

City of Minot

Regular City Council Meeting
Tuesday, September 8, 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. MAYOR'S REPORT
4. CITY MANAGER REPORT
5. CITY ATTORNEY REPORT

Documents:

[2020-08.PDF](#)

6. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[09 \(SEP\) RECOMMENDATIONS 2020.PDF](#)

- 6.1. PUBLIC HEARING: SUBDIVISION AND REZONING RIVERWOOD 2ND ADDITION, LOT 1

Public hearing to consider a request by Ron and Karen Thunshelle, applicants and David Kopp, owner, to create a new subdivision from an unplatted portion of the SW ¼ NW ¼ of Section 21-155N-83W to be known as Riverwood 2nd Addition, Lot 1 and to rezone the new lot from AG, "Agricultural District" to RA, "Agricultural Residential District."

1. **It is recommended the City Council approve the subdivision of Riverwood 2nd Addition, Lot 1**
2. **Pass an ordinance on first reading to rezone the new lot from AG (Agricultural District) to RA (Agricultural Residential District)**

Documents:

[090720 - RIVERWOOD 2ND ADD RZ AG TO RA.PDF](#)

- 6.2. SUBDIVISION TITA 2ND ADDITION, LOTS 1 & 2

It is recommended the City Council create a new subdivision to be known as Tita 2nd Addition, Lots 1 & 2

7. CONSENT ITEMS

7.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the August 17, 2020 regular City Council meeting and the August 24, 2020 special City Council meeting.

Documents:

[200817.PDF](#)
[200824- SPECIAL.PDF](#)

7.2. APPROVAL OF BILLS, TRANSFERS & PAYROLL

It is recommended the City Council approve bills and transfers for August in the amount of \$7,747,745.28 and payroll for the period of July 19, 2020 through August 15, 2020 in the amount of \$2,089,519.85.

Documents:

[BILLS AUGUST.PDF](#)
[PAYROLL AUGUST.PDF](#)

7.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5518 - Rezone Trinity Health 3rd Addition, Lot 1 from AG to P**
2. **Ordinance No. 5521 - Rezone Outlot 6, 08-155N-82W from AG to RA**
3. **Ordinance No. 5522 - Rezone Outlot 7, 08-155N-82W from RA and AG to RA only**
4. **Ordinance No. 5523 - Amend the 2020 Annual Budget- FY2020 Edward Byrne JAG Grant**
5. **Ordinance No. 5524 - Amend the 2020 Annual Budget- 31st Ave SE Reconstruction Project**
6. **Ordinance No. 5525 - Amend the CMCO Chapter 5 Movie Theater License**

Documents:

[ORDINANCE NO. 5518.PDF](#)
[ORDINANCE NO. 5521.PDF](#)
[ORDINANCE NO. 5522.PDF](#)
[ORDINANCE NO. 5523.PDF](#)
[ORDINANCE NO. 5524.PDF](#)
[ORDINANCE NO. 5525.PDF](#)

7.4. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 9-8-2020.PDF](#)

7.5. FINAL PAYMENT TO HIGHT CONSTRUCTION LLC FOR DEMOLITION CONTRACT

Hight Construction LLC was awarded a contract for demolition of flood buyout structures in support of flood control projects as lowest responsible bidder. Total contract value for work performed was \$286,934 with a 10 per cent retainage held by

City to assure satisfactory completion of all required work. CDM Smith as City's contract manager for demolition related activities has confirmed and signed off that all required work has been completed.

Approve retainage payment of \$28,693.40 to Hight Construction LLC to close out the demolition contract under CDBG-NDR Program.

