

City of Minot



Regular City Council meeting
Tuesday, February 22, 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. MAYOR'S REPORT

3.1. HESS GRANT AWARD FOR CAPITAL PURCHASE OF AIR COMPRESSOR

Presented by Brent Weber and Kelli Kronschnabel

Minot Fire Department was awarded funding from Hess Corporation for the purchase of a new breathing air compressor. This compressor is used to fill Self Contained Breathing Apparatus for responses involving fires, Hazardous Materials, Confined Space and any other incidents that the quality of air is compromised. This grant was awarded from the North Dakota Hess Force Donation and Sponsorship program for the amount of \$41,533.85.

RECOMMENDED ACTION

1. **Recommend City Council to approve and accept the grant award for the air compressor.**
2. **Recommend City Council approve the budget amendment to increase donation funded revenue and capital equipment expenditures for an air compressor purchase to be made using donated funds.**

Documents:

[HESS GRANT MEMO.PDF](#)
[2022 BA - HESS FIRE DONATION.PDF](#)
[HESS GRANT AWARD LETTER.PDF](#)

3.2. PROCLAMATION: ENGINEER'S WEEK

Documents:

[ENGINEERS WEEK PROCLAMATION FEB 2022.PDF](#)

4. CITY MANAGER REPORT

Documents:

[CITY MANAGER REPORT 2-22-2022.PDF](#)
[STREET DEPARTMENT ATTACHMENT.PDF](#)
[CITY OF MINOT CASE STUDY_V2.PDF](#)
[LIBRARY OPERATIONAL POLICY.PDF](#)

5. CONSIDER THE REPORT OF THE MAGIC FUND SCREENING COMMITTEE

The annual compliance report for the MAGIC Fund Screening Committee is attached for the City Council's review.

Documents:

[ANNUAL COMPLIANCE REPORT 2021.PDF](#)

6. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[02 \(FEB\) RECOMMENDATIONS 2022.PDF](#)

6.1. PUBLIC HEARING: THE TRACKS

Public hearing to consider an application from Blake Nybakken representing Henry Land Holding, LLC for a zoning map amendment from "C1" Neighborhood Commercial District to "C2" General Commercial District with a "PUD Overlay" Planned Unit Development. The proposal seeks to establish seven midrise buildings up to 90 feet tall with four of the seven buildings comprised of commercial on the first floor and residential on the second floor and above. The remaining three buildings will be solely residential use. The proposal will include 468 residential units, approximately 53,277 s.f. of commercial space, and two public plazas. Two additional buildings to accommodate drive-thru food retail are also proposed. A plat containing 12 lots is also proposed to delineate the various buildings and uses on the site and is to be known as Highlander Estates Fourth Addition. The subject property is legally described as Lot 13, Highlander Estates Subdivision, Section 34, Township 155N, Range 83W, Ward County, North Dakota. The property is unaddressed and is located west of 2251 36th Ave. SW and north of the new Trinity Health hospital.

RECOMMENDED ACTION

It is recommended City Council approve the following in alignment with the Planning Commission recommendation:

- 1. The preliminary plat for Highlander Estates Fourth Addition.**
- 2. An ordinance on first reading for a zoning map amendment from "C1" Neighborhood Commercial District to "C2" General Commercial District with a "PUD Overlay" Planned Unit Development.**

Documents:

[02222022 - RZ HIGHLANDER ESTATES FOURTH SUBDIVISION - C1 TO C2 WITH PUD.PDF](#)
[ATTACHMENT A - PUD HIGHLANDER ESTATES - FIRST READING.PDF](#)
[REVISED CONDITIONS FOR THE TRACKS.PDF](#)

6.2. SUBDIVISION OF OUTLOTS 24 & 25

It is recommended City Council approve a subdivision plat to create Outlots 24 & 25 being located in the SE ¼ of the SW ¼ of Section 34, Township 155 North, Range 82 West, Ward County, ND.

7. CONSENT ITEMS

7.1. CITY COUNCIL MINUTES

It is recommended the City Council approve the minutes of the February 7, 2022 Regular City Council meeting.

