

## **March 18, 2019 Regular City Council Meeting**

**MINOT CITY COUNCIL – SCHEDULED MEETING – MARCH 18, 2019 AT 5:30 P.M.**

### **ROLL CALL**

#### Members Present:

Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky

#### Members Absent:

Olson

### **PLEDGE OF ALLEGIANCE**

Mayor Sipma presiding and led the City Council in the Pledge of Allegiance.

### **PERSONAL APPEARANCES**

Kaylin Dewitt-Vadell, of 1210 9<sup>th</sup> St NW, came forward with her daughter Cora Vadell. She said her daughter is concerned that we don't have recycling pickup in Minot. Cora said, she really wants to recycle because she saw a movie about Curious George with recycling in it. She continued by saying, recycling is important because the planet already has a lot of trash in it and if we don't recycle there will not be enough room to live.

Ms. Dewitt Vadell stated, she understands the national market is not favoring recycling but still believes it will turn around. She said there is significant evidence the market is evolving and the process of reorganizing the flow of recyclables in the United States, is going to reestablish the value of recyclables. She does not want the conversation to stop but would prefer to continue the discussion and keep an eye on the market. There are sustainable options and new technology being developed every day. She concluded with some questions for the Council to consider; what amount could the Council justify paying on a monetary and ethical level? What amount has already been justified to dump everything in the landfill?

Mayor Sipma recommended to Ms. Dewitt-Vadell that if she hadn't already watched the Assistant Public Works Director's presentations, to do so, since they contain some useful information. He said, the City continues to research what exactly the price would be so that we can look to the community and find out what they are willing to pay.

Ms. Dewitt-Vadell commented that there will always be people who are not willing to pay more for services but she understands recycling will not be free.

Alderman Straight said, the conversation about recycling will continue, however, he encouraged the conversation to move even further to discuss ways to reduce and reuse as well. He shared the dilemma he struggles with in being concerned about monetary responsibilities of the Council while collecting and shipping garbage elsewhere.

Ms. Dewitt-Vadell said, there is a plant in southern California that is processing plastics to our standards, which is what China was doing, so it can be made into other things. She said there is also a plant opening in Philadelphia so there is evidence the market is changing.

Alderman Podrygula said this issue also ties into the issue of climate change. He said, the conversation is not forgotten but the City is trying to figure out the best financially responsible approach.

### **MAYORAL PROCLAMATION – CONDOLENCES TO JAMES RUYAK FAMILY**

Mayor Sipma recited a proclamation from the City of Minot to extend condolences to the James Ruyak family.

WHEREAS, The St. Paul District of the U.S. Army Corps of Engineers has informed the City of Minot of the passing of James Ruyak on March 9, 2019; and,

WHEREAS, for three years in the mid-1970s, as Chief of Construction, James Ruyak led successful efforts to save Minot from disastrous flooding; and,

WHEREAS, his dedication to others and his desire to protect our city at all costs made him a hero to Minot's citizens and earned him the designation of Honorary Citizen by Minot's mayor; and,

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WHEREAS, for 19 years after our successful battle against the 1976 flood, he continued to share information about the City of Minot's spring flooding outlook and to assure us that any necessary emergency preparations were well under way;

NOW, THEREFORE, DO I, Shaun Sipma, Mayor of the City of Minot, hereby direct that condolences from the City of Minot be sent to the family of James D. Ruyak as a continued expression of our thanks and gratitude for Jim's devotion to our city.

### **MAYORAL APPOINTMENTS – APPROVED**

Alderman Jantzer moved the City Council approve the following Mayoral appointments:

#### Zoning Ordinance Steering Committee

Rolly Ackerman, Chairman

Tyler Neether, Vice-Chair

Josh Wolsky, Council Liaison

Pat Graner, Craft Builders

Gloria Larsgaard, EAPC Architects

Tim Baumann, Citizen

Rusten Roteluik

#### Board of Appeals

Doug Larson with a term to expire June, 2023

Rusten Roteluik with a term to expire June, 2022

Scott Huber with a term to expire June, 2023

Jay Hight with a term to expire June, 2024

Matt Geinert with a term to expire June, 2025

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **APPROVAL OF MINUTES- MARCH 4, 2019 – APPROVED**

Alderman Pitner moved the City Council approve the minutes from the March 4, 2019, Regular City Council meeting.

