

PUBLIC WORKS AND SAFETY COMMITTEE

Wednesday, June 29, 2016 – 4:15 p.m.

City Council Chambers

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1. [Minot Housing Authority Environmental Clearance](#)
2. [Site Access and Use Agreement with CTS Properties, LLC](#)
3. [Heidrich Homes 5th Addition Development Agreement](#)
4. [Downtown Infrastructure Improvements Canadian Pacific Utility Occupancy License for Storm Sewer District 119 \(4073, 3608\)](#)
5. [Park South Development Storm Water Pond – Approve Plans and Specs \(4135\)](#)
6. [Broadway Viaduct Construction and Maintenance Agreement](#)
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9. [Amendments to the Zoning Ordinance Supplement to the City of Minot](#)
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MEMO TO: Public Works and Safety Committee
FROM: City Clerk's Office
RE: Agenda for Wednesday, June 29, 2016, 4:15 p.m.

1. Minot Housing Authority Environmental Clearance

City staff has been working with the Minot Housing Authority regarding environmental clearance of their properties around the City for maintenance activities. In the 90s, Council directed staff to provide the categorical exclusion review for the Minot Housing Authority's maintenance work such as roofing, windows, and doors.

Staff reviewed the properties for items such as proximity to railroads, airports, floodplains, aquifers, and farmland. No major issues were found and staff has determined the proposed work fits into the categorical exclusion category. The Mayor must sign the form and letter to HUD since the City is the responsible agency.

It is recommended the Committee and Council authorize the Mayor to sign the [Environmental Review Record](#) and letter to HUD for the Minot Housing Authority.

2. Site Access and Use Agreement with CTS Properties, LLC

City staff has been working with CTS Properties, LLC for the ability to construct a berm on the north side of their property Lot 2, Thompson's 19th Addition. The berm will help prevent flooding on the property to the north, Lot 18 less east 125' Thompson's 5th Addition.

Flooding on the property has occurred since the City constructed a storm and paving district in 2014. The cause of the flooding has been identified to be the un-accounted for water coming from Lot 2 Thompson's 19th Addition. When the project was designed, a hotel was going to be built on Lot 2. The detention pond for the hotel was going to be at the location of the berm. Since the berm currently does not exist, the water from Lot 2 enters un-detained. By constructing the berm with City forces and installing a flap gate in a storm sewer connection, Lot 18 should be protected.

The agreement allows the berm to be constructed with CTS having the ability to retain the soil when the property is developed.

It is recommended the Committee and Council approve the [Site Access and Use Agreement](#) with CTS Properties LLC, and authorize the Mayor to sign the agreement.

3. Heidrich Homes 5th Addition Development Agreement

City staff has been working with the developers of Heidrich Homes 5th Addition to enter into an agreement regarding infrastructure installation, storm water, and other related improvements tied to the plat of the subdivision.

City staff has reviewed the agreement and found it to be acceptable for signature.

It is recommended the Committee and Council approve [the Heidrich Homes 5th Addition Plat Development Agreement](#), and authorize the Mayor to sign the agreement.

4. Downtown Infrastructure Improvements Canadian Pacific Utility Occupancy License for Storm Sewer District 119 (4073, 3608)

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As part of the Downtown Infrastructure Improvements project, the City must obtain a utility occupancy license from Canadian Pacific Railway. The license carries a one-time fee and any associated flagging costs which will be billed separately:

License Number: 4377601

Fee: \$5,000

Fiscal Impact: The license fee and any flagging associated with this permit will be paid by the Storm Sewer District 119 special assessment.

Due to the timing of the permit submittal, staff had to submit the permit and fee ahead of the Council authorization.

It is recommended the Committee and Council retroactively approve the [utility occupancy permit](#) with Canadian Pacific Railway and authorize the Mayor to sign the documents.

5. Park South Development Storm Water Pond – Approve Plans and Specs (4135)

The City has been in discussions with Bruce Walker, President of Park South Holdings, LLC for approximately two years in regards to utilizing a portion of City property for a storm water detention pond. Park South is a property being expanded at 234 14th Avenue SE. This project will improve and address affordable housing needs for the Minot area. The project consists of renovation of the existing apartments, building two additional apartments and also townhomes.

Previous Council action allows Park South to build the detention pond and lift station as part of their storm water management plan on a portion of City owned property. Park South has received a CDBG grant for this project, however those funds need to be administered by a government entity. Upon completion, this pond and lift station will be maintained by the City.

Apex Engineering has been retained by the developer to design the proposed pond and lift station and they have now completed the design and the project is ready for bid. The project will be funded with the CDBG grant and any funding in excess of the grant will be covered by the developer (see attached letter).

It is recommended the Committee and Council approve the [plans and specifications](#) and authorize a call for bids.

