chernyak also outlined the use of the existing \$12,715,645 of Prairie Dog Funds for Highway Construction projects and Water and Sewer activities.

Mayor Schmitz requested discussion on the City of Bismarck Policy relating to general fund reserves at the next meeting.

Commissioner Zenker requested time to allow the Commissioners to review the information provided.

The general consensus of the Commission is to continue the budget 2024 discussion at the July 25, 2023 meeting.

<https://bismarcknd.gov/DocumentCenter/View/42601/Item-7-PDF>

8. Consider for approval a request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of increased general funding.

Diedre Hughes, Executive Director at Bis-Man Transit, and William Troe, a representative from SRF Consulting, addressed the Commission regarding a request for the City of Bismarck to cover the expenses incurred by the non-ADA paratransit service, Transit applies for a Section 5310 Grant Program through the Federal Transit Administration (FTA) annually. This grant provides funding for up to 50 percent of the labor portion of operating costs, fuel, and selected other costs associated with the service. The grant does not cover the administrative and many of the maintenance and other costs that make up the fully allocated costs of non-ADA service. The remaining expenses of non-ADA service are covered by Transit's mill levy and local reserves.

Transit's specific request to the Bismarck Board of City Commissioners is for financial assistance from the City of Bismarck general fund to cover the remaining expenses of the nonADA service. The requested amounts would be \$270,450 for 2023 and \$276,333 for 2024. Requests for future years would be submitted and evaluated based on awarded grants and funding needs. Additional general funds will help fill a portion of Transit's existing funding gap. Note that funding assistance from the City of Mandan and major service users is also being investigated by Transit staff.

The Commission discussed the need for Paratransit in the community. They noted that it provides transportation services to support citizen's needs for appointments, work, and social activities and enhances the quality of life for those who chose not to or are unable to drive or utilize the Transit fixed-route system.

The general consensus of the Commission was a willingness to support the request provided that the City of Mandan and other agencies dependent on Paratransit services provides additional funding as well.

<https://bismarcknd.gov/DocumentCenter/View/42602/Item-8-PDF>

9. Discussion for the funding and next steps of implementation of Phase I Study for energy/facility equipment of City-owned facilities identified by SitelogIQ.

Gavin Benson, a representative with SitelogIQ, presented information relating to the Phase I Study of a Guaranteed Savings Program for City-owned facilities per NDCC 48-05-9-13. The program would consist of improvements to lighting, plumbing fixtures, and building insulation systems.

The Commission discussed current and planned projects being removed from the proposal to discern a more accurate cost of the project and the value of savings. It was noted that select recommendations are currently scheduled and could have an impact on the total program.

The general consensus of the Commission is to have Steve Salwei, Public Works Service Operations Director, and Mr. Benson reevaluate the estimate and scope of work and present it back to the Commission at a later date.

10. Other Business

1. Commissioner Marquardt requested that Gabe Schell, City Engineer, provide an update regarding ongoing construction. Engineer Schell noted that several projects are underway throughout the City and that residents may notice a difference in construction hours as some projects are taking place during night hours to avoid traffic congestion during daytime commutes.

2. Mayor Schmitz noted that he will be requesting the Bismarck Mandan Chamber EDC's Local Issues Committee publically oppose a property tax elimination petition that is currently being circulated for signatures.

Adjourn

There being no further business to discuss, the meeting adjourned at 7:52 PM.

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