



MEETING OF THE BOARD OF CITY COMMISSIONERS

4/8/2025 - Minutes

MEETING OF THE BOARD OF EQUALIZATION

CALL TO ORDER

The Board of City Commissioners met as the Board of Equalization 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 EQUALIZATION AGENDA

A. Public hearing on the City's Annual Assessment

Allison Jensen, City Assessor, presented two lists of parcels to the Commission. The first list is of parcels in which the owner agrees with the recommended value change and the second list is of parcels in which the owner disagrees with the recommended value change.

Mayor Schmitz opened the public hearing. No public comment was received.

- [2025 Assessing Division Annual Report](#)
- [Approved/Unapproved Value Changes](#)

Commissioner Cleary moved to approve the owner agrees with the value change list as presented and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Cleary moved to approve the owner disagrees with the recommended value change list as presented and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Cleary moved to approve the 2024 Annual Report as presented, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

ADJOURN

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

MEETING OF THE BOARD OF CITY COMMISSION

CALL TO ORDER

The Board of City Commissioners met on April 8, 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 22, 2025
May 13, 2025 & May 27, 2025
June 10, 2025 & June 24, 2025

MISSION STATEMENT

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

1. RECOGNITION OF BISMARCK CITIZEN ACADEMY PARTICIPANTS

Jason Tomanek, City Administrator, addressed the Commission with a recap of the most recent Citizen Academy session and presented Certificates of Completion to the participants. Citizen Academy participants Sargianna Wutzke, Matthew Preszler, Mirabela Punga, Joe Dosch, and Dr. Timothy Click provided comments about their experience going through the Citizen Academy.

2. PROCLAMATION

A. National Public Safety Telecommunications Week

Mayor Schmitz read a proclamation declaring April 13th-19th, 2025 as National Public Safety Telecommunications week in the City of Bismarck.

- Proclamation

B. Mayor's Welcome Initiative

Mayor Schmitz read a proclamation declaring the month of May 2025 as Welcome Month in the City of Bismarck.

- Proclamation

3. PUBLIC COMMENT

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

The following citizens provided comments to the Commission in opposition to Regular Agenda Item 5.B:

- Tom Deis
- Shawn Schmidt
- Greg Dehne
- Elizabeth Strothland
- Allen Strothland

- Ryan Werner

Lorene Balkowitch provided comments in favor of Regular Agenda Item 5.B.

4. **CONSENT AGENDA**

Commissioner Risch requested that Item 4.A. be pulled from the Consent Agenda for discussion.

Commissioner Zenker moved to approve the consent agenda without item 4.A. and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Risch asked that the minutes be modified to include discussion on Regular Agenda Item 5.F. He requested that it be noted that the Commission discussed the trail being closed for nearly two years or the duration of the project. He also asked that the minutes include that some of the Commissioners expressed concern about the trail being closed for that length of time, and recommended being open as much as possible.

Commissioner Zenker moved to approve the minutes with the recommended changes, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye.

- A. Consider approval of minutes
- B. Consider approval of personnel actions
- C. Consider approval of expenditures

Vouchers: #1124071-1124322.

- D. Consider the request for approval from the Administration Department for the following:
 - 1. Approval of liquor license renewal applications.
 - 2. Gaming site authorization renewals.
 - 3. Letter of Support for ND Opportunity Fund Applicant GFH Enterprises LLC.
- E. Consider the request for approval from the Bismarck Airport for the following:
 - 1. Change Order No. 2 for Taxiway C. North Reconstruction project with Northern Improvement Co.
 - 2. Report of Change Order No. 10 to Weisz and Sons Wetland Phase 5 Completion Contract.
- F. Consider the request for approval from the Community Development Department for the following:

