MEETING OF THE BOARD OF CITY COMMISSIONERS

JUNE 22, 2010

The Board of City Commissioners met in regular session on June 22, 2010 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City and County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Sprynczynatyk, Seminary, Grossman and President Warford. Commissioner Schwab was absent.

A Chaplain of the Bismarck Police Department presented the invocation.

The Board of City Commissioners considered approval of the minutes of the June 8, 2010 meeting.

Commissioner Grossman made a motion to approve the minutes. Commissioner Seminary seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Sprynczynatyk, Seminary, Grossman and President Warford. Nayes: None, the motion carried. Commissioner Schwab was absent and not voting.

The City Administrator presented the official returns of the Bismarck Primary Election for the City of Bismarck candidates, held on June 8, 2010, to the Board of City Commissioners, which are as follows:

A. Candidates for Commission President

John Warford	7281
Steve Schwab	2413

B. Candidates for City Commission

Josh Askvig	3641
Brenda Smith	3903
Paul M Quist	3363
Kurt T Schmidt	2437
Brad Feldman	1975
Chris Ebertz	1782

C. Candidates for Park Board

Mike Schwartz	4234
Julie Jeske	4037
Jennifer DeForest	4025
Jon Martinson	3596
Wayne Munson	2588
Larry Nieters	2579
Mark A. Zimmerman	2549

Commissioner Grossman made a motion that the canvass of the Bismarck Primary Election of June 8, 2010, be approved, accepted and adopted. Commissioner Seminary seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Sprynczynatyk, Seminary, Grossman and President Warford. Nayes: None, the motion carried. Commissioner Schwab was absent and not voting.

The current Board of City Commissioners adjourned.

President Warford presented to Commissioner Sprynczynatyk a Congratulations Award from the ND League of Cities for 32 years of service to the City of Bismarck, as well as a plaque from City of Bismarck to recognize her 20 years of service on the Board of City Commissioners. Commissioner Sprynczynatyk also received well wishes from President Warford, as well as Commissioners Grossman and Seminary. She then gave a short speech addressing her time on the Board as well as addressing the current and newly elected commissioners.

Charlie Whitman, City Attorney, administered the Oath of Office to John Warford, re-elected Mayor of the City of Bismarck.

Charlie Whitman, City Attorney, administered the Oath of Office to Brenda Smith and Josh Askvig, elected City Commissioners of the City of Bismarck.

The new Board of City Commissioners was called to order with the following present: Commissioners Seminary, Smith, Askvig, Grossman and President Warford.

President Warford said the portfolio information will be postponed until the paperwork is ready for the Board to review.

President Warford then asked the board to appoint a Vice-President. Commissioner Grossman made a motion to appoint Commissioner Seminary as Vice-President. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners then had before it for consideration the distribution of the portfolios to the commissioners.

President Warford presented the portfolio assignments to each one of the Commissioners and asked if there were any questions:

President Warford	Administration, Airport, City Attorney, Civic Center, Human Resources, Community Development, City and County Planning Commission
Commissioner Grossman	Finance, Police, Fire, Parking Lots, Vision Fund, Pension Review Board
Commissioner Seminary	Public Works - Service Operations, Solid Waste Utility, Street Lights, Roads & Streets, Fleet/Facility Maintenance, Economic Development, County Planning Commission, Intergovernmental Relations/MBBM
Commissioner Smith	Public Health, Communications, Forestry/Forestry Advisory Board, Renaissance Zone Authority, Vision Fund, CATV Liaison
Commissioner Askvig	Engineering, Public Works – Utility Operations, Water & Sewer Utility, Sidewalks, Weed Control, Mayor's Committee on Employment of Handicapped Persons

CONSENT AGENDA

The Board of City Commissioners considered and approved voucher numbers 1004781 to 1005272.

The Board of City Commissioners reviewed the personnel actions.

The Board of City Commissioners considered the application for tax abatement for:

- 2900 Ontario Lane #9 – Senior Citizen Homestead Credit – 2009: Donna Kramer qualified for the abatement.
- 2121 N Washington St #12 – Senior Citizen Homestead Credit – 2009: Verda Stuhlmiller qualified for the abatement.

