

City of Minot



Regular City Council meeting
Monday, February 7, 2022 at 5:30 PM
City Council Chambers, City Hall (515 2nd Ave SW)
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. CITY OF MINOT VS D&S RENTALS II, LLC (EMINENT DOMAIN) - PENDING
PREDICTABLE LITIGATION

EXECUTIVE SESSION

Minot vs. D&S Rentals II, LLC (Eminent Domain) - Pursuant to Authority of N.D.C.C. 44-04-19.1(9), and N.D.C.C. 44-04-19.2, the City Council may hold an executive session for (1) an attorney consultation on an action of the public entity which, if held in public would have an adverse fiscal effect on the entity and/or (2) to discuss negotiating strategy and/or provide negotiating instructions to its attorneys and other negotiators. The topic of discussion in this executive session will be the Minot vs. D&S Rentals II, LLC (Eminent Domain), which is currently being negotiated and discussion in an open meeting would have an adverse fiscal effect on the bargaining position of the City.

Documents:

[STAFF REPORT TO MINOT CITY COUNCIL 020222.PDF](#)

4. MAYOR'S REPORT
- 4.1. PROCLAMATION: GIVING HEARTS DAY

Documents:

[GIVING HEARTS DAY PROCLAMATION 2022.PDF](#)

- 4.2. MAYORAL APPOINTMENTS

It is recommended the City Council confirm the following appointment:

1. **Jason Hunze to another term on the Electrical Appeals Board with a term to expire February 2024.**
2. **Pat Bailey to another term on the Renaissance Zone Review Bard with a term to expire January 2025.**

5. CITY MANAGER REPORT

Documents:

6. CITY ATTORNEY REPORT

Documents:

[CITY ATTORNEY REPORT.PDF](#)

7. CONSENT ITEMS

7.1. CITY COUNCIL MINUTES

It is recommended the City Council approve the minutes of the January 18, 2022 Regular City Council meeting and the minutes of the January 26, 2022 Special City Council Meeting with Senator Hoeven.

Documents:

[01182022 COUNCIL MEETING MINUTES.PDF](#)

[01262022 SPECIAL COUNCIL MEETING MINUTES.PDF](#)

7.2. BILLS, TRANSFERS, AND PAYROLL

It is recommended the City Council approve payroll for the period of December 19, 2022 through January 15, 2022 in the amount of \$2,216,691.97 and bills and transfers for January in the amount of \$6,012,625.75.

Documents:

[2022 TRANSFER-ELECTRONIC PAYMENT SHEETS.PDF](#)

[JANUARY P CARD TOTALS.PDF](#)

[JANUARY CITY COUNCIL BILLS PAID.PDF](#)

[PAYROLL REPORTS.PDF](#)

7.3. ADMINISTRATIVE APPROVALS

It is recommended the City Council approve the Administrative Approvals.

Documents:

[ADMIN APPROVALS 02072022.PDF](#)

7.4. ORDINANCES

The following Ordinances should be considered for second reading:

1. Ordinance No. 5694 - Amending 2022 Budget - Stevens Welding Community Match
2. Ordinance No. 5695 - Amending 2022 Budget - Police Part-Time Clerk
3. Ordinance No. 5696 - Amending 2022 Budget - New Sundre Acquirer Well
4. Ordinance No. 5697 - Amending 2022 Budget - Landfill Transfer Station
5. Ordinance No. 5698 - Amending 2021 Budget - 24th St. Water-Sanitary Sewer Rehab
6. Ordinance No. 5699 - Amending 2021 Budget - Landfill Transfer Station

Documents:

[5694 - STEVENS WELDING COMMUNITY MATCH.PDF](#)
[5695 POLICE PART TIME CLERK.PDF](#)
[5696 - NAWS ADDITIONAL WELLS.PDF](#)
[5697 - LANDFILL TRANSFER STATION.PDF](#)
[5698 - 24TH ST. WATER-SANITARY SEWER REHAB \(4614\).PDF](#)
[5699 - LANDFILL TRANSFER STATION.PDF](#)

7.5. RETAIL BEER & WINE LICENSE - GUILTY SWEETS

Presented by Mikayla McWilliams

The City received a request from Guilty Sweets, LLC for a Retail Beer & Wine license operating at 3 1st St SE #2. All documentation has been submitted and inspections relating to the proposed premises have been approved by the Police Chief, Building Official, and Fire Marshall.

