



MEETING OF THE BOARD OF CITY COMMISSIONERS

2/25/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on February 25, 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

March 11, 2025 & March 25, 2025
April 8, 2025 & April 22, 2025
May 13, 2025 & May 27, 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

No public comment was received.

2. CONSENT AGENDA

1. Mayor Schmitz requested that Item J.1. be removed from the Consent Agenda for discussion.

Commissioner Cleary moved to approve the consent agenda with removal of Item J.1. as presented and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

2. Mayor Schmitz requested clarification on the term and rate of the contract with South Central Water District. Michael Mart, Public Works Utility Operation Director, addressed the Commission and explained that the rate in the contract is variable and will be based on the rate that the Bismarck residents are paying. Director Mart explained that the 2019 contract omitted a reference to the 39.7 cent per unit reduction of the prior capital contributions made by the South Central Regional Water District (SCRWD). Director Mart stated that the contract could be amended to reflect the Mayor's comments.

Commissioner Zenker moved to approve per the discussion to clarify the contract per the Mayor's request 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: 1123263-1123555.

- D. Consider the request for approval from the Bismarck Airport for the following:
 - 1. Disposal of a 2010 Ford F150 Crew Cab Pickup.
 - 2. Consider and accept bids for Aviation Worker Screening services.
- E. Consider the request for approval from the Community Development Department for the following:
 - 1. The Bismarck-Mandan Metropolitan Planning Organization (MPO), on behalf of Bis-Man Transit, requests approval to purchase one paratransit cutaway bus to replace van 1911.
 - 2. Permission to apply for the AARP Community Challenge grant.
 - 3. Final consideration on Municipal Sixth Addition, a major subdivision final plat, where the Planning and Zoning Commission recommends approval.
 - 4. Release of a non-access line over the southerly 90 feet of the northerly 150 feet on the southeastern side and the westerly 125 feet of the easterly 150 feet on the northeastern side of Lot 1, Block 5, Sonnet Heights Subdivision First Replat.
- F. Consider the request for approval from the Engineering Department for the following:
 - 1. Receive bids and award contract for Street Light and Traffic Signal Project SV 78.
 - 2. Resolutions approving plans and specifications, directing the advertisement of bids and receiving bids for Street Improvement District SI 587.
 - 3. Resolutions approving plans and specifications, directing the advertisement of bids and receiving bids for Street Improvement District SI 586.
- G. Consider the request for approval from the Finance Department for the following:
 - 1. Applications for abatement.

- H. Consider the request for approval from the Human Resources Department for the following:
 - 1. Permission to shred 13 boxes of personnel documents that are beyond the retention of six or more years the remainder of 2025.
 - 2. Receive, consider, and approve the updated City of Bismarck Title VI Plan.
 - 3. Review and consider the revised Smoke-free Policy.
 - 4. **Accept the reclassification of the Marketing and Operations Manager position into two positions: Airport Marketing Coordinator (grade 17) and an Operations Manager (grade 21), as recommended by Condrey and Associates.**
- I. Consider the request for approval from the Police Department for the following:
 - 1. Accept donation from Wall of Honor.
- J. Consider the request for approval from the Public Works - Utility Operations Department for the following:
 - 1. Water service contract with South Central Regional Water District.
 - 2. Approval and support of the State Water Commission application for construction cost share for the regional CIDERS facility.

3. **REGULAR AGENDA**

- A. Public hearing on Ordinance 6607, repeal of Title 11.1 Industrial Pretreatment Program Ordinance, adoption of Title 11.2 Wastewater 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.

Mayor Schmitz opened the public hearing.

Commissioner Zenker moved to approve Ordinance 6607 as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

- B. Public hearing on Ordinance 6608, to create the Obstructing Law Enforcement in Discharge of Their Duties Ordinance.

Mayor Schmitz opened the public hearing.

Commissioner Risch moved to approve Ordinance 6608 as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

- C. Public hearing on Ord. 6609, a zoning map amendment from the A – Agricultural district to the RR5 – Residential district, and a major subdivision final plat for Paradise Pointe Subdivision.

Ben Ehreth, Community Development Director, presented background information on Ordinance 6609, a zoning map amendment from the A – Agricultural district to the RR5 – Residential district, and a major subdivision final plat for Paradise Pointe Subdivision.

Mayor Schmitz opened the public hearing.

- Landon Niemiller with Swenson Hagen & Company was present to answer questions from the Commission.

Commissioner Connelly moved to approve Ordinance 6609 as presented, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

- D. Public hearing on Ordinance 6610, a zoning map amendment, a Future Land Use Plan amendment from the Parks and Open Space (PKOS) land use designation to the Rural Residential (RR) and Parks and Open Space (PKOS) land use plan designations, a zoning map amendment from the A – Agriculture zoning district to the RR – Residential zoning district and a major subdivision final plat titled Cieslak Subdivision.

