

MEETING OF THE BOARD OF CITY COMMISSIONERS

NOVEMBER 8, 2016

The Board of City Commissioners met in regular session on November 8, 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 Askvig, Marquardt, Guy, Oban, and President Seminary.

1. The Board of City Commissioners considered approval of the minutes of the meeting on October 25, 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 1068409 to 1068765.

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

C. The Board of City Commissioners considered introduction of and called for a public hearing on the request from Fotlom Properties, LLC. to transfer a Class E liquor license from Capsco Entertainment, Inc. (dba The Pier Convenience Store) at 1120 Riverwood Drive to the Pony Express Shell located at 1020 South Washington Street.

D. The Board of City Commissioners considered the request from the Assessing Division for approval of tax abatement applications for Disabled Veteran Credit and Functional Obsolescence/Shifting of Hillside.

- 1729 E Avenue C (0050-035-001) – 2016 – Disabled Veteran Credit: Jamie L. Steward qualified for the abatement.
- 1947 N 20th St (0550-023-105) – 2016 – Disabled Veteran Credit: Ervin and Carol Walther qualified for the abatement.
- 2945 Arizona Dr (1225-009-065) – 2015 & 2016 – Functional Obsolescence/Shifting of Hillside: James and Lenore Hopfauf qualified for the abatement.
- 2951 Arizona Dr (1225-009-070) – 2015 & 2016 – Functional Obsolescence/Shifting of Hillside: David and Eunice Wolf qualified for the abatement.
- 3325 Frost Ln (1365-002-050) – 2016 – Disabled Veteran Credit: Preston J. & Kristy L. Ripplinger qualified for the abatement.

E. The Board of City Commissioners considered the request from the Bismarck Airport for approval of Amendment 1 to the September 21, 2016 construction inspection/administration engineering services agreement with Kadrmas, Lee & Jackson, Inc.

When airport staff brought the construction inspection/administration agreement to the Board on September 21, 2016, it did not include materials testing. The cost analysis of testing fees completed by TKDA Engineering in Minneapolis, Minnesota recommended that additional quotes be secured to determine reasonable testing fees. Airport staff said they would come back to the Board when they had a low quote and add the materials testing to the KLJ agreement as a pass through cost. KLJ procured quotes from "all available" testing firms in the Bismarck area meeting Federal Aviation Administration (FAA) qualifications to do the work. A cost analysis of the two quotes was then completed and submitted to FAA for review. On October 20, 2016, FAA commented that the materials testing procurement action has been documented as satisfactory, fair and reasonable and determined the additional contract items are eligible for Airport Improvement Program (AIP) or Passenger Facility Charge (PFC) participation.

Amendment 1 adds \$169,769.00 for materials testing (subcontractor Braun Intertec Corp.) as a pass through to KLJ's agreement. The materials testing cost is included in the project budget and funding plan previously approved by the Board.

F. The Board of City Commissioners considered the request from Bismarck-Burleigh Public Health for approval of Environmental Health fees and charges and renewal date adjustments.

The currently approved 2017 fees for food licenses consist of an initial fee based on risk plus an additional fee of \$1.00 per seat. They are requesting to eliminate the \$1.00 per seat charge and incorporate square footage of the establishment instead.

The currently approved swimming pool fees are broken down into "year-round" and "seasonal" for pools and "year-round" and "seasonal" for splash pads/spray ground and then spa/whirlpool for a total of six categories. The adjustment to the swimming pool fees would be to simplify the categories for swimming pools into "year round" and "seasonal" and charge \$50 for each additional body of water.

The current expiration date of Environmental Health issued licenses is December 31st. They are requesting to change the expiration date from December 31, 2016 to March 31, 2017 with the consecutive years' expiration date remaining March 31st.

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

- Approval of the request for the city to release an access and water main easement in Lot 1, Block 2, Hay Creek Commercial Addition;

These two easements predate the 2013 recordation of Hay Creek Commercial Addition. Both easements were dedicated in 2005 and shown on the face of the plat as preexisting easements. The property owner has already terminated the access easement, and the termination of the City's water main easement precedes this item on the Board of City of Commissioners agenda.

This action will remove these easements from the face of the plat. Release of easements are approved directly by City Commission, without recommendation from any appointed board.

