

City of Minot

Regular City Council Meeting
Monday, March 4, 2019 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. PERSONAL APPEARANCES

4. PUBLIC HEARING

A public hearing to consider rezoning L. Johnson Subdivision, Lot 1 from C2 (General Commercial to R1 (Single Family Residential) (Planning Commission agenda item #3)

Documents:

[L. JOHNSON SUBDIVISION C2 TO R1.PDF](#)

5. PUBLIC HEARING

A public hearing to consider rezoning of Oak Park Place, 2nd Addition, Lot 1 from R4 (Planned Residence) to R2 (Two-Family Residential) (Planning Commission agenda item #5)

Documents:

[OAK PARK PLACE R4 TO R2.PDF](#)

6. PUBLIC HEARING

A public hearing to consider rezoning of Section 34, TWP 155 North, Range 82 West, Outlot 20 from MH (Manufactured Home) to RA (Agricultural Residential) (Planning Commission item# 7)

Documents:

[34-155-82 OUTLOT 20 MH TO RA.PDF](#)

7. PUBLIC HEARING

A public hearing to consider a request to rezone Lot 1, Block 2, Overlook Park Addition from R1 (Single Family Residential) to P (Public) (Planning Commission item # 9)

Documents:

[MCDC PARK DISTRICT REZONE.PDF](#)

8. PUBLIC HEARING

A public hearing to consider rezoning Prairie Green Second Addition Lot 6, Block 22 less portion for highway (Parcel 6-3) from C4 (Planned Commercial) to C2

**(General Commercial)
(Planning Commission item #11)**

Documents:

[PRAIRIE GREEN SECOND ADDITION C4 TO C2.PDF](#)

9. PUBLIC HEARING

**A public hearing to consider rezoning of SW1/4 & NE1/4, Section 33-155-83 from
AG (Agricultural) District to P (Public)
(Planning Commission item #12)**

Documents:

[SW1-4 NE1-4 SECTION 33-155-83 AG TO P.PDF](#)

10. REPORTS: MAYOR

11. REPORTS: CITY MANAGER/CITY ATTORNEY

Documents:

[ATTORNEY REPORT 3-4-19.PDF](#)

12. CONSIDER THE REPORT OF THE PLANNING COMMISSION

1. **Subdivision of Livingston's 8th Addition, Lots 1-3**
2. **Subdivision of L. Johnson Subdivision, Lots 1 & 2**
3. **Rezoning of L. Johnson Subdivision, Lots 1 & 2 from C2 (General Commercial to R1 (Single Family Residential)**
4. **Subdivision of Oak Park Place, 2nd Addition, Lot 1**
5. **Rezoning of Oak Park Place, 2nd Addition, Lot 1 from R4 (Planned Residence) to R2 (Two-Family Residential)**
6. **Replat of Outlots 18 & 19 of Section 34, TWP 155 North, Range 82 West, to become two new outlots known as Outlot 20 & 21**
7. **Rezoning of Section 34, TWP 155 North, Range 82 West, Outlot 20 from MH (Manufactured Home) to RA (Agricultural Residential)**
8. **Subdivision platting of Overlook Park Addition, Lot 1, Block 1, & Lot 1, Block 2 and dedicated 1st St NW Right-of-way**
9. **Rezoning of Lot 1, Block 2, Overlook Park Addition from R1 (Single Family Residential) to P (Public)**
10. **Adopt a resolution for a Conditional Use Permit (CUP) to accommodate a clinic, more specifically described as a medical Marijuana dispensary**
11. **Rezoning Prairie Green Second Addition Lot 6, Block 22 less portion for highway (Parcel 6-3) from C4 (Planned Commercial) to C2 (General Commercial)**
12. **Rezoning of SW1/4 & NE1/4, Section 33-155-83 from AG (Agricultural) District to P (Public)**
13. **Adopt a Resolution to amend the Future Land Use Map designation from "Industrial", "General Mixed Use" and "High Density Residential" to "Public" on the SE1/4 & NE1/4, Section 33-155-83**

Documents:

[PLANNING MINUTES_02.27.2019.PDF](#)
[FEBRUARY PC AGENDA PACKET.PDF](#)

13. CONSENT ITEMS

13.1. APPROVAL OF THE MINUTES

Approval of the minutes of the February 4, 2019 and February 19, 2019 regular City Council meetings.

Documents:

[190204.PDF](#)

[190219.PDF](#)

13.2. BILLS, TRANSFERS, AND PAYROLL

Approval of the bills and transfers in the amount of \$4,786,995.96 and payroll for the period of January 20 through February 16, 2019 in the amount of \$2,119,799.03.

