

MEETING OF THE BOARD OF THE BOARD OF EQUALIZATION  
April 9, 2019

The Board of Equalization met in regular session on April 9, 2019 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, Zenker, Oban, and President Bakken.

A Chaplain of the Bismarck Law Enforcement Chaplaincy presented the invocation and the Pledge of Allegiance.

The Board of Equalization considered the request to receive the 2019 Annual Report from the Finance Department - Assessing Division of the annual assessment roll.

Allison Jensen, City Assessor addressed the Commission to present the 2019 report including the written appeals that were received from Pebble Creek Apartments LLC, parcel number 1241-002-001, with a current value of \$6,070,500, recommended adjusted value of \$5,970,900; Sterling Properties LLLP, parcel number 0324-005-020, with a current value of \$4,055,000, a recommended adjusted value of \$3,885,000 Sterling Properties LLP, parcel number 0125-043-050, with a current value of \$635,000, a recommended adjusted value of \$630,300; Sunset Ridge, parcel number 1600-001-050, current value \$14,054,700, recommended no change; Sierra Ridge, parcel number 0865-001-001 and 0865-002-001, current values \$5,432,400 and \$6,054,100 recommended no change; Parkview Arms, parcel number 0125-029-001, current value of \$3,768,000, recommended no change; Highland Meadows, parcel number 0740-001-001, current value of \$7,087,300, recommended no change; Garden Grove, parcel number 0865-002-250, current value of \$5,053,300, recommended no change Eagle Sky II, parcel number 0570-003-001, current value of \$1,371,700, recommended no change; Eagle Sky I, parcel number 0570-003-010, current value of \$1,353,800, recommended no change; Arbor III, parcel number 0125-043-070, current value of \$658,000, recommended no change; KOHL's, parcel number 0765-001-150, current value of \$7,960,500, recommended no change. No members of the public appeared for comment.

Commissioner Marquardt moved to approve the annual assessment roll as recommended by the City Assessing Division. Commissioner Guy seconded the motion. On a roll call vote, all voted aye. M/C

The Board of Equalization was adjourned at 5:23 p.m. and convened as the Board of City Commission.

MEETING OF THE BOARD OF CITY COMMISSION  
April 9, 2019

The Board of City Commission reconvened in regular session on April 9, 2019 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, Zenker, Oban, and President Bakken.

1. Commissioner Marquardt moved to approve the minutes of the March 26, 2019 Regular Commission meeting. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C
2. Commissioner Guy moved to pull item I for discussion purposes and approve the remaining items on the consent agenda. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C
  - A. Voucher numbers: 1086380 - 1086616
  - B. Personnel actions.
  - C. Administration Department:
    1. Gaming Site Authorization for the New Salem Civic Club, Inc. to be located at Lucky's 13, 913 South 3rd Street.
    2. Gaming Site Authorization for the Bismarck Moose Lodge 302 to be located at 312 North 20th Street.
    3. Resignation of DeeWayne Rognstad from the Bismarck Human Relations Committee.
  - D. City Airport:
    1. Sale of surplus/obsolete items at the Police Auction.
    2. Multi-Carrier Radio Rebroadcast Agreement with Bismarck MSA Limited Partnership d/b/a Verizon Wireless.
  - E. Bismarck Burleigh Public Health Department:
    1. Authorization to participate in the 2019 Band Night Parade.
    2. Authorization to apply for the State Opioid Response Grant.
  - F. City Attorney:
    1. Introduction of and Call for a Public Hearing on the Utility Franchise Agreement with Montana-Dakota Utilities Company.
  - G. Community Development Department:
    1. Introduction of and Call for a Public Hearing on Ordinance 6376, a request for a zoning change from the Conditional RT-Residential zoning district to the RT-Residential zoning district on Lot 1, Block 2,

Good Shepherd North Addition, requested by Attas Boutrous and Ronald Knutson.

