

City of Minot

Regular City Council Meeting
Monday, April 6, 2020 at 5:30 PM
City Council Chambers, City Hall

Any person needing special accommodation for the meeting is requested to notify the City Clerk's Office at 857-4752.

Due to the COVID-19 guidance on separation, there are only 34 seats available to the public. Please only attend the meeting if you have direct business before the Council. Written comments can be submitted to the City Clerk prior to the meeting at clerk@minotnd.org. Live stream of this meeting is available at <https://www.facebook.com/cityofminot>

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MAYOR'S REPORT
4. CITY MANAGER REPORT
5. CITY ATTORNEY REPORT

Documents:

[2020-03.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the March 9th special City Council meetings, the March 16th special Council meeting, the March 16th regular Council meeting, the March 19th special Council meeting, and the March 26th special Council meeting.

Documents:

[200309- SPECIAL.PDF](#)
[200309-SPECIAL \(TOUR\).PDF](#)
[200316 SPECIAL.PDF](#)
[200316.PDF](#)
[200319- SPECIAL.PDF](#)
[200326- SPECIAL.PDF](#)

6.2. APPROVAL OF BILLS, TRANSFERS & PAYROLL

It is recommended the City Council approve bills and transfers as listed for March in the amount of \$3,757,421.55 and approve payroll for the period of February 16-March 14, 2020 in the amount of \$2,078,715.25.

Documents:

[BILLS MARCH 2020.PDF](#)
[PAYROLL MARCH 2020.PDF](#)

6.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5409 - Retriever Ridge Subdivision Rezoning**
2. **Ordinance No. 5458 - Starr Subdivision Rezoning**
3. **Ordinance No. 5475 - Rezoning Section 25-156N-83W, Outlot 15 from AG and C2 to C2**
4. **Ordinance No. 5476 - Rezoning Roses Subdivision, Outlot 15 Section 20-155N-82W from C2 to R1**
5. **Ordinance No. 5477 - Rezoning Shady Dell Addition and a Portion of Vacated 42nd Street SE Cul-De-Sac from R1 to MH**
6. **Ordinance No. 5478 - Amend the 2020 Annual Budget- GPS Receiver (4473)**
7. **Ordinance No. 5479 - Amend the 2020 Annual Budget -Trench Equipment Purchase (FD0105)**
8. **Ordinance No. 5480 - Amend the 2020 Annual Budget- Enbridge Alliance Training Funding**
9. **Ordinance No. 5481 - Amend the 2020 Annual Budget- Pre-Plan Addition to Tyler New World Crew Force Software**
10. **Ordinance No. 5482 - Amend the 2020 Annual Budget- Skid Steer and Snowblower**
11. **Ordinance No. 5483 - Amend the 2020 Annual Budget- Community Ice Funds**
12. **Ordinance No. 5484 - Amend the 2020 Annual Budget- Rosehill Cemetery Gazebo**
13. **Ordinance No. 5485 - Amend the CMCO 23-58 Firearm Infraction**
14. **Ordinance No. 5487 - Amend the 2020 Annual Budget- Childcare for First Responders**

Documents:

[ORDINANCE NO. 5409.PDF](#)
[ORDINANCE NO. 5458.PDF](#)
[ORDINANCE NO. 5475.PDF](#)
[ORDINANCE NO. 5476.PDF](#)
[ORDINANCE NO. 5477.PDF](#)
[ORDINANCE NO. 5478.PDF](#)
[ORDINANCE NO. 5479.PDF](#)
[ORDINANCE NO. 5480.PDF](#)
[ORDINANCE NO. 5481.PDF](#)
[ORDINANCE NO. 5482.PDF](#)
[ORDINANCE NO. 5483.PDF](#)
[ORDINANCE NO. 5484.PDF](#)
[ORDINANCE NO. 5485.PDF](#)
[ORDINANCE NO. 5487.PDF](#)

6.4. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 4-6-20.PDF](#)

6.5. GAMING SITE AUTHORIZATION- FORT ABRAHAM LINCOLN FOUNDATION

Site approval by the City Council is required as a precondition to obtain a state games of chance license. The site authorization is granted on a fiscal year basis. If the City Council approves the request, the site authorization will be valid through June 30,

2020.

