

**PUBLIC WORKS AND SAFETY COMMITTEE**

May 31, 2017

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Members Present:

Berg, Jantzer, Kossan, Podrygula, Schuler, Shomento, Straight

Members Absent:

None

Others Present:

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

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 May 31, 2017:

- 1. The City Council award the bid to Tom’s Backhoe Service, Inc. of Brainerd, MN, in the amount of \$967,242.30 for Storm Sewer District 122. (4197)**

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

- 2. The City Council award the bid to PKG, Inc. in the amount of \$6,506,050.00 for the Sundre Waterline Reservoir and Booster Station and authorize the Mayor to sign the contract documents on behalf of the City. (4195.1)**

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

- 3. The City Council approve the request to amend the contract with Apex Engineering by \$29,700 to include design and construction engineering for Burdick and Carney lift stations and authorize the Mayor to sign the amendment on behalf of the City. (4010)**

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

- 4. The City Council place and pass the following ordinances on second reading:**
  - a. Ordinance no. 5188 – Amending the Zoning Code of Ordinances**
  - b. Ordinance no. 5189 - Amend the 2017 Annual Budget- Fire Capital Purchase Expenditures**

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

- 5. **The City Council approve the request to relocate 1988 year built, 1,496 square foot single family residence from 610 Forest Road to 2500 56<sup>th</sup> St NW subject to the following conditions:**
  - a. **A ten-thousand dollar completion bond must be posted with the City of Minot prior to issuance of any permits for this work.**
  - b. **Building permits for all proposed construction.**
  - c. **An approved foundation design in compliance with City of Minot building codes.**
  - d. **If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.**
  - e. **All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.**
  - f. **The exterior of the structure must be one consistent color or scheme of colors after relocation.**
  - g. **Applicant must obtain all necessary permits, and coordinate all relocation activities with public utilities and traffic authorities.**
  - h. **The property must be provided with proper site drainage and must be landscaped in a manner similar to surrounding properties.**

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

- 6. **The City Council award the bid to Farden Construction Inc. in the amount of \$1,137,362.05 for the Landfill Cell 6 Construction and authorize the Mayor to sign the documents on behalf of the City. (4241 & LF0007)**

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

The Assistant Public Works Director came forward and stated, staff is recommending the bid be awarded to Farden Construction, Inc. but wanted to let the Committee know, a protest was received regarding this bid award. He said, after talking to the City Attorney, staff believes they should move forward with the bid as recommended. He explained the situation by saying, there was an abnormality in the bid which was waived before reading the bid amount. The instructions to bidders said to include a supplier list in the envelope holding the bid. Farden Construction did not enclose the list but since it was not required by state statute, the Public Works Director said to proceed to the bid amount. The City Attorney will continue communications with the attorney of the protesting bidder.

Upon questioning by Alderman Straight, Mr. Sorenson stated, the City Attorney has been in contact with the protesting attorney and she will provide them with an update after the Committee meeting. He said, at that point, they will get an idea of how far the client wants to push on the issue.

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

**7. The City Council approve reallocating \$225,000 of existing funds to relocate and set up two flood buyout buildings to Public Works instead of constructing a new building addition. (4060 & WS0023)**

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

Alderman Straight took a moment to commend the department for utilizing the buyout properties and asked what the \$225,000 will be used for. The Assistant Public Works Directed responded by saying, it will take about \$30,000 to relocate the buildings, they also need to lay a concrete slab, and connect utilities like water and sewer.

Upon questioning by Alderman Jantzer, Mr. Sorenson stated, using these buildings will get the department by for now with some additional breathing room. He added, if it wasn't a long term solution, they wouldn't be doing it.

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

**8. The City Council pass an ordinance on first reading Amending Chapter 14 (Garbage and Trash) of the City of Minot Code of Ordinances.**

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

The Assistant Public Works Director gave a presentation to update the Committee on the automation process and explain the proposed ordinance changes. He said, the City has 12,700 waste carts being manufactured and 6,700 have been pre-delivered. The assembly and delivery of all carts will take place July 8-16 and automation will tentatively start on July 17. He explained some setbacks that have taken place on the truck delivery but said one has been delivered and is being used for practice. Two more should be delivered by the second week of June and the delivery dates of the last three are still unknown.

Mr. Sorenson went on to describe the ordinance changes developed by the City Attorney and Sanitation Department, since the current ordinance would conflict with automated collection. He said the fees need to be updated. There are also changes with resident responsibilities, including the amount of waste collected, how to bag and where to place the trash. He explained in detail the biggest change to the ordinance which will be the implementation of mandatory waste collection. He said, in the past there has been no consistency in how to handle opting out. He showed several maps which identified residences who do not participate in City collection.

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Alderman Straight asked how increasing the amount of properties the City collects will affect the numbers. Mr. Sorenson said, there are about 1200-1500 properties who currently do not use City collection services which would result in an additional \$230,000-\$250,000 in revenue for the City.

