# Bismarck-Burleigh Commissions Committee

12/5/2023 - Minutes

Call to Order

Chair Bakken called the meeting to order at 4:00 PM. Committee members present were Mayor Mike Schmitz, Burleigh County Commission Chair Steve Bakken, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

1. Consider approval of August 4, 2023, meeting.

   Administrator Hunke motioned to approve the August 4, 2023, meeting minutes, and Auditor Splonskowski seconded. Upon a roll call vote, all voted aye.

2. Discuss Extraterritorial Area (ETA)

   Community Development Director, Ben Ehreth, provided an overview of the ETA and agreements with other jurisdictions including Burleigh County, City of Lincoln, Naughton Township, Apple Creek Township, and Missouri Township. The agreements relate to those entities retaining zoning authority beyond the City's ETA jurisdiction. Director Ehreth continued by noting that Community Development staff met with township officials in October 2023 and agreed to meet every two years to discuss the ETA boundary line and any modifications to consider. Director Ehreth noted that the Together 2045 comprehensive plan indicates that there should be no need to modify the ETA boundary in the immediate future because there is sufficient room for the community to grow for the next 20 years.

   Director Ehreth noted that in discussion with Apple Creek Township officials it was discovered that the City has jurisdiction for flood plain administration for all of Apple Creek Township; however, this had not been the practice. City staff is working with County Building Official Mitch Flanagan to develop a course moving forward.

   Director Ehreth reported that through discussions with Naughton Township officials, the zoning map that they are using is outdated and it references the former two- and four-mile zoning jurisdiction boundaries.

   It was also noted that there is not a signed agreement between Missouri Township and the City of Bismarck on file. Staff is working to obtain a signed agreement.

   The committee discussed various options pertaining to jurisdiction and building permits. Director Ehreth was tasked with researching North Dakota Century Code to determine if it is feasible for a city to relinquish its permitting authority within the ETA boundary. Director

Ehreth will report back at the February 2024 meeting.

3. Discuss Future Meeting Schedule

   The group approved the proposed schedule.

4. Discuss Future Meeting Topics

   The group discussed future meeting topics to include public health, prisoner care, IT services agreement, and the status of the Provident Building renovations. The group will discuss ETA at the February meeting, and budget related items at the March meeting.

5. Other Business

   Mayor Bakken opened the meeting for pubic comment.

   Gary Olson and Bob Stampka residents of Grand Prairie Estates Subdivision expressed concerns with a neighbor who is conducting his business from his residence in the neighborhood. The gentlemen expressed concern for the volume of equipment and employees coming and going from the property. Both gentlemen indicated that they have had discussions with both City and County employees and officials without a resolution to their issues. They also discussed covenants associated with the subdivision and questioned why the City would not enforce those rules.

   Mayor Schmitz addressed the gentlemen and informed them that covenants are a private matter that must be enforced through a private homeowner's association and the city does not have the authority to enforce private agreements.

   Both City and County members agreed to research the issues and work with the homeowners and staff to enforce the zoning regulations for the rural residential properties.

Adjourn

There being no further business to discuss, the meeting adjourned at 4:49 PM.

# Bismarck-Burleigh Commissions Committee

8/4/2023 - Minutes

Call To Order

Mayor Schmitz called the meeting to order at 9:00 AM. Committee members present were Mayor Mike Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

1. Consider approval of minutes of July 21, 2023, meeting.

   Mayor Schmitz called for approval of the minutes from the July 21, 2023, meeting. Administrator Hunke noted an error in the Other Business portion of the agenda noting the word homes was used instead of hopes. Chair Matthews motioned to approve the minutes from the July 21, 2023, meeting as amended, and Administrator Hunke seconded. Upon a roll call vote, all voted aye. M/C.

2. Discuss Committee Meeting Topics

   A. City/County Building Lease

      The Committee agreed to review the lease agreement in the first quarter of 2024, prior to budgetary discussions for the following year.

   B. Extraterritorial Area (ETA)

      The Committee discussed the ongoing efforts to collaborate between the City of Bismarck and Burleigh County staff with the understanding that this topic will appear on future agendas.

   C. Grants/Federal Funding

      The general consensus of the group was to remove this topic from the list and to add it to future agendas as needed.

   D. Information Technology Services

      The Committee discussed the ongoing efforts of Burleigh County to establish its own IT department. The Committee agreed to discuss this topic during the first quarter of 2024.

E. Municipal Court Lease

The Committee agreed to discuss this topic during the first quarter of 2024 prior to budgetary preparations.

