



Regular City Council Meeting
Monday, November 16, 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:

[11 \(NOV\) RECOMMENDATIONS 2020.PDF](#)

3.1. SUBDIVISION OF THE BLUFFS 15TH ADDITION

It is recommended the City Council approve a subdivision plat to create a new subdivision from Lot 24, Block 1, The Bluffs Addition and Lot 5, The Bluffs 11th Addition, with the intention of selling a portion of Lot 5 to his neighbor. The resulting lots will be known as Lots 1 & 2, The Bluffs 15th Addition.

3.2. SUBDIVISION OF THE BLUFFS 16TH ADDITION

It is recommended the City Council approve a subdivision plat to consolidate Lots 33 & 34, Block 1, The Bluffs Second Addition and Lot 26, The Bluffs 7th Addition, into two new lots to be known as Lots 1 & 2, The Bluffs 16th Addition.

3.3. SUBDIVISION OF JOHNERSON'S 2ND ADDITION

It is recommended the City Council approve a subdivision plat to replat Lot 6, Johnerson's Subdivision of Lots 8, 9 & 10 of Hecker's Second Addition to include an adjacent abandoned alleyway. The resulting property will be known as Lot 1, Johnerson's 2nd Addition.

3.4. CONDITIONAL USE PERMIT - PRAIRIE GREEN ADDITION N 100' OF LOT 25

It is recommended the City Council adopt a resolution for a Conditional Use Permit to operate a doggie daycare at 3001 7th Street SW.

Documents:

[111620- CUP FOR A DOGGIE DAYCARE.PDF](#)

3.5. PUBLIC HEARING: OUTLOT 1, SECTION 10-154-83

A public hearing to consider a request from Brad Abel, applicant, to plat an outlot from an unplatted portion of the NE ¼ NE ¼ of Section 10-154N-83W, to be known as Outlot 1 of Section 10-154N-83W and to rezone the resulting property from AG, "Agricultural District" to P, "Public" for a family cemetery for private use. Additionally, the Future Land Use Map of the Comprehensive Plan is going to be amended from "Rural/Agricultural" to "Cemetery."

It is recommended the City Council

1. **pass an ordinance on first reading to change the zone from AG “Agricultural District” to P “Public”**
2. **adopt a resolution to amend the Comprehensive Land Use Map from “Rural/Agricultural” to “Cemetery”**
3. **approve an outlot plat from an unplatted portion of the NE ¼ NE ¼ of Section 10-154N-83W for a family cemetery for private use.**

Documents:

[111620 - RZ OUTLOT 1 S 10-154N-83W - AG TO P.PDF](#)
[111620-LUM AMEND OUTLOT 1.PDF](#)

- 3.6. PUBLIC HEARING: HIGHLANDER ESTATES 2ND ADDITION, LOTS 1,2,4 & 8
A public hearing to consider a request by Blue Ridge Properties, LLC & Highlander Office Park, LLC, applicants, to rezone Lots 1, 2, 4, & 8, Highlander Estates 2nd Addition from C1, “Neighborhood Commercial District” to C2, “General Commercial District.” Additionally, the applicants are also applying for a Conditional Use Permit on Lot 8 for a carwash.

It is recommended the City Council

1. **pass an ordinance on first reading to change the zone from C1 “Neighborhood Commercial District” to C2 “General Commercial District” and**
2. **pass a resolution for a Conditional Use Permit on Lot 8 for a carwash.**

Documents:

[111620 - RZ HIGHLANDER ESTATES 2ND ADDITION - C1 TO C2.PDF](#)
[111620- CUP FOR AN ACCESSORY CARWASH.PDF](#)

- 3.7. PUBLIC HEARING: OTL15 NE1/4 S26-156N-83W
A public hearing to consider a request by Blake & Pamela McKay, to plat a new outlot to include all of Outlot 13 and a portion of the unplatted NE ¼ of Section 26-156N-83W into a new outlot to be known as Outlot 15 of NE ¼ Section 26-156N-83W, for the purpose of installing new rows of trees around the outside perimeter of property. The resulting property is going to be rezoned from AG, “Agricultural District” and RA, “Agricultural Residential District” to just RA, “Agricultural Residential District.”

