

City of Minot

Regular City Council Meeting
Tuesday, January 21, 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.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[01 \(JAN\) RECOMMENDATIONS 2020.PDF](#)

3.1. AVERY'S ADDITION, LOT: PUBLIC HEARING

A Public hearing to consider a request by Arlene Avery, owner, and Ackerman Surveying & Associates, Inc., applicant, to rezone Avery's Addition, Lot 1 from AG (Agricultural District) RA (Agricultural Residential District).

1. **It is recommended the City Council approve the subdivision of property described as Outlot 12 and an unplatted portion of the SW1/4 of the SE1/4, Section 32, Township 155 North, Range 82 West, Ward County to create a one lot subdivision to be known as Avery's Addition, Lot 1.**
2. **It is recommended the City Council pass an ordinance on first reading to change the zone from AG (Agricultural District) to RA (Agricultural Residential District) on Avery's Addition, Lot 1.**

Documents:

[012120 - RZ AVERYS ADDITION - AG TO RA.PDF](#)

3.2. RAMSTAD HEIGHTS 5TH ADDITION: PUBLIC HEARING

A Public Hearing to consider a request by Bakken Development Group Minot I, LLC, owner, and Ackerman Surveying & Associates, Inc., applicant, to rezone Ramstad Heights 5th Addition from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

1. **It is recommended the City Council approve the subdivision of property described as Lots 10A thru 18B, Block 6, Statesboro Addition and the vacated portion of Kodiak Street NW to create a nine-lot subdivision to be known as Ramstad Heights 5th Addition.**
2. **It is recommended that the City Council pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility).**

Documents:

3.3. RAMSTAD HEIGHTS 6TH ADDITION: PUBLIC HEARING

A Public Hearing to consider a request by Bakken Development Group Minot I, LLC, owner, and Ackerman Surveying & Associates, Inc., applicant, to rezone Ramstad Heights 6th Addition from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

1. **It is recommended the City Council approve the subdivision of property described as Lots 1A thru 9B, Statesboro Addition to create a nine-lot subdivision to be known as Ramstad Heights 6th Addition.**
2. **It is recommended the City Council pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility).**

Documents:

[012120 - RZ RAMSTAD HEIGHTS 6TH ADDITION - R4 TO R1S.PDF](#)

4. CONSENT ITEMS

4.1. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5437 - Amend the 2019 Annual Budget- FY2019 State Homeland Security Grant (FD0105)**
2. **Ordinance No. 5438 - Amend the 2019 Annual Budget- NDDDES FY2019 State Homeland Security Grant (PD0187)**
3. **Ordinance No. 5439 - Amend the 2019 Annual Budget- Enbridge Equipment Grant (FD0107)**
4. **Ordinance No. 5440 - Amend the 2019 Annual Budget- Brazos Electronic Ticketing Project (PD0159)**
5. **Ordinance No. 5441 - Amend the 2020 Annual Budget- ATF Joint Law Enforcement Operations Program**
6. **Ordinance No. 5442 - Amend the 2020 Annual Budget- Water/Sewer Crane Truck (4324)**
7. **Ordinance No. 5443 - Amend the 2019 Annual Budget- GA Apron Phases II (AIR069) & III (AIR073)**

Documents:

[ORDINANCE NO. 5437.PDF](#)
[ORDINANCE NO. 5438.PDF](#)
[ORDINANCE NO. 5439.PDF](#)
[ORDINANCE NO. 5440.PDF](#)
[ORDINANCE NO. 5441.PDF](#)
[ORDINANCE NO. 5442.PDF](#)
[ORDINANCE NO. 5443.PDF](#)

4.2. BID FOR PICKUPS (PROJECT NUMBER 4483)

On January 7, 2020, the Public Works Department opened bids for pickups for multiple departments. Two bids were received.