The City Assessor recommended approval.

The Board of City Commissioners considered the application for exemption of improvements and/or additions to commercial and residential properties from Kathy Miller at 820 Prospect Point: addition for a recreation room and an attached garage. The City Assessor recommends approval.

The Board of City Commissioners considered approval of renewal of Site Authorization for Delta Waterfowl Foundation for Raffles Only.

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED TWENTY FOUR (524)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Basaraba's Excavating & Dirt Works for the construction of Sewer Improvement District Number Five Hundred Twenty Four (524) are hereby approved.

Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED TWENTY THREE (423)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Northern Improvement Co. for the construction of Street Improvement District Number Four Hundred Twenty Three (423) are hereby approved.

Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED TWENTY FOUR (424)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Mariner Construction, Inc. for the construction of Street Improvement District Four Number Hundred Twenty Four (424) are hereby approved.

Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED TWENTY FIVE (425)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Don's Electric, Inc. for the construction of Street Improvement District Number Four Hundred Twenty Five (425) are hereby approved.

Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED TWENTY SEVEN (427)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Northern Improvement Co. for the construction of Street Improvement District Number Four Hundred Twenty Seven (427) are hereby approved.

Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED TWENTY EIGHT (428)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Northern Improvement Co. for the construction of Street Improvement District Number Four Hundred Twenty Eight (428) are hereby approved.

Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED FIFTEEN (315)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Cofell's Plumbing & Heating, Inc. for the construction of Water Improvement District Number Three Hundred Fifteen (315) are hereby approved.

Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners considered the Contract Change Order with Advanced Processing & Imaging Inc to replace "file upload" program for the "form processor" program to provide more flexible and easier document configuration options which are more easily deployed.

The Board of City Commissioners considered the request from the Public Works Utility Operations Department for approval to accept easement for future sanitary sewer. Meadowlark Hills LLC would like to grant the City an easement to assure that sewer service can be extended to an area of property that they own in north Bismarck that is up for sale. Easement has been reviewed by staff from Engineering Department and both departments agree this is the proper easement for extending the sanitary sewer.

The Board of City Commissioners considered the request to create a Resolution of Necessity and call for bids for Street Improvement District 430 (new pavement, curb and gutter, ADA ramps, sidewalk and related work).

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED THIRTY (430)

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
Street Improvement District Number Four Hundred Thirty (430), 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 Smith seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED THIRTY (430)

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 Street Improvement District Number Four Hundred Thirty (430), according to plans and specifications heretofore approved by this Board, shall be received on July 27, 2010 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 Smith seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Seminary introduced the following resolution and moved its adoption:

RESOLUTION OF NECESSITY

RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT IN
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED THIRTY (430)

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

1. It is hereby found, determined and declared that it is necessary and expedient for the City of Bismarck to construct an improvement in and for Street Improvement District Number Four Hundred Thirty (430), such improvement to consist of new pavement, curb and gutter, ADA ramps, sidewalk and related work, for the following areas:

Unit No. 1
Enterprise Street – from 515' south of Rosser Avenue to 815' south of Rosser Avenue

Unit No. 2
LaSalle Drive – 1 lot west of Canada Avenue to Windsor Street
Canada Avenue – 2 lots west of Superior Drive to LaSalle Drive
Windsor Street – LaSalle Drive to 1 lot south
Weyburn Drive – LaSalle Drive to south line of Lot 1, Block 17, Sonnet Heights Subdivision

Unit No. 3
Neptune Circle – 60' south of Calypso Drive to cul-de-sac

Unit No. 4
Voyager Drive – Britannic Lane to 140' west
Voyager Place – Britannic Lane to cul-de-sac

Unit No. 5
Intrepid Circle – Downing Street to cul-de-sac

All in accordance with and as described in the resolution creating said district, adopted June 8, 2010, the preliminary report of the engineer, approved by this Board on June 8, 2010, and the plans and specifications for the improvement prepared by the engineer and approved by this Board on June 22, 2010, which are on file in the office of the City Engineer, and subject to inspection by anyone interested therein.

2. The cost of the improvement will be paid for by special assessments to be levied against properties benefited by the improvement in amounts proportionate to and not exceeding such benefits. The estimated cost by the Engineer for said improvements is in the amount of $915,000.

