

COMMITTEE OF THE WHOLE

June 27, 2018

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Members Present:

Sipma (Mayor), Jantzer, Olson, Pitner, Wolsky

Members Absent:

Straight

To the Honorable Mayor and All Aldermen:

Following are the recommendations of the **Committee of the Whole** meeting called to order at 4:17 p.m. on Wednesday, June 27, 2018:

- 1. The City Council amend lease agreement titled, "Lot 55" to reflect the updated plat name, "Lot 2, Block 4, Minot International Airport Second Addition," and authorize the Mayor to sign the agreement.**

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

- 2. The City Council approve the annual renewal of the Mowbray & Son Preventative Maintenance Proposal and authorize the Airport Director to sign the agreement.**

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

- 3. The City Council approve the annual support agreement with OAG Flightview for the Airport's website flight information and authorize the Airport Director to sign the agreement.**

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

- 4. The City Council approve the Annual Fire Alarm Test Contract with Simtech, Inc. and authorize the Airport Director to sign the agreement.**

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

- 5. The City Council approve the Airport Lease, T-Hangar between the City of Minot and Justin Seifert for T-Hangar No. 15 for \$75.00 per month and authorize the Mayor to sign the agreement.**

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

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6. **The City Council approve the relocation of the detached garage, from 1122 W University Ave, , Minot ND, 58701 also known as Emleys S/D Lot 1 & port Lot 3, Block 20, West Minot Addn Lot 1, to 1004 Jefferson Dr, Minot, ND 58701, also known as Randalls Addition Lot 23, 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. **Application and approval of building permits for all proposed construction and coordinate all relocation activities with public utilities and traffic authorities.**
 3. **An approved foundation design in compliance with City of Minot building codes.**
 4. **If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.**
 5. **All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.**
 6. **The exterior of the structure must be one consistent color arrangement of colors after relocation.**
 7. **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 Olson, seconded by Mayor Sipma, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Sipma, Wolsky. nays: none.

8. **The City Council approve the relocation of the single family residence, from 2708 14th Ave SW, Minot ND, 58701 also known as Outlots Sec 27-155-83 Outlot 1 W336.7' of E512.7' SWNW, to 7100 28th Ave SE, Minot, ND 58701, also known as Outlot 18 Pending approval and recording of Plat, 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 7100 28th Ave SE issued by Sundre Township.**
 3. **Application and approval of building permits for all proposed construction.**
 4. **An approved foundation design in compliance with City of Minot building codes.**
 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. **Provide reinforcement/blocking for attachment of railing around stairs and balcony.**
 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 Olson, seconded by Mayor Sipma, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Sipma, Wolsky. nays: none.

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10. The City Council approve the final pay request by Blue Stone Construction Inc. in the amount of \$56,318.69 for Paving District 498.

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

11. The City Council award the bid, for two Tennis Courts and one Basketball Court Resurfacing at South Hill Complex, to Advanced Athletic Surfaces, of Woodstock, GA in the amount of \$17,980.

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

12. The City Council award the bid for the Auditorium Lighting upgrade to Burlington Electric in the amount of \$150,792.01. It is also recommended the Council pass an ordinance amending the 2018 annual budget to transfer \$792.01 from the Auditorium Maintenance Account to the Auditorium lighting project.

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

13. The City Council award the Auditorium Arena Flooring bid with Alternate #1 to Dynamic Sports Construction, Inc. in the amount of \$201,865.00.

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

14. The City Council pass an ordinance amending the 2018 annual budget to transfer \$13,633.00 from the Library's cash reserves to fund 210-67-00-455-04-33 (Building & Grounds) for the replacement of a broken coil in the Library's 2011 chiller.

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

15. The City Council approve the amendment of the SBPC Direct and Indirect administration contract for the Downtown projects; and authorize the Mayor to sign the agreement.

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

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16. The City Council adopt the City of Minot Hazard Mitigation resolution.

