MEETING OF THE BOARD OF CITY COMMISSIONERS

5/27/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on May 27, 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 10, 2025 & 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

   A. Amanda Yelow and Faron Kastner spoke on Regular Agenda Item 3.F.
   B. Susan Dingle and Trevor Vannett spoke on Regular Agenda Item 3.I.
   C. Trent Wangen, Travis Jensen, Josey Milbradt, Cody Igoe, Parker Kilde, Marv Abraham, Eric Kilzer, Don Faber, Robert Field, and Faron Kastner spoke on Regular Agenda Item 3.J.

2. **CONSENT AGENDA**

Mayor Schmitz requested to pull Consent Agenda Item 2.D.2. from the consent agenda as there is more work to be done on the ordinance.

Commissioner Zenker moved to approve the Consent Agenda with the removal of Item 2.D.2., 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: 1125064 to 1125368.

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 Ordinance 6623 to amend Title 5, regarding liquor licenses.**~~

   3. Letter of Support for ND Opportunity Fund Applicant Marquis Investments LLC.

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

   1. Receive Report of Change Order 11 to Weisz and Sons Wetland Phase 5 Completion Contract.

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

   1. Permission to allow Capital City Christmas to use Exhibit Hall D rent-free on Saturday, November 29, 2025, for their Breakfast with Santa and holiday events.

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

   1. Final consideration of Municipal Sixth Addition, a major subdivision final plat, located in west Bismarck, west of West Divide Avenue and south of Interstate 94.

   2. Permission to apply for a FY2025 Section 5307 grant.

   3. Correct formatting of Ordinance 6618 to enable incorporation into the City of Bismarck Code of Ordinances.

   4. Release a 14-foot utility easement that is 7 feet on each side of the lot line common to Lots 4 and 5, less the southerly 7 feet adjacent to and parallel with the south lines of said Lots 4 and 5, Block 3, Airport Industrial Park Third Addition.

   5. Release of portions of non-access lines along the north and east sides of Lot 2, Block 1, Northern Plains Commerce Centre Addition.

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

   1. Resolution approving contracts and bonds for previously awarded special assessment projects.

2. Contract Change Order No. 8 for a time extension for Street Improvement District No. 579.

3. Resolutions creating the district, ordering the preparation of the engineers' report, approving the engineers' report, directing the preparation of plans and specifications and approval of the resolution of necessity for Street Improvement District No. SI 589.

4. Resolution approving the engineers' report and directing the preparation of plans and specifications for SI 590 and resolution approving the engineers' report and directing the preparation of plans and specifications for WA 334.

5. Encroachment and waiver agreement with The Jousting Lemur, LLC to install and maintain outdoor seating within the right-of-way of Main Avenue.

6. Encroachment agreement to place a pylon sign within and above a stormwater and drainage easement in Lot 2 Block 1 Trillium Third Addition Second Replat, located at 3005 Rock Island Place.

7. Encroachment and waiver agreement with Bismarck Diocese - Cathedral of the Holy Spirit to install and maintain heated sidewalks within the right-of-way of Raymond Street.

8. Close 4th Street between Rosser Avenue and Avenue A on Saturday, September 6, 2025, from 12:00 PM to 8:00 PM for a community event titled Block Party on 4th.

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 Fire Department for the following:

1. Permission to apply for Bisman Community Foundation Super Grant and Walmart Grant.

K. Consider the request for approval from the Bismarck Veterans Memorial Public Library for the following:

1. Appointment of Robert Bartosh and Justin Hughes to serve three-year terms on the Library Board of Directors.

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

1. Change Order for Time Extension – Waste Water Treatment Plant (WWTP) GMP 1 Outfall Flood Control

2. Award contract for the Sanitary Sewer I&C Phase 3 Electrical upgrades.

3. **REGULAR AGENDA**

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.

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

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

B. 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.

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

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

C. 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).

Ben Ehreth, Community Development Director, provided information on Ordinance 6619.

Mayor Schmitz opened the public hearing. No 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.

D. 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.

Ben Ehreth, Community Development Director, provided information on Ordinance 6621.

