MEETING OF THE BOARD OF CITY COMMISSIONERS

5/13/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on May 13, 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

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. **PROCLAMATION**

   A. 2025 National Public Works Week

Mayor Schmitz read a proclamation declaring May 18th through 24th, 2025, as National Public Works Week.

- National Public Works Week Proclamation

   B. 2025 National Bike Month

Mayor Schmitz read a proclamation declaring May 2025 as National Bike Month.

- National Bike Month Proclamation

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

   1. Allen Mehrer spoke in favor of Regular Agenda Item 4.D. relating to the proposed Ottawa Street Reconstruction project.

2. Chris Seifert spoke in favor of Regular Agenda Item 4.D. relating to the proposed Ottawa Street Reconstruction project but requested that the Commission seek additional funding options to ease some of the burden of the project cost from the property owners.
3. Casey McCollum, owner of Plant Perfect, spoke in favor of Regular Agenda Item 4.D. relating to the proposed Ottawa Street Reconstruction project but requested that the Commission consider a plan for additional street parking and also additional funding options that would make the project more affordable for property owners.

3. CONSENT AGENDA

Commissioner Cleary requested to pull Consent Agenda Item 3.J.1. from the agenda as the engineer is requesting additional time.

Commissioner Cleary moved to approve the Consent Agenda with the removal of Item 3.J.1., 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: 1124650-1125063

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

1. Gaming site authorization renewals.

2. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for All Star Nails & Spa, Inc. (dba) All Star Nails & Spa at 1415 East Lasalle Drive.

3. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for Stay Gold Studio LLC (dba) Stay Gold Studio LLC at 413 East Broadway Avenue.

4. Consider the request for approval of the contract with Patrick Ibarra, (dba) Mejorando Group, for professional strategic planning services for the Strategic Plan 2025 Project.

5. Partnership with the University of Mary for scholarships for City of Bismarck employees looking to pursue a degree in a field supporting their professional development.

6. Permission for the City of Bismarck to be a co-recipient to Fort Abraham Lincoln Foundation (FALF) on a federal grant.

E. Consider the request for approval from the Bismarck Event Center for the following:

1. Permission to sell a 1983 Schaeff Namo (SD2024) 2K Electric Fork Lift at an online auction.

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

1. A call for a public hearing on Ordinance 6619, a zoning map amendment from the R10 – Residential to Conditional RT – Residential zoning district on Lots 25-34, Block 1, Boden Addition and revisions to the conditions of this entire conditional district, including Lots 1-23, Block 1, Boden Addition. The request also includes an amendment of a portion of this area in the Future Land Use Plan from Urban Neighborhood (UN) to Neighborhood Mixed Use (NMU), where the Planning and Zoning Commission recommends approval.

2. ~~**A minor subdivision final plat for Southland Third Addition, and call for a public hearing on Ordinance 6620, a zoning map amendment from the RM15 – Residential district to a PUD – Planned Unit Development and a minor subdivision final plat for Southland Third Addition, where the Planning and Zoning Commission recommends a conditional approval.**~~

3. A call for a public hearing on Ordinance 6621, a zoning map amendment that would add temporary fireworks sales as an administrative special use to the existing Conditional MA – Industrial zoning district for Blocks 1, 2, and 3, Northstar Commercial Park Third Subdivision, where the Planning and Zoning Commission recommends approval.

4. Approve contract and scope of work for the Historic Preservation Commission's South Capitol Survey.

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

6. Final consideration for approval of the minor subdivision final plat for Midwest Business Park Second Addition, where the Planning and Zoning Commission recommends approval.

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

1. Receive information regarding Change Order 1 for Street Improvement District 585 - Part B.

2. Accept donation from North Dakota Society of Professional Land Surveyors (NDSPLS) Missouri River Chapter

3. To receive bids and award contract for Street Light and Traffic Signal Project SV 81.

4. The ND Dept of Transportation Agreement and companion Bismarck Parks and Recreation District Agreement relating to mural installation on Bismarck Expressway pedestrian underpass tunnel.

5. Amendment No 1. to existing professional services with Apex Engineering Group for Tyler Parkway Extension - HC 173

6. Acceptance of Edge Drain Easement

7. To use $20,000 from CIP item ENG 25-9 (Commission Special Roads Projects) to replace the existing traffic signal emergency vehicle pre-emption equipment at Fire Station #2, which is located in the southwest corner of the Bismarck Expressway and 9th St intersection.

8. Approve Change Order 1 for SI 586 - 2025 Scrub Seal

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

1. Applitcations for abatement.

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

1. Permission to sell 9 decommissioned police vehicles at the City Police Auction on May 17, 2025

2. The annual deer and turkey archery hunting program.

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

1. Award bid for the Roof Replacement Project for the City County Building to Capital City Exteriors.

2. Amendment 1 of Task Order 2 for Greenfield Investigation with HDR Engineering for Solid Waste Division.

K. Consider the request for approval from the Public Works - Utility Operations Department for the following:

1. The Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for the Watermain Replacement WU146 Project.

2. The Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for the Watermain Extension HC165 Project.

3. The Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for the Watermain Cured In Place Pipe (CIPP) WU147 Project.

4. The Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for construction of the Regional Carbon Injection for Drinking Equilibrium Regulation Storage (CIDERS) Facility Project at the Water Treatment Plant.

