



Committee of the Whole
Tuesday, November 27, 2018 - 4:15 PM
City Council Chambers

1. 16TH STREET SW SHARED USE PATH REPLACEMENT (4183)

The existing shared use path has sections of asphalt and concrete, originally constructed in 1995 and 1978 respectively. Over the years, the path has experienced several repairs and has significantly deteriorated.

It is recommended the City Council

1. Authorize city staff to submit the Transportation Alternatives application for the 16th St SW Shared Use Path Replacement; and
2. Authorize the Mayor to sign the application; and
3. Authorize the inclusion of the project in the 2021 Capital Improvement Plan.

Documents:

[CW_Memo_16thStSUP.pdf](#)

2. STORM SEWER DISTRICT 123 – 10TH STREET SW – REQUEST FOR QUALIFICATIONS (4393)

10th Street SW from 37th Avenue to 31st Avenue SW and surrounding areas have long been identified as known storm water problem areas. Because the project is a little over a year away from scheduled construction, now is the time to start the necessary environmental clearance and design engineering for this project.

Recommend Council authorize the engineering department to solicit Requests for Qualifications for engineering services for the Storm Sewer District 123 – 10th Street SW Project.

Documents:

[4393 - SSD123 10th St SW Request RFQ Memo.pdf](#)

3. WASHINGTON ELEMENTARY SAFE ROUTES TO SCHOOL DECISION DOCUMENT (4367)

The Washington Elementary School Safe Routes to School project is a Transportation Alternatives Program (TAP) project designed to install sidewalks around Washington Elementary School. Council must authorize the Mayor to sign the decision document at the December meeting as the final environmental report is due to the NDDOT on December 7, 2018.

Recommend the City Council authorize the Mayor to sign the decision document for the Washington Elementary School Safe Routes to School project.

Documents:

4. 2019 INSURANCE RFP

An RFP for revised insurance coverage has been advertised and responses are due on November 21st. The responses will be evaluated and a recommendation will be brought to the Committee of the Whole.

Documents:

[COW Nov212018 Insurance.pdf](#)

5. POLARIS SETTLEMENT AGREEMENT

Polaris LP owns three multiplexes at 300 27th Ave NW and is asking for partial reimbursement of alleged overcharges on their utility bill. Staff recommends approval of the agreement.

It is recommended the City Council approve the Settlement agreement, release, and covenant not to sue, and authorize the Mayor to sign the agreement.

Documents:

[Polaris agreement Memo.docx](#)
[Polaris agreement.pdf](#)

6. AMENDMENTS TO MEETING ORDINANCE

Currently, the City Council meets, in a regular meeting, at 6:30 p.m. once per month. The Committee of the Whole meets, in two meetings, the week prior to the regular City Council meeting. The City Council previously discussed amending the City ordinances to provide for two regular City Council meetings per month, both of which would occur at 5:30 p.m. With this change, the City Council also contemplated eliminating the Committee of the Whole meetings.

The City Council approve, on first reading, the attached ordinance amendments.

Documents:

[Meetings Ordinance Memo.pdf](#)
[Meetings Ordinance _First Reading.pdf](#)
[Secs. 2-26 -- 2-31.pdf](#)

7. PARKING LOT IMPROVEMENTS (AIR071) BUDGET AMENDMENT AND CHANGE ORDER

The Airport was authorized by City Council to award the bid for the rental car parking lot project to the lowest bidder and begin construction. A budget amendment is now required in order to match the actual costs with the originally budgeted amount. All costs for this project are being funded with Car Rental Customer Facility Charges.

- 1. Recommend approval of the Budget Amendment to increase the Airport landside maintenance and capital expense accounts for parking lot improvements and rental car relocation; and**
- 2. Recommend approval of Change Order No. 2, Parking Lot Improvements (AIR071) Construction Support; and**
- 3. Authorize Mayor to sign all applicable documentation.**

Documents:

8. ASSIGNMENT OF LEASE, T-HANGAR NO. 6

There is one (1) vacancy out of sixteen (16) t-hangars owned by the Airport. Protocol established a policy of a waiting list for vacancies. Craig VanTilborg is the next interested party on the waiting list. Mr. VanTilborg has indicated interest in renting a t-hangar for a monthly rent of \$75.00 per month, and will abide by the lease terms and obligations. The lease term is month-to-month, which may be terminated by the City or the Tenant with a 30-day written notice.

