MEETING OF THE BOARD OF CITY COMMISSIONERS

8/25/2026 - MINUTES

CALL TO ORDER

The Board of City Commissioners met on August 25, 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

September 8, 2026 & September 22, 2026
October 13, 2026 & October 27, 2026
November 10, 2026 & November 24, 2026

MISSION STATEMENT
Together, we deliver exceptional public service.

MEETING OF THE BOARD OF CITY COMMISSION

1. **PUBLIC COMMENT**

   A. Public Comment Policy: 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 requested to have items E.1 and I.1 pulled for discussion.
Commissioner Hull requested to have item K.2 pulled for discussion.

- Commissioner Doll moved to approve the consent agenda without items E.1, I.1, and K.2, and Commissioner Hull 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: 1134203-1134481

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

1. Receive bids and award the contract for the Bismarck Event Center HVAC Project.

2. Application to the Fort Abraham Lincoln Foundation to conduct gaming at 1700 River Road.

3. Introduction of and call for a public hearing on an application for a Class G: Catered Retail Alcoholic Beverages license by Thomas & Moriarty's, LLC (dba) Thomas & Moriarty's at 200 West Main Avenue, Mandan, ND.

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

1. Sole source purchase of FlyMyAirport Website Tool.

Commissioner Risch would like to further discuss purchasing the FlyMyAirport app with Airport Staff before bringing it back to the Commission for approval.

- Commissioner Risch moved to table item E.1, and Commissioner Doll seconded. Upon a roll call vote, all voted aye. M/C.

2. Selection Committee's recommendation on Airport Parking Lot Concession request for proposals (RFP).

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

1. Adjustments to the Public Health fee schedule.

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

1. Geotechnical testing services contract with Terracon Consultants, Inc. relating to 2026 Geotechnical Services.

2. Insufficiency of protests on the resolution of necessity for Street Improvement District SI 603.

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

1. Introduction of and call for public hearing on Ordinance 6681 for the 2027 City budget.

2. Resolution directing special assessments to be levied.

3. Application for abatement.

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

1. Introduction of and call for a public hearing on Ordinance 6680 to Amend Section 12-09-41 and Chapters 12-11 and 12-12 of the Code of Ordinances of the City of Bismarck relating to Motorized Scooters, Regulations for Motorcycles and Regulations for Bicycles.

Commissioner Risch highlighted ongoing work on a new ordinance for e-bikes and similar vehicles, coordinated with police, legal staff, and the city of Mandan to ensure consistency. Commissioner Risch noted that officers have been doing community outreach because some e-bikes are being ridden too fast or by children who are too young. Public concerns include safety on trails and the need to maintain an affordable transportation option. Commissioner Risch encouraged the public to review the draft ordinance, provide feedback, and attend the public hearing at the September 8, 2026, Commission meeting.

- Commissioner Risch moved to approve Item E.1, and Commissioner Connelly seconded for discussion.

Discussion:

- Commissioner Connelly stated that he agrees with Commissioner Risch's concerns about increasing issues with e-bikes, small motorcycles, and even regular vehicles using Bismarck park paths. Commissioner Connelly noted that the park district uses electric bikes for positive purposes, which should be considered in future decisions. Commissioner Connelly concluded by supporting discussion at the public hearing on September 8th.

- Commissioner Hull asked for clarification about Section 12-11-01, and if e-bike traffic law compliance is stated.
- City Attorney Julie Mees explained that the legislature has specifically excluded electric bicycles from the definition of motorized bicycles. She explained that e-bikes fall under the regular bicycle category, meaning riders must follow standard traffic laws. Attorney Mees continued, stating the City has considered creating additional rules, particularly for minors, regarding speed limits and required equipment.
- Commissioner Risch noted that the West Fargo School District banned all electric scooters and bikes from the grade schools and middle schools, and that the City of Bismarck needs to tighten the regulations.
- Mayor Schmitz explained that the City is working on a new ordinance related to electric bicycles, similar to one recently adopted in Dickinson. He noted that the ordinance includes regulations for pedal-driven e-bikes with motors, including age requirements and classifications. Mayor Schmitz emphasizes that the topic needs more public input to ensure the ordinance is developed correctly and appreciates that the issue was brought up.
- Commissioner Doll noted that there are three different classes of bikes that are addressed in the ordinance and that each class is different and that they have different regulations that will be put in place.

