



MEETING OF THE BOARD OF CITY COMMISSIONERS

8/12/2025 - Minutes

MEETING OF THE BOARD OF HEALTH

CALL TO ORDER

The Board of City Commissioners met as the Board of Health on August 12, 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, Zenker, and Mayor Schmitz were present.

BOARD OF HEALTH AGENDA

A. Public Health Director Update

Renae Moch, Bismarck-Burleigh Public Health Director, provided a presentation on the Bismarck-Burleigh Public Health Strategic Plan.

- [Board of Health Presentation](#)

Commissioner Cleary moved to approve the Bismarck-Burleigh Public Health Strategic Plan as presented and Commissioner Risch seconded. Upon a roll call vote, all vote aye. M/C.

1. Bismarck-Burleigh Public Health Strategic Plan

ADJOURN

There being no further business to discuss, the meeting adjourned at 5:23 PM.

MEETING OF THE BOARD OF CITY COMMISSION

CALL TO ORDER

The Board of City Commissioners met on August 12, 2025, at 5:24 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners Connelly, Cleary, Risch, Zenker, and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

August 26, 2025
September 9, 2025 & September 23, 2025
October 14, 2025 & October 28, 2025

MISSION STATEMENT

To provide high-quality public services in partnership with our community to enhance our quality of life.

1. PROCLAMATION

- A. 90th Anniversary of Social Security

Mayor Schmitz read a proclamation declaring August 14, 2025 as the 90th Anniversary of Social Security in the City of Bismarck.

2. PUBLIC COMMENT

Restricted to items on the Consent Agenda, Regular Agenda, or the prior City Commission Agenda excluding public hearing items.

Mike Frohlich and Heather Martin addressed the Commission regarding Consent Agenda Item 3.D.1.

3. CONSENT AGENDA

Commissioner Zenker moved to approve the Consent Agenda 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: 1126527 to 1126901.

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

- 1. Introduction of and call for a public hearing on Ordinance 6623 to amend Title 5, regarding liquor licenses.
- 2. Liquor license renewal application for ND Hospitality, LLC (dba) Comfort Lounge at 1030 East Interstate Avenue.
- 3. Provide a letter of support to CD Holdings, LLC / Cameron Fleck relating to the proposed riverfront hotel development project in Bismarck to be included in the Destination Development Grant application submitted by Mr. Fleck to the North Dakota Department of Commerce - Tourism Division.
- 4. **Gaming site authorization renewal for Bismarck Mandan Lodge NO. 1199 Benevolent and Protective Order of Elks at 900 South Washing Street.**

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

- 1. Tri-Energy Cooperative Lease Amendment #3.

2. Sole source purchase of snow blower pump system from Abi-Schmidt MB.
 3. Contract amendment to KLJ's Passenger Boarding Bridge 2 and 3 Replacement Construction Observation Contract.
 4. **Sole source purchase of ditching grading from Northern Improvement Company, Inc.**
- F. Consider the request for approval from the Bismarck-Burleigh Public Health Department for the following:
1. 2025-2028 Bismarck-Burleigh Public Health Strategic Plan.
- G. Consider the request for approval from the Community Development Department for the following:
1. Introduction of and call for a public hearing on Ordinance 6636, the annexation of Lots 1-3, Block 1, and Lot 1, Block 2, Boulder Ridge Commercial Addition, where the Planning and Zoning Commission recommends approval.
 2. Introduction of and call for a public hearing on Ordinance 6637, a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential zoning district and major subdivision final plat titled Elk Ridge Fourth Addition, where the Planning and Zoning Commission recommends approval.
 3. 2024 Consolidated Annual Performance and Evaluation Report (CAPER), a detailed report of the prior year's performance of the Community Development Block Grant (CDBG) program.
 4. Purchase one power floor scrubber for the Bis-Man Transit facility.
- H. Consider the request for approval from the Engineering Department for the following:
1. Request to enter into an encroachment agreement with Intermountain Infrastructure Group for the installation of a fiber optic line.
 2. Encroachment agreement for a private storm sewer within South Bismarck Drainage Channel.
 3. Closure of Ave A between 24th Street and 25th Street on September 5, 2025, from 2:00 PM - 9:00 PM for Grace Lutheran Brethren Church's block party.
 4. Pursue North Dakota Department of Transportation Flexible Transportation Fund grant funding.

