

MEETING OF THE BOARD OF EQUALIZATION

MAY 24, 2016

The Board of Equalization met per state statute on May 24, 2016, 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 Grossman, Guy, Marquardt and President Seminary. Commissioner Askvig participated by telephone.

Deb Goodsell, Acting City Assessor, appeared and explained that since the May 10, 2016 Board of Equalization meeting, they have discovered an error in reporting the payment in lieu exemptions.

The property at 3901 Morrison Avenue, which is the Bobcat property, should have received the Payment in Lieu exemption for one more year. The original exemption did not start in 2006 as indicated on the exemption application since the construction was not completed and therefore the exemption period was for one more year.

The new assessment roll total is \$7,663,319,500, which is an increase of 8.72%. Bobcat is now listed with an exemption of \$11,307,000 for Payment in Lieu. The corrected pages were included in the agenda packet for this item.

Commissioner Askvig made a motion to approve the corrected assessment roll as submitted. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

The Board of Equalization adjourned at 5:18 p.m. and convened as the Board of City Commissioners.

MEETING OF THE BOARD OF CITY COMMISSIONERS

MAY 24, 2016

The Board of City Commissioners met in regular session on May 24, 2016 at the hour of 5:20 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary.

A Chaplain of the Bismarck Police Department presented the invocation.

1. The Board of City Commissioners considered approval of the minutes of the meeting on May 10, 2016.

Commissioner Askvig made a motion to approve the minutes. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes:

Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Naves: None, the motion carried.

2. CONSENT AGENDA

A. The Board of City Commissioners considered and approved voucher numbers 1064486 to 1064820.

B. The Board of City Commissioners reviewed the personnel actions.

C. The Board of City Commissioners considered the application for tax abatement for Market Value Reduction at 3327 Daytona Drive. Thomas P. and Stacey J. Langer Living Trusts qualified for the abatement.

D. The Board of City Commissioners considered approval of the renewal of the following site authorizations from July 1, 2016 to June 30, 2017:

- Amvets Post 9
- Bismarck Elks Home Association
- Fort Abraham Lincoln Foundation
- Fraternal Order of Eagles #2237
- Horse Race North Dakota
- Light of Christ Catholic Schools
- Mandan Baseball Club, Inc.
- MATPAC Wrestling Club Inc.
- New Salem Civic Club, Inc.
- NoDak Sportsmen's Club
- North Star Lions Club

E. The Board of City Commissioners considered the request from Bismarck-Burleigh Public Health to apply for ND Worksite Wellness Award.

F. The Board of City Commissioners considered the request from the City Attorney for approval of a lease amendment with Wright Family Investments, LLC, for their lease of space at the Bowen Avenue Strip Mall (New York Bagels).

G. The Board of City Commissioners considered the following requests from the Community Development Department:

- Release of part of a maintenance-access stormwater and drainage easement over Lot 24, Block 3, Whispering Bay Addition.

RESOLUTION

RELEASE OF PORTION OF MAINTENANCE-ACCESS STORMWATER AND DRAINAGE EASEMENT IN

WHISPERING BAY ADDITION

WHEREAS, a petition has been filed by the owner of property for the release of a portion of a maintenance-access stormwater and drainage easement over Lot 24, Block 3, Whispering Bay Addition, Bismarck, North Dakota; and

WHEREAS, this easement was delineated on the plat of Whispering Bay Addition; and

WHEREAS, the Engineering and Public Works Departments consent to the proposed release.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, a municipal corporation, that the request to release the stormwater and drainage easement described as:

Part of a stormwater and drainage easement over Lot 24, Block 3, Whispering Bay, more particularly described as:

Commencing from the NE corner of Lot 24; thence South 12 degrees 17 minutes 23 seconds West, along the East line of said Lot 24, a distance of 104.73 feet; thence North 77 degrees 42 minutes 37 seconds West, a distance of 7.73 feet to the point of beginning. Thence South 87 degrees 02 minutes 29 seconds West, a distance of 6.00 feet; Thence South 02 degrees 57 minutes 31 seconds East, a distance of 2.00 feet; thence South 87 degrees 02 minutes 29 seconds West, a distance of 2.08 feet to the West line of the 30 foot maintenance-access storm water and drainage easement; thence North 12 degrees 17 minutes 23 seconds East, along said West line, a distance of 30.71 feet; thence South 02 degrees 57 minutes 31 seconds East, a distance of 27.62 feet to the point of beginning, is in all things allowed and granted.

BE IT FURTHER RESOLVED that the County Recorder of Burleigh County, North Dakota is hereby authorized and directed to release the easement of record in her office.

Adopted this 24th day of May, 2016.

- Approval of the 2016 Annual Action Plan and Community Development Block Grant (CDBG) Application.

H. The Board of City Commissioners considered the following requests from the Engineering Department:

- Adopt the Outdoor Seating Right-of-Way Encroachment Policy.
- Approval of Avery's A.M. Eatery Encroachment and Waiver Agreement at 307 North Third Street.

- Approval of Dakota Carrier Network Encroachment and Waiver Agreement for CenturyLink to GP South Bismarck.
- Permission to enter into a Developers Agreement with First International Bank and Trust.

I. The Board of City Commissioners considered the request from the Event Center for approval of the Emergency Guidelines - Evacuation Plans document.

J. The Board of City Commissioners considered the following requests relating to Water Improvement District 16-329:

- Resolution Approving Plans and Specifications.
- Authorization to Advertise and Receive Bids.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED TWENTY-NINE
(329)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Water Improvement District Number Three Hundred Twenty-Nine (329), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nayes: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED TWENTY-NINE
(329)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Water Improvement District Number Three Hundred Twenty-Nine (329), according to plans and specifications heretofore approved by this Board, shall be received on June 14, 2016, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

K. The Board of City Commissioners considered introduction of and called for a public hearing on Ordinances 6211 to 6214 relating to water and sewer trunk line fees, ~~water and sewer main~~ rural road charges, and storm water charges to be assessed to benefiting property that was outside the city limits at the time of construction.

ORDINANCE NO. 6211

AN ORDINANCE CREATING STORM SEWER IMPROVEMENT DISTRICT NUMBER ONE HUNDRED (100), UNIT NUMBERS TWENTY-SIX THROUGH THIRTY-ONE (26-31), OF THE CITY OF BISMARCK, NORTH DAKOTA.