RECOMMENDED ACTION

It is recommended the City Council approve the Retail Beer & Wine license for Guilty Sweets, LLC dba Guilty Sweets operating at 3 1st St SE #2 , Minot.

Documents:

[RETAIL BEER AND WINE LICENSE - GUILTY SWEETS.PDF](#)

7.6. SPECIALTY RESTAURANT BEER & WINE LICENSE - TACO FELIZ NO 2

Presented by Mikayla McWilliams

The City received a request from Taco Hub Specialties, LLC for a Specialty Restaurant Beer & Wine license operating at 2400 10th St SW. All documentation has been submitted and inspections relating to the proposed premises have been approved by the Police Chief, Building Official, and Fire Marshall.

RECOMMENDED ACTION

It is recommended the City Council approve the Specialty Restaurant Beer & Wine license for Taco Hub Specialties, LLC dba Taco Feliz No 2 operating at 2400 10th St SW Space 332, Minot.

Documents:

[SPECIALTY RESTAURANT BEER AND WINE LICENSES - TACO FELIZ NO 2.PDF](#)

7.7. GAMING SITE AUTHORIZATION - PRAIRIE GRIT ADAPTIVE SPORTS

Presented by Mikayla McWilliams

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.

The site authorization is granted on a fiscal year basis. If the City Council approves the request, the site authorization will be valid through June 30, 2022.

RECOMMENDED ACTION

It is recommended the City Council approve the gaming site authorization for Prairie Grit Adaptive Sports to hold a raffle at Sammy's Pizza (400 N Broadway).

Documents:

[MEMO- GAMING SITE AUTHORIZATION- PRAIRIE GRIT ADAPTIVE SPORTS AND SAMMYS PIZZA.PDF](#)

7.8. PLEDGED ASSETS

Presented by David Lakefield

Section 21-04-11 of the North Dakota Century code requires securities pledged for deposits by banking institutions be approved by the City Council annually. Staff recommends approval of the attached list.

RECOMMENDED ACTION

1. **It is recommended the City Council approve the Pledged Assets as of 12/31/2021.**

Documents:

[MEMO PLEDGED ASSETS 123121.PDF](#)
[PLEDGED ASSETS123121.PDF](#)

7.9. 60 X 200 BUILDING RELOCATION – FINAL PAYMENT (PROJECT NUMBER 4506)

Presented by Jason Sorenson, Assistant Public Works Director

As part of the MI-5 flood control project, the Souris River Joint Board purchased two 60' x 200' pole buildings. Public Works staff toured the buildings and budgeted funds in 2021 to relocate one of the buildings to the Public Works facility. All items for this project have now been completed.

RECOMMENDED ACTION

1. **It is recommended City Council authorize the final payment to Huwe the Housemover, Inc. in the amount of \$10,000.00.**

Documents:

[4618 - MEMO TO COUNCIL - BUILDING RELOCATION - FINAL PAYMENT.PDF](#)

7.10. REMOTE CONTROL MOWER – AWARD OF BID (PROJECT NUMBER 4638)

Presented by Jason Sorenson, Assistant Public Works Director

Over the past few years, the Street Department has taken on more and more lots to maintain from flood control acquisitions. In addition, they maintain miles of existing levees and riverbanks, storm water ponds, and right of way. Some of these areas are difficult to maintain due to steep banks, rough terrain, or standing water.

On January 26, 2022, bids were opened for a remote controlled mower. One bid was received from Sanitation Products.

