MEETING OF THE BOARD OF CITY COMMISSIONERS

9/9/2025 - MINUTES

CALL TO ORDER

The Board of City Commissioners met on September 9, 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 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.

No public comment was received.

2. **CONSENT AGENDA**

Commissioner Risch 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: 1127209 to 1127451.

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

   1. Gaming site authorization application.

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

   1. Permission to apply for mini-grants from the North Dakota Department of Health and Human Services.

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 6639, a zoning map amendment from the RM30 – Residential zoning district to the DF – Downtown Fringe zoning district, and a Future Land Use Plan amendment from the Urban Neighborhood (UN) designation to the Downtown (DT) designation, for Lots 1-4, Block 10, Northern Pacific Addition, where the Planning and Zoning Commission recommends approval.

   2. Introduction of and call for a public hearing on Ordinance 6640, an annexation of the portion of the dedicated East Century Avenue right-of-way adjacent to Lot 24, Block 7, and Lot 1, Block 8, Sattler's Sun-rise Sixth Addition, as well as the dedicated rights-of-way of East Century Avenue and 52nd Street NE as described on the right-of-way plat recorded as Document #974737, where the Planning and Zoning Commission recommends approval.

   3. Introduction of and call for a public hearing on Ordinance 6641, an annexation of all of Elk Ridge Fourth Addition, located northwest of Bismarck, between North Washington Street and River Road, west of Tyler Parkway and north of Frisco Way, where the Planning and Zoning Commission recommends approval.

   4. Introduction of and call for a public hearing on a major subdivision final plat titled Boulder Ridge Commercial Addition and Ordinance 6642, a major subdivision final plat and a zoning map amendment from the CA – Commercial and CG – Commercial zoning districts to the CG – Commercial zoning district for Lot 1,

Block 1, for Boulder Ridge Commercial Addition, where the Planning and Zoning Commission recommend approval.

5. Final consideration of a major subdivision final plat titled Lunde Addition, located in central Bismarck, in the southeast quadrant of the intersection of East Bowen Avenue and South 18th Street, where the Planning and Zoning Commission recommends approval.

6. Permission for Bis-Man Transit to decommission and dispose of four (4) Ford Econoline paratransit buses.

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

1. Permission to close Schafer Street between College Drive and Edwards Avenue for a Bismarck State College homecoming celebration on September 30, 2025, from 7:30 AM - 4:00 PM.

2. Dedication and acceptance of Sidewalk, Traffic Signal, and Streetlight Easement as part of Streetlight and Traffic Signal Project SV-79.

3. Provide a letter of support to Burleigh County for their North Dakota Dept of Transportation Flexible Transportation Fund application.

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

1. Introduction of and call for a public hearing on the concrete sidewalk, curb, and gutter, and private driveway assessments as part of SW2024 assessments.

I. Consider the request for approval from the Fire Department for the following:

1. Permission to solicit donations for fire prevention activities/items.

J. Consider the request for approval from the Police Department for the following:

1. Permission to accept a donation in the amount of $2,000 from a private donor to fund the Bismarck Police drone program.

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

1. Permission to sell or dispose of one used Rain Bird ESP-LXME Controller Sprinkler at a Public Sale from the Building Maintenance Division.

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

1. Approval of permanent and temporary watermain easements associated with the 52nd Street watermain project WU149.

2. Replacement parts purchase for Flygt pumps located at the Wachter Master Lift Station from Electric Pump.

3. **REGULAR AGENDA**

A. Continue the public hearing on Ordinance 6635, an annexation on Part of Lot 1, Block 2, Northern Sky Second Addition First Replat, located in northwest Bismarck, in the northwest corner of North Washington Street and Ash Coulee Drive, on the north side of Wilkinson Place.

Daniel Nairn, Planning Manager, addressed the Commission regarding Ordinance 6635, 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 26th 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 for Ordinance 6635 to the September 26, 2025, Commission meeting, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

B. Hold a public hearing on Ordinance 6638 for the 2026 City budget.

Mayor Schmitz opened the public hearing.

