

PUBLIC WORKS AND SAFETY COMMITTEE

Wednesday, September 28, 2016 – 4:15 p.m.

City Council Chambers

A g e n d a

1. Broadway Viaduct Construction Participation and Maintenance Agreement with NDDOT (3979)
2. West Central Distribution Developer Agreement (4235)
3. 16th St NW from 5th Ave to 7th Ave No Parking Modification
4. Rectangular Rapid Flashing Beacon for John Hoeven Elementary (4237)
5. Perkett Storm Water Improvements, Construction and Maintenance Agreement Canadian Pacific Railroad and NDDOT (3529 Phase MI-2a)
6. Permanent Encroachment within City Right-of-Way: 105 1st Street SE – Vestibule on the North Side of the Building
7. Building Relocation- 1805 2nd St SE
8. Apex Contract Amendment (3490.2)
9. Emergency Action Plan for Flood Fighting (3135.1)
10. Award of Quotes- Main Street Alley Reconstruction (4223)
11. Ordinances on Second Reading

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MEMO TO: Public Works and Safety Committee
FROM: City Clerk's Office
RE: Agenda for Wednesday, September 28, 2016, 4:15 p.m.

1. Broadway Viaduct Construction Participation & Maintenance Agreement with NDDOT (3979)

In order to construct the new Broadway Viaducts, a cost participation and maintenance agreement (CPM agreement) must be signed with the NDDOT. The City signs these agreements on all federal aid transportation projects done in conjunction with the NDDOT.

For this agreement, the City is responsible to:

1. Pay for relocation costs of city owned water and sewer lines.
2. Pay for the sheet pile costs associated with the flood control project.
3. Pay for bridge aesthetics beyond the federal cap (estimated at \$213,150)
4. Pay a 10% cost share for construction, easements, engineering.
5. Pay 100% construction costs and 10% engineering costs on items not eligible for federal aid.

Other items listed in the agreement are standard items agreed to with every project.

Fiscal Impact: The estimated City cost share portion is detailed in the agreement and is estimated to be \$3,255,337. The City's cost share will be paid for with general obligation bonds for the bridge and roadway, revenue bonds for the watermain and utility relocation cost, and flood control sales tax for the flood control improvements associated with this project. Funds for this project have been identified in the 2016, 2017, and 2018 Capital Improvement Plan.

It is recommended the Committee and Council approve the [CPM agreement](#) with the NDDOT and authorize the Mayor and City staff to execute the agreement. Further, it is recommended a resolution be adopted declaring the City's intention to bond for this project.

2. West Central Distribution Developer Agreement (4235)

West Central Distribution is developing Lot 1 Block 1 Northeast Industrial 2nd Addition in northeast Minot along 30th Ave NE. The developer of the subdivision in which this lot exists has not constructed any public utility or street improvements to serve this property.

West Central wishes to connect directly to City trunk sewer and water adjacent to the site, which is generally not allowed as the connection should come off of distribution mains. Also, West Central desires a driveway access onto 30th Ave, a future arterial street. Staff desires the access point for this site to come from internal development streets, which at this time do not exist.

West Central wishes to enter into an agreement with the City which states in summary that they will follow City requirements, but at this time wish to connect to City trunk mains and have an access onto 30th Ave. Staff is comfortable with allowing this temporary situation until the internal development infrastructure is installed. Then, West Central would be required to connect utilities and street access to the internal infrastructure and remove the connections to 30th Ave and the trunk utilities at their cost.

One point of disagreement between the parties is if a subsequent replat materially changes West Central's responsibilities, who pays for the increased costs? Staff is recommending the language below with the strikethrough and underlined being staff's recommended version:

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Upon such completion and City's written notice to West Central of the completion of the internal development infrastructure, and to the extent that any subsequent replatting does not materially impact the responsibilities of West Central as provided for herein, the watermain connection to the City's transmission line must be disconnected, properly capped, and the Property's water and fire protection service must come from the internal development infrastructure. This latter work shall be done by West Central, and at West Central's expense no later than six (6) months after West Central's receipt of written notice from the City. In the event subsequent replatting of the Northeast Industrial Addition occurs, which requires West Central to extend its water and fire protection service line more than 20% (twenty percent) in terms of distance, upon written notice from West Central establishing the 20% (twenty percent) increase due to replatting, City may allow up to six (6) additional months to permit West Central to comply with the obligations outlined in this provision. Written notice from West Central must be received by City within 60 (sixty) days of West Central's receipt of City's written notice regarding the completion of the internal development infrastructure. In addition to any other legal remedy available to the City, if West Central fails to comply with the obligations of this subsection within the six (6) month time period (or the additional time permitted by the City, if applicable), the City may disconnect and properly cap West Central's connection to the City's transmission line and West Central shall be responsible for any and all costs associated with the disconnection and capping.

