

City of Minot

Regular City Council Meeting
Monday, July 6, 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

3.1. MAYORAL APPOINTMENTS

It is recommended the Council ratify the following Mayoral Appointments:

Library Board

Mark Lyman to replace Alan Vandelinder with a term to expire June 2023.

MAGIC Fund Committee

Missy Fiest Erickson to replace Jason Zimmerman with a term to expire June 2023.

Perry Olson will be appointed to Chairman of the MAGIC Fund Committee.

Plumbing Board

Wayne Burbach reappointed with a term to expire June 2022.

Dalen Kendall to replace Don Kasper with a term to expire June 2022.

Documents:

[MEMO TO APPT JULY 6.PDF](#)

4. CITY MANAGER REPORT

5. CITY ATTORNEY REPORT

Documents:

[2020-06.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the June 15, 2020 regular City Council meeting and the June 23, 2020 special City Council meeting.

Documents:

[200615.PDF](#)

[200623.PDF](#)

6.2. APPROVAL OF BILLS, TRANSFERS & PAYROLL

It is recommended the City Council approve bills and transfers as listed for June in the amount of \$6,095,842.59 and payroll for the period of May 24, 2020 through June 20, 2020 in the amount of \$2,100,006.00.

Documents:

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

6.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5357 - Change the Zone from R1 to P on Block 2, Overlook Park Addition**
2. **Ordinance No. 5429 - Annexation of Section 30-155-82 Outlot 50**
3. **Ordinance No. 5430 - Rezone Section 30-155-82, Outlot 50 to P Public**
4. **Ordinance No. 5512 - Amend the 2020 Annual Budget- Fit Testing Machine**
5. **Ordinance No. 5513 - Amend the 2020 Annual Budget- L-Tron OSC360 Panoramic Scene Camera**
6. **Ordinance No. 5514 - No Parking on 12th Street SW Between 8th Avenue SW and 16th Street SW**

Documents:

[ORDINANCE NO. 5357.PDF](#)
[ORDINANCE NO. 5429.PDF](#)
[ORDINANCE NO. 5430.PDF](#)
[ORDINANCE NO. 5512.PDF](#)
[ORDINANCE NO. 5513.PDF](#)
[ORDINANCE NO. 5514.PDF](#)

6.4. 2020 BA - SECOND ALLOCATION QUALITY CONTROL (DR0001)

There are many strict rules and regulations put in place by the Department of Housing and Urban Development (HUD) to ensure compliance with awarded grant funds. The City employs a quality control team to review project files and verify they are complete and compliant. There are a large number of CDBG-DR Second Allocation project files in need of review, and insufficient grant funds available to reimburse for staff time.

Recommend Council approve the budget amendment to increase the General Fund personnel expenditures for quality control activities.

Documents:

[52. 2020 BA - SECOND ALLOCATION QUALITY CONTROL \(DR0001\).DOCX](#)
[52. 2020 BA - SECOND ALLOCATION QUALITY CONTROL \(DR0001\).DOCX](#)

6.5. AMEND THE BUDGET- COUNTRY FINANCIAL DONATION (FD0108)

The Fire Department was awarded funding from Country Financial to purchase a sound system for the fire prevention bureau to be used for public education events.

Recommend the City Council amend the 2020 annual budget to increase fire control - operational supplies for a sound system purchase for the fire prevention department with a donation from Country Financial.

Documents:

6.6. NDDOT FFY 2021 TRAFFIC SAFETY GRANT

The Minot Police Department has participated in this annual traffic safety grant program on an ongoing basis. The funds are used to pay officers to work in an overtime capacity and increase enforcement of impaired driving, occupant protection, distracted driving, underage drinking, and speed enforcement in an effort to make Minot a safer community.

1. **Recommend authorization to apply for and, if awarded, accept the North Dakota Department of Transportation (NDDOT) FY 2021 Traffic Safety Enforcement Grant for the Minot Police Department; and**
2. **Authorize the Mayor to sign the agreement.**

Documents:

[FFY 2021 TRAFFIC SAFETY COUNCIL MEMO.PDF](#)
[FFY2021 CONTRACT PROPOSAL.PDF](#)

6.7. P# 3529.04A MREFPP PHASE MI-4A MAPLE DIVERSION UTILITY RELOCATION BID AWARD

Providing flood risk reduction for Minot is large part of the overall Mouse River Plan. Relocating the sewer, water, etc. that currently cross the alignment of the Maple Diversion, will allow the work to proceed in a more efficient manner. A project of this size, will be done in various segments or stages. The plans and Specification were approved by Council and SRJB in June of 2020, along with a reimbursement resolution.

Recommend Council approve the bid of Strata Corporation as the apparent low bid and recommend approval to the SRJB.

