

## COMMITTEE OF THE WHOLE

May 1, 2018

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### Members Present:

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

### Members Absent:

Podrygula

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 May 1, 2018:

- 1. The City Council approve the final payment to the NDDOT in the amount of \$1,220.96 for US 2 Mill Overlay and Striping. (3740)**

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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, Sipma, Straight, Wolsky. nays: none.

- 2. The City Council pass an ordinance amending the 2018 annual budget to increase the information technology capital purchase expenditures and revenues for the purchase and install of a bypass switch and panel changes that will be used with the new UPS Battery Backup for City Hall & Dispatch. (IT0015)**

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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, Sipma, Straight, Wolsky. nays: none.

- 3. The City Council pass an ordinance amending the 2018 annual budget for the purchase of 2 new skid steer loaders. (4117/STR046)**

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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, Sipma, Straight, Wolsky. nays: none.

- 4. The City Council award the bid for the Odor Control Improvements project to PKG Contracting, Inc. in the amount of \$524,000.**

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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, Sipma, Straight, Wolsky. nays: none.

- 5. The City Council approve using the services of Prothman Company for the recruitment of the Community Development Director position; and further, authorize the Mayor to sign the contract on the City's behalf.**

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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, Sipma, Straight, Wolsky. nays: none.

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- 6. The City Council approve the change order the snow removal equipment broom; and authorize the Mayor to sign the change order.**

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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, Sipma, Straight, Wolsky. nays: none.

- 7. The City Council pass an ordinance amending the 2018 annual budget to decrease the capital expenses and revenues for capital projects not being done.**

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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, Sipma, Straight, Wolsky. nays: none.

- 8. The City Council award the contract to the lowest responsible bidder, Berger Enterprises, LLC, for demolition of structures acquired through the CDBG-NDR buy-out program. (3755.6)**

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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, Sipma, Straight, Wolsky. nays: none.

- 9. The City Council approve staff's recommendation of forgiveness of Linda M. Boyd's Promissory Note on hardship basis.**

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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, Sipma, Straight, Wolsky. nays: none.

- 10. The City Council approve a new list of structures for auction acquired in flood buyout program.**

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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, Sipma, Straight, Wolsky. nays: none.

- 11. The City Council award the bid to Dig It Up Backhoe in the amount of \$565,770 for the relocation of the structure at 103 4th Avenue NW (Home Sweet Home).**

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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, Sipma, Straight, Wolsky. nays: none.

- 12. The City Council approve the Memorandum of Understanding (MOU) with ND Information Technology Department (ITD) for use of their radio frequencies and authorize the Mayor to sign the MOU.**

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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, Sipma, Straight, Wolsky. nays: none.

**13. The Police Department has a Grade 4 Jail (Minot Police Holding Area) that was inspected by staff from the North Dakota Department of Corrections and Rehabilitation on March 28th, 2018. The City Council received the Statement of Inspection letter.**

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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, Sipma, Straight, Wolsky. nays: none.

**14. The City Council pass an ordinance amending the City of Minot Code of Ordinances, Section 7-11 to exempt City Staff and Minot Park District staff from Section 7-11 when egg addling.**

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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, Sipma, Straight, Wolsky. nays: none.

**15. The City Council approve final payment to Keller Paving and Landscaping, Inc. in the amount of \$824,240.02 for Phase II of the Downtown Infrastructure Improvements project. (3608)**

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

Upon questioning by Alderman Wolsky about the quality of the concrete work downtown, the City Engineer stated, the contractor has signed off on fixing those areas this summer. The reason the final payment request was brought forward was to meet a grant deadline. The performance and payment bonds, as well as the acknowledgement from Keller will back up those issues.

The City Engineer then addressed the issue of liquidated damages by saying, the contractor was 76 days late which equated to about \$184,000.

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, Sipma, Straight, Wolsky. nays: none.

**16. The City Council pass an ordinance amending the 2018 annual budget in the amount of \$7,000 for the 2018 Companions for Children grant.**

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

Alderman Wolsky said he supports Companions for Children but asked, how the City determines which organizations receive funding.

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The City Comptroller responded by saying, there is an application process during budget considerations and the amount depends on what is requested by the different entities.

The City Manager mentioned, there have been internal discussions regarding the support of grantees and the issue will likely be discussed during the budget process.

