MEETING OF THE BOARD OF CITY COMMISSIONERS

7/14/2026 - MINUTES

CEREMONIAL SWEARING-IN

City Attorney Julie Mees swore in newly elected Commissioners Doll, Hull and Mayor Schmitz.

CALL TO ORDER

The Board of City Commissioners met on July 14, 2026, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners Connelly, Hull, Risch, Doll, and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

July 28, 2026
August 11, 2026 & August 25, 2026
September 8, 2026 & September 22, 2026

MISSION STATEMENT
Together, we deliver exceptional public service.

MEETING OF THE BOARD OF CITY COMMISSION

1. **LEADERSHIP CODE OF CONDUCT**

City Administrator Jason Tomanek, presented the Leadership Code of Conduct to the Commission.

Leadership Code

2. **COMMISSIONER ORIENTATION**

City Administrator Jason Tomanek and City Attorney Julie Mees presented the Commissioner Orientation.

Commissioner Orientation

3. **PUBLIC COMMENT**

No public comment was received.

Public Comment Policy: Restricted to items on the Consent Agenda, Regular Agenda, or the Prior City Commission Agenda, excluding public hearing items.

4. CONSENT AGENDA

Commissioner Risch moved to approve the Consent Agenda as presented and Commissioner Doll 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: 1133277-1133660.

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

1. Apply for and receive a State Homeland Security Program Grant.

2. Appoint Tyler Demars to the Dakota Media Access (DMA) Board of Directors, with a term to expire in 2030.

3. Confirmation of appointed officers.

4. Introduction of and public hearing on an application for a Class C-2 Hotel or Motel alcohol license by Jassi Bismarck 29 Corporation (dba) LaQuinta Inn & Suites at 2240 North 12th Street.

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

1. Close 4th Street between Rosser Avenue and East A Avenue on Saturday, August 1, 2026, from 6:00 AM to 10:00 PM.

2. Dedication and acceptance of access, water and sewer easements related to Elk Ridge Fourth Addition.

3. Encroachment Agreement with Phat Brothers Bakery, Inc. for the sign overhanging on the right-of-way at 1129 E Bismarck Expressway.

4. Resolution approving the resolution of necessity for Street Improvement District No. SI 603.

5. Resolutions approving plans and specifications, directing the advertisement for bids, and receiving bids for Sewer Improvement District No. SE 588.

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

1. Applications for abatement.

2. Introduction of and call for a public hearing for ordinance 6673 to create a special assessment district for annexed properties.

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

1. Introduction of and call for a public hearing on Ordinance 6674 to amend Sections 2-05-01, 2-05-02 and 6-09-04 of the City of Bismarck Code of Ordinances relating to Term of Office, Duties and Powers, and Fee Assessments for Funding Crime Victim and Witness Program.

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

1. 2025 Consolidated Annual Performance Evaluation Report (CAPER), which serves as a detailed report of the prior year's performance of the Community Development Block Grant (CDBG) program.

2. 2026 Annual Unified Planning Work Program (UPWP) Contract Amendment.

3. Introduction of and call for a public hearing on Ordinance 6675, an annexation of Block 2, Northern Sky Second Addition First Replat, which the Planning and Zoning Commission recommends approval.

4. Introduction of and call for a public hearing on Ordinance 6676, a zoning map amendment from the A – Agriculture and CG – Commercial zoning district to the CG – Commercial zoning district and major subdivision final plat titled Berg Acres Addition, which the Planning and Zoning Commission recommends approval.

5. Introduction of and call for a public hearing on Ordinance 6677, a zoning map amendment from the A – Agricultural and RT – Residential zoning districts to the RT – Residential zoning district, and major subdivision final plat titled DCN Addition, which the Planning and Zoning Commission recommends approval.

6. Meadow Valley Sixth Addition, a minor subdivision final plat, which the Planning and Zoning Commission recommends approval.

7. Vacate platted setback lines in Wachter's Fifth Addition.

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

   1. Permission to accept a donation of $7500 from Emmons-Logan Wind LLC for the Bismarck Police Department (BPD) Wellness Center.

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

   1. Award the Construction of the Public Works Fuel Tank & Dispensers and related items project to O'Day Equipment, LLC in the amount of $584,263.

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

   1. Award architectural services for the Water Treatment Plant (WTP) Sludge Building Reproof Project to The Origin Group for $24,750.00.

2. Water Treatment Plant (WTP) GMP7 Change Order No. 6 with PKG Contracting Inc. in the amount of -$31,262.00 and a time extension to September 25, 2026.

5. **REGULAR AGENDA**

A. Consider the request to provide a letter of support to the North Dakota Opportunity Fund Loan Program for applicant ERE Properties LLC.

