



Regular City Council Meeting
Monday, May 18, 2020 at 5:30 PM
City Council Chambers, City Hall

Due to the COVID-19 public health emergency, City Hall is currently closed to the public. Members of the Minot City Council may be attending this meeting electronically or by telephone. This meeting will be conducted with social distancing modifications consistent with the recommendations of the CDC. In person attendance at the meeting by the public will not be allowed.

Any member of the public seeking to submit comments relating to an Agenda item or public hearing should submit their comments on the [City website](#). Members of the public may view the live airing of the City Council meeting on Channel 19 or streamed through the City's [YouTube](#) channel.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[05 \(MAY\) RECOMMENDATIONS 2020.PDF](#)

3.1. PUBLIC HEARING: RAMSTAD HEIGHTS 7TH ADDITION

A public hearing to consider an application by Four Seasons Construction, Inc., owner, and Ackerman Surveying & Associates, Inc., Applicant, to rezone Ramstad Heights 7th Addition from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

1. **approve a subdivision of property described as Lots 8A thru 14B, Block 2, Statesboro Addition to create a seven-lot subdivision to be known as Ramstad Heights 7th Addition**
2. **pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility.)**

Documents:

[051820 - RZ RAMSTAD HEIGHTS 7TH ADDITION - R4 TO R1S.PDF](#)

3.2. PUBLIC HEARING: RAMSTAD HEIGHTS 8TH ADDITION

A public hearing to consider an application by Four Seasons Construction, Inc., owner, and Ackerman Surveying & Associates, Inc., Applicant, to rezone Ramstad Heights 8th Addition from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

1. **subdivide property described as Lots 10A thru 18B, Block 7, Statesboro Addition to create a nine-lot subdivision to be known as Ramstad Heights 8th Addition**
2. **pass an ordinance on first reading to rezone Ramstad Heights 8th Addition from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.**

Documents:

[051820 - RZ RAMSTAD HEIGHTS 8TH ADDITION - R4 TO R1S.PDF](#)

3.3. PUBLIC HEARING: RAMSTAD HEIGHTS 9TH ADDITION

A public hearing to consider an application by Four Seasons Construction, Inc., owner, and Ackerman Surveying & Associates, Inc., Applicant, to rezone Ramstad Heights 9th Addition from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

1. **subdivide property described as Lots 1A thru 13B, Block 8, Statesboro Addition to create a fourteen-lot subdivision to be known as Ramstad Heights 9th Addition**
2. **pass an ordinance on first reading to rezone Ramstad Heights 9th Addition from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.**

Documents:

[051820 - RZ RAMSTAD HEIGHTS 9TH ADDITION - R4 TO R1S.PDF](#)

3.4. SUBDIVISION OF GALMAC 2ND ADDITION

It is recommended the City Council approve a subdivision to combine three existing lots described as Lots 14-16 and the west 13 feet of Lot 17, Galmac Subdivision of Elbow Park Manor Addition to create a one-lot subdivision to be known as Galmac 2nd Addition.

3.5. SUBDIVISION OF THE BLUFFS 13TH ADDITION, LOTS 1A AND 1B

It is recommended the City Council approve a subdivision to adjust the lot line between Lots 5A and 5B, Block 4, Bluffs 2nd Addition by creating proposed Bluffs 13th Addition, Lots 1A and 1B.

3.6. SRT ADDITION, LOTS 1 & 2

1. **It is recommended the City Council approve a subdivision to combine a portion of Lots 6 and 7 and all of Lot 1, Jack's 4th Addition to create Lot 1.**
2. **pass an ordinance on first reading to annex Lot 1 in to the City of Minot corporate limits.**

Documents:

[051820-ORDINANCE-ANNEX- SRT ADDITION LOT 1.PDF](#)

4. CONSENT ITEMS

4.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the April 30, 2020 special City Council meeting and the May 4, 2020 regular City Council meeting.

Documents:

[200430- SPECIAL.PDF](#)
[200504.PDF](#)

4.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5444 - Rezone Avery's Addition, Lot 1 from AG to RA**
2. **Ordinance No. 5445 - Rezone Ramstad Heights 5th Addition, Lots 1-9 from R-4 to R1S**

3. **Ordinance No. 5446 - Rezone Ramstad Heights 6th Addition, Lots 1-9 from R-4 to R1S**

Documents:

[ORDINANCE NO. 5444.PDF](#)
[ORDINANCE NO. 5445.PDF](#)
[ORDINANCE NO. 5446.PDF](#)

4.3. **US 83 BYPASS 4 LANE PROJECT FINAL PAYMENT (4040) & (3849)**

As part of the US 83 Bypass 4 Lane project, the City had cost shares for the Souris River bridge extension and the improvements to the intersection at 21st Avenue NW. The work on the southern section of the bypass 4-lane improvements is now complete and ready for final payment.