3. The Special Assessment Analyst is hereby authorized and directed to cause this resolution, together with a map of the city showing the improvement district, to be published once each week for two consecutive weeks in the official newspaper of the City. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protests with the Special Assessment Analyst at any time within thirty (30) days after the first publication of this resolution. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to-wit, July 27, 2010, at 5:15 p.m. meet at the City Hall for the purpose of hearing and determining the sufficiency of any protests so filed and to take such other and further action with reference to said improvement as may then be deemed necessary and expedient.

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

The Board of City Commissioners considered the request to advertise for bids for Street Improvement Project 75 (CDBG curb ramps).

The Board of City Commissioners considered the request from the Police Department for authorization to apply for a COPS Secure Our Schools grant. The purpose of this grant is to enhance school safety and security. Grant funds may be used to purchase equipment for

schools such as security cameras and other similar equipment and Bismarck has received previous grant allocations under this grant. Bismarck Public Schools will be responsible for the 50% local match and the only City responsibility would be to submit the application and serve as the fiscal agent for the grant.

The Board of City Commissioners considered the request to purchase on-line talent acquisition services to replace the work that is currently being performed by Job Service of North Dakota. The Change Management Coalition (CMC) considered this request at their June 15, 2010 meeting and recommends the use of up to $20,000 of 2010 Workforce Planning Program budgeted funds for the purchase of this service.

The Board of City Commissioners considered the following requests from the City Traffic Engineer:

- Permission to apply for Small Scale Safety Grant for a school crossing at Roosevelt Drive and Century Avenue. This would enable the City to apply for this grant to install a pedestrian activated flashing beacon system.
- Permission to use CIP – Citywide Traffic Signal funding for construction of a pedestrian trail for the school crossing at Roosevelt Drive and Century Avenue. This approval would allow the City to use funds from the City Wide Traffic Signal project to construct a 900-foot section of trail along the south side of Century Avenue.

Addendum:

The Board of City Commissioners considered the request from the NDDOT for a variance to the City Noise Ordinance. The ND Department of Transportation is requesting a variance to exceed the established noise levels identified in Section 8-10-04 particularly when construction activity occurs during non-peak hours of 6:30 PM to 6:30 AM for reconstruction of Bismarck Expressway in 2011.

The Board of City Commissioners considered the request from the Community Development Department to release the utility easement in Lot 9, Block 4, Airport Industrial Park 3rd Addition.

RESOLUTION
RELEASE OF A UTILITY EASEMENT IN LOT 9, BLOCK 4,
AIRPORT INDUSTRIAL PARK 3RD ADDITION

WHEREAS, a petition has been filed by the owner of property for the release of a utility easement in Lot 9, Block 4, Airport Industrial Park 3rd Addition, Bismarck, North Dakota, and

WHEREAS, a replacement utility easement will be recorded with the Burleigh County Recorder concurrent with the release of the subject easement; and

WHEREAS, the utilities for which the easement was granted have filed consent with the City of Bismarck contingent upon creation of said replacement easement.

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 utility easement described as:

The easterly 7-feet of Lot 9, Block 4, Airport Industrial Park 3rd Addition

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 22nd day of June, 2010.

Commissioner Askvig asked to have item N pulled from the Consent Agenda. Commissioner Seminary made a motion to approve the consent agenda except item N. Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

Commissioner Askvig asked if the variance would be for the whole area on Expressway or just the area from Washington to 12th Street. Mel Bullinger, City Engineer, said it is just for the portion of the project from Washington St to just past 12th St, he believes around the area of the Sons of Norway Park. Mr. Bullinger said the reason they are doing this is less impedance on motoring public because of the 30,000 motorists using every day as well as the businesses along Bismarck Expressway.

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

REGULAR AGENDA

The President of the Board of City Commissioners announced the hour had arrived for the public hearing and second reading on Ordinances 5773 to 5775 relating to water and sewer trunk line fees and storm water charges to be assessed to property that was outside the city limits at the time of construction.