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ADMINISTRATIVE APPROVALS – APPROVED**

Alderman Pitner moved the City Council ratify the following administratively approved requests.

1. Rocky Mountain Elk Foundation to conduct a raffle April 6, 2019 at the Moose Lodge (400 9th St SW)
2. Army's 2.0 for a special event permit March 8-17, 2019 at Mouse River Players (115 1st St SE)
3. The Starving Rooster for a special event permit June 28, 2019 at 1st St NE North of railroad tracks to 1st Street N
4. The Starving Rooster for a special event permit July 12, 2019 at 1st St NE North of railroad tracks to 1st Street N
5. The Starving Rooster for a special event permit July 13, 2019 at 1st St NE North of railroad tracks to 1st Street N
6. The Starving Rooster for a special event permit July 20, 2019 at 1st St NE North of railroad tracks to 1st Street N
7. The Starving Rooster for a special event permit July 26, 2019 at 1st St NE North of railroad tracks to 1st Street N

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5356- REZONING OF SECTION 34, TWP 155 NORTH, RANGE 82 WEST, OUTLOT 20 – SECOND READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5356 on second reading rezoning Section 34, TWP 155 North, Range 82 West, Outlot 20 from MH (Manufactured Home) to RA (Agricultural Residential). Motion seconded by Alderman Jantzer and carried unanimously.

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Alderman Pitner moved the City Council pass ordinance no 5356 on first reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5358- REZONING PRAIRIE GREEN SECOND ADDITION LOT 6, BLOCK 22 LESS PORTION FOR HIGHWAY (PARCEL 6-3) – SECOND READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5358 on second reading rezoning Prairie Green Second Addition Lot 6, Block 22 less portion for highway (Parcel 6-3) from C4 (Planned Commercial) to C2 (General Commercial). Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5358 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5360 – AMEND THE 2019 ANNUAL BUDGET- VAN PURCHASE (BUS037) – SECOND READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5360 on second reading to amend the 2019 annual budget to increase the equipment purchases revenues and expenditures for the purchase of an ADA Compliant Braun Entervan. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5360 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5361 – AMEND CHAPTER 24 OF THE CMCO DUE TO MERGER MINOT RECREATION DEPARTMENT WITH MINOT PARK DISTRICT – SECOND READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5361 on second reading amending Sections 24-2 (Definitions), 24-31(A) (Composition of Civil Service) and adding Section 24-41(F) (Filling Vacancies) of the City of Minot Code of Ordinances. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5361 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5362 – ADDING STOP CONTROL TO THE INTERSECTION OF 10TH AVENUE SE AND 2ND STREET SE – SECOND READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5362 on second reading adding the intersection of 10<sup>th</sup> Avenue SE and 2<sup>nd</sup> Street SE to the list of City Council created traffic restrictions provided for in Section 20-2 of the City of Minot Code of Ordinances; Stop Signs and Yield Signs. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5362 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5363- PURCHASE OF NUISANCE HOME – SECOND READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5363 on second reading to amend the 2019 annual budget to increase the Capital Purchases expenditures for the purchase of a property located at 1004 3rd Ave NW to be funded with Demolition cash reserves. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5363 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5364 - CONTRACT FOR PLANNING CONSULTING SERVICES – SECOND READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5364 on second reading to amend the 2019 annual budget to increase the Planning Department professional service contracts expenditures to be funded with cash reserves. Motion seconded by Alderman Jantzer and carried unanimously.

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Alderman Pitner moved the City Council pass ordinance no. 5364 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **AWARD OF BID- ENTERPRISE BACKUP APPLIANCE – APPROVED**

Alderman Pitner moved the City Council award the bid to Dell EMC in the amount of \$45,049.97 for a Dell EMC IDPA DP4400 Backup Appliance.

