



Finance & Improvements Committee

Tuesday, April 25, 2017 – 4:15 p.m.

City Council Chambers

1. 2018 JAG & LOTTERY GRANT APPLICATION (PD0132)

The Minot Police Department/ Ward County Narcotics Task Force requests authorization to apply for, and if awarded, accept, the 2018 JAG and Lottery Grant to fund the Task Force 2018 operating budget of \$64,542.00. The grant would provide 65% of the operating budget for a total of \$41,952.30. A 35% match of \$22,589.70 is required. The match will be split equally between the City of Minot and Ward County at \$11,294.85 each. The City of Minot will be the fiscal agent for this grant.

It is recommended the Committee and Council:

- 1. Ratify the application by the Minot Police Department / Ward County Narcotics Task Force**
- 2. Authorize acceptance if awarded, the 2018 JAG and Lottery Grant from the ND Bureau of Criminal Investigation**
- 3. Authorize the Mayor to sign the necessary documentation.**

Documents:

[2018 WCNTF APPLICATION.PDF](#)
[MEMO FOR APPLICATION ACCEPTANCE.PDF](#)

2. AWARD OF BID- LIBRARY EXTERIOR RENOVATION (LIB024)

The Minot Public Library is scheduled to begin upgrades to the exterior of the building this spring/summer. This work is intended to address two major issues with the building's exterior: (1) none of the retaining walls have guardrails as currently required by safety codes (2) the rock façade is deteriorating and falling off the wall.

It is recommended the Committee and Council:

- 1. Approve awarding the bid to Rolac Contracting in the amount of \$159,880.00; and**
- 2. Authorize the Mayor to sign the agreement**

Documents:

[AWARD OF BID LIB024.PDF](#)

3. AMEND THE 2017 ANNUAL BUDGET- FIRE CAPITAL PURCHASE EXPENDITURES

It is recommended the Committee and Council:

- 1. pass an ordinance on first reading to amend the 2017 annual fire capital purchase to decrease the expenditures and revenues to reflect 2017 projects that will occur.**

Documents:

[2017 BA - FUND 422 TO SHOW 2017 PROJECTS AND REVENUE.PDF](#)

4. FINAL PAYMENT- 37TH AVE RECONSTRUCTION PROJECT (3647)

It is recommended the Committee and Council:

- 1. Approve the final payment of \$17,209.71 and \$7,943.42 be paid to the North Dakota Department of Transportation (NDDOT) for the 37th Ave Reconstruction Project.**

Documents:

[FINAL PAYMENT MEMO.PDF](#)
[FINAL PAYMENT NDDOT.PDF](#)

5. EMINENT DOMAIN AUTHORITY

The City has attempted to work with property owners to acquire parcels needed to support the first three phases of flood control project. Unfortunately, agreements on purchase price are not always reached, and eminent domain may be needed in order to preserve construction timelines.

It is recommended the Committee and Council:

1. **adopt the resolution offering to purchase land/authorizing use of eminent domain**
2. **and authorize the mayor to sign any necessary documents.**

Documents:

[BALLANTYNE RESOLUTION.PDF](#)
[MEMO BALLANTYNE EMINENT DOMAIN.PDF](#)

6. EMINENT DOMAIN LEGAL SERVICES (DR0003)

Staff is requesting the Committee and Council approve a one year extension for Swanson & Warcup to continue working existing eminent domain cases on the City's behalf. Additionally, request approval to develop a request for proposal to cover new eminent domain services.

It is recommended the Committee and City Council:

1. **Approve the contract extension for Swanson & Warcup to complete existing eminent domain cases;**
2. **Authorize creation of a request for proposal to procure new eminent domain legal services.**

Documents:

[MEMO EMINENT DOMAIN EXTEND_RFP 20APR17.PDF](#)

7. INFORMATIONAL- AFFORDABLE MULTI-FAMILY RENTAL HOUSING PROJECT REQUIREMENT AND EVALUATION CRITERIA

The evaluation criteria are for information purposes only. It is the evaluation criteria for the request for proposals for the multi-family affordable housing.

Documents:

[CITY OF MINOT MULTIFAMILY EVALUATION CRITERIA AND REQUIREMENTS CKH 04.17.16.DOCX](#)
[COUNCIL MEMO FYI EVALUATION CRITERIA.PDF](#)

8. APPROVE KYLE MEDEIROS LIMITED PRACTICE OF LAW

Kyle Medeiros is a former City of Minot police officer; he also completed an unpaid externship in the City Attorney's Office in Summer 2016. Mr. Medeiros is currently a law student at UND School of Law; he is scheduled to finish his second year in May 2017. Upon completion of four semesters of law school, law students are eligible for their practice papers, which allows law students to practice, in a limited capacity and under supervision of licensed attorney(s).

The Attorney's Office recommends the City Council:

1. **Approve Kyle Medeiros, intern for the City Attorney's Office, to appear in municipal court and/or district court on behalf of the City of Minot and to perform any and all other activities permitted by the Limited Practice of Law by Law Students, under the supervision of either the City Attorney or Assistant City Attorney. This approval shall be contingent upon Mr. Medeiros obtaining certification from UND Law School and filing any and all paperwork with the Clerk of the North Dakota Supreme Court.**
2. **Authorize the Mayor and City Attorney to sign the written consent and approval.**

Documents:

[MEMO RE LIMITED PRACTICE.PDF](#)
[CONSENT- KYLE MEDEIROS.PDF](#)

9. AWARD OF BID- CEMETERY UTILITY VEHICLE (4259)

Rosehill Cemetery uses two utility vehicles on a daily basis to transport personnel and equipment around the cemetery for the numerous activities taking place daily on the cemetery grounds. This unit will replace a John Deere Gator that was purchased in 1996.

It is recommended the Committee and Council award the bid to Gooseneck Implement in the amount of \$17,982.71 for the John Deere 825 s S4.

Documents:

10. AWARD OF BID- WIDE AREA TURF MOWER (4273)

With the large number of lots the City has purchased recently along with the many acres of right of way that are mowed and maintained, larger mowers are becoming more necessary. This unit is similar to the types of machines used by the Park District for the golf course and parks and will have a minimum 10' cutting width.

It is recommended the Committee and Council award the bid to RDO Equipment in the amount of \$64,373.69 for the John Deere 1600 Turbo Series II wide area mower.

Documents:

[4273 - WIDE AREA TURF MOWER - AWARD MEMO.PDF](#)

11. AWARD OF BID- TRAILER MOUNTED AIR COMPRESSOR (4266)

This unit will replace a 1972 model air compressor in the Water and Sewer Department that is beyond its useful life.

It is recommended the Committee and Council award the bid to Acme Tools in the amount of \$18,900 for the Sullair 185DPQ.

Documents:

[4266 - TRAILER MOUNTED AIR COMPRESSOR - AWARD MEMO.PDF](#)

12. ORDINANCES ON SECOND READING

The following ordinances need to be considered on second reading:

1. **Ordinance No. 5184- Amending the 2017 Annual Budget- Sale of Rescue Truck**
2. **Ordinance No. 5185- Amending the 2017 Annual Budget- REIL and Wetland Delineation and Culture Report Update**
3. **Ordinance No. 5186- Amend the CMCO- Chapter 5 Limitation on the Number of Licenses**

Documents:

[5186- 3.3.2017_LIQUOR AND GAMBLING COMMITTEE.PDF](#)

[5184- 2017 BA - FIRE DEPARTMENT OP. EQUIP. PURCHASE.PDF](#)

[5185- 2017 BA - WETLAND DELINEATION AND CULTURE REPORT FOR AIRPORT.PDF](#)

13. AWARD OF BID- 4X4 PICKUPS- MULTIPLE DEPARTMENTS (4265)

Due to the timing of the bid opening, a tabulation was not available before the memo deadline. A full tabulation and recommendation will be available prior to the Committee meeting.

Documents:

[4265 - PICKUPS - AWARD MEMO.PDF](#)



JAG AND LOTTERY GRANT FUND REQUEST

ND OFFICE OF ATTORNEY GENERAL
BUREAU OF CRIMINAL INVESTIGATION
(03-2017)

Office of Attorney General
Bureau of Criminal Investigation
PO Box 1054
Bismarck ND 58502-1054
Phone: 701-328-5500

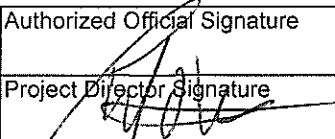
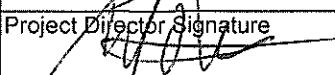
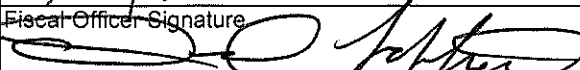
Grant funds can be disbursed only to a state agency or local unit of government.

I - APPLICATION OVERVIEW

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------|
| Grant Recipient Name (city/county/state agency) City of Minot | Level of Government (check one) <input type="checkbox"/> State <input type="checkbox"/> County <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> Indian Tribe | | |
| Authorized Official Name Chuck Barney | DUNS Number 456002126 | | |
| Authorized Official Title Mayor | Email Address of Authorized Official chuck.barney@minotnd.org | | |
| Authorized Official Street Address 515 2nd Avenue SW | City Minot | State ND | ZIP Code 58701-3739 |
| Authorized Official Mailing Address (if different) | City | State | ZIP Code |
| Implementing Agency Name Minot Police Department | Multi Agency Project <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | Multi-Jurisdiction Project <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If Implementing Agency is Law Enforcement Agency, Month/Year Most Recent Crime Statistics Reported to UCR 03/2017 | | | |
| Project Director Name Robert O. Browne | Title Special Agent | Email Address rb416@nd.gov | |
| Agency Street Address #7, 3rd Street SE, Suite #110 | City Minot | State ND | ZIP Code 58702-1348 |
| Project Director Mailing Address (if different) PO Box 1348 | City Minot | State ND | ZIP Code 58702-1348 |
| Fiscal Officer Name David Lakefield | Title Finance Director | Email Address david.lakefield@minot.org | |
| Agency Street Address 515 2nd Avenue SW | City Minot | State ND | ZIP Code 58701-3739 |
| Agency Mailing Address (if different) | City | State | ZIP Code |
| Authorized Program Area (select all that apply) <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Prevention/Education <input type="checkbox"/> Drug Treatment <input type="checkbox"/> Prosecution/Courts <input type="checkbox"/> Corrections/Community Corrections <input type="checkbox"/> Crime Victim and Witness Programs (other than victim/witness compensation) <input type="checkbox"/> Planning/Evaluation/Technology Improvement | | | |

Authorized Signatures

I certify that the project proposed in this application meets applicable requirements of the Justice Assistance Grant (JAG) Program and Lottery Program, if applicable, that all information presented is correct, and that the applicant will comply with the provisions of the grant and all other applicable federal laws. By appropriate language incorporated in each grant, sub-grant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions shown above apply to all recipients of these grant funds.

| | |
|---------------------------------------------------------------------------------------------------------------------|----------------|
| Authorized Official Signature  | Date |
| Project Director Signature  | Date 4/7/17 |
| Fiscal Officer Signature  | Date 4/7/17 |

II - BUDGET SUMMARY

| ITEM | DESCRIPTION | | TOTAL |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------|-----------------------------|
| Personnel Salary NOTE: Salary Cap (Wages & Fringe Benefits) \$52,000 Prosecutors, \$42,000 All Other Personnel | Title | Amount | |
| | Title | Amount | |
| | Title | Amount | |
| | Title | Amount | |
| | Title | Amount | |
| | Title | Amount | Total Amount |
| Personnel Fringe | Title | Amount | |
| | Title | Amount | |
| | Title | Amount | |
| | Title | Amount | |
| | Title | Amount | |
| | Title | Amount | Total Amount |
| Operating Costs | Supplies Amount \$6,500.00 | | |
| | Rent Amount \$15,092.00 | | |
| | Communications Amount \$6,000.00 | | |
| | Fuel/Oil Amount \$6,450.00 | | |
| | Contractual Services Amount \$0.00 | | |
| | Equipment Rent/Lease Amount \$28,500.00 | | |
| | Equipment Purchase Amount \$0.00 | | |
| | Other Amount \$0.00 | | |
| | Travel/Training Amount \$2,000.00 | | Total Amount \$64,542.00 |
| Equipment Purchase | Total of Individual Items Costing \$1,500 or More With Useful Life of One or More Years | | Total Amount |
| | | | Total Budget \$64,542.00 |

Funding Breakdown

| | |
|--------------------------------------------------|--------------------------------------------------|
| Grant Funds (65% of Total Budget) \$41,952.30 | Match Funds (35% of Total Budget) \$22,589.70 |
|--------------------------------------------------|--------------------------------------------------|

State the Source of Match Funds:

Participating county and city will contribute the match funds.