Documents:

[BILLS FEB 19.PDF](#)

[PAYROLL FEB 19.PDF](#)

13.3. ADMINISTRATIVE APPROVALS

It is recommended the City Council ratify the attached administratively approved requests.

Documents:

[ADMIN APPROVALS 3-4.PDF](#)

13.4. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

Ordinance No. 5352 - Amend the Annual Budget- chip Sealing Cemetery Roads

Ordinance No. 5353 - Amend the CMCO- Discharging Firearms at the Airport

Documents:

[ORDINANCE NO. 5352.PDF](#)

[ORDINANCE NO. 5353.PDF](#)

13.5. FINAL PAYMENT- LIBRARY EXTERIOR (LIB024)

As approved in April 2017 by City Council, the Minot Public Library hired Rolac Contracting to work on part of the Library's exterior renovation project (LIB024). Rolac's contract on this project has been completed and approval for final payment is needed.

It's recommended that the Council approve the final payment in the amount of \$23,507 to Rolac Contracting, Inc. for the completion of their work on project LIB024 (Library Exterior).

Documents:

[LIB024FINAL PAYMENT MEMO_ROLAC.PDF](#)

[ROLAC_FINAL PAYMENT.PDF](#)

13.6. DEPOSIT PLACEMENT AGREEMENT

Changes to the North Dakota Century code now allow municipalities to use deposit placement services for deposits and certificates of deposit. Chapter 21-04 of the North Dakota Century Code deals with Depositories of public funds. Section 21-04-09

requires financial institutions to pledge securities in the amount of 110% for any public corporation funds exceeding the FDIC maximum of \$250,000.

Staff recommends approval of the Deposit Placement Agreement with First Western Bank.

Documents:

[MEMO ICS AGREEMENT.PDF](#)
[FIRST WESTERN ICS AGREEMENT 2019.PDF](#)

13.7. PURCHASE OF 2019 ADA COMPLIANT BRAUN ENTERVAN (BUS037)

On January 24, 2019, a 2016 ADA compliant Braun Entervan operated by a Souris Basin Transportation employee was involved in an accident that rendered the vehicle totaled by the insurance company. The accident was the fault of the other driver, not the driver of the van. Staff is requesting permission to purchase a replacement van. This van is used to provide the paratransit transportation that we are required to provide in accordance with the Federal Transit Administration.

- 1. Recommend approval to purchase a 2019 ADA Compliant Braun Entervan to replace the 2016 Braun Entervan that was damaged beyond repair in an accident via the state contract.**
- 2. Recommend approval of attached budget amendment for purchase of a new van.**

Documents:

[PURCHASE OF 2019 ADA VAN MTC.PDF](#)
[2019 BA - REPLACEMENT FOR DAMAGED VAN.PDF](#)

13.8. STORM SEWER DISTRICT 123 – 10TH STREET SW – ENGINEERING SELECTION (4393)

10th Street SW from 37th Avenue to 31st Avenue SW and surrounding areas have long been identified as known storm water problem areas. The 2015 City of Minot Storm Water Management Plan analyzed this area and provided preliminary engineering and cost estimates to address these drainage problems. This project is included in the approved capital improvements plan for 2019 design and 2020 construction. Design work will begin if council approves the engineering consulting contract.

- 1. Recommend council select Ackerman-Estvold to perform all consulting engineering for this project.**
- 2. Recommend council authorize the City Engineer to negotiate a scope and fee for services.**
- 3. Recommend council authorize the Mayor to sign the contract.**
- 4. Recommend council pass a resolution authorizing the use of refunding improvement bonds in order to preserve the option of the City to finance the costs of the Project with tax-exempt obligations.**

Documents:

[4393 - SSD123 10TH ST SW ENG SELECTION.PDF](#)

13.9. CITY HALL RETAINING WALL – ENGINEERING SELECTION (4398)

A grouted rock retaining wall system is currently in place to retain the soil for the City Hall complex. The existing damage is due to cracking and subsequent movement of the wall facing and not global slope movement. Additional wall damage is likely to

occur in the future if a change is not made.

The 2016 City Hall Complex Retaining Wall Report provided preliminary engineering and cost estimates for the necessary repairs/reconstruction. This project will include retaining walls #1 and #2. Now is the time to start the necessary design engineering for this project. Staff has programmed \$1,400,000 in the capital improvements plan for 2019 to start this work if council approves the engineering consulting contract.

