

MEETING OF THE BOARD OF EQUALLIZATION  
May 8, 2018

The Board of Equalization met in regular session on May 8, 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 Marquardt, Askvig, Oban and President Seminary. Commissioner Guy participated via telephone.

A Chaplain of the Bismarck Police Department presented the invocation.

The Board of Equalization considered the request to receive the 2018 Annual Report from the Bismarck Assessing Division and conduct a Public Hearing for assessment protests.

Deb Goodsell, City Assessor, addressed the Board and presented the 2018 report including the written appeals that were received from Wingate Hotel – 1421 Skyline Boulevard with a current value of \$5,190,600, a request of reduction from Wingate Hotel to \$4,650,000, and the Assessing Division is recommending a value of \$4,927,700. Sleep Inn – 1510 E Century Ave. with a current value of \$3,754,900, a request for reduction from Sleep Inn to \$3,300,000 and the Assessing Division is recommending the current value remain. Fairfield Inn North – 1120 E Century Ave. with a current value of \$2,880,000, a request for reduction to \$2,700,000 and the Assessing Division is recommending the current value remain. Dean Foods/Land O'Lakes – 1207 E. Main St. with a current value of \$3,295,700, a request of reduction from Dean Foods/Land O' Lakes to \$1,880,000 and the Assessing Division is recommending the current value remain. US Food Services – 3500 Saratoga Ave. with a current value of \$5,306,500 a request of reduction from US Food Services to \$3,749,800 and the Assessing Division is recommending the current value remain.

Also included in the City Assessor's report were the appeals from the April 24, 2018 Board of Equalization meeting along with recommendations. No change for Al Leingang at – 1112 S 12<sup>th</sup> St, no change on the vacant lot at 3807 Apple Creek Rd, and change the vacant lot at 3501 Apple Creek Rd from \$270,600 to \$208,100; John and Jean Sullivan – no change at 1001 Channel Drive; Richard Bohrer – reduce from \$251,600 to \$203,600 at 123 E Main Avenue; Ben Turnbow – reduce from \$528,300 to \$281,400 at 4226 Saratoga Avenue; and Robert Savageau – no change for 3203 Morrison Avenue, no change for 1300 Grumman Lane, no change for 2909 Morison Avenue, no change for 1509 Grumman Lane, and no change for 2600 Morrison Avenue.

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

The Board of Equalization was adjourned at 5:35 p.m. and convened as the Board of City Commission.

MEETING OF THE BOARD OF CITY COMMISSIONS  
May 8, 2018

The Board of City Commission met in regular session on May 8, 2018 at the hour of 5:35 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Marquardt, Askvig, Oban and President Seminary. Commissioner Guy participated via telephone.

The Commission recognized the Vision 2030 participants from Horizon Middle School.

President Seminary read the proclamation declaring May 13-19, 2018 as Law Enforcement Memorial Week in the City of Bismarck.

President Seminary read the proclamation declaring May 21-27, 2018 as National Public Works Week in the City of Bismarck.

1. Commissioner Marquardt moved to approve the minutes of the April 24, 2018 regular city commission meeting and the April 19, 2018 special 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 Oban seconded the motion. Upon a roll call vote, all voted aye. M/C
  - A. Voucher numbers: 1080232-1080490
  - B. Personnel actions.
  - C. Administration Department:
    1. Midco Franchise Agreement Extension.
    2. Gaming Site Authorizations for the following:
      - o Bismarck Cancer Center – 303 West Front Ave., 500 N 8<sup>th</sup> St., 900 S. Washington, 3701 State Street
      - o Matpac Wrestling Club – 408 E. Main Ave.
      - o Mandan Baseball Club – 108 N. Mandan St.
      - o Bismarck Hockey Boosters – 915 S. 3<sup>rd</sup> St., 1305 E. Front Ave.
      - o Prairie Public Broadcasting – 804 E. Main Ave.
  - D. Airport:
    1. A contract with Odney for marketing and advertising services.

