

## January 22, 2019 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – JANUARY 22, 2018 AT 5:30 P.M.

### ROLL CALL

#### Members Present:

Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky

#### Members Absent:

Sipma

### PLEDGE OF ALLEGIANCE

President Jantzer presiding and led the City Council in the Pledge of Allegiance.

### PERSONAL APPEARANCES – NONE

### APPROVAL OF MINUTES- JANUARY 7, 2019– APPROVED

Alderman Olson moved the City Council approve the minutes from the January 7, 2019, regular City Council meeting.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### ORDINANCE NO. 5321 - REZONE OUTLOT 50 OF SW 1/4 NW 1/4 OF SECTION 26 TWP 155 N RANGE 83 FROM AG TO R2 – SECOND READING – APPROVED

Alderman Olson moved the City Council place ordinance no. 5321 on second reading to rezone Section 26-155-83, Outlot 50 from AG (Agricultural) to R2 (Two-Family Residential District) to make land current with the comprehensive plan for future development. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Olson moved the City Council pass ordinance no.5321 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### ORDINANCE NO. 5339 - AMEND THE 2018 ANNUAL BUDGET – COMPOST SITE CAMERAS – SECOND READING – APPROVED

Alderman Olson moved the City Council place ordinance no. 5339 on second reading to amend the 2018 Sanitation Department budget for the purchase of cameras for the compost sites. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5339 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### ORDINANCE NO. 5340 - ENGINEERING STUDY AT THE INTERSECTION OF 12TH ST SW AND 17TH AVE SW – SECOND READING – APPROVED

Alderman Olson moved the City Council place ordinance no. 5340 on second reading modifying the 12th Street SW approach to stop control at the intersection of 17th Avenue SW. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5340 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### ORDINANCE NO. 5341 - ENGINEERING STUDY AT THE INTERSECTION OF 6TH ST SW AND 18TH AVE SW – SECOND READING – APPROVED

Alderman Olson moved the City Council place ordinance no. 5341 on second reading modifying the 6th Street SW approach to stop control at the intersection of 18th Avenue SW. Motion seconded by Alderman Pitner and carried unanimously.

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Alderman Olson moved the City Council pass ordinance no. 5341 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **FINAL PAYMENT TO CLOSE OUT 2017 DEMOLITION CONTRACT – APPROVED**

Alderman Olson moved the City Council approve final payment of \$73,645.18 to Berger Enterprises, LLC to close out 2017 CDBG-DR/NDR demolition contract.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **TRUCK BOX AND HOIST (PROJECT NUMBER 4411) – APPROVED**

Alderman Olson moved the City Council award the bid for the installation of a box and hoist to Bert's Truck Equipment in the amount of \$19,869.75.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **70% CALCIUM NITRATE AWARD OF BID (PROJECT NUMBER 4232) – APPROVED**

Alderman Olson moved the City Council award the bid for 70% Calcium Nitrate Solution to Thatcher Company Inc. for the bid price of \$2.831 per gallon.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5342- AMEND THE 2019 ANNUAL BUDGET- TRAFFIC SIGNAL POLE/MAST ARM REPLACEMENT FUNDS (4429) – FIRST READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5342 on first reading to amend the 2019 annual budget allocating the unused 2018 Traffic Signal Pole/Mast Arm Replacement funds into the 2019 Traffic Signal Pole/Mast Arm Replacement funds. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5342 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5343- AMEND THE 2019 ANNUAL BUDGET- TRAFFIC SIGNAL CABINET REPLACEMENT FUNDS (4428) – FIRST READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5343 on first reading amending the 2019 annual budget allocating the unused 2018 Traffic Signal Cabinet Replacement funds into the 2019 Traffic Signal Cabinet Replacement funds. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5343 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **INDUSTRIAL WHEEL LOADER (PROJECT NUMBER 4412) – APPROVED**

Alderman Podrygula moved the City Council reject the bids for the industrial wheel loader and direct staff to modify the specifications and rebid. Motion seconded by Alderman Straight.

