MEETING OF THE BOARD OF CITY COMMISSIONERS

11/13/2025 - MINUTES

CALL TO ORDER

The Board of City Commissioners met on November 13, 2025, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners Risch, Zenker, Cleary and Mayor Schmitz were present. Commissioner Connelly was absent.

FUTURE COMMISSION MEETINGS

November 25, 2025
December 16, 2025
January 13, 2026 & January 27, 2026

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.

   - Carl Young spoke on Regular Agenda Item 3.K. Mr. Young encouraged the City Commission to approve ballot language that has been submitted to the City. Mayor Schmitz noted the City Commission does not have the authority to approve draft ballot language, and he noted City staff has been working with Mr. Young in a timely manner by reviewing the multiple drafts submitted and replying with information specific to the format of the draft ballot language.
   - Wayne Martineson addressed the Commission regarding Consent Agenda Item 2.H.4, requesting to have his property removed from the Extraterritorial Area (ETA).

2. **CONSENT AGENDA**

Commissioner Zenker moved to approve the Consent Agenda 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: 1128596 to 1128845.

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

1. Accept and award bid for Security Services at the Bismarck Airport to Hyperion Protection and Recovery, Inc. (Hyperion).

2. State Historical Society of North Dakota Lease Agreement Amendment No. 1.

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

1. Resolutions approving the preliminary engineer's report, directing the preparation of plans and specifications, approving plans and specifications, and directing the advertisement for bids and receive bids for Sewer Improvement District SE 576.

2. Contract Change Order No. 2 for SE 582 Unit 1 and No.3 for SE 582 Unit 2 for a time extension.

3. Contract Change Order No. 3 for SI 581 time extension.

4. Resolutions approving the preliminary engineer's report and directing the preparation of plans and specifications for for Street Improvement District No. SI 593.

5. Contract Change Order No. 1 for SV 84 for a time extension.

6. Introduction of and call for a public hearing regarding the revisions to the Special Assessment Policy and consider approval of the Special Assessment Policy.

7. Annual North Dakota Department of Transportation (NDDOT) Maintenance Certification.

8. Consider the request to pursue North Dakota Department of Transportation (NDDOT) Special Roads Fund (SRF) program funding.

9. Resolution revising the boundary of Street Improvement District SI 592 - Unit 6.

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

1. Applications for abatement.

G. Consider the request for approval from the IT/GIS Department for the following:

1. Password and Artificial Intelligence Policies.

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

1. Adopt the Bismarck Arts and Culture Master Plan.

2. Permission for Bis-Man Transit to purchase four replacement Paratransit Buses.

3. Amendments to the Growth Phasing Plan.

4. Agreement and attached map for Bismarck's Extraterritorial Area with Burleigh County.

5. Final consideration for approval of Miriam Industrial Park Fifth Addition, a minor subdivision final plat.

6. Final consideration of a revision to the minor subdivision final plat for Village Cooperative Addition.

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

1. Permission to accept donation from Fraternal Order of the Eagles #2237.

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

1. Permission to award the Asphalt and Concrete Crushing at the Municipal Landfill to RTS Shearing, LLC.

2. Permission to award two (2) Engineering Consultant contracts to provide analysis, design, and construction support services for Solid Waste collection and disposal projects.

3. Permission to sell or dispose of City Asset at Public Sale.

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

1. Change Order No. 7 with PKG Contracting Inc for the Wastewater Treatment Plant GMP 1 Outfall Flood Control Project.

2. Change Order No. 1 and Change Order No. 2 for BEK Consulting, LLC for the Hay Creek Lift Station and Forcemain Project.

3. Task Order No. 25 with Advanced Engineering and Environmental Services, LLC (AE2S) for the sanitary sewer collection lift station Phase III SCADA programming and commissioning.

3. **REGULAR AGENDA**

B. Consider the recommendation from the Vision Fund Committee to support a local match Flex PACE program interest buy-down for New Freedom Center, Inc.

Noah Vroman, Business Development Coordinator for the Mandan Chamber EDC, presented a Vision Fund application from New Freedom Center, Inc., which the Vision Fund Committee recommended for approval. Joshua Olson, a representative of New Freedom Center, presented information on the project.

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

A. Consider the request to receive a presentation from Health Management Associates (HMA) regarding the Community Triage Center (CTC) planning project.

Renae Moch, Bismarck-Burleigh Public Health Director, introduced Paul Fleissner, the Managing Principal for Health Management Associates. Mr. Fleissner provided a presentation outlining a plan for a triage center in the City of Bismarck.