Documents:

[MEMO -APPROVE BID AWARD P3529.04A.PDF](#)
[MREFPP PHASE MI-4A BID REVIEW LETTER - FINAL.PDF](#)

6.8. GAMING SITE AUTHORIZATION- COMPANIONS FOR CHILDREN

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 Companions For Children to install electronic dispensing devices at Buffalo Wild Wings (3820 South Broadway).

Documents:

[MEMO- GAMING SITE AUTHORIZATION-COMPANIONS FOR CHILDREN.PDF](#)
[GAMING- COMPANIONS FOR CHILDREN.PDF](#)

6.9. RETAIL BEER & WINE LICENSE TRANSFER- BLUE RIDER

Paperwork was submitted to transfer the Retail Beer & Wine license from Y.N.O.T. Inc to Der Blaue, LLC dba Blue Rider. All documentation has been reviewed and approved by the Police Chief.

It is recommended the City Council approve the transfer of the Retail Beer & Wine license from Y.N.O.T. Inc to Der Blaue, LLC dba Blue Rider operating at 118 1st Ave SE.

Documents:

[MEMO- LICENSE TRANSFER- BLUE RIDER.PDF](#)

6.10. ASSIGNMENT OF LEASE FROM DON BESSETTE AVIATION, INC. TO FLYING S REAL ESTATE, LLC. FOR LOT 6 BLOCK 9, MINOT INTERNATIONAL AIRPORT SECOND ADDITION

Don Bessette Aviation, Inc. is requesting approval from the Minot City Council to assign a ground lease rent agreement for Lot 6 Block 9, Minot International Airport Second Addition, to Flying S Real Estate, LLC. Flying S Real Estate has 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 Don Bessette Aviation, Inc. to Flying S Real Estate, LLC.; and**
2. **Authorize the Mayor to sign any documentation necessary to complete the assignment.**

Documents:

[MEMO - BESSETTE.REEVE HANGAR REASSIGNMENT.PDF](#)
[LEASE AGREEMENT - LOT 6 BLOCK 9 - BESSETTE AVIATION.PDF](#)
[LEASE TRANSFER REQUEST.PDF](#)
[CONSENT TO ASSIGN LEASE - BESSETTE.REEVE_KH.PDF](#)

6.11. FEDERAL AVIATION ADMINISTRATION (FAA) TOWER LEASE AT MOT

The United States Federal Aviation Administration (FAA), an agency within the Department of Transportation, leases land on which it operates an air traffic control tower (ATCT) at the Airport. This updated lease has a term of twenty-years, and memorializes the agreement between the Airport and the FAA.

1. **Recommend approval of the FAA Tower lease at the Minot International Airport; and**
2. **Authorize the Airport Director to sign any applicable documentation.**

Documents:

[MEMO FAA TOWER LEASE \(2\).PDF](#)
[697DCM-20-L-00068 - LAND LEASE ON AIRPORT - \(MOT\) MINOT ND \(ATCT\) - REV.6 TE 61120.PDF](#)
[EXHIBIT A - LEASED PREMISES.PDF](#)

6.12. AUCTION FLOOD BUYOUT STRUCTURES AND STRUCTURE SALVAGE

As the City acquires properties for the flood mitigation projects, staff has periodically presented to the City Council approval requests to auction structures on such property that is deemed sound and able to be moved, and also salvage of items in structures deemed to have value where the structure, itself, is deemed to not be suitable to be moved.

It is recommended the City Council authorize auction of the structure at 1520 3rd Avenue NE and salvage of 708 2nd Avenue NE.

Documents:

6.13. MOUSE RIVER FIREFIGHTERS ASSOCIATION MUTUAL AID AGREEMENT

This agreement will enter the Minot Fire Department and the other agencies as written in the document to call on in the event of a larger emergency. This defines roles, responsibilities and expectations of the agencies responding and requesting. This document was reviewed by the city attorney.

Recommend Council authorize the Mayor to sign the Mouse River Firefighters Association Mutual Aid Agreement.

Documents:

[2020 MOUSE RIVER MOU MEMO.PDF](#)
[MOU.PDF](#)

6.14. TRANSIT ADVERTISING MOU EXTENSION FOR THE 2020 CENSUS

The Minot Transit Department, Minot Planning Department, and City of Minot Mayor entered into a memorandum of understanding on March 9, 2020 to permit census advertising on seven sanitation vehicles and one city bus for a period of four (4) months. This MOU is set to expire on July 9, 2020. The Minot Census Complete Count Committee requests the City Council to approve an extension of the MOU for an additional four (4) months starting on July 9, 2020 and ending on November 9, 2020.