It is recommended the City Council approve the gaming site authorization for Fort Abraham Lincoln Foundation to conduct games of chance at Sleep Inn & Suites.

Documents:

[MEMO- GAMING SITE AUTHORIZATION-FORT ABRAHAM LINCOLN FOUNDATION.PDF](#)
[FORT ABRAHAM LINCOLN FOUNDATION.PDF](#)

6.6. SUPPER CLUB LICENSE- AMERICAN MULTI-CINEMA, INC DBA AMC DAKOTA SQUARE 9

The City received a request from American Multi-Cinema, Inc dba AMC Dakota Square 9, for a Supper Club License operating at 2400 10th Street SW, Suite 604. All documentation has been approved by the Police Chief, Building Official and Fire Marshal.

It is recommended the City Council approve the request from American Multi-Cinema, Inc dba AMC Dakota Square 9, for a Supper Club License operating at 2400 10th Street SW, Suite 604.

Documents:

[MEMO- AMC.PDF](#)

6.7. 2021 BUDGET SCHEDULE

Minot's budgeting process begins in April of the year prior to the budget to be adopted. The attached budget schedule is an estimated time line to ensure the budget is completed in a timely manner to meet the county and state guidelines.

Recommend approval of the 2021 Budget Schedule

Documents:

[2021 BUDGET SCHEDULE MEMO.PDF](#)
[BUDGET SCHEDULE 2021.PDF](#)

6.8. TYLER TECHNOLOGIES SOFTWARE AGREEMENT AMENDMENT

An amendment to the current Tyler Technologies software agreement is necessary to allow the switch to the new, less expensive equipment.

Recommend Council authorize the Mayor to sign the amended agreement with Tyler which will allow purchase of the less expensive equipment for the Fire Department.

Documents:

[MEMO FOR AMENDED SOFTWARE AGREEMENT.PDF](#)
[20-03-27 TYLER SIGNED CONTRACT.PDF](#)

6.9. APPROVE PLANS AND SPECS FOR SW WATER TOWER AND AUTHOIZE ADVERTISEMENT FOR BID.

A new elevated water tower has been in the planning stages since 2006 to address the growth in South West Minot and water demands as well as institutional fire flow needs. This project was included in the 2019-2020 CIP.

Recommend Council approve the plans and specs and authorize the advertisement for bids.

Documents:

[MEMO - 4405 - SW WATER TOWER APPROVAL OF PLANS AND SPECS.DOCX](#)
[SW WATER TOWER 4405 ESTIMATE.PDF](#)
[SW WATER TOWER CIP WORKSHEETS.PDF](#)

6.10. 2020 WATERMAIN REPLACEMENT AWARD OF BID (CITY PROJECT NO. 4493)

Each year, the Water and Sewer Department budgets funds for water main replacement in areas where old water mains are in poor condition. The proposed improvements are necessary because of the high maintenance costs over the past several years with respect to the old mains and hydrants.

On Tuesday, March 31, 2020 at 11:00 a.m., bids were opened for the 2020 Watermain Replacement Project. A tabulation of the bids is below:

<u>Bidder</u>	<u>Total Bid</u>
Post Construction	\$1,647,433.95
Steen Construction	\$1,873,104.00
Wagner Construction Inc.	\$1,852,378.14

- 1. Recommend Council to award the bid for the 2020 Watermain Replacement Project to Post Construction for the lowest bid of \$1,647,433.95.**
- 2. Authorize a budget amendment in the amount of \$222,433.95 to utilize cash reserves to cover the shortfall plus a contingency to cover unknowns.**

Documents:

[4493 - 2020 WATERMAIN REPLACEMENT AWARD OF BID MEMO.PDF](#)
[4493 2020 WATER MAIN REPLACEMENT COVER SHEET.PDF](#)
[38. 2020 BA - WATERMAIN REPLACEMENT \(4493\).PDF](#)

6.11. 2020 STREET PATCHING - PHASE 2 - AWARD BID (4470.2)

This is the annual maintenance project to patch and repair pavement surfaces that have failed or are showing distresses. Repairing failed and distressed pavement prolongs the lifespan of the roadway. Similar to last year, there will be two contracts awarded for street patching (Phase 1 and Phase 2), Phase 1 was awarded on March 16th.