III - BUDGET NARRATIVE AND CALCULATIONS

Totals must equal budget summary total for each section.

| | |
|-------------------------------------------------------|--------|
| Personnel: Provide details of positions funded | Amount |
| NA | \$0.00 |

| | |
|-----------------------------------------------------------------------------------|--------|
| Fringe: Provide details of what is included in fringe and the calculations | Amount |
| NA | \$0.00 |

Operating Expenses: Provide a detailed description of all expenses

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| A: Supplies (items under \$1500) Office supplies such as paper, evidence bags, test kits, CD's, DVDR's, cleaning supplies, post it's, staples, pens, toner cartridges, tapes, markers, paper clips, binders, tape, sharpies, batteries, file folders, CD sleeves, envelopes, rubber gloves, note tablets, etc. | Amount \$6,500.00 |
| B: Rent (e.g. \$150/m x 12 + \$1800) Office rent is \$15,093.00 annually. Half of this amount is paid at the beginning of the year and half is paid at the mid year point. | Amount \$15,093.00 |
| C: Communications (i.e. telephone, cell phones, fax) Communication requirements are for 6 cell phones, office land line, broad band for surveillance platform, and radio maintenance. Cost of 6 cell phones and broad band is approximately \$420/month for 12 months for \$5040. Land line for office is approximately \$30/month for 12 months. Other considerations are periodic servicing on both car and hand held radios throughout the year. | Amount \$6,000.00 |
| D: Fuel/Oil/Vehicle Maintenance Allow approximately \$100 a month for fuel per 5 TF vehicles for a total of \$6000. Additional thoughts are for oil changes, tire repair, tire replacement if needed, windshield wipers, wiper fluid, ect. | Amount \$6,450.00 |
| E: Contractual Services Specify purpose of contract. The maximum rate for consultants is \$450 for an 8-hour day. Contractual services include payments for services to people not on the payroll of a participating agency. NA | Amount \$0.00 |
| F: Equipment Rental/Lease (not purchase) Five leased vehicles averaging \$475 per vehicle is equal to \$2,375 over a 12 month period for a total of \$28,500. This is slightly higher than the years previous. The previous vendor announced that they would no longer be able to stay at the previous rate and would be raising their prices by \$100 per month per vehicle. I simply found another vendor who would furnish the same quality of vehicle with only a \$25 per vehicle increase. | Amount \$28,500.00 |

| G: Equipment Purchase NOTE: Individual items costing at least \$1,500 with useful life of one or more years | Item Description | Requested Amount (Grant & Match) | Total |
|---------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------|-------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Which Agency Will Own the Equipment at the End of the Grant Period?

| H: Other | Item Description | Requested Amount (Grant & Match) | Total |
|-----------------|------------------|----------------------------------|-------|
| | | | |
| | | | |
| | | | |
| | | | |

| I: Training Travel NOTE: Reimbursement for travel, including meals, lodging and mileage, is in accordance with current state rates | For information on current state rates, review OMB Fiscal Policies #505 through 516, available at https://www.nd.gov/omb/ . | | | Total |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|-----------------------|
| | Item Description | Registration/Fees | Travel Costs | |
| | Course NDBCI Drug School **SEE ATTACHMENT | | | |
| | Purpose training | | | |
| | Location unknown | | | |
| | Participants possibly 2 TFO's | | | |
| Training Travel | Item Description | Registration/Fees | Travel Costs | Total |
| | Course DEA Drug School **SEE ATTACHMENT | | | |
| | Purpose training | | | |
| | Location unknown | | | |
| | Participants possibly 2 TFO's | | | |
| Other Travel | | | | Other Travel Total |
| | | | | |
| Total Training/Travel | | | | Total Training/Travel |

IV - NON-GOVERNMENT AGENCY BUDGET SUMMARY**(Domestic Violence & Victim Witness Programs Only)**

List the entire agency's budget for its current fiscal year, including all funding sources. The total amount of the budget line items should equal the total amount of funding sources.

| Line Item | Current Operating Budget Amounts |
|---------------------|----------------------------------|
| Personnel | |
| Operating Expenses | |
| Equipment | |
| Total Budget | |

| Funding Sources | Amount | Percentage of Total Agency Budget |
|-----------------------------------------------------|--------|-----------------------------------|
| Justice Assistance Grant-JAG (Federal Portion Only) | | |
| State General Fund | | |
| Local Government General Fund | | |
| Community Development Block Grant | | |
| Victims of Crime Act (VOCA) | | |
| STOP Violence Against Women Act | | |
| Federal Family Violence | | |
| Domestic Violence Prevention Fund | | |
| Crime Victims Assistance (CVA) | | |
| United Way | | |
| Foundations | | |
| Donations | | |
| Court Fees | | |
| Other (specify) | | |
| | | |
| | | |
| | | |
| | | |
| Total Funding | | 100% |

| Justice Assistance Grant (JAG) Program | Amount |
|--------------------------------------------------------------------------------------------------------------------------------------------|--------|
| List any JAG grant awards received directly from the Bureau of Justice Assistance program and the projects supported by these grant funds. | |
| Projects Supported: | |
| | |
| | |
| | |
| | |
| Total FY 2017 Award Amount | |

| Funding Sources | Amount |
|--------------------------------------------------------------------------------------|--------|
| List any other sources of grant funding supporting this project's activities. | |
| Other (specify): | |
| | |
| | |
| | |
| Total Funding | |

| |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>If the project is expected to generate income, detail the possible sources and how the income will be used. (e.g. asset forfeiture, training fees collected for grant-funded training.)</p> |
| <p>NA</p> |

VI - PROJECT NARRATIVE

A project narrative must be **attached** to application. the narrative must not exceed five double-spaced pages in 12-point type and must include the information requested in 1-4 below.

1. PROJECT DESCRIPTION

- Describe the proposed project and how it addresses specific problems, include specifics about the services to be provided, how the services will be provided, and the project accomplishments.

2. CURRENT EFFORTS

- Clearly define what efforts are currently underway in response to the problems identified in the PROJECT DESCRIPTION.

3. COLLABORATION WITH OTHER AGENCIES

- Describe in detail the collaboration and cooperation between agencies during the past years.

4. CONTINUED FUNDING

- Describe in detail what plans or steps are in place to assure continuing of the project after grant funding ends.

VII - PROJECT GOALS, OBJECTIVES AND PERFORMANCE MEASURES

A summary of the project goals, objectives, and performance measures must be **attached** to the application. The summary should not exceed one double-spaced pages on 12-point type.

1. **Overall Project Goals:** State the project's goals, in general or broad terms. Goals should address the specific problem/need identified in the application. Goals should be stated in terms of the outcomes that the project wants to achieve. (Example: Reduce the amount of crime committed by persons under the influence of illicit drugs.)
2. **Objectives** (Activities directed at achieving goals): State the project's objectives, in terms of specific steps or benchmarks that will eventually lead to accomplishing the goals. Objectives must be clearly expressed and in measurable terms. (Example: Increase the number of drug-related arrests by 10 percent.)
3. **Performance Measures** (How you measure your project's success): (Example: Number of drug-related arrests 2007.)

ADDITIONAL REQUIRED INFORMATION

The following documents must be submitted with the application. Applications must be postmarked no later than May 5, 2017. Incomplete and late applications will not be considered.

ALL APPLICANTS:

- ☒ **PROJECT NARRATIVE** - All applications must include a project narrative. The narrative must not exceed five double-spaced pages in 12-point type.
- ☒ **PROJECT GOALS, OBJECTIVES AND PERFORMANCE MEASURES** - Stated goals, objectives, and performance measures will be used by the Office of Attorney General to monitor and assess the project's progress in achieving the intended results.

NON-GOVERNMENT AGENCY APPLICANTS (DOMESTIC VIOLENCE AND VICTIM SERVICES):

- ☐ A third party contact between the agency and the authorized official of the unit local government stating that the unit of local government will be the legal recipient of the federal funds granted to this agency.

MULTI-JURISDICTIONAL DRUG TASK FORCE:

- ☒ Memorandum of Understanding (MOU) between the participating agencies. A copy of the previous year's MOU may be submitted if the participating agencies have remained the same. If any agencies have been removed or added to the Task Force, a new MOU must be submitted.

CONTINUATION PROJECTS (Excludes non-governmental agencies and multi-jurisdictional drug Task Forces):

- ☐ Letters of continued commitment and collaboration efforts (no more than three) outlining joint collaboration efforts between agencies, OR provide copies of formal agreements between agencies and jurisdictions.

BEFORE YOU APPLY

1. This is a reimbursement-based grant only.
2. Expenses must be supported by detailed invoices, timesheets, payroll records, training agendas, travel itineraries, contracts/agreements, and bid documents.
3. Match must be cash and from a non-federal source.
4. Supplanting is not allowed.
5. Progress reports are required throughout the year. Reimbursements may be withheld if reporting is not complete.
6. Current audit reports must be provided at the time of award and throughout the funding cycle.
7. Law Enforcement agencies - UCR reporting must be current at time of award and kept current throughout the funding cycle.
8. The BCI grant manager will conduct a site visit or desk review each year.

(20) PROJECT NARRATIVE

To complete the project narrative the applicant may use this form, or simply type the narrative in the following format. The project narrative must not exceed five double-spaced pages in 12-point type and must include information requested in I through IV below.

I. Project Description: Briefly describe the project that is proposed. How will this project address specific problems. Include specifics about the services to be provided, how the services will be provided (how often and by whom), and the project accomplishments.

The Ward County Narcotics Task Force (WCNTF) is a multi-jurisdictional entity comprised of officers from the Minot Police Department, Ward County Sheriff's Office, ND Bureau of Criminal Investigation, Homeland Security Investigation (HSI), Bureau of Indian Affairs (BIA), U.S. Border Protection (Border Patrol), and the North Dakota National Guard. The primary task of the WCNTF is to reduce the availability of illegal drugs in Ward County and the surrounding area. The WCNTF accomplishes its goals by sharing resources, documenting and disseminating intelligence information, aggressive enforcement activities, and working closely with federal, state and local government agencies. Goals are also met by establishing working relationships with area merchants, and the general public, and providing drug awareness education.

The WCNTF is currently comprised of 3 agents from the NDBCI, one who serves as the project coordinator, who in addition works in an investigative capacity. The Minot Police Department also has 3 officers assigned in a full time investigative capacity. The Ward County Sheriff's Office has 2 full time investigators assigned and HSI has 1 agent assigned in a part time capacity. The TF also has a full time Border Patrol agent assigned to the unit. The TF also has a full time National Guard intelligence analyst assigned, who maintains a database of drug related information and provides much needed investigative support, which greatly contributes to the overall success of TF investigations. In addition to personnel and financial resources, the City of Minot provides fiscal support through a number of their offices. The TF continues to experience an evolution in drug activity. The City of Minot and the surrounding area have experienced a population explosion since the oil boom and the Minot flood. This has brought some very positive things to Minot but also some things that are not so positive such as drugs. High grade marijuana is the norm now as are methamphetamine, cocaine, ecstasy, heroin and prescription pills. We have been seizing and or buying good quantities of all these drugs. The TF is now seeing a huge amount of heroin in our area and we can sadly boast of the availability of three (3) different kinds. Black tar, China White and Gun Powder. Methamphetamine has been found in almost all of our larger cases to be 99% plus pure. The TF is also currently involved in several high profile federal narcotics cases where higher level sources are being targeted and prosecuted.

****It is sometimes hard to express just how busy things have been in our operating area but I feel that the following statistics reflect the high volume that we are experiencing. The 2014 year was the biggest and busiest year that I have been a part of since coming to the TF 17 years ago. With that being said, in 2015 our firearms seizures went up 325% from 2014. Currency seizures were up by 338%, methamphetamine seizures were up 438%, heroin seizures were up 398%, cocaine seizures were up 304%, opiate pill seizures were up 246% and marijuana seizures were up 55%.**

*****Thus 2015 turned out to be another monster year for the TF with 2016 seeing the increase still in certain areas. Firearms seizures doubled, heroin seizures increased, cocaine seizures more than doubled, and MDMA seizures increased by five times.**

II. Current Efforts: *Clearly define what efforts are currently underway in responding to the problem described in the Project Description.*

Area law enforcement, along with the Ward County community, recognize and support the need to proactively attack the drug problem. In addition to aggressive enforcement, TF members respond to requests from Ward County and the surrounding communities for public education on current drug trends. The WCNTF conducted 33 drug presentations in 2016, 25 drug presentations in 2015, 34 drug presentations in 2014, and 36 drug presentations in 2013.. TF members also participated in several Teen Maze programs in neighboring counties where they had direct contact and dialogue with students about life choices and the consequences of drug use. Public education continues to create a better understanding of the drug problems facing our community and has generated more public participation in our endeavors. Because drug trafficking often overlaps into many jurisdictions, the WCNTF works closely with surrounding agencies in an attempt to reduce the flow of illegal drugs. Some agencies include AFOSI, FBI, DEA, ATF, BIA, FDA, HSI, the surrounding county sheriff's offices to include, Renville, Bottineau, Rollette, McHenry, Ward County Sheriff's Office, Minot PD, Burlington and Surrey PD, DOCR Field Services Division, Ward County Social Services and other task forces in the state. Officers assigned to the WCNTF regularly brief their parent agencies and or officers on local drug trends and concerns, provide training, and solicit their assistance with drug related activities. The success of these activities is evident, based on the amount of drug related cases being generated by local patrol officers. The TF no longer processes the narcotic evidence from the Minot Police Department but does so for the Ward County Sheriff's Department. This has already led to many more initiated cases by the TF due to not having to spend the numerous hours processing evidence. TFO's continue to monitor what the patrol division is getting though and communicate with them on a regular basis as to what new trends or intelligence they may have to share.

III. Collaboration with Other Agencies: *Describe coordination and cooperation between agencies during the past year.*

The WCNTF was called upon to assist other law enforcement agencies with 108 cases in 2016, 615 drug cases in 2015, 622 drug cases in 2014, and 556 drug cases in 2013. A big reason for the lower number in 2016 was due to the fact that the TF quit processing narcotic evidence for the Minot PD. In addition to these numbers the TF also had 215 initiated cases in 2016, and 190 initiated cases in 2015. Activity includes handling/processing evidence, serving search warrants, responding to drug related traffic stops and or calls, probation searches, informant handling, meth lab investigations, surveillance related duties, surveillance equipment installations, intelligence gathering, as well as criminal investigative support. The handling and processing of evidence that comes in from the MPD and the WCSO is almost a full time endeavor for a single officer in itself but as I indicated earlier, the TF no longer processes the MPD evidence and has more time to concentrate on initiating cases.

TF members have worked closely with the DEA and HSI on historical conspiracy cases over the years. These cases have resulted in indictments and ultimate long term incarceration on numerous high level drug traffickers, whose activities have crossed multiple jurisdictions throughout the state of ND and overlapped into numerous out of state locations. The WCNTF maintains a database of investigative leads, which are disseminated (when applicable) to other jurisdictions. Many local, state and federal officers also rely on our intelligence analyst for criminal background information or other investigative support services on a regular basis.

TF members participate in an on-call capacity (in addition to the normal work schedules), making them accessible to any agency in need of TF support. Participating agencies rely heavily on this service, which further supports and strengthens the working relationship between agencies.

IV. Describe in detail what plans or steps are being taken to assure continuation of your agency's project after grant funding ends.

This project has been in existence since the beginning of the Byrne/JAG grant process. The contributing agencies have always recognized the value of cooperation and have contributed additional manpower and other resources separate of the grant monies. Local agencies continue to monitor drug trends and the appropriate needs of the community. As a result, they continue to pursue "local" funding and discuss the possibilities of looking at expanding TF duties in order to obtain other federal monies.

(21) **PROJECT GOALS, OBJECTIVES, AND PERFORMANCE MEASURES**

Stated goals, objectives, and performance measures will be used by the Office of Attorney General to monitor and assess the project's progress in achieving the intended results. Project goals, objectives, and performance measures should be listed in the format below and not referred to in a narrative format.

Overall Project Goals: State the project's goals, in general or broad terms. Goals should address the specific problem/need identified in the application. Goals should be stated in terms of the outcomes that the project wants to achieve. (Example: Reduce the amount of crime committed by persons under the influence of illicit drugs.)

