

# City of Minot

Regular City Council Meeting  
Monday, March 16, 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.

Live stream of this meeting is available at <https://www.facebook.com/cityofminot>

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

Documents:

[03 \(MAR\) RECOMMENDATIONS 2020.PDF](#)

3.1. PUBLIC HEARING: SECTION 25-156N-83W, OUTLOT 15

A public hearing to consider a request from Cala and Devin Schmitt, to rezone proposed Outlot 15 from AG and C2 to C2 only.

1. **It is recommended the City Council subdivide a portion of the NW Quarter and a portion of the SW Quarter of the NW Quarter in Section 25, Township 156 North, Range 83 West to create proposed Outlot 15 containing 50.00 acres, more or less**
2. **It is recommended the City Council adopt a resolution to amend the Future Land Use Map of the Comprehensive Development Plan of the City of Minot to "Commercial" for proposed Outlot 15**
3. **It is recommended the City Council pass an ordinance to rezone proposed Outlot 15 from AG and C2 to C2 only**

Documents:

[031620-LUM AMEND SCHMITT OUTLOT 15 S25 156 83.PDF](#)  
[021820 - RZ - OUTLOT 15 SCHMITT AG TO C2.PDF](#)

3.2. PUBLIC HEARING: ROSES SUBDIVISION, OUTLOT 15 IN SECTION 20-155N-82W

A public hearing to consider a request by Sanford and M. Gail Slinde, to rezone Roses Subdivision, Outlot 15 In Section 20-155N-82W from C2, General Commercial District, to R1, Single-Family Residential District.

1. **It is recommended the City Council adopt a resolution to amend the Future Land Use Map designation of the Comprehensive Development Plan of the City of Minot from "Commercial" to "Low-Density Residential" for property described as Roses Subdivision, Outlot 15 in Section 20, Township 155 North, Range 82 West**
2. **It is recommended the City Council pass an ordinance to change the zone from C2, General Commercial District, to R1, Single-Family Residential District**

Documents:

[031620-LUM AMEND ROSE SUB.PDF](#)  
[021820 - RZ - OUTLOT 15 ROSES SUB - AG TO R1.PDF](#)

3.3. PUBLIC HEARING: SHADY DELL ADDITION AND A PORTION OF VACATED 42ND STREET SE CUL-DE-SAC

A public hearing to consider a request by Matthew Kremer, for a zone change from R1, Single-Family Residential District to MH, Manufactured Home District on Shady Dell Addition And A Portion Of Vacated 42nd Street SE Cul-De-Sac.

**It is recommended the City Council deny the request to change the zone from R1, Single-Family Residential District to MH, Manufactured Home District, to locate a manufactured home on property located at 1015 42nd Street SE.**

Documents:

[LETTER OF PROTEST.PDF](#)  
[SHADY DELL 2.JPEG](#)  
[SHADY DELL 1.JPEG](#)

4. CONSENT ITEMS

4.1. APPROVAL OF THE MINUTES

**It is recommended the City Council approve the minutes of the February 24, 2020 special City Council meeting and the March 2, 2020 regular City Council meeting.**

Documents:

[200224- SPECIAL \(NDR\).PDF](#)  
[200302.PDF](#)

4.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5423 - Rezoning Bluffs 11th Addition from AG to R1**
2. **Ordinance No. 5465 - Amend the 2020 Annual Budget- City Hall HVAC Control Upgrade**
3. **Ordinance No. 5466 - Amend the 2020 Annual Budget- Network Switch Upgrade (IT0018)**
4. **Ordinance No. 5467 - Amend the 2020 Annual Budget- Enbridge Equipment Grant Freight Charges**
5. **Ordinance No. 5468 - Amend the 2020 Annual Budget- WCNTF JAG Lottery Grant Award (PD0172)**
6. **Ordinance No. 5469 - Amend the 2019 Annual Budget- LIB034 End of Year Purchase**
7. **Ordinance No. 5470 - Amend the 2019 Annual Budget- Capital Lease and Department Expenditures**
8. **Ordinance No. 5471 - Amend the 2020 Annual Budget- Library Exterior Improvements**
9. **Ordinance No. 5472 - Amend the 2020 Annual Budget- NDDOT FFY 2020 Traffic Safety Grant**
10. **Ordinance No. 5473 - Amend the 2020 Annual Budget- Tennant Sweeper for Parking Structures**
11. **Ordinance No. 5474 - Amend the 2020 Annual Budget- City Hall Retaining Wall**

Documents:

