

MEETING OF THE BOARD OF EQUALLIZATION
April 10, 2018

The Board of Equalization met in regular session on April 10, 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, Oban and President Seminary.

A Chaplain of the Bismarck Police Department presented the invocation.

1. Welcome and Call to Order – President Seminary
2. Request from the Assessing Division to reconvene on April 24, 2018
3. Adjourn

Commissioner Askvig moved to adjourn the Board of Equalization meeting and reconvene on April 24, 2018. Commissioner Guy seconded the motion, upon a roll call vote the meeting was adjourned at 5:23 p.m.

MEETING OF THE BOARD OF CITY COMMISSIONS
April 10, 2018

The Board of City Commission met in regular session on April 10, 2018 at the hour of 5:23 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.

The Commission recognized Mikayla Ripplinger for her achievement of the Girl Scout Gold Award; Garrett N. Langerud, for his achievement of Eagle Scout; and Nevin Fetzer for job shadowing with the Mayor.

1. Commissioner Marquardt moved to approve the minutes of the March 27, 2018 regular city commission meeting. Commissioner Oban 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: 1079647-1079939
 - B. Personnel actions.
 - C. Administration Department:

1. Introduction of and call for Public Hearing on a new Class F-1 retail liquor license for Buffalo Wild Wings located at 3420 N 14th St.
2. Introduction of and call for the Public Hearing on a new Class F-1 retail alcohol license for Stonehome Brewing Company located at 1601 N 12th St., Suite 102.

D. Airport:

1. Amendment 6, a time extension, to the Engineering Services Agreement with Kadrmas, Lee and Jackson for the Airport Drainage Study, Storm Sewer Televising, Cleaning and Report.

E. Bismarck-Burleigh Public Health Department:

1. Request permission to serve as a location sponsor for the Little Free Pantry Project.
2. Request permission to participate as an entry in Bismarck's Band Night Parade.

F. Community Development Department:

1. Introduction of and call for a PUBLIC HEARING on ordinance 6317, a request for a zoning change from the A-Agricultural and RR-Residential zoning districts to the RR-Residential zoning district for Triangle Square 3rd Subdivision, requested by Linda Fairbairn. The Bismarck Planning and Zoning Commission recommends approval.

Ordinance No. 6317

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of

Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A-Agriculture and RR-Residential zoning districts and included in the RR-Residential zoning district:

Triangle Square 3rd Subdivision.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance

are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

2. Introduction of and call for a PUBLIC HEARING on ordinance 6318, a request for a zoning change from the A-Agricultural zoning district to the RR-Residential zoning district for Triangle Square 4th Subdivision, requested by Linda Fairbairn. The Bismarck Planning and Zoning Commission recommends approval.

Ordinance No. 6318

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of

Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A-Agriculture zoning district and included in the RR-Residential zoning district:

Triangle Square 4th Subdivision.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

3. Request by the Bismarck-Mandan MPO, on behalf of Bis-Man Transit to submit a FY2019 Section 5310 Grant application.

G. Engineering Department:

1. Storm Sewer and Drainage Easement located west of the west addition line of Eagle Crest 7th Addition.
- H. Finance Department:
1. A funding adjustment for the Police Department to expand the fenced area at the impound.
 2. 2019 Budget Schedule.
- I. Finance Department – Assessing Division:
1. Application for property tax abatement 2017, market value reduced, 5106 Mellowsun Dr.
 2. Application for property tax abatement 2016 and 2016, exempt property, 316 Versailles Ave.
 3. Application for property tax abatement 2016 and 2017, Disabled Veteran, 2982 Vancouver Lane.
- J. Public Works Service Operations Department:
1. Task Order No. 18-01 from Houston Engineering for the solid waste operations to provide ground water sampling, analysis, and reporting.
 2. Task Order No. 18-02 from Houston Engineering for the solid waste operations to provide consulting services for survey control, targets, and site survey.
 3. Gas Transportation Agreement with Montana Dakota Utilities Co. for the City/County Building for 2018-19.
 4. Gas Transportation Agreement with Montana Dakota Utilities Co. for the Public Works Facility for 2018-19.

REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). Tom Mayer, representing the Bismarck Historical Society, addressed the commissioner regarding item #4 on the regular agenda and urged the commission to deny Dale Zimmerman's request. Trevor Vannett, addressed the commission regarding item #11 on the regular agenda in support of having a member of the city commission attend the Bis-Man Transit Board. Kate Herzog, representing the Downtown Business Association, addressed the commissioner regarding item #4 in support of Dale Zimmerman's appeal. Royce Schultze addressed the commission in support of item #4 on the regular agenda. Julie Horntvedt addressed the commission in support of item #4 on the regular agenda.

4. The Commission considered the request from 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 Maine Avenue.

Daniel Nairn, City Planner and Dale Zimmerman addressed the commission to discuss the project and what the process has been.

Commissioner Oban moved to approve the appeal. Commissioner Marquardt seconded the motion. Upon a roll call vote, Askvig and Guy nay, Marquardt, Oban and Seminary aye. M/C

5. The Commission considered the request from Wilment Development, LLC to appeal the decision made by the Planning and Zoning Commission to deny the request for annexation for the property identified as Auditor's Lot 1B of Lot 1, Block 2, Northern Sky Addition.