2. Introduction of and Call for a Public Hearing on Ordinance 6377, a request for the annexation of Auditor's Lot 6A of Lot 6, part of Auditor's Lot 7, and part of Auditor's Lot 8B of Lot 8 in the NE ¼ and SE¼ of Section 1, T138N- R80W/Lincoln Township and Lots 1-15, Block 1, Lots 1-11, Block 2, Lots 1-11 and Lot 22, Block 3, Lots 1-8, Block 5, Lot 1, Block 9 and Lot 1, Block 10, Clear Sky Addition.
3. Introduction of and Call for a Public Hearing on Ordinance 6378, a request for a zoning change from the A-Agriculture zoning district to the R5-Residential and P-Public zoning districts for Clear Sky Addition.
4. Local Government Certification Agreement.
5. Resolution for Bis-Man Transit Grant filing.
6. The Minor Subdivision Final Plat of Trillium Fourth Addition First Replat.
7. The Minor Subdivision Final Plat of Igoe's Industrial No. 3.

H. Engineering Department:

1. Bismarck State College request for banner placement.

I. Finance Department:

1. 2020 Budget Schedule.

J. Finance Department – Assessing Division:

1. Application for property tax abatement 2017 and 2018, Disabled Veteran Credit at 1625 Houston Drive.

K. Fire Department:

1. Authorize the participation with the Girl Scouts and Make a Wish Foundation.

L. Human Resources Department:

1. TrainND Training Contract with Bismarck State College.

M. Public Works Service Operations Department:

1. Authorization to sell public works inventory at the City Auction.
2. Award the contract for the 2019 Paving Materials - Parts A-E.
3. Award the contract for the 2019 installation of painted pavement marking.

N. Public Works Utility Operations Department:

1. Updating City of Bismarck Water Permit 384 with the State Water Commission and Office of the State Engineer.

The Commissioners discussed Item I and agreed to allow staff work on an earlier time to present the 2020 preliminary budget.

### 3. REGULAR AGENDA

4. Proclamation declaring the month of April 14-20, 2019 as National Public Safety Telecommunications Week in the City of Bismarck.

5. Proclamation declaring April 2, 2019 as National Service Recognition Day Week in the City of Bismarck.

6. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). No member of the public appeared for comment.

Commissioner Marquardt discussed the “Sound the Alarm” events that are part of the Red Cross Home Fire Campaign. The event will take to place on April 27, 2019 from 9 a.m. to 1 p.m.

7. The Commission received an update on the Strategic Plan Project from Jason Gray representing JD Gray Group, LLC.

8. The Commission received an Airport Master Plan update from Burton Gover representing Mead & Hunt.

Commissioner Zenker moved to approve the Airport Master Plan update as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission considered the request from Derek Watkins to appeal the decision of the Board of Adjustment to deny the variance request to allow the construction of an accessory building located in the Special Flood Hazard area. Section 14-04-19(6)(b)(4)(c) of the City Code of Ordinances (FP – Floodplain District) by the Board of Adjustment to allow the construction of an accessory building below the elevation of 2 feet above the Base Flood Elevation (BFE). If approved, the proposed accessory building would be constructed at an elevation of 1631, approximately 7 feet below the elevation requirement and 5 feet below the BFE. The property is located at 3020 Gallatin Drive (Lot 2, Block 5, Fox Island 2nd Subdivision). Derek Watkins addressed the commission to discuss his appeal request.

Commissioner Oban moved to deny the appeal and uphold the decision made by the Board of Adjustment. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

10. The Commission President called for the Public Hearing on a New Class B Airport Concession Liquor License for The Junction located at 2301 University Drive.

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No member of the public appeared for comment.

Commissioner Marquardt moved to approve the Airport Concession Liquor License for The Junction located at 2301 University Drive as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission President called for the Public Hearing on a New Class I-1 Beer and Wine Only Liquor License for Eat Thai Cafe located at 409 Riverwood Drive.

No member of the public appeared for comment.

Commissioner Oban moved to approve a New Class I-1 Beer and Wine Only Liquor License for Eat Thai Cafe located at 409 Riverwood Drive as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

12. The Commission President called for the Public Hearing on Ordinance 6373, relating to Solid Waste Management definitions.

No member of the public appeared for comment.

Commissioner Oban moved to approve the second reading and final passage of Ordinance 6373 as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission President called for the Public Hearing on Ordinance 6374, relating to weed control-costs assessed to properties.