[ORDINANCE NO. 5423.PDF](#)  
[ORDINANCE NO. 5465.PDF](#)  
[ORDINANCE NO. 5466.PDF](#)  
[ORDINANCE NO. 5467.PDF](#)  
[ORDINANCE NO. 5468.PDF](#)  
[ORDINANCE NO. 5469.PDF](#)  
[ORDINANCE NO. 5470.PDF](#)  
[ORDINANCE NO. 5471.PDF](#)  
[ORDINANCE NO. 5472.PDF](#)  
[ORDINANCE NO. 5473.PDF](#)  
[ORDINANCE NO. 5474.PDF](#)

4.3. BUDGET AMENDMENT - GPS RECEIVER (4473)

The Engineering Department is proposing a budget amendment to transfer \$1,289.36 from the Engineering Department's Equipment Purchases fund to the General Fund. The transferred funds will allow for payment of the GPS Receiver's carrying case and the one-year of technical support, which do not meet the guidelines for capital purchases. These items will be paid for from the funds transferred into the General Fund. Additionally, \$16.77 from cash reserves is needed for the shipping charge, which was not included in the original quote.

**Recommend approval of the budget amendment ordinance transferring \$1,289.36 from the Engineering Department's Equipment Purchases fund to the General Fund and approve the use of \$16.77 cash reserves.**

Documents:

[4473 MEMO.PDF](#)  
[29. 2020 BA - GPS RECEIVER \(4473\).PDF](#)

4.4. AMEND 2020 BUDGET FOR TRENCH EQUIPMENT PURCHASE (FD0105)

The Minot Fire Department was awarded the NDDDES FY 20179 SHSP Regional Response Grant that includes funding for training, exercises, and equipment in the areas of hazardous materials and technical rescue. The total award package of \$214,050.00 was budgeted between general fund and capital equipment fund based on the items approved in the grant. The attachment was originally budgeted in general fund based on the item description in the grant award budget, but should be capitalized as part of the full equipment cost.

**Recommend the Council pass an ordinance to amend the 2020 annual budget to adjust the Fire department funds for the purchase of an attachment for trench rescue equipment.**

Documents:

[MEMO FOR FD0150 BA.PDF](#)  
[30. 2020 BA - REGIONAL RESPONSE EQUIPMENT \(FD0105\).PDF](#)

4.5. ENBRIDGE ALLIANCE MANAGEMENT TRAINING FUNDING

The Fire Department was given funding from Enbridge Alliance Management to partially fund a basic PIO training class.

**It is recommended the City Council pass an ordinance to amend 2020 annual budget to increase Training expenditures and revenues to include funding given by Enbridge Alliance Management for a basic PIO class.**

Documents:

[MEMO FOR PIO CLASS FUNDING FROM ENBRIDGE ALLIANCE.PDF](#)  
[21. 2020 BA - FEMA TRAINING COURSE.PDF](#)

4.6. PRE-PLAN ADDITION TO TYLER TECHNOLOGIES NEW WORLD CREW FORCE SOFTWARE

The current tablets in our apparatus need replacement, so the department is switching to iPads, which are much less expensive, and user friendly for our needs. This switch will save money over time due to the reduced cost of the equipment. The Emergency Reporting software we began using in January of 2019 has a feature available to us for building pre-plans. We currently use paper versions which contain 100's of businesses, are antiquated, difficult to maintain, and are not user friendly for our personnel.

**It is recommended the City Council pass an ordinance to amend the 2020 annual budget to use general fund cash reserves from the 2019 budget to cover one-time costs for set up fees for the pre-plan module from Tyler Technologies New World Crew Force software not included in the 2020 Budget.**

Documents:

[BUDGET MEMO FOR CREW FORCE PRE PLAN UPGARDE.PDF](#)  
[31. 2020 BA - CREW FORCE PRE PLAN SOFTWARE - FIRE.PDF](#)

4.7. BUDGET AMENDMENT FOR SKIDSTEER AND SNOWBLOWER

A skidsteer loader was awarded to Swanston Equipment at the December 16, 2019 Council meeting. Due to unknown trade in value of existing skidsteer this BA is necessary to use redeemed value to include the snowblower attachment with skidsteer purchase.

