



MEETING OF THE BOARD OF CITY COMMISSIONERS

1/14/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on January 14, 2025, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Connelly, Commissioner Cleary, Commissioner Risch, Commissioner Zenker, and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

January 28, 2024 February 11, 2024 & February 25, 2024 March 11, 2024 & March 25, 2024

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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 Risch requested to have Consent Agenda Item 2.E.1 removed from the agenda for approval at a later date.

Commissioner Connelly requested to have Consent Agenda Item 2.K.1. pulled for discussion.

Commissioner Connelly motioned to approve the Consent Agenda without items 2.E.1 and 2.K.1, and Commissioner Cleary 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: 1122183 to 1122712.

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

1. Application for Bismarck Youth Baseball, Incorporated to conduct a raffle at 303 West Front Ave.
2. Application for Dakota Pheasants Forever to conduct a raffle at 800 South 3rd Street.
3. Appoint Katherine Kinsella-Greff, Lilliann Johnston, and Trevor Vannett to the Bismarck-Mandan Mayors' Committee for People with Disabilities.
4. Appoint Micah Olson to the newly formed Bismarck Transportation Steering Committee.
5. Accept relinquishment request of Class H-2 License from Jordan Everaert, owner of Final Gravity LLC dba Bismarck Brewing.

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

1. Engineering Contract with KLJ Inc. for Aircraft Rescue Fire Fighting Building Parking Lot Reconstruction.
2. Change Order #1 to the Edling Electric contract for the Gate 2 & 3 Passenger Boarding Bridge Replacement Project.

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

1. Permission for Bismarck-Burleigh Public Health to accept monetary donations for the Women's Way Program in 2025.

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

1. Introduction of and call for a public hearing on Ordinance 6603, a zoning map amendment from the CA – Commercial zoning district to the CG – Commercial zoning district on Part of Lot 27, Block 1, Boulder Ridge First Addition, where the Planning and Zoning Commission recommends approval.
2. Introduction of and call for a public hearing on Ordinance 6604, a zoning map amendment from the R5 – Residential to the Conditional R10 – Residential zoning district on Lots 2-13, Block 25, Steins Fourth Addition and Lots 1-8, Block 1, Hay Creek Park Addition, where the Planning and Zoning Commission recommends approval.
3. Introduction of and call for a public hearing on Ordinance 6605, a zoning map amendment from the R5 – Residential district to the RM30 – Residential district on Part of Lot 3, Block 4, Northern Pacific Addition. The request is located in central Bismarck, on the north side of East Avenue C between North 1st Street and North 2nd Street, where the Planning and Zoning Commission recommends approval.
4. Approval of an Authorizing Resolution between the City of Bismarck and Bis-Man Transit authorizing Bis-Man Transit to apply for Section 5310 and Section 5339 capital assistance grants through the North Dakota Department of Transportation.

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

1. Development Agreement with API, Inc.
2. Resolutions approving the preliminary report, directing the preparation of the plans and specifications, and approval of the resolution of necessity for Street Improvement District 585.
3. Resolutions creating district, ordering the preparation of the preliminary report, approving the preliminary report and directing the preparation of the plans and specifications for Street Improvement District SI 586.

4. Resolutions creating district, ordering the preparation of the preliminary report, approving the preliminary report and directing the preparation of the plans and specifications for Street Improvement District SI 587.
 5. Right of way plats, warranty deeds, drainage easements, temporary construction easements and utility relocation agreements for E Century Avenue reconstruction and extension project HC 165.
 6. Amendment to existing agreement for professional services with AE2S for Tyler Coulee Stormwater Ponds - SE 576.
- I. Consider the request for approval from the Finance Department for the following:
1. Applications for abatement.
- J. Consider the request for approval from the Fire Department for the following:
1. Donation of Demo Light from Nightstick.
- K. Consider the request for approval from the Human Resources Department for the following:
1. Salary increases to current Public Works Service Operations employees and increase the hiring salary range.

The Commission discussed item 2.K1. regarding salary increases to current Public Works Service Operations employees and increase the hiring salary range.

Commissioner Connelly expressed concern with raising the rate again after it had been raised nearly one year ago.

Commissioner Cleary explained that the fleet mechanic roles have remained open and it is difficult to compete with the same roles in the private sector.

Leanne Schmidt, Human Resources Director, and Steve Salwei, Public Works Service Operations Director, addressed the Commission with information supporting the need to increase the hiring salary range.

Commissioner Risch asked for clarification of the reason Commissioner Connelly pulled the item for discussion.

Commissioner Zenker requested clarification as to how other departments within the City would be impacted by this increase. Commissioner Zenker also noted that the City needs to reevaluate the benefits package to meet the expectations or needs of future employees.

Mayor Schmitz noted that the CENCOM and Public Works Service Operations salary increases did come up during budget discussions and the Mayor tasked the individual departments to work with Administration to research ways to address their needs and bring it back to the Commission.

Commissioner Cleary motioned to approve item 2.K.1 as presented, and Commissioner Risch seconded. Upon a roll call vote, Commissioners Cleary, Risch, Zenker and Mayor Schmitz voted aye. Commissioner Connelly voted nay. M/C.

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

1. Introduction of and call for a public hearing on Ordinance 6606 to amend Section 12-03-14, Visible License Plate Ordinance of the City of Bismarck Code of Ordinances.

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

1. Permission to adjust the residential rate for the Single Sort Curbside Recycling program to reflect the 2025 rate increase with Waste Management.
2. Correct the fee for purchase of compost at the landfill to be of no cost to the public.
3. Award bid for LED Luminaires to Graybar Electric, Inc.

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

1. Joint powers agreement for the Carbon-Injection for Drinking Equilibrium Regulation Storage (CIDERS) facility, previously known as the Western ND pH Stabilizer Storage Facility.

