



Committee of the Whole  
Wednesday, March 28, 2018 - 4:15 PM  
City Council Chambers

**1. BUILDING RELOCATION REQUEST- 1016 39TH ST SE**

The building to be moved is a 1997 year built 624 square foot detached garage. The structure is a 2 stall garage, 24 ft x 26 ft, with asphalt shingled roof, wood frame construction, and exterior vinyl siding.

**It is recommended the Committee and Council approve the relocation of the detached garage from 2220 24th Ave SE, Minot ND, 58701 also known as Brookview 4th Addition Lot 1, to 1016 39th St SE, Minot, ND 58701, also known as Peach Addition, Block 1, Lot 1, subject to conditions.**

Documents:

[Memo to City Council.pdf](#)  
[Mehlhoff Move Request.pdf](#)  
[Homeowners Letter - Mehlhoff.pdf](#)  
[Letter to owner - Mehlhoff.pdf](#)  
[Map of location.pdf](#)  
[INSPECTOR CHECKLIST.pdf](#)  
[Assessors Report.pdf](#)

**2. BUS ADVERTISING CONTRACT WITH FIRST INTERNATIONAL BANK P3687**

First International Bank and Trust would like to purchase advertising on the sides and rear panel of one Minot City Transit bus. This agreement would begin May 1, 2018 or as soon as the advertising can be installed on the bus for a period of one year with options to renew the agreement on a yearly basis.

**It is recommended the City Council approve entering into an advertising agreement with First International Bank and Trust to advertise on the sides and rear of one transit bus and authorize the Mayor to sign the agreement.**

Documents:

[MTC first international bank advertising for 2018 p3687.pdf](#)

**3. SPECIALTY RESTAURANT BEER AND WINE LICENSE – EXPEDITION LEAGUE, INC.  
DBA CORBETT FIELD**

The City received a request from Expedition League, Inc. dba Corbett Field, for a Specialty Restaurant Beer and Wine license operating at 1124 E Burdick Expressway. All documentation has been submitted and is being reviewed by the appropriate departments.

**It is recommended the Committee and Council approve the request from Expedition League, Inc. dba Corbett Field, subject to receipt of all documentation and approval by the Police Chief, Building Official and Fire**

**Marshal.**

Documents:

[Memo- Corbett Field.pdf](#)

**4. 4308 - 2018 STREET IMPROVEMENTS PROJECT**

This is the annual maintenance project to repair and replace streets that are showing moderate to severe pavement distresses. Repairing and replacing distressed streets will improve rideability and safety, and increase the pavement life for approximately 8 to 10 years.

**It is recommended the Committee and Council award the bid for 2018 Street Improvement District to the lowest total bid of \$1,821,288.80 from Bechtold Paving, Inc.**

Documents:

[4308 - 2018 Street Improvement Award of Bid Memo.1.pdf](#)

**5. 4347 - 2018 NUISANCE ABATEMENT PROJECT**

This is the yearly project to address nuisances throughout the City. Properties will be given to the contractor to abate as necessary and as funds are available. Funding for this project will come from property tax allocated by the Council. The final cost to abate each property will be special assessed against each property.

- 1. It is recommended the City Council award the bid for 2018 Nuisance Abatement to Dig It Up Backhoe Service, Inc in the amount of \$24,975.00.**
- 2. It is recommended the Committee and Council pass and adopt on first reading, an ordinance to amend the 2018 annual budget to increase demolition expenditures and transfer of funds for \$22,000 from cash reserves.**

Documents:

[4347 - 2018 Nuisance Abatement Placeholder Memo.pdf](#)

[2018 BA - 2018 Nuisance Abatement 4347.pdf](#)

[4347 - 2018 Nuisance Abatement Bid Award Memo.pdf](#)

**6. 4343 - 2018 PAVEMENT MARKINGS PROJECT**

This is the annual project to stripe pavement markings throughout the City's streets. This project maintains all pavement markings on the roads.

**It is recommended the City Council award the bid for the 2018 Pavement Marking Project to West River Striping Co. in the amount of \$159,985.00.**

Documents:

[4343 - 2018 Pavement Marking Project Placeholder Memo.pdf](#)

[4343 - 2018 Pavement Marking Award Memo.pdf](#)

**7. PARK SOUTH CHANGE ORDER OF \$120,585.25**

The Developer of the project has submitted a series of unanticipated costs which were itemized by the developer and an explanation was provided for each item. These costs have been reviewed by the CDM Smith subject matter experts and has provided written finding that all costs are appropriate and necessary.

**It is recommended the City Council grant approval to add \$120,585.25 to the CDBG-NDR contribution to the Park South multi-family rental rehabilitation project.**

Documents:

[ParkSouthchangeorderCity Council Memo2-16-18c.pdf](#)  
[Email.PDF](#)

**8. HOME SWEET HOME STRUCTURE RELOCATION BID**

The city of Minot entered into an agreement with the State Housing Preservation Officer accepting the SHPO finding that Home Sweet Home structure was historic warranting preservation and agreeing to relocate the structure to a site outside the Flood Wall construction foot print. The city had previously acquired land directly across from the current location of the HSH structure and it will be to this site that the structure will be moved.

**It is recommended the City Council authorize staff to issue bid for relocation of Home Sweet Home structure across the street.**

Documents:

[HSHBidCity Council Memo2-16-18c.pdf](#)  
[Home Sweet Home Building RelocationMarch 22nd.pdf](#)  
[20182360-S201-Foundation Plan 3-22-2018 FOR CITY.pdf](#)

**9. ODOR CONTROL IMPROVEMENTS (PROJECT NUMBER 4305)**

This improvement would consist of designing and constructing a building near Roosevelt Lift Station to house storage tanks and a pumping system to inject chemical to reduce the odors and corrosive effects of hydrogen sulfide gas.

**Recommend council approve the plans and specifications for the Odor Control Improvements project and authorize a call for bids.**

Documents:

[4305 - Memo to council - approve plans and specs.pdf](#)

**10. LANDFILL EXPANSION – CONTRACT AMENDMENT (PROJECT NUMBER 4306)**

In light of recent opposition to rezoning two quarters of land the City purchased for the expansion of the landfill staff has decided it would be prudent to take a step back. Some rough estimates were used to justify the proposed expansion, but there were many requests for a more detailed cost analysis of moving to a different location. Instead of just picking locations on a map that may or may not be acceptable to site a landfill, an actual siting analysis should be performed to pick some potential locations. Once a couple sites are located that appease the State siting requirements, a cost analysis can be performed for that particular site. This will in the end provide a more detailed and accurate estimate of costs for a new site versus expansion of the existing site.

**Recommend council approve the contract amendment with CPS Engineering in the amount, up to and not to exceed, of \$129,326.00 for the landfill siting and cost analysis and authorize the Mayor to sign the agreement.**

Documents:

[4306 - Memo to council - contract amendment.pdf](#)

## **11. 31ST AVE SE RECONSTRUCTION BROADWAY TO 13TH ST SE ENGINEERING SELECTION (4331)**

Apex Engineering Group (Apex) was selected using a competitive qualifications based selection. A committee consisting of Alderman Olson, the Assistant NDDOT District Engineer, Assistant City Engineer, Assistant Director of Public Works, and the Storm Water Engineer ranked written proposals from six firms. A short list of three firms was selected for the interview round of the selection process. The committee interviewed the three firms during an interview and selected Apex as the most qualified firm to perform the scope of services.

- 1. It is recommended the City Council select Apex Engineering Group to perform all consulting engineering for this project.**
- 2. Authorize the City Engineer to negotiate a scope and fee for services.**
- 3. Authorize the Mayor to sign the contract.**
- 4. Adopt a resolution authorizing the use of general obligation bonds for the project's cost share.**

Documents:

[4331 - 31st Ave SE Reconstruction Engineering Selection Memo.docx](#)  
[Reimbursement Resolution 4331 31st Ave SE Reconstruction.docx](#)

## **12. PURCHASE OF 416 NW 2ND AVE**

416 NW 2nd Ave was offered for sale on the Ward County Tax Foreclosure Sale and went unsold. The property is next to the flood control project and may have some value to the project. The County will entertain offers for the property. The majority of the delinquent tax on the property is due to demolition costs special assessed by the city.

**It is recommended the City Council approve the purchase of 416 NW 2nd Ave.**

Documents:

[Memo- Purchase of 416 NW 2nd Ave.pdf](#)  
[Tax Sale Properties.pdf](#)  
[Tax Sale Acquisition.docx](#)  
[RE Tax History.docx](#)

## **13. GIS PRESENTATION CONSTRUCTION INFORMATION MAP**

Our primary intention is to use the City's GIS as a communications tool. In this example, a resident can go to the City's webpage and go to the construction map. They can zoom to their home or place of work using familiar tools and methods just like any other website map. The person can click on the work area and obtain project status updates, start and end dates, contact information, and detour information.

No action by City Council is necessary.

Documents:

[GIS Presentation Memo.docx](#)

## **14. GUIDANCE ON POSSIBLE INITIAL FOLLOW-UP STEPS FROM IEDC VISIT**

It is expected in the next two months that we will receive a comprehensive draft report from the IEDC team based on their observations and findings during their visit of the week of March 12, 2018. We will have an opportunity to provide input, comments, and follow-up questions regarding the draft report after which IEDC will provide a final report which will contain a range of action items for the city to consider taking.

**Staff is seeking City Council guidance on possible initial follow-up action steps resulting from the visit of the International Economic Development Team**

Documents:

[IEDCfollowupCity Council Memo2-16-18d.pdf](#)

**15. NDR SINGLE FAMILY HOME BUILDABLE LOT RFP RESPONSE RECOMMENDED ACTION**

This item was held at the February 27th Committee of the Whole meeting. The 30 day appeal period for either proposer ends March 28th. At this time no appeal has been received.

The city issued an RFP seeking developers and/or property owners with 35 lots available for construction of Low/Moderate Income affordable single family homes in tracts with proper zoning as well as all critical infrastructure in place. Two responses were received. A Technical Review committee comprised of representatives of the Planning Department, Engineering Department, DR Grant Program Manager, CDM Smith experts, Federal Compliance Officer met and reviewed the applications to assess responsiveness to the requirements of the RFP and the viability of the proposed projects.

It is recommended the City Council concur with Technical Review Committee's recommendation to not accept either of the two responses to the NDR Single Family Home Buildable Lot RFP.

Documents:

[Single Family 35 lot RFPCity Council Memo2-16-18c.pdf](#)

[City of Minot National Disaster Resilience Technical Review Committee Report.pdf](#)

**16. DISCUSSION: HEIDRICH HOMES COMPLAINTS**

The Heidrich Homes neighborhood provided information at the February 5, 2018 regular City Council meeting, the March 1, 2018 gathering, and the March 5, 2018 regular City Council meeting. Jonathan Newman made several requests at the March 5th regular City Council meeting, on behalf of the Heidrich Homes neighborhood. Attached is the City's response to those requests.

Documents:

[Letter - Jon Newman Heidrich Homes - 03-20-18 - FINAL.pdf](#)

**17. DESIGN & CONSTRUCTION ENGINEERING P4291 CARNEGIE CENTER STRUCTURAL REPAIRS**

EAPC completed a preliminary report outlining the proposed work that needs to be completed to repair structural and other repairs on the Carnegie Center.

Public Works prepared a Request for Qualifications for Architectural and Engineering services and advertised in accordance with State law. EAPC was the only firm that responded to the RFQ and their qualifications show they are qualified to perform the design and construction management work.

- 1. Recommend approval of EAPC consultants for the design and Construction engineering on the Carnegie Building**
- 2. Authorize the Public Works Director to negotiate fees for the work and authorize the Mayor to sign the agreement on behalf of the city**

Documents:

Memo approve engineering 4291.pdf  
RFQ carnegie center improvements P4291.pdf



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Mitch Flanagan

**DATE:** April 2, 2018

**SUBJECT:** Building relocation request to 1016 39<sup>th</sup> St SE

#### I. RECOMMENDED ACTION

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It is recommended the Committee and Council approve the relocation of the detached garage from 2220 24<sup>th</sup> Ave SE, Minot ND, 58701 also known as Brookview 4<sup>th</sup> Addition Lot 1, to 1016 39<sup>th</sup> St SE, Minot, ND 58701, also known as Peach Addition, Block 1, Lot 1, subject to the following conditions:

1. A ten-thousand dollar completion bond must be posted with the City of Minot prior to issuance of any permits for this work.
2. Application and approval of building permits for all proposed construction.
3. An approved foundation design in compliance with City of Minot building codes.
4. If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.
5. All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.
  - a. Proposed location of garage has two existing accessory buildings; one will need to be removed per zoning code, Chapter 5 Section 5-4 (a)
6. The exterior of the structure must be one consistent color arrangement of colors after relocation.
7. Applicant must obtain all necessary permits, and coordinate all relocation activities with public utilities and traffic authorities.
8. The property must be provided with proper site drainage, and must be landscaped in a manner similar to surrounding properties.

#### II. DEPARTMENT CONTACT PERSONS

Mitch Flanagan, Building Official	857-4102
Mike Murphy, Residential Inspector	857-4102
Dan Lovelace, Property Appraiser	857-4160

#### III. DESCRIPTION

The building to be moved is a 1997 year built 624 square foot detached garage. The structure is a 2 stall garage, 24 ft x 26 ft, with asphalt shingled roof, wood frame construction, and exterior vinyl siding.

**IV. IMPACT:** None.

**V. TIME CONSTRAINTS**

All work must begin within 30 days of issuance of moving and building permits and completed within ten months of start date and generally in accordance with the following schedule:

1. Foundation complete within two months.
2. Structure relocated within four months
3. Work required for code compliance completed within six months
4. All proposed construction and final clean up completed within ten months.
5. City of Minot Zoning Ordinance, Section 23-1 states:

“All off-street parking spaces and all driveways on private property leading to such parking areas shall be all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards.”

**VI. LIST OF ATTACHMENTS**

- A. Application for Moving a Residential Building, pictures, and site plan.
- B. Letter to homeowners within 150 feet.
- C. Letter to applicant.
- D. Map showing properties affected
- E. Inspectors reports
- F. Assessors report

Approved for Council Agenda: \_\_\_\_\_

Date: \_\_\_\_\_

## INSPECTIONS DEPARTMENT

**APPLICATION FOR MOVING A RESIDENTIAL BUILDING**

I, Scott Mehlnaff, owner and/or agent hereby make application to the City Building Official to move a(n) detached garage <sup>26' wide 24' long</sup> structure(s) from:

LOT # 1 BLOCK \_\_\_\_\_  
ADDITION Brookview 4<sup>th</sup>  
ADDRESS 2220 24<sup>th</sup> Ave SE

To the location within the City of Minot, North Dakota, legally described as:

LOT 1 BLOCK # 1  
ADDITION Peach  
ADDRESS 1016 39<sup>th</sup> St SE ZONING R 1

I understand that this relocation request shall be posted by the City of Minot for a Notice of Public Hearing and that such Notice shall be published in the Official Newspaper designating the date of said hearing. Separate notices shall be sent by certified mail to affected property owners.

Moving Fee:

Residential Use: City Council approval fee: \$450.00

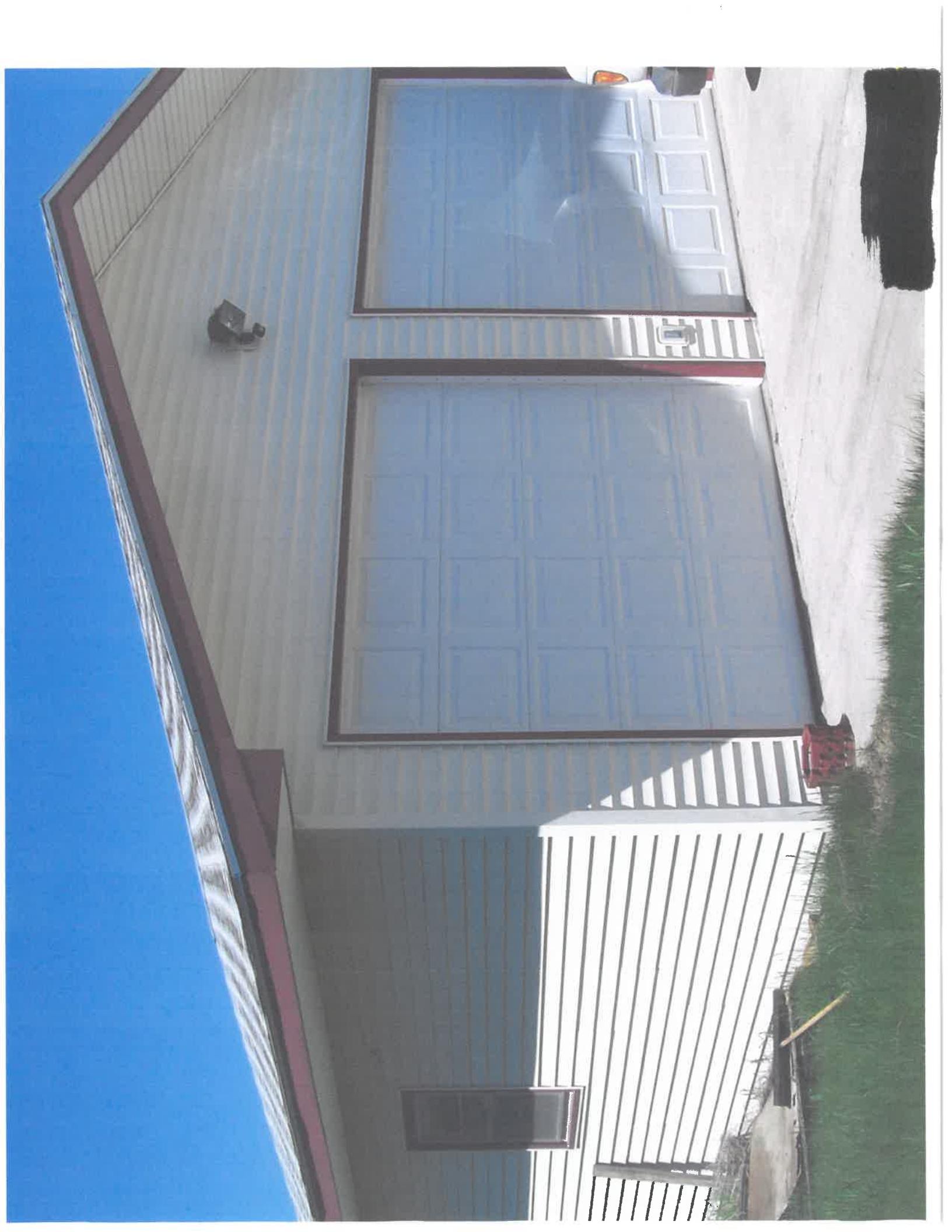
It is further understood that a completion bond in the amount of \$10,000.00 shall be provided to the City upon the approval of this application.

