



MEETING OF THE BOARD OF CITY COMMISSIONERS

10/22/2024 - Minutes

CALL TO ORDER

The Board of City Commissioners met on October 22, 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 Commissioner Cleary were present. Mayor Schmitz attended the meeting via Teams.

FUTURE COMMISSION MEETINGS

November 12, 2024 & November 26, 2024
December 17, 2024
January 14, 2025 & January 28, 2025

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

2. CONSENT AGENDA

Commissioner Zenker motioned to approve the consent agenda 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: 120663 to 1121069.

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

1. Request for gaming site authorization.
2. Introduction of and call for a public hearing on a request for a new Class F-1 - Restaurant - Alcoholic Beverages License for Berry Investments Four, LLC (dba) Rock'n 50's Cafe at 2700 State Street.
3. Introduction of and call for a public hearing on a request for a new Class F-1 - Restaurant - Alcoholic Beverages License for One Lodging Management, LLC (dba) Courtyard Bismarck at 3319 North 14th Street.
4. Introduction of and call for a public hearing on a request for a new Class F-1 - Restaurant - Alcoholic Beverages License for Salty Steak of North Dakota, LLC (dba) Fogão Gaúcho of Bismarck at 4510 Skyline Crossings.
5. Proposed meeting schedule for the 2025 Board of City Commissioners meetings.
6. Removal of Human Relations Committee member Katryce Kluck.
7. Appointment of Commissioner Anne Cleary to the Lewis & Clark Development Group Board of Directors.

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

1. Architectural Contract with Ubl Design Group for Aircraft Rescue Fire Fighting (ARFF) Building Expansion.
2. Consider and reject bids for aviation worker screening services.

3. Receive report of Change Order No. 9 to Weisz and Sons Wetland Phase 5/6 Completion Contract.
 4. Contract Extension Change Order for Partners in Grime for Terminal Cleaning Services.
- F. Consider the request for approval from the Community Development Department for the following:
1. Correct formatting of Ordinance 6583 to enable incorporation into City Code of Ordinances.
- G. Consider the request for approval from the Engineering Department for the following:
1. Contract for Sidewalk Snow Removal Services with Yard Butler for the 2024-2025 winter season.
 2. Consider the request for resolutions to receive bids, ordering preparation of the engineer's statement and awarding the contract for Street Improvement District SI 583.
 3. Annual North Dakota Department of Transportation Maintenance Certification.
 4. Encroachment Agreement and Waiver with Sanford Health.
- H. Consider the request for approval from the Finance Department for the following:
1. Applications for abatement.
- I. Consider the request for approval from the Human Resources Department for the following:

1. Reclassification of the Engineering Survey Manager job description from Grade 20 to Grade 21 as recommended by Condrey and Associates.

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

1. Permission to offer at the landfill, free to the public: single grind wood chips, wood pallets, firewood, saw logs, and compost.
2. Permission to offer Bismarck residents free disposal at the landfill for two weeks in 2025.
3. Permission to purchase tables and chairs through InterOffice to upgrade the Public Works Conference Room.
4. Permission to award contracts to haul snow from snow removal operations for the 2024-25 winter season.
5. Permission to accept the Gas Transportation Agreement with Montana-Dakota Utilities Company for the transportation of natural gas to the City County Building, Event Center, and the Public Works Facility.
6. Permission to try a different snow removal technique on Main Avenue from Mandan Street to 6th Street.
7. Bid Award to Rainbow Gas Company for natural gas for City buildings.

3. **REGULAR AGENDA**

- A. Consider the request to receive a report from the Downtown Community Foundation (Downtowners) relating to the economic development services provided by the organization.

Kate Herzog, COO of the Downtown Community Foundation, provided an update on the organizations work with Economic Development Services.

- [Economic Development Services Report](#)

- B. Public hearing on a request for a Taxi Cab License for Silver Stream Transportation, LLC.

Chair Cleary opened the public hearing. No members of the public appeared for comment.

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 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.

Chair Cleary opened the public hearing. No members of the public appeared for comment.

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

- D. Public hearing for the major subdivision final plat and zoning map amendment for Landsberger Second Subdivision.

Ben Ehreth, Community Development Director, presented information on the major subdivision final plat and zoning map amendment for Landsberger Second Subdivision.

Chair Cleary opened the public hearing.

- Landon Niemiller, a representative of Swenson, Hagen & Co., attended the public hearing to address the Commissioners' questions.

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

- E. Public hearing to release a portion of the platted landscape buffer easement on Lot 1, Block 1, Misty Waters Second Replat.

Lauren Oster, Community Development Planner, presented information on the request to release a portion of the platted landscape buffer easement on Lot 1, Block 1, Misty Waters Second Replat.

Chair Cleary opened the public hearing.