It is recommended the City Council

1. **pass an ordinance on first reading to change the zone from AG “Agricultural District” and RA “Agricultural Residential District” to just RA “Agricultural District”**
2. **approve a new outlot to include all of Outlot 13 and a portion of the unplatted NE ¼ of Section 26-155N-83W to be known as Outlot 15 of NE ¼ Section 26-156N-83W.**

Documents:

[111620 - RZ OUTLOT 15 S26-156N-83W - AG RA TO RA.PDF](#)

3.8. ZONING ORDINANCE TEXT AMENDMENT CHAPTER 20 - FLOOD PROTECTION REQUIREMENTS

It is recommended the City Council pass an ordinance on first reading to amend Chapter 20 of the Minot Zoning Ordinance. Changes include formatting adjustments, clarifying language surrounding structural equipment such as heating, plumbing, and ventilation systems to be elevated at least one foot above base flood elevation, and the addition of a severability clause.

Documents:

[CHAPTER 20_FLOODPROTECTIONENGCOMMENTS - FINAL FOR REVIEW_ORD FORMAT.PDF](#)

4. CONSENT ITEMS

4.1. CITY COUNCIL MINUTES

It is recommended the City Council approve the minutes of the November 2, 2020 regular City Council meeting and the minutes from the November 5, 2020 special City Council meeting.

Documents:

[201102.PDF](#)
[CITY MANAGER INTERVIEWS 11-5-20.PDF](#)

4.2. EMPLOYEE RECOGNITION

4.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5540 - Amend the 2020 Annual Budget- Library CARES Act Funding**
2. **Ordinance No. 5541 - Amend the 2020 Annual Budget- USDOJ FY2020 Bulletproof Vest Partnership Grant**
3. **Ordinance No. 5542 - Amend the 2020 Annual Budget- CP Rail Main Street Crossing Upgrade**
4. **Ordinance No. 5543 - Amend the CMCO- Reporting Structure**

Documents:

[ORDINANCE NO. 5540.PDF](#)
[ORDINANCE NO. 5541.PDF](#)
[ORDINANCE NO. 5542.PDF](#)
[ORDINANCE NO. 5543.PDF](#)

4.4. 2021 MEETING SCHEDULE- CITY COUNCIL & PLANNING COMMISSION

It is recommended the City Council approve the attached 2021 meeting schedule.

Documents:

[MEETING SCHEDULE 2021.PDF](#)

4.5. FINAL PAYMENT – 30TH AVE GRAVITY SEWER PHASE 2 (PROJECT - 3490.6)

The City has been constructing the North Minot Sanitary Sewer System since 2012. The 30th Ave Gravity Sewer Phase 2 project constructed a gravity sewer in 30th Ave NE to convey waste water from 13th St NE to Broadway. Dakota Underground has now completed all items remaining for the project.

Recommend approval of the final payment in the amount of \$95,358.29 to be paid to Dakota Underground Specialties.

Documents:

[3490.6 - MEMO TO COUNCIL - FINAL PAYMENT.PDF](#)
[3490.6 DAKOTA UNDERGROUND PAY APP 5 - FINAL.PDF](#)
[3490.6 DAKOTA UNDERGROUND FINAL BALANCING CHANGE ORDER.PDF](#)

4.6. GAMING SITE AUTHORIZATION- PRAIRIE GRIT ADAPTIVE SPORTS

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 Prairie Grit Adaptive Sports to install pull tabs at Off the Vine (15 Main Street S).

Documents:

[MEMO- GAMING SITE AUTHORIZATION-PRAIRIE GRIT ADAPTIVE SPORTS.PDF](#)
[PRAIRIE GRIT.PDF](#)

4.7. UPDATE OF THE LIMITED ENGLISH PROFICIENCY PLAN FOR TITLE VI

The City of Minot is committed to compliance with the Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. As part of this requirement, the City must have a Limited English Proficiency Plan in place to better serve and prevent discrimination for its minority population.

The previously updated plan form 2017 did not reflect the most recent statistical information from the American Community Survey 5-Year Estimates, with regard to minority population in Minot, who may be in need of language assistance. This updated plan has included the necessary data.

Recommend to approve the statistical update of the Limited English Proficiency Plan (LEP) as required for compliance with Title VI; and further, authorize the Mayor to sign the document on the City's behalf.