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5365 – ENTERPRISE BACKUP APPLIANCE – FIRST READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5365 on first reading to amend the 2019 annual budget to increase the information technology revenues and expenditures and decrease the capital equipment purchases revenues and expenditures for maintenance and warranty agreements for the Enterprise Backup Server Replacement. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5365 on first reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **RETAIL BEER & WINE LICENSE – HOPS, INC. DBA EAST END – APPROVED**

Alderman Pitner moved the City Council approve the request from Hops, Inc, dba East End, for a Retail Beer & Wine License operating at 400 East Central Avenue, Suite 102.

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **SBA MOU TO RECEIVE LIST OF ALL DISASTER LOAN ACTIVITY IN MINOT – APPROVED**

Alderman Pitner moved the City Council approve execution of a Memorandum of Understanding with Small Business Administration (SBA) which will allow the City to receive a list of all SBA Disaster Loans approved and not approved within the City of Minot.

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **MINOT AVIATION LEASE AGREEMENT – APPROVED**

Alderman Pitner moved the City Council approve the lease agreement between the City of Minot and Minot Aviation and authorize the Mayor to sign any applicable documentation.

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **FEDERAL AVIATION ASSOCIATION (FAA) LEASE AGREEMENT – APPROVED**

Alderman Pitner moved the City Council approve the lease agreement between the United States Department of Transportation Federal Aviation Administration and the City of Minot and authorize the Mayor to sign any applicable documentation.

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **APPLE AIR EXTENDED SUBLEASE AGREEMENT – APPROVED**

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Alderman Pitner moved the City Council approve the extended sublease agreement between the City of Minot and Apple Air, LLC and authorize the Mayor to sign any applicable documentation.

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **2020 BUDGET SCHEDULE – APPROVED**

Alderman Pitner moved the City Council adopt the proposed 2020 Budget Schedule. Motion seconded by Alderman Straight.

Alderman Wolsky pointed out to the public the amount of work that goes into the budget and the fact that planning for the budget begins in March but it isn't adopted until September.

Whereupon a vote was taken on the above motion by Alderman Pitner, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5366 – 911 BUDGET AMENDMENT – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5366 on first reading amending the 2019 annual budget to increase the telecommunications expenditures to be funded with cash reserves. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer asked if there is a reliable method to predict revenue going forward. The Finance Director explained that the shortfall was a result of a combination of factors. There are numerous entities involved and the SIRN project came in mid-year which created more complexity. The amount budgeted in 2019 was significantly reduced from the 2018 budget, which in hindsight, had it remained level, would have been accurate.

Upon further questioning by Alderman Jantzer, Mr. Lakefield said, Ward County will also have to make up their portion of the 911 budget shortfall, which they will add to their 2020 levy. Mr. Lakefield then assured, we will have a better estimation going forward and the process has been revised.

Mr. Lakefield clarified, the County will use their depreciation fund to make up the County portion this year but will then replenish that fund with the mill levy in 2020.

Alderman Wolsky asked if there is a separation in taxation to ensure the city of Minot residents are not taxed for the City portion and for the County portion.

Mr. Lakefield said, traditionally the cost is split where the City pays 65% and the County 35%. Of the 35% assessed by the County, city of Minot properties are assessed as well.

Alderman Wolsky said he is concerned that there is double taxation since the city of Minot residents make up 65% of the County so we're paying for both, the City portion and the County portion of this particular line item.

Alderman Straight requested the item be added to a Liaison meeting in the near future.

Alderman Jantzer moved the City Council pass ordinance no. 5366 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **SKYSKOPES UPGRADE TO EQUIPMENT COVERED BY PROMISSORY NOTE & SECURITY AGREEMENT – APPROVED**

Alderman Jantzer moved the City Council approve the replacement of the Phoenix LIDAR AL3-32 with a Riegl Ranger LR model and authorize the Mayor to sign the Transfer Agreement. Motion seconded by Alderman Pitner.

Stefanie Hoffart, President of MADC, said, the Board supports the collateral change request. Skyskopes is requesting to upgrade to a newer LIDAR sensor that was originally purchased by the MAGIC Fund in 2017. They are not asking for any additional funding and will be responsible for the cost. She said, the upgrade is a win for all parties involved as Skyskopes receives the most updated sensor for operations in the Bakken and the City has a higher valued piece of collateral for the

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remainder of the development agreement. She stated, the were conversations with the Finance Director and Chairman of the MAGIC Fund Steering Committee and there were no concerns. She then introduced Matt Dunlevy, the President and CEO of Skyskopes, to explain further.

