



Airport

DATE: March 12, 2021

FROM: Gregory B. Haug, Airport Director

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ITEM: Request to sell or dispose of 1994 Kodiak Northwest blower at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

REQUEST

Please place this item on the 3/23/2021 City Commission meeting agenda.

BACKGROUND INFORMATION

The 1994 Kodiak Northwest blower S/N 1293-2026, City asset # 6706, has reached the end of its service life and is expensive and difficult to maintain. The Board approved replacement in 2020, and the new MB-4 High Speed Runway Blower, has been delivered to Bismarck Airport.

RECOMMENDED CITY COMMISSION ACTION

Approve to sell or dispose of the 1994 Kodiak Northwest blower at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

STAFF CONTACT INFORMATION

Greg Haug | Airport Director, 355-1808 or ghaug@bismarcknd.gov

7-01-04. Exceptions.

1. Notwithstanding Section 7-01-03, purchases of supplies or services of a non-competitive type or kind, or purchases from other governmental bodies, or purchases made when, in the opinion of the Board of City Commissioners or its executive officer, an emergency requires immediate purchase of supplies or contractual services, may be made in the open market without competitive bidding.

2. Whenever a purchase or contract for services with an estimated cost that would require competitive bids under Section 7-01-03 is made without competitive bids, a written report or a copy of the memo to the City Commission requesting an exception must be filed with the bill or contract stating the reason why competitive bids were not called for and listing all suppliers contacted and quotes or estimates obtained.

3. For purposes of this section, "emergency" includes the following:

a. For a failure of a City utility facility with an anticipated repair cost of less than \$50,000.00, the Director of Public Works (Service or Utility Operations) is authorized to obtain quotes and hire the necessary contractor(s) to repair the damage and re-establish the utility service. Costs for the work must relate closely to the State "Blue Book" costs. If the expected cost of repair is in excess of \$50,000 but less than \$200,000, the City Administrator must approve the expenditure prior to engaging the contractor(s) to perform the repair work. The City Administrator will notify the mayor and the commissioner holding the portfolio about the incident and the ordered repairs as soon as is practicable. The Director of Public Works and/or the City administrator may not authorize emergency utility repair expenditures in excess of \$200,000 for a utility failure.

b. In the case of damage to other City property, emergency repairs are authorized to be made, not to exceed \$50,000, by the affected department head to the extent minimally necessary to preserve the value of the damaged City property. The affected department head shall notify the City Administrator of the incident as soon as is practicable.

7-01-05. Conveyance Sale, Lease or Disposal of Real or Personal Property.

1. Personal property valued at less than \$3,000.00 that has been determined obsolete and is no longer used by the city may be sold at private sale. The department head of the department selling the obsolete property shall make a record of the sale containing a description of the obsolete property, the reason it is no longer used, the date of sale, the purchase price, and the party to whom the obsolete property was sold. Purchases of obsolete property owned by the city may not be made by city employees or their agents except at public sale. Such sales must be reported to the Board of City Commissioners.

Real or personal property valued at more than \$3,000.00 belonging to the municipality may be conveyed, sold or disposed of only as approved by a majority vote of all members of the governing body. The governing body shall determine whether property with an estimated value of more than \$3,000.00 shall be sold at public or at private sale. Property valued over \$10,000.00 may be sold only at public sale, or as provided under paragraph 2 of this section, or as provided under section 7-01-07. When a public sale is required or authorized a notice containing a description of the property to be sold and designating the place where and the day and hour when the sale will be held must be published in the official newspaper once each week for two consecutive weeks with the last publication being at least ten days in advance of the date set for the sale. The notice shall specify whether the bids are to be received at auction or as sealed bids as determined by the governing body of the municipality. The property advertised must be sold to the highest bidder if the bid is deemed sufficient by a majority of the governing body, unless all bids are rejected.

