



MEETING OF THE BOARD OF CITY COMMISSIONERS

8/26/2025 - Minutes

CALL TO ORDER

The Board of City Commissioners met as the Board of Health on August 26, 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.

FUTURE COMMISSION MEETINGS

September 9, 2025 & September 23, 2025

October 14, 2025 & October 28, 2025

November 13, 2025 & November 25, 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, Regular Agenda, or the Prior City Commission Agenda excluding public hearing items.

Robert Field and Travis Jensen addressed the Commission regarding Regular Agenda Item 3.G.

2. CONSENT AGENDA

Mayor Schmitz requested that Consent Agenda items 2.D.3 and 2.D.4 be removed from the agenda.

Commissioner Connelly requested that Consent Agenda item 2.F.2 be removed from the agenda for discussion.

Commissioner Connelly moved to approve the Consent Agenda without items 2.D.3, 2.D.4, and 2.F.2, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Connelly noted that he would not support item 2.F.2, a request by the Bismarck-Burleigh Public Health Department to apply for up to \$30,000 of grant funding from the North Dakota Department of Health and Human Services.

Commissioner Cleary moved to approve item 2.F.2 as presented and Commissioner Zenker seconded. Upon a roll call vote, Commissioners Cleary, Risch, Zenker, and Mayor Schmitz voted aye. Commissioner Connelly voted nay. M/C.

- A. Consider approval of minutes
- B. Consider approval of personnel actions
- C. Consider approval of expenditures

Vouchers: 1126902 to 1127208.

- D. Consider the request for approval from the Administration Department for the following:
 - 1. Provide a letter of support to Sleepy Hollow Theatre & Arts Park relating to the proposed pavilion project to be included in the Destination Development Grant application submitted by Susan Lundberg to the North Dakota Department of Commerce – Tourism Division.
 - 2. Provide a letter of support to The Capital Gallery relating to the proposed Capital Arts Center project in downtown Bismarck to be included in the Destination Development Grant application submitted by Deb Jaeger to the North Dakota Department of Commerce – Tourism Division.
 - 3. ~~Application to transfer the Class D alcohol license from TBM Group, LLC (dba) Main Bar and Package Store to Northern Apex Solutions, LLC (dba) The Main Bar at 804 East Main Avenue.~~
 - 4. ~~Application to transfer the Class D alcohol license from TBM Group, LLC (dba) Polar Package Place & Lucky's Bar to Northern Apex Solutions, LLC (dba) Lucky's Bar / Polar Package at 2176 East Thayer Avenue.~~
 - 5. Modification to the terms of the Superior Precast, LLC PACE Program interest buy-down local match.
- E. Consider the request for approval from the Bismarck Airport for the following:
 - 1. Consider Change Order 19-Final to Weisz and Sons Wetland Phase 7 Contract.
 - 2. Consider Change Order 12-Final to Weisz and Sons Wetland Phase 5 Completion Contract.
 - 3. Disposal of Airport Parking Lot Equipment.
 - 4. Consider Change Order 14-Final to KLE Wetland Phase 5 Contract.
- F. Consider the request for approval from the Bismarck-Burleigh Public Health Department for the following:

1. Update the Registered Nurse (RN)-Home Care fee to \$77, effective September 1, 2025.
 2. **Permission to apply for up to \$30,000 of grant funding from the North Dakota Department of Health and Human Services.**
- G. Consider the request for approval from the Community Development Department for the following:
1. Release the non-access lines over Lot 12, Block 1 and Lot 7, Block 2, Sloven Second Subdivision.
 2. Permission to accept an Historic Preservation Fund grant award of \$34,790.
- H. Consider the request for approval from the Engineering Department for the following:
1. North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for Bismarck Expressway turn lane project HEN-1-999(061), PCN 24630, HC 184.
 2. North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for the 7th and 9th Street microsurfacing project NHU-1-083(149)900, PCN 24406, HC 185.
 3. Receive information regarding Change Order 7 for East Century Ave Reconstruction HC 165.
- I. Consider the request for approval from the Finance Department for the following:
1. Applications for Abatement.
 2. Approve the Resolution Directing Special Assessments to be levied.
 3. **Introduction of and call for public hearing on Ordinance 6638 for the 2026 City budget.**
- J. Consider the request for approval from the Fire Department for the following:
1. Permission to apply for a grant with the ND Game and Fish Department for the purchase of a Rescue Boat and solicit donations for the matching portion of the grant.
- K. Consider the request for approval from the Human Resources Department for the following:
1. Safety Policy Update.

- L. Consider the request for approval from the Public Works - Service Operations Department for the following:
 - 1. Amendment 2 of Task Order 3 with HDR Engineering for the new Scale House/Scale Conceptual Design Scope.
 - 2. Permission to award the 2025 Sand, Salt, and Beet Juice for winter Street Maintenance to the lowest bidders.
 - 3. Permission to sell or dispose of City Assets at Public Sale.

3. **REGULAR AGENDA**

- A. Consider the request to receive a presentation by Joe Morrisette, State of North Dakota Director of the Office of Management and Budget, regarding the implementation of House Bill 1176.

Joe Morrisette, State of North Dakota Director of the Office of Management and Budget, provided a presentation regarding the implementation of House Bill 1176.

- [House Bill 1176 Presentation](#)

The Commission received the information presented.

- B. Consider the request to receive a presentation from Marlan Haakenson.

