

MEETING OF THE BOARD OF HEALTH

JULY 26, 2016

The Board of Health met in regular session on July 26, 2016, at the hour of 6:50 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary.

1. Welcome & Call to Order – President Seminary
2. Opening Remarks – Renae Moch
3. Mosquito Control Program Update - Anton Sattler, Environmental Health Administrator
 - Overview of Mosquito Season Thus Far
 - Vector Control Efforts of the Division
 - West Nile/Zika Update
 - Prevention Efforts for Residents
4. Immunization Update - Theresa Schmidt, RN, Community Health Nurse Manager
 - Back to School Immunizations
 - Flu Mist
5. Adjourn

The City Board of Health adjourned at 5:24 p.m. and convened as the Board of City Commissioners.

MEETING OF THE BOARD OF CITY COMMISSIONERS

JULY 26, 2016

The Board of City Commissioners met in regular session on July 26, 2016 at the hour of 5:25 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Askvig, Marquardt, Guy, Oban, 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 July 12, 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 Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

2. CONSENT AGENDA

A. The Board of City Commissioners considered and approved voucher numbers 1066012 to 1066342.

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

C. The Board of City Commissioners considered renewal of liquor licenses from August 1, 2016 to July 31, 2017. Select approvals are contingent upon proof of information by establishment. A list of the licenses will be included at the end of the minutes.

D. The Board of City Commissioners considered the request from City Administration Department for approval of letter of support for the Cottage at South Meadows Senior Housing Project

E. The Board of City Commissioners considered approval of the applications for tax abatement for Deferred Maintenance, Disabled Veteran Credit and Error in Valuation.

- 968 Santa Fe Ave (1173-006-100) – 2015 – Disabled Veteran Credit: Stephen and Kerry Krikava qualified for the abatement.
- 1020 N 11th St (0025-096-015) – 2016 – Deferred Maintenance: Evelyn Ziegler qualified for the abatement.
- 1235 E Highland Acres (0190-007-025) – 2014 & 2015 – Error in Valuation: Gary Schumacher qualified for the abatement.

F. The Board of City Commissioners considered the request from Bismarck Airport made by Executive Air Taxi (EATC) for approval of assignment of the EATC building leasehold and fuel farm leasehold as collateral for EATC financing.

G. The Board of City Commissioners considered the request from Bismarck-Burleigh Public Health to update fees and charges for several services.

H. The Board of City Commissioners considered introduction of and called for a public hearing on Ordinance 6225 relating to harassment.

ORDINANCE NO. 6225

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 6-03-03 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO HARASSMENT.

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

Section 1. Amendment. Section 6-06-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Harassment is hereby amended and re-enacted to read as follows:

6-03-03. Harassment. A person is guilty of an offense if, with intent to frighten or harass another, that person:

1. Makes a telephone call anonymously, ~~or in~~ using offensively course language or, using other electronic communication, communicates offensive material with no purpose of legitimate communication;

2. Makes repeated telephone calls, or other electronic communication, whether or not conversation ensues, with no purpose of legitimate communication; or

3. Communicates a falsehood by telephone or by electronic communication and causes mental anguish.

4. Telephones or initiates communication with a 911 emergency line with the intent to annoy or harass another person or a public safety agency or who makes a false 911 report.

a. Intent to annoy or harass is established by proof of one or more calls with no legitimate 911 emergency purpose.

b. Upon conviction of a violation of this subsection, a person is also liable for all costs incurred as the result of any unnecessary emergency response.

5. Any offense defined herein and committed by use of ~~a telephone~~ electronic communication may be deemed to have been committed at either the place at which the ~~telephone call or calls~~ electronic communication ~~were~~ was made or at the place where the ~~telephone calls or calls~~ electronic communication ~~were~~ was received.

6. Electronic communication means the transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, telephone, radio, electromagnetic, digital, photo-electronic, wireless or photo-optical system.

