

**FINANCE AND IMPROVEMENTS COMMITTEE**

Tuesday, January 3, 2017 – 4:15 p.m.

City Council Chambers

**A g e n d a**

1. [Final Payments](#)
2. [Amend the 2017 Annual Budget- Library New Server Fiber Line](#)
3. [Amend the 2016 Annual Budget- Fire Insurance](#)
4. [Amend the 2016 Annual Budget- Memory Fireworks Donation](#)
5. [Amend the 2016 Annual Budget- Library Memorial Donation \(LIB025\)](#)
6. [Amend the 2016 Annual Budget- Engineering Conference Room Equipment \(PM0007\)](#)
7. [Amend the 2016 Annual Budget- Armory Floor Replacement \(CAP002\)](#)
8. [City of Minot Code of Ordinances – Section 12 ½ Eminent Domain](#)
9. [Amendment 10 to Agreement between City of Minot and Program Administrator – CDM Smith](#)
10. [Ratification of City Manager 401a Retirement Plan](#)
11. [Community Facility Funds – Amendment to Joint Powers Agreement – Minot Park District Artificial Turf – Hoeven Baseball Complex \(ST2P16\)](#)
12. [Engineer’s Report – Storm Sewer District 122 \(4197\)](#)
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# FINANCE AND IMPROVEMENTS COMMITTEE

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MEMO TO: Finance and Improvements Committee  
FROM: City Clerk's Office  
RE: Agenda for Tuesday, January 3, 2017 - 4:15 p.m.

## 1. Final Payments

It is recommended the Committee and Council approve the following requests for final payment:

- a. [NDDOT](#) in the amount of \$5,181.77 for the 2014 TAP Project 13<sup>th</sup> St SE Shared Use Path (3713)
- b. [Berger Enterprises, LLC](#) in the amount of \$108,227.39 for Round 3 Home Demolitions

## 2. Amend the 2017 Annual Budget- Library New Server Fiber Line

It is recommended the Committee and Council pass an [ordinance](#) to amend the 2017 annual budget to increase the Equipment Purchase revenues and expenditures and decrease the Library's Maintenance Buildings and Grounds revenue and expenditures for the purchase of new server fiber line.

## 3. Amend the 2016 Annual Budget- Fire Insurance

It is recommended the Committee and Council pass an [ordinance](#) to amend the 2016 annual budget to increase the Fire Department Associations expenditures and the General Fund Fire Insurance Refund revenues.

## 4. Amend the 2016 Annual Budget- Memory Fireworks Donation

It is recommended the Committee and Council pass an [ordinance](#) to amend the 2016 annual budget to increase the Fire Department Fire Prevention expenditures and the General Fund Donations revenue to account.

## 5. Amend the 2016 Annual Budget- Library Memorial Donation (LIB025)

It is recommended the Committee and Council pass an [ordinance](#) to amend the 2016 annual budget to increase the Library capital purchase expenditures and revenues and decrease the Memorial Donations revenues and expenditures.

## 6. Amend the 2016 Annual Budget- Engineering Conference Room Equipment (PM0007)

It is recommended the Committee and Council pass an [ordinance](#) to amend the 2016 annual budget to increase Property Maintenance department revenue and expenditures and decrease the Equipment Purchase revenue and expenditures for the Engineering conference room non-capital equipment.

## 7. Amend the 2016 Annual Budget- Armory Floor Replacement (CAP002)

The Recreation/Auditorium Director is requesting to purchase and replace the existing Mondo Athletic Rubber Floor in the Auditorium II (Old Armory). The Mondo floor was installed initially in November 2011, removed and replaced in May, 2012 and then removed and replaced in August, 2012.

The floor material has been a constant problem which, after many tests, was found to be caused by surface defects and oxidation of the pyrite and siltstone used in the concrete when the building was constructed in the 1950's. There was a petrographic analysis done in May of 2014 which found the underlying concrete was "popping out" and detaching from the glue used to bond the Mondo Sports Floor to the concrete. After speaking with the Petrographic Engineer, it was concluded there wasn't anything that would have indicated this problem would occur prior to the initial installation.

