

**COMMITTEE OF THE WHOLE**

August 29, 2018

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Members Present:

Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky

Members Absent:

Sipma (Mayor)

To the Honorable Mayor and All Aldermen:

Following are the recommendations of the **Committee of the Whole** meeting called to order at 4:15 p.m. on Wednesday, August 29, 2018:

1. **The City Council approve the relocation of the single family residence, from 1014 6th Ave SW, Minot ND, 58701 also known as Kittelsons S/D Port N ½ SW Sec 23 155-83 E50 W100 Lot 7, to 712 Valley Street, Minot, ND 58701, also known as Heckers First Addition Lot 39, subject to the following conditions:**
  1. **A ten-thousand dollar completion bond must be posted with the City of Minot prior to issuance of any permits for this work.**
  2. **Application and approval of mechanical, electrical, plumbing, building permits for all new proposed construction.**
  3. **Coordinate all relocation activities with public utilities and traffic authorities.**
  4. **An approved foundation design in compliance with City of Minot building codes.**
  5. **If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.**
  6. **All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.**
  7. **The exterior of the structure must be one consistent color arrangement of colors after relocation.**
  8. **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 Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

2. **The City Council authorize final payment to Advanced Athletic Surfaces in the amount of \$17,980 for Resurfacing of two Tennis Courts and one Basketball court at the South Hill Complex.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

3. **The City Council approve final payment in the amount of \$43,878.04 to Fusion Automation Inc. for the Aeration Blower Improvements. (4105)**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 4. The City Council approve final payment to Wagner Construction in the amount of \$43,071.08 for the NE Water Distribution Project. (4156)**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 5. The City Council reject the bid received for replacing the Minot Public Library's joint sealants and authorize the Library Director to re-bid for this project.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 6. The City Council accept award of the JAG Grant for the Domestic Violence Crisis Center as a pass through entity and authorize the Mayor to sign any necessary documents. (PD0133)**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 7. The City Council authorize staff to apply for and accept the Fiscal Year 2018 Byrne Justice Assistance Grant (JAG); and authorize the Mayor to sign the Memorandum of Understanding**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 8. The City Council ratify and accept the North Dakota Department of Emergency Services (NDDDES) FY 2018 State Homeland Security Program (SHSP) and authorize the Mayor to sign the agreement**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 9. The City Council authorize the Mayor to sign the Minot Air Force Base Fire Department Mutual Aid Agreement with the Minot Fire Department.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

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- 10. The City Council authorize the Fire Chief to trade in used SCBA equipment for in store credit to be used to purchase additional equipment to augment SCBA project. Also, pass an ordinance amending the 2018 annual budget to increase expenditures and revenues in the fire control operation supplies budget.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 11. The City Council award the bomb suit bid to MED-ENG, LLC in the amount of \$32,599.00. (PD0112)**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 12. The City Council approve the amended contract with EAPC that reflects the adjusted remodel construction cost for Fire Station 3 and authorize the Mayor to sign the amended contract.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 13. The City Council approve the proposed ordinance enacting new provisions of Sections 32-51 through 32-54, inclusive, to be designated as Article VI, "Enterprise to Provide Funding to the Children's Museum of Minot, Inc. d/b/a The Magic City Discovery Center," and authorizing the city of Minot to engage in the enterprise of granting funding to a private nonprofit entity for the enhancement and improvement of community facilities through a joint powers agreement with the Minot Park District from proceeds from the city sales tax.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 14. The City Council approve the Cost Participation and Maintenance Agreement with the NDDOT for the US 2 23rd St to Burdick Expressway Lighting project; and authorize the Mayor to sign the agreement. (4383)**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 15. The City Council accept the 2018 AIP Grant Offer 3-38-0037-054-2018 from the FAA in the amount of \$1,729,391; and authorize the Mayor and the City Attorney to sign necessary documents Also, the City Council pass an ordinance amending the 2018 annual budget to increase the capital expenses and revenues for capital projects after FAA funds have been awarded.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**16. The City Council grant approval for the Municipal Judge to utilize the Municipal Courtroom to conduct marriage ceremonies.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**17. The City Council approve the \$17,692.75 change order to the contract with Dig It Up Backhoe Service for work needed to shore up Home Sweet Home to move to the new foundation.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**18. The City Council enter into an agreement to allow CP Railroad to use a portion of City owned property for temporary staging and authorize the Mayor to sign the Encroachment agreement on behalf of the City.**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**19. The City Council approve an engineering amendment for Houston Engineering in the amount of \$8,861.00 for the NE Water Distribution project and authorize the Mayor to sign the agreement on behalf of the City. (4156)**