Documents:

[2019 ROUND 4 INVOICE 3 RETAINAGE.PDF](#)
[2019 ROUND 4 INVOICE 3 RETAINAGE.PDF](#)

7.6. FINAL PAYMENT – SUNDRE RESERVOIR AND PUMP STATION (PROJECT NUMBER 4195.1)

This project rerouted the raw water line that brings Sundre Aquifer water to the Minot water treatment plant around the south end of Minot. It consisted of a two million gallon raw water reservoir and a pump station that tied into about seven miles of pipeline installation from another project and a tie into the NAWS raw water line south of Minot. The project was bid in May of 2017 and PKG Contracting, Inc. submitted the low bid at \$6,506,050.00. They have completed all remaining contract items.

1. Recommend approval of final payment to PKG Contracting, Inc in the amount of \$64,875.86.

Documents:

[41951 - SUNDRE RESERVOIR AND PS - FINAL PAYMENT.PDF](#)
[20200901095250587.PDF](#)

7.7. 2019 STORM SEWER REHAB – FINAL PAYMENT (CITY PROJECT NO. 4390)

The project consisted of improving conveyance by add some pipe and catch basins in a couple areas of town. There was also some ditch erosion repaired. The project was bid in April of 2019 and Unlimited Excavating submitted the low bid at \$362,044.97. Unlimited Excavating had troubles finishing a portion of the project, thus a subcontractor, Basaraba Excavating, was brought in to finish the project. Basaraba Excavating has completed the remaining portions of the project and any remaining punch list items.

Recommend approval of final payment for the 2019 Storm Sewer Rehab Project to Basaraba Excavating in the amount of \$9,467.05.

Documents:

[4390 - 2019 STORM SEWER REHAB - FINAL PAYMENT.PDF](#)
[20200901104449558.PDF](#)
[20200901104458924.PDF](#)

7.8. FINAL PAYMENT & BUDGET AMENDMENT - 2019 SIDEWALK, CURB & GUTTER (4382)

This annual maintenance project consists of the constructing, rebuilding, or repairing of sidewalk and curb & gutter in the right of way. In addition to the City's regular maintenance portion of the project, this also includes any assessment roll work. All work is complete and the project is ready for final payment.

Recommend Council approve the final payment of \$49,819.27 to be paid to Keller Paving & Landscaping, Inc. and authorize the Mayor to sign.

Recommend Council approve the budget amendment in the amount of \$564.74.

Documents:

[4382 - 2019 SIDEWALK FINAL PAYMENT AND BA MEMO.PDF](#)
[4382 - PAY APP 8 - FOR APPROVAL.PDF](#)
[59 - 2019 SIDEWALK CURB GUTTER 4382.PDF](#)

- 7.9. 2020 SPECIAL ASSESSMENT APPROVAL; SIDEWALK REPAIR (4382)
Sidewalk repair project #4382 was approved by City Council on April 1, 2019. The special assessment portion of this project has been completed and staff wishes to move forward with the special assessment process.

Staff recommends approval of the assessment roll for Sidewalk Repair project 4382.

Documents:

[SIDEWALK ASSESSMENT 2020.PDF](#)
[4382 ASSESSMENT ROLL.PDF](#)

- 7.10. 2020 NUISANCE ABATEMENTS
Nuisance abatement project 4439 was approved by City Council on July 1, 2019. While the project remains open, those abatements completed by July 31, 2020 are required to be acted upon this year. All associated costs have been identified and included in the attached list. The City wishes to certify the list to Ward County for collection with property taxes.

Staff recommends approval of the 2020 nuisance abatement list.

Documents:

[MEMO NUISANCE ABATEMENT 2020.PDF](#)
[ASSESSMENT ROLL.PDF](#)

- 7.11. RETAIL BEER LICENSE- CASA JALISCO AUTHENTIC MEXICAN FOOD, LLC DBA CASA JALISCO
The City received a request from Casa Jalisco Authentic Mexican Food, LLC dba Casa Jalisco, for a Retail Beer License operating at 3700 E Burdick Expy. All documentation has been approved by the Police Chief, Building Official and Fire Marshal.

It is recommended the City Council approve the Retail Beer License for Casa Jalisco.