After speaking with representatives from the Kiefer Flooring Company, who installed the floor, a replacement floor

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was requested in August 2014. The President of Kiefer Flooring, Mr. Brion Rittenberry, initially sent a proposal to install the same Mondo Floor using an underlayment at the cost of \$113,780 of which Kiefer would pay \$38,000. The proposal was turned down by the Recreation Commission because they didn't believe the same type of floor would solve the problem and there were questions on the usability of the floor when moving heavy basketball standards or chair/stage carts over it.

The Kiefer Flooring Company finally sent another offer, in December 2016, to replace the existing Mondo Rubber Floor with a Floating Wood Floor System at the cost of \$82,500 of which Kiefer would pay \$19,720. The City of Minot would be required to come up with the remaining \$62,780. This is a fairly large price tag on a floor the City has already paid for once, but the Recreation Department believes the Floating Wood Floor would solve the existing athletic floor problem. The floor, as it sits right now, has had an increasing amount of bubbling or "pop outs", as the Petrographic Engineer referred to them. Although the floor is useable at this time, the concern is that the bubbling continues and the playing surface will become a hazard and liability for all users.

**Fiscal Impact:** The money for the floor replacement project would come from the Recreation/Auditorium cash reserves.

It is recommended the Committee and Council pass an [ordinance](#) to amend the 2016 annual budget in the amount of \$62,780 to replace the Mondo Athletic Floor with a Connor Rezill Cushion RD Wood Floor System.

### 8. City of Minot Code of Ordinances – Section 12 ½ Eminent Domain

North Dakota Century Code (NDCC) sections 40-05-01 and 40-05.1-06 provide cities with authorities relating to exercising eminent domain. In addition, the City's Home Rule Chart under Article 3 – Powers of City (a) provides the right of eminent domain. To clarify the city's right to exercise eminent domain the city staff is recommending adoption of Section 12 ½ of the City of Minot's Code of Ordinances that further defines the rights granted to the city through the Century Code and Home Rule Charter.

The [ordinance](#) is attached for your review.

It is recommended the Committee and Council pass and adopt on first reading Section 12 ½, Eminent Domain, of the City of Minot Code of Ordinances.

### 9. Amendment 10 to Agreement between City of Minot and Program Administrator – CDM Smith

The contract with CDM Smith for Program Administrator for allocation one Community Development Block Grant – Disaster Recovery services expires December 31, 2016. Amendment 10 will extend the period of performance to June 30, 2017. There is no increased cost associated with the amendment.

Ongoing projects under allocation one include down payment assistance and closing cost assistance for individuals that qualify with the Minot Area Community Land Trust, eminent domain services, and 55th Street Crossing monitoring and final resolution to outstanding issues.

It is recommended the Committee and Council approve Amendment 10, effective January 1, 2017, to the Agreement between City of Minot and Program Administrator – CDM Smith and authorize the Mayor to sign the amendment.

### 10. Ratification of City Manager 401a Retirement Plan

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Per the employment contract approved by City Council, City Manager Tom Barry will be given a contractual payment amount equal to 7% of his salary, to be directed to a retirement plan or program of his choice. Mr. Barry has chosen to have these funds paid to the International City/County Management Association's (ICMA) retirement program. The City Manager will be the only participant in this retirement plan.

The City of Minot is a member of this association, but does not currently participate in their retirement program. As such, the City is required to complete the necessary documents to formally establish the retirement fund for pre-tax contributions in Mr. Barry's name. The Human Resource Director has completed the Adoption and Administrative Services Agreements, forwarded them to ICMA for immediate processing, and asks that Council ratify the signature on both agreements. Both documents were reviewed and approved by the Finance Director before being sent for processing. The [agreements](#) are included with this memo for your review.

**Fiscal Impact:** Funds for the 7% contributions are part of the City Manager contract and have been included in budget expenditures for the City Manager.