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The above motion by Alderman Olson, seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**20. The City Council approve final payment in the amount of \$213,412.77 to Essential Living, LLC for the Park South LMI multi-family apartment project.**

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

Alderman Straight commented that there was a great ribbon cutting ceremony for the completion of the Park South project. He recommended staff stay in contact with Mr. Walker moving forward so the City can learn what went well throughout the project and what we can do better.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

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- 21. The City Council approve the purchase of an ADA compliant handicap accessible 2018 Braun Entervan off of North Dakota State Bid Contract #382 and allow the Public Works Director to sign the purchase order and any other associated forms for this purchase. Also, the City Council authorize staff to sell the van that is being replaced using sealed bids once the new van is in service and pass an ordinance amending the 2018 annual budget for the purchase. (4376/BUS027)**

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

Alderman Wolsky requested a copy of the agreement with Souris Basin Transit, which the Public Works Director will provide. He also commented that he is concerned tax dollars are being used to purchase a van which creates competition for taxi companies who are required to provide ADA vehicles as well.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 22. The City Council pass an ordinance to amend and reenact 23-61 of the City of Minot Code of Ordinances to add an exception for a Canada Goose mitigation program for the Park District.**

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The above motion by Alderman Wolsky, seconded by Alderman Pitner.

Alderman Wolsky stated, the Park Board is anxious to have this ordinance passed. It stems from a recommendation by the Nuisance Animal Ad Hoc Committee to support the Park District in their efforts to regulate wildlife. He said, the golf course has recently been seeded but the geese are eating all the fresh seed which is costing the Park District more money. He requested the second reading of the ordinance be expedited.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

- 23. The City Council pass on first reading an ordinance to remove yield control on Main St at 8th Avenue S, and replace with a stop sign to improve intersection sight distance.**

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

Alderman Straight mentioned, there have been complaints from the neighborhood regarding a vehicle that parks at the intersection and makes it difficult to see. He asked for the City Engineer to comment.

Mr. Meyer said, when analyzing an intersection, they look for obstructions like trees, fences, or other permanent structures. Cars may not be there all the time so they do not factor into the decision. In this situation there was a row of hedges but changing the intersection from a yield control to a stop sign eliminates the hedge row from the sight triangle.

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Upon further discussion, the City Engineer said, the area can be reviewed to propose a no parking section. He will do further research and report back.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**24. The City Council approve the Lease Assignment Document between CORPAT Inc. dba National/Alamo Car Rental and Enterprise RAC Company of Montana/Wyoming. LLC. and authorize the Mayor to sign the required document.**

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The above motion by Alderman Wolsky, seconded by Alderman Pitner.

Alderman Wolsky asked if the corporation will continue to operate as they currently do, to which the Airport Director stated, the branding will remain the same as it is now.

Alderman Wolsky expressed concerns that this creates an illusion of competition.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**25. The City Council authorize the DR Grant Program Manager to proceed with creation of 501(c)(3) nonprofit to establish Allocation #1 Business Revolving Loan Fund and expand sub-recipient agreement with Souris Basin Planning Council to manage the Revolving Loan Fund.**

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

Alderman Straight asked Mr. Zakian to explain the longevity of the program.

Mr. Zakian said, the Revolving Loan Fund is a self-perpetuating program that is traditionally done with entitlement grantees. The interest is kept for operating purposes and the principal is loaned out. As a 501(c)(3), they will also be able to pursue other grants. It is another benefit of the opportunity zone that now we will be eligible for grant programs that were not previously available to us. The substantial amendment of Allocation #1 allocated \$800,000 to loan to businesses who want to expand or relocate in downtown as a result of the flood. The next step to get the process started is to either create a 501(c)(3) or partner with an existing one already in the city. After researching, there are no 501(c)(3)'s located in the city who can carry out economic development activities. He added, the creation of a non-profit protects the City from the liability associated with revolving loans and becomes the responsibility of the 501(c)(3). He stated, the total cost to establish it will be under \$100.

