MEETING OF THE BOARD OF CITY COMMISSIONERS

12/16/2025 - MINUTES

CALL TO ORDER

The Board of City Commissioners met on December 16, 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, Connelly, Cleary and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

January 13, 2026 & January 27, 2026
February 10, 2026 & February 24, 2026
March 10, 2026 & March 24, 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.

   A. Trevor Vannett addressed the Commission regarding Regular Agenda Item 3.A.
   B. Susan Dingle commented on Consent Agenda Item 2.D.1 and Regular Agenda Item 3.A.

2. **CONSENT AGENDA**

Commissioner Zenker requested that item 2.D.1 be pulled for discussion.

Commissioner Connelly requested that items 2.I.1 and 2.K.9 be pulled for discussion.

Commissioner Risch moved to approve the Consent Agenda excluding Items 2.D.1, 2.I.1, and 2.K.9, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Zenker asked the following questions pertaining to item 2.D.1.:

1. Will existing staff be taken care of?

2. How will current and anticipated contracts be handled?
3. What will the return on investment be?

Jason Tomanek, City Administrator, explained that protecting current Event Center employees is a priority and the expectation is that all staff will be offered jobs by the selected third-party operator, Oak View Group, on day one. Existing event contracts and vendor agreements are intended to be honored, with flexibility for future scheduling negotiations. The city is drafting a contract with support from consultants JLL, that addresses city interests and will be negotiated with Oak View Group. Oak View Group plans to invest in facility improvements, including a commercial kitchen, and has demonstrated experience in turning similar venues profitable. Performance will be monitored through key performance indicators overseen by an Authority Board, with incentives tied to results.

Commissioner Cleary moved to approve item 2.D.1 as presented and Commissioner Risch seconded. Upon a roll call vote, Commissioners Connelly, Cleary, Risch, and Mayor Schmitz voted aye. Commissioner Zenker voted nay. M/C.

Commissioner Connelly moved to have item 2.I.1 moved to the January 13, 2026, meeting and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Connelly asked for clarification on the newly formed Community Development Advisory Committee, noting concerns of potential conflicts of interest. Commissioner Connelly questioned whether committee members can provide unbiased oversight when some are connected to entities receiving city funding or stand to benefit from related projects, such as economic development contracts, a triage center, or parking ramp discussions. The concern centers on whether the committee truly serves citywide economic development rather than specific interests.

Daniel Nairn, Planning Director, explained that the Community Development Advisory Committee is being formalized to advise the city on selecting recipients for annual Community Development Block Grant funds from HUD. The committee will provide required citizen input, be appointed by the city commission, and hold publicly noticed meetings. Members were selected from applicants with relevant interests or experience, and any conflicts of interest would require recusal.

Commissioner Connelly moved to approve the item 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: 112177-1129606.

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

1. Selection committee recommendation on the third party management and operations company for the Bismarck Event Center.

2. Renewal of taxicab license for Dakota Transportation Services, LLC.

3. Introduction of and call for a public hearing on an application for a Class F-1 alcohol license by TJGalpin Enterprises, LLC (dba) Tiff's Pub & Grub at 512 East Main Avenue.

4. Introduction of and call for a public hearing on an application for a Class B-5 alcohol license by Dirty Bean, LLC (dba) Classic Rock Coffee & Kitchen at 725 Riverwood Drive.

5. Application for Bismarck Youth Baseball, Incorporated for site authorization to conduct gaming at Sixteen03 Main Events, LLC (dba) 5th Underground at 102 N 5th St and Sixteen03 Main Events, LLC (dba) Sixteen03 Main Events at 1603 E Main Ave.

6. Application for Furry Friends Rockin Rescue for site authorization to conduct gaming at Tiff's Pub & Grub at 512 East Main Avenue.

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

1. Appoint Dr. Jeffrey Hostetter as the local health officer for Bismarck-Burleigh Public Health.

2. ~~**Permission to apply for ND250 Grant administered by the State Historical Society of North Dakota.**~~

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

1. Right of way plats, warranty deeds, temporary construction easements and related documents associated with Tyler Parkway Extension HC 173, and an

Encroachment & Crossing Agreement with NuStar Pipeline Operating Partnership L.P.

2. Amendment to existing agreement for professional services with AE2S for Tyler Coulee Stormwater Ponds, Sewer Improvement District SE 576.

3. Resolutions declaring petitions have been received, creating the district and ordering the preparation of the preliminary report for Street Improvement District No. SI 581.