It is recommended the Committee and Council ratify the signature of the Human Resource Director on the Adoption and Administrative Services Agreements, to instate the City Manager's 401a retirement plan with the International City/County Management Association-Retirement Corporation (ICMA-RC).

### **11. Community Facility Funds – Amendment to Joint Powers Agreement – Minot Park District Artificial Turf – Hoeven Baseball Complex (ST2P16)**

The City of Minot received the attached memo from the Minot Park District. The memo requests reassigning the previously approved \$1M for artificial turf at the Hoeven Baseball Complex to Corbett Field.

The Minot Park District memo explains the user groups have requested the reassignment. In addition, the Minot Recreation Department is in agreement with the request.

If the Committee and Council are in agreement with this request, it will require amendment to the Joint Power Agreement between the City of Minot and the Minot Park District.

As the intent of the request has not changed or the terms of the Joint Powers agreement, the City staff is supportive of the Minot Park Districts request.

It is recommended the Committee and Council approve the request to reassign the Community Facility Funds in the amount of \$1M for Artificial Turf from the Hoeven Baseball Complex to Corbett Field, further authorize the City Attorney to amend the Joint Powers Agreement between the City of Minot and the Minot Park District, and authorize the Mayor to sign the Amended [Joint Powers Agreement](#).

### **12. Engineer's Report – Storm Sewer District 122 (4197)**

Attached is the [Engineer's Report](#) for Storm Sewer District 122. The primary purpose of the project and the main focus of the design is to install a storm sewer system capable of conveying a minor storm event to minimize surface flooding. The intent of the design is to provide a storm sewer system to maximize the collection of surface drainage based on downstream limitations. The capacity of the storm sewer system will be limited by the existing 48 inch storm sewer on 18th Ave SW at the Broadway intersection and the 60 inch storm sewer located along Broadway flowing to the south.

At a minimum, the storm sewer trunk line will be extended west along 18th Ave to the 9th Street intersection. Storm sewer laterals will be placed on 4th and 6th streets extending north to 17th Ave. This will allow for drainage

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structures to be placed at the intersections reducing potential flooding. Valley gutters and other grading features currently being used across intersections will be removed as a storm sewer is installed. The intersections will be regraded to route storm water to the new storm sewer catch basins and to prevent runoff crossing the intersections in the minor storm event.

**Fiscal Impact:** The storm sewer improvements are part of Storm Sewer District 122 and will be special assessed and half paid by storm sewer development. The watermain replacement improvements will be paid by the watermain utility. The street improvement costs over and above those needed to replace the street section above the storm sewer will be paid with street improvement funds.

It is recommended the Committee and Council adopt the following resolutions:

1. Create Storm Sewer District 122.
2. Direct preparation of the Engineer's Report.
3. Approve the Engineer's Report.
4. Waive the resolution of necessity since the project is a storm sewer district listed in NDCC 40-22-01.1
5. Direct preparation of Plans and Specifications.
6. Approve Plans and Specifications.
7. Authorize a Call for Bids.

### 13. Installation of Safety Features for Utility Billing

This item was brought before Committee and Council at the November meetings. Staff is asking Committee and Council to reconsider the request for adding safety features to the utility billing area at City Hall.

As you are all aware, during the day anyone may enter City Hall through the doors located on the north side and south side of the building. The city staff working in utility billing do not have a direct view of the entrances and are completely exposed to all traffic and individuals that enter the building regardless of their business at City Hall. Many people enter the building from the north entrance and assume they have found the police department.

Staff have expressed many times their concern for their safety being exposed with no protection between them and the public. In more than one instance, staff has had to call the police because of various individuals entering the lobby and acting in an unusual or threatening manner.

There also is a privacy issue with the water billing work area and the employee mailbox area. One can lean over the counter to see a computer monitor or easily read paperwork on the desks. Cash is handled in this area as well which is always a concern. The hallway adjacent to water billing houses the mail area and all department's mailboxes.

Staff are very good with customers and have had extensive customer service training. The city will continue to seek out and provide training to staff but feels the glass separation is necessary.