- 1. Recommend approval of the Airport Lease, T-Hangar between the City of Minot and Craig VanTilborg for T-Hangar No. 6 for \$75.00 per month; and**
- 2. Authorize the Mayor to sign the agreement**

Documents:

9. APPROVE ADJUSTMENT TO FINAL PAYMENT FOR PARK SOUTH PROJECT

City Council approved recently what was believed to all remaining costs for the Park South Multi-Family CDBG-NDR project. However, it turns out that there were 6 minor finishing work products that the contractor had not billed to Essential Living Inc., the non-profit developer. All finishing work is consistent with the contract and the amount requested of \$120,585.25 brings the total project cost to the CDBG-NDR cap of \$1,970,585.25.

It is recommended the City Council approve an adjustment to final payment for completion of Park South LMI Multi-family housing project in the amount of \$120,585.25.

Documents:

10. AMENDED SOURIS BASIN PLANNING COUNCIL SUB-RECIPIENT AGREEMENT

The city entered into a sub-recipient agreement with the Souris Basin Planning Council for calendar year 2018 to support CDBG-NDR economic development resilience planning activities associated with filling missing critical data pieces to develop a long term, sustainable economic development strategy. Their support and work has been beneficial to these efforts and warrants an extension for one more year to complete the follow through necessary to carry out the implementation of data collection efforts to support the IEDC recommendations and optional plans of action in their report.

It is recommended the City Council amend the existing sub-recipient agreement with the Souris Basin Planning Council extending the term for 1 year and adding CDBG-NDR and CDBG-DR Allocation #1 funds.

Documents:

11. CITY COUNCIL APPROVAL TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS FOR NINE PROPERTIES

These nine properties are located in what is identified as Buyout Area #4 in the HUD approved CDBG-NDR Action Plan. Letters have been sent to the affected property owners advising them of this step of recommending commencement of eminent domain proceedings but informing them that the opportunity continues for them to avoid legal proceedings by accepting the final offer made. Authorizing eminent domain proceedings by the City Council does not mean we will not continue to seek a resolution of the acquisition outside of a court decision. It does trigger the City's use of the outside counsel under contract for eminent domain proceedings.

It is recommended the City Council grant approval to authorize the ability for the City to commence eminent domain proceedings to acquire 9 properties need for flood mitigation projects should purchase negotiations not come to agreement on price.

Documents:

[Eminentdomainauthorizationcouncilmemo11-20-18.pdf](#)

12. CITY COUNCIL APPROVAL TO ADD STRUCTURE TO AUCTION LIST

Properties with structures acquired through the CDBG-NDR flood mitigation buyout program are reviewed for structural soundness to determine if can be auctioned and moved. A review of a recently acquired structure on the property at 1115 6th Avenue SW by staff has been determined to be structurally sound to be moved and is recommended for auction.

Request City Council approval to add structure located on 1115 6th Avenue SW acquired through CDBG-NDR flood mitigation buyout program to auction list.

Documents:

[AddstructuretoauctionlistCouncilmemo11-18-18.pdf](#)

13. CITY COUNCIL APPROVAL OF FOUR DEMOLITION BID AWARDS

These projects were previously bid twice with a decision both times to make no award. Several weeks ago, we held a workshop for companies interested in bidding to review the requirements and expectations of the bidding process under HUD rules. Bidding this time was both for each of the four individual projects as well as the option of one bid for all projects. The lowest responsible bid price for each of the four individual projects when totaled is \$6,000 less than the lowest responsible bid price for the one bid on all four projects. Therefore, the recommendation is to award the individual projects to the lowest responsible bidder.

City Council approve award contracts to lowest responsible bidders for demolition of structures at 400 Maple Street, 430 4th Ave. NE, 205/215 Maple Street, and 614/701 4th Ave. NE.