The Committee discussed the possibility of reviewing proposals from nonprofits in order to prioritize funding. They also suggested making a request that the entities who receive funding provide regular reports on the progress of projects funded by the City.

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

**17. The City Council award the bid to Marco Technologies, LLC. in the amount of \$25,843.89 for the purchase of a large format color copier/scanner/printer; and pass an ordinance amending the 2018 annual budget to increase the engineering general fund and capital purchase expenditures and revenues. (4338)**

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

Upon questioning by Mayor Barney, the Comptroller explained, the funding in the budget under Sales Tax Major Projects is an annual amount that is budgeted for unexpected projects such as this.

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, Sipma, Straight, Wolsky. nays: none.

**18. The City Council award the bid for the Trimble Brand Name Robotic Station Equipment to Frontier Precision, Inc. in the amount of \$32,445.00. (4339/ENG010)**

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

The Mayor asked if the purchase was included in the budget, to which the City Engineer responded by saying, it was budgeted over three years and encumbered for the past two. The remaining funds for this purchase were in the 2018 budget. The budgeted amount was \$35,000 but the bid came in at \$32,445.

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, Sipma, Straight, Wolsky. nays: none.

**19. The City Council select CPS, Ltd. to perform all engineering for the Recycling Cost Analysis in an amount not to exceed \$50,000 and authorize the Mayor to sign the contract. (4199.1)**

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

Alderman Wolsky, as one of the members of the selection committee, expressed his concerns over the procurement process.

In an effort to alleviate his concerns, the City Manager explained, they used a qualifications based process which is used by municipal governments, counties, townships and most agencies across the country. The selection committee was composed six members including a member of the community at large to get an unbiased holistic overview of the proposals. He said it is a best management practice where proposals are ranked on criteria that is established prior to the proposal submission. He said there may be some aspects of a proposal that seem more favorable to one member of the selection committee but that is why they have a multiple perspectives. He concluded by saying, this process is routinely used to select consultants.

Alderman Wolsky said he ranked the recommended selection as the most qualified firm but is not convinced the project will require the amount of work they estimated and believes the contracted amount is higher than necessary.

Upon questioning about the funding source, the City manager said, CDBG grant funding was the original source for the recycling program and is therefore eligible to pay for the project.

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, Sipma, Straight, Wolsky. nays: none.

### **20. The City Council extend the budgeted Professional Services Agreement for Air Service Development Consulting Agreement with Trillion Aviation; and authorize the Mayor to sign the agreement.**

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

Upon questioning by Alderman Wolsky, the Airport Director explained, Trillion Aviation is a consultant that specializes in regional airports of our size around the country. Alderman Wolsky said his concern is whether Trillion's work will be in the City's best interest when they also provide the service to our competitors.

Mr. Feltner said, air service consultants focus on collecting objective data to demonstrate what our current airlines are producing and use that to make a presentation. He responded to further questioning by saying, if the Council approves the recommendation, the contract will be extended and at the end of that period the City can re-bid or extend again.

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

### **21. The City Council approve the list of structures acquired through flood mitigation buyout program slated for demolition to have a salvage contents auction.**

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

### **22. The City Council refer the revised Renaissance Zone Development Plan back to the Renaissance Zone Board.**

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Alderman Olson moved the Committee of the Whole approve the revised Renaissance Zone Development Plan. Motion seconded by Alderman Straight.

Alderman Wolsky moved the Committee of the Whole refer the revised Renaissance Zone Development Plan back to the Renaissance Zone Board. Motion seconded by Alderman Straight.

Alderman Wolsky said, as a member of the Renaissance Zone Board, the revised development plan has been prepared for a couple months but has not generated much discussion. He said, he has not had a chance to fully review the changes with the Board and would like to send it back for further consideration.

Mayor Barney asked if there would be any impact if the plan was delayed, to which Mr. Zakian responded by saying, there would be no adverse effects. Mr. Zakian continued by saying, the plan has not been reviewed for several years and there is no problem with holding more discussions.

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: Barney, Jantzer, Olson, Sipma, Straight, Wolsky. nays: none.

### **23. The City Council establish a Renaissance Zone Administrative Application Fee at the rate of .0005 per cent of the value of the investment reflected in the application effective July 1, 2018.**

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Alderman Wolsky said, the Renaissance Zone Review Board generated good discussion regarding implementing an application fee. He said, he wanted the Council to discuss the options, whether it should be a flat fee or a percentage of the value of the project.