The Finance Director requested building maintenance assess the situation for a possible solution. Building maintenance has determined that glass may be installed. The glass will be 3/8 inch tempered glass that will go up six feet. A door would also be installed at the entrance of the hallway which is adjacent to water billing. This will put a barrier between the public and the staff allowing for more security and privacy of information, and protecting the hallway from non-employee use.

Two quotes were received with Fargo Glass and Paint having the lowest bid at \$11,263.

**Fiscal Impact:** Funds are available in the 2016 utility billing budget and from cash reserves from fund 140. As this is a matter of personal safety, staff is requesting approval of this request.

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It is recommended the Committee and Council approve the installation of safety features for utility billing and pass on first reading the necessary budget amendment moving the funds from cash reserves to utility billing.

### 14. Surplus Properties

The following list of properties were purchased after the 2011 flood. The properties have been purchased for two different reasons as follows:

1. Properties needed for the footprint of the flood control project;
2. Property that is required for future street improvements.

In regards to the properties acquired for the flood control project, only the structure has been sold and the city retains ownership of the land. The properties were sold based on a closed bid process. For the structures sold, the funds were returned to the funding sources, CDBG-DR and the State Water Commission.

The property acquired for future right-of-way, again only the structure was sold based on a closed bid process. The funds received were returned to the funding source, sales tax.

Address	Structure /Land	Funding
712 Forest Road	House	CDBG-DR 25%, State Water Commission 75%
614 Forest Road	House	CDBG-DR 25%, State Water Commission 75%
415 1st Ave NW	Garage	CDBG-DR 25%, State Water Commission 75%
24 7th St SW	Garage	CDBG-DR 25%, State Water Commission 75%
16 7th St SW	Garage	CDBG-DR 25%, State Water Commission 75%
716/800 Forest Road	House	CDBG-DR 25%, State Water Commission 75%
613 16th St SW	House	CDBG-DR 25%, State Water Commission 75%
708 Forest Road	House	CDBG-DR 25%, State Water Commission 75%
202 1/2 Maple Street	House	CDBG-DR 25%, State Water Commission 75%
1601 Meadowlark Drive	Home	Sales Tax Improvements
409 15th St SE	House	CDBG-DR 25%, State Water Commission 75%
421 15th St SE	House	CDBG-DR 25%, State Water Commission 75%
429 15th St SE	House	CDBG-DR 25%, State Water Commission 75%
433 15th St SE	House	CDBG-DR 25%, State Water Commission 75%
441 15th St SE	House	CDBG-DR 25%, State Water Commission 75%
413 15th St SE	House	CDBG-DR 25%, State Water Commission 75%
425 15th St SE	House	CDBG-DR 25%, State Water Commission 75%
437 15th St SE	House	CDBG-DR 25%, State Water Commission 75%
417 15th St SE	House	CDBG-DR 25%, State Water Commission 75%

Per City of Minot Code of Ordinances Section 2-5.1 – Sale, exchange, or donation of property by city – requires the city council pre-approve or ratify the sale of the city property. As the structures that were sold would be demolished if not sold, it is the recommendation of the staff for council ratification of the sale of the properties.

It is recommended the Committee and Council ratify the sale of the property as listed above.

### 15. Ordinances on Second Reading

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The following ordinances need to be considered on second reading:

- a. [Ordinance No. 5134](#) – Chapter 30 (Administrative Procedures), Subsections 30-2(H) (Variances), 30-3(E) (Conditional Use Permits), 30-5(C) And (I) (Text Amendments and Zoning District Changes), And 30-7(C) (Annexation) of the City of Minot Zoning Ordinances
- b. [Ordinance No. 5135](#) – Incorporating the 2015 Edition of the International Building Code into the CMCO
- c. [Ordinance No. 5136](#) – Incorporating the 2015 Edition of the International Building Code into the CMCO
- d. [Ordinance No. 5137](#) – Incorporating the 2015 Edition of the International Building Code into the CMCO