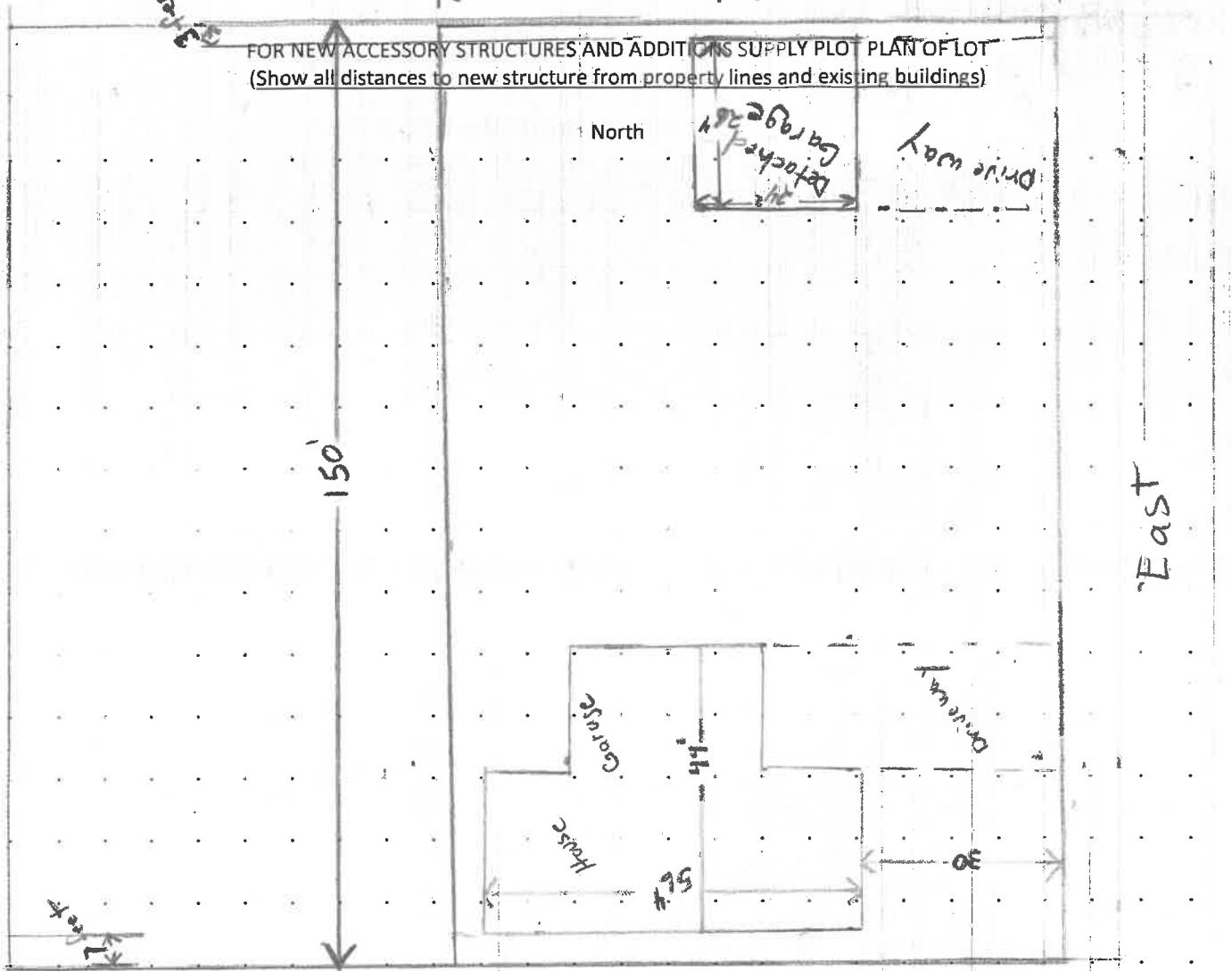
Scott Mehlnaff  
Signature of owner/agent

2/1/18  
Date

1016 39<sup>th</sup> St SE, Minot ND 58701  
Mailing Address

701-720-6556  
Phone





**\*\*\*NO COMMERCIAL OR MULTI FAMILY BUILDING PERMITS WILL BE ISSUED, INCLUDING FOUNDATION PERMITS, WITHOUT WRITTEN CONFIRMATION THAT THE PROJECT SITE AND STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY ENGINEERING.**

This permit creates no warranties with regard to construction or code compliance. Any inspections under this permit are for the benefit of the public and not the permit recipient, and any inspections do not create a duty to the permit recipient, the owner, or to a subsequent purchaser with regard to quality of construction or code compliance. This agreement applies to any such claim brought by any subsequent purchaser or owner of the property. I understand that I am responsible for the information shown hereon. I certify that I have investigated the location of my property lines, any easements or other restrictions on the property and the dimensions shown are accurate to the best of my knowledge.

AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS.

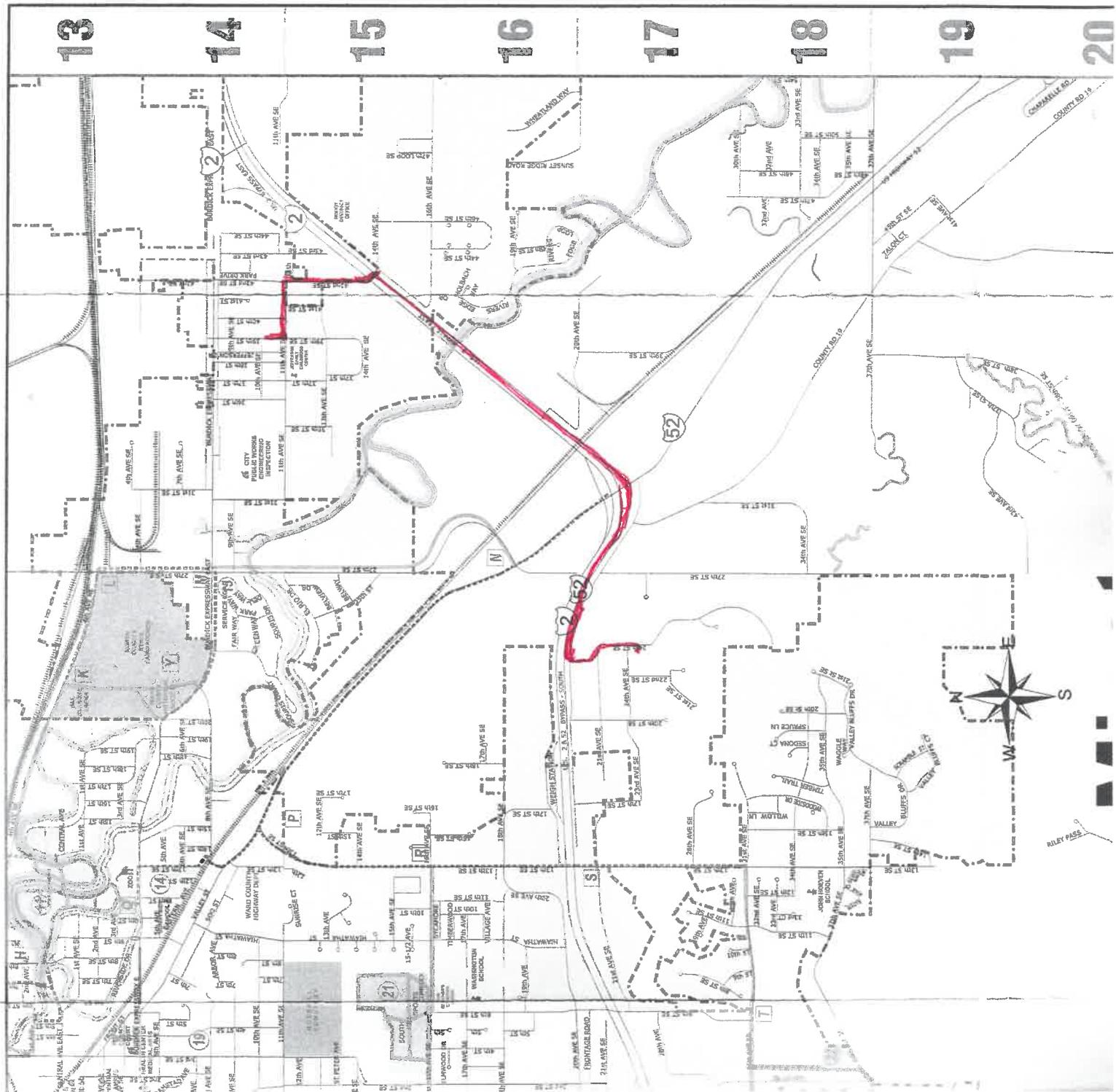
APPLICANT SIGN

DATE

2/1/18

Kevin 720-0355

Ida Mae Court .....	J
Irma Court .....	J
Jefferson Dr. ....	K
Jewel Ct. ....	L
Kodiak St NW .....	M
Korslien Dr. ....	M
Lake St. ....	M
Lakeside St. ....	M
Landmark Cir .....	M
Landmark Dr. ....	M
Laurel Ln .....	M
Lincoln Ave .....	M
Linden Loop .....	M
Maple St. ....	M
Meadowlark Dr .....	M
Moraine Point .....	M
Mulberry Loop .....	M
Mustang Trail .....	M
Normal St .....	N
Northwest Ave .....	N
Oak Drive .....	O
Olive Tree Circle NE .....	O
Palomino Drive .....	P
Park Drive .....	P
Park St. ....	P
Parkside Dr .....	P
Parkway .....	P
Railway Ave. ....	R
Ramslad Ave .....	R
Riley Pass .....	R
Rivers Edge Dr .....	R
Rivers Edge Loop .....	R
Riverside Dr. ....	R
Roberts St. ....	R
Ruyak Point .....	R
Scramble St. ....	S
Sedona Ct. ....	S
Shirley Court .....	S
Silver Birch Dr .....	S
Skyline Drive .....	S
Soo St. ....	S
Souris Dr. ....	S
St. Peter Ave .....	S
Summit Dr. ....	S
Sunrise Ct. ....	S
Sunset Blvd .....	S
Sunset Ridge Rd .....	S
Sycamore Ave .....	S
Talon Ct. ....	T
Tammy Dr. ....	T
Teal Circle .....	T
Terrace Court .....	T
Terrace Dr. ....	T
Timber Trail .....	T
Timberwood Ave .....	T
Timothy Dr. ....	T
Tuxedo Rd .....	T
University Ave. ....	U



# City of Minot

## Inspection Department

March 14, 2018

Re: Building relocation request

Dear Property Owner:

Please be advised that this office has received a request from Scott Mehlhoff to relocate a detached garage from 2220 24<sup>th</sup> Ave SE to 1016 39<sup>th</sup> St SE (Peach Addition Lot 1 Block 1). This property is zoned R1, Single-Family Residential District.

The Committee of the Whole will be reviewing the request on Wednesday, March 28, 2018 at 4:15 p.m. in the City Council Chambers at City Hall. A public hearing regarding the request will be held on April 2, 2018, at 6:30 p.m., also in the City Council Chambers. If you wish to appear or give comments concerning the request, you may attend these meetings, or you may present comments to this office at 1025 31<sup>st</sup> Street SE during normal working hours.

Sincerely,

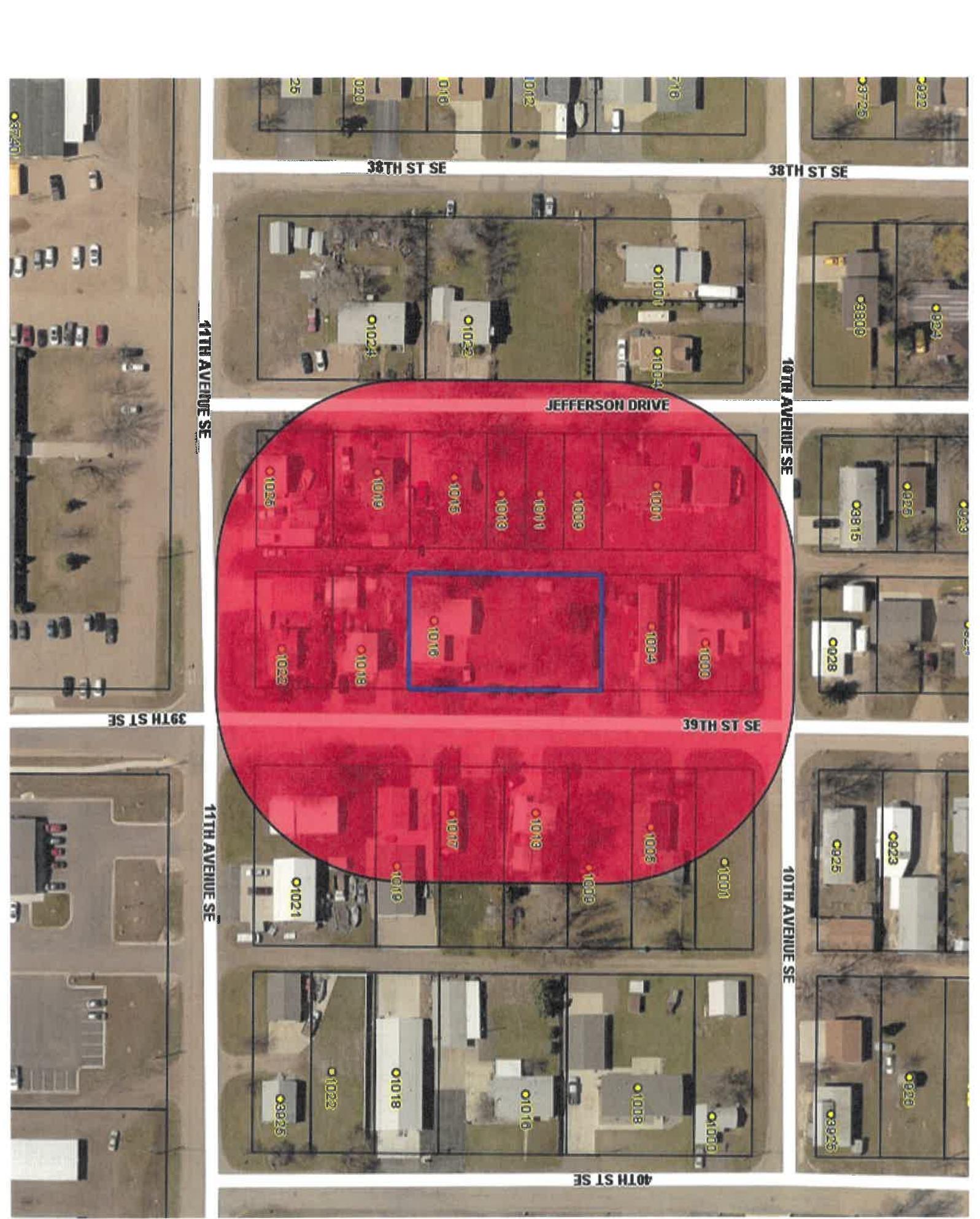


M. T. Flanagan  
Building Official

Enclosures

Certified Mail

★The Magic City★



**FOR NEW ACCESSORY STRUCTURES AND ADDITIONS SUPPLY PLOT PLAN OF LOT  
(Show all distances to new structure from property lines and existing buildings)**

North

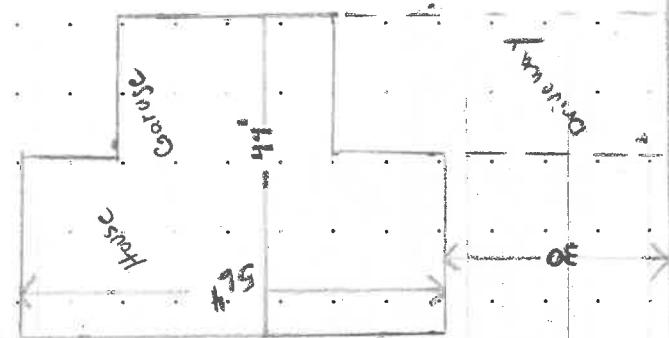
1926  
July 1926  
1926  
July 1926

Korn sind

153

East

- 10 -



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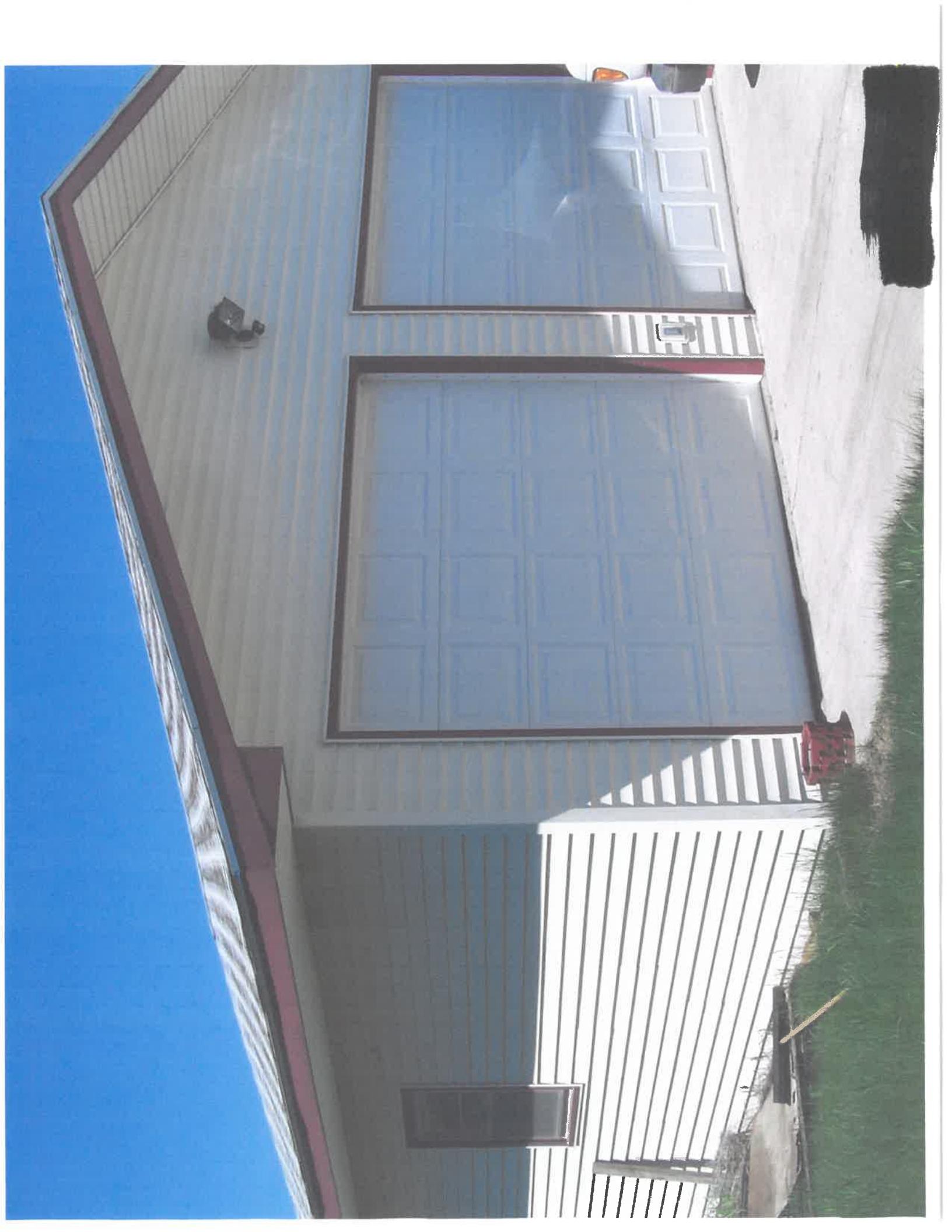
This permit creates no warranties with regard to construction or code compliance. Any inspections under this permit are for the benefit of the public and not the permit recipient, and any inspections do not create a duty to the permit recipient, the owner, or to a subsequent purchaser with regard to quality of construction or code compliance. This agreement applies to any such claim brought by any subsequent purchaser or owner of the property. I understand that I am responsible for the information shown hereon. I certify that I have investigated the location of my property lines, any easements or other restrictions on the property and the dimensions shown are accurate to the best of my knowledge.

AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS.

**APPLICANT SIGN**

DATE

2/1/18



Scott Mehlhoff: You or your representative should appear on behalf of your request at the Committee of the Whole will be meeting on Wednesday March 28, 2018, at 4:15 p.m. in the City Council Chambers. The Committee of the Whole will be considering your request at that time.

#### **NOTICE OF INTENT TO MOVE A BUILDING**

Scott Mehlhoff, owner of a detached garage, is requesting to relocate this structure from 2220 24<sup>th</sup> Ave SE to 1016 39<sup>th</sup> St SE (Peach Addition Lot 1, Block 1).

Application has been made to the City Council for a moving permit to move this structure, and a public hearing will be held on April 2, 2018, at 6:30 p.m. in City Council Chambers at City Hall (515 2<sup>nd</sup> Avenue SW).

Anyone objecting to the granting of the permit to move this structure should make their protest known and appear in opposition to the granting of this permit. Further information can be obtained from Mitch Flanagan, Building Official, at 857-4102.

Publish Legal Ad: March 18, 2018  
March 23, 2018  
March 30, 2018

Bill to: Inspection Department  
City of Minot  
515 2<sup>nd</sup> Avenue SW  
Minot, ND 58701

# City of Minot

## Inspection Department

March 14, 2018

Re: Building relocation request

Dear Property Owner:

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The Committee of the Whole will be reviewing the request on Wednesday, March 28, 2018 at 4:15 p.m. in the City Council Chambers at City Hall. A public hearing regarding the request will be held on April 2, 2018, at 6:30 p.m., also in the City Council Chambers. If you wish to appear or give comments concerning the request, you may attend these meetings, or you may present comments to this office at 1025 31<sup>st</sup> Street SE during normal working hours.

Sincerely,

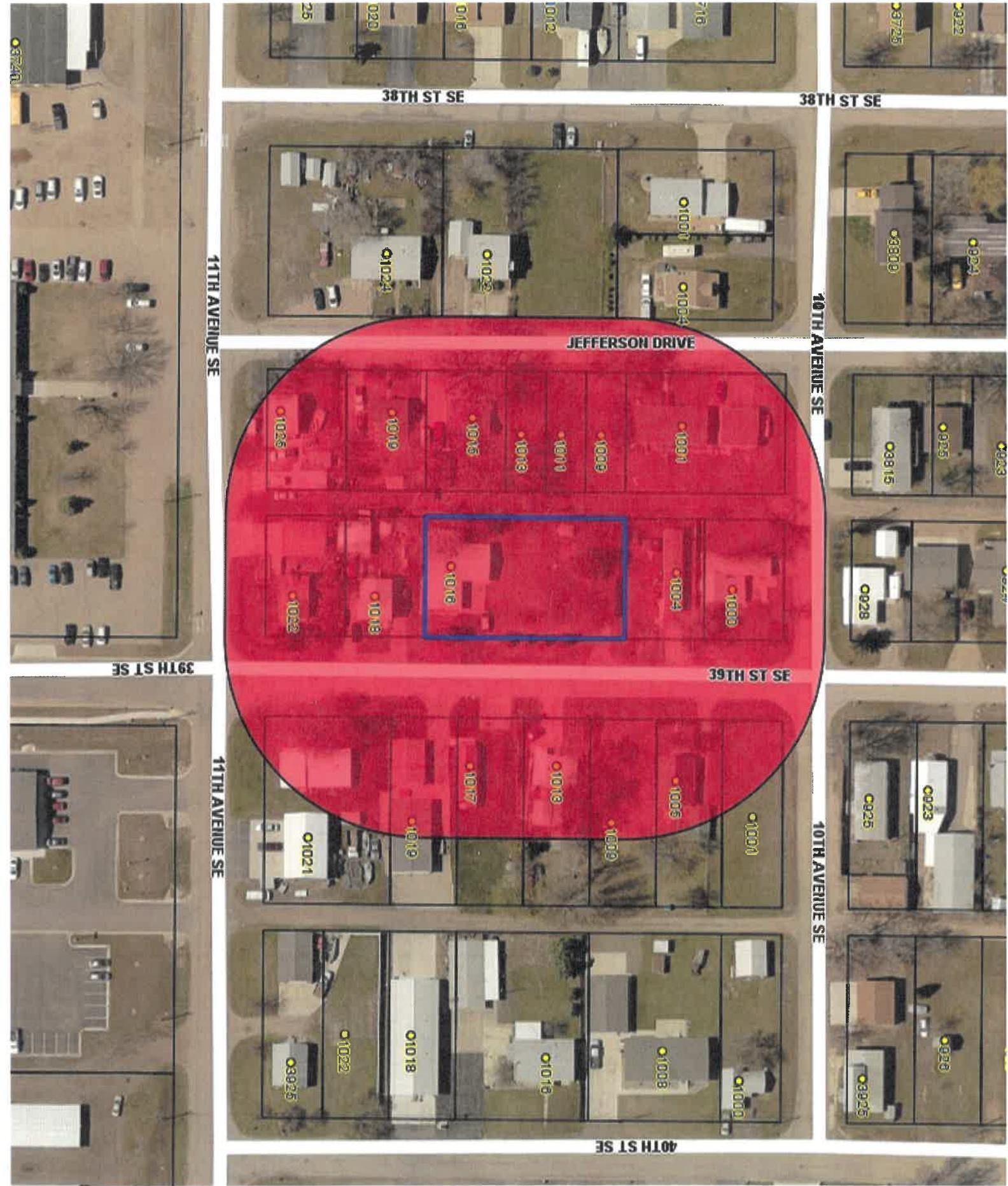


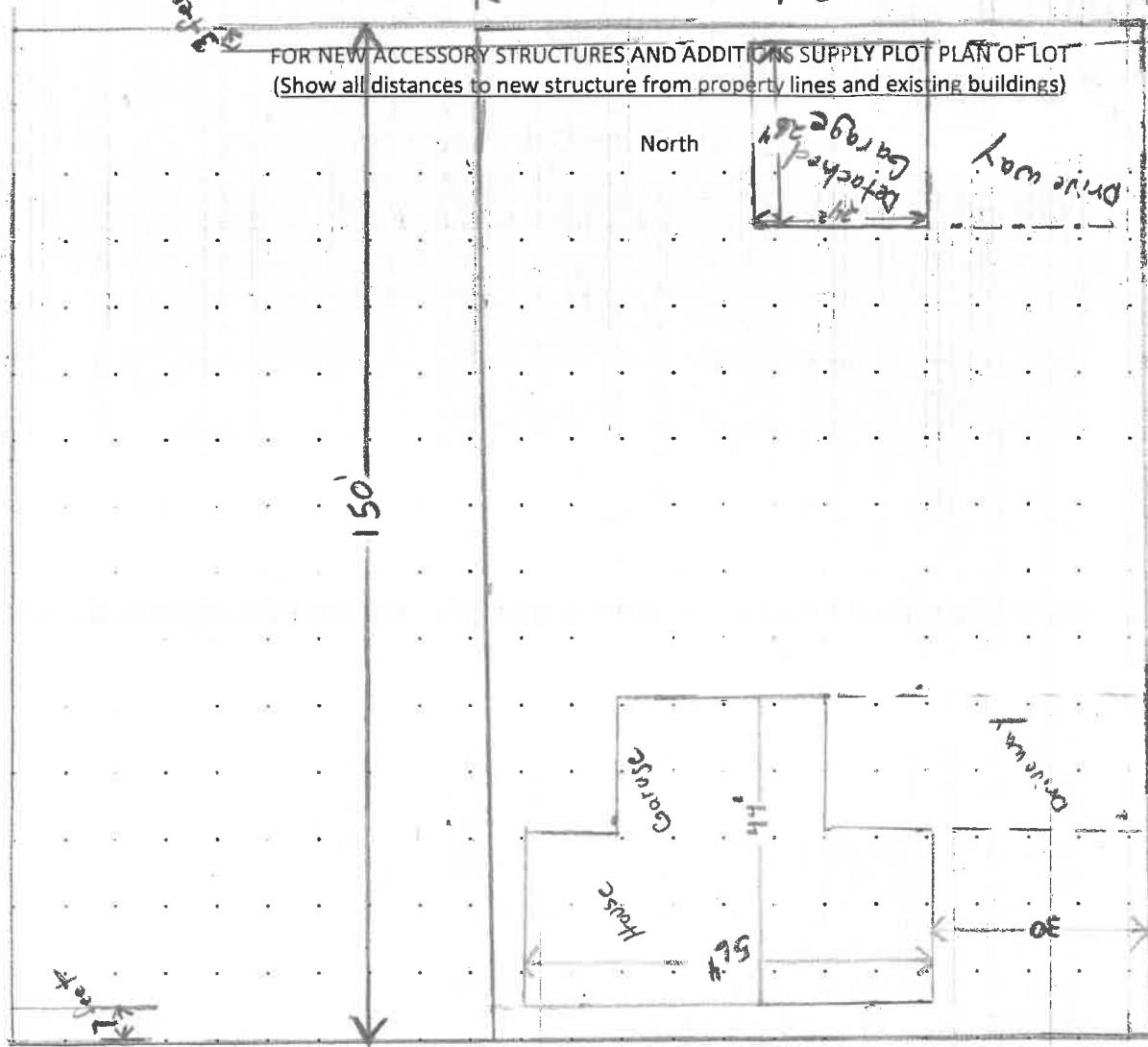
M. T. Flanagan  
Building Official

Enclosures

Certified Mail

★The Magic City★





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This permit creates no warranties with regard to construction or code compliance. Any inspections under this permit are for the benefit of the public and not the permit recipient, and any inspections do not create a duty to the permit recipient, the owner, or to a subsequent purchaser with regard to quality of construction or code compliance. This agreement applies to any such claim brought by any subsequent purchaser or owner of the property. I understand that I am responsible for the information shown hereon. I certify that I have investigated the location of my property lines, any easements or other restrictions on the property and the dimensions shown are accurate to the best of my knowledge.

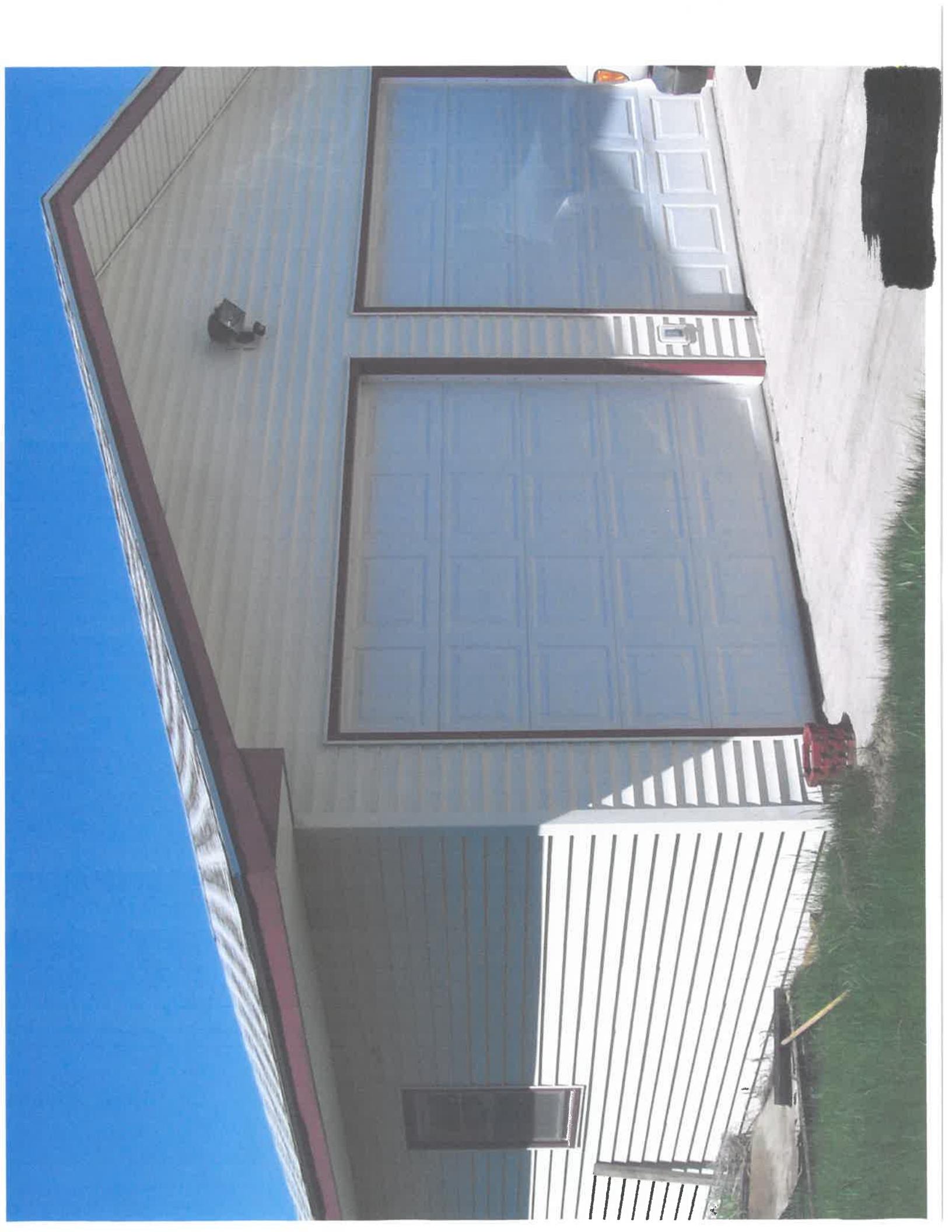
AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS.

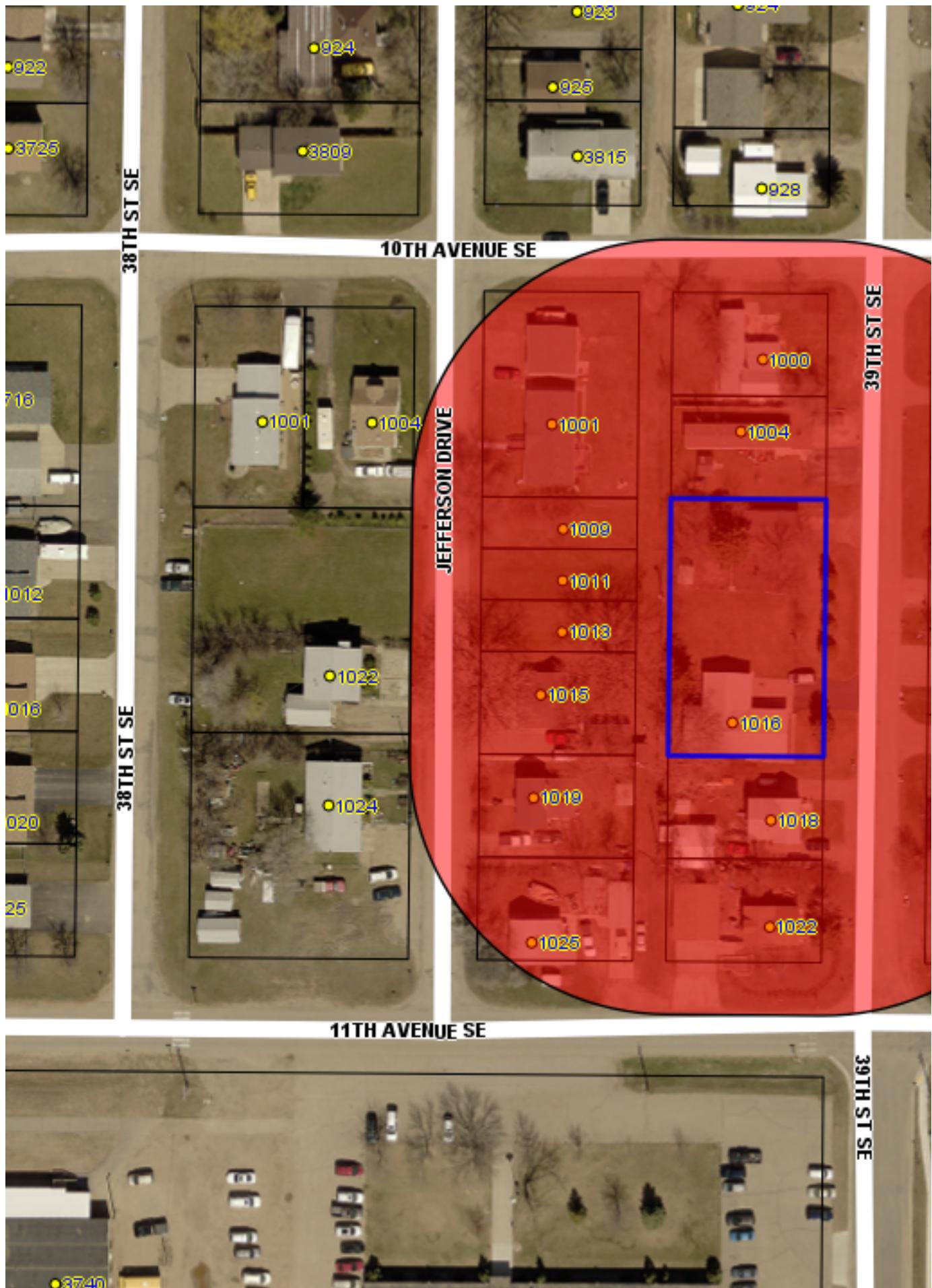
APPLICANT SIGN

*Scott McNeil*

DATE

*2/1/18*







## BUILDING RELOCATION INSPECTION CHECKLIST

1025 31st Street SE Minot, ND 58701, Phone: 701-857-4102

### PROPERTY LOCATION:

### PROJECT NAME:

### EXTERIOR:

1. Are there signs of roof, foundation, wall and structural support failure?
2. What is the current condition of shingles and roof vents?
3. Current condition of windows, fascia, and trim?
4. Current condition of siding, need repair, replacement, or paint?