Documents:

[MEMO- LEP.PDF](#)
[LIMITED ENGLISH PROFICIENCY PLAN 2020 \(COUNCIL\).PDF](#)
[ISPEAKCARDS2010.PDF](#)

4.8. VOICE PRODUCTS SERVICE, LLC SERVICE CONTRACT

The City of Minot, through the Minot Police Department and Minot Central Dispatch, has maintained a contract with Voice Products Services, LLC. The contract is renewed on a yearly basis with the contract price of \$7,358.00 being paid for the calendar year of January 1, 2021 through December 31, 2021. The product and service provided by Voice Products Services, LLC has been satisfactory, and a consistent service and product is necessary for continuity of operations and services.

Recommend approval of the service contract with Voice Products Service, LLC; and Authorize the Chief of Police to sign the service contract.

Documents:

[MEMO - VOICE PRODUCTS SERVICES LLC - 2021 SERVICE CONTRACT.PDF](#)
[CITY OF MINOT MAINTENANCE CONTRACT 2021.PDF](#)
[2021 CONTRACT PROPOSAL.PDF](#)

4.9. USGS RIVER MONITORING AGREEMENT FOR 2021

The City of Minot has been involved with funding two water monitoring sites on the Souris River. One of the sites is upstream of the City of Minot and the second one downstream of the City of Minot. We have had this contract with the USGS for a number of years. Due to cost cutting efforts on the federal level some years ago, the USGS began to request in-kind monies to continue the monitoring. The contract for 2021 is the same cost as 2020, there is no increase in our cost share.

1. **Recommend approval of standard joint funding agreement with the USGS for operation of two (2) water quality gauges on the Souris River.**
2. **Recommend authorizing the Mayor and Public Works Director to sign the agreement.**

Documents:

[MEMO USGS WATER MONITORING AGREEMENT 2021.PDF](#)
[2021 USGS FUNDING CONTRACT.PDF](#)

4.10. RENAISSANCE ZONE CASE NO. 79, FINAL APPROVAL, NORSE BROTHERS

Norse Brothers, represented by Chad Thompson, recently remodeled the NODAK building located at 18 2nd Street NE. The Minot City Council issued preliminary approval of this project in 2014.

The Renaissance Zone Review Board recommends final approval of an application for a Renaissance Zone Project filed by Norse Brothers for a five-year property tax exemption, including improvements, but not for land and for a five-year business income tax exemption on the property located at 18 2nd Street NE (Minot's 1st Addition, Lot 12, Block 31).

Documents:

[MEMO TO CC 11-16-2020.PDF](#)
[M-79.PDF](#)

4.11. MASK USAGE RESOLUTIONS

At the August 17, 2020 Council meeting, City Council approved a Temporary Employment Policy Regarding Mask Usage (3670) and on October 19, 2020 City Council approved a Resolution Adopting a Temporary Policy Requiring Visitors to Wear Masks While in City Buildings (3675). Both of the temporary policies are set to expire on November 16, 2020 unless extended by the City Council. The recommendation is that the City Council modify the timeframe to be consistent with the Mayoral Mask Mandate, which is to remain in effect until the underlying state of emergency has ended or it is modified or terminated sooner by the City Council.

It is recommended the City Council extend the expiration of the following resolutions until the underlying state of emergency ends, unless either Resolution is modified or terminated sooner by the City Council: (1) resolution adopting a temporary employment policy regarding mask usage; and (2) resolution adopting a temporary policy requiring visitors to wear masks while in City buildings

Documents:

MEMO_EXTENSION OF MASK POLICIES.PDF
3670.PDF
3675.PDF

5. ACTION ITEMS

5.1. PUBLIC HEARING: RENAISSANCE ZONE CASE NO. 95, CONDITIONAL APPROVAL, TITA INC.

TITA, LLC, represented by Mr. Gabriel Holt, seeks to construct a new building located at 619 North Broadway, which has been unoccupied for several years. TITA is requesting a five-year property tax exemption, including improvements.