No member of the public appeared for comment.

Commissioner Zenker moved to approve second reading and final passage of Ordinance 6374 as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission President called for the Public Hearing on Ordinance 6375, relating to the rules for operation of all-terrain vehicles.

Brian Bieber, Josh Vallely, Annette Caldwell and Jim Hulm addressed the commission in support of item 14 with proposed modifications.

Commissioner Marquardt moved to allow staff to clean up the language, reach out to the industry that provided comments at the Public Hearing and to add state law into the ordinance. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

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15. The Commission President called for the Public Hearing on the Resolution of Necessity for Street Improvement District 527.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the Resolution of Necessity for Street Improvement District 527 as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

16. The Commission considered the request from the City Attorney to continue discussion on minimum habitability standards. City Attorney Jannelle Combs provided the update. Environmental Health Administrator Anton Sattler, Community Development Director Ben Ehreth, Building Official Brady Blaskowski and Public Health Director Renae Moch also provided information.

Commissioner Guy moved to take the current language of the minimum habitability standards, expand it to mobile homes, take it back to the Bismarck Mandan Apartment Association, include the Bismarck Environmental Health Department activities, and to reach out to the mobile home court landlords to receive comment. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Guy moved to amend her motion to include the Bismarck Burleigh Public Health Department activities in the standards. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

17. The Commission considered the request from the Community Development Department for the Major Subdivision Final Plat of MDU Vermont Avenue Addition.

Commissioner Guy moved to approve the Major Subdivision Final Plat of MDU Vermont Avenue Addition as presented. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

18. The Commission considered the request from the Engineering Department to receive an overview of the adopted Tyler Coulee Stormwater Management Plan.

19. The Commission considered the request for approval from the Engineering Department of the Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for Street Improvement District No. 525A, Street Improvement No. 525B, and Water Utility Project No. 128, and the Resolution Awarding Contract for Street Improvement District No. 525A, Street Improvement No. 525B, and Water Utility Project No. 128. Bids received for SI 525A were Mariner Construction \$3,396,470.66 and Northern Improvement Company \$3,794,949. Bids received for SI 525B and Water

Utility Project No. 128 were Northern Improvement \$3,365,556.72 and Mariner Construction \$3,439,050.95.

Commissioner Oban moved to approve the Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for Street Improvement District No. 525A, Street Improvement District No. 525B and Water Utility Project No. 128 and the Resolution Awarding Contract for Street Improvement District No. 525A to Mariner Construction as the low bidder of \$3,396,470.66. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Oban moved to approve the Resolution Awarding Contract to Northern Improvement Company as the low bidder of \$3,365,556.72. Commissioner Marquardt 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 of the Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for Street Improvement District No. 526, and the Resolution Awarding Contract for Street Improvement District No. 526 to Knife River as the low bidder of \$657,354. Mariner Construction also submitted a bid of \$673,513.25.

Commissioner Guy moved to award the bid to Knife River in the amount of \$657,354.05. Commissioner Oban seconded the motion, upon a roll call vote, all voted aye. M/C

21. The Commission considered the request for approval from the Engineering Department of the Resolution Receiving Bids for CC-19 part A and B, and the Resolution Awarding Contracts for A-1, A-2, B-1, and to delay the award on B-2 on the CC-19 contract to allow staff time to discuss the project with the Public Works Service Department.

Commissioner Marquardt moved to award the bid for A-1, A-2, Knife River Corporation in the amount of \$1,065,303.00 (A-1), \$712,513.39 (A-2) and B-1 to Brandonz Concrete in the amount of \$322,760. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

22. The Commission considered the request for approval from the Engineering Department to receive bids and award the contract for Street Utility Project SV 50 to Fetzer Electric in the amount of \$73,468.00. Edling Electric also submitted a bid of \$107,277.30.

Commissioner Oban moved to award the contract for Street Utility Project SV 50 to Fetzer Electric as the low bidder in the amount of \$73,468. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Having completed the items on the agenda, President Bakken asked if there was any other business. The meeting was declared adjourned at 8:51 p.m.