### INTERIOR:

1. Are windows in all sleeping rooms egress type (820 Sq. In. Net openable area)?
2. Are smoke detectors installed and in correct location?
3. What is the size and condition of floor supports?
4. Does the building have fuses or circuit breakers and what size is the electrical panel?
5. What is the type and current condition of wiring?
6. What is the type and current condition of HVAC?

### COMMENTS:

INSPECTOR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# City of Minot

Assessor's Office

DATE: March 12, 2018

TO: Tom Barry, City Manager

FROM: Dan Lovelace, Property Appraiser

SUBJECT: Application from Scott Melhoff to move a 1997 year built, 624 square foot detached garage from 2220 24<sup>th</sup> Ave SE Minot, ND also known as Brookview 4<sup>th</sup> Addition Lot 1 to 1016 39<sup>th</sup> St SE Minot, ND also known as Peach Addition Block 1 Lot 1.

## DESCRIPTION

The building to be moved is a 1997 year built 624 square foot detached garage. The structure is a 2 stall garage, 24 ft x 26 ft, with asphalt shingled roof, wood frame construction, and exterior vinyl siding.

## RECOMMENDATION

The area that is under consideration for the moving application is 1016 39<sup>th</sup> St SE. The area where the home is proposed to be moved to is an older subdivision. The new location is zoned R-1. The neighboring parcels are zoned R-1

On a building relocation move, ordinance requires the assessor to determine if the structure would currently meet 60% of its replacement cost and whether it is compatible with the neighborhood.

It is our opinion this structure would currently meet 60% of its replacement cost as per Sec 9-47 (b) (c) of the Minot Code of Ordinances once it has been placed at the new location and will be compatible with the existing properties.

In summary, the City of Minot Assessor's Office believes that the detached garage would be compatible with the rest of the neighborhood. Pictures have been provided below that show the subject garage as well as the other properties in the immediate area.

Therefore, the Assessor's Office recommends the move be approved to the proposed site.

515 2nd Av SW · Minot, North Dakota 58701 · (701) 857-4160 · Fax (701) 857-4130

Subject Proposed to be moved:



Proposed moving location:



Property directly to the North:



Property directly to the South:



2<sup>nd</sup> house to the South:



2<sup>nd</sup> house to the North:



House directly across street:



House across street and 1 to the North:



House across street and 1 to the South:



Aerial of proposed moving site:





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**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Dan Jonasson, Director of Public Works

**DATE:** 03/15/2018

**SUBJECT: BUS ADVERTISING CONTRACT WITH FIRST INTERNATIONAL BANK P3687**

#### **I. RECOMMENDED ACTION**

---

We recommend that council approve entering into an advertising agreement with First International Bank and Trust to advertise on the sides and rear of one transit bus and authorize the Mayor to sign the agreement.

#### **II. DEPARTMENT CONTACT PERSONS**

Dan Jonasson, Director of Public Works	857-4112
Jason Sorenson, Assistant Director of Public Works	857-4768
Brian Horinka, Vehicle Maint. /Bus Superintendent	857-4149

#### **III. DESCRIPTION**

##### **A. Background**

First International Bank and Trust would like to purchase advertising on the sides and rear panel of one Minot City Transit bus. This agreement would begin May 1, 2018 or as soon as the advertising can be installed on the bus for a period of one year with options to renew the agreement on a yearly basis.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

*N/A*

##### **B. Service/Delivery Impact:**

*N/A*

##### **C. Fiscal Impact:**

The revenue from this agreement would be \$780.00 per month for a net income to the city from this advertising source of \$9,360.00 over the period of the agreement.

#### **V. ALTERNATIVES**

*N/A*

#### **VI. TIME CONSTRAINTS**

Council's approval of this advertising agreement will insure a continuous advertising revenue stream for the next 12 months from this income source.

**VII. LIST OF ATTACHMENTS**

- A. *Agreement for Advertising with First International Bank and Trust*
- B. *Example of advertising material*

## **AGREEMENT FOR TRANSIT ADVERTISING**

THIS AGREEMENT is made, executed, and entered into effective the 1st day of May 2018 by and between **THE CITY OF MINOT, NORTH DAKOTA**, a municipal corporation, hereinafter referred to as "City" and 1<sup>st</sup> International Bank and Trust, hereinafter referred to as "Contractor".

### **Section 1 - Recitals**

City and Contractor agree that this Agreement herein is made in accordance with the following recitals:

**Subsection A.** City is the owner of certain transit vehicles which operate as part of the Minot area transit system and desires to allow Contractor, to utilize said transit vehicles for the purpose of exterior display of advertising materials in accordance with the terms and conditions set forth herein.

**Subsection B.** City and Contractor agree that the performance of this Agreement is necessarily contingent upon continued federal, state and local funding of City's operation of transit vehicles as a part of the Minot area transit system.

**Subsection C.** City and Contractor agree that it is mutually advantageous for them to set forth their respective obligations and agreements in their entirety in writing in this Agreement.

### **Section 2 - Term**

The contract shall be for an initial term of **one (1) year commencing on May 1, 2018 and continuing through April 30, 2019**, at which time may be renewed, year by year upon agreement of both parties.

### **Section 3 - Advertising Fee**

City and Contractor agree that the fee for Contractor advertising on the City's transit vehicles shall be determined in accordance with the following.

**Subsection A - Fee** The Contractor agrees to pay to the City \$780.00/month/Bus for the twelve month term of the contract, for advertising utilized on both sides and the rear panel of one transit bus in the City of Minot, based on the fee structure outlined in Appendix #2 and based upon the fleet inventory, as the same may change from time to time. The current fleet inventory as of the effective date of this agreement is attached as Appendix #3.

Payments shall be made monthly. The City shall provide an invoice by the 15<sup>th</sup> of each month with payment due no later than the last day of that month. Payments more than

60 days overdue may be subject to a 1.75% late fee. All payments shall be made to City at the following address: **Public Works Department, City of Minot, PO Box 5006, Minot, ND 58702** and shall specify by reference that said payment is applicable to the Transit Department. The obligation of Contractor to make payments shall be absolute and unconditional in all events notwithstanding any dispute between City and Contractor or between Contractor and any other person or entity. Contractor shall make all payments required hereunder when due and shall not withhold any payment pending final resolution of such dispute nor shall Contractor assert any right of set off or counterclaim against its obligation to make such payments.

**Contractor shall be responsible for any damages to the buses due to wrap installation or removal as per Section 15 of this agreement.**

**Subsection B - Suspension of Work.** In the event of a temporary service interruption for more than two (2) weeks by fifty percent (50%) or more of City's buses by reason of a labor dispute, fire, act of God, or other public emergency, the payments shall be reduced proportionately for the period of service interruption.

#### **Section 4 - Conditions**

City and Contractor agree that Contractor shall be allowed to utilize the City's transit vehicles under this Agreement for the purpose of exterior display of advertising materials to the following conditions:

**Subsection A - Advertisement Subject to Approval.** The size, form, wording, illustration, and style of all advertisements to be placed on City's transit vehicles pursuant to this Agreement shall at all times be subject to the advance approval of the City, and the City reserves the right to reject any advertisement. Any advertisement of an objectionable character which is placed in or on a transit vehicle shall be immediately removed by Contractor at the request of the City at the expense of Contractor. City and Contractor hereby agree to certain restrictions as to advertising and a list of preapproved advertisers which are set forth in Appendix #1 which is attached to and incorporated by reference in this Agreement as if set forth in full. It is agreed between City and Contractor that this Appendix may from time to time be amended by the City at City's sole and exclusive discretion.

**Subsection B - Advertising Space.** City shall make available to Contractor exterior space for the purpose of displaying advertising wraps. Should there remain advertising space which is unsold; the City may utilize this space for public spirited messages which expense shall be borne by the City or the party displaying the message. If the City does not use the unused space for public spirited messages, Contractor may use the space for public spirited messages which expense shall be borne by Contractor or the party displaying the message. This contract shall not apply to advertising within the interior of the bus and the City retains all rights with respect to such interior advertising or advertising on any other exterior portions of the bus. The City also retains all rights with respect to exterior advertising on buses not utilized by the Contractor as per this contract.

The Contractor at the sole and exclusive expense of the Contractor shall install any vinyl wrap advertising on the bus. No part of said wrap can cover the side or front destination signs, or any windows or mirrors utilized by the driver including, specifically, rear windows on paratransit vehicles and windows on the front door and the first window on the passenger loading side next to the front door on fixed-route buses. Any vinyl wraps placed over side windows inside the bus must allow passengers to be able to clearly see out the windows. The City has the right to request the vinyl wrap be removed or adjusted to provide access to areas of the bus for safety and maintenance purposes. Any bus wrap or advertisement that covers or obscures view of City identified information or transit information must include such information on the wrap. Bus wraps shall not be placed over any mechanical apparatus or access in such a way that it would limit the function of that item or access to it. For mechanical access panels, doors, fluid caps, et cetera, any advertising application must be cut out in such a way that the access panels are easily accessible.

All advertisements shall be maintained by the Contractor to retain a pleasant, neat and clean appearance. The City may request the Contractor to repair or replace advertisements that the City deems to be unkempt, peeling, faded or the like. Any repairs or replacements will be made within two (2) weeks of receipt of a written request from the City, such repairs or replacements shall be at the sole and exclusive expense of the Contractor. Contractor will endeavor to promptly remove dated advertisements, such as ads for events that have expired or already occurred. Repairs will be made by Contractor or their agent at the City of Minot Public Works Bus Department.

**Subsection C - Access to Vehicles.** For the purposes of ad placement, the Contractor shall be provided access to transit vehicles at the City's garage facility during reasonable hours, based on fleet availability to meet route service. The Contractor is required to give the City garage personnel at least three (3) days advance notice of the date, bus unit number, and number of hours needed for ad placement.

**Subsection D - Ownership of Bus Wrap Material.** Upon termination of the agreement, or upon expiration of the term of this agreement, any bus wrap material shall immediately revert to the ownership of the City or be removed by Contractor within ten (10) working days.

## **Section 5 - Default**

If either party hereto shall default in the performance of any of the terms and conditions of this Agreement, then the other party may terminate this Agreement by giving the defaulting party a written notice of intention to terminate thirty (30) days in advance of the actual date of termination. Upon termination of this Agreement, as provided for herein, only upon request of the City the defaulting party shall immediately remove all advertising placards and wraps placed on City's transit vehicles pursuant to this Agreement from such vehicles, and, on the failure of the defaulting party promptly to remove such placards and wraps, the party terminating this Agreement may remove them at the expense of the defaulting party.

## **Section 6 - Termination**

All advertising contracts between the Contractor and City will expire on the date of the term established in Section 2 of this agreement unless renewed prior to this time. Contracts may also be terminated if the following arise:

**Subsection A - Insufficient Federal, State, or Local Funding.** City shall have the right to terminate this Agreement in the event the City Council of the City of Minot determines at any time insufficient federal, state, or local funding exists for the City to operate its transit vehicles as part of the Minot area transit system.

**Subsection B - Legal Impossibilities/Regulatory Prohibition.** City shall have the right to terminate this Agreement in the event the City Council of the City of Minot determines at any time not to operate transit vehicles as part of the Minot area transit system due to legal impossibilities or regulatory prohibitions imposed by state or federal agencies or commission.

**Subsection C - Best Interest of City.** City shall have the right to terminate this Agreement in the event the City Council of the City of Minot determines at any time that it is not in the best interest of the City to operate its transit vehicles as part of the Minot area transit system.

## **Section 7 - Compliance with Laws and Regulation**

Contractor accepts this Agreement subject to all federal, state and municipal laws and regulations with respect to the advertising matter to be displayed. In the event such advertising becomes illegal or a request is received to terminate the advertising from any federal, state or local agency or commission, City reserves the right to terminate same.

## **Section 8 - Indemnification**

Contractor agrees to indemnify and save harmless the City from and against all liability, damages, penalties, judgments, or claims of whatever nature arising from injury to person or property sustained by anyone arising out of Contractor's utilization of City's transit vehicles for displaying advertising materials, including claims for infringement of trademarks, trade names, copyrights, invasion of rights of privacy, defamation, illegal competition or unfair trade practices. City shall defend, indemnify and hold Contractor harmless against any liability from any cause whatsoever arising from or relating to acts performed by the City's prior advertising contractor, including without limiting the generality thereof, such damage or loss resulting from advertising contracts whose term exceeded the City's contract to past, current or potential advertisers; defectively installed bus wraps and damage to any transit vehicle.

## **Section 9 - Assignment**

Contractor shall not by operation of law or otherwise assign any of its obligations, duties, or responsibilities under this Agreement to any other person, party or entity without City's prior written consent in each instance.

## **Section 10 - Successors and Assigns**

City and Contractor agree that this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties there in any statutes, regulations, ordinances, City Code provisions, or City Charter provisions applicable thereto.

## **Section 11 - Written Notices of Other Correspondence**

Any written notice or other correspondence to be provided by or between the City and Contractor in accordance with this Agreement shall be either hand delivered or mailed by registered or certified mail to the following addresses:

City:                   City of Minot – Public Works  
                          Dan Jonasson, Director of Public Works  
                          PO Box 5006  
                          515 2<sup>nd</sup> Ave. SW  
                          Minot, ND 58702

Contractor:           1<sup>st</sup> International Bank and Trust  
                          ATTENTION: Denise Larson  
                          2150 21st Ave NW  
                          Minot ND 58701

## **Section 12 - Waiver of Default**

Any waiver by City or Contractor of a default under the provisions of this Agreement shall not operate or be construed as a waiver of a subsequent default. No waiver shall be valid unless reduced to writing and signed by each of the parties.

## **Section 13 - Invalidity of Provisions**

If any term or provision of this Agreement or any application hereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected hereby and each term and provision of the Agreement shall be valid and be enforced to the fullest extent permitted by law.

## **Section 14 - Entire Agreement**

This Agreement herein contains the entire and only agreement between the City and Contractor and no oral statements or representations or prior written matter not contained in this Agreement shall have any force or effect. This Agreement shall not be modified in any way except in writing executed by both City and Contractor.

## **Section 15 - Damages**

Contractor shall be responsible for any damage to buses from installation or removal of wraps, such as but not limited to paint removed or damaged, windows and rubber gaskets cut or damaged or any current striping or lettering on the existing buses.

In the event of an accident or incident that causes damage to the Contractor's advertising material it shall be the sole responsibility of the Contractor to repair or replace the advertising materials at their cost. At no time shall the City be responsible to incur any costs for any damages to the Contractors advertising material.

## **Section 16 - Governing Law**

This Agreement shall be governed by the provisions hereof and by the laws of the State of North Dakota, as the same from time to time exists.

**IN WITNESS WHEREOF**, the undersigned hereto have set their hands as of the day and year first above written.

**CITY OF MINOT:**

By \_\_\_\_\_

Chuck Barney, Mayor

Attest \_\_\_\_\_  
Kelly Matalka, City Clerk

**CONTRACTOR:**  
1<sup>st</sup> International Bank and Trust

By \_\_\_\_\_  
**John Drady, Market President**

## **APPENDIX #1**

The following types of advertising will specifically not be permitted:

1. Political, religious, moral, or social issues.
2. Hygiene products of a very personal nature.
3. Sexual overtone messages (x-rated movies, massage parlors, etc.)
4. Direct or overt anti-transit advertisements.
5. Advertising found to be in violation of federal, state, or local laws

The following is a pre-approved listing of potential advertisers:

1. St. Alexius and its affiliates
2. Jessica Declercq, State Farm Insurance
3. JL Beers Inc.
4. Educational messages.

## **APPENDIX #2**

### **FEES PAID TO THE CITY**

The first payment of \$780.00 for the first month of the contract period should be made by the last day of that month and all subsequent monthly fees should be paid to the City by the last day of the each month for the twelve-month term of the contract.

## **APPENDIX #3**

### **FLEET INVENTORY**

The following listed buses are available for use under this contract as of the effective date of this agreement. This list may be amended from time to time by the City of Minot.

#### **List of Available Inventory**

##### **Vehicle Description/Year/Make/Model**

2010	EIDorado	EZ Rider II	32 Passenger	Transit Bus
2013	EIDorado	EZ Rider II	32 Passenger	Transit Bus
2015	EIDorado	EZ Rider II	32 Passenger	Transit Bus





**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Kelly Matalka, City Clerk

**DATE:** March 28, 2018

**SUBJECT: SPECIALTY RESTAURANT BEER AND WINE LICENSE – EXPEDITION LEAGUE, INC. DBA CORBETT FIELD**

#### **I. RECOMMENDED ACTION**

It is recommended the Committee and Council approve the request from Expedition League, Inc. dba Corbett Field, for a Specialty Restaurant Beer and Wine license operating at 1124 E Burdick Expressway subject to receipt of all documentation and approval by the Police Chief, Building Official and Fire Marshal.

#### **II. DEPARTMENT CONTACT PERSONS**

Kelly Matalka, City Clerk 857-4752

#### **III. DESCRIPTION**

Under the City of Minot Code of Ordinances, Sec. 5-25. - City clerk to submit application to the committee of the whole; approval.

- a. The city clerk shall submit the application to the committee of the whole for its recommendation.
- b. Upon receiving the recommendation of the committee of the whole, the city clerk shall then submit the application to the city council for its consideration.
- c. Every application for a license required by this article shall be approved by the city council before the license shall be issued.

The City received a request from Expedition League, Inc. dba Corbett Field, for a Specialty Restaurant Beer and Wine license operating at 1124 E Burdick Expressway. All documentation has been submitted and is being reviewed by the appropriate departments.

#### **IV. IMPACT:**

Strategic Impact: N/A

Service/Delivery Impact: N/A

Fiscal Impact: Alcoholic beverage license applications are processed by the City Clerk. The application fee for a Supper Club License is \$950 annually and is deposited into the appropriate general fund revenue account.

**V. ALTERNATIVES**

The Committee of the Whole and City Council could deny this application if there is reasonable cause to do so and the establishment would not be permitted to sell alcohol.

**VI. TIME CONSTRAINTS**

Once the City license is approved, the organization must also apply for a State license. A timely approval is necessary if their business wishes to proceed with the sale of alcohol.