This language is also stated in other similar sections of the agreement. The increased cost for West Central should be decided between West Central and the developer of the subdivision. The City is not a party to this issue, but is trying to assist this business without causing a burden on the citizens.

Fiscal Impact: There will be no cost to the City.

It is recommended that the Council approve the West Central Distribution Developer's agreement with staff's proposed language and authorize the Mayor to sign the agreement.

3. 16th St NW from 5th Ave to 7th Ave No Parking Modification

At the September 6th, City Council meeting, residents expressed concern over the safety of children having to cross 16th St NW, adjacent to Longfellow school due to parking being restricted on the east side of the street.

The Mayor, staff, and representatives from Minot Public School District have met to review the situation. It was agreed to propose an ordinance for Council consideration to change the parking restriction from the east side only, to both sides of 16th St from 5th Ave to 7th Ave. Also, to allow a 10 minute loading/unloading zone on the east side of the street. Thus, allowing parents to park on the east side of the street and avoid students running across the roadway. Notification has been sent to other property owners along the proposed change in case they have questions or concerns.

A proposed [ordinance](#) is attached for Committee and City Council consideration.

4. Rectangular Rapid Flashing Beacon (RRFB) for John Hoeven Elementary (4237)

At the September 6th, City Council meeting, residents in SE Minot near John Hoeven elementary school asked that a flashing beacon be installed on 13th St SE.

The Mayor has spoken with Minot Public School's superintendent about this project and Minot Public Schools would like to partner with the City to install this safety improvement. The District has stated they will contribute \$14,000 toward the improvement.

Fiscal Impact: Staff has developed an estimate of costs to install a rectangular rapid flashing beacon at 13th St/34th Ave SE. The estimated cost of the improvement with soft costs is approximately \$28,000. The City's share of the improvement cost would be paid with Sales Tax 2nd Penny Infrastructure.

Staff will procure the equipment immediately and solicit quotes for the installation of the equipment. Since time is of the essence with the onset of winter and frozen ground, staff is proceeding with design, equipment procurement, and

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soliciting quotes.

It is recommended the Committee and Council retroactively direct staff to design the improvements, procure the equipment, and solicit quotes for the installation of the RRFB at John Hoeven Elementary School.

5. Perkett Storm Water Improvements, Construction and Maintenance Agreement with the NDDOT (3529 Phase MI-2a)

In order to complete the storm water improvements for the interior drainage in the Perkett ditch area and phase 1 of the MREFPP, storm water detention is being created. Also, bike trails are incorporated in the detention areas and tie into the existing path that runs parallel to the Highway 83 Bypass. In order to complete these tie-ins to the path along Highway 83 bypass, grading is required along the roadway in NDDOT right of way. The attached agreement stipulates the City is responsible for construction and maintenance of the paths and costs for these improvements.

The Public Works Director has reviewed the NDDOT cost participation and maintenance agreement document. It is the standard agreement the City has entered into with the NDDOT for numerous projects.

It is recommended the Committee and Council approve the Construction and Maintenance Agreement with the NDDOT for Perkett Storm Water Improvements, and authorize the Mayor to execute the agreement.

6. Permanent Encroachment within City Right-of-Way: 105 1st Street SE – Vestibule on the North Side of the Building

A request has been received for an encroachment permit for an existing building with a vestibule on the north of the building that is encroaching into the City right-of-way.

The vestibule was constructed when the building was occupied by the YMCA. The encroachment was brought to the City's attention after an Alta/ACSM Land Title Survey was performed and the right-of-way line identified. The infrastructure improvements associated with the downtown project have been completed and the vestibule did not pose any problems.

The vestibule within the right-of-way is interpreted as a permanent encroachment as defined in Article I. Section 28-3 of the Code of Ordinances. If the City Council deems the request is warranted, it should be approved with the following recommendations:

1. The City Council approve the encroachments listed above.
2. The Owner signing the permit agrees the costs of maintenance and replacement be his responsibility.
3. The City Attorney prepare the encroachment permit agreement, including language to protect the City from liability.
4. The City Council retains the right to revoke the encroachment permit if it becomes necessary for any reason.
5. The property owner pays a \$100 processing fee.

It is recommended the Committee and Council approve [encroachment](#) of the vestibule on the north side of 105 1st Street SE.

7. Building Relocation- 1805 2nd St SE

The City of Minot received a request from First Assembly of God to relocate a portable classroom from 3800 11th Ave SE to 1805 2nd Street SE, also known as South Park Terrace 2nd Addition, Block 1.

The building to be moved is a 2009 year built 24' x 70' wood framed portable classroom of 1,680 square feet. A proposed plan indicates the portable classroom will be placed in the northeast corner of the subject property. The

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portable classroom has a gable roof, rubber surface roof and is 2” x 6” frame construction with composite siding. The windows are a vinyl double-hung style.