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Section 1. Pursuant to the provisions of Sections 40-23-17 through 40-23-21 of the North Dakota Century Code as amended, providing for assessments on annexed property previously benefited, it is hereby determined that the property within the boundary lines as hereinafter set forth was at the time of contracting for a storm sewer improvement district, therein located outside the corporate limits and which was benefited by the storm sewer improvement was, thereby subsequently annexed to the City of Bismarck, and there is hereby created sewer improvement district hereinafter designated as Storm Sewer Improvement District Number One Hundred (100), Unit Numbers Twenty-Six through Thirty-One (26-31) whereas Unit Twenty-Six (26) is associated with storm sewer improvements contracted under SE541; Unit Twenty-Seven (27) is associated with storm sewer improvements contracted under SE541; Unit Twenty-Eight (28) is associated with storm sewer improvements contracted under SE384 and SE532; Unit Twenty-Nine (29) is associated with storm sewer improvements contracted under SE541; Unit Thirty (30) is associated with storm sewer improvements contracted under SE384 and SE532; and Unit Thirty-One (31) is associated with a storm sewer improvements contracted under SE527, SE383 and SE522.

Section 2. Consultation with respect thereto has been made with the City Engineer of the City of Bismarck, said district shall include all lots, tracts and parcels of land lying within the following described property:

Unit #26	SOUTH MEADOWS ADDITION Lots 1-16, Block 1; Lots 1-20, Block 2; Lots 1-22, Block 3; Lots 1-22, Block 4; Lots 1-28, Block 5; Lots 1-16, Block 6
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- Unit #27 SOUTHLAND 2ND ADDITION
 Lots 1-6, Block 1; Lots 1-2, Block 2; Lots 1-15, Block 3;
 Lots 1-4, Block 4; Lots 1-26, Block 5; Lots 1-20, Block
 6; Lots 1-7, Block 7; Lots 1-6, Block 8; Lots 1-37, Block 9

- Unit #28 KMK ESTATES
 Lots 1-4, Block2; Lots 1 & 7, Block 3

 HIGH MEADOWS 9TH ADDITION
 Lot 6 & 7B of Lot 7, Block 1

- Unit #29 SOUTHBAY 5TH ADDITION
 Lots 1-26, Block 1; Lots 1-3, Block 2, Lots 1-8,
 Block 3; Lots 1-40, Block 4

- Unit#30 EVERGREEN RIDGE ADDITION
 Lots 1-39, Block 1; Lots 1-10, Block 2

- Unit#31 MR. B's WEST ADDITION
 Lot 2 & Tract 11 of Tract 7 of Tract C Zollers
 of Section 26 Lands 139-80, Block 1

Section 3. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

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ORDINANCE NO. 6212

AN ORDINANCE CREATING SANITARY SEWER IMPROVEMENT DISTRICT NUMBER ONE HUNDRED FIFTY-EIGHT (158), UNIT NUMBERS FOUR HUNDRED SIXTY-FIVE THROUGH FOUR HUNDRED SEVENTY-EIGHT (465-478), OF THE CITY OF BISMARCK, NORTH DAKOTA.

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Section 1. Pursuant to the provisions of Section 40-23-17 through 40-23-21 of the North Dakota Century Code as amended, providing for assessments on annexed property previously benefited, it is hereby determined that the property within the boundary lines as hereinafter set forth was at the time of contracting for a sanitary sewer improvement district, therein located outside the corporate limits and which was benefited by the sanitary sewer district improvement was, thereby subsequently annexed to the City of Bismarck, and there is hereby created sewer improvement

district hereinafter designated as Sanitary Sewer Improvement District Number One Hundred Fifty-Eight (158), Unit Numbers Four Hundred Sixty-Five through Four Hundred Seventy-Eight (465-478).

Section 2. Consultation with respect thereto has been made with the City Engineer of the City of Bismarck; said district shall include all lots, tracts and parcels of land lying within the following described property:

- | | |
|-----------|---|
| Unit #465 | RDO HAYCREEK INDUSTRIAL ADDITION
Lots 1-4, Block 1; Lots 1-5, Block 2 |
| Unit #466 | SOUTH MEADOWS ADDITION
Lots 1-16, Block 1; Lots 1-20, Block 2; Lots 1-22, Block 3; Lots 1-22, Block 4; Lots 1-28, Block 5; Lots 1-16, Block 6 |
| Unit #467 | EAST DIVIDE INDUSTRIAL PARK ADDITION
Lot 1, Block 1; Lots 1-4, Block 2; Lots 1-8, Block 3; Lots 1-3, Block 4; Lots 1-5, Block 5; |
| Unit #468 | SOUTHLAND 2 ND ADDITION
Lots 1-6, Block 1; Lots 1-2, Block 2; Lots 1-15, Block 3; Lots 1-4, Block 4; Lots 1-26, Block 5; Lots 1-20, Block 6; Lots 1-7, Block 7; Lots 1-6, Block 8; Lots 1-37, Block 9 |
| Unit #469 | KMK ESTATES
Lots 1-4, Block 2; Lots 1 & 7, Block 3

HIGH MEADOWS 9 TH ADDITION
Lot 6 & 7B of Lot 7, Block 1 |
| Unit #470 | GELOFF ESTATES
Lots 1-6, Block 1 |
| Unit #471 | SOUTHBAY 5 TH ADDITION
Lots 1-26, Block 1; Lots 1-3, Block 2; Lots 1-8, Block 3; Lots 1-40, Block 4 |
| Unit #472 | EVERGREEN RIDGE ADDITION
Lots 1-39, Block 1; Lots 1-10, Block 2 |
| Unit #473 | LEGACY ADDITION
Lot 2, Block 1 |
| Unit #474 | MR. B's WEST ADDITION |

Lot 2 & Tract 11 of Tract 7 of Tract C Zollers
Of Section 26 Lands 139-80, Block 1

Unit#475

EAGLE CREST 4TH ADDITION
Lots 1-13, Block 2; Lots 2-7, Block 4; Lots
1-4, Block 5

