

## **August 19, 2019 Regular City Council Meeting**

**MINOT CITY COUNCIL – SCHEDULED MEETING – AUGUST 19, 2019 AT 4:15 P.M.**

### **ROLL CALL**

#### Members Present:

Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky

#### Members Absent:

None

### **PLEDGE OF ALLEGIANCE**

Mayor Sipma presiding and led the City Council in the Pledge of Allegiance.

### **BUDGET REVIEW QUESTION-AND-ANSWERS SESSION OF CITY COUNCIL, CITY MANAGER, AND DEPARTMENT HEADS.**

The City Manager presented a brief summary of the preliminary 2020 budget. The next steps will be the submission of the President's message by September 3<sup>rd</sup>, a public hearing and first reading of the budget September 16<sup>th</sup>, and the second reading of the budget at a Special City Council meeting September 23<sup>rd</sup>. He highlighted the major projects that have caused the budget to grow year after year but explained that a majority of funding for those projects comes from Federal and State sources. He mentioned, there are two additional staff positions included in the budget; a CAD drafter and Code Enforcement Officer. The rates and user fees suggest no change in the categories of Water, Sewer, Storm Water, Sanitation, and Cemetery, and only slight changes for the Airport and Transit.

Overall the mill levy for the preliminary 2020 budget is 121.29 which is a reduction of 6% from the 2019 mill levy as a result of transferring the Auditorium/Recreation Department to the Park District. He explained that the five-year model projections show we are on a good path forward but we'll need to monitor future revenues carefully. Operations are in good standing but future projects like NAWS, Flood Control, maintenance backlogs and capital needs continue to be a concern.

Alderman Jantzer began the Q & A session by asking about costs for fuel, utilities, and insurance. Mr. Lakefield said, they look at past usage to estimate costs and manipulate the data to account for new projects. They also reach out to utility companies to anticipate and rate increases. Health insurance saw an increase of 3.9% and there has been an uptick in personnel on the health plan which drove up the line item.

Alderman Podrygula asked for the update on Fire Station #5.

The City Manager presented a timeline for the construction of the Northwest Fire Station which could be sped up to accomplish a two-year implementation opposed to three. He said, the operational costs of the Fire station were initially estimated at about \$1.8 million but due to some restructuring they believe it can be done for only \$315,000 per year. The reserves are available and nothing needs to be done differently in the 2020 budget to accomplish this timeline.

The Fire Chief said, they already have the specifications done as well as a lot of the design aspects and equipment lists. They are prepared to move forward.

Chief Kronschnabel then explained how they intend to staff the new station by adding only three additional personnel. She described how the fire department adopted a minimum manning program to improve safety in a department with younger, less experienced, firefighters. The new structure ensures newer firefighters work alongside more experienced firefighters without compromising incident response.

Alderman Wolsky asked about development south and whether more staff would be necessary for continued expansion.

Chief Kronschnabel said, they have had discussions with Trinity and Minot Rural Fire Department and are carefully watching the situation. The City has a Mutual Aid Agreement with Minot Rural so it may be more of a partnership.

Alderman Straight then asked Mr. Barry to explain the use of reserve funds and the strategy behind it.

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The City Manager said, the City collects revenue in different accounts and when the revenue is greater than the expenses it goes into reserves. The money collected from an activity must stay in that activity and as the reserves build, they are utilized in a responsible manner. He said, we don't want then to build too high but also don't use reserves regularly to balance the budget because that isn't sustainable. Reserves are often used for one-time capital purchases. There are also requirements of what must be kept to cover financial obligations.

Alderman Straight pointed out that the Cemetery budget has a decrease but is using reserves and he didn't want it to catch up.

Mayor Sipma commented that sales tax for Flood Control is building in reserves but that it will be depleted, similar to the reserves for NAWS which are earmarked for use.

Alderman Olson commented that because of all of the prep work done by staff and explanations in the Budget Workshop, she feels more prepared than ever going into the budget discussions. She then asked about the decrease in workman's comp.

The Finance Director said, the decrease is due to a combination of factors including claims history, rating and type of work.

The HR Director agreed and said, it is based on experience and a rating based on past claims.

The City Manager also said, it is an example of improvements in safety, for example, the switch to automated trash collection which greatly reduced the number of claims in that department.

