

# City of Minot

Regular City Council Meeting  
Monday, June 15, 2020 at 5:30 PM  
City Council Chambers, City Hall

This meeting will be conducted with social distancing modifications consistent with the recommendations of the CDC. Members of the public may attend but are encouraged to 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:

[06 \(JUN\) RECOMMENDATIONS 2020.PDF](#)

- 3.1. PUBLIC HEARING: INTERIM USE PERMIT – SECTION 23-155-83, OUTLOTS 18-29 LESS RIGHT-OF-WAY

A public hearing to consider a request by Minot Public Schools for an Interim Use Permit to allow two additional modular classroom buildings to be added to the five existing portable classroom buildings for a total of seven. The additional classroom space is needed due to an increase in students.

**It is recommended the City Council adopt a resolution approving an Interim Use Permit for Minot Public Schools subject to conditions.**

Documents:

[061520- IUP-CLASSROOM BUILDINGS AT JIM HILL.PDF](#)

4. CONSENT ITEMS

- 4.1. MAYORAL APPOINTMENTS

**It is recommended the City Council affirm the Mayor's reappointment of Tim Baumann to the Planning Commission with a term to expire June 2025.**

- 4.2. APPROVAL OF THE MINUTES

**It is recommended the City Council approve the minutes of the June 1, 2020 regular City Council meeting.**

Documents:

[200601.PDF](#)

- 4.3. APPROVAL OF PAYROLL

**It is recommended the City Council approve payroll for the period of April 12, 2020 through May 23, 2020 in the amount of \$3,105,584.25.**

Documents:

4.4. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5410 - Rezone Southwest Crossing CCRC**
2. **Ordinance No. 5501 - Annex SRT Addition Lot 1 into city limits**
3. **Ordinance No. 5505 - Amend the 2020 Annual Budget- Hazardous Materials Data Gathering Kit (FD0105)**
4. **Ordinance No. 5506 - Amend the 2020 Annual Budget- FY 2019 State Homeland Security Grant Area Rae Meters**
5. **Ordinance No. 5507 - Amend the 2020 Annual Budget- BJA FY 2020 Coronavirus Emergency Funding**
6. **Ordinance No. 5508 - Amend the 2020 Annual Budget- Fire Command Center HVAC Control Upgrade**
7. **Ordinance No. 5509 - Amend the 2020 Annual Budget- City Hall Building Analysis**
8. **Ordinance No. 5510 - Amend the 2020 Annual Budget- Library Exterior (LIB035)**
9. **Ordinance No. 5511 - Second Penny Sales Tax Extension**

Documents:

[ORDINANCE NO. 5410.PDF](#)  
[ORDINANCE NO. 5501.PDF](#)  
[ORDINANCE NO. 5505.PDF](#)  
[ORDINANCE NO. 5506.PDF](#)  
[ORDINANCE NO. 5507.PDF](#)  
[ORDINANCE NO. 5508.PDF](#)  
[ORDINANCE NO. 5509.PDF](#)  
[ORDINANCE NO. 5510.PDF](#)

4.5. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 6-15-20.PDF](#)

4.6. AMEND 2020 BUDGET FOR THE PURCHASE OF A FIT TESTING MACHINE.

The Minot Fire Department was awarded the NDDDES FY 2018 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 \$130,848 was budgeted between general fund and capital equipment fund based on the items approved in the grant. Funding was originally budgeted in general fund, but a scope change for the grant was used to combine remaining monies to purchase this equipment which qualifies as a capital item.

**Recommend the Council pass an ordinance to amend the 2020 annual budget to adjust the Fire department funds for the purchase of a Fit Testing Machine for breathing apparatus and particulate masks.**

Documents:

[MEMO FOR FIT TESTING MACHINE FD0084.PDF](#)  
[51. 2020 BA - FIT TESTER \(FD0084\).PDF](#)

4.7. PROPOSED ORDINANCE – L-TRON OSCR360 PANORAMIC SCENE CAMERA PURCHASE (PD0185)

A budget amendment is required to move a portion of L-Tron Panoramic Scene Camera project 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 Police department applicable accounts. 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.

**Recommend approval of the proposed ordinance for the L-Tron Camera purchase to be moved from general fund to capital equipment fund on first reading.**

Documents:

[MEMO FOR PD0185 L-TRON CAMERA BA.PDF](#)  
[50. 2020 BA - WARD COUNTY CAMERAS \(PD0185\).PDF](#)

4.8. GAMING SITE AUTHORIZATIONS- ANNUAL GAMING ORGANIZATION RENEWALS

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.