Bismarck-Mandan Chamber EDC's (Chamber) Business Development Coordinator, Noah Vroman, provided an overview of the Chamber's role in supporting economic development for the City of Bismarck, including strategy, analysis, and facilitation of public-private partnerships. Mr. Vroman explained how the Chamber works with local businesses of all sizes to support retention, growth, and workforce development. A key interaction with the Commission is presenting applications for businesses seeking Bank of North Dakota's PACE and Flex PACE interest-rate buy-down programs. Mr. Vroman explained that the PACE program supports primary sector business expansion, while Flex PACE assists businesses that do not meet primary sector requirements. Interest rate buy-downs can reach up to $500,000 for PACE and $200,000 for Flex PACE, with Bismarck's required local match for these programs being 35%. Mr. Vroman outlined three possible methods for fulfilling the local match: 1. A Vision Fund loan, 2. An in-kind contribution such as tax incentives or land, and 3. Non-city funds via the Lewis & Clark Development Group's ND Opportunity Fund, which requires a City letter of support. Mr. Vroman emphasized that the Commission's role for this request is to issue a letter of support. The letters of support indicate that the business provides community benefit but does not obligate the City financially. Mr. Vroman closed by noting that consistency and predictability in reviewing these requests help maintain Bismarck's pro-business climate and that routine approval without due diligence or routine denial without clear concerns both have negative impacts. Final decisions on financing remain with the business, lender, and Bank of North Dakota.

The Chamber's Vice President of Economic Development, Alex Kowski, introduced the request from ERE Properties, LLC (dba) Midtown Dental for a Flex PACE letter of support to help purchase the former Schlotzsky's building at 2000 North 12th Street. The expansion would increase staffing from 18 to 24 employees, add another dentist, reduce patient wait times, and support technology upgrades. The Vision Fund previously reviewed the request and recommended support due to increased property value and job growth. Approving the letter of support will not utilize City economic development funding.

Commissioner Risch expressed concern that approving this project through the Flex PACE program could interfere with free-market competition, noting that the business is simply relocating and not creating a new service. Commissioner Risch emphasized that other dental practices have not received similar support and cautioned against using state dollars in ways that may favor one provider over others.

Commissioner Connelly voiced concern that government support should be reserved for unique community needs or services that cannot succeed through the private market alone, such as homelessness or addiction programs, not for businesses operating in competitive markets like dentistry. Commissioner Connelly emphasized that many successful North Dakota businesses were built without such programs and reiterated his consistent pro-business, free-market stance.

Mayor Schmitz stressed that the Bank of North Dakota's incentive program is an important tool for supporting local business growth and that providing letters of support does not use the City's Vision Fund dollars and does not involve a tax abatement or special incentive. Mayor Schmitz noted that if the City fails to support qualified businesses, those businesses may choose to invest in other North Dakota communities that actively use the program. Mayor Schmitz closed by stating that supporting this program helps Bismarck grow its economy, increases property values, strengthens the tax base, and add jobs.

Commissioner Doll noted that not supporting the program would hurt the local community as the funds would be used somewhere else in North Dakota, and that Bismarck should not miss the opportunity for local development. Commissioner Doll explained the difficulty she has had with the lack of availability of dentists in Bismarck and noted the need for more dental care capacity. Commissioner Doll closed by stating that not approving the request would be a disappointment.

Commissioner Doll moved to approve the letter of support and Commissioner Hull seconded. Upon a roll call vote, Commissioners Hull, Doll, and Mayor Schmitz voted aye. Commissioners Connelly and Risch voted nay. M/C.

B. Consider the request to provide a letter of support to the North Dakota Opportunity Fund Loan Program for applicant JH Commercial LLC.

Bismarck-Mandan Chamber EDC's (Chamber) Vice President of Economic Development, Alex Kowski, introduced the request from JH Commercial, LLC (dba) Warner Lawn Service for a Flex PACE letter of support to help purchase a commercial building at 1701 Battalion Street in Bismarck. The Chamber recommends approval of the project as it would revitalize an underutilized property, establish a stable commercial presence that supports long-term economic growth, and significantly expands the company's workforce from five employees to 16. Mr. Kowski explained that the project requires no City of Bismarck funding.

Commissioner Hull moved to approve as presented and Commissioner Doll seconded. Discussion:

- Commissioner Risch noted that it is an existing business competing with other lawn care businesses that is buying an existing building.
- Commissioner Connelly commented that, in addition to what Commissioner Risch stated, he does not see how cleaning up the property will increase the value.

Upon a roll call vote, Commissioners Hull, Doll and Mayor Schmitz voted aye. Commissioners Risch and Connelly voted nay. M/C.

C. Consider the request to provide a letter of support to the North Dakota Opportunity Fund Loan Program for applicant Zenker Enterprises.