5. Permission to grant the City of Lincoln sanitary sewer easements.

4. **REGULAR AGENDA**

M. **Consider the recommendation from the Vision Fund Committee to support a Flex PACE program interest buy-down for Simply Golden Properties, LLC.**

Nathan Schneider, Vice President of the Bismarck Mandan Chamber EDC, presented information regarding the request from Simply Golden Properties, LLC, for a Flex PACE program interest rate buy-down loan. Simply Golden Properties, LLC, is intending to construct a commercial medical facility to accommodate rapid growth, expand patient access, and enhance specialized healthcare services. The request will be structured as a loan of $100,287.20 with a borrowing rate of 2.0% and an amortization of 60 months after the buydown period is complete.

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

A. Public hearing on Ordinance 6622, a zoning map amendment for Misty Waters, Misty Waters First Replat, and Misty Waters Second Replat.

Ben Ehreth, Community Development Director, presented information on the request for a zoning map amendment from an existing PUD – Planned Unit Development to a new PUD – Planned Unit Development for Misty Waters, Misty Waters Replat, and Misty Waters Second Replat. This request is located northwest of Bismarck, west of River Road along the western north-south portion of Burnt Creek Loop.

Mayor Schmitz opened the public hearing.

1. Michael Gunsch, Brian Bauske, Matt Geiger, Teresa Reis, and Jason Sellers spoke in favor of the amendment.
2. Pat Spillman, Jerry Ketterling, and Jeff Carlson spoke in opposition of the amendment.
3. Pat Spillman read an email that he stated was from Steve McCormic in opposition of the amendment.

The general consensus of the Commission is to have Community Development staff consider options to deviate closer to the water for the identified parcels that are adversely affected by the proposed change and bring back to the Commission at the June 10, 2025, meeting.

B. Public hearing to release the drainage easement on Lot 71, Block 1, Misty Waters.

Lauren Oster, Community Development Planner, introduced the request for the release of the 20-foot drainage easement over Lot 71, Block 1, Misty Waters. The easement was originally dedicated with the plat of Misty Waters on September 27, 2005. The project area is located northwest of

Bismarck, west of Burnt Creek Loop, southeast of Serene Circle, on the east side of Misty Waters Drive.

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

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

C. Public hearing to release the drainage easement on Lot 62, Block 1, Misty Waters.

Lauren Oster, Community Development Planner, introduced the request to release of the 20-foot drainage easement, less the 10 feet along the southeasterly lot line, over Lot 62, Block 1, Misty Waters. The easements were originally dedicated with the plat of Misty Waters on September 27, 2005. This request will not release the 20-foot drainage, access, and irrigation easement that straddles the lot line between Lots 62-64, Block 1, as there is existing stormwater infrastructure in place there. The project area is located northwest of Bismarck, west of Burnt Creek Loop, east of Misty Waters Drive, on the southeastern side of Serene Circle.

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

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

D. Consider the request to receive a presentation and recommendations on the Ottawa Street Reconstruction project and provide direction to staff.

Gabe Schell, City Engineer, and Jim Jackson of Moore Engineering, provided a presentation on the recommendations for the Ottawa Street Reconstroction Project. Moore Engineering's presentation provided three alternatives for the Commissioners to vote on.

1. Alternative A - No Build
2. Alternative B - 32 FT Roadway reconstruction ($4.1M estimate)
3. Alternative C - 40 FT Roadway reconstruction (32 FT north of LaSalle) ($4.3M estimate)

City Engineering's recommendation would be for Alternative C.

- Ottawa Street Reconstruction Presentation

Commissioner Connelly moved to select Option C with the contingency that there is a variable financing option, and Commissioner Zenker seconded.

- Commissioner Cleary verified that the financial contingency is to ensure that Engineering will come back to the Commission if funding for the project is not secured in the 2026 budget.
- Commissioner Zenker noted that as the Engineering portfolio holder, he will guarantee that the funds will be available for the project in 2026.
- Mayor Schmitz expressed concerns about understanding the need for the contingency.
- Commissioner Connelly explained that his reasoning for the contingency is so that businesses will not experience a hardship if the City cannot contribute adequate funding.
- Mayor Schmitz expressed concerns about the unknown contingency and indicated that he cannot support the motion.

Upon a roll call vote, Commissioners Connelly, Cleary, Risch, and Zenker voted aye. Mayor Schmitz voted nay. M/C.

E. Consider the request to receive bids and award contract for Street Light and Traffic Signal Project SV 83.

Gabe Schell, City Engineer, presented the bid results for Street Light and Traffic Signal Project SV 83 and recommended awarding the bid to the lowest bidder, Edling Electric, for $178,000.

- Project 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.

