



MEETING OF THE BOARD OF CITY COMMISSIONERS

10/8/2024 - Minutes

CALL TO ORDER

The Board of City Commissioners met on October 8, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Connelly, Commissioner Risch, Commissioner Zenker, and Mayor Schmitz were present. Commissioner Cleary was absent.

FUTURE COMMISSION MEETINGS

October 22, 2024
November 12, 2024 & November 26, 2024
December 17, 2024

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. PROCLAMATION

A. Heartview Foundation

2. PUBLIC COMMENT

Restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items

- Clark Borman provided comment on regular agenda item 4.E.
- John Brockcer provided comment on regular agenda item 4.E.
- John Simmers provided comment on consent agenda item 3.E.4.

3. CONSENT AGENDA

The Mayor requested that he be removed from the vote for item 3.E.4.

Commissioner Zenker motioned to approve the consent agenda with removal of item 3.E.4, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Connelly motioned to approve item 3.E.4. as presented and Commissioner Risch 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: 1120431 to 1120662.

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

1. Introduction of and call for a public hearing on a request for a Taxi Cab License for Silver Stream Transportation, LLC.
2. Introduction of and call for a public hearing on a request for a new F-2 - Restaurant - Beer & Wine Only license for Bushaw Ventures, LLC (dba) Taco Del Mar at 1024 South 12th Street.
3. Letter of Support for Grendahl Design Co. LLC.

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

1. Change Order 8 to Weisz and Sons Wetland Phase 5 Completion Contract.
2. Engineering Services Agreement with Kadrmas, Lee & Jackson (KLJ) for Passenger Facility Charge (PFC) 8 Application.
3. Engineering Services Agreement with Kadrmas, Lee & Jackson (KLJ) for 2024 Land Acquisition.

4. Executive Air Taxi Corporation (EATC) Lease Amendments.
- F. Consider the request for approval from the Community Development Department for the following:
1. Consider a major subdivision final plat for Landsberger Second Subdivision and call for a public hearing in conjunction with a zoning map amendment.
 2. Final consideration of the minor subdivision final plat for Sonnet Heights Subdivision Tenth Replat.
 3. Call for a public hearing on the zoning map amendment for Parts of Riverview Addition and McKenzie Addition.
 4. Call for public hearing on Ordinance 6591 of the Bismarck Code of Ordinances related to lot coverage in the R5 – Residential Zoning District.
 5. Major Street Plan Amendment (MSPA) acting as an extension of East Century Avenue and 52nd Street NE.
- G. Consider the request for approval from the Engineering Department for the following:
1. Receive quotes and award a contract for Highway Construction Project HC 169.
 2. Consultant services contract and Scope of Work with Moore Engineering relating to Ottawa Street Reconstruction HC-174.

[Additional Information](#)

3. North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for ND 1804 (University Dr) microsurfacing project NHU-1-804(054)074, HC 175.
4. Purchase agreement relating to 2712 Hamilton St.

- H. Consider the request for approval from the Finance Department for the following:
- I. Consider the request for approval from the Human Resources Department for the following:
 - 1. Receive recommendations and appoint John Brintnell and Chad Kourajian to the Civil Service Commission.
- J. Consider the request for approval from the Legal Department for the following:
- K. Consider the request for approval from the Public Works - Service Operations Department for the following:
 - 1. Permission to contract with Energy Tech Systems, Inc. (ETS) through the OMNIA Partners Contract #R220703, to upgrade our existing Andover HVAC Controls at the City County Building with Schneider Electric Ecostruxure Controls. This is a cooperative purchase allowed under City of Bismarck Ordinance 7-01-03(6).
 - 2. Request permission to sell City Assets at a Public Auction or Online Auction.
- L. Consider the request for approval from the Public Works - Utility Operations Department for the following:
 - 1. Change Order No. 30 with Kraus-Anderson Construction Company for the PW Expansion Project with delegation of signing authority to the Director of Utility Operations.
 - 2. Consider the request for approval of a 5% reduction in the 2025 City-wide monthly water base rate.

4. **REGULAR AGENDA**

- A. Receive the report from the Bismarck-Mandan Chamber EDC relating to the economic development services provided.

Brenda Nagel, CEO of the Bismarck Mandan Chamber EDC, provided an update on their work with Economic Development Services.

- [Chamber EDC Presentation](#)

B. Public hearing on the confirmation of the 2024 Health & Safety Assessments.

Mayor Schmitz opened the public hearing. No public comment was received.

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

C. Public hearing for the 2024 special assessment districts and confirm the assessments as amended.

Mayor Schmitz opened the public hearing. No public comment was received.

Mayor Schmitz requested that In light of the recent ND Supreme Court decision in Senske Rentals, LLC v. City of Grand Forks, the public hearing will be continued to the October 22, 2024, regular meeting with direction for the Special Assessment Commission to modify their findings if deemed appropriate to follow the recent case.

Commissioner Zenker motioned to continue the public hearing to the October 22, 2024, meeting and to remand the item to the Special Assessment Commission and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

D. Public hearing on Ordinance 6587 to create the Prohibited Camping ordinance.

Mayor Schmitz opened the public hearing. The following citizens provided comments:

Michael Walsh	Dave Bender	Joseph Heimann	Katie Leitch
Rev. Gretchen Deeg	Emily Running Hawk	Matt Hull	Carel Two-Eagles
Melanie Heitcamp	Jena Gullo	Geraldine Ambe	Valerie Siqueiros
Ashley Jahner	Micki Schely	Susan Weiland	Cyndy Meidinger
Kory Annis	Cherly Kary	Renee Nelson	Camie Zenker
Josh Kiemele	France Splonskowski		

- [Submitted Public Comment](#)

Commissioner Connelly motioned to table the item until the November 12, 2024, meeting and Commissioner Zenker seconded. After discussion, Commissioner Connelly moved to amend his motion to table the item until the November 12, 2024, meeting, but for anybody, if all of the people in the room could help us, but let's respect our private property owners, from people on the right of way which will buy us some time so we can work on it. The motion for amendment failed for lack of a second. Commissioner Connelly then moved to amend the motion to include no trespassing on private property, but if people need a place to stay, a public sidewalk is fine. The motion to amend failed for lack of a second. After discussion, Commissioner Connelly withdrew his motion.

Commissioner Connelly motioned to approve the ordinance with no enforcement until

we've had discussions through November 26, 2024. The motion failed for lack of a second. Commissioner Connelly withdrew his motion.

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

- E. Consider the request to hear Insufficiency of Protest on Resolution of Necessity for Street Improvement District SI 583.

Gabe Schell, City Engineer, provided information regarding Street Improvement District SI 583. The recommendation from the Engineering Department is to accept the insufficiency of protests for units one through seven and to accept the protests for unit eight.

Commissioner Risch motioned to approve Street Improvement District SI 583 without units seven or eight, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

Protest Letters

- F. **Consider the request for approval of Change Order 2 for WU 143 - 2024 Watermain replacement project.**

Gabe Schell, City Engineer, presented information on Water Utility Project WU 143.

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

5. OTHER BUSINESS

ADJOURN

There being no further business to discuss, the meeting adjourned at 8:15 PM.