

City of Minot

Regular City Council Meeting
Monday, March 2, 2020 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. MAYOR'S REPORT
4. CITY MANAGER REPORT
5. CITY ATTORNEY REPORT

Documents:

[2020-02.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the February 18, 2020 regular City Council meeting.

Documents:

[200218.PDF](#)

6.2. BILLS, TRANSFERS AND PAYROLL

It is recommended the City Council approve bills and transfers as listed for February in the amount of \$3,236,650.69 and payroll for the period of January 19, 2020 through February 15, 2020 in the amount of \$2,095,349.10.

Documents:

[BILLS- FEB 2020.PDF](#)
[PAYROLL- FEB 2020.PDF](#)

6.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5424 - Annexation of Bluffs 11th Addition**
2. **Ordinance No. 5459 - Amend the Zoning Code- Public Hearing Text Amendment Chapter 30**
3. **Ordinance No. 5460 - Amend the 2020 Annual Budget- Trailer Mounted Pump (3992)**
4. **Ordinance No. 5461 - 16th Street NW Speed Reduction**
5. **Ordinance No. 5462 - Amend the CMCO Chapter 28- Wireless Telecommunication Facilities and Accompanying "Small Cell" Agreements**
6. **Ordinance No. 5463 - Amend the 2020 Annual Budget- Special**

Assignment Assistance for the City Manager

7. Ordinance No. 5464 - Amend the 2020 Annual Budget- FEMA RiskMap FIRM Appeal

Documents:

[ORDINANCE NO. 5424.PDF](#)
[ORDINANCE NO. 5459.PDF](#)
[ORDINANCE NO. 5460.PDF](#)
[ORDINANCE NO. 5461.PDF](#)
[ORDINANCE NO. 5462.PDF](#)
[ORDINANCE NO. 5463.PDF](#)
[ORDINANCE NO. 5464.PDF](#)

6.4. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 3-2-20.PDF](#)

6.5. BUDGET AMENDMENT FOR CITY HALL HVAC CONTROL UPGRADE

At the time of the City Hall cooling tower freeze up in the winter of 2018, the HVAC control system had a component fail causing the cooling tower damage. It was at that time a need for replacing the control system was due. The current control system company advised that an upgrade was due as most of the current components were no longer available or supported.

Recommend approval of a Budget Amendment moving 2019 Budgeted funds to the 2020 Budget of Property Maintenance for City Hall Complex HVAC Control System Repair/Upgrade.

Documents:

[23. MEMO - CITY HALL HVAC CONTROL UPGRADE.PDF](#)
[23. 2020 BA - CITY HALL HVAC CONTROL UPGRADE.PDF](#)

6.6. NETWORK SWITCH UPGRADE (IT0018)

A budget amendment is required to move the network switch upgrade from the capital fund into the general fund as it does not meet the City policy for a capital purchase. The expenditure and revenue will be decreased for the Equipment Purchase Capital Fund and increased in the General Fund Information Technology Department applicable accounts.

- 1. Recommend approval for the first reading of the budget amendment to move the network switch upgrade out of the Equipment Purchase Capital Fund into the General Fund Information Technology Department accounts.**
- 2. Authorize the Mayor to sign the budget amendment.**

Documents:

[IT SWITCH BA MEMO.PDF](#)
[15. 2020 BA - NETWORK SWITCH UPGRADES \(IT0018\).PDF](#)

6.7. ENBRIDGE EQUIPMENT GRANT FREIGHT CHARGES

The Fire Department was awarded funding from Enbridge to purchase a battery-operated extrication tool. The awarded amount did not include freight charges for delivery of the tool.

Recommend the Council pass an ordinance to amend the 2020 annual budget to increase equipment expenditures and revenues for the freight charges on an extrication tool purchased with funding from the Safe Community Grant awarded by Enbridge.