Unit#476

HAMBURG INDUSTRIAL PARK 2ND ADDITION
Lots 1-3, Block 1; Lots 1-3, Block 2

Unit#477

NORTHERN SKY ADDITON
Lot 2, Horizon Clinic Condo Association Suits
1-2, Block 1

Unit#478

WUTZKES 2ND SUBDIVISION
W 68' of Lots 5-7 & W 68' of 1/2 Lot 8 & N 1/2 Lot 15
& Lots 16-18 & vac Ottawa St Adj, W 68' of Lot 4
& all of Lot 19, Block 1

CITY LANDS 139-80
PT SE 1/4 SE 1/4 Beg @ PT 562' W of NE cor Thence
W 395' S 110' E 395' N 110' to PT Beg Section
16 Lands 139-80, Block 16

Section 3. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

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ORDINANCE NO. 6213

AN ORDINANCE CREATING WATER IMPROVEMENT DISTRICT NUMBER ONE HUNDRED FORTY-EIGHT (148), UNIT NUMBERS FOUR HUNDRED FORTY-SEVEN THROUGH FOUR HUNDRED SIXTY (447-460), OF THE CITY OF BISMARCK, NORTH DAKOTA.

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Section 1. Pursuant to the provisions of Sections 40-23-17 through 40-23-21 of the North Dakota Century Code as amended, providing for assessments on annexed property previously benefited, it is hereby determined that the property within the boundary lines as hereinafter set forth was at the time of contracting for a water improvement district, therein located outside the corporate limits and which was

benefited by the water district improvement was, thereby subsequently annexed to the City of Bismarck, and there is hereby created water improvement district hereinafter designated as Water Improvement District Number One Hundred Forty-Eight (148), Unit Numbers Four Hundred Forty-Seven through Four Hundred Sixty (447-460).

Section 2. Consultation with respect thereto has been made with the City Engineer of the City of Bismarck; said district shall include all lots, tracts and parcels of land lying within the following described property:

- | | |
|-----------|---|
| Unit #447 | RDO HAYCREEK INDUSTRIAL ADDITION
Lots 1-4, Block 1; Lots 1-5, Block 2 |
| Unit #448 | SOUTH MEADOWS ADDITION
Lots 1-16, Block 1; Lots 1-20, Block 2; Lots 1-22, Block 3; Lots 1-22, Block 4; Lots 1-28, Block 5; Lots 1-16, Block 6 |
| Unit #449 | EAST DIVIDE INDUSTRIAL PARK ADDITION
Lot 1, Block 1; Lots 1-4, Block 2; Lots 1-8, Block 3; Lots 1-3, Block 4; Lots 1-5, Block 5; |
| Unit #450 | SOUTHLAND 2 ND ADDITION
Lots 1-6, Block 1; Lots 1-2, Block 2; Lots 1-15, Block 3; Lots 1-4, Block 4; Lots 1-26, Block 5; Lots 1-20, Block 6; Lots 1-7, Block 7; Lots 1-6, Block 8; Lots 1-37, Block 9 |
| Unit #451 | KMK ESTATES
Lots 1-4, Block 2; Lots 1 & 7, Block 3

HIGH MEADOWS 9 TH ADDITION
Lot 6 & 7B of Lot 7, Block 1 |
| Unit #452 | GELOFF ESTATES
Lots 1-6, Block 1 |
| Unit #453 | SOUTHBAY 5 TH ADDITION
Lots 1-26, Block 1; Lots 1-3, Block 2; Lots 1-8, Block 3; Lots 1-40, Block 4 |
| Unit #454 | EVERGREEN RIDGE ADDITION
Lots 1-39, Block 1; Lots 1-10, Block 2 |
| Unit#455 | LEGACY ADDITION
Lot 2, Block 1 |

- Unit#456 MR. B's WEST ADDITION
Lot 2 & Tract 11 of Tract 7 of Tract C Zollers
Of Section 26 Lands 139-80, Block 1
 - Unit#457 EAGLE CREST 4TH ADDITION
Lots 1-13, Block 2; Lots 2-7, Block 4; Lots
1-4, Block 5
 - Unit#458 HAMBURG INDUSTRIAL PARK 2ND ADDITION
Lots 1-3, Block 1; Lots 1-3, Block 2
 - Unit#459 NORTHERN SKY ADDITON
Lot 2, Horizon Clinic Condo Association Suits
1-2, Block 1
 - Unit#460 WUTZKES 2ND SUBDIVISION
W 68' of Lots 5-7 & W 68' of ½ Lot 8 & N ½ Lot 15
& Lots 16-18 & vac Ottawa St Adj, W 68' of Lot 4
& all of Lot 19, Block 1
- CITY LANDS 139-80
PT SE ¼ SE ¼ Beg @ PT 562' W of NE cor Thence
W 395' S 110' E 395' N 110' to PT Beg Section
16 Lands 139-80, Block 16

Section 3. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

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ORDINANCE NO. 6214

AN ORDINANCE CREATING RURAL ROAD STREET IMPROVEMENT DISTRICT NUMBER ONE HUNDRED (100), UNIT NUMBER ONE (1), OF THE CITY OF BISMARCK, NORTH DAKOTA.

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Section 1. Pursuant to the provisions of Sections 40-23-17 through 40-23-21 of the North Dakota Century Code as amended, providing for assessments on annexed property previously benefited, it is hereby determined that the property within the boundary lines as hereinafter set forth was at the time of contracting for a street improvement district, therein located outside the corporate limits and which was benefited by the street improvement was, thereby subsequently annexed to the City of Bismarck, and there is hereby created street improvement district hereinafter

designated as Rural Road Street Improvement District Number One Hundred (100), Unit Number One (1) whereas Unit One (1) is associated with street improvement contracted under SI476.

Section 2. Consultation with respect thereto has been made with the City Engineer of the City of Bismarck, said district shall include all lots, tracts and parcels of land lying within the following described property:

Unit #1 RDO HAYCREEK INDUSTRIAL ADDITION
 Lots 1-4, Block 1; Lots 1-5, Block 2

Section 3. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

L. The Board of City Commissioners considered the request from the Human Resources Department and city staff for approval of the North Dakota Cares Resolution of Support.

