

September 21, 2020 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – SEPTEMBER 21, 2020 AT 5:30 P.M.

ROLL CALL

Members Present:

Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma

Members Absent:

None

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE MINUTES – APPROVED

Alderman Pitner moved the City Council approve the minutes of the August 17, 2020 regular City Council meeting and the August 24, 2020 special City Council meeting.

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

ORDINANCE NO. 5526 – REZONING RIVERWOOD 2ND ADDITION, LOT 1 – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5526 on second reading to rezone Lot 1, Riverwood 2nd Addition from AG (Agricultural District) to RA (Agricultural Residential District). Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5526 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ORDINANCE NO. 5527 - AMEND THE 2020 ANNUAL BUDGET- 2019 SIDEWALK, CURB, & GUTTER (4382) – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5527 on second reading amending the 2020 annual budget to increase Street department sidewalk, curb & gutter expenditures on the 2019 sidewalk, curb & gutter project to be paid with cash reserves in the amount of \$564.74. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5527 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ORDINANCE NO. 5528 – AMEND THE 2020 ANNUAL BUDEGT – CONSTRUCTION ENGINEERING AMENDMENT SWIF REPAIR (3135.2D) – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5528 on second reading amending the 2020 annual budget to increase sales tax flood control expenditures on the SWIF project for the engineering amendment. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5528 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

PARKING RAMP ROOF AND DRAINAGE SYSTEM FINAL PAYMENT (3738.6) – APPROVED

Alderman Pitner moved the City Council approve final payment to Rolac Contracting Inc, in the amount of \$52,039.51 for construction of a roof over the podium decks on both parking structures.

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

ORDINANCE NO. 5530 - AMEND THE 2020 ANNUAL BUDGET- PARKING RAMP ROOF AND DRAINAGE SYSTEM – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5530 on first reading amending the 2020 annual budget to increase the Parking Ramps Capital Project expenditures.

Alderman Pitner moved the City Council pass ordinance no. 5530 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

DEMOLITION ROUND 2 BID AWARD TO HSG PARK JOINT VENTURE LLC – APPROVED

Alderman Pitner moved the City Council approve CDBG-DR/NDR Round 2 Demolition Bid Award to HSG Joint Venture LLC in the amount of \$181,253.50.

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

RESCHEDULE NOVEMBER PLANNING COMMISSION MEETING – APPROVED

Alderman Pitner moved the City Council approve changing the Planning Commission meeting to November 4th instead of November 3rd.

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

SUPPER CLUB LICENSE- BEV NAPS, INC. DBA HIGH THIRD – APPROVED

Alderman Pitner moved the City Council approve the Supper Club License for Bev Naps, Inc. dba High Third operating at 7 1st Street SE.

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

GAMING SITE AUTHORIZATION- THE AGGIE FOUNDATION – APPROVED

Alderman Pitner moved the City Council approve the gaming site authorization for The Aggie Foundation to install electronic pull tab devices and poker at High Third (7 1st Street SE).

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

GAMING SITE AUTHORIZATION- COMPANIONS FOR CHILDREN – APPROVED

Alderman Pitner moved the City Council approve the gaming site authorization for Companions For Children to install a pull tab dispensing device at Mi Mexico (301 40th Ave SW #101).

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

ANNUAL RENEWAL OF MOWBRAY & SON PREVENTATIVE MAINTENANCE AGREEMENT – APPROVED

Alderman Pitner moved the City Council approve the Mowbray & Son Preventative Maintenance Proposal annual renewal and authorize the Airport Director to sign the agreement.

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

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LICENSE RENEWAL FOR SALESFORCE SOFTWARE – APPROVED

Alderman Pitner moved the City Council approve a one-year renewal of the Salesforce software license at a fee of \$24,874.91.

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

RFQ FOR INDIVIDUAL LMI NEW SINGLE-FAMILY HOMES – APPROVED

Alderman Pitner moved the City Council approve issuing a Request for Qualifications for individual lot acquisition for single family home construction, and/or lot and single-family home construction for LMI eligible Minot households.