Upon questioning regarding the push back from business owners like Circle Sanitation, the City Attorney stated, North Dakota Century Code allows the city to mandate garbage collection and it is unusual for the city to permit private business to handle it.

Alderman Kossan asked about the waiver for elderly or disabled residents who are unable to take the can to the curb, to which the Sanitation Superintendent said, that policy is included in the rules and regulations.

Alderman Jantzer asked about the process for residents to discontinue service from one of the private businesses. Mr. Sorenson explained, for several months a survey was sent to current residents to gauge the size of the can they would like to have. Once automation rolls out, the additional customers will be tracked and will be given time to select the size can they want. Assuming everything goes as planned, the cans for those customers will be ordered at the beginning of the year and will probably be included in the automation process around February or March of next year so there will be time for the transfer of services to take place.

Alderman Shomento asked about the difference in cost for the residents who will need to switch to City service. Mr. Sorenson responded by saying, he believes the charges from the private companies are about the same as the City service but the City will provide collection twice each week.

Alderman Podrygula had several questions concerning the amount of trash permitted and the policy regarding large bulky items. Mr. Sorenson responded by saying, even the current ordinance states the City will pick up, "ordinary and customary" amounts of waste. He suggested, customers who need more room should order a larger can. In the instances where homeowners have large amounts of trash after removing flooring, for example, they should either rent a dumpster or take the trash to the landfill in a pickup. He also said there will be several opportunities to dispose of larger amounts of waste, including spring and fall cleanup days and a week during July where it will be free to dump at the landfill. If a resident needs a large item taken, they can also call to schedule a pickup at a charge of \$10.

They also discussed the issue of damaged containers. The Assistant Public Works Director said, damage is hard to pinpoint so the City would cover the cost of replacing a can in the situation where it was questionable. Upon the request of Alderman Podrygula, he said they would look into the wording of the ordinance.

Alderman Schuler asked if there would be any issues if the ordinance did not pass on second reading by the time automation takes effect, to which the City Attorney stated, the ordinance does not affect cart delivery and the other changes can take affect when approved.

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

- 9. The City Council approve the CPM Agreement with the NDDOT for the US 2-42<sup>nd</sup> ST SE project and authorize the Mayor to sign the agreement. It is also recommended the City Council adopt a resolution authorizing the use of general obligation bonds to fund the City's share of the improvement cost. (4181)**

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

The City Engineer stated, earlier in the day they discovered an error on the agreement regarding the cost share to relocate the water main. In the agreement, it said the cost would be split 80/20 but the Department of Transportation cannot pay for that cost so it should be entirely covered by the City. The change increases the City's cost by \$129,000 but, he said, the total project is still being done at a great deal for the City.

Upon questioning by Alderman Kossan, Mr. Meyer explained some changes to the installation of sidewalks. He said, at this time there is nowhere for the sidewalk to go so the DOT will grade the area for future installation of sidewalks.

Mr. Meyer described some future improvements to the 2/52 Bypass which he said, is becoming more like an expressway as the city grows. He said the long term transportation plan looks at solutions to eventually add signals and create access points for the increasing traffic.

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

- 10. The City Council approve the request for an encroachment permit within City right-of-way for 1025 5<sup>th</sup> St SW under the following conditions:**
  - a. The Owner, Michael Huff, signing the permit, agrees that the costs of maintenance and replacement be his responsibility.**
  - b. The City Attorney prepare the encroachment permit agreement, including language to protect the City from liability.**
  - c. The City Council retains the right to revoke the encroachment permit if it becomes necessary for any reason.**
  - d. The property owner pays a \$100 processing fee.**

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

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Chairman Schuler invited the applicant, Michael Huff to explain his request for the encroachment. He said, his intent was to replace an area of grass with concrete because the space had been damaged by plowing and chemicals which made it difficult for grass to grow. While he was having the concrete installed, he also replaced the sidewalks along the area. He was contacted by the City, who said putting concrete in the boulevards of residential areas is not encouraged in case the City should need to dig there. He said, the utilities are not located underground in that location but if the City needed to dig in the future, he would pay for the replacement.

Alderman Schuler said, after having numerous conversations with Mr. Huff, anyone would be lucky to have him as a neighbor. She said, this is one of the instances where she appreciates staff for following the rules but is happy to hear both sides of the situation.

Alderman Jantzer clarified, his motion includes the conditions provided by staff. Alderman Berg confirmed his second.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Berg and carried by the following roll call vote: ayes: Berg, Jantzer, Kossan, Schuler, Shomento, Straight. nays: Podrygula.

There being no further business, the Public Works and Safety Committee meeting was adjourned at 5:10 pm.

Respectfully Submitted,  
Kelly Matalka,  
City Clerk