Bismarck-Mandan Chamber EDC's (Chamber) Vice President of Economic Development, Alex Kowski, introduced the request from Zenker Enterprises (dba) Interstate Laundry, for a Flex PACE letter of support to help purchase a commercial building at 1414 Interstate Loop in Bismarck. Interstate Laundry, a local commercial laundry service, plans to expand into the new facility with financing through Capital Credit Union, and no City of Bismarck dollars will be used. The move will increase staffing from one full-time and eight part-time employees to four full-time and twelve part-time employees, while the larger space will allow the business to upgrade its technology, improve service to medium and large clients, and offer enhanced pickup and delivery options. The project is expected to strengthen Bismarck's small business ecosystem by supporting entrepreneurship, local business growth, and workforce retention.

Commissioner Hull moved to approve as presented and Commissioner Doll seconded. Upon a roll call vote, Commissioners Risch, Doll, Hull, and Mayor Schmitz voted aye. Commissioner Connelly voted nay. M/C.

D. Public hearing on an application for a Class F-1 alcohol license by The Landing, LLC (dba) The Landing at 1700 River Road.

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

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

E. Public hearing on a request for a new Class I-2: Complementary Alcohol license for North Nail and Lash, LLC (dba) North Nails at 4401 Coleman Street.

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

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

F. Public hearing on Ordinance 6669, an annexation of Lot 45, Block 4, Silver Ranch Fifth Addition and the adjoining Davies Drive right-of-way.

Planning Director Daniel Nairn, introduced Ordinance 6669, an annexation of Lot 45, Block 4, Silver Ranch Fifth Addition and the adjoining Davies Drive right-of-way.

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

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

G. Public hearing on Ordinance 6672 to amend Chapter 7-02 Salary and Payroll and Chapter 7-03 of the City of Bismarck Code of Ordinances relating to Sales, Use, and Gross Receipts Tax.

City Attorney Julie Mees provided a brief description of Ordinance 6672, to amend Chapter 7-02 Salary and Payroll and Chapter 7-03 of the City of Bismarck Code of Ordinances relating to Sales, Use, and Gross Receipts Tax. Attorney Mees explained that Ordinance 6672 removes outdated language relating to Commissioner salaries.

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

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

H. Consider the request to receive a presentation on the half-cent sales tax for roadways prioritization, funding strategy, and project selection.

City Engineer Gabe Schell provided an update on the half-cent sales tax program, explaining current revenues, spending, and long-term projections. Engineer Schell noted that the revenue stream is stable at around $10 million per year, existing commitments are limited, and future needs exceed available funds. Due to these circumstances, Engineer Schell explained that project prioritization is essential and outlined early guidance on how water, sewer, and roadway costs should be funded.

Commissioner Connelly noted that he believes that voters are under the impression that the half-cent sales tax would fully cover certain road projects, and that changing the terms after the election to have property owners be responsible for 20% would be unfair. Commissioner Connelly argued that the proposed roads should be treated like collector streets, with future maintenance being handled through special assessments, but without surprising citizens with new costs that were never mentioned during the campaign.

Engineer Schell explained that projects were never promised to be funded by only sales tax and that funding has always been decided case-by-case by the Commission. Engineer Schell noted that public understanding of the ballot question varied, but when residents asked about fairness, many accepted the idea of discussing an appropriate local cost share.

Commissioner Risch noted that many projects cannot be funded by the half-cent sales tax alone, so covering 80% with City funds may be too generous and that a lower City share might be more appropriate.

Engineer Schell further explained that for street projects that include unusual, high-cost elements, the City should cover the unique costs fully, while adjacent landowners pay only for the standard street. If special assessments are used, they can start either through petitions from affected owners or the City can initiate a district, with normal protest rights. Engineer Schell noted that the existing 2013 rural roads policy should apply only to its original purpose and funding, not broadly to all rural roads.

Commissioner Hull requested clarification on financial projections, specifically wondering where the City's finances would end up had the half-cent sales tax not been extended and the already approved projects were completed. Engineer Schell explained that had the current measure not been extended, the City would still have collected enough revenue over the next couple of years to end with about a $17 million positive balance, allowing completion of Tyler Parkway and enabling decisions on how to use the remaining funds for other projects.

Commissioner Risch questioned how the 80/20% split was decided. Engineer Schell explained that he encouraged discussion on how to split project costs between the City and adjacent property owners for roadway improvements. Engineer Schell noted that using the Ottawa Street project as an example, a 50/50 cost share would leave property owners with an extremely high special assessment. Engineer Schell explained that he is trying to balance fairness and financial feasibility, which leans towards an 80/20% split. Commissioner Risch questioned whether the ratio should apply consistently across all similar projects to which Engineer Schell noted that some situations may justify different approaches, but that consistency helps avoid future disputes, and keeps the project predictable.