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

MINOT INTERMODAL FACILITY CRISI GRANT AWARD (4546) – APPROVED

In May of this year, the City and NDDOT signed an agreement to accept funds from the Federal Railway Administration's CRISI grant program. These funds will be used to perform preliminary engineering and site layout concepts for the proposed intermodal facility north of County Road 12.

Alderman Pitner moved the City Council approve the contract amendment with the NDDOT and authorize the Mayor to sign the amendment; approve Ackerman-Estvold to perform engineering services related to the CRISI Grant, authorize the City Engineer to negotiate a scope and fee, and authorize the Mayor to sign the agreement; and authorize the Mayor and staff to complete any required Title VI program requirements.

ORDINANCE NO. 5531 - AMEND THE 2020 ANNUAL BUDGET – MINOT INTERMODAL FACILITY CRISI GRANT AWARD – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5531 on first reading to amend the 2020 annual budget to increase the Engineering department professional service contract revenues and expenditures and increase the Sales Tax Economic Development expenditure for the State portion of the NDDOT Urban Agreement for the CRISI program grant. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5531 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ORDINANCE NO. 5532 - NO PARKING ON N BROADWAY (US HIGHWAY 83) EAST FRONTAGE ROAD BETWEEN 35TH AVENUE NW AND 36TH AVENUE NW – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5532 on first reading to add parking restrictions to the following location: West side of the N Broadway (US Highway 83) East Frontage Road between 35th Avenue NW and 36th Avenue NW. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5532 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

LEASE ON NORTH HILL WATER TOWER FOR SIRN RADIO SYSTEM P4558 – APPROVED

Alderman Pitner moved the City Council approve the lease with the State of ND for use of the north hill water tower, located at 2501 16th Street NW, for the SIRN radio system and authorize the Mayor to sign the lease agreement for the project.

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

GENERAL WASTEWATER CONSULTING (PROJECT NUMBER 4325) – APPROVED

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Alderman Pitner moved the City Council approve the firms of Apex Engineering and Ackerman-Estvold Engineering to provide general wastewater consulting services and authorize the Mayor to sign master services agreements with both firms on behalf of the City.

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

ORDINANCE NO. 5529 - ADOPT THE 2021 ANNUAL BUDGET – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5529 on second reading to adopt the 2021 annual budget. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5529 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

RESOLUTION NO. 3672 - ESTABLISHING RATES, FEES, AND CHARGES PERTAINING TO MINOT INTERNATIONAL AIRPORT – APPROVED

Alderman Pitner moved the City Council adopt resolution no. 3672 establishing the 2021 rates, fees, and charges pertaining to Minot International Airport. Motion seconded by Alderman Ross

Alderwoman Evans asked the Airport Director to explain how the rates and fees are assessed. Mr. Feltner stated, it is a multi-faceted approach calculating operational expenses compared aeronautical and non-aeronautical revenue. He explained, there are contractual agreements with each of the airlines in which maintenance and operation costs are weighed to calculate a portion of the leased space. There are formulas based on enplanements and the number of operations landing fees. He then said, parking rates are set from a business standpoint based on demand. Hangar leases, which have been discussed at length during previous meetings, are calculated per square foot depending on the location.

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

PURCHASE OF 1516 3RD AVENUE SE FOR \$215,000 WITH MARYANNE LAFONTAINE – APPROVED

Alderwoman Olson moved the City Council approve the mutually agreed purchase price of \$215,000 for flood buyout acquisition of property located at 1516 3rd Avenue SE.

Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

TENTATIVE AGREEMENT IN EMINENT DOMAIN CASE TO ACQUIRE 303 6th STREET NE – APPROVED

Alderman Jantzer moved the City Council:

1. Agree to purchase the Perry Miller property at 303 – 6th Street NE necessary for construction, operation and maintenance of the flood protection project for the amount of \$193,000.00;
2. Property owner will petition the district court for reimbursement for reasonable attorney's fees and costs; and
3. Possession of property to be promptly transferred to City to allow construction of necessary flood protection.