F. Prisoner Care

Chair Matthews recommended moving this discussion to the Joint Jail Committee which sets the prisoner care rates for the Burleigh-Morton Detention Center. Sherrif Kelly Leben remarked that the Joint Jail Committee is composed of a Burleigh County Commissioner, a Morton County Commissioner, a Burleigh County Sherrif, and a Morton County Sherrif. Mayor Schmitz requested Sherrif Leben provide a report during the first quarter of 2024 relating to the prisoner care rates and the operations of the Detention Center to promote transparency.

G. Public Health

Director Renae Moch provided a brief update noting she has prepared a draft Joint Powers Agreement between the City of Bismarck and Burleigh County and she has drafted bylaws and a template for the composition of a combined Board of Health. The Committee agreed to discuss this topic at the September 1, 2023 meeting.

H. Senior Center

The general consensus of the group was to remove this topic from the project list and discuss at future meetings as needed.

3. Discuss Future Meeting Schedule

The committee agreed to cancel the August 18, 2023, scheduled meeting due to a lack of agenda items and will meet next on September 1, 2023, to discuss the draft materials for Public Health and to receive an update on the topic of the Extraterritorial Area (ETA).

The group discussed moving to one meeting each month after October 2023 with the understanding meeting frequency may increase prior to budget preparations in 2024.

4. Other Business

Adjourn

There being no further business to discuss, the meeting adjourned at 9:23 AM.

# Bismarck-Burleigh Commissions Committee

7/21/2023 - Minutes

Call To Order

County Commissioner Chair Matthews called the meeting to order at 9:00 AM. Committee members present were Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

Mayor Schmitz attended the meeting via Teams.

1. Consider approval of minutes of July 7, 2023, meeting.

   Chair Matthews called for approval of the minutes from the July 7, 2023, meeting. Administrator Hunke motioned to approve the minutes from the July 7, 2023, meeting as presented, and Auditor Splonskowski seconded. Upon a roll call vote, all voted aye. M/C.

2. Extraterritorial Area (ETA)

   Community Development Director Ben Ehreth provided an overview of the services offered by the City of Bismarck Community Development Department within the Extraterritorial Area (ETA). Director Ehreth listed the following services relating to Planning and Zoning, Zoning Code Enforcement, Building Permits and Inspections, Flood Plain Management, Stormwater Planning and Enforcement, and Enforcement of Accumulation of Certain Items Prohibited (junk/debris ordinance). Director Ehreth also demonstrated an existing online map that clarifies jurisdictional areas throughout Burleigh County for the various political subdivisions such as the City of Bismarck, Burleigh County, the City of Lincoln, Apple Creek Township, and other organized townships.

   Director Ehreth discussed a plan to review the current ETA boundary with all affected government agencies with the intention of revising the current boundary.

   Mayor Schmitz encouraged discussions on the boundary adjustments and welcomed staff recommendations for a future meeting.

   The general consensus of the committee is to have staff from the City of Bismarck, Burleigh County, and the City of Lincoln collaborate to discuss revisions to the ETA boundary and provide a recommendation to the BBCC at a future date.

3. Consider review of updated City/County Building Lease Agreement.

Auditor Splonskowski asked for clarification on Item G, relating to janitorial services, of the City of Bismarck and Burleigh County Lease Agreement. It was his understanding that janitorial services would be provided by the building owner. City Attorney Jannelle Combs confirmed that is what is reflected in the updated contract.

4. Other Business

- Mayor Schmitz suggested the Bismarck Burleigh Public Health efforts to restructure the contract agreement should be discussed at future committee meetings. Chair Matthews indicated she will continue to work with City Commissioner Anne Cleary who holds the Public Health portfolio to work towards a consensus. Chair Matthews invited Mayor Schmitz to attend the August 21, 2023, Burleigh County Commission meeting with homes of addressing any unresolved matters prior to Burleigh County's adoption of the 2024 budget.
- Chair Matthews requested that the original task list for the committee be reconsidered to remove items that have been completed and reprioritize remaining topics. There was consensus among the group to reevaluate the frequency of meetings once the task list has been established.

Adjourn

There being no further business to discuss, the meeting adjourned at 9:33 AM

# Bismarck-Burleigh Commissions Committee

7/7/2023 - Minutes

Call To Order

County Commissioner Chair Matthews called the meeting to order at 9:00 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

1. Consider approval of minutes of June 16, 2023, meeting.

   Chair Matthews called for approval of the minutes from the June 16, 2023, meeting. Mayor Schmitz motioned to approve the minutes from the June 16, 2023, meeting as presented, and Auditor Splonskowski seconded. Upon a roll call vote, all voted aye. M/C.

2. Extraterritorial Area (ETA)

   Committee members discussed the Extraterritorial Area (ETA) with Chair Matthews citing concerns about which agency, the City of Bismarck or Burleigh County, would take the lead position on various complaints such as noise, home occupation activities in rural subdivisions, and building inspections.