- E. City Attorney:
  - 1. Introduction of and call for a Public Hearing on Ordinance 6324 regarding event permits at the Event Center.
  
- F. Engineering Department:
  - 1. Street Improvement District No. 522:
    - o Resolution Approving Plans and Specifications.
    - o Resolution Directing Advertisement of Bids and Receive Bids.
  
  - 2. Sewer Improvement District No. 572:
    - o Resolution Approving Plans and Specifications.
    - o Resolution Directing Advertisement of Bids and Receive Bids.
  
  - 3. Request to sell surplus vehicle at the City of Bismarck Auction.
  
  - 4. Sanitary Sewer Easement and a Water Main Easement with Sattler Family L.L.L.P
  
- G. Finance Department:
  - 1. 2018 Budget revision for an MPO study match.
  - 2. 2018 Budget revision for building maintenance.
  
- H. Finance Department – Assessing Division:
  - 1. Application for property tax abatement 2017, an error in noting payment of taxes, or taxes erroneously paid at 1213 North Parkview Drive.
  
- I. Public Works Service Operations Department – Fleet Division:
  - 1. Request to dispose of equipment at a public marketplace.
  
- J. Community Development Department:
  - 1. Re-appoint Jennifer Clark and Ken Hoff to the Bismarck Board of Adjustment.
  - 2. Introduction of and call for a Public Hearing on Ordinance 6325, a request for the annexation of Hamburg Industrial Park Third Addition. The Planning and Zoning Commission recommends approval.
  - 3. Introduction of and call for a Public Hearing on Ordinance 6326, a zoning change from the A-Agricultural zoning district to the MA - Industrial zoning district for Hamburg Industrial Park Third Addition. The Planning and Zoning Commission recommends approval.
  - 4. Introduction of and call for a Public Hearing on Ordinance 6327, a zoning change from the A-Agricultural and RR-Residential zoning

districts to the Conditional R5-Residential zoning district for Whispering Ridge Second Subdivision. The Planning and Zoning Commission recommends approval.

5. Introduction of and call for a Public Hearing on Ordinance 6328, a request for the partial annexation of Silver Ranch First Addition First Replat. The Planning and Zoning Commission recommends approval.
6. Introduction of and call for a Public Hearing on Ordinance 6329, a request for a zoning change from the R5-Residential, R10-Residential, RT-Residential, CA-Commercial and P-Public zoning districts to the R5-Residential, R10-Residential, CA-Commercial and P-Public zoning districts for Silver Ranch First Addition First Replat. The Planning and Zoning Commission recommends approval.

## REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). Mark Ehrmantraut appeared on behalf of McCabe Methodist Church regarding item four on the regular agenda.

4. The Commission considered the request from McCabe Methodist Church to appeal the decision of the Board of Adjustment to deny a variance for property located at 1030 North 6th Street.

Commissioner Askvig moved to approve the appeal with the condition that McCabe Methodist Church obtain a written agreement from Bismarck Public School, the owner of the Will-Moore Elementary School property that is proposed to be utilized by McCabe Methodist Church. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

5. The Commission President called for the Public Hearing on a new Class I-2 retail alcohol license for Anima Cucina LLC, located at 101 North 5th Street.

No members of the public appeared for comment.

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

6. The Commission President called for the Public Hearing on Ordinance 6323 relating to the discharge of a firearm within City limits.

No members of the public appeared for comment.

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

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7. The Commission President called for the Public Hearing on Ordinance 6322 relating to a text amendment to the building regulations.

No members of the public appeared for comment.

Commissioner Marquardt moved to approve the request as presented. 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 6321, a zoning change from the A-Agricultural zoning district to the Conditional MA-Industrial zoning district for the RBK Ventures Subdivision, and the final plat for RBK Ventures Subdivision.

No members of the public appeared for comment.

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

9. The Commission President called for the Public Hearing on a request from Burleigh County Housing Authority and Liechty Mobile Homes for a vacation of a segment of South 11th Street Right-of-Way.

