

COMMITTEE OF THE WHOLE

January 2, 2018

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Members Present:

Barney (Mayor), Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky

Members Absent:

None

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 January 2, 2018:

Alderman Podrygula entered the meeting at 4:17.

- 1. The City Council authorize the engineering department to solicit Requests for Qualifications for engineering services for the 31st Ave SE Reconstruction Project. (4331)**

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

- 2. The City Council approve Pay Estimate #2 – Final payment to Wagner Construction for work completed on the Perimeter Road Reconstruction project and authorize the Airport Director to sign applicable Final Payment documentation. (AIR049)**

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

- 3. The City Council approve the letter of agreement between Magic City Tower, Minot International Airport, and AvFlight regarding Control of Vehicles and Equipment in Movement and Non-Movement Safety Areas and authorize the Airport Director to sign the agreements.**

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

- 4. The City Council approve the reassignment of the aircraft hangar lease from Bessette Aviation to Executive Air Taxi and authorize the Mayor to sign the agreement.**

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

- 5. The City Council approve the operating agreement between Delta Air Lines and City of Minot; approve the operating agreement between United Airlines and City of Minot; and authorize the Mayor to sign the agreements.**

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

6. The City Council approve cost participation with the North Dakota Department of Transportation (NDDOT) for intersection improvements at Evergreen Ave / Highway 2/52, contingent upon project selection from the NDDOT.

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

7. The City Council approve the Municipal Armory as the polling location for 2018 elections.

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

Mayor Barney said he is concerned using the Armory will create confusion among voters.

The Auditorium/Recreation Director stated, there is a regional volleyball tournament from 5:00-7:00 PM the day of the November election, which is why it was decided to move the location to the Armory. Typically, for such an event, the doors would be locked and attendees would be directed to the main entrance to be charged admission. The thought behind the recommendation was to maintain consistency between the June and November elections.

Alderman Sipma moved to amend the motion to hold the June Election in the Auditorium, room 201 and the November election can be held in the Armory. Motion seconded by Mayor Barney.

Alderman Olson said, she would like to see both elections held in the Auditorium because it is much easier for voters to access.

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

A vote was then taken on the original motion by Alderman Wolsky, seconded by Alderman Straight, as amended and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky; nays: none.

8. The City Council approve an application for a Renaissance Zone Project filed by Corridor Investments, LLC for a five-year property tax exemption, including improvements and a five-year business investment income tax exemption on the property located at #1 Main St N (Original Minot Addition, Lot 15 Except North 8" & all of Lot 16, Block 20).

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

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The Committee had several questions relating to the item but since Mr. Zakian was unavailable, they listed their concerns to be addressed at the City Council meeting.

Mayor Barney read a section of the memo provided by staff and requested clarification as to whether or not additional employment opportunities have been added by the project.

Alderman Straight asked if the project was being approved for the tax exemption after it has already been completed.

Alderman Wolsky inquired how the City verifies what was spent. He also asked if there is anything in the Century Code allowing for partial approval of a Renaissance project and he asked for clarification on the goals of the Renaissance program.

Alderman Wolsky asked Dan Ruby, who was in the audience, about a legislative study taking place on the Renaissance program. Mr. Ruby responded by saying, they are conducting a cost/benefit analysis and are determining which standing committee will review the report.

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

9. The City Council approve a sub-recipient agreement with Souris Basin Planning Council in the amount of \$14,500 to provide support services for NDR project activities.

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

Alderman Wolsky requested staff explain Task 1 under the Activities section of the agreement. Since Mr. Zakian was unavailable, the information will be provided for the City Council meeting.

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

10. The City Council approve a contract extension through June 30, 2018 with CDM Smith for project delivery services for CDBG-DR Allocation #2 with all terms and conditions remaining the same including no additional allocation of funds to existing cap.

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

Alderman Wolsky asked how much money is left in the second allocation and the number of projects remaining. The Finance Director said the grant is nearing completion and the contract will extend the amount of time on the CDM Smith contract but will not increase the dollar amount.

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

11. The City Council adopt the Resolution to adjust the 2018 Rates, Fees, and Charges Pertaining the Minot International Airport Ramp Parking Fees.

The above motion by Alderman Olson, seconded by Alderman Sipma.

Alderman Straight asked what prompted a change to the fees, to which the Airport Director replied by saying, the rates have been revisited to come to a compromise to cover costs while keeping the price below the T-Hangar rate. The daily rate will remain \$5.00 but will cap out at a maximum monthly fee of \$60.00 rather than the originally approved \$150.00. The change also includes an increase in the fee for larger corporate aircraft. Upon further questioning, the Airport Director said, there are currently about 20-25 aircraft who use the service.

The Mayor asked about the net impact the change will have on the Airport budget. Mr. Feltner stated, it is hard to calculate without knowing how many aircraft are staying, although the change should motivate more customers to stay. The result of the changes should be a wash.

Alderman Straight commented, he is glad the fees were reviewed because he does not want to see customers leaving the Minot Airport in exchange for a cheaper airport in other cities. By keeping the aircraft here, the Airport benefits by providing other services like refueling and maintenance.