ORDINANCE NO. 5773

AN ORDINANCE CREATING STORM SEWER IMPROVEMENT DISTRICT NUMBER ONE HUNDRED (100), UNIT NUMBERS TWO THROUGH THREE (2-3), OF THE CITY OF BISMARCK, NORTH DAKOTA.

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

ORDINANCE NO. 5774

AN ORDINANCE CREATING SANITARY SEWER IMPROVEMENT DISTRICT NUMBER ONE HUNDRED FIFTY-EIGHT (158), UNIT NUMBERS FOUR HUNDRED FIVE THROUGH FOUR HUNDRED NINE (405-409), OF THE CITY OF BISMARCK, NORTH DAKOTA.

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

ORDINANCE NO. 5775

AN ORDINANCE CREATING WATER IMPROVEMENT DISTRICT NUMBER ONE HUNDRED FORTY-EIGHT (148), UNIT NUMBERS THREE HUNDRED EIGHTY-SIX THROUGH THREE HUNDRED NINETY-ONE (386-391), OF THE CITY OF BISMARCK, NORTH DAKOTA.

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

There were no oral or written protests.

Commissioner Grossman made a motion to adopt the ordinances and confirm the assessments. Commissioner Seminary seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The President of the Board of City Commissioners announced the hour had arrived for the public hearing and second reading on Ordinance 5776 relating to Sick Leave.

ORDINANCE NO. 5776

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 9-05-03 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.) BY AMENDING THE SECTION RELATING TO SICK LEAVE.

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

There were no oral or written protests.

Commissioner Grossman made a motion to adopt the ordinance. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The President of the Board of City Commissioners announced the hour had arrived for the public hearing and second reading on Ordinance 5777 relating to Rules for Operation of All-Terrain Vehicles.

ORDINANCE NO. 5777

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 12-09-42 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.) BY AMENDING THE SECTION RELATING TO RULES FOR OPERATION OF ALL-TERRAIN VEHICLES.

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

There were no oral or written protests.

Commissioner Askvig made a motion to adopt the ordinance. Commissioner Seminary seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The President of the Board of City Commissioners announced the hour had arrived for the public hearing and second reading on Ordinance 5778 relating to Taxation and Budget.

ORDINANCE NO. 5778

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 7-06-03, 7-06-05 AND 7-06-12 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.) BY AMENDING THE SECTIONS RELATING TO TAXATION AND BUDGET.

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

There were no oral or written protests.

Commissioner Seminary made a motion to adopt the ordinance. Commissioner Grossman seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners considered the recommendation of the Renaissance Zone Authority for request of JS Bridal, LLC dba Bridal N' More, for designation of the lease of space in the building at 115 North 4th Street as a Renaissance Zone Project. The property is owned by J & J Smith Property Management, LLC.

Commissioner Seminary asked Charlie Whitman, City Attorney, if we are able to conduct business regarding the Renaissance Zone due to the pending lawsuit against the City. Mr. Whitman said the lawsuit against the City only pertains to Tax Increment Financing so we are able to proceed.

Jason Tomanek, Planner, appeared before the Board of City Commissioners and stated that the Renaissance Zone Authority held a public hearing on this request on June 9, 2010 and recommended designation of the lease of space in the building at 115 North 4th Street by JS Bridal, LLC dba Bridal N' More as a Renaissance Zone project, and an exemption from state tax on income derived from the business/investment location for five years beginning with the date of occupancy.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Smith, Askvig, Grossman and President Warford. Nayes: Seminary, the motion carried.

The Board of City Commissioners considered the following from the Finance Department:

- Maintenance agreement for telephone system

Sheila Hillman, Finance Director, said the City's current contract with BEK Business Solutions to provide the annual maintenance for our IP phone and voice systems will expire at the end of June 2010. A RFP was issued and three proposals were received for which the services and costs were reviewed by Wayne Stoppler, IT Manager. The RFP process reaffirmed that the City's current vendor provides the best service and cost. The agreement covers software upgrades, phone controller hardware, 24x7 services, consulting, staff training, annual audit of phone bills and circuits and has an automatic annual renewal option. The cost of annual maintenance is $20,674.

Commissioner Askvig asked the name of the two other companies who submitted proposals. Ms. Hillman said Marco, out of Fargo/Moorhead, was one and the other she believes was based out of Wisconsin but she can't remember the name offhand. The later also didn't meet the specifications of the RFP.

