MEETING OF THE BOARD OF CITY COMMISSIONERS

6/24/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met on June 24, 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

July 9, 2025 & July 23, 2025
August 12, 2025 & August 26, 2025
September 9, 2025 & September 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. **HISTORIC PRESERVATION AWARD PRESENTATION**

Lauren Oster, Community Development Planner, presented the Historic Preservation Award to Adolfson & Peterson Construction for their historic preservation work conducted on the Former Prince Hotel.

- Historic Preservation Award

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

No public comment was received.

3. **CONSENT AGENDA**

Commissioner Cleary requested to pull Consent Item 3.G.1 for discussion and Item 3.H.4 as it is no longer needed.

Commissioner Zenker moved to approve the Consent agenda without items 3.G.1 and 3.H.4 and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

Julie Mees, City Attorney, and Amanda Yellow, Acting Event Center Director, provided information on the contract with Etix, for ticketing services at the Bismarck Event Center.

Mayor Schmitz moved to have Attorney Mees negotiate the current terms of the contract proposed by Etix to add an escape clause to the contract and, if it cannot be negotiated, then to approve the contract as presented, 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: 1125622 to 1125937

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 C-2, Hotel Complementary Alcohol, from Bismarck Sunrise Hotel, LLC (dba) Wingate by Wyndham - Bismarck at 1421 Skyline Blvd.

    2. Introduction of and call for a public hearing on the proposed Memorandum of Understanding with AP Construction, Übl Design Group, and JLG Architects regarding the Bismarck Event Center Amenity Development Project.

    3. Gaming site authorization renewals.

    4. Liquor license renewal applications.

    5. Resignation of Human Relations Committee member Gabrielle Abouassaly.

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

    1. Edling Electric Change Order #2 for Gate 2 and 3 Passenger Boarding Bridge Replacement Project.

    2. Qwest Corporation Easement on Airport Property.

F. Consider the request for approval from the Bismarck-Burleigh Public Health Department for the following:

    1. Permission to submit a letter of intent to apply for funding from the BisMan Community Foundation to support the current pilot street outreach initiative addressing the urgent needs of individuals experiencing homelessness in Bismarck.

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

1. Agreement with Bismarck Event Center (BEC) to use Etix, Inc. as the BEC ticketing vendor for a five (5) year term with a renewal term of two (2) one (1) year options.

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

   1. Acceptance of ND Department of Transportation (NDDOT) Transportation Alternatives (TA) funding on behalf of Bismarck Parks and Recreation District (BRPD).

   2. Amendment No. 1 to existing professional services agreement with Moore Engineering, Inc. for Ottawa Street Reconstruction - HC 174.

   3. Change Order 2 for SI 585B - Street Improvement District 585 - Part B.

   4. Update regarding the number of food truck designated areas increasing from two to three.

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 Police Department for the following:

   1. Permission to accept a donation from Leadership Bismarck-Mandan to purchase a K-9 therapy dog.

   2. Permission to purchase a replacement police patrol vehicle license plate reader system utilizing NASPO (National Association of State Procurement Officials) consortium pricing.

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

   1. Amendment No. 1 to extend the end date of EAPC's contract for the City/County Building (CCB) Roofing Project to September 1, 2026.

   2. Permission to function under Bismarck Ordinance 7-01-03(6) Competitive Bidding Required for Fleet Services Annual Contracts in 2025-2026.

   3. Time Extension to Task Order No. 22-03 with Houston Engineering for Landfill Final Cover Closure Phase I-III to December 31, 2025.

4. **REGULAR AGENDA**

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.

Chair Cleary 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.

B. 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.

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

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

C. 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, as well as approval of an associated private utility agreement.

Ben Ehreth, Community Development Director, presented information on Ordinance 6620.

Chair Cleary opened the public hearing.

- Landon Niemiller, a representative of Swenson, Hagen & Company, was available to answer questions relating to the project.

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

D. 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.

Ben Ehreth, Community Development Director, presented information on Ordinance 6627.

Chair Cleary opened the public hearing.

- Landon Niemiller, a representative of Swenson, Hagen & Company, was available to answer questions relating to the project.

Mayor Schmitz 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 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.

Ben Ehreth, Community Development Director, presented information on Ordinance 6628.

Chair Cleary 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.

F. Public hearing on release of the southern 2 feet of the 20-foot sanitary sewer easement adjoining the entire north line of Lot 3, Block 1, Hamilton's First Addition First Replat.

Lauren Oster, Community Development Planner, presented information on Hamilton's First Addition First Replat.

Chair Cleary opened the public hearing.

- Landon Niemiller, a representative of Swenson, Hagen & Company, was available to answer questions relating to the project.

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

G. Consider the request to receive an update on the Tyler Coulee Regional Stormwater Project (SE 576) and provide direction on public engagement.

Gabe Schell, City Engineer, presented information on Tyler Coulee Stormwater Improvements Project SE 576.

- Tyler Coulee Stormwater Presentation

The Commission received the report.

H. Consider the request to review the timing of collection for utility capital charges.

Michael Mart, Public Works Utility Operations Director, presented information on utility capital charges (UCC) collected from new development and redevelopment. Utility Operations is considering changing the requirements of when the UCC is applied. Currently, the UCC is collected when the subdivision is brought into the City and the developer pays the UCC. The change would be to collect the UCC at the time the building permits are being pulled to begin construction, which would allow the charges to be included in the home loan, easing the burden on developers and homeowners.

The general consensus of the Commission is to have Director Mart continue his research of options for UCC fees.

5. **OTHER BUSINESS**

A. Commissioner Cleary wanted to let citizens know that Public Works Service Operations will be collecting tree debris from the June 20, 2025, storm if it is located in the boulevard during regular garbage pickup days. Collection will continue through July 3, 2025.

B. Commissioner Risch wanted to encourage citizens to attend the Juneteenth celebration at Kiwanis Park on Saturday, June 28, 2025.

C. Commissioner Risch asked Commissioner Connelly for an update on the progress of working with staff on the proposed ballot measure. Commissioner Connelly responded that he met with Commissioner Zenker, City Administrator Tomanek, City Engineer Schell, and Ballot Committee Chair Young. Chair Young is waiting for a response to the submission of the new ballot language that was submitted on June 6, 2025, to the City Attorney's Office before moving forward.

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) for the consideration of land acquisition.

Commissioner Zenker 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 6:14 PM, and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 6:45 PM with all members present. Commissioner Zenker moved 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

B. 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) for the consideration of the sale of City property.

ADJOURN

There being no further business to complete, the meeting adjourned at 6:46 PM.