RECOMMENDED ACTION

- 1. It is recommended City Council award the bid to Sanitation Products, Inc. in the amount of \$59,670.00 for the remote-control mower.**

Documents:

[4638 - MEMO TO COUNCIL- AWARD OF BID - RC MOWER.PDF](#)

- 7.11. HHW AND E-WASTE COLLECTION (PROJECT NUMBER 4679)
Presented by Jason Sorenson, Assistant Public Works Director

Each year the City holds household hazardous waste and electronic waste collection events. This helps us divert thousands of pounds of hazardous waste and electronic waste from our landfill.

On January 27, 2022, bids were received for the collection and disposal of our yearly household hazardous waste (HHW) and Electronic (E-Waste) collection events. This contract is bid for a two (2) year collection term. There were two bidders, and the tabulation is as follows:

Bidder	Collection	Bid Price
Clean Harbors Environmental	HHW	\$45,864.28 per event
North Dakota E-waste, LLC	E-waste	\$9,550.00 per event

RECOMMENDED ACTION

- 1. It is recommended City Council award the bid to Clean Harbors Environmental for HHW and ND E-Waste LLC for e-waste for the 2022-2023 collection contracts.**
- 2. Authorize the Mayor to sign contracts on behalf of the city.**

Documents:

[4514 - MEMO TO COUNCIL - AWARD OF BID.PDF](#)

- 7.12. APPROVE AWARD OF BID FOR BUILDING RELOCATION MI-5B P#3529.1B
Presented by Dan Jonasson

As part of the MI-5 alignment project. The SRJB has agreed to relocate a 60 x 200 foot building that was acquired out to the Public Works facility for use in storing flood control closures and flood control related equipment .Bids were received and are provided for Council approval.

RECOMMENDED ACTION

1. **Recommend approval of award to Huwe the House Mover for relocation of a building in the amount of \$154,500.**
2. **Recommend approval of award to the SRJB.**

Documents:

[MEMO P3529.1B BUILDING RELOCATION BID APPROVAL.PDF](#)
[COPY OF MI-5B.1 BID TABULATION.PDF](#)

7.13. QUIT CLAIM DEED FOR 1901 S BROADWAY

Presented by Emily Berg

The property located at 1901 S Broadway Minot, ND was conveyed to City of Minot on May 11, 2021 from Lighthouse Management Group, Inc. as the designated receiver of the property due to Lutheran Social Services Housing filing for bankruptcy. This property is the location of the planned Family Homeless Shelter project as well as the Broadway Circle LMI housing project. The family homeless shelter will contain six units of transitional housing, commercial kitchen, and local food pantry while Broadway Circle will contain seventeen units of LMI housing. On September 7, 2021 City Council approved subrecipient agreements with Project BEE to take over management of these two projects. In the subrecipient agreements with Project BEE there is a provision that City of Minot will convey title to the property to Project BEE upon signature of the agreements.

RECOMMENDED ACTION

1. **City Council authorize Mayor & City Clerk to sign quit claim deed for 1901 S Broadway conveying property to Project BEE.**
2. **City Council authorize City of Minot Finance Department to file signed & notarized quit claim deed for 1901 S Broadway with Ward County.**

Documents:

[1901 S BROADWAY QUIT CLAIM DEED MEMO.PDF](#)
[1901 S BROADWAY QUIT CLAIM DEED.PDF](#)

7.14. APPROVAL OF SUBRECIPIENT AGREEMENT WITH SOURIS RIVER JOINT BOARD

Presented by David Lakefield

The City/SRJB was awarded \$9,840,892 from the U.S. Department of Defense Office

of Local Defense Community Cooperation for the construction of Phase MI-5D of the Mouse River Enhanced Flood Protection Project. The SRJB is the contract holder for the project and the funds will be passed through to the SRJB via the subrecipient agreement.