Alderman Jantzer asked about the Maintenance of Levees which was a line item in the 2019 budget but is no longer in the 2020 budget.

The Public Works Director explained that in 2019, the SWIF project included the maintenance of levees but since that is winding down, the regular levee maintenance is included in the line item for Street, Alley, and Road Maintenance.

With no further questions from the Council, Mayor Sipma commented on the effectiveness of the budget process and mentioned how grateful the City is for the new Hub City formula, since a congressman was in attendance.

### **ORDINANCE NO. 5411 – AMEND THE 2019 ANNUAL BUDGET- FITNESS TESTING EQUIPMENT (PD0144) – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5411 on second reading to amend the 2019 annual budget to increase the police operation supplies revenues, publications, and capital purchases revenues and expenditures for a FY17 Edward Byrne Memorial JAG Physical Test Equipment grant. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5411 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5412 - NO PARKING ALONG 1ST STREET NE AT HAMMOND PARK, MIDBLOCK CROSSWALK – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5412 on second reading to add parking restrictions to the following locations:

West side of 1st Street NE, south 120-feet to 180-feet from the west-center of the 8th Avenue NE intersection.

East side of 1st Street NE, south 110-feet to 170-feet from the east-center of the 8th Avenue NE intersection.

Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5412 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5413- BUDGET AMENDMENT - 2019 K-9 CASPIAN (PD0170) – FIRST READING – APPROVED**

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Alderman Jantzer moved the City Council place ordinance no. 5413 on first reading to amend the 2019 annual budget to increase the general fund police revenues and expenditures and police capital purchases revenues and expenditures for a 2019 K-9. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5413 on first reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5414 – BUDGET AMENDMENT- CITYWIDE ASSET MANAGEMENT SOFTWARE (4423) – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5414 on first reading to amend the 2019 annual budget to move the citywide asset management software out of the equipment purchase capital fund into the general fund engineering department accounts. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5414 on first reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **2019 ROUND 2 AND ROUND 3 DEMOLITION/SITE RESTORATION BIDS (3755.13 & 3755.14) – APPROVED**

Alderman Jantzer moved the City Council approve CDBG-NDR 2019 Round 2 and Round 3 Structure Demolition and Site Restoration Bids to be awarded to Dig It Up Backhoe Service Inc.

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

### **RIGHT OF WAY ENCROACHMENT APPLICATION – ROOFTOP STAIRCASE – 220 S BROADWAY – APPROVED**

Alderman Jantzer moved the City Council approve the Right of Way Encroachment Agreement Application submitted by Derf, Inc. for the installation of a staircase at their building at 220 South Broadway.

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

### **ERP SOFTWARE AND IMPLEMENTATION SERVICES (G&A018) – APPROVED**

Alderman Jantzer moved the City Council approve the selection of Berry Dunn as the implementation consultant for the Citywide ERP project with Tyler Technologies, approve the contract with Tyler Technologies for purchase and implementation of the Tyler Munis product, authorize the Finance Director to negotiate a scope of work and contract with Berry Dunn and authorize the Mayor to sign the contract. Motion seconded by Alderman Pitner.

Alderman Podrygula asked the Finance Director about the cost and the role of the consultant.

Mr. Lakefield responded by saying, the RFP required the vendors to provide a 10-year cost proposal which included the initial purchase of the software, implementation, as well as ongoing support and maintenance. For Tyler, the cost was about \$3 million over that 10-year period. The City asked for a not-to-exceed cost amount so if implementation goes well it could come in under that amount. The price proposal provided to the Council includes the software, implementation and data conversion so it is a short time-frame. The ongoing maintenance agreements will be included in the budget year-to-year after year one which will be in addition to the upfront cost. It should equal out to about \$3 million over 10 years or \$300,000 per year.

The consulting agreement went through an RFQ process to choose a consultant based on their qualifications. The firm that responded comes highly recommended and has experience converting from our current system to Tyler's products. Their responsibilities and deliverables will be based on an hourly rate, some of which is already included in our budget. The consultant will leverage the capabilities of the software system to enable us to get as much use out of it as we can. There was about \$300,000 built into the 2020 budget but the more duties we can take on in-house, the lower that cost will be. The cost is an estimate but is dependent on how fast implementation goes. After preliminary discussions, implementation may be pushed back from mid-year 2020 to January 2021. The delay would impact some of the duration of the contract but not necessarily overall cost. The initial cost would drop off dramatically after the first year.