- Presentation

Commissioner Cleary moved to request that the Public Health Director, in coordination with Health Management Associates, incorporate stakeholder feedback into the final report, reach out to regional partners, and return with recommendations for City Commission consideration in early 2026, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

C. Public hearing on an application for a Class F-1 alcohol license by Hall Family Enterprises, Inc., (dba) Golf Etc. Bismarck at 511 Airport Road.

Mayor Schmitz opened the public hearing. No public 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 6644, an annexation of Lots 11-12, Block 2, Lots 14-19, Block 3, Lots 1-2, Block 4, and Lots 1-2 & 35-38, Block 5, Silver Ranch Fifth Addition and the adjoining rights-of-way of Davies Drive and Halverson Avenue.

Daniel Nairn, Planning Director, presented information on the request for approval of Ordinance 6644.

Mayor Schmitz opened the public hearing.

- Landon Niemiller, with Swenson Hagen & Company, addressed the Commission to answer any questions they may have regarding the project.

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

E. Public hearing on Ordinance 6646, an annexation, Ordinance 6647, a zoning map amendment from the A – Agriculture zoning district to the Conditional RM10 – Residential, R10 – Residential, R5 – Residential and P – Public zoning districts, a major subdivision final plat titled William Blackstone Addition, and an annexation of all of the proposed plat and all of Tyler Parkway from 57th Avenue NW to the northern boundary of the plat.

Daniel Nairn, Planning Director, presented information on the request for approval of Ordinances 6646 and 6647.

- Bob Martin, spoke on behalf of the Ward family in favor of the project being approved.

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

F. ~~Public hearing on Ordinance 6648 to amend Chapter 9-07 of the City of Bismarck Code of Ordinances relating to the City Employee Pension Plan.~~

G. ~~Public hearing on Ordinance 6649 to amend Chapter 9-08 of the City of Bismarck Code of Ordinances relating to the Police Pension Plan.~~

H. Consider the request to discuss the 2026 Joint Powers Agreement for Public Health.

Commissioner Cleary started discussion by explaining the ongoing issues with the current Joint Powers Agreement (JPA) between the City of Bismarck and Burleigh County for public health services. Commissioner Cleary noted that the current JPA functions more like a contract for services and not a typical JPA, as it lacks a separate Board of Health and instead relies on the City Commission and County Commission acting independently. She believes the current setup no longer benefits Bismarck fiscally or operationally. Commissioner Cleary recommended that the City of Bismarck operate its own public health department and allow Burleigh County to develop its own public health unit, with the option to contract specific services from the City as needed. Commissioner Cleary suggested using 2026 as a transition year to shift from a Joint Powers Agreement to a contract for services while the County prepares its own public health unit. Services could be billed individually or month to month, allowing flexibility and continuity for rural school and home health clients.

Mayor Schmitz agreed that the current arrangement with Burleigh County is not a true joint powers agreement but instead a contract for services. He noted that the County Commission has signaled its intention to stop using Bismarck-Burleigh Public Health services by around 2027. Mayor Schmitz suggested that this may be an appropriate time to let Burleigh County establish its own public health unit while the City of Bismarck continues to provide services on a month to month or line item basis. He also emphasized that any budget impact on the City would likely be short-term and that most grant funding should remain within Bismarck. Mayor Schmitz stressed the importance of ensuring that County residents continue to receive services, such as home health, and are supported during the transition.

Commissioner Zenker stressed the importance of a partnership between the City of Bismarck and Burleigh County, especially for the planned regional triage center. He believes the city should avoid making assumptions about the county’s public health plans and instead request a clear, formal written statement of their intentions for 2027 and suggested keeping the current arrangement in place for 2026 while waiting for direction from the County. Commissioner Zenker emphasized the importance of having formal communication from Burleigh County with their intentions to avoid misunderstandings and ensure that both sides can move forward effectively.

Renae Moch, Bismarck-Burleigh Public Health Director, explained that Bismarck Public Health is a city department, and city employees, like herself, report to the City Commission, not the county, though they contract some services to the county. Director Moch noted that if Burleigh County takes over its own public health services, Bismarck's public health department would focus on residents within Bismarck City limits, with a possible transition period where Burleigh County could contract specific services, such as home health, to ensure continuity of care. She clarified that Bismarck is unique in the state, as its public health unit operates under the City Commission as the Board of Health, unlike Fargo and Grand Forks, which follow traditional Joint Powers Agreements with separate advisory boards.

The general consensus of the group is to have City Administration communicate with Burleigh County and request a written plan for public health services. Administrator Tomanek will request to have the discussion of public health on an upcoming Burleigh County Commission meeting agenda.