- 1. Award the bid for the 2020 Street Patching Project – Phase 2 to the low bidder, Keller Paving & Landscaping, Inc. in the amount of \$343,515.00.**
- 2. Authorize the Mayor to sign the Agreement for the 2020 Street Patching – Phase 2 project.**

Documents:

[2020 STREET PATCHING - PHASE 2 - AWARD BID \(4470.2\).PDF](#)
[4470 - PLAN COVER SHEET.PDF](#)

6.12. COOK'S COURT PROGRAM AGREEMENT AMENDMENT

On January 13, 2014, the City of Minot entered into what was called a CDBG Disaster Recovery Program Agreement with Beyond Shelter, Inc. to provide up to \$1,206,000 in

City's CDBG-DR funds to support construction of a 40-unit apartment building known as Cook's Court. The intent of the Amendment is to bring into compliance as best as possible as well as link the City's requirements with those of the State of North Dakota.

It is recommended the City Council approve the amendment to the agreement with Beyond Shelter, Inc. which provided CDBG-DR funds in support of construction of Cook's Court LMI Multi-Family Rental Housing

Documents:

[COOKSCOURTAMENDMENTCOUNCILMEMO.PDF](#)
[COOKSCOURT - RECORDED RESTRICTIVE COVENANT DOC 2980373.PDF](#)
[COOKS COURT - RECORDED WARRANTY DEED DOC2978780.PDF](#)
[COOKSCOURTAMENDMENTCOOKSCOURTLLLP.PDF](#)
[COOKS COURT DEVELOPMENT AGREEMENT.PDF](#)

6.13. FIELDCREST PROGRAM AGREEMENT AMENDMENT

On January 13, 2014, the City of Minot entered into what was called a CDBG Disaster Recovery Program Agreement with Beyond Shelter, Inc, to provide up to \$850,000 in City's CDBG-DR funds to support construction of a 42-unit apartment building known as Fieldcrest. The intent of the Amendment is to bring into compliance as best as possible as well as link the City's requirements with those of the State of North Dakota.

It is recommended the City Council approve the amendment to the Agreement with Beyond Shelter, Inc. which provided CDBG-DR funds in support of construction of Fieldcrest LMI Multi-Family Rental Housing.

Documents:

[FIELDCRESTAMENDMENTCOUNCILMEMO.PDF](#)
[FIELDCRESTAMENDMENTFIELDCRESTLLCFINAL.PDF](#)
[FIELDCRESTBEYOND SHELTER REVISED DEV AGREEMENT WITH STATE FUNDING JUL 1 2014.PDF](#)
[FIELDCREST - RECORDED QUIT CLAIM DEED.PDF](#)
[FIELDCREST - RECORDED RESTRICTIVE COVENANTS DOC2973168.PDF](#)

6.14. SUNSET RIDGE PROGRAM AGREEMENT AMENDMENT

On June 18, 2015, the City of Minot entered into what was called a CDBG Disaster Recovery Program Agreement with Beyond Shelter, Inc. to provide \$100,000 in City's CDBG-DR funds to support construction of 74 units in two apartment buildings known as Sunset Ridge. The intent of the Amendment is to bring into compliance as best as possible as well as link the City's requirements with those of the State of North Dakota.

It is recommended the City Council approve the Amendment to the Agreement with Beyond Shelter, Inc. which provided CDBG-DR funds in support of construction of Sunset Ridge First of Two LMI Multi-Family Rental Housing Buildings.

Documents:

[SUNSETRIDGEAMENDMENTCOUNCILMEMO.PDF](#)
[SUNSETRIDGEAMENDMENTSUNSETRIDGELLPA.PDF](#)
[SUNSET RIDGE DEVELOPMENT AGREEMENT.PDF](#)
[SUNSET RIDGE - RECORDED WARRANT DEED DOC2992070 \(0000002\).PDF](#)

6.15. ADDING 6 SPOT BLIGHT (ZOMBIE) PROPERTIES FOR AUCTION

Since the last auction, the City has acquired six more Spot Blight properties from the established list. It is planned to have another auction with the six properties that did not sell in prior auctions plus add these six new properties. The goal once these properties are acquired and the blighted structures are demolished with landscape restoration to return them to private owners. Two properties on this agenda item which have been acquired have structures to be demolished as soon as weather permits demolition.