Marlan Haakenson, a City of Bismarck resident, presented information on his petition for a home rule charter amendment that would have water rates and property taxes revert to the rates in 2018.

- [Written Statement from Marlan Haakenson](#)

The Commission received the information from Mr. Haakenson.

- C. Public hearing on Ordinance 6623 to amend Title 5, regarding liquor licenses.

Doug Wiles, Assistant City Administrator, presented background information on Ordinance 6623, an amendment to the alcohol license ordinance. Assistant Administrator Wiles, noted that domestic distilleries was added to Section 1.1 as it had been unintentionally omitted in the first draft.

- [Proposed Ordinance Changes](#)

Mayor Schmitz opened the public hearing.

- Rick Becker, a class D license holder, addressed the Commission about the proposed ordinance revision. Mr. Becker raised concerns about redundancy or conflicting language in Section 5-0104(G), referencing duplicate information on pages 4 and 6 of the ordinance draft, suggested clarifying that the "host" of an event must be distinct from the liquor licensee and not an owner or employee of the licensee, suggested adding

language to clarify that alcoholic beverages may not be separated into component parts for reporting purposes, and inquired about the city's process for ensuring ongoing compliance with state law.

- David Witham addressed the Commission from a professional standpoint in real estate development. Mr. Witham's primary concern was a lack of clarity in the definition of "host" and questioned whether the host refers to a person, venue, or both, and emphasized the need for clearer language to avoid confusion. Mr. Witham emphasized that he was not taking a position for or against the ordinance but wanted to raise potential concerns and considerations that could affect future real estate development projects.
- Michelle Kaufman addressed the Commission regarding the proposed changes to the event permit language. Ms. Kaufman acknowledged that the proposed changes stem from her prior use of special event permits for a pop-up bar, which drew objections from some Class D license holders and asserted that the root issue lies with the current liquor licensing structure, particularly the limitations of Class D licenses, which she believes are not suitable for all business models—especially smaller, occasional-use concepts like hers. Ms. Kaufman urged the commission to address the broader licensing system rather than focusing solely on restricting event permits. She expressed frustration that policy reform has been delayed for years and called for proactive solutions to support small business innovation.

Commissioner Cleary moved to approve the item after adding domestic distilleries to Section 1.1 and removal of the first Class G in Section 5-01-04, and Commissioner Risch seconded.

During discussion, Commissioner Zenker reiterated concerns about the city's current structure of Class D and E liquor licenses, noting the way Class D and E licenses are written has effectively created a monopoly for existing license holders, with licenses gaining significant market value and even being financed by banks, and expressed that meaningful changes to the license structure are difficult without harming existing businesses that have invested heavily in these licenses. He encouraged current license holders to bring forward solutions that would not devalue their investments, stating he is open to discussions if a path forward can be found.

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

- D. Public hearing on Ordinance 6635, an annexation on Part of Lot 1, Block 2, Northern Sky Second Addition First Replat

Ben Ehreth, Community Development Director, addressed the Commission regarding the request for approval of an annexation of the eastern portion of Lot 1, Block 2, Northern Sky Second Addition First Replat.

Mayor Schmitz opened the public hearing.

- Landon Niemiller, a representative from Swenson Hagen & Company, requested a continuation of the annexation item to the September 9th Commission meeting. He explained that while the area is already scheduled for annexation within 10 years, the developer and a potential buyer are still finalizing deal details. The brief delay would allow time to complete those arrangements.

Commissioner Zenker moved to continue the public hearing to the September 9, 2025,

Commission meeting, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

- E. 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.

Ben Ehreth, Community Development Director, presented information 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.

Mayor Schmitz opened the public hearing.

- Landon Niemiller, a representative from Swenson Hagen & Company, noted that this request is for the next phase in the Oak Ridge developments.

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

- F. Consider the request for a resolution receiving bids, ordering preparation of the Engineer's Statement and awarding the contract for Sewer Improvement Districts SE 585 & SE 586, Water Improvement District WA 334 and Street Improvement District SI 591.

Gabe Schell, City Engineer, presented the bid results for Sewer Improvement Districts SE 585 & SE 586, Water Improvement District WA 335 and Street Improvement District SI 591, and recommended awarding the bid to the lowest bidder, Northern Improvement Company-Bismarck, for \$764,179.00.

- [Bid Summary](#)

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

- G. Consider the request for discussion regarding topics to be addressed at the next meeting of the Bismarck City Commission and Burleigh County Commission regarding the extraterritorial area (ETA).

Ben Ehreth, Community Development Director, addressed the Commission regarding the ETA boundaries and the proposed fee increase for 2026. Director Ehreth noted that the City is preparing to identify areas within the ETA that are unlikely to be annexed, may be annexed in the next 20–25 years, and areas that could be considered for growth in 20–50 years. Director Ehreth explained that the Community Development Department's fee increases are based on parcel size and staff time involved.

Commissioners voiced concerns about financial imbalances between Bismarck and Burleigh County, noting that city residents bear the cost of services frequently used by county residents—such as libraries, parks, and the airport. With Bismarck contributing approximately 78% of county revenue through property taxes, commissioners emphasized the need for county residents to pay a fair share for the services they benefit from.

City Administration will poll the Commissioners for available meeting dates for the next meeting of the City and County Commissions.

4. OTHER BUSINESS

5. EXECUTIVE SESSION

A. Request to go into executive session under NDCC 44-04-19.1(9) for contract negotiation/negotiation strategy.

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 7:02 PM, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 7:18 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 7:19 PM.