Reference: NDCC Sec. 12.1-17-07 (1985) (Ord. 5032, 03-14-00)

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

I. The Board of City Commissioners considered the request from Community Development Department to release part of the 150-foot non-access line adjacent to Lot 4, Block 3 and Lot 3, Block 4, Trillium 4th Addition. Staff recommends approval.

RESOLUTION

RELEASE OF A PLATTED NON-ACCESS CONTROL LINE IN LOT 4, BLOCK 3 AND LOT 3, BLOCK 4, TRILLIUM 4TH ADDITION

WHEREAS, the owner of Lot 4, Block 3 and Lot 3, Block 4, Trillium 4th Addition, Burleigh County, has set forth the facts and reasons in a petition requesting that part of a platted non-access control line be released; and

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, deemed it expedient that said matter is preceded with, ordered said petition to be filed in the office of the City Administrator; and

WHEREAS, the City Traffic Engineer has determined that the portion of the non-access line to be released would not be necessary for efficient traffic movement or public safety.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota:

1. Petition heretofore described praying for the release of all of the non-access line along Airway Avenue adjacent to the south line of Lot 3, Block 4, Trillium 4th Addition, less the West 150 feet, and the North 60 feet of the South 150 foot non-access line along Grumman Lane adjacent to the West line of Lot 3, Block 4, Trillium 4th Addition, and all of the non-access line along Airway Avenue adjacent to the south line of Lot 4, Block 3, Trillium 4th Addition, is in all things allowed and granted.
2. That the City Administrator be and is hereby authorized to file a transcript thereof for record in the office of the County Recorder, Burleigh County, North Dakota.

Adopted this 26th day of July, 2016.

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

- 1) Approval of Dakota Carrier Network Encroachment and Waiver Agreement at 3231 Greensboro Drive.
- 2) Approval for department staff to notify property owners of their need to repair unsafe sidewalks in accordance with applicable Bismarck city ordinances.
- 3) Approval of Change Order 2 with Mariner Construction, Inc. for Street Improvement District 13-469 to extend contract timeline to August 15, 2016 to allow completion of chip seal.
- 4) Approval of Change Order 2 with Northern Improvement Company for Street Improvement District 15-498 for \$62,464.81 due to reconciliation of actual quantities to the estimated quantities as part of project closeout.

K. The Board of City Commissioners considered the following requests relating to Water Improvement District 16-330 (installation of water main and related items):

- Resolution Creating District and Ordering Preparation of Preliminary Engineering Report.
- Resolution Approving Preliminary Engineering Report and Directing Preparation of Plans and Specifications.

Commissioner Askvig introduced the following resolution and moved its adoption:

**RESOLUTION CREATING
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED THIRTY (330)
AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT**

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

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Water Improvement District Number Three Hundred Thirty (330) is created for the purpose of making an improvement project, consisting of installation of water main and related work, and to defray all or a portion of the costs thereof by the levy and collection of special assessments in said District.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1
ALL OF LIGHT OF CHRIST ADDITION

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.
4. The City Commission declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds, and the Finance Director is hereby authorized to execute an official declaration of intent on behalf of the City of Bismarck.

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

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED THIRTY (330)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Water Improvement District Number Three Hundred Thirty (330), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

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

L. The Board of City Commissioners considered the request from Finance Department for approval of and bring Resolutions Directing Special Assessments to be Levied before the Special Assessment Commission on August 11, 2016.

	<u>Assessment</u>
Sewer Improvement District No. 100	\$ 235,216.01
Sewer Improvement District No. 158	\$ 547,000.00
Sewer Improvement District No. 560	\$ 164,514.18
Sewer Improvement District No. 564	\$ 420,679.80
Street Improvement District No. 100	\$ 153,597.56

Street Improvement District No. 488	\$ 2,251,296.32
Street Improvement District No. 489	\$ 1,392,038.98
Street Improvement District No. 493	\$ 969,783.16
Street Improvement District No. 495	\$ 904,625.09
Street Improvement District No. 501	\$ 360,555.89
Street Improvement District No. 502	\$ 100,686.98
Water Improvement District No. 148	\$ 568,100.00
Water Improvement District No. 326	\$ 229,455.00
Water Improvement District No. 327	\$ 55,741.80

M. The Board of City Commissioners considered the request from Public Works Service Operations Department for approval one time project adjustment of funds for repairs needed at the Convention and Visitor's Bureau building.