No members of the public appeared for comment.

At the recommendation of City staff, Commissioner Askvig moved to continue the public hearing to the May 22, 2018 meeting to allow for the following:

1. A utility easement is retained of adequate dimensions for the existing stormwater pipe within the South 11th Street right-of-way and any proposed facilities.
  2. Parcels that would lack legal access after a right-of-way vacation are combined through the City's lot combination process with adjoining parcels in common ownership.
- Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

10. The Commission President called for the Public Hearing on Ordinance 6319 relating to failure to maintain control.

No members of the public appeared for comment.

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

11. The Commission President called for the Public Hearing on the 2018 Transit Operations Grant Proposal.

No members of the public appeared for comment.

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

12. The Commission considered the request from the Administration Department to receive an update on the Infrastructure Task Force and Special Assessment Task Force Joint Task Forces Subcommittee. City Administrator, Keith Hunke provided the recommendations from the Joint Task Forces Subcommittee. The recommendations are to have city staff continue their support roles to the Task Forces Subcommittee, ask the Task Forces Subcommittee representatives to garner additional input and feedback about their recommendations from a broad base of interested parties within our community including the public at large.

Commissioner Oban moved to have city staff continue their support roles to the Task Forces Subcommittee and ask the Task Forces Subcommittee representatives to garner additional input and feedback about their recommendations from a broad base of interested parties within our community including the public at large. Commissioner Marquardt seconded the motion. Upon roll call vote, all voted aye. M/C

13. The Commission considered the request for approval from the Bis-Man Transit to purchase one cutaway para-transit bus. Roy Rickert, Executive Director of Bis-Man Transit appeared before the commission to provide funding information. The purchase price of the bus is \$74,184, with the federal funding portion being \$59,347 and the local match funding being \$14,837 being paid out of the Bis-Man Transit reserve fund.

Commissioner Askvig moved to approve the request as presented. 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 Bis-Man Transit to purchase two thirty-foot medium duty fixed-route buses. Roy Rickert, Executive Director of Bis-Man Transit appeared before the commission to provide funding information. The total purchase price of the buses is \$752,819.70, with the federal funding portion being \$602,255.76 and the local match being \$150,563.94 being paid out of the Bis-Man Transit reserve fund.

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

15. The Commission considered the request for approval from the Engineering Department for a Development Agreement with Boustead Enterprises, LLC. for Buckskin Avenue Improvements.

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

16. The Commission considered the request for approval from the Engineering Department for the revised project budget for Street Improvement District 518 - Phase B and Water Utility Project 120. The original budget was for \$6,860,766.29 and the revised budget is \$6,882,917.16. This amount is still within the cost range provided to the property owners for their estimated special assessments.

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

17. The Commission received an update from the Engineering Department to receive an update on the North Dakota Department of Transportation 3-Lane Conversion Project.

18. The Commission considered the request from the Public Works Service Operations Department to award the bid for rental of uniforms and laundering. Removed from agenda, item will be on the May 22, 2018 agenda.

19. The Commission considered the request from the Public Works Service Operations Department to award the contract for High Compaction Front Loading Refuse Collection Truck Body & Chassis to Sanitation Products in the amount of \$239,646. Other bids received were Northern Truck Equipment \$249,092, Northern Truck Equipment \$242,884, Elliot Sanitation Equipment \$240,794, and Northland Truck Sales \$231,073.

Commissioner Askvig moved to award the contract for High Compaction Front Loading Refuse Collection Truck Body and Chassis to Sanitation Products in the amount of \$239,646. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

20. The Commission considered the request for approval from the Community Development Department for a minor subdivision final plat and Development Agreement for Christianson First 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

The Commission considered other business. Commissioner Guy wanted to thank the Assessing Division for all their hard work. She also wanted to say thank you to the nurses at Bismarck Burleigh Public Health Department for National Nurses Week.

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

The meeting was declared adjourned at 6:47 p.m.