RESOLUTION

RELEASE OF ACCESS AND UTILITY EASEMENT ON LOT 1, BLOCK 2, HAY CREEK COMMERCIAL ADDITION

WHEREAS, a petition has been filed by the owner of property for the release of an access and water main easement on Lot 1, Block 2, Hay Creek Commercial Addition, and

WHEREAS, the water main easement was granted on February 2, 2005 and the access easement was granted on February 16, 2005 and both easement are shown on the plat of Hay Creek Commercial Addition.

WHEREAS, the easements are no longer necessary to provide access and water services to the area, and

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 access and water main easements described as:

That access easement in Lot 1, Block 2, Hay Creek Addition identified with reference to recorded document #632909, and that water main easement in Lot 1, Block 2, Hay Creek Commercial Addition identified with reference to recorded document #632907.

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 8th day of November, 2016.

- Approval of request to terminate a water main easement granted in Document #632907;

In 2005, a water main easement was granted to the City of Bismarck by Meadowlark Hills, LLC. With the subsequent development of Hay Creek Shops on the property, the water main within this easement was moved. In order to remove the encumbrance on the property and allow further development of the Hay Creek Shops complex, LaSalle Shopping Center, LLC, the successor in interest to Meadowlark Hills, LLC, has requested the City to execute an easement termination document.

The termination of this water main easement will also allow it to be released on the plat of Hay Creek Commercial Addition.

- Introduction of and call for a public hearing on the following relating Boulder Ridge 6th Addition:
 - Ordinance 5981 relating to annexation;

ORDINANCE NO. 5981

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

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

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, North Dakota, as follows:

Lots 1-11, Block 1; Lot 1, Block 2; Lots 1-11, Block 3; Lots 1-8, Block 4; and Lots 1-8, Block 5; Boulder Ridge Sixth Addition.

The above described tract of land contains 16.06 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this Ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

- Ordinance 5982 relating to zoning change from A-Agriculture zoning district to the R5-Residential and P-Public zoning districts.

ORDINANCE NO. 5982

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

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the R5-Residential zoning district:

Lots 1-11, Block 1; Lots 1-11, Block 3; Lots 1-8, Block 4; and Lots 1-8, Block 5; Boulder Ridge Sixth Addition.

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the P-Public zoning district:

Lot 1, Block 2, Boulder Ridge Sixth Addition.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

- Introduction of and call for a public hearing on Ordinance 6238 relating to a zoning change for Sonnet Heights Subdivision Seventh Replat;

ORDINANCE NO. 6238

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

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM30-Residential zoning district and included in the R10-Residential zoning district:

Sonnet Heights Subdivision Seventh Replat.

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

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

- Introduction of and call for a public hearing on a request for a right-of-way vacation for that portion of Ottawa Street adjacent to Lots 19-22, Block 1, Wutzke's 2nd Subdivision.

Two landowners have petitioned to vacate the east 35 feet of the Ottawa Street right of way adjacent to Lots 19-22, Block 1, Wutzke's 2nd Subdivision, leaving a remainder of 80 feet of right of way for Ottawa Street.

The vacation of a public right of way requires a public hearing, preceded by four weeks of legal ads. City staff requests the Board call for a public hearing to vacate the east 35 feet of the Ottawa Street right of way adjacent to Lots 19-22, Block 1, Wutzke's 2nd Subdivision, leaving a remainder of 80 feet of right of way for Ottawa Street.

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

- Approval of the request for encroachment agreement and waiver with Property 303, LLC;

Property 303, LLC is requesting the right to install and maintain a bicycle rack in the public right-of-way at 307 North Fourth Street.

- Approval of Contract Change Order No. 1 with DL Barkie Construction, Inc. for Water Utility Project 16-114 for additional work in amount of \$33,900.

Water Utility Project 16-114 is an annual project to replace problematic hydrants and valves at various locations throughout the city. Given the favorable bid the city received this year, the steady pace at which the contractor was able to complete the project, and at the request of the Public Works Utility Operations department, Engineering staff identified additional work to be completed within the budget identified in the Capital Improvement Program (CIP).

The original contract amount was \$58,600 and included replacement of hydrants and/or valves at six sites. The change order amount is \$33,900 and included replacement of hydrants and/or valves at four sites. The total project cost is \$92,500.00.

I. The Board of City Commissioners considered the request from the Public Works Utility Operations Department for approval of a sole source purchase of spare valve actuator for the Water Plant.