   Community Development Director Ben Ehreth addressed the Committee with information relating to North Dakota Century Code legislation from the 1970s that authorizes cities to exercise a 4-mile ETA for the purpose of zoning and guiding future land uses in areas that may become part of the city of Bismarck in the future. Director Ehreth explained the City of Bismarck and Burleigh County collectively negotiated a modified boundary where in some areas, the ETA extends 3.5 miles beyond the City of Bismarck limits, and in other areas, it's less than ½-mile from the current city limit boundary. Director Ehreth continued by noting the City of Bismarck has sole authority over development, zoning, building inspection applications, and code enforcement for Title 14 – Zoning of the City Code of Ordinances. Mr. Ehreth closed by informing the Committee members the contract between the City of Bismarck and Burleigh County has not changed since its original date of approval, which was nearly 10 years ago.

   Administrator Hunke informed Committee members on the structure of the City's Planning & Zoning Commission, noting there are members of the advisory commission that reside within the ETA, which provides an opportunity for those areas that may be impacted by the growth of the urban area to have a voice at the table and input on the decision-making process.

The Committee members agreed the current Extraterritorial Area negotiated area and contract will be discussed at the next meeting.

3. Coordination between agencies relating to grants and applications.

   The Committee discussed a desire to see collaborative efforts between City of Bismarck staff and Burleigh County staff when grant opportunities that would benefit both agencies exist. County Engineer Hall discussed the need to collaborate on large-scale projects such as a new interchange/overpass on Interstate 94 and 66th Street just east of City limits. Engineer Hall noted the City of Bismarck provided a letter of support for Burleigh County's interests in pursuing the project; however, at this time, funding has not been made available, nor has the project been approved.

4. Other Business

   Chair Matthews informed the Committee members the lease agreement between the City of Bismarck and Burleigh County for the first-floor office space failed for lack of a second to approve the contract. Chair Matthews noted the item will be placed on the next Burleigh County Commission agenda again for the meeting on July 17, 2023. Mayor Schmitz noted the current agreement would automatically renew at the rate of $15 per square foot, an increase from the amended proposal of $12 per square foot as presented.

   Chair Matthews noted the Burleigh County Commission will receive the initial budget proposal for 2024 on July 19, 2023.

Adjourn

There being no further business to discuss, the meeting adjourned at 9:45 AM.

# Bismarck-Burleigh Commissions Committee

6/16/2023 - Minutes

Call To Order

Mayor Mike Schmitz called the meeting to order at 9:00 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

1. Consider approval of minutes of June 2, 2023, meeting.

   Mayor Schmitz called for approval of the minutes from the June 2, 2023, meeting. Chair Matthews motioned to approve the minutes from the June 2, 2023, meeting as presented, and Auditor Splonskowski seconded. Upon a roll call vote, all voted aye. M/C.

2. Consider review of updated City/County Building Lease Agreement.

   Mayor Schmitz provide an update on the City's action from the June 13, 2023, City Commission meeting where the lease agreement between the City and the County for the first-floor space and additional storage area at $13 per/sq foot was approved.

   Chair Matthews informed the committee the item is on the Burleigh County agenda for consideration and approval at their June 19, 2023, County Commission meeting.

   Auditor Splonskowski noted that he recommended approval in his memorandum to the County Commission.

3. Consider review of updated Municipal Court lease agreement.

   General consensus amongst the committee members will be to recommend a lease rate of $13 per sq/ft for the area occupied by the Municipal Court in the Burleigh County Courthouse. The lease will also contain details relating to the services in the building. Bismarck City Commission will consider the recommendation at its June 27, 2023 meeting and Burleigh County Commission will consider the recommendation at its July 5, 2023 meeting.

4. Consider review of Public Health Joint Powers Agreement.

   The committee discussed the governance relating to the formation of a new Board of Health. Administrator Hunke reported that he will be meeting with the Burleigh County Budget

Committee next week to present the Public Health proposal for the 2024 budget.

Director Moch informed the committee the budget is an estimate with the cost share split 75% to the City and 25% to the County.

Mayor Schmitz encouraged consideration for a month-to-month retainer with a true-up at the end of each year to ensure the services equal the expenses.

Auditor Splonskowski commented it is his belief Burleigh County should bear 100% of the levy to support Public Health; and also agrees with Mayor Schmitz, there will need to be a transition plan to shift from a City department to a County department.

Chair Matthews motioned to recommend to respective boards the Bismarck Burleigh Public Health budget be presented with a 75% City responsibility and a 25% County responsibility as presented in the Joint Powers Agreement, and Administrator Hunke seconded. Upon a roll call vote, all voted aye. M/C.

