

City of Minot

Regular City Council Meeting
Monday, June 1, 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. MAYOR'S REPORT

3.1. MAYORAL APPOINTMENT

It is recommended the City Council affirm the Mayor's appointment of Tammy Zietz Nesdahl to the Planning Commission with a term to expire June 2025.

4. CITY MANAGER REPORT

5. CITY ATTORNEY REPORT

Documents:

[2020-05.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the May 18, 2020 special City Council meeting and the May 18, 2020 regular City Council meeting.

Documents:

[200518- SPECIAL.PDF](#)
[200518.PDF](#)

6.2. APPROVAL OF BILLS & TRANSFERS

It is recommended the City Council approve the bills and transfers as listed for May in the amount of \$3,676,874.86.

Documents:

[BILLS MAY 2020.PDF](#)

6.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5502 - Amend the 2020 Annual Budget – Southwest Water Tower**
2. **Ordinance No. 5503 - Amend the CMCO- MDU Franchise Agreement**
3. **Ordinance No. 5504 - Amend the 2020 Annual Budget- Extension of Daycare Services Amendment 2**

Documents:

[ORDINANCE NO. 5502.PDF](#)
[ORDINANCE NO. 5503.PDF](#)
[ORDINANCE NO. 5504.PDF](#)

6.4. GAMING SITE AUTHORIZATION- THE AGGIE FOUNDATION

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 The Aggie Foundation to install electronic dispensing devices at Quality Inn & Suites (3916 North Broadway)

Documents:

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

6.5. AMEND 2020 BUDGET FOR THE PURCHASE OF A HAZARDOUS MATERIALS DATA GATHERING KIT (FD0105)

The Minot Fire Department was awarded the NDDDES FY 20179 SHSP Regional Response Grant that includes funding for training, exercises, and equipment in the areas of hazardous materials and technical rescue. The total award package of \$214,050 was budgeted between general fund and capital equipment fund based on the items approved in the grant.

Recommend the Council pass an ordinance to amend the 2020 annual budget to adjust the Fire department funds for the purchase of a data gathering kit to be used with Hazardous Materials equipment.

Documents:

[MEMO FOR FD0105 BA 05-26-20.PDF](#)
[47. 2020 BA - RDK KIT \(FD0105\).PDF](#)

6.6. FY 2019 STATE HOMELAND SECURITY GRANT EQUIPMENT PURCHASE (FD0105)

The Minot Fire Department was awarded funding for the FY2019 State Homeland Security Grant. The intent of the award is to enhance the capability of the Department to prevent, protect against, mitigate, respond to, and recover from catastrophic events. The cost of pre-approved training, travel, overtime, supplies, and equipment will be fully reimbursed to the City upon request.

It is recommended the City Council amend the 2020 Annual budget to increase revenues and expenditures to include the trade in value for Area Rae Meters purchased with the FY19 State Homeland Security Grant funding.

Documents:

[MEMO FOR BA FOR AREARAE TRADE-INS.PDF](#)
[39. 2020 BA - AREA RAY EQUIPMENT \(FD0105\).PDF](#)

6.7. FY2020 USDOJ – BULLETPROOF VEST PARTNERSHIP GRANT

This has been an ongoing annual grant program which pays 50% of the qualified bulletproof vest purchases for the police department.

1. **Recommend authorization to apply for and, if awarded, accept the US Department of Justice (USDOJ) FY 2020 Bulletproof Vest Partnership Grant for the Minot Police Department; and**
2. **Authorize the Chief of Police and/or Mayor to sign the award agreements.**

Documents:

[DOJ FY20 BVP - COUNCIL MEMO.PDF](#)
[DOJ BVP APPLICATION.PDF](#)

6.8. BJA FY 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM

The Minot Police Department has incurred expenses outside of those budgeted for responding to calls for service under normal conditions. The coronavirus pandemic has led to multiple purchases of equipment to allow support personnel to work safely from home, personal protective equipment to protect the line officers responding to calls, and equipment and services for disinfecting surfaces and equipment potentially exposed to the coronavirus.