Documents:

[MEMO FOR BUDGET AMENDMENT FOR ENBRIDGE GRANT.PDF](#)
[20. 2020 BA - EXTRICATION TOOL FREIGHT \(FD0107\).PDF](#)

6.8. 2020 WCNTF JAG & LOTTERY GRANT AWARD (PD0172)

The Minot Police Department/Ward County Narcotics Task Force had been authorized in June of 2019 to apply for, and if awarded, accept, the 2020 JAG and Lottery Grant to fund the Task Force 2020 operating budget. The grant had been applied for to provide 65% of the operating budget with a required 35% match to be split between the City of Minot and Ward County. Based on the availability of lottery funding, an additional request was filed in August of 2019 and partially awarded.

1. **Amend the 2020 annual budget to increase revenues and expenditures for the Narcotics Task Force for the grant awarded amount.**
2. **Amend the 2020 annual budget to increase the grant-funded portion to 100% and eliminating the City of Minot and Ward County match.**

Documents:

[25. MEMO - WCNTF GRANT AWARD \(PD0172\).PDF](#)
[25. 2020 BA - WCNTF GRANT AWARD \(PD0172\).PDF](#)
[2020 GRANT AWARD.PDF](#)

6.9. NDDOT FFY 2020 TRAFFIC SAFETY GRANT - SPEED ENFORCEMENT (PD0191)

The Minot Police Department has participated in this annual traffic safety grant program on an ongoing basis. The funds are used to pay officers to work in an overtime capacity and increase enforcement of impaired driving, occupant protection, distracted driving, and underage drinking in an effort to make Minot a safer community. This is the first year speed enforcement has been added to the traffic safety targeted enforcement efforts and NDDOT has offered an application to apply for an amendment to add speed enforcement to the existing contract.

1. **Recommend authorization to apply for an amendment and, if awarded, accept the North Dakota Department of Transportation (NDDOT) FY 2020 Traffic Safety Enforcement Grant for the Minot Police Department; and**
2. **Approve the proposed ordinance authorizing the budget adjustment for the FFY 2020 Traffic Safety Grant; and**
3. **Authorize the Mayor to sign the agreement.**

Documents:

[FFY 2020 NDDOT SPEED ENFORCEMENT GRANT.PDF](#)
[FFY 2020 SPEED PROPOSAL.PDF](#)
[27. 2020 BA - 2020 TRAFFIC SAFETY GRANT \(PD0191\).PDF](#)

6.10. LIB034 END OF YEAR PURCHASE

Purchases of books and DVDs were made in December 2019 which exceeded the amount budgeted in LIB034. However, the Library has more than enough in its cash reserve to cover this amount and is requesting that \$292.58 be moved from its cash reserve to LIB034.

It is recommended the City Council pass an ordinance to approve transferring \$292.58 from the Library's cash reserves to LIB034 to pay for books and DVDs purchased to add to the circulating collection.

Documents:

[2019 END OF YEAR MEMO.PDF](#)

[65. 2019 BA - LIBRARY BOOKS AND MATERIALS FY2019 \(LIB034\).PDF](#)

6.11. 2019 PROPOSED ORDINANCE: CAPITAL LEASE AND DEPARTMENT EXPENDITURES BUDGET AMENDMENT

Department budgets must reflect the correct amounts for the 2019 CAFR. Adjustments are necessary so that no departments report amounts that are not appropriated. Capital leases established by the City for governmental funds needs to be appropriated in the correct fund for the full leased asset amount.

Recommend the Council pass an ordinance to amend the 2019 annual budget for capital equipment for the governmental lease capital expenditures and for department expenditures that were higher than anticipated.

Documents:

[66. 2019 MEMO - LINE ITEMS OVER BUDGET \(YE 2\).PDF](#)

[66. 2019 BA - LINE ITEMS OVER BUDGET \(YE 2\).PDF](#)

6.12. AUTHORIZE LETTER OF UNDERSTANDING WITH U.S. FISH & WILDLIFE

As part of the standard federal required environmental review for CDBG-NDR projects and activities, it is a requirement to consult with a variety of federal agencies who are given a period of time in which to respond. Among the federal agencies is the U.S. Fish and Wildlife Service. This federal agency has offered to streamline and simplify its participation in these environmental reviews by establishing for specific activities a blanket finding of "no effect."

