MEETING OF THE BOARD OF CITY COMMISSIONERS

6/10/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on June 10, 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

June 24, 2025
July 9, 2025 & July 23, 2025
August 12, 2025 & August 26, 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

2. **CONSENT AGENDA**

Commissioner Zenker moved to approve the item as presented 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: 1125369 to 1125621

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 A: Nationally Organized Fraternal Order or Club Alcohol License for Gilbert N

Nelson Post No. 1326, Veterans of Foreign Wars, Department of North Dakota (dba) VFW Post 1326 at 1235 South 12th Street, #2.

2. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for Posh Nails & Spa ND LLC (dba) Posh Nails & Spa at 2706 Rock Island Place, Suite 1.

3. Gaming site authorization renewals.

E. Consider the request for approval from the Bismarck Airport for the following:

1. Change Order No. 4 to contract with Northern Improvement Company for the Taxiway C North Reconstruction Project.

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 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 approval under the condition that the developer shall enter a utility agreement with the City of Bismarck prior to the recordation of the plat.

2. Introduction of and call for a public hearing on Ordinances 6624, 6625, and 6626, a zoning map amendment from the A – Agricultural zoning district to the RM20 – Residential zoning district and a PUD – Planned Unit Development and a major subdivision final plat for Silver Ranch Fifth Addition, the annexation of parts of Silver Ranch Third Addition and Silver Ranch Fifth Addition, and the release of an access and turnaround easement for the portion of Davies Drive where Silver Ranch Third Addition connects to the proposed Silver Ranch Fifth Addition, where the Planning and Zoning Commission recommends approval.

3. Introduction of and call for a public hearing on Ordinance 6627, a zoning map amendment from the Conditional RT – Residential zoning district to the P – Public zoning district on Lot 1 less Lot 1A and Lot 2 less Lot 2A, Block 2, Schafer Heights, where the Planning and Zoning Commission recommends approval.

4. Introduction of and call for a public hearing on Ordinance 6628, a zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lot 1, Block 1, and Lot 1, Block 6, Daybreak Second Addition, where the Planning and Zoning Commission recommends approval.

5. Final consideration of the minor subdivision final plat for Meadowlark Commercial Eleventh Addition and the associated Development Agreement, where the Planning and Zoing Commission recommends approval with the

condition that a signed development agreement for utility capital charge payment will be due prior to recordation of the plat.

6. The Bismarck-Mandan Metropolitan Planning Organization (MPO), on behalf of Bis-Man Transit, to purchase two (2) replacement Fixed Route Buses.

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

1. Permission to close portions of Canary Ave and Edwards Ave near the Bismarck State College Bowl on July 4, 2025, from 8:00 AM - 11:30 PM for Bismarck's Red White & Boom 4th of July event.

2. Resolution directing the advertisement of bids and receive bids for Street Improvement District SI 590 and for Water Improvement District WA 334.

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 Human Resources Department for the following:

1. Appointment of Roger Krueger to serve on the Civil Service Commission for a term of five years.

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.

3. **REGULAR AGENDA**

G. Consider the request to receive a presentation from staff on the 2019 ½ cent sales tax for the arterial road construction and reconstruction program and a request from Commissioner Connelly to discuss a citizen-initiated Home Rule Charter amendment.

Carl Young and Commissioner Connelly provided an outline of the proposed citizen-initiated measure their committee has been working on.

Gabe Schell, City Engineer, provided a presentation regarding the history and use of the 1/2 cent sales tax measure that was passed in the November 2018 election.

- 1/2 Cent Sales Tax Presentation

Commissioner Cleary moved to have staff and Engineering Portfolio holder Commissioner Zenker connect with the committee to see if they could align their measure with the City's vision for moving forward, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

A. Consider the request to receive the Dakota West Arts Council 2024 Annual Report.

Dr. Jason Thoms, Executive Director of Dakota West Arts Council, presented the 2024 Annual Report.

- DWAC 2024 Annual Report

The Commission received the report.

B. Consider the request to receive a report from the Bismarck-Mandan Chamber EDC relating to the economic development services provided.

Brenda Nagel, President and CEO of the Bismarck Mandan Chamber EDC, provided an economic development report on the economic development services provided by the organization.

- Chamber EDC Economic Development Report

The Commission received the report.

C. Public hearing on Ordinance 6622, a zoning map amendment from an existing PUD – Planned Unit Development to a new PUD – Planned Unit Development for Misty Waters, Misty Waters First Replat, and Misty Waters Second Replat that would clarify a consistent rear yard setback for properties adjacent to the bay.

Ben Ehreth, Community Development Director, presented information on Ordinance 6622.

Mayor Schmitz reopened the public comment.

- Pat Spillman spoke in opposition to the ordinance.
- Jason Sellers spoke in support of the ordinance.
- Brian and Shelly Bauske provided comment prior to the meeting, supporting the ordinance.

Commissioner Risch moved to approve the item as presented and Commissioner Cleary seconded.

During discussion, Commissioner Zenker noted that he believes that if the Ordinance is approved, it will set a precedent for future projects.

Commissioner Connelly stated that he is not comfortable setting a precedent for future projects, but he is also not comfortable causing homes to be torn down.