Documents:

[MEMO- CASA JALISCO.PDF](#)

- 7.12. REQUEST TO LIQUIDATE SURPLUS EQUIPMENT
Various pieces of equipment and vehicles are replaced as they have met their life expectancy. We are asking that Council approve the liquidation of this equipment utilizing an auction service. Public Works has used the online auction service to dispose of surplus equipment in the past and has been successful in recovering 5-6 times the amount of revenue for most larger vehicle and equipment items in comparison to our City auction. We would try liquidate these pieces of equipment via the online service, however, if they do not sell, we would sell at them to the next City

auction that is held.

It is recommended the City Council approve the disposal of the attached listed excess vehicles/equipment using the GovDeals online auction service or City auction.

Documents:

[2020 MTC FOR ONLINE AUCTION OF EXCESS INVENTORY.DOCX](#)

7.13. CITY ASSET TRANSFER TO PARK DISTRICT – REFUSE PACKER

The Sanitation Department has a 2001 Leach 25-yard refuse packer that is no longer needed. In 2015, a spare sanitation truck and packer was transferred to the Park District to assist with their operations. This spare packer is the same make and similar model of the one that is on the truck that the Park District still currently utilizes. This spare packer is structurally unsound for its intended purpose but has several parts that are still in fair condition. These parts would be interchangeable with many of the components that are on the Park District's unit.

Recommend council authorize transfer of a surplus refuse packer in the sanitation department to the Park District.

Documents:

[LEACH PACKER TRANSFER TO PARK.PDF](#)

7.14. BURDICK EXPRESSWAY MAJOR REHABILITATION CPM AGREEMENT (4394)

Burdick Expressway is planned to have a mill and overlay take place in 2021. The NDDOT has issued a cost participation and maintenance agreement (CPM) to the City for this project which breaks down the funding and responsibilities for each entity. The agreement for this project follows the standard language that has been used in other NDDOT projects.

- 1. Recommend council approve the CPM agreement with the NDDOT**
- 2. Authorize the mayor to sign the agreement**

Documents:

[4394 BURDICK EXPRESSWAY MAJOR REHAB CPM AGREEMENT MEMO.PDF](#)
[CPM AGREEMENT.PDF](#)

7.15. BURDICK EXPRESSWAY ADA UPGRADES NDDOT CPM AGREEMENT (4394)

Burdick Expressway is planned to have ADA compliant pedestrian ramps installed during the 2021 construction season. The NDDOT has issued a cost participation and maintenance agreement (CPM) to the City for this project which breaks down the funding and responsibilities for each entity. The agreement for this project follows the standard language that has been used in other NDDOT projects.

- 1. Recommend council approve the CPM agreement with the NDDOT**
- 2. Authorize the mayor to sign the agreement**

Documents:

[4396 BURDICK EXPRESSWAY ADA UPGRADES CPM AGREEMENT MEMO.PDF](#)
[CPM AGREEMENT.PDF](#)

7.16. ENCROACHMENT PERMIT - 17 2ND AVE SE

The proposal is to replace the face of the existing projecting sign. The existing sign and awnings encroach on the City's right-of-way and now is the appropriate time to formally document and permit this encroachment.

Recommend approval of the Right of Way Encroachment Permit Application submitted by Rau Rental, LLC for the projecting sign and awnings at their building at 17 2nd Ave SE.

Documents:

[MEMO_ENCROACHMENT_RAU.PDF](#)
[RIGHT OF WAY ENCROACHMENT AGREEMENT APPLICATION - CITY OF MINOT.PDF](#)
[ENCROACHMENTPERMIT_RAU.PDF](#)
[17 2ND AVE SE-LOCATION AERIAL.PDF](#)

7.17. ENCROACHMENT PERMIT - 3013 10TH ST NW

The property owner at 3013 10th St NW wishes to construct and install private storm sewer across a City boulevard to connect their backyard storm water pump line into a City storm sewer catch basin. There will be no fiscal impact to the City. The property owner 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 Todd and Heidi VanDusen of BK Investments, LLP for the installation of private storm sewer to tie into a City catch basin in the 3000 block of 10th St NW.