1. **Recommend approval of the memorandum of understanding for transit advertising between the City of Minot Transit Department and the City of Minot Planning Department for advertising the 2020 United States Census on one (1) city transit bus and seven (7) sanitation vehicles; and**
2. **Authorize the Mayor to sign the agreement**

Documents:

[CC MEMO ON TRANSIT ADVERTISING MOU 2.DOCX](#)
[MEMORANDUM OF UNDERSTANDING ON TRANSIT ADVERTISING 2.DOCX](#)

6.15. TREE AGREEMENT FOR SUNSET RIDGE AND TERRACE CURVE CONDOS

Back in 2007, plats were recorded for Edgeview Estates and Huntington Estates on which Sunset Ridge and Terrace Curve Condos were constructed. In the original plat, a public street was platted between the two parcels. However, in the interest of saving money, the developer revised the plans and constructed the condos with private drives instead. The plats were never redrawn to show existing conditions, thus leaving a piece of platted right of way that the City maintains for stormwater drainage. The condo associations mow and water this piece of right of way like its an extension of their properties. Recently, the associations reached out to the City to request permission to plant trees within the right of way.

Recommend council ratify the approval of two agreements to place trees within public right of way for Sunset Ridge and Terrace Curve Condos.

Documents:

[MEMO - TREE AGREEMENT_SUNSET RIDGE_TERRACE CURVE_KH.PDF](#)
[SIGNED AGREEMENTS - SUNSET RIDGE TERRACE CURVE.PDF](#)

6.16. TRINITY HEALTH REPLACEMENT CAMPUS -KLJ CONTRACT AMENDMENT

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 simply move the unspent review funds from Bid Package 2, which review is complete, into Bid Package 3, which is currently under review.

1. **Recommend Council approve the contract Amendment No. 1 for Task Order No. 2 with KLJ**
2. **Authorize the Mayor to sign the amendment**

Documents:

[TRINITY REPLACEMENT CAMPUS-KLJ CONTRACT AMENDMENT MEMO 1.PDF](#)
[18417104_OWNER-ENGINEER AGREEMENT AMENDMENT_1_TO_2.PDF](#)

6.17. TRAFFIC SIGNAL INTERCONNECT 5-YEAR CONTRACT

The City of Minot Traffic Department presently utilizes SRT to provide communications to 24 of the city's 50 traffic signals and the city's new traffic building. SRT bills the Traffic Department on a per month basis, however, SRT recently approached the Traffic Department about locking into an "Elite" 5-year contract. This Elite SRT contract comes with a 40% discount on the currently monthly rate, along with service and performance requirements.

1. **Authorize the Traffic Engineer to sign an Elite 5-year contract agreement with SRT Communications, Inc (SRT) for existing fiber optic communications.**
2. **Authorize the Traffic Engineer to sign future Elite 5-year contract agreements with SRT for future fiber optic communications.**

Documents:

[MEMO-SRT ELITE CONTRACT.PDF](#)
[CITY OF MINOT VLAN 2345 TRAFFIC TERM AGREEMENT.PDF](#)

7. ACTION ITEMS

- 7.1. PUBLIC HEARING- GABRIEL HOLT, TITA, LLC MOVE REQUEST- 412 5TH AVE NW
A public hearing to consider a request by Gabriel Holt, TITA, LLC to relocate a single family residence and detached garage from 619 North Broadway, Minot ND, 58701 also known as TITA Addition Lot 1, to 412 5th Ave NW, Minot, ND 58701, also known as North Minot Addition Lot 3 Block 9, subject to conditions.

Staff recommends approval of the request.

Documents:

[MEMO TO CITY COUNCIL.PDF](#)
[GABRIEL HOLT MOVE APP.PDF](#)
[PROPERTY OWNERS LTR.PDF](#)
[NOTICE FOR HOMEOWNER.PDF](#)
[HOLT MOVE NOTIFICATION AREA.PNG](#)
[HOLT GARAGE MOVE - INSPECTORS REPORT.PDF](#)
[HOLT HOUSE MOVE - INSPECTORS REPORT.PDF](#)
[ASSESSORS REPORT - HOLT.PDF](#)

- 7.2. PUBLIC HEARING: APPEAL OF THE NOTICE OF VIOLATION AND ORDER FOR REMEDIAL WORK OR DEMOLITION

The hearing is being held pursuant to Section 9-16 of the City of Minot Code of Ordinances. The purpose of the hearing will be for the parties to present evidence relevant to the matter.

Documents:

[NOTICE OF HEARING- ST CROIX.PDF](#)
[1804 ASPEN CIR APPEAL.PDF](#)

7.3. PUBLIC HEARING FOR TAXI LICENSE DENIAL – DOUGLAS MISCHKE

On May 28, 2020, Douglas Mischke filed an application for a City of Minot Taxi Driver's License. A background check was conducted with revealed that Mr. Mischke had several convictions for offenses while operating a vehicle.

Recommend the City Council affirm the decision to deny a City of Minot Taxi Driver's License to Douglas Mischke based on his disqualifying driving record.