N. The Board of City Commissioners considered the requests from Public Works Utility Operations Department for approval of the following change orders:

- 1) Change Order M-2 with Central Mechanical to change the completion date to September 30, 2016 for the mechanical construction of the water treatment plant softening expansion project.
- 2) Change Order E-7 with Edling Electric, Inc. for \$12,235.96 for design related changes and to change completion date to July 29, 2016 for the electrical construction of the water treatment plant softening expansion project
- 3) Change Order G-5 with PKG Contracting for \$61,105.00 for design-related changes and to change completion date to September 30, 2016 for general construction of the water treatment plant softening expansion project.

Addendum Item:

O. Consider resolution vacating and abandoning rail easements shown on the plat of Airport Industrial Park 4th Addition.

RESOLUTION

Whereas, the City of Bismarck approved the plat for Airport Industrial Park 4th Addition to the City of Bismarck and recorded the plat on June 24, 1985 as Document No. 356857; and

Whereas, the City of Bismarck was the sole owner of Airport Industrial Park 4th Addition and there was shown on the face of the plat trackage easements in various locations; and

Whereas, none of the trackage easements as shown on the plat of Airport Industrial Park 4th Addition were ever developed and the property was later re-platted by the City

as the Northern Plains Commerce Centre Addition and the trackage easements as shown on the plat of Airport Industrial Park 4th Addition no longer exist on the plat of the Northern Plains Commerce Centre Addition.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck that any and all trackage easements, other easements and public right of way, as shown on the plat of Airport Industrial Park 4th Addition to the City of Bismarck and not shown on the plat of the Northern Plains Commerce Centre Addition are hereby abandoned and vacated and the Commission does hereby vacate any platting within the boundary of the Northern Plains Commerce Centre Addition prior to the approval of the Northern Plains Commerce Centre Addition

BE IT FURTHER RESOLVED that this resolution be placed on public record for review by citizens of the City of Bismarck, North Dakota and that this resolution be recorded in the office of the Burleigh County Recorder.

Dated this 26th day of July, 2016.

Commissioner Marquardt asked to pull the 2nd bullet under item #2N. Commissioner Askvig made a motion to approve the consent agenda. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

Item #2N, Bullet #2 – Consider request from the Public Works Utility Operations Department for approval of Change Order E-7 with Edling Electric, Inc. for \$12,235.96 for design related changes and to change completion date to July 29, 2016 for the electrical construction of the water treatment plant softening expansion project.

Commissioner Marquardt said this item needs additional time. They would like to extend the completion date by two weeks, until August 12, 2016.

Commissioner Askvig made a motion to approve the request to extend the contract change order completion deadline until August 12, 2016. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

REGULAR AGENDA

3. Addendum Item: City storm water discussion.

President Seminary asked Michelle Klose, Public Works Utility Operations Director, to appear before the Board and give them and the public an update on the city storm water system.

Ms. Klose appeared and made a short presentation to the Board, as well as answering questions from the Board. She said there's a misconception, based on recent complaints and inquiries, that what the public thinks is sewer backup is actually storm water discharge. Ms. Klose said they will be coming back to the Board with a report based on the study done of the city's storm water system hopefully by the end of August.

The Board received up the update but took no formal action.

4. Metropolitan Planning Organization (MPO) Policy Board.

Steve Saunders, MPO Executive Director, appeared before the Board and make a short presentation about the Metropolitan Planning Organization (MPO) Policy Board. There was discussion between the Board.