Upon questioning by Alderman Straight regarding who will be the administrator of the program, Mr. Zakian stated, the Souris Basin Planning Council has expertise on staff. He envisions they will be engaged through a subrecipient agreement that will come before the Council at a later time for approval.

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There will be an agreement to clearly define the roles and responsibilities to make sure this is sustainable long term.

Alderman Straight expressed concerns with oversight of how funds are spent to which Mr. Zakian stated, it will be the responsibility of the staff to ensure compliance.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**26. The City Council approve Hiring Mark Thelen Appraisal and Consulting for appraisals and Kathy’s Appraisal, Inc. for review appraisals if required. Also, the City Council amend the Allocation #1 Voluntary Acquisition Program to establish property/structure value for making purchase offers to be post flood value.**

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

Alderman Podrygula requested an update on the status of the “zombie homes.” Mr. Zakian replied by saying, there have been 32 homes identified to be included in the program and they are limited to properties that were impacted by the flood. He said, he has been working with the City Attorney and Building Inspector and is hoping to work with the Health Department to acquire as many homes as quickly as possible. Of the 32 properties, there are 12-15 that are expected to voluntarily sell the property to the City. Approval of this motion will accelerate the City’s ability to acquire the homes.

Alderman Pitner asked what the City would do with the properties once they are acquired and asked if they could be resold after demolition in order to get them back on the tax roll.

Mr. Zakian said, the goal is to clear the land and then come back to Council for approval of what to do next. He stated, they could be included in the Neighbor Next Door program.

The City Attorney reminded, if properties are purchased through eminent domain, they cannot be repurposed or resold.

Whereupon a vote was taken on the above motion by Alderman Podrygula, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**27. The City Council approve the CDBG-DR and CDBG-NDR Contract Performance Guidelines.**

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

Alderman Podrygula stated, he appreciates the NDR Program Manager for being proactive and creating greater accountability. He suggested including three additional guidelines including: a vetting process such as a criminal background check, requiring three references, and adding a conflict of interest policy.

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Mr. Zakian explained, the proposed policy is limited to projects using HUD funds and most of those concerns are addressed within HUD guidelines. He said, a debarment check is performed prior to awarding a contract and HUD has very strict conflict of interest rules. He then mentioned, most of these guidelines have been carried out but HUD likes to see it memorialized in writing.

Whereupon a vote was taken on the above motion by Alderman Podrygula, seconded by Alderman Wolsky and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**28. The City Council ratify staff’s decisions to (1) reject all July 17, 2018 bids for demolition work for 614 & 717 4th Avenue NE, 205 & 215 Maple Street, 400 Maple Street, and 430 4th Avenue NE and (2) rebid the projects. Also, the City Council reject all August 17, 2018 bids for 614 & 717 4th Avenue NE, 205 & 215 Maple Street, 400 Maple Street, and 430 4th Avenue NE.**

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

Alderman Podrygula asked the NDR Program Manager to explain the request to reject the demolition bids. Mr. Zakian replied by saying, HUD rules say to adhere to state and local law so the City has the right to reject all bids for any reason. HUD also encourages grantees to find the lowest bid possible when engaging in contract work. In this situation the City is not faced with exigent circumstances to complete the project and there is no requirement to pursue the bids. The properties included in this demolition project are not needed for flood control and there is no urgency to demolish them.

Alderman Straight asked if rebidding the project later would require paying for another engineer’s estimate, to which Mr. Zakian responded by saying, CDM Smith engineer’s provide the estimate so it is not an additional cost. He also said, it would be rebid when economic conditions appear to be most conducive to receiving low bids.

Whereupon a vote was taken on the above motion by Alderman Podrygula, seconded by Alderman Wolsky and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**29. The City Council approve the Cost Participation and Maintenance Agreement with the NDDOT for the CP Rail Main St Crossing Upgrade project and authorize the Mayor to sign the agreement. Also, the City Council pass an ordinance to amend the 2018 annual budget to increase the street improvement expenditures. (4384)**

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

Upon the request of the Committee, the City Engineer gave a summary of what it would take to implement the quiet zone downtown. He estimated it would cost a couple million dollars to start the project. Most rail signals do not have the constant warning time system and each intersection would cost about \$250,000-\$300,000. In the past, the state offered a grant that allowed Minot to replace the BNSF crossings but the state does not have the funding for the entire area. He recommended, if the Council is interested in making this a priority, to discuss with local legislators for funding.