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

D. Public hearing on the request for the 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.

Ben Ehreth, Community Development Director, presented information on the request for the 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.

Mayor Schmitz opened the public hearing.

- Landon Niemiller, a representative of Swenson, Hagen & Company, was available to answer questions relating to 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. Consider the request for approval of the 2025-2029 Community Development Block Grant (CDBG) Consolidated Plan and 2025 Annual Action Plan, which function as the City's application to the United States Department of Housing and Urban Development (HUD) for CDBG funds.

Hilary Balzum, Community Development Planner, presented information regarding the 2025-2029 Community Development Block Grant (CDBG) Consolidated Plan and 2025 Annual Action Plan.

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

F. Consider the request to receive the Bismarck Event Center Operating Models report from Dan Fenton with Jones, Lang, LaSalle (JLL).

Dan Fenton with Jones, Lang, LaSalle (JLL), presented a report with JLL's recommendation for Operating Models at the Bismarck event Center.

- JLL Recommendation

Leanne Schmidt, Human Resources Director, provided information relating to private and public sector employees. Director Schmidt explained that it would be difficult for private employers to manage public employees.
Commissioner Risch moved to have JLL develop and publish an RFP to contract with a third party to operate our event center, and further that the RFP includes the employee protective provisions as outlined in the presentation and Commissioner Cleary seconded. After discussion, Commissioner Risch withdrew his motion.

Commissioner Risch moved to have JLL develop and publish an RFP to contract with a third party to operate our events center, further that the RFP includes the employee protective provisions as outlined in the presentation, and also includes an authority board, and Commissioner Cleary seconded.

Mayor Schmitz provided his thoughts about the need for a change in the operating model at the Bismarck Event Center. He referenced the report presented on February 27, 2024, by the Fact-Finding Subcommittee, and that issues noted in that report have not been addressed in the past 15 months. Issues include inventory of alcoholic beverages by a third-party vendor, no solid tracking of cash, and not properly inventorying the concession stands. Mayor Schmitz also noted that there are ongoing internal control problems that have not been addressed, as well as the lack of the development of a comprehensive plan. Mayor Schmitz further stated that it is clear that the Event Center needs to move in a different direction from the current situation and that a third party vendor will be able to offer compensation packages that will incentivize staff to go out and seek types of activities to the Event Center that will drive economic development and growth and spending in the community. Mayor Schmitz closed by stating that this is an opportunity for the City to be bold and to provide an opportunity to attract new events to the community that will also foster economic growth.

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

H. Consider the request to receive the recommendation to select a consultant for the Bismarck Event Center Indefinite-Delivery / Indefnite-Quantity (IDIQ) request for proposals (RFP) project.

Jason Tomanek, City Administrator, presented the Indefinite-Delivery/Indefinite-Quantity (IDIQ) Committee's recommendation to move forward with Übl Design Group, P.C.as the architect for the IDIQ project for a term of three years with two one-year potential extensions.

- IDIQ Scoring

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

I. Consider the request to receive information and direct staff to schedule a public hearing to consider entering into an exclusive agreement/memorandum of understanding with AP Construction, Übl Design Group, and JLG Architects regarding the proposed hotel development near the Bismarck Event Center.

City Attorney, Julie Mees, presented the opinion on the question that was asked at the May 21, 2025, Special City Commission meeting, that a public hearing is required to enter into an exclusive Memorandum of Understanding for Proposed Hotel Development near the Bismarck Event Center.

Commissioner Cleary moved for staff to schedule a public hearing to consider the MOU with exclusive development rights to AP Construction, Übl Design Group, and JLG Architects, and Commissioner Risch seconded. Upon a roll call vote, Commissioners Cleary, Risch, Connelly, and Mayor Schmitz voted aye. Commissioner Zenker voted nay. M/C.

J. Consider the request to review and consider the new On-Call Policy.

Doug Wiles, Assistant City Administrator, presented information on a proposed on-call policy, noting that the City does not currently have an on-call policy, even though there are departments with staff who are currently expected to be on-call in order to ensure that citizens have twenty-four-hour service. This policy would compensate on-call staff for the time they are considered on-call.

- On Call Policy Draft

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 from Burleigh County to hold a joint-meeting of the Board of City Commissioners and the Burleigh County Commission to discuss the Extra Territorial Area (ETA).

Mayor Schmitz provided a request for the Bismarck City Commission to meet with the Burleigh County Commission on July 1, 2025, to discuss the planning and zoning for the extraterritorial area (ETA) and specifically the differences there might be between City and County Planning. Mayor Schmitz noted that there would be a time during the meeting for public comment, but requested that items at public comment consist of problems that need to be addressed, rather than statements of a desire not to be regulated. Not all City Commissioners were available for a July 1st meeting, so the general consensus of the Commission is to propose holding the meeting during the August 5, 2025, Bismarck-Burleigh Commissions Committee instead. Administrator Tomanek will coordinate with Burleigh County Commissioner Steve Bakken to set the meeting date.

4. **OTHER BUSINESS**

A. Commissioner Risch noted that Bismarck Airport announced that there is now a direct flight from Bismarck to Chicago.

ADJOURN

There being no further business to discuss, the meeting adjourned at 7:55 PM.