**VII. LIST OF ATTACHMENTS**

N/A



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** David Wicke, Assistant City Engineer *DW*

**DATE:** March 22, 2018

**SUBJECT: 2018 STREET IMPROVEMENT DISTRICT AWARD OF BID (City Project No. 4308)**

**I. RECOMMENDED ACTION**

1. Recommended Committee and Council to award the 2018 Street Improvement District be awarded to the lowest total bid of \$1,821,288.80 from Bechtold Paving, Inc.

**II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	701-857-4100
David Wicke, Assistant City Engineer	701-837-3666

**III. DESCRIPTION**

**A. Background**

This is the annual maintenance project to repair and replace streets that are showing moderate to severe pavement distresses. Repairing and replacing distressed streets will improve rideability and safety, and increase the pavement life for approximately 8 to 10 years.

On Tuesday, March 20, 2018 at 11:00 am, bids were opened for the 2018 Street Improvement District. Below is a copy of the bid tabulation showing the different bid amounts:

Bid Tabulation	
Engineers Estimate: \$ 1,759,179.50	
Bidder	Total Bid
Bechtold Paving Inc.	\$1,821,288.80
Minot Paving Co., Inc.	\$1,930,598.00
Keller Paving & Landscaping, Inc.	\$1,971,185.00

The lowest bid amount of \$1,821,288.80 was submitted by Bechtold Paving, Inc which is approximately 3.4% above the Engineer's estimate.

**B. Proposed Project**

Work for this project will take place in six different units throughout the City's right of way.

C. Consultant Selection  
N/A

**IV. IMPACT:**

A. Strategic Impact:  
N/A

B. Service/Delivery Impact:

Some units will be taking place on heavily traveled roadways. Traffic control and detour routes will be in place to manage traffic

C. Fiscal Impact:  
The project will be paid for with sales tax budgeted funds.

Project Costs

Engineer's Estimate:	\$	1,759,179.50
Contractor's Bid:	\$	1,821,288.80

City staff will evaluate work items in the Project to ensure the project is completed within the budgeted funds of \$1,450,000.00.

**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

N/A

**VII. LIST OF ATTACHMENTS**

A. Locations for the 2018 Street Improvement District

**2018 STREET IMPROVEMENT DISTRICT**

**CITY OF MINOT**  
WARD COUNTY, ND

PROJECT NO. 4308

UNIT 1 - 4TH ST SE - FRONT ST TO BURDICK EXPRESSWAY EAST  
UNIT 2 - HIAWATHA ST - 11TH TO 16TH AVE SE  
UNIT 3 - 6TH ST SE - 18TH TO 20TH AVE SE  
UNIT 4 - 34TH AVE SE - 13TH ST SE TO SPRUCE LN  
UNIT 5 - 16TH ST SW - 375' SOUTH OF BURDICK EXPRESSWAY AND 3RD ST SE  
UNIT 6 - BURDICK EXPRESSWAY AND 3RD ST SE

PROJECT LOCATION

STATE OF NORTH DAKOTA

CITY HALL  
515 2ND AVE SW  
MINOT, ND 58701

PUBLIC WORKS & ENGINEERING  
1025 31ST ST SE  
MINOT, ND 58701

THIS DOCUMENT WAS ORIGINALLY  
ISSUED AND SEALED BY  
LANCE E. MEYER  
REGISTRATION NUMBER  
PE-7121  
ON 02-23-2018 AND THE  
ORIGINAL DOCUMENT IS STORED AT  
THE CITY OF MINOT,  
1025 31ST ST SE  
MINOT, ND 58701

I hereby certify that the attached plans were prepared by me or under  
my direct supervision and that I am a duly registered professional  
engineer under the laws of the State of North Dakota.

Lance Meyer P.E. CITY ENGINEER

Lance Meyer P.E. CITY ENGINEER

PE-7121 02-23-2018  
LIC. NO. DATE  
4308

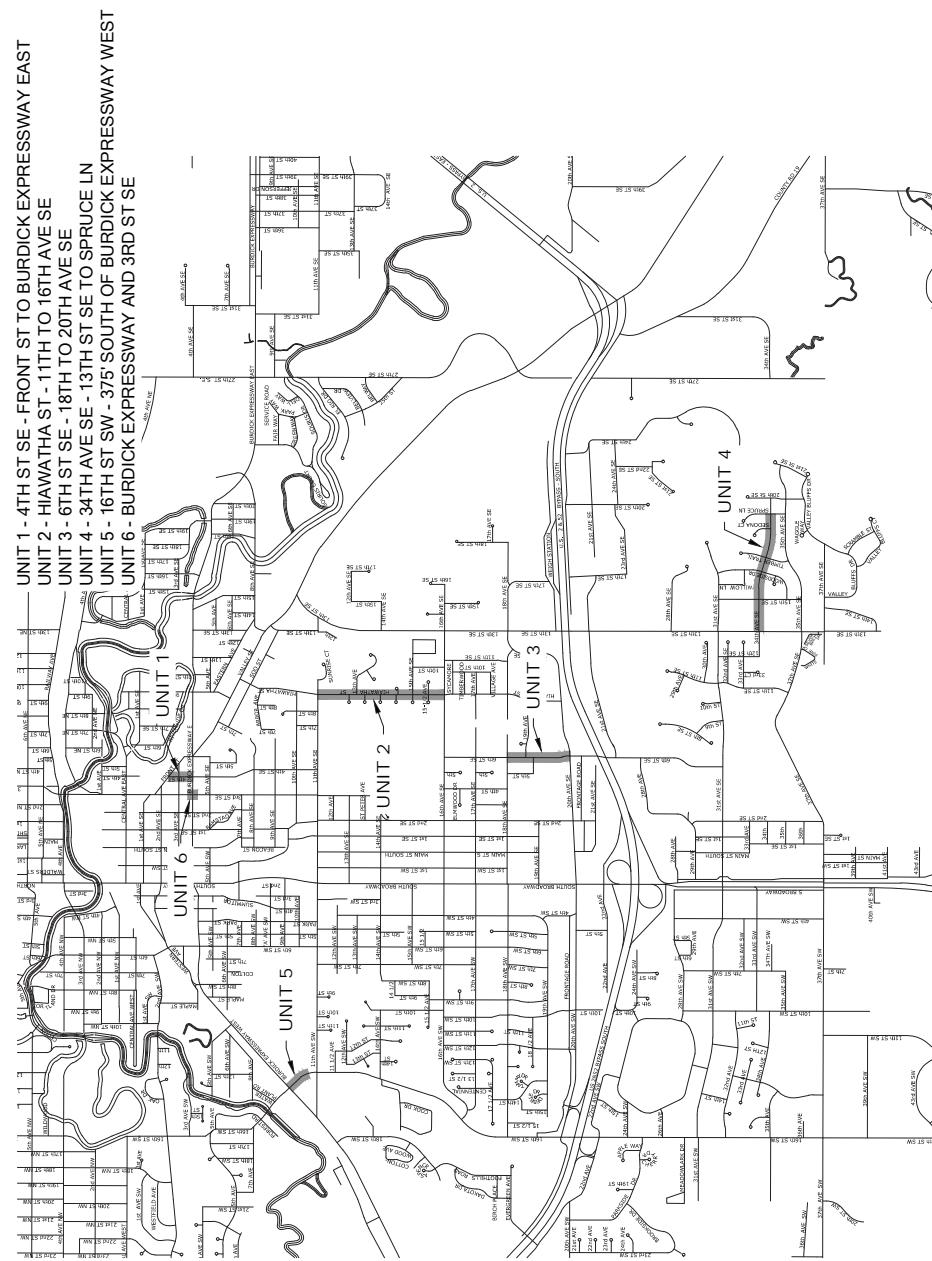
Surveyed by TES  
Drawn by DAW  
Date 2-23-2018  
Project No. 4308

SHEET 1 OF 29

CITY OF MINOT  
WARD COUNTY, N.D.

2018 STREET IMPROVEMENT DISTRICT

PROJECT NO. 4308



## City of Minot

Lance Meyer /s/  
**LANCE MEYER, P.E. CITY**



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Lance Meyer, City Engineer *DW for LM*

**DATE:** March 15, 2018

**SUBJECT: 2018 NUISANCE ABATEMENT PROJECT AWARD OF BID (City Project No. 4347)**

#### **I. RECOMMENDED ACTION**

1. On Tuesday, March 27, 2018 at 11:00 a.m., bids will be opened for the 2018 Nuisance Abatement Project. Due to timing of the bid opening, a recommendation will not be ready in time for the March memo deadline. However, we do anticipate a recommendation will be available and placed on Council's desk for approval.
2. It is recommended the Committee and Council pass and adopt on first reading, an ordinance to amend the 2018 annual budget to increase demolition expenditures and transfer of funds for \$22,000 from cash reserves.

#### **II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	701-857-4100
David Wicke, Project Manager	701-837-3666

#### **III. DESCRIPTION**

##### **A. Background**

This is the annual project to address nuisances throughout the city. This project removes any nuisances located on private property. The properties are given to the contractor to abate as necessary and as funds are available.

##### **B. Proposed Project**

Work for this project will take place in properties throughout the city.

##### **C. Consultant Selection**

N/A

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

N/A

##### **B. Service/Delivery Impact:**

N/A

##### **C. Fiscal Impact:**

Interim funding to pay for this project will come from property tax allocated by the Council until the abatement cost can be special assessed against each property.

Project Costs

Engineer's Estimate: \$ 22,000.00

**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

N/A

**VII. LIST OF ATTACHMENTS**

N/A

**ORDINANCE NO:**

**AN ORDINANCE AMENDING THE 2018 ANNUAL BUDGET TO INCREASE DEMOLITIONS PURCHASES PROPERTY SERVICES EXPENDITURES AND APPROVE THE TRANSFER OF FUNDS FROM CASH RESERVES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:**

§1: Amend the 2018 annual budget to increase demolition expenditures.

273-8300-419.04-53		\$22,000
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§2: Approve the transfer of funds:

273-0000-491.32-15		22,000
273-0000-391.32-15	4347	(22,000)

§3: This ordinance shall be in effect from and after its passage and approval.

PASSED FIRST READING:

PASSED SECOND READING:

APPROVED:

ATTEST:

\_\_\_\_\_  
Chuck Barney, Mayor

\_\_\_\_\_  
Kelly Matalka, City Clerk



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** David Wicke, Assistant City Engineer

**DATE:** March 27, 2018

**SUBJECT:** **2018 NUISANCE ABATEMENT PROJECT AWARD OF BID (City Project No. 4347)**

#### **I. RECOMMENDED ACTION**

1. On Tuesday, March 27, 2018 at 11:00 a.m., bids were opened for the 2018 Nuisance Abatement Project. At this time, it is recommended that the lowest bid of \$24,975.00 be awarded to Dig It Up Backhoe Service, Inc.

#### **II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	857-4100
David Wicke, Assistant City Engineer	857-4132 <i>DW</i>

#### **III. DESCRIPTION**

##### **A. Background**

This is the annual project to address nuisances throughout the city. This project removes any nuisances located in a property. The properties are given to the contractor to abate as necessary and as funds are available. In the table shown below is a copy of the bid tabulation for this project:

On Tuesday, March 27, 2018 at 11:00 a.m., bids were opened for the 2018 Nuisance Abatement Project. Below is a copy of the bid tabulation:

2018 Nuisance Abatement Project Bid Tabulation	
City Project #4347	
Engineers Estimate: \$22,000.00	
Bidder	Total Bid
Dig It Up Backhoe Service, Inc.	\$ 24,975.00
Hanson's Excavating	\$ 25,745.00

The lowest bid price was received by Dig It Up Backhoe Service, Inc. with the bid of \$24,975.00. This bid is approximately 1.13% above the Engineer's Estimate.

##### **B. Proposed Project**

Work for this project will take place in properties throughout the city.

##### **C. Consultant Selection**

N/A

**IV. IMPACT:**

A. Strategic Impact:  
N/A

B. Service/Delivery Impact:  
N/A

C. Fiscal Impact:

Interim funding to pay for this project will come from property tax allocated by the Council until the abatement cost can be special assessed against each property.

Project Costs

Engineer's Estimate:	\$	22,000.00
Contractor's Low Bid:	\$	24,975.00

**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

N/A

**VII. LIST OF ATTACHMENTS**

N/A



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Lance Meyer, City Engineer *For Lance  
DW*

**DATE:** March 15, 2018

**SUBJECT: 2018 PAVEMENT MARKINGS PROJECT AWARD OF BID (City Project No. 4343)**

#### **I. RECOMMENDED ACTION**

1. On Tuesday, March 27, 2018 at 11:00 a.m., bids will be opened for the 2018 Pavement Markings Project. Due to timing of the bid opening, a recommendation will not be ready in time for the March memo deadline. However, we do anticipate a recommendation will be available and placed on Council's desk for approval.

#### **II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	701-857-4100
David Wicke, Project Manager	701-837-3666

#### **III. DESCRIPTION**

##### **A. Background**

This is the annual maintenance project to stripe pavement markings throughout the City's streets. This project maintains all pavement markings on the roads.

##### **B. Proposed Project**

Work for this project will be completed in two rounds throughout the City's right of way. The first round starting in late May through June. And the second round taking place in September.

##### **C. Consultant Selection**

N/A

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

N/A

##### **B. Service/Delivery Impact:**

N/A

##### **C. Fiscal Impact:**

The project will be paid for with Traffic Department budgeted funds.

##### Project Costs

Engineer's Estimate:	\$	172,785.00
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**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

N/A

**VII. LIST OF ATTACHMENTS**

N/A

# City of Minot

**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** David Wicke, Assistant City Engineer

**DATE:** March 27<sup>th</sup> 2018

**SUBJECT:** 2018 PAVEMENT MARKINGS PROJECT AWARD OF BID (City Project No. 4343)

## I. RECOMMENDED ACTION

1. Recommend that the bid for the 2018 Pavement Marking Project be awarded to West River Striping Co. in the amount of \$159,985.00.

## II. DEPARTMENT CONTACT PERSONS

Lance Meyer, City Engineer  
David Wicke, Assistant City Engineer

701-857-4100  
701-857-4132

DW

## III. DESCRIPTION

### A. Background

This is the annual maintenance project to stripe pavement markings throughout the City's streets. This project maintains all pavement markings on the roads.

On Tuesday, March 27, 2018 at 11:00 a.m., bids were opened for the 2018 Pavement Marking Project. Below is a copy of the bid tabulation:

2018 Pavement Markings Bid Tabulation	
City Project #4343	
Engineers Estimate: \$172,785.00	
Bidder	Total Bid
West River Striping Company	\$ 159,985.00

The lowest bid was received by West River Striping Company with the bid amount of \$159,985.00 which is approximately 7.4% below the Engineer's Estimate.

### B. Proposed Project

Work for this project will take place in two different rounds throughout the City's right of way. The first round starting in late May through June. And the second round taking place in September.

### C. Consultant Selection

N/A

**IV. IMPACT:**

A. Strategic Impact:

N/A

B. Service/Delivery Impact:

N/A

C. Fiscal Impact:

This project will be paid for with Traffic Department budgeted funds.

Project Costs

Engineer's Estimate	\$ 172,785.00
Contractor's Low Bid	\$ 159,985.00

**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

N/A

**VII. LIST OF ATTACHMENTS**

A. N/A



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** John R. Zakian, DR Grant Program Manager & Chief Resilience Officer

**DATE:** March 21, 2018

**SUBJECT: Approval of Park South Change Order for \$120,585.28**

## **I. RECOMMENDED ACTION**

Approve adding \$120,585.28 to funds for Park South Project

## **II. DEPARTMENT CONTACT PERSONS**

John R. Zakian, DR Grant Program Manager & Chief Resilience Officer, 423-4528

## **III. DESCRIPTION**

### **A. Background**

Park South was a LMI multi-family rental housing rehabilitation project included as part of the city's CDBG-NDR HUD approved Action Plan and since the lead project partner is a non-profit corporation there was no requirement for a RFP. This is a leverage funded project which is a primary desire of HUD with the use of NDR funds with the city's share comprising 51% of the total project cost with the remaining sources including North Dakota CDBG contribution. The goal is to rehabilitate 31 units and the project to date is on schedule. We have been monitoring it through our consultant CDM Smith for such compliance requirements as Davis-Bacon wage requirements.

### **B. Proposed Project**

The Developer has submitted a series of unanticipated costs with requested supporting back to explain the costs. The total submitted is \$373,038. The current budget for the total project includes a contingency of \$136,637 and this amount was subtracted from the \$373,038. The remaining balance is \$236,441.73 and 51% of this amount which is our share of the total project cost is \$120,585.28. The unanticipated costs were itemized by the developer and explanation was provided for each item. These costs have been reviewed by the CDM Smith subject matter experts and has provided written finding that all costs are appropriate and necessary. This written finding by CDM Smith will be part of the city's records in this project folder.

## **IV. IMPACT:**

### **A. Strategic Impact:**

It is not unusual for a project of this nature in an older building to discover unanticipated costs especially involved in a substantial rehabilitation. This is a key partnership as part of the HUD approved CDBG-NDR Action Plan and providing our share of the added costs is appropriate.

### **B. Service/Delivery Impact:**

This project's rehabilitation of 31 rental units is a substantial contribution to meeting the CDBG-NDR Action Plan's goal of assisting the LMI population in the city of Minot and can

serve as a model for other rehabilitation projects in demonstrating that complying with both city code and federal regulations such as Davis-Bacon can be feasible in Minot.

C. Fiscal Impact:

The cost of \$120,585.28 will be funded from CDBG-NDR funds in the multi-family allocation.

**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

NA

**VII. LIST OF ATTACHMENTS**

- i. CDM Smith email

## Kelly Matalka

---

**To:** John Zakian  
**Subject:** RE: Park South Rehabilitation Project

**From:** Ziegler, Melissa <[zieglerm@cdmsmith.com](mailto:zieglerm@cdmsmith.com)>

**Sent:** Tuesday, March 20, 2018 11:41 AM

**To:** John Zakian

**Cc:** Bean, Leslie J.; Wolsfeld, Steven

**Subject:** Park South Rehabilitation Project

John:

I mentioned in my earlier email I had found what appeared to be a potential discrepancy in the funding request from Park South for additional project costs. Upon detailed review of the entire request, I found an entry at the bottom of page 7 that clarifies the funding requested by Park South. I was able to reconcile the funding request with the documentation provided, I do not find an error in the request.