Documents:

[MEMO_ENCROACHMENT_3013 10TH ST NW.PDF](#)
[ENCROACHMENT APPLICATION.PDF](#)
[ENCROACHMENTPERMIT_3013 10TH ST NW.PDF](#)
[ATTACHMENT 1 - ENCROACHMENT AREA.PDF](#)

7.18. MINOT CENTRAL DISPATCH GRANT APPROVAL- CALL TAKER SOFTWARE

Minot Central Dispatch is requesting approval to apply for a grant to allow them to purchase "ProQA", which is a computer-based Emergency Medical Dispatch (EMD) software. The grant is funded through the St. Josephs Community Health Foundation. If allowed, this grant will allow Minot Central Dispatch to purchase the software which will allow them to be prompted, via their computer, when providing Emergency Medical Dispatch instructions over the phone. In addition, it has a Quality Assurance feature which will allow Dispatch Supervisors to monitor the quality of emergency calls taken to ensure accuracy, and appropriate protocol is being followed.

1. **Recommend approval of the Application of a grant submitted to St. Joseph's Community Health Foundation if chosen to receiving funding, Minot Central Dispatch would move forward and purchase the ProQA system. Training would be set up for all dispatchers and Administrators, at which time the use of the licenses and software would go into effect**
2. **Recommend the use of the grant for the purchase of the ProQA Call-taking Software for Emergency Communication Center**
3. **Recommend authorization of the Chief of Police or his designee to sign agreement**

Documents:

COUNCIL MEMO2.PDF
GRANT APPLICATION.PDF
LETTERS OF SUPPORT - PROQA.PDF
PROQA QUOTE.PDF

8. ACTION ITEMS

8.1. MOVIE THEATER LICENSE- AMERICAN MULTI-CINEMA, INC DBA AMC DAKOTA SQUARE 9

The City received a request from AMC Dakota Square 9, for a Supper Club License operating at 2400 10th Street SW, Suite 604. After discussions between the City Attorney, Police Chief and City Council, it was decided the better option would be to amend the Code of Ordinances to add a definition for a Movie Theater License which better represents the business. Ordinance no. 5525 is on second reading at the September 8, 2020 City Council meeting and if approved, the Movie Theater License for AMC Dakota Square 9 can move forward.

It is recommended the City Council approve the request from American Multi-Cinema, Inc dba AMC Dakota Square 9, for a Movie Theater License operating at 2400 10th Street SW, Suite 604, subject to the passage of Ordinance no. 5525 on second reading.

Documents:

[MEMO- AMC.PDF](#)

8.2. APPROVE SALVAGE AGREEMENT WITH TED MERTZ FOR OIL TANK

As part of the flood buyout Involuntary Acquisition Program, the city acquired 205 14th Street NE which had housed Behm Oil. As part of the purchase agreement, the seller had been given the opportunity to relocate an approximately 250,000 gallon oil tank on the site as well as several other moveable pieces of equipment. The seller missed the deadline set in the purchase agreement to remove the salvageable items and, as a result, the seller forfeited the right to these items. Mr. Mertz made an unsolicited offer to purchase and remove both the oil and the tank at his expense.

Approve the salvage agreement with Ted Mertz for an oil tank and oil in the tank on property acquired by the City under the flood buyout program located at 215 14th Street NE, Minot, ND

Documents:

[MERTZ SALVAGE AGREEMENT CITY COUNCIL MEMO.PDF](#)
[SALVAGE PURCHASE AGREEMENT.PDF](#)
[NDRDEMOLITIONPROGRAMSALVAGEPOLICY2017-12.PDF](#)

8.3. ENGINEERING AMENDMENT FOR SUNDRE WATER LINE AND BOOSTER STATION AND RESERVOIR – P# 4195.1

As the City and SRJB progressed with the design of the first three phases of flood protection. It became apparent that a large portion of the existing fiber glass Sundre raw water line, that brings water from the sundre wellfield SE of Minot to the Water plant will need to be relocated for the flood protection. This amendment is for the final field construction engineering services and close out documentation for the booster station and reservoir.