1. Continue widespread efforts in reducing the availability of illegal drugs in Ward County and the surrounding areas through undercover activities, intelligence gathering and proactive enforcement.
2. Continue our outstanding record of assisting other agencies with drug investigations, wherever and whenever asked.
3. To grow with a rapidly growing community that is experiencing radical changes, and continue to be proactive and effective in drug re-education.
- 4.

Objectives (Activities directed at achieving goals): State the project's objectives, in terms of specific steps or benchmarks that will eventually lead to accomplishing the goals. Objectives must be clearly expressed and in **measurable** terms. (Example: Increase the number of drug-related arrests by 10 percent.)

1. Continue to gather, document and disseminate intelligence information.
2. Maintain and or increase the number of drug related arrests.
3. Increase public awareness of drug problems through presentations.
4. Continue to investigate drug related cases in the surrounding areas.

Performance Measures (How you measure your project's success): (Example: Number of drug-related arrests 2007)

1. Number of investigations initiated or assisted.
2. Number of drug arrests made and number of cases that are taken federally.
3. Amount and type of drugs and currency seized.
4. Number and type of public presentations provided.

ATTACHMENT FOR TRAINING/TRAVEL SECTION
JAG AND LOTTER GRAND FUND REQUEST

I am losing a TFO from the Sheriff's Office in the month of April. Due to circumstances beyond my control, I do not foresee a replacement coming for him until much closer to 2018. In addition to that it has come to my attention today as I write this, that I may be about to lose another TFO from the Sheriff's office. One deputy is relocating to Bismarck to be with his wife. The other has suddenly decided to think very hard about retiring due to a family situation. Either way, the Sheriff's Office will probably not be able to fill either of these positions for quite some time. This leads me to the NDBCI Drug School and the DEA School that we will have to send the two new TFO's to. At this writing I do not know where these schools will be and that very much affects per diem and travel costs which is why I put unknown in this section.

In addition the TFO's go to other jurisdictions on occasion for various other trainings or to conduct interviews on cases or even to assist other agencies. Again, we do not know where or how often these circumstances may or will arise.

MEMORANDUM OF UNDERSTANDING

ARTICLE: I

NAME

The name of this organization shall be the WARD COUNTY NARCOTICS TASK FORCE. The organizations that make up this task force include the Ward County Sheriff's Department, the Minot Police Department, and the Bureau of Criminal Investigation.

ARTICLE: II

PURPOSE

- A. The purpose of this organization shall be:
1. To target, investigate, and prosecute the individuals who engage in the Criminal possession, production, transfer, or finance of any illegal drug or controlled substance.
 2. To formally structure and jointly coordinate multi-jurisdictional drug investigation activities. All participating agencies will share in the contribution of finance, equipment, personnel, and technical resources.
 3. To promote a unified drug enforcement effort between county, state, municipal, and federal organizations in an attempt to maximize the quality and the quantity of cases presented for prosecution.
 4. To forfeit any assets which were acquired with funds traceable to criminal activity or assets used in the commission of a crime.

ARTICLE: III

OPERATIONS

- A. EXECUTIVE BOARD: An Executive Board will establish policies, review cases, monitor financial affairs, manage project resources, and provide a general oversight of the organization's progress. The board shall be comprised of the Sheriff of Ward County, the Police Chief of Minot, and the Bureau of Criminal Investigation Director, or their representative.

- B. STRUCTURAL COMMAND: The Executive Board will appoint a Task Force Coordinator. This Coordinator shall be an active member assigned to the task force. They shall possess a working knowledge in areas relating to narcotics and financial investigations, asset forfeiture, rules and regulations, along with skills in supervision, management, and statistical crime analysis.
- C. MANPOWER/EQUIPMENT: Each law enforcement agency participating in the Ward County Narcotics Task Force shall provide at least one licensed Peace Officer with a vehicle that is equipped with the necessary items to conduct a narcotic's investigation. For the purpose of dividing property at the termination of the task force operation, a complete and continuous list of all items contributed by each agency shall be maintained.
- D. CASE INITIATION: The initiation of cases to be handled by Ward County Narcotics Task Force shall be by the direction of the Task Force Coordinator.
- E. DISCIPLINARY ACTION: Any agent assigned to the Ward County Narcotics Task Force who violates department policies or generally accepted police practices, shall be referred to that person's respective agency for disciplinary action.

ARTICLE: IV

DISTRIBUTION OF ASSET FORFEITURES

- A. During a narcotics investigation, assets or funds, which were obtained as a result of criminal activity or were used in the commission of a crime, shall be seized. All possible avenues, both civil and criminal, will be explored to determine if the assets can be forfeited.
1. Any and all forfeited assets/funds seized by the Ward County Narcotics Task Force shall be equally divided between the agencies which presently comprise this unit. This includes the Minot Police Department, the Ward County Sheriff's Department, and the Bureau of Criminal Investigation. The Ward County State's Attorney's Office will also be included in the distribution. Their share shall be 10% of all assets seized. The remaining assets/funds will be divided equally between the other agencies.
 2. Circumstances may arise whereby a case is developed due to information given to the Ward County Narcotics Task Force by an agency that is not a member of this program. If this situation occurs, the Executive Board maintains the right to review the information and determine what percentage of the forfeited assets, if any, the assisting agency shall receive.

ARTICLE: V

FISCAL PROCEDURE

- A. Payroll: All personnel assigned to the Ward County Narcotics Task Force shall be paid by their respective agencies. The Fiscal Officer will be responsible for requesting reimbursement funds from the State. This shall be done on a monthly basis.
- B. Overtime Pay: It shall be the responsibility of the Task Force Coordinator to institute a system whereby the hours of each individual member will be monitored. The Task Force Coordinator shall be notified of and approve any overtime requested by any of the task force members.
- C. Fiscal Officer: The Fiscal Officer shall be appointed by the Executive Board.

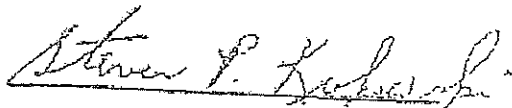
Article: VI

TERMINATION

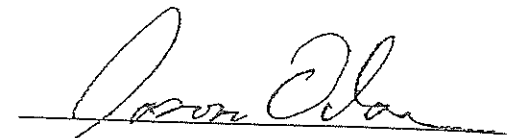
Each agency participating in the Ward County Narcotics Task Force shall be obligated to participate until the end of the project period. Each grant project or project period runs for one year. At the end of the year, any participating agency may terminate their involvement by submitting a written letter to the Executive Board Members.

MEMORANDUM OF UNDERSTANDING

We, the undersign, do hereby agree to the conditions stated in the Memorandum of Understanding.



Steve Kukowski
Sheriff, Ward County



Jason Olson
Chief of Police, Minot



Dallas Carlson
Director, Bureau of Criminal Investigation

ADDENDUM TO WARD COUNTY NARCOTICS TASK FORCE MEMORANDUM OF UNDERSTANDING

WHEREAS the Ward County Narcotics Task Force is a multi-jurisdictional law enforcement drug task force organized in accordance with N.D.C.C. § 54-12-26; and

WHEREAS, a multi-jurisdictional law enforcement drug task force may include peace officers employed by, or acting under the authority of, different governmental entities, including federal, state, county, or municipal governments, or any combination of these agencies; and

WHEREAS the Ward County Narcotics Task Force is comprised of the Ward County Sheriff's Department, the Minot Police Department, and the North Dakota Attorney General's Bureau of Criminal Investigation; and

WHEREAS the United States Customs and Border Protection (Border Patrol) is a federal law enforcement agency; and

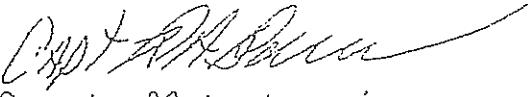
WHEREAS the Ward County Narcotics Task Force seeks to have an intelligence analyst/agent of the Border Patrol attached to the Ward County Narcotics Task Force;

NOW THEREFORE, IT IS AGREED BY AND BETWEEN the Ward County Sheriff's Department, the Minot Police Department, and the North Dakota Attorney General's Bureau of Criminal Investigation, as the agencies presently comprising the Ward County Narcotics Task Force, and the Border Patrol as follows:

1. The Ward County Sheriff shall appoint an intelligence analyst/agent of the Border Patrol as a Ward County Special Deputy under N.D.C.C. § 11-15-02. The intelligence analyst/agent will serve as a Special Deputy in Ward County without compensation from Ward County or the Ward County Narcotics Task Force, and will continue to be an employee of Border Patrol.
2. The Special Deputy shall be a member of the Ward County Narcotics Task Force and shall have the authority designated by the Ward County Sheriff in the appointment as a Special Deputy
3. The Ward County Narcotics Task Force will provide necessary office space for the Special Deputy at no charge to Border Patrol.
4. Border Patrol is solely responsible for providing a motor vehicle, firearms, ammunition, ballistics armor, and other equipment, supplies, and expenses necessary for the agent to perform duties as a Border Patrol officer and as a Special Deputy member of the Ward County Narcotics Task Force.
5. Any assets seized under this Agreement are subject to the forfeiture proceedings under applicable North Dakota law and in accordance with the Ward County

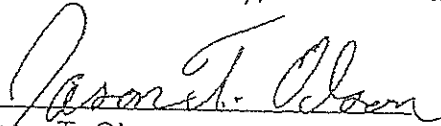
Narcotics task Force Memorandum of Understanding and will not be distributed to Border Patrol.

6. Border Patrol, the Ward County Sheriff's Department, the Minot Police Department, and the North Dakota Attorney General's Bureau of Criminal Investigation each agrees to assume its own liability for any and all claims of any nature, including all costs, expenses and attorney's fees, which may in any manner result from or arise out of this agreement.
7. The Ward County Sheriff's Department, the Minot Police Department, the North Dakota Attorney General's Bureau of Criminal Investigation, and the Ward County Narcotics Task Force assumes no liability and will not defend or indemnify for any claims, judgments, or liabilities by third parties for property damage, personal injury, or civil liability arising from the actions of the Border Patrol and the Special Deputy under this agreement.
8. The Border Patrol and the Special Deputy assumes no liability and will not defend or indemnify for any claims, judgments, or liabilities by third parties for property damage, personal injury, or civil liability arising from the actions of the Ward County Sheriff's Department, the Minot Police Department, the North Dakota Attorney General's Bureau of Criminal Investigation, and the Ward County Narcotics Task Force under this agreement.
9. This addendum may be terminated by the mutual agreement of Border Patrol and the Ward County Narcotics Task Force at any time and by either the Border Patrol or the Ward County Narcotics Task Force upon thirty (30) days written notice to the other party.
10. This addendum is effective when signed by all parties and remains in effect for the duration of the Ward County Narcotics task Force Memorandum of Understanding, and is subject to renewal as agreed by all of the parties.
11. This Addendum is made a part of the current Ward County Narcotics task Force Memorandum of Understanding, which remains in full force and effect except as provided in this Addendum.

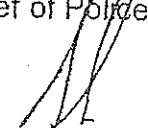

for Sheriff Kukowski

Steven Kukowski
Sheriff, Ward County, North Dakota

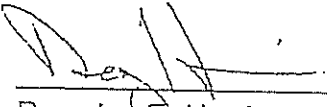
2-4-15
Date


Jason T. Olson,
Chief of Police, Minot, North Dakota


2-4-15
Date


Dallas Carlson,
Director, North Dakota Attorney General's
Bureau of Criminal Investigation

4-21-15
Date


Douglas E. Harrison,
Acting Chief Patrol Agent
US Customs and Border Protection

4/21/15
Date


Rob Browne
Task Force Coordinator,
Ward County Narcotics Task Force

4/6/15
Date



JOINT FORCE HEADQUARTERS
North Dakota National Guard
P.O. Box 5511
Bismarck, North Dakota 58506-5511

JFND-SJA

27 December 2011

MEMORANDUM FOR NGND-J3-CD, ATTN: LTC David W. Hall, P.O. Box 5511, Bismarck,
ND 58506-5511

SUBJECT: 2012 ND Bureau of Criminal Investigation MOU

I have reviewed the above referenced MOU for the North Dakota National Guard FY12
Counterdrug Support Program with the ND Bureau of Criminal Investigation and found it to be
legally sufficient.

If you have any questions or concerns, please do not hesitate to contact me.


MICHELLE I. HAGEL, Capt, NDANG
Joint Staff Judge Advocate General

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FY12 Counterdrug Support Program (Memorandum of Understanding)

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NORTH DAKOTA NATIONAL GUARD
AND
THE NORTH DAKOTA BUREAU OF CRIMINAL INVESTIGATION NARCOTICS TASK FORCES

1. PURPOSE

This Memorandum of Understanding (MOU) is undertaken by and between the North Dakota National Guard (NDNG) and the Bureau of Criminal Investigation Narcotics Task Forces (NDBCI-NTF) pursuant to NGR 500-2/ANGI 10-801. It is intended to establish objectives; operating procedures which include parameters for employment of NDNG personnel and equipment; reporting procedures; command, control, and communication procedures; the scope of approved operations; property accountability; public affairs; safety; law enforcement; operations security; funding; force protection; rules of engagement and operations security for the conduct of counterdrug operations within the State of North Dakota.

2. AUTHORITY

32 U.S.C. §112; National Guard Regulations 500-2/Air National Guard Instruction 10-801, National Guard Counterdrug Support, 29 August 2009; W.S. §19-2-211; SOPs and regulations.

3. OBJECTIVES

- A. To increase the proficiency of NDNG personnel in military-related skills while gathering information regarding the growing, harvesting, processing and distribution of illegal drugs.
- B. To establish procedures for cross training and exchanging information gathered during normal missions of both NDNG and the NDBCI-NTF.
- C. To establish a cooperative working relationship between the NDNG and the NDBCI-NTF.
- D. To establish procedures for the loan of military equipment and personnel to be utilized in the detection and suppression of drug trafficking and for the training of NDBCI-NTF personnel in the maintenance, operation and security of such equipment.
- E. To provide NDNG personnel in a support role to assist the NDBCI-NTF in its mission of drug-related law enforcement.

4. OPERATING PROCEDURES AND DEPLOYMENT OF NDNG PERSONNEL AND EQUIPMENT

- A. NDNG personnel will not be used in a direct law enforcement role, nor will they interdict or arrest persons suspected of illegal activities, in the absence of exigent circumstances. Exigent circumstances are limited to: protecting officers from injury or death, preventing the destruction or loss of evidence and preventing the escape of a suspect already placed under custody.

