

## COMMITTEE OF THE WHOLE

November 28, 2018

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### Members Present:

Sipma (Mayor), Jantzer, Pitner, Podrygula, Straight, Wolsky

### Members Absent:

Olson

To the Honorable Mayor and All Aldermen:

Following are the recommendations of the **Committee of the Whole** meeting called to order at 4:15 p.m. on Wednesday, November 28, 2018:

- 1. The City Council approve the final payment of \$36,422.87 to be paid to West River Striping Company for the 2018 pavement markings. (4343)**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 2. The City Council approve Final Pay Application No. 3 in the amount of \$43,987.35 to be paid to Keller Paving and Landscaping, Inc. for the 2018 Sidewalk, Curb, & Gutter project. (4311)**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 3. The City Council approve the final payment of \$498,789.96 to be paid to Bechtold Paving, Inc. for the 2018 Street Improvement District. (4308)**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 4. The City Council approve revisions to the Cemetery Superintendent job description as proposed.**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 5. The City Council adopt a resolution approving participation in the NDPERS Portability Enhancement Program.**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 6. The City Council pass an ordinance to amend the 2018 annual budget to move \$15,771.18 from the Library's Cash Reserves into the Library's Salaries for 2019 in order to correct this discrepancy without impacting the Mill Levy.**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 7. The City Council approve the Right of Way Encroachment Agreement Application submitted by Norsk Brothers, LLC for the installation of an ADA access ramp at their building at 18 2nd Street NE.**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 8. The City Council accept the drainage easement on a portion of Park in Block 5, Edgewood Vista Subdivision, to the City of Minot, North Dakota. (4427)**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 9. The City Council authorize the Transit Department to proceed with the purchase of an upgrade to the current RouteMatch Intelligent Transportation Systems hardware and software and pass an ordinance to amend the 2018 annual budget. (BUS034 & 4430)**

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The above motion by Alderman Pitner, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 10. The City Council approve the final payment in the amount of \$971.98 to Dig It Up Backhoe Service for 2018 Nuisance Abatement. (4347)**

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The above motion by Alderman Straight, seconded by Alderman Pitner.

Alderman Straight brought up issues regarding nuisances in general including how to better identify nuisances around the city and how to abate them more quickly. He said, he believes the City needs to be more forceful when it comes to enforcement of these issues.

Alderman Podrygula agreed and raised concerns about the zombie homes around the community and the difference between a yard that is just messy compared to a yard that can be defined as a nuisance.

Alderman Wolsky said, they receive a number of calls about aesthetics in the community.

Whereupon a vote was taken on the above motion by Alderman Straight, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

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**11. The City Council approve the final payment to Pace Construction Inc. in the amount of \$115,666.75 for the SWIF Action B Storm Sewer Outfall Televising and Inspection Project. (3135.2B)**

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The above motion by Alderman Straight, seconded by Mayor Sipma.

Upon questioning by Alderman Straight, the Public Works Director stated, this project televised anything that penetrates through the flood line of protection and into the culverts, gate wells, flap gates, and all structures in and out of the dead loops. A report was done in order to move forward with the assessment of cleaning, repairs or replacement.

Mr. Jonasson continued by saying, they have looked for cost effective solutions to maintain the flow of water including a storm water tornado but when there is a large pipe with a lot of flow, there is a lot of silt collected that needs continuous cleaning. They were recently in Nubbin Loop and at Oak part removing sand and silt as part of the SWIF maintenance.

The Public Works Director said they are now working on SWIF-D but there will be at least two more to address the deficiencies found in the report. He responded to further questions by saying, the results of the report were better than he expected. He knew there were issues with pipes but mostly it involves a lot of cleaning which is not easy or cheap to do. It is a combination of age and the 2011 flood that have rusted the pipes but they have exceeded their life expectancy.

Whereupon a vote was taken on the above motion by Alderman Straight, seconded by Mayor Sipma, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

**12. The City Council approve the transfer of land, whose legal description is Lot One (1), Block One (1), Tollberg Shores Second Addition, Ward County, North Dakota, from Northern Lights Property Development, LLC to the City of Minot, and authorize the Mayor to sign the Real Estate Transfer Agreement. (3575)**

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The above motion by Mayor Sipma, seconded by Alderman Straight.

Alderman Wolsky asked what the transfer of land would cost the City annually in operations and maintenance and if there are any known replacement costs to consider.