The water treatment plant has approximately 130 valves with Limotorque automated actuators that control their operation. Because of the long delivery time (8-10 weeks) for these actuators that department staff try to keep several spares in stock. They are currently down to their last couple of spares and would like to order another actuator to replace one that recently failed. It is important that they maintain consistency with the Limotorque actuators so they have interchangeability throughout the plant. Because the cost of a single actuator exceeds the \$5,000 limit they are requesting approval for a sole source purchase of this equipment.

Swanson Flo is the authorized distributor for these Limotorque actuators and as a result they are a sole source provider. Department staff are requesting approval to purchase one additional spare actuator at a cost of \$5,530.00 based upon the quote from Swanson Flo (included in the agenda packet).

Commissioner Askvig made a motion to approve the consent agenda. 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.

REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items).

PERSONS APPEARING	THEIR REMARKS
Tom Reuer	Regarding Item #4 – He’s a paratransit rider; wants Paratransit to continue their 24/7 service, including all holidays.
Trevor Vannett	Regarding Item #4 – He’s unhappy with proposed changes to the 24/7 service, including holidays; general public and able bodied persons should not be taking paratransit.
Gary Schumacher	Regarding Item #4 – He’s the owner of Taxi 9000; they now have a handicapped-accessible van for paratransit riders; MetroTaxi also has a handicapped-accessible van; those vans do run at regular taxi rates and will be on 24/7 service soon.

PERSONS APPEARING	THEIR REMARKS
Jeff Bixby	Regarding Item #4 – He’s a representative for Patterson Place; 50 cents is reasonable; he’s not happy with proposal before the Board tonight since it mirrors an earlier proposal before them; the changes won’t help the elderly or disabled.
Charlie Spencer	Regarding Item #4 – He says they need additional hours on holidays; unhappy with proposal.
Kate Herzog	Regarding Item #4 – She’s appearing on behalf of the Downtowners; they support the fixed route service changes which should increase ridership.

4. The Board of City Commissioners considered the request from the Community Development Department for Roy Rickert, Director of Bis-Man Transit, to appear to present the proposed changes to service provided by Bis-Man Transit.

Roy Rickert, Director of Bis-Man Transit, appeared before the Board and presented the proposed changes to services provided by Bis-Man Transit. There was discussion between Mr. Rickert and the Board.

Commissioner Oban made a motion to request the Bis-Man Transit Board reconsiders its recommendation and to look for additional cost savings within the fixed-route transit system and also requested to review the revised proposal at the November 22, 2016 meeting of the Board of City Commissioners. 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.

5. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on the request from Raevin, Inc. for approval of their waste collection franchise application.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board. Raevin, Inc has submitted their required application fee, proof of insurance and had their vehicles and roll off containers inspected by the Bismarck Environmental Health Division.

No one appeared to provide written or oral comments.

Commissioner Askvig made a motion to approve the waste collection franchise for Raevin, Inc. 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.

6. The Board of City Commissioners considered the request from Liechty Homes to appeal the decision of the Board of Adjustment to deny a variance to increase the maximum allowable square footage of accessory buildings to 1,500 square feet for Lot 1, Block 1, Stonecrest 2nd Addition (3336 Jericho Road).

The Bismarck Board of City Commissioners considered the appeal of Liechty Homes, Inc. (Liechty) from the Bismarck Board of Adjustment's denial of its application for variance to increase the allowable square footage for an accessory building for an RMH-Residential zoned property from 1200 square feet to 1500 square feet for its property at Part of Lot 1, Block 1, Stonecrest 2nd Addition to the City of Bismarck, North Dakota (street address 3336 Jericho Road, Bismarck, North Dakota). The hearing was held on November 8, 2016, at approximately 5:15 p.m. in the Tom Baker Meeting Room. Chris Tietz appeared at the hearing and presented testimony in support of Liechty's appeal. Ms. Tammy Rudnick, the homeowner, appeared and presented testimony in favor of the appeal. Ms. Jenny Wollmuth, Planner, appeared and reported the action of the Board of Adjustment and informed the commission of the situation. All of the records and files of the Bismarck Board of Adjustment regarding this matter were also before the City Commission. After all of the parties were given an opportunity to present evidence, the City Commission makes the following:

FINDINGS OF FACT

1. That Liechty's property is zoned RMH Residential and the maximum square footage allowed is 1200 square feet, the maximum height of sidewalls for an accessory building is 12 feet and the maximum percentage of lot coverage for the principal structure and the accessory building is 40% pursuant to City Ordinance sections 14-04-05(3)(d) and 14-03-06(1).
2. A concrete slab was installed on the property sized to accommodate a 1500 square foot accessory structure prior to application for a building permit. Work was ceased pending the application for a variance.
3. According to Mr. Tietz and Ms. Rudnick, the larger accessory structure is necessary to accommodate the homeowners need to care for a family member who is disabled and will, in the future, rely on the homeowners as the primary care giver, to better position the garage closer to the house and for future storage needs.
4. That the Appellant's property has no topographical features that limit the use of the property. The shape, size and topography of the property do not create difficulties or challenges for development or otherwise limit the reasonable use of the property.

5. That the Board of Adjustment, at their September 1, 2016 meeting, denied Liechty's request to allow an accessory building of 1500 square feet in size. Liechty timely appealed.

CONCLUSIONS OF LAW

1. That pursuant to City Ordinance 14-06-02, before the City Commission grants a variance, it must find that the property in question is exceptionally narrow, irregular, shallow, or steep or that there are other exceptional physical or topographical conditions so that there are special circumstances that are peculiar to the land or building that do not generally apply to other properties in the area and have not resulted from any act of the applicant taken subsequent to the adoption of the zoning ordinances; that the strict application of the zoning ordinance would deprive the owner of the reasonable use of the land or building; that the variance granted is the minimum necessary to accomplish the relief sought and; the variance, if granted, will be in harmony with the general purpose and intent of this article, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

DECISION

Based upon the findings and the conclusions, the Bismarck Board of City Commissioners concludes that there is no hardship created by the zoning ordinance, that the shape and topography of the property are not difficult or unique to the area and do not create any hardship that requires or justifies a variance from the application of the zoning ordinance. The relief requested by Liechty would be inconsistent with the zoning ordinance, would not be in harmony with the neighborhood and would be detrimental to the neighborhood.

Accordingly, the Board of City Commissioners denies the appeal and upholds the decision of the Board of Adjustment.

Commissioner Askvig made a motion to uphold the denial. Commissioner Oban 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 Board of City Commissioners considered the request from the Downtown Business Association for Kate Herzog to present information relating to the Walk Your City Initiative.

Ms. Herzog appeared before the Board. Walk Your City helps to boost your community's walkability, linking informational street signs for people with web-based campaign management and data collection to complement traditional approaches to wayfinding. She explained that they will be partnering with Go! Bismarck Mandan

who will provide monetary support to help cover the cost of the signs and campaign promotion. At this time, this will only be done in the downtown area but could be expanded to other areas of Bismarck. There was some discussion between Ms. Herzog and the Board.

Commissioner Askvig made a motion to approve the request as proposed. 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. The Board of City Commissioners considered the request from the Community Development Department for approval of a street name change for that portion of Glenwood Drive, west of the intersection with South Washington Street, to be changed to West Glenwood Drive.

Kim Lee, Planning Manager, appeared before the Board. The purpose of the proposed change is to ensure that the addressing along this roadway meets emergency response needs. The current street naming policy has established that, in this part of the City, South Washington Street should be the line of demarcation between street names with "east" and "west" directional notation. This change would conform to current street naming policy. Street name changes are approved directly by City Commission, without recommendation from any appointed board. Letters were sent to all affected property owners as notification of this meeting.

RESOLUTION
STREET NAME CHANGE IN
SPIRITWOOD ESTATES SUBDIVISION AND SOUTHBAY FIFTH ADDITION

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota deems it necessary to change a street name to West Glenwood Drive on the following property:

All of "Glenwood Drive" lying west of the intersection of Glenwood Drive and South Washington Street, as dedicated on the plats of Spiritwood Estates Subdivision and Southbay Fifth Addition, and adjacent to Lot 1, Block 1, Lot 4, Block 2, Lots 6 through 10, Block 3, Lots 1 through 5, Block 4, Lots 1 and 2, Block 6, and Lot 1, Block 7, Spiritwood Estates Subdivision; and Lots 8 through 24, Block 1, Lot 3, Block 2, Lot 1, Block 3, Lot 1 and Lots 20 through 40, Block 4, Southbay Fifth Addition.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board unanimously goes on record this 8th day of November, 2016 giving its support for the name change to West Glenwood Drive of the previously described roadway.

