

PUBLIC WORKS AND SAFETY COMMITTEE

April 26, 2017

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Members Present:

Berg, Jantzer, Kossan, Podrygula, Shomento, Straight, Schuler

Members Absent:

None

Others Present:

City Clerk, City Manager, City Attorney, HR Director, City Assessor, City Engineer, Traffic Engineer, Building Official, Fire Chief, Police Chief, Public Works Director, Public Information Officer, Aud/Rec Director, Alderman Olson, Alderman Sipma, Alderman Withus, Jill Schramm

To the Honorable Mayor and All Aldermen:

Following are the recommendations of the **Public Works and Safety Committee** meeting called to order at 4:15 p.m. on April 26, 2017:

- 1. The City Council approve the reclassification of Sanitation employees due to the impending automation of garbage collection.**

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

- 2. The City Council approve the encroachment within City right-of-way for 501 31st Ave SW for asphalt pavement in the boulevard, with the following conditions:**

- 1. The Owner signing the permit agrees the costs of maintenance and replacement be his responsibility.**
- 2. The City Attorney prepare the encroachment permit agreement, including language to protect the City from liability.**
- 3. The City Council retains the right to revoke the encroachment permit if it becomes necessary for any reason.**
- 4. The property owner pays a \$100 processing fee.**

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

- 3. The City Council establish sewer connection fees at \$0.12/square foot for the following parcels:**

- 1. Lot 1 Flickertail 2nd Addition**
- 2. Lot 2 Flickertail 2nd Addition**
- 3. Flickertail Addition**
- 4. Outlot 2, S 36, T 156, R 83N**

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- 5. **Portion of SW ¼, S 36, T 156, R 83N**
- 6. **Outlot 3, 5, 6 & 21, S 36, T 156, R 83N**

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

4. The City Council establish connection fees at \$0.09/square foot for the following parcels in and around the Minot Prairie Industrial Park 2nd Addition (MPIP 2nd):

- 1. **Block 1 – Lot 1 (MPIP)**
- 2. **Block 1 – Lot 2 (MPIP)**
- 3. **Block 1 – Lot 1 (MPIP 2nd)**
- 4. **Block 2 – Lot 1 (MPIP 2nd)**
- 5. **Block 2 – Lot 2 (MPIP 2nd)**
- 6. **Block 2 – Lot 3 (MPIP 2nd)**
- 7. **Block 2 – Lot 4 (MPIP 2nd)**
- 8. **Dawn to Dusk Addition Lot 2, S 22, T 155, R 82N**
- 9. **Sublot C & Sublot B of Outlot 1 of NWSW, S 23, T 155, R 82N**
- 10. **Zablotney Owned Parcel (S2 NE NW LESS R-W, 23-155-82)**
- 11. **Outlot 10 & 9 S 23, T 155, R 82N**

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

5. The City Council authorize the Fire Chief to donate a 2002 Special Operations Trailer to the Minot Rural Fire Department.

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

6. The City Council pass an ordinance on first reading amending the City of Minot Code of Ordinances Section 26-3 (a)(1) and (b) and (c) relating to fees for mechanical and plumbing permits.

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

7. The City Council approve addendum 2 with the SRJB for utility relocations associated with the Mouse River Enhanced Flood Protection Project, authorize the Mayor the sign addendum 2 relating to SRJB relocations and pass an ordinance on first reading modifying the franchise agreements to permit the SRJB to direct relocations of the utilities but only after receiving written approval from the City Engineer or Public Works Director. (3529)

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The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

8. The City Council approve the Construction Engineering Agreement with Houston Engineering to re-route the Sundre Raw Water Line and authorize the Mayor to sign the agreement. (4195)

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

9. The City Council award the bid to Wagner Construction in the amount of \$1,694,160 for the NE Water Distribution system and authorize the Mayor to sign the documents on behalf of the City. (4156)

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

10. The City Council award the bid for the 30th Ave NE Gravity Sewer based on recommendation after the bid opening on May 1st. (3490.5)

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

11. The City Council place and pass the following ordinances on second reading:

- 1. Ordinance No. 5122- Rezone Bluff Point Estates, Lots 1-33 from AG to RM with a PUD Overlay
- 2. Ordinance No. 5123- Annex Bluff Point Estates, Lots 1-33 and adjacent 13th St SE & 37th Ave SE Right-of-Way into City Limits
- 3. Ordinance No. 5183- Amending the 2016 Annual Budget- MREFPP

The above motion by Alderman Jantzer, seconded by Alderman Kossan, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

12. The City Council approve the relocation of an accessory building from 306 Maple Street to 3520 30th St NW, subject to the following conditions:

- 1. A ten-thousand dollar completion bond must be posted with the City of Minot prior to issuance of any permits for this work.
- 2. An approved approach permit assigned to 3520 30th St NW issued by Harrison Township.
- 3. Building permits for all proposed construction.
- 4. An approved foundation design in compliance with City of Minot building codes.

