

City of Minot

Regular City Council Meeting
Monday, February 4, 2019 at 5:30 PM
City Council Chambers - City Hall

Any person needing special accommodation for the meeting is requested to notify the City Clerk's Office at 857-4752.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. PERSONAL APPEARANCES
4. REPORTS: MAYOR
5. REPORTS: CITY MANAGER/CITY ATTORNEY

Documents:

[ATTORNEY REPORT JANUARY 19.PDF](#)

6. CONSIDER THE REPORT OF THE PLANNING COMMISSION
 1. **Pass an ordinance on first reading to change the zone from C2 to M1 on Bridgeview Park Addition, Lot 1; Also adopt a resolution amending the Comprehensive Plan/Future Land Use Map.**
 2. **Approve subdivision of Family Recreation Addition, Lot 1; pass an ordinance on first reading to change the zone from AG to P on Family Recreation Addition, Lot 1; pass an ordinance on first reading to annex into City limits Family Addition, Lot 1; and adopt a resolution to amend the Future Land Use Map to change from Low Density and Medium Density Residential to Parks and Open Space.**
 3. **Pass an ordinance on first reading to change the zone from C2 to M1 on Lafarge Addition, Block 2; Also adopt a resolution to amend the Comprehensive Plan/Future Land Use Map.**
 4. **Approve subdivision of Terrace Heights 15th Addition, Lots 1 & 2.**

Documents:

[PLANNING PACKET.PDF](#)
[01 RECOMMENDATIONS 2019.PDF](#)

7. CONSENT ITEMS

7.1. APPROVAL OF THE MINUTES

Approval of the minutes of the January 22, 2019 regular City Council meeting.

Documents:

[190122.PDF](#)

7.2. **BILLS, TRANSFERS, AND PAYROLL**

Approval of the bills and transfers in the amount of \$3,782,717.81 and payroll for the period of December 23, 2018 to January 19, 2019 in the amount of \$2,092,198.64.

Documents:

[BILLS JANUARY 19.PDF](#)
[PAYROLL JANUARY 19.PDF](#)

7.3. **ADMINISTRATIVE APPROVALS**

It is recommended the City Council ratify the attached administratively approved requests.

Documents:

[ADMIN APPROVALS.PDF](#)

7.4. **THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING**

Ordinance No. 5342 - Amend the 2019 Annual Budget- Traffic Signal Pole/Mast Arm Replacement

Ordinance No. 5343 - Amend the 2019 Annual Budget- Traffic Signal Cabinet Replacement

Ordinance No. 5344 - Amend the 2019 Annual Budget- Sidewalk Curb & Gutter

Ordinance No. 5345 - Amend the CMCO- Chapter 5 Airport Terminal Restaurant

Documents:

[ORDINANCE NO. 5342.PDF](#)
[ORDINANCE NO. 5343.PDF](#)
[ORDINANCE NO. 5344.PDF](#)
[ORDINANCE NO. 5345.PDF](#)

7.5. **FINAL PAYMENT - LIB033**

As approved in January 2018 by City Council, the Minot Public Library installed a digital sign on the grounds of the property in order to promote the Library. This project was funded through donations to the Library and it has now been completed.

It is recommended that City Council approve the final payment in the amount of \$23,290 to Rolac Contracting, Inc. and \$9,097.50 to Indigo Signworks for the completion of project LIB033 (Library Digital Sign).

Documents:

[FINAL PAYMENT MEMO LIB033.PDF](#)
[INDIGO_FINAL PAYMENT.PDF](#)
[ROLAC_FINAL PAYMENT.PDF](#)

7.6. **US 2 AND BURDICK EXPY. MICROSURFACING FINAL PAYMENT (4362)**

The East Burdick Expressway from 42nd St SE to US Highway 2 is a principal arterial street located within the City of Minot Corporate Limits. The North Dakota Department of Transportation (NDDOT) bid the work in May of 2018 to resurface by microsurfacing the street described above and the work was completed in 2018. The City's has a 10% cost share in this project.

1. It is recommended that Council approve the final payment of \$364.74 to be paid to NDDOT.

2. It is recommended that Council authorize the Mayor to sign the Certification

of Local Match.

Documents:

[4362 - BURDICK - 42ST TO US2 - FINAL PAYMENT MEMO.PDF](#)

7.7. GAMING SITE AUTHORIZATION- FOUNDATION FOR ORTHODOXY

Site approval by the City Council is required as a precondition to obtain a state games of chance license.

It is recommended the City Council approve the gaming site authorization for Foundation for Orthodoxy to conduct games of chance at Clarion Hotel & Convention Center.

Documents:

[MEMO- GAMING SITE AUTHORIZATION.PDF](#)

7.8. CITY COUNCIL APPROVAL FOR AUCTION OF A COMMERCIAL STRUCTURE

As the City acquires properties for the flood mitigation projects, it has periodically presented to the City Council requests to auction structures on such property deemed sound and able to be moved. The commercial structure at 435 4th Avenue NE has been inspected and deemed in sound shape for auction and relocation.

It is recommended the City Council authorize auction of the commercial structure at 435 4th Avenue NE with execution of sale to the highest responsible bidder.

Documents:

[AUCTION COMMERCIAL STRUCTURE CITY COUNCIL MEMO1-28-19.PDF](#)

7.9. PERMISSION TO USE GOVDEALS ONLINE AUCTION FOR DISPOSAL OF EXCESS EQUIPMENT

In an effort to maximize the revenue that the city receives from the sale of excess vehicles and equipment we have researched online auction websites specializing in the sale of excess government equipment.

We are requesting that council approve the option of using the GovDeals online auction website for the purpose of disposing of excess city vehicles/equipment.

Documents:

[2018 MTC FOR ONLINE AUCTION.PDF](#)

7.10. BUDGET AMENDMENT FOR CUSTOMER SERVICE TRAINING

In 2018, the City of Minot Vehicle Maintenance/Bus Superintendent along with the Human Resource Director had contacted Mike Kutzke of Professional Training Services to provide city employees with training sessions to enhance customer service skills. The training was initially going to occur in 2018 but due to scheduling conflicts, it was delayed until March 2019.

Recommend approval of the budget amendment ordinance allocating \$2,500.00 of unused funds from the 2018 Vehicle Maintenance Training Budget into the 2019 Vehicle Maintenance Training Budget.

Documents:

8. ACTION ITEMS

8.1. PURCHASE OF SKID STEER LOADERS (PROJECT NUMBER 4414)

On Tuesday, January 29, 2019, bids were opened for the purchase of two new skid steer loaders for the Street Department.

Recommend Council award the bid to Swanston Equipment for the purchase of two new Bobcat skid steer loaders at the bid price of \$43,890 including the trade-in of two Case skid steer loaders.

Documents:

[4414 - MEMO TO COUNCIL - SKIDSTEERS TRADE.PDF](#)

8.2. RIGHT OF WAY ENCROACHMENT APPLICATION – MONITORING WELLS – 1700 AND 1704 23RD AVE NW

A Limited Site Investigation was completed for a property in northwest Minot and petroleum hydrocarbon contamination was detected. The ND Department of Health is requesting that additional investigation be completed by the owner. Two of the proposed monitoring wells will encroach on the City's right-of-way.

Recommend approval of the Right of Way Encroachment Agreement Application submitted by Pace Development Inc for the installation of groundwater monitoring wells in the right-of-way at 1700 and 1704 23rd Ave NW.

Documents:

[MEMO_ENCROACHMENT_PACEDEV.PDF](#)
[ENCROACHMENT AGREEMENT APPLICATION.PDF](#)

8.3. P# 3529.3A MREFPP PHASE BU-1A – COLTON AVENUE BRIDGE

Replacement of the Colton Avenue bridge is part of the overall Mouse River Plan. The project was initially programmed to be a part of the Burlington levee project; however when bid prices for Phases 1, 2, and 3 in Minot came in below budget, some of the funds were reprogrammed to advance other phases of the Mouse River Plan.

1. **Recommend Council approve plans and specifications and recommend approval to the SRJB for bidding of the Colton Avenue Bridge Replacement, Phase BU-1A of the MREFPP.**
2. **Recommend approval of resolution 3400 adopt earlier in regards to bonding for the MREFPP.**

Documents:

[MEMO - BID LETTING - BU-1A - P3529.05.PDF](#)
[3400.PDF](#)
[MREFP_BU-1A_OPC20181211P3529.03A.PDF](#)

8.4. ~~CONTRACT FOR PLANNING CONSULTING SERVICES~~

~~Since 2014 the Zoning Ordinance Steering Committee (ZOSC) has been meeting to make corrections, revisions, and updates to the zoning ordinance document.~~

Recently, the committee has been reenergized with new members appointed by the Mayor and two-hour meetings are regularly scheduled twice per month. The goal now is to analyze and update the entire ordinance from beginning to end over the course of the next fifteen or so months. However, the Planning Department is still understaffed, so a planning consultant is being requested to provide professional assistance in the effort to complete this monumental task in a timely fashion.

Recommend approval of the contract for consulting services with SRF Consulting Group, Inc. for planning consulting services to assist in a comprehensive update to the Minot Zoning Ordinance as presented. Scope of work and estimated costs are included.

Documents:

[CC MEMO 020419-SRF PLANNING CONTRACT.PDF](#)
[MINOT PA_2019_ORDINANCE APPROACH.PDF](#)

8.5. APPROVE MINOT AREA COMMUNITY LAND TRUST SUB-RECIPIENT AGREEMENT

The Minot Area Community Land Trust (MACLT) is a 501(c)3 non-profit corporation established in 2014 as an offshoot of the already established Grand Forks Community Land Trust. Currently, the staff of MACLT is the staff of Grand Forks Community Land Trust but built into the sub-recipient agreement are requirements that there be a sufficient physical presence in Minot to assure successful undertaking of the construction and/or rehabilitation of 10 single family homes for LMI homeownership. This agreement maintains the city's overall goal not to adversely affect the private marketplace for single family homes.

It is recommended the City Council approve the Minot Area Community Land Trust Sub-Recipient Agreement for LMI Single Family Homes for an amount up to \$2,069,845 in CDBG-NDR funds.

Documents:

[MACLTSUBRECIPIENTAGREEMENTCOUNCILMEMOAB.PDF](#)
[MACLT SUBRECIPIENT AGREEMENT JAN 14 2019AB.PDF](#)

8.6. CITY COUNCIL APPROVAL FOR EXTENSION OF BEYOND SHELTER, INC. DEVELOPER AGREEMENT

The City of Minot entered into a Development Agreement with Beyond Shelter Inc. on June 18, 2015 for the new construction of multi-family rental housing for low and moderate income residents to be undertaken in two phases. The City Council tabled the discussion on this item at the January 22nd meeting.

It is recommended the City Council approve an amendment to the Developer Agreement with 501(c)3 non-profit Beyond Shelter, Inc. extending the term subject to added conditions to complete Low Income Multi-Family Housing.

Documents:

[BEYONDSHELTEXTENSIONDEVELOPERAGREEMENTCOUNCILMEMO.PDF](#)
[BEYONDSHELTERAMENDMENTAGREEMENT.PDF](#)
[CDBGDR SIGNED DEV AGRMT \(0000002\)BEYONDSHELTERA.PDF](#)

8.7. 2018 PROPOSED ORDINANCE: LINE ITEMS OVER BUDGET

Department budgets must reflect the correct amounts for the 2018 CAFR, adjustments are necessary so no departments report amounts not appropriated.

Recommend the Council pass an ordinance to amend the 2018 annual budget

to adjust department budgets for funds approved by the City Council for Sales Tax Flood Control, CDBG Relocations, Various Grants, Library Memorial, NAWS Project, and Interest Distribution.

Documents:

[2018 MEMO - LINE ITEMS OVER BUDGET \(YEAR-END\).DOCX](#)

[2018 BA - LINE ITEMS OVER BUDGET \(YEAR-END\).DOCX](#)

9. DEPARTMENT PRESENTATION- NDR

The Disaster Resiliency Grant Program Manager will present information and updates on the National Disaster Resiliency Grant.

10. MISCELLANEOUS AND DISCUSSION ITEMS

11. EXECUTIVE SESSION

First Western Bank & Trust v. North Dakota Port Services and City of Minot: Attorney Consultation and Discussion of Potential Litigation Strategy and/or Guidance for Negotiation Strategy/Instructions, Pursuant to N.D.C.C. 44-04-17.1, 19.1, and 19.2.

12. ADJOURNMENT