- Judge Amanda Harris presented a one-year review of Municipal Court operations to the City Commission, highlighting significant challenges as the commission considers the upcoming budget. The most pressing issue is the court's transition to a state-mandated but unfunded Court of Record that will require new technology and staffing. Judge Harris noted the court is experiencing a sharp increase in caseloads, with a 25% rise in new cases last year and over 40% the year before. Over the past five years, Bismarck has processed approximately 99,484 cases, far surpassing comparable cities like Fargo, West Fargo, and Grand Forks, all of which operate with fewer judges. These numbers do not include parking violations, probation violations, orders to show cause, etc. Despite this growing demand, the court operates efficiently and is financially self-sustaining, generating approximately $1.3 million in revenue while operating on a budget of around $805,000. However, the judge expressed concern that the court would not be able to operate effectively in 2026 under the current budget, particularly without the requested deputy clerk position, which was not funded. Judge Harris also addressed jail cost management, emphasizing rehabilitative approaches through probation conditions, housing timelines, and treatment referrals. These measures help lower long-term jail expenses and recidivism but place additional administrative burdens on staff. Judge Harris also mentioned that while efforts are being made in partnership with the City's IT department to streamline operations, these improvements are limited and will not fully resolve the larger workload issues. Judge Harris concluded by reiterating that while she is not formally requesting additional funding at this time, she urges the commission to seriously consider the legal obligations, operational demands, and long-term sustainability of the court as they finalize the city's budget.
    - Judge Harris Handout

The Commission held a detailed discussion regarding the 2025 budget, focusing on Municipal Court's staffing needs and employee compensation. Commissioner Risch, questioned why the 2025 Municipal Court budget was lower than the projected 2026 budget. Dmitriy Chernyak, Finance Director, explained that the difference was due to salary savings resulting from staff and judge changes, including the retirement of long-term staff. Commissioner Zenker expressed concern about not funding a new court clerk position, arguing that hiring support staff now could prevent the more expensive need for an additional judge in the future. He emphasized the importance of good support staff in reducing workload and improving efficiency, noting that technology alone can't always solve workload issues. Commissioner Cleary agreed the discussion was worth having but pointed out that the city had already approved a limited number of full-time employee (FTE) positions and highlighted uncertainty around the workload implications of new state-mandated court responsibilities.

Mayor Schmitz started discussion on employee compensation. He proposed reducing the initially planned 5% salary increase, which consists of a 3% cost-of-living adjustment (COLA) and a 2% merit raise to a 4% total increase with 3% COLA and 1% for merit and compression adjustments. Mayor Schmitz noted that the change could save the general fund approximately $340,000, freeing up resources to potentially fund new positions. He emphasized the need to align with compensation trends seen in other major employers in the region, particularly the state, which is offering about a 3% average increase. Commissioner Risch suggested offering a flat-dollar increase equivalent to 3% of the average salary for all employees, rather than a percentage-based raise. His concern was that percentage increases disproportionately benefit higher-paid employees and widen the pay gap between the highest and lowest-paid city workers. He proposed leaving the additional 2% as merit-based pay. Commissioner Cleary voiced concerns about both approaches. She argued that deviating from the city's current compensation model, developed from past market and compression studies, could worsen pay compression, especially among mid-level employees who are most affected when starting salaries rise, but existing employees don't move up proportionally. She emphasized the importance of sticking to the compensation strategy adopted from previous studies, which aimed to move employees to the midpoint of their pay range over a 10 to 12-year period. Director Chernyak, explained that this model ensures that experienced employees remain ahead of new hires and supports internal equity. Commissioner Cleary noted that inconsistent year-to-year changes in the compensation policy could undermine the long-term effectiveness of the plan.

