

FINANCE AND IMPROVEMENTS COMMITTEE

Tuesday, April 26, 2016 – 4:15 p.m.

City Council Chambers

A g e n d a

1. [Final Payments](#)
2. [Proposed Ordinance- Amending the 2016 Annual Budget- Civic Plus City Website Upgrade \(MGR002\)](#)
3. [City of Minot Ethics Policy for City Officials and Employees](#)
4. [Rosehill Cemetery Columbarium Fees \(4122\)](#)
5. [Special Assistant Attorney – Shane Goettle](#)
6. [Surplus Property – 109 25th Street SW](#)
7. [36th Ave NW Extension to Broadway –Dedicate Utility Easements \(4071\)](#)
8. [Award of Bid- Hillcrest Drive Retaining Wall \(4088.1\)](#)
9. [Sertoma Complex Parking Lot and Paving Improvements Approve Plans and Specifications and Call for Bids \(4142\)](#)
10. [Eminent Domain Properties](#)
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12. [Award of Bid- City of Minot Structure Demolition and Site Restoration \(3755.2\)](#)
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MEMO TO: Finance and Improvements Committee
FROM: City Clerk's Office
RE: Agenda for Tuesday, April 26, 2016 - 4:15 p.m.

1. Final Payments

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

- a. [Wagner Construction, Inc.](#) in the amount of \$633,261.19 for the 55th Crossing Lift Station (3965)
- b. [NDDOT](#) in the amount of \$4,502.35 for the Canadian Pacific Railway Signal Upgrade at Central Ave (3761)
- c. [NDDOT](#) in the amount of \$205.14 for the Traffic Signal Base Improvement Project – US 83 (N. Broadway) and University Ave (3887)

2. Proposed Ordinance- Amending the 2016 Annual Budget- Civic Plus City Website Upgrade (MGR002)

It is recommended the Committee and Council pass an [ordinance](#) to amend the 2016 annual budget to increase General Fund maintenance expenditures and decrease the Equipment Purchase expenditures for the Civic-Plus City Website upgrade.

3. City of Minot Ethics Policy for City Officials and Employees

The [City of Minot Ethics Policy](#) has been reviewed and updates were made. They are summarized below and the actual policy is attached for more thorough review if desired.

The revised policy clarifies who public servants are responsible to (1), adds responsibilities for those in supervisory positions (4), and removes exceptions regarding receipt of gifts (10).

It is recommend the Committee and City Council approve the City of Minot ethics policy, and further authorize the Mayor to sign the policy.

4. Rosehill Cemetery Columbarium Fees (4122)

The Public Works department has completed the placement of the columbarium structure at the Rosehill Cemetery.

In order to provide a fee structure for the columbarium niches, the following items have been taken into consideration by staff:

1. Payoff of the existing columbarium
2. Fees adequate to construct a future columbarium when space requires
3. Pricing so as not to compete with a headstone/columbarium niche so as to limit or discourage competition with monument companies in the vicinity

Staff has worked on and continues to refine, [a form](#), which will be required to be signed by the users of the columbarium. This form is attached for Council approval. The following are the recommended prices.

The charges for the niches are as follows:

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Top three (3) rows all the way around:	\$900.00 each
Bottom three (3) rows all the way around:	\$800.00 each
Re-opening of niche:	\$150.00 each time.
Second Cremation in existing owned niche:	\$150.00 each

No more than two cremation remains will be allowed in each niche.

If there are plans for a second cremation placed in the niche, an additional surcharge of \$150.00 will be added to the cost of individual niche.

It is recommended the Committee and Council approve the attached Rules and Regulations for the Rosehill Cemetery Columbarium and establish the attached prices for interment or use of the Rosehill Cemetery Columbarium and amend resolution no. 3327, establishing Cemetery rates, to include the Columbarium pricing.