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Mr. Lakefield further explained why the City would delay implementation. He said, it depends on when it is most opportune to make the switch to the new system. It may be more beneficial to wait until the end of an accounting cycle to avoid having to reconcile multiple systems at the same time.

Alderman Straight asked whether the contract amount would be decreased if we don't implement the software at the expected time. Mr. Lakefield said, the cost estimate is based on the amount of time put into the project. It would be the same amount, it is just being spread over a longer time period. The consultant will advise the best time to implement each module. Mr. Lakefield then clarified, the ongoing maintenance cost is about the same as our current system.

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

### **BURDICK EXPRESSWAY ADA UPGRADES NDDOT PE AGREEMENT (4396) – APPROVED**

Alderman Olson moved the City Council approve the agreement with the NDDOT for Burdick Expressway ADA Upgrades and authorize the Mayor to sign the agreement. Motion seconded by Alderman Pitner.

Alderman Wolsky said he objects to the project because of the funding breakdown and the significant amount of funding coming from State and Federal sources. He mentioned a recent resiliency meeting and said, outside sources of funding do not contribute to resiliency but rather contribute to dependency. He said, going forward, he will call attention to all funding from outside sources because there would be much harder decisions to make if we could only use local funding. He said he believes outside funding sources have obscured the costs of projects and the decision-making process.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight; nays: Wolsky.

### **BURDICK EXPRESSWAY MAJOR REHABILITATION NDDOT PE AGREEMENT (4394) – APPROVED**

Alderman Jantzer moved the City Council approve the agreement with the NDDOT for Burdick Expressway Major Rehabilitation and authorize the Mayor to sign the agreement. Motion seconded by Alderman Pitner.

Alderman Straight commented that the project is funded with Hub City funds which he finds concerning since there has not been a greater discussion on how to use Hub City funding.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight; nays: Wolsky.

### **CONDITIONAL APPROVAL OF LMI SENIOR RENTAL HOUSING – APPROVED**

Alderman Olson moved the City Council approve a conditional commitment of CDBG-NDR funds to support Beyond Shelter efforts to secure additional leveraged funds to build up to 56 rental units for senior citizens. Motion seconded by Alderman Pitner.

Upon questioning by Alderman Wolsky, Mr. Zakian explained that the project is for 56 total units. He said, the State establishes a per unit cap for LMI housing which was used to effectively determine the number of units to finance. He further stated, the funding equates to under \$100,000 per unit.

Alderman Wolsky asked what database was used to determine that there is demand for this type of housing. Mr. Zakian said, this has been an area that was always recognized as having a need. They have been in contact with Municipal Housing Authority who is constantly getting requests they can't fill. Part of the list they maintain for needs such as Section VIII Assistance or Housing Choice vouchers is always senior citizens. He also mentioned that the first town hall meeting held by the City there were senior citizens in attendance who requested this type of housing. He clarified that the project is strictly LMI housing, not assisted living. Beyond Shelter will be responsible for finding financing for the project. The only way to move forward is for them to demonstrate to other funding sources that there is a market for this housing. This request is for the City to grant conditional approval so that Beyond Shelter can find additional funding.

Alderman Wolsky asked if it would be unreasonable for the City to request the documentation that Beyond Shelter will provide to the other funding sources prior to approval.

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Mr. Zakian said, without this approval they cannot move forward. The City is protected because there is no agreement with the City to build the project. We're giving Beyond Shelter the tools to show other grant sources that the City is willing to go forward with the project if they leverage the resources. Timing is tight in this situation and we could request that information going forward without having a condition for approval.

Mayor Sipma asked if this project would fulfill the City's NDR requirement to provide LMI housing. Mr. Zakian said, if the project comes to fruition the City will have spent the \$20 million set aside for LMI housing.

Alderman Straight commented that this project seems more necessary than the development approved previously for the assisted living development. This project appears to fill a niche that will likely continue to grow.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight; nays: Wolsky.