The City Engineer stated, there isn't any substantial operating or maintenance costs and it would be mostly limited to mowing. The infrastructure that leads into the pond is brand new and punch lists are completed. He further explained, it was an existing lake which was a landlocked slew with no outlet. As the area developed it was more cost effective for the city to have one regional detention pond rather than multiple ponds for each property. The developer did an overall stormwater management report for the entire area and the infrastructure was sized and installed to handle all the future subdivisions. The stormwater will be piped to the natural lake and an outlet elevation will allow nature to take its course and discharge it to a natural outlet. They were able to regulate an existing lake and utilize it for regional detention for northwest Minot.

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Whereupon a vote was taken on the above motion by Mayor Sipma, seconded by Alderman Straight, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

### **13. The City Council defer the decision on the City Hall Retaining Wall Project until the Capital Improvement Plan is revised (4398)**

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Alderman Pitner moved the City Council authorize the engineering department to solicit Requests for Qualifications for engineering services for the City Hall Retaining Wall Project. Motion seconded by Mayor Sipma.

Alderman Wolsky said, the project was first included in the CIP in 2016 but in his opinion, the project raises some concerns. He asked what the annual cost is to maintain the retaining wall and what it will cost over the next five years if it isn't replaced. He then outlined details from the report that was done by KLJ. He said, the report suggests the slope of the wall is stable so he recommended planting vegetation rather than building vertical walls. The consultants were hired to research alternatives but it appears in the report that they were told to replace the wall. Alderman Wolsky stated, he cannot support advancing this project when its' use of tax dollars are competing against other City projects or the priorities of the School Board. He mentioned the benefit of having an additional 50 parking spaces if the project is completed but said he does not believe additional parking is necessary.

Mayor Sipma disagreed. He said, the geological makeup of the hill is sand and gravel and every time it rains, we see it wash down the hills. If left unprotected the materials slide from underneath the infrastructure we have in place. Regardless of whether City Hall is moved and the Police Department takes over the building, we still have an extraordinary need to protect the facilities we currently have in place. We also need to consider the road and the parking lot above the wall. This project should have been addressed a long time ago. He said, he looks at what we're trying to protect rather than pontificating priorities.

Alderman Wolsky said, he is not suggesting we disregard the circumstances of the wall but he is questioning the proposal and the manner that is suggested to address the issue.

The City Engineer explained that a vegetative slope is not an option considering the gradation of the slope and the volume of water that accumulates over the hill. We have taken care of a lot of issues but if it was only vegetation, a big rain will erode it away worse than the current grouted rip rap. The current material is not a retaining wall system, it is a veneer protecting the underlying soils from erosion. As holes have developed in the veneer, water get in and erodes the underlying soils which loses stability. Over time, as there is less and less to material left to repair, sections of the wall will fail. Whether it is fixed today or sometime down the road, it needs to be addressed.

Mr. Meyer then explained, when the soil borings were first done, the options were identified and the most cost effective alternative for our situation was a soldier pile retaining wall with a concrete veneer face. He said, the wall at Hillcrest Avenue was done at the same time and was the same situation. There was a public street as well as water and sewer that needed to be protected so we spent over one million dollars install a wall to protect it. The study outlines details of five or six different retaining wall types including costs and levels of protection. Eventually the soldier pile retaining wall was selected for the main wall.

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For the smaller walls a ready block system could be used. The issue then is a matter of managing risk. He said, it needs to be decided if we are we comfortable delaying the project accepting the fact that if time goes on there will be more risk.

Alderman Wolsky asked if the costs were evaluated to capture water at the Auditorium and address the drainage issues before the water got to the wall. He asked if that would allow us to use a vegetative surface on the wall.

The City Engineer responded by saying, he does not recommend using a vegetative slope and said it would not solve the issue we have here. Most of the cascade flooding has been addressed with the 6<sup>th</sup> Street project and 3<sup>rd</sup> Avenue storm sewer but the groundwater behind the wall is still a problem. He said, right now there is no way to relieve the groundwater pressure behind what we have. We could take care of the waterfall effect but cannot access the groundwater effect behind the current wall. The only way to install a good drain tile system is to remove the wall anyway.

Alderman Straight said, he looks at the project by comparing it with other priorities and asked if there is a mid-range solution that will buy some time.

Mr. Meyer said, when the projects are laid out in the Capital Improvements Plan, a lot of thought is put into where projects fit into the plan and what should take priority. This project has now been delayed for several years and a time goes on, the City accumulates more risk. He said, it would take a good portion of the summer to design the project and it probably wouldn't be started until late fall 2019 or early spring 2020. There really isn't a good breaking point to divide the project into phases because of the specialization involved with mobilizing the equipment to do the job.