5. Amendment No. 2 to existing professional services agreement with Moore Engineering, Inc. for Ottawa Street Reconstruction - HC 174 Design Engineering.
 6. North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for University Dr microsurfacing project NHU-1-804(054)074, PCN 24405, City Project HC 175.
 7. North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for 9th St microsurfacing project NHU-1-083(148)900 (PCN 24402), City Project HC 179.
 8. North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for 9th St microsurfacing project NHU-1-094(245) 925 (PCN 24403) & NHU-1-810(034)003 (PCN 24404), City Project HC 180.
- I. Consider the request for approval from the Finance Department for the following:
1. Resolution directing special assessments to be levied.
 2. Applications for Abatement.
- J. Consider the request for approval from the Human Resources Department for the following:
1. Updated Title VI document.
 2. Military Leave Policy change.
- K. Consider the request for approval from the Police Department for the following:
1. Enter into a transfer agreement with Officer Benke to transfer K-9 Mesa from the City of Bismarck to Officer Benke.
 2. Memorandum of Understanding (MOU) between 31:8 Project and Bismarck Police Department for a funding request for the 2025 Human Trafficking Education Grant.
- L. Consider the request for approval from the Public Works - Service Operations Department for the following:
1. Task Order 25-02 Bismarck Landfill Utilization Analysis and Reporting with Houston Engineering, Inc.
- M. Consider the request for approval from the Public Works - Utility Operations Department for the following:

1. Amendment No. 8 by HDR Engineering, Inc for the Water Treatment Plant Expansion Project.
2. Amendment No. 3 by HDR Engineering, Inc for the Wastewater Treatment Plant Flow Equalization (FEQ) Project.

4. **REGULAR AGENDA**

- A. Public hearing on Ordinance 6632 to amend Chapters 9-07 and 9-08 of the City of Bismarck Code of Ordinances relating to the City Employee Pension Plan and to the Police Pension Plan.

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

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

Commissioner Risch asked how the changes would impact those who are retiring. Leanne Schmidt, Human Resources Director, stated that the changes were to keep policy aligned with current law, and that benefits would not be impacted.

Upon a roll call vote, all voted aye. M/C.

- B. Public hearing on Ordinance 6633 to amend Obstructing Law Enforcement Officers In Discharge of Their Duties.

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

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

Commissioner Connelly asked if the changes would collide with the Constitutional Fifth Amendment. Julie Mees, City Attorney, noted that the ordinance change is being brought forward because individuals are refusing to identify themselves at traffic stops, which hinders the police officer's ability to investigate.

Upon a roll call vote, all voted aye. M/C.

- C. Public hearing on Ordinance 6630 to amend Sections 12-05-01, 12-05-03, 12-05-11, 12-07-04, 12-09-18, 12-10-06, 12-10-07 and 12-13-26 of the City of Bismarck Code of Ordinances relating to careless driving, speeding, speeding in construction zones, rotary traffic islands (roundabouts), restricted licenses, driving under suspension, and parking for the mobility impaired.

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

Commissioner Cleary 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 from the Administration Department for discussion on releasing Class D, Full-Alcohol On/Off Sale licenses for sale through the sealed bid process described in City Ordinance 5-01-06.

Doug Wiles, Assistant City Administrator, addressed the Commission with a request to release some of the available Class D alcohol licenses for bid as, City Administration has been contacted by multiple parties interested in obtaining a Class D license.

Commissioner Zenker moved to release three licenses for a minimum sealed bid of \$200,000, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

- E. Consider the request from the Public Works - Service Operations Department to provide an update regarding Fall Leaf Collection options for Bismarck residents.

Steve Salwei, Public Works Service Operations Director, presented a report on the options for fall leaf collection for Bismarck residents.

The Commission reached a general consensus to allow for a two-week fall leaf pickup period. Residents will be required to place leaves in compostable bags or large containers for collection. The specific dates for the pickup will be set at the discretion of the Public Works Service Operations Director.

- F. Consider the request from the Finance Department to accept the 2024 Audit Results and the 2024 Annual Comprehensive Financial Report.

Dmitriy Chernyak, Finance Director, presented the 2024 Annual Comprehensive Financial Report and the 2024 Audit results.

Commissioner Cleary moved to accept the Audit Results of 2024 and the Annual Comprehensive Financial Report as presented and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

5. OTHER BUSINESS

Commissioner Risch asked Michael Mart, Public Works Utility Operation Director, to explain the 30-cent charges that are on the monthly utility bills, and how the current situation is being handled regarding claims being filed for the sewer backup damages at the properties along Michigan Avenue.

Director Mart described the purpose of the fee is to help cover clean up and restoration expenses relating to sanitary sewer backup claims. He also noted that he and other City Staff met with members of the North Dakota Insurance Reserve Fund (NDIRF) to discuss the situation and is currently waiting for a determination from NDIRF as to whether or not the City of Bismarck is negligent in this situation.

6. EXECUTIVE SESSION

- A. Consider the request from the Bismarck Airport 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 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 6:07 PM, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 6:17 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 Cleary seconded. Upon a roll call vote, all voted aye. M/C

ADJOURN

There being no further business to discuss, the meeting adjourned at 6:18 PM.