



MEETING OF THE BOARD OF CITY COMMISSIONERS

3/25/2025 - Minutes

MEETING OF THE BOARD OF HEALTH

CALL TO ORDER

The Board of City Commissioners met as the Board of Health on March 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.

BOARD OF HEALTH AGENDA

A. Public Health Director Update

Renae Moch, Bismarck-Burleigh Public Health Director, provided a brief overview of the BBPH Community Health Needs Assessment (CNHA) and Community Health Improvement Plan (CHIP). Director Moch also notified the Commission that the funding associated with Consent Agenda Item E.2. regarding a study for a Community Triage Center had been pulled at the Federal level and was no longer available. Due to the lack of funding, she requested that Consent Agenda item E.2. be pulled from the agenda.

- [Board of Health Presentation](#)

B. Community Health Needs Assessment Update

1. Review BBPH Priorities
2. Consider Approval of Community Health Improvement Plan (CHIP)

C. Community Triage Center Update

1. Consider Approval of Contract Award for Technical Assistance

ADJOURN

There being no further business to discuss, the Board of Health meeting adjourned at 5:23 PM.

MEETING OF THE BOARD OF CITY COMMISSION

MISSION STATEMENT

To provide high-quality public services in partnership with our community to enhance our quality of life.

1. CALL TO ORDER

The Board of City Commissioners met on March 25, 2025, at 5:23 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

April 8, 2025 & April 22, 2025
May 13, 2025 & May 27, 2025
June 10, 2025 & June 23, 2025

2. PROCLAMATION

A. Wear Blue Day and Child Abuse Prevention Month 2025

Mayor Schmitz read a proclamation proclaiming April 1, 2025, as Wear Blue Day in the City of Bismarck and the beginning of Child Abuse Prevention Month.

- [Proclamation](#)

B. Fair Housing Month Proclamation

Mayor Schmitz read a proclamation proclaiming April 2025 as Fair Housing Month in the City of Bismarck.

- [Proclamation](#)

3. PUBLIC COMMENT

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

- John Frase and Vern Peterson spoke on Regular Agenda Item F.5, with a request to keep the walking path open.

4. CONSENT AGENDA

Commissioner Cleary moved to pull Consent Agenda Item E.2. and approve the remaining Consent Agenda as presented, and Commissioner Connelly 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: #1123784-1124070.

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

1. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for the Downtown Business Association of Bismarck (dba) Downtowners at 122 North 4th Street.

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

1. 2025-2027 Community Health Improvement Plan.
2. Award contract to Health Management Associates for technical assistance for a Community Triage Center.

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

1. Receive bids and award contract for Water Utility Project WU 146.
2. Receive bids and award contract for Water Utility Project WU 147.
3. Development agreement with Portscheller Tree Service.
4. Resolutions receiving bids, ordering preparation of the Engineer's Statement and awarding contracts for Street Improvement District SI 585 - Part A and Street Improvement District SI 585 - Part B.
5. Hear the insufficiency of protests on the Resolution of Necessity and for resolutions receiving bids, ordering preparation of the Engineer's Statement and awarding contract for Street Improvement District SI 587.
6. Hear the insufficiency of protests on the Resolution of Necessity and for resolutions receiving bids, ordering preparation of the Engineer's Statement and awarding contract for Street Improvement District SI 586.

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

1. Applications for Abatement
2. 2024 budget adjustments and carryovers into the 2025 budget.

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

1. Permission to utilize the General Services Administration (GSA) Advantage Consortium Agreement to purchase a breathing air compressor through the Universal Air and Gas Products Corporation.
- I. Consider the request for approval from the Human Resources Department for the following:
1. Update the City of Bismarck Policy Manual by removing the Medical Reimbursement policy and form.
- J. Consider the request for approval from the Legal Department for the following:
1. Introduction of and call for a public hearing on Ordinance 6612 to amend Title 3 regarding Animal Control and Protection.
- K. Consider the request for approval from the Public Works - Service Operations Department for the following:
1. Authorize staff to purchase seven (7) traffic signal cabinets from Traffic Control Corporation in the amount of \$150,920.
 2. Permission to award the bid for Landfill Cold Storage Building Construction to Droptine Spray Foam & Construction LLC.
 3. Permission to award the bid for the 2025 Installation of Painted Pavement Markings to Traffic Safety Services, Inc.
- L. Consider the request for approval from the Public Works - Utility Operations Department for the following:
1. Correct scrivener errors in Ordinance 6607.
 2. Work Authorization 7 with PKG Contracting, Inc., the construction manager at risk (CMAR) for the Water Treatment Plant Expansion Project.
 3. Sole source purchase of three replacement impellers for the 26th Street lift station.

5. **REGULAR AGENDA**

- A. Public hearing on Ordinance 6611, a zoning map amendment from the RT – Residential zoning district to the CA – Commercial zoning district for Lot 3, Block 1, Kilber North Addition First Replat.