Resolution of Support

Effective May 24, 2016

WHEREAS, the freedom and security enjoyed today by the citizens of the United States, the State of North Dakota, and the City of Bismarck are the direct result of sacrifices made by the men and women of the United States Armed Forces, and

WHEREAS, the service and sacrifice of the members of the United States Armed Forces and their families continue to provide us with the freedom to pursue individual and community goals; and

WHEREAS, citizens of Bismarck recognize the continued sacrifices of Service Members, Veterans, Families, and Survivors in the defense of this nation and the preservation of freedom; and

WHEREAS, citizens of Bismarck recognize the generations of veterans and their families who have proudly and valiantly served this great state and nation, and who have played an integral role in defending our homeland and preserving freedom around the world; and

WHEREAS, ND Cares, in recognition of the United States Armed Forces and their families, is working with federal, state, county, city and private organizations to strengthen an accessible, seamless network of support for Service Members, Veterans, Families, and Survivors within North Dakota.

NOW, THEREFORE, I Mike Seminary, Mayor of the City of Bismarck, and this Board of City Commissioners, do hereby proclaim this day, May 24, 2016, that the City of Bismarck joins the North Dakota Cares coalition in supporting Service Members, Veterans, Families and Survivors.

M. The Board of City Commissioners considered the request from the Police Department to sell three vehicles through Northland Auto Auction.

N. The Board of City Commissioners considered the following requests from the Public Works Service Operations Department:

- Permission to purchase Motorola portable and mobile radios for the city under state bid.
- Correction of bid price reported to the Board regarding Peterson Lawn Service bid for services for the 2016 season.

O. The Board of City Commissioners considered the request from the Utility Operations Department for approval of the Professional Services Contract Change Form with KLJ for the Southport Lift Station project for \$2,500.

Addendum Item:

P. The Board of City Commissioners considered letters of intent from the following agencies requesting permission from the city of Bismarck for a grant pass-through partnership:

- CAWS North Dakota
- Central Dakota Forensic Nurse Examiners
- Sanford Health Dakota Children's Advocacy Center
- Youthworks Bismarck

Commissioner Marquardt asked to pull the first bullet under Item #2H for clarification. Commissioner Askvig made a motion to approve the remaining items on the consent agenda. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

Item #2H, 1st Bullet - The Board of City Commissioners considered the request from the Engineering Department to adopt the Outdoor Seating Right-of-Way Encroachment Policy.

Commissioner Marquardt asked what had changed compared to the policy we've had in the past. Mel Bullinger, City Engineer, said there is only one sentence that has changed since this policy was adopted in March of 2014. It's in letter j of the policy and the sentence reads, "The heaters must be located within the approved outdoor seating area." They didn't want businesses putting the heaters outside the enclosed areas. Commissioner Marquardt asked if in the future, if the department staff could underline

what's being added or strikethrough what's being removed so it's easier to see what the changes are.

Commissioner Askvig made a motion to approve Item #2H, Bullet #1. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

REGULAR AGENDA

3. The Board of City Commissioners considered the following requests relating to Street Improvement District 16-507:

- Resolution Receiving Bids.
- PUBLIC HEARING on Resolution of Necessity.
- Resolution Awarding Contract.

The President of the Board of City Commissioners announced the hour had arrived for the opening of bids for the construction of Street Improvement District Number Five Hundred Seven (507). The Assistant City Administrator presented an affidavit showing publication in the official newspaper of advertisement for bids, the affidavit was examined, found satisfactory and was directed to be placed on file in the office of the City Administration.

The City Engineer then reported that two sealed bids for the construction of said improvement had been filed in his office prior to the time of this meeting, pursuant to said advertisement, which bids were publicly read and considered, and upon motion duly made, seconded and carried, said bids were directed to be entered upon the minutes of this meeting. The names of each of the bidders and the estimated cost under terms of each bid based on prices proposed by the bidder and quantities estimated by the City Engineer are as follows:

BIDDER	BID AMOUNT*
Northern Improvement	\$5,489,971.00
Mariner Construction	\$5,737,177.15
* Engineer's Estimate = \$7,589,445.51	

Commissioner Askvig introduced the following resolution and moved its adoption:

**RESOLUTION RECEIVING BIDS
AND ORDERING PREPARATION OF ENGINEER'S STATEMENT
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SEVEN (507)**

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

1. The Assistant City Administrator is hereby directed to enter upon the minutes of this meeting all bids received for the work and material required for the work to be done in Street Improvement District Number Five Hundred Seven (507).

2. The engineer is hereby directed to make a careful and detailed statement of the estimated costs of said bids and upon receipt of the same the Board of City Commissioners shall take such other and further action with reference to said bids as shall be deemed necessary and expedient.

Commissioner Guy seconded that motion. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, and President Seminary. Nays: Marquardt, the motion carried.

The President of the Board of City Commissioners announced the hour had arrived for the hearing on the Resolution of Necessity in and for Street Improvement District Number Five Hundred Seven (507). The records show that an affidavit is on file in the office of City Administration showing publication had been made in this regard.

The President of the Board of City Commissioners then directed the Special Assessment Analyst to present all written protests against the making of such improvement which had been filed in his office within the period of thirty (30) days from and after the first publication in accordance with provisions of Section 40-22-17 of the North Dakota Century Code as amended. The Special Assessment Analyst reported that the only protests so filed were those signed by the following persons, claiming to be the owners of property described opposite their names:

<u>NAMES OF PERSONS PROTESTING</u>	<u>DESCRIPTION OF PROPERTY</u>
Unit 1 – 2.6% property owners protested	
Valentine R. Rohrich	216 W Wachter Avenue
Christopher & Yvonne Ebertz	1751 Hamburg Drive
Donovan A. & Darlene M. Thiel	1745 Hamburg Drive
Joe M. & Jody L. Bachmeier	1726 Hamburg Drive
Carol Christianson	1731 Hamburg Drive
Kenneth J. & Judith A. Fettig	1763 Hamburg Drive
Douglas & Jessica Eberle	1757 Hamburg Drive
Ennen Family Trust – Gary & Roxanne Ennen	1738 Hamburg Drive
Philip & Deborah J. Wanner	1708 Hamburg Drive
Sammy N. & Anne C. West	1727 S Reno Drive
Douglas & Valerie Sturlaugson	1702 Hamburg Drive
Paul A. & Nancy M. Morth	1711 Hamburg Drive
Aaron & Joann Mahlmann	1717 Hamburg Drive
Andrew K. & Heather M. Swanson	1725 Hamburg Drive
Robert J. & Cheri A. Schulz	1732 Hamburg Drive
Scott T. & Lavonne R. Stair	210 W Wachter Avenue
Thomas R. Ritchie	1714 Hamburg Drive