City Council approve adding 13 & 13.5 9th St. SE, 816 7th Ave. NW, 1004 3rd Ave. NW, 420 9th St. SE, 1613 1st Ave. SE, and 429 4th Ave. NW to City acquired Spot Blight properties for Auction sale under approved rules.

Documents:

[SPOTBLIGHTAUCTIONCOUNCILMEMOAB.PDF](#)

6.16. AUCTION FLOOD BUYOUT BOUGHT STRUCTURES AT 1523 BURDICK EXPY

Structures at 1523 Burdick Expy have been inspected and deemed in sound shape for auction and relocation. It is ready to be included with other structures already approved in the next auction.

It is recommended the City Council authorize auction of structures (house and garage) at 1523 Burdick Expy with execution of sale to the highest responsible bidder.

Documents:

[AUCTION STRUCTURE CITY COUNCIL MEMO3-31-20.PDF](#)

7. ACTION ITEMS

7.1. AUTHORIZE INITIATING INVOLUNTARY ACQUISITION PROCESS FOR MI-5 NEW REVISED ALIGNMENT MAP

The URA sets forth that when Involuntary Acquisition is utilized then all properties within a defined area must be acquired. In authorizing acquisition of the properties in the new MI-5 Revised Alignment Map which serves in establishing the boundaries for acquisition of properties necessary for specific flood control measures, we will be assuring that the city is in full compliance with the URA.

Recommend the City Council authorize initiating Involuntary Acquisition for properties within the new MI-5 Revised Alignment identified by property addresses attached to the Council memo and further authorizing submission of the list of properties to the State Engineer consistent with the MOU between the City of Minot and State of North Dakota for the State Water Commission Match Funds.

Documents:

[REVISEDMI5ACQUISITIONCOUNCILMEMO.PDF](#)
[20200319 - MREFPP PHASE MI-5 PROPERTY ACQUISITION DISPLAY.PDF](#)
[COPY OF MI-5NEW ACQUISITIONS.PDF](#)

7.2. DEVELOPERS AGREEMENT - SOUTHWEST CROSSING CCRC (4467)

The Southwest Crossing CCRC Subdivision was approved by Planning Commission in July 2019 and by City Council in August 2019. The Developers Agreement details the

expectations and responsible parties relating to the development of the subdivision.

Approve the Southwest Crossing CCRC Subdivision Developers Agreement with Southwest Crossing Partners, LLC and authorize the Mayor to sign.

Documents:

[4467 - DEVELOPERS AGREEMENT - SOUTHWEST CROSSING CCRC.PDF](#)
[4467-SWCROSSINGCCRC-DEVAGREEMENT.PDF](#)

7.3. DEVELOPERS AGREEMENT - OVERLOOK PARK ADDITION (4504)

The plat of Overlook Park Addition, rezoning, and variance were approved by Planning Commission in February and City Council in March of this year. The Developers Agreement details the expectations and responsible parties relating to the development of the Overlook Park Addition and the Magic City Discovery Center.

Approve the Overlook Park Addition/Magic City Discovery Center Developers Agreement with the Minot Park District and authorize the Mayor to sign.

Documents:

[4504 - DEVELOPERS AGREEMENT - OVERLOOK PARK ADDITION.PDF](#)
[4504 - OVERLOOK PARK DEV AGREEMENT.PDF](#)

7.4. DEVELOPERS AGREEMENT - RAMSTAD HEIGHTS 5TH & 6TH (4519)

The Ramstad Height's 5th and 6th Additions were approved by Planning Commission and by City Council in January 2020. The Developers Agreement details the expectations and responsible parties relating to items associated with the development of the subdivision.

Approve the Ramstad Height's 5th and 6th Additions Developers Agreement with Four Seasons Construction, Inc. and authorize the Mayor to sign.

Documents:

[4519 - DEVELOPERS AGREEMENT - RAMSTAD 5TH AND 6TH.PDF](#)
[4519 - RAMSTAD 5 AND 6 DEV AGREEMENT_FINAL.PDF](#)

8. PERSONAL APPEARANCES
9. MISCELLANEOUS AND DISCUSSION ITEMS
10. ADJOURNMENT