

MEETING OF THE BOARD OF CITY COMMISSIONS
February 13, 2018

The Board of City Commission met in regular session on February 13, 2018 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Marquardt, Guy, Askvig, Oban, and President Seminary.

1. Commissioner Askvig moved to approve the minutes of the January 23, 2018 regular city commission meeting. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C
2. Commissioner Askvig moved to approve the consent agenda. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C
 - A. Voucher numbers: 1078335 - 1078816
 - B. Personnel actions.
 - C. Administration Department:
 1. Gaming Site Authorization for Bismarck-Mandan Elks Lodge #1199.
 - D. Airport:
 1. Easement agreement with the State of North Dakota for drainage improvements at the Bismarck Airport.
 - E. Bismarck-Burleigh Public Health Department:
 1. Permission to accept a donation from Carpet World for the Women's Way Program in the amount of \$845.
 2. Adjustment in 2018 Quantiferron Gold TB testing fee.
 - G. City Attorney:
 1. Introduction of and call for PUBLIC HEARING on ordinance 6309, regarding the Traffic and Safety Committee.

CITY OF BISMARCK
Ordinance No. 6309

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 12-02-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO TRAFFIC AND SAFETY ADVISORY COMMITTEE.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 12-02-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Traffic Safety Advisory Committee is hereby amended re-enacted as follows:

12-02-06. Traffic and Pedestrian Safety Advisory Committee.

1. There is created a committee to be known as the traffic and safety advisory committee which is composed of five citizen members who shall geographically represent the city and who shall be appointed by the mayor for four-year terms; the city traffic engineer, city engineer, chief of police, director of police traffic division, city coordinator, director of public works and city attorney. The traffic engineer shall have authority regarding traffic and pedestrian safety within the city. The final authority on all traffic and pedestrian safety related matters shall rest with the city commission.

2. The duties of the traffic engineer with regard to traffic and pedestrian and safety advisory committee are:

a. To receive citizen input and concerns regarding traffic and pedestrian safety issues that exist in the city and to investigate the same.

b. To engage knowledgeable city employees or other governmental or private agencies and resources to advise and assist the Traffic Engineer in identifying, studying and correcting traffic and traffie pedestrian safety problems that exist or arise in the city.

c. To make recommendations from time to time to the Traffic Engineer city commission in matters of policy and legislation to establish and maintain an effective comprehensive traffic and pedestrian safety plan for the Gcity.

d. As authorized in this title, tTo advise and assist the city traffic engineer in setting regulations relating to traffic control, parking, loading, pedestrian safety, and any other issues related thereto.

~~3.—The authority of the traffic engineer shall be as set out in this title. The traffic and safety advisory committee shall serve in an advisory capacity. The final authority on all traffic related matters shall rest with the city commission.~~
(Ord. 4517, 06-08-93)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

H. Community Development Department - Metropolitan Planning Organization:

1. The submittal of two separate applications for the North Dakota Urban Grants Program.

I. Community Development Department – Planning Division:

1. Introduction of and call for a PUBLIC HEARING on ordinance 6312, a request for a zoning change from the A-Agricultural zoning district to the R5-Residential, R10-Residential, RM10-Residential, Conditional RM10-Residential, RT-Residential, Conditional RT-Residential and Conditional CA-Commercial zoning districts on part of the N 1/2 of Section 17, Hay Creek Township, requested by William E. Clairmont Revocable Living Trust and Mapleton Investors, LLP. The Bismarck Planning and Zoning Commission recommends approval.
2. Introduction of and call for a PUBLIC HEARING on ordinance 6311, a staff-initiated zoning ordinance text amendment relating to landscaping and screening. The Bismarck Planning and Zoning Commission recommends approval.
3. Introduction of and call for a PUBLIC HEARING on ordinance 6310, a staff-initiated zoning ordinance text amendment relating to accessory dwelling units. The Bismarck Planning and Zoning Commission recommends approval.