Unit 3 – 0.8% property owners protested

Phillip J. & Carolee Hoffman

631 Macon Drive

Unit 5 – 14.6% property owners protested

Donna M & Dustin L Zimmerman
Tatley Meadows LLP

3201 Devon Drive
2200 S Washington Street

The protests were then presented to, examined and considered by the Board of City Commissioners. Signers of protests and all other persons present affected by the proposed improvement as property owners or otherwise, were then afforded an opportunity to be heard by the City Commissioners as to the necessity and desirability of making said improvement as described in said resolution. The following persons appeared and the substance of their views expressed by them were as follows:

Commissioner Marquardt asked about the amount of time that a citizen is normally allowed to protest an improvement district. If we only mailed the letters out on May 9th, that isn't a lot of time for them to protest in response. Becky Collins, Comptroller, said the deadline was just this past Monday, May 24th. Normally they are given a minimum of two weeks but we normally try to give them three weeks. Commissioner Marquardt said that the person that contacted him said her deadline was the 18th. Ms. Collins said no, it was actually Monday the 24th.

PERSONS APPEARING	THEIR REMARKS
Chris Ebertz, representing 18 of the 18 homeowners on Hamburg Drive	All of the residents of Hamburg Drive are protesting the assessment and asked to be excluded from the Street Improvement District 507; it is consistent with NDCC 40-22-18 and he then read that section out loud; last week he submitted a protest letter to the City Administrator that was signed by 16 of the 18 homeowners; he referenced the map of Hamburg Drive that he handed out to the- Board; now the other two property owners have now signed that as well so that's 100% of citizens living on Hamburg Drive, that this Board represents; they are asking not to have improvement done on Hamburg Drive; the reasoning is that Hamburg Drive

PERSONS APPEARING	THEIR REMARKS
	<p>is a side street; the heaviest vehicle traveling on Hamburg is the garbage truck once a week, otherwise it's all local traffic; some of his neighbors have background in the City Engineering Department and they believe that this street does not need to be repaired.</p> <p>Mr. Ebertz asked the City Engineer if this was done seven years ago. Mel Bullinger, City Engineer, said the last time anything was done in that area was in 2004; Mr. Ebertz then asked when the last time Hamburg was chip sealed; he said one of his neighbors, that is a former employee of the City Engineering Department, said it hasn't been chip sealed but once since it's been installed; the street needs to be maintained like a person needs to maintain their body.</p> <p>Charlie Whitman, City Attorney, said the NDCC reference that Mr. Ebertz made earlier is in regards to designated units, not individual homes or blocks. In order to protest, you need to protest based on a unit, otherwise you could protest an individual home. The protest is based on the units contained in the improvement district. President Seminary said this area falls into Unit 1 where there were 2.6% of the property owners protesting.</p> <p>Mr. Ebertz said he's asking the Board to make a motion to remove Hamburg Drive from Unit 1 of this improvement district; he would like more information put on the table; he said he was told by the Assistant City Engineer that Hamburg Drive is just going to be seal coated and that it's not part of the mill and overlay area.</p> <p>Mel Bullinger appeared again and pointed out on his map that the red areas are reconstruction and the green areas are mill</p>

PERSONS APPEARING	THEIR REMARKS
	<p>and overlay; Hamburg is green on the map so it's scheduled to be milled and overlaid, as is are most other areas of that unit; Commissioner Askvig asked Mr. Bullinger if he would define mill and overlay as maintenance or reconstruction; Mr. Bullinger said it's not reconstruction – reconstruction is taking out existing pavement down to the dirt and starting over, whereas mill and overlay is more or less a rehabilitation.</p> <p>Commissioner Marquardt asked does that road need mill and overlay; are there cracks or is this just scheduled for maintenance; some units we are going in, the roads look really good; are we checking that or are we doing it just because it's on the schedule; Mr. Bullinger said back in 2012, the city paid for a pavement management system; what that did was looked at and evaluated all of the roads in the community; we are under contract for the that same company to come back this year and scan some of the streets to see the rate of deterioration; we use the rate of deterioration to trigger and visually examine the roads; they suggested they do this whole unit last year but they postponed it due to the hazardous sidewalk repair not being complete; it's been 12 years; he said he also spoke to the former employee that Mr. Ebertz referenced and he believes that he said it's was chip sealed last in 2004, he doesn't believe the Public Works Department has been down there to crack seal but once; there's a difference between crack sealing and chip sealing; he hasn't had time to visit with Jeff Heintz regarding the schedule for crack sealing.</p> <p>Mr. Ebertz said he and all of his neighbors are upset about this and they don't believe that it needs to get done; he challenges</p>

PERSONS APPEARING	THEIR REMARKS
	<p>the Board to go down there and figure that it needs to get done; he was told by the Assistant City Engineer that it was just going to be seal coated which makes sense; 33,000 square feet on the entire street and the standard pricing for sealing coating is \$0.40 per square foot; so just for it to be seal coated would be \$13,200; in the letter they received it said you will be charged between \$2,400-\$3,000 depending on the improvements made; the average cost for mill and overlay is \$2 and that's pretty high, according to Fargo; at that price range, that would be \$43,200 for the 18 homes on Hamburg; the street doesn't need to be milled and overlaid because they scrape it down and put a new overlay on it; at most, it only needs to be seal coated; since the city is now doing this per lot, it's his understanding under NDCC 40-23-7, you can't overcharge us; so if you seal coat it, you can only charge us for what's done.</p>