Documents:

[demolitionauthorizationcouncilmemo11-20-18.pdf](#)

[Recommendation to Award - 430 4th Ave NE Project 3755.7.pdf](#)

[Recommendation to Award - 400 Maple St Project 3755.8.pdf](#)

[Recommendation to Award - 205 215 Maple St Project 3755.9.pdf](#)

[Recommendation to Award - 614 701 4th Ave NE Project 3755.10.pdf](#)

14. APPOINTMENT OF SPECIAL ASSISTANT CITY ATTORNEY FOR CONFLICT CASE

On November 11, 2018, a city employee was charged with a criminal offense in violation

of a City ordinance. The City recommends the appointment of a special assistant city attorney to avoid any conflict of interest or appearance of impropriety.

Move to appoint Ward County State's Attorney Roza Larson or her designee as Special Assistant Minot City Attorney to prosecute Ward County Case No. 51-2018-CR-02238.

Documents:

[Memo_Conflict Case.pdf](#)
[Appointment_Council.pdf](#)

15. APPOINTMENT OF CONTRACT ATTORNEY

The City Attorney's office currently consists of two attorneys, one full-time legal assistant, and one part-time legal assistant. This office is responsible for prosecuting all criminal ordinance violations, infractions, and traffic code violations. In recent years, the workload has become more consuming due, in part, to an increased amount of time spent on prosecution matters; unprecedented litigation matters; and the City's increased activities with federal funds (CDBG-DR Funds; NDR Funds) and flood control projects. Beyond that, City staff and City Council members have identified numerous antiquated or non-existing ordinances, policies, and processes that should be updated or adopted.

1. **It is recommended the City Council appoint Attorney Caitlyn A. Pierson to represent the City of Minot in the prosecution of municipal ordinance violations.**
2. **Authorize the Mayor to sign any agreements relating to Attorney Pierson's appointment**

Documents:

[Memo_Prosecution Appointment Final.pdf](#)
[Pierson - Cover Letter.pdf](#)
[Pierson - Resume w References.pdf](#)

16. 3RD AVENUE SE AND BURDICK PEDESTRIAN IMPROVEMENTS (4426)

Overhead yellow flashing beacons bring to attention the pedestrian crosswalks crossing 3rd Avenue SE at 3rd Street SE and crossing Burdick Expressway at 13th Street SE. Vehicle yield to pedestrian compliance has been an issue at both crossings.

It is recommended the City Council

1. **Authorize city staff to submit the HSIP grant to install pedestrian signal improvements at 3rd Street/3rd Avenue SE and Burdick Expressway/13th Street SE; and**
2. **Authorize the mayor to sign the grant applications.**

Documents:

[CW_Memo_PedCrossings.pdf](#)

17. APPLICATION FOR ABATEMENT OR REFUND OF TAXES FOR 16 VACANT LOTS OWNED BY C & K CONSULTING ON OR NEAR MULBERRY LOOP AND OLIVE TREE CIRCLE

The owner of 16 vacant, residential lots owned by C & K Consulting, LLC has filed an

abatement for a reduction in the 2016 True and Full Value. A list of each lot's 2016 assessment and the requested reduction is attached.

The City Assessor recommends a motion to deny the request.

Documents:

[2016 abatement Agenda memo for C and C 16 Vacant Lots.docx](#)
[C and C 2016 Abatement 16 lots.pdf](#)
[2016 Abatement of C and K Lots Analysis.docx](#)
[2016 Abatement C and K vacant lots notice and spreadsheet.pdf](#)

18. APPLICATION FOR ABATEMENT OR REFUND OF TAXES FOR 3215 8TH ST NE

The owners of an apartment building complex, Stonebridge Villas II have filed an abatement for the 2016 Property taxes asking for a reduction from \$6,691,000 to \$3,735,000.

The City Assessor recommends a motion to deny the request.

Documents:

[2016 abatement Agenda memo Stonebridge for 3215 8th St NE 48 unit complex applied for by Fredrikson Byron PA.docx](#)
[Stonebridge Sales and comparable assessments for 2016 abatement for 3215 8th St NE 48 units.docx](#)
[3215 NE 8th St packet for abatement 48 units.pdf](#)
[Assessors Office Methodology and Assessment Process.pdf](#)

19. APPLICATION FOR ABATEMENT OR REFUND OF TAXES FOR 3241 8TH ST NE

Stonebridge Villas II, LLC has filed an application 3241 8th St NE for an abatement to reduce their 2016 True and Full Valuation from \$4,965,000 to \$2,700,000.