The proposed site is on a street that includes a multi-family complex on the east and south sides of the location and a newly constructed multi-family complex to the west across 2nd St SE. The portable classroom was built in 2009 and would therefore meet 60% of its replacement cost as per Sec 9-47(b)(c) of the Minot Code of Ordinances.

It is recommended the Committee and Council approve the [relocation](#) of a portable classroom to 1805 2nd St SE, subject to the following conditions:

- A \$10,000 completion bond must be posted with the City of Minot prior to issuance of any permits for this work.
- An approved foundation design in compliance with City of Minot building codes.
- The plumbing, electrical and HVAC systems, if applicable, shall be brought into compliance with current code requirements of the City of Minot.
- All work at the new location must be in compliance with the City of Minot building codes and zoning ordinances.
- Approved building permits for all proposed construction
- Smoke detectors in required locations
- The exterior of the structure must match the onsite primary building in design and color.
- Skirting around perimeter of foundation is required.
- Applicant must obtain all necessary permits, and coordinate all relocation activities with public utilities and traffic authorities.
- The property must be provided with proper site drainage, site restoration and must be landscaped in a manner similar to surrounding properties.
- All work must begin within 30 days of issuance of moving and building permits and completed within ten months of start date and generally in accordance with the following schedule:
 1. Foundation complete within two months.
 2. Structure relocated within four months.
 3. Work required for code compliance complete within six months.
 4. All proposed construction and final clean up complete within ten months.
 5. City of Minot Zoning Ordinance, Section 23-1 states that “All off-street parking spaces and all driveways on private property leading to such parking areas shall be all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards.”

8. Apex Contract Amendment (3490.2)

Apex Engineering has approached the Public Works Department requesting a contract amendment to the engineering services provided for the 30th Ave and 55th St NE Gravity Sewer project.

The contractor, Tom’s Backhoe, was not able to finish the project last year before cold temperatures set in. They have been working this summer to complete the project. This has extended the engineering needed to make sure the project is built to City specifications.

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Apex is requesting an additional \$26,750 on an hourly, not to exceed basis, to cover the additional time involved with managing and inspecting this contract. The City requires full time inspection on infrastructure projects and staff feels this request is justified.

Fiscal Impact: The current amount of liquidated damages will cover the expected engineering costs, so there should not be a financial impact to the City to amend the contract.

It is recommended the Committee and Council approve the request to increase the current contract with Apex Engineering by \$26,750 for the 30th Ave and 55th St NE Gravity Sewer project and authorize the Mayor to sign the amendment.

9. Emergency Action Plan for Flood Fighting (3135.1)

As a requirement of the System Wide Improvement Framework (SWIF) for the existing levee system, the City is required to complete an Emergency Action Plan.

The Emergency Action Plan for flooding of the Mouse River (EAP) describes the processes and procedures to be used by the City of Minot in the event of a flood emergency in order to protect lives and to prevent extensive property damage. It is intended to supplement the Ward County Emergency Operations Plan as a tool to use before, during, and after a flood emergency, providing resources to pertinent personnel as events unfold.

The EAP is an emergency plan that will coordinate protection of the City of Minot in the event another Mouse River flood occurs prior to completion of the long-term MREFPP. It provides information and/or guidance for fighting floods in the areas of:

- Authority and emergency declarations
- Requesting shared resources and assistance from state and federal agencies
- Organization structure
- External resources and contacts
- Flood elevations, mapping, and history
- Public and private utilities
- Critical facilities and emergency shelters
- Prioritized actions for fighting floods of varying severity
- Evacuation
- Internal and external communication

It is a living document that will be updated as personnel change, future flood protection measures are constructed, and lessons learned are incorporated.

The plan will be available on the City of Minot webpage and will be updated yearly to reflect any changes.

It is recommended the Committee and Council approve the EAP for flood fighting in the City of Minot.

10. Award of Quotes- Main Street Alley Reconstruction (4223)

Previously, City Council directed staff to proceed with obtaining quotes to reconstruct the Main St alleys adjacent to the parking structures. Staff developed plans and quote packages and sent them to the local paving companies for quotes. Each alley will be a separate quote, Central Ave to 1st Ave SW is project 4223.1, and 2nd Ave to 3rd Ave is project 4223.2.

Fiscal Impact: Each alley project is estimated to cost \$50,000 to reconstruct. Funds for the improvements will come from sales tax infrastructure.

The quote packages will be opened on October 3rd, the day of the City Council meeting. An award recommendation

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will be placed on Council's desk for consideration.

11. Ordinances on Second Reading

- a. [Ordinance No. 5108](#) – Amend the 2016 Annual Budget – Police Administration Education and Training
- b. [Ordinance No. 5109](#) – Amend the 2016 Annual Budget – Police Patrol Maintenance Expenditures
- c. [Ordinance No. 5110](#) – Amend the 2016 Annual Budget – Airport Professional Service Contract- Security