Alderman Podrygula said this example illustrates an ongoing problem of adjusting fees periodically. He said, he would like to see automatic increases that fluctuate with the change in the cost of living.

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

12. The City Council approve the cost participation with the North Dakota Department of Transportation (NDDOT) for the Washington Elementary Safe Routes to School project, contingent upon project selection from the NDDOT.

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

Alderman Sipma said he is glad to see this area connected by sidewalks especially since a grant like this hasn't been considered since 2009. There have been discussions in the past regarding when to require sidewalks and this is a good opportunity to install them in these areas.

Alderman Wolsky requested a copy of the Minot Safe Routes to School Study, referenced in the memo from staff. He asked how often funds are available for this type of project.

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The City Engineer said he would provide the report to Council. He continued by saying, they try to work on groups of sidewalks to save on mobilization costs. The City of Minot has been awarded funds each time they have applied these grants. After building some of the grant funded sidewalks, they tried to spread the priorities around to other projects to enhance the downtown streetscape. Those projects don't score highly in competitive grant systems so it has been decided to shift the focus to school areas going forward.

Alderman Wolsky asked if the grant funds could be used to rehabilitate the Ann Street Bridge. The City Engineer said it should be eligible and recommended the Council initiate a study on the bridge. An analysis will help get a good understanding of the cost and type of improvements needed, which the railroad will need to know. He said the Council can direct funding for the study during the next budget cycle.

Alderman Olson said she lives in an area that had sidewalks installed and understands it is for the greater good of pedestrian traffic but she also had neighbors who were not in support of sidewalks. She encouraged staff to properly communicate the information to the neighborhoods affected.

The City Engineer said, since this is a federally funded project, an environmental study is required and public input meetings will be conducted. If the project is approved, letters will be mailed to all of the residents. He commented that neighbors are typically not in favor of installing sidewalks they have to maintain.

Alderman Sipma said, his concerns when the sidewalks were installed in 2009 was that they did not connect to anything. This project resolves those issues and connects the sidewalks with the surrounding schools.

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

13. The City Council authorize staff to commence due diligence work on the Downtown Gathering Space and affirm the selection of Site #2 located at the NW corner of 1st Street SE and 1st Avenue (Block 11) as the preferred site location as well as Site #1 located at the NW corner of 3rd Avenue SW and Broadway (Block 20) as first back up site and Site #3 located at the NW intersection of 3rd St. SE and the Canadian Pacific Rail line (Block 13) as second back up in event that due diligence discovers that Site #2 is not feasible based on HUD rules and requirements.

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

Alderman Straight said, as the City Council liaison for the project, he took part in the two public meetings where 110-120 participants attended. There were also about 11,000 online votes submitted for the gathering space. He said he is happy with the direction of the project and is excited to move forward. He referenced concerns over a letter that was received earlier that day but said he believes there may be some confusion between staff communication and one of the landowners.

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Alderman Wolsky stated, he has questions he will hold onto until Mr. Zakian returns. He also said he had concerns with the process of the site selection but after the public meetings and the scoring criteria were calculated, he believes the process resulted in a good recommendation.

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

14. The City Council grant authorization to auction the house at 338 Walders Street for relocation.

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

Upon questioning by the Committee, the Finance Director clarified, the house at 338 Walders Street would be sold for relocation but the City would retain the land.

Alderman Sipma asked where the funds from the sale would go, to which Mr. Lakefield replied by saying, the proceeds would go back into the highway debt service fund which was used to purchase the house in 2015. He continued by saying, a portion of the land where the house is located, is required for the flood footprint. The intention is not to auction the house right away but the first phase of flood control includes construction of a parking lot for the property. If it is not going to be used as a welcome center or entrance to a greenspace, then those construction costs can be eliminated from the project. There is potential for the house to be used as an office during construction or as housing for construction workers during Phase 1.

The Finance Director explained, the vision for the property in the NDR application was that it could be used as a welcome center to the greenway. The application did not receive all of the funds requested and as a result the welcome center was eliminated from future plans. There is potential for the concept to continue but it would require an additional funding source and design.

Alderman Wolsky asked if there was an appraisal done for the property but Mr. Lakefield, who was not employed at the time of the purchase, did not have that information available. Alderman Wolsky commented that he is frustrated by the process and by the decisions made in the past. He wondered how much money could be recovered from an auction and what it would cost to hold the property for a couple years. He said the purchase should have received public input during the phase 1 public meeting but it took place after Council approved the purchase. He said he does not support auctioning the house but rather, he envisions a museum of bad decisions.

Alderman Straight asked if the house could be used for additional housing for a homeless shelter. Mr. Lakefield said, typically a property must be offered to the public at the same time but it is a potential option. He stated, the house would not be auctioned for several years but if staff is given the direction to sell it, they can eliminate the parking lot improvements from MI-1.

Upon concerns by the Committee, the Finance Director said, it could be auctioned quickly but staff believes there are other uses that can recoup some of the costs of the purchase.

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Alderman Podrygula said he believes the house was a mistake and continued by saying a welcome center would require volunteers. He said, a public spirited organization could purchase the house and the land should be a parking lot or greenspace.

