



## MEETING OF THE BOARD OF CITY COMMISSIONERS

9/12/2023 - Minutes

### Call to Order

The Board of City Commissioners met in regular session on September 12, 2023, 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.

Mayor Schmitz opened the meeting by sharing remarks remembering County Commissioner Beck Matthews and her impact on the community through her servant leadership by serving her neighbors and dedicating her life to helping others.

### FUTURE COMMISSION MEETINGS:

- September 26, 2023
- October 10, 2023 & October 24, 2023
- November 14, 2023 & November 28, 2023

### MISSION STATEMENT

To provide high-quality public services in partnership with our community to enhance our quality of life.

### Papa's Pumpkin Patch Day Proclamation

Mayor Schmitz read a proclamation declaring September 14, 2023, as Papa's Pumpkin Patch Day in the City of Bismarck.

### MEETING OF THE BOARD OF CITY COMMISSION

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

Chris Ebertz addressed the Commission regarding Consent Agenda Item K1. Mr. Eberts expressed concerns about the necessity of licensing for vehicles parked on private property.

2. CONSENT AGENDA

Commissioner Zenker motioned to approve as presented, and Commissioner Marquardt

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: # 1112862-1113280.

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

- 1. Appoint Jennifer Sick to the Bismarck-Mandan Mayors' Committee for People with Disabilities.
- 2. Appoint Derek Wachter to the City of Bismarck Vision Fund Committee.
- 3. Introduction of and call for a public hearing on a request for a new Class F1 Restaurant Full Alcohol license for 'Nickels And Dimes Incorporated' (dba) Tilt Studio at 600 South 5<sup>th</sup> Street.

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

- 1. Receive and consider bids for Bismarck Airport Terminal Carpet Replacement.
- 2. Time extension request for Snow Removal Equipment Building (SRE) project.
- 3. Permission to join in Massport's appeal to TSA on National Amendment 23-02 – Aviation Worker Screening.

F. Consider the request for approval from the Bismarck-Burleigh Public Health Department for the following:

- 1. Permission to accept grant funding from the North Dakota Department of Health and Human Services.

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

- 1. Minor Subdivision final plat of Misty Waters Second Addition, requested by Misty Waters LLC., where the Planning and Zoning Commission recommends approval.
- 2. Minor Subdivision final plat of Silver Ranch Third Addition, requested by Investcore, Inc., where the Planning and Zoning Commission recommends approval.
- 3. Minor Subdivision final plat of Tree Top Second Addition, requested by Malloy 57, LLC., where the Planning and Zoning Commission recommends approval.
- 4. Growth Phasing Plan Amendment where the Planning and Zoning Commission recommends approval.

5. Easement Release and Revision to Right-of-Way Vacation, requested by Ridgeline Contracting, Inc., for Lot 2A of Lot 2, Block 1, Sykes Addition.
6. Updated Resolution of Grant Signing Authority, Designation of Signature Authority for TrAMS, and Authorization of User Manager Privileges for MPO staff.
7. Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for Paratransit bus purchases and decommissioning and sale of existing buses.

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

1. Contract Change Order No. 1 for Street Improvement District SI 572.
2. Request for a resolution approving plans and specifications for Street Improvement District SI 573 - Part B and Sewer Improvement District SE 583 – Part B and resolution directing the advertisement of bids and receiving bids for Street Improvement District SI 573 - Part B and Sewer Improvement District SE 583 – Part B.
3. Encroachment and waiver agreement with United Tribes Technical College to install and maintain a stormwater force main (encroachment) under Yegen Road and in the right of way of 48th Ave SE.
4. Encroachment and waiver agreement with Daniel Rieger & Elena Rodgers-Rieger for the right to install and maintain landscaping, removable fencing, concrete patio, hot tub and pool equipment, and piping within the stormwater and drainage easement within Lot 34 Block 1 Whispering Bay Subdivision.

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

1. Introduction of and call for a public hearing on the concrete sidewalk, curb, and gutter, and private driveway assessments as part of SW2022 assessments.
2. Applications for abatement.

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

1. Revised Americans with Disabilities Act Policy.
2. Revised Discretionary Leave Policy.
3. Revised Emergency Call Back policy.
4. Revised Substance Abuse Screening Policy.
5. Revised Voluntary Termination of Employment Policy.
6. Police Department Recruiting Incentive.

K. Consider the request for approval from the Legal Department for the following:

1. Introduction of and call for a public hearing on Ordinance 6563 to amend the Accumulation of Certain Items Prohibited ordinance.

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

1. Permission to accept a donation from the Fraternal Order of Eagles.

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

1. Agreement with J2 Studio Architecture + Design PC to provide consulting services for the Convention and Visitor's Bureau Re-Roof project.