J. Engineering Department:

1. Street closure for the 14th Annual Urban Harvest.

2. NDDOT Maintenance and Non-Encroachment Agreement – Grant Marsh Bridge Right of Way.
3. Encroachment Agreement and Waiver for – Arvig Enterprises Inc. at 1009 Basin Ave.
4. Amendment to the consultant services contract with Kadrmass, Lee & Jackson, Inc. for the NPCC Stormwater Study.
5. Street Improvement District No. 518 – Phase A and B: (asphalt resurfacing, reconstruction and related items)
 - Resolution Approving Plans and Specifications.
 - Resolution of Necessity.
 - Resolution Directing Advertisement of Bids and Receiving Bids.

**RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED EIGHTEEN (SI518)
AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Street Improvement District Number Five Hundred Eighteen (SI518) consists of 140 blocks in six units of asphalt resurfacing (patch, level, mill, overlay, chip seal, curb repair, alley repair), reconstruction and related items. Given the size of the district, it will bid in two phases, Phase A and Phase B, to allow for two separate contracts under one assessment district.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

PHASE A (62 BLOCKS)

UNIT NO. 1

HARMON AVENUE – 20TH STREET TO 22ND STREET LAFOREST AVENUE – 23RD STREET TO CRESTVIEW LANE 21ST STREET – LAFOREST AVENUE TO HARMON AVENUE 22ND STREET – LAFOREST AVENUE TO DIVIDE AVENUE 23RD STREET – 22ND STREET TO DIVIDE AVENUE NORTHVIEW LANE – BOULEVARD AVENUE TO DIVIDE AVENUE CRESTVIEW LANE – BOULEVARD AVENUE TO CUL-DE-SAC RIDGEVIEW LANE – BOULEVARD AVENUE TO CUL-DE-SAC

UNIT NO. 2

TACOMA AVENUE – WACHTER AVENUE TO 12TH STREET, SAN ANGELO DRIVE – BRIDGEPORT DRIVE (W) TO TACOMA AVENUE, SANTA BARBARA DRIVE – SANTE FE AVENUE TO BRIDGEPORT DRIVE, BRIDGEPORT DRIVE – COTTONWOOD LOOP TO SAANGELO DRIVE (E), BOSTON DRIVE – NAPA LOOP (N) TO 250’ SOUTH OF NAPA LOOP (S) NAPA LOOP – COTTONWOOD LOOP TO BOSTON DRIVE (S), COTTONWOOD LOOP, LIVE OAK LANE – COTTONWOOD LOOP TO 150’ SOUTH, TROY DRIVE – COTTONWOOD LOOP TO 150’ SOUTH

PHASE B (78 BLOCKS)

UNIT NO. 3

MEDORA AVENUE – MELLOWSUN DRIVE TO AMBERGLOW DRIVE, MELLOWSUN DRIVE – AMBERGLOW DRIVE TO MEDORA AVENUE, FOUNTAINBLUE DRIVE – AMBERGLOW DRIVE TO MEDORA AVENUE, AMBERGLOW DRIVE – ASH COULEE ROAD TO 100’ NORTH OF MEDORA AVENUE, AMBERGLOW PLACE – AMBERGLOW DRIVE TO CUL-DE-SAC

UNIT NO. 4

DAYTONA DRIVE – COUNTRY WEST ROAD TO IMPALA LANE (N), CODY DRIVE – TERRITORY DRIVE TO CUL-DE-SAC, IMPALA LANE – CODY DRIVE TO DAYTONA DRIVE (W), BARRACUDA DRIVE – CODY DRIVE TO DAYTONA DRIVE, CADILLAC LOOP – CODY DRIVE TO 150’ EAST, DODGE CIRCLE – DAYTONA DRIVE TO CUL-DE-SAC, CORVETTE CIRCLE – DAYTONA DRIVE TO CUL-DE-SAC

UNIT NO. 5

WASHINGTON STREET – DIVIDE AVENUE TO CENTURY AVENUE

UNIT NO. 6

AVENUE C – RAYMOND STREET TO 5TH STREET, AVENUE D – 3RD STREET TO 4TH STREET, BOULEVARD AVENUE – 4TH STREET TO 6TH STREET, 3RD STREET – ROSSER AVENUE TO BOULEVARD AVENUE, 4TH STREET – ROSSER AVENUE TO DIVIDE AVENUE, ALLEY BETWEEN 3RD AND 4TH STREET – BOULEVARD AVENUE TO AVENUE F, ALLEY BETWEEN 3RD AND 4TH STREET – AVENUE F TO AVENUE E, ALLEY BETWEEN 3RD AND 4TH STREET – AVENUE E TO AVENUE D

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.
4. The City Commission declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds, and the Finance

Director is hereby authorized to execute an official declaration of intent on behalf of the City of Bismarck.