Motion seconded by Alderwoman Olson and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

CITY HALL FLAG RAISING

Alderwoman Olson moved the City Council approve a motion to (1) with the exception of the American flag, State of North Dakota flag, City of Minot flag, cease all ceremonial flag raisings at City Hall as of September 18th; and (2) direct the City Manager to develop a formal policy regarding flag raising at City Hall. Motion seconded by Alderman Podrygula.

Alderwoman Olson stated, they have heard from hundreds of citizens on different sides of the issue but she believes City Hall should only fly the three flags, National, State, and City, until a better plan can be discussed.

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Mayor Sipma explained that there is an unwritten policy regarding flag raisings but it should be documented to avoid controversy in the future. His original proposal provided an exception for the NRA flag which had previously been approved to fly September 25th. He said he was fine with Alderwoman Olson's motion to immediately cease ceremonial flag raisings. He described a letter that he sent to the Council members suggesting a community flag pole be managed by an outside entity for ceremonial flag raisings separate from the City. There have been organizations attempting to take advantage of the unwritten process. Staff can move forward to develop written guidelines for all future flag raisings.

Alderman Pitner said, since there is no policy in writing, it seems disingenuous not to allow the NRA flag that was already approved. He would not support the current motion but would accept the recommendation as originally proposed.

Alderman Ross agreed.

Alderwoman Olson said she had already been contacted with concerns for public safety and would prefer to wait to fly the flag until a policy is in place. She added, it is not out of disrespect but believes the process should be improved first.

Whereupon a vote was taken on the above motion by Alderwoman Olson, seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Podrygula, Sipma; nays: Pitner, Ross

CONSIDER THE REPORT OF THE MAGIC FUND SCREENING COMMITTEE

At the request of Mayor Sipma, Acting City Manager, David Lakefield explained that although there has been a lot of excitement surrounding the CTE project, it has not yet been discussed by the contract committee and is not ready for Council approval. The MAGIC Fund Screening Committee met on Friday and HUD authorized the release of funds but there are a few more steps before the project can move forward.

John MacMartin, Acting President of MADC, requested the Council grant approval of the recommendation subject to contract negotiations. He then explained, the project is a way to enhance workforce development to retain workers in Minot.

Tim Mihalek, Chair of the Community Stakeholders, provided some background of the project. He said, after the IEDC Report, there were several committees formed to address various issues described in white papers. CTE discussions have been ongoing between the City, Trinity, MSU, Dakota College at Bottineau, and others. They discussed a valuation of the proposed property of \$1.1 million with a donation from Trinity in the amount of \$300,000 for a net price of \$800,000. Last week, HUD authorized the release of NDR funds for the project and the MAGIC Fund Screening Committee approved \$800,000 in funding to purchase the property. Mr. Mihalek mentioned the contributions discussed with other community partners and the endorsement from Governor Burgum.

Dr. Shirley, President of Minot State University and Dakota College at Bottineau, explained the opportunities the CTE will provide by filling current gaps in education. He said, Minot loses students to other communities which have one- and two-year degree programs. He thanked the Council for approving additional NDR funding for the project. He also explained that MSU will work in partnership with the program and provide required general education courses.

Jerry Migler, Dean of Dakota College at Bottineau, shared the presentation that he provided to the MAGIC Fund Screening Committee. He explained the need for a CTE in Minot and how it would benefit the workforce and improve business retention. He described programs in existence as well as those in development. He concluded by discussing the collaborations in place and the types of resources needed to establish facilities and programs in Minot.

Mayor Sipma thanked everyone for their ongoing work to develop the CTE concept in Minot.

Mr. Lakefield said, there is a lot of support for the project and it will continue its momentum. The MAGIC Fund guidelines outline the process necessary to obtain funding and he said staff will work as diligently as possible to move forward.

PERSONAL APPEARANCES

Pastor Jeff Hoverson, Mike Huff, Aubrey Florey, Sandra Sanders, Shane Mgoughlin, Donita Magnusen, Liz Hoppman, Dan Merck, Russell Schauer, and Travis Zabloutney spoke in opposition to the raising of the LGBTQ flag.

Sabrina Herrmann, Riley Held, Jordan Laducer, ShaunAnne Tangney, Averie Hoffarth, Tamara Allard, Christopher Scott, Debra Hoffarth, Daniel Nicolas, Keli Rosselli-Sullivan, and Damon Kinchen spoke in support of raising the LGBTQ flag.

