



MEETING OF THE BOARD OF CITY COMMISSIONERS

1/28/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on January 28, 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, and Commissioner Zenker were present. Mayor Schmitz attended the meeting via Teams.

FUTURE COMMISSION MEETINGS

February 11, 2025 & February 25, 2025

March 11, 2025 & March 25, 2025

April 8, 2025 & April 22, 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. PROCLAMATION

A. Boy Scout Troop 6

Chair Cleary read a proclamation recognizing Boy Scout Troop 6 for its 108th anniversary.

- [Boy Scout Troop 6 Proclamation](#)

2. PUBLIC COMMENT

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

3. CONSENT AGENDA

Commissioner Risch moved to approve the consent agenda as presented and Commissioner Zenker 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: 1122713-1123007.

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

1. Continue participation in the Community Rating System (CRS) program and submit annual re-certification documentation.
2. Renewal of taxicab license for Bismarck Transportation Services, Co.
3. Application for gaming for Furry Friends Rockin Rescue at 307 North 3rd Street.

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

1. Engineering Contract with KLJ Inc. for ARFF Building Parking Lot Reconstruction.
2. Edling Electric Change Order No. 10 for Removal of Wetlands Phase 5/6 Project.
3. PARCS Selection Committee's recommendation of Flash Parking for the Replacement of the PARCS at the Airport.

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

1. Memorandum of understanding agreement with the North Dakota Department of Health and Human Services, Food and Lodging Unit.

2. Corrective action for appointment of Renaissance Zone Authority members.
 3. Permission for the Historic Preservation Commission to apply for the 2025 Historic Preservation Fund Grant.
 4. Permission to apply for Bloomberg Philanthropies' Asphalt Art Initiative Grant.
- G. Consider the request for approval from the Engineering Department for the following:
1. Resolution approving the resolution of necessity for Street Improvement District SI 586.
 2. Resolution approving the resolution of necessity for Street Improvement District SI 587.
 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 588.
 4. Dedication and acceptance of Stormwater and Drainage Easement for the development of Block 2, Eagle's Addition.
- H. Consider the request for approval from the Finance Department for the following:
1. Application for abatement
- I. Consider the request for approval from the Public Works - Service Operations Department for the following:
1. Change Order No. 5 for the Public Works Roofing Project with Tecta AmericaDakotas.
 2. \$400 sponsorship to the 2025 North Dakota Excavator Meeting.

4. REGULAR AGENDA

- A. Consider the request to receive Update on the Terminal Area Study.

Matthew Remysne, Bismarck Airport's Marketing and Operations Manager, provided background information about the Terminal Area Study. Jeff Ubl with Ubl Design Group and Justin Anderson with Mead & Hunt provided an update on the study. Mr. Ubl and Mr. Anderson will provide a final report of the project in April 2025.

- [Terminal Area Study Presentation](#)

The Commission received the report.

- B. Public hearing on Ordinance 6599, a zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lots 1 and 3, Block 1, Washington Square Addition, where the Planning and Zoning Commission recommends approval.

Ben Ehreth, Community Development Director, presented background information on zoning map amendment Ordinance 6599.

Chair Cleary opened the public hearing.

- Landon Niemiller, with Swenson Hagen & Company, addressed the Commission to provide information on the proposed zoning map amendment and answer any questions they may have.

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

- C. Public hearing on Ordinance 6600, a zoning map amendment from the A – Agriculture zoning district to the RR – Residential zoning district for Lot 1, Block 1, Huchler Park Subdivision, where the Planning and Zoning Commission recommends approval.

Ben Ehreth, Community Development Director, presented background information on zoning map amendment Ordinance 6600.

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

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

- D. Public hearing on Ordinance 6601, a zoning map amendment from the Conditional CA – Commercial district to the CA – Commercial district, and is in north Bismarck, between North Washington Street and Normandy Street, along the south side of 43rd

Avenue Northeast, where the Planning and Zoning Commission recommends approval.

Ben Ehreth, Community Development Director, presented background information on zoning map amendment Ordinance 6601.