1. **Recommend council award the bid to Westlie Motor Company as follows:**

Property Maintenance ¾ ton 4x4 extended cab

\$30,149.52

Water Department ¾ ton 4x4 extended cab w/ service body	\$44,528.52
Water Department ½ ton 4x4 extended cab	\$29,459.76
Sewer Department ¾ ton 4x4 extended cab w/ service body	\$44,528.52
Street Department (2) ¾ ton 4x4 extended cab	\$60,299.04
Traffic Department ¾ ton 4x4 extended cab	\$30,149.52

1. **Recommend council award the bid to Ryan Chevrolet as follows:**

Landfill ½ ton 4x4 super crew	\$31,406.00
Street Department ½ ton 4x4 super crew	\$31,406.00

Documents:

[4483 - MEMO TO COUNCIL - PICKUPS.PDF](#)

4.3. PURCHASE OF SKID STEER LOADER (PROJECT NUMBER 4487)

On Tuesday, January 7, 2020, bids were opened for the purchase of a new skid steer loader for the Water/Sewer Department. One bid was received, and it is below:

<u>Bidder Name</u>	<u>Make/Model</u>	<u>Base Bid</u>	<u>Annual Exchange Price</u>
Swanston Equipment	Bobcat S650	\$41,934	\$3,000

Recommend Council award the bid to Swanston Equipment for the purchase of a new Bobcat skid steer loader at the bid price of \$41,934.

Documents:

[4487 - MEMO TO COUNCIL - SKIDSTEER WATER SEWER.PDF](#)

4.4. 2019 SIGNAL IMPROVEMENT PROJECT – AWARD OF BID (4429)

In 2012, the Engineering Department conducted a Traffic Signal Pole Inspection Report that documented the condition of one-hundred and twelve (112) traffic signal poles throughout the City of Minot. An initial round of traffic signal standard replacements was completed in 2014. The 2019 Signal Improvement project will continue addressing the worse of the worst signal standards.

Additionally, the 2019 Signal Improvement project will replace ten (10) traffic signal cabinets. Most of these locations have cabinets and controllers over twenty (20) years old. Maintenance has become difficult as spare parts are rare and product service has ceased. The new signal cabinets and controllers will be compatible with a future Intelligent Transportation System (ITS).

1. **Recommend council to award the bid for the construction portion of the 2019 Signal Improvement Project to the low bidder, Main Electric Inc. in the amount of \$520,880.00;**
2. **Recommend approval of the budget amendment ordinance allocating the unused 2019 Signal Improvement funds into the 2020 Signal Improvement funds;**
3. **Authorize the Mayor to sign the Agreement.**

Documents:

[4429 - 2019 SIGNAL IMPROVEMENT AWARD OF BID MEMO.PDF](#)

4.5. RETAIL LIQUOR & BEER LICENSE TRANSFER FROM EBP, INC. TO ANTHONY JOHN BARRETTE

Paperwork was submitted to transfer the Retail Liquor & Beer license from EBP, Inc. dba Rooster's Bar and Nightclub to be transferred to Anthony John Barrette dba The Drop Zone. All documentation has been reviewed by the Police Chief and inspections have been conducted by the Building Official and Fire Marshal.

It is recommended the City Council approve the transfer of the Retail Liquor & Beer license from EBP, Inc. dba Rooster's Bar and Nightclub to be transferred to Anthony John Barrette dba The Drop Zone.

Documents:

[MEMO- LICENSE TRANSFER ROOSTERS- THE DROP ZONE.PDF](#)
[TRANSFER FORM- ANTHONY BARRETTE.PDF](#)

~~4.6. RETAIL BEER & WINE LICENSE – PRAIRIE SKY BREADS, LLC DBA PRAIRIE SKY BREADS~~

~~The City received a request from Prairie Sky Breads, LLC dba Prairie Sky Breads, for a Retail Beer & Wine License operating at 3 First Street SE, Suite A. All documentation has been approved by the Police Chief, Building Official and Fire Marshal.~~

~~**It is recommended the City Council approve the request from Prairie Sky Breads, LLC dba Prairie Sky Breads, for a Retail Beer & Wine License operating at 3 First Street SE, Suite A.**~~

~~Documents:~~

~~[MEMO- PRAIRIE SKY BREADS.PDF](#)~~

4.7. JOB DESCRIPTION - CAD TECHNICIAN

This is a new entry level position in the City's Engineering Department, focused on drafting plans for utility projects, streets, and other infrastructure. This position was previously approved as part of the Engineering Department's 2020 budget. Upon approval of the job description for the CAD Technician position, advertisement and recruitment of qualified applicants can begin.