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

15. Garbage Standardization

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Jason Sorenson, Assistant Public Works Director, presented information on the standardization of trash collection. He described the ordinance which was passed in July, 2017 and will take effect July 1, 2018. He highlighted the section saying, "the waste management utility has sole responsibility to collect and dispose of all residential waste" but mentioned that the City Attorney suggested removing the statement "The City of Minot shall not be held responsible for damage to private property roadways during waste management collection." He also cited the State Law authorizing the changes to the ordinance.

He explained the purpose of the changes by saying, it would establish a clear definition between residential and commercial collections and would provide a uniform system of collection for all residential collection services. Implementation of this process would add 994 residences for collection which would increase revenue by an average of \$193,472.16 per year. During previous discussions it was mentioned that the City would lose revenue in tipping fees from private contractors so Mr. Sorenson estimated the average cost from contractor tipping fees at \$51,688 per year.

Mr. Sorenson showed several examples of the inconsistencies in collection services throughout the city. He said, some residences have opted out of City service to prevent damage to their private drives but many private haulers use the same equipment. He further explained that private drives are not built to the City standard but the department handles collection on many private drives without any issues or damage. He said, many cities have mandatory collection and require the resident or HOA sign a waiver of responsibility for damage or must haul their trash to the nearest right of way. Mr. Sorenson listed several comparable cities that have mandatory trash collection in their ordinances, including Bismarck, Grand Forks, Fargo, and Dickinson. He also said, if dumpsters are necessary, the City can retro-fit a truck to utilize dumpsters.

He continued by saying, if no additional action is taken by the Council, staff will implement the changes in July. In March, staff will begin to notify the new customers and distribute the survey to identify which size carts to purchase. The Council could also decide to remove the requirements and leave collection in its current state. City staff could look into developing permits or Franchise agreements to allow private collection of residential trash. The City could look into implementing dumpster service for four-plexes or could add a much smaller vehicle for collection on private drives.

The Mayor brought up the potential for recycling in the future and asked if agreements could be negotiated with private contractors to implement recycling.

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Alderman Jantzer stated that if citizens were unhappy with their current service, they would contact the City to make the change. He also wondered how the price difference would affect the residents. Mr. Sorenson said, he does not have the figures though he has heard it is about the same price except the City provides collection twice per week instead of once.

Dan Ruby, of Circle Sanitation, spoke against the ordinance change. He described the different equipment their company uses to avoid damage to private drives and said the Public Works Director does not believe the problem will be solved even after the City buys the smaller truck. He noted concerns from the older population of customers who are unable to use the large carts. He also stated that a government takeover would be disastrous for private haulers. He said he believes in competition and thinks franchise agreements would be discriminatory.

Alderman Podrygula stated, he agrees with many of Mr. Ruby's comments. He visited the Circle Sanitation website and noticed they have low fees but they also charge interest for late payments whereas the City does not charge any interest.

Several residents of 32nd Ave SW came forward in opposition to the proposed changes. They also provided a petition signed by many residents in the neighborhood. They said they are satisfied with their current collection and listed concerns with switching to City service. They explained, the private drive is not built to handle the larger equipment and would be damaged by the City's trucks. They also spoke about the difficulty in transporting the carts because many of the residents are elderly and unable to maneuver them. They mentioned the need for competition to drive the market and price variation.

Senator Larson, Representative of District 3, said his constituents contacted him with concerns. He suggested a committee be formed to discuss the issue and he wants to look at privatizing to save money. He said constituents have concerns over the lack of choices. He also commented on the overwhelming amount of trash residents produce and said it is a problem that should be addressed.

Mr. Schuster, an owner of several four-plexes, said the containers would be a problem because there is no space to place them. He said he currently uses dumpsters from Circle Sanitation and would agree to the service if dumpsters were provided. Mr. Watne, a Minot realtor, agreed with those concerns and suggested four-plexes be given an option.

Alderman Jantzer said he does not believe there is an answer at this point and it is not a one size fits all type of service.

Mayor Barney said he does not see a compelling argument financially, to merit any changes. The residents have spoken in opposition and it would be an undo financial hardship to other businesses if the ordinance changes move forward.

The Committee shared their concerns relating to increased costs to the City in labor and equipment, the effect on competition in the community, the role of the City in forcing residents to use services, and the potential damage to private streets. They also suggested a conversation take place regarding franchise agreements.

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Alderman Wolsky moved the Council direct the City Attorney to draft an ordinance for the February 5, 2018 meeting, that is reflective of past practices allowing for consideration that tri-plexes, four-plexes and condo associations, be given the option to choose which service provides their trash collection. Motion seconded by Alderman Sipma.

Alderman Olson cautioned against making any recommendations since the item was not published as actionable, only informational.

The Mayor stated, the Council will have two readings to discuss the issue but this will get the conversation started at the next meeting.

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

16. The Airport Director submitted a written report

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There being no further business, the meeting was adjourned at 6:34 pm.

Respectfully Submitted,
Kelly Matalka,
City Clerk