### **ORDINANCE NO. 5415- BUDGET AMENDMENT- SALES TAX RESERVES FOR FLOOD CONTROL PROJECTS (CAP012 AND 3135.2) – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5415 on first reading to increase the flood control sales tax and capital purchases expenditures for the additional City share using flood control sales tax reserves authorize using flood control sales tax reserves for additional flood control expenditures. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5415 on first reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **PARKING RAMP ROOF AND DRAINAGE SYSTEM AWARD OF BID (3738.6) – APPROVED**

Alderman Olson moved the City Council award the bid to Rolac Contracting Inc, in the amount of \$870,000 to install the Parking Ramp roof and Drainage system with a completion date of December 31, 2019. Motion seconded by Alderman Pitner.

Alderman Wolsky asked if there would still be an opportunity for a project on top of the structures if the roof is installed, to which Mr. Meyer stated, the roof includes insulation with a plastic liner and would need to be removed if built vertically.

Alderman Straight asked about the ongoing litigation with the developer but the City Manager said they should refrain from any discussion regarding ongoing litigation until speaking with legal counsel.

Mr. Meyer then clarified for Alderman Podrygula that the total of \$946,000 is for both ramps and includes contingency funds and architectural services. The initial construction estimate was \$1.1 million and the bid from Rolac Contracting was \$870,000 so those funds can be utilized for something else for the parking structures.

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

### **SECURITY CAMERA SYSTEM AWARD OF BID (4408) – APPROVED**

Alderman Pitner moved the City Council award the bid for a security camera system at the Parking ramps facilities to Gefroh Electric in the amount of \$62,690.00.

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

### **RESOLUTION NO. 3625 - INCREASE TO PERMIT AND LICENSE FEE – APPROVED**

Alderman Pitner moved the City Council adopt resolution no. 3625 to increase the established fees for building, mechanical and plumbing permits and licensing. Motion seconded by Alderman Olson.

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Alderman Podrygula thanked staff for the recommendation and supporting data. He commented that the rates have not increased in over 25 years but costs have certainly increased over that time. It is an example of deferred maintenance in the sense of financial stability and he suggested adjusting the fees every year or two to reflect cost of living adjustments.

Upon questioning by Alderman Wolsky, the Community Development Director said the resolution will take effect January 1, 2020.

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

### **SPECIAL ASSESSMENT APPROVAL; 2019 NUISANCE ABATEMENT (4347) – APPROVED**

Alderman Jantzer moved the City Council approve the assessment roll for 2019 Nuisance abatement.

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

### **SPECIAL ASSESSMENT APPROVAL; 2019 WEED CUTTING – APPROVED**

Alderman Jantzer moved the City Council approve the special assessment roll for 2019 weed cutting. Motion seconded by Alderman Pitner.

Aletta Allen came forward regarding the property at 501 4<sup>th</sup> Street NE. She said, she was assessed for weed cutting although, the property was bought out by the City. When she received the letter notifying them of the nuisance she called Public Works but was told the Public Works Director was not available. She was later told to write a letter and that \$15 could be deducted from the \$500 bill. She then asked the Council what the next step should be to appeal the assessment.

Mayor Sipma asked when the property was purchased by the City, to which Ms. Allen replied that it was in 2017.

The Public Works Director was asked to comment but he said, without researching the property he does not have any information.

The City Attorney explained that the cost of the assessment can be appealed by submitting a letter to the City Manager. He will then hold a hearing and can decide whether the cost should be reduced. The City Manager confirmed that his office has not received a letter for this property.

Alderman Jantzer amended his motion to approve the special assessment list pending a hearing for the property at 501 4<sup>th</sup> Street NE. Alderman Pitner agreed as the second.

Mayor Sipma commented on the need to better communicate the process to the public so that a hearing can take place with the City Manager before the assessment list gets to Council.

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

### **SPECIAL ASSESSMENT APPROVAL; SIDEWALK REPAIR (4311) – PULLED**

This item was pulled from the agenda and notices will be sent to the property owners for a meeting at a later date.

### **RESOLUTION NO. 3626 - CREATE STORM SEWER DISTRICT 123 – 10TH STREET SW (4393) – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3626 to create Storm Sewer District 123. Motion seconded by Alderman Pitner.

Upon questioning by Alderman Wolsky, the City Engineer stated, the project will meet the same standards and specifications required of private developers.

