

**COMMITTEE OF THE WHOLE**

October 30, 2018

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Members Present:

Sipma (Mayor), Jantzer, Olson, Pitner, Podrygula, Straight, Wolsky

Members Absent:

None

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 Tuesday, October 30, 2018:

- 1. The City Council approve the final payment to Dynamic Sports Construction in the amount of \$194,365.00 for Resurfacing of the Main Auditorium Arena Floor and approve final payment to EAPC Architects in the amount of \$1,733.17 for Architecture Design and Construction Administration of the Main Arena Floor.**

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

- 2. City staff withdrew an item regarding the purchase of a SMART board for the Finance Conference Room. (FIN004)**

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- 3. The City Council approve Change Order #2 reducing total contract price for the completed 2017 CDBG-DR/CDBG-NDR demolition contract. (3755.4)**

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

- 4. The City Council add four structures, located at 710 12th Street SW, 601 2nd Ave NE, 821 2nd Ave NE, and 201 6th Street NE, to the City's auction initiative to make available additional funds for other needed property acquisitions.**

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

- 5. The City Council authorize Eminent Domain process to commence for acquisition of 404 4th Ave NE, 805 2nd Ave NE, and 612 2nd Ave NE.**

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

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- 6. The City Council approve the Statement of Work from Trillion Aviation to develop an ACDBE program and lease template; and authorize the Mayor to sign any applicable documentation. (AIR075)**

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

Alderman Wolsky requested the Airport Director provide a copy of the policy that was mentioned in the memo that will level the playing field for small business, once it is developed.

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

- 7. The City Council approve the transfer of the retail liquor and beer license from H O Entertainment LLP (dba dae Udder Place Lounge & Casino) to Ice Time, LLC. The City Council also approve the request by Ice Time, LLC dba Aces for the retail liquor and beer license to operate at 1524 S. Broadway, subject to approval by the Police Chief, Fire Marshal and Building Official.**

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

Alderman Wolsky mentioned there are some policy changes he would like to address at a later time, including requiring a mandatory notification when a license goes inactive. He said he will meet with the Police Chief and City Attorney.

Alderman Straight asked about the length of time the license was inactive, to which the City Attorney responded by saying, their lease ended October 31, 2017.

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

- 8. The City Council approve the CDBG-NDR Non-Substantial Amendment.**

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The above motion by Mayor Sipma, seconded by Alderman Straight.

Alderman Wolsky asked the NDR Program Manager if this amendment includes the ability to use space for a campground. Mr. Zakian responded by saying, there is no language included to specifically address that issue because it would probably trigger a substantial amendment. He continued by saying, it has been discussed and may come later but this request addresses changes that can be made in a non-substantial amendment.

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

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**9. The City Council approve amending the Involuntary Acquisition Policies and Procedures to cease use of Appeals Committees as being inconsistent with the federal law and causing confusion about the federal required acquisition procedures.**

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

Alderman Wolsky said, he is glad to see the Appeals Committee eliminated and to see improved communication between the City and homeowners.

Mayor Sipma clarified by saying, he has discussed the issue with Aldermen Olson and Pitner, who are representatives on the Appeals Committee. There have been several homeowners hiring legal counsel which is an unnecessary and costly expense for this process. The Appeals Committee is not a legal hearing and the decisions made by the Committee still need to be approved by the Program Manager. Homeowners will still have the ability to appeal to Mr. Zakian but this should clear up some confusion.

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

**10. The City Council direct staff to pursue Main Street accredited status with the national Main Street Center for the downtown.**

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

Alderman Wolsky commented that there is a long way to go and there are many tasks to accomplish before obtaining accredited status.

Alderman Straight said, this will help when trying to lure statewide conferences to Minot and to improve our appearance statewide.

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, Sipma, Straight, Wolsky. nays: none.