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

- 2011 Budget Calendar

Sheila Hillman, Finance Director, asked the Board to consider setting the dates for the Special Commission meeting and introduction of the 2011 budget ordinance and approval of the tentative budget schedule provided to the Board.

Commission Askvig asked if the items on the tentative schedule for June 1, 8 and 14 were done. Ms. Hillman said yes, they were all preliminary information that didn't involve the Commission that we need to have.

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

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

- Permission to submit an application for a North Dakota Forest Service (NDFS) Grant for riparian forest reforestation in the Missouri River native forest.

Jackson Bird, City Forester, said they were approached by the NDFS for this project. They are looking at the maintenance road for Riverwood Golf Course and go to the parking lot, removing some of the Russian Olive invading the area. They will prepare the area and plant species that would be more conducive for a riparian forestry project such as maples and hackberry.

Commissioner Grossman asked Jeff Heintz, Public Works Service Operations Director, if this will be in the 2011 budget. Mr. Heintz said yes, although the budget hasn't been approved yet.

This grant is for tree planting and site preparation removal and would consist of 50% cash or in kind match by the City with 50% of the funds provided by the NDFS. It would allow the forestry department to work with NDFS to study reforestation methods in riparian forests. If during the budgeting cycle of 2011, it is determined that adequate funds are not available for the grant match, funds would be released back to the NDFS for other projects across the state.

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

- Permission to adopt a recycling logo for City of Bismarck use on recycling trailers, plastic recycling dumpsters and vehicles used to pickup recycling materials

Jeff Heintz, Public Works Service Operations Director, said the logo was developed by Aaron Boyd, a University of Mary junior majoring in marketing. He approached Mr. Heintz about designing a recycling logo that could be used to identify our recycling program. After the Recycling Task Force committee reviewed the designs, recommended changes were made to Aaron. Aaron returned with two designs and the one the committee chose is the one before the Board tonight.

Commissioner Askvig asked why the logo doesn't specifically name the City of Bismarck. Mr. Heintz said they didn't specifically asked Mr. Boyd to incorporate the city name in the logo however the logo will be used in conjunction with the City of Bismarck logos currently marked on the trailers, dumpsters and vehicles. It would be an additional symbol. Commissioner Grossman said he would only support the motion if the recycling logo is always close to something that says City of Bismarck or Bismarck. President Warford asked about the cost. Mr. Heintz said they haven't gotten any quotes yet, they were waiting for Commission approval. He said he didn't anticipate the cost being more than a couple hundred dollars.

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

- Permission to adjust the disposal rates for Household Hazardous Waste from non-residential customers outside the city limits of Bismarck

Jeff Heintz, Public Works Service Operations Director, said these are the rates the City is currently being charged by Waste Recovery Services. There are no price increases; it just covers the cost they are charged by Waste Recover Services. The bid price for disposal of HHW for 2010 from Waste Recovery Services is:

- $0.60/ lb for Unstable Reactives, a $0.75 reduction from the 2009 price of $1.35/lb.
- $0.50/ lb for Waste Reactives, a $0.85 reduction from the 2009 price of $1.35/lb.
- $0.50/ lb for Class I and II Oxidizers, a $0.85 reduction from the 2009 price of $1.35/lb.
- $0.50/lb for Class I Organic Peroxides, a $0.85 reduction from the 2009 price of $1.35/lb.
- $0.82/lb for Flammables including solvents and aerosols, a $0.53 reduction from the 2009 price of $1.35/lb.
- $1.10/gal for Flammables including oil based paint/stain, a $1.40 reduction from the 2009 price of $2.50/gal.
- $0.82/lb for Corrosives, a $0.53 reduction from the 2009 price of $1.35/lb.
- $0.82/lb for Toxics, a $0.53 reduction from the 2009 price of $1.35/lb.
- $0.75/gal for latex paint, a change from the $0.24/lb measurement from the 2009 price.
- $0.60/lb for Unknown liquids or solids, a $0.75/lb reduction from the 2009 price of $1.35/lb.