- 1. Recommend council select KLJ to perform all consulting engineering for this project.**
- 2. Recommend council authorize the City Engineer to negotiate a scope and fee for services.**
- 3. Recommend council authorize the Mayor to sign the contract.**

Documents:

[4398 - CITY HALL RETAINING WALL ENG SELECTION.PDF](#)

14. ACTION ITEMS

14.1. REVISION OF PERSONNEL ORDINANCE DUE TO MERGER MINOT RECREATION DEPARTMENT WITH MINOT PARK DISTRICT

Due to the upcoming merger of the City of Minot Recreation Department with the Minot Park District, and the subsequent transfer of employees of the Recreation and Auditorium departments, minimal changes must be addressed in the Personnel Ordinance to align with agreed upon provisions of the merger and transfer.

It is recommended the City Council pass an ordinance amending Chapter 24 of the Minot Code of Ordinances.

Documents:

[MEMO FOR REVISION PERSONNEL CODE DUE TO RECREATION AND PARK DISTRICT MERGER.PDF](#)
[ORDINANCE CHAPTER 24 PERSONNEL CODE _FIRST READING.PDF](#)

14.2. APPROVE 3 EMINENT DOMAIN RESOLUTIONS FOR CDBG-NDR ACQUISITIONS

These 3 properties are located in what is identified as Buyout Area #4 in the HUD approved CDBG-NDR Action Plan. The city has carried out the due diligence with the owners of these properties as set forth in HUD's involuntary acquisition guidelines and the requirements of the federal Uniform Relocation Act.

City Council approve individual resolutions authorizing commencing Eminent Domain Proceedings for 805 2nd Avenue NE, 303 6th Street NE, 208 6th Street NE.

Documents:

[EMINENTDOMAINAUTHORIZATIONCOUNCILMEMO02-25-19.PDF](#)
[RESOLUTION \(SLAUTER\) \(00000002\).PDF](#)
[PERRYMILLER4440 RESOLUTION 022619.PDF](#)
[PAULMILLER4439 RESOLUTION 022619.PDF](#)

14.3. CITY COUNCIL APPROVE UNDERWRITING GUIDELINES FOR CDBG-NDR HOUSING PROJECTS

As an ongoing commitment, the city has been periodically memorializing in written policies and procedures, the guidelines to be followed for various CDBG-DR and CDBG-NDR activities, projects, and programs pursuant to HUD statutes, rules and regulations. Such an effort at codifying applicable requirements provides the city with an even stronger demonstration to HUD of its commitment to assuring that all expenditures are in compliance and consistent with HUD requirements. It also demonstrates the city's commitment to having in place necessary guidance for internal compliance and audit monitoring.

It is recommended the City Council approve underwriting guidelines based on HUD rules and regulations as well as past practices for use in future CDBG-NDR funded LMI housing projects.

Documents:

[UNDERWRITINGGUIDELINESCOUNCILMEMOA.DOCX](#)
[CITY OF MINOT NDR UNDERWRITING GUIDELINES.PDF](#)

14.4. ENGINEERING STUDY AT THE INTERSECTION OF 10TH AVENUE SE AND 2ND STREET SE

An investigation was recently completed regarding motorist safety at the yield controlled intersection of 10th Avenue SE and 2nd Street SE. The engineering study consisted of applying AASHTO's guidelines for intersection sight triangles. Actual conditions at the intersection do not meet AASHTO's sight distance recommendations for a yield controlled intersection. The use of a stop sign instead of a yield sign should be considered. In conjunction with the traffic control change on 10th Avenue SE at 2nd Street SE, the traffic department will install a Right Arrow sign next to the fire hydrant on the northwest corner of the intersection and a Reverse Curve sign on 2nd Street SE south of the 10th Avenue SE intersection.

It is recommended that Council pass an ordinance on modifying the 10th Avenue SE approaches from Yield control to Stop control at the intersection with 2nd Street SE.

Documents:

[COUNCIL PACKET 10TH AVE SE AT 2ND ST SE.PDF](#)

14.5. LIBRARY MERGER COMMITTEE RECOMMENDATION

The Library Directors from the Minot Public Library and Ward County Public Library will share a brief presentation and be available for any questions from the Council.