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- B. NDNG personnel will not conduct activities which involve them directly in covert surveillance systematically or deliberately directed at particular individuals.
- C. NDNG members will not directly participate in arrests, searches of individuals or contraband seizures, and must remain outside the evidence chain of custody.
- D. NDNG pilots will only carry full-time law enforcement officers, or National Guard personnel, or other law enforcement personnel authorized by the Counterdrug Coordinator.
- E. NDNG personnel will at all times be under the command of the military OIC/NCOIC and not subject to direct orders of law enforcement officers.
- F. No member of the NDNG will be permitted to be involved in law enforcement, interdiction, or investigative activities beyond the reporting of information or other support activities specifically described in this MOU. The NDBCI-NTF will make every effort legally possible to keep the individual names of National Guard personnel secret and will not disclose the same to any other agency or individual. Furthermore, The NDBCI-NTF will make every effort legally possible to avoid or minimize the necessity for the participation of NDNG personnel in any resultant criminal or civilian legal proceedings.

5. REPORTING PROCEDURES

- A. The NDBCI-NTF will be responsible for reporting all intelligence gathered during these support operations. The NDBCI-NTF will prepare investigative reports whenever evidence is obtained that could become testimony later at a criminal or civil proceeding. Reports may cover interviews with suspects, witnesses, informants and information on observations made during surveillance.
- B. The NDBCI-NTF will be the office of record for all information gathered during these missions. Information may be transmitted by telephone with a written follow up, if so requested. No information obtained as a result of these missions will be stored or maintained by NDNG personnel or in NDNG facilities.

6. COMMAND, CONTROL, AND COMMUNICATION PROCEDURES

- A. All requests for assistance must be made to The Adjutant General's Office, P.O. Box 5511 Bismarck, ND 58506-5511. The point of contact is the Counterdrug Coordinator, LTC David Hall. Direct coordination of activities with the commanders of NDNG personnel and units is not authorized.
- B. All requests for loan of military equipment and for instructions in the use, maintenance, and security of such equipment will be made to the Counterdrug Coordinator, P.O. Box 5511 Bismarck, ND 58506-5511. A minimum of 5 days should be allowed for processing of a routine request.

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- C. The NDNG, in support of drug-related operations, will provide military personnel and equipment to detect and monitor the movements of illegal drugs, transport confiscated goods and law enforcement personnel, and to assist with inspection of cargo for contraband.
- D. Activities: Support by the NDNG may include the following support when a counterdrug nexus exists:
1. Airlift and transportation of NDBCI-NTF personnel and equipment.
 2. Assist in transportation of seized evidence, equipment or assets that are under law enforcement control.
 3. Aerial surveillance and reconnaissance missions. Such missions may not, however, target specific individuals.
 4. Provide assistance in intelligence gathering and other case support-related activities.
 5. Provide administrative and maintenance assistance to law enforcement agencies as required in handling cases where illegal drug activities are involved.
 6. Provide equipment requested that would not be available from other resources. Required training of members of the NDBCI-NTF on the operations, maintenance and security of the loaned equipment will be arranged by NDNG.
- E. The NDBCI-NTF is responsible for all pre- and post- operation logistics with regard to offenders/suspects, including:
1. Assignment of sufficient law enforcement personnel to ensure appropriate security and safety of all parties in the transportation of criminal drug offenders.
 2. Provision and use of appropriate handcuffs, leg weights, restraining devices and such other law enforcement equipment as is deemed necessary for safe completion of the mission, particularly regarding the maintenance of custody and transportation of offenders.
 3. Procurement, issuance or execution of all necessary travel or documents for persons in custody, as well as appropriate notifications of agencies and other officials for the removal of offenders from one judicial district to another.
 4. Coordination, preparation and provision to NDNG of itineraries, manifests, and departure information of detained persons.
- F. The NDBCI-NTF will be responsible for all follow-up actions.

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7. SCOPE OF APPROVED OPERATIONS

Drug-related law enforcement support activities will be conducted by NDNG personnel within the broad-based scope of individual military skills or unit missions. No assistance will be rendered when, in the opinion of the Adjutant General or his delegated subordinates, assistance is not in conformance with or will degrade the normal training mission of National Guard personnel involved as contained in NGR 500-2/ANGI 10-801 paragraph 2-1.

8. PROPERTY ACCOUNTABILITY

The NDBCI-NTF assumes the risk of loss for all equipment loaned pursuant to this MOU upon receipt of said equipment. Risk of loss remains with the NDBCI-NTF until said equipment is returned, inspected, and accepted by NDNG a condition equal to that at the time of loaning, reasonable covering the loaned equipment. Lease of federal property shall be done in accordance with AR700-131 and 32 USC 112.

9. PUBLIC AFFAIRS

The decision to release individual or program information will be made at the State National Guard level, by means of conducting a joint risk-analysis between the state counterdrug coordinator, the state Public Affairs Officer (PAO) and the affected lead law enforcement point of contact. Information will be made fully and readily available, consistent with statutory requirements unless its release is precluded by current and valid security classification. The provisions of the Freedom of Information Act will be supported both in letter and spirit. NDBCI-NTF records are subject to ND Century Code section 44-04-17.1 through 44-04-32.

10. SAFETY

- A. Persons in the custody of the NDBCI-NTF, when being supported by NDNG transportation support, will remain the responsibility of NDBCI-NTF throughout the entire operation. Additionally, the NDBCI-NTF will use all legal and reasonable means, consistent with its policies and regulation, to ensure the safety and security of operations undertaken pursuant to this MOU.
- B. The NDNG and the NDBCI-NTF will share with one another, on a timely basis, any information which might have an effect upon security and safe completion of any mission undertaken pursuant to this MOU.
- C. The operation of aircraft constitutes a significant risk. Pilots in Command (PIC) are responsible for the aircraft and the lives of passengers and crew. In addition to other guidance on aircraft safety, the PIC will not fly into or land in known hostile fire areas and will ensure that passengers are instructed in the principles of aircraft safety. Aircraft will maintain a minimum safe distance from hostile elements (out of effective small arms range) when initially inserting law enforcement personnel into an operational area. Law Enforcement personnel are responsible for securing landing zones for operations.
- D. The Counterdrug Coordinator has overall responsibility for the health, welfare and safety of NDNG personnel. To this end, the CDC will ensure that:
 1. A CD Safety Officer or NCO is appointed and trained.

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2. Risk assessments are completed for all missions that include mission briefings outlining the controls to be utilized to reduce identified mission risks. An annual risk assessment is sufficient for operations that continue year round in one location with relatively stable routines. New assessments will be prepared whenever circumstances change and new risk factors are identified.
3. Risk management principles and standardized procedures are followed for all operations regardless of mission urgency.
4. Safety principles and procedures are integrated into all CD program SOPs, OPORDs, OPLANs, and other directives, which include those topics set forth in NGR 500-2/ANGI 10-801, paragraph 4-3(6)

11. LAW ENFORCEMENT RESPONSIBILITY

- A. The NDBCI-NTF is responsible for the training of NDNG personnel in the proper methods and techniques required for the performance of any specialized duty pursuant to this MOU and for any other training needed by NDNG personnel to satisfy mission requirements. When the need for special training is identified, the "train the trainer" concept will be utilized as appropriate.
- B. The NDBCI-NTF is responsible for all acquisitions of warrants and permits.

12. FORCE PROTECTION AND RULES OF USE OF FORCE

A. ARMING OF TROOPS.

1. NDNG personnel will not be armed at anytime unless it is approved by the Adjutant General, provided the following criteria are met:
 - (a) Completion of a mission risk assessment to identify hazards that justify the arming of NDNG CD personnel as a force protection measure
 - (b) Only those NDNG CD personnel who are trained and currently qualified on the type of firearm to be carried may be armed
 - (c) All NDNG CD personnel who will be armed must be briefed on NDNG issued Rules for Use of Force by the Office of the Staff Judge Advocate prior to mission deployment
2. Arms and ammunition must be secured at all times in accordance with governing regulations and policies. Rounds will be chambered only on the order of the senior member present, in coordination with the NDBCI-NTF, except where exigent circumstances are present
3. Firearms will not be discharged from moving vehicles unless authorized under the Rules for Use of Force

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- B. USE OF FORCE. Use of force, including deadly force, must be "objectively reasonable." This means that any use of force must be what a reasonably prudent person would have done under the same circumstances. All use of force should comply with the official training received from the CDC and/or the NDBCI-NTF.
- C. USE OF DEADLY FORCE. Deadly force may be used only when it is objectively reasonable under the following circumstances: To protect yourself or others from imminent death or serious bodily harm.

13. OPERATION SECURITY

- A. Information gathered for or received from the NDBCI-NTF by members of the NG CD will be treated as law enforcement sensitive information and will be disclosed only to personnel authorized by the CDC.
- B. Personnel of both agencies are not to discuss or identify any individual or unit involved on operations. They are not to divulge the names of vessels, operational sites or their role in counterdrug support operations to anyone not directly associated with their chain of command.
- C. OPSEC briefings will be administered as part of operation briefings where appropriate or separately as required.

14. FUNDING

Normally, the activities described herein will be supported by the appropriated congressional funds provided through NGB for drug interdiction and support to law enforcement agencies and therefore no reimbursement is required. However, the loan of some type of equipment for the accomplishment of a special mission may incur funding obligations that must be authorized by the Adjutant General. In cases where reimbursement is required by Department of Defense regulations, funding issues will be discussed on a case-by-case basis in advance of approval by either party. This MOU is contingent upon NGB funding for current and subsequent fiscal years.

15. RELATIVE LIABILITIES OF THE PARTIES.


Liability coverage under the Federal Torts Claims Act (FTCA) is applicable to NDNG CD personnel engaged in the counterdrug operations serving in a Title 32 status. The negligent acts and/or omissions of NDNG personnel are covered by the FTCA as long as the service member acted within the scope of their assigned duties while performing authorized Counterdrug missions.

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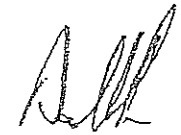
16. TERMS OF AGREEMENT

- A. This MOU is effective when signed by all parties remains effective unless terminated by one or both of the parties here to. This MOU shall be reviewed by the parties here to annually ensure it meets support requirements. This MOU may be terminated by either party following 30 days advance written notice to the other party. It is expressly agreed that this MOU embodies the entire agreement between the parties regarding their affiliation, and no other agreement exists between the parties except as herein set forth.
- B. The individuals executing this document hereby certify that they are legally authorized to do so and to commit their respective agencies as detailed in this MOU. This MOU is subject to renegotiation between the parties when any governing law, regulation or support requirements change in any manner.


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NDNG COUNTERDRUG COORDINATOR
LTC David W. Hall

03 JAN 12
Date


DIRECTOR, ND BCI
Dallas L. Carlson

01/03/2012
Date


THE ADJUTANT GENERAL
Major General David A. Sprynczynatyk

03 JAN 12
Date



TO: Mayor Chuck Barney
Members of the City Council
FROM: Finance Department
DATE: 04/07/2017
SUBJECT: 2018 JAG & LOTTERY GRANT APPLICATION (PD0132)

I. RECOMMENDED ACTION

- a. Recommended that the Committee and Council ratify the application by the Minot Police Department / Ward County Narcotics Task Force
- b. Recommended that the Committee and Council authorize acceptance if awarded, the 2018 JAG and Lottery Grant from the ND Bureau of Criminal Investigation
- c. Recommended that the Committee and Council authorize the Mayor to sign the necessary documentation.

II. DEPARTMENT CONTACT PERSONS

- a. Jason Olson, Police Chief 857-4715

III. DESCRIPTION

The Minot Police Department/ Ward County Narcotics Task Force requests authorization to apply for, and if awarded, accept, the 2018 JAG and Lottery Grant to fund the Task Force 2018 operating budget of \$64,542.00. The grant would provide 65% of the operating budget for a total of \$41,952.30. A 35% match of \$22,589.70 is required. The match will be split equally between the City of Minot and Ward County at \$11,294.85 each. The City of Minot will be the fiscal agent for this grant.

IV. IMPACT

- a. Fiscal Impact

- i. Project Costs

| | |
|---------------|------------------|
| Grant | \$41,952.30 |
| Ward County | 11,294.85 |
| City of Minot | <u>11,294.85</u> |
| Total | \$64,542.00 |

- ii. Project Funding

1. City of Minot funds will come from Department 23, Criminal Investigations, 2018 Operating Budget

V. TIME CONSTRAINTS

- a. Application needs to be mailed with a postage date on or before 5/5/17

VI. LIST OF ATTACHMENTS

- a. 2018 JAG & Lottery Grant Application

Approved for Council Agenda: _____
Tom Barry, City Manager

Date: _____



TO: Mayor Chuck Barney
Members of the City Council

FROM: Janet Anderson, Library Director

DATE: April 20, 2017

SUBJECT: Library Exterior Renovation (LIB024)

I. RECOMMENDED ACTION

It is recommended the Committee and Council:

1. Approve awarding the bid to Rolac Contracting in the amount of \$159,880.00; and
2. Authorize the Mayor to sign the agreement

II. DEPARTMENT CONTACT PERSON

Janet Anderson, Library Director 852-1045

III. DESCRIPTION

A. Background

The Minot Public Library is scheduled to begin upgrades to the exterior of the building late this spring/early summer. This work is intended to address 2 major issues with the building's exterior: (1) none of the retaining walls have guardrails as currently required by safety codes, including a wall that is approximately 18" tall that has a 6' plus drop off and (2) the rock façade is deteriorating and falling off the wall.

B. Proposed Project

The Library has been working with JLG Architects to design the project and advertise for bids. A base bid for remodeling work on the original building/entrance was requested as well as an alternate build for remodeling work at the new handicap ramp/west entrance.

C. Consultant Selection

Six qualified bids were opened and read aloud at the public bid opening held on Thursday, April 13, 2017 at 10:00 am in the City Council Chambers at City Hall. See the attached **Recommendation of Award and Bid Tabulation** for details on bidders.

IV. IMPACT:

A. Strategic Impact:

As a much-used public building, the primary reason for completing this project is the safety of the public. At the same time, the improvements are being balanced with trying to maintain the aesthetic of the public facility while ensuring it is cost-effective and easy to maintain.

B. Fiscal Impact:

\$210,988 was budgeted for project LIB024 in 2017 and \$16,060 was encumbered from 2016 to be included in this project. The total amount budgeted for LIB024 is \$227,048.

Project Costs

| | |
|-------------------------|-----------------|
| Construction | \$159,880 |
| Project Contingency | \$12,800 |
| Professional/Admin Cost | <u>\$26,727</u> |
| Total | \$199,407 |

Project Funding

| | |
|------------------------------------|-----------|
| 210-67-00-455-04-33 (Bldg & Grnds) | \$227,048 |
|------------------------------------|-----------|

In addition to the \$16,060 encumbered from 2016 for design fees, the Library Board approves an additional \$4,000 to JLG for the professional services provided during the construction phase. This total of \$20,060 is included in Professional/Admin Cost line item above.