PERSONS APPEARING	THEIR REMARKS
<p>R.J. Pathroff, Vogel Law Firm, appearing on behalf of Tatley Meadows LLP</p>	<p>This property is within Unit 5 of this district; they are the property to the north of London Avenue; Tatley Meadows has 43 lots within special assessment district; the letter dated May 9th from the City Engineering stated they would be subject to a special assessment ranging from \$89,100 to \$111,375 for Unit 5; they oppose inclusion in this district and to the amount of special assessment proposed; no street performance work will actually be conducted within Tatley Meadows because it will be performed in the residential area to the south of Tatley Meadows; in Tatley Meadows, there are 31 lots on Piccadilly Circle and 12 lots on London Place; Piccadilly Circle and London Place are private roads, which Tatley Meadows maintains; these lots have been included only because they have access onto London Avenue; very little, if any benefit will come to the lots in this area; other than Tatley Meadow lots, all of the other lots appear to be on residential roads that will be improved; Tatley Meadows asks the Board to amend Unit 5 to exclude the Tatley Meadows properties or alternatively reduce the assessment fees to the 43 lots.</p> <p>Commissioner Guy asked if he's maintaining that none of those residents from Tatley Meadows drive on London Avenue; Mr. Pathroff said no, they do drive on London Avenue; but the Tatley Meadows residents will benefit much less than the residents outside Tatley Meadows to the south; they don't reside there, it's just an access point for them.</p>
<p>Myron Atkinson, Tatley Meadows LLP</p>	<p>He's back regarding special assessments and manufactured homes; they represent homeowners that occupy the most affordable unsubsidized housing in the city of Bismarck; regarding Commissioner Marquardt's concern with the notice; he</p>

PERSONS APPEARING	THEIR REMARKS
	<p>stopped at post office on May 14th; Letter dated May 9th, mailed on May 10th; Protests expired at 5:00 p.m. on Tuesday, May 19th; not sure how the extension was notified to the property owners; 43 lots in Tatley Meadows subject to the special assessments; on per lot basis, each lot will be assessed approximate \$2,050 – essentially the same amount homeowners south of London Avenue will receive, except Tatley Meadows residents will receive no benefit; these homeowners own their own homes, as do other homeowners, but it's unreasonable to burden those 43 homeowners with these assessments; 362 homeowners in Tatley Meadows and they will spread it among all of them in increased rent - \$3.40 per homeowner per month for the next seven years; does that seem reasonable; asked to carry the burden for other property owners; fair to share some of the cost but it's unfair to subsidize the costs to the rest of the properties.</p> <p>Commissioner Askvig asked how many parcels is that land; Mr. Atkinson said 43 parcels and the streets of London Place and Piccadilly Circle; Commissioner Askvig asked who owns the land; Mr. Atkinson said it is owned by limited partnership, which is the operator of the park.</p>
Chris Ebertz, appearing again	<p>Received notice on May 9th; According to NDCC says that it needs to be 30 days to protest; their 30 days haven't expired yet; Charlie Whitman, City Attorney, said its 30 days from the publication of the resolution of necessity published in the paper; the notice mailed out is an additional notice to those affected; Mr. Ebertz said this is an opportunity for Board to represent the best interest of the people.</p>

President Seminary asked about mailing out notices. Mr. Whitman said that's not required but it's been our policy since the publication in the Tribune is the only requirement. There was discussion between the Board, Finance Director Sheila Hillman and City Engineer Mel Bullinger regarding the special assessment policy regarding commercial properties versus residential properties, how streets are chosen for improvement projects and the timeframe of the letters that are sent to those in the improvement districts which give them a cost estimate, including an inflation of 25% so if the costs come in higher than expected, then they don't have to go back and tell those same people they will be collecting additional funds through special assessments.

The Special Assessment Analyst reported on the area presented by the protests against the improvement proposed for Street Improvement District Number Five Hundred Seven (507).

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SEVEN (507)

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

1. This Board by resolution declared the necessity of an improvement in Street Improvement District Number Five Hundred Seven (507) which resolution has been published in the official newspaper of the City as required by law. The owners of property liable to be specially assessed for said improvement have been afforded an opportunity to file written protests with the Special Assessment Analyst protesting said improvement, and this Board has had its first meeting after expiration of thirty (30) days from the publication of said resolution having considered the sufficiency of all protests filed within said period.

2. Having further heard and considered all views presented by all interested persons at such hearing, and being fully advised in the premises, it is hereby found and determined that any protests against said improvement filed within the time and within the manner prescribed by law are not sufficient to bar against the proceeding further therewith, and that the City and this Board of City Commissioners are therefore authorized to cause the improvement to be made, and to contract and levy special assessments therefore, pursuant to and in accordance with provisions of Chapter 22, Title 40, North Dakota Century Code, as amended.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, and President Seminary. Nays: Marquardt, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION AWARDING CONTRACT FOR THE CONSTRUCTION OF
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SEVEN (507)

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

1. Notice of advertisement for bids for the construction of Street Improvement District Number Five Hundred Seven (507) having been duly published, and all bids received pursuant to said notice having been considered, it is hereby found and determined that the lowest responsible bidder whose bid complies with law and the terms of said advertisement is Northern Improvement, of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the work is \$5,489,971.00.
2. Upon the furnishing by the successful bidder of a contractor's bond in the sum not less than the amount of the contract as above estimated, with a surety company authorized to do business in the State of North Dakota, conditioned as required by the provisions of Section 40-22-31 of the North Dakota Century Code, which bond shall be furnished within ten days from the date hereof, a contract for the performance of said work pursuant to the plans and specifications on file in the office of City Administration shall be made and executed by the President and countersigned by the Assistant City Administrator.
3. The Special Assessment Analyst is hereby authorized and directed to retain the bidder's bond furnished by the successful bidder pending the approval of the contractor's bond and the execution of the construction contract, and to return the bonds of the other bidders forthwith.

Commissioner Guy seconded that motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, and President Seminary. Nays: Marquardt, the motion carried and said resolution was declared duly passed and adopted.

4. The Board of City Commissioners considered the following requests relating to Street Improvement District 16-509:
 - Resolution Receiving Bids.
 - PUBLIC HEARING on Resolution of Necessity.
 - Resolution Awarding Contract.

The President of the Board of City Commissioners announced the hour had arrived for the opening of bids for the construction of Street Improvement District Number Five Hundred Nine (509). The Assistant City Administrator presented an affidavit showing publication in the official newspaper of advertisement for bids, the affidavit was examined, found satisfactory and was directed to be placed on file in the office of the City Administration.