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

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

1. Consider approval to accept FY 2025 State Homeland Security Grant in the amount of $158,000.

2. Autonomous Technology Grant from the State of North Dakota.

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

1. Permission to award the Landfill Radiant Heater System to Northern Plains Heating and Air Conditioning, LLC.

2. Permission to Sell or Dispose of City Assets from Numerous City Departments.

Commissioner Hull explained that he reviewed the mileage of the vehicles to be sold and noticed that none had reached 100,000 miles. He noted that, based on his experience, vehicles were kept much longer and had higher mileage. He was asking why these vehicles are being retired with their low mileage and age. Commissioner Risch explained that the City replaces vehicles and equipment based on factors like age, mileage, and hours of use, rather than waiting until they have little resale value. Commissioner Risch noted that different departments use different methods to sell old equipment, such as GovDeals.com, auctions in Fargo, or annual Police sales. Public Works Service Operations Director, Steve Salwei, explained that the goal of the Fleet Maintenance Plan is to maximize a vehicle's return on investment by keeping it in service as long as possible while still ensuring it can be sold for a good value. Director Salwei noted that once vehicles reach around ten years old, parts become harder to find, making maintenance difficult.

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

3. Sole Source Purchase Request and revised project costs for PWS-STL 26-06 for the replacement of pedestrian street light fixtures in the Downtown Historic District.

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

1. Change Order 1 with Cofell's Plumbing & Heating for the WU 149 project.

2. Change Order 12 with PKG Contracting for slide gates in the Pretreatment Building at the Wastewater Treatment Plant (WWTP).

3. REGULAR AGENDA

A. Public hearing on Ordinance 6675, an annexation of Block 2, Northern Sky Second Addition First Replat.

Daniel Nairn, Planning Director, presented an annexation request from Wilmette Development, LLC for Block 2 of Northern Sky Second Edition. The land is surrounded by Bismarck City limits, and annexation would allow for the extension of City services and development of office and commercial uses. The area is considered a high-priority location within the City's growth plan and a development agreement already required annexation by February 25, 2030. The Planning and Zoning Commission reviewed the request and recommended approval.

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

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

B. Public hearing on Ordinance 6679, a zoning map amendment, and Paradise Valley Third Addition, a preliminary subdivision plat.

Daniel Nairn, Planning Director, presented a request by Bismarck Paradise Valley LLC for approval to amend the zoning map for a property in south Bimsarck, located along the south side of Burley Avenue between Rutland Drive and Boston Drive. The current RM30 residential zoning would be split into two new districts: a commercial mixed-use district on the north portion of the site for future development, and a residential multifamily district on the south portion, where town homes already exist. They are also submitting a preliminary subdivision plat, called Paradise Valley Third Edition, to formally create these two lots and align them with the proposed zoning changes. Under the new land development code, this preliminary plat requires approval from both the Planning Commission and City Commission, while the final plat will be handled administratively as long as it matches the approved preliminary version. Director Nairn further explained that the change is being brought forward to help expedite development and assures that the developer can begin work on the higher level details while also creating efficiency in the process.

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.

C. Request to continue the public hearing on Ordinance 6678 to amend sections 5-01-01, 5-01-06, 5-01-07, 5-01-13, and 5-03-05, of the City of Bismarck Code of Ordinances Relating to Alcoholic Beverages and Civic Center Exception, and Repeal 5-01-20 Relating to Enclosed Booths and Access to Licensed Premises and 5-10-01 Relating to Sunday Opening of Grocery Stores, due to publication deadlines.

Commissioner Risch moved to continue the public hearing to the September 8, 2026, meeting, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C

D. Public hearing to approve a non-exclusive right of way occupancy agreement with Metro Fibernet, LLC.

City Engineer Gabe Schell introduced Jill Cordes, a representative of Metronet Fiber Optics (Metronet). Ms. Cordes explained that Metronet is jointly owned by T-Mobile and KKR, and is a long-established fiber optic builder operating in 19 states and 300 communities. Metronet is proposing to bring future-proof fiber internet and phone services to Bismarck, offering speeds up to 100 GB, stressing strong customer service, reliable construction, clear communication, and long-term community partnership. Ms. Cordes noted that they emphasize branded crews, a structured four-step resident notification process, quick restoration response, and ongoing collaboration with the City throughout construction and future expansion.