6. Broadway Viaduct Construction and Maintenance Agreement

In order to construct the new Broadway Viaducts, a three party agreement must be signed with BNSF, NDDOT, and the City of Minot. The agreement stipulates the parties responsible for construction and maintenance of the viaducts. It also stipulates the requirements of BNSF for construction and maintenance of the bridges while over their right of way.

The City Engineer and the City Attorney have reviewed the document as well as the NDDOT and BNSF. All have agreed to the content of the agreement. The maintenance requirements are the same for the City as they are today.

It is recommended the Committee and Council approve the Construction and Maintenance Agreement, and authorize the Mayor and City staff to execute the agreement.

7. 2016 Byrne Justice Assistance Grant- Minot Police Department (PD0119)

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The Minot Police Department is eligible to apply for the 2016 Byrne JAG Grant of \$18,123. This grant is to be shared equally with the Ward County Sheriff's Office with each agency receiving \$9,061.50. The Minot Police Department's share will be used toward the purchase of body worn cameras for patrol officers. The Sheriff's Office share will be used toward the purchase of mobile data computers for patrol cars. The City of Minot would be the fiscal agent for this grant.

Fiscal Impact: This will be budgeted to be used in 2017.

It is recommended the Committee and Council ratify the application by the Minot Police Department and authorize acceptance if awarded the 2016 Byrne Justice Assistance Grant.

8. 2016-2017 NDDOT Traffic Safety Enforcement Grant- Minot Police Department (PD0115, PD0116, PD0117, PD0118)

The Minot Police Department would like to apply for and accept a grant in the amount of \$35,800 from the North Dakota Department of Transportation Traffic Safety Office for the overtime enforcement of impaired driving (\$18,000), Seat Belt (\$7,000), Distracted Driving (\$5,800) and underage drinking laws (\$5,000). The grant period is October 1, 2016 through September 30, 2017. This has been an ongoing annual grant program.

Fiscal Impact: This will be budgeted to be used in 2017.

It is recommended the Committee and Council ratify the application by the Minot Police Department and authorize acceptance if awarded the 2016-2017 NDDOT Traffic Safety Enforcement Grant.

9. Amendments to the Zoning Ordinance Supplement to the City of Minot

Staff has worked with the Zoning Steering Committee, Sign/Billboard Companies, and SRF Consulting to address additional concerns after the first reading of the proposed changes to the Zoning Ordinance. The changes are reflected in the attached memo.

In addition, a new Zoning ordinance chapter was created to separate signs and billboards since they have different characteristics. The new chapter is called "Chapter 22.1 Off-Premise Signage (Billboard) Regulations."

It is recommended the Committee and Council review the [attached memo](#), which highlights all proposed changes and approve Ordinance No. 5084 on second reading.

10. Award of Bid- MREFPP – Perkett Ditch Improvements (3529)

As design of the Mouse River Enhanced Flood Protection Project has progressed, it was discovered that storm water conveyance and storage improvements could be made, thus reducing the size and cost of a future pump station for Phase 2 of the flood control project. This project needs to be completed ahead of Phase 2 of the MREFPP.

On Wednesday, June 22, 2016, eight bids were opened for the above referenced project. The lowest bid came from Scherbenske, Inc. in the amount of \$2,949,919.10, which is 18% below the engineer's estimate of \$3.6 million. Staff is comfortable with this contractor and the bid price received.

Fiscal Impact: Per the agreement with the Souris River Joint Board, the City's share of the cost will be approximately 25-40% depending on cost share negotiations with the North Dakota State Water Commission.

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It is recommended the Committee and Council ward the bid to Scherbenske, Inc. in the amount of \$2,949,919.10, for the Perkett Ditch Improvements.

11. Ordinances on Second Reading

- a. [Ordinance No. 5086](#) – Amend the 2016 Annual Budget- Cities of Service Federal Grant
- b. [Ordinance No. 5087](#) – Amend the 2016 Annual Budget- Paymentus Credit Card Enablement Fees
- c. [Ordinance No. 5088](#) – Amend the 2016 Annual Budget- Copier for Engineering
- d. [Ordinance No. 5089](#) – Amend the 2016 Annual Budget- Police Dept.
- e. [Ordinance No. 5005](#) – Rezoning Edgeview Estates 8th Addition, Block 1, Lot 1-2, Block 2, Lots 1-3
- f. [Ordinance No. 4902](#) – Rezoning Rosehill Cemetery 2nd Addition, Lots 1-3
- g. [Ordinance No. 4943](#) – Rezoning North Minot 6th Addition, Lots 1 & 2
- h. [Ordinance No. 4979](#) – Rezoning Naomi’s Addition, Lots 1 & 2