RECOMMENDED ACTION

- 1. The recommendation is to approve the Subrecipient Agreement with the Souris River Joint Board for the DCIP grant for Phase MI-5D of the Mouse River Enhanced Flood Protection Project and authorize the Mayor and Finance Director to sign any necessary documents.**

Documents:

[SRJB SUBRECIPIENT AGREEMENT MEMO.PDF](#)
[SUBRECIPIENT SRJB DRAFT.PDF](#)
[ATTACHMENT B.PDF](#)

7.15. LPND1, LLC BUSINESS INCENTIVE AGREEMENT

Presented by Kelly Hendershot

At the January 18, 2022 regular City Council meeting, the City Council unanimously approved a five-year business incentive agreement between the City of Minot and LPND1, LLC, which established that the City of Minot would provide a \$1,565,000 forgivable loan to LPND1, LLC, to be used to exercise its option to purchase real property, under the terms of a 2009 lease agreement, for an intermodal facility. In exchange, LPND1, LLC would guarantee full time, continuous operation of the intermodal facility for the five-year term and would create full-time jobs during the five-year term as described in the agreement.

RECOMMENDED ACTION:

- 1. Approve the attached Business Incentive Agreement, with exhibits, between the City of Minot and LPND1, LLC.**

Documents:

[UPDATED BIA_LPND1_CITY COUNCIL MEMO.PDF](#)
[PORT BUSINESS INCENTIVE AGREEMENT_CLEAN FINAL.PDF](#)
[EXHIBIT A_LEASE AGREEMENT_CLEAN FINAL.PDF](#)
[EXHIBIT B_SECOND SUBORDINATION AGREEMENT_CLEAN FINAL.PDF](#)
[EXHIBIT C_PROMISSORY NOTE_CLEAN FINAL.PDF](#)
[EXHIBIT D_LPND1 MORTGAGE_CLEAN FINAL.PDF](#)
[EXHIBIT E_WARRANTY DEED_CLEAN FINAL.PDF](#)
[EXHIBIT F - 5 YEAR ECONOMIC IMPACTS FROM THE OPERATION PHASE OF THE INTERMODAL FACILITY_CLEAN FINAL.PDF](#)
[CM MEMO_JANUARY 12 2022.PDF](#)

7.16. CLASSIFICATION OF AIRPORT BUSINESS AND DEVELOPMENT MANAGER

Presented by Jennifer Eckman and Lisa Jundt

Recent analysis of job descriptions and duties at the Airport have determined a significant disparity between the duties presently indicated for the Airport Services Coordinator, and the actual duties performed. Performance and responsibility

expectations point to this position being revised and reclassified entirely to resolve current inequities. A new job description and grade classification is being proposed for an Airport Business and Development Manager to resolve this issue.

Recommend approval for classification and job description of the Airport Business and Development Manager.

Documents:

[MEMO FOR CLASSIFICATION OF AIRPORT BUSINESS AND DEVELOPMENT MANAGER POSITION.PDF](#)
[AIRPORT_BUSINESS_MANAGER_MOT_DRAFT_20210121.PDF](#)
[AIRPORT SERVICES COORDINATOR.PDF](#)

7.17. UPDATED LETTER OF AGREEMENT (LOA) FOR AIRPORT EMERGENCY SERVICE
Presented by Maria Romanick

The Airport has an LOA in place outlining the responsibilities and procedures that the parties must consider during emergency response situations.

RECOMMENDED ACTION

- 1. It is recommended the City Council approve the updated Letter of Agreement (LOA) between the Minot International Airport, Magic City Tower (Tower), Minot Central Dispatch, and Minot Fire Department to include language authorizing Minot Fire Department to monitor radio communications when Tower is closed outside of normal hours; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[2022-02-07 MEMO REVISED LOA - AIRPORT EMERGENCY SERVICES.PDF](#)
[MOT LOA AIRPORT EMERGENCY SERVICES_FINAL 2-2-2022.PDF](#)

7.18. UPDATED LETTER OF AGREEMENT (LOA) FOR RUNWAY SAFETY AREAS (RSA)
Presented by Maria Romanick

The Airport has an LOA in place outlining the responsibilities and procedures that the parties must consider when accessing, operating within, and exiting the RSA.

