

PUBLIC WORKS AND SAFETY COMMITTEE

September 28, 2016

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Members Present:

Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight

Members Absent:

Berg

Others Present:

City Clerk, Acting City Manager, City Attorney, HR Director, City Assessor, City Comptroller, City Treasurer, City Engineer, Traffic Engineer, Principle Planner, Building Official, Fire Chief, Police Chief, Public Works Director, Aud./ Rec. Director, Public Information Officer, Alderman Hedberg, Alderman Lehner, Alderman Olson, Alderman Sipma, Josh Wolsky, Jill Schramm

To the Honorable Mayor and All Aldermen:

Following are the recommendations of the **Public Works and Safety Committee** meeting called to order at 4:15 p.m. on September 28, 2016:

1. The City Council approve the cost participation and maintenance agreement with the NDDOT for the Broadway Viaduct 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. (3979)

The above motion by Alderman Jantzer, seconded by Alderman Straight, and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none.

2. The City Council approve the Construction and Maintenance Agreement with the NDDOT for Perkett Storm Water Improvements, and authorize the Mayor to execute the agreement. (3529 Phase MI-2a)

The above motion by Alderman Jantzer, seconded by Alderman Straight, and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none.

3. The City Council approve encroachment of the vestibule on the north side of 105 1st Street SE with the following conditions:

- 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.**

The above motion by Alderman Jantzer, seconded by Alderman Straight, and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none.

4. The City Council approve the relocation of a portable classroom to 1805 2nd St SE, subject to the

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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.”**

The above motion by Alderman Jantzer, seconded by Alderman Straight, and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none.

5. The City Council approve the Emergency Action Plan for flood fighting in the City of Minot. (3135.1)

The above motion by Alderman Jantzer, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none

6. The City Council award the Main Street alley reconstruction project after the bids are received. (4223)

The above motion by Alderman Jantzer, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none

7. The City Council place and pass the following ordinances on second reading:

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- 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**

The above motion by Alderman Jantzer, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none

8. The City Council approve the West Central Distribution Developer’s agreement with staff’s proposed language and authorize the Mayor to sign the agreement. (4235)

The above motion by Alderman Jantzer, seconded by Alderman Straight.

Upon questioning by Alderman Shomento, The City Engineer stated, West Central is an agricultural products supplier. A developer was supposed to build the infrastructure for the area in which the company is located but they did not. As a result, West Central made a request to the City to connect directly to City trunk sewer and water temporarily, until the distribution mains are installed. He continued by saying, the cost would be in the hands of West Central but could be around \$15,000-\$20,000.

Upon concerns by Alderman Straight, Alderman Jantzer assured his confidence the company would be able to pay.

Whereupon a vote was taken on the motion by Alderman Jantzer, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none

9. The City Council hold an ordinance 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.

The above motion by Alderman Podrygula, seconded by Alderman Shomento.

To begin discussion, Alderman Kossan moved to approve the item as recommended by staff. Motion seconded by Alderman Straight.

George Moe, of 611 16th St NW came before the committee in opposition to the new parking ordinance. He explained the traffic he has witnessed during school hours, and does not believe the residents of that area should lose parking over an issue created by the school.

Charles Herrmann, of 625 16th St NW explained, he and Mr. Moe spoke with all of their neighbors about the issue and only one person was in favor of changing the parking. He believes the school created the problem and should have to fix it without causing any hardship to the citizens who live there.

Upon questioning by Alderman Schuler, the City Engineer explained, parking is currently permitted on the west side of the street and restricted on the east side. After speaking with the School Board, an option was suggested to swap and restrict parking on the west side. A letter was sent to residents in order to gain their feedback. It was then decided to restrict both sides of the street and allow a loading period. He also stated, 16th Street is a major arterial

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roadway and if traffic continues to increase, it will eventually be changed to a three lane road and parking will have to be restricted on both sides.

Jared Edwards, who works for the school district, explained by saying Longfellow School has grown and more students are being driven to and from school. He said, their main concern is the safety of the students but the school is open to working with the City and the residents who live there. He said, staff sends correspondence to the parents about pickup and drop off procedures but most parents want to park near the door.

Alderman Schuler suggested using the reverse call feature to remind parents of the appropriate procedures.

Alderman Kossan asked if a sidewalk could direct traffic or if a crosswalk would be helpful.

The City Engineer responded, a mid-block crosswalk would not likely stop or slow passing vehicles. He said, the City, along with the school district and residents can work through their options, address concerns and modify the ordinance.

Alderman Shomento mentioned, the nearby church had previously used volunteers as crossing guards during high traffic time periods.

Alderman Podrygula moved the City Council hold the item for further research. Motion seconded by Alderman Shomento.

Mark Lyman, School Board member, stated, he agrees with the decision to hold the item. He does not think changes should be made in favor of the short period of time when traffic is heavy at the cost of the resident’s parking. He has witnessed the parking issues during peak times and is glad the parties involved can work together to resolve the problem.

Whereupon a vote was taken on the motion by Alderman Podrygula, seconded by Alderman Shomento and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none

10. The City 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. (4237)

The above motion by Alderman Jantzer, seconded by Alderman Podrygula.

Alderman Podrygula stated, he would like to give direction to staff and the School Board to maintain communication on important matters.

Alderman Schuler commended the work of the Traffic Engineer, Sunil Jeboo for helping to resolve this issue.

Whereupon a vote was taken on the motion by Alderman Jantzer, seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none

11. The City 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

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amendment. (3490.2)

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The above motion by Alderman Jantzer, seconded by Alderman Straight.

Upon questioning by Alderman Shomento, the Public Works Director explained by saying, liquidated damages were assessed to Tom's Backhoe for exceeding the contracted deadline. Those liquidated damages will pay for the cost of additional engineering needed by Apex.

Upon questioning by Alderman Podrygula, the City Attorney stated, liquidated damages are included in a contract as a daily amount for going over the project deadline. They are not punitive or to be used as punishment. They are to pay off incurred costs as a result of working past the deadline. There are no provisions for incentives.

Whereupon a vote was taken on the motion by Alderman Jantzer, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight. nays: none

There being no further business, the Public Works and Safety Committee meeting was adjourned at 5:05 pm

Respectfully Submitted,
Kelly Matalka,
City Clerk