**It is recommended the City Council Amend the 2020 annual budget to increase the fire operation supplies revenues and expenditures and decrease fire capital equipment expenditures and revenues for the purchase of a skid steer snow blower attachment, to increase the sale of city property revenues and capital equipment revenues and expenditures for the purchase of a skid steer loader and bucket attachment, and to reverse the original budget amendment, ordinance no. 5434.**

Documents:

[MEMO SKIDSTEER BA.PDF](#)  
[22. 2020 BA - SKID STEER LOADER \(FD0102\).PDF](#)

4.8. CEMETERY GAZEBO PROJECT

Staff at Rosehill Cemetery speak regularly with patrons at the cemetery. Occasionally, they recommend additions they feel would make their experience at the cemetery more enjoyable. One such recommendation was to add a gazebo to provide an area with shade or out of the rain. Cemetery staff has attempted to budget for this the past few years, but other more urgent needs sidelined this project.

**Recommend Council authorize a budget amendment from cemetery cash reserves to capital purchases in the amount of \$10,000 to complete the gazebo project at Rosehill Cemetery.**

Documents:

4.9. 2020 SIDEWALK, CURB & GUTTER REPLACEMENT - AWARD BID (4468)

This annual maintenance project consists of the constructing, rebuilding, or repairing of sidewalk and curb & gutter in the right of way. In the fall of 2019, the Engineering Department staff assessed several problem areas and design work began. This spring and summer, staff will mark areas for replacement and the Contractor will complete as much as possible within the budget.

In addition to the City's regular maintenance portion of the project, this also includes any assessment roll work.

- 1. Award the bid for the 2020 Sidewalk, Curb & Gutter Replacement Project to the low bidder, Keller Paving & Landscaping, Inc, in the amount of \$353,777.00.**
- 2. Authorize the Mayor to sign the Agreement for the project.**

Documents:

[2020 SIDEWALK, CURB AND GUTTER REPLACEMENT - AWARD BID \(4468\).PDF](#)  
[4468 - PLAN COVER SHEET.PDF](#)

4.10. 2020 STREET SEAL - AWARD BID (4469)

This is the annual maintenance project to fill the cracks that have developed over time and seal the pavement surface. The project helps protect the pavement surface and prevent surface water infiltration for approximately 5 years.

- 1. Award the bid for the 2020 Street Seal District Project to the low bidder, Asphalt Preservation Company Inc., in the amount of \$1,356,679.62.**
- 2. Authorize the Mayor to sign the Agreement for the project.**

Documents:

[2020 STREET SEAL - AWARD BID \(4469\).PDF](#)  
[4469 - PLAN COVER SHEET.PDF](#)

4.11. 2020 STREET PATCHING - PHASE 1 - AWARD BID (4470.1)

This is the annual maintenance project to patch and repair pavement surfaces that have failed or are showing distresses. Repairing failed and distressed pavement prolongs the lifespan of the roadway. Similar to last year, there will be two contracts awarded for street patching (Phase 1 and Phase 2), Phase 2 will open bids on March 17, 2020 at 11:00 AM.

- 1. Award the bid for the 2020 Street Patching Project – Phase 1 to the low bidder, Keller Paving & Landscaping, Inc. in the amount of \$265,202.00.**
- 2. Authorize the Mayor to sign the Agreement for the 2020 Street Patching – Phase 1 project.**

Documents:

[2020 STREET PATCHING - PHASE 1 - AWARD BID \(4470.1\).DOCX](#)  
[4470 - PLAN COVER SHEET.PDF](#)

4.12. 2020 STREET IMPROVEMENT - AWARD BID (4471)

This is the annual maintenance project to repair and rehabilitate streets that are showing moderate to severe pavement distresses. Mill and overlays, leveling, cement

stabilized base, asphalt reconstruction, and other treatments to distressed streets will improve ride and safety, and increase the pavement life.

- 1. Award the bid for the 2020 Street Improvement Project to the low bidder, Minot Paving Co., Inc. in the amount of \$1,734,063.30.**
- 2. Authorize the Mayor to sign the Agreement.**

Documents:

[2020 STREET IMPROVEMENT - AWARD BID \(4471\).PDF](#)  
[4471 - PLAN COVER SHEET.PDF](#)

4.13. 2020 PAVEMENT MARKINGS - AWARD BID (4507)

This is the annual maintenance project to stripe pavement markings throughout the City's streets. On Tuesday, March 10, 2020 at 11:00 a.m., bids were opened for the 2020 Pavement Marking Project. The lowest bid was received by West River Striping Company with the bid amount of \$213,242.42; which is approximately 17.6% above the Engineer's Estimate. The Traffic Department has a Thinner, Paint, Markings line item budget of \$186,477.00. The 2020 Pavement Marking project is a unit-based payment project, staff understands that quantities will need to be adjusted so that the total payment is less than the Thinner, Paint, Markings line item budget.