RECOMMENDED ACTION

- 1. It is recommended the City Council approve the updated Letter of Agreement (LOA) between the Minot International Airport, Midwest-Minot ATCT, and Northwest Dakota System Support Center (NW DAK SSC)/Technical Operations (Tech Ops) to include language authorizing operational activity within runway safety areas (RSA) under certain conditions; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[2022-02-07 MEMO REVISED LOA - RUNWAY SAFETY AREA.PDF](#)
[MOT RSA LOA DRAFT 2022-02-01_FINAL.PDF](#)

7.19. 4628 - PAVEMENT MARKINGS

Presented by Stephen Joersz

This is the annual maintenance project to stripe pavement markings throughout the City's streets. This project maintains all pavement markings on all of the City of Minot roads. Work for this project will take place during two rounds throughout the City of Minot. The first round will be completed by July 1, 2022 with the second round completed on or before September 23, 2022.

RECOMMENDED ACTION

1. **It is recommended the City Council award the bid for the 2022 Pavement Markings Project to the low bidder, West River Striping Company, in the amount of \$224,815.21.**
2. **Authorize the Mayor to sign the Agreement for the project.**

Documents:

[4628 - 2022 PAVEMENT MARKINGS AWARD OF BID MEMO.PDF](#)
[4628 - 2022 LONG LINE LAYOUT SHEET.PDF](#)

7.20. 2022 ELECTION POLLING SITE

Presented by Mikayla McWilliams

Attached is a proposed resolution naming the Inspector, fixing the polling site and setting the times the polls shall remain open for the State Primary to be held in the City of Minot, ND on June 14, 2022 and the State General Election to be held in the City of Minot, ND on November 8, 2022.

RECOMMEDED ACTION

It is recommended the City Council adopt a resolution naming the inspector, fixing the polling place and setting the hours for the June 14, 2022 Primary Election and the November 8, 2022 General Election.

Documents:

[MEMO- RESOLUTION 2022 ELECTION.PDF](#)
[RESOLUTION- DESIGNATING POLLING PLACE.PDF](#)

8. ACTION ITEMS

8.1. BID FOR PICKUPS (PROJECT NUMBER 4635)

Presented by Jason Sorenson, Assistant Public Works Director

On January 4, 2022, the Public Works Department opened bids for pickups for multiple departments. One bid was received from Westlie Motor Company.

RECOMMENDED ACTION

1. It is recommended City Council award the bid to Westlie Motor Company as follows:

- **Street Department** **(2) ¾-ton 4x4 extended cab**
\$91,000.00
- **Sewer Department** **½-ton 4x4 supercab**
\$47,030.00
- **Sewer Department** **½-ton 4x4 extended cab**
\$44,685.00
- **Water Department** **(3) ¾-ton 4x4 extended cab with**
service body **\$198,765.00**
- **Storm Sewer** **1-ton 4x4 regular cab with service**
body **\$61,735.00**

2. It is also recommended City Council approve the budget amendments for each department to cover the shortfall.

Documents:

- [4598 - MEMO TO COUNCIL - PICKUPS.PDF](#)
- [14. 2022 BA - PUBLIC WORKS VEHICLES.PDF](#)

8.2. P# 3529.04B MREFPP PHASE MI-4B MAPLE DIVERSION RAW WATER LINE RELOCATION BID APPROVAL

Presented by Dan Jonasson

Providing flood risk reduction for Minot is large part of the overall Mouse River Plan. Relocating the raw water well line that currently cross the alignment of the Maple Diversion, will allow the work to proceed in a more efficient manner. Relocating this line and tying into the existing well lines in Oak Park is a more cost effective option than lowering this line as it crosses the Maple Diversion alignment.

RECOMMENDED ACTION

1. It is recommended City Council approve Kemper Construction as the low bidder for the raw water line relocation and forward award approval and recommendation to the SRJB.