1. Introduction of and call for a public hearing on Ordinance 6613, a zoning map amendment from the RM30 – Residential zoning district to the CG – Commercial zoning district for Parts of Lots 9-12, Block 82, Williams Survey, where the Planning and Zoning Commission recommends approval.
 2. Introduction of and call for a public hearing on Ordinance 6614, a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a Future Land Use Plan (FLUP) amendment from the Urban Reserve Mid-Term (URA) designation to the Community Mixed Use (CMU) designation on Lot 2, Block 1, George Subdivision, where the Planning and Zoning Commission recommends approval.
 3. Introduction of and call for a public hearing on Ordinance 6615, a Future Land Use Plan (FLUP) amendment from the Urban Neighborhood (UN) designation to Neighborhood Mixed Use (NMU) designation, a zoning map amendment from the RR – Residential and R10 – Residential zoning districts to the Conditional RM20 – Residential zoning district, and a minor plat titled South Meadows Third Addition, where the Planning and Zoning Commission recommends approval.
 4. Introduction of and call for a public hearing on Ordinance 6616, a zoning map amendment from the RM30 – Residential zoning district to the R10 – Residential zoning district on Lot 1, Block 5, Sonnet Heights Subdivision First Replat, where the Planning and Zoning Commission recommends approval.
 5. Introduction of and call for a public hearing on Ordinance 6617, a zoning map amendment from the PUD – Planned Unit Development to the P – Public zoning district for Lots 1 & 3-19, Block 1, Missouri Valley Complex, where the Planning and Zoning Commission recommends approval.
 6. Introduction of and call for a public hearing on Ordinance 6618, a zoning ordinance text amendment to revise and clarify certain sections of Title 14 of the City Code of Ordinances related to animal boarding and similar non-medical animal services, where the Planning and Zoning Commission recommends approval.
 7. Final consideration of a major subdivision final plat for Municipal Seventh Subdivision located east of Bismarck, along the south side of Apple Creek Road, between Yegen Road and 66th Street SE, where the Planning and Zoning Commission recommends approval.
 8. Historic Preservation Commission's recommendation of South Fork Historical Research for the South Capitol Survey project.
- G. Consider the request for approval from the Engineering Department for the following:
1. Requests for resolutions receiving bids, ordering preparation of the Engineer's Statement and awarding contract for Street Improvement District SI 588.

2. Resolutions declaring petitions have been received, creating the district and ordering the preparation of the preliminary report for Street Improvement District No. SI 590 and resolutions creating the district and ordering the preparation of the preliminary report for Water Improvement District No. WA 334.
 3. Amendment No. 2 to existing agreement for professional services with KLJ for E Century Avenue Reconstruction - HC 165.
- H. Consider the request for approval from the Finance Department for the following:
1. Applications for abatement.
- I. Consider the request for approval from the Police Department for the following:
1. The trade of a Colt "Thompson" Model 1921.45 ACP in exchange for Daniel Defense DDM4V7S 5.56 rifles with TAG Firearms.
 2. Permission to solicit donations for the 2025 Bismarck Police Department's Benefit Golf Tournament.
- J. Consider the request for approval from the Public Works - Service Operations Department for the following:
1. Permission to sell or dispose of City Assets at a Public Online Auction from Public Works divisions.
 2. Permission to sell or dispose of items from the Roads & Streets Division and Building Maintenance Division at the Annual City Auction on May 17, 2025.
 3. Permission to award the 2025 Furnishing Paving Materials to the low bidders in each area.
 4. Permission to award the Landfill Hayland Mowing 5-year agreement to Mark Berger.
 5. Permission to award the Cropland/Pastureland 5-year agreement to Sheldon Sivak.
- K. Consider the request for approval from the Public Works - Utility Operations Department for the following:
1. Purchase of replacement parts for Swaby-Lobeline pump for the Water Treatment Plant.
 2. Award hayland mowing bids at the Wastewater Treatment Plant.

3. Amendment No. 6 to HDR Engineering, Inc. contract for the Water Treatment Plant Expansion project.
4. Work Authorization No. 8 with PKG Contracting, Inc. for the Horizontal Collector Well (HCW) HVAC Replacement for the Water Treatment Plant.

5. REGULAR AGENDA

- A. Consider the request to receive the annual report from the City of Bismarck Human Relations Committee.

Thea Jorgensen, Katie Houle, and Sargianna Wutzke provided the Human Relations Committee's 2024 Annual report to the Commission.