Recommend Council approve the attached job description for the Engineering Department's CAD Technician position.

Documents:

[CAD TECH MEMO.PDF](#)
[CAD TECH CITY FORMAT.PDF](#)

4.8. NDDOT BRIDGE INSPECTION AND LOAD RATING AGREEMENT (4512)

For several decades, the NDDOT has performed inspections on city owned bridges on the City's behalf. Unfortunately, the NDDOT is no longer able to perform this service for North Dakota cities. The NDDOT is requesting Minot approve the Bridge Inspection and Load Rating agreement with the NDDOT in order for the City to have its bridges inspected by NDDOT consulting engineers.

Recommend council approve the Bridge Inspection and Load Rating Agreement with the NDDOT to perform bridge inspections.

Documents:

[NDDOT BRIDGE INSPECTION AND LOAD RATING AGREEMENT MEMO.PDF](#)
[BRIDGE INSPECTION AND LOAD RATING AGREEMENT.PDF](#)

4.9. EXTEND AGREEMENT WITH SOURIS BASIN PLANNING COUNCIL

The City of Minot and the Souris Basin Planning Council as an eligible non-profit corporation have had a sub-recipient agreement for the past two years with the Council providing a range of support services for both Allocation #1 CDBG-DR and CDBG-NDR activities. The work connected to the CDBG-NDR activities has been complete with the Council providing value strategy, insight, and details in creating the means and methodologies for collecting data to be used in making projections related to sustainable growth. The Council's expertise and knowledge continues to be needed in support of an activity with Allocation #1 CDBG-DR.

It is recommended the City Council approve extension of Sub-Recipient Agreement with Souris Basin Planning Council to extend to December 31, 2020.

Documents:

[SOURISBASINSUB-RECIPIENTCOUNCILMEMO.PDF](#)
[AMENDMET BSOURISBASINPLANNINGCOUNCIL.PDF](#)
[AGREEMENTSOURISBASINPLANNINGCOUNCIL.PDF](#)

4.10. EPA LEAD AND COPPER RULE PROPOSED CHANGES

The EPA has been in the process of drafting new federal regulations regarding the Lead and Copper rule for the past few years. Recently, the draft regulations were released for public comment. Based on what has been presented the changes could significantly impact the City of Minot. Changes to sampling procedures will likely have the City reporting higher levels than we have in the past and could place us in a situation where our utility will become federally required to do lead service line replacements. In Minot and other ND cities, the utility only has ownership to the curb box and rest of the service line into the home is private and owned by the homeowner.

Recommend Council authorize the Mayor to sign a joint letter with the League of Cities and other ND municipalities on the City's behalf.

Documents:

[MEMO TO COUNCIL - LEAD AND COPPER RULE CHANGES.PDF](#)

4.11. WARD COUNTY HAZARD MITIGATION PLAN ANNUAL PROGRESS REPORT

In 2013, the Ward County, ND Hazard Mitigation Plan (the Plan) was prepared by 12 local jurisdictions incorporated into Ward County. The plan was updated in 2018 and was approved by FEMA. To maintain the effectiveness of the Plan, a yearly evaluation report is used as a method of monitoring the Plan. In addition, a yearly recertification of the City's CRS Program is required. This will be the City's third recertification in the program.