Commissioner Risch suggested eliminating the Fire Department's planned replacement of a 2012 Ford Expedition in an effort to fund the potential court clerk position. He noted that it is still in excellent condition and that deferring the $60,000 purchase could help offset costs. Director Chernyak noted that the vehicle replacement is a one-time capital cost, whereas an FTE is an ongoing expense. Commissioners Zenker and Cleary both cautioned against breaking from the city's fleet replacement plan, warning that delays in routine upgrades could lead to greater costs in the future when multiple vehicles require replacement simultaneously. Throughout the discussion, commissioners acknowledged that employee compensation is the largest and most complex part of the budget. There was general consensus that the additional court clerk position should be included in the budget as a contingency, with the understanding that it would still undergo normal review processes.

Commissioner Risch noted the need to improve efficiencies across city departments to better manage the budget. He highlighted the implementation of Axxon, a new AI-powered software in the Police Department designed to assist officers in drafting reports. He suggested that technology could help manage staffing levels without increasing personnel. Commissioner Risch also noted the Police Department's plan to pilot electric patrol vehicles, noting that each gas-powered vehicle currently costs around $26,000 annually in fuel. With North Dakota's low electricity rates, electric vehicles could cut operating costs by nearly 50%, while also reducing maintenance and being favored by officers for their performance. Commissioner Risch also spoke about recent efficiencies at the landfill; new garbage trucks have led to the elimination of four positions. He noted these kinds of operational improvements help reduce costs while still allowing the city to pay employees fair wages. He encouraged more of these types of initiatives, such as limiting what garbage trucks collect and exploring additional uses of electric vehicles.

Commissioner Risch questioned the amount the City spends on insurance premiums for things like building and automobile coverage and suggested exploring self-insurance as a cost-saving measure. Mayor Schmitz and City Attorney Julie Mees clarified that while the City is already part of the North Dakota Insurance Reserve Fund (NDIRF), a pooled self-insurance model. Attorney Mees added that while the City cannot self-insure for certain things like workers' compensation, it could potentially self-insure for other types of losses, such as vehicle damage. Commissioner Connelly, noted that even self-insured entities typically pay third-party administrators to handle the complexity of insurance claims efficiently.

Mayor Schmitz suggested freezing Commissioner salaries for a year or more as a gesture of fiscal responsibility, and Commissioner Connelly supported the idea. Commissioner Risch asked how Bismarck's compensation compares to similar cities. Jason Tomanek, City Administrator, explained that Bismarck's elected officials are paid significantly less than those in other comparable North Dakota cities, such as Fargo, Grand Forks, and Minot. He also noted that the county commission salaries are higher and include additional benefits like healthcare and pension eligibility after two terms.

Director Chernyak outlined a plan to allocate $20 million from the city's reserves toward one-time capital projects. These include the emerald ash borer prevention program, land acquisition for a new police station, renovations to city buildings, replacement of the aging Enterprise Resource Planning (ERP) system, and construction of Fire Station 6 along with new fire trucks. Currently, the city has approximately $63 million in reserves, including both restricted and unrestricted funds. The proposed $20 million would come from the unrestricted portion, allowing the city to earmark funds for upcoming needs without impacting the 2026 budget directly. Mayor Schmitz clarified that this approach aligns with the city's reserve policy, which requires maintaining a certain percentage of general fund expenditures in reserve, and they are currently above that threshold.

- Finance Attachment

Commissioner Zenker moved to add the deputy clerk position for Municipal Court for $88,426, and Commissioner Risch seconded.

Mayor Schmitz added that this position will only be funded if it is proven that it's needed or by the Budget Committee.

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

Commissioner Risch moved to remove the Expedition purchase from the Fire Department budget, and Commissioner Connelly seconded. Upon a roll call vote, Commissioners Risch and Connelly voted aye, Commissioners Zenker, Cleary and Mayor Schmitz voted nay. M/F.

Commissioner Risch moved to pool the 3% rather than a flat 3% pay increase and will allow the 2% merit to stay as it is, and Commissioner Cleary seconded.