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

1. Proposal for Wastewater Treatment Plant Biosolid Dewatering Polymer.

### 3. REGULAR AGENDA

#### 4. Public hearing on Ordinance 6560 for the 2024 Budget

Mayor Schmitz opened the public hearing.

Miles Doll addressed the Commission regarding his concerns with the increase for the City of Bismarck increase that was on his estimated property tax statement.

Mayor Schmitz requested that the Commissioner consider keeping the public hearing open for continued discussion at the September 26, 2023, meeting. The continuation would give Burleigh County time to adopt its budget and determine the budget line item for Bismarck Burleigh Public Health.

Commissioner Marquardt motioned to continue the public hearing for Ordinance 6560 for the 2024 Budget to the September 26, 2023 meeting, and Commissioner Cleary seconded. Upon a roll call vote, all voted, aye. M/C.

#### 5. Public hearing on Ordinance 6561, a request for annexation of that portion of Lot 2, Block 1, not previously annexed, and all of the Ash Coulee Drive right-of-way not previously annexed and included in the plat of Northern Sky Second Addition First Replat.

Ben Ehreth, Community Development Director, addressed the Commission regarding a request for annexation of that portion of Lot 2, Block 1, not previously annexed, and all of the Ash Coulee Drive right-of-way not previously annexed and included in the plat of Northern Sky Second Addition First Replat.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Zenker motioned to approve Ordinance 6561 as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted, aye. M/C.

#### 6. Public hearing on Ordinance 6562, a request for annexation of two rights-of-way within Northern Sky Second Addition First Replat.

Ben Ehreth, Community Development Director, addressed the Commission regarding a request to annex two rights-of-way within Northern Sky Second Addition First Replat.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Cleary motioned to approve Ordinance 6562 as presented, and Commissioner Marquardt seconded. Upon a roll call vote, all voted, aye. M/C.

7. Public hearing on the request of Clubhouse West, LLC, and Capital Electric Cooperative for the release of an access easement over parts Lots 2-3, Block 1, Schilling Second Addition.

Ben Ehreth, Community Development Director, addressed the Commission regarding a request to release an access easement over parts Lots 2-3, Block 1, Schilling Second Addition.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Marquardt motioned to approve the request for the release of an access easement over parts of Lots 2-3, Block 1, Schilling Second Addition, as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted, aye. M/C.

8. Public hearing on the request of The City of Bismarck Community Development Department and Central Dakota Communications Center (CENCOM) regarding the proposal to change the name of "Tulsa Avenue" to "Tulsa Drive" within Meadow Valley Third Addition.

Daniel Nairn, Planning Manager, addressed the Commission regarding the proposal to change the name of "Tulsa Avenue" to "Tulsa Drive" within Meadow Valley Third Addition.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Marquardt motioned to approve the request for the street name change from "Tulsa Avenue" to "Tulsa Drive" adjacent to Lots 9-16, Block 11 and Lot 1, Block 12, Meadow Valley Third Addition as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted, aye. M/C.

9. Consider the request for approval from BBS, Inc. (dba) Borrowed Bucks Roadhouse for a time extension to allow for the sale and transfer of a Class D: Sale at Retail of Alcoholic Beverages license previously utilized at 118 South 3rd Street.

Jason Tomanek, Assistant City Administrator, addressed the Commission regarding a request for a time extension to allow for the sale and transfer of a Class D: Sale at Retail of Alcoholic Beverages license owned by BBS, Inc. (dba) Borrowed Bucks Roadhouse, previously utilized at 118 South 3rd Street.

Commissioner Zenker motioned to grant a six-month extension as requested by BBS, Inc., and Commissioner Connelly seconded. Upon a roll call vote, all voted, aye. M/C.

10. Consider directing staff to post a new Class E Beer-Only On / Off-Sale alcohol license for sealed bid.

Jason Tomanek, Assistant City Administrator, addressed the Commission with a request to release a new Class E Beer-Only On / Off-Sale alcohol license.

Commissioner Zenker motioned to release one Class E Beer-Only On / Off-Sale alcohol license with a starting bid of \$30,000.00, and Commissioner Connelly seconded the motion.

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

## 11. Other Business

- Commissioner Marquardt discussed the potential Carbon Dioxide Pipeline (CO2) in Burleigh County. Commissioner Zenker noted he prefers to proactively mitigate potential risks associated with a pipeline close to the City of Bismarck and Burleigh County. Commissioner Marquardt requested City Attorney Combs provide information at the next Commission meeting about the City of Bismarck assuming the intervener's role in future pipeline discussions and proposed locations.
- Commissioner Cleary reminded the Commission that Wednesday, September 13, 2023, is the grand opening of the new Bismarck Burleigh Public Health facility at 407 South 26th Street, Bismarck, ND, 58504.
- Commissioner Cleary also mentioned that Fall Cleanup Week begins Monday, September 18, 2023.

Adjourn

There being no further business, the meeting adjourned at 6:15 PM.

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