MEETING OF THE BOARD OF CITY COMMISSIONERS

2/11/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on February 11, 2025, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners Connelly, Cleary, Risch, and Zenker and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

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. **PUBLIC COMMENT**
   Restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items.

2. **CONSENT AGENDA**

Commissioner Zenker moved 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: 1123008-1123262.

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

1. Letter of Support for ND Opportunity Fund Applicant Illuminate Properties, LLC.

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

1. Final consideration of the minor subdivision final plat for Sykes Second Addition, where the Planning and Zoning Commission recommends approval.

2. Introduction of and call for a public hearing on Ordinance 6609, the zoning map amendment and major subdivision final plat for Paradise Pointe Subdivision, where the Planning and Zoning Commission recommends approval.

3. Introduction of and call for a public hearing on Ordinance 6610, a zoning map amendment, a future land use plan amendment, and a major subdivision final plat for Cieslak Subdivision, where the Planning and Zoning Commission recommends approval.

4. Appointment of Jon Burger to the Bismarck Parking Authority for a term to expire December 31, 2029.

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

1. Local match letter for Federal Highway Administration (FHWA) PROTECT discretionary grant.

2. Permission to close Raymond Street from Ave A to Ave B, Friday, May 30, 2025, from 9:00 AM through Saturday, May 31, 2025, at 11:00 PM for Spirit Festival at Cathedral Church.

3. Permission to close the north and east legs of the intersection at 4th St & Broadway Ave, each Thursday from July 10, 2025, through August 14, 2025, between the hours of 11:00 AM to 7:00 PM for KFYR Food on Fourth.

4. Resolutions approving plans and specifications, directing the advertisement of bids and receiving bids for Street Improvement District SI 585, Part A and Part B.

5. Resolution approving the resolution of necessity for Street Improvement District SI 588.

6. Dedication and acceptance of a Sidewalk Easement for the development of Lot 2, Block 1, Meadowlark Commercial Ninth Addition.

G. Consider the request for approval from the Finance Department for the following:

1. Application for abatement.

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

1. Introduction of and call for a public hearing on Ordinance 6608, to create Obstructing Law Enforcement Officers in Discharge of Their Duties Ordinance.

I. Consider the request for approval from the Police Department for the following:

1. Permission to adjust the Contract Policing Overtime Rate from the current rate of $50.00 per hour to $60.00 per hour to reflect Police Officers' salaries in 2025.

2. Permission to designate the Bismarck Chief of Police as the City's designee for administrative grant work, authorizing his electronic signature and approval on justicegrants.gov as the “Authorized Representative” on behalf of the City of Bismarck.

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

1. Task Order 25-01 from Houston Engineering for the Solid Waste operations to provide 2025 BMWF Groundwater Sampling, Analysis, and Reporting.

2. Permission to sell/dispose of City Assets at a Public Sale or Online Auction from various City Departments.

3. Permission to purchase traffic signal equipment off the Minnesota Department of Transportation (MnDOT) Contract #144047 for the Cobalt Upgrade Project.

4. Permission to purchase traffic signal equipment off the Minnesota Department of Transportation (MnDOT) Contract #144047 for Video Detection Equipment Upgrade.

3. **REGULAR AGENDA**

A. Consider the recommendation from the Vision Fund Committee to support a PACE program interest buy-down for Surya, LLC dba Lightspring, LLC.

Nathan Schneider, Vice President of the Bismarck Mandan Chamber EDC, presented information on the application from Surya, LLC dba Lightspring, LLC for a Vision Fund PACE program interest buy-down loan. Applicant James Kambeitz presented information about his company and how the Vision Fund funding will support economic growth within Bismarck and North Dakota.

Commissioner Risch moved to approve the request from the Vision Fund Committee to support a PACE program interest buy-down for Surya, LLC dba Lightspring, LLC structured as a loan for $85,000 and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

B. Consider the request to receive and accept the Bismarck Corrosion Control Master Plan Report.

Seth Lynne, Vice President of Apex Engineering Group, provided a presentation on the Bismarck Corrosion Control Master Plan.

- Corrosion Control Master Plan Presentation

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

C. 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 House Bill 1176 and House Bill 1389.

- 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 section 6-09.4-10.1, subsection 1 of section 21-10-06, sections 40-40-06, 54-27-19.3, and 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, 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, 57-15-02.2, 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, assessment and budget hearing notices to property owners, and the property tax statement; to repeal sections 21-10-12 and 21-10-13 of the North Dakota Century Code, relating to legacy fund definitions and the legacy earnings fund; 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 1389 - Relating to infrastructure fees levied by cities and counties, and the exemption of infrastructure fees from levy limitations.
- Bill Tracking Update

The Commission received the report.

E. **Consider the request to receive a presentation update on Bismarck's Land Development Code on a draft of the first module of the ordinance, relating to zoning districts amid uses.**

Elizabeth Garvin a representative of Clarion Associates provided a presentation regarding the Land Development Code. Ms. Gavin noted that the project completion date will be near the end of 2025.

- Land Development Code Presentation

The Commission received the report.

D. Request to go into executive session under NDCC 44-04-19.1(9) for contract negotiation/negotiation strategy.

Commissioner Zenker moved to enter into Executive Session at 6:24 PM, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 6:42 PM with all members present.

Commissioner Zenker moved to direct staff to move forward with the negotiation strategy agreed upon during the executive session, and Commissioner Cleary seconded. Upon a roll call vote,
all voted aye. M/C.

4. **OTHER BUSINESS**

Commissioner Zenker informed the Commission of the recommendation of the Public Works Utility Operations Director Interview Hiring Committee to provide a job offer to applicant Michael Mart.

Commissioner Zenker moved to approve Michael Mart as Public Works Utility Operations Director and Mayor Schmitz seconded. Upon a roll call vote, all voted aye. M/C.

ADJOURN

There being no further business, the meeting adjourned at 6:43 PM.