The City Engineer then reported that two sealed bids for the construction of said improvement had been filed in his office prior to the time of this meeting, pursuant to said advertisement, which bids were publicly read and considered, and upon motion duly made, seconded and carried, said bids were directed to be entered upon the minutes of this meeting. The names of each of the bidders and the estimated cost under terms of each bid based on prices proposed by the bidder and quantities estimated by the City Engineer are as follows:

BIDDER	BID AMOUNT*
Fetzer Electric	Alt 1 - \$399,053.05 Alt 2 - \$434,776.30** \$434,305.30
Edling Electric	Alt 1 - \$395,825.45 Alt 2 - \$421,130.85
* Engineer's Estimate = Alt 1 - \$503,488.93 Alt 2 - \$534,811.47	
** Corrected upon verification of bids	

Commissioner Marquardt introduced the following resolution and moved its adoption:

**RESOLUTION RECEIVING BIDS
AND ORDERING PREPARATION OF ENGINEER'S STATEMENT
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED NINE (509)**

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

1. The Assistant City Administrator is hereby directed to enter upon the minutes of this meeting all bids received for the work and material required for the work to be done in Street Improvement District Number Five Hundred Nine (509).
2. The engineer is hereby directed to make a careful and detailed statement of the estimated costs of said bids and upon receipt of the same the Board of City Commissioners shall take such other and further action with reference to said bids as shall be deemed necessary and expedient.

Commissioner Grossman seconded that motion. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

The President of the Board of City Commissioners announced the hour had arrived for the hearing on the Resolution of Necessity in and for Street Improvement District Number Five Hundred Nine (509). The records show that an affidavit is on file in the office of City Administration showing publication had been made in this regard.

The President of the Board of City Commissioners then directed the Special Assessment Analyst to present all written protests against the making of such improvement which had been filed in his office within the period of thirty (30) days from and after the first publication in accordance with provisions of Section 40-22-17 of the North Dakota Century Code as amended. The Special Assessment Analyst reported that the only protests so filed were those signed by the following persons, claiming to be the owners of property described opposite their names:

<u>NAMES OF PERSONS PROTESTING</u>	<u>DESCRIPTION OF PROPERTY</u>
(No written protests)	

The protests were then presented to, examined and considered by the Board of City Commissioners. Signers of protests and all other persons present affected by the proposed improvement as property owners or otherwise, were then afforded an opportunity to be heard by the City Commissioners as to the necessity and desirability of making said improvement as described in said resolution. The following persons appeared and the substance of their views expressed by them were as follows:

<u>NAMES OF PERSONS APPEARING</u>	<u>REMARKS</u>
(No persons appeared)	

The Special Assessment Analyst reported on the area presented by the protests against the improvement proposed for Street Improvement District Number Five Hundred Nine (509).

Commissioner Marquardt introduced the following resolution and moved its adoption:

**RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED NINE (509)**

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

1. This Board by resolution declared the necessity of an improvement in Street Improvement District Number Five Hundred Nine (509) which resolution has been published in the official newspaper of the City as required by law. The owners of property liable to be specially assessed for said improvement have been afforded an opportunity to file written protests with the Special Assessment Analyst protesting said improvement, and this Board has had its first meeting after expiration of thirty (30) days from the publication of said resolution having considered the sufficiency of all protests filed within said period.

2. Having further heard and considered all views presented by all interested persons at such hearing, and being fully advised in the premises, it is hereby found and determined that any protests against said improvement filed within the time and within the manner prescribed by law are not sufficient to bar against the proceeding further

therewith, and that the City and this Board of City Commissioners are therefore authorized to cause the improvement to be made, and to contract and levy special assessments therefore, pursuant to and in accordance with provisions of Chapter 22, Title 40, North Dakota Century Code, as amended.

Commissioner Grossman seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Marquardt introduced the following resolution and moved its adoption:

**RESOLUTION AWARDING CONTRACT FOR THE CONSTRUCTION OF
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED NINE (509)**

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

1. Notice of advertisement for bids for the construction of Street Improvement District Number Five Hundred Nine (509) having been duly published, and all bids received pursuant to said notice having been considered, it is hereby found and determined that the lowest responsible bidder whose bid complies with law and the terms of said advertisement is Edling Electric, of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the work using Alternate 2 is \$421,130.85
2. Upon the furnishing by the successful bidder of a contractor's bond in the sum not less than the amount of the contract as above estimated, with a surety company authorized to do business in the State of North Dakota, conditioned as required by the provisions of Section 40-22-31 of the North Dakota Century Code, which bond shall be furnished within ten days from the date hereof, a contract for the performance of said work pursuant to the plans and specifications on file in the office of City Administration shall be made and executed by the President and countersigned by the Assistant City Administrator.
3. The Special Assessment Analyst is hereby authorized and directed to retain the bidder's bond furnished by the successful bidder pending the approval of the contractor's bond and the execution of the construction contract, and to return the bonds of the other bidders forthwith.

Commissioner Grossman seconded that motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

President Seminary said that due to an error by city staff, the following item will show how it was presented in the agenda with strikethrough and then the intended wording for the agenda item will follow behind it. The correct agenda item is not a public hearing.

~~5. PUBLIC HEARING and review by the Board of City Commissioners of the 2016 Transit Operating Grant request.~~

5. The Board of City Commissioners considered the request from the Metropolitan Planning Organization for permission to proceed with contract negotiations with Bis-Man Transit to be the area transit service provider for the period of 2017 through 2021.

Steve Saunders, MPO Executive Director, appeared before the Board. He asked for the Board's approval of the MPO's request to selected Bis-Man Transit as the selected transit service provider from January 1, 2017 to December 31, 2021. They also request approval to give staff permission to begin contract negotiations with Bis-Man Transit.

Commissioner Askvig made a motion to approve the request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

6. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on the request from Dakota Taxi LLC (dba Dakota Taxi) to obtain a new Taxi Cab License.

There were no oral or written comments.

Commissioner Askvig made a motion to approve the new taxi cab license request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

7. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on a request from Arnaldo's Inc. to locate a new Class I-1 liquor license at 1032 Airport Road (dba Arnaldo's Mexican Restaurant).

There were no oral or written comments.