**Recommend approval of the gaming site authorizations of the attached locations for the license year of July 1, 2020 through June 30, 2021.**

Documents:

[MEMO- GAMING SITE AUTHORIZATIONS 6-15.PDF](#)

4.9. AMENDED LEASE TERMS AND CONDITIONS FOR SCOTT AVIATION/WILSON SCOTT

Wilson Scott, also known as "Scott Aviation", currently leases real estate from the Minot International Airport (MOT). On March 16, 2020 the City Council authorized notice be served to Mr. Scott that he was in default of the terms of his lease. After several months of negotiation, city staff and Wilson Scott came to an agreement on new lease terms, and a new lease was approved by the City Council at their regular meeting on May 4, 2020. Following that meeting, city staff and Wilson Scott discovered a few updates that needed to be made to the lease, which are shown in red, and include updating the lessee party to Mr. Scott's new LLC, formerly known as Scott Aviation, LLC, updating the effective and expiration dates, correcting a typo in paragraph 3, and updating the notice address for Scott Aviation, LLC.

**City Staff recommends the City Council review the proposed Ground Lease and Hangar Development Agreement and authorize the Mayor to enter into the amended agreement.**

Documents:

[MEMO WILSON SCOTT UPDATE.PDF](#)  
[AMENDED MINOT INTERNATIONAL AIRPORT GROUND LEASE\\_WILSON SCOTT\\_CITYS PROPOSED NEW TERMS AND CONDITIONS\\_6.9.20.PDF](#)

4.10. ASSIGNMENT OF LEASE FROM SHIRLEY RUSTAD TO SCOTT RUSTAD LOT 1, SOUTH SIDE ADDITION, MINOT INTERNATIONAL AIRPORT

Shirley Rustad is requesting approval from the Minot City Council to assign a ground lease rent agreement for Lot 1, South Side Addition, Minot International Airport, to his son, Scott Rustad. This lease was originally executed between the City and Stephen Stripe in 2004, and was assigned to Shirley Rustad in 2007. Shirley Rustad and Scott Rustad have a longstanding and great working relationship with several tenants of the general aviation community, including the Minot International Airport.

- 1. Approve the assignment of a ground lease from Mr. Shirley Rustad to Mr. Scott Rustad; and**
- 2. Authorize the Mayor to sign any documentation necessary to complete the assignment.**

Documents:

[MEMO - RUSTAD HANGAR REASSIGNMENT.PDF](#)  
[LEASE AGREEMENT - LOT 1 SHIRLEY RUSTAD.PDF](#)  
[LEASE TRANSFER REQUEST - SHIRLEY RUSTAD.PDF](#)  
[CONSENT TO ASSIGN LEASE - SHIRLEY RUSTAD.PDF](#)

4.11. ASSIGNMENT OF HOLDOVER LEASE TERMS IN FULL TO ARDEN GLICK AND APPROVE NEW LEASE AGREEMENT FOR LOT 2 BLOCK 9, MINOT INTERNATIONAL AIRPORT 2ND ADDITION (FORMERLY KNOWN AS LOT 7)

Dr. Vandall and Mr. Glick currently are partners in a ground lease agreement with the Minot International Airport (MOT). Dr. Vandall has submitted a request to transfer full ownership of the hangar to Mr. Glick. Dr. Vandall and Mr. Glick have both been longstanding tenants at the Minot International Airport. Mr. Glick has a longstanding and great working relationship with the general aviation community, including the Minot Airport.

The lease is currently in a month-to-month holdover term, as it expired on October 31, 2018. The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

- 1. Recommend approval to assign the holdover ground lease interest from Dr. Michael T. Vandall to Mr. Arden Glick; and**
- 2. Approve the Ground Lease and Hangar Development Agreement with Mr. Glick; and**
- 3. Authorize the Mayor to sign any necessary documentation to assign the lease interest and enter into the lease.**

Documents:

[MEMO GLICK LEASE TRANSFER.PDF](#)  
[LOT 7 VANDALL - GLICK.PDF](#)  
[REQUEST FOR LEASE ASSIGNMENT.PDF](#)  
[CONSENT TO ASSIGN LEASE - GLICK.PDF](#)  
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - GLICK.PDF](#)  
[EXHIBIT A - GLICK LOT 2 BLOCK 9 MINOT INTERNATIONAL AIRPORT 2ND ADDITION LEGAL DESCRIPTIONS.PDF](#)

