

PUBLIC WORKS AND SAFETY COMMITTEE

September 28, 2016

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Members Present:

Podrygula, Schuler, Shomento, Straight, Berg

Members Absent:

Jantzer, Kossan

Others Present:

City Clerk, Acting City Manager, City Attorney, HR Director, City Treasurer, City Engineer, City Engineer, City Engineer (Asst.), Planning Director, Building Official, Fire Chief, Police Chief, Public Works Director, Public Works Dir. (Asst.), 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 November 2, 2016:

1. The City Council leave in place the existing traffic ordinances and direct staff to continue to monitor traffic volumes on 16th St NW.

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

2. The City Council grant the City Engineer and Director of Public Works authority to sign temporary construction easements for City owned property along Broadway Bridge. (3979)

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

3. The City Council select JLG Architects to perform the architect/engineering services for the Library renovation, authorize the Library Director to negotiate a scope and fee, and authorize the Mayor to sign the contract. It is also recommended an ordinance be passed on first reading to amend the 2016 annual budget to increase the Library Fund Revenue and Expenditures and decrease the Library Capital Equipment Purchases Revenue and Expenditures. (LIB024)

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

4. The City Council pass an ordinance on first reading to amend the 2016 annual budget to increase the criminal investigations budget for internet crimes against children equipment grant. The revenue will come from the North Dakota Bureau of Criminal Investigations. (PD0126)

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

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

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- a. **Ordinance No. 5113 – Amend the 2016 Annual Budget – Boiler Room Pump (LIB027)**
- b. **Ordinance No. 5114 – Amend the 2016 Annual Budget – Engineering Restrooms (PM0006)**
- c. **Ordinance No. 5115 – Amend the 2016 Annual Budget – Third Party Interface Software (FD0050)**
- d. **Ordinance No. 5116 – Amend the 2016 Annual Budget – Vehicle for IT Department**

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

6. The City Council approve the Animal Performance Event permits for events taking place at Nature’s Nook Children’s Toys and Books, 1700 21st Ave NW, on November 19, 2016 and MSU Campus, 500 University Ave West, on November 29, 2016.

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

7. The City Council approve a contract amendment with KLJ on an hourly basis not to exceed the maximum amount of liquidated damages assessed on the Hillcrest Drive Retaining Wall. (4088.1)

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

Upon questioning by Alderman Straight for an update, the City Engineer stated, the project is complete except for installation of the guard rail, a fall protection fence on the wall and general clean up. The area is open to residents but will remain closed until those safety features are added. He explained, the stop signs on 3rd St will be removed and traffic returned back to normal by next week.

Alderman Podrygula asked about the longevity of repairs on the wall, to which the City Engineer replied by saying, it was a 50 year design.

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

8. The City Council approve the request to amend the current contract with Apex by \$68,580 for the 8th Street Water and Sewer Improvements project and authorize the Mayor to sign the amendment. (4010.2)

The above motion by Alderman Straight, seconded by Alderman Berg

Alderman Straight asked the Public Works Director to explain the process of collecting liquidated damages from a company if they happen to fall into bankruptcy. The Public Works Director stated, the next step is working with the attorneys to go against the surety with Vortex Drain Tiling, who has admitted they could not complete the project. He continued by saying, the project is complete now that the concrete has been poured and the City is working to recoup for damages.

Upon further questioning by Alderman Straight, the Public Works Director commented this type of situation has

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only happened three times in his 30 year career.

Alderman Shomento asked if there is a possibility the surety company would not pay. The Public Works Director stated there is always a chance but then there would be a legal dispute.

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

9. The City Council approve the engineering amendment with Houston Engineering for the SWIF deficiency work and authorize the Mayor to sign the contract amendment on behalf of the City. (3135.2)

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

Alderman Straight shared his concern for contracting additional work on a duplication of services out of sales tax used for flood protection. He asked if there are any other sources that can be used or collected such as the Resiliency funds for this additional work.

The Finance Director/Acting City Manager stated, Resiliency funds will not be used for the SWIF.

The Public Works Director stated, the overall estimated cost over the next 3-5 years is \$7-9 million for corrections to the existing program. He explained, the current levee system will benefit from the installation of the long term flood protection plan but also must be brought up to the standards required by the USACE to stay in the current grant program. He also noted, there are previous levee funds which have been rolled into the fund as well.

The Finance Director stated, the City is aware there will not be enough cash on hand but when projects are bid in the spring, city staff will do financial analysis to figure out what to bond for. She reiterated, the \$74.3 million in Resiliency funds cannot be used for flood protection.

Upon questioning by Alderman Schuler, the Public Works Director said, the scoring on some existing levees did not qualify to be included in the SWIF project and some were not as serious as others so will be dealt with in the future.

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

Other Business

Alderman Shomento requested an update on the progress of the new Fire Station on North Hill. The Fire Chief stated, she is working with the City Attorney and other staff to purchase a piece of land owned by Mindt Construction. There is \$235,000 set aside for land purchase in the 2016 budget. Staff will also be moving forward with a request for qualifications to design the project which is budgeted in 2017.

There being no further business, the Public Works and Safety Committee meeting was adjourned at 4:34 pm

Respectfully Submitted,
Kelly Matalka,
City Clerk