See the attached **Budget Summary** for a detailed break-down of costs.

V. **TIME CONSTRAINTS**

Council's approval of the recommendation will allow the project to be constructed early in the 2017 construction season.

VI. **LIST OF ATTACHMENTS**

- A. **Recommendation of Award**
- B. **Bid Tabulation**
- C. **Budget Summary**

Approved for Council Agenda: _____

Date: _____



April 14, 2017

Janet Anderson, Director
Minot Public Library
516 2nd Avenue SW
Minot, ND 58701

RE: **Recommendation of Award**
Minot Public Library – Project Order 1

Janet:

The Public Bid Opening for the above referenced project was held at 10:00 am on Thursday, April 13, 2017 in the City Council Chambers at City Hall in Minot, North Dakota. During this Bid Opening, six (6) qualified bids were opened and read aloud.

After review of the bids and other submitted information, JLG Architects feels confident in recommending award of the contract for General Construction to Rolac Contracting, in the amount of \$159,880.00, as follows:

| | |
|-------------------------------------------------------|----------------------------|
| Base Bid: | \$ 99,900.00 |
| Remodeling work at original building / entrance. | |
| Alternate Bid Item No. 1: | <u>\$ 59,980.00</u> |
| Remodeling work at new handicap ramp / west entrance. | |
| Total Recommended Award Amount: | \$159,880.00 |

Once your Library Board and the Minot City Council concur on award of this work, our office will prepare a contract for Rolac Contracting and begin to collect all the required submittals.

I have attached the final Bid Tabulation Form and a Revised Budget form for your Board to review. The revised budget will give you a clearer picture of overall costs you need to plan for such as Contingencies, Review Fees, A/E Construction Observation Fees, etc.

If you have any questions, feel free to call.

Sincerely,

A handwritten signature in black ink, reading "Douglas Larson", with a long, sweeping horizontal line extending to the right.

Douglas Larson, Principal
JLG Architects

PROJECT: JLG 16187 Minot Public Library Renovation, Project Order No. 1



JLG
architects

[illegible]



BUDGET SUMMARY

JLG #16187 - Minot Library Renovations

Issued: April 14, 2017

Issued By: DWL

CONSTRUCTION COSTS

| | |
|--------------------------------|------------------|
| Base Bld Wall Renovations | \$99,900 |
| Alternate Bid Wall Renovations | \$59,980 |
| SUBTOTAL | \$159,880 |

| | | |
|------------------------------|----|-----------------|
| Contingency | 8% | \$12,800 |
| Escalation Spring 2017 Start | | \$0 |
| SUBTOTAL | | \$12,800 |

| | |
|---------------------------------|------------------|
| TOTAL CONSTRUCTION COSTS | \$172,680 |
|---------------------------------|------------------|

SOFT COSTS (OWNER)

| | |
|-------------------------------------------------------|----------|
| Professional Fees (Inc. Construction Administration) | \$20,000 |
| Reimbursable Expenses | \$5,000 |
| Owner Fees | \$0 |
| Furniture, fixtures and equipment (FFE) | \$0 |
| Technology Security and Equipment | \$0 |
| Site Survey | \$0 |
| Geotechnical Report | \$0 |
| Hazardous Material Abatement | \$0 |
| Temporary Heat | \$0 |
| Special Inspections and Testing | \$0 |
| Permits | \$1,727 |
| Tapping Fee | \$0 |
| Legal, Admin or Miscellaneous Cost | \$0 |
| Moving Cost | \$0 |

| | |
|-------------------------|-----------------|
| TOTAL SOFT COSTS | \$26,727 |
|-------------------------|-----------------|

TOTAL PROJECT COST

| | |
|---------------------------|------------------|
| TOTAL PROJECT COST | \$199,407 |
|---------------------------|------------------|

ORDINANCE NO:

**AN ORDINANCE AMENDING THE 2017 ANNUAL FIRE CAPITAL
PURCHASE EXPENDITURES AND REVENUES TO ACCURATELY REFLECT
2017 CAPITAL PROJECTS THAT WILL BE OCCURING.**

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

§1: Amend the 2017 annual fire capital purchase to decrease the expenditures and revenues to reflect 2017 projects that will be occurring.

| | |
|--------------------|-------------|
| 422-0000-332.10-10 | \$ (86,400) |
| 422-0000-334.13-00 | (4,611) |
| 422-0000-311.00-00 | (419,461) |
| 422-7400-422.07-93 | (502,542) |

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

PASSED FIRST READING:

PASSED SECOND READING:

ATTEST:

Chuck Barney, Mayor

Kelly Matalka, City Clerk



TO: Mayor Chuck Barney
Members of the City Council
FROM: Jacqueline Melcher, Assistant City Engineer
DATE: 4/12/2017
SUBJECT: FINAL PAYMENT- 37TH AVENUE SE RECONSTRUCTION PROJECT (3647)

I. RECOMMENDED ACTION

A. It is recommended the Committee and Council:

1. Approve the final payment of \$17,209.71 and \$7,943.42 be paid to the North Dakota Department of Transportation (NDDOT).

II. DEPARTMENT CONTACT PERSONS

| | |
|---------------------------------------------|----------|
| Engineering Department | 857-4100 |
| Lance Meyer, City Engineer | 857-4101 |
| Jacqueline Melcher, Assistant City Engineer | 857-4132 |

III. DESCRIPTION

A. Background

The project entailed the reconstruction of 37th Avenue SE from 13th Street SE to Broadway and included paving, curb and gutter, lighting, shared use path and water main installation. It was an Urban Roads project that was paid through the NDDOT.

IV. IMPACT:

B. Fiscal Impact:

The Cost Participation and Maintenance Agreement between the City of Minot and the NDDOT specified that the NDDOT will assume 80.93 percent of the total eligible project cost up to a maximum of \$5,229,697. The water main utility work was not an eligible project cost and was 100 percent the City's responsibility. General Obligation Bonds will be used to pay for the street improvements and Utility (Revenue) Bonds will be used to pay for the water main improvements.

Project Costs

| | |
|-----------------------------|----------------------|
| Construction – Subproject 1 | \$ 936,779.46 |
| Construction – Subproject 2 | \$ 708,881.01 |
| Construction – Subproject 3 | <u>\$ 764,936.15</u> |
| Subtotal | \$ 2,410,623.62 |

| | |
|-------------------------|--------------------------|
| Less: Previous Billings | <u>\$ (2,385,470.49)</u> |
| Due: NDDOT | |
| Street Improvements | \$ 17,209.71 |
| Water Main Improvements | <u>\$ 7,943.42</u> |
| Total | \$ 25,153.13 |

Project Funding

| | |
|------------------------------------------------|--------------|
| Utility (Revenue) Bonds for Water Main Improv. | \$ 7,943.42 |
| General Obligation Bonds for Street Improv. | \$ 17,209.71 |

V. LIST OF ATTACHMENTS

A. NDDOT Final Billing

North Dakota Department of Transportation, Local Government Division
SFN 60973 (Rev. 12-2015)

| |
|----------------------|
| LPA CITY OF MINOT |
|----------------------|

Non-Federal Match Funds provided by LPA. Please designate the source(s) of funds that were used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

General obligation bonds and revenue bonds

_____, North Dakota, the last date below signed.

| | |
|------------------------------|------|
| Auditor Name (Type or Print) | |
| Signature | Date |

| | |
|--------------------------------------------------|------|
| Mayor/President/Chairperson Name (Type or Print) | |
| Signature | Date |
| Title (Type or Print) | |

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
LOCAL GOVERNMENT DIVISION
608 E BOULEVARD AVE
BISMARCK ND 58505
Phone: (701)328-2540
Fax: (701)328-0310



North Dakota Department of Transportation

Grant Levi, P.E.
Director

Doug Burgum
Governor

MARCH 28, 2017

CINDY HEMPHILL
CITY OF MINOT
PO BOX 5006
MINOT ND 58702-5006

PROJECT: SU-4989(115)116 – 37TH AVE SE FROM US 83 TO 13TH
STREET SE

Pursuant to the agreement entered into between the City of Minot, and the ND
Department of Transportation on February 19, 2014, we are submitting a final
billing in the amount of \$25,153.13.

The above amount was calculated as follows:

| | | | |
|-----------------------------|-----------------------------------|-----------------------|----|
| Construction – Subproject 1 | $\$4,912,320.20 \times 19.07\% =$ | \$ 936,779.46 | ex |
| Construction – Subproject 2 | $1,635,250.30 \times 43.35\% =$ | 708,881.01 | ex |
| Construction – Subproject 3 | $764,963.15 \times 100\% =$ | <u>764,963.15</u> | ex |
| Subtotal | | 2,410,623.62 | |
| Less: Previous Billings | | <u>(2,385,470.49)</u> | MO |
| Due: NDDOT | | <u>\$ 25,153.13</u> | |

A copy of the contractor's final payment estimate #20 is enclosed.

JULIE FLECK
FEDERAL AID ACCOUNTANT

50/jf/cpm
Enclosures

DEPARTMENT OF TRANSPORTATION
INVOICE

Please Remit Payment To:
Department of Transportation
Financial Management Division
608 East Boulevard Avenue
Bismarck, ND 58505 - 0700

For Any Questions
Please Contact:
701-328-2635

Customer: MINOT

| <u>Invoice #</u> | <u>Invoice Date</u> | <u>Project Description</u> | <u>Project</u> | <u>Amount</u> |
|------------------|---------------------|---------------------------------------------------------------------|----------------|---------------|
| 0001797328 | 3/28/2017 | PROJECT: SU-4989(115)116 37TH AVE SE FROM US 83 FINAL BILLING | SU4989115116 | 25,153.13 |

Please include Invoice # along with Payment.

| |
|--------------------------------------------|
| APPROVED |
| By <u>Jacqueline Malar</u> |
| A/C # <u> </u> |
| DESCR. <u>#3647 37th Ave SE</u> |
| <u>final pay application</u> |

3647
 $413-8700-431.41-59 = 17,209.71$

3647
 $140-0000-165.03-90 = \$7,943.42$

**BEFORE THE CITY COUNCIL, CITY OF MINOT, NORTH DAKOTA
RESOLUTION OFFERING TO PURCHASE LAND AND
AUTHORIZING USE OF EMINENT DOMAIN AUTHORITY**

WHEREAS, the City Council for the City of Minot, a North Dakota municipal corporation, finds it necessary, for public use and purpose of conducting water, stormwater, providing drainage and protecting the City of Minot, its residents and infrastructure; to acquire certain property for the construction and operation of a flood control project and related infrastructure including but not limited to dikes, levees, floodwalls, pipes, ditches, and flumes within and without the City of Minot, North Dakota; and

WHEREAS, pursuant to that public use and purpose, the City must acquire the following described properties which are necessary for the construction and operation of the flood control project and related infrastructure, all of which property is located in Ward County, State of North Dakota and described as follows:

| | |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Property Address: | 1830 Burdick Expressway West |
| Record Title Owner: | Jane Ballantyne Hegeler, Trustee of The Jean Ballantyne Living Trust of 1997 |
| Legal Description: | A portion of Lot 1, Spoklies First Addition of Outlot 14, Section 27, Township 155 North, Range 83 West to the City of Minot, North Dakota, more particularly described as follows: Commencing at the southeast corner of Lot 1, Spoklies First Addition of Outlot 14, Section 27, Township 155 North, Range 83 West to the City of Minot, North Dakota, a Plat of record in the Office of the Recorder of Ward County, North Dakota; thence N 19°36'31.5" W, along the East boundary of Lot 1, a distance of 131.40 feet to the point of beginning; thence N 83°08'41.0" W, a distance of 162.26 feet; thence N 71°20'39.2" W, a distance of 119.29 feet to a West boundary of Lot 1; thence N 00°23'01.5" W, along a West boundary of Lot 1, a distance of 246.60 feet to a northwest corner of Lot 1; thence S 74°21'55.7" E, along the North boundary of Lot 1, a distance of 15.44 feet; thence S 34°48'59.3" E, along said boundary, a distance of 75.45 feet; thence S 56°23'00.5" E, along said boundary, a distance of 75.72 feet; thence N 85°14'15.1" E, along said boundary, a distance of 72.52 feet; thence N 80°59'22.3" E, along said boundary, a distance of 10.06 feet to a northeast corner of Lot 1; thence S 19°36'31.5" E, along the East boundary of Lot 1, a distance of 216.23 feet to the point of beginning. Tract contains 47,357.04 sq.ft. or 1.09 acres. |

WHEREAS, the parties listed above claim an estate or interest in, or lien or encumbrance upon said property; and

WHEREAS, offers to purchase, based upon written appraisals, have been made to the record title owners listed above in an amount equal to the amount believed to be just compensation. Copies of written appraisals have been provided to the property owners listed above. Reasonable and diligent efforts to acquire the property by negotiation have been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to N.D.C.C. §§ 40-05-01, 40-05-02, 40-05.1-06, and N.D.C.C. Chapter 32-15, the City of Minot, State of North Dakota hereby authorizes the use of eminent domain proceedings to acquire fee simple right-of-way and/or easements as necessary of the above described properties contingent upon prior settlement.

Adopted this ____ day of _____, 2017.

Approved:

Chuck Barney, Mayor

ATTEST:

David Lakefield, Finance Director

The motion for the adoption of the foregoing Resolution was made by _____ and duly seconded by _____. On roll-call vote, the following _____ members voted _____ in _____ favor _____ thereof:

_____.

The following members were absent: _____

_____.

The motion carried and the Resolution was duly adopted by the City Council of Minot, North Dakota on the ____ day of _____, 2017.

David Lakefield, Finance Director

City Clerk



TO: Mayor Chuck Barney
Members of the City Council

FROM: Chris Owen, Federal Compliance Officer

DATE: April 21, 2017

SUBJECT: EMINENT DOMAIN AUTHORITY (ACQ169)

I. RECOMMENDED ACTION

1. Recommend the Committee and Council adopt resolution offering to purchase land and authorizing use of eminent domain.
2. Authorize the Mayor to sign the agreement

II. DEPARTMENT CONTACT PERSONS

Chris Owen, Federal Compliance Officer 857-1553

III. DESCRIPTION

A. Background

The property at 1830 Burdick Expy W is a critical need for phases 1-3 of the flood control project. The law firm of Swanson & Warcup has been engaged for over a year trying to negotiate a settlement on the city's behalf, however no agreement has been made and further delays risk compromising future construction progress and effective use of funds.