4.12. OFFER NEW LEASE TERMS TO JAMES LARSEN AND DUANE HAUGSTAD FOR LOT 3 BLOCK 9, MINOT INTERNATIONAL AIRPORT 2ND ADDITION (FORMERLY KNOWN AS LOT 6)

Mr. Larsen and Mr. Haugstad are currently in a partnership of a ground lease agreement with the Minot International Airport (MOT). Mr. Larsen has submitted a

request to renew the lease for an additional 20 years per the renewal option of the original lease agreement. The renewal option of the original lease states, "...the Lessee has, and is hereby given, an option to renew a ground lease at the Minot International Airport for an additional 20 years under the terms and conditions set by the City Council at the time of renewal."

The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

- 1. Approve new Ground Lease and Hangar Development Agreement with Mr. Larsen and Mr. Haugstad; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO LARSEN.HAUGSTAD NEW LEASE.PDF](#)  
[LOT 6 JAMES A LARSEN, DUANE K HAUGSTAD.PDF](#)  
[LARSEN.HAUGSTAD RENEWAL REQUEST.PDF](#)  
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - LARSEN.HAUGSTAD.PDF](#)  
[EXHIBIT A - LARSEN.HAUGEN LOT 3 BLOCK 9 MINOT INTERNATIONAL AIRPORT 2ND ADDITION LEGAL DESCRIPTION.PDF](#)

- 4.13. APPROVE CDM SMITH NO COST INCREASE EXTENSION ALLOCATION #1  
Allocation #1 has two activities requiring support delivery services from CDM Smith. The first is environmental review in support of the final phase of the Northern Sanitary Sewer project which is being funded through Allocation #1. The second is the Spot Blight (Zombie Homes) acquisition and demolition which CDM Smith is providing environmental review and demolition compliance technical support.

**It is recommended the City Council approve CDBG-DR Allocation #1 CDM Smith Agreement Extension until June 30, 2021 at no added cost increase to current cap and authorize Mayor to execute extension agreement.**

Documents:

[CDM SMITHALLOCATION1EXTENSIONCOUNCILMEMOBC.DOCX](#)  
[CDMSMITHINITIALALLOCATIONAGREEMENTAMENDMENT14A.DOCX](#)

- 4.14. AMENDMENT TO PROSECUTION CONTRACT  
On December 2, 2019, the City Council approved a services agreement with Boppre Law Firm, PLLC, where Attorney Morgan Glines was appointed to provide prosecution services for the City of Minot. The Boppre Law Firm now has an additional attorney who can provide prosecution services for the City, in the event Attorney Glines is unavailable.

- 1. The City Council appoint Attorney Laura Wheelles to represent the City of Minot in the prosecution of municipal ordinance violations.**
- 2. Authorize the Mayor to sign the contract amendment relating to prosecution services on behalf of the City of Minot.**

Documents:

[MEMO\\_AMENDMENT TO PROSECUTION AGREEMENT.PDF](#)  
[AMENDMENT TO BOPPRE LAW CONTRACT.PDF](#)  
[AGREEMENT.PDF](#)

4.15. AFFIRM BEHM OIL PROPERTY CDBG-NDR FLOOD BUYOUT ACQUISITION

The property was acquired by Behm Oil for which the City's original offer was \$118,000 and final agreed upon purchase price was \$140,000. While the purchase price is with the acceptable necessary and reasonable cap per HUD and URA, it did exceed the City policy of 15% and \$15,000. Behm Oil had been cleared for Council authorization for Eminent Domain but before item was presented to the Council but after the property owner had been advised that the city was taking the next step for Eminent Domain, the property owner made a counter offer which resulted in avoiding Eminent Domain through a negotiated agreement.

**City Council affirm acquisition of Behm Oil property for \$140,000 for CDBG-NDR Flood Buyout Program Acquisition consistent with City policies and procedures.**

Documents:

[AFFIRMBEHMOILACQUISITIONCOUNCILMEMOBC.DOCX](#)

4.16. DEVELOPERS AGREEMENT - RAMSTAD HEIGHTS 8TH & 9TH (4519)

The Ramstad Height's 8th and 9th Additions were approved by Planning Commission and by City Council in May 2020. The Developers Agreement details the expectations and responsible parties relating to the development of the subdivision.