1. Recommend Council approve the final payment to the NDDOT in the amount of \$18,940.41.

Documents:

[4040 - US 83 BYPASS 4 LANE FINAL PAYMENT MEMO.PDF](#)
[FINAL CERTIFICATION OF LOCAL MATCH.PDF](#)

4.4. **CITY HALL RETAINING WALL – MATERIAL PAYMENT REQUEST (4398)**

At the April 6th council meeting, council made the decision to delay the retaining wall project until the 2022 construction season. Consequently, the City could not enter into a contract with Strata Corporation for the work. Wells Concrete, a material supplier, has asked to be compensated for some materials that had to be ordered ahead of the signed contract.

1. Recommend Council authorize payment to be made to Wells Concrete in the amount of \$1,104.11.

Documents:

[4398 - CITY HALL RETAINING WALL MATERIAL PAYMENT REQUEST MEMO.PDF](#)
[7218 CUSTOMROCK FORMLINER INV..PDF](#)

4.5. **SOUTHWEST ELEVATED WATER TOWER – AWARD OF BID (PROJECT NUMBER 4405)**

A new elevated water tower has been in the planning stages since 2006 to address the growth in South West Minot and water demands as well as institutional fire flow needs. This project was included in the 2019-2020 CIP. The project is the construction of a new 1 ½ million-gallon water tower to be located on an existing site the city owns and purchased for this purpose in 2006-2007.

On Tuesday, May 12, 2020, the Public Works Department opened bids for the water tower project. There were three bidders and they are as follows:

<u>Bidder</u>	<u>Bid Price</u>
Landmark Structures	\$3,967,000.00
Caldwell	\$5,152,000.00
Phoenix	\$4,866,780.00

- 1. Recommend council approve the bid from Landmark Structures in the amount of \$3,967,000.00 for the SW Elevated Water Tower project.**
- 2. Authorize the Mayor to sign contract documents for the project.**
- 3. Authorize the Public Works Director to sign the Notice to Proceed.**
- 4. Pass an ordinance on first reading amending the budget to increase the Water Supply and Treatment capital purchase expenditure for the award of the Southwest Water Tower project.**

Documents:

[MEMO - 4405 - SW WATER TOWER - AWARD OF BID.PDF](#)
[48. 2020 BA - SW WATER TOWER \(4405\).PDF](#)

4.6. PURCHASE OF L-TRON OSCR360 PANORAMIC SCENE CAMERA (PD0185)

The Minot Police Department (MPD) and Ward County Sheriff's Office (WCSO) were awarded the 2019 JAG Grant through the Department of Justice and a memorandum of understanding was signed splitting the funds equally between the agencies. WCSO projected to use their portion of the funds for the purchase of a 360-degree evidence collection camera. The original product was based off the specifications that aligned with the OSCR360 camera system. Further research disclosed that L-Tron was the sole source for a camera that met the specifications required. The City of Minot is the Fiscal Agent for expenditures of funds related to this grant.

Recommend approval to purchase the OSCR360 camera system from L-Tron Corporation as a sole source provider of this camera system.

Documents:

[COUNCIL MEMO - WCSO JAG PURCHASE REQUEST.PDF](#)
[OSCR360 COMBINED QUOTE.PDF](#)
[SOLE SOURCE OSCR_WITH SPECIFICATIONS.PDF](#)
[SOLE SOURCE PROCUREMENT _ L-TRON CORP OSCR360 CAMERA SYSTEM.PDF](#)

4.7. APPROVAL OF WARD COUNTY NARCOTICS TASK FORCE MEMORANDUM OF UNDERSTANDING

The Minot Police Department has had an ongoing MOU in place with the WCNTF, but due to recent changes in the distribution of asset forfeiture funds and the legislative changes governing expenditure of asset forfeiture funds, a new MOU was drafted. The appointment of a member of City Council to the Executive Board will fill one of the three positions recommended by the Attorney General's Office for approving the spending of asset forfeiture funds.