Documents:

[02072022 COUNCIL MEETING MINUTES.PDF](#)

7.2. ADMINISTRATIVE APPROVALS

It is recommended the City Council approve the Administrative Approvals.

Documents:

[ADMIN APPROVALS 02222022.PDF](#)

7.3. ORDINANCES

The following ordinances should be considered for second reading:

1. Ordinance No. 5700 - Amending 2022 Budget - Vehicle Purchase for Storm Sewer, Water, Sewer, and Street Departments
2. Ordinance No. 5701 - Amending 2022 Budget - Wayfinding Signage Design
3. Ordinance No. 5702 - Repealing Article III of Chapter 25 (Minot Area-Wide Planning Organization)
4. Ordinance No. 5703 - Rezoning Lots 7 & 8, Block 2, Less Highway & Street, and the South 60' of the East 120' of the West 150' of Lot 3, Block 2, Home Acres Addition from "C2" General Commercial District and "C2" General Commercial District with a "Pud Overlay" Planned Unit Development to Solely "C2" General Commercial District with a "Pud Overlay" Planned Unit Development

Documents:

[5700 - AMENDING 2022 BUDGET - STORM SEWER, WATER, SEWER, AND STREET PURCHASE OF VEHICLES.PDF](#)
[5701 - AMENDING 2022 BUDGET - WAYFINDING SIGNAGE.PDF](#)
[5702 - REPEALING ARTICLE III CHAPTER 25 \(MINOT AREA-WIDE PLANNING ORGANIZATION\).PDF](#)
[5703 - REZONING LOTS 7 AND 8.PDF](#)
[5703 - RZ HOME ACRES - ATTACHMENT A.PDF](#)

7.4. SUPPER CLUB LICENSE TRANSFER - MI MEXICO

The City received a request from Los Cunados, Inc., for a Supper Club license transfer to now operate at 3816 S. Broadway. All documentation has been submitted and inspections relating to the proposed premises have been approved by the Police Chief, Building Official and Fire Marshal.

RECOMMENDED ACTION

1. **It is recommended the City Council approve the Supper Club license transfer for Los Cunados, Inc. dba Mi Mexico now operating at 3816 S. Broadway.**

Documents:

[SUPPER CLUB LICENSE TRANSFER MEMO - MI MEXICO.PDF](#)

7.5. DEVELOPERS AGREEMENT & RESOLUTION 3748 - FIRST AMENDMENT - BLU ON BROADWAY

Blu on Broadway is proposing to expand the Planned Unit Development to include a property east of 1st St. SW to construct a parking lot to serve the Blu on Broadway development. The originally approved Development Agreement and Resolution referenced a limitation on commercial uses that required at least 3,000 s.f. to be utilized for office space due to the limited parking provided by the original development. As additional parking is being added to the development, this provision is no longer necessary and will be removed from the original Development Agreement via a First Amendment and through a resolution to modify the original resolution. These two documents are provided as attachments. This item is directly tied to the second reading of the ordinance related to Blu on Broadway.

RECOMMENDED ACTION

1. **It is recommended the City Council approve the First Amendment to the Development Agreement and associated Resolution 3748 related to the Blu on Broadway development.**

Documents:

[BLU ON BROADWAY DA AND RESOLUTION - MEMO.PDF](#)
[BLU ON BROADWAY DEVELOPMENT AGREEMENT_AMENDMENT 1 2022-02-22.PDF](#)
[RESOLUTION 3748 - PUD AMEND - BLU ON BROADWAY.PDF](#)

7.6. DEVELOPERS AGREEMENT - JEFFERSON SOUTH ADDITION (4675)

Jefferson South Addition was approved by the Planning Commission and City Council in December 2021. The Developers Agreement details the expectations and responsible parties relating to items associated with the development of the Jefferson South Addition project. The Developers Agreement must be approved before the recording of the plat.