I used the Park South Sources and Uses Statement to develop the project rehabilitation costs. Per our earlier discussion the storm water management project that primarily benefits adjoining properties was not included in the project rehabilitation costs. Based on the Sources and Uses statement, the Park South rehabilitation costs are \$3,685,919 and include the following costs:

On-site Improvements	\$25,430
Interior Rehabilitation and Exterior Improvements	\$2,607,356
Fixtures and Equipment	\$703,528
Architect Fees	\$105,000
Construction Inspection Fees	\$70,968
Engineering and Survey Fees	\$5,000
Accounting Fees	\$5,000
Construction Contingency	\$136,637
<b>TOTAL</b>	<b>\$3,658,919</b>

The City's NDR investment in this project is \$1,850,000 or 51% of the total building rehabilitation cost. Based on the project development agreement, the NDR funds are "last in" funding for the building rehabilitation. If you have any questions on the project costs, please let me know. Thanks

Melissa A. Ziegler, CEcD  
CDM Smith

Melissa A. Ziegler, CEcD | Associate & Lead Practitioner | CDM Smith | 1100 Marion Street, Suite 300, Knoxville, Tennessee 37921 |  
Mobile: 865-414-7847 | CDM Smith office: 865- 963-4300 | Direct: 865-963-4340  
[zieglerm@CDMSmith.com](mailto:zieglerm@CDMSmith.com) |



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** John R. Zakian, DR Grant Program Manager & Chief Resilience Officer

**DATE:** March 21, 2018

**SUBJECT:** **Home Sweet Home Moving Bid**

#### **I. RECOMMENDED ACTION**

Authorize the issuance of a bid seeking a qualified company to move Home Sweet Home

#### **II. DEPARTMENT CONTACT PERSONS**

John R. Zakian, DR Grant Program Manager & Chief Resilience Officer, 423-4528

#### **III. DESCRIPTION**

##### **A. Background**

The city of Minot entered into an agreement with the State Housing Preservation Officer accepting the SHPO finding that Home Sweet Home structure was historic warranting preservation and agreeing to relocate the structure to a site outside the Flood Wall construction foot print. The city had previously acquired land directly across from the current location of the HSH structure and it will be to this site that the structure will be moved.

##### **B. Proposed Project**

A stipulation of the agreement with SHPO is that the exterior brick façade and related exterior architectural features will be preserved during the move taking whatever measures are necessary for such preservation. This stipulation also requires SHPO to have the right to review the moving process and measures. The structure will be moved across the street on to a new foundation which is part of the bid requirements and is another stipulation in the SHPO agreement. It is a tight schedule but the plan remains to timely remove the structure to be consistent with the flood wall and related construction activities beginning this month.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

The city, at the time of executing the SHPO Agreement, apparently deemed it the action to be taken to continue the timely process in constructing the initial phases of the flood wall despite the estimate that such a move as required by SHPO will cost \$600,000, more than the actual purchase price.

##### **B. Service/Delivery Impact:**

Once the structure is moved to the new location across the street and installed on the new foundation, an assessment will be made on possible uses and/or disposition of the structure which will include an assessment of the costs of interior rehab and bringing it up to code. The SHPO agreement is strictly limited to the preservation and moving of the structure and has no involvement as to the ultimate use and/or disposition once moved.

##### **C. Fiscal Impact:**

The estimated cost of \$600,000 will be funded from CDBG-NDR funds.

**V. ALTERNATIVES**  
N/A

**VI. TIME CONSTRAINTS**  
NA

**VII. LIST OF ATTACHMENTS**  
i. Copy of draft Bid



## Home Sweet Home Building Relocation

March 22<sup>nd</sup>, 2018

Eapc Project # 20182360

### OUTLINE OF PROJECT

The City of Minot is requesting bids for the relocation of a House Building located at 103 4th Ave SW. The two and a half story house is faced with brick, siding and stucco and includes multiple windows, and an exterior porch. The building is currently located on the path of the City of Minot flood levee system and needs to be relocated no later than June 1st, 2018. The relocation address is 110 4th Ave NW.

### SCOPE

- Asbestos Removal. An asbestos report will be provided in the bid documents to illustrate the extent of the removal. Removal will be done according to all current EPA guidelines.
- House Relocation at the new address.
- New footings and foundations and any additional required support structure to secure the house in place in its new location.

### TYPE OF BIDS

Single combined bids will be received for all portions of the work. The successful bidder will be the single Prime Contractor for the Project.

### NORTH DAKOTA LAW

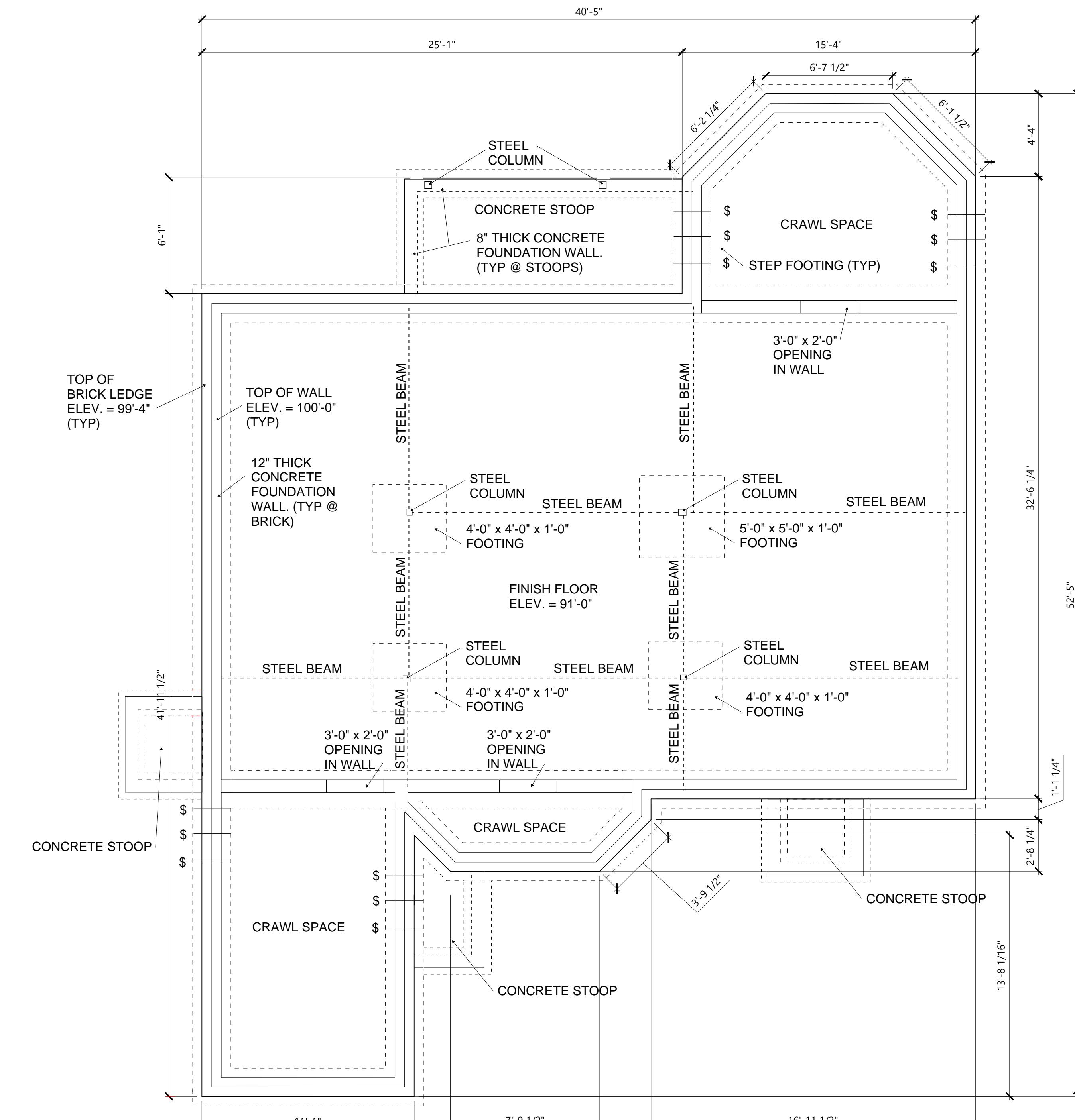
All bidders must be licensed for the highest amount of their bids, as provided by North Dakota Century Code Section 43 07-05.

Sincerely,

Gloria Larsgaard  
for EAPC Enclosure(s): Schematic Structural Plan

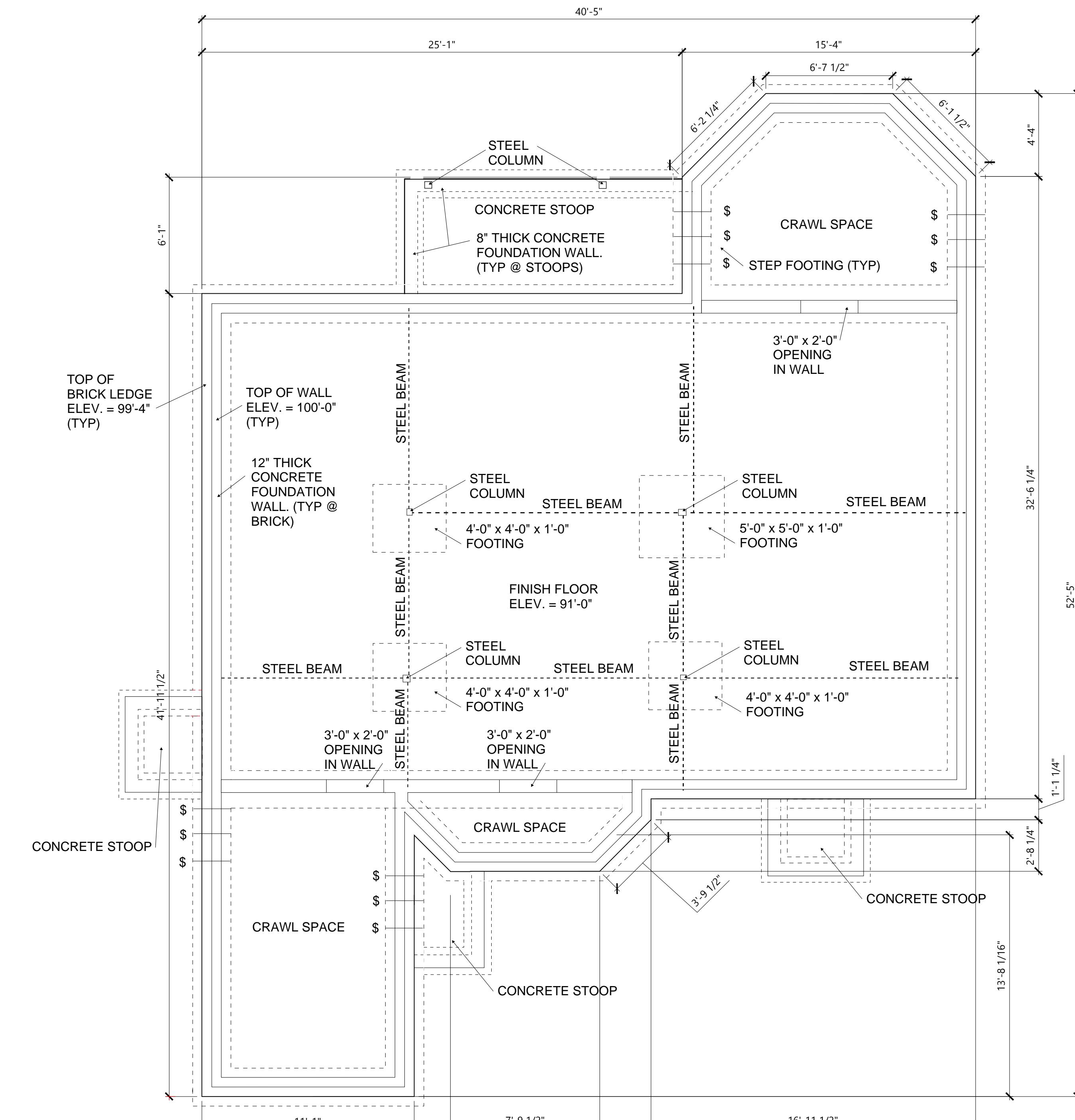
CLIENT  
**CITY OF MINOT**PROJECT DESCRIPTION  
**HOME SWEET  
HOME RELOCATION**CITY **MINOT**  
STATE **ND**

ISSUE DATES

DD DESIGN DEVELOPMENT 22 MAR 2016  
MARK DESCRIPTION DATEPROJECT NO: 20182360  
DRAWN BY: TJJ  
CHECKED BY: TJJCOPYRIGHT:  
All plans, specifications, computer files, field data, notes and other  
documents and instruments prepared by EAPC as instruments of  
service to the client, the property of EAPC. EAPC shall retain all  
common law, statutory and other reserved rights, including the  
copyright thereto.DRAWING TITLE  
**FOUNDATION PLAN****S201****PRELIMINARY NOT FOR CONSTRUCTION**

CLIENT  
**CITY OF MINOT**PROJECT DESCRIPTION  
**HOME SWEET  
HOME RELOCATION**CITY **MINOT**  
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**FOUNDATION PLAN****S201****PRELIMINARY NOT FOR CONSTRUCTION**



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**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** *Jason Sorenson*

**DATE:** *March 21, 2018*

**SUBJECT:** **ODOR CONTROL IMPROVEMENTS (PROJECT NUMBER 4305)**

---

## **I. RECOMMENDED ACTION**

1. Recommend council approve the plans and specifications for the Odor Control Improvements project and authorize a call for bids.

## **II. DEPARTMENT CONTACT PERSONS**

Dan Jonasson, Director of Public Works	857-4140
Jason Sorenson, Assistant Director of Public Works	857-4140

## **III. DESCRIPTION**

### **A. Background**

*The Sewer Department operates and maintains about 43 lift stations in and around Minot. As such, odor complaints are an ongoing issue the department works with. Over 75% of the City's wastewater runs through Master Lift Station, and is one such location that regularly receives complaints. In the fall of 2016, Apex completed an odor control study to address the on-going issue at Master Lift. The result of the study indicated a need to reduce hydrogen sulfide concentrations within the sanitary sewer collection system. One of the proposed improvements includes a chemical injection station near Roosevelt Lift Station.*

### **B. Proposed Project**

*This improvement would consist of designing and constructing a building near Roosevelt Lift Station to house storage tanks and a pumping system to inject chemical to reduce the odors and corrosive effects of hydrogen sulfide gas.*

### **C. Consultant Selection**

*The City has an existing task order agreement with Apex for general wastewater engineering services. Due to Apex's extensive knowledge of the City's wastewater system they were selected to continue working on this project.*

## **IV. IMPACT:**

**A. Strategic Impact:**

*Completion of this project will greatly improve quality of life for some residents that live near this piece of critical City infrastructure as well as reduce the effects that hydrogen sulfide gas is taking on the buildings and sewer infrastructure. Funds have been included in the 2018 budget for the chemical amounts estimated for this ongoing operation.*

**B. Service/Delivery Impact:**

*NA*

**C. Fiscal Impact:**

**Project Costs**

Construction Cost Estimate	\$530,000.00
Engineering Agreement	\$99,995.00
Final Estimated Project Cost	TBD

**Project Funding**

*Funding for this project is coming from 2017 sanitary sewer rehab funds.*

**V. ALTERNATIVES**

*N/A*

**VI. TIME CONSTRAINTS**

*N/A*

**VII. LIST OF ATTACHMENTS**

*N/A*



---

**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** *Jason Sorenson*

**DATE:** *October 23, 2017*

**SUBJECT:** **LANDFILL EXPANSION – CONTRACT AMENDMENT**  
**(PROJECT NUMBER 4306)**

---

## **I. RECOMMENDED ACTION**

1. Recommend council approve the contract amendment with CPS Engineering in the amount, up to and not to exceed, of \$129,326.00 for the landfill siting and cost analysis and authorize the Mayor to sign the agreement.

## **II. DEPARTMENT CONTACT PERSONS**

Dan Jonasson, Director of Public Works	857-4140
Jason Sorenson, Assistant Director of Public Works	857-4140

## **III. DESCRIPTION**

### **A. Background**

*In light of recent opposition to rezoning two quarters of land the City purchased for the expansion of the landfill, staff has decided it would be prudent to take a step back. Some rough estimates were used to justify the proposed expansion, but there were many requests for a more detailed cost analysis of moving to a different location. Instead of just picking locations on a map that may or may not be acceptable to site a landfill, an actual siting analysis should be performed to pick some potential locations. Once a couple sites are located that appease the State siting requirements, a cost analysis can be performed for that particular site. This will in the end provide a more detailed and accurate estimate of costs for a new site versus expansion of the existing site.*

### **B. Proposed Project**

*N/A*

### **C. Consultant Selection**

*The City has an existing task order agreement with CPS for general landfill consulting. CPS assisted the City with the pre-application and previous expansion analysis. Due to CPS's extensive knowledge of the Minot Landfill they were selected to continue working on this project.*

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

*The Landfill is already dealing with capacity issues. This analysis keeps the process moving so permitting can once again become the primary focus whether it is for a new site or our existing facility.*

##### **B. Service/Delivery Impact:**

*NA*

##### **C. Fiscal Impact:**

###### **Project Costs**

Current Contract	\$273,367.00
Amendment No. 1	\$130,000.00

###### **Project Funding**

*Funding for permitting has been allocated in the amount of \$273,367.00. It is recommended to fund the siting analysis from this amount. Another contract amendment would be brought in at a later date once a location is finalized for permitting.*

#### **V. ALTERNATIVES**

*N/A*

#### **VI. TIME CONSTRAINTS**

*It is important to get underway soon with the permit modification. The permitting process is time consuming and slow and we are already experiencing space constraints that are resulting in inefficient operations.*

#### **VII. LIST OF ATTACHMENTS**

*N/A*



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Lance Meyer, P.E., City Engineer

**DATE:** 3/21/18

**SUBJECT: 31<sup>ST</sup> AVE SE RECONSTRUCTION BROADWAY TO 13<sup>TH</sup> ST SE ENGINEERING  
SELECTION (4331)**

## **I. RECOMMENDED ACTION**

1. Recommend council select Apex Engineering Group to perform all consulting engineering for this project.
2. Recommend council authorize the City Engineer to negotiate a scope and fee for services.
3. Recommend council authorize the Mayor to sign the contract.
4. Recommend council pass a resolution authorizing the use of general obligation bonds for the project's cost share.

## **II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	857-4100
Dave Wicke, Project Manager	857-4100

## **III. DESCRIPTION**

### **A. Background**

31<sup>st</sup> Ave SE from Broadway to 13<sup>th</sup> St has been slowly improved over the decades as development in southeast Minot has occurred. The roadway was constructed as a rural section roadway with a minimal pavement section and poor drainage. Over the past several years, the corridor has experienced a rapid deterioration of pavement condition as traffic volumes have increased. City staff recommended to council that the 31<sup>st</sup> Ave corridor be placed in the North Dakota Department of Transportation's (NDDOT) Urban Road Program (URP). The project was submitted in 2015 and is now in the program for a 2020 construction start.