Mr. Dunlevy said, the request is in line with the spirit of the MAGIC Fund agreement they have signed. He also offered an update on the business. He said they passed through the first phase of requirements and have successfully passed the second phase of requirements several months in advance. With the LIDAR upgrades, they will be much closer to the \$1.1 million of investment required in phase three of the agreement. They created eight full time, fully benefitted UAS staff positions in Minot and are working several large oil and gas contracts throughout the Bakken. They are also working closely with Houston Engineering in Minot where they stage missions in tandem to different states. Also stage flight operations out of Minot for work with the NDDOT specifically for LIDAR surveying. He said, this LIDAR is representative of their focus in terms of the most advanced commercially available assets. This upgrade is an opportunity to trade the older less accurate LIDAR system and bring the best system available to Minot.

Mr. Dunlevy clarified for the Council that their plan is to trade their current system for an upgrade that is used for vegetation penetration. They have adapted their primary focus to LIDAR so they are obtaining the best LIDAR equipment available. They previously purchased a unit in December which will be returned and the credit from that unit will go toward the payment of two additional Rangers that are in route.

Upon questioning by Alderman Wolsky, Mr. Dunlevy said they have been working with Houston Engineering in Minot but are having discussions with other engineering firms as well.

Alderman Wolsky asked Ms. Hoffart for an update on the Magic Sky Initiative. She responded by saying, establishing relationships with new companies takes a long time but they continue to build those relationships. She said she has been to UAS related conferences and trade shows. They have had discussions with a couple Norwegian companies but they have not yet decided if they are doing operations in the United States. There is another trade show in May that she will be attending.

Alderman Wolsky said he is concerned about the overall economic development practices. When the Magic Sky Initiative was created, there was an engineering firm that was considered a partner in the process and it is not the same partner that SkySkopes brought forward. He said he is concerned the economic development practices are not creating the jobs we have expected them to create. He wants to assure that when we apply dollars into a system, that jobs are being created. He said to be conscious of disincentivizing firms that are already in the practice.

Ms. Hoffart said, Ackerman Estvold is under the Magic Sky Initiative and while she is at conferences and trade shows, Ackerman's name is included as a partner. When she discusses the Magic Sky Initiative, she includes Ackerman Estvold as well as SkySkopes.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **INFILL MIXED USE MULTI-FAMILY LMI RENTAL RFP – APPROVED**

Alderman Wolsky moved the City Council approve the Infill Mixed Use Multi-Family LMI Rental Request for Proposals as part of the CDBG-NDR programs. Motion seconded by Alderman Pitner.

Alderman Wolsky asked what zoning would be appropriate for the mixed use, having commercial on the ground floor and residential upstairs. Principal Planner, Lance Lang said, they are allowed in C2 and C3.

Alderman Straight said, they often hear opposition to new construction but wondered if there are programs to assist residents in the east side of town.

Alderman Pitner asked if there are restrictions for the use of grant dollars in the flood plain. Mr. Zakian said, the use of grant funds in the flood plain is not prohibited but they would be restricted to the construction guidelines outlined by FEMA.

Lance Meyer further explained, the lowest floor of any occupiable structure must be at least one foot above the base flood elevation.

Mr. Zakian commented, there are still sufficient funds left for other projects after this RFP takes place.

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Alderman Wolsky asked if there has been interest in the project, to which Mr. Zakian replied by saying, yes, there is interest on South Broadway and Downtown but no expressed representations because it is an RFP process.

Upon questioning by Alderman Pitner regarding housing requirements, Mr. Zakian said, the building must meet C2 or C3 zoning regulations and the number of residential units would depend on the size of the property.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **SALE OF PROPERTY TO ND STATE FAIR ASSOCIATION – APPROVED**

Alderman Jantzer moved the City Council authorize the sale of 1901 Burdick Expressway East to North Dakota State Fair Association, approve the Purchase Agreement and authorize the Mayor to sign any applicable documents.