RECOMMENDED ACTION

1. **Approve the Jefferson South Addition Developers Agreement with Oakland Communities of Minot, LLC and authorize the Mayor to sign.**

Documents:

[4675 - DEVELOPERS AGREEMENT - JEFFERSON.PDF](#)
[4675-JEFFERSONSOUTH-DEVAGREEMENTFINAL.PDF](#)

~~7.7. DEVELOPERS AGREEMENT – RIVER OAKS 6TH ADDITION (4674)~~

~~River Oaks 6th Addition was approved by the Planning Commission and City Council in December 2021. The Developers Agreement details the expectations and responsible parties relating to items associated with the development of the River Oaks 6th Addition project. The Developers Agreement must be approved before the recording of the plat.~~

RECOMMENDED ACTION

- ~~1. **Approve the River Oaks 6th Addition Developers Agreement with Rivers Edge Development, LLC and authorize the Mayor to sign.**~~

Documents:

~~[4674 – DEVELOPERS AGREEMENT – RIVER OAKS 6TH.PDF](#)
[4674-RIVEROAKS6TH-DEVAGREEMENTFINAL.PDF](#)~~

7.8. FINAL PAYMENT – CARGO APRON CONSTRUCTION – (PHASE II)

In 2021, Bluestone Construction began construction on the Cargo Apron – Phase II project at the Minot International Airport. The City Council approved the project in April of 2021 and has now been completed.

RECOMMENDED ACTION

1. **It is recommended the City Council approve the final payment in the amount of \$117,721.61 to be paid to Bluestone Construction.**

Documents:

[20220222_CONTRACTOR_APPLICATION_FOR_PAYMENT_3-FINAL.PDF](#)
[2022-02-22 MEMO FINAL PAYMENT MOT CARGO APRON 02.PDF](#)

7.9. P# 3529.08 MREFPP PHASE SA-1 – SAWYER BRIDGE REPLACEMENT

Presented by Dan Jonasson

Replacement of the Sawyer Bridge is part of the overall Mouse River Plan.

Replacement of the bridge will improve conveyance at the crossing. The project is part of the overall basin wide MREFPP.

RECOMMENDED ACTION

1. **Recommend Council approve plans and specifications and recommend approval to the SRJB for bidding of the Sawyer replacement, Phase SA-1 of the MREFPP.**
2. **Recommend approval of resolution in regards to bonding and reimbursement for the MREFPPP – SA-1 project.**

Documents:

[MEMO -PLAN SPEC APPROVAL 3529.08 SAWYER BRIDGE.PDF](#)
[COPY OF ENGINEERS ESTIMATE_2022.01.26_REVISIED.PDF](#)
[REIMBURSEMENT RESOLUTION 3529.08 SAWYER BRIDGE REPLACEMENT.PDF](#)

7.10. **AUTHORIZE ADVERTISEMENT FOR AUCTION/SALVAGE OF FLOOD BUYOUT PROPERTIES**

Properties listed for auction include:

- 1212 28th St SW
- 105 6th St NE garage

Property listed for salvage:

- 105 6th St NE house

RECOMMENDED ACTION

1. **Authorize advertisement for auction and/or salvage for properties located at 1212 28th St SW & 105 6th St NE Minot, ND.**

Documents:

[AUCTION-SALVAGE AUTHORIZATION MEMO.PDF](#)

7.11. **TRUCK BOX SALE REQUEST**

The Minot Fire Department is requesting approval to surplus our 2008 rescue body which has been placed in reserve status. Our fleet mechanic is replacing the rescue body with a new service body on our 2014 Ford F-550 which will allow us to repurpose this unit as a tow vehicle. The new service box was purchased in 2021. Allow the Fire Chief to post and sell rescue body and approve selling price.

RECOMMENDED ACTION

1. **It is recommended the City Council authorize the sald of the rescue body and accept the sale price.**

Documents:

[MEMO FOR SELLING TRUCK BOX.PDF](#)

7.12. **LIBRARY EXTERIOR RENOVATION**

Presented by Janet Anderson

The Minot Public Library has been upgrading the exterior of the building in order to protect the existing structure. The final phase of this exterior renovation, which began in early 2020, is now substantially complete. Library staff, along with representatives from JLG Architects, have drafted a punch list of remaining items to be completed by April 30, 2022 prior to any further payments being made to the Contractor. This information is detailed in the Certificate of Substantial Completion.