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

17. The City Council authorize the Police Department to apply for and, if awarded, accept the State Homeland Security Grant for Regional Response Teams for the Minot Police Department Bomb and SWAT teams and authorize the Mayor to sign the agreement.

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

18. The City Council authorize the Police Department to apply for and, if awarded, accept the North Dakota Department of Transportation (NDDOT) FY 2019 Traffic Safety Enforcement Grant for the Minot Police Department and authorize the Mayor to sign the award agreement.

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

19. The City Council pass on first reading the proposed ordinance to add a handicapped accessible parking space on the north side of 1st Avenue SE, west of 1st St SE intersection.

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

20. The City Council approve the easement on city property(s) located at Lots 1 – 3, Block 1, Ramstads’s 3rd Addition (at the northwest corner of 1st St NW and 4th Ave NE) to allow Xcel Energy to relocate service lines that will not be in conflict with the new flood wall construction.

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

21. The City Council approve the request, from Speed Wok, LLC dba Suduwok, for a Specialty Restaurant Beer & Wine License operating at 1416 S. Broadway effective September 15, 2018 subject to approval by the Police Chief, Building Official and Fire Marshal.

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

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22. The City Council award the bid for SWIF Action D Culvert Deficiency Repairs to Park Construction in the amount of \$2, 744,226.25 and authorize the Mayor to sign the agreement on behalf of the City. Also authorize the Public Works Director to reduce the project scope to accommodate funding appropriated by the State Water Commission.

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

23. The City Council approve the amended contract for transfer of municipal court cases to district court and authorize the Mayor to sign the contract on behalf of the City of Minot.

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

24. The Airport Director provided a written report.

25. The City Council approve the assessment roll for Sidewalk Repair project 4245.

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

Blake Krabseth of Watne Realtors came forward to speak on behalf of the owner of 822 10th St NE. He said, the property has changed owners since the project was done and he needs time to work out some issues between the buyer and the bank that previously owned the property. He mentioned that the notification letter requesting the owner install sidewalks was returned because the house had been foreclosed at the time. It was written in their purchase agreement that special assessments were to be paid by the seller but they did not know about this assessment at the time the property changed ownership.

Penny Johnson, the City Treasurer, said, unfortunately, the process occasionally runs into this situation because of timing. Pending assessments must be approved by the City Council before the County can include them on a property tax statement. When a project is completed after the deadline for the County, they have to wait until the following tax year to certify the assessments. She said, staff attempts to track the properties but if they are not given notification that a change in ownership occurred, they are under no obligation to send notification of pending assessments. She then explained that if someone inquires about pending assessments, staff will share the information.

Upon questioning by the Committee, Ms. Johnson said, special assessments follow the property and not the owner. She then explained, in order to get the assessments to the County to make the deadline for next year's property tax statement, the assessment roll must be certified by the October Council meeting, at the latest.

Alderman Pitner asked Mr. Krabseth if the offer was made on the MLS to which he responded by saying, yes. Alderman Pitner said, there is a provision in the contracts on Minot MLS which states, "If public

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improvements have been made that have not been certified for assessment against the property, special assessments will be the responsibility of the buyer.”

The City Assessor came forward to say, this has been an issue in the past and staff has worked internally to discuss ways to avoid this situation but it is not an easy solution.

The Finance Director addressed the Council by saying, certifying the special assessment roll does not prohibit the buyer and the former owner from negotiating some type of settlement. These assessments will be included on the 2018 tax bill that will be due in early February.

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

26. The City Council approve the final pay request by Tom’s Backhoe Service in the amount of \$112,059.90 for Storm Sewer District 122.

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

The City Engineer responded to questioning by saying, the project has been a success. After the recent storms, he noticed the storm sewers have improved the drainage in the area. He said, there are limitations because the scope of the project was reduced but the low point had about three inches of water where there used to be about two feet.

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

27. The City Council adopt a resolution adopting fee schedules for building permits, moving permits, electrical permits, mechanical permits, and plumbing permits.

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

Alderman Wolsky commented, the resolution only includes fees related to building and construction. He asked if other fees will be included as well.