Commissioner Marquardt made a motion to approve the new liquor license request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

8. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on a request from Lucky Ducks ND, LLC for a site approval (additional licensed premises) for their new expansion for their F-1 liquor license at 307 N 3rd Street (dba Lucky Duck's Deli & Catering).

There were no oral or written comments.

Commissioner Grossman made a motion to approve the request to expand the F-1 liquor license for Lucky Ducks Deli & Catering. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

9. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on Ordinance 6203, zoning ordinance text amendment relating to accessory solar energy systems, initiated by the city of Bismarck.

Kim Lee, Planning Manager, appeared and gave background information on this item.

There were no oral or written comments.

Commissioner Guy asked about removing the last sentence on Page 3, C, #2.

2. An accessory solar energy system is intended to produce energy primarily for on-site consumption but excess electrical power may be transferred to a power supply grid pursuant to utility company interconnection agreements. Total annual revenue from solar energy production on a lot or parcel should not exceed total annual costs of energy consumption for the principal and accessory uses on the lot or parcel.

There was discussion between the Board and city staff.

Commissioner Askvig made a motion to approve Ordinance 6203 with the strikeout on Page 3 of the ordinance. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

10. The Board of City Commissioners considered the following requests for Light of Christ Addition, requested by Light of Christ Catholic Schools (Bismarck Planning & Zoning Commission recommends approval):

- PUBLIC HEARING on Ordinance 6204 relating to annexation.
- PUBLIC HEARING on Ordinance 6205 relating to zoning change
- PUBLIC HEARING on amendment to the Fringe Area Road Master Plan for Section 9, Hay Creek Township.

- Approval of final plat.
- Approval of Developer's Agreement.

Kim Lee, Planning Manager, appeared and gave background information on these items. Additional information is contained in this item in the agenda packet.

There were no oral or written comments.

Commissioner Guy made a motion to adopt the ordinances, amendment to the Fringe Area Road Master Plan, and for approval of the final plat and the Developer's Agreement. Commission Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

11. The Board of City Commissioners considered the following requests relating to Promontory Point VI Addition, requested by Lancelot Development, Inc. and Santa Fe, LLP (Bismarck Planning & Zoning Commission recommends approval):

- PUBLIC HEARING on Ordinance 6206 relating to annexation of a portion of Promontory Point VI Addition.
- PUBLIC HEARING on Ordinance 6207 relating to zoning change.
- Approval of final plat.

Kim Lee, Planning Manager, appeared and gave background information on these items. Additional information is contained in this item in the agenda packet.

There were no oral or written comments.

Commissioner Grossman made a motion to adopt Ordinances 6206 and 6207 and for approval of the final plat. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

12. The Board of City Commissioners considered the following requests relating to Promontory Point VII Addition, requested by Lancelot Development, Inc. and Santa Fe, LLP (Bismarck Planning & Zoning Commission recommends approval):

- PUBLIC HEARING on Ordinance 6208 relating to annexation of a portion of Promontory Point VII Addition.
- PUBLIC HEARING on Ordinance 6209 relating to zoning change.
- Approval of final plat.

Kim Lee, Planning Manager, appeared and gave background information on these items. Additional information is contained in this item in the agenda packet.

There were no oral or written comments.

Commissioner Askvig made a motion to adopt Ordinances 6208 & 6209 and for approval of the final plat. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

13. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on Ordinance 6210 relating to the zoning change for various lots and tracts in south Bismarck, initiated by the city of Bismarck, Phase 5 of 6. The Bismarck Planning & Zoning Commission recommends approval.

Kim Lee, Planning Manager, appeared and gave background information on these items. Additional information is contained in this item in the agenda packet.

There were no oral or written comments.

Commissioner Askvig made a motion to adopt Ordinance 6210. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

14. The Board of City Commissioners received an update on the noise ordinance. Staff appearing were:

- Anton Sattler, Environmental Health Administrator
- Dan Donlin, Chief of Police

The information covered by Mr. Sattler and Chief Donlin included noise complaints regarding loud music, vehicles and motor cycles, traffic noise. The Police Department tries to address every complaint but it's difficult with how large Bismarck has become and in most instances, an officer needs to witness the violation in order to issue a ticket to the offender.

The Board received the information about the noise ordinance but took no action.

15. The Board of City Commissioners considered the request from Gateway to Science for an extension of the reversionary clause, referenced in the special warranty deed dated August 21, 2014, until December 2018.

Beth Demke, Executive Director of Gateway to Science, appeared before the Board to make the request. She said they need to extend their self-imposed deadline to continue their fundraising efforts. They are still receiving donations but they are also making adjustments in their plans to make accommodations.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes:

Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Naves: None, the motion carried.

Addendum Items:

16. The Board of City Commissioners considered amendment 1 to the January 12, 2016 Engineering Services Agreement with Kadrmas, Lee and Jackson (KLJ) for Maverick Avenue reconstruction/Terminal Boulevard reconstruction.

Commissioner Guy made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Naves: None, the motion carried.

Items 17-19- The Board of City Commissioners considered the following requests from the Engineering Department:

17. Consider approval of the change orders with Northern Improvement for Water Utility Project 15-113 and Sewer Utility Project 15-62, as part of the North Washington Street Reconstruction Project.

Commissioner Askvig made a motion to approve the request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Naves: None, the motion carried.

18. Consider request to receive and consider disposition of bids for Highway Construction Project 16-105.

Bids received were as follows:

BIDDER	BID AMOUNT
Traffic Safety Services	\$29,561.68
Engineer's Estimate =	\$39,492.80

Staff recommends awarding the bid to Traffic Safety Services for \$29,561.68.

Commissioner Askvig made a motion to award the bid to Traffic Safety Services for \$29,561.68. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, and President Seminary. Naves: Marquardt, the motion carried.

19. Update on North Washington Street closing.

The Board received an update on the North Washington Street closing from Mark Berg, Traffic Engineer, but took no action.

20. The Board of City Commissioners considered other business.

At this time, Commissioner Askvig asked to recognize Mel Bullinger, City Engineer, as this will be his final city commission meeting before he retires on June 3, 2016. The Mayor and Commissioners expressed their appreciation to Mr. Bullinger to the city of Bismarck and its citizens.

Having completed the items on the agenda, President Seminary asked if there was any further business for this meeting. There being none, the meeting was declared adjourned at 7:53 p.m.