RECOMMENDED ACTION

- 1. It is recommended that Council approve the Certificate of Substantial Completion for the exterior renovation of the Minot Public Library and authorize the Mayor to sign the Certificate.**

Documents:

[LIBRARY EXTERIOR RENO SUBSTANTIAL COMPLETION MEMO.DOCX.PDF](#)
[LIB035_CERTIFICATE OF SUBSTANTIAL COMPLETION.PDF](#)
[1-28-2022_16187 MPL PUNCHLIST_220128.PDF](#)

7.13. APPROVE PURCHASE PRICE FOR 2719 12TH AVE SW & 2723 12TH AVE SW & DISMISS EMINENT DOMAIN CASE

The City of Minot approved proceeding to Eminent Domain on these properties December 20, 2021. Negotiations had stalled on these properties with no further communication received by NDR staff from the property owners since March 2021. February 3, 2022 John Warcup, hired attorney for NDR Eminent Domain cases, received a call from the property owners wishing to accept the last offer sent from the City for \$334,350 and dismiss the Eminent Domain case. It is the recommendation of City staff that this would be the best path forward.

RECOMMENDED ACTION

- 1. City Council approve purchase price of \$334,350 for 2719 12th Ave SW, 2723 12th Ave SW, & Vacant lot; legal description Lots 5, 6, & 7, Brekke's Subdivision of a portion of NW¹/₄NW¹/₄ Section 27, Township 155 North, Range 83 West of the 5th P.M., Minot, Ward County, North Dakota;**
- 2. Authorize the Mayor and the Finance Director to execute the purchase agreement and any related documents; and**
- 3. City Council direct staff to take steps to stipulate the dismissal of the eminent domain pending in district court against property owners Gary & Patricia Bender.**

Documents:

[BENDER PROPERTIES PURCHASE PRICE AND ED DISMISSAL MEMO.PDF](#)

7.14. 16TH ST & 37TH AVE SW MILL & OVERLAY - AWARD BID (4592)

Presented by Lance Meyer

On February 11, 2022, the NDDOT held a bid opening for 16th St and 37th Ave Mill & Overlay project. A bid of \$2,319,590.90 was received from Minot Paving Company Inc. but, following NDDOT review, their bid was rejected for failing to comply with Disadvantaged Business Enterprise requirements. The second lowest bid was received from Bechtold Paving Inc. of Minot, ND. The bid amount was \$2,368,853.30, which was \$56,769.50 over the engineer's estimate.

RECOMMENDED ACTION

- 1. Recommend council concur with the North Dakota Department of Transportation (NDDOT) rejection of low bid from Minot Paving Company Inc. for failure to comply with NDDOT Disadvantaged Business Enterprise (DBE) Program;**
- 2. Recommend council award the second lowest bid of \$2,368,853.30 for the 16th St SW & 37th Ave SW Mill & Overlay project to Bechtold Paving Inc; and**
- 3. Recommend council authorize the Mayor to sign the contract.**

Documents:

[4592 - 16TH ST 37TH AVE SW MILL OVERLAY - BID AWARD MEMO.PDF](#)
[SU-4-989\(125\)_COVER SHEET.PDF](#)
[SIGNED REJECTION OF BID \(DBE-GFE\)_23168_NDDOT_MINOT PAVING COMPANY INC.PDF](#)

7.15. WARD COUNTY EMERGENCY OPERATIONS PLAN

The Ward County Emergency Operations Plan was approved through the Local Emergency Planning Committee Meeting. This needs to be adopted by the City and signed by Mayor and various department heads.

RECOMMENDED ACTION

- 1. It is recommended the City Council adopt the Ward County Emergency Operations Plan and authorize Mayor and Department Heads to sign.**

Documents:

[WARD COUNTY EMERGENCY RESPONSE PLAN.PDF](#)
[2022 WARD COUNTY FINAL.PDF](#)
[2022 WARD COUNTY SIGNATURE PG 5.PDF](#)
[2022 WARD COUNTY SIGNATURE PG 7.PDF](#)

8. ACTION ITEMS

- 8.1. 2021 PROPOSED ORDINANCE FOR LINE ITEMS OVER BUDGET
Presented by David Lakefield

Department budgets must reflect the correct amounts for the 2021 ACFR, adjustments are necessary so no departments report amounts not appropriated. This budget amendment includes grants and unforeseen items not anticipated when the 2021 budget was adopted.