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John Burke, of 3409 7<sup>th</sup> Street SW, spoke in opposition to Storm Sewer District 123. He said, he was involved in the last sewer project that took place on 4<sup>th</sup> Street and is now included in another one. He described some of the water issues in that area and said they should first focus on the surface water before working on the storm sewer.

Mr. Meyer explained that the boundaries are determined by LIDAR topography and can calculate within six inches of accuracy. If a property is on the ridgeline of two districts, they will pay a percentage in each district.

Mayor Sipma asked Mr. Meyer to describe the water table issues in this area.

Mr. Meyer said, during reconstruction projects such as this, they can install storm sewers but do not gasket the joints. It essentially makes a giant piece of field tile like what farmers utilize in their fields because the water is then able to follow the sand bedding that is used to seep into the pipes. It lowers the water table within a small area of the pipe. They install drain tile at low points to mitigate where they can. On 10<sup>th</sup> Street, they are going to use technology called cement stabilized base but they don't have the funds or resources to completely rebuild a section. Cement will mix with the existing clay to make a hard road. It saves money and gives the residents better access than older technology. He said, there is little that can be done without complete reconstruction.

Alderman Wolsky asked about notification issues and if it would pose a challenge if the item was tabled for additional notification.

The City Engineer explained, they held a public input meeting describing the project in which notification letters were sent USPS to everyone in the district. The City website also has a dedicated page with all of the information on the project for anyone who was unable to attend the meeting. Staff has responded to all calls and questions from residents regarding the project and additional letters were sent inviting everyone involved to attend the Council meeting if they still had concerns. He continued by saying, the preliminary engineering is complete but before spending money to move forward with design, they are requesting approval from Council.

Mayor Sipma said, it is common for any special assessment project to receive some opposition.

Terry Davidson, of 800 28<sup>th</sup> Avenue SW, spoke against the design of the project. He said, he believes it will increase the chance of flooding on his property. He provided alternative solutions to the engineering department during discussions prior to the meeting.

Mr. Meyer provided a document to the Council that outlined Mr. Davidson's concerns and described explanations for why the engineer is confident the project will have no negative impact to Mr. Davidson's property. Even with the Puppy Dog Coulee project also taking place in that area, in a 100-year storm, the preliminary engineering models demonstrate the water levels could easily flow through the new outlet without damaging his property.

Mr. Davidson asked about recourse if his property gets flooded, to which the City Attorney responded by saying, the City could not provide legal advice to private citizens.

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

### **RESOLUTION NO. 3627- DIRECT PREPARATION OF THE ENGINEER'S REPORT STORM SEWER DISTRICT 123 – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no.3627 to direct preparation of the Engineer's Report for Storm Sewer District 123.

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

### **RESOLUTION NO. 3628- APPROVE THE ENGINEER'S REPORT STORM SEWER DISTRICT 123 – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3628 to approve the Engineer's Report for Storm Sewer District 123.

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

### **RESOLUTION NO. 3629- WAIVE THE RESOLUTION OF NECESSITY SINCE THE PROJECT IS A STORM SEWER DISTRICT LISTED IN NDCC 40-22-01.1 STORM SEWER DISTRICT 123 – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3629 to waive the resolution of necessity for Storm Sewer District 123, since the project is a storm sewer district listed in NDCC 40-22-01.1.

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

### **RESOLUTION NO. 3630- DIRECT PREPARATION OF PLANS AND SPECIFICATIONS STORM SEWER DISTRICT 123 – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3630 to direct preparation of plans and specifications for Storm Sewer District 123.

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

### **PERSONAL APPEARANCES – NONE**

### **MOSQUITO SPRAYING UPDATE**

Dan Jonasson, Public Works Director presented an update on mosquito spraying. He said, Minot has been pursuing US Air Force Reserve IRT or Innovative Readiness Training for vector control or aerial spraying since at least 2006. Prior to 2012, missions were scheduled in the spring of each year for spraying of the city, which was 16 square miles. Since 2012 Minot was required to submit an Environmental Assessment regarding aerial vector control in cooperation with Minot Air Base. In addition to the flight missions scheduled, PW staff place mosquito dunks in areas of standing water to address mosquito larvae.

Now, the process requires the IRT application be submitted to the Department of Defense two years prior to preferred spray mission, so the 2021 spray mission request application is in process now. The City of Minot makes a request for two spray missions giving approximate months or weeks in 2021 that we would like these missions done. In March or April of the spray year we publish an ad in the Minot Daily News, 4 times, that is a statement of non-competition saying that the service of the Air Force Reserve would not compete against civilian companies/vendors/entities or private providers. One month before the spray mission, the City of Minot applies for permits from the Department of Health. There is a pesticide application to waters of the state and an aerial application for pesticides over a city.

In May, Trumpet EC (Naled) is ordered for the spray mission as the spray schedule becomes available from the USAF. Two to three weeks prior to the spray mission the City receives a CAW (Congested Area Operation Worksheet) describing the spray date and time along with the public notification (Newspaper/TV/Radio/Social media). This is signed by the Mayor and sent back to the spray team. Two weeks prior to the spray mission, the City of Minot contacts beekeepers in the surrounding area notifying them of the application. The PIO is also notified and sends a press release to the public and news media. One to two weeks prior to the mission, the chemical is delivered to MAFB. The week of the mission dates, an inbrief is held with the spray team and times of application are disclosed as their weather consultant gives them the forecast, mosquito counts, etc. Beekeepers are then notified again the night before the mission.

After completion of spray mission, the City receives an email from the flight commander on the success of the mission, and then a post mission report with a mission summary. Mr. Jonasson said, the effectiveness can range between 40% and 80%. Mosquito counts are provided by NDDoH each week during the summer. Counts are monitored to see the effectiveness of the spray mission, taking into account if there were any rain events after the mission and possible new hatches. This data is incorporated into the mission after action report.

He then explained that the only cost to the City is for the pesticides. Since the city's size has grown over the years the cost has increased to \$37,807.20 per mission. It is a Street Department line item in the City budget. Mr. Jonasson pointed out that Minot does not have a vector control department like other cities do. Grand Forks charges a fee on utility bills and the process is a function of First District Health Unit.



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Alderman Wolsky said, given the rising concerns about disease, the program shows a significant return on investment.

Alderman Podrygula mentioned communication with a resident who raised concerns and offered suggestions. He asked if the Public Works Director could assure the safety of pesticides used. Mr. Jonasson responded by saying, he provided an environmental assessment this afternoon. He also said, the pesticides meet all Federal regulations and are approved by the EPA.

### **ADOPTION OF 2018 INTERNATIONAL EXISTING BUILDING CODE, IEBC**

Mayor Sipma read, a large number of existing buildings and structures do not comply with the current building code requirements for new construction. Adoption of the IEBC allows for a controlled departure from full compliance with the technical codes without compromising the minimum standards for fire prevention and life safety.

Alderman Wolsky said, he requested discussion take place regarding adoption of the International Existing Building Code. He explained that he has had conversations with developers who indicated that adoption of the code would provide relief for existing buildings and save thousands of dollars. He said, he believes Minot needs to adopt the IEBC and requested a local implementation schedule.

Mitch Flanagan, Building Official said, the State will formally adopt the IEBC as of January 1, 2020 and the City will adopt at that time as well. Currently, Fargo is the only city using it.

### **CITY HALL RETAINING WALL**

Alderman Podrygula explained that after the discussion at the previous meeting about the City Hall retaining wall, he wanted to clarify a few issues with the Structural Engineer based on some concerns raised by Alderman Wolsky. He read the following points to the Council:

1. Although the city committee that studied the issue was referred to as the “aesthetics committee”, Ms. McNames assured me that the group examined the entire situation very carefully and looked at numerous considerations (e.g., police parking is currently inadequate and more space would be needed, even if City Hall were to eventually move) and options. There hadn’t been adequate time, on Monday evening, to fully go over what the committee had considered and the reasoning behind their recommendations.
  2. The estimated cost of the project has gone up for a variety of reasons, particularly the length of time since the original plans were made (about 3% per year) and marked increases in the cost of steel. Removing the current rock face – which would be necessary no matter what else might be done – “just to replace what’s there, in kind” would be a little bit less than \$3 million: i.e., probably around \$2.85 million.
  3. Currently, “the soil is somewhat stable... (and) the slope itself would be considered stable”, but measurements are approaching the point of concern (in terms of safety), and it is likely that there will be deterioration as time goes on. In fact, there could have been deterioration from when the preliminary engineering report was completed, in 2016. She reiterated that the expected lifespan of a replacement rock-face wall would indeed be only 5 to 10 years. When I asked her why the current wall had lasted something like 65 years, she responded that “it’s an anomaly”, and that it was “barely” holding on. She speculated that significant maintenance had been required during this period. Basically, “you can get to 65 years”, but you have to keep maintaining it: “after 5-10 years, regular maintenance will be required to maintain the stability of the slope”.
- Alderman Podrygula explained that he visited a few similar slopes in town and recognized the deterioration and apparent failures that appeared to be taking place.
4. She assured me that the committee did review alternatives to a wall. If the current rock wall were removed and the slope simply stabilized (e.g., by some sort of protective mat and/or vegetation), it might be cheaper, but the expected lifespan of that improvement would only be 5 to 10 years. In contrast, after 25 to 30 years, a retaining wall would pay for itself.
  5. Using a non-wall option would require using an outside contractor – who would need to bring in their own crews and equipment – which would be quite expensive. It’s not simply a matter of having an out-of-state contractor just teaming up with a local one and/or supervising their work.
  6. A gradual grass slope is simply not feasible. While a steep grassy slope could replace the current structure, that would entail other challenges. For example, drainage would be a significant issue (e.g., diverting water at the top of the hill and

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providing for adequate drainage of the slope), and there would still not be enough space to store snow. The site is a challenging one and a more careful engineering study would be required in terms of the drainage issue alone. Even with a grass slope, a wall at the base of the hill might still be necessary. She stated that her firm's soil engineers just have not had good luck with steep natural grass slopes.

7. Although there had been some consideration of a steep grass slope by the committee, they "just didn't feel that was a viable option" (although she was not sure exactly why they reached this conclusion). At the very least, some soil would have to be replaced (e.g., even now, after a rainstorm, water runoff is a problem and soil washes down the slope). Stabilization of the slope might be necessary, and ongoing maintenance would be an issue (even if the grass didn't need to be mowed).

8. Detailed consideration of a steep grass slope was not done, and would require a careful engineering study (e.g., to determine feasibility and potential costs). This could likely be accomplished within a couple of months; The potential costs for reviewing another slope option (outside of those already presented) would likely run "between \$10,000 and \$15,000 for the engineering fees". If such a study were to be done, "it would be tight" in terms of getting the engineering work done in time to get the project out for bids in January (which is the current goal).

Alderman Wolsky thanked Alderman Podrygula for reaching out for additional information. He then said, he still believes the Council has been influenced by fear and a false sense of risk. He mentioned the opportunity cost to spend money on this project opposed to other projects. He also raised questions about the consideration to relocate City Hall and believes the additional parking is an unnecessary expense.

Alderman Pitner listed the reasons why he supports the project. He said, the City owns the building whether it is City Hall or something else and we need to protect our assets. This is an example of deferred maintenance which only gets more expensive the longer it is delayed.

### **LIAISON REPORTS**

Alderman Straight said, he participated in the Creative Economy Summit organized by the Souris Basin Planning Commission and they did an excellent job. He also mentioned the work done by Visit Minot for the 100<sup>th</sup> Anniversary of the Motor Coach Association that took place at the Fairgrounds. He thanked Mr. Barry and the City for their help with the event.

Alderman Wolsky said the Renaissance Zone Committee should have a draft proposal by the end of the month.

Alderman Pitner stated, Ward County Planning has sent the comprehensive Plan to the County Commissioners to review. He was unable to attend the Library Board meeting.

Alderman Jantzer had nothing to report.

Alderman Olson met with the Census Count Committee and emphasized the need to count every citizen in Minot during the 2020 census.

Alderman Podrygula didn't have any official committee meeting but he served on the selection committee for the City's new software program and has a 17-point document to submit to staff. He said, he was impressed by the software and it will provide a major change in the efficiency of operations at the City.

### **ADJOURNMENT**

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Jantzer and carried unanimously. Meeting adjourned at 6:51 pm.

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

APPROVED: \_\_\_\_\_  
Shaun Sipma, Mayor