**Approve the Ramstad Height's 8th and 9th Additions Developers Agreement with Four Seasons Construction, Inc. and authorize the Mayor to sign.**

Documents:

[4519 - DEVELOPERS AGREEMENT - RAMSTAD 8TH AND 9TH.PDF](#)  
[4519 - RAMSTAD 8 AND 9 DEV AGREEMENT.PDF](#)

4.17. ENCROACHMENT PERMIT - 1ST STREET AKSAL SIGN

Aksal Group, LLC wishes to install a projecting sign from the western face of their building at 3 1st Street SE. The proposed sign will encroach on the City's right-of-way. There will be no fiscal impact to the City. Aksal Group will be responsible for installing the sign and removing it if the need would arise.

**Recommend approval of the Right of Way Encroachment Permit Application submitted by Aksal Group, LLC for the installation of a projecting sign at their building at 3 1st Street SE.**

Documents:

[MEMO\\_ENCROACHMENT\\_AKSALSIGN.PDF](#)  
[AKSAL SIGN ENCROACHMENT APP.PDF](#)  
[ENCROACHMENTPERMIT\\_AKSALSIGN.PDF](#)  
[3 1ST ST SE-LOCATION AERIAL.PDF](#)

4.18. ENCROACHMENT PERMIT - VILLAGE AVE/HIAWATHA ST

The property owners at 900 and 902 Village Avenue SE wish to construct and install private storm sewer across a City boulevard to connect their drain tile into a City storm sewer catch basin. There will be no fiscal impact to the City. The property owners will be responsible for installing the sewer and removing it if the need would arise.

**Recommend approval of the Right of Way Encroachment Agreement**

**Application submitted by Richard G and Phyllis P Hodnefield Life Estate and Janice Lundeen for the installation of private storm sewer to tie into a City catch basin in the 1700 block of Hiawatha Street.**

Documents:

[MEMO\\_ENCROACHMENT\\_VILLAGEAVEHIAWATHA.PDF](#)  
[VILLAGE AVE ENCROACHMENT APP.PDF](#)  
[ENCROACHMENTPERMIT\\_VILLAGEAVE.PDF](#)  
[EDGEWOOD VISTA B5 L1-LOCATION AERIAL.PDF](#)

4.19. **NORTHRIDGE VILLAS DEVELOPMENT AGREEMENT AMENDMENT 1 (3632)**

The Northridge Villas 2nd Addition plat and agreement was approved in December 2017. Since that time, the developer has made small modifications to the lot layouts and concepts that modify the original agreement. The amendment clarifies the modifications necessary to facilitate the changes to the development.

- 1. Recommend Council approve Amendment 1 to the Northridge Villas Development Agreement**
- 2. Authorize the Mayor to sign the amendment**

Documents:

[NORTHRIDGE VILLAS DEVELOPMENT AGREEMENT AMENDMENT 1 MEMO.PDF](#)  
[NORTHRIDGE VILLAS DEVELOPMENT AGREEMENT\\_AMENDMENT 1 FINAL.PDF](#)

4.20. **NO PARKING ON 12TH STREET SW BETWEEN 8TH AVENUE SW AND 16TH STREET SW**

As part of the Minot Water Treatment Plant Flood Hazard Mitigation Project constructed in 2016, 12th Street SW was reconstructed between 8th Avenue SW and 16th Street SW. The roadway is 25-feet wide, asphalt edge to asphalt edge, and then widens to 37-feet near the intersection with 16th Street SW for the addition of a right-turn lane.

The Engineering Department feels that allowing parking on both sides 12th Street SW creates a hazardous condition. In an effort to promote safety and access for emergency vehicles, the Engineering and Public Works Departments recommend restricting parking on the south side of 12th Street SW as well as on the north side of 12th Street SW at the functional area of the 16th Street SW intersection, i.e. where the westbound right-turn lane begins.

**It is recommended that council pass an ordinance to add parking restrictions to the following location:**

- 1. South side of 12th Street SW, between 16th Street SW and 8th Avenue SW.**
- 2. North side of 12th Street SW, east 230-feet from the center of the 16th Street SW intersection.**

Documents:

[MEMO-12TH ST SW NO PARKING.DOCX](#)  
[NO PARKING ORD - 12TH ST SW.PDF](#)  
[12TH ST SW SIGNING - NO PARKING.PDF](#)  
[EXISTING PHOTOS.PDF](#)

5. **PERSONAL APPEARANCES**

6. MISCELLANEOUS AND DISCUSSION ITEMS

6.1. TERM LIMITS

7. LIAISON REPORTS

8. ADJOURNMENT