2. Amendment No. 5 with HDR Engineering, Inc for the Water Treatment Plant Expansion Project.

3. Water Treatment Plant Expansion Project GMP3B construction agreements.

O. Consider the request for approval from the Bismarck Event Center for the following:

1. **Permission to move forward with the Change Order for \$255,698 with Hussey Seating for the telescopic retractable seating which was approved in the 2024 budget.**

3. **REGULAR AGENDA**

A. Public hearing on Ordinance 6589 to amend thresholds related to emergency procurement thresholds.

Dmitriy Chernyak, Finance Director, addressed the Commission regarding Ordinance 6589 and the changes that need to be made to the existing policy to allow flexibility for departments to take action during times of emergency.

Michelle Klose, Public Works Utility Operations Director, noted that there is a slight adjustment that needs to be made to remove the three words "obtain quotes and," which would allow the director of Public Works to hire the necessary contractors to repair the damage and reestablish the utility services.

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

Commissioner Zenker motioned to approve the item as presented with the Changes that Director Klose presented, and Commissioner Cleary seconded.

During discussion Commissioner Risch noted his concerns with raising the threshold from \$200,000 up to \$500,000 for an emergency repair and asked if the Mayor could be required to sign off on emergency purchases rather than be notified of the purchase. Director Chernyak responded to Commissioner Risch's concern noting that during times of emergency, the Mayor might not be available to approve the purchase.

Commissioner Zenker noted that in emergency situations it is important to be efficient rather than try to get a quorum of Commissioner together to approve the purchase.

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

B. Consider receiving bids and awarding contract for Highway Construction Project HC 165.

Gabe Schell, City Engineer, presented information regarding bid results for East Century Avenue Reconstruction project HC 165. The Engineering Department recommends granting the bid to the lowest bidder Knife River - Central ND Division in the amount of \$12,639,182.69. Engineer Schell noted that the project funding will come from 1/2 Cent Sales Tax, Flexible Transportation Funds from the North Dakota Department of Transportation, and the Water Utility Fund.

- [Bid Summary & Project Budget](#)

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

C. Consider the request to receive an update on the Industrial Pretreatment Program Ordinance Revision.

Michelle Klose, Public Works Utility Operations Director, presented information regarding updates to Ordinance 11.1, the Industrial Pretreatment Program Ordinance. The changes will be reviewed by the North Dakota Department of Environmental Quality, to make sure that the ordinance meets the EPA's regulations. A public meeting will be held on January 29, 2025 for stakeholders to receive information and have the opportunity to provide feedback.

Commissioner Zenker noted that the biggest concern is being compliant with the EPA. This process will educate residents as well as allow them a chance to provide feedback.

The Commission received the report.

D. Consider the request to receive a Legislative update and provide direction to staff.

Jason Tomanek, City Administrator, provided information regarding the current Legislative Session. Administrator Tomanek provided an overview of measures that he is currently following.

- House Bill 1020 - A BILL for an Act to provide an appropriation for defraying the expenses of the department of water resources.
- House Bill 1028 - Relating to the selection process for construction management at-risk planning and design phase services and the procurement of architect, engineer, construction management, and land surveying services.
- House Bill 1032 - Relating to jurisdiction of district courts and municipal court requirements, jurisdiction, procedures, and processes.
- House Bill 1106 - A BILL for an Act to provide an appropriation to the department of transportation for transit program grants.
- House Bill 1141 - Relating to using public services or property for a political purpose.
- House Bill 1176 - Relating to a legacy earnings fund, a legacy property tax relief fund, a primary residence certification, and a limitation on property tax levies without voter approval.
- House Bill 1193 - A BILL for an Act to provide an appropriation to the attorney general for a peace officer and correctional officer appreciation grant program.
- House Bill 1195 - Relating to the fee for overtaking and passing a school bus.

- House Bill 1206 - Relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances and to driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor; to provide a penalty; and to provide for application.
- Senate Bill 2012 - A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; and to provide an exemption.
- Senate Bill 2018 - A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; and to provide a transfer.
- Senate Bill 2027 - Relating to floodplain management powers and ordinances for counties, cities, and townships.
- Senate Bill 2030 - A BILL for an Act to provide an appropriation to the housing finance agency and the department of public instruction; to provide for a transfer; and to provide for a legislative management study.
- Senate Bill 2096 - A BILL for an Act to provide appropriations to the department of health and human services for state hospital facilities and to provide for regional acute psychiatric treatment and residential supportive housing services.
- Senate Bill 2132 - Relating to careless driving and causing injury to the operator of an authorized emergency vehicle or damage to an authorized emergency vehicle; and to provide a penalty.

[Bill Tracking Handout](#)

Commissioner Cleary asked that House Bill 1307 be added to the list of bills to monitor.

- House Bill 1307 - Relating to supersession of state laws in home rule counties and cities.

The Commission received the report and directed Administrator Tomanek to align with the NDLC position on the bills discussed. Administrator Tomanek noted that he will make a specific ask on bills that deviate from the NDLC's position.

4. OTHER BUSINESS

Commissioner Connelly expressed concerns with the flyer that went out regarding bulk residential item collection. He felt the information in the flyer contradicted what was discussed at prior Commission meetings and that residents might be surprised by the fee for the service. Commissioner Cleary clarified that at previous commission meeting the \$20 fee was a service fee to come and pickup the bulk items and that fees would apply to the individual items that match the tipping fees at the landfill. She explained that the items that can be collected as well as the fee for each item is available on the City's website. Commissioner Cleary further explained that the program is experimental and its success will be based off of resident feedback. If residents do not utilize the service, the City can choose to discontinue the program.

ADJOURN

There being no further business to discuss, the meeting adjourned at 6:26 PM.