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- 5. If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.**
- 6. All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.**
- 7. The exterior of the structure must be one consistent color or scheme of colors after relocation.**
- 8. Applicant must obtain all necessary permits, and coordinate all relocation activities with public utilities and traffic authorities.**
- 9. The property must be provided with proper site drainage and must be landscaped in a manner similar to surrounding properties.**

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

Larry Schafer, the applicant, came forward and requested condition #2 “An approved approach permit assigned to 3520 30th St NW issued by Harrison Township,” be waived. He said there are already two approaches to the adjacent property owned by the same owner.

The City Engineer stated, if the approach permit must be issued by the township, that township would need to waive that requirement as the City cannot rule on another township’s jurisdiction.

The Building Official added, Harrison Township would need to approve the existing approaches if they want to waive the requirement. He said the Chairman of the township is Todd Koop and the applicant can speak with Harrison Township to get the approval.

Upon questioning by Alderman Schuler, the Building Official stated, the approaches would need to be approved prior to the City of Minot issuing a building permit. The Committee and Council can approve the moving permit but the City would hold the building permit until approval was received from Harrison Township.

The City Manager said the committee may consider an amendment to the motion to include language stating, the condition that would include an approved approach permit issued by Harrison Township is required unless otherwise waived by Harrison Township.

Clara Sue Price, of 3520 30th St NW, the landowner of the proposed moving location, asked if the approach needs to be adjacent to the building or just on the property in question.

The City Engineer stated, as long as there is an access to the property it should be fine. He said he does not anticipate any issues from the township but they do need to check off on the approaches before the building permit can be issued.

Ms. Price explained, Mr. Schafer needs to get the garage out of its current location because of the flood project and Alderman Schuler said, an amendment to the motion should prevent any delays.

Alderman Podrygula moved the above motion be amended to include language for requirement number two to read as follows: “an approved approach permit assigned to 3520 30th St NW issued by Harrison

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Township unless otherwise waived by Harrison Township.” Motion seconded by Alderman Straight and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

Whereupon a vote was taken on the above motion by Alderman Straight, seconded by Alderman Berg, as amended, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

13. The City Council approve the low bid for the Sundre Pipeline (4195.0) to Wagner Construction in the amount of \$6,992,686.0 and authorize the Mayor to sign the bid document. Forward to City Council without recommendation, the bid award for the Sundre Reservoir and Pump Station. (4195.1)

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

The Public Works Director said, a letter of protest was received at about 3:00 pm, from Rice Lake Construction Group’s Attorney on project 4195.1, the pump station and reservoir. He explained that at the bid opening, Rice Lake was the apparent low bidder but after review of the bid tabulation, ICS became the apparent low bidder. Addendum #3 states “the following changes and clarifications for the contract document for the project are issued by the engineer and shall have the same force and effect as part of the original issue. Acknowledgment of this addendum is not required, bids will be evaluated without consideration to any figures included for item D on bid schedule A. This removes all milestone one work from the project. Bids received with figures included for this work will be evaluated with those figures subtracted from the total.”

The Public Works Director continued by saying, ICS had numbers included for this bid schedule, which was work the staff was looking at doing for well D. The engineers calculated the tabulations and followed the addendum procedures. Rice Lake argues, the addendum was acknowledged and the numbers shouldn’t have been removed by the City. He added, the City Attorney has not had much time to review the information but he recommends the committee award the bid to ICS. He will continue to work with the City Attorney and will give any updates at the City Council meeting.

Upon questioning by Alderman Straight, the Public Works Director said, protests happen for different reasons and he has seen a few throughout his career. They occur when math errors take place as well.

Alderman Straight asked about delays to the project and potential court proceedings to which Mr. Jonasson said, he would hope this wouldn’t delay the project because it is important and needs to move forward for the flood project and the Broadway Bridge. The City Attorney stated, the letter indicates a potential injunction and the legal process takes a significant amount of time but an injunction is typically quick and would depend on whether it is granted. She said the issue can move forward to Council without a recommendation and Council can make a decision after a more thorough review has taken place.

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The Public Works Director stated, if the award would go to Rice Lake, he would assume the City would receive a similar letter from ICS.

Mr. Jonasson requested the Committee make a recommendation on the first item, project 4195.0 to award the bid to Wagner Construction for the Sundre Pipeline and authorize the Mayor to sign the document.

Alderman Podrygula moved the City Council approve the low bid for the Sundre Pipeline (4195.0) to Wagner Construction in the amount of \$6,992,686.0 and authorize the Mayor to sign the bid document. Also, to forward to City Council without recommendation, the bid award for the Sundre Reservoir and Pump Station. (4195.1) Motion seconded by Alderman Kossan and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

Whereupon a vote was taken on the above motion by Alderman Straight, seconded by Alderman Kossan, as amended, and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler, Straight. nays: none.

14. The City Council concur with the bid recommendation from the NDDOT to award the bid to Keller Paving and Landscape of Minot in the amount of \$4,347,531.50 for the Burdick Expressway Reconstruction from 9th St to 15th St. (4179)

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

Alderman Straight stated, he appreciates the work staff has put into the project and all of the time they took to explain the options but he still prefers the alternative and will not vote in favor of the project. He does not believe straightening the road is the best idea.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Straight and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Podrygula, Schuler. nays: Straight.

There being no further business, the Public Works and Safety Committee meeting was adjourned at 4:41 pm.

Respectfully Submitted,
Kelly Matalka,
City Clerk