**It is recommended the City Council award the bid for the 2020 Pavement Markings Project to the low bidder, West River Striping Company, in the amount of \$213,242.42 and authorize the Mayor to sign the Agreement for the project.**

Documents:

[4507 - 2020 PAVEMENT MARKINGS AWARD OF BID MEMO.DOCX](#)

4.14. PROJECT #4485 –PURCHASE OF LOW FLOOR HEAVY DUTY TRANSIT BUS

In 2015 the Public Works/Transit department bid out and entered into an agreement with Eldorado National to purchase one bus at that time and then an option for up to five additional buses over the next five years. The funds to purchase this bus were approved in the 2020 budget.

**It is recommended the City Council approve the purchase of a 2020 Eldorado National-California EZ-Rider II Low Floor Heavy Duty Bus and allow the Public Works Director to sign the purchase order and any other associated forms for this purchase.**

Documents:

[2020 MTC FOR BUS PURCHASE P4485.PDF](#)

4.15. HHW AND E-WASTE COLLECTION (PROJECT NUMBER 4514)

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 Tuesday, February 25, 2020, 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 was one bidder and the tabulation is as follows:

<b>Bidder</b>	<b>Collection Bid Price</b>
Clean Harbors Environmental	HHW & E-Waste \$40,458.66 per event

- 1. Recommend Council award the bid to Clean Harbors Environmental for HHW and ND E-Waste LLC for e-waste for the 2020-2021 collection contracts.**
- 2. Recommend Council authorize the Mayor to sign contracts on behalf of the City.**

Documents:

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

4.16. AUTHORIZING RESOLUTION TO APPLY FOR NDDOT SECTION 5311 TRANSIT OPERATING GRANT

The Transit Department applies for this FTA funded grant through the NDDOT each year. The grant contract period will be from July 1, 2020 until June 30, 2021.

- 1. Request approval for Transit Department to apply for a NDDOT Section 5311 Operating and Maintenance grant.**
- 2. Authorize the Mayor to sign the Authorizing Resolution and authorize the Public Works Director to sign any other documents associated with this grant application**

Documents:

[2021 MTC TO SIGN TRANSIT 5311 AUTHORIZING RESOLUTION.PDF](#)  
[AUTHORIZING RESOLUTION 3-10-2020.PDF](#)

4.17. MINOT CITY TRANSIT TITLE VI APPROVAL

Minot City Transit is required to update the Title VI plan every three years. This plan was first written and approved in February 2017. An updated and approved plan must be on file with the North Dakota Department of Transportation before we will be able to submit our grant requests for this coming fiscal year.

**Recommend approval and authorize the Mayor to sign the Minot City Transit Title VI Plan.**

Documents:

[TRANSIT TITLE VI PLAN APPROVAL MEMO.PDF](#)  
[2020 TITLE VI PLAN.PDF](#)

4.18. STORM SEWER DISTRICT 123 – 10TH ST SW – APPROVE PLANS & CALL FOR BIDS (4393)

10th Street SW from 37th Avenue to 31st Avenue SW and surrounding areas have long been identified as known storm water problem areas. To address these problems, this project was included in the approved capital improvements plan for 2019 design and 2020 construction. At the August 19, 2019 City Council meeting, Storm Sewer District 123 was created, the Engineer's Report was approved, and Council directed the preparation of plans and specs. Those plans and specs are now complete.

**It is recommended that the City Council adopt the following resolutions:**

- 1. Approve Plans and Specifications**
- 2. Authorize a Call for Bids**
- 3. Set the bond term for 10 years per the finance director's recommendation.**
- 4. Approve the Reimbursement Resolution.**

Documents:

[4393 - SSD123 10TH ST SW CALL FOR BIDS MEMO.DOCX](#)  
[PAGES FROM R19026\\_DISTRICT 123 FINAL PLANS.PDF](#)  
[REIMBURSEMENT RESOLUTION SSD123.DOCX](#)

4.19. GAMING SITE AUTHORIZATION- MINOT HOCKEY BOOSTERS, INC.

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.

**It is recommended the City Council approve the gaming site authorization for Minot Hockey Boosters, Inc to conduct games of chance at Buffalo Wings & Rings**

Documents:

[MEMO- GAMING SITE AUTHORIZATION- MINOT HOCKEY BOOSTERS.PDF](#)

4.20. BUDGET AMENDMENT- COMMUNITY ICE FUNDS FOR REPAIRS AT MAYSA

At the Council meeting on March 2, 2020, the City Council approved the request by the Minot Park District for \$270,000 from the Community Owned Ice Arena Fund to pay for repairs to the facilities at MAYSA Arena.