1. **Recommend the Council receive and file the Hazard Mitigation Plan Annual Progress Report**

2. **Authorize the Mayor to sign the CRS annual recertification form**

Documents:

[HMP MEMO TO COUNCIL.PDF](#)
[MINOT ND 2020 RECERT_LM.PDF](#)
[510 WARD HMP 2020 ANNUAL PROGRESS REPORT.PDF](#)

4.12. CITY HALL RETAINING WALL – APPROVE PLANS AND SPECIFICATIONS CALL FOR BIDS (4398)

In August 2019, council authorized the engineering department to complete the design of replacement retaining walls for walls 1 and 2 around the City Hall Complex. The design is now complete and the project is ready for bid advertisement.

It is recommended the City Council approve plans and specifications for the City Hall Retaining Wall and authorize a call for bids.

Documents:

[4398 - CITY HALL RETAINING WALL APPROVE PLANS CALL FOR BIDS MEMO.PDF](#)

5. ACTION ITEMS

5.1. TIMELINE ASSURING ALL CDBG-NDR FUNDS SPENT BY SEPTEMBER 30, 2022

The federal statutory deadline for all CDBG-NDR funds to be spent is September 30, 2022. A point has been reached where it is prudent to establish a timeline to be followed as benchmarks and corrective action points if necessary to assure that all funds are spent.

It is recommended the City Council accept the CDBG-NDR timeline serving as activity benchmark to assure all funds are spent by the statutory requirement of September 30, 2022.

Documents:

[CDBG-NDRTIMELINECOUNCILMEMO.PDF](#)
[TIMELINE FOR SUCCESSFUL EXPENDITURE OF ALL CDBG.A.PDF](#)

5.2. CITY OF MINOT COMMUNITY ENGAGEMENT STRATEGY

At the December 16th City Council meeting, staff presented Council with a draft of the City of Minot Community Engagement Strategy. Council was given time to review the document and provide feedback.

It is recommended the City Council adopt the Community Engagement Strategy.

Documents:

[MEMO_COMMUNITY ENGAGEMENT STRATEGY.PDF](#)
[LISTEN. SPEAK. ACT - CITY OF MINOT COMMUNITY ENGAGEMENT STRATEGY - 12-11-19 - FINAL DRAFT.PDF](#)

5.3. ENGINEERING STUDY FOR REGION VIII SIGN REPLACEMENTS

In order to sustain minimum sign retroreflectivity requirements set forth by the Federal Highway Administration (FHWA), the City of Minot Traffic Department has had a policy to replace all traffic control related signs in a ten (10) year rotation. The 2020

sign region replacement area is Region VIII, which has a combination of both Yield and Stop controlled intersections. Since the existing Yield signs are going to be replaced with the region replacement program, the Traffic Department studied each location to determine if the existing yield control was both safe and complied with city ordinances or if a change to stop control should be recommended. Analysis consisted of applying AASHTO's guidelines for intersection sight triangles, per City of Minot Ordinance Section 28-13.

It is recommended the City Council pass the attached ordinance modifying approaches from Yield Control to Stop Control within the Region VIII Sign Replacement Area.

Documents:

[MEMO_REGION VIII SIGN REPLACEMENT.PDF](#)
[REGION VIII MAPS.PDF](#)
[PROPOSED ORDINANCE REGION VIII SIGN REPLACEMENT.PDF](#)

5.4. 4511 – NDDOT URBAN ROAD PROGRAM SUBMITTAL FOR 2021-2024

Yearly, the NDDOT requests projects funded by federal funds to be submitted for programming into the 5 year Statewide Transportation Improvement Plan (STIP). 31st Avenue SW, which will be constructed in 2020, is the last City of Minot Urban Road Project in the NDDOT STIP. The engineering department is proposing two projects for council consideration, and if approved will be submitted to the NDDOT by the February deadline.

Recommend Council approve the listed priority of projects for submittal to the NDDOT.

