

October 13, 2020 Special City Council Meeting

MINOT CITY COUNCIL – SPECIAL MEETING – OCTOBER 13, 2020 AT 1:15 P.M.

ROLL CALL

Members Present:

Evans (via telephone), 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.

EXECUTIVE SESSION: CITY OF MINOT'S CONTRACTS WITH CYPRESS DEVELOPMENT, LLC

Mayor Sipma stated the next item on the agenda would be an executive session. The topic of this executive session is City of Minot's Contracts with Cypress Development, LLC for the Construction and Management of the Renaissance and Central Parking Ramps. This matter is presently an open and active civil case pending before the North Central Judicial District as Case No. 51-2018-CV-00518. The legal authority for closing this portion of the meeting is Pursuant to Authority of N.D.C.C. 44-04-17.1, 19.1, and 19.2. The topic or purpose of this executive session is to afford the City Council an opportunity to consult their attorneys, discuss negotiating strategy and/or provide negotiating instructions to its attorneys and other negotiators regarding these pending legal matters, for which negotiation is reasonably likely to occur in the immediate future and discussion in an open meeting would have an adverse fiscal effect on the bargaining position of the City.

The Mayor stated, at this time, a motion would be needed in order to discuss the next topic in executive session rather than in an open meeting.

Whereupon, Alderman Ross moved the City Council move to an executive session. Motion seconded by Alderman Pitner, and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

The Mayor then stated the executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session. The prohibition on taking final action during the executive session did not apply to providing guidance or instructions to our attorney or negotiator.

Mayor Sipma asked the members of the public attending the meeting to leave the room. He stated, the Council anticipated adjourning the executive session, and reconvening the open portion of the meeting at approximately 2:15 pm.

The executive session began at 1:18 pm and was attended by all members of the City Council, as well as the Mayor, City Clerk, City Attorney, Assistant City Attorney, Finance Director/Acting City Manager, Public Information Officer, City Engineer, Attorney Kate Dorsey (via telephone) and Keith Pietsch of NDIRF (via telephone).

At 2:15 pm, Alderman Pitner moved the City Council adjourn the executive session and return to the regular 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.

The public was invited to return to the meeting room with the City Council meeting back in session.

There was no final determination during the Executive Session and no action necessary during the open meeting.

EXECUTIVE SESSION: FIRST WESTERN BANK AND TRUST V. NORTH DAKOTA PORT SERVICES AND CITY OF MINOT

Mayor Sipma stated the next item on the agenda would be an executive session. The topic of this executive session is First Western Bank & Trust v. North Dakota Port Services and City of Minot. The legal authority for closing this portion of the meeting is North Dakota Century Code sections 44-04-17.1, 44-04-19.1 and 19.2. The topic or purpose of this executive session is to afford the City Council an opportunity to consult their attorneys, discuss negotiating strategy and/or provide

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negotiating instructions to its attorneys and other negotiators regarding these pending legal matters and contracts concerning these parties and the intermodal facility formerly operated by North Dakota Port Services, which are currently being negotiated or for which negotiation is reasonably likely to occur in the immediate future and discussion in an open meeting would have an adverse fiscal effect on the bargaining position of the City.

The Mayor stated, at this time, a motion would be needed in order to discuss the next topic in executive session rather than in an open meeting.

Whereupon, Alderman Pitner moved the City Council move to an executive session. Motion seconded by Alderman Jantzer, and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

The Mayor then stated the executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session. The prohibition on taking final action during the executive session did not apply to providing guidance or instructions to our attorney or negotiator.

Mayor Sipma asked the members of the public attending the meeting to leave the room. He stated, the Council anticipated adjourning the executive session, and reconvening the open portion of the meeting at approximately 2:45 pm.

The executive session began at 2:17 pm and was attended by all members of the City Council, as well as the Mayor, City Clerk, City Attorney, Assistant City Attorney, Finance Director/Acting City Manager, Public Information Officer, Economic Development Administrator, and Attorney Shawn Grinolds (via videoconference).

At 2:42 pm, Alderwoman Olson moved the City Council adjourn the executive session and return to the regular City Council meeting. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

The public was invited to return to the meeting room with the City Council meeting back in session.

There was no final determination during the Executive Session and no action necessary during the open meeting.

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 2:43 pm.

ATTEST: _____
Kelly Matalka, City Clerk

APPROVED: _____
Shaun Sipma, Mayor