IV. IMPACT:

A. Strategic Impact:

Eminent Domain action is congruent with the city's authority and in line with city and HUD intentions to remove residents from harms way while creating protective measures for the greater good.

B. Service/Delivery Impact:

Eminent Domain authority will enable the court system to force a resolution (still within HUD guidelines of "just compensation" for the homeowner) and get property ownership to the city so construction may commence without delays.

C. Fiscal Impact:

Funds are coming from HUD CDBG-DR grant (allocation 2). The appraised value for the partial take of property needed is \$73,578 and the last verbal counter offer from the property owner was \$225,000. Attorney fees will need to be paid in addition to whatever the court determines. Determining an exact cost at this point would be very difficult.

V. ALTERNATIVES

The City Council could deny the eminent domain authority and negotiation attempts will continue until an agreement can be reached. Risk is that no agreement may ever be reached, or that negotiations go beyond the construction start date and impede flood control structures from being built, which jeopardizes the funding recently authorized by the state legislature.

It should be understood that if an agreement is able to be reached before an actual judgment, that route remains the preferred option. Judgment is intended to be the action of last resort.

VI. TIME CONSTRAINTS

Time is of the essence because Public Works and the SRJB expect construction to reach this area in the early 2018 construction season and we need sufficient time for the court process to work through, which is anticipated to take up to a year.

VII. LIST OF ATTACHMENTS

- A. Resolution provided by Swanson & Warcup, eminent domain legal service provider

Approved for Council Agenda: _____

Date: _____



TO: Mayor Chuck Barney
Members of the City Council

FROM: Chris Owen, Federal Compliance Officer

DATE: April 21, 2017

SUBJECT: EMINENT DOMAIN LEGAL SERVICES ACTIONS (DR0003)

I. RECOMMENDED ACTION

1. Recommend the Committee and Council authorize extension of exiting eminent domain legal services contract work being performed by Swanson & Warcup for current cases.
2. Authorize city staff to prepare a request for proposal for new eminent domain legal services

II. DEPARTMENT CONTACT PERSONS

Chris Owen, Federal Compliance Officer 857-1553

III. DESCRIPTION

A. Background

The city is currently under contract with Swanson & Warcup to provide eminent domain legal services and requires continued services for existing and future cases. The current contract began on July 1, 2016 and is due to expire on June 30, 2017, however does have a provision for the city to extend up to two (2) twelve month periods.

IV. IMPACT:

A. Strategic Impact:

The city requires an attorney skilled at eminent domain proceedings to ensure properties needed to support the flood control project occur in a timely manner. The city attorney's workload capacity is not sufficient to support eminent domain cases.

B. Service/Delivery Impact:

Continuous eminent domain service coverage is important to ensure property acquisitions proceed in a timely manner. Failing to do so may cause construction delays of the flood control project.

C. Fiscal Impact:

Funds are coming from HUD CDBG-DR grant allocations. The previous contract year was for a maximum of \$1,050,000 for no more than 30 properties. The same terms are outlined in the contract extension. The request for proposal would establish a bid process for new services.

V. ALTERNATIVES

Alt 1 - City Council could deny the extension and let the existing contract lapse, relying solely on RFP provider for services. Risk is continuity of case knowledge would not be effectively transferred and the city's position may become degraded or processes delayed as new attorneys are brought on board to continue existing cases. For historical awareness, Swanson and Warcup was the only firm to bid on last year's RFP, so cutting them out without a backup in hand may be risky.

Alt 2 - City Council can approve contract extension and deny RFP use for new services. This will continue all eminent domain proceedings with Swanson & Warcup. Risk is missing out on an opportunity to evaluate and possibly select other potential service providers.

Alt 3. - City Council can choose to do nothing and let the existing contract lapse with no mechanism to procure eminent domain legal services. Risk is that during the acquisition process the city will come to a point in negotiations where eminent domain needs to be used, however there is limited/no means to conduct it by city staff. Failed negotiations with property owners may end up delaying construction of flood control structures.

VI. TIME CONSTRAINTS

Timeliness is essential because the existing contract does have an approaching expiration date and the city needs to remain prepared for legal action, if needed, to support the flood control project.

Approved for Council Agenda: _____

Date: _____

City of Minot

National Disaster Resilience

Affordable Multi-Family Rental Housing

Project Requirements and Evaluation Criteria

DRAFT

April 19, 2017

Introduction

The City of Minot was awarded \$74.3 Million from the National Disaster Resilience Competition (NDR) that must be used for projects included in the city's NDR application. The City's application was developed based upon needs and a resilient vision of Minot defined by residents in over 70 public and stakeholder meetings held during the application process. The Minot NDR application and a subsequent Housing Supply and Demand Analysis Update documented the need for long-term affordable multi-family rental housing for Minot's low and moderate income households.

The material contained in this document was prepared to provide information on the evaluation criteria and selection process to select the most competitive project based on proposals submitted in response to the Request for Proposal (RFP) that the City of Minot will issue for long-term affordable multi-family rental housing in late June 2017.

Project Purpose

The City of Minot, in accordance with their NDR application, desires to expand the availability of long-term affordable multifamily rental housing in Minot to foster community and economic resilience. Long-term affordability means at a minimum 51 percent of the units must be affordable to low and moderate income households based on the current area median income (AMI) for Ward County issued annually by HUD and these units must remain affordable for a minimum of 20 years. NDR funds will be used to provide **gap funding** for a quality, affordable rental housing development that will remain affordable for the long-term.

The City of Minot will seek competitive proposals from for-profit and non-profit developers for long-term affordable multifamily rental housing to increase the availability and quality of long-term affordable housing opportunities in Minot. The City of Minot desires to create mixed-income housing that includes a mix of long-term affordable rent restricted housing and non-restricted housing. The selected project(s) will demonstrate a capacity and commitment, meet HUD and NDR requirements and the City of Minot's objectives for long-term affordable multi-family rental housing. The NDR funds are subject to all of the applicable rules and regulations of the Department of Housing and Urban Development Community Development Block Grant program and the applicable rules and regulations set forth in the National Disaster Resilience Competition Notice of Funding Availability FR-5800-N-29A2.

To support resilience, the City of Minot and HUD encourages applicants to implement green infrastructure to the extent practicable. Tools for green infrastructure are available at the Environmental Protection Agency's water website; Indoor AirPlus website; Healthy Indoor Environment Protocols for Home Energy Upgrades website; and ENERGY STAR website: www.epa.gov/greenbuilding.

The City of Minot NDR Long-Term Affordable Multi-Family Rental Housing RFP to be issued in late June 2017, will solicit proposals for projects that require gap financing to cover the difference between the total development/renovation cost and the amount of funding that the applicant secures from other sources (leverage). Other financial sources might include: Federal Home Loan Bank Board, North Dakota Housing Finance Agency, federal HOME Investment Partnership funds, developer debt and equity, and other private sources including foundations. Each applicant should evaluate various funding sources to determine the options that work best for their individual project.

Project Requirements (additional requirements may be included in the final RFP)

To be considered for NDR funding, the applicant must show that the proposed development will comply with the requirements that follow. Applications that do not meet/adhere to these requirements cannot be considered for NDR funding.

City of Minot NDR and U.S. Department of Housing and Urban Development Requirements:

- The project must be located within the corporate boundaries of the City of Minot.
- The applicant must submit a complete project application form and provide all requested supplement materials.
- The applicant must provide a minimum of three (3) verifiable references that speak directly to the applicant's housing development experience.
- The applicant must complete the NDR application form and provide the supplemental information requested in the application document.
- The City of Minot will verify that the development team members are not on the U.S. Department of Housing and Urban Development (HUD) "debarred" contractor's list
- The application must provide evidence of the project's readiness to proceed. This documentation may include: documentation of property ownership/control by the developer, required zoning in place, required environmental reviews completed, commitment of non-NDR leverage, commitments for construction and permanent financing, and preliminary design and engineering prepared enabling the project to move to construction to meet the project schedule. Work on the project should be initiated by September 2017, if work cannot be started by that time, applicant must explain the impact of the delayed start of construction to the final project completion. A detailed project milestone schedule must be submitted in the application
- All NDR-funded projects must leverage additional financial resources. The leverage percentage is calculated by dividing the total requested NDR amount by the Total Project Development Cost. (Total Development Cost is defined as the all-in cost of developing the project including any necessary acquisition, hard and soft construction or rehab costs, financing costs, eligible developer fees, and reserve account capitalization.)
- The application must include written documentation stating the amount, terms, and conditions of all funding committed to the project. Documentation containing words synonymous with "consider" or "may" (as in "may award") are not considered funding commitments.
- Prior to committing funds to a project that combines various sources of funding/financing (local, state, federal, private, etc.) an evaluation must be conducted to ensure that the City does not

invest any more funds than necessary to provide affordable housing. Applicants must demonstrate they have structured projects to maximize other available financing sources thus limiting NDR funding to the lowest amount necessary to assure project feasibility.

- The project must create new rent restricted affordable housing units that will be affordable long-term. The minimum affordability period for Minot NDR funding projects is 20 years. (Rent restricted unit is defined as a housing unit that is subject to income, rent, and other applicable restrictions enforced through the development agreement for the affordability period and annual audits to document the project's performance on these restrictions).
- The project must comply with all applicable federal regulations depending upon the funding sources including but not limited to Fair Housing, Davis Bacon, Section 3, and Environmental Review requirements.
- Displacement of tenants is prohibited unless the developer submits a detailed relocation plan in the application that complies with applicable HUD and federal regulations and the cost of the relocation is fully captured in the total development costs.
- At a minimum ten percent (10%) of the units must be accessible for persons with disabilities.
- At a minimum fifty-one percent (51%) of the units must be affordable to low and moderate income tenants, using HUD's current Low and Moderate Income (LMI) criteria for Ward County, North Dakota and must remain affordable for a minimum of 20 years to maintain long-term affordability requirements established for this application.
- Eligible projects must also meet all applicable state and local codes, ordinances, and requirements including FHA minimum property standards and applicable HUD property standards.
- Affordability for Long-term Affordable Multi-Family Rental Housing will be based on the most current area median income (AMI) for Ward County as established by HUD. A copy of the current household income limits for Ward County will be included in the RFP. The annual project monitoring will be based on the most current HUD data. An annual monitoring fee will be assessed for monitoring during the entire period of affordability. The annual monitor fee in 2018 will be \$500.
- Any conflict of interest requirements for the City of Minot, State of North Dakota, and the US Department of Housing and Urban Development must be adhered to.
- The City reserves the right to review and reject any and all proposals.

Required Financial Documentation

- The applicant must demonstrate in their financial documentation that the project would not be financially feasible without the assistance from NDR. The application must provide information on the short and long term financial feasibility of the project.
- Rehabilitation projects must require a minimum NDR rehabilitation per unit of \$15,000 and must not exceed an NDR investment of \$65,000 per unit for eligible rehabilitation expenses. The proposed project rehabilitation must preserve and improve the quality of long-term affordable housing in Minot and meet local and state housing standards and codes.

The application must include a detailed project development description and budget. The detailed budget must include all proposed costs and fees included in the project including: description of the proposed rehabilitation, construction related costs including hard construction costs, construction contingencies, general contracting fees, professional soft costs including developer fees, spreadsheet breakdown of all soft and hard costs, operating and replacement reserves, etc. A cost reasonableness review will be conducted to evaluate proposed development costs comparing application costs to similar developments, based on construction type.

- Capital Needs Assessment - For acquisition and rehabilitation of existing structures, a Capital Needs Assessment (CNA) must be prepared by a competent, independent third party such as a licensed architect or engineer. The assessment will include an opinion as to the proposed budget for recommended improvements and should identify critical building systems and/or components that have reached or exceeded their expected useful lives. The CNA must identify the useful life of major systems. If the remaining useful life is less than the affordability period, a replacement reserve as well as a replacement schedule is required to ensure the items can be adequately maintained and addressed throughout the affordability period.

The CNA should analyze: the site including topography, drainage, pavement, sidewalks, parking areas, landscaping, amenities, water and wastewater utilities, drainage, and gas and electric utilities and lines; structural systems including exterior walls and balconies, exterior doors and windows, roofing systems, and drainage; interiors including common areas and units including unit finishes, kitchens, cabinets and appliances, and bathrooms; mechanical systems including plumbing and hot water, HVAC, electrical lighting fixtures, fire protection, and elevators.

- If acquisition is a part of the proposed project a North Dakota appraiser that is licensed and meets the requirements established by the North Dakota Real Estate Appraiser Qualifications and Ethics Board must prepare the appraisal included in the application. The City will use the appraised real estate value to establish the eligible purchase price for any acquisition. Any related-party transactions must be fully disclosed. If a review appraisal is required it must be performed by a qualified MAI or comparable appraiser experienced in the State of North Dakota.

- The NDR funding is a loan. If the responsible project owner(s) meets all project performance requirements established in the development agreement for the full affordability period, the loan will function as a zero interest, forgivable loan that will be forgiven in accordance with the terms and conditions contained in the project development agreement. However, if the responsible project owner(s) or assigns does not meet all project performance requirements (affordable rents, affordability period, acceptable maintenance and operation of the development, etc.) for the full affordability period, the loan amount will become due and payable based on the terms established in the project development agreement.
- Proposers will be required to submit detailed financial statements, sources and uses statement for the project, a detailed project operating budget, a 20-year pro forma for the project, and an income and expense statement. Additional financial documentation may be required. Applicants will use a seven percent (7%) vacancy rate in financial documentation.

Developer and Development Team Documentation

The knowledge and experience of those who will develop, own, and operate the long-term affordable housing funding with NDR funds is very important to the success of the project. The applicant must demonstrate that the members of their development team have the expertise, ability, and financial capacity, in their respective roles, to undertake, comply with, maintain and manage the property.

The application must include information about the RFP applicant's experience and capacity. This information will include:

- Description of the applicant's expertise in developing/rehabilitating and operating housing developments to include: applicant/developer's track record with similar developments; detail the development teams experience; property management and experience with similar developments; reasonable financial strength; ability to undertake the proposed project and met timeliness requirements; ability to secure required financing sufficient for completion of the project; capacity to manage the project successfully after completion of the development or capability of a professional management company with experience in property management, affirmatively furthering fair housing, and compliance with HUD requirements.
- To the extent, an applicant cannot demonstrate the proper experience and knowledge in a particular area, they can hire or form a joint venture with an entity that has the necessary expertise in the particular area.
- Developer Fee Policy – Developer fees are capped at the same rate as those allowed by the North Dakota Housing Finance Agency (See page 6, NDHFA 2015 – 2017 Housing Incentive Fund (HIF3) Allocation Plan)
- The developer must provide evidence of site control as a condition of submitting the project proposal.