**11. The Committee of the Whole tabled the discussion on the landfill until next month's Committee meeting.**

Jason Sorenson, Assistant Public Works Director, gave a presentation describing the process that has taken place leading up to the expansion of the landfill. He said, the current landfill is running out of space and at the current rate, has until 2023-2025 before reaching capacity. The landfill has been in operation since the 1970's and became an active Municipal Solid Waste (MSW) Facility in 1993. Significant growth in MSW and inert waste acceptance occurred within the last 20 years notably due to the acceptance of waste from outside the city starting in the 1990's, increased economic activity, and the 2011 flood.

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Mr. Sorenson outlined the steps that have taken place in the long term pursuit of expansion of the landfill. He said, there have been discussions since the 1990's and in 2002-2003 the Public Works Director and City Attorney discussed the purchase of land. In 2003, the Committee of the Whole allocated dollars in the budget to purchase land for expansion and discussions continued at a Liaison Committee meeting in 2004. In January, 2005, the Public Works and Safety Committee approved an offer of \$3,000 per acre for land east of the landfill but following the offer, negotiations suspended while the property owners determined who had what rights to the land. In September, 2011, the City renewed interest with landowners to continue negotiations but no agreement was met. In March, 2016, there was a public meeting regarding recycling and landfill capacity issues which led to the adjacent landowner reaching out to the City to discuss land acquisition. At this point, the price of the land was significantly higher because of the growing need to acquire it. In April 2017, the City Council approved the purchase of 320 acres of adjacent land to be used to expand the landfill and the pre-application for expansion was approved by NDDH in August. Staff then brought the issue to the Planning Commission for rezoning where it was met with opposition.

City staff then engaged a focus group to explore other possibilities for the landfill. They studied three potential options including expansion, finding a new site, and collection and haul. If expanding the landfill, they would add approximately 126 acres of additional MSW and approximately 54 acres of additional inert waste disposal. The yard waste compost area would be relocated as well as the sedimentation pond and stormwater management features would be incorporated. In order to find a new site, they explored a 20 mile radius and narrowed it down to two possibilities by considering factors like environmentally sensitive areas, zoning, soils, utilities, transportation network, land parcel size & availability, hauling logistics, and other items. Lastly, they looked at collection and haul, however, the initial cost investigation proved this option to be infeasible due to the high per-ton cost of hauling.

Mr. Sorenson then gave details about the focus group, whose objective was to gather input to ensure various considerations are incorporated into the site selection process. The group was composed of representatives from the area adjacent to the facility, the city at large, surrounding area, private waste haulers, Trinity Health, Public Health and Ward County Planning. They held seven meetings over a two month period discussing future MSW options, input received by the City of Minot, landfill regulations, designs and operations, the City site selection process and cost comparisons. A public input meeting was held and all comments were considered- in person, through email and from social media. Overall, there were 89 comments supporting expansion and 27 comments supporting relocation. Mr. Sorenson noted, there were also 38 comments regarding recycling.

The Assistant Public Works Director then addressed the concerns raised by Trinity, which will be located about one mile away if the landfill expands at its current location. He spoke about air quality by saying, dust is mitigated by applying water during dry periods. Landfill gas emissions are well below established limits and no air quality regulatory violations have been issued to date, nor has City Staff received public complaints in this regard. Trinity raised issues about bird strikes that could occur with their helicopter but Mr. Sorenson explained, strike accidents most commonly involve waterfowl and migratory birds, which are prevalent in wetland areas such as exist in the vicinity of the new hospital site. He added, there was no wildlife assessment conducted on Trinity's FAA application for the helipad. Trinity representatives indicated that a previous City official was on their site selection committee and assured Trinity that the existing landfill site would be closed. Mr. Sorenson responded by saying, staff has contacted the individual purported to have served on the site selection committee and made the assurance that the

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existing landfill site would be closed. This individual indicated that he was not on the committee and no such statements were made. There is a concern from Trinity that the expansion will adversely affect views from upper floor hospital rooms. Mr. Sorenson showed a view from a height of 75 feet near the new hospital site which displays what appears to be a mound of dirt. The potential expanded landfill site would comprise only a small amount of the panoramic view from upper floors, and would not affect views from all sides of the hospital.

Melissa Knutson, of CPS, presented information about the cost estimates they developed for the different options. She explained that they used a 20-year outlook with an inflation rate of 2% and annual rate of waste acceptance of 4.7% MSW and 2% other waste. She said, they used operation and maintenance staffing and procedures similar to today's and used actual salary and operation costs. For the comparison sites, they calculated estimates under the assumptions the existing site will operate until full and non-MSW operations will remain at the current site. They calculated additional costs for collection due to the longer haul and need for an additional route. They also added the initial site development and feature placement conducive to a full site buildout on one section of land using 27 acres for the MSW disposal area. She noted, they did not include the cost impacts to commercial haulers as it is too variable depending on the location of the company.

Ms. Knutson then explained the items included in the cost projections. She said they calculated the costs for land purchase, disposal cell construction and closures, and infrastructure, such as a scale and scale house, storage facilities, sanitary sewer, wastewater treatment, lift stations, roadways, and power. There are also operation and maintenance costs such as salaries and benefits, testing and monitoring, permitting, contracted services, utilities, supplies, debt service, capital purchases and equipment.

Ms. Knutson explained the outcome of their estimates. They calculated the expansion would have a 20-year total cost of \$75 million which averages \$3.7 million annually; New Site #1 would have a 20-year estimated cost of \$111 million which averages \$5.6 million annually; New Site #2 would have a 20-year total cost of \$114 million which averages \$5.7 million annually. She also broke the estimates down to show what the additional cost would be to an average household. The total additional monthly charge per household for the expansion would be \$0; the additional charge for New Site #1 would be \$7.04 per month; the additional charge for New Site #2 would be \$7.18 per month. She also calculated the cost impacts to non-resident facility users. The estimated MSW disposal charge per ton if the landfill was expanded would be unchanged at \$39.03; New Site #1 would increase 24% to \$48.48; New Site #2 would increase 27% to \$49.65.

She explained that several citizens requested the time period of the projections be increased so they conducted analysis for a 40-year projection. The estimates resulted in the same overall outcome.

The Assistant Public Works Director explained that staff's recommendation is based on six months of data collection and study. The additional investigation supported the original recommendation and they do not anticipate further input will generate any new topics for discussion. They recommend expanding the existing facility for several reasons; operational efficiency, timeframe, and economics. He then explained the next steps necessary to move forward whether they support the recommendation or decide to go another direction.

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Upon questioning by the Council, Mr. Sorenson said, the expansion should add another 50 years to the landfill. In their estimates, they used a growth factor at 4% which he believes is conservative. He then explained that the actual capacity remaining is calculated using data from a GPS system on the compactor so the 5-7 year capacity remaining at the current landfill is based on real data. The 50 year assumption for the expansion is based on modelling projections.

Alderman Pitner asked how they made their site selections for comparison. Mr. Sorenson explained, they created a table of locations that could be used as a landfill and eliminated areas based on input by the County Planner including whether rezoning would be a possibility. The two sites were at the top of the potential locations but looking further down the list makes an area less likely to be a candidate.

Alderman Pitner wondered if this location would be the best decision for the layout of Minot considering new development that could take place in southwest Minot.

Mayor Sipma moved the City Council direct staff to file an application to the Planning Commission to expand the landfill at the current location with a review of the tipping fees and whether an increase is warranted so that we can ensure we are not the cheapest tipping fee this side of the Red River Valley. Motion seconded by Alderman Olson.

Mayor Sipma stated, there has been decades of extensive research to find a solution. He described how the costs of a new location could affect the City's ability to bond. He made connections to the desire to avoid urban sprawl. He also said, the City will work towards recycling and look for alternatives solutions because this problem is statewide, not only in Minot.

Alderman Straight suggested a hybrid solution where we can expand one area but look for a new location to be a true regional landfill.

Alderman Olson stated, the Council can support the motion while still being open to other options. She said, it would be foolish to not have a plan when the clock on the current landfill is ticking.