The City Manager explained, more fees are being reviewed but were not completed yet, including fire and utility fees. He also said, there is an ordinance proposed for second reading at the next City Council meeting that will allow the Council to designate fees by resolution rather than ordinance which will make it easier to make adjustments.

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

28. The City Council authorize acceptance of federal Transportation Alternative (TA) funds in the amount of \$234,693.00, authorize staff to solicit for construction/engineering services

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and authorize staff to complete the project to provide safe routes to school for Washington Elementary.

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

Alderman Wolsky said, he appreciates this program and encouraged staff to continue working on additional projects in the future. He then suggested staff look into applying for funds through this channel to be used to repair the Anne Street Bridge.

The City Engineer responded by saying, he mentioned in a previous conversation on the issue, he recommends the Council should at some point direct funds to conduct a study on the Anne Street Bridge to find out what exactly needs to be done. He said, this application for Washington Elementary received the highest award possible because a study was conducted and the plans for the project are directly supported by the research that was done.

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

29. The City Council approve the Right of Way Encroachment Agreement Application submitted by the Downtown Business and Professional Association for the installation of 4 Smoke Free Environment signs to be located on Main St at the intersections of Central, 1st, 2nd, and 3rd Avenues at locations approved by the City Engineer.

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

Upon questioning by Alderman Wolsky, the City Engineer displayed a rendering of the proposed signage. He said they will be about 8 x 12 or 9 x 12 and will be located on existing poles at the intersections of Central, 1st, 2nd and 3rd Avenues.

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

30. The City Council approve the request to transfer the Retail Liquor and Beer License from Irish Laundry, LLC dba Arny's 2.0 Bottle Shop & Lounge to Stephen A. Johnson, dba Arny's 2.0 subject to approval by the Police Chief, Building Official and Fire Marshal.

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

Alderman Wolsky asked if there is a fee for transferring a license, to which the City Clerk responded by saying, the fee is set at \$250.

Mayor Sipma made a comment that there was no amount of money exchanged for the transfer from one owner to another.

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

31. The City Council approve plans and specifications for P 4291 Carnegie Center Structural Repairs and authorize advertisement for bids.

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

Alderman Wolsky questioned some of the amounts included on the itemized bid estimate. The Public Works Director explained, the architect included contingencies to break out the total overhead rather than building those amounts into each item. He said this is a unique project for example, removal of the brick has to be done by hand rather than with power tools.

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

32. The City Council authorize staff to negotiate the Wells Fargo A/P Control System contract and authorize the Mayor to sign the contract.

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

The Finance Director stated, the proposal was brought to the Council in March and since then, staff has met with different vendors to go over options. He said, the State of North Dakota solicited proposals through an RFP and the idea was to use a vendor from their proposals. The program that the State plans to use, however, is very different from what the City had intended so staff decided to look elsewhere. They approached different vendors, including locally but there aren't any local businesses offering these services yet. They compared each of the vendors and Wells Fargo offers benefits that others do not. They also allow termination of the contract with 30 days' notice whereas others had 3-5 year contracts. He said, Cass County has the same software as Minot and uses Wells Fargo. They haven't had any issues so far and said it is working and is well accepted. Mr. Lakefield then mentioned the significant revenue stream the system will provide and the rebate benefits.

Upon questioning by Alderman Wolsky, Mr. Lakefield clarified by saying, staff is requesting authorization from the Council to negotiate terms with Wells Fargo and authorize the Mayor to sign the agreement. He said, the City Attorney has identified areas of clarification and they are currently working out the details.

Alderman Sipma asked if there are any fees associated with cancellation. Mr. Lakefield explained that Wells Fargo will front the money to make the necessary updates to the City's software and will withhold that amount from the earned rebates. If the City should cancel the agreement before that money is repaid, the City will have to pay for those updates, which will be about \$7,000.

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

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33. The City Council consider the counteroffer from the County for the property located at 416 NW 2nd Ave without recommendation from Committee.

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

Alderman Wolsky stated, he needs more time to review the offer over the weekend.