The corridor is classified as a minor arterial and is listed in the city's urban road network. 2015 traffic counts vary between 2,625 on the east end to 6,740 on the west end at Broadway.

### **B. Proposed Project**

Because the project is about two years away from construction, now is the time to start the necessary environmental clearance, preliminary, and design engineering for this project. Staff has programmed \$500,000 in the capital improvements plan to start the engineering work.

At this time, staff is looking to urbanize this corridor to a 3 lane concrete urban arterial. A trunk storm sewer network will have to be designed and constructed along with the new pavement section. New LED street lighting and a new concrete shared use path will be constructed as well. The corridor will look very similar to the newly constructed 37<sup>th</sup> Ave SE, which was funded by the same NDDOT program.

In 2015, an estimated project construction cost was developed at \$8.62 million of which \$6.934 million will be covered with a federal cost share. We estimate the City's construction cost share to be \$1.685 million plus engineering and right of way costs.

A critical point for council consideration is that the City builds a balance in our URP account at the NDDOT each year. In 2020, our federal account balance is estimated to be \$6.444 million, which is about \$500,000 less than anticipated. At the end of 2020, the federal transportation program has a rescission built into the bill which rescinds all funding not obligated. Meaning, if we do not bid the project by end of federal fiscal year 2020, the City will lose over \$6 million for this project. We will then start over building up our account until the project can be programmed. The condition of 31<sup>st</sup> Ave SE is in such poor condition; we would have to build the project on our own at some point without federal funding. That will be too large of a burden on City resources if the federal funding is lost.

**C. Consultant Selection**

Apex Engineering Group (Apex) was selected using a competitive qualifications based selection. A committee consisting of Alderman Olson, the Assistant NDDOT District Engineer, Assistant City Engineer, Assistant Director of Public Works, and the Storm Water Engineer ranked written proposals from six firms. A short list of three firms was selected for the interview round of the selection process. The committee interviewed the three firms during an interview and selected Apex as the most qualified firm to perform the scope of services.

Firm Ranking:

1. Apex Engineering Group
2. KLJ
3. Houston Engineering

**IV. IMPACT:**

**A. Strategic Impact:**

31<sup>st</sup> Ave is a strategic corridor for the City. It is classified as a minor arterial, which means the road is designated to carry a large volume of traffic to and from other arterials. 31<sup>st</sup> Ave is the last major roadway improvement planned in southeast Minot in developing areas.

**B. Service/Delivery Impact:**

During construction, access to several cul-de-sacs will be challenging and likely temporary access roads will have to be constructed to maintain access.

**C. Fiscal Impact:**

Project Costs

Estimated Construction Cost	\$7,838,000
10% Contingency	\$ 783,000
Engineering	\$1,200,000
Right of Way/Easements	<u>\$ 200,000</u>
Total	\$10,021,000

The costs above are purely estimates at this time with only high-level engineering completed. With an estimated \$6.444 million available in federal funds, the City's cost share will be approximately \$3.58 million. The City has traditionally funded federal cost share on arterial roadways with general obligation bonds. That type of funding is currently programmed in future capital improvement plans. The numbers will be refined as engineering work completed on the project. The initial engineering costs, estimated to be \$500,000 will be paid with State Oil & Gas funds, with the remainder being general obligation bonds.

## **V. ALTERNATIVES**

Alt 1. The Council could select another firm from the interview round of the process. A finding would have to be made as to why the other firm is more qualified.

Alt 2. The Council could cancel the project and not select an engineering firm.

## **VI. TIME CONSTRAINTS**

Once council proceeds with selecting an engineering firm, the work will begin to design the project.

## **VII. LIST OF ATTACHMENTS**

A. Reimbursement Resolution

**REIMBURSEMENT RESOLUTION**  
**DECLARING OFFICIAL INTENT**

BE IT RESOLVED by the 2<sup>nd</sup> day of April of 2018 (the “City”), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the “Regulations”) dealing with the issuance of obligations, all or a portion of the proceeds of which are to be used to reimburse the City for project expenditures made by the City prior to the date of issuance.

(b) The Regulations generally require that the City make a prior declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued borrowing no later than 60 days after payment of such expenditure, that the borrowing occur and the reimbursement allocation be made from the proceeds of such borrowing within eighteen months of the payment of the expenditure or, if longer, within eighteen months of the date the project is placed in service, but in no event more than three years after the date the original expenditure was paid and that the expenditure must either be a capital expenditure, or a cost of issuance of the obligation.

2. Official Intent Declaration.

The City desires to comply with requirements of the Regulations with respect to the following capital projects (the Projects) in order to preserve the option of the City to finance the costs of the Projects with tax-exempt obligations:

A. 31<sup>st</sup> Ave SE Reconstruction Broadway to 13<sup>th</sup> St SE (4331)

Cost: Approximately \$12,000,000.

The City reasonably expects to reimburse all or a portion of the expenditure made for costs of the Projects out of the proceeds of an obligation, as defined in the Regulations.

# City of Minot

**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** David Lakefield, Finance Director

**DATE:** March 27, 2018

**SUBJECT:** FLOOD HOUSE ACQUISITION

## I. RECOMMENDED ACTION

## 1. Approve purchase of 416 NW 2<sup>nd</sup> Ave

## II. DEPARTMENT CONTACT PERSONS

David Lakefield, Finance Director 701-857-4784

### III. DESCRIPTION

## A. Background

The house at 416 NW 2<sup>nd</sup> Ave was flooded and later demolished by the city. The cost of the demolition and nuisance abatement costs were special assessed to the property. The property was offered for sale on the County's Tax Foreclosure Sale on November 21, 2017 and no bids were received. The property abuts the proposed flood control project.

## B. Proposed Project

Offer the County a reduced price to acquire the property.

### C. Consultant Selection

N/A

RACT

31

## IV. IMPACT:

#### A. Strategic Impact:

The lot would be available for staging for the flood control project.

#### B. Service/Delivery Impact:

If acquired, the city would be responsible for upkeep of the lot. If the lot is not acquired, most likely the city would still be responsible for upkeep.

### C. Fiscal Impact:

There are different options in the budget to accommodate a purchase price. If approved, the City Council should direct staff which funding source to use.

## V. ALTERNATIVES

## Status Quo.

## VI. TIME CONSTRAINTS

None

**VII. LIST OF ATTACHMENTS**

1. List of Tax Sale Properties
2. Map of subject property
3. County tax history

**TAX FORECLOSURES**  
(Chapter 57-28 of the North Dakota Century Code)

NOTICE IS HEREBY GIVEN that the following real estate has been forfeited to the County of Ward, State of North Dakota, for delinquent taxes; that the said County has taken deed to such property and offered it for sale at public auction on November 21, 2017, at ten o'clock A.M.

Each parcel of real estate is available for purchase for a sum not less than the minimum sale price. Payment may be made as follows:

1. All sales of \$2,000 or less shall be for cash in full.
2. Any sale over \$2,000 may be for cash in full, certified funds, or credit card\*.

All successful private bidders of properties offered for sale by the County shall be required as a condition of the sale to sign a statement expressing their understanding that the purchase price of any tax deed property bears no relationship to either fair market value or taxable value of the property. The County is not responsible for divulging whether or not liens exist on the properties offered for sale; this is the express responsibility of the bidder.

	Parcel Number	2017 Ward County Tax Properties	Address	Minimum Sale Price
		<b>ELMDALE TOWNSHIP</b>		
559	EL180010300170	NIobe LOTS 16 & 17 B 3 ELMDALE-S28	*UNASSIGNED	500.00
		<b>KENMARE CITY</b>		
88	KM000011000121	ORIG KENMARE LS E65' LOTS 11 & 12 BLOCK 10 KENMARE CITY	223 NW 3RD ST	10,000.00
108	KM200053000060	NIEDERRITERS PLAT LOTS 1-6 BLOCK 30 KENMARE CITY	*UNASSIGNED	2,500.00
109	KM200053000080	NIEDERRITERS PLAT LOTS 7 & 8 BLOCK 30 KENMARE CITY	*UNASSIGNED	1,500.00
110	KM200053000100	NIEDERRITERS PLAT LOTS 9 & 10 BLOCK 30 KENMARE CITY	*UNASSIGNED	1,000.00
111	KM200060100020	TOLLEYS PLAT LOTS 2 & 3 BLOCK 1 KENMARE CITY-S28	518 SE 3RD AVE	19,500.00
563	KM200062300070	TOLLEYS PLAT LOT 7 & N2 L8 B23 KENMARE CITY S-28	115 SE 2ND AVE	3,000.00
123	KM200062600040	TOLLEYS PLAT LOT 4 BLK 26 KENMARE CITY	*UNASSIGNED	500.00
		<b>MINOT CITY</b>		
139	MI01D970040250	STONY RIDGE CONDO UNIT 25 BLOCK 9 BLDG 4	9 SW 43RD AVE	12,500.00
140	MI01D970040260	STONY RIDGE CONDO UNIT 26 BLOCK 9 BLDG 4	9 SW 43RD AVE	12,500.00
141	MI01D970040270	STONY RIDGE CONDO UNIT 27 BLOCK 9 BLDG 4	9 SW 43RD AVE	12,500.00
142	MI01D970040280	STONY RIDGE CONDO UNIT 28 BLOCK 9 BLDG 4	9 SW 43RD AVE	12,500.00
143	MI01D970040290	STONY RIDGE CONDO UNIT 29 BLOCK 9 BLDG 4	9 SW 43RD AVE	15,000.00
144	MI01D970040300	STONY RIDGE CONDO UNIT 30 BLOCK 9 BLDG 4	9 SW 43RD AVE	15,000.00
145	MI01D970040310	STONY RIDGE CONDO UNIT 31 BLOCK 9 BLDG 4	9 SW 43RD AVE	15,000.00
146	MI01D970040320	STONY RIDGE CONDO UNIT 32 BLOCK 9 BLDG 4	9 SW 43RD AVE	15,000.00
147	MI01D970050330	STONY RIDGE CONDO UNIT 33 BLOCK 5 BLDG 5	5 SW 43RD AVE	12,500.00
148	MI01D970050340	STONY RIDGE CONDO UNIT 34 BLOCK 5 BLDG 5	5 SW 43RD AVE	12,500.00
149	MI01D970050350	STONY RIDGE CONDO UNIT 35 BLOCK 5 BLDG 5	5 SW 43RD AVE	12,500.00
150	MI01D970050360	STONY RIDGE CONDO UNIT 36 BLOCK 5 BLDG 5	5 SW 43RD AVE	12,500.00
151	MI01D970050370	STONY RIDGE CONDO UNIT 37 BLOCK 5 BLDG 5	5 SW 43RD AVE	15,000.00
152	MI01D970050380	STONY RIDGE CONDO UNIT 38 BLOCK 5 BLDG 5	5 SW 43RD AVE	15,000.00
153	MI01D970050390	STONY RIDGE CONDO UNIT 39 BLOCK 5 BLDG 5	5 SW 43RD AVE	15,000.00
154	MI01D970050400	STONY RIDGE CONDO UNIT 40 BLOCK 5 BLDG 5	5 SW 43RD AVE	15,000.00
202	MI131920900070	LAKEVIEW ADDITION LOT 7 BLOCK 9	910 NW 1ST ST	35,500.00
243	MI192130001440	LENOX PARK ADDITION LOT 144	1314 SE 5TH AVE	69,000.00
259	MI230213500150	BROOKLYN ADDITION LOT 15 BLOCK 35	411 SW 7TH ST	4,000.00
260	MI230213500160	BROOKLYN ADDITION LOT 16 BLOCK 35	*UNASSIGNED	4,000.00
277	MI233470000050	FRSBG R/A LOTS 8-10 BLOCK 2 RVSD & LOT 7 BLOCK 3 LEE & JAC ADD L5	416 NW 2ND AVE	19,819.18
285	MI241450000210	HECKERS FIRST ADDN LOT 21	803 VALLEY ST	56,500.00
		<b>RICE LAKE TOWNSHIP</b>		
404	RL030090000070	NORTH SHORE ADDN LOT 7 RICE LAKE-S70	*UNASSIGNED	8,923.51
		<b>PRIOR YEARS</b>		
	Parcel Number	2016 Ward County Tax Properties	Address	Minimum
		BURLINGTON TOWNSHIP		

15	BT01005U040000	POR OF SENW IN LOOP OF RIVER; S1-155-84	*UNASSIGNED	200.00
		<b>HARRISON TOWNSHIP</b>		
64	HA27005U040000	POR NE SW ADJ TO L16 COMMERCIAL WEST S27-155-83	*UNASSIGNED	100.66
		<b>KENMARE CITY</b>		
75	KM000011500040	ORIG KENMARE LOT 4 BLOCK 15	509 N CENTRAL AVE	3,760.55
97	KM200062300040	TOLLEYS PLAT LOT 4 BLOCK 23	*UNASSIGNED	666.88
98	KM200062600060	TOLLEYS PLAT LOT 6 BLOCK 26	*UNASSIGNED	1,121.51
Parcel Number	<b>2015 Ward County Tax Properties</b>		Address	Minimum
	<b>MINOT CITY</b>			
165	MI240720400012	EASTWOOD PARK ADDN EAST 44.66' LOT 1 BLOCK 4	710 1ST AVE SE	3,126.49
240	MI241430100090	HARMONS FIRST ADDN LOT 9 BLOCK 1	*UNASSIGNED	1,250.00
	<b>RICE LAKE TOWNSHIP</b>			
224	RL030090000060	NORTH SHORE ADDN LOT 6 RICE LAKE	461 N RICE LAKE RD	12,291.24
	<b>SUNDRE TOWNSHIP</b>			
385	SR240070000010	WALDREFS ADDN LOGAN OLT A	9400 SE 79TH AVE	15,250.00

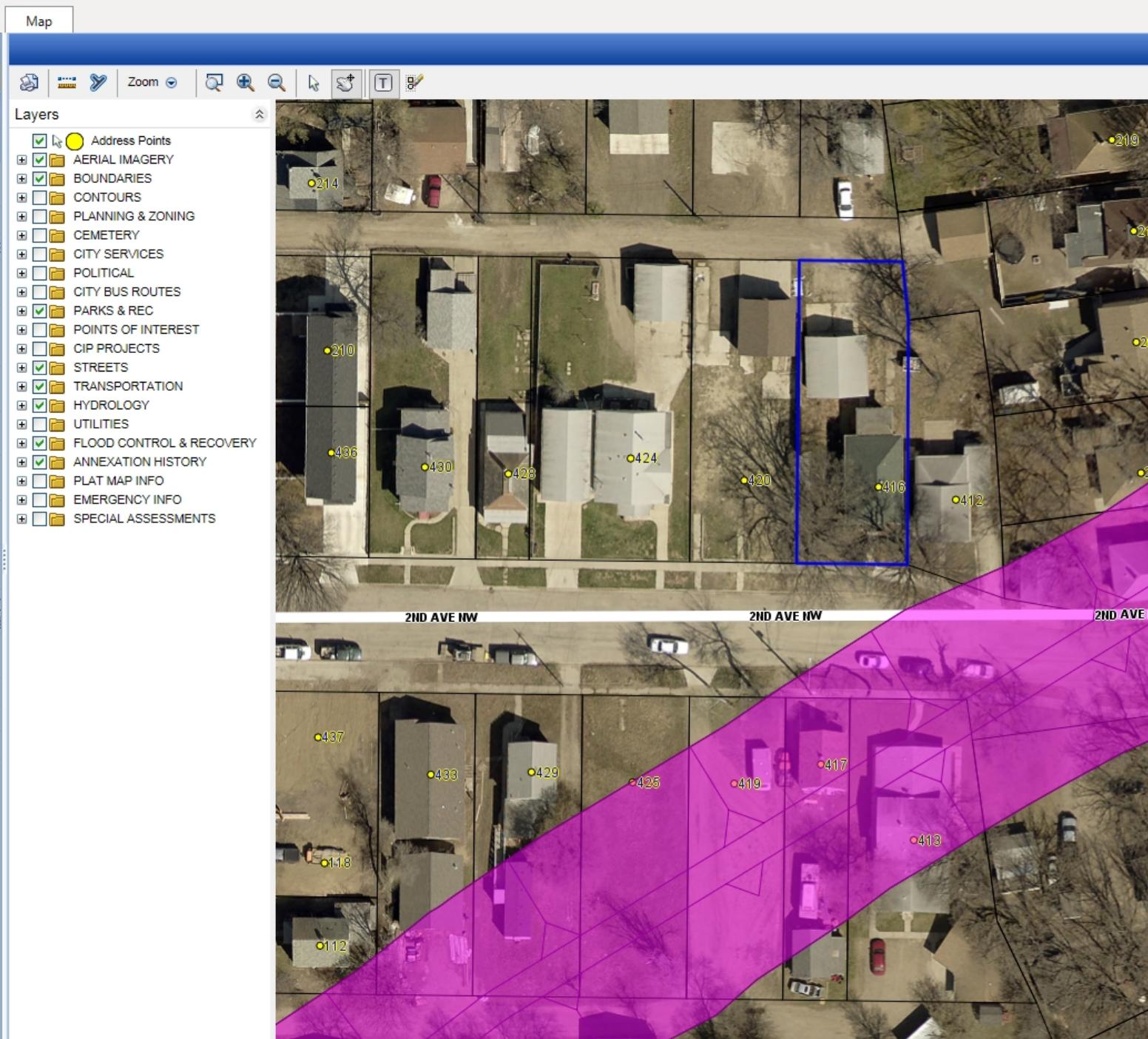
\* A 2.65% convenience fee is imposed by service company based on amount charged on credit card.

\*\*MINIMUM of \$20.00 Deed Recording Fee will be assessed on all purchases.

\*\*\* MINIMUM SALES PRICE AS OF 01/02/18 SUBJECT TO CHANGE

## FacilitiesMap

Search Features	
Feature Details	
Parcel Details (1)	
Parcel ID	MI23.347.000.0050
Address	416 2ND AVE NW
Owner	LARSON, MICKEY RAY LIFE ESTATE
Owner Address	PO BOX 875
Owner Address 2	
Owner City	MINOT
Owner State	ND
Owner Zip	58702-0875
Owner Country	USA
Legal	RIVERSIDE ADDITION FORSBERGS LEE & JACOBSONS LOT 5
Plat Scan	<a href="http://gis.minotnd.org/pdf/PLATS/Addition &amp; Lee &amp; Jacobsons Add">http://gis.minotnd.org/pdf/PLATS/ Addition &amp; Lee &amp; Jacobsons Add</a>
Plat Scan 2	-
Sqft	6900
Zoning	R3B
District	40th



Dan

Shopping Cart: 0 items [\$0.00] 

 [New Search](#)

 [Detail](#)

 [Payoff](#)

 [Help](#)

Parcel #: MI233470000050

Status: Delinquent

Type: RE

Owner: WARD COUNTY

History:

Tax Year	Statement#	Bill Date	Bill Amount	Date Paid	** Paid Amount	Notes
<a href="#">2017</a>	<a href="#">24945</a>	12/15/2017	\$340.75		\$0.00 \$0.00	
<a href="#">2016</a>	<a href="#">26292</a>	12/19/2016	\$16,993.68		\$0.00 \$0.00	
<a href="#">2015</a>	6303	12/16/2015	\$458.80		\$0.00 \$0.00	
<a href="#">2014</a>	63116	04/29/2017	\$50.00		\$0.00 \$0.00	
<a href="#">2014</a>	8392	12/19/2014	\$531.86		\$0.00 \$0.00	
<a href="#">2013</a>	6763	12/13/2013	\$427.34	1/20/2014 1/20/2014	\$213.68 \$192.28	

\*\* Paid Amount may include penalty, interest, & discounts

Note: The accuracy of this data is not guaranteed.