5. Consider continued review of City/County IT Services Agreement.

   The committee discussed the need for a 12-month agreement between the City and the County for the City to provide IT services as Burleigh County works to establish its own network in 2024. Both Chair Matthews and Autidor Splonskowski noted that it is Burleigh County's intention to pay for City IT services through the end of 2024.

   Chair Matthews recommended approval of the IT Services Agreement for a total of $154,339.00 for the entirety of 2024 as presented, and Keith Hunke seconded. Upon a roll call vote, all voted aye. M/C.

6. Other Business

   The committee discussed the next meeting's agenda to include the following topics:

   1. Extraterritorial Area (ETA)
   2. Coordination between agencies relating to grants and applications.

Adjourn

There being no further business to discuss, the meeting adjourned at 9:25 AM.

# Bismarck-Burleigh Commissions Committee

6/2/2023 - Minutes

Call to Order.

Burleigh County Commission Chair Becky Matthews called the meeting to order at 9:00 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, and Burleigh County Auditor Mark Splonskowski,

Future Meeting Dates.

- June 16, 2023
- July 7, 2023
- July 21, 2023

1. Consider approval of minutes of May 19, 2023, meeting.

   Chair Matthews called for approval of the minutes from the May 19, 2023, meeting. Mayor Schmitz motioned to approve the minutes from the May 19, 2023, meeting as presented, and Auditor Splonskowski seconded. Upon a roll call vote, all voted aye. M/C.

2. Consider review of updated City/County Building Lease Agreement.

   The group discussed the progress of the City/County Building Lease Agreement. Auditor Splonskowski noted he will provide his final calculations of the total square feet leased by Burleigh County to City Officials. Mayor Schmitz noted he will provide that information to the City Commission with a request to approve. They will discuss the Municipal Court lease agreement at the June 16, 2023 meeting.

3. Consider review of Public Health Joint Powers Agreement.

   Chair Matthews started the discussion by suggesting that the Board of Health be composed of a seven-person committee with representation of a Bismarck City Commissioner, Burleigh County Commissioner, two members of the community-at-large, and three health care professionals.

   Mayor Schmitz stated it is his belief that the budget for Public Health should be incrementally adjusted to reflect the larger burden placed on Burleigh County residents through Burleigh County tax collections. Mayor Schmitz explained that this would be different from the current

practice where 80% of Public Health's budget is supported through tax collections by the City of Bismarck. The Mayor continued by stating that it is his role as Mayor to ensure the City of Bismarck and its residents are treated fairly when it comes to taxation and services. Mayor Schmitz closed by noting that currently, the burden is falling unfairly on City residents due to the higher percentage of Public Health's budget being supported by the City of Bismarck residents, and it is his preference that the 2024 budget for Public Health would be split 75% City and 25% Burleigh County.

Commissioner Cleary noted it is her goal to reach a compromise for the Public Health budget and noted to be fair to all Burleigh County residents, and the budget should be the sole responsibility of Burleigh County, with the Bismarck residents contributing to the Burleigh County tax collections annually. Commissioner Cleary believes the transition should allow adequate time for the Board of Health to adjust and develop its role meanwhile incrementally shifting the taxation responsibility to Burleigh County.

General consensus of the group will be to proceed with a 2024 budget with a proposed split of 75% of City funding and 25% of County funding, referring to the worksheet attached to the agenda.

4. Consider continued review of City/County IT Services Agreement.

   Tandra Kraft, City IT Manager, reported that there is a need to have City IT and County IT meet to develop a plan to transition Burleigh County to its own network. Ms. Kraft noted that the shift from City IT services would need to be developed through a series of meetings and implemented as a single action to avoid threats from cyber security.

   Chair Matthews noted that she will be recommending the County budget for a full year of City IT services in 2024 to allow for a plan and implementation strategy to be developed.

5. Other business.

Adjourn.

There being no further business to discuss, the meeting adjourned at 9:36 AM.

# Bismarck-Burleigh Commissions Committee

5/19/2023 - Minutes

Call to Order.

Mayor Mike Schmitz called the meeting to order at 8:30 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

1. Consider approval of minutes of May 12, 2023, meeting.

   Mayor Schmitz called for approval of the minutes from the May 12, 2023, meeting. Chair Matthews motioned to approve the minutes from the May 12, 2023, meeting as presented, and Administrator Hunke seconded. Upon a roll call vote, all voted aye. M/C.