1. **Recommend approval of the Construction engineering amendment with Houston Engineering for not to exceed amount of \$9,006.26.**
2. **Authorize the Mayor to sign the agreement**

Documents:

[MEMO CONSTRUCTION ENGINEERING 4195 AMENDMENT.PDF](#)
[4195.1 SUNDRE ENGINEERING AMENDMENT.PDF](#)

8.4. AMENDMENT FOR CONSTRUCTION ENGINEERING P3135.2D SWIF REPAIR OF DEFICIENT CULVERTS

Design and construction engineering for the Repair or replacement of culvert deficiencies, gate well corrections and other deficiencies found that require attention in accordance with USACE requirements for improvements on existing levee system. This amendment is to cover the additional construction engineering and testing that is needed close out SWIF "D" portion of the levee repair project to the existing flood protection system.

1. **Recommend approval of the construction engineering contract amendment with Houston Engineering for SWIF D for a not to exceed amount of \$98,000.00**
2. **Authorize the Mayor to sign the agreement on behalf of the city**
3. **Place and pass an ordinance on first reading to increase sales tax flood control expenditures on the SWIF project for the engineering amendment**

Documents:

[MEMO APPROVE AMENDMENT TO ENGINEERING 3135.2D.PDF](#)
[HOUSTON AMMENDMENT 3135.2D.PDF](#)
[60. 2020 BA - SWIF ENG AMENDMENT \(3135.2\).PDF](#)

8.5. ENGINEERING CONTRACT AMENDMENT - STORM SEWER DISTRICT 123 (4393)

Storm Sewer District 123 - 10th Street SW is currently under construction. As the project has developed, changes have occurred that are out of the original scope of work and project assumptions made. Staff has reviewed the engineering contract amendment request and feels the hours and fees being requested are fair and justified.

Recommend Council approve the contract amendment with Ackerman-Estvold and authorize the Mayor to sign the amendment.

Documents:

[2020-09-08_SSD123 ENG CONTRACT AMEND.PDF](#)
[AMENDMENT 1 \(002\).PDF](#)

8.6. PUBLIC HEARING: 2020 RENAISSANCE ZONE MAP AMENDMENT

The Minot Renaissance Zone is eligible to contain up to 42 blocks of land. The city currently has 23 active blocks in the Renaissance Zone consisting of 21 full blocks and four (4) government half-blocks. The City of Minot is eligible to add up to 19 blocks to the Minot Renaissance Zone. The Renaissance Review Board recommends that the City incorporate the 18 blocks highlighted in red on the attached map and hold off on appointing a 19th block until the Board has a clear direction on where they would like to expand the Renaissance Zone.

The Renaissance Review Board recommends the City Council add Blocks 1D through 18D to the Minot Renaissance Zone for new development and rehabilitation purposes.

Documents:

[MEMO TO CC 9-2020 - 2020 MAP AMENDMENT.PDF](#)
[2020 RENZONE MAP \(002\).PDF](#)

8.7. PUBLIC HEARING ON THE PROPOSED 2021 BUDGET

Documents:

[PRESIDENT OLSONS 2020 BUDGET LETTER.PDF](#)

8.7.i. ADOPT BUDGET ORDINANCE ON FIRST READING

It is recommended the City Council place and pass an ordinance on first reading to adopt the 2021 annual budget.

Documents:

[2021 BUDGET ORDINANCE.PDF](#)

9. PERSONAL APPEARANCES

10. MISCELLANEOUS AND DISCUSSION ITEMS

10.1. RECYCLING DISCUSSION

The Assistant Director of Public Works will provide additional information as requested at the August 17th City Council meeting.

11. ADJOURNMENT