

MEETING OF THE BOARD OF CITY HEALTH
March 27, 2018

The Board of City Health met in regular session on March 27, 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: Commissioner Askvig, Marquardt, Guy and President Seminary.

A Chaplain of the Bismarck Police Department presented the invocation.

1. Welcome and Call to Order – President Seminary
2. Director’s Report – Renae Moch, Public Health Director
3. Adjourn

The Board of Health adjourned at 5:32 p.m. and reconvened as the Board of City Commission.

MEETING OF THE BOARD OF CITY COMMISSIONS
March 27, 2018

The Board of City Commission met in regular session on March 27, 2018 at the hour of 5:30 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, and President Seminary.

President Seminary read the Proclamation declaring April 8-14, 2018 as National Public Safety Telecommunications Week in the City of Bismarck.

1. Commissioner Askvig moved to approve the minutes of the March 13, 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 Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C
 - A. Voucher numbers: 1079362-1079646
 - B. Personnel actions.
 - C. Administration Department:
 1. Introduction of and call for Public Hearing on a new Class R retail liquor license for Mesa Airlines, Inc. located at 2301 University Dr.

2. A sole source purchase of an automated pay station for the 6th Street Parking Ramp.
- D. Bismarck-Burleigh Public Health Department for:
1. Introduction of and call for Public Hearing on Ordinance 6316, relating to tattooing and body piercing of minors prohibited.

CITY OF BISMARCK
Ordinance No. 6316

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 8-11-02 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO TATTOOING AND BODY PIERCING OF MINORS PROHIBITED.

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

Section 1. Amendment. Section 8-11-02 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Tattooing and Body Piercing of Minors Prohibited is hereby amended and re-enacted to read as follows:

8-11-02. Tattooing and Body Piercing of Minors Prohibited. No person shall tattoo any person under the age of eighteen (18) years, except in the presence of and with the written permission of a properly identified parent or legal guardian of such person. Under no circumstances shall any person tattoo or body pierce a person under the age of 16, with the exception of piercing the non-cartilaginous lobe of the ear in a licensed body art establishment. A person providing tattoo or body piercing services shall conspicuously post a notice stating that it is illegal to tattoo or body pierce any person under the age of 18 without the parent or legal guardian's consent and without the parent or legal guardian present and that it is illegal to ever tattoo or body pierce any person under the age of 16 years old.
(Ord. 5264, 07-08-03)

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.

- E. City Attorney:
1. Introduction of and call for Public Hearing on Ordinance 6315, relating to employee probationary period.

CITY OF BISMARCK
Ordinance No. 6315

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 9-03-15 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO PROBATIONARY PERIOD.

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

Section 1. Amendment. Section 9-03-15 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Probationary Period is hereby amended and re-enacted to read as follows:

9-03-15. Probationary Period. All appointments must be made for a probationary period of at least one year. The probationary period does not include any time served by an employee under a provisional appointment. At the end of every three months during the probationary period the appointing authority shall submit a rating of the probationary employee's performance on a report form prescribed by the personnel director. The appointing authority may extend the probationary period beyond one year upon notice given to the personnel director.

During the probationary period an employee may be dismissed by the appointing authority at will. Notice of such release with the reasons therefor must be immediately submitted to the personnel director who may, upon request of the employee, cause the name of the employee to be reinstated to its former position on the employment list, or, in the case of an employee serving a probationary period after promotion, reinstated the name of the employee to the employment list for the former position.

An employee shall retain probationary status until ~~The~~ appointing authority shall certify on a prescribed form to the personnel director, five days preceding ~~at~~ the end of the probationary period, that the employee be continued in the retained and placed in the civil service. The personnel director shall notify the appointing authority at least ten days prior to the expiration of one year of the probationary period ~~of the pending expiration.~~

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.

- F. Community Development Department:
 1. Release the East 50 feet of the 300-foot non-access line along the north side of East LaSalle Drive, adjacent to Lot 1, Block 1, Hay Creek Commercial Addition, requested by LaSalle Shopping Center, LLC.

- G. Engineering Department:
 1. Dedication of and acceptance of a right-of-way easement on Northern Plains Drive.
 2. Acceptance of a temporary turnaround easement adjacent to Sattler's Sunrise Tenth Addition.
 3. Engineering consultant services agreement with Short Elliot Hendrickson relating to the design of a trunk watermain through the first phase of Promontory Point 6th Addition.
 4. Contract change order No. 1 (revised completion date) for Sewer Utility Project 16-66.

- H. Finance Department – Assessing Division:
 1. Application for property tax abatement 2017, Disabled Veteran Credit, 1755 Country West Rd.

- I. Public Works – Utility Operations Department:
 1. Purchase a replacement vehicle for Water Distribution at the State of ND bid price.
 2. Change order G-01 for PKG Contracting for Wastewater Treatment Plant Grit Room and Chute Replacement Phase II.
 3. Change order 1 with Edling Electric, Inc. for the Wachter Lift Station.
 4. An extension of contract with Neptune Technology Group for procurement of water meters and meter repair parts.
 5. Change order 1 with Central Mechanical, Inc. for the Wachter Lift Station.

REGULAR AGENDA

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

Steve Bakken addressed the Commission regarding item number 11 on the agenda, Street Improvement District 518 Unit 2, he felt that there were errors made when creating the district.

Harold Hase addressed the Commissioner regarding item number 11 on the agenda. He asked the Commissioner if Street Improvement District 518 Unit 1, had received sufficient protests to stop the special assessment.

