

City of Minot

Regular City Council Meeting
Monday, October 5, 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:

[2020-09.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the September 21, 2020 regular City Council meeting.

Documents:

[200921.PDF](#)

6.2. APPROVAL OF BILLS, TRANSFERS & PAYROLL

It is recommended the City Council approve bills and transfers for September in the amount of \$7,117,888.48 and payroll for the period of August 16, 2020 through September 12, 2020 in the amount of \$2,084,233.86.

Documents:

[BILLS SEPTEMBER.PDF](#)

[PAYROLL.PDF](#)

6.3. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 10-5-2020.PDF](#)

6.4. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5530 - Amend the 2020 Annual Budget- Parking Ramp Roof and Drainage System**
2. **Ordinance No. 5531 - Amend the 2020 Annual Budget- Intermodal Facility CRISI Grant**
3. **Ordinance No. 5532 - No Parking on N Broadway East Frontage Road Between 35th Ave NW and 36th Ave NW**

Documents:

[ORDINANCE NO. 5530.PDF](#)
[ORDINANCE NO. 5531.PDF](#)
[ORDINANCE NO. 5532.PDF](#)

6.5. 2020 STREET SEAL – FINAL PAYMENT (4469)

The street seal project is the annual maintenance project to fill the cracks that have developed over time and seal the pavement surface. The project helps protect the pavement surface and prevent surface water infiltration for approximately 5 years.

1. **Approve the final payment of \$362,658.66 to be paid to Asphalt Preservation Company, Inc.**

Documents:

[2020 STREET SEAL - FINAL PAYMENT \(4469\).PDF](#)
[4469-PAYAPP5-FINAL-TOFINANCE.PDF](#)

6.6. AMEND THE 2020 ANNUAL BUDGET- LIBRARY MEMORIAL REVENUE

Throughout 2020, the Minot Public Library has been fortunate to receive a number of monetary donations. The donations received to-date has exceeded what was budgeted for revenue in 2020. Therefore, the Library is requesting that Council approve the Budget Amendment to increase the Library's memorial revenue so that staff can make necessary purchases using these funds.

It is recommended the Council:

1. **Amend the Library's 2020 Budget to increase Capital expenditures (LIB036) by \$14,275 for the purchase of books and DVDs funded by the Friends of the Minot Public Library and;**
2. **Amend the Library's 2020 Budget to increase Capital expenditures by \$6,000 for the purchase of a used electric lift funded by the Friends of the Minot Public Library and; Amend the Library's 2020 Budget to increase expenditures by \$13,650 for the purchase promotional items and building materials funded by the Friends of the Minot Public Library**

Documents:

[BA MEMO_MEMORIAL FROM FRIENDS OF THE LIBRARY.PDF](#)
[64. 2020 BA FRIENDS OF MINOT PL DONATION.DOCX](#)

6.7. DONATION TO THE POLICE DEPARTMENT (PD0195)

A representative from a local electrical company reached out to the police department expressing desire to donate funds to the police department. In total, 8 companies contributed to the department (Wheeler Contracting/Larson Electric/Minot

Electric/Northwestern Electric/Gefroh Electric/Jesse Braun Electric/Grosche Electric/and Main Electric).

1. **Recommend City Council accept local electrical companies' donations (\$8,000.00) to the Minot Police Department.**
2. **Recommend the approval of a budget adjustment (001-2000-421.06-50) to reflect the donation to the Minot Police Department.**

Documents:

[PD0195 MEMO.PDF](#)
[65. 2020 BA - UNMANNED AIRCRAFT SYSTEM \(PD0195\).PDF](#)

6.8. PROPOSED ORDINANCE – ALL TRAFFIC SOLUTIONS, RADAR SPEED TRAILER PURCHASE (PD0185)

A budget amendment is required to move a portion of the All Traffic Solutions Radar Speed Trailer project from the general fund into the capital fund as it meets the City policy for a capital purchase. The expenditure and revenue will be decreased for the equipment purchase in general fund and increased in the capital 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. MPD projected to use their funds to purchase a radar speed trailer with message display board.

Recommend approval of the proposed ordinance for the radar speed trailer purchase to be moved from general fund to capital equipment fund on first reading.

Documents:

[MEMO FOR PD0185 ATS SPEED TRAILER BA.PDF](#)
[63. 2020 BA - SPEED TRAILER \(PD0185\).PDF](#)

6.9. ONE MILLION GALLON TANK DEMO – AWARD OF BID (PROJECT NUMBER 4488)

In 2014, Public Works staff began analyzing the one million gallon storage tank on 3rd St NE. Initially the tank appeared to be in relatively good condition considering it was constructed in 1946. However, upon further analysis it was decided to hire a coatings consultant to fully inspect the tank to determine the extents of modifications and repairs that are needed. Due to the high estimate it was decided to demo the tank and make piping improvements in lieu of the repair work.

1. Recommend council award the project to Dig It Up Backhoe Service, Inc in the amount of \$364,182.05.

Documents:

[MEMO - 4488 - ONE MILLION GALLON TANK DEMO - AWARD OF BID.PDF](#)
[3RD ST TANK AWARD RECOMMENDATION AND BID TAB.PDF](#)

6.10. ANNUAL INDEPENDENT FINANCIAL AUDIT SERVICES

The City requested proposals from qualified respondents of Certified Public Accountants firms to provide an independent annual financial audit of the City's Comprehensive Annual Financial Report (CAFR) for a five-year engagement. The audit will cover the financial statements for the fiscal year ending December 31st, 2020, 2021, 2022, 2023 and 2024.

Recommend the approval of Eide Bailly for the annual independent financial audit service for the years 2020-2024 and allow the Finance Director to negotiate the audit rates and sign the necessary agreements.