Commissioner Oban made a motion to appoint Commissioner Askvig to attend the MPO Policy Board in President Seminary absence. If Commissioner Askvig is unable to attend as well, another city commissioner will be asked to attend. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

5. The Board of City Commissioners considered the request from the Metropolitan Planning Organization (MPO) to allow Bis-Man Transit to place two shelters at Bismarck-Burleigh Public Health.

Roy Rickert, Bis-Man Transit Director, appeared before the Board and made the request to allow Bis-Man Transit to place two shelters at the east end of the parking lot for the Bismarck-Burleigh Public Health as well as eliminating two parking spots on the south side of the parking lot next to the entrance. It was suggested that Bis-Man Transit needs to spread the word regarding changes that are made to the route as much as possible through different mediums.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. There was discussion between the Board, Mr. Rickert and staff from Public Works Service Operations, Public Health and Engineering. Jeff Heintz has a concern that the parking lot asphalt depth is not thick enough to handle the added stress caused by the fixed-route buses. Renae Moch, Public Health Director, said she had concerns about having the bus route run so close to the Public Health building so that is why they suggested the route being presented to the Board. Gabe Schell, City Engineer, said they could do some sort of a cut-out street side as a permanent bus stop solution at this location if the Board wanted to proceed with a short-term solution as it was presented. The turning movement would have impact on the thinner pavement in the parking lot. Mr. Rickert thought this was a good temporary location as they are still looking for a location for a transit hub.

Commissioners Askvig and Guy rescinded their motion based on the additional information provided by city staff. Commissioner Askvig said he would like to see additional information regarding the cut-out and additional information from staff regarding different options. Commissioner Marquardt expressed concern for possibly spending money if the Public Health building is being sold to the University of Mary. President Seminary asked if staff could address this as soon as possible. Commissioner Askvig asked Engineering staff to consider the public right-of-way for this area.

6. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and approval of the concrete sidewalk, curb & gutter, and private driveway (SW2015) assessments.

ASSESSMENT	AMOUNT
Construction Cost	\$1,664,086.25
Engineering & Supervision	166,408.62
Administration	49,922.59
Advertising, Legals etc.	46,804.74
Interest during Construction	42,777.80
Amount Assessed	\$1,970,000.00

There were no oral or written protests.

Commissioner Askvig made a motion to approve the assessments as spread. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, 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 Ordinance 6218, a zoning ordinance text amendment relating to Accessory Dwelling Units, initiated by the city of Bismarck. The Bismarck Planning and Zoning Commission recommends approval.

ORDINANCE NO. 6218

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03 DEFINITIONS, 14-03-08 SPECIAL USES, 14-04-01 RR RESIDENTIAL DISTRICT, 14-04-01.1 RR5 RESIDENTIAL DISTRICT, 14-04-03 R5 RESIDENTIAL DISTRICT, 14-04-06 R10 RESIDENTIAL DISTRICT, 14-04-07 RM RESIDENTIAL DISTRICT, AND 14-04-17 A AGRICULTURAL DISTRICT OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO ACCESSORY DWELLING UNITS.

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

Daniel Nairn, Planner, appeared before the Board and presented the background information for this item (background information can found in this item in the agenda packet). Mr. Nairn pointed out there were some minor changes they are asking the Board to approve that were omitted from the copy of Ordinance 6218 that was included in the agenda packet.

The changes are noted below:

- Page 4: The word "this" removed from "~~this~~ Title 14"
- Page 5: "Building plan ~~necessary to show~~ compliance" is replaced by "Building plan that demonstrates compliance"
- Page 6: "of approval" is added to make "within 24 months of approval"

The Planning & Zoning Commission held a public hearing on the proposed amendment on June 22, 2016. No members of the public spoke at that public hearing. At the conclusion of the public hearing, and based on the finding contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the a zoning ordinance text amendment relating to Accessory Dwelling Units.

There were no oral or written protests at the public hearing before the Board of City Commissioners.

Commissioner Askvig made a motion to adopt Ordinance 6218 as presented with the revisions. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

8. PUBLIC HEARING on Ordinance 6219 relating to the creation of the Bismarck Animal Advisory Board.

President Seminary announced that this item has been pulled from the agenda. Therefore, the Board took no action.

9. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on Ordinance 6220 relating to alcohol sales, Civic Center.

ORDINANCE NO. 6220

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 10-10-01 AND 10-10-02 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO CIVIC CENTER.

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

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6220. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

10. The Board of City Commissioners considered the following requests relating to Cottonwood Lake Sixth Addition Second Replat, requested by Sattler Homes, Inc. The Bismarck Planning and Zoning Commission recommends approval.

- PUBLIC Hearing on Ordinance 6221 relating to a zoning change; and
- Approval of minor subdivision final plat.

ORDINANCE NO. 6221

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

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

Kim Lee, Planning Manager, appeared before the Board and presented the background information for this item (background information can found in this item in the agenda packet).

The Planning & Zoning Commission held a public hearing on the zoning change and minor subdivision final plat requests on June 22, 2016. No members of the public spoke at that public hearing. At the conclusion of the public hearing, and based on the finding contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the zoning change from the Conditional RM10-Residential zoning district to the RM10-Residential zoning district and approval of the minor subdivision final plat for Cottonwood Lake Sixth Addition Second Replat.

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6221 and approve the minor subdivision final plat request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

11. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on Ordinance 6222 relating to a zoning change for part of Wachters Addition, Wachters Addition Replat, part of Replat of Kavaney Commercial Park and part of Boutrous 2nd Addition, initiated by city of Bismarck. The Bismarck Planning and Zoning Commission recommends approval.

ORDINANCE NO. 6222

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

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

Kim Lee, Planning Manager, appeared before the Board and presented the background information for this item (background information can found in this item in the agenda packet).

The Planning & Zoning Commission held a public hearing on the zoning change request on June 22, 2016. No members of the public spoke at that public hearing. At the conclusion of the public hearing, and based on the finding contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the zoning change from the CR – Commercial zoning district to the CG-Commercial zoning district for all of the CR- Commercial zoned properties in part of Wachters Addition, Wachters Addition Replat, part of Replat of Kavaney Commercial Park and part of Boutrous 2nd Addition, as specified in the staff report.

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6222. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

12. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on Ordinance 6223 relating to a zoning change for Lots 4 & 5, Block 4, Meadowlark Commercial Seventh Addition, requested by Skyline Properties, LLC. The Bismarck Planning and Zoning Commission recommends approval.

ORDINANCE NO. 6223

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

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

Kim Lee, Planning Manager, appeared before the Board and presented the background information for this item (background information can found in this item in the agenda packet).

The Planning & Zoning Commission held a public hearing on the zoning change request on June 22, 2016. No members of the public spoke at that public hearing. At the conclusion of the public hearing, and based on the finding contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the zoning change from the RT-Residential zoning district to the CA-Commercial zoning district for Lots 4 & 5, Block 4, Meadowlark Commercial 7th Addition.

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6223. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, 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 6224 relating to a zoning change for Auditor's Lots 6A and 6B of Auditor's Lot 6 of the NE 1/4 of Section 1, Lincoln Township, requested by Mark and Stephanie Swenson. The Bismarck Planning and Zoning Commission recommends approval.

ORDINANCE NO. 6224

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

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

Kim Lee, Planning Manager, appeared before the Board and presented the background information for this item (background information can found in this item in the agenda packet).

The Planning & Zoning Commission held a public hearing on the original request on January 27, 2016, and a public hearing on the modified request on June 22, 2016.

Donovan Voeller, z property owner to the northeast across 52nd Street SE, spoke at the public hearing on January 27, 2016, and also read written comments from another area resident, Dwight Wrangham. Mark Swenson, the applicant, also spoke at the public hearing. No members of the public spoke at the June 22, 2016 public hearing on the modified request.

At the conclusion of the public hearing on June 22, 2016, and based on the finding contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the zoning change from the RR-Residential zoning district to the Conditional MA-Industrial zoning district for Auditor's Lots 6A and 6B of Auditor's Lot 6 of the NE 1/4 of Section 1, T138N-R80W/Lincoln Township.