The City Assessor recommends a motion to deny the request.

Documents:

[2016 abatement Agenda memo Stonebridge for 3241 8th St NE 40 unit apartment applied for by Fredrikson Byron PA f.docx](#)
[3241 NE 8th St packet for abatement 40 units.pdf](#)
[Assessors Office Methodology and Assessment Process.pdf](#)

20. APPLICATION FOR ABATEMENT OR REFUND OF TAXES FOR 3343 8TH ST NE

Stonebridge Villas LLC has filed a tax abatement on a 68 unit apartment complex asking for a reduction on the 2016 True and Full Value from \$7,724,000 to \$3,655,000.

The City Assessor recommends a motion to deny the request.

Documents:

[3343 8th St NE Packet for Abatement 68 plex at Stonebridge Villas .pdf](#)
[2016 abatement Agenda memo Stonebridge for 3343 8th St NE 68 unit apartment applied for by Fredrikson Byron PA.docx](#)
[Assessors Office Methodology and Assessment Process.pdf](#)

21. APPLICATION FOR ABATEMENT OR REFUND OF TAXES FOR 46 TOWNHOMES OWNED BY TOWNHOMES AT STONEBRIDGE

Property tax abatement submitted by the owners of 46 townhomes along 7th St NE. A spreadsheet of current 2016 True and Full Values and Requested Reductions is

attached.

The City Assessor recommends a motion to deny the request.

Documents:

[Property Record Cards of 46 Townhomes for 2016 abatements.pdf](#)
[2016 abatement Agenda memo for Stonebridge 46 TownHomes along 7th St NE applied for by Fredrikson Byron PA f.docx](#)
[2016 abatement forms for 46 townhomes.pdf](#)
[2016 abatement of 46 Stonebridge townhomes analysis and packet of information.pdf](#)
[Assessors Office Methodology and Assessment Process.pdf](#)

22. APPLICATION FOR ABATEMENT OR REFUND OF TAXES FOR 58 VACANT LOTS OWNED BY STONEBRIDGE DEVELOPMENT COMPANY ON OR NEAR MULBERRY LOOP NE, OLIVE TREE CIRCLE NE, AND 34TH AVENUE NE

The owner of 58 residential lots that were vacant as of the assessment date of 2016 has filed an abatement to reduce the 2016 assessment. A spreadsheet of each parcel's 2016 assessment and the owner's request is attached.

The City Assessor recommends a motion to deny the request.

Documents:

[2016 abatement Agenda memo for Stonebridge Development Vacant 58 Lots.docx](#)
[2016 Abatement Request Spreadsheet of 58 Lots.xlsx](#)
[2016 vacant lot abatement documents 58 lots stonebridge.pdf](#)
[2016 Abatement 58 lots Stonebridge analysis and exhibits.pdf](#)

23. OMBUDSMAN POSITION

An Ombudsman is a governmental official appointed to hear and investigate complaints made by private citizens against a governmental body. The City Council planned to discuss the ombudsman position at the City Council Retreat, but time did not permit for the discussion.

The City Council discuss the ombudsman position and determine whether it wishes to create that position for the City of Minot.

Documents:

[Ombudsman_Memo.pdf](#)

24. LANDFILL EXPANSION (PROJECT NUMBER 4264)

The City of Minot has been seeking land to expand the landfill dating back to 2002. The current landfill, as permitted, has capacity until about 2025. In 2017, after years of negotiations, two quarter sections of land were successfully purchased adjacent to the existing facility. The newly acquired land would provide about 50 plus years of capacity.

When the City proceeded to the next step to expand our key infrastructure by rezoning the land for public use, residents in the area of the landfill opposed the expansion plan. In an effort to ensure all comments and concerns were addressed, the City engaged the services of a consultant to perform a siting and cost analysis for relocation of the landfill as well as formed a focus group to talk through issues and concerns. Both of those efforts have come to their conclusions and a public input meeting was held to present the results. Attached to this memo are comments received during the input meeting along with explanations or clarifications.

It is recommended the City Council select the landfill expansion option and direct staff to proceed.

Documents:

[Landfill Expansion memo to council.pdf](#)
[Landfill Study public input responses.pdf](#)
[Emailed and FB comments.pdf](#)

25. DEPARTMENT PRESENTATION