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE PREPARATION OF PLANS AND SPECIFICATIONS FOR STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED EIGHTEEN (SI518)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Street Improvement District Number Five Hundred Eighteen (SI518), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

6. Street Improvement District No. 519: (concrete pavement repair)
 - Resolution Creating District SI 519 and Ordering Preparation of the Preliminary Report.
 - Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

RESOLUTION CREATING STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED NINETEEN (SI519) AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Street Improvement District Number Five Hundred Nineteen (SI519) consists of one unit of streets for concrete pavement repair.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1
EAST CENTURY AVENUE – STATE STREET TO IOWA LANE
NORTH 19TH STREET – EAST CENTURY AVENUE TO 166' NORTH OF EAST CENTURY AVENUE

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.

4. The City Commission declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds, and the Finance Director is hereby authorized to execute an official declaration of intent on behalf of the City of Bismarck.

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED NINETEEN (SI519)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Street Improvement District Number Five Hundred NINETEEN (SI519), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

7. Street Improvement District No. 520: (new street lighting and appurtenances)

- Resolution Creating District SI 520 and Ordering Preparation of the Preliminary Report.
- Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED TWENTY (SI520)
AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Street Improvement District Number Five Hundred Twenty (SI520) consists of eight units of new street lighting and appurtenances. All street lighting improvements will be funded through special assessments.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the

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improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1

ROUND TOP ROAD – 160’ EAST OF HIGH CREEK ROAD TO 110’ WEST OF EAST VALLEY DRIVE

UNIT NO. 2

HURON DRIVE – COLT AVENUE TO 90’ WEST OF SERENITY COURT

UNIT NO. 3

4TH STREET – LUNAR LANE TO 148’ SOUTH OF SATURN DRIVE

UNIT NO. 4

INTERSTATE AVENUE - 180’ EAST OF WASHINGTON STREET TO REDSTONE DRIVE

UNIT NO. 5

MIRIAM AVENUE – 325’ EAST OF HANCOCK DRIVE TO 1400’ EAST OF HANCOCK DRIVE

UNIT NO. 6

MERIDIAN DRIVE – WASHINGTON STREET TO 725’ WEST OF LEIGHTON DRIVE
LEIGHTON DRIVE – MERIDIAN DRIVE TO 900’ NORTH LEIGHTON DRIVE
STACY DRIVE – LEIGHTON DRIVE TO 400’ SOUTH OF NINA LANE

UNIT NO. 7

23RD STREET – LEE AVENUE TO 450’ NORTH OF LEE AVENUE

UNIT NO. 8

IRVINE LOOP – WASHINGTON STREET TO SANTA FE AVENUE LIVE OAK LANE –
IRVINE LOOP TO 145’ EAST OF IRVINE LOOP SANTA FE – WASHINGTON STREET
TO 150’ EAST OF IRVINE LOOP

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.
4. The City Commission declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds, and the Finance

Director is hereby authorized to execute an official declaration of intent on behalf of the City of Bismarck.

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE PREPARATION OF PLANS AND SPECIFICATIONS FOR STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED TWENTY (SI520)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Street Improvement District Number Five Hundred Twenty (SI520), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

8. Street Improvement District No. 521: (asphalt resurfacing)

- Resolution Approving Plans and Specifications.
- Resolution of Necessity.
- Resolution Directing Advertisement of Bids and Receiving Bids.

RESOLUTION CREATING STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED TWENTY-ONE (SI521) AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Street Improvement District Number Five Hundred Twenty-one (SI521) is a one unit project of asphalt resurfacing (patch, level, mill, overlay, chip seal), and related items for 5800 LF of roadway along East Main Avenue.