Documents:

[ANNUAL AUDIT MEMO.PDF](#)

6.11. EDISON ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL NDDOT CPM AGREEMENT (4505)

The Edison Elementary School Safe Routes to School project is a Transportation Alternatives Program (TAP) project designed to install sidewalks on 17th Avenue SW between the 16th Street SW shared-use path and Edison Elementary.

Recommend Council approve the CPM agreement with the NDDOT and authorize the Mayor to sign the agreement

Documents:

[4505 - EDISON SRTS CPM AGREEMENT MEMO.DOCX](#)

[4505 - TAU-4-989\(124\)_22952_CPM.PDF](#)

6.12. BURDICK EXPRESSWAY MAJOR REHABILITATION (4394) & BURDICK EXPRESSWAY ADA UPGRADES (4396) ENGINEERING AGREEMENT

The City has teamed with the NDDOT on two tied projects on Burdick Expressway. The Major Rehabilitation project will mill & overlay the pavement through downtown Burdick and replace the traffic signals at the intersections. The ADA Upgrade project will replace all ADA crossing to meet guidelines. The City needs to enter into an engineering contract with Apex Engineering Group for engineering services.

1. Recommend council approve the agreement with Apex Engineering Group and authorize the mayor to sign the agreement.

Documents:

[4394 AND 4396 ENGINEERING AGREEMENT MEMO.PDF](#)

[APEX ENGINEERING CONTRACT.PDF](#)

6.13. TRINITY REPLACEMENT CAMPUS - KLJ CONTRACT AMENDMENT NO. 2 FOR TASK ORDER NO. 2

At the beginning of the permit application process for the Trinity Replacement Campus, a contract was signed with KLJ to organize a third-party review of the construction documents for code compliance. The proposed amendment will provide a total of \$55,000 of additional funds into the Bid Package 3 review budget which will be invoiced directly to Trinity Health as a review fee. If additional budget is required, staff will bring another amendment to the council to address the additional budget and fee required to complete the project.

Recommend council approve the contract Amendment No. 2 for Task Order No. 2 with KLJ and authorize the Mayor to sign the amendment

Documents:

[TRINITY REPLACEMENT CAMPUS-KLJ CONTRACT AMENDMENT 2.PDF](#)

7. ACTION ITEMS

- 7.1. PRESENTATION & RECOMMENDATIONS FROM FIRST DISTRICT HEALTH UNIT
Lisa Clute, Executive Officer of First District Health Unit, will present information regarding the COVID-19 pandemic.
- 7.2. PROCLAMATION- INDIGENOUS PEOPLE'S DAY
MSU Native American Cultural Awareness Club (NACAC), are requesting the City Council consider the attached proclamation recognizing the 2nd Monday of the month of October as Indigenous People's Day.

Documents:

[PROCLAMATION.PDF](#)

- 7.3. PUBLIC HEARING- BUILDING RELOCATION: 1425 47TH AVENUE SW
A public hearing to consider a request by Jarald Nelson to relocate a 2007 year built, 2,806 square foot single-family residence and two accessory buildings from 909 54th Street NW, Minot, ND also known as Por Lying on S side of River in N25W S17-155-83 Harrison-S7; A8, to 1425 47th Ave SW, Minot, also known as Southview Addition Lot 2 Block 10 Afton-S70 A 2.01, subject to conditions.

Staff recommends approval of the request.

Documents:

[MEMO TO CITY COUNCIL.PDF](#)
[NELSON MOVE APPLICATION.PDF](#)
[PROPERTY OWNERS LTR NELSON MOV.PDF](#)
[JARALD NELSON LETTER.PDF](#)
[MAP OF PROPERTIES WITHIN 150 FT.PNG](#)
[NELSON HOUSE MOVE INSPECTORS REPORT.PDF](#)
[NELSON GARAGE MOVE INSPECTORS REPORT.PDF](#)
[NELSON SHED MOVE INSPECTORS REPORT.PDF](#)
[ASSESSORS REPORT NELSON.PDF](#)

- 7.4. CITY OF MINOT V. TONITE WE RIDE, INC. (EMINENT DOMAIN) 220 6TH STREET NE
On May 2, 2019, the City filed an eminent domain action against Tonite We Ride, Inc. to acquire the property at 220 – 6th Street NE which is necessary for construction, operation and maintenance of the Mouse River Enhanced Flood Protection Project. Defendant Tonite We Ride filed an Answer to the City's Complaint. The authors believe settlement at the amount of \$88,000.00 is reasonable and recommend approval by the City Council.

City staff recommends that the City Council accept a tentative agreement reached with property owners and their attorney, which is as follows:

- 1. Agree to purchase the Tonite We Ride property (Ben's Tavern) at 220 – 6th Street NE in Minot which is necessary for construction, operation and maintenance of the flood protection project for the amount of \$88,000.00;**
- 2. Property owner will petition the district court for reimbursement of reasonable attorney's fees and costs; and**
- 3. Possession of property to be promptly transferred to City to allow construction of necessary flood protection.**

Documents:

[SETTLEMENT MEMO THE MINOT CITY COUNCIL 100220.PDF](#)

8. PERSONAL APPEARANCES
9. MISCELLANEOUS AND DISCUSSION ITEMS

9.1. CITY MANAGER HIRING COMMITTEE

10. EXECUTIVE SESSION

New City Manager Contract- Pursuant to Authority of N.D.C.C. 44-04-19.1(9) and N.D.C.C. 44-04-19.2, The City Council may hold an executive session to discuss negotiating strategy and/or provide negotiating instructions to its attorneys and other negotiators regarding the new City Manager contract, for which negotiation is reasonably likely to occur in the immediate future and discussion in an open meeting would have an adverse fiscal effect on the bargaining position of the City.

11. ADJOURNMENT