4. Resolution creating Street Improvement District SI 594 and Ordering Preparation of Preliminary Report.

5. Sewer assumption agreement with DS-Devx Central Dakotas, LLC.

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

1. Applications for abatement.

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

1. Requesting permission to accept a $1000 donation from Jeff and Leta Stewart.

2. Time extension with Purvis Systems until March 1, 2026, for the Station Alerting contract.

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

1. Introduction of and call for a public hearing on Ordinance 6652 to amend Sections 9-01-01, 9-01-02, 9-02-10, 9-03-10, 9-04-02, 9-05-02 and 9-06-06 of the City of Bismarck Code of Ordinances relating to definition of terms, employees covered; exceptions, administrative officer and duties, employment list, updating of plan, annual leave and grievance procedures.

J. Consider the request for approval from the Bismarck Veterans Memorial Public Library for the following:

1. Permission to approve change orders/amendments to contracts for the Library Restroom Renovation.

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

1. Permission for Bis-Man Transit to submit Section 5339 SFY2027 Grant Application.

2. Permission for Bis-Man Transit to submit a Section 5310 SFY2027 Grant Application.

3. Introduction of and call for a public hearing on Ordinance 6651, a zoning ordinance text amendment to revise Sections 14-03-06, 14-04-01, 14-04-01.1, and 14-04-17 of the City Code of Ordinances related to rural accessory structure size, where the Planning and Zoning Commission recommends approval.

4. Permission to apply for the ND250 Community Initiatives grant.

5. Appoint Al Wangler, Kendra Taylor, and Conner Swanson to serve on the Bismarck Planning and Zoning Commission.

6. Appoint Chris Seifert and Kim Lee to the Board of Adjustment.

7. Reappoint Kirsten Dvorak and appoint Bernice Duletski to the Renaissance Zone Authority.

8. Appoint Trevor Vannett to the Bismarck Parking Authority.

9. Appoint Karen Wolfer, Holly Triska-Dally, Thomasine Iron, Joan Trygg, Lane Hoffer, Kate Herzog, Tricia Brown, and Joel Kostelecky to the Community Development Advisory Committee.

10. Reappoint Amy Sakariassen and appoint Kane Perrin to the Historic Preservation Commission.

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

1. Award the bid for Concrete Street Light Poles to Graybar Electric Company, Inc. for Public Works Service Operations Street Lights and Traffic Signals Division.

2. Permission to apply and accept the Public Assistance Subgrant for FEMA-4888-DR from the North Dakota Department of Emergency Services (NDDES) for the windstorm event on June 20, 2025.

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

4. Permission to apply for the Energy Conservation Grant for Public Works Lighting Upgrade.

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

1. Receive bids and award contract for Water Utility Project WU 149.

2. Award the 2026 chemical bids for the Water and Wastewater Treatment Plants.

3. Permission to apply for funding from the North Dakota State Water Commission for Watermain Extension projects WU 149 and WU 150.

4. Revised Utility Capital Charges (UCC) Policy.

5. Task Order 28 with Advanced Engineering and Environmental Services (AE2S) to upgrade the Supervisory Controls and Data Acquisition (SCADA) platform.

3. **REGULAR AGENDA**

A. Consider the recommendation by the Bis-Man Transit Board for approval of the sales tax allocation of $649,392.15 to offset the projected 2025 Bis-Man Transit deficit.

Diedre Hughes, Executive Director at Bis-Man Transit, requested $649,392.15 in sales tax funding from the City of Bismarck to cover most of its projected 2025 operating deficit, driven by rising costs and limited growth in federal funding. Ms. Hughes explained that Transit ridership continues to increase, particularly for fixed-route and Paratransit services, which are essential for seniors, low-income residents, and people with disabilities. Without additional funding, service cuts may be necessary. If the deficit is covered, Bis-Man Transit plans to gather public input and propose service changes, with the goal of implementing approved changes by April 2026.

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

B. Consider the request to receive an end of year update from the Bismarck-Mandan Chamber EDC relating to the economic development services provided and a request for support of the Business Pitch Challenge Program.

Brenda Nagel, President and CEO of the Bismarck Mandan Chamber EDC (Bis-Man EDC) provided an end-of-year update highlighting its new strategic plan focused on economic development, public policy, leadership development, and community engagement. The Bis-Man EDC's key efforts include business recruitment, workforce and leadership programs, Vision Fund project support, marketing campaigns to attract out-of-state talent, and planning for future industrial park expansion. President Nagel requested $15,000 from the Vision Fund to launch a “Bismarck Business Pitch” program, modeled after Mandan’s successful initiative, to support local entrepreneurs with coaching and forgivable loan awards funded through the Vision Fund.