1. **Recommend authorization to apply for and, if awarded, accept the FY 2020 Coronavirus Emergency Supplemental Funding Program grant**
2. **Authorize the Chief of Police to sign the Grant Acceptance and Award documents.**
3. **Pass an ordinance amending the 2020 annual budget to increase the Police department operation supplies revenues and expenditures for the 2020 Coronavirus Emergency Supplemental Funding Program Grant awarded by the Department of Justice.**

Documents:

[BJA FY 2020 COVID FUNDING - COUNCIL MEMO.PDF](#)
[BJA FY 20 GRANT AND AWARD DOCS..PDF](#)
[50. 2020 BA - FY20 COVID FUNDING PD.PDF](#)

6.9. BUDGET AMENDMENT FOR FIRE COMMAND CENTER HVAC CONTROL UPGRADE

The current control system company advised that an upgrade was due as most of the current components were no longer available. The company is unable to connect to the system remotely for support purposes.

Recommend approval of a Budget Amendment moving 2019 Budgeted funds to the 2020 Budget of Property Maintenance for Fire Command Center HVAC Control System Repair/Upgrade.

Documents:

[49. MEMO - FIRE COMMAND CENTER HVAC CONTROL UPGRADE.PDF](#)
[49. 2020 BA - FIRE COMMAND CENTER HVAC CONTROL UPGRADE.PDF](#)

6.10. CITY HALL BUILDING RELOCATION ANALYSIS BUDGET AMENDMENT (CAP032 / 4466)

An RFP was issued and evaluated by the City in January 2020, the City received 3 proposals and chose JLG for the contract. The contract was approved by City Council December 16, 2019, the budget amendment wasn't done at that time.

Recommend Council approve the budget amendment to move budgeted funds from Capital Purchases into General Fund for the building analysis completed by JLG.

Documents:

[34. CITY HALL BUILDING ANALYSIS.PDF](#)
[34. 2020 BA - CITY HALL BUILDING ANALYSIS.PDF](#)

6.11. LIB035 LIBRARY EXTERIOR BUDGET AMENDMENT

Council approved the award of bid for the Minot Public Library's exterior renovation project (LIB035) on 3/2/2020. Upon submission of bids, the cost of design and administration was not included in the total budget cost. Fortunately, the Library has enough money in their Cash Reserves to make up this difference and still have more than the required 1/12 in Cash Reserves.

It is recommended that Council Amend the Library's 2020 Budget to increase expenditures for LIB035 by \$47,000 which will be funded through the Library's Cash Reserves.

Documents:

[LIB035_2020_BA MEMO.PDF](#)
[LIB035_2020_BA.PDF](#)

6.12. DEMOLITION BID AWARD FOR CDBG-NDR & CDBG-DR ACQUIRED STRUCTURES

Structures acquired under the CDBG-NDR buy-out activity which are deemed not suitable for auction and relocation, or which do not sell at auction are required to be demolished and the site restored to pre-construction condition (level, grass, no improvements). Also, the City has acquired structures deemed Spot Blight (Zombie Homes) under its CDBG-DR grant with the structures needing to be demolished. This current bid process was undertaken on the basis of known structures to be demolished under both programs.

It is recommended the City Council award the bid for Demolition of CDBG-NDR Structures (flood buy-out) and CDBG-DR Structures (Spot Blight) to Dig-It-Up Backhoe Service Inc.

Documents:

[NDRDEMOLITIONBIDAWARDCITY COUNCIL MEMO5-26-2020A.PDF](#)
[RECOMMENDATION TO AWARD LETTER 2020 ROUND 1 STRUCTURE DEMOLITION 3755.16.PDF](#)

6.13. BID ACCEPTANCE AND PURCHASE OF POLICE PATROL VEHICLES (PD0178)

The Police Department budgeted five (5) all-wheel SUV patrol vehicles to be purchased in 2020.

Recommend the acceptance of bid by Westlie Motor Company for the purchase of five (5) 2021 Ford Interceptor Utility Vehicles for a total cost of \$173,706.20 at \$34,741.24 per vehicle.

Documents:

[20. 2020 MEMO - \(5\) PD PATROL VEHICLES.PDF](#)
[WESTLIE MOTORS BID.PDF](#)
[NELSON AUTO BID.PDF](#)

- 6.14. 2020 SANITARY SEWER REHAB AWARD OF BID (CITY PROJECT NO. 4494)
Each year, the Sewer Department budgets funds for sewer main replacement in areas where old sewer mains are in poor condition. The proposed improvements are necessary because of the high maintenance costs over the past several years.