Documents:

- [MEMO -APPROVE BIDS P3529.04B.PDF](#)
- [MI-4B BID TABULATION.PDF](#)

8.3. 4620 – BUDGET AMENDMENT FOR CITY-WIDE WAYFINDING SIGNAGE

Presented by Jonathan Rosenthal

As City staff and Ackerman-Estvold began the Wayfinding Signage project last summer, the NDDOT brought forth a new requirement for wayfinding projects. That is the creation of a Wayfinding Master Plan. A Wayfinding Master Plan is a comprehensive report that specifies general practices, sign designs, placement, and more. This Master Plan was outside of the original project scope, but is a necessary to meet new NDDOT requirements.

Working with Ackerman-Estvold, the Master Plan will require an amendment in the amount of \$18,000.

RECOMMENDED ACTION

1. **It is recommended the City Council approve an amendment to the Wayfinding engineering contract with Ackerman-Estvold to create a Wayfinding Master Plan for the North Dakota Department of Transportation (NDDOT).**
2. **Approve the budget amendment to fund contract amendment.**

Documents:

[4620 - WAYFINDING AMENDMENT MEMO.PDF](#)
[15. 2022 BA - WAYFINDING SIGNAGE DESIGN.PDF](#)
[1.31.22 CITY OF MINOT WAYFINDING MASTER PLAN.PDF](#)

8.4. PROCUREMENT FOR VALVES AND FITTINGS (PROJECT NUMBER 4632)

Presented by Jason Sorenson, Assistant Public Works Director

Due to long lead times for waterworks materials, Public Works is requesting authorization to forego normal procurement procedures to preorder all of the necessary valves, fittings and hydrants for 2022 Watermain Replacement. These materials would be supplied to the contractor once the project is bid and awarded. This will allow the watermain replacement project to start on time this spring.

RECOMMENDED ACTION

1. **It is recommended City Council authorize Public Works to forego the procurement requirements for a purchase over \$50,000 and allow fittings, valves, and hydrants for the 2022 Watermain Replacement project to be purchased using quotes.**

Documents:

[4632 - PROCUREMENT MEMO FOR FITTINGS AND VALVES.PDF](#)

8.5. REPEAL OF ARTICLE III OF CHAPTER 25 (MINOT AREA-WIDE PLANNING ORGANIZATION)

Presented by: Brian Billingsley

Article III of Chapter 25 of the Minot Code of Ordinances was adopted by the Minot City Council on April 18, 1972. The ordinance creates and establishes a Minot Area-Wide Planning Organization, which has been inactive for decades.

RECOMMENDED ACTION

The City/County/Schools/Parks Liaison Committee recommends approval of an ordinance repealing Article III of Chapter 25 of the Minot Code of Ordinances.

Documents:

[CC MEMO - MINOT AREA-WIDE PLANNING ORGANIZATION.PDF](#)
[ORDINANCE_MINOT AREA-WIDE PLANNING ORGANIZATION REPEAL_BB.PDF](#)
[ARTICLE III OF CHAPTER 25.PDF](#)

8.6. BIRD SCOOTERS INFORMATIONAL

Presented by: Stephen Joersz

Bird Scooters provides a scooter-sharing operation as part of a shared transportation service in which electric scooters are made available for short term rentals. Bird Scooters has approached City Minot staff regarding potential business operations within the City of Minot. Bird Scooters proposed a Memorandum of Understanding that would detail Bird's operation and relationship with the City of Minot. Bird Scooters will provide a brief 10-minute presentation of their product, company and opportunity. From there, staff would like direction on how to proceed with Bird Scooters.

RECOMMENDED ACTION

1. **Staff is seeking a recommendation/direction on how to proceed with Bird Scooters.**

Documents:

[BIRD SCOOTERS INFORMATIONAL.PDF](#)

9. PERSONAL APPEARANCES

10. MISCELLANEOUS AND DISCUSSION ITEMS

11. ADJOURNMENT