Documents:

[COUNCIL MEMO - MISCHKE DENIAL.PDF](#)
[MISCHKE DENIAL AND PUBLIC HEARING NOTICE.PDF](#)

7.4. 2018 & 2019 ABATEMENT REQUEST FOR 2 VACANT PARCELS

Property owners have the right to appeal their assessment through the form of an abatement per NDCC 57-23-04. Additional attachments and information are included with this agenda item regarding the parcels that are the subject of this abatement request and our recommendation.

The City Assessor's office recommends denial of the abatement request in its entirety.

Documents:

[ABATEMENT MEMORANDUM FOR CITY COUNCIL.PDF](#)

7.5. LANDFILL TASK ORDER AGREEMENT EXTENSION (PROJECT NUMBER 4547)

In March of 2015 CPS, Ltd was selected to provide professional services for the City of Minot Landfill. To date CPS has assisted with many tasks including the Annual Ground Water Monitoring Report, landfill expansion, cell #6 design and construction, recycling and MRF cost analysis as well as updating and expanding our Landfill Master Plan. The proposed amendment extends the agreement for an additional five years.

Recommend council authorize the Mayor to sign the contract amendment for the Landfill Task Order Agreement extension with CPS, Ltd.

Documents:

[4547 - MEMO TO COUNCIL - LANDFILL TASK ORDER EXTENSION.PDF](#)
[MSA AMENDMENT 1_TERM.PDF](#)

7.6. NEW LANDFILL INVESTIGATION (PROJECT NUMBER 4545)

In September of 2017, the City of Minot purchased two quarters of land to expand the landfill. Rezoning this land to Public for future landfill use came against significant public opposition. After over a year of public meetings, focus group discussions, site suitability analysis and relocation cost analysis a smaller expansion was eventually rezoned and approved for expansion. The approved expansion will provide about 15-20 years of additional capacity. It was the desire of City Council at that time to begin

finding a site for a new landfill.

1. Recommend council authorize the Mayor to sign the task order for the New Landfill Investigation with CPS, Ltd.

Documents:

[4545 - MEMO TO COUNCIL - LANDFILL RELOCATION.PDF](#)
[TASK_ORDER_9_NEW LANDFILL SITE PRELIMINARY INVESTIGATION.PDF](#)

7.7. AIRPORT BOND RESOLUTION

The City was advised by PFM Financial Advisors LLC that interest rates are lower than they were prior to COVID-19. By refinancing the Airport debt from 2013 and 2014, the City could see large savings for interest expense.

Authorize the Mayor to sign the 2020 Airport bond resolution for the refinancing of the Airport Revenue Bonds Series 2013D and 2014D.

Documents:

[2020 MEMO - AIRPORT BOND RESOLUTION MEMO.PDF](#)
[2020 MEMO - AIRPORT BOND RESOLUTION ATTACHMENT.PDF](#)

7.8. RENAISSANCE ZONE PROJECT APPROVAL (21 E. Central Avenue)

Creedence Properties, LLC, an affiliate company to Creedence Energy, seeks a complete rehabilitation of the building located at 21 East Central Avenue, which has been vacant for several years. Creedence is requesting a five-year property tax exemption, including improvements.

The Renaissance Zone Board recommends approval of an application for a Renaissance Zone Project filed by Creedence Properties III, LLC for a five-year property tax exemption, including improvements on the property located at 21 E. Central Avenue (Original Minot Addition, East 60' of Lots 16, 17, 18, 19 and 20, Block 19).

Documents:

[MEMO TO CC 07-06-2020.DOCX](#)
[21 EAST CENTRAL AVE. - CREEDENCE ENERGY.PDF](#)
[ESTIMATE OF VALUE LETTER FOR 21 E CENTRAL AVE.PDF](#)

7.9. RECRUITMENT SERVICES FOR CITY MANAGER POSITION

After termination of the previous City Manager, the City Council authorized the Human Resource Director to start the process of hiring a recruitment firm to assist with locating a replacement for the position. In the past several weeks the Human Resource Director has contacted seven (7) recruitment agencies for proposal of recruitment services. Only one (1) of the contacted firms provided a full proposal or quote to this request. The responding agency, GovHR USA (GHR), has substantial experience in Executive Management Recruitment for government entities similar in size to Minot. The remaining six (6) agencies either declined, or did not respond to the Department's request.

Recommend the City Council to approve the services of GovHR USA (GHR) for the recruitment of the City Manager position; and further, authorize the Mayor to sign the contract on the City's behalf.

Documents:

MEMO APPROVING RECRUITMENT SERVICES FOR CITY MANAGER.PDF
PROPOSAL MINOT ND - CITY MANAGER.PDF

8. PERSONAL APPEARANCES
9. MISCELLANEOUS AND DISCUSSION ITEMS
 - 9.1. NOTES FROM THE CAMPAIGN
10. ADJOURNMENT