The Renaissance Zone Review Board recommends conditional approval of an application for a Renaissance Zone Project filed by Gabriel Holt for a five-year property tax exemption, including improvements on the property located at 619 N. Broadway (Tita's 2nd Addition, Lot #1)

Documents:

MEMO TO CC 11-16-2020.PDF
APPLICATION.PDF
ESTIMATE OF VALUE LETTER FOR 619 N BROADWAY.PDF

5.2. GRONDAHL V. CITY OF MINOT (INVERSE CONDEMNATION) 517 12th Street NW **City staff recommends that the City accept a tentative agreement reached by the property owners and their attorney, which is as follows:**

1. **Agree to purchase the Grondahl property at 517 - 12th Street SW necessary for construction, operation and maintenance of the flood protection project for the amount of \$205,000.00;**
2. **Payment of attorney's fees and costs in the amount of \$8,000.00 to Grondahls; and**
3. **Dismissal of the litigation brought by Grondahls against the City of Minot.**

Documents:

SETTLEMENT MEMO TO MINOT CITY COUNCIL 110220 (00000002).PDF
SETTLEMENT AGREEMENT PA AND STIPULATION (SIGNED BY GRONDAHL).PDF

5.3. APPROVE PURCHASE OF 15 2nd AVE SW TO RELOCATE CITY HALL

The City identified more than one building in the downtown with sufficient space to handle a relocation of city offices that was available for purchase. A feasibility assessment of potential use, available space, and estimated cost of rehabilitation was conducted. Based on the feasibility assessment, City Council determined that 15 2nd Avenue SW known as the Wells Fargo building was the more feasible and cost effective option, and authorized the process to proceed to seek to purchase the property.

It is recommended the City Council approve purchase of 15 2nd Avenue SW for \$2,608,000 for the relocation of City Hall out of the flood impact zone into the center of the downtown.

Documents:

[WELLS FARGO PURCHASE AGREEMENT CITY COUNCIL MEMO6-30-20ABC.DOCX](#)
[CITY HALL WAIVER.PDF](#)
[CITYHALLACTIONPLANEXCERPT.PDF](#)

5.4. TOURISM RECOVERY & RESILIENCE PROJECT FUNDING FOR CONVENTION AND VISITORS BUREAU

As the Destination Marketing Organization for the area, the Minot Convention and Visitors Bureau (CVB) is seeking to expand the use of Minot's hotels and restaurants by increasing economic utilization of Minot's sports facilities for competitive events that require overnight stays resulting in the increased economic impact of tourism and increased sales revenue.

Staff recommends approval of an application for a Tourism Recovery and Resilience Project submitted by Stephanie Schoenrock on the Minot Convention and Visitors Bureau (CVB) for a three-year special project totaling \$477,000.

Documents:

[LETTER TO CITY COUNCIL ON CVB TOURISM PROJECT.PDF](#)
[VM PROPOSAL - CITY OF MINOT.PDF](#)

5.5. CITY OF MINOT V. TONITE WE RIDE, INC. (EMINENT DOMAIN) ATTORNEY FEES

In any eminent domain action, the court may, at its discretion, award a property owner reasonable attorney's fees and costs. Any award of attorney's fees and costs would be in addition to any verdict by the jury for the value of property. Any award of attorney's fees or costs is not evidence of wrongdoing on the City's part but is a normal part of North Dakota state law relating to eminent domain. The authors believe settlement at the amount of \$13,000.00 is reasonable and recommend approval by the City Council.

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

Agree to pay attorney fees and costs in the amount of \$13,000 relating to the eminent domain action and purchase of 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.

Documents:

[SETTLEMENT MEMO THE MINOT CITY COUNCIL ATTY FEES 111320.PDF](#)

5.6. AMEND CHAPTER 24 - PERSONNEL CODE SEC. 24-64 ANNUAL LEAVE

The COVID-19 pandemic has prevented many full time employees of the City from using their accrued annual leave with the subsequent result that a significant number of City employees will be above the annual leave accrual maximum. The proposed ordinance amendment will temporarily increase the amount of accrual rollover.

It is recommended the City Council pass an ordinance on first reading amending Section 24-64 (Annual Leave) of the City of Minot Code of Ordinances.

Documents:

[NOV16 INCREASED ACCUMULATION OF VAC.PDF](#)
[ANNUAL LEAVE ORDINANCE_DRAFT.PDF](#)

6. PERSONAL APPEARANCES
7. MISCELLANEOUS AND DISCUSSION ITEMS
8. LIAISON REPORTS
9. ADJOURNMENT