Motion seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **DENIAL OF FINAL APPROVAL OF CYPRESS RENAISSANCE ZONE APPLICATION – APPROVED**

Alderman Wolsky moved the City Council deny the Renaissance Zone application originally filed by Cypress Assets ND, LLC in 2013, due to being currently delinquent with their taxes and not in good standing. Motion seconded by Alderman Pitner.

Mr. Zakian provided documentation that the applicant is currently delinquent on their property taxes.

Upon questioning by Mayor Sipma, Mr. Zakian stated, the applicant would have the opportunity to request reconsideration if they are brought to good standing.

Alderman Jantzer requested clarification on the two issues preventing approval of the application. Mr. Zakian confirmed, they are delinquent in their taxes and there was an ownership change since the original application.

Alderman Wolsky asked if the delinquency in property taxes is on the subject property on another property. Mr. Zakian responded by saying, the applicant is delinquent in property taxes on the property which they are requesting approval.

Mayor Sipma asked about their standing with the Department of Commerce. Mr. Zakian said, at the time the City made the inquiry, the company was in good standing.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **NORTH HILL ELEVATED STORAGE TANK – CONTRACT AMENDMENT (4155) – APPROVED**

Alderman Podrygula moved the City Council approve the contract amendment to Houston Engineering in the amount of \$60,000 for the North Hill Elevated Storage Tank and authorize the Mayor to sign the amendment. Motion seconded by Alderman Jantzer.

Alderman Jantzer said, in reference to the memo from Mr. Jonasson, the contractor struggled to coordinate many aspects of the project resulting in delays. He asked if the contractor would be paying for the additional engineering services. Mr. Jonasson responded by saying, the contractor is being assessed liquidated damages which will amount to sufficient funds to cover the engineering contract. They are being assessed \$88,000 and possibly \$100,000 this spring.

Alderman Straight raised concerns about the contractor completing the work, to which Mr. Jonasson said, the contractor is on site and is basically finishing some clean-up work.

Whereupon a vote was taken on the above motion by Alderman Podrygula, seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **SUB-RECIPIENT AGREEMENT WITH STRENGTHEN ND FOR GRANT SEARCH – APPROVED**

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Alderman Wolsky moved the City Council approve a sub-recipient agreement with Strengthen ND to establish a portfolio list of grant opportunities that can be used in support of economic, housing, public service, and infrastructure projects not funded in the CDBG-NDR grant but identified as meeting unmet post disaster needs. Motion seconded by Alderman Straight.

Alderman Wolsky commented that Megan Laudenschlager has proven to be a qualified partner to work with since her involvement with the Mayor's Committee On Addiction.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **MINOT PARK DISTRICT/CITY OF MINOT AUDITORIUM & RECREATION MERGER – APPROVED**

Alderman Jantzer moved the City Council approve the following items and authorize the Mayor to sign all documents relating to the Minot Park District/City of Minot Auditorium & Recreation Merger:

1. Joint Resolution relating to the transfer of City of Minot employees to the Minot Park District;
2. Joint Powers Agreement relating to financing for 2019;
3. Lease Agreement relating to the Auditorium Real Property;
4. Purchase Agreement and any Bill of Sale relating to the Auditorium Personal Property;
5. Lease Agreement relating to the South Hill Complex Real Property;
6. Purchase Agreement and any Bill of Sale relating to the South Hill Complex Personal Property;
7. Lease Agreement relating to the North Hill Complex Real Property;
8. Purchase Agreement and any Bill of Sale relating to the North Hill Complex Personal Property;
9. Lease Agreement relating to the Tennis Center Real Property;
10. Purchase Agreement and any Bill of Sale relating to the Tennis Center Personal Property;
11. Assignment and/or Transfer Paperwork relating to Rec Trac Software/System to Minot Park District;
12. Assignment and/or Transfer Credit Card Agreements (CardConnect – Rec Trac) to Minot Park District;
13. Termination of Credit Card Agreement (TransFirst – Tennis Center); and
14. Termination of Lease between City of Minot and Minot Park District relating to South Hill Complex.

Motion seconded by Alderman Pitner.