Documents:

[4511 MEMO 2021-2024 URBAN ROADS.PDF](#)
[EXHIBITS-16TH - 37TH.PDF](#)
[16TH ST SW AND 37TH AVE SW COST ESTIMATE.PDF](#)
[EXHIBITS-16TH ST.PDF](#)
[16TH ST RECONSTRUCTION - ESTIMATE.PDF](#)

5.5. GROUND AGREEMENT, MINOT AVIATION UPDATE ON NEGOTIATIONS/STAFF RECOMMENDATION

Minot Aviation, also known as the "Airport Hobby Shoppe", leases real estate from the Minot International Airport (MOT). The City Council elected not to renew their lease at their August 5th meeting, and the City Attorney's Office mailed notification of the City's election to not renew the lease to Minot Aviation and their Attorney on August 9, 2019. The lease will terminate on January 31, 2020.

On December 13, 2020, City Staff received a proposed Concurrent Use Agreement and Ground Lease from Minot Aviation and the Airport Hobby Shoppe's attorney, Robert Martin. Their proposed lease agreement (Agreement) proposes the following:

1. The Airport Hobby Shoppe is added as a party to the Agreement, while the prior agreement was only between Minot Aviation and the City of Minot.
2. The Agreement has a base term of 12 months, and gives the Lessees options to renew on an annual basis.
3. Rent during the base term will be \$0.40/square foot per annum. The total square footage of the Premises is 10,000 square feet, for a total of \$4,000/year. Rental rates on the renewal option must be negotiated prior to each renewal.
 - a. In addition to the rental rate based upon square footage, the Airport Hobby Shoppe will also pay a sales commission to the City in the amount of 2% of their

Gross Revenues each month.

City Staff finds these lease terms to be a reasonable and higher/better use for the property than in the past, and recommends that the City Council consider accepting these essential terms, allowing City Staff to draft an agreement memorializing these essential terms, and authorizing the Mayor to enter into a Concurrent Use Ground Agreement.

- 1. City Staff recommends that the City Council authorize City Staff to accept the essential terms of the contract as set forth in this memo; and**
- 2. Direct City Staff to draft an agreement memorializing these essential terms; and**
- 3. Pending regulatory approval, authorize the execution of a Concurrent Use Ground Agreement; and**
- 4. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO MINOT AVIAITON AND AEROPORT HOBBY SHOPPE_SS.PDF](#)
[MINOT INTERNATIONAL AIRPORT 2ND ADDITION LEGAL DESCRIPTIONS.PDF](#)
[PROPOSED LEASE 1.13.2020_FINAL_CC.PDF](#)
[AEROPORT HOBBY SHOP AND MINOT AVIATION SIGNED.PDF](#)

5.6. 2020 – 2024 CAPITAL IMPROVEMENT PLAN ADOPTION (4499)

In 2019, the city staff developed a new capital improvement plan (CIP) process. The new process added a significant amount of detail for each project in an effort to be more transparent. Staff has continued this process in developing the 2020-2024 CIP.

No action is required at this time. The City Council may review the Capital Improvement Plan and provide feedback to the City Engineer by January 24, 2020. The CIP will be presented to Council at the February 3, 2020 meeting for final approval.

Documents:

[2020 - 2024 CIP SUBMISSION MEMO.PDF](#)
[CITY OF MINOT CAPITAL IMPROVEMENT PLAN 2020-2024 DRAFT 1.9.2020 REDUCED.PDF](#)

6. PERSONAL APPEARANCES

7. MISCELLANEOUS AND DISCUSSION ITEMS

7.1. POLICE CHIEF ANNOUNCEMENT

7.2. INFORMATIONAL UPDATE AND PRESENTATION ON PHASE MI-5 OF THE MREFPP

Houston Engineering, the design firm for this phase, will provide an informational update on the MI-5 phase options being considered. No official action will be requested from the Council at this meeting. However, it is anticipated that public outreach will occur during the next 6-8 weeks to present the current alignment alternatives. Following this public outreach period, a follow-up presentation will be made to the Council to request adoption of a preferred alignment for detailed design development along with any required property acquisitions that would be necessary.

Documents:

- 7.3. RECYCLING DISCUSSION AND FUTURE ACTION
8. DEPARTMENT REPORT: CITY ENGINEER
9. LIAISON REPORTS
10. ADJOURNMENT