It is recommended the City Council authorize execution of a Letter of Understanding between the City of Minot and the U.S. Fish and Wildlife Service to expedite CDBG-NDR Environmental Reviews.

Documents:

[USFISHANDWILDLIFECOUNCILMEMO.PDF](#)

[USFISHWILDLIFELOU.PDF](#)

6.13. APPROVE BID FOR LIBRARY EXTERIOR WORK

The Minot Public Library has been slowly upgrading the exterior of the building in order to protect the existing structure. The next phase of this upgrade is scheduled in 2020 as work to cover and protect the precast columns and trim is to be completed.

1. **It is recommended the Council approve awarding the bid to Rolac Contracting in the amount of \$384,700; and authorize the Library Director to sign the agreement.**
2. **Pass an ordinance to amend the 2020 budget to increase the Library building and grounds expenditure for the exterior improvements**

Documents:

[2020 AWARD OF BID.PDF](#)
[RECOMMENDATION OF AWARD AND BID TABULATION.PDF](#)
[26. 2020 BA - LIBRARY EXTERIOR \(LIB035\).PDF](#)

7. ACTION ITEMS

7.1. TENNANT SWEEPER FOR PARKING STRUCTURES – PROJECT #4518

One of the key components needed to maintain the clean floor level of each parking structure is regular sweeping to remove dirt and debris.

1. **Recommend approval of the purchase of a Reconditioned Tennant Floor Sweeper for maintaining the Renaissance and Central parking structures.**
2. **Recommend approval of a budget amendment to move \$18,000 from the Building and Grounds Budget of the Parking Ramps to a Capital Purchase line item.**
3. **Authorize the Mayor to sign the agreement**

Documents:

[28. 2020 MEMO - PARKING RAMP SWEEPER PURCHASE.PDF](#)
[SWEEPER DESCRIPTION.PDF](#)
[28. 2020 BA - PARKING RAMP SWEEPER PURCHASE.PDF](#)

7.2. CITY HALL RETAINING WALL – AWARD OF BIDS (4398)

On February 18th, bids were opened for this project. Three bidders submitted bids, with the lowest bid being submitted by Strata Corporation in the amount of \$4,802,361.00. The bid is 6% higher than the engineer's estimate of \$4,511,317.15.

1. **Recommend council award the low bid to Strata Corporation in the amount of \$4,802,361.00 and authorize the Mayor to sign the contact**
2. **Recommend Council approve the attached budget amendment on first reading to move the additional funds into the project account.**

Documents:

[4398 - CITY HALL RETAINING WALL AWARD OF BID.PDF](#)
[CITY HALL RETAINING WALLS 1 AND 2 \(4398\) LETTER OF RECOMMENDATION TO AWARD.PDF](#)
[CITY HALL RETAINING WALLS 1 AND 2 BID OPENING MEMO.PDF](#)
[24. 2020 BA - USE OF RESERVES FOR 4398.PDF](#)

7.3. AGREEMENT FOR TRANSIT ADVERTISING FOR THE 2020 CENSUS

The Minot Census Complete Count Committee would like to advertise participation in the 2020 Census on one (1) city transit bus. Advertising will take place for four months starting on March 9 and ending on July 9.

Recommend approval of the agreement for transit advertising between the City of Minot Transit Department and the City of Minot Planning Department for advertising the 2020 United States Census on one (1) city transit bus and seven (7) sanitation vehicles; and authorize the Mayor to sign the agreement.

Documents:

7.4. DEVELOPERS AGREEMENT - RETRIEVER RIDGE SUBDIVISION (4516)

This Developers Agreement details the expectations and responsible parties relating to the development details of the Retriever Ridge Subdivision. The four lot agricultural residential subdivision was approved by Planning Commission in July 2019 and by City Council in August 2019.

Recommend approval of the Retriever Ridge Subdivision Developers Agreement with Terry Davis and Anne Davis and authorize the Mayor to sign.