It was requested that the new fees for HHW be changed to reflect the 2010 contract bid prices for non-residential disposal customers living outside the city limits of Bismarck. Residents of

Bismarck will continue to be able to dispose of house hold quantities of hazardous waste at no additional cost.

Commissioner Grossman asked why we wouldn't do this as part of the budget process. Mr. Heintz said this is in the budget proposal for 2011. Unfortunately, we request these bids in April and May so he can't tell them what the 2011 prices would be. President Warford asked if Mr. Heintz thought the price reduction would be an incentive for people to use the HHW instead of tossing items in the garbage. Mr. Heintz said he would hope so; this program is primarily to try and reduce household amounts of chemicals going into our landfill.

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

- Permission to purchase one (1) Dump Truck

Jeff Heintz, Public Works Service Operations Director, said bids were received as follows:

BIDDERS	AMOUNT OF BID
Peterbilt of Fargo, Inc.	118,897.00
Wallwork Truck Center	120,182.37
Nelson International (Option 1 – Varitech Controls – DTE)	108,642.00
Nelson International (Option 2 – Cirus Controls – DTE) *	104,320.00
Nelson International (Option 3 – Varitech Controls – NTEC)	108,363.00

The City received the bids on June 15th, 2010. Staff reviewed the bids and determined that the best and lowest bid is from Nelson International for a 2011 International Dump Truck with Varitech hydraulic Controls (Option 3) in the amount of $108,363.

*A lower priced Option #2 from Nelson International for an identical truck with Cirus hydraulic controls does not meet the requirements of the bid specification and is therefore non-conforming and cannot be considered in the bid award.

Commissioner Askvig asked if this is a replacement truck. Mr. Heintz said yes it is a replacement; they will be retiring one of their other dump trucks.

Commissioner Grossman made a motion to award the bid to Nelson International for Option 3 for $108,363.00. Commissioner Seminary seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

- Permission to award joint seal project SV-24

Jeff Heintz, Public Works Service Operations Director, said bids were received as follows:

Unit 1 – State Street from Divide Ave to I-94

Item No.	Description	Unit	Quantity	Mariner Construction Inc. Unit Price	Mariner Construction Inc. Total	Zimmerman Construction Inc. Unit Price	Zimmerman Construction Inc. Total
501-4.2	Conc. Joint & Crack Sealing	LF	53,200	0.95	50,540.00	1.28	68,096.00
1211-5.	Traffic Control	LS	1	2,450.00	2,450.00	2,500.00	2,500.00
Unit 1 Subtotals					**$52,990.00**		**$70,596.00**

Unit 2 – 3rd Street – Bismarck Expressway to Front Ave

Item No.	Description	Unit	Quantity	Mariner Construction Inc. Unit Price	Mariner Construction Inc. Total	Zimmerman Construction Inc. Unit Price	Zimmerman Construction Inc. Total
501-4.2	Conc. Joint & Crack Sealing	LF	25,900	0.95	24,605.00	1.30	33,670.00
1211-5.	Traffic Control	LS	1	2,450.00	2,450.00	2,500.00	2,500.00
Unit 2 Subtotals					**$27,055.00**		**$36,170.00**

Unit 3 – Bismarck Expressway from Rosser Ave to I-94

Item No.	Description	Unit	Quantity	Mariner Construction Inc. Unit Price	Mariner Construction Inc. Total	Zimmerman Construction Inc. Unit Price	Zimmerman Construction Inc. Total
501-4.2	Conc. Joint & Crack Sealing	LF	85,400	0.95	81,130.00	1.24	105,896.00
1211-5.	Traffic Control	LS	1	2,450.00	2,450.00	3,000.00	3,000.00
Unit 3 Subtotals					**$83,580.00**		**$108,896.00**
Project Totals					**$163,625.00**		**$215,662.00**

Engineering staff reviewed the bids and determined the best and lowest bid is from Mariner Construction for joint seals in the three units, for a total cost of $163,625.00. Funding for this work will be from the Roads and Streets budget Asphalt Supplies.