1. **Recommend approval of the Memorandum of Understanding with Ward County Narcotics Task Force (WCNTF); and**
2. **Appoint a City Council Member to the Executive Board of the WCNTF for the purpose of approving the expenditure of asset forfeiture funds controlled by the WCNTF; and**
3. **Authorize the Chief of Police to sign the Memorandum of Understanding.**

Documents:

[COUNCIL MEMO - WCNTF MOU.PDF](#)
[MOU - WCNTF.PDF](#)
[WCNTF - ASSET FORFEITURE FUND PROCEDURE.PDF](#)

4.8. ASSIGNMENT OF LEASE, T-HANGAR NO. 2

There is one (1) vacancy out of sixteen (16) t-hangars owned by the Airport. Protocol established a policy of a waiting list for vacancies. Doug McDonald is the next interested party on the waiting list.

Mr. McDonald has indicated interest in renting a t-hangar for a monthly rent of \$75.00 per month, and will abide by the lease terms and obligations. The lease term is month-to-month, which may be terminated by the City or the Tenant with a 30-day written notice.

1. **Recommend approval of the Airport Lease, T-Hangar between the City of Minot and Doug McDonald for T-Hangar No. 2 for \$75.00 per month; and**
2. **Authorize the Mayor to sign the agreement**

Documents:

[MEMO T-HANGAR 2.PDF](#)
[NO. 2 DOUG MCDONALD.PDF](#)

4.9. CONCUR AUTHORIZATION OF CDBG-DR ALLOCATION #1 AND #2 SUBSTANTIAL AMENDMENTS

The City of Minot has initiated 16 amendments to the CDBG-DR Allocation #1 originally approved Action Plan and 9 amendments to the CDBG-DR Allocation #2 originally approved Action Plan. Substantial Amendments do require submission to HUD and approval by HUD. Review of records show that the City did comply with public notice and comment requirements for the amendments. However, records of the City of Minot City Council meetings do not show that the City Council authorized the Substantial Amendments.

It is recommended the City Council concur in granting authorization for Substantial Amendments for CDBG-DR Allocations #1 and #2 submitted to and approved by HUD.

Documents:

[ALLOCATION1-2SUBSTANTIALAMENDMENTSCOUNCILMEMOA.PDF](#)

4.10. REVISED COOK'S COURT, SUNSET RIDGE AND FIELDCREST PROGRAM AGREEMENT AMENDMENTS

At the April 6, 2020 City Council meeting, the Council approved amendments to the original agreements with Beyond Shelter connected to LMI multi-family rental apartment projects known as Sunset Ridge, Cook's Court, and Fieldcrest. The essential details remain the same for all three amendments as was previously approved by the City Council, which includes provision that the current owning entity of the property and buildings become part of the City's original agreement, and incorporating for consistency purposes the state's LMI requirements and deed restrictions. The primary changes are adding more factual information in the "Whereas" clauses for historical record purposes, and more accurately defining and describing the change of ownership for each project.

It is recommended the City Council approve revised Amendments to the Agreements with Beyond Shelter, Inc. which provided CDBG-DR funds in support of construction of Cook's Court, Fieldcrest and Sunset Ridge LMI Multi-Family Rental Housing.

Documents:

[REVISED SUNSET RIDGE FIELDCREST COOKS COURT AMENDMENT COUNCIL MEMO.PDF](#)
[REVISED CDBG DR - FIELDCREST AMENDMENT \(00000002\).PDF](#)
[COOKS COURT AMENDMENT COOKS COURT LLLP.DOCX](#)
[FIELDCREST AMENDMENT FIELDCREST LLLC FINAL.DOCX](#)
[SUNSET RIDGE AMENDMENTS SUNSET RIDGE LLLPA.DOCX](#)
[19049329V3_IMANAGE_ - CDBG DR - SUNSET RIDGE AMENDMENT \(04.06.2020 CLEAN\) \(1\).PDF](#)
[CDBG DR - COOK_S COURT AMENDMENT.PDF](#)

4.11. PROJECT #4535 – PURCHASE OF BUS VIDEO SURVEILLANCE EQUIPMENT

This project would replace nine, existing, outdated video surveillance systems in our bus fleet. This would include for each of the nine buses a mobile recorder with an event switch, accelerometer and removable 2.0 TB hard disk drive. It would also include six cameras in each bus, one forward facing, one on the exterior curbside, and four interior cameras.

It is recommended the City Council approve a sole source procurement for the purchase of nine Apollo Video Surveillance Systems and associated software from Luminator Technology Group, and to allow the Public Works Director to sign the purchase order and any other associated forms for this purchase.

Documents:

5. ACTION ITEMS

5.1. CONSIDER THE REPORT FROM THE FRANCHISE COMMITTEE

The Franchise Committee meets May 18th, immediately prior to the City Council meeting, to consider an ordinance on first reading relating to the gas distribution franchise for Montana-Dakota Utilities Co.