Alderman Podrygula stated, the Council has been asked to reject and rebid projects several times due to unforeseen circumstances. It is inconvenient for the companies that bid the projects and for the staff. He directed the staff to tighten their bid specifications and focus more attention prior to the bids taking place.

Alderman Wolsky said, he would like to see additional consideration given to local businesses over out of town. He also said, he was unsure how the low bid was calculated and he would prefer if the calculation was laid out in the staff recommendation.

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Mr. Sorenson, Assistant Public Works Director explained, the total bid equals the five lease payments plus the buyout cost.

Upon questioning by Alderman Straight, Mr. Sorenson said, the lowest bidder is located in Mandan and does not have a local service center. He continued by saying, he has no reason to believe the company couldn't provide the service but after the warranty period, it would become costly to transport equipment out of town to perform maintenance. Generally, for this type of equipment, there are no out of town bidders but this is a newer company trying to expand their market.

Alderman Straight said, he understands the justification for rejecting the bids but conveyed the frustration from the public's point of view.

Alderman Wolsky asked if staff considers the value of the equipment after the lease period ends as a factor in their decision. Mr. Sorenson replied by saying, yes, CAT equipment usually brings more value on the market and he is not familiar with the equipment provided in the lowest bid. He said, it is a subjective opinion.

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

### **CITY COUNCIL APPROVAL FOR RELEASE OF DEBRA CARPENTER FROM PROMISSORY NOTE – APPROVED**

Alderman Olson moved the City Council approve the release of Debra Carpenter from Promissory Note for CDBG-DR home rehabilitation for extenuating medical financial hardship. Motion seconded by Alderman Straight.

Alderman Straight took a moment to comment that this situation worries him going through this process. He raised concerns about the residents on the east side of town who will have to pay increasing flood insurance costs. In this situation, someone has to choose between paying medical bills or flood insurance.

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: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **WASHINGTON ELEMENTARY SAFE ROUTES TO SCHOOL CPM AGREEMENT AND TEMPORARY EASEMENTS AUTHORIZATION (4367) – APPROVED**

Alderman Olson moved the City Council approve the Cost Participation and Maintenance Agreement (CPM) for the Washington Elementary Safe Routes to School program and authorize the Mayor to sign the agreement. Also, authorize the City Engineer to obtain the necessary temporary easements and sign the documents.

Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5344- AMEND THE 2018 ANNUAL BUDGET – SIDEWALK CURB & GUTTER – FIRST READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5344 on first reading to amend the 2018 annual budget to increase the sidewalk, curb & gutter project expenditures and decrease the highway capital project expenditures. Motion seconded by Alderman Podrygula and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5344 on first reading. Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5345- AMEND THE CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGES, CHAPTER 5, ARTICLE II, SECTION 5-17(13) – FIRST READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5345 on first reading to amend the Code of Ordinances Relating to Alcoholic Beverages (Chapter 5, Article II, Section 5-17(13) relating to the Airport Terminal Restaurant). Motion seconded by Alderman Podrygula and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5345 on first reading. Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

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### **CITY COUNCIL APPROVAL FOR MINOT HOUSING AUTHORITY SUB-RECIPIENT AGREEMENT – APPROVED**

Alderman Olson moved the City Council approve a sub-recipient agreement with Minot Housing Authority providing up to \$5 million in CDBG-NDR funds for resilience enhancement capital projects in Milton Young Towers.

Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **CITY COUNCIL APPROVAL OF CHAD THOMPSON RENAISSANCE ZONE APPLICATION WITH FEE WAIVER – APPROVED**

Alderman Olson moved the City Council approve the Renaissance Zone Application for Chad Thompson on behalf of Norsk Brothers, LLC for \$620,000 rehabilitation of warehouse to convert to office/retail space and waive the application fee.

Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **PACE BUYDOWN – ESSENTIAL LIVING, INC – APPROVED**

Alderman Olson moved the City Council approve the Flex PACE Buydown agreement for Essential Living, Inc; and authorize the Mayor and City Attorney to sign the necessary documents.

Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **CITY COUNCIL APPROVE REDUCTION IN 2018 DEMOLITION CONTRACT TOTAL DOLLAR AMOUNT – APPROVED**

Alderman Podrygula moved the City Council approve the reduction in the 2018 Demolition contract with Berger Enterprises, LLC from \$1,799,920 to \$856,694.13. Motion seconded by Alderman Straight.