Commissioner Cleary asked about the financial and compression impacts of implementing a flat dollar raise instead of a percentage-based raise for one year.
Director Chernyak explained that a flat 3% would benefit lower-paid employees but could cause wage compression, especially around the $73,000 mark, potentially creating more inequities. He recommended not trying a new approach this year.
Commissioner Risch countered that percentage-based raises favor higher earners and widen pay gaps.
Director Schmidt, Human Resources Director, noted that flat raises won't adjust salary ranges, which could leave the organization behind market rates by 3.5%.
The group acknowledged that a flat raise could benefit most lower-wage staff, who make up the majority of the workforce, but the long-term effects are uncertain.

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

Commissioner Connelly moved to freeze the pay for all Commissioners and the Mayor for the 2026 budget and Commissioner Zenker seconded.

Commissioner Risch expressed opposition to freezing commission salaries, arguing that the current pay is already low compared to other counties and doesn't reflect the time commitment or productivity of the commission. He felt a 3% increase on a small base salary wouldn't impact the budget significantly and opposed the freeze on principle.

Mayor Schmitz emphasized that while compensation wasn't his motivation for running, he believes it's important to be respectful and realistic about compensation. He suggested possibly capping commissioner salary increases to match cost-of-living adjustments (COLA), rather than freezing them outright.

Commissioner Cleary agreed that none of them serve for the pay but expressed concern about setting a precedent or binding future commissions. He supported a one-year freeze but did not want it to extend automatically into future years.

The general tone reflected a balance between fiscal responsibility and fairness, with varied opinions on whether a salary freeze for commissioners was symbolic or practically unnecessary.

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

Commissioner Cleary: I would move to approve the 2026 budget ordinance, 6638, including the 2026 fees and charges in the general fund committed balance amounts as presented, and attached to the agenda item, including um the previous motion, to add in the Clerk of Court’s position as an additional FTE and to include $1.747 million from reserves to cover the purchase of fire equipment, and Commissioner Zenker seconded. Upon a roll call vote, Commissioners Cleary, Risch, Zenker and Mayor Schmitz voted aye. Commissioner Connelly voted nay. M/C.

C. **~~Consider the request to hold a hearing of appeal for a zoning map amendment and Future Land Use Plan amendment associated with South Meadows Addition Third Replat.~~**

D. Consider the request for a resolution receiving bids, ordering preparation of the Engineer's Statement and awarding the contract for Street Improvement District SI 589.

Gabe Schell, City Engineer, presented the bid results for Street Improvement District SI 589, and recommended awarding the bid to the lowest bidder, Knife River Corporation, for $681,793.41. Engineer Schell noted that some of the property within the district is commercial, which requires a 40% prepayment of pavement costs. One of the two developers has not paid the prepayment amount.

- Bid Sheet

Commissioner Zenker moved to approve awarding the project to Knife River Corporation, but hold the site plan approval until the prepayment has been received, and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

4. **OTHER BUSINESS**

1. Commissioner Risch wanted to remind citizens that the week of September 15–19, 2025, is free landfill week.
2. Administrator Tomanek notified the Commission that Community Development Director Ben Ehreth submitted his resignation with his last day being September 12, 2025. Administrator Tomanek and the Human Resources Department will go through the proper motions to appoint Planning Manager Daniel Nairn as Acting Community Development Director.
3. Mayor Schmitz reminded the Commissioners that the first meeting in November will be November 13, 2025, as the second Tuesday is November 11th and City offices will be closed in observance of Veterans Day.
4. Mayor Schmitz requested that there be only one Commission meeting in December, on December 16, 2025.
    1. Commissioner Zenker moved to hold one meeting in December on December 16, 2025, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.
5. Greg Haug, Airport Director, presented a request to accept a grant offer for the Airport's runway and taxiway rehabilitation project.
    1. Commissioner Risch moved to allow Director Haug to accept the grant offer and allow the Mayor to sign electronically, and Commissioner Cleary seconded. Upon a roll call vote, all vote aye. M/C.

ADJOURN

There being no further business to discuss, the meeting adjourned at 7:01 PM.