

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).

Douglas Schmidt, Tamara Berger, Pat Spilman, Jerry Ketterling and Jeff Carlson, Misty Waters homeowners spoke against the approval of Commission agenda item #6 because it violated their HOA's bylaws.

Jordan Anderson, owner of Big River Builders, and contractor for the Jason and Krysta Sellers, came before the Commission and addressed several concerns brought to the Commission's attention during the process of having the easement release considered. In addition, he informed them of the efforts that were being taken to get HOA's approval of the easement release.

Dave Tschider asked for the Commission to table the item because they did not have the HOA's consent at this time.

2. 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.

3. CONSENT AGENDA

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

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

- A. Consider approval of expenditures.

Vouchers: 1093987 and 1094198.

- B. Consider approval of personnel actions.

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

1. Reappoint Robin Thorstenson and Rick Collin to the Dakota Media Access Board of Directors.

- D. Consider the request for approval from the Airport for the following:

1. Award bid to Hawkins Water Treatment Group for runway deicer.
2. Approve purchase of tires for Airport fire truck using State Bid.
3. Defer Airport rents and fees.

E. Consider the request for approval from the Attorney for the following:

1. Ratify the July 13, 2020 State of Emergency Declaration related to COVID-19 by the President of the City Commission and extend its effect to August 12, 2020.

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

1. Approve Deidre Hughes as a TrAMS User and an NTD User Manager.
2. Introduction of and call for a public hearing on Ordinance 6430, a request for a zoning change from the RM30-Residential and HM-Health Medical zoning districts to the HM-Health Medical zoning district for Tract 500 of Blocks 27 & 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 & 10, Block 38, Northern Pacific Second Addition, requested by Bismarck Cancer Center. The Bismarck Planning and Zoning Commission recommends approval.
3. Introduction of and call for a public hearing on Ordinance 6431, a request for a zoning change from the A-Agricultural, R5-Residential, R10- Residential, RT-Residential and RM30-Residential zoning districts to the P-Public zoning district on part of the S1/2 of Section 19 and the N1/2 of Section 30, T139N-R80W/Hay Creek Township & City Lands, requested by Clairmont Family Trust. The Bismarck Planning and Zoning Commission recommends approval.
4. Request from Steven McNichols to release the Northerly 4 feet of the 10-foot utility easement along the southerly lot line of Lot 29, Block 3, Horizon Heights First Addition. Staff recommends approval.
5. Request from Mark and Miranda Hoffert to release all of the 20-foot access easement over the Easterly 20 feet of Lot 17, Block 1, Tatley Meadows VII. Staff recommends approval.

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

1. Approve contract with Braun Intertec for geotechnical testing services.
2. Approve contracts and bonds for special assessment projects in 2020.
3. Approve NDDOT Preliminary Engineering Reimbursement Agreement for the Bismarck Expressway Railroad Overpass.
4. Approve NDDOT Preliminary Engineering Reimbursement Agreement for equipment to replace traffic signals.
5. **Approve dedication of storm sewer and drainage easements in Section 1-139-80.**
6. Change Order No. 9 for Sewer Improvement District SE 563.
7. Street Improvement District No. 540 - Request for resolution receiving bids and ordering preparation of the Engineer's statement for SI 540. Request for resolution awarding contract for SI 540.

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

1. Application for Abatement for year 2019, Disabled Veteran Credit, at 611 Garden Dr.
2. Application for Abatement for year 2019, Disabled Veteran Credit, 101 Tucson Ave.
3. Application for Abatement for year 2020, Market Value Reduction, 1313

Community Loop.

4. Application for Abatement for year 2020, Market Value Reduction, 2108 Thompson St.

5. Application for Abatement for year 2020, Market Value Reduction, 1203 Community Loop.

6. Application for Abatement for year 2020, Market Value Reduction, 709 Calvert Dr.

7. Application for Abatement for year 2020, Market Value Reduction, 2114 Modesto Circle.

8. **Approve updates to the credit card and food and beverage policies.**

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

1. Approve exempt City staff to be paid straight time for work beyond regular operations pertaining to the 2020 COVID-19 Pandemic through the Cares Act.

J. Consider the request for approval from the Police Department for the following:

1. Permission to solicit donations and hold the event for the Tri-City Community Picnic.

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

1. Extend the two-year contract with Waste Management for residential curbside recycling.

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

1. Approve Change Order G1 with PKG Contracting, Inc. and Amendment to Task Order No. 9 with AE2S for the Water Treatment Plant Limeslaker Project.

2. Approve contract with Hach Company for lab data management software for the Water and Wastewater Treatment Plants.

3. Approve purchase of ceramic-lined elbows for the lime transfer system at the Water Treatment Plant.

4. REGULAR AGENDA

5. Consider the request from the Public Works - Utility Operations Department to accept the Hay Creek Interceptor and Lift Station Report with Apex Engineering Group.

Mike Berg, Apex Engineering Group, presented the Hay Creek Interceptor and Lift Station Report to the Commission.