Daniel Nairn, Community Development Planning Manager, presented information on Ordinance 6611, a zoning map amendment from the RT – Residential zoning district to the CA – Commercial zoning district for Lot 3, Block 1, Kilber North Addition First Replat.

Mayor Schmitz opened the public hearing.

Commissioner Cleary moved to approve Ordinance 6611 as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C

- B. Consider the requests to hear the insufficiency of protests on the Resolution of Necessity for Street Improvement District SI 588.

Gabe Schell, City Engineer, requested that the Commission approve the insufficiency of protests for Street Improvement District SI 588 and requested a Resolution of Necessity for Street Improvement District SI 588.

- [Insufficiency of Protests](#)

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

- C. Consider the request to receive bids and award contract for Highway Construction Project HC 177.

Gabe Schell, City Engineer, presented the bids for Highway Construction Project HC 177 and recommended awarding the project to the lowest bid by Asphalt Surface Technologies in the amount of \$94,050.00.

- [Bid Summary](#)

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

- D. Consider the request to receive bids and provide recommendations on the award of a contract for Street Light and Traffic Signal Project SV 79.

Gabe Schell, City Engineer, presented the request to receive bids and provide recommendations on the award of a contract for Street Light and Traffic Signal Project SV 79 to the lowest bidder, Edling Electric, in the amount of \$563,807.50.

- [Bid Summary](#)

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

- E. Consider the request to receive a report relating to future 4th of July events and activities in Bismarck.

Jason Tomanek, City Administrator, provided information on the future 4th of July events and activities in Bismarck. Administrator Tomanek noted that the Bismarck Mandan Symphony Orchestra (BMSO) would no longer be hosting the 4th of July event at the Capitol Grounds. Administrator Tomanek, the BMSO, and community partners have created a committee whose goal is to provide a 4th of July program to replace the BMSO program that has been held in the past.

The Commission received the report and encouraged Administrator Tomanek to move forward with 4th of July program discussions.

- F. Consider the request to receive an update from Burlington Northern Santa Fe (BNSF) representatives relating to the rail bridge replacement project and construction plans for 2025.

Amy McBeth and Mike Herzog, representatives of BNSF, presented an update on the progress of the rail bridge construction and addressed concerns brought forward about the River Road walking path being closed.

- [BNSF Presentation](#)

The Commission discussed the train being closed for nearly two years or the duration of the project. Some of the Commissioners expressed concern about the trail being closed for that length of time, and recommended being open as much as possible.

- G. **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 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 Bill 1389:** Relating to infrastructure fees levied by cities and counties, and the exemption of infrastructure fees from levy limitations.
- **House Bill 1474:** A bill for an Act to provide for a legislative management study of property tax reform for residential property.
- **House Bill 1575:** Relating to a legacy earnings fund, a legacy property tax relief fund, a state reimbursed taxable valuation reduction for residential, agricultural, and commercial property, limitations on taxable valuation increases, and voter-approved excess levy authority; to amend and reenact section 6-09.4-10.1, subsection 1 of section 21-10-06, section 54-27-19.3, subdivision c of subsection 1 of section 57-02-08.1, subdivision b of subsection 2 of section 57-02-08.1, and section 57-02-08.10, of the North Dakota Century Code, relating to funds invested by the state investment board, the homestead tax credit and renters refund, and the primary residence credit certification and state reimbursement; to repeal sections 21-10-12, 21-10-13, and 57-02-08.9 of the North Dakota Century Code,

relating to legacy fund definitions, the legacy earnings fund, and the primary residence credit; to provide an appropriation; to provide for a transfer; to provide an effective date; and to provide an expiration date.

- **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.
- [Legislative Report](#)

Commissioner Risch asked Administrator Tomanek to get the League of Cities' opinion on Senate Bill 2128.

- **Senate Bill 2128:** Relating to transparent sentencing of criminal offenders, transfer of persons between correctional facilities, work release eligibility and conditions for criminal offenders, sentences for assaulting and fleeing from law enforcement officers, and sentences for preventing arrest; to provide a legislative management report; to provide a penalty; and to provide for application.

Commissioner Cleary asked Administrator Tomanek to follow House Bill 1382 to get clarification on the impact on transportation funding from the State.

- **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.

6. **OTHER BUSINESS**

- Administrator Tomanek addressed the Commission about a Special Meeting scheduled for April 29, 2025. The intention of the special meeting is to discuss, build consensus, and direct staff on appropriate next steps relating to the Capital Improvement Plan Report from Ubl Design Group and the Operations and Management Report from JLL regarding the Event Center that will be provided at the April 22, 2025, City Commission meeting.
- Commissioner Connelly confirmed that the Transportation Steering Committee and Human Relations Committee will be hosting a Community Conversations Forum on May 8, 2025, with the topic being Public Transportation.
- Commissioner Risch highlighted the "To Cluck Or Not To Cluck Survey" on the City of Bismarck's website and encouraged citizens to participate in the survey.

ADJOURN

There being no further business to discuss, the meeting adjourned at 6:34 PM.