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Alderwoman Evans exited the room at 7:09 pm and returned at 7:46 pm.

Leif Snyder distributed a packet of information including suggestions for the HR Department.

Chad Chalmers discussed City employee cell phone conversations and requested a Verizon data dump for City cell phones.

MADC REPORT

Mr. MacMartin, Acting President of MADC, explained that part of the agreement with the City of Minot is to provide a written update of their contractual obligations to the City Council every six months. He briefly touched on some of the subjects described in the report including Business Expansion and Retention (BEAR), advocacy, investors, and internal development. He also mentioned how difficult it has been to attract new businesses during the COVID pandemic. Vendor shows cannot take place virtually and it is recommended they meet new companies in person. He also mentioned the merger between the Chamber of Commerce and MADC.

Alderman Podrygula said the merger is a little disconcerting given the organization's different agendas but it makes sense if it will achieve economies of scale. He encouraged them to reevaluate over time. He then discussed how the IEDC Report and subsequent follow-up has been beneficial. There has been an opportunity to reassess the role of economic development and the merger should achieve unified investment.

UPDATE FROM FIRST DISTRICT HEALTH UNIT

Lisa Clute, Executive Officer of First District Health Unit, distributed documents to the Council regarding COVID statistics and recommendations to mitigate the impact of COVID-19. She said, they utilize guidance from the CDC and ND Smart Restart but they do not approve or reject events. They have developed relationships with schools to provide consultation and assist with contact tracing updates. She then explained testing data and various statistics and said they are updated daily on the ND Department of Health website. She stated, recommendations for North Dakota come from the Governor but First District Health Unit can also provide recommended safety measures to the area. They have been working closely with Trinity but First District has taken on the asymptomatic testing. Ms. Clute reminded those in attendance that flu vaccinations are important this season. She said, following the COVID vaccine trials, First District is preparing to distribute mass vaccinations.

Following the presentation, the Council asked questions about the data Ms. Clute provided, specifically in Minot and Ward County. Ms. Clute explained that a majority of positive cases in Ward County are among ages 20-29. There was an increase in cases as universities went back in session. She also explained there has been a statewide issue regarding people not cooperating with quarantine and isolation guidelines after testing positive for COVID.

LIAISON REPORTS

Alderman Podrygula mentioned his participation in the Police Academy and what a worthwhile experience it is. He said, the Ward County Planning Commission has a consultant helping to revise the zoning code. They will be working on the project during lengthy meetings going forward. He attended his first meeting with Commission On Aging and said, their programs are going well and they are pleased to receive funding from the City budget. The NDR Ecological Restoration committee is meeting with the Liaison Committee on Thursday to discuss the future of the old Ramstad School site.

Alderwoman Olson said she attended her first Souris Basin Planning Council meeting via zoom. There will be a Liaison meeting between the City, County, Park, and School on Thursday. As previously discussed, she has participated in meeting regarding the CTE and the MAGIC Fund. She also emphasized the Council's role as community liaison. She said, she heard from over 130 people regarding the flag raising and only two have been opposed to the flag.

Alderwoman Evans said the Library is still going strong. They have an after-school teen space with social distancing modifications. They are also hiring for three positions at the Library. She recognized the firefighters who recently went to Oregon to help fight the wildfires there. She also said she sat in on interviews for firefighters.

Alderman Ross said the Zoning Ordinance Steering Committee is still meeting regularly and working through ordinance changes.

Alderman Jantzer said the Liaison Committee meeting on Thursday will also discuss election information. He mentioned the Broadway Corridor Study which will update the master plan for Broadway.

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Mayor Sipma said they are working on the Water Topics Committee presentation to reflect what they would have seen had they been able to visit in person. He also mentioned another 'zombie' home that was identified and should be taken care of soon.

ADJOURNMENT

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Jantzer and carried unanimously. Meeting adjourned at 8:41 pm.

ATTEST: _____
Kelly Matalka, City Clerk

APPROVED: _____
Shaun Sipma, Mayor