Upon questioning by Alderman Sipma, Mr. Lakefield said, it appears the County Commission calculated the offer by combining the balance of the taxes owed with the exception of the City portion and the assessments. It is assuming the other taxing entities will get the money from the property but the City will not receive its portion. He then said, the City Attorney is working to interpret the century code which outlines how the payment would be distributed. Century Code says the payment would satisfy the oldest debt first before being distributed to newer debts. The bulk of the taxes due on the property are for the City's special assessments done in 2016. If the City were to respond to the offer for this dollar amount, with the exception of the caveat that it's only for the other taxing entities, it would satisfy the two oldest tax years plus some of the third tax year but it wouldn't get to the most recent.

Mr. Lakefield said, his recommendation is to bring the Council's counteroffer back to the County Commission to be discussed during their meeting.

Alderman Sipma moved to amend the motion to direct the Finance Director and City Attorney to renegotiate with the County Commission by following the State Century Code process. Motion seconded by Alderman Olson.

Upon questioning by Alderman Wolsky, Mr. Lakefield explained, staff is looking for direction from the Council to take back to the County Commission. They could present an offer with any stipulations or a dollar amount without any stipulations. He recommended they take that to the County and have those discussions at the County Commission meeting.

The City Manager clarified a procedural issue. He said, the original motion was to forward to the City Council without recommendation but the second motion was to amend that so a withdrawal of the second motion would be appropriate.

Mayor Sipma withdrew his motion, Alderman Olson withdrew he second.

Mayor Sipma requested having a meeting with staff prior to the Council meeting on Monday to discuss a price point on which the City would be comfortable, considering the Century Code and how the funds have to be distributed.

The City Manager responded by saying, the bigger concern to staff is the County's approach regarding this particular property and the City's efforts to advance flood control. The City is financing the full local share of flood control using tax dollars but the County does not want to participate, even as it relates to negotiating a more reasonable price for the property. He said, it may be more appropriate if an elected official were to approach the County Commission or they could direct him to negotiate on their behalf

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with direction for a counteroffer. He said he does not believe negotiation between staff and the County will be productive because the County Commission has authorized the counteroffer before them today.

Ryan Ackerman came forward to provide some context he witnessed at the County Commission meeting where this was discussed. He said, the County determined what they need in back taxes. If the City were to buy it for the remaining entities share of the back taxes then everything would be taken care of. The thought was that the City would be paying itself if they paid the entire amount of back taxes so they calculated the amount due to the other entities.

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

34. The Committee discussed the adoption of the Existing Building Code.

* * * * *

Alderman Wolsky moved the Committee discuss factors surrounding adoption of the International Existing Building Code. Motion seconded by Alderman Olson.

The City Manager provided some additional information for the Committee on the issue. He said, meetings will take place throughout the state beginning in August that allow for the debating and adoption of the State Code and this topic will be discussed at those meetings. There have been movements in this state and in others, to substitute sections of the International Building Code, particularly the chapter on existing buildings. He recommended the City not separately attempt to evaluate but rather let the State’s activities take place. He reminded, the City, under no circumstances can adopt a code that is less stringent than the State’s code. There will be an opportunity after the process takes place to evaluate what the City of Minot wants to do in relation to what codes to adopt. He said, to have our own separate process would be a laborious undertaking and we do not have the time and staff to conduct the research and should just leave it to the State to complete their process.

Alderman Wolsky asked if the Home Rule Charter provided us the authority to address this issue.

Mr. Barry stated, the Home Rule Charter allows us to adopt codes that are more stringent than the State’s adoption of codes but not less. He said to be careful that whatever is decided does not conflict with any codes adopted by the State.

Alderman Wolsky said he would like to see the Council pass a resolution in support of adoption of the International Existing Building Code. He believes it makes a lot of sense and is relevant to Minot and the direction it’s heading.

There being no further business, the meeting was adjourned at 5:08 pm.

Respectfully Submitted,
Kelly Matalaka,
City Clerk