Documents:

[4516 - DEVELOPERS AGREEMENT - RETRIEVER RIDGE.PDF](#)
[4516_RETRIEVERRIDGE_DEVAGREEMENT_FINAL.PDF](#)

7.5. APPROVE EMINENT DOMAIN FOR 308 4th AVE NE & VACANT LOT & 306 4th AVE NE & 400 4th AVE NE & 1107 6th AVE SW & 1100 EDWARD AVE SW, MINOT, ND

The properties are located in what is identified as Buyout Area #4 in support of the HUD approved CDBG-NDR Action Plan. The City has carried out the due diligence with the owners of these properties as set forth in HUD's involuntary acquisition guidelines and the requirements of the federal Uniform Relocation Act.

It is recommended the City Council approve the resolution authorizing commencing Eminent Domain Proceedings for 308 4th Ave NE & Vacant Lot & 306 4th Ave NE & 400 4th Ave NE, and 1107 6th Ave SW & 1100 Edward Ave SW, Minot, ND.

Documents:

[EMINENTDOMAINNATHANBORMANMEMO.PDF](#)
[NATHAN PROPERTIES AND BORMAN RESOLUTION 022520.PDF](#)

7.6. APPROVE EMINENT DOMAIN FOR 720 2nd AVE NE AND 19 8th ST NE, MINOT

The properties are located in what is identified as Buyout Area #4 in support of the HUD approved CDBG-NDR Action Plan. The City has carried out the due diligence with the owners of these properties as set forth in HUD's involuntary acquisition guidelines and the requirements of the federal Uniform Relocation Act

It is recommended the City Council approve the resolution authorizing commencing Eminent Domain Proceedings for 720 2nd Ave NE and 19 8th St. NE. Minot, ND 58703

Documents:

[EMINENTDOMAINTCOXLUETZENMEMO.PDF](#)
[LUETZEN COX RESOLUTION 010320 \(00000002\).PDF](#)

7.7. CONFIRM CDBG RECAPTURE & DUPLICATION OF BENEFITS POLICIES

One of the requirements for all federal grants including HUD CDBG-DR and CDBG-NDR grants is that each Grantee establish and adhere to a Recapture Policy and Duplication of Benefits Policy involving recovery of funds which are determined through ongoing internal audit and compliance review to be ineligible or overpayments to beneficiaries, contractors, sub-recipients, anyone or entity receiving grant funds. During the course of staff's review, it was found these two policies to have no record of City Council approval. While these policies meet HUD requirements

including having been posted on the city website, there is not a clear written record of the reasoning and basis for administratively establishing these policies.

It is recommended the City Council confirm the CDBG-DR/NDR Recapture Plan and Duplication of Benefits Policy administratively established since 2013 but not previously approved by the City Council.

Documents:

[RECAPTUREANDDOBPOLICIESCOUNCILMEMO.PDF](#)
[CITY-OF-MINOT-RECAPTURE-PLAN \(2\).PDF](#)
[DUPLICATION-OF-BENEFIT POLICY.PDF](#)

7.8. REQUEST FOR COMMUNITY OWNED ICE ARENA FUNDS

The Minot Park District has requested funding from the Community Owned Ice Arena Maintenance Fund in the amount of \$270,000 to assist with repairs one of the sheets of ice at MAYSA Arena.

It is recommended the City Council consider the request by the Minot Park District for funding for repairs to the facilities at MAYSA Arena.

Documents:

[MARCH2COMMUNITY ICE.PDF](#)
[ICE REQUEST.PDF](#)

7.9. REVISED ALIGNMENT FOR MREFPP – PHASE MI-5

The revised, suggested alignment for MI-5 phase of the MREFPP will be presented to the City Council for their consideration and approval.

Documents:

[MEMO P3529 REVISED ALIGNMENT MI-5.PDF](#)
[ALL MI-5_COMMENTS RECEIVED ON FEB 10 AT MEETING_THROUGH 20200220.PDF](#)

8. PERSONAL APPEARANCES
9. MISCELLANEOUS AND DISCUSSION ITEMS
10. ADJOURNMENT