**Recommend the Council pass an ordinance to amend the 2020 annual budget to increase the Sales Tax Capital Improvement expenditures for repairs to the facilities at MAYSA arena.**

Documents:

[MEMO- BA COMMUNITY ICE FUND MAYSA.PDF](#)  
[33. 2020 BA - FACILITY REPAIRS AT MAYSA ARENA \(AREMTC\).PDF](#)

5. ACTION ITEMS

5.1. COMPOST SITE LEASE AGREEMENT

The City of Minot has been utilizing a site owned by Trinity Church to maintain a compost location. For the past years it has been an informal agreement and from time to time there are questions about funds being paid or other issues. This year it was decided that the agreement should be more formal to protect both parties.

1. **Recommend Council approve the lease agreement between the City of Minot and Trinity Church for the purpose of a compost site location.**
2. **Recommend Council authorize the Mayor to sign the agreement on behalf of the City.**

Documents:

[MEMO - TRINITY CHURCH AGREEMENT.PDF](#)  
[TRINITY LEASE SIGNED.PDF](#)

5.2. AMENDMENT TO ORDINANCE 23-58 TO REDUCE THE CRIME OF CARRYING A LOADED FIREARM IN CERTAIN VEHICLES TO AN INFRACTION AND PROVIDE FOR AN ADDITIONAL EXCEPTION PER STATE LAW

Section 23-58 closely mirrors N.D.C.C. § 62.1-02-10, which was amended in 2019. Presently, Section 23-58 is inconsistent with state law, and this proposed ordinance remedies that.



**It is recommended the City Council approve and pass an ordinance, on first reading, amending Section 23-58 of Division 1, Article IV, Chapter 23 of the City of Minot Code of Ordinances to reduce the crime of carrying a loaded firearm in certain vehicles to an infraction and to provide for an additional exception per state law and authorize the Mayor to sign the Ordinance.**

Documents:

[23-58 ORDINANCE\\_FIREARMS IN VEHICLES.PDF](#)  
[28-58\\_MEMO.PDF](#)

### 5.3. SCOTT AVIATION

Since the inspection of all leased property at the Airport was conducted in May 2019, the Airport has been working with Wilson Scott and his legal counsel to bring the building and the use of the hangar into compliance with local code and FAA compliance. These efforts have failed, and the Airport enterprise believes the best path forward is to terminate the current lease, and not offer renewal upon the May 5, 2020 expiration of same.

**Recommend Council direct City staff to move forward with delivering notice of breach of the terms of the current lease with Wilson Scott pursuant to the termination clause of his present fixed based operator lease with the City due to his failure to (1) keep the building clean and orderly and free from all debris; and (2) for failure to maintain an aeronautical purpose on the premises; and terminate the lease if the breach is not cured.**

Documents:

[MEMO SCOTT AVIATION\\_SRS\\_MCR EDITS RF EDITS \(2\).PDF](#)  
[SOUTH HALF OF LOT 2, WESTSIDE DEVELOPMENT - WILSON SCOTT.PDF](#)  
[MAY 2019 CITY BUILDING INSPECTION REPORT - WILSON SCOTT.PDF](#)  
[OCTOBER 2019 CITY BUILDING INSPECTION REPORT - WILSON SCOTT.PDF](#)  
[SCOTT WILSON FELTNER FINAL REPORTLETTER.PDF](#)

### 5.4. CITY HALL TECHNICAL TEAM RECOMMENDATION (4466)

As part of the NDR program, staff have been investigating potential city hall locations within downtown. Within downtown, two buildings are available that fit or nearly fit the requirements of the City and those buildings are the former M Building and Wells Fargo Building. The City Hall Technical Team has reviewed the technical reports and conducted a walk-through of the buildings.

1. **The City Hall Technical Team recommends Council enter into due diligence and purchase negotiations for the former Wells Fargo Building.**
2. **Pass an ordinance to increase the engineer professional service contracts expenditure and revenue for the City Hall building analysis which will be funded with budgeted Capital Purchases for the new City Hall**

Documents:

[CITY HALL TECHNICAL TEAM RECOMMENDATION MEMO 3.16.2020.PDF](#)  
[PROPOSED CITY HALL BUILDING ANALYSIS FINAL REPORT.PDF](#)  
[DOWNTOWN CITY HALL PARKING ANALYSIS.PDF](#)  
[34. CITY HALL BUILDING ANALYSIS.PDF](#)

6. PERSONAL APPEARANCES
7. DEPARTMENT REPORT: LIