



Regular City Council Meeting  
Tuesday, February 19, 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. PUBLIC HEARING
  - 4.1. ORDINANCE NO. 5320- REZONE NORTHDAL 3RD ADDITION, LOT 3 & 4 FROM C2 TO RM  
**A public hearing to consider Ordinance No. 5320 on second reading, to rezone Northdale 3rd Addition, Lot 3 & 4 from C2 to RM.**

Documents:

[ORDINANCE NO. 5320.PDF](#)

- 4.2. ORDINANCE NO. 5346- CHANGE THE ZONE FROM C2 TO M1 ON BRIDGEVIEW PARK ADDITION, LOT 1  
**A public hearing to consider Ordinance No. 5346 on second reading, to rezone Bridgeview Park Addition, Lot 1 from C2 to M1**

Documents:

[ORDINANCE NO. 5346.PDF](#)

- 4.3. ORDINANCE NO. 5349- CHANGE THE ZONE FROM C2 TO M1 ON LAFARGE ADDITION, BLOCK 2  
**A public hearing to consider Ordinance No. 5349 on second reading to change the zone on LaFarge Addition, Block 2 from C2 to M1.**

Documents:

[ORDINANCE NO. 5349.PDF](#)

5. MAYOR'S PROCLAMATION
6. CONSIDER THE REPORT OF THE MAGIC FUND SCREENING COMMITTEE  
Jason Zimmerman will be available to answer questions on the MAGIC Fund Annual Compliance Report.

Documents:

[ANNUAL COMPLIANCE REPORT 2018.PDF](#)

## 7. CONSENT ITEMS

### 7.1. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 2-19.PDF](#)

### 7.2. CONSIDER THE FOLLOWING ORDINANCES ON SECOND READING

**Ordinance No. 5350 - Amend the 2019 Annual Budget- Vehicle Maintenance Training Expenditures**

**Ordinance No. 5351 - Amend the 2018 Annual Budget- Line Items Over Budget**

Documents:

[ORDINANCE NO. 5350.PDF](#)

[ORDINANCE NO. 5351.PDF](#)

### 7.3. GAMING SITE AUTHORIZATION- NORTH DAKOTA ASSOCIATION FOR THE DISABLED, INC.

Site approval by the City Council is required as a precondition to obtain a state games of chance license. Each organization submits documentation annually in order to conduct games of chance at locations throughout the city of Minot.

**It is recommended the City Council approve the gaming site authorization for North Dakota Association for the Disabled, Inc to conduct games of chance at Rock Tap House.**

Documents:

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

### 7.4. BUDGET AMENDMENT FOR CHIP SEALING CEMETERY ROADS

In 2018, \$50,000 dollars was budgeted in the Rosehill Cemetery budget to chip seal all the internal roads. Unfortunately, the contractor for this project arrived in Minot late in the season and wasn't interested in taking on any additional work. Since no work was done in 2018 those funds were returned to sales tax improvements cash reserves.

**Recommend approval of the budget amendment ordinance allocating \$50,000 of unused sales tax improvements reserves to the 2019 Cemetery budget.**

Documents:

[MEMO - CEMETERY CHIP SEALING.DOCX](#)

[2019 BA - CEMETERY CHIP SEAL \(4381\).DOCX](#)

### 7.5. PLEDGED ASSETS, DECEMBER 31, 2018

Section 21-04-11 of the North Dakota Century code requires securities pledged for deposits by banking institutions be approved by the City Council annually.

**It is recommended the City Council approve the pledged assets as of December 31, 2018.**

Documents:

[MEMO PLEDGED ASSETS 123118.PDF](#)  
[PLEDGED ASSETS 123118.PDF](#)

7.6. BID FOR PICKUPS (PROJECT NUMBER 4403)

On January 31, 2019, the Public Works Department opened bids for pickups for multiple departments. One bid was received, and it is as follows:

<b>Westlie Motor Company</b>	<b>Make/Model</b>	<b>Bid Price</b>
½ ton 4x4 4-door (Storm Sewer)	Ford F-150 Supercrew	\$31,724.12
¾ ton 4x4 Ex. Cab (Landfill)	Ford F-250 Supercab	\$30,655.24

**Recommend Council award the bid to Westlie Motor Company in the amount of \$31,724.12 for the Storm Sewer Department pickup and \$30,655.24 for the Landfill pickup.**

Documents:

[MEMO TO COUNCIL - PICKUPS.PDF](#)

7.7. INDUSTRIAL WHEEL LOADER (PROJECT NUMBER 4412)

On February 12, 2019, the Public Works Department opened bids for an industrial wheel loader for the Street Department. Three bids were received, and they are as follows:

Bidder	Make/Model	Base Bid	Lease Payment	Buyout	Total Cost
RDO JD 644K		\$208,000.00	\$37,538.95	\$37,538.95	\$225,233.70
RDO JD 644K		\$208,000.00	\$44,343.00	\$1.00	\$221,716.00
Butler CAT 950		\$204,000.00	\$26,471.53	\$95,000.00	\$227,357.65
Titan Case 921G		\$218,937.37	\$47,192.00	\$0.00	\$235,960.00

1. **It is recommended the City Council award the industrial wheel loader bid to RDO Equipment in the amount of \$44,343.00 per year for a 5-year lease.**
2. **Recommend the additional \$4,343.00 be taken from budget savings from project #4414 after the skid steers purchase came in below budget.**

Documents:

[4412 - MEMO TO COUNCIL - WHEEL LOADER REBID.PDF](#)

7.8. RETAIL BEER & WINE LICENSE – EL AZTECA, LLC DBA EL AZTECA

The City received a request from El Azteca, LLC dba El Azteca, for a Retail Beer & Wine License operating at 2035 North Broadway. The establishment currently has a Retail Beer License and would like include wine at their business. All documentation has been previously been approved by the appropriate departments.

**It is recommended the City Council approve the request from El Azteca, LLC dba El Azteca, for a Retail Beer & Wine License operating at 2035 North Broadway, effective February 20, 2019.**

Documents:

[MEMO- EL AZTECA.PDF](#)

## 8. ACTION ITEMS

### 8.1. APPLE AIR SUBLEASE AGREEMENT

Apple Air, LLC. is in the process of selling its hangar. In the interim, a sublease agreement is desirable for all parties involved in order to ensure a smooth transition and continuous revenue generation.

**It is recommended the City Council approve the sublease agreement; and authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO APPLE AIR SUBLEASE AGREEMENT.PDF](#)  
[CONSENT FOR SUBLEASE AGREEMENT - APPLE AIR.PDF](#)  
[SUBLEASE AGREEMENT \(APPLE AIR - JF AVIATION\) 2019-02-12 \(002\).PDF](#)  
[EXHIBIT A - MINOT INTERNATIONAL AIRPORT 2ND ADDITION LEGAL DESCRIPTION - APPLE AIR.PDF](#)

### 8.2. AMENDMENT TO ORDINANCE 23-61 TO PROVIDE EXCEPTION TO PROHIBITION ON DISCHARGING FIREARMS WITHIN CITY LIMITS

The Minot International Airport is located within city limits. The Wildlife Hazard Management Plan, which has been reviewed and approved by the Federal Aviation Administration, contemplates the Airport being able to use firearms to carry out wildlife control duties at the airport. Given the same, city staff recommends crafting an exception to Minot City Ordinance 23-61 to permit airport staff to carry out these duties. This exception is not unlike the existing exceptions to the ordinance that allow law enforcement and the park district's geese control personnel to carry out their lawful duties within city limits.