5. Special Assistant Attorney – Shane Goettle

The contract with Special Assistant Attorney Shane Goettle expires May 31, 2016. For consideration is a renewal of Mr. Goettle's contract by the Committee and Council. Mr. Goettle's responsibilities would be as follows:

- a. Legislative representation of Minot during the 2017 Legislative Session.
- b. Coordinating and providing committee testimony on a limited basis when a Minot representative is unavailable.
- c. Maintaining legislative contacts as well as contacts with other appropriate government office as needed, including the Governor's Office, the Attorney's General Office, Department of Trust Lands, Aeronautics Commission, Treasurer's Office, Tax Department, Water Commission, and other relevant departments of state government.
- d. Maintaining regular and ongoing contact with the designated representative of Minot.
- e. Tracking and monitoring the progress of interim initiatives, studies and legislative committees, and state legislative bills identified as being special interest to Minot.
- f. Providing a monthly activity report.

The contract payment is \$3,500 per month during the non-legislative months and \$7,500 for the months during the legislative session. The contract will run from June 1, 2016 to May 31, 2018.

Fiscal Impact: Funds are budgeted in 2016 in the City Attorney's budget. Funds for 2017 and 2018 will be included in the appropriate budget. Both parties have the right to terminate the contract with ten (10) days written notice.

It is recommended the Committee and Council approve the Special Assistant Attorney contract with Mr. Goettle and further authorize the Mayor to sign the contract.

6. Surplus Property – 109 25th Street SW

The property at 109 25th Street SW is a blighted property the City purchased using grant funds from the State of North Dakota.

It is recommended the City declare this property surplus property and allow the Finance Director to sell the property for \$41,000.

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The staff would like authorization to sell this property for a potential relocation by a property owner whose property must be acquired for the flood control project. The property owner is undecided at this time; however, staff would like to be prepared if the property owner does make the decision to retain ownership of their structure and relocate to this location. The property owner has indicated an interest in this vacant lot.

This would benefit the City in two ways. First, a vacant lot would be placed back on the tax rolls. Second, the City would acquire a property that is needed for the flood control project.

The selling amount was derived based on the assessed value of the land.

It is recommended the Committee and Council declare 109 25th Street SW surplus property; authorize the Finance Director to sell the property; and further authorize the Mayor to sign the necessary documentation.

7. 36th Ave NW Extension to Broadway –Dedicate Utility Easements (4071)

This project will extend 36th Avenue NW from 8th Street NW, west to Broadway. The City of Minot owns parcels of land along the project corridor. Current City requirements are such that when a parcel of land is platted, the first 10' adjacent to the right of way are to be dedicated as a utility easement. However, the City owned parcels along 36th Avenue NW were platted before 10' utility easements were required.

Part of this project includes relocating the utilities out of the right of way and into the designated 10' utility easement.

It is recommended the Committee and Council approve the [easements](#) for the 36th Ave NW Extension to Broadway, as identified in the attached documents and authorize the Mayor and City Clerk to sign the easements.

8. Award of Bid- Hillcrest Drive Retaining Wall (4088.1)

This project will construct a retaining wall on the south side of Hillcrest Drive.

Fiscal Impact: The retaining wall and utility improvement costs have been separated based on the cost for the retaining wall and the utility relocation. The estimate for the retaining wall is \$2,231,655 and \$554,512 for the utility relocations including engineering costs. The retaining wall will be paid for with general obligation bonds and the utility work will be paid for with water and sewer revenue bonds.

On Monday, May 2, 2016, bids will be opened for the Hillcrest Drive Retaining Wall Project. Due to timing of the bid opening, a recommendation will not be ready in time for the April memo deadline. However, a recommendation will be placed on Council's desk for approval at the City Council meeting.

9. Sertoma Complex Parking Lot and Paving Improvements Approve Plans and Specifications and Call for Bids (4142)

The City of Minot Engineering Department has completed the plans and specifications for the Sertoma Complex Parking Lot Paving Improvements and the documents are being prepared for bid.

The parking lot and paths on the complex are degraded and in need of replacement/repair.