Mayor Sipma commented that the merger was a long time coming and he thanked the City staff and Park Board for their work in drafting all of the necessary agreements.

Whereupon a vote was taken on the above motion by Alderman Jantzer, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **DEPARTMENT PRESENTATION – PUBLIC WORKS**

Dan Jonasson, Director of Public Works, gave a presentation describing the remaining eight departments that make up Public Works. He explained their duties, technological advancements, challenges and upcoming projects.

### **LIAISON REPORTS**

Alderman Podrygula said, he was unable to attend the meeting on the NDR Program Family Shelter.

Alderman Straight explained, there are a lot of interesting things happening behind the scenes as a result of the IEDC report. The Souris Basin Planning Council discussed at their meeting the possibility of an Interest Free buy Down Program with the MAGIC Fund. The Park District is reviewing HUD requirements for the Gathering Space and a potential sub-recipient agreement.

Alderman Wolsky stated, the County's Comprehensive Plan is coming to completion. The Zoning Ordinance Steering Committee held a very productive meeting with the consultant where they outlined their expectations. The Minot Commission on Aging had their March for Meals on Wheels event.

Alderman Jantzer mentioned, the Liaison Committee will be scheduling a meeting soon. Activities will also be ramping up for the City Hall relocation project.



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Alderman Pitner gave an update on the Recreation Commission by saying, the merger is moving forward as planned since their approval went through tonight. They are already seeing the benefits of their collaboration.

Alderman Podrygula commented that he attended the Zoning Ordinance Steering Committee meeting and was encouraged by seeing the clearly laid out expectations. He said, it should result in a useful report.

### **RAINBOW GARDENS EXCLUSION FENCING**

The Assistant Public Works Director provided pricing and information about potential fencing around Rainbow Gardens.

Alderman Wolsky explained that this recommendation came from the Nuisance Animal Ad Hoc Committee and he requested an update from a representative of Rainbow Gardens.

Jason New, of 3100 11<sup>th</sup> Ave SE A12, said they are willing to do a cost share to install fencing but they need to run the numbers and they are a small group.

Upon questioning by Alderman Wolsky, Mr. New said, most fencing used in the gardens is reusable. He estimated they only spend about \$20-\$30 per year.

Alderman Pitner asked if permanent fencing was allowed, to which Mr. New said, they have left poles up but the type of temporary fencing they use, wouldn't last through a winter.

Mayor Sipma announced for the sake of the audience, an eight-foot fence would cost about \$55,000-\$60,000 and a six-foot fence would cost \$45,000-\$50,000 but would not be sufficient to keep out wildlife.

Alderman Straight suggested the users of Rainbow Gardens decide what investment they are willing to make and bring their request back to the Council. Alderman Wolsky agreed.

Mr. New said they pay about \$600 per year to the City now and an additional \$400 for taxes on the land. The lease currently has four years left out of five. He said, they could pay about \$2,000 per year but that length of time would be contingent on renewal of the lease.

Mayor Sipma asked the members of Rainbow Gardens to discuss and bring back a request for consideration.

Alderman Wolsky asked Public Works staff to determine a possible timeframe the City will need the land back.

### **LANDFILL TIPPING FEE COMPARISONS**

Mr. Barry explained that this information was provided upon the request to analyze tipping fees but it is informational only and does not require action by the Council.

Alderman Podrygula asked how much is collected each year in tipping fees. Mr. Jonasson responded by saying, he does not have an exact number but it is \$40 per ton multiplied by the approximate 55,000 tons. Each year to calculate the budget, they use MSW estimates, inert estimates and factor in all other revenue. If we don't think we will meet our expenses the fees are adjusted accordingly. Due to the decrease in collections, it is likely the City will have to increase fees as a result of lower revenue.

Alderman Podrygula requested the Public Works Director provide a summary to breakdown the things we don't charge ourselves. He continued by saying, this is an example of the City not being current in charging what costs actually are. The average fee per ton is \$48 but Minot's fee is only \$40. He believes the City should be more aggressive and would suggest we raise it to \$50 per ton. He wants to be realistic in what things cost in the market.