2. Consider review of Municipal Court Lease Agreement.

   The Committee discussed current lease rates and arrangements between the space leased by the County at the City/County building and Municipal Court at the Burleigh County Courthouse. City Attorney Combs summarized that it is her understanding that Burleigh County Sheriff's Department prefers to be the first agency dispatched to an emergency call to the courthouse, given that they are providing security to the Courthouse daily. Attorney Combs noted that the request could be added to the updated agreement in addition to including the current practice of providing two bailiffs on site when Municipal Court is in session.

   Chair Matthews stated that it is her preference to have the lease rates the same at the City/County Building and the Burleigh County Courthouse. Burleigh County Commission indicated a preference of $13 per square foot (psf) at both locations. The $13 psf would be a $2 reduction from the current rate for 2023 for the space leased at the City/County Building.

   Mayor Schmitz questioned the need to reduce the current rate in the City/County Building and requested more information so he can validate the request when presented to the City Commission.

   Deputy Finance Director Justin Schulz noted a portion of the County's leased space in the City/County Building is storage for election equipment which could be considered at a lower rate than finished office space.

   Chair Matthews motioned to recommend a lease rate of $13 psf at the City/County Building and the Burleigh County Courthouse with the understanding that janitorial services will be

provided by each building's owner, utilities will be paid by the tenant, and guidance from staff on the total area leased including the portions used for storage and Administrator Hunke seconded. Upon a roll call vote, all voted aye. M/C.

3. Consider review of updated City/County Building Lease Agreement.

4. Consider continued review of City/County IT Services Agreement.

   A discussion was held on the subject of IT services provided by the City of Bismarck to Burleigh County, the timing of Burleigh County's transition to its own IT network and services, and the contract for services between the City and County. It was noted some contractual services or agreements are billed annually and cannot be broken down into a portion of a year. Chair Matthews stated she will have more information from Burleigh County staff relating to this topic at the next meeting.

5. Consider review of Public Health Joint Powers Agreement.

   The committee discussed the formation of a single Board of Health composed of one City Commissioner, one County Commissioner, and other members who are within the professional healthcare field. No decision was made on the final number of board members. Officials appointed to the Board of Health would be agreed upon by both the City Commission and the County Commission prior to service. Discussion was held regarding the enforcement of health-related issues or zoning-related violations in Burleigh County. Environmental health issues would fall under the purview of the Board of Health for health and safety concerns. Zoning violations, including those in the extraterritorial area (ETA), would continue to be the responsibility of the City of Bismarck Community Development Department. Zoning violations outside the ETA would continue to be the responsibility of Burleigh County. The general consensus was to continue the discussion at the next meeting, at which time Mayor Schmitz will provide potential scenarios to consider shifting the Public Health budget to reflect a greater portion supported by Burleigh County.

6. Consider future meeting dates.

   Administrator Hunke requested that the group review proposed meeting dates through the end of 2023 to facilitate the scheduling of staff at Dakota Media Access. Chair Matthews noted that she may have a conflict on Friday, August 4th, and will confirm in the future.

7. Other business.

Adjourn.

There being no further business, the meeting adjourned at 10:00 AM.

# Bismarck-Burleigh Commissions Committee

5/12/2023 - Minutes

Call to Order.

County Commissioner Chair Matthews called the meeting to order at 8:30 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

1. Consider approval of minutes of April 28, 2023, meeting.

   Chair Matthews called for approval of the minutes from the April 28, 2023, meeting. Mayor Schmitz motioned to approve the minutes from the April 28, 2023, meeting as presented, and Auditor Splonskowski seconded. Upon a roll call vote, all voted aye. M/C.

2. Consider review of Municipal Court Lease Agreement.

   The group discussed the current lease agreement held by Municipal Court for the space it occupies in the Burleigh County Court House. City Attorney Combs noted Judge Severin understands the current lease rate could be reconsidered in addition to reviewing the services provided by the Burleigh County Sheriff's Department. Attorney Combs continued by stating that Judge Severin would prefer to keep all court-related activities centrally located in the current location at the Burleigh County Courthouse. Attorney Combs closed by noting she is working to discuss similar arrangements with Judge Kautzman in Mandan for reference.

   County Deputy Finance Director, Justin Schulz, suggested the lease for Municipal Court and 1st-floor space in the City/County Building could be discussed at the staff level between himself and Auditor Splonskowski, Finance Director Chernyak, and Administrator Hunke, with the intention of returning to the Commission's Committee to share the information for the group's consideration.

3. Consider continued review of City/County IT Services Agreement.

   City of Bismarck Finance Director Chernyak updated the committee by noting recent conversations between Burleigh County Emergency Manager Mary Senger and City of Bismarck IT Manager Tandra Kraft will need additional time to continue working through details relating to Burleigh County's desire to become independent from the City of Bismarck's Information Technology services.

