



MEETING OF THE BOARD OF CITY COMMISSIONERS

4/22/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on April 22, 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 were present. Mayor Schmitz attended the meeting via Teams.

FUTURE COMMISSION MEETINGS

May 13, 2025 & May 27, 2025
June 10, 2025 & June 24, 2025
July 9, 2025 & July 23, 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. PROCLAMATIONS

A. Arbor Day 2025

Commissioner Cleary read a proclamation declaring May 2, 2025, as Arbor Day in the City of Bismarck.

- [Arbor Day Proclamation](#)

B. Day of Prayer

Commissioner Cleary read a proclamation declaring May 1, 2025, as a Day of Prayer in the City of Bismarck.

- [Day of Prayer Proclamation](#)

C. Historic Preservation Month

Commissioner Cleary read a proclamation declaring May 2025 as Historic Preservation Month in the City of Bismarck.

- [Historic Preservation Month Proclamation](#)

D. Law Enforcement Memorial Week

Commissioner Cleary read a proclamation declaring May 11-17, 2025 as Law Enforcement Memorial Week in the City of Bismarck.

- [Law Enforcement Memorial Week Proclamation](#)

E. St. Alexius Medical Center Day

Commissioner Cleary read a proclamation declaring May 6th, 2025, as St. Alexius Medical Center Day in the City of Bismarck.

- [St. Alexius Medical Center Day](#)

2. **PUBLIC COMMENT**

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

3. **CONSENT AGENDA**

Commissioner Risch requested that Consent Agenda item 3.E.4 be removed from the agenda. Commissioner Zenker requested that Consent Agenda item 3.G.3 be pulled for discussion.

Commissioner Zenker moved to approve the Consent Agenda excluding items 3.E.4 and 3.G.3, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

Lauren Oster, Community Development Planner, and Abe Ulmer, an Engineer with Independent Land Surveying & Engineering Inc., addressed the Commission's questions on Consent Agenda item 3.G.3, the request for a Non-access line release and dedication of portions of non-access lines over the southern line of Lot 5, Block 1, Midwest Business Park Addition.

Commissioner Zenker moved to approve Consent Agenda item 3.G.3 as presented, and Commissioner Risch seconded. Upon a roll call vote, Mayor Schmitz and Commissioners Risch, Zenker and Cleary voted aye. Commissioner Connelly voted nay. M/C.

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

Vouchers: 1124323 to 1124649.

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

- 1. Gaming site authorization renewals.

- E. Consider the request for approval from the Bismarck Airport for the following:
1. Qwest Corporation Easement on Airport Property.
 2. Bids for Airport Hay Land Project.
 3. Bids for Airport Farm Land.
 4. Fire Alarm Monitoring with Johnson Controls for Snow Removal Equipment (SRE) building using North Dakota State bid #117.
 5. Engineering Contract with KLJ Engineering LLC, for Runway 3/21 and Taxiway D Phase 1 East Rehabilitation.
- F. Consider the request for approval from the Bismarck-Burleigh Public Health Department for the following:
1. Permission to apply for the North Dakota Department of Health and Human Services 2025–2027 Opioid Settlement Fund (OSF) Grant to support technical assistance in planning and developing a Community Triage Center.
- G. Consider the request for approval from the Community Development Department for the following:
1. Permission to apply for one paratransit cutaway bus to replace van 1911.
 2. Substantial amendment to the 2022 CDBG Annual Action Plan.
 3. Non-access line release and dedication of portions of non-access lines over the southern line of Lot 5, Block 1, Midwest Business Park Addition.
 4. Introduction of and call for a public hearing on a right-of-way vacation of the 33-foot statutory right-of-way on Lot 1, Block 3 and Lot 1, Block 4, Promontory Point VI Addition and Lots 29-31, Block 1, Promontory Point VII Addition.
- H. Consider the request for approval from the Engineering Department for the following:
1. Monument sign within and above a stormwater and drainage easement at 3005 Rock Island Place.
 2. Permission to close Billings Dr from Reno Ave south to the playground parking lot on July 22, 2025, from 5:00 PM - 8:30 PM for the Bismarck Block Party 2.0 community event.
 3. Memorandum of Agreement with Bismarck State College relating to the global positioning system (GPS) station.