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Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**30. The City Council approve the engineering amendment with Houston Engineering for additional work due to CP Rail requirements and authorize the Mayor to sign the agreement. (4195)**

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

Upon questioning by Alderman Straight about protecting the water supply in case of an emergency, the Public Works Director explained, the sundre line has been re-routed to tie into NAWS about six miles south of Minot. There is a series of control valves so when we start taking water from the lake, we can close the valve and take water from either the lake or the NAWS line. Part of the long term plan is to supplement water from the lake with water from our wells. The old sundre line is now out of commission; we are returning easements and are abandoning the line.

Whereupon a vote was taken on the above motion by Alderman Straight, seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**31. The City Council authorize staff to prepare an RFQ for analysis of Anne Street bridge condition assessment and repair cost to be funded using CDBG-DR Allocation #2 funds. (4385)**

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The above motion by Alderman Olson, seconded by Alderman Pitner.

The Public Works Director stated, the recommendation suggests using funds from sales tax major projects, however, the NDR Program Manager explained that CDBG-DR funds from Allocation #2 could be used for this project.

Mr. Jonasson then provided several photos of the bridge and said the state of the repairs are beyond staff's expertise. In order to find out exactly how to repair the bridge and an estimated cost, an assessment should be done. He also mentioned, the bridge is on the historical register so any repairs would be done in coordination with the State Historical Society. They also need to work with BNSF to interpret the current agreement and ensure the maintenance is allowable.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**32. The Airport Director provided a written report.**

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**33. The City Engineer presented information on the Pavement Management Plan. (4294)**

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Lance Meyer, City Engineer, presented the results from the study that was done on the city’s pavement conditions. The analysis will allow staff and City Council to make data driven decisions on what street projects to pursue and when. He provided information for future financial planning and gave details on the effects of delaying street maintenance.

The full presentation can be found at the following link:

<https://www.youtube.com/watch?v=clxa4D95PCE>

**34. The City Council reauthorize the work of the Zoning and Planning Steering Committee and advertise open positions on the committee.**

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

Alderman Wolsky said, the Planning and Zoning Steering Committee has been working to make revisions and overhaul the zoning code. It is chaired by Rolly Ackerman but is short on members. He invited the public to express their interest if they would like to join the committee. The policies they work on influence the development patterns in the City of Minot.

Alderman Jantzer stated, members of this committee should have some expertise on the topics they deal with in construction and development and should be familiar with the zoning code.

Alderman Podrygula said, the committee is a good example of cooperation between private and public entities working toward their goal of being more efficient.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky. nays: none.

**35. The Committee of the Whole tabled discussion for an additional 30 days on establishing an organizational structure to lead coordinated efforts to assess IEDC Action Step recommendations and undertake those recommendations with Council approval deemed necessary for a coordinated, overall economic development strategy.**

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Mr. Zakian explained, the item was tabled last month in order to give the stakeholders an opportunity to meet and further discuss the organizational structure proposed by the City. The consensus after the stakeholder meeting was that those in attendance would provide feedback identifying the tasks/issues in the IEDC report that need to be solved and which of those issues they would like to be involved in. Then four members of the group, John Zakian, John MacMartin, Stefanie Hoffart and Phyllis Burckhard, would review the comments and report back.

Mr. MacMartin came forward and said, they have not heard from many of the stakeholders and would like an additional 30 days to collect more feedback. He mentioned, there were representatives from about

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30 organizations but there were only about eight responses received. There are others with significant stakes in the changes being made and he does not believe they are ready to move forward.

Alderman Wolsky moved the Committee table the discussion for an additional 30 days on establishing an organizational structure to lead coordinated efforts to assess IEDC Action Step recommendations and undertake those recommendations with Council approval deemed necessary for a coordinated, overall economic development strategy. Motion seconded by Alderman Podrygula.

Alderman Straight said, he wants to be responsive to their concerns but is ready to move forward.

The Committee expressed their frustration that so few responses were collected.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Wolsky. nays: Straight.

There being no further business, the meeting was adjourned at 6:48 pm.

Respectfully Submitted,  
Kelly Matalaka,  
City Clerk