Mayor Schmitz asked about using half-cent sales tax funds to cover specific challenging components of a project, such as major crossings, when those pieces are essential for the project to move forward. Engineer Schell explained that the goal is to invest limited sales-tax dollars only where they create key community benefits, while developers and property owners continue funding most standard roadway costs.

Commissioner Doll moved to approve the first recommendation that water and sewer funding is per staff's recommendation, and Commissioner Connelly seconded.

Discussion:

- Commissioner Connelly noted that this is consistent with what was there before, noting that this particular passage of the sales tax portion, versus the one previously, has a lot more projects. He continued by stating that there's a lot of moving parts, so being consistent with the way we did it before is a really good move.

Upon a roll call vote, all voted aye.

Commissioner Risch moved to approve the street funding recommendation as presented, and Commissioner Doll seconded.

Discussion:

- Commissioner Connelly provided the following statement: I went to the meetings at Public Works and sat in the back and there was probably 18 people there. Maybe that’s a little generous. And there were a lot of different what we could add this, or we could even look at do we dedicate it to sewage project or products or projects that weren’t favorable to the group or part of that discussion? And so, they weren’t included in the sales tax portion at all. And you’re right in the sense that the previous one I remember when the 43rd Street discussion came up. I remember, at the time, Commissioner Marquardt, talking about it, and they were really, um, no, if we do this, it’s only half a cent, not special assessment. And then it carried status quo after that. Um, uh, and that was the message that citizens grew comfortable with. There are nuances. You did explain the difference. So it allows you to kind of keep a foot on both sides of the door and in the gray. When we live in a society that wants more clarity and a genuine, honest and transparent manner, and this isn’t going to be the last home World Charter amendment, this isn’t going to be, um, even at the state level. We have a precedence. And I think we should follow that. And then my vote is going to reflect that.

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

Commissioner Doll moved to approve the rural road recommendation as presented, and

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

Engineer Schell continued by providing an overview of eligible roadway projects, both completed and untouched, and created a formal scoring system to help prioritize future work based on factors like safety, traffic operations, and community need. He noted that because large corridors can't realistically be built all at once, they were broken into smaller segments to compare priorities more accurately. Engineer Schell explained that the ranking process is subjective, intended only as guidance, and can shift if new development or community needs arise. He noted that using this method, staff identified a set of higher-priority segments, beginning with Ottawa Street, and outlined next steps, returning to the Commission as projects advance.

Mayor Schmitz asked who was involved in the ranking and scoring for the projects. Engineer Schell replied that the Engineering team initially scored and prioritized the projects internally, with input from various staff who had differing perspectives. He noted that past discussions with the North Dakota Department of Transportation indicated that State Street would not receive support until other corridors, like 19th Street, were addressed, which influenced how priorities were set. Engineer Schell noted that while Planning staff were not directly involved with the scoring, they routinely coordinate with Engineering on development activity, ensuring future infrastructure needs are well understood.

Commissioner Risch asked which projects are arterial and which ones are local and collector streets. Engineer Schell replied that all the proposed projects are non-arterial roadways.

Commissioner Hull noted he appreciates seeing the Arabian/Buckskin/Colt area on the project list as the residents have long complained about poor road quality and lack of sidewalks. He asked how often the Commission would need to approve new batches of projects, since the current prioritized group represents about four years of work. Engineer Schell explained that while the list of priority projects has been identified, each project will still require future Commission approval before moving forward and noted that work cannot begin until petitions are gathered from affected property owners and a special assessment district is formally created.

Commissioner Connelly suggested finishing current projects before starting new to allow revenue to catch up to not show a deficit. Engineer Schell explained that once projects are approved, they remain part of ongoing planning, and development activity can shift their priority over time. He further explained that as current projects finish, existing sales tax revenue will likely catch up, reducing any temporary deficits and that the City can manage short-term negative balances by cash-flowing costs, rather than delaying projects until funding accumulates.

Commissioner Risch moved to adopt the prioritized project list as recommended and Commissioner Hull seconded. Upon a roll call vote, all voted aye. M/C.

- Engineering Presentation

I. Consider the recommendation from Mayor Mike Schmitz for portfolio assignments and designation of Vice Chair of the Board of City Commissioners.

Mayor Schmitz presented his recommendation for Commissioner portfolio assignments and Vice Chair designation, explaining that the proposal was developed over several weeks with input from department leaders and Commissioners. The updated structure consolidates related areas under Public Works to align better with City Ordinances and provides clearer organization.

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

6. **OTHER BUSINESS**

A. Commissioner Risch welcomed the new Commissioners.
B. City Administrator Jason Tomanek introduced the newly hired Finance Director, Ryan Skor to the Commission.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:11 PM.