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

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

E. Public hearing to release the drainage easement on Lot 42, Block 1, Misty Waters Subdivision.

Lauren Oster, Community Development Planner, provided information on the request to release the 20-foot drainage easement over Lot 42, Block 1, Misty Waters Subdivision.

Mayor Schmitz opened the public hearing. No 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.

G. Consider the request to receive bids and award contract for Highway Construction Project 178.

Gabe Schell, City Engineer, presented the bid summary for Highway Construction Project 178 and recommended the project be awarded to Traffic Safety Services for $239,526.85.

- 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.

H. Consider the request to approve installing water and sanitary sewer along Vermont Avenue by special assessment.

Gabe Schell, City Engineer, presented information on the petition received requesting the installation of water and sanitary sewer along Vermont Avenue by special assessment. The Special Assessment Policy does not contain provisions for assessing watermain and sanitary sewer main by special assessment. Engineering is seeking permission to create a special assessment district to install the water and sewer mains upon receipt of a petition and approval to assess the costs of water and sanitary sewer equally on both sides of the street where the 16 individual properties at 813 Burlington Drive, on the south side of the street, would share half the cost of the water and sewer improvement in accordance with their condo association documentation and 2810 Vermont Avenue would share the other half.

The general consensus of the Commission was to proceed as requested.

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) provided a report to the Commissioners prior to the meeting. Mr. Fenton provided a brief overview of the information at the request of the Commission.

Commissioner Zenker requested that the item be pulled from the agenda and moved to the next meeting, so the Commissioners could have time to read the information provided. The Commission will discuss the item at the June 10, 2025, meeting.

- Jones Lang LaSalle Continued Research

I. Consider the request to discuss the recommendation from the Transportation Steering Committee and provide direction to staff.

Doug Wiles, Assistant City Administrator, provided an overview of the recommendation from the Transportation Steering Committee (TSC) to spend up to $1,100,000.00 to expand the Bis-Man Transit service times by four hours to the six fixed routes and expand the Sunday service to run to 6:00 PM and be available to the general public. Diedre Hughes, Bis-Man Executive Director, explained that before changes can be made, she would need to hold a number of public hearings allowing for public comment, and make sure that the Transit Administration guidelines are followed, as well as get approval from the Transit Board before seeking approval from the Commission. Director Hughes indicated that extending the hours as recommended by the TSC would require an additional 10 drivers who have Commercial Driver's Licenses, which would take several months to put into place.

The Commission discussed that the funds from the 1/2 cent sales tax had not been collected yet, but the goal of the recommendation was to direct the Commission on ways to enhance services with the understanding that it would take time to have the services put into place. The general consensus of the Commission is to have the item brought back in eight weeks.

- Public Comment

J. Consider the request from Commissioner Connelly to have a discussion about the extraterritorial area (ETA).

Commissioner Connelly addressed the Commission with his request to call for a special public input meeting with the members of the City of Bismarck (City) and Burleigh County Commissions (County) to discuss the extraterritorial area (ETA). Commissioner Connelly recommended the following items be on an agenda to be discussed with the County Commission.

Commissioner Connelly moved to request that the County Commission join us in a public hearing or public input meeting with citizens both in the ETA and locally to discuss this issue to see if there's a better way of going about things on contingency that the counting Commission has a majority vote to join us on that matter and Mayor Schmitz seconded. After discussion, Commissioner Connelly withdrew his motion.

Commissioner Connelly moved to have a meeting fully represented by both the Board of City Commissioners and the Board of County Commissioners, contingent on a majority vote of the county requesting that all of their members attend as well, and Commissioner Zenker seconded. Upon a roll call vote, Commissioners Zenker and Connelly voted aye. Commissioners Risch, Cleary, and Mayor Schmitz voted nay. M/F.

4. **OTHER BUSINESS**

A. Commissioner Risch let the Commission know that he met with a group to discuss the chicken ordinance rewrite.
B. Commissioner Cleary stated that the 4th of July Committee met and the event is moving forward.

ADJOURN

There being no further business to discuss, the meeting adjourned at 7:05 PM.