It is recommended the City Council affirm the recommendation of the Franchise Committee.

Documents:

[2020 MDU FRANCHISE ORDINANCE FINAL.PDF](#)

5.2. DEVELOPERS AGREEMENT - RAMSTAD HEIGHTS 7TH (4519)

Ramstad Height's 7th Addition was approved by Planning Commission on May 5th and is on the May 18th City Council agenda for approval. The Developers Agreement details the expectations and responsible parties relating to the development of the subdivision.

Approve the Ramstad Height's 7th Addition Developers Agreement with Four Seasons Construction, Inc. and authorize the Mayor to sign.

Documents:

[4519 - DEVELOPERS AGREEMENT - RAMSTAD 7TH.PDF](#)

[4519 - RAMSTAD 7 DEV AGREEMENT.PDF](#)

5.3. EXTENSION OF DAYCARE SERVICES AGREEMENT

On March 26, 2020, the City Council approved a services agreement with Reser LLC d/b/a The Learning Tree to provide daycare services for emergency personnel. The term of that agreement originally was to expire on April 20, 2020, but was previously amended to extend the term to May 18, 2020. The attached proposed amendment extends the term to May 20, 2020.

- 1. It is recommended the City Council approve the Second Amendment to the Services Agreement with Reser LLC, d/b/a The Learning Tree.**
- 2. pass an ordinance amending the 2020 annual budget to increase the Emergency Fund Professional Service Contracts expenditures for the Emergency Personnel Childcare Services and approve the use of Emergency Fund cash reserves.**

Documents:

[MEMO RE SECOND AMENDMENT TO SERVICES AGREEMENT.PDF](#)

[DAYCARE CONTRACT_AMENDMENT 2.PDF](#)

[45. 2020 BA - EMERGENCY PERSONNEL CHILDCARE SERVICES ADD.PDF](#)

5.4. RENEWAL OF SECOND PENNY SALES TAX

The City's Second Penny Sales Tax is scheduled to expire at midnight September 30th, 2021. Renewing the sales tax now will allow for appropriate budgeting related to the sales tax. Second Penny Sales Tax is used to fund: Property Tax Relief, Infrastructure, Community Facilities/Flood Control and NAWS.

It is recommended the City Council approve the language for the reinstatement of the second penny sales tax following the anticipated expiration on September 30th, 2021.

Documents:

[MAY18, 2020 SALES TAX.PDF](#)

5.5. INTERIM CITY MANAGER TEMPORARY SALARY INCREASE

Due to the termination of the former City Manager, Mr. Lakefield has been asked to assume the interim duties of that position until a permanent replacement has been hired. As such, it is recommended that Mr. Lakefield be afforded a temporary 10 percent monthly increase to his salary for additional duties and responsibilities. This recommended increase is similar to the one approved for Cindy Hemphill, when she assumed the role of the Interim City Manager in April of 2014 and August of 2016.

Recommend approval of 10 percent monthly salary increase for David Lakefield, effective April 20, 2020 to assume interim City Manager duties.

Documents:

[MEMO- INTERIM CITY MANAGER.PDF](#)

5.6. SPECIAL ASSISTANT CITY ATTORNEYS – LEGISLATIVE SERVICES

The City of Minot has previously retained Shane Goettle to provide legal services for the purpose of handling state government affairs; and to advise and consult, as needed and requested, on the interface of local, state, and federal resources associated with flood recovery and protection, and city growth associated with energy impacts. The Agreement before the City Council also includes managing other projects, as assigned.

1. **Move to approve and authorize the Mayor to sign the Consulting and Legal Services Agreement between the City of Minot and Shane Goettle.**
2. **Move to continue the appointments of Shane Goettle and Lacey Anderson as Special Assistant City Attorneys.**

Documents:

[GOETTLE_LEGAL SERVICES MEMO_2020DL.PDF](#)
[MINOT SERVICE AGREEMENT 2020-2022_PROPOSED V2 DL.PDF](#)

6. PERSONAL APPEARANCES

7. MISCELLANEOUS AND DISCUSSION ITEMS

7.1. FIRST DISTRICT HEALTH UNIT CONTRACT AMENDMENT

This amendment will remove the 6-month reporting requirement from the current contract with First District Health Unit.

Documents:

[FIRST DISTRICT LETTER 5-2020.PDF](#)

7.2. 2020 CENSUS UPDATE

8. ADJOURNMENT