**It is recommended the City Council pass an ordinance amending Section 23-61 of Division 1, Article IV, Chapter 23 of the City of Minot Code of Ordinances to allow the Minot International Airport to use a firearm to reduce wildlife hazards at the Airport; and authorize the Mayor to sign the Ordinance.**

Documents:

[MEMO RE ORDINANCE\\_FIREARM EXCEPTION.PDF](#)  
[ORDINANCE\\_FIREARM EXCEPTION.PDF](#)

### 8.3. CITY COUNCIL APPROVE 22 MONTH MADC AGREEMENT

The International Economic Development Council in its report to the Mayor and City Council cited the importance of the role played by the Minot Area Development Council but recommended that the agreement between MADC and the city be more specific in terms of role, activities and measurable deliverables. The purpose of the recommendation is to provide clarity to MADC to understand and carry the role and activities envisioned by the city as well as to promote accountability and transparency in the agreement.

**It is recommended the City Council approve a new agreement with MADC to expire December 31, 2020 subject to 2020 budget appropriation for the second year of the agreement.**

Documents:

[MADC AGREEMENT COUNCIL MEMO 2-6-19.PDF](#)  
[MADC - CITY AGREEMENT 2019 - FINAL.PDF](#)

### 8.4. ARTIFICIAL TURF

In the fall of 2018, Tim Vallely met with City staff to discuss the installation of artificial turf at the newly constructed Vallely Sports and Marine building located at 2125 Elk Drive, Minot. Chapter 24-3 of the Zoning Code, Subsection (f)(1) prohibits the use of artificial trees, shrubs, plants, or turf to fulfill the minimum requirements for landscaping. Based upon the information received, City staff cannot identify an exception in the Zoning Ordinances that would allow Mr. Vallely to use artificial turf in lieu of organic landscaping materials.

**If the Council wants to allow installation of artificial turf, proceed with one or more of the following options:**

1. **Direct City staff to draft an amendment to the Zoning Ordinance to allow installation of artificial turf in the City of Minot; and/or**
2. **Direct City staff to draft a limited exception to the Zoning Ordinance to allow artificial turf to be installed in the City of Minot, and outline any quality standards, restrictions, and/or processes the Council wants the exception to address; and/or**
3. **Direct City staff to draft an amendment to the Zoning Ordinance to allow the City to create an artificial turf pilot program to evaluate the pros and cons of artificial turf; and/or**
4. **The Council could provide opinions on this topic, but continue and incorporate the discussion into the comprehensive zoning code amendments the City hopes to address in 2019; and/or**
5. **The Council could elect to leave the ordinance as written, and prohibit installation of artificial turf in the City of Minot.**

Documents:

[ARTIFICIAL TURF ORDINANCE MEMO\\_5\\_LMSSKHLL.PDF](#)

#### 8.5. 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-021919-SRF PLANNING CONTRACT.PDF](#)  
[SRF CONTRACT- COMPREHENSIVE ZONING ORDINANCE UPDATE.PDF](#)

#### 8.6. OMBUDSMAN POSITION

On November 27, 2018, the City Council met as the Committee of the Whole and discussed adding an ombudsman position on the City Council. At that time, the City Council determined the ombudsman position was worth exploring and requested that the City Manager develop an approach for the ombudsman position by identifying a job description and determining the process for administration of the position. After the full analysis, City staff determined that an ombudsman position is not a position

that is necessary at this time. However, City staff now recommends that the City expand the customer service training to include implementation of a complaint/response/tracking process.

**It is recommended the City Council direct staff to:**

1. **expand the customer service training program to include implementation of a customer complaint/response/tracking process; and**
2. **conduct a complete review of the existing request/complaint tracker program and evaluate where improvements and efficiencies can be made (e.g., the number of tracker licenses necessary; current utilization of system; process for receipt, response, and tracking; and leadership involved in the process); and**
3. **evaluate the efficacy of a 311 program.**

Documents:

[COUNCIL MEMO ON OMBUDSMAN POSITION.PDF](#)

9. RECYCLING ANALYSIS

The Assistant Director of Public Works, Jason Sorenson, will give a presentation on recycling.

Documents:

[MINOTRECYCLINGANALYSISISSUMMARYCOUNCILPACKET190213.PDF](#)

10. DEPARTMENT REPORTS: LIBRARY DIRECTOR

11. LIAISON REPORTS

12. MISCELLANEOUS AND DISCUSSION ITEMS

13. ADJOURNMENT