Web data was last updated 03/16/2018 04:00 PM.





**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Lance Meyer, P.E., City Engineer

**DATE:** 3/20/18

**SUBJECT: GIS PRESENTATION CONSTRUCTION INFORMATION MAP**

**I. RECOMMENDED ACTION**

1. No action required

**II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	857-4100
Aleesha Erickson, GIS Coordinator	857-4100

**III. DESCRIPTION**

**A. Background**

The engineering department instituted the city's first public facing GIS in 2006. It began, like most GIS websites do, as a simple parcel information map. Since that time, the city's GIS has significantly evolved. Today, the GIS website is still public facing, and it has hundreds of hits a day looking for information.

**B. Proposed Project**

In the 2018 budget, the City Council allocated funding for new GIS software for the department. Our existing GIS software is being discontinued, and it was time for the City's GIS to take the next step in evolution. Our new software made by ESRI, is the industry standard mapping software. Staff now has the ability to perform GIS analysis in addition to providing static mapping. Tasks such as drive time analysis for the fire department or heat mapping of crime statistics for the police department can now be analyzed.

Our primary intention is to use the City's GIS as a communications tool. In this example, a resident can go to the City's webpage and go to the construction map. They can zoom to their home or place of work using familiar tools and methods just like any other website map. The person can click on the work area and obtain project status updates, start and end dates, contact information, and detour information.

**C. Consultant Selection**

N/A

**IV. IMPACT:**

**A. Strategic Impact:**

N/A.

**B. Service/Delivery Impact:**

Staff will be migrating data over from our old GIS to the new GIS during 2018. In the future, a map base will be built so that asset management efforts can be housed within the GIS.

**C. Fiscal Impact:**

Funds for the City's GIS will continue to be requested every year in the department budget as an ongoing expense.

**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

N/A

**VII. LIST OF ATTACHMENTS**

A. N/A



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** John R. Zakian, DR Grant Program Manager & Chief Resilience Officer

**DATE:** March 21, 2018

**SUBJECT:** Options/Guidance on Possible Immediate Steps Follow-Up to IEDC visit

## **I. RECOMMENDED ACTION**

Provide guidance and/or support on immediate steps from lessons learned through visit from the International Economic Development Team

## **II. DEPARTMENT CONTACT PERSONS**

John R. Zakian, DR Grant Program Manager & Chief Resilience Officer, 423-4528

## **III. DESCRIPTION**

### **A. Background**

It is expected in the next two months that we will receive a comprehensive draft report from the IEDC team based on their observations and findings during their visit of the week of March 12, 2018. We will have an opportunity to provide input, comments, and follow-up questions regarding the draft report after which IEDC will provide a final report which will contain a range of action items for the city to consider taking.

### **B. Proposed Project**

From the interaction with the IEDC team and the March 15<sup>th</sup> initial thoughts presentation, there are possible immediate steps for the city to consider taking including

- Begin convening city led monthly meeting among all entities and stakeholders involved in activities, projects, missions, and representations that involve economic and business development and support to create a means to share information both to effectively coordinate with the city and among the stakeholders
- Update and expand the Renaissance Zone Plan to clarify the mission and purpose as well as to take advantage of being able to include 42 blocks to include all the blocks with Trinity owned properties
- Identify sources and resources for data, identify costs related to date access, identify sources for funding data resources (including CDBG-NDR), and identifying city department(s) and/or partner stakeholders which should have lead role in gathering such data and maintaining the current nature of such data
- Begin the process of exploring the options for establishing a citywide coordinating economic development entity including inside city government, creating a new 501c3 nonprofit private/public partnership, and exploring roles of existing organizations with such assessment to include potential start-up costs, sources of funding and structures
- Continue the process started at reviewing the scope, purpose, and uses of the MAGIC Fund, and more clearly defining the relationship between MADC and the city, and deployment of the MAGIC fund.

## **IV. IMPACT:**

**A. Strategic Impact:**

Taking advantage of consensus insights offered by the IEDC team while in Minot will allow the city to continue the positive momentum that resulted with the IEDC team's engagement with multiple stakeholders. Certain initial follow up actions do not need more detail or specificity that will be found in the final report and allows the city to sustain positive proactive measures during the period before the report will be completed.

**B. Service/Delivery Impact:**

The proposed initial follow-up measures provide the opportunity to further strengthen coordination among all the organizations involved in the city's sustainable economic growth and also prepare to launch an overall economic development strategy based on the action items which will be presented in the IEDC final report.

**C. Fiscal Impact:**

None

**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

NA

**VII. LIST OF ATTACHMENTS**



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** John R. Zakian, DR Grant Program Manager & Chief Resilience Officer

**DATE:** February 16, 2018

**SUBJECT:** Single Family Home Buildable Lots RFP

## I. RECOMMENDED ACTION

Approve the recommendation of the Technical Review Committee to not accept either of the proposals received to the Resilience Neighborhood Affordable Single Family Housing RFP

## II. DEPARTMENT CONTACT PERSONS

John R. Zakian, DR Grant Program Manager & Chief Resilience Officer, 423-4528

## III. DESCRIPTION

### A. Background

The city issued an RFP seeking developers and/or property owners with 35 lots available for construction of Low/Moderate Income affordable single family homes in tracts with proper zoning as well as all critical infrastructure in place. Two responses were received. A Technical Review committee comprised of representatives of the Planning Department, Engineering Department, DR Grant Program Manager, CDM Smith experts, Federal Compliance Officer met and reviewed the applications to assess responsiveness to the requirements of the RFP and the viability of the proposed projects. The findings and recommendation are attached.

### B. Proposed Project

The RFP is a small part of the larger goal of deploying NDR grant funds in multiple projects to provide single family homes to those most affected and impacted by the flooding while promoting sustainable resilience measures. While the current focus on deploying some of the available funds will be on LMI Minot residents purchasing existing homes outside the FEMA 100 year flood plain, market conditions are being closely monitored to be prepared to reissue an RFP in a similar vein to blend single family new construction with purchases of existing homes.

## IV. IMPACT:

### A. Strategic Impact:

HUD encourages diligence in assessing responses to RFPs and has no expectation of awards having to be made as a result of the responses received. HUD is more interested and attentive to the process employed in assessing responses and the outcome of the assessment. In terms of the long term planning for deployment of the NDR funds on a timely basis, not making an award has no impact.

### B. Service/Delivery Impact:

Rebooting the overall approach to the deployment of NDR funds to promote resilient housing puts us in strong position to continue to not adversely affect the private marketplace but, rather, initiate investments which support the trends in the marketplace.

C. Fiscal Impact:  
None

V. **ALTERNATIVES**  
N/A

VI. **TIME CONSTRAINTS**  
NA

VII. **LIST OF ATTACHMENTS**  
Report of the Technical Review Committee.



City of Minot National Disaster Resilience  
Technical Review Committee  
Resilience Neighborhood Affordable Single Family Housing  
Program Request for Proposal Review

The City of Minot Office of the City Clerk received two project proposal in response to the RFP by the closing date. One proposal was received for the Prairie Pointe Subdivision offered by Skyport Developers, LLC. The second proposal was received for Ramstad Heights offered by Silverleaf Capital Group.

In accordance with the review process outlined in the "Residential Lots for the Resilient Neighborhood Affordable Single Family Housing Program RFP", the City of Minot NDR Technical Review Committee met on January 16, 2018 to discuss the two submittals received by the City of Minot in response to the above referenced RFP. The review committee evaluated each of the proposals received for completeness and reviewed the submittals based on the evaluation criteria included in the RFP. The review committee requested additional guidance from the City's Engineer and from the City Planning Department staff prior to the meeting.

The review committee appreciated the level of effort made in both proposals, a significant volume of information was provided.

After careful review of the materials submitted in the two proposals received, the City NDR Technical Review Committee recommended that both proposals be rejected based on the following:

- 1) Prior to the review committee meeting, the City Engineering and Planning staff were asked to review the public utilities that had previously been installed to serve the 35 lots offered in each of the sites submitted in the 2 responses to the RFP. The RFP states, "The lots to be offered must have all necessary public utilities (water, wastewater, natural gas, and electric) currently installed to the property line of each of the lots being offered." As a result of the reviews, it was determined that all the necessary public utilities were not completed and additional utility construction was required to serve the single family lots offered in each of the proposals.
- 2) The evaluation criteria included in the RFP stated the best offer price for purchase of the proposed property would be determined based on: average of the actual offer price to purchase each lot; the acreage of the residential lots included in the proposal; the

availability of public utilities to each of the lots; and lot access to a public street. The Ramstad Heights proposal offered a lower wholesale price on the lots that did not include approved or pending special assessment as required in the RFP and 23% of the lots included in this proposal were smaller than the minimum allowable lot size. The Prairie Pointe proposal offered higher priced lots. Both proposals lacked all of the required public utilities and some of the streets in the proposed subdivision were not completed. The committee was not able to find the required surety document to the city in the Ramstad heights proposal that would cover the full cost of completing the streets if construction was not completed within the schedule included in a final agreement for the project. The committee concluded neither proposal provided the lowest and best offer price for the purchase of the lots.

- 3) The RFP states “the lots must have the proper residential zoning in place”. Information provided in each of the proposals indicates that the current zoning for both properties is R4, which is not the proper residential zoning for this type of single family development according to the Minot Planning Department. Both proposals submitted proposed to change the zoning on the property included in the RFP response to R1S and have been in various stages of the process to seek the change, therefore the proper zoning was not in place when the proposals were submitted.
- 4) In one of the proposals there was no information provided to address hazardous materials on the site.
- 5) The Ramstad Heights proposal provided a map with two notes, one stating “all wetlands within the site have been mucked and filled” there was no signed engineering document as required in the RFP. A letter from the regional ACEC dated Aug. 6, 2011 lacked a copy of the map referenced in the letter that would have enabled reviewers to determine if the 38 wetlands reference in the letter were on the property submitted in the proposal or on other adjoining property owned by the same owner.

The City NDR Technical Committee recommended reissuing the RFP taking into account current housing market data that members of the committee monitor regularly.

**Tom Barry – City Manager**  
PO Box 5006  
Minot, ND 58702-5006  
(701) 857-4750



March 20, 2018

Jonathan and Caralee Newman  
3515 Buckskin Dr. NE  
Minot, ND 58703

RE: Heidrich Homes Complaints  
3515 Buckskin Dr. NE; Minot ND 58703

Dear Mr. and Mrs. Newman:

The City is in receipt of your January 15, 2018 written complaint specifically relating to your foundation; furthermore, City representatives were present when you and your neighbors (collectively the "Heidrich Homes neighborhood") provided information at the February 5, 2018 regular City Council meeting, the March 1, 2018 gathering, and the March 5, 2018 regular City Council meeting. With that, I believe the City is fully versed on the issues and that of the Heidrich Homes neighborhood's position with regard to these matters.

I, the City staff, and our City Council are all very sorry that you and your neighbors have, and continue, to experience the home construction issues you've described. I recognize that this is very unsettling for your family and those that live within the subdivision. When you met with the City Council at the March 5<sup>th</sup> regular City Council meeting you made the following requests, on behalf of the Heidrich Homes neighborhood:

1. That the City (1) inform the homeowners as to how to file a claim to start the building inspection process; (2) conduct a thorough inspection of each home constructed by Heidrich Homes; (3) certify to the owners, in writing, whether or not each home satisfies the requirements of the applicable building code(s); and (4) advise the owners on how to bring the homes into compliance with the applicable building code(s);
2. That, if the building code(s) are not met, the City take responsibility to correct the defects at no cost to the homeowner(s), within a time frame agreed to by the City and the homeowner(s);
3. That the Board of Appeals convene and determine whether Certificate(s) of Occupancy should have been issued with regard to the Heidrich Homes properties;
4. That the City prohibit the builder, Jeff Heidrich, from rezoning, building, or selling his property until the City is made whole from any costs expended under item (2) above;
5. That the City create a certification program for all contractors to ensure that all contractors that work in the City of Minot are competent and agree to abide by applicable city and state laws;
6. That the City research grant programs to relieve unfair financial burdens; and
7. That the City Council respond to the requests by the April 2, 2018 regular City Council meeting.

As City staff and council members have previously indicated, the City is sympathetic to the issues and concerns you have raised. The City does not take your complaints lightly and is deeply concerned about the quality of the construction of your homes. However, staff believes these issues should be directed to your contractor, not the City. Nevertheless, you continue to raise a variety of concerns regarding the construction quality of your neighborhood's homes, the majority of which were constructed between 2003 and 2012. These concerns have included such things as poor septic systems, substandard electrical systems, lack of insulation, water proofing concerns, and foundation settling. As has been previously communicated to you and the homeowners, many of these concerns are outside the scope of the City's building inspection.

Furthermore, contractors in North Dakota are required to ensure and certify that all plans, specifications, and designs meet the building codes. North Dakota Century Code requires all buildings to be built to IBC (International Building Code) and IRC (International Residential Code) standards. When a contractor or builder applies for a building permit the contractor still has a legal responsibility that all work shall meet all of the building codes.

Additionally, the City has previously informed you that specific statutory immunities, set forth in N.D.C.C. § 32-12.1-03(3)(f), apply to this situation. The City maintains that it is statutorily immune from the claims you allege. In addition, you were previously informed that the building permit application relating to these matters included applicable indemnification provisions. The City maintains that the indemnification provisions apply to the claims you raise.

While the City wishes you success with regard to rectifying these concerns, the City will not be taking any additional action relating to the above-described requests. If you have any questions or concerns regarding the City's position, I recommend you contact a private attorney. Also, this letter is being sent directly to you since you represented yourself to be the representative of the Heidrich Homes neighborhood, so the City expects you will share this information with the group. If additional mailings should be needed, please advise me accordingly. Lastly, I intend to include this issue on the agenda at the next Committee of the Whole Meeting on March 28<sup>th</sup> at 4:15 p.m. You are welcome to attend that meeting.

Sincerely,



Tom Barry  
City Manager

cc: Mayor and City Council  
Kelly Hendershot, City Attorney  
Lance Meyer, City Engineer  
Mitch Flanagan, Building Official



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** *Dan Jonasson, Director of Public Works*

**DATE:** *March 27, 2018*

**SUBJECT:** **DESIGN & CONSTRUCTION ENGINEERING P4291 CARNEGIE CENTER STRUCTURAL REPAIRS**

#### **I. RECOMMENDED ACTION**

1. Recommend approval of EAPC consultants for the design and Construction engineering on the Carnegie Building
2. Authorize the Public Works Director to negotiate fees for the work and authorize the Mayor to sign the agreement on behalf of the city

#### **II. DEPARTMENT CONTACT PERSONS**

Dan Jonasson, Director of Public Works	857-4140
Jason Sorenson, Asst. Director of Public Works	857-4140

#### **III. DESCRIPTION**

##### **A. Background**

EAPC completed a preliminary report outlining the proposed work that needs to be completed to repair structural and other repairs on the Carnegie Center.

Public Works prepared a Request for Qualifications for Architectural and Engineering services and advertise in accordance with State law. EAPC was the only firm that responded to the RFQ and their qualifications show they are qualified to perform the design and construction management work

##### **B. Proposed Project**

The project will consist of design engineering, bidding, and construction engineering and project close out of repair of deficiencies found on the Carnegie center.

##### **C. Consultant Selection**

EAPC was the only consultant that responded to the RFQ and is qualified to perform the services outlined in the RFQ.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

Carnegie Center is a historic building, owned by the city of Minot, in need of Structural repairs. Funding was approved from the community facilities fund in the amount of \$550,000 for this project.

##### **B. Service/Delivery Impact:**

This project is needed to restore the structural integrity of the building and repair settlement occurring to the structure.

**C. Fiscal Impact:**

<u>Project Funding</u>	
Community facilities funds	\$550,000.00

**V. ALTERNATIVES**

**VI. TIME CONSTRAINTS**

Council's approval of the recommendation will allow the project to move forth to design needed repairs and start construction in 2018.

**VII. LIST OF ATTACHMENTS**

A. RFQ soliciting firms for work.

**REQUEST FOR QUALIFICATIONS**  
**Carnegie Building Structural Improvements**  
**City Project 4291**

The City of Minot, North Dakota, is requesting "Statements of Qualifications" from architectural/engineering consulting firms to provide design and construction services for building/structural improvements for the Carnegie Center, located at 105 2<sup>nd</sup> Ave. SE, Minot ND. Interested firms must submit four (4) hard copies and one digital copy of their qualifications by 4:00 pm on March 26,2018 to:

City of Minot Public Works Department  
Attn: Dan Jonasson, Director of Public Works  
1025 31<sup>st</sup> Street SE  
Minot, ND 58701

Proposals should be marked:  
"Qualifications Submittal for Carnegie Building/Structural Improvements - City Project 4291"

The Carnegie Center, which is a historical building, has shown signs of settlement and structural issues in the NW corner of the building. EAPC Architects and Engineers completed an investigation report on the Carnegie Building in the summer of 2017, which is available upon request from the Minot Public Works Department, Attn: Kevin Sickler, Property Maintenance Supt. 701-857-4140.

The consultant will be required to provide the City of Minot with these general services, which includes at a minimum: preliminary engineering/architectural services, design and bidding, construction management and construction inspection, and as-built plans.

**Each consultant must provide the following information:**

- Relevant experience planning and designing structural building improvements
- Relevant experience designing or improving similar historical type facilities.

**Each firm must also provide the following:**

- List of personnel assigned to the project and relevant experience.
- Location of office where work will be performed from and method which mileage and expenses will be charged.
- List of any sub-consultants to be used for the project.
- List of three project references.

The City of Minot reserves the right to reject any and all proposals.

Further information for those interested in submitting proposals is available in the City Public Works Department Office, 1025 31<sup>st</sup> Street SE, Minot, ND, Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. or telephone at (701) 857-4140.

Publish Legal Ad:

March 2, 2018  
March 9, 2018  
March 16, 2018