RECOMMENDED ACTION

1. **Recommend the City Council pass an ordinance to amend the 2021 annual budget to adjust department budgets for funds approved by the City Council for various grants, donations, bond costs and transfers between funds.**

Documents:

[2021 MEMO - LINE ITEMS OVER BUDGET \(YEAR-END\).PDF](#)
[2021 BA - LINE ITEMS OVER BUDGET.PDF](#)

- 8.2. ROLL-OFF TRUCK – AWARD OF BID (PROJECT NUMBER 4642)
Presented by Jason Sorenson, Assistant Public Works Director

On February 8, 2022 the Public Works Department opened bids for a new roll-off truck for the Sanitation Department. There were two bidders and the tabulation is as follows:

Bidder	Make/Model	Price
RDO Truck Center Co	Mack/Galbreath	\$185,516.00
Westlie Truck Center	Freightliner/Galbreath	\$172,143.00

RECOMMENDED ACTION

1. **Recommend council award the bid to Westlie Truck Center in the amount of \$172,143.00 for the roll-off truck**
2. **Recommend council approve the budget amendment to move additional funds into the Capital Equipment line item to cover the shortfall.**

Documents:

[MEMO TO COUNCIL - ROLL-OFF TRUCK.PDF](#)
[19. 2022 BA - SANITATION ROLL-OFF TRUCK \(4642\).PDF](#)

- 8.3. 2022 EDISON SAFE ROUTES TO SCHOOL - AWARD BID (4505)
Presented by Lance Meyer

On Friday, February 11, 2022 at 9:30 am, bids were opened for the Edison Safe Routes to School project. The Engineering Department recommends that the Edison Safe Routes to School project be awarded to Ti-Zack Concrete Inc. with their bid of

\$1,038,915.95.

RECOMMENDED ACTION

- 1. Recommend council to award the bid for the Edison Safe Routes to School project to the low bidder, Ti-Zack Concrete Inc. in the amount of \$1,038,915.95; and**
- 2. Recommend approval of the budget amendment ordinance; and**
- 3. Authorize the Mayor to sign the Agreement upon concurrence of award from the North Dakota Department of Transportation (NDDOT).**

Documents:

[4505 - EDISON SAFE ROUTES TO SCHOOL - AWARD OF BID MEMO.PDF](#)
[EDISON SRTS COVER SHEET.PDF](#)
[16. 2022 BA - PERM EASEMENT PROJ 4505 AND INC EXP.PDF](#)

8.4. FIRE STATION 5 AWARD BIDS (FD0024)

Presented by Kelli Kronschnabel

Fire Station 5 has been planned for 5 years with the purchase of the land and RFQ for architectural design in 2017. Due to budget shortages this project has been delayed until the 2022 budget. The fire station 5 was placed out for bid, opened February 3, 2022 and the attached bid tabulation is attached.

RECOMMENDED ACTION

- 1. Recommend approval of the bids for Station 5 construction project.**
- 2. Authorize the Mayor to sign the necessary documents.**
- 3. Recommend Council pass an ordinance on first reading to amend the 2022 budget and approve the use of capital infrastructure fund reserves.**

Documents:

[FIRE STATION 5 AWARD OF BID.PDF](#)
[BID RECOMMENDATION LETTER_02092021.PDF](#)
[20195151- BID TAB.PDF](#)
[FIRE STATION 5 BA.PDF](#)

8.5. CONTRACT FOR RUNWAY PAVEMENT REHAB DESIGN

Presented by Jennifer Eckman

The primary runway at MOT, Runway 13/31, is experiencing surface deterioration in isolated areas along the length of the runway pavement and SEH has determined delamination of some panels during an evaluation period. The crosswind runway at

MOT, Runway 8/26, is also experiencing pavement deterioration.