Lon Romsaas, with Swenson, Hagen & Company addressed the commission on behalf of the owner of the property to discuss the development of the property.

Commissioner Askvig moved to approve the appeal and call for a public hearing. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

6. The Commission President called for the Public Hearing on a new Class R retail alcohol license for Mesa Airlines, Inc., located at 2301 University Drive.

No members of the public appeared for comment.

Commissioner Askvig moved to approve the new Class R retail alcohol license for Mesa Airlines, Inc. at Mesa Airlines, Inc. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

7. The Commission President called for the Public Hearing on ordinance 6315, relating to employee probationary period.

No members of the public appeared for comment.

Commissioner Marquardt moved to approve the second reading and final passage of ordinance 6315. Commissioner Askvig seconded the motion. Upon a roll call vote, all voted aye. M/C

8. The Commission President called for the Public Hearing on ordinance 6316, relating to tattooing and body piercing of minors prohibited.

Aileen Fritz appeared and provided comments in support of Ordinance 6316.

Commissioner Askvig moved to approve the second reading and final passage of ordinance 6316. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission considered the request from the Engineering Department for the Resolution Receiving Bids and Ordering Preparation of Engineer's Statement, Public Hearing on Resolution of Necessity, and Resolution Awarding Contract to the lowest bidder Knife River in the amount of \$436,460.65.

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

10. The Commission considered the request for approval from the Engineering Department for the Resolution Receiving Bids and Ordering Preparation of Engineer's Statement. A Public Hearing on the Resolution of Necessity with the request of city staff to close unit 8 to allow the developer to work with city staff and private contractors to install street lights; and to remove unit 3 due to sufficient protests. A Resolution Awarding Contract to the lowest bidder, Denny's Electric, LLC in the amount of \$246,934.00.

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

11. The Commission considered the request from the Bis-Man Transit Board to add public transit as a commission portfolio or to appoint a commissioner liaison to attend Transit Board meetings.

Commissioner Marquardt moved to add public transit as a commission portfolio and to volunteer to hold that portfolio until the 2018 election. Commissioner Askvig seconded the motion. Upon a roll call vote, all voted aye. M/C

12. The Commission considered the request from the Burleigh County Commission to have two City Commissioners meet with two County Commissioners and come to a resolution on the ETA Boundary. The City Commission appointed Mayor Seminary and Commissioner Marquardt to discuss the ETA boundary with two County Commissioners.

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

13. The Commission considered the request for approval from the Engineering Department to receive and award the contract for Street Utility Project No. 48, excluding units 5 and 7 due to budgetary reasons, to the lowest bidder Denny's Electric, LLC in

the amount of \$89,247.50. Others submitting bids were Strata Corp. \$95,354, Fetzer Electric \$93,041.40, Edling Electric \$99,796.40.

Commissioner Askvig moved to award the bid to Denny's Electric, LLC for \$89,247.50 and excluding units 5 and 7. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission considered the request for approval from the Community Development Department – Planning Division of a minor subdivision final plat for Heritage Park Addition First Replat (a replat of Lots 1-12 and 15-18, Block 8, Heritage Park Addition).

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

15. The Commission considered the request for approval from the Community Development Department – Planning Division of a minor subdivision final plat for Huntington Cottages First Addition (a replat of Lot 7, Block 2, KMK Estates).

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

16. The Commission considered the request for approval from the Community Development Department – MPO Division on behalf of Bis-Man Transit to submit a Fiscal Year Section 5339 Grant application.

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

17. The Commission considered the request for approval from the Engineering Department for the Resolution Receiving Bids and Resolution Awarding Contracts for Parts A1, A2, B1, and B2 of the Construction of Sidewalk, Curb and Gutter, and Driveways – 2018. Bids received for Part A1, Knife River \$821,888.05, JMAC Resources, Inc. \$936,502.50. Part A2, JMAC Resources, Inc. \$317,567.50, Knife River \$321,344.55, Part B1 Knife River \$260,103.70, JMAC Resources, Inc. \$283,165, Part B2, Knife River \$143,262.80 and JMAC Resources, Inc. \$166,518.

Commissioner Askvig moved to award bids to the lowest bidder for Part A1, B1 and B2 to Knife River and Part A2 to JCAM Resources, Inc. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

18. The Commission considered the request for approval from the Engineering Department to receive bids and award the contract for Sewer Utility Project No. 75 to the lowest bidder CIP Construction Technologies for \$77,128.68.

Commissioner Oban moved to award the contract to CIP Construction Technologies for \$77,128.68. Commissioner Askvig seconded the motion. Upon a roll call vote, all voted aye. M/C

19. The Commission considered the request for approval from the Engineering Department for the Resolution Creating District SE 572 and Ordering Preparation of the Preliminary Report and the Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

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

20. The Commission considered the request for approval from the Engineering Department for Street Improvement District No. 522 for the Resolution Declaring Petitions for Improvements have been received, Resolution Creating District SI 522 and Ordering Preparation of the Preliminary Report, and the Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

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

21. The Commission considered the request for approval from the Public Works Operations Department to award the contract for engineering consulting services for the Wastewater Treatment Plant with HDR Engineering.

Commissioner Askvig moved to approve the request as presented. Commissioner Marquardt 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 7:35 p.m.