- Presentation

Commissioner Zenker moved to implement the Bismarck Business Pitch Challenge program as recommended by the Vision Fund, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

C. Public hearing on the request to have the new Class D Sale At Retail of Alcoholic Beverages license transferred from Sixteen03 Main Events to Eclipse Venue, LLC, and application for a class D license for Eclipse Venue, LLC (dba) Eclipse Venue at 118 South 3rd Street.

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 an application for a Class F-1 alcohol license by Los Mariachis Bar & Grill, LLC (dba) Los Mariachis Bar & Grill at 210 East Main Avenue.

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.

E. 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.

Mayor Schmitz 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.

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

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.

G. Public hearing on Ordinance 6650, to create a Bismarck Event Center Authority Board.

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.

H. ~~**Hearing of appeal for denial of a zoning map amendment by the Planning and Zoning Commission for Lot 33, Block 9, Pebble Creek Addition.**~~

I. Consider to request for approval of a public health service agreement with Burleigh County.

Commissioner Cleary explained that she attended the Burleigh County Commission meeting with Jason Tomanek, City Administrator, and presented them with three options for moving forward: continuing a service contract, exploring a joint powers agreement, or operating independently. The County chose to continue the year-to-year contract for services, which they approved at their meeting, with the understanding that the county may pursue independent operations in the future.

Commissioner Cleary moved to approve as presented and Commissioner Connelly seconded. Upon a roll call vote, all voted aye.

J. Consider the request to receive an update on the public engagement process for the city-initiated street utility fee and half-cent sales tax for roadways home rule charter amendments.

Gabe Schell, City Engineer, provided an update on the public engagement meetings for two upcoming ballot initiatives. The first public engagement event, regarding the proposed street utility fee, included a public meeting and an online story map and survey. 342 responses were collected with results expected to be shared at the first January commission meeting. The goal is for the measure to be placed on the June 9, 2026, ballot.

The second public engagement event, regarding extending the half-cent sales tax for arterial road construction beyond its 2029 sunset, will include a public meeting on December 18, 2025, and an online story map and a survey. The results will be shared with the Commission in mid-January, keeping discussions on the two initiatives separate while planning for ballot language.

The Commission received the update.

K. **~~Consider the request from the Finance Department for consideration of an Application for Abatement for 2023 at 840 South Washington Street.~~**

L. Consider the request by Municipal Court to receive, consider, and award bids for indigent defensive contracts for 2026 and 2027, with options to renew for additional two years.

Nicole Hanson, Clerk of Court, presented the bid results from the request for proposals for indigent defense attorneys and recommended awarding the bids to Tom Glass for $3,200 per month and Steve Balaban for $3,200 per month.

- Bid Summary

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

M. Accept an award from the Commission on Accreditation for Law Enforcement Agencies (CALEA) to Bismarck Police Department for its 11th re-accreditation.

Jason Stugelmeyer, Police Chief, explained that the police department received its 11th re-accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA), a process that evaluates adherence to their own policies and standards. Chief Stugelmeyer noted that Officer Gallagher was recognized with the prestigious Certified Accreditation Manager award for her exceptional work managing the department's accreditation process over multiple cycles. The team attended training in Jacksonville, FL, covering legal updates, AI in policing, social media, and SWAT integration. The Bismarck Police Department was praised for its pursuit policies, citizen surveys, juvenile services, and intelligence-led policing. The next re-accreditation is scheduled for 2029.

The Commission received the report.

N. Consider the request to receive bids and award contract for Water Utility Project 150.

Gabe Schell, City Engineer, presented the results of the bid opening for Water Utility Project WU 150 and recommended awarding the bid to the lowest bidder, SiteWorx Excavation for $123,017.00.

- Bid Summary

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

O. Approve the inaugural membership appointments for the Bismarck Event Center Authority Board

Jason Tomanek, City Administrator, explained that the Bismarck Event Center will have a seven-member Authority Board to oversee and hold the management company accountable. The board will be composed of the following individuals: Mike Gardbner (Executive Director Bismarck-Mandan Symphony Orchestra), Sheri Grossman (Executive Director Bismarck-Mandan Convention & Visitors Bureau), Joel Kostelecky (Downtowners Association Business Member & Commercial Loan Officer), Chad Wachter (Owner of Blarney Stone, Big Boy, and The Domain). Jen Wilson (Kirkwood Mall General Manager), Mayor Mike Schmitz (Event Center Portfolio), and Jason Tomanek (City Administrator). The board will meet regularly, serve staggered terms, and work to ensure the Event Center operates successfully while protecting the city's interests.

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

4. **OTHER BUSINESS**

ADJOURN

There being no other business, the meeting adjourned at 6:46 PM.