There were no oral or written protests at the public hearing before the Board of City Commissioners.

Commissioner Askvig made a motion to adopt Ordinance 6224. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Naves: None, the motion carried.

14. The Board of City Commissioners considered the requests for approval of the following change orders from the Engineering Department:
 - a) Change Order 1 with Mariner Construction for Street Improvement District 15-489 in the amount of \$205,000 due to reconciliation of actual quantities to the estimated quantities as part of the project closeout.

Gabe Schell, City Engineer, appeared before the Board and presented the information for this item (see item in agenda packet)..

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

- b) Change Order 1 with Northern Improvement Company for Street Improvement District 15-496 in the amount of \$122,910.01 due to the reconciliation of the actual quantities to the estimated quantities as part of the project closeout. An additional \$50,000 was included in the total, for additional grading costs in Unit 2 for Durango Drive.

Gabe Schell, City Engineer, appeared before the Board and presented the information for this item (see item in agenda packet).

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

Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

15. The Board of City Commissioners considered the request from the Engineering Department for approval of consultant services for design of section 17 ponds.

Gabe Schell, City Engineer, appeared before the Board and presented the background information for this item (see item in agenda packet). Staff requests approval of request to enter into the agreement with Apex Engineering Group for the design of Section 17 ponds.

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

16. Update on North Washington Street.

Gabe Schell, City Engineer, appeared before the Board and gave an update on North Washington Street. He said they are 50% completed. There will be a two-way roadway in place by August 22, 2016 to allow school staff access prior to the beginning of school on August 25, 2016.

17. The Board of City Commissioners considered the request from the Fire Department to receive and consider disposition of bids for fire training tower site improvements.

Chief Joel Boespflug appeared before the Board to present the bids received:

BIDDER	BID AMOUNT
Weisz & Sons	\$438,500
Capital City Construction	\$439,850
Basaraba Excavating	\$468,132

Chief Boespflug recommended awarding the bid to Weisz and Sons for \$438,500.

Commissioner Askvig made a motion to award the bid to Weisz and Sons for \$438,500. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

18. The Board of City Commissioners considered the request from the Public Works Service Operations Department to receive and consider disposition of bids for electrical equipment replacement at the City/County Building.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board to present the bids received.

BIDDER	BASE BID*
Electric Systems, Inc.	\$67,450 + \$1,000 (MDU)
Western Edge Electric	\$69,950 + \$1,000 (MDU)
Mayer Electric	\$112,000 + \$1,050 (MDU)
Skeels Electric	\$198,625 + \$1,050 (MDU)
*Engineer's Estimate = \$184,000	

Mr. Heintz recommends awarding the bid to Western Edge Electric, Inc. for \$70,950.

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

- The Board of City Commissioners considered the request from the Public Works Service Operations Department to receive and consider disposition of bids for asphalt and concrete crushing at city landfill.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board to present the bids received.

Vendor ►		RTS Shearing, Llc		Knife River-North Central		Fisher Sand & Gravel		Sundre Sand & Gravel	
Material	Est Qty (Tons)	Unit Price Per Ton	Extended Cost	Unit Price Per Ton	Extended Cost	Unit Price Per Ton	Extended Cost	Unit Price Per Ton	Extended Cost
Concrete	4,854	\$8.00	\$38,832.00	\$14.00	\$67,956.00	\$6.00	\$29,124.00	\$8.50	\$41,259.00
Asphalt	3,396	\$5.00	\$16,980.00	\$11.00	\$37,356.00	\$4.50	\$15,282.00	\$8.50	\$28,866.00
Mobilization Fee			\$8,500.00		Included		\$40,000.00		\$10,000.00
		Total Sum Bid	\$64,312.00	Total Sum Bid	\$105,312.00	Total Sum Bid	\$84,406.00	Total Sum Bid	\$80,125.00

Mr. Heintz said city staff have reviewed the bids and determined that RTS Shearing, LLC at \$8.00/ton for crushed concrete and \$5.00/ton for crushed asphalt is the best and lowest bid amount. Funding for this work will be from the Solid Waste Disposal budget.