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

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

- E. Consider the request to receive a presentation on recent public engagement efforts by the Community Development Department and hold a public hearing on Ordinance 6602, a zoning ordinance text amendment for public notice signs, where the Planning and Zoning Commission recommends approval.

Ben Ehreth, Community Development Director, presented background information on Ordinance 6602.

Chair Cleary opened the public hearing. The following individuals addressed the Commission in opposition of the proposed ordinance.

- Chad Moldenhauer, K&L Homes, Inc.
- Cam Knutson, Knutson Companies - [Submitted Public Comment](#)
- Jeff Sattler, Sattler Homes
- Chad Wachter, Investcore, Inc.

Mayor Schmitz moved to direct staff to amend or change the ordinance, that staff would place the signs for a one-year trial basis and directed staff to look at what it would take to do a reverse 911 type call system for notifications, or find alternative ways to make the City's actions transparent to the public, and Commissioner Risch seconded. After further discussion, Mayor Schmitz withdrew his motion.

Commissioner Zenker moved to deny the ordinance and have policy put in place for a one year trial, with communication with developers, as to when and how the signs will be installed, and Commissioner Risch seconded.

Commissioner Zenker amended his motion to include that the policy change will be at no cost to the developers, and Commissioner Risch seconded the amended motion. Upon a roll call vote, all voted aye. M/C.

- F. 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, Boudier Ridge First Addition, where the Planning and Zoning Commission recommends approval.

Ben Ehreth, Community Development Director, presented background information on zoning map amendment Ordinance 6603.

Chair Cleary opened the public hearing.

- Landon Niemiller, with Swenson Hagen & Company, addressed the Commission to provide information on the proposed zoning map amendment and answer any questions they may have.

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

- G. 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.

Ben Ehreth, Community Development Director, presented background information on zoning map amendment Ordinance 6604.

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

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

- H. 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.

Ben Ehreth, Community Development Director, presented background information on zoning map amendment Ordinance 6605.

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

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

- I. Public Hearing on Ordinance 6606 to amend the Visible License Plate Ordinance.

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

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

- J. Public hearing to release the 20-foot drainage easement, less the northerly 10-feet, on Lots 60 and 61, Block 1, Misty Waters.

Lauren Oster, Community Development Planner, presented information regarding the request by Pat Spillman to release the 20-foot drainage easement, less the northerly 10-feet, on Lots 60 and 61, Block 1, Misty Waters.

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

Commissioner Zenker moved to approve the item as presented and Commissioner Risch

seconded.

Commissioner Connelly noted that he would not vote for the change due to the past items brought to the Commission regarding Misty Waters.

Commissioner Zenker noted that the current proposal does not include parcels from the item the Commission reviewed in the past.

Commissioner Connelly stated that he will abstain from voting because he does not want to vote on something he doesn't fully understand.

Upon a roll call vote, Mayor Schmitz and Commissioners Risch, Zenker, and Chair Cleary voted aye. M/C.

- K. Introduction of and call for a public hearings on adoption of Title 11.2 - Wastewater Industrial Pretreatment Program Ordinance, repeal of Title 11.1 Industrial Pretreatment Program Ordinance and amend Title 11 - Utilities to change references from Title 11.1 to Title 11.2 of the City of Bismarck Code of Ordinances.

Paul Olson, Industrial Pretreatment Manager for Public Works Utility Operations, provided an update on Ordinance 6607, the introduction of Title 11.2 - Wastewater Industrial Pretreatment Program Ordinance, the repeal of Title 11.1 Industrial Pretreatment Program Ordinance and amendments to Title 11 - Utilities to change references from Title 11.1 to Title 11.2 of the City of Bismarck Code of Ordinances. Mr. Olson notified the Commission that a public meeting will be held on Wednesday, January 29, 2025 at 3:00 PM to provide information to stake holders and receive public comment. The public hearing will be held at the February 25, 2025, City Commission meeting.