Commissioner Seminary asked Mr. Heintz when the road was originally treated. Mr. Heintz said they were joint sealed but deferred the question about when to Mel Bullinger, City Engineer. Mr. Bullinger thought State St and South 3rd St was 2002-2003 or 2003-2004 and Expressway was after that – all within five to eight year range. President Warford asked if that was normal for that length of time and if the specifications for this project will last longer this time. Mr. Heintz said they have asked for rubberized joint seal in this project; they are longer lasting. The last time these were done it was a state project and they used silicone at that time. Hopefully the new one will last around ten years.

Commissioner Askvig asked if we were replacing anything that is going to be reconstructed on Bismarck Expressway. Mr. Heintz said no the joint seals will be north of the reconstruction area to be done next year. Askvig then asked if we were going to use the rubberized joints in the Expressway reconstruction instead of the silicone. Mr. Heintz said that project will be a mill and overlay project so there won't be any joint sealing.

Commissioner Seminary made a motion to award the bid to Mariner Construction. Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The President of the Board of City Commissioners announced the hour had arrived for the opening of bids for the construction of Sewer Improvement District Five Hundred Twenty Six (526)/Water Improvement District Number Three Hundred Sixteen (316). 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 five (5) 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:

BIDDERS	AMOUNT OF BID
Basaraba Excavating	319,996.20
George E Haggart	321,104.64
Markwed Excavating	333,843.00
Swanberg Construction	306,797.30
Tand Construction	326,893.00

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION RECEIVING BIDS
AND ORDERING PREPARATION OF ENGINEER'S STATEMENT
SEWER IMPROVEMENT DISTRICT FIVE HUNDRED TWENTY SIX (526)/WATER
IMPROVEMENT DISTRICT NUMBER THREE HUNDRED SIXTEEN (316)

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 Sewer Improvement District Five Hundred Twenty Six (526)/Water Improvement District Number Three Hundred Sixteen (316).

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 Seminary seconded that motion. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

Mel Bullinger, City Engineer, presented the total project cost for Sewer Improvement District Five Hundred Twenty Six (526) is $144,620.98 which includes engineering, administration costs, advertising and legal costs, and interest during construction. The project funding is as follows: Assessments: $62,255.46; Sewer Utility: $82,365.52. The total project cost for Water Improvement District Number Three Hundred Sixteen (316) is $255,414.04 which includes engineering, administration costs, advertising and legal costs, and interest during construction. The project funding is as follows: Assessments: $92,711.26; Water Utility: $146,210.78, Developer Prepay $16,492.00.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION AWARDING CONTRACT FOR THE CONSTRUCTION OF SEWER IMPROVEMENT DISTRICT FIVE HUNDRED TWENTY SIX (526)/WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED SIXTEEN (316)

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 Sewer Improvement District Five Hundred Twenty Six (526)/Water Improvement District Number Three Hundred Sixteen (316) 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 Swanberg Construction of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the work is $306,797.30 subject to review and checking, as well as the developer in one of the units prepaying his respective amount

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

The Board of City Commissioners received and considered the disposition of bids for the Airport Shop Building Roof Replacement.

Greg Haug, Airport Manager, said bids were received as follows:

BIDDERS	Amount of Item 1 Roof Repair	Amount of Item 2 Insulation
Twin City Roofing (Mandan, ND)	52,995.00	0.95 per board foot
Custom Roofing (Mandan, ND)	55,800.00	1.10 per square foot

Mr. Haug said at this time they only wish to receive the bids tonight. They would like to come back at a future meeting to recommend an award. The reason for that is the City is preparing to start their energy audit and they want the roof to be included in that study.

Commissioner Askvig asked if that would change the scope of the bid or is that why the insulation information is included under Item 2. Tim Thorsen, Airport Operations Manager, said the Insulation portion of the bid is in the event that when the roof is being replaced and they find the insulation needs to be replaced as well, it allows them a unit price for it to be replaced. In regards to Commissioner Askvig's question about scope, we won't know that until the study is done. If the scope does change, the Commission would be asked to reject the bids and the project would be rebid. Askvig asked Charlie Whitman, City Attorney, if we receive them can we then reject them and rebid. Mr. Whitman said you can reject them prior to award and even up until a contract is signed. Commissioner Seminary asked why there weren't any bidders from Bismarck. Mr. Haug said he noticed that also but wasn't sure why. He said it was advertised just like all the other airport projects.