2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1
EAST MAIN AVENUE - NORTH 26TH STREET TO NORTH BISMARCK EXPRESSWAY

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.

4. The City Commission declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds, and the Finance Director is hereby authorized to execute an official declaration of intent on behalf of the City of Bismarck.

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED TWENTY-ONE
(SI521)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Street Improvement District Number Five Hundred Twenty-one (SI521), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

K. Finance Department – Assessing Division for the following:

1. Application for property tax abatement 2017, Disabled Veteran for the property at 819 N Mandan St.
2. Application for property tax abatement 2016 & 2017, Disabled Veteran for the property at 3123 Tyler Parkway.
3. Application for property tax abatement 2017, due to error in property description, entering the description, or extending the tax at 1512 Eastwood St.
4. Application for property tax abatement 2016 & 2017, Disabled Veteran for the property at 4131 Selkirk Rd.

L. Finance Department:

1. Public depositories for city funds.
2. Software purchases from ND State contracts.

M. Public Works Utility Operations Department:

1. Change Order G-02 for the Wastewater Treatment Plant Trickle Filters Improvement Phase II. A net change of (\$11,658).

REGULAR AGENDA

President Seminary recognized Finance Director, Sheila Hillman and staff for receiving the Certificate of Achievement for Excellence in Financial Reporting Award.

Public Information Officer, Gloria David, presented the Welcome to Bismarck Promotional Video to the commission.

3. Keith Hunke, City Administrator addressed the commission to discuss utility fee increases, and provide recommendations to hire a consultant to conduct a utility rate study, review current policy and procedure, bill properties that have water meters at the 2018 rate, reduce the living unit fee on manufactured home parks and apartment buildings from the current rate of \$7.50 to a reduced rate of \$2.50 effective March 1, 2018, and not bill water utilities to undeveloped properties that do not possess water meters. He also stated that the budget committee would be meeting as soon as possible to consider the impacts on the 2018 Public Works – Utility Operations budget.

Commissioner Askvig discussed his concerns with the possibility of not having a funding source for the current Capital Improvement Program (CIP) if the recommendations are approved without suspending the CIP until a funding source is provided.

Commissioner Marquardt moved to approve the recommendations as presented by City Administrator Keith Hunke. Commissioner Guy seconded the motion. Upon a roll call vote, Marquardt, Guy, Oban and Seminary aye, Askvig nay. M/C

4. Public comment (restricted to items on the Regular Agenda, excluding public hearing items).

No members of the public appeared for comment.

5. The Commission President called for the PUBLIC HEARING on ordinance 6308, and amendment to City Ordinance 9-04-04 relating to Development and Implementation of Salary Plan.

Commissioner Marquardt moved to approve the second reading and final passage of ordinance 6308. Commissioner Askvig seconded the motion. Upon a roll call vote, all voted aye. M/C

No members of the public appeared for comment.

6. Director of Service Operations, Jeff Heintz addressed the commission to discuss bids received for HPS & LED Luminaries. Werner Electric Supply submitted the lowest

bid of \$71,165.00. Other bids received were, Wesco \$71,880.00; Graybar \$72,989.10; Border States \$71,648.00; and DSG \$72,040.30.

Commissioner Askvig moved to award the bid to the lowest bidder, Werner Electric Supply \$71,165.00 as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

7. Director of Service Operations, Jeff Heintz addressed the commission to discuss and present bids received for the 2018 lawn care service.

Commissioner Askvig moved to award the bids to the lowest bidders as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Having completed the items on the agenda, President Seminary asked if there was any other business.

Commissioner Askvig discussed possibly suspending the Capital Improvement Program due to the action taken in item 3 of the regular agenda and the possibility of causing a funding gap for specific projects within the CIP.

Commissioner Askvig moved to suspend the CIP relating to water administration, sanitary sewer, storm sewer, wastewater treatment plant, water distribution, and water treatment plant until the budget committee can provide a funding source for these projects. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

The meeting was declared adjourned at 5:53.