- Preliminary plans and schematics, engineering reports, preliminary market justification, are expected to be underway at the time of the application. Copies of these documents should be submitted in the proposal.

CDBG-NDR Energy Efficiency and Green Building Requirements

- NDR projects must reflect the resilient features identified by the community during the NDR proposal meetings that include: walkability, accessible to services, design quality and construction, safe neighborhoods and play areas, environmental quality, well maintained, proximity to transit and community amenities, reflect smart growth principles, quality landscaping, and common open space.
- Applicants must meet the Green Building Standard in this subparagraph for: (i) all new construction of residential buildings; and (ii) all replacement of substantially-damaged residential buildings. Replacement of residential buildings may include reconstruction (i.e., demolishing and re-building a housing unit on the same lot in substantially the same manner) and may include changes to structural elements such as flooring systems, columns or load bearing interior or exterior walls.
- For purposes of this CDBG-NDR funding, the Green Building Standard means the applicant will ensure that all construction meets an industry-recognized standard that has been selected by the City of Minot Building Inspections Officer. (The selection has not been completed at this time but the final RFP will identify the selected options the applicant should follow.) Options being considered include: ENERGY STAR (Certified Homes or Multifamily High Rise); Enterprise Green Communities; LEED (NC, Homes, Midrise, Existing Buildings O&M, or Neighborhood Development); ICC-700 National Green Building Standard; EPA Indoor AirPlus (ENERGY STAR a prerequisite); or any other equivalent comprehensive green building program, including regional programs.
- For rehabilitation applicants must follow the guidelines specified in the HUD CPD Green Building Retrofit Checklist, available on the CPD Disaster Recovery website (portal.hud.gov/hudportal/documents/huddoc?id=drsi_retrofit.xls). Applicants must apply these guidelines to the extent applicable to the rehabilitation work undertaken, including the use of mold resistant products when replacing surfaces such as drywall. When older or obsolete products are replaced as part of the rehabilitation work, rehabilitation is required to use ENERGY STAR-labeled, WaterSense-labeled, or Federal Energy Management Program (FEMP)-designated products and appliances. For example, if the furnace, air conditioner, windows, and appliances are replaced, the replacements must be ENERGY STAR-labeled or FEMP-designated products; WaterSense-labeled products (e.g., faucets, toilets, showerheads) must be used when water products are replaced. Rehabilitated housing may also implement measures recommended in a Physical Condition Assessment (PCA) or Green Physical Needs Assessment (GPNA).

Affordable Multi-Family Rental Housing Evaluation Criteria (additional requirements may be included in the final RFP)

Each proposal that is submitted in response to the Request for Proposal (RFP) will be reviewed to determine if the required documentation is included. Applications that do not contain the required information and documentation will be identified and the application will be considered “Incomplete” and will not proceed in the review process. The applicant will be advised.

All proposals will be reviewed by two teams:

- 1) A Technical Review Team composed of 3 – 4 technical experts from the CDM Smith Team and a professional staff representative from the City of Minot selected by the City Manager
- 2) An internal City Review Team will be selected by the City Manager including the City Manager, the Federal Compliance Officer, the Planning Department Director, a representative from the Finance Department, and others selected by the City Manager.

The Technical Review Team will review and evaluate each of the proposals. An initial review will determine if the required documentation and information has been included, proposals that do not contain the required information and documentation will be marked as “Incomplete” and passed on to the City Review Team without further review or evaluation by the Technical Review Team. The City Review Team may request the Technical Review Team to complete a review of the available proposal information and documentation.

The Technical Review Team will complete a thorough technical review and evaluation of each of the complete proposals that are received based on the evaluation and underwriting criteria approved by the Minot City Council. For rehabilitation projects, a physical inspection of the property to be rehabilitated may be necessary. The Technical Review Team will arrange for a property inspection and will advise the City Review Team so they may participate if they chose. The Technical Review Team will evaluate and score each completed proposal based on the approved evaluation and underwriting criteria. The Technical Review Team will prepare a written recommendation based on all of the proposals received and the evaluation and scoring for all of the proposals and submit the recommendation to the City Review Team.

The City Review Team will determine how they chose to evaluate the proposals, i.e. review and score all of the proposals or review and score the proposals receiving the highest scores and evaluation from the Technical Review Team. A spreadsheet will be developed to show the evaluation and score assigned by the Technical Review Team and the City Review Team for each proposal. The City Review Team will complete their review of the proposals and make a written recommendation to City Council.

Scoring Criteria

Each complete proposal meeting the project requirements will be reviewed and scored according to the following evaluation criteria. Representations made by applicants for which points are given will be binding and will be monitored through the annual compliance review process. The proposal with the highest evaluation and score will be selected unless there is a problem with the application or

documentation. Once a proposal is selected, the City will determine the amount of NDR funding to be awarded which may not equal the amount requested in the application.

In the event of a tie between two or more proposals the first tie breaker will be the project with the best leverage ratio; the second tie breaker will be the number of total units in the project that are rent restricted for LMI households.

Complete proposals submitted to the City will be reviewed, evaluated and scored based on the following criteria:

1. Period of Affordability
 - 30 + years – 20 points
 - 20 – 29.9 years – 10 points
 - Less than 20 years – 0 points

2. Number of affordable rent restricted units within the Development (The City of Minot encourages mixed income projects, therefore projects with more than 75 percent rent restricted units will not receive any points unless there is a special needs consideration).
 - 51% to 59% 5 Points
 - 60% - 65% 10 Points
 - 66% - 75% 20 Points
 - Greater than 75% 0 Points

3. Low and moderate income households served - Developers may propose to provide affordable units that are affordable to households with a varying mix of incomes below 80% AMI and will receive points based on the average of units targeted using the calculation chart below. For this calculation, market rate units will use an AMI of 120%.

Example: If a 100-unit development proposes to provide 60% of the units for families at 60% of AMI and 40% at market rate using an AMI of 120%, the average AMI for the facility is 84% and would receive no additional points.

| Average AMI Calculation Chart | | | |
|-------------------------------|--------------------|--------------|-------------------|
| TARGET AMI | NUMBER OF UNITS | MULTIPLY BY: | TOTAL |
| 30% | | .3 | |
| 50% | | .5 | |
| 80% | | .8 | |
| MARKET RATE | | 1.2 | |
| | Total Units: _____ | | Total of all rows |
| | = A | | Above: _____ |
| | | | =B |

Additional points assigned as shown:

- Average AMI of Total Units: 69% or lower AMI 10 points
- Average AMI of Total Units: 70% to 75% AMI 5 points
- Average AMI of Total Units: Above 75% 0 points

4. Leverage – Direct financial resources from non-NDR or other city funds that will be invested in the project to cover eligible project costs. Example: Total documented eligible project cost is \$8 million, requested NDR funds \$1.5 M = 18.7% leverage earning 20 points

NDR program funding divided by documented total project cost equals:

- 25% or less 20 points
- 26% - 30% 15 points
- 31% - 35% 10 points
- 36% - 50% 5 points
- 51% or greater 0 points

5. Proximity to Resilient Housing/Neighborhood Features

Proposed development is located within ½ mile of: full service grocery store, transit, medical facilities (pharmacy, hospital/clinic), walking/biking trail, and public park/recreation area

- Within proximity to transit or full service grocery store – 2 points
- Within proximity to 2 resilient features – 2 points
- Within proximity to 3 resilient features – 4 points
- Within proximity to 4 resilient features – 6 points

6. Design Quality

Projects will be evaluated to insure compliance with the CDBG-NDR Green Building and Energy Efficiency standards and quality construction. Projects that enhance the exterior design of an existing structure including incorporation of quality landscaping that ensures the project becomes an aesthetic quality neighbor and is compatible with the adjoining neighborhood, will be awarded up to 10 points. The City Planning Department will be part of this review and the methodology for awarding points will be documented in advance of the evaluation.

Development Team Experience

The knowledge and experience of those who will develop, own, and operate the long-term affordable housing is very important to the success of the project. The applicant must demonstrate that the members of their development team have the expertise, ability, and financial capacity, in their respective roles, to undertake, comply with, and maintain and manage the property. The City of Minot may require the applicant to provide financial statements as deemed necessary. Applicants with limited experience in the development, ownership, and management of affordable multi-family rental housing are encouraged to partner with an experienced developer or sponsor. Misrepresentation of information about experience or financial capacity of any proposal team member will be ground for denial.

1. Developer experienced in Affordable Multi-Family Rental Housing – for Project Developer
 - No experience – 0 points
 - Experience with 1 - 2 similar development projects – 2 points
 - Experience with 3 or more similar development projects – 4 points
2. Development Team Experience in Affordable Multi-Family Rental Housing
 - No experience – 0 points
 - Experience with up to 5 similar development projects – 2 points
 - Experience with more than 5 similar development projects – 4 points
3. Property Management Experience in Affordable Multi-Family Rental Housing
 - No experience managing income-restricted housing – 0 points
 - Designated Property Management Entity has a documented track record of successful property management experience and has the capacity to take on management of the proposed project, but has not managed an income-restricted property - 2 points
 - Designated Property Management Entity has a documented track record of success managing income-restricted properties of smaller size and/or fewer units, and has the capacity to take on management of the proposed project - 4 points
 - Designated Property Management Entity has document track record of success managing income-restricted properties of similar size and/or similar unit counts, and has the capacity to take on management of the proposed project - 6 points

Financial Strength

1. Sources and Uses of Funds
 - All sources and uses of funds are clearly indicated and provide sufficient evidence of funding availability and/or commitment are included – 10 points
 - All sources and uses of funds are clearly indicated, but evidence of funding availability or commitments are incomplete - 0 points
2. Debt Coverage Ratio (DCR)

The debt coverage ratio is based on “hard debt” (debt services contractually obligated to be repaid). The net operating income over the debt service determines debt coverage ratio.

 - Project will be debt-free or DCR of 1.25 or greater – 20 points
 - DCR between 1.21 – 1.24 – 15 points
 - DCR between 1.15 - 1.20 – 10 points
 - DCR less than 1.15 – 0 points
3. Loan to Value Limits

The loan amount to value is defined as all debt compared to the Fair Market Value which will be determined through a qualified appraisal (See item 15 under General Requirements) completed within the preceding 12 months.

 - Loan to value greater than 85% - 2 points
 - Loan to value from 70% to 85% - 4 points
 - Loan to value less than 70% - 6 points



TO: Mayor Chuck Barney
Members of the City Council

FROM: *Cindy K. Hemphill, Acting NDR Program Director*

DATE: *April 18, 2017*

**SUBJECT: AFFORDABLE MULTI-FAMILY RENTAL HOUSING PROJECT
REQUIREMENTS AND EVALUATION CRITERIA**

I. RECOMMENDED ACT – THIS IS AN INFORMATIONAL ITEM ONLY

1. The evaluation criteria are for information purposes only. It is the evaluation criteria for the request for proposals for the multi-family affordable housing.

II. DEPARTMENT CONTACT PERSONS

| | |
|----------------------------------------------|----------|
| Cindy Hemphill, Acting NDR Director | 857-4750 |
| Melissa Ziegler, CDM | 837-5813 |
| Robert Davis, Planning & Resilience Director | 857-4962 |

III. DESCRIPTION

A. Background

The city will anticipate issuing RFPs for multi-family affordable housing in June or July. This criterion is how the RFPs will be evaluated.

IV. IMPACT:

A. Strategic Impact:

Ensure the city fairly evaluates all proposals for multi-family affordable housing. In addition, that only qualified projects are considered to ensure the city maximizes the use of the NDR funds and utilizes leverage to fullest potential.

B. Service/Delivery Impact:

This will ensure the city meets the needs of the vulnerable population through the use of the NDR funds.

C. Fiscal Impact:

Is not applicable at this stage.

V. ALTERNATIVES

N/A at this stage.

VI. TIME CONSTRAINTS

The City has until September 30, 2022 to spend the NDR funds.

VII. LIST OF ATTACHMENTS

- A. City of Minot National Disaster Resilience Affordable Multi-Family Rental Housing Project Requirements and Evaluation Criteria



TO: Mayor Chuck Barney
Members of the City Council

FROM: *Kelly Hendershot*

DATE: *April 12, 2017*

SUBJECT: **APPROVE KYLE MEDEIROS LIMITED PRACTICE OF LAW**

I. RECOMMENDED ACTION

1. Approve Kyle Medeiros, intern for the City Attorney's Office, to appear in municipal court and/or district court on behalf of the City of Minot and to perform any and all other activities permitted by the Limited Practice of Law by Law Students Rules, under the supervision of either the City Attorney or Assistant City Attorney. This approval shall be contingent upon Mr. Medeiros obtaining certification from UND Law School and filing any and all paperwork with the Clerk of the North Dakota Supreme Court.
2. Authorize the Mayor and City Attorney to sign the written consent and approval.

II. DEPARTMENT CONTACT PERSONS

Kelly Hendershot, City Attorney (701) 857-4755

III. DESCRIPTION

Kyle Medeiros is a former City of Minot police officer; he also completed an unpaid externship in the City Attorney's Office in Summer 2016. Mr. Medeiros is currently a law student at UND School of Law; he is scheduled to finish his second year in May 2017. Upon completion of four semesters of law school, law students are eligible for their practice papers, which allows law students to practice, in a limited capacity and under supervision of licensed attorney(s).

The City Attorney's Office recommends that the City Council:

1. Approve Kyle Medeiros, intern for the City Attorney's Office, to appear in municipal court and/or district court on behalf of the City of Minot and to perform any and all other activities permitted by the Limited Practice of Law by Law Students, under the supervision of either the City Attorney or Assistant City Attorney. This approval shall be contingent upon Mr. Medeiros obtaining certification from UND Law School and filing any and all paperwork with the Clerk of the North Dakota Supreme Court.
2. Authorize the Mayor and City Attorney to sign the written consent and approval.

IV. IMPACT:

Mr. Medeiros has been hired as an intern for the City Attorney's Office at the rate of \$12.50 per hour; he is approved to work approximately 445 hours over the Summer 2016 months.

Approval of the actual agenda item will not have a fiscal impact.

V. ALTERNATIVES

N/A

VI. TIME CONSTRAINTS

Approval of the recommendation will allow Mr. Medeiros to appear in municipal and/or district court on behalf of the City of Minot and to perform any and all other activities permitted by the Limited Practice of Law by Law Students rule for his entire internship.