Commissioner Seminary made a motion to only receive the bids at this time. Commissioner Smith seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners received and considered disposition of bids for the air handler upgrade at the Police Department.

Keith Witt, Police Chief, said bids were opened and only one bid was received in the amount of $78,350.00 for the total base bid and 17,130.00 for the alternate #1 bid. The bid was submitted by City Air Mechanical. Due to the fact that this bid far exceeds the $48,000 available in one-time funding for this project, Chief Witt asked that the bid be rejected. The Police Department will continue to work with City Building Maintenance in order to attempt to determine an alternative solution for this project that will be within the available funding. He said this is the second time this item has been bid and he thinks this bid is higher this time and the specifications were refined.

Commissioner Grossman made a motion to reject the bid received. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners considered the recommendation of the Vision Fund Committee for approval of a PACE loan buydown for American Machine and Engineering in the amount of $6,390.40. This project will provide a production facility for the design and production of prototypes, tools and fixtures and start production runs.

Bill Wocken, City Administrator, presented the Vision Fund Committee's recommendation to the Board. Commissioner Askvig asked why the amount on his background information was listed

as $6,532.04 and the reason for the change. Mr. Wocken said amount may fluctuate based on net present value at the date of closing.

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

Addendum:

The Board of City Commissioners considered the request to award Street Utility Project 10-22.

BIDDERS	AMOUNT OF BID
Don's Electric	213,181.30
Edling Electric	226,532.00

Mel Bullinger, City Engineer, presented the project budget for this project ($241,327.00). He said the project exceeds the budget by about $5,000 more. Currently the contingencies (5%) equal $10,659.07. City project staff engineering fees charged to the project by City Engineering could be adjusted, if necessary.

Commissioner Askvig asked why the project bids came in so high over the engineer's estimate. Mr. Bullinger said it could be due to estimate for the decorative smaller light unit. Each of those smaller units was estimated at $3,200 but the bids came in at $4,800. They are thinking it's actually the banner arms that are causing the higher bids because those have to be custom fabricated. There are twenty-seven of those poles.

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

The Board of City Commissioners considered the request from the Civic Center to extend the Micros Maintenance Service Agreement.

Charlie Jeske, Civic Center General Manager, requested approval of this agreement. He stated the current agreement expires at the end of June 2010. The City's IT Department has reviewed the new agreement and recommends approval.

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

The Board of City Commissioners continued the MBBM Sustainability Discussion.

Commissioner Seminary asked to have this be on the agenda tonight so they could make a decision on a past discussion. The MBBM Committee met earlier tonight. We need to collaborate and conserve all forms resources: financial, human and other.

Members will be added to the current structure of the MBBM committee to include both school and park boards from both Bismarck and Mandan. There will be public input meetings. So

ultimately the group will be reflective of commissions for city and county, as well as school and park boards from both sides of the river.

Commissioner Askvig asked Commissioner Seminary about joint powers agreements, staff and budget requirements for this committee. Seminary said at this point there are more questions than answers. He continued that at this time, there is very little staff time involved because most things are happening during normal business hours. It may change over time. We are trying to consolidate and conserve therefore we don't want to add any expense. Any decisions made at the MBBM level, will be brought back before the respective commissions and boards.

President Warford asked if all of the other current groups in the MBBM will also be making this a permanent committee on their respective ends. Commissioner Seminary said they agreed to do that today and bring it up at their respective tables. Both Commissioner Askvig and President Warford agreed this is a great committee. President Warford reminded the board that this was a committee requested by the public citizens. Seminary said that tonight they tentatively decided to hold a public input meeting in August either here or in Mandan.

Commissioner Seminary made a motion to establish the MBBM Committee as a permanent committee in our region. Commissioner Grossman seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nayes: None, the motion carried.

The Board of City Commissioners considered the ongoing project agenda.

Commissioner Seminary thanked the two departing members of the Board, Commissioners Sprynczynatyk and Schwab, as well as welcoming the two newest members, Commissioners Smith and Askvig.

No action was taken by the Board.

Having completed the items on the agenda, President Warford asked if there was any further business for this meeting. There being none, the meeting was declared adjourned at 6:39 p.m.