RECOMMENDED ACTION

- 1. Recommend approval of the runway pavement rehab design to be conducted by Short Elliott Hendrickson Inc. (SEH); and**
- 2. Recommend approval of the proposed ordinance on first reading; and**
- 3. Authorize the Mayor to sign the agreement.**

Documents:

[2022-02-22 MEMO ENGINEERING DESIGN - SEH - RWY REHAB.PDF](#)
[SEH MASTER AGREEMENT FOR PROFESSIONAL SERVICES_SIGNED.PDF](#)
[SEH DESIGN PROPOSAL - RUNWAY PAVEMENT REHAB.PDF](#)
[FEDERAL PROCUREMENT CHECKLIST - SEH - RWY REHAB_FINAL.PDF](#)
[CONTRACT - SUPPLEMENTAL LETTER AGREEMENT - SEH - RUNWAY REHAB.PDF](#)
[BA FOR AIRPORT AIRESIDE RUNWAY MAINTENANCE.PDF](#)

8.6. CONTRACT FOR SNOW REMOVAL EQUIPMENT (SRE) ACQUISITION

Presented by Jennifer Eckman

This project will replace existing airport snow removal equipment that has reached the end of its useful life. Unit 313 is currently a 1986 Idaho Norland Snow Blower. The equipment is antiquated, and parts have become obsolete, making the machine unreliable and difficult and no longer cost effective to repair. Unit 311 is a 1977 Fiat Allis Loader. This piece of equipment is also obsolete, with parts hard to obtain.

Per FAA standards, adequate snow removal equipment is required for snow and ice control at airports. For MOT, the clearance standard is one half hour to clear one inch of snow in all Priority 1 areas. Priority 1 areas include RW 13-31, Commercial Apron, ARFF station and Apron, and related Taxiways. New state-of -the-art equipment is needed to achieve the FAA mandated removal times.

RECOMMENDED ACTION

- 1. Recommend approval of the Snow Removal Equipment (SRE) Acquisition assistance proposal to be conducted by Short Elliott Hendrickson Inc. (SEH); and**
- 2. Recommend approval of the proposed ordinance on first reading; and**
- 3. Authorize the Mayor to sign the agreement.**

Documents:

[2022-02-22 MEMO ENGINEERING DESIGN - SEH - SRE ACQUISITION.PDF](#)
[SEH MASTER AGREEMENT FOR PROFESSIONAL SERVICES_SIGNED.PDF](#)
[21. 2022 BA - SRE EQUIPMENT ENGINEERING.PDF](#)
[FEDERAL PROCUREMENT CHECKLIST - SEH - SRE ACQUISITION.PDF](#)
[CONTRACT - SUPPLEMENTAL LETTER AGREEMENT - SEH - SRE ACQUISITION.PDF](#)

8.7. VEHICLE DIAGNOSTIC EQUIPMENT (PROJECT NUMBER 4634)

Presented by Jason Sorenson, Assistant Public Works Director

The Vehicle Maintenance Shop is currently using handheld code scanners as well as laptop computers with manufacturer's diagnostic software installed to troubleshoot vehicle systems. The current handheld scanners are outdated and even with yearly software upgrades are unable to perform all the required diagnostics on our current fleet. Vehicle Maintenance budgeted funds in 2022 for the purchase of new vehicle diagnostic equipment.

RECOMMENDED ACTION

1. Recommend council approve the budget amendment in the amount of \$1,214.46 to fund the shortfall for the vehicle diagnostic equipment from Snap-on Industrial.

Documents:

[MEMO TO COUNCIL - DIAGNOSTIC EQUIPMENT.PDF](#)
[20. 2022 BA - VEHICLE DIAGNOSTIC EQUIPMENT \(4634\).PDF](#)

9. PERSONAL APPEARANCES

10. MISCELLANEOUS AND DISCUSSION ITEMS

10.1. FINANCE DEPARTMENT UPDATE

Presented by David Lakefield

Documents:

[FINANCE PRESENTATION 2021.PDF](#)

10.2. PRESENTATION BY THE RETAIL COACH

Presentation by Aaron Farmer and/or Kyle Cofer.

Documents:

[MINOTND_PRESENTATION_2022_FINAL.PDF](#)

11. LIAISON REPORTS

12. ADJOURNMENT