F. Discuss and give staff direction on the recommendation from the Transportation Steering Committee.

Doug Wiles, Assistant City Administrator, presented information regarding the recommendation from the Transportation Steering Committee to allocate up to $1 million from the 1/2 cent sales tax measure to BisMan Transit to offset its operational deficit in 2025.

G. Consider the request to enter into a contract with Terreva Renewables, LLC, for a Biogas Gas Utilization Project.

Steve Salwei, Public Works Service Operations Director, addressed the Commission regarding a request to enter into a contract with Terreva Renewables, LLC, for a Biogas Gas Utilization Project. The intention of the project is to capture any gas that is currently being vented into the atmosphere, process the gas, and market it as clean natural gas. Houston Engineering and the NDDEQ interviewed both consultants who submitted proposals for the project on Wednesday, April 2, 2025, and determined that Terreva Renewables brought forth the best proposal and experience to the city's project, and recommended the City enter into a contract with Terreva Renewables, LLC, for the Biogas Gas Utilization Project.

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

H. Discuss fire station location analysis and to request Commission Approval to initiate the Architect Selection Process.

Joel Boespflug, Fire Chief, presented a fire station location analysis to the Commission to obtain support to initiate the architect selection process for a new fire station. The City of Bismarck is currently rated as a class one according to the Insurance Services Organization (ISO). In order to maintain that rating, the Fire Department will need to expand its operations as the community grows. Based on data produced from the Bismarck's Together 2045 Comprehensive Plan, the City of Bismarck's growth will warrant three new fire stations in the near future. The Fire Department has been planning and saving for its sixth fire station and is seeking approval to move forward with the process of selecting an architect.

- Fire Station Location Analysis

Commissioner Risch moved to approve the request to select an architect to develop design and cost estimates, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

I. Discuss the retirement of Police Chief Dave Draovitch and the recruiting process for the next Bismarck Chief of Police

Jason Tomanek, City Administrator, addressed the Commission regarding the upcoming July 31, 2025, retirement of Police Chief Dave Draovitch, and the process for recruiting a new Police Chief. Administrator Tomanek explained that the process for hiring the Police Chief would be similar to that of the recently hired Public Works Utility Operations Director. Each qualified applicant will complete an accomplishment survey, a management in-basket assessment, and an interview. The interview panel will include elected leadership members as well as subject-matter experts. Interviews are tentatively scheduled for July 8, 2025, with a recommendation for Commission approval being scheduled for July 8, 2025.

Commissioner Zenker asked if a sub-interview with the full Commission would be considered, as multiple members of the Commission work directly with the Police Chief and not specifically the portfolio holder. Administrator Tomanek said that a sub-interview could be added to the interview plan.

The general consensus of the Commission was to move forward with the plan as Administrator Tomanek presented.

J. Consider the request for approval of the Indefinite-Delivery, Indefinite-Quantity (IDIQ) Architectural Services Request for Proposals (RFP).

Jason Tomanek, City Administrator, presented information on the request for approval of the Indefinite-Delivery, Indefinite-Quantity (IDIQ) Architectural Services Request for Proposals (RFP). The Bismarck Event Center has a need for architectural services for various projects relating to design, cost estimating, bidding, construction coordination, and inspection. Projects include heating, ventilation, & air conditioning (HVAC) improvements and modernization, accessibility projects relating to the Americans with Disabilities Act (ADA), restroom improvements, roof design and replacement, parking lot repairs, security controls and improvements, lighting controls and improvements, and other incidental projects within the Arena and Exhibit Halls. The purpose of the IDIQ contract is to select an architectural firm to lead the process of implementing the Capital Improvements Plan for the Bismarck Event Center.

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

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

Jason Tomanek, City Administrator, provided the Commission with a final legislative report. He noted that House Bill 1176 passed and the North Dakota League of Cities and the North Dakota Association of Counties will be working to provide a uniform interpretation of the bill and how it should be implemented statewide.

- Legislative Report

The Commission received the report.

L. Receive Presentation and have discussion with Strategic Planning Consultant, Patrick Ibarra

Patrick Ibarra, with The Mejorando Group, addressed the Commission regarding facilitating the 2025 Strategic Plan. Mr. Ibarra explained that he has already met with around 120 front-line employees to obtain their input on how the City is functioning. He has also conducted phone interviews with each department director as well as each Commissioner. Mr. Ibarra explained that the Strategic Plan Steering Committee will take a close look into the organization to establish new goals and objectives which will be outlined in the 2025 Strategic Plan.

- Strategic Plan Presentation

The Commission received the report.

5. OTHER BUSINESS

A. Commissioner Risch thanked City Staff for their work during the clean-up week.
B. Commissioner Connelly thanked everyone that attended the May 8th Community Conversations Forum.

6. EXECUTIVE SESSION

A. Consider the request from the Administration 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).

Commissioner Cleary moved to enter into 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) at 9:32 PM, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 9:58 PM with all members present. Commissioner Cleary motioned to direct staff to move forward with the negotiation strategy agreed upon during the executive session, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C

ADJOURN

There being no further business to discuss, the meeting adjourned at 9:59 PM.