I. Consider te request to receive an update on the South Bismarck Flood Control Project.

Gabe Schell, City Engineer, provided a presentation on the South Bismarck Flood Control project. Engineer Schell explained that the original plan included a multi-component solution involving improvements to the South Bismarck drainage ditch, a pump station, ponds on airport property, and a Bismarck Expressway conduit, but challenges arose due to FAA regulations, Parks & Recreation concerns, DOT requirements, and private property impacts, driving costs from \$172 million toward \$180–190 million. Due to the challenges, City Engineering reevaluated options and identified a revised plan focusing on city-owned space along the South Bismarck drainage ditch. This plan would include replacing box culverts with bridges to create additional storage capacity and would reduce costs to \$100 million while still addressing floodplain risks, minimizing impacts on adjacent properties, and complying with FAA and downstream water management requirements.

- Presentation

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

J. Consider the request to pursue North Dakota Department of Transportation (NDDOT) Urban Road and Urban Regional program projects.

Gabe Schell, City Engineer, provided information on the request to apply for two of North Dakota Department of Transportation's (NDDOT) Urban Road Programs. The first proposed project is a concrete pavement repair on Main Avenue from Memorial Highway to Washington Street, originally built in the 1950s and last repaired in 2008. This corridor is a good candidate for federal funding because it doesn't fit well into special assessment policies due to adjacent railroad tracks and parkland. The project scope would generally restore existing conditions but may include improvements like asphalt shoulders, curb and gutter, or intersection upgrades. The estimated funding from DOT is $5.2 million, which could cover either full reconstruction or targeted improvements. The City is seeking approval to begin project development and advocate for funding.

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

Engineer Shell presented the second part of his request regarding the Urban Regional Program, which is managed by the NDDOT and covers major roadways within Bismarck like State Street, 7th Street, 9th Street, and University Drive. These projects require DOT approval and funding, as they aren't fully controlled by the local MPO. Recent large projects, like improvements to Mandan Memorial Highway, have used significant state resources, so smaller regional projects are currently being proposed. The projects aim to address safety, infrastructure lifespan, and usability, with multiple funding options being considered. The following projects were presented for approval:

1. Regional roadway sign replacement – Assessing and updating signs on the regional highway system.
2. Storm sewer evaluation at 7th and 9th Street – Investigating flooding issues at this intersection during rain events to identify potential solutions.
3. Intersection signal replacements at Tyler Parkway and I-94 ramps – Replacing aging traffic signals and related infrastructure.
4. State Street Trail rehabilitation – Upgrading the 2003-built trail from the Capitol grounds to Calgary Avenue, including mill-and-overlay of asphalt and improvements for pedestrian and bicycle safety.

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

K. Consider the request from the Administration Department to provide the Final Draft of 2025 Strategic Plan.

Doug Wiles, Assistant City Administrator, presented the final draft of the City of Bismarck's Strategic Plan, and emphasized that the acceptance of the draft does not end the work of implementing it. Assistant Administrator Wiles thanked the Commission, the consultant Patrick Ibarra, and the Strategic Planning Committee for their contributions, noting over 150 staff provided input. The plan establishes a new vision "Bismarck is a dynamic community committed to an extraordinary quality of life", mission "Together, we will deliver exceptional public service", and five values: service, stewardship, respect, care, and innovation. The strategic plan focuses on six areas: infrastructure and development, economic vitality, safe and healthy community, emerging issues, engaged and informed community, desirable lifestyle, and organizational excellence. Administrator Wiles also provided context, noting this is the city's third strategic plan and stressed the importance of careful implementation.

- 2025 Strategic Plan Draft

Commissioner Zenker emphasized the importance of the strategic plan as a tool for internal improvement and employee engagement, noting that many staff members were unaware of the previous plan but are already performing well. He stressed the need for department heads to communicate the plan to frontline employees and for the commission to regularly monitor progress, suggesting quarterly updates from staff. Commissioner Zenker highlighted that the plan ensures the City can make informed decisions on key projects and that it is a living document requiring ongoing attention and accountability to maintain Bismarck's long-term vibrancy.

Assistant Administrator Wiles noted that a third party contractor is going to develop a management solution for implementing the Strategic Plan and will provide accountability across the organization. This system will allow directors and supervisors to provide updates via an internal and public-facing dashboard, enabling tracking of progress on strategic plan initiatives.

Mayor Schmitz requested that the current agenda memo templates be modified to allow the department to specify how the item relates to a specific goal of the Strategic Plan.

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

4. **OTHER BUSINESS**

5. **EXECUTIVE SESSION**

A. Consider the request from the Engineering 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).

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 7:41 PM, and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 7:58 PM with all members present.

Commissioner Cleary moved to direct staff to move forward with the negotiation strategy agreed upon during the executive session, and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

ADJOURN

There being no further business to discuss, the meeting adjourned at 8:00 PM.