BE IT FURTHER RESOLVED that this resolution be recorded in the office of the County Recorder, Burleigh County, North Dakota.

Dated this 8th day of November, 2016.

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.

9. The Board of City Commissioners considered the request from the Community Development Department for approval of the final plat of Harvest Ridge Subdivision First Replat, requested by Felton Developing, LLC. Bismarck Planning and Zoning Commission recommends approval.

Felton Developing, LLC is requesting approval of a final plat for Harvest Ridge Subdivision First Replat. This action would allow the further subdivision of one rural residential lot into three rural residential lots with an access road. The property is located in north of Bismarck, west of US Highway 83 and north of 84th Avenue NE, along the north side of Watercress Avenue.

The Planning & Zoning Commission held a public hearing on the request on October 26, 2016. No members of the public spoke at the public hearing. At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of final plat, including the granting of a waiver to allow the use of a cul-de-sac.

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.

10. The Board of City Commissioners considered the request from the Engineering Department for consideration and disposition of bids for Water Improvement District 16-331.

The President of the Board of City Commissioners announced the hour had arrived for the opening of bids for the construction of Water Improvement District Number Three Hundred Thirty One (331). 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 four 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*
Markwed Excavating	\$74,794.20
Cofell's Plumbing & Excavating	\$71,621.00
Force Enterprise	\$67,769.30
Weisz & Sons, Inc.	\$61,201.65
* Engineer's Estimate = \$68,131.00	

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION RECEIVING BIDS
AND ORDERING PREPARATION OF ENGINEER'S STATEMENT
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED THIRTY ONE
(331)

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 Water Improvement District Number Three Hundred Thirty One (331).
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 Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION AWARDING CONTRACT FOR THE CONSTRUCTION OF
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED THIRTY ONE
(331)

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 Water Improvement District Number Three Hundred Thirty One (331) 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 Weisz & Sons, Inc. of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the work is \$61,201.65.

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 Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

11. The Board of City Commissioners considered the request from the Public Works Service Operations Department for consideration and disposition of bids for the air handler unit relocation project.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board. The existing Air Handling unit is located in the same room as a sewage ejector pit. It also blocks access to a tunnel that contains numerous corroded waste pipes that need to be removed. The intent is to open access to the tunnel to remove corroded piping and to relocate water meter and shut off out of the tunnel to an accessible location. Current access requires crawling through a tunnel from the alley end of the building to the 5th street end. In case of water leakage in the tunnel, access to shut off water would be high risk. The project will also improve air circulation in a section of the building on first and second floor that has in the past been problematic.

The following bids were received:

BIDDER*	BID AMOUNT
Fladeland	\$68,214
Lindtech	\$88,790
Northern Plains	\$44,170

* NOTE: A bid was received from Aquawork. The bond was for Beulah, not Bismarck. The bond was determined by City Attorney staff to be equal to none since it was for the wrong project and wrong owner.

Commissioner Askvig made a motion to award the bid to Northern Plains for \$44,170. 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 Board of City Commissioners considered the request from the Public Works Service Operations Department for consideration and disposition of bids for snow hauling contracts for 2016-2017.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board. The Public Works Service Operations department received nine bids on October 25, 2016. The City utilizes these contractors to haul snow from various City areas during snow removal operations.

	SIZE	BASARABA EXCAVATING	BUFFALO CONCRETE	BURNS TRUCKING, INC.	FORCE ENTERPRISE	FRANK THOMAS TRUCKING	GUTHMILLER & SON DIRTWORKS INC	HOFFER LANDCAPING	U CALL I HAUL LLC	WEISZ & SONS
TYPE OF EQUIPMENT										
Side Dump	25 yd +	\$170			\$129.50	\$145	\$140	\$165	\$200	\$120
	Quad-Axle				\$104					
End Dump	Tri-Axle				\$100				\$125	
	Tandem Axle	\$130	\$110	\$115			\$110			\$90

Mr. Heintz asked the Board for approval to allow the City to enter into contracts with all nine haulers, utilizing the lowest bidder first and allowing us to select the next lowest bidder's equipment as needed during snow hauling events.

Commissioner Askvig made a motion to allow the City to enter into contract with all nine haulers, utilizing the lowest bidder first and allow staff to select the next lowest bidder's equipment, as needed, during snow hauling events. 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 Board of City Commissioners considered other business.

The Board took no action.

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 6:56 p.m.