- [2024 Annual Report](#)

The Commission received the report.

- B. Consider the request to receive a presentation and recommendations on the Tyler Parkway Extension project and provide direction to staff.

Derek Anderson, a representative of Apex Engineering Group, provided a presentation on the Tyler Parkway Extension project. Fire Chief Joel Boespflug and Police Chief Dave Draovitch provided comments on the reduction of response time for the northern residents as well as some of the concerns brought up about vehicle speed. Gabe Schell, City Engineer, provided a list of recommendations for the Commission to consider for approval. The Engineering Department's recommendation is as follows:

1. Do you concur with the project concepts as proposed?
 - Yes
2. Which alternative should proceed with the project?
 - Alternative B: Extend Tyler Parkway from Valley Drive to Cogburn Road, consisting of a 36' wide two-lane street section, shared-use path, lighting, storm sewer system, and earthen embankment and lighting from Cogburn Road to Ash Coulee Drive at an estimated cost of \$15.1 Million with the inclusion of an underpass crossing to be provided for trial users in the coulee at a cost of \$210,000.
3. Option 1: Which traffic-calming plan should be implemented between Century Avenue and Country West Road?
 - Option 1B: Pavement marking for a 3-lane section with a raised median between Montego Drive and Santa Gertrudis Loop. On street parking would remain with this option except near the raised median (\$102,000).
4. Option 2: Which traffic-calming plan should be implemented between Country West Road and Valley Drive?
 - Option 2B: Pavement marking for a 3-lane section with raised median/pedestrian crossing at Canyon Drive. On street parking would remain with this option except near the raised median (\$90,000).
5. Option 3: What intersection improvement should be implemented at Country West Road?
 - Option 3C: Mini Roundabout (Required if Option 2C is selected, \$300,000)
6. Option 4: What intersection improvement should be implemented at Valley Drive?

- Option 4C: Mini Roundabout (Required if Option 2C is selected, \$288,000)
- [Tyler Parkway Extension Presentation](#)

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

- C. Hearing on the appeal for a Zoning Map Amendment (ZC2024-008) associated with Misty Waters, Misty Waters First Replat, and Misty Waters Second Replat.

Ben Ehreth, Community Development Director, presented information on the appeal of the Planning and Zoning Commission's denial of a Zoning Map Amendment (ZC2024-008) associated with Misty Waters, Misty Waters First Replat, and Misty Waters Second Replat.

Commissioner Connelly moved to uphold the decision of the Planning and Zoning Commission. Commissioner Connelly withdrew his motion.

Commissioner Connelly moved to uphold the decision of the Planning and Zoning Commission and Commissioner Zenker seconded. Upon a roll call vote, Commissioner Connelly and Commissioner Zenker voted aye. Commissioner Risch, Commissioner Cleary and Mayor Schmitz voted nay. M/F.

Commissioner Cleary moved to overturn the Planning and Zoning Commission and put in a request for a public hearing, and Commissioner Risch seconded. Upon a roll call vote, Commissioner Cleary, Commissioner Risch, and Mayor Schmitz voted aye. Commissioner Zenker and Commissioner Connelly voted nay. M/C.

- D. 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.

Mayor Schmitz 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.

- E. Public hearing on Ordinance 6612 to amend Title 3 regarding Animal Control and Protection.

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

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

- F. Consider the request to receive bids and award contract for Water Utility Project WU 148.

Gabe Schell, City Engineer, presented the bid results for Water Utility Project WU 148 and recommended that the contract be awarded to the lowest bidder, Western Excavation, for \$149,925.00.

- [Bid Summary](#)

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

- G. Consider the request to receive bids and accept recommendation to award contract for Highway Construction Project HC 170.

Gabe Schell, City Engineer, presented the bid results for Highway Construction Project HC 170 and recommended that the contract be awarded to the lowest bidder, Strata Corporation, for \$95,550.00.

- [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.

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

6. OTHER BUSINESS

ADJOURN

There being no further business to discuss, the meeting adjourned at 8:17 PM.