Alderman Podrygula commented on the significant savings and asked if the remaining funds would be applied to next year's demolitions.

Mr. Owen, Federal Compliance Officer, stated, the reduction was done in order to match the contract to the actual dollar amount spent on the project. By reducing the contract, the contractor is able to release their bond money to be used for other projects.

The Finance Director added, the contracted amount is based on an estimate of the work that will be done but it depends on the number of acquisitions. The reduction in the contract primarily benefits the contractor by freeing up their bond money.

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

### **CDBG-NDR PLANNING FUNDS FOR DOWNTOWN WAYFINDING SITE STRATEGY (NDR014) – APPROVED**

Alderman Wolsky moved the City Council approve the use of \$30,000 in CDBG-NDR Planning allocation to undertake through an RFP a Wayfinding Sign location strategy for the downtown. Motion seconded by Alderman Pitner.

Alderman Wolsky expressed his support for the project and said it is a small step that will provide a significant positive impact. He also suggested the Park District be involved with the project.

Alderman Straight said to include the Downtown Business & Professional Association as well. He then expressed his frustration that John Zakian, Disaster Resiliency Grant Program Manager, was not available at the meeting to provide additional information. Alderman Straight said, he was anticipating an update on the Gathering Space and wondered if they were rushing into the wayfinding project without having the Gathering Space in place yet.

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Alderman Podrygula said, the information provided by staff did not indicate clear locations for the signs but he hopes they will be spread out. He also said, we need to ensure we have the resources to keep the signs up to date.

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

### **CITY COUNCIL APPROVAL FOR EXTENSION OF BEYOND SHELTER, INC. DEVELOPER AGREEMENT – TABLED**

Alderman Wolsky moved the City Council approve an amendment to the Developer Agreement with 501(c)3 non-profit Beyond Shelter, Inc. extending the term subject to added conditions to complete Low Income Multi-Family Housing. Motion seconded by Alderman Pitner.

Daniel Erikson, Vice President of Magic City Apartment Association came forward to share a statement on their behalf. He said, they reached out to the City Council in December, 2015 requesting an end to new construction and government subsidized low income housing projects. The vacancy at that time was estimated at 1600-1800 and now that three years have passed, the vacancy is between 1400-1600 units. Rental rates have decreased tremendously and a majority of apartment units in Minot now qualify for Section 8 vouchers because they are at or below HUD determined fair market rent. The Magic City Apartment Association reiterated their opposition to the amendment of the Developer Agreement and requested the extension be denied.

Alderman Straight made a connection to the Mayor's Committee on Addiction and asked Mr. Erikson if he knew any statistics for properties that accept tenants with felonies or criminal convictions on their background. He said to be mindful when reviewing the Beyond Shelter application whether there are currently any properties willing to give a second chance to those who need it.

Mr. Erikson said, he can look into it but he believes there are programs around the state that offer assistance.

Alderman Wolsky moved the City Council table the discussion on an amendment to the Developer Agreement with 501(c)3 non-profit Beyond Shelter, Inc. extending the term subject to added conditions to complete Low Income Multi-Family Housing. Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

### **OTHER BUSINESS**

Alderman Straight, as the Liaison to the Gathering Space project, said that he would like to move forward with the project.

Alderman Straight moved the City Council direct staff to draft a subrecipient agreement between the City of Minot and the Park District. Motion seconded by Alderman Podrygula.

Alderman Wolsky said, he is uncomfortable advancing the project without having the larger details worked out.

Alderman Straight withdrew his motion. Alderman Podrygula withdrew his second.

Alderman Straight conveyed his frustration regarding the delay in moving forward with the Gathering Space. He said, he expects movement before the next City Council meeting.

### **ADJOURNMENT**

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Straight and carried unanimously. Meeting adjourned at 5:59 pm.

ATTEST: \_\_\_\_\_  
Kelly Matalka, City Clerk

APPROVED: \_\_\_\_\_  
Mark Jantzer, City Council President