The City Manager responded to questioning about the funding source by saying, the project needs to be done regardless of where the funding comes from. He said, it is a matter of risk and what the City is comfortable doing. He mentioned the recent approval to spend \$700,000 a year in insurance to protect all of the City's assets and said this would be a similar investment. It's not a glamorous project but it would protect City Hall, the Police Station, Dispatch and the Auditorium. At some point we need to accomplish the project regardless of the funding source.

Alderman Wolsky moved to table the issue until the Capital Improvements Plan is reviewed in the spring. Motion seconded by Alderman Straight.

Upon questioning by Alderman Podrygula, the City Manager explained the process moving forward with the CIP. He said, staff is working toward a five-year CIP document that will identify needs by department using objective rating criteria. It will be brought to the Council annually for approval and inclusion in the budget. The target delivery date is to discuss a draft of the document in February or March of next year. Council will be able to use the CIP to allocate resources and gain insight on the progress of projects. He said, the full process is yet to be determined whether projects are compared against one another in different departments or if decisions are made based on affordability budgets within a department.

Alderman Podrygula then asked what effect it would have on the structure if the project was delayed.

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The City Engineer stated, it would push back the timeline with regards to awarding an engineering firm and designing the project. That would probably delay the start of construction until the following season. He said, it is hard to predict how it would affect the wall but delays result in increased risk of further damage.

Upon questioning by Alderman Pitner, the City Manager confirmed, funds would still be available in the future if it was delayed.

A vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Straight and failed by the following roll call vote: ayes: Pitner, Straight, Wolsky. nays: Jantzer, Podrygula, Sipma.

A vote was then taken on the above motion by Alderman Pitner, seconded by Mayor Sipma and failed by the following roll call vote: ayes: Jantzer, Sipma. nays: Pitner, Podrygula, Straight, Wolsky.

Mayor Sipma moved to defer the decision on the City Hall Retaining Wall Project until the Capital Improvement Plan is revised. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

### **14. The City Council approve the selection of EAPC to perform the necessary analysis work on the Anne Street Bridge, authorize the City Engineer to negotiate a scope and fee and authorize the Mayor to sign the agreement. (4385)**

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The above motion by Alderman Straight, seconded by Alderman Wolsky.

Alderman Wolsky requested a review of the bridge as a historical structure be included in the plans.

Mr. Meyer responded by saying, it is already included in the scope. Upon further questioning Mr. Meyer said, the funding for the project will come from CDBG-DR Allocation #2.

Whereupon a vote was taken on the above motion by Alderman Straight, seconded by Alderman Wolsky, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

### **15. The City Council approve the transfer of a retail liquor and beer license from Rose Keyes, owner of Rose's Blind Duck, LLC to be transferred to Blindsides Investments, LLP.**

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The above motion by Alderman Wolsky, seconded by Alderman Straight.

Alderman Wolsky stated, this transfer in related to a transfer that took place the previous month and inquired about a date of inactivity.

Gary Huber, the owner of the license said, the last date of operation was October 31<sup>st</sup> making November 1<sup>st</sup> the inactive date.

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Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Straight, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

### **16. The City Council consider the recommendations of the Minot Environmental Policy Group during the discussion of the Recycling Report by CPS Engineering.**

Tim Baumann, a member of the Minot Environmental Policy Group, spoke to the Council about documents they submitted regarding single use plastic bags. He said, the issue has been a hot topic on a national level and other communities have used disincentives in order to encourage consumers to avoid single use plastic bags and instead use reusable shopping bags. He said, he met with City administration to discuss the issue before presenting a sample ordinance for the City Council to consider. He described the documents that were provided including a description of the members of their group, an accumulated list of public comments on the issue, a letter that was sent to retailers, financial scenarios of single-use plastic bag fees, and a proposed ordinance.

The Committee thanked Mr. Baumann for appearing before the Council for discussion and emphasized the importance of the issue.

Alderman Podrygula moved the Council consider the recommendations of the Minot Environmental Policy Group during the discussion of the Recycling Report by CPS Engineering. Motion seconded by Alderman Wolsky.

Alderman Podrygula stated, this is an excellent example of the process for a group to initiate ideas but he believes the discussion would be better suited in conjunction with the overall discussion on recycling and sanitation. From the information that was provided, there are pros and cons that should be considered with the overall recycling package. He said, he believes it is an excellent idea but the discussion is premature.