Alderman Wolsky commented that the rate is set by operation costs so our efficient operations are holding back our rates. He said, for this particular service, efficient operations work against us because it results in collecting more waste at a lower price. He asked if staff could determine if the rate affects the amount of waste being discarded in Minot, essentially incentivizing dumping here. He also said, he does not believe we are capturing the full cost if we are not including savings for future land purchases.

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Mr. Jonasson explained that each year capital costs are factored into the budget to determine the rates. Minot's are low because we run a lean operation but other cities have more staff and equipment or cover contractor costs. The Minot Landfill accepts refuse from the six-county area, otherwise Council approval is needed in order to accept it.

Mayor Sipma added, other cities also charge themselves tipping fees, whereas Minot does not.

Alderman Straight said, moving forward, he is mindful of what services we are delivering to the public. He wants to investigate ways to partner with Kalix and explore the existing recycling services in Minot. There needs to be more discussion on future planning especially as a HUB City.

Mr. Barry provided some context on the numbers provided in the table. He cautioned the Council from setting arbitrary fees and said, the fees have to be tied to operational costs of the services provided. The table does not describe what types of operational costs are taking place behind each fee. There are different regulations based on the year of their permit or location. Some may factor in growth or expansion, planning costs and the different costs of land depending on the location. The use of revenues collected by landfills vary but there are many variables that factor into setting rates.

### **SISTER CITY AGREEMENT & SUMMIT**

The City Manager described the Sister City relationship the City of Minot has had with Skien, Norway since the 1980's. He said, recent delegations from Minot have gone to Skien in 2013 and 2015 but have not gone since. Representatives from Skien visited during the Hostfest and criticized the recent lack of involvement from the City. Mr. Barry said, this year MSU students are travelling to Norway and the City was consulted to send a contingency and be included in the group rate. He explained that he and the Mayor identified several goals to accomplish during the summit and looked for possible budget options. He listed the goals involving a community-wide and downtown economic development and redevelopment activity evaluation, evaluation of affordable housing challenges and solutions, identification of community resiliency threats and strategies, engaging in private investment outreach and relationship building, and improving business and partner relationships. He continued by saying, the goals are in line with resolution no. 3515 which was adopted by the Council in 2016. He said funding for this trip would be approximately \$10,000 for two representatives. Since the goals of the summit align closely with the NDR Grant initiatives, the NDR Grant Program Manager has allowed us to get approval to utilize those funds. He asked the Council for any comments.

Mayor Sipma said they can follow up with some of the MADC initiatives and activities and as a former Board Member, can look for new opportunities. He said they can also look into some of their waste management practices.

Alderman Straight mentioned the involvement with HostFest and if VisitMinot should be part of the conversation as well since resident from Skien travel to Hostfest.

Alderman Jantzer said, on the 2014 trip, they learned a lot. They were able to build relationship with UAS and agricultural companies. The contacts made there have benefitted the Minot community.

Alderman Wolsky commented that there will always be doubt when it comes to worthwhile spending but if one good idea comes out of the trip it is worth it.

### **CLIMATE CHANGE**

Alderman Podrygula provided an article from the Environmental Protection Agency on how climate change affects North Dakota. He said, the conversation stemmed from a meeting that was held at MSU regarding preparation for climate change. He discussed the need to broaden the perspective when it comes to environmental issues and consider ideas like planting more trees or changing to more efficient light bulbs.

Mayor Sipma brought up things the City is already doing well, including improving resiliency through the NDR grant and working on flood protection and sustainable water sources.

Alderman Wolsky said, it is unfortunate some discussions are partisan when it comes to volatile climate changes. He stated, the flood is an example of why we are forced to discuss these issues.

Alderman Straight mentioned, we need to identify avenues to support citizen's beliefs by improving things like pedestrian paths, efficient lighting, and recycling.

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### ADJOURNMENT

There being no further business, Alderman Jantzer moved the City Council meeting be adjourned. Motion seconded by Alderman Pitner and carried unanimously. Meeting adjourned at 7:57 pm.

ATTEST: \_\_\_\_\_  
Kelly Matalka, City Clerk

APPROVED: \_\_\_\_\_  
Shaun Sipma, Mayor