Please see the link for his full presentation.

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5300?fileID=12814>

Commissioner Marquardt moved to approve the request with the recommendations from the Public Works Utility Operations Department. Commissioner Guy seconded the motion.

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

6. Consider the request from the Community Development Department for Jason and Krysta Sellers to release the drainage easement within Lot 36, Block 1, Misty Waters.

Ben Ehreth, the Director of the Community Development Department, stated that Jason and Krysta Sellers were informed that upon approval of this item, they would be required to release the entire drainage easement over Lot 36, Block 1, Misty Waters, on the condition that a new 20-foot drainage easement will be recorded on the same lot.

After consulting with the City's Attorney, Jannelle Combs, the Commission determined they do not enforce HOA bylaws or private covenants, as it is a civil agreement between homeowners.

Commissioner Zenker stated he would not approve the easement because there are other, much larger issues, with this home project.

Commissioner Zenker moved to deny the request for an easement. Commissioner Splonskowski moved second his motion.

Upon a roll call vote, Commissioner Marquadt, Zenker, Splonskowski voted aye in denying the easement. Commissioner Guy and President Bakken, nay. M/C.

7. Public hearing on Ordinance 6427 and 6428, to create special assessment districts for annexed properties.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the new ordinances as presented. Commissioner Marquadt seconded the motion.

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

8. **Consider the request from the Fire Department for Emergency Management to accept bid for the siren activation controller system for the City's outdoor warning system.**

Emergency Manager Gary Stockert presented the bids opened on July 22, 2020. He informed the Commission that Emergency Management was recommending the two-way full-functional system from Federal Signal for \$168,521.62 with an annual maintenance fee for \$8,000.00.

Commissioner Marquadt moved to approve the recommendation and give Emergency Management permission to negotiate installment fees. Commissioner Guy seconded the motion.

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

Testing of the outdoor warning activation system will continue every Friday at noon until the new system is fully installed.

9. **Consider the request from the Attorney for continued discussion regarding the Temporary License to Use Premises Agreement for the August 1, 2020 Medieval**

Rush event.

Attorney Combs informed the Commission that the Medieval Rush's organizer, Tanner Schweitzer, was not able to obtain the \$25,000.00 bond requested by the City in the original Temporary License to Use Premises Agreement to use City land for the August 1, 2020 event. Attorney Combs stated Mr. Schweitzer met with the City Engineer and created a new race route. This resulted in changing the requested bond amount from \$25,000.00 to \$1,500.00.

The new route does not interfere with any of the bike trails, which were discussed at previous City Commission Meetings.

Please see the link for a map of the updated route. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5301?fileID=12812>

Commissioner Splonskowski moved to approve the changes to the agreement. Commissioner Zenker seconded the motion.

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

10. Receive a Budget Committee update, regarding Budget 2021, from Dmitriy Chernyak, Finance Director.

Finance Director Dmitriy Chernyak presented the options that the Commission requested to see at the July 23, 2020 Special City Commission Meeting.

Please see the link for details on the options. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5297?fileID=12817>

Commissioner Marquardt and Director Chernyak stated on behalf of the Budget Committee they felt Option A was the best choice to sustain the budget and continue essential services as the City continues to grow.

Commissioner Zenker suggested moving forward with Option B over the course of five years.

Commissioner Splonskowski stated he was not in favor of moving forward with any of the options. He stated he wanted to see raises for all City employees eliminated for this year, and to see 20 mills raised overall in 3 years.

(A mill is not a million, but a term that represents a value. The value changes yearly, for Budget 2021 a mill is equivalent to about \$404,000.00)

President Bakken stated he was not comfortable going over two years because he felt the Commission needed to ensure services were stable.

Commissioner Marquardt reminded the Commission that in the past, they have not followed recommendations made by agencies performing compensation studies, and if they continued not to follow them, the City would lose valuable employees.

Commissioner Marquardt then moved to approve Option A, the budgets for the general fund, special revenue funds and debt service funds as recommended by the Budget Committee, including the following:

- A. Mill levy for the general fund and library
- B. Salary policy
- C. All priority initiatives
- D. Capital improvement projects
- E. Fees and charges
- F. Base operating budgets

Commissioner Guy seconded the motion.

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

The budget will be presented and finalized at the Tuesday, August 4, 2020 Special City Commission Meeting.

11. Consider the request from the Attorney for continued discussion regarding fireworks displays within City limits.

At the July 14, 2020 City Commission Meeting the Commission requested Attorney Combs determine a timeline and cost to have this item as a measure on the November, 2020 ballot. Attorney Combs stated she estimated the measure would be \$10,000 or more.

Commissioner Guy stated that given what they had just voted on for the 2021 Budget, she did not feel it was necessary for the City to spend \$10,000 or more on this.

President Bakken agreed with her, and requested any further discussion on this item be dismissed.

No motion was made for this item.

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 8:09 p.m.