Ben Ehreth, Community Development Director, presented background information on Ordinance 6610, a zoning map amendment, a Future Land Use Plan amendment from the Parks and Open Space (PKOS) land use designation to the Rural Residential (RR) and Parks and Open Space (PKOS) land use plan designations, a zoning map amendment from the A – Agriculture zoning district to the RR – Residential zoning district and a major subdivision final plat titled Cieslak Subdivision.

Mayor Schmitz opened the public hearing.

Commissioner Connelly moved to approve Ordinance 6610 as presented, and Commissioner Cleary 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 585.

Gabe Schell, City Engineer, presented background information on the request to Hear Insufficiency of Protest on Resolution of Necessity for Street Improvement District SI 585.

- [Protest Letters](#)

Commissioner Zenker moved to accept the Insufficiency of Protests on the Resolution of Necessity for Street Improvement District SI 585, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

- F. Consider the request to receive bids and award contract for Tree Pruning Project TP 2025.

Gabe Schell, City Engineer, addressed the Commission regarding the absence of bids for Tree Pruning for SI 585 and SI 586. Engineer Schell presented the option to split the project out into two pieces and solicit quotes from tree service companies as a way to perform this work. If unsuccessful in soliciting quotes, the Engineering Department would put this work into the street maintenance projects as a subcontract to the prime paving contractor, similar to previous years.

- G. Consider the request to provide Community Development staff with direction on the ordinance for the keeping of chickens.

Ben Ehreth, Community Development Director, presented the request from Commissioner Risch to discuss the creation of an ordinance that would allow for the keeping of chickens within Bismarck's city limits.

The general consensus of the Commission is to have Community Development reassemble a stakeholder group and proceed with drafting a new ordinance.

- H. Consider the request for permission to enter into contract negotiation with a selected consultant for Strategic Planning Services.

Doug Wiles, Assistant City Administrator, presented information about the results from Administration's Request for Proposals for Strategic Planning Services. Of the two consultants interviewed, the Strategic Planning Committee recommended Mejorando Group to be selected.

Commissioner Zenker moved to grant permission to enter into contract negotiations with Mejorando Group for Strategic Planning Services and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

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

Jason Tomanek, City Administrator, provided the Commission with information regarding the current Legislative Session.

- **House Bill 1020** - Relating to the northwest area water supply biota water treatment plant operating fund; to amend and reenact section 61-02-79 of the North Dakota Century Code, relating to a Bank of North Dakota line of credit; to authorize the state water commission to issue and sell bonds for water projects; to provide legislative intent; to provide for a report; to provide for a study; to provide a continuing appropriation; to provide for a transfer; to provide an exemption; and to declare an emergency. **House Passed**
- **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 Defeated**
- **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, section 57-02-08.9 as amended by section 1 of Senate Bill No. 2201, as approved by the sixty-ninth legislative assembly, sections 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 Passed**

- **House Bill 1513** - Relating to the notice to construct, rebuild, or repair sidewalks. **House Defeated**
- **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 Defeated**
- **Senate Bill 2014** - Relating to confidential and exempt records of the Bank of North Dakota and interest rate buydown limits for the partnership in assisting community expansion fund; to amend and reenact section 15 of chapter 14 of the 2023 Session Laws, relating to a salt cavern underground energy storage research project; to provide for a transfer; to provide an exemption; to provide for a legislative management study; to provide for a legislative management report; and to provide for a report. **Senate Passed**
- **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 Defeated**
- **Senate Bill 2208** - Relating to the state share of oil and gas tax revenue allocations, the municipal infrastructure fund, and the county and township infrastructure fund. **Senate Defeated**
- **Senate Bill 2307** - Relating to the definition of a public library, required safety policies and technology protection measures, and the state's attorney's review of public libraries, school districts, and state agencies for compliance with statutes protecting minors from explicit sexual material; to amend and reenact subsection 5 of section 12.1-27.1-01, subsection 2 of section 12.1-27.1-03.1, and sections 12.1-27.1-03.5 and 12.1-27.1-11 of the North Dakota Century Code, relating to obscenity control; to provide for a report to the legislative management; and to provide a penalty. **Senate Passed** General consensus of the Commission is to oppose Senate Bill 2307.
- [Legislative Report](#)

4. **OTHER BUSINESS**

5. **EXECUTIVE SESSION**

- A. 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).

Mayor Schmitz pulled the Executive Session from the agenda at the request of the Finance Department.

ADJOURN

There being no further business to discuss, the meeting adjourned at 6:13 PM.