Alderman Sipma moved the City Council establish a Renaissance Zone Administrative Application Fee at the rate of .0005 per cent of the value of the investment reflected in the application effective July 1, 2018. Motion seconded by Alderman Straight.

Alderman Straight said, he recognizes there are costs associated with the work done by staff but wants to be mindful of the investments made by the applicant.

Alderman Wolsky said he is in favor of a flat rate because he is concerned with charging significantly more for an expensive project that does not require a proportional amount of extra work for staff.

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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, Sipma, Straight. nays: Wolsky.

### **24. The City Council approve the Renaissance Zone Application for tax benefits from Aksal Group for \$3.1 million capital investment in #3 and #7 1st Street Southeast.**

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

Alderman Wolsky commented, the Renaissance Zone Board was impressed with the application which proposes significant redevelopment of downtown. He said there will be a clear return on investment after the improvements are made to the property.

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

### **25. The City Council pass an ordinance amending the City of Minot Code of Ordinances to establish a program in cooperation with the North Dakota Department of Game and Fish to allow for NDGF to issue deer and turkey tags as part of a City of Minot archery hunting season. Upon final passage and approval of the ordinance the City Council will adopt a resolution designating a season, the number of permits to be issued, and establishing an application fee.**

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

Alderman Sipma asked about Section 7-86 of the proposed ordinance which requires participants to be eighteen years of age or older. He said, this is the only section that deviates from the regulations provided by Game and Fish and asked if there was a reason for the age requirement.

Chief Olson said, the proposed ordinance was taken directly from Fargo's ordinance but he has no issue making changes if the Council prefers to eliminate the requirement. He mentioned one other difference is that the Fargo ordinance requires a one acre minimum land size for archery whereas, this proposal omits that requirement and gives the discretion to the Police Chief.

Alderman Wolsky said he has not had a chance to really analyze the proposed ordinance yet but thanked the Police Chief for serving on the ad hoc committee. He also acknowledged the letter provided by Nan Jacobson, which questioned the safety of the program and suggested there should be a size requirement for the permitted areas. Alderman Wolsky said, Section 7-87. - Specific Actions Prohibited, should alleviate the need for a size requirement as it includes other restrictions that address the issue.

Nan Jacobson, a Minot resident, said, she understood there would be a requirement for the size of land that could be permitted. During the ad hoc committee meeting, it was said that Minot did not have any safe areas for hunting. She explained her concerns for children playing and worried about the risk of accidents.

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Alderman Sipma said, the ordinance outlines the limitations in the prohibited guidelines and said he believes the ordinance offers a greater amount of control than was established by the previous ordinance. 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: Jantzer, Olson, Sipma, Straight, Wolsky. nays: Barney.

### **26. Roger Reich, Minot Commission on Aging presented information on the Meals on Wheels program.**

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Roger Reich, Executive Director of Minot Commission on Aging described the Meals on Wheels program they provide. He said, there was an event in March to raise awareness for senior hunger, where quite a few people, including City Officials, partnered with volunteers to observe the program. He said, Meals on Wheels delivers 250 meals to seniors in Minot each day and provides a wellness check that enables them to live at home. He stated, the cost of providing a meal for a senior for one year equals the cost of about one day in the hospital. They have 250 volunteers who make the program possible and it is a worthwhile experience.

He then showed a brief video which can be viewed at the following link:

<https://www.youtube.com/watch?v=xQMmjacfNA>

### **27. The Airport Director submitted a written report**

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Alderman Sipma asked the Airport Director to explain car rental usage since it was the only area where the Minot Airport did not see an increase in performance over the past year.

Mr. Feltner responded by saying, a lot of it has to do with the number of seats Allegiant added. The Allegiant passengers flying from Minot don't typically translate into car rentals.

Alderman Straight asked the Airport Director to comment on the recent news story on Allegiant Airlines and safety concerns.

Mr. Feltner said, after twenty years in the industry, he believes air travel is the safest method of transportation and is generally comfortable with the safety of air travel. He said, he believes the news story selectively chose facts and statistics in order to enhance the story but in his experience Allegiant has always considered safety a top priority. He also mentioned, the Minot Airport has undergone two FAA inspections and has had zero findings during either one, which is highly unusual. He commended the operations team for doing an outstanding job.

There being no further business, the meeting was adjourned at 5:19 pm.

Respectfully Submitted,  
Kelly Matalka,  
City Clerk