VII. LIST OF ATTACHMENTS

A. Written Consent and Approval

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WARD

NORTH CENTRAL JUDICIAL DISTRICT

City of Minot

)
)
)
)

**CONSENT AND APPROVAL OF
KYLE MEDEIROS**

The City of Minot, consents and approves Law Student, Kyle Medeiros, to appear in Minot Municipal Court and/or the North Central Judicial District on behalf of the City of Minot and to perform any and all other activities permitted by the Limited Practice of Law by Law Students Rules on behalf of the City of Minot, under the supervision of City Attorney Kelly Hendershot and/or Assistant City Attorney Stefanie Stalheim from May 2017 through August 2017.

Dated this _____ day of May, 2017.

Chuck Barney, Mayor

Kelly Hendershot, City Attorney



TO: Mayor Chuck Barney
Members of the City Council

FROM: Jason Sorenson, Assistant Public Works Director

DATE: April 19, 2017

SUBJECT: CEMETERY UTILITY VEHICLE (4259)

I. RECOMMENDED ACTION

1. Recommend award to Gooseneck Implement in the amount of \$17,982.71 for the John Deere 825i S4.

II. DEPARTMENT CONTACT PERSONS

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

III. DESCRIPTION

A. Background

Rosehill Cemetery uses two utility vehicles on a daily basis to transport personnel and equipment around the cemetery for the numerous activities taking place daily on the cemetery grounds. This unit will replace a John Deere Gator that was purchased in 1996.

Bids were opened on April 21, 2017 and only one bidder submitted and it is as follows:

| <u>Bidder</u> | <u>Make/Model</u> | <u>Price</u> |
|----------------------|--------------------------|---------------------|
| Gooseneck Implement | John Deere 825i S4 | \$17,982.71 |

IV. IMPACT:

A. Fiscal Impact:

| | |
|------------------------|-------------|
| <u>Project Costs</u> | |
| Total | \$17,982.71 |
| <u>Project Funding</u> | |
| 120-0000-165.21.03 | \$20,000 |



TO: Mayor Chuck Barney
Members of the City Council

FROM: Jason Sorenson, Assistant Public Works Director

DATE: April 19, 2017

SUBJECT: AWARD OF BID- WIDE AREA TURF MOWER (4273)

I. RECOMMENDED ACTION

1. Recommend award to RDO Equipment Co. in the amount of \$64,373.69 for the John Deere 1600 Turbo Series II wide area mower.

II. DEPARTMENT CONTACT PERSONS

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

III. DESCRIPTION

A. Background

With the large number of lots the City has purchased recently along with the many acres of right of way that are mowed and maintained, larger mowers are becoming more necessary. This unit is similar to the types of machines used by the Park District for the golf course and parks and will have a minimum 10' cutting width.

| <i>Bidder</i> | <i>Make/Model</i> | <i>Price</i> |
|----------------------------|--------------------------|---------------------|
| <i>Gooseneck Implement</i> | <i>John Deere 1600</i> | <i>No Bid</i> |
| <i>RDO Equipment</i> | <i>John Deere 1600</i> | <i>\$64,373.69</i> |
| <i>MTI Distributing</i> | <i>Toro 4010-D</i> | <i>\$75,507.66</i> |

IV. IMPACT:

A. Fiscal Impact:

| | |
|----------------------|-------------|
| <u>Project Costs</u> | |
| Total | \$64,373.69 |

Project Funding
Funds for this purchase were included in the 2017 budget

| | |
|--------------------|----------|
| 429-7300-431.07-93 | \$65,000 |
|--------------------|----------|



TO: Mayor Chuck Barney
Members of the City Council

FROM: Jason Sorenson, Assistant Public Works Director

DATE: April 19, 2017

SUBJECT: AWARD OF BID- TRAILER MOUNTED AIR COMPRESSOR (4266)

I. RECOMMENDED ACTION

1. Recommend award to Acme Tools in the amount of \$18,900 for the Sullair 185DPQ.
2. Recommend the \$900 over the budgeted amount be taken from Water

II. DEPARTMENT CONTACT PERSONS

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

III. DESCRIPTION

A. Background

This unit will replace a 1972 model air compressor in the Water and Sewer Department that is beyond its useful life.

Bids were opened on April 21, 2017 and they are as follows:

| <u>Bidder</u> | <u>Make/Model</u> | <u>Price</u> |
|---------------------------|---------------------------|---------------------|
| <i>Acme Tools</i> | <i>Sullair 185 DPQ</i> | <i>\$18,900</i> |
| <i>Swanston Equipment</i> | <i>Doosan C185WDZ</i> | <i>\$20,250</i> |
| <i>Normont Equipment</i> | <i>CPS 185 KD</i> | <i>\$20,748</i> |
| <i>Titan Machinery</i> | <i>Atlas Copco 185 KD</i> | <i>\$21,000</i> |
| <i>Butler Machinery</i> | <i>Sullair 185</i> | <i>\$21,305</i> |
| <i>RDO Equipment</i> | <i>Sullair 185</i> | <i>\$23,480</i> |

IV. IMPACT:

A. Fiscal Impact:

| | |
|---------------------------|-----------------|
| <u>Project Funding</u> | |
| <i>140-0000-165.03.90</i> | <i>\$18,000</i> |
| <i>140-6100-507.06.50</i> | <i>\$900</i> |

ORDINANCE NO. 5186

AN ORDINANCE AMENDING CHAPTER 5 (ALCOHOLIC BEVERAGES), ARTICLE II (LICENSES), SECTION 5-16 (CLASSES OF LICENSES; LICENSE FEES; LICENSE RESTRICTIONS; LIMITATION ON NUMBER OF LICENSES), SUBSECTIONS (1), (2), AND (3), SECTION 5-31, AND SECTION 5-32 (SUSPENSION OR REVOCATION OF A LICENSE), SUBSECTION (1), SUBSECTION (D) OF THE CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGES

WHEREAS, The City of Minot has the authority to regulate the use and to regulate and license the sale of alcoholic beverages pursuant to NDCC § 40- 05-01(29);

WHEREAS, The City of Minot has the authority to fix fees, number, terms, conditions, duration, and manner of issuing and revoking licenses in the exercise of its governmental police powers pursuant to Article 3(c) of the City of Minot Home Rule Charter;

WHEREAS, The City of Minot previously enacted various Ordinances under the Chapter 5 of the City of Minot Code of Ordinances relating to Alcoholic Beverages;

WHEREAS, The City of Minot wishes to amend section 5-16(1), (2), and (3), section 5-31, and section 5-32(1)(d), under Chapter 5.

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

§1. That subsection (1) (Retail Beer) of Section 5-16 (Classes of Licenses; license fees; license restrictions; limitation on number of licenses), Article II (Licenses), Chapter 5 (Alcoholic Beverages), of the Code of Ordinances, City of Minot, North Dakota, is hereby amended and re-enacted to read as follows:

1. Retail Beer

- a. A retail beer license shall be for the on-sale and/or off-sale of beer.
- b. Fee. The fee for a retail beer license shall be six hundred twenty-five dollars (\$625.00) per year.
- c. A holder of a retail beer license on or before June 1, 1973 shall not convey nor transfer that license and submit application for another license in one of the two newly designated classes of licenses.

§2. That subsection (2) (Retail Liquor) of Section 5-16 (Classes of Licenses; license fees; license restrictions; limitation on number of licenses), Article II (Licenses), Chapter 5 (Alcoholic Beverages), of the Code of Ordinances, City of Minot, North Dakota, is hereby amended and re-enacted to read as follows:

2. Retail Liquor

- a. A retail liquor license shall be for the on-sale and/or off-sale of liquor, beer, and wine.
- b. Fee. The fee for a retail liquor license shall be three thousand one hundred twenty-five dollars (\$3,125.00) per year.

- c. A holder of a retail liquor license on or before June 1, 1973 shall not convey nor transfer that license and submit application for another license in one of the two newly designated classes of licenses.
- d. Limitation on number of licenses. The total number of retail liquor licenses in force in any one (1) year shall not exceed one (1) for each one thousand five hundred (1,500) persons, or major fraction thereof, of the total population of the city. The city council may issue such additional licenses as it deems warranted by the change in population. Before the official 2020 United States Census, this population of the city shall be determined by the most recent official federal, regular, or special census. After the official 2020 United States Census, this population of the city shall be determined by the most recent official federal, regular, or special census or by the annual official United States Census Bureau population estimate.

§3. That subsection (3) (Retail Beer and Wine) of Section 5-16 (Classes of Licenses; license fees; license restrictions; limitation on number of licenses), Article II (Licenses), Chapter 5 (Alcoholic Beverages), of the Code of Ordinances, City of Minot, North Dakota, is hereby amended and re-enacted to read as follows:

3. Retail Beer and Wine

- a. A retail beer and wine license shall be for the on-sale and/or off-sale of beer and/or wine.
- b. Fee. The fee for a retail beer and wine license shall be nine hundred fifty dollars (\$950.00).

§4. That Section 5-31 (License to constitute a defeasible property right, transfer or other change in status, operation, or form of license, fee for approval of same), Article II (Licenses), Chapter 5 (Alcoholic Beverages), of the Code of Ordinances, City of Minot, North Dakota, is hereby amended and re-enacted to read as follows:

- (a) A licensee under this chapter shall enjoy a defeasible property right in the license. It is defeasible in the sense that it may be revoked by the city "for cause" without compensation to the licensee as provided in section 5-32 of this Code. Subject to that reservation of rights in the city, the licensee may sell, pledge, grant or retain a security interest in, give away in a will, or otherwise deal with the license.
- (b) No transaction affecting a license, including a transfer (whether full or partial), lease, grant or retention of a security interest, or other change in its status, operation, or form (hereafter a "license amendment"), is binding on the city until application for the license amendment has been filed by the licensee or other interested person with the city clerk and approved by the city council. However, as provided hereafter, the chief of police has the power to approve a license amendment for a temporary period of time, and if the chief does so it has the same force and effect as an approval by the city council during such temporary period of time.
- (c) The license amendment application shall include the information required in section 5-18 and a detailed description of any consideration received in exchange for the license transfer.

- (d) Before being submitted to the city council for its decision thereon, a license amendment application shall be forwarded to the chief of police for such investigation and such recommendation to the council concerning its merits as the chief believes is warranted or advisable under the circumstances. Moreover, if the license amendment application relates to the physical characteristics of the licensed premises it shall likewise be forwarded to the building official for the same purpose.
- (e) The chief of police shall have the authority to approve a license amendment application for a period of time not to exceed forty (40) consecutive days upon a showing satisfactory to the chief of pressing circumstances requiring action before the city council can take under consideration and act upon a license amendment application in the ordinary course of its business, as when, for example, a licensee dies or a secured party or lien holder forecloses on its security interest in a license. However, the chief or the council itself may revoke or suspend provisional approval given under this subsection, provided that reasonable notice of such contemplated action is first provided to the affected party or parties.
- (f) In the absence of provisional or final approval of a transfer as provided for in subsections (b) and (e), no person other than the named licensee may rely on the grant of the license as a defense to prosecution or a civil action brought under this chapter or otherwise provided in law for an offense or cause of action involving the sale of alcoholic beverages without a license.
- (g) No license amendment application may be acted upon until the applicant has paid a non-refundable application-review fee of two hundred fifty dollars (\$250.00).

§5. That subsection (4) of subsection (a) of Section 5-32 (Suspension or revocation of a license), Article II (Licenses), Chapter 5 (Alcoholic Beverages), of the Code of Ordinances, City of Minot, North Dakota, is hereby amended and re-enacted to read as follows:

(4) The licensee does not conduct the activity for which the license was issued at the licensed premises for a period of twelve (12) consecutive months.

§6. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: April 3, 2017

PASSED SECOND READING:

ATTEST:

Kelly Matalka, City Clerk

APPROVED:

Chuck Barney, Mayor

ORDINANCE NO: 5184

**AN ORDINANCE AMENDING THE 2017 ANNUAL BUDGET TO INCREASE
EXPENDITURES AND REVENUES IN THE FIRE CONTROL OPERATION SUPPLIES
BUDGET IN GENERAL FUND FOR THE PURCHASE OF EXTRACTION TOOLS.
FUNDING WILL COME FROM THE SALE OF A SURPLUS TRUCK BOX.**

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

- §1: Amend the 2017 annual budget to increase expenditures and revenues in the fire control operation supplies budget in general fund for the purchase of extraction tools. Funding will come from the sale of a surplus truck box.

| | | |
|--------------------|--|---------|
| 001-3100-422.06-50 | | \$7,500 |
| 001-0000-369.03-00 | | 7,500 |

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

PASSED FIRST READING: April 3, 2017

PASSED SECOND READING:

APPROVED:

ATTEST:

Chuck Barney, Mayor

Kelly Matalka, City Clerk

ORDINANCE NO: 5185

AN ORDINANCE AMENDING THE 2017 ANNUAL AIRPORT BUDGET TO INCREASE THE PROFESSIONAL SERVICE CONTRACT EXPENDITURES & REVENUES FOR THE WETLAND DELINEATION AND CULTURE REPORT.

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

- §1: Amend the 2017 annual airport budget to increase the Professional Service Contract expenditures and revenues for the wetland delineation and culture report.

| | | |
|--------------------|--|----------|
| 100-0000-331.00-00 | | \$11,682 |
| 100-0000-334.01-03 | | 649 |
| 100-5000-501.03-22 | | 12,980 |

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

PASSED FIRST READING: April 3, 2017

PASSED SECOND READING:

APPROVED:

ATTEST:

Chuck Barney, Mayor

Kelly Matalka, City Clerk



TO: Mayor Chuck Barney
Members of the City Council

FROM: Jason Sorenson, Assistant Public Works Director

DATE: April 19, 2017

SUBJECT: 4 x 4 Pickups – Multiple Departments (Project Number 4265)

I. RECOMMENDED ACTION

1. Due to the timing of the bid opening, a tabulation was not available before the memo deadline. A full tabulation and recommendation will be available prior to the Committee meeting.

II. DEPARTMENT CONTACT PERSONS

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

III. DESCRIPTION

A. Background

A request for bids was advertised to purchase 4 x 4 pickups for multiple departments. These units will replace older worn out vehicles in the respective department's fleet.

IV. IMPACT:

A. Fiscal Impact:

Project Costs

| | |
|-------------------------|-----|
| Water/ Sewer Department | TBD |
| Water Treatment Plant | TBD |

Project Funding

Funding for these purchases was included in the 2017 budget

| | | |
|-----------------|----------------------|----------|
| Water/Sewer | (140-0000-165.03-90) | \$35,000 |
| Water Treatment | (140-0000-165.03-90) | \$25,000 |

Approved for Council Agenda: _____

Date: _____