During discussion, Commissioners asked Ms. Cordes and City staff questions about Metronet's planned fiber buildout in Bismarck. Ms. Cordes explained that the company would be maintaining a local warehouse for field operations and long-term project staff and the sales team would be sharing existing T-Mobile office space. The Committee also discussed existing competition and bonding requirements, with staff confirming that Metronet's agreement mirrors the City's prior Gateway Fiber contract and includes construction-phase bonding. Ms. Cordes noted that Metronet's goal is to build citywide and reach essentially 100% of residents and businesses, contingent on obtaining necessary access agreements. She confirmed that residential utility boxes will be flush-mounted, clearly labeled with the Metronet logo, and installed near existing utility pedestals. Metronet will work with residents to avoid or repair sprinkler system damage, using a ticketing and marketing process. Ms. Cordes also clarified that Metronet is a telecommunications provider, not a cable company, so franchise fees do not apply. Commissioners emphasized the importance of communication and keeping equipment within stated size expectations. Ms. Cordes states that the company will remain flexible on placement, timing, and neighborhood needs to minimize disruptions.

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

Commissioner Hull moved to approve as presented, and Commissioner Risch seconded.

Discussion: City Engineer Gabe Schell, explained that while large handholds may be placed in the public right-of-way, the City strives to preserve the space for its own essential infrastructure. As a result, some utility components may need to be located within private utility easements in front, rear, or side yards. Director Schell noted that large above-ground boxes could be situated partly in the right-of-way and partly within private easements, similar to existing transformers or fiber installations. Commissioner Connelly questioned whether providers must obtain resident sign-off for above-ground equipment and Engineer Schell explained that no such mechanism exists because property owners already grant permission through utility easements established during development. Commissioner Risch confirmed that the agreement includes a 2.5% gross fee to the City and expressed concern about declining cable subscriptions, which traditionally help fund Dakota Media Access, suggesting that future adjustments to funding sources may be needed.

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

E. Consider the request to receive a report from the Bismarck-Mandan Chamber EDC relating to the economic development services provided.

Brenda Nagel, President and CEO of the Bismarck-Mandan Chamber EDC (Chamber), provided an overview of economic development, explaining its purpose, importance, and the Chamber's current efforts. Ms. Nagel highlighted workforce development initiatives, including educator experiences, job shadowing, webinars, leadership programs, and the internship network designed to attract young talent to the Bismarck-Mandan area. She also described business attraction efforts, such as the Viewpoint video series and the Make Your Mark website, which help promote the community to prospective businesses. Ms. Nagel outlined business retention activities and support for entrepreneurs, including the upcoming Business Pitch Challenge and ongoing 1 Million Cups sessions. Ms. Nagel also reviewed the role and function of the City's Vision Fund, noting its use as a low-interest, leveraged loan program and the modest size of available loans. The Commissioners discussed prioritizing certain business types, the need for clearer criteria, applicant participation at meetings, and follow-up on job creation commitments. Ms. Nagel emphasized that the City is not alone in these efforts, pointing to the Chamber's community builders who invest privately in economic development alongside public funds. She closed by expressing appreciation for the City's partnership and the shared goal of supporting Bismarck's long-term growth and competitiveness.

F. Consider the request to receive updated information relating to the proposed City Hall renovation project.

City Administrator Jason Tomanek provided an update on the concepts for potential renovations to the building once Burleigh County vacates the first floor. Administrator Tomanek noted that based on the Commission's direction to explore Options B and D, architects from Endeavor North Design (Endeavor) refined their work to focus on the two options. Option B is a smaller-scale renovation within the existing footprint that relocates the Commission chambers to the first floor, and Option D, a larger expansion to the south that enhances public acces and adds features such as a new elevator, stair tower, and expanded chamber space. Cole Johnson, an architect from Endeavor, explained that the design team validated the project scope, reduced contingencies, consolidated construction phases, and identified cost savings in soft costs, furnishings, and hazardous material abatement. Mr. Johnson explained that these adjustments lowered the estimated cost for both options. Option B now ranges from $23.5M to $25.5M, while Option D ranges from $29.5M to $32.2M. The updated designs were evaluated against guiding principles and strategic values, and the team is prepared to answer questions as the Commission moves closer to a final decision, likely needed soon to avoid delaying a potential 2027 project start.