Fiscal Impact: This project will be funded with \$1 million of Community Facilities Funding and \$500,000 from Recreation Department maintenance funds. The project will be designed and constructed within the budgeted funds.

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It is recommended the Committee and Council approve the plans and specifications for the Sertoma Complex Parking Lot and Paving Improvements and authorize a call for bids.

10. Eminent Domain Properties

The City staff has been working with property owners in the first three phases of the flood control project. Staff is not always able to reach an agreement with the property owner on the purchase price of their property. When this occurs, the City will need to proceed to the eminent domain process.

Staff has identified ten (10) properties that potentially maybe follow the eminent domain process as follows:

Property Owner	Address	Status
Mattson	211 4 th Ave NE	Offer made – at initial meeting advised they will not cooperate
Boehm Life Estate	1213 6 th Ave SW	Offer made – considering moving the structure – working with the city
Douglas Creek Properties	1401 3 rd Ave SW	Appeal hearing scheduled for May 4 th
Anderson Trust	606 Forest Road	Appeal hearing scheduled for May 4 th
Folk	610 Forest Road	Property owner unable to find replacement housing
Nordin	428 1 st Ave NW	Property owner in foreclosure
Stenvold	102 8 th Street SW	Property owner declined offer from Appeal Committee
Bank of America/HUD	11 5 th Street NW	Property owner unresponsive to inquiries
Foltz	1601 7 th Ave SW	Appeal relocation – hearing to be scheduled
Wynne	704 2 nd Ave NE	Property owner in foreclosure

It is recommended the Committee and Council authorize the City staff to move forward with Eminent Domain proceedings as necessary on the listed properties.

11. Ordinances on Second Reading

- a. [Ordinance No. 5071](#) – Rezoning Schall Addition, Lot 1
- b. [Ordinance No. 5072](#) – Amend CMCO- Chapter 12 Section 12.28
- c. [Ordinance No. 5073](#) – Amend CMCO- Chapter 12 Section 12.30

12. Award of Bid- City of Minot Structure Demolition and Site Restoration (3755.2)

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On April 19, 2016, bids were opened for [structure demolition and site restoration](#). There were eight bidders as follows:

Contractor	Bid
Berger Enterprises, LLC.	\$1,099,109.00
LM Armstrong/Bridgefords Construction	\$1,141,863.50
Landweher Construction, Inc.	\$1,254,177.45
Bluestone Construction, Inc.	\$1,276,547.00
Dig It Up Backhoe Service, Inc.	\$1,304,735.75
Wright Brother, The Building Company	\$1,555,855.00
Excavating, Inc.	\$1,556,178.10
Rachel Contracting	\$2,357,241.00

All bids were reviewed and the required documentation and attachments were provided. Berger Enterprises, LLC. had an extension error of \$500. Berger was contacted and they confirmed and agreed to the low bid of \$1,099,109.

The demolitions include properties purchased for the flood control project and abatement properties. The properties purchased for the flood control project will be funded with CDBG-DR funds and State Water Commission funds. The abatement properties will be special assessed to the property owners. In the interim, funds approved in the 2016 budget for demolitions will be used. As the special assessments are collected, the city will be reimbursed.

It is recommended the Committee and Council award the bid to Berger Enterprises, LLC. for the City of Minot Structure Demolition and Site Restoration Round 3 – Project No. 3755.2 and further authorize the Mayor to sign the necessary documentation.

13. Public Hearing – Abatement by K. Hawk Venture, LLC

The Committee will hold a Public Hearing to review an application for abatement or refund of taxes [application by Kevin Hawk, aka K. Hawk Venture, LLC](#). for the property located at 1925 N. Broadway, also known as Lot 4, Block 1 of Anderson's S/D E 375' S 700.5 Sec.11 155 83, also known as the former International Brotherhood of Electrical Workers.

After being given the opportunity to provide public testimony on the merits of the request, this committee will make a recommendation to the full City Council to either recommend approval, partial denial, or denial in full at the regular Minot City Council meeting on Monday, May 2nd, 2016, at 6:30 PM