4. Consider meeting topics for future meetings.

   Chair Matthews remarked that she is struggling to navigate information between the Commission's Committee and the Burleigh County Commission. She requested the full City and County Commissions meet collectively to discuss their respective 2024 budget items and requests.

   Mayor Schmitz remarked it was his understanding the intention of the Commission's Committee was to work through details and report back to the respective commissions with recommendations to move forward. Mayor Schmitz closed by saying that he would prefer to support staff-level meetings, noting potential struggles to build consensus between 10 elected officials at one meeting.

   The consensus was to discuss the lease agreements between the City and the County for the 1st-Floor space in the City-County Building and the Municipal Court space at the Burleigh County Courthouse at the next meeting. Additionally, the Committee agreed to discuss operations of Public Health following Burleigh County's discussion at the May 15, 2023, Burleigh County Commission Meeting.

5. Consider future meeting dates.

   - May 19, 2023
   - June 2, 2023
   - June 16, 2023
   - July 7, 2023
   - July 21, 2023

6. Other business.

Adjourn.

There being no further business to discuss, the meeting adjourned at 8:48 AM.

# Bismarck-Burleigh Commissions Committee

4/28/2023 - Minutes

Call to Order.

City Mayor Mike Schmitz called the meeting to order at 9:00 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, and Burleigh County Auditor Mark Splonskowski.

Future Meeting Dates.

1. Consider approval of minutes of March 31, 2023, meeting.

   Mayor Schmitz called for approval of the minutes from the March 31, 2023, meeting.

   Chair Matthews motioned to approve the minutes as drafted and Mayor Schmitz seconded. Upon a roll call vote, those present voted aye. M/C.

2. Consider continued review of Public Health Joint Powers Agreement.

   The BBCC discussed various options for the structure of the Board of Health (BOH), its composition and members, and its potential role in guiding the Public Health Department. The general consensus of the members present would be to have an elected official from both Burleigh County and the City of Bismarck as representatives, in addition to others with experience in healthcare services. The committee agreed the non-elected positions should be jointly approved by the City and the County. Commissioner Cleary will lead the conversation at the May 9, 2023, City Commission meeting.

   Mayor Schmitz and Dmitriy Chernyak, Finance Director, provided an overview of revenue grants and expenses incurred by Public Health throughout 2022. There was approximately $946,000 collected from services provided; this is non-tax collection revenue. There were roughly $3.6 million in grants received and spent and $2.7 million in operating expenses for the department. Mayor Schmitz noted that there is a deficit of roughly $1.7 million before facility expenses and rent.

   The committee agreed to continue the discussion at a future meeting.

3. Consider continued review of City/County IT Services Agreement.

   Mary Senger, Burleigh County Emergency Manager, addressed the committee and

discussed Burleigh County's desire to transition away from the City's IT services and create its own IT department to meet the technology needs of Burleigh County. Ms. Senger mentioned a desire to have a partial IT services agreement with the City during the transition. Mayor Schmitz expressed concerns with the partial contract citing cyber security issues and unforeseen challenges. City and County staff will meet to discuss potential next steps and update the committee at a future meeting.

4. Consider meeting topics for future meetings- ETA and Municipal Court Lease Agreement

   Chair Matthews suggested discussing the ETA at a later date as budget items take precedence. Top priorities for discussion include the lease agreement for the City/County Building, the lease agreement for Municipal Court, the IT services agreement, and the Public Health Joint Powers Agreement.

5. Consider future meeting dates.

   The committee is unable to meet on the first Friday of May, so the meeting has been scheduled for May 12, 2023, at 8:30 AM. City Attorney, Jannelle Combs will invite Judge Severin to the May 12, 2023 meeting so he can take part in the Municipal Court Lease discussion. A second item for discussion at the May 12, 2023, meeting will be an update on the IT Services Contract.

   Chair Matthews requested that the subject of Public Health and the Joint Powers agreement be scheduled for May 19, 2023, so she has time to brief the Burleigh County Commission Members and seek their input on the subject.

6. Other business.

Adjourn.

There being for further business to discuss the meeting adjourned at 9:47 AM.

# Bismarck-Burleigh Commissions Committee

3/31/2023 - Minutes

Call to Order.

County Commissioner Chair Matthews called the meeting to order at 9:00 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Leo Vetter, and City Administrator Keith Hunke.