The Commissioners' discussion centered on budget considerations and design decisions. The Commission questioned whether furniture costs should be included, noting much existing modular furniture can be reused with only select replacements needed. They also compared the project's price to recent school construction costs, expressing concern about public perception. The conversation explored various renovation options, particularly focusing on accessibility upgrades, a south-side entrance, elevator replacement, and potential plaza improvements. The Commission discussed energy efficiency opportunities though exact returns on investment are uncertain. Funding questions arose regarding reserve policies, available unassigned funds, previously committed funds, and how adjusting the reserve formula might free additional dollars. Some Commissioners suggest exploring community contributions for the plaza space. Ultimately, the group emphasizes the need for clear direction, so the design team can proceed, debating timelines and whether to adopt Option D or request further details before making a formal motion.

Commissioner Risch moved to direct staff to proceed with Option D, and Commissioner Doll seconded. Commissioner Hull removed himself from the discussion and vote due to a conflict of interest.

> Discussion: The remaining Commissioners' discussion centered on reviewing updated cost estimates for both project Options B and D. Commissioner Connelly noted his vote would be a "no" on anything around $23M and explained that he would be willing to continue the conversation. The Commission discussed the difference in original cost for both options, noting the updated estimated costs for Option B are now $23.4-25.5M and Option D is $29.5-32.2M. Discussion concluded with consensus that Option B may be lower in cost but ultimately Option D is the better long-term solution for community growth and future public hearing space needs.

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

G. Consider the request from Burleigh County to terminate the 2004 Emergency Management Joint Powers Agreement and proposal to reduce the Burleigh County obligation for annual lease cost share for the Emergency Operations Center portion of the facility.

Burleigh County States Attorney Julie Laywer presented a request from Burleigh County to terminate the 2004 Emergency Management Joint Powers Agreement (JPA) and discuss a reduction of rental payments at the Emergency Operations Center. Attorney Laywer explained that the County submitted a proposal related to the lease and cost-sharing arrangement for the Emergency Management facility, noting that the JPA will terminate on January 1, 2028. She explained that historically, Bismarck has covered 75% of Emergency Management costs and Burleigh County 25%, reflecting population distribution. Attorney Lawyer stated that the County's new proposal is based on 25% of the lease cost, shifting 75% of the cost (roughly $700,000) to the City of Bismarck residents. Attorney Lawyer emphasized that the lease is jointly signed by the City of Bismarck, City of Mandan, and Burleigh County, and that the JPA governs how costs are split. City Commissioners discussed Burleigh County's decision to leave the jointly occupied building and the concerns over the financial burden left with Bismarck, and the decision to accept or deny the County's request to terminate the 2004 JPA.

Commissioner Risch moved to reject the request in its entirety, and Commissioner Hull seconded.

Discussion: Commissioner Connelly noted that he has worked really hard to keep communication between the County and the City, but he has to agree with the City's decision in this matter.

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

H. **Consider the request for permission to award the two-year contract for Sand, Salt, and Beet Juice for winter Street Maintenance to the lowest responsive bidders. The contracts will be structured so that the lowest bidder has the primary opportunity to supply materials. However, if the awarded vendor is unable to meet the City's scheduling or material requirements, the City may proceed with the next lowest qualified bidder.**

Steve Salwei, Public Works Service Operation Director, presented bids received for Deicing Sand, Brine Salt, or Beet Juice Concentrate materials for winter street maintenance and presented the following recommendations to award:

Part 1 — Deicing Sand to Knife River Corporation $23.49/ton (2026) and $24.29/ton (2027)

Part 2 — Brine Salt to NSC Minerals Ltd for $123.73/ton (2026) and $127.45/ton (2027)

Part 3 — Beet Juice Concentrate to K-Tech Specialty Coatings for $2.95/gal (2026) and $3.45/gal (2027)

During discussion, the Commissioner asked if the City would be eligible for tariff refunds similar to those received by Target and Walmart and if the contractors working with the City could receive similar refunds, and if so, whether those savings could be passed back to the City since it initially pays the tariffs? Director Salwei responded that the contract could be written to ensure that any refunded tariff amount is returned to the City.

Commissioner Doll moved to approve with the refunded tariff amount included in the contracts and Commissioner Hull seconded. Upon a roll call vote, all voted aye. M/C.

4. **OTHER BUSINESS**

A. Commissioner Risch wanted to remind citizens of the Reuse Store at the City Landfill.

B. Commissioner Connelly wanted to remind citizens of the Community Forum to discuss the Sports and Community Recreation Facility at City of Bismarck Public Works from 6:30 PM to 8:00 PM on August 26, 2026.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:32 PM.