Erika Knight addressed the Commission regarding item 11 on the agenda. She did not feel that Street Improvement District 518 Unit 5 was an unfair assessment.

4. The Commission considered the request of Ernest Roberts to appeal the Police Department's decision to deny a Taxi Driver's License. (Removed from Agenda as per request from appellant)

5. The Commission considered the request of Dale Zimmerman to appeal the decision made by the Renaissance Zone Authority, acting as the Downtown Design Review Committee to deny his request to amend the approved design for the property at 401 East Main Avenue. (Removed from Agenda as per request from appellant)

6. The Commission President called for the Public Hearing on ordinance 6314, relating to escorts for vehicles of excessive size.

No members of the public appeared for comment.

Commissioner Askvig moved to approve the second reading and final passage of ordinance 6314. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

7. City Administrator Keith Hunke addressed the Commission to discuss the request from the Vision Fund Committee regarding the Bismarck-Mandan Development Association operating grant request of \$200,000. The Vision Fund Committee approved the request.

Brian Ritter, President/CEO of the Bismarck-Mandan Development Association provided an update on the BMDA's strategic plan.

Commissioner Askvig moved to approve the recommendation by the Vision Fund Committee to approve the Bismarck-Mandan Development Association operating grant of \$200,000 from the Vision Fund as presented. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

The Commission recognized Erica Solberg for her Spirit of Community Award.

8. The Commission considered the request from the Community Development Department to award the bid to the lowest bidder for the Burleigh County Senior Center, a 2017 CDBG project) to Randy's Drywall LLC for \$42,000. Other bids received were Reinfeld Construction \$62,000, and Terry Ivesdal, DBA Patch Master \$78,900.

Commissioner Guy moved to approve awarding the bid to Randy's Drywall, LLC as the lowest bidder of \$42,000. Commissioner Askvig seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission considered the request from the Renaissance Zone Authority for a Lease Renaissance Zone project within the building at 405 North 4th Street by Nick Schweiters.

Commissioner Askvig moved to approve the request as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

10. The Commission considered the request from the Engineering Department to receive bids and award a contract to the lowest bidder for the Street Utility Project No. 47 to Fetzer Electric for \$100,109. Other bids received were Denny's Electric \$114,622.75, Edling Electric \$108,772.90, and Strata Corporation \$106,444.

Commissioner Askvig moved to awarding the bid to Fetzer Electric as the lowest bidder of \$100,109. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission considered the request from the Engineering Department for the Resolution Receiving Bids and ordering Preparation of the Engineer's Statement for Street Improvement District No. 518 – Phases A and B, and Water Utility Project No. 120, Public Hearing on Resolution of Necessity for SI 518 and a Resolution Awarding Contract-SI 518 Phase A and SI 518 Phase B/WU 120.

Linda Oster, Design and Construction Engineer presented information regarding the written protests received for the projects. SI518A, Unit 1 was the only project that received sufficient protests to cancel SI518A, Unit 1. Also included in the presentation was the recommendation to award the bid to the lowest bidder for the SI518A to Mariner Construction for \$3,163,848.45. Northern Improvement Co. also submitted a bid of \$3,184,307; and to award the bid to the lowest bidder for the SI518B to Mariner Construction for \$5,491,582.53. Northern Improvement Co. also submitted a bid of \$5,493,861.

Greg Zenker addressed the Commission to ask what would be the special assessed amount assessed to his neighbors and himself in SI518 Unit 2.

Commissioner Askvig moved to approve the request as presented, excluding Unit 1 of SI518 A and award the bid to the lowest bidder for SI518A (excluding SI518A Unit 1) and SI518B to Mariners Construction for \$3,163,848.45. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

12. The Commission considered the request from the Engineering Department for the Resolution Receiving Bids and Ordering Preparation of Engineer's Estimate, Public Hearing on Resolution of Necessity, Resolution Awarding Contract for Street Improvement District 521. Linda Oster, Design and Construction Engineer informed the commission that there were sufficient protests to cancel SI District 521.

No members of the public appeared for comment.

Commissioner Askvig moved to reject all bids received for the project. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission considered the request from the Engineering Department to receive and award bids for Water Utility Project No. 122 to Weisz & Sons Inc. as the lowest bidder for \$278,300. Other bids received were D.L. Construction, Inc. \$439,225, Tand Construction, LLC \$340,546, Force Enterprise \$393,455, and Basaraba Excavating \$286,545.

Commissioner Askvig moved to award the bid to Weisz & Sons Inc. for \$278,300. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission considered the request from the Engineering Department to award the bid to the lowest bidder for the South Washington St. Shared Use Path Project to Northern Improvement Company for \$189,296.04.

Commissioner Askvig moved to award the bid to Northern Improvement Company for \$189,296.04. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

15. The Commission received an update on the NDDOT Active Transportation Plan from City Engineer Gabe Schell.

16. The Commission considered the request for approval from the Public Works - Service Operations Department to award a contract to the lowest bidder for 2018 paving materials - parts A-E to Mariner Construction for \$467,896. Northern Improvement Co. also submitted a bid of \$496,696.

Commissioner Guy moved to award the bid to Mariner Construction for \$467,896. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

17. The Commission considered the request for approval from the Public Works - Utility Operations Department to award the contract to Apex Engineering for \$355,000 to provide professional engineering services for the Hay Creek Sanitary Sewer Project.

Commissioner Askvig moved to award the contract to Apex Engineering for \$355,000. 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.

The meeting was declared adjourned at 6:49 p.m.