It is recommended that the City Council:

1. **Support the Library Merger Committee's continuing work toward implementing a plan to merge the Minot and Ward County Public Libraries; and**
2. **Allow City staff to continue working toward this implementation plan.**

Documents:

[3.4.19 RECOMMENDATION MEMO.PDF](#)

14.6. APPROVE SUB-RECIPIENT AGREEMENT WITH ESSENTIAL LIVING

The HUD approved CDBG-NDR Action Plan included a specific pledge by the City of Minot to partner with Essential Living to build 22 twin home units on the same site as Park South Phase 1, upon completion of Phase 1. This specificity was a factor in

Minot receiving a high score for its NDRC Application. Park South Phase 1 has been successfully completed and occupied. This triggers the City's pledge to commence Phase 2.

It is recommended the City Council approve the Sub-recipient Agreement with Essential Living, Inc. to construct 22 twin homes for Low/Moderate Income residents.

Documents:

[PARKSOUTHPHASE2COUNCILMEMO02-25-19.PDF](#)
[PARK SOUTH PHASE 2 SUBRECIPIENT AGREEMENT FEB 22 2019 FINAL DRAFTAB.PDF](#)
[PARK SOUTH FULL NDR RESUBMITTAL JAN 29.PDF](#)

14.7. PURCHASE OF NUISANCE HOME

The home located at 1004 3rd Ave NW is on the list of "Zombie Homes" and was recently acquired via tax foreclosure by Ward County. They have agreed to sell the property for the amount owed in back taxes to the School District and Park District plus the recording fee. Total cost should be less than \$750. This property has not been cleaned or repaired since the 2011 flood and is considered a nuisance.

It is recommended the City Council approve the purchase of the property located at 1004 3rd Ave NW from Ward County and pass an ordinance to amend the 2019 annual budget to increase the Capital Purchases expenditures for the purchase of a property located at 1004 3rd Ave NW to be funded with Demolition cash reserves.

Documents:

[MARCH42019 ZOMBIEHOME.PDF](#)
[2019 BA - PURCHASE OF PROPERTY 1004 3RD AVE NW \(CAP036\).PDF](#)

14.8. SNOW PLAN POLICY CHANGE PROPOSAL

Due to circumstances observed following a recent heavy snow event, it's clear that snow events do not diminish the demand for pedestrian infrastructure and sidewalks.

It is recommended the City Council consider changes to the City's Snow Removal Plan that include the addition of 'Arterial Pedestrian' snow routes and add them to the operational plan.

Documents:

[SNOW-REMOVAL-PLAN-PROPOSED-REVISION-MEMO-2-26-2019.PDF](#)
[MINOT-SNOW-REMOVAL-PLAN-PROPOSED-CHANGES-3-4-2019.PDF](#)

14.9. CONTRACT FOR PLANNING CONSULTING SERVICES

Since 2014, the Zoning Ordinance Steering Committee (ZOSC) has been meeting to make corrections, revisions, and updates to the zoning ordinance document. The goal now is to analyze and update the entire ordinance from beginning to end over the course of the next fifteen or so months. However, the Planning Department is still understaffed, so a planning consultant is being requested to provide professional assistance in the effort to complete this monumental task in a timely fashion. The contract was tabled at the February 19, 2019 City Council meeting in order to more thoroughly communicate with the Steering Committee. They have agreed to move the contract forward for Council approval.

Recommend approval of the contract for consulting services with SRF

Consulting Group, Inc. for planning consulting services to assist in a comprehensive update to the Minot Zoning Ordinance as presented. It is also recommended the Council pass an ordinance to amend the 2019 annual budget to increase the Planning Department professional service contracts expenditures to be funded with cash reserves.

Documents:

[CC MEMO-021919-SRF PLANNING CONTRACT.PDF](#)
[SRF CONTRACT- COMPREHENSIVE ZONING ORDINANCE UPDATE.PDF](#)
[2019 BA - PLANNING CONSULTING SERVICES.PDF](#)

15. DEPARTMENT REPORTS

15.1. DRAFT CAPITAL IMPROVEMENT PLAN (4365)

The City has been producing capital improvement plan (CIP) documents for decades. Over the years, they have taken on different formats and processes but the overall goal has been the same: Produce a document that displays the capital needs of the city, and assign funding sources to those needs, then have the council adopt the plan for the projects to proceed.

At this time, staff wishes council to review the draft Capital Improvement Plan (CIP) and submit any comments or questions. A final adoption of the CIP will be brought forward in one month.

Documents:

[2019-2023 DRAFT CIP MEMO.PDF](#)
[CITY OF MINOT CAPITAL IMPROVEMENT PLAN 2019 - 2023 DRAFT 02192019.PDF](#)

16. MISCELLANEOUS AND DISCUSSION ITEMS

17. ADJOURNMENT