- Logan Thompson, property owner, presented information on his request as the applicant.
 - [Landscape site plan](#)

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

- F. Public hearing on Ordinance 6590, a zoning map amendment for Parts of Riverview Addition and McKenzie Addition.

Ben Ehreth, Community Development Director, presented information on the request for a zoning map amendment for Parts of Riverview Addition and McKenzie Addition.

Commissioner Zenker recused himself from the item as he had a conflict of interest.

Chair Cleary opened the public hearing.

- Matt Hull asked if the proposed project was located in the Cathedral District.
- Mother Mary Joseph spoke in favor of the zoning map amendment.
- [Additional Public Comment](#)

Mayor Schmitz motioned to approve the item as presented, and Commissioner Connelly seconded. Upon a roll call vote, Commissioners Connelly, Risch, Cleary and Mayor Schmitz voted aye. M/C.

G. Public hearing on Ordinance 6591 of the Bismarck Code of Ordinances related to lot coverage in the R5 – Residential Zoning District.

Lauren Oster, Community Development Planner, presented information on Ordinance 6591, an amendment to Section 14-04-03 of the Bismarck Code of Ordinances related to lot coverage in the R5 – Residential Zoning District.

Chair Cleary opened the public hearing.

- Cory Knutson of Knutson Homes spoke in favor of the amendment.

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

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

Chair Cleary opened the public hearing. No members of the public appeared for comment.

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

I. Consider the request to authorize the issuance and award/accept bids for the 2024 Refunding Improvement Bonds, Series T, for approximately \$12,793,985 for the special assessment improvement districts and sidewalk, curb, and gutter warrants, Series SCG-2023 for \$1,871,393, for a total of \$14,665,378.

Dmitriy Chernyak, Finance Director, presented information regarding the issuance and award of special assessment bonds. Colliers Securities representative John Lundby presented the results of the bids as follows:

- 2024 Refunding Improvement Bonds, Series T - 3.323 % 15 year maturity
\$12,955,000
- Series SCG 2023 - 3.603% \$1,905,000

Commissioner Risch motioned to approve the 2024 Refunding Improvement Bonds, Series T as presented and Mayor Schmitz seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Zenker motions to approve Series SCG 2023 as presented and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

- J. Consider request to pursue North Dakota Department of Transportation Highway Safety Improvement Program (HSIP) funding.

Gabe Schell, City Engineer presented information on the request to pursue North Dakota Department of Transportation Highway Safety Improvement Program (HSIP) funding.

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

- K. Consider the request for approval of becoming a member of the Big Sky Passenger Rail Authority's Government Partners program through the Bismarck-Mandan Metropolitan Planning Organization (MPO) and a Letter of Support for their passenger rail project.

Isak Johnson, Community Development Planner, presented information on the request to become a member of the Big Sky Passenger Rail Authority's Government Partners program through the Bismarck-Mandan Metropolitan Planning Organization (MPO) and a Letter of Support for their passenger rail project.

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

- L. Consider the request to discuss the Garbage Collection Survey results and determine the direction of residential trash collection and the options for the collection of extra items.

Steve Salwei, Public Works Service Operations Director, provided a presentation on the results of the Garbage Collection Survey.

- [Garbage Collection Survey Results Presentation](#)

The general consensus of the Commission is to table the item to the November 12, 2024, meeting.

- M. Consider the request to receive information regarding the expiration of terms and application period for boards, commissions and committees serving the City of Bismarck

Doug Wiles, Assistant City Administrator, provided information on the various boards and committees that have openings for new members. Applications will be accepted starting November 1, 2024, through November 30, 2024.

The Commission received the report.

- N. Consider the request to discuss the 2025 Citizen Academy Program.

Jason Tomanek, City Administrator, presented information on the upcoming Bismarck Citizen Academy program.

The Commission received the report.

- O. Consider the request to accept the resignation of City Attorney Jannelle Combs and provide direction for recruiting to fill the vacant City Attorney position.

Jason Tomanek, City Administrator, addressed the Commission regarding the request to accept the resignation of City Attorney Jannelle Combs and request for direction on recruitment of a new City Attorney.

- [City Attorney Job Description and Recruiting Plan](#)

Commissioner Zenker motioned to accept the resignation of Jannelle Combs as City Attorney, and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

The consensus of the Commission was for City staff to move forward with creating a recruitment plan for the City Attorney position.

4. OTHER BUSINESS

Commissioner Connelly let the Commission know that he has been having conversations regarding his idea to create a low barrier tent shelter at the newly purchased land intended for landfill purposes.

Commissioner Cleary commented that she does not feel that the landfill land is an appropriate location for a shelter as it is not in close proximity to services.

ADJOURN

There being no further business to discuss, the meeting adjourned at 7:46 PM.