On Tuesday, May 26, 2020, bids were opened for the 2020 Sanitary Sewer Rehab Project. Below is a copy of the bid tabulation showing the different bids:

Engineers Estimate: \$ 790,000

<u>Bidder</u>	<u>Total Bid</u>
Insituform Tech. USA LLC	\$966,881.10
Visu-Sewer, Inc.	\$993,457.55
Municipal Pipe Tool Company	\$987,707.00
Hydro-Kleen, Inc.	\$729,213.65

Recommend Council to award the bid for the 2020 Sanitary Sewer Rehab Project to HydroKleen, Inc. for the lowest bid of \$729,213.65.

Documents:

[4494 - 2020 SANITARY SEWER REHAB AWARD OF BID MEMO.PDF](#)

- 6.15. APPROVE ONE YEAR EXTENSION OF SWANSON & WARCUP LTD AGREEMENT
The City of Minot originally awarded a one-year contract to Swanson & Warcup, Ltd. for flood buyout acquisitions involving Eminent Domain Proceedings with an expiration date of June 30, 2018. The contract award was based on a competitive RFP. The original agreement included two, one-year extensions which have also been approved by the City Council and extended through June 30, 2020. Swanson & Warcup, Ltd. has agreed to a third one-year extension through June 30, 2021 with no increase in hourly compensation rates.

It is recommended the City Council approve extension of the agreement to June 30, 2021 with Swanson and Warcup Ltd. for CDBG-DR and CDBG-NDR Flood Buyout Acquisition Eminent Domain Proceedings.

Documents:

[SWANSONWARCUP2021AMENDMENTCOUNCILMEMO.PDF](#)
[20-21AGREEMENT TO EXTEND CONTRACT FOR THE PROVISION OF EMINENT DOMAIN.PDF](#)
[CONTRACT FOR THE PROVISION OF EMINENT DOMAIN BETWEEN CITY AND SWANSON AND WARCUP.PDF](#)
[CONTRACT EXTENSION FOR AGREEMENT BETWEEN THE CITY AND SWANSON AND WARCUP FOR EMINENT DOMAIN LEGAL SERVICES.PDF](#)

- 6.16. AUTHORIZE EXECUTION OF BLU ON BROADWAY FLEX PACE DOCUMENTS
The state of North Dakota through the Bank of North Dakota offers incentive programs to promote private sector investment in affordable housing for low and moderate income residents. Bank of North Dakota has determined that the Blu on Broadway mixed use development qualifies for the Flex PACE program. Bank of North Dakota Flex PACE programs requires two standard documents be executed by the local

government in which the project is located which is the Escrow Agreement and the Interest Buy-down Agreement.

City Council authorize execution of Bank of North Dakota Flex PACE Documents for Blu on Broadway.

Documents:

[FLEXPACEBLUON BROADWAYAGREEMENTSCOUNCILMEMOA.DOCX](#)
[BLU INTEREST BUYDOWN AGREEMENT.PDF](#)
[BLU ESCROW AGREEMENT PACE PROGRAM.PDF](#)

7. ACTION ITEMS

7.1. 2018 & 2019 ABATEMENT REQUEST FOR 2 VACANT PARCELS

Property owners have the right to appeal their assessment through the form of an abatement per NDCC 57-23-04. Additional attachments and information are included with this agenda item regarding the parcels that are the subject of this abatement request and our recommendation.

The City Assessor's office recommends denial of the abatement request in its entirety.

Documents:

[COUNCIL MEMO HL DEVELOPMENT LLC ABATEMENT.PDF](#)
[HL DEVELOPMENT PROP CARDS.PDF](#)
[HIGHLANDER ESTATES SUBDIVISION PLAT MAP.PDF](#)
[REALTOR LISTING SHEET FOR HL DEVELOPMENT PROPERTY.PDF](#)
[HL DEVELOPEMENT ABATEMENT FORMS AND OWNER INFO.PDF](#)
[HIGHLANDER ESTATES AREA SHOWING UTILITY LOCATIONS.PDF](#)

7.2. APPROVAL OF PLANS & SPECS P# 3529.04A MREFPP PHASE MI-4A MAPLE DIVERSION UTILITY RELOCATION

Providing flood risk reduction for Minot is large part of the overall Mouse River Plan. Relocating the sewer, water, etc. that currently cross the alignment of the Maple Diversion, will allow the work to proceed in a more efficient manner. A project of this size, will be done in various segments or stages.