2. Used motor vehicles which are determined by the department head and fleet services to be obsolete or unneeded for departmental operations and are available for other city operations shall first be offered to other city departments. If no other city department acquires the motor vehicle or if the motor vehicle is not appropriate for other city use, the department owning the motor vehicle may publicly list the motor vehicle as for sale in a classified ad or another public market place commonly used for the sale of motor vehicles. A department wishing to sell a motor vehicle valued at more than \$3,000 must first obtain the permission of the governing body before publicly listing the motor vehicle. City employees or their agents may not purchase motor vehicles owned by the city and sold through a public listing. Motor vehicles forfeited to the Police Department shall be incorporated into the Police Department fleet or sold at public sale as described in paragraph 1 of this section.

3. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure governing the conveyance, sale, lease or disposal of real property, those procedures shall apply unless modified by this section. Said statutory procedures include, but are not limited to:

a. Lease of airports or landing fields, or portions thereof under authority granted in Chapter 2-02, N.D.C.C. Leases must be in compliance with regulations and directives of appropriate federal agencies.

b. Conveyance of right-of-way for any state highway as provided in section 24-01-46, N.D.C.C.

c. Leasing of oil and gas lands as provided in Chapter 38-09, N.D.C.C.,

d. Conveyance of property to a municipal parking authority as provided in section 40-61-05, N.D.C.C.

e. Lease of public buildings or portions thereof as provided in Chapter 48-08, N.D.C.C., except that the City shall have the authority to enter into such leases for a period or term as set by the City Commission.

f. Granting of concessions for cafes, restaurants, and confectionaries on public buildings and grounds as provided in Chapter 48-09, N.D.C.C. except that the concession may be for a term as set by the City Commission.

g. Granting of rights-of-way for a railway, telephone line, electric light system, or a gas or oil pipeline system as provided in section 49-09-16, N.D.C.C.

h. Transfer of property pursuant to a joint powers agreement in accordance with chapter 54-40, N.D.C.C.

Reference: NDCC Sec. 40-11-04; (Ord. 4157, 6-23-87; Ord. 4414, 02-25-92; Ord. 4469, 09-29-92; Ord. 4592, 03-29-94; Ord. 5173, 05-14-02; Ord. 6093, 12-23-14)

7-01-06. Bidding Procedure. Whenever bids are called for, bids and the bidding procedure must be in accordance with applicable requirements of state and federal law.

Bid notices shall comply in all respects with applicable state statutes and shall include, at a minimum, a general

description of the property or services to be purchased or sold, where bid documents may be obtained, the time and place for opening bids, the deadline for receipt of bids, if different from the time for opening of bids, and whether a bid bond is required.

The city shall reserve the right to reject any and all bids, and to waive irregularities. However, bids which do not comply with mandatory requirements imposed by law or late bids must be rejected.

References: NDCC Sections 44-08-01, 44-08-01.1; NDCC Ch. 48-08, 48-09, 40-22.

7-01-07. Transfer of Real Property By Nonexclusive Listing Agreements. As an alternative to the procedure established under section 7-01-05, the board of city commissioners may engage licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements that describe the real property of the city which is to be sold; provide a maximum rate of fee, compensation or commission; and provide that the city reserves the right to reject any and all offers determined to be insufficient. As a further alternative to the procedure established under section 7-1-05, the city may create and maintain a list of all city real property that is for sale. The real property list must be on file and available in the office of City Administration. Any city owned real property contained on the real property list for at least 90 days may be sold by negotiated sale approved by the board of city commissioners.

(Ord. 4157, 6-23-87; Ord. 5496, 04-25-06)

CHAPTER 7-02. SALARY AND PAYROLL

7-02-01. Salaries of Elected and Appointed Officials. The salaries of city officials and appointive officers, except as otherwise provided by law, are in such sums and amounts as may be fixed from time to time by resolution of the board of city commissioners, except that salaries of the members of the board must be established by ordinance.

7-02-02. Salaries of Members of the Board of City Commissioners. The salary of the president of the board of city commissioners is \$700.00 per month and the salaries of the other members of the board are \$400.00 per month, effective January 1, 1989.

(Ord. 4215, 7-19-88)

7-02-03. Salaries of Members of Boards or Commissions. Members of boards or commissions appointed by the board of city commissioners may be compensated at a rate established by resolution of the board of city commissioners. In the absence of a resolution establishing rate of compensation, members shall serve without compensation, except that they shall be reimbursed for actual expenses incurred relating to their duties as