Others present included: Jannelle Combs (City Attorney), Dmitriy Chernyak (City Finance Director), Justin Schulz (County Deputy Finance Director), Renae Moch (Public Health Director), Trent Wangen (Burleigh County Sherriff's Department), Kelly Leben (Burleigh County Sherriff), Tandra Kraft (City IT Manager), Brandon Yoder (City IT), Dave Draovitch (City Police Chief), Susan Dingle (Citizen), Anne Cleary (City Commissioner), Wayne Munson (County Commissioner), Mary Senger (Burleigh County Emergency Manager), and Mark Splonskowski (County Auditor Elect).

Future Meeting Dates.

- April 21, 2023
- May 5, 2023
- May 19, 2023

1. Consider approval of minutes of March 10, 2023, meeting.

   Chair Matthews called for approval of the minutes from the March 10, 2023, meeting.

   Auditor Vetter motioned to approve the minutes from the March 10, 2023, meeting as presented, and Administrator Hunke seconded. Upon a roll call vote, all voted aye. M/C.

2. Consider final review of the updated Senior Center- Memorandum of Understanding (MOU).

   Chair Matthews indicated that Renee Kipp had reviewed the changes to the agreement and was comfortable with the changes as drafted. City Attorney Combs concurred and recommended presenting the agreement to both Commissions.

   Mayor Schmitz motioned to have the information presented at a future City and County Commission meeting for each board to review and approve, and Chair Matthews seconded. Upon a roll call vote, all voted aye. M/C.

3. Consider continued review of City/County IT Services Agreement.

   Chair Matthews requested that the IT service agreement be tabled for a later meeting as they waiting on additional information.

4. Consider continued review of Prisoner Care Agreement.

   City Attorney Combs stated she contacted Municipal Judges Severin and Kautzman regarding potential changes to how prisoner care is administered and billed. It was noted there are still concerns that need to be discussed between the municipal judges and the detention center board. The general consensus is to also have an explanation of the processes relating to billing as part of the agreement.

   The committee discussed current practices involving at-risk youth and the expenses associated with those services. Sherriff Leben and Chief Draovitch concurred the current practice is working and would need no changes concerning future contract amendments.

   The group agreed to discuss practices relating to billing for prisoner care and other services provided during future discussions regarding the leased space for Municipal Court in the Burleigh County Courthouse.

5. Consider review of Public Health Joint Powers Agreement.

   The group discussed the various funding sources for Bismarck Burleigh Public Health (BBPH) and requested Director Moch provide a comprehensive list of the various funding sources required to satisfy the BBPH annual budget. Director Moch noted in addition to general fund sources State aid, grants, and fees for services help compile the annual budget.

6. Consider meeting topics for April 21, 2023 meeting.

   The group rescheduled the April 21, 2023 meeting to April 28, 2023, at which time they will discuss the City/County IT contract and BBPH budgeting.

7. Consider future meeting topics.

8. Other business.

Adjourn.

There being no further business to discuss, the meeting adjourned at 9:55 AM.

# Bismarck-Burleigh Commissions Committee

3/10/2023 - Minutes

Call to Order.

Mayor Schmitz called the meeting to order at 9:00 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Leo Vetter, and City Administrator Keith Hunke.

Future Meeting Dates.

1. Consider approval of minutes of March 10, 2023, meeting.

   Mayor Schmitz called for approval of the minutes from the March 3, 2023, meeting.

   Chair Matthews motioned to approve the minutes from the March 3, 2023, meeting as presented, and Administrator Hunke seconded. Upon a roll call vote, all voted aye. M/C.

2. Consider review of updated of Senior Center- Memorandum of Understanding (MOU).

   The committee discussed revisions to the Memorandum of Understanding (MOU) between the City of Bismarck as the building owner and the Burleigh County Senior Center as the tenant/operator. The consensus of the group was to table the item until more information is available from the States Attorney regarding value-added updates to the insurance policy carried by Burleigh County Senior Center.

3. Consider review of updated City/County Building Lease Agreement.

   Chair Matthews motioned to take the 2024 Lease agreement between the City of Bismarck and Burleigh County for space in the City-County Office Building to the respective commissions for review, and Administrator Hunke seconded. Upon a roll call vote, all voted aye. M/C.

4. Consider review of Prisoner Care Agreement.

   Sheriff Leben provided an overview of the current Sheriff's Department budget, the ownership and operations of the Burleigh-Morton Detention Center (BMDC), and the costs associated with operating the jail. The general consensus of the Committee is for Sheriff Leben to provide additional information to help clarify and define the process of billing between the Burleigh County Sheriff's Department and the City of Bismarck Police

Department to include the determination of the rate structure, shelter care expenses, revenue sources, and an exhibit of current rates for the various entities utilizing the BMDC.

5. Consider review of Public Health Joint Powers Agreement.

6. Consider alternate date for April 7, 2023 due to Good Friday holiday and discuss meeting topics.

   The committee will meet on March 31, 2023.