Alderman Wolsky moved to amend the motion to develop plans for an 18-year expansion on the existing site using a minimal footprint immediately south, immediately east of the current operation and that those plans include usage of the existing scale house and access road to minimize and eliminate duplicative development and operational costs. Also, take lead in developing a regional waste management and recycling district for the purpose of siting a 100-year solution for Minot and all of the cities presently using the Minot landfill for MSW disposal. Appoint an exploratory committee made up equally of Minot and rural municipal representatives and begin funding their work using City of Minot residential sanitation fees and landfill tipping fees with a usage based and proportionately equal revenue draw that adequately resources the work. Motion seconded by Alderman Podrygula.

The Committee discussed various aspects of the amendment including the proposed timeframe.

Alderman Wolsky said 18 years was an arbitrary number but he believed it was realistic to set a goal of 10-15 years to find a new site and 18 years provided a cushion.

The City Manager described several points in the motion that are cause for concern. He stated, the staff needs time to study the requests to find out if there are legal implications involved with forming a

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regional district and what costs are associated with the request. He emphasized that the motion requires staff to expand the current landfill while concurrently looking for a new location and the City does not have the resources to focus on both. He said, there are too many unknown factors and there has been no opportunity for staff to analyze the different aspects of the amendment.

Mayor Sipma stated, he cannot support a caveat for regulating a landfill authority and said, that can be discussed later. He also shared concerns that putting an 18-year time limit puts the City in a tough situation for negotiating a potential land price, which is what happened before.

Alderman Straight said that Minot is a regional landfill but is serving a capacity that was not planned. He wondered why we would keep collecting from the rest of the region when the MSW from Minot makes up only a small percentage of collections.

Mayor Sipma reminded the committee that the City accepted money from the State Health Department in order to buy the land for the landfill.

Mr. Sorenson responded to a few of the Committee's comments. He said, he has contacted other entities around the state and most cities subsidize tipping fees for residents. He also explained that when the EPA guidelines became stricter in the 1990's, small communities were not able to meet the guidelines and by default, Minot, as well as other large cities in North Dakota were the ones able to continue to do landfilling. He then clarified that Minot residential MSW contributes 20% to the landfill but there is another 15,000 tons deposited by commercial business in Minot so the City makes up about 65% in total. The City also makes up 100% of trees, compost, tires, appliances, and lime sludge taken to the facility. Lastly, he said that the majority of complaints regarding the landfill are related to traffic on 20<sup>th</sup> Ave. Part of the expansion plan is to move the scale and scale house to 37<sup>th</sup> Ave or County Rd 14. The proposed amendment would shoestring this neighborhood for another 20 years of traffic.

Alderman Podrygula said, he has heard complaints from residents in the surrounding neighborhood. He supports expanding what we have now while exploring alternatives for the future. He also said he is considerate of the burden placed on the staff to do both and suggested removing the 18-year time limit proposed in the amendment.

Alderman Wolsky agreed to remove the 18 year time constraint from the motion. The second agreed.

Alderman Straight raised concerns that if there is no timeframe proposed, then the motion approves expanding the landfill for the entire time period.

Alderman Podrygula moved to amend the amendment to propose a timeframe of 15-20 years. Motion seconded by Alderman Straight.

Mr. Sorenson stated, the permitting process could take about 18 months to complete and requested the Council authorize staff to apply for a permit for the entire concept with the understanding that the land will be permitted but will not be used. Alderman Podrygula agreed.

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

The City Manager continued to raise concerns about the proposed amendment by explaining that the Council would be directing staff and the City to do something we are not clear on whether or not we can legally do. He stated, there has been 15 years into the process and there has been nine months of research on this topic but staff was not given any notice to research the recommendations brought forward in the amended motion.

The Committee discussed the need to move forward with the expansion in order to buy more time but that the end goal would be to find a regional solution for the landfill.

Mayor Sipma moved the Committee table the discussion until the next month's Committee of the Whole meeting. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky. nays: none.

**12. The City Assessor's presentation was postponed until a later date.**

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There being no further business, the meeting was adjourned at 6:04 pm.

Respectfully Submitted,  
Kelly Matalaka,  
City Clerk