1. **Recommend Council approve plans and specifications and recommend approval to SRJB for bidding of the Utility relocation portion of the Maple Diversion MI-4A of the MREFPP.**
2. **Approve the resolution of funding.**

Documents:

[MEMO -APPROVE PLANS AND SPECS P3529.04A.DOCX](#)
[MI-4A OPC_MAPLE DIVERSION LEVEE COST CALCULATION.PDF](#)
[MI-4A LOCATION MAP.PDF](#)
[REIMBURSEMENT RESOLUTION MAPLE DIVERSION UTILITY WORK \(3529\).DOCX](#)

7.3. SECOND PENNY SALES TAX

The Second Penny Sales Tax is scheduled to sunset on June 1, 2021. A portion of this tax is used to finance projects such as NAWS and Flood Control. Extending the tax would allow the continued use of the proceeds to fund these projects.

It is recommended the City Council approve the language for the reinstatement of the second penny sales tax following the anticipated expiration on June 1, 2021.

Documents:

[JUNE 1 2020 SALES TAX.PDF](#)
[DW 5 14 2020_ESTABLISHMENT OF NEW SECOND PENNY_UPDATEDDDL.DOCX](#)

- 7.4. SUPPORT REQUEST OF CONGRESS TO EXTEND CDBG-NDR UNTIL 9/30/25
During the past 30 days, the grantee administrators representing the 13 CDBG-DR grantees have held virtual meetings to seek to reach agreement on a common extension request to be sent to Congress. The CDBG-NDR Grantees agreed that the steps to be taken to seek the extension was for all 13 Grant Administrators to concur on the strategy. Second step is to commence June 1st for the 13 Grantee Administrators to secure letters of support from their appropriate elected officials

It is recommended the City Council support the letter from 13 CDBG-NDR Grantees asking Congress to extend the deadline to September 30, 2025 and authorize the Mayor to send support letters to the North Dakota Delegation.

Documents:

[CDBG-NDRGRANTEXTENSIONSUPPORTCOUNCILMEMO.PDF](#)
[PL 113-2 CDBG DR GRANTEES LETTER TO CONGRESS DRAFT EDITS 5.29.2020.PDF](#)

- 7.5. NDR ECOLOGICAL RESTORATION PLANNING DISCUSSION & ACTION
A series of flood storage and eco-restoration projects in Minot will establish an open space network to increase the city's resilience, reduce the scale and cost of other flood protection measures, and reconnect Minot to the Souris River. The NDR Ecological Restoration Planning project currently has funding available in the amount of \$355,162.

City Council discuss and consider action to advance ecological restoration planning, feasibility, and implementation phasing.

Documents:

[3566.PDF](#)
[NDR-ECOLOGICAL-RESTORATION-MEMO.PDF](#)

- 7.6. NDR ECONOMIC RESILIENCE STRATEGIC PLAN FUNDING DISCUSSION & ACTION
Strong Towns site visits typically consist of a public presentation followed by more in-depth conversations and consulting with key stakeholders. Common focus areas include a Strong Town approach to: Affordable housing, neighborhood resiliency, capital investments, jobs, growth, and economic development, public engagement, public transportation, and urban design principles. Economic Resilience Strategic Planning was funded by the NDR grant in the amount of \$299,025 and there is a remaining balance of \$60,000.

It is recommended the City Council discuss Strategic Economic Resilience Planning & Consulting with Strong Towns over multiple site visits.

Documents:

[NDR-ECONOMIC-DEVELOPMENT-PLANNING.PDF](#)

8. PERSONAL APPEARANCES
9. MISCELLANEOUS AND DISCUSSION ITEMS
10. EXECUTIVE SESSION
 - City Manager Contract: Pending Predictable Litigation — Attorney Consultation and Discussion of Potential Litigation Strategy and/or Guidance for Negotiation Strategy/Instructions, Pursuant to Authority of N.D.C.C. 44-04-17.1, 19.1, and 19.2
11. ADJOURNMENT