4. Consider a request for resolution receiving bids, ordering preparation of the engineer's statement and awarding contracts for City Concrete Contracts, projects CC2025, Parts A-1, A-2 and B.
- I. Consider the request for approval from the Finance Department for the following:
 1. Applications for abatement.
- J. Consider the request for approval from the Human Resources Department for the following:
 1. Appointment of Ben Ehreth, Community Development Director, to serve on the Business Ethics Committee for a term of two years.
 2. Receive, consider, and accept the reclassification of the Solid Waste & Landfill Supervisor positions to a grade 19 as recommended by Condrey and Associates.
- K. Consider the request for approval from the Legal Department for the following:
 1. Retainer Agreement with Spencer Fane, LLP regarding Construction Law Matter.
- L. Consider the request for approval from the Police Department for the following:
 1. Permission to purchase 20 Daniel Defense police patrol rifles from Tag Firearms LLC with the trade of 20 Smith and Wesson rifles.
- M. 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 Sale from Public Works divisions: Roads & Streets, Street Lights/Traffic Signal, and Storm Water.
- N. Consider the request for approval from the Public Works - Utility Operations Department for the following:
 1. License Agreement with Western Area Power Administration (WAPA) and Easement Encroachment and Consent Agreement with Montana Dakota Utilities (MDU).
 2. Correction to Work Authorization 7 with PKG Contracting Inc.
 3. Revised project budget for the Water Treatment Plant Expansion Project GMP 3B.

4. **REGULAR AGENDA**

- A. Consider the request to receive the report from Jeff Ubl, Ubl Design Group, relating to the Capital Improvements Plan for the Bismarck Event Center.

Jeff Ubl with Ubl Design Group presented the Bismarck Event Center Capital Improvement Plan Report. The Commission received the report, will hold discussion, and decide next steps at the April 29, 2025, City Commission Special meeting.

- [Bismarck Event Center Capital Improvement Plan Report](#)

- B. Consider the request to receive the report from Dan Fenton, Jones, Lang, LaSalle (JLL), relating to the Management & Operations study for the Bismarck Event Center.

Dan Fenton, a representative with Jones, Lang, LaSalle (JLL), provided a report on the Management & Operations study for the Bismarck Event Center. The Commission received the report, will hold discussion, and decide next steps at the April 29, 2025, City Commission Special meeting.

- [Bismarck Event Center Management & Operations Report](#)

- C. 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, William's Survey.

Ben Ehreth, Community Development Director, presented information 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, William's Survey.

Commissioner Cleary opened the public hearing. Travis Zenker addressed the Commission regarding his request for the zoning map amendment. Mr. Zenker explained that the amendment will allow for the property to be developed as a barbershop.

Commissioner Connelly 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 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. If the Future Land Use Plan amendment is approved, it will alter the Urban Service Area Boundary.

Ben Ehreth, Community Development Director, presented information 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.

Commissioner Cleary opened the public hearing. Landon Niemiller with Swenson, Hagen & Co., presented information on the intent of the project.

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 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.

Ben Ehreth, Community Development Director, presented information 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.

Commissioner Cleary opened the public hearing. Landon Niemiller with Swenson, Hagen & Co., was available for questions the Commission may have.

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

- F. 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.

Ben Ehreth, Community Development Director, presented information 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.

Commissioner Cleary opened the public hearing. Landon Niemiller with Swenson, Hagen & Co., was available for questions the Commission 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 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.

Ben Ehreth, Community Development Director, presented information 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.

Commissioner Cleary opened the public hearing. Landon Niemiller with Swenson, Hagen & Co., was available for questions the Commission may have.

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 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.

Isak Johnson, Community Development Planner, presented information 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 nonmedical animal services.

Commissioner Cleary opened the public hearing. No public comment was received.

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

- I. Consider the request to receive bids and award contract for Street Light and Traffic Signal Project SV 80.

Linda Oster, Assistant City Engineer, presented bid results for Street Light and Traffic Signal Project SV 80, a seven-unit project. The Engineering Department recommended awarding Units 1-4 to Fetzer Electric, LLC for \$166,094.78.

- [Project 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.

- J. 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.
- 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](#)

5. **OTHER BUSINESS**

- Commissioner Connelly requested that the Bismarck City Commission and the Burleigh County Commissions schedule a special meeting to discuss the Extra Territorial Area (ETA) in a joint setting.
- Commissioner Connelly notified the Commission that the Transportation Steering Committee is going to be joining the Human Relations Committee for their next Community Conversations discussion on May 8, 2025, to discuss Public Transportation.
- Commissioner Cleary reminded the public that April 21-26, 2025 is Spring Clean Up week and if you missed your pick-up day, waste items can be dropped off at the Bismarck Landfill free of charge.

ADJOURN

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