7. Consider meeting topics for April 21, 2023 meeting.

8. Other business.

Adjourn.

There being no further items to discuss the meeting adjourned at 10:15 AM.

# Bismarck-Burleigh Commissions Committee

3/3/2023 - Minutes

Call to Order

County Commissioner Chair Matthews called the meeting to order at 9:00 AM. Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Leo Vetter, and City Administrator Keith Hunke.

Burleigh County Senior Center Executive Director Renee Kipp, Burleigh County Emergency Management Director Mary Senger, and City Attorney Jannelle Combs were also in attendance.

1. Consider approval of minutes of February 17, 2023, meeting.

   Burleigh County Chair Matthews called for approval of the minutes from the February 17, 2023, meeting.

   Mayor Schmitz motioned to approve the minutes from the February 17, 2023, meeting as presented, and Auditor Vetter seconded. Upon a roll call vote, all voted aye. M/C.

2. Consider discussion of Senior Center- Memorandum of Understanding (MOU) - Operations/Maintenance, Ownership, Insurance.

   Burleigh County Senior Center Executive Director Renee Kipp and City Attorney Jannelle Combs addressed the committee regarding a Memorandum of Understanding (MOU) for the Senior Center. Attorney Combs will provide a draft MOU addressing changes to the current insurance policies for the City of Bismarck and Burleigh County Council on the Aging relating to annual expenditures and coverage of the boiler and other equipment.

3. Consider review of City/County Building Lease Agreement, City/County IT Services Agreement.

   Burleigh County Emergency Management Director Mary Senger addressed the Committee regarding a service agreement for IT with the City. She stated that the County is working on securing its own IT services and would most likely need a contract for City services for three months in the upcoming year and may desire a partial contract for services thereafter. The committee went on to discuss lease agreements for the City/County Building. General consensus is Burleigh County will remain in the facility for 2024 with the understanding that if their current space needs change, notice will be given to the City to allow for adequate

planning for both parties. Attorney Combs will draft lease agreements for the City/County Building and send them to States Attorney Lawyer for her review.

4. Consider Committee meeting schedule- Next meeting March 10th or 17th.

   The Committee agreed to meet on March 10th, 2023.

5. Consider meeting topics for March 10th/17th meeting- Prisoner Care, Public Health.

   Chair Matthews briefed the Commission on an email from Sheriff Leben regarding the changes in prisoner care rates. The Committee will invite Sheriff Leben and Police Chief Draovitch to the March 10, 2023, meeting to discuss prisoner care.

6. Consider Future meeting dates- April 7th/14th & 21st/28th; May 5th/12th and 19th/26th; June 2nd/9th & 16th/23rd; July 7th /14th and 21st /28th.

   Committee members agreed to hold future meetings on the first and third Fridays at 9:00 AM of each month in the Tom Baker Meeting Room.

7. Consider future meeting topics for April 7th/14th; April 21st/28th meetings.

   - Extra Territorial Area
   - City/County Building Leases
   - IT Contract for Service
   - Prisoner Care Expense Rates

8. Other business

Adjourn

There being no other items to discuss the meeting adjourned at 9:30 AM.

# Bismarck-Burleigh Commissions Committee

2/17/2023 - Minutes

Call to Order

City of Bismarck Mayor Mike Schmitz called the meeting to order at 8:00 AM.

1. Introductions

   Committee members present were City of Bismarck Mayor Schmitz, Burleigh County Commission Chair Becky Matthews, Burleigh County Auditor Leo Vetter, and City Administrator Keith Hunke.

   Burleigh County Commissioner Wayne Munson and Burleigh County Human Resources Director Pam Binder were also in attendance.

2. Review Committee composition, other participants, and meeting details

   Bismarck Mayor Schmitz opened the meeting with a description of the committee and outlined the committee's goals.

3. Determine meeting frequency and dates

   Burleigh County Chair Matthews requested that future meetings occur in the Tom Baker Meeting Room. City Administrator Hunke will coordinate with Dakota Media Access to determine times they are available to record the meetings. The general consensus was to try to meet two times a month initially to gain momentum on discussion items. The group also agreed morning meetings are preferred for future dates.

4. Determine meeting topics

   City Administrator Hunke provided a list of possible meeting topics. The group discussed the topics, including the City/County Building costs, lease agreements, and responsibilities of all parties involved, the City of Bismarck providing technology support to Burleigh County, the Burleigh County Senior Center Building, Bismarck Burleigh Public Health, prisoner care costs at the Burleigh-Morton Detention Center and existing contracts and agreements relating to other matters.

5. Other business

Adjourn

There being no further business, the meeting adjourned at 8:40 AM.