Commissioner Zenker moved to call for a public hearing as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

- L. 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 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; to amend and reenact subsection 1 of section 21-10-06, section 57-02-01, subdivision c of subsection 1 of section 57-02-08.1, subdivision b of subsection 2 of section 57-02-08.1, and sections 57-02-08.9, 57-02-08.10, 57-02-27, 57-02-27.1, 57-02-53, 57-09-04, 57-11-03, 57-12-06, and 57-20-07.1 of the North Dakota Century Code, relating to funds invested by the state investment board, property tax definitions, the homestead tax credit and renters refund, the primary residence credit, property classifications, notices to property owners, and the property tax statement; to repeal sections 21-10-12, 21-10-13, and 57-15-02.2 of the North Dakota Century Code, relating to legacy fund definitions, the legacy earnings fund, and estimated property tax and budget hearing notices; to provide an appropriation; to provide a transfer; to provide an effective date; to provide an expiration date; and to declare an emergency.
- House Bill 1306 - Relating to fees assessed for open records requests.

- House Bill 1307 - Relating to supersession of state laws in home rule counties and cities.
- House Bill 1353 - Relating to limitations on property tax levies by taxing districts without voter approval; and to provide an effective date.
- House Bill 1382 - Relating to the creation of the city, county, and township road fund; to amend and reenact subsection 1 of section 39-04-19.2, section 54-27-19, subsection 1 of section 57-43.1-02, and subsection 1 of section 57-43.2-02 of the North Dakota Century Code, relating to the electric and plug-in hybrid vehicle road use fee, the tax imposed on motor vehicle and special fuels, and the highway tax distribution fund; and to provide an effective date.
- House Bill 1389 - Relating to the exemption of infrastructure fees from levy limitations.
- House Bill 1440 - Relating to cigar lounges.
- House Bill 1482 - Relating to the requirements of a municipal bond election.
- House Bill 1552 - Relating to limitation of the rate of home rule sales, use, or gross receipts taxes; and to provide an effective date.
- House Bill 1559 - Relating to limitations on taxable valuation of residential property; and to provide an effective date.
- House Bill 1560 - Relating to a primary residence long-term homeowner property valuation reduction; and to provide an effective date.
- House Bill 1570 - Relating to the creation of a tobacco tax distribution behavioral health fund and the collection, transfer, and report of a tax on electronic smoking devices and alternative tobacco products; to amend and reenact sections 57-36-01, 57-36-25, 57-36-26, 57-36-31, and 57-36-32 of the North Dakota Century Code, relating to the tax imposed on cigarettes and other tobacco products; to provide a penalty; and to provide an effective date.
- House Bill 1613 - Relating to law enforcement use of a drone or robot.
- Senate Bill 2180 - Relating to the opportunity to provide public comment at a meeting of a public entity.
- Senate Bill 2208 - Relating to the municipal infrastructure fund and the county and township infrastructure fund.
- Senate Bill 2225 - A BILL for an Act to provide an appropriation to the department of commerce for a housing for opportunity, mobility, and empowerment program; to provide for a legislative management report; and to declare an emergency.
- Senate Bill 2254 - A BILL for an Act to provide an appropriation to the department of transportation for fixed route city transportation services grants; and to provide for a legislative management study.
- Senate Bill 2281 - Relating to a tax on cigars, other tobacco products, alternative tobacco products, electronic smoking devices, and electronic smoking device substances and a tobacco tax distribution fund; to amend and reenact section 57-36-01, subsection 1 of section 57-36-31, and section 57-36-32 of the North Dakota Century Code, relating to the definition of alternative tobacco products, transfer and allocation of tobacco products tax revenue and tax on cigarettes; to provide a penalty; to provide a continuing appropriation; and to provide an effective date.
- Senate Bill 2306 - Relating to the establishment of a child care workforce recruitment and retention program.

[Bill Tracking Handout](#)

The Commission received the report.

- M. Consider the request from the Finance Department to enter an Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiation/negotiation strategy under NDCC Section 44-04-19.1(9).

Commissioner Cleary pulled item from the agenda at the request of the Finance Department.

5. **OTHER BUSINESS**

- Commissioner Risch relayed a message of gratitude from Trinity Lutheran Church on the service received from the Bismarck Police Department and other City employees.
- Commissioner Connelly noted that the Transportation Steering Committee will hold its first meeting on February 25, 2025, at 12:00 PM, at Public Works.

ADJOURN

There being no further business to discuss, the meeting adjourned at 7:52 PM.