Mayor Sipma inquired to Mr. Baumann about the cost of this project on taxpayers. He said, imposing restrictions would require enforcement costs and there are already limited resources. He also said, the group should get some more input from the public and from retailers on the issue. He emphasized that it is a mindset change that needs to take place in the community and he encouraged the group to work on getting the community behind it.

Mr. Baumann responded by saying, they currently have a Facebook group with 246 members who discuss environmental issues and biweekly educational posts. He stated, they don't know how to accomplish it other than being continually aware of their actions and encouraging discussions. He said, he believes a lot of education is taking place via social media where they can respond to questions for example, people have asked how the fee is regulated at self-checkouts. He said, Target already offers a \$0.05 credit for bringing a reusable bag that is self-regulated.

Upon questioning by the Committee, Mr. Baumann said, he did not find it appropriate to reach out to retailers without having the support of the City Council first. He understands that is the missing piece in enforcing a change in single-use plastic bag usage.

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Alderman Straight volunteered to be a liaison between the Minot Environmental Policy Group and the City Council.

Whereupon a vote was taken on the above motion by Alderman Podrygula, seconded by Alderman Wolsky, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

### **17. The City Council approve the Amended MAGIC Fund General Policy Guidelines.**

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The above motion by Mayor Sipma, seconded by Alderman Podrygula.

Alderman Wolsky stated, he is not supportive of the amendments. In his opinion, the document is not finalized and is not clear or easy to understand. He would prefer to send it back to the committee.

Upon questioning by Alderman Podrygula, Mayor Sipma, a member of the committee who worked on the document, explained that the language was changed to mirror what already exists for other entities. There were discussions with MADC and the Chamber of Commerce to align policies and clarify the purpose and process for use of the Magic Fund. The language now matches what exists for the application process.

Alderman Jantzer, also a member of the committee, said the previous guidelines were amended to include more flexibility in some instances as well as tighten some language to reflect usage in other areas of the state.

The Finance Director explained, the Magic Fund was brought up during the budget discussions because there hasn't been much activity taking place. They decided to expand usage to include a revolving loan fund to encourage small business growth on a local level. He said, additional work still needs to be done but the framework is in place.

Alderman Jantzer added, some grants of funds for small businesses require a local match and this would provide an opportunity for that. This will provide another tool to give leverage to the community and promote economic growth.

Alderman Wolsky said, he believes the policy amendments should take place after the IEDC technical teams complete their work.

Alderman Jantzer reminded, this is still a living document and if the stakeholder groups bring other improvements to be considered, it can be amended at that time.

Whereupon a vote was taken on the above motion by Mayor Sipma, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight. nays: Wolsky.

### **18. The Finance Director described some updates regarding the Parking Ramps.**

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Mr. Lakefield said, a report was ran from May 1<sup>st</sup> through today which indicated there were 186 calls for service since the City took over the parking ramps. He said, 17 were for assistance for equipment, 145 were for extra patrol and the remainder were for miscellaneous issues, including a moose reported in the facility.

He continued by saying, there was an issue that received a lot of attention recently where a customer was stuck inside one of the ramps. It was determined that her pass did not work because she was in the garage beyond the allotted time on her parking pass so the equipment would not open without further payment. He said, the equipment has been improved to ensure no one else gets stuck in the facility. Staff is on call with access to the passcodes and keys necessary to open the equipment and dispatchers are able to access it remotely. Staff now has a list of frequently asked questions and commonly encountered situations they can troubleshoot quickly. He said, problems that have occurred were mostly due to operator error.

Mr. Lakefield also described the improvements that have been made regarding routine maintenance and repairs. Property Maintenance checks the ramps daily and ensures they are clean and have paths cleared of snow. The Superintendent is working on an RFP for a camera system in the ramps to provide improved security. He concluded by showing some photos of the ramps comparing their previous conditions with the improvements made after the City took over ownership.

### **19. The City Assessor gave a presentation on current activities taking place in the Assessor's Office.**

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The City Assessor, Kevin Ternes, shared information about the Assessor's Office. He described the makeup of the staff as well as their duties and the technological changes that have taken place over the years. The full presentation can be viewed at:

[https://www.youtube.com/watch?v=gTZYG2iNHY&index=2&list=PLy7BU2QaZsOTe3h6VnMGJE\\_Xw7Yvr-BpB](https://www.youtube.com/watch?v=gTZYG2iNHY&index=2&list=PLy7BU2QaZsOTe3h6VnMGJE_Xw7Yvr-BpB)

There being no further business, the meeting was adjourned at 6:32 pm.

Respectfully Submitted,  
Kelly Matalka,  
City Clerk