Commissioner Askvig made a motion to award the bid to RTS Shearing for \$64,312. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

20. The Board of City Commissioners considered the request from the Public Works Utility Operations Department to receive and consider disposition of bids for Wachter Avenue Master Lift Station Improvement project.

Michelle Klose, Public Works Utility Operations Director, appeared to present the bids received.

Bidder	Contract A General	Contract B Mechanical	Contract C Electrical	Contract D Combined
Northern Plains Contracting, Inc.	\$2,511,410			\$4,133,660
PKG Contracting, Inc.	\$2,544,860			\$4,168,860
Swanberg Construction, Inc.	\$2,628,860			
John T. Jones Construction Co	\$2,678,000			\$4,298,000
Edling Electric			\$1,067,000	
Denny's Electric & Motor Repair, Inc.			\$1,440,000	
Central Mechanical, Inc.		\$478,000		
Engineer's Estimate				\$4,316,000

Ms. Klose recommends awarding the bids as follows:

- Northern Plains Contracting, Inc. (general) - \$2,511,410
- Central Mechanical, Inc. (mechanical) - \$478,000
- Edling Electric, Inc. (electrical) - \$1,067,000

Commissioner Askvig made a motion to awards the bids as recommended by Ms. Klose. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

21. The Board of City Commissioners considered the following requests from the Bismarck Airport:

- a) Receive and consider disposition of bids for runway deicer.

Tim Thorsen, Assistant Airport Director, appeared before the Board to present the bids received:

Bidder	Bid for Item 1 – Potassium Acetate
LNT Solutions	\$6.75 per gallon
Cyrotech Deicing Technology	\$4.81 per gallon
Two Rivers Terminal	\$4.55 per gallon

Nachurs Alpine Solutions Industrial	\$4.79 per gallon
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Mr. Thorsen said airport staff recommends awarding to the low bidder, Two Rivers Terminal, for potassium acetate for \$4.55 per gallon.

Commissioner Askvig made a motion to award to Two Rivers Terminal for potassium acetate for \$4.55 per gallon. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

- b) Consider Amendment 3 to the May 12, 2015 Engineering Services Agreement with Kadrmas, Lee and Jackson (KLJ) for Airport Drainage Study, Storm Sewer Televising, Cleaning and Report.

Tim Thorsen, Assistant Airport Director, appeared before the Board to present the background information. Amendment 3 adds \$19,760.54 for KLJ engineering work related to National Environmental Policy Act (NEPA), survey and inspection associated with excavating the pipe outfalls and \$248,413.04 so sub consultants doing outfall excavation (Northern Improvement Company) and additional heavy cleaning (Visu-Sewer) for a total amendment of \$268,173.58. Recently the FAA notified the Airport that the work, as proposed, is eligible for Airport Improvement Program and/or Passenger Facility Charge Funding. A portion of the additional costs (\$89,100.00) will be covered in an amendment increasing the FAA grant for this project and the remaining \$179,073.58 will be paid from airport reserves and then 100% recovered in passenger Facility Charge (PFC) #7.

Mr. Thorsen said staff recommends approval of Amendment 3 to the May 12, 2015 KLJ Agreement. There was discussion between the Board, Mr. Thorsen, and Tom Neigum from KLJ. It was explained to the Board that the original amount was based on an estimate but once the sub consultant started the heavy cleaning, it was realized that more heavy cleaning was necessary, than was originally estimated.

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

22. The Board of City Commissioners considered other business.

Commissioner Marquardt said on Monday, August 15, 2016, the Board of City Commissioners will hold a special meeting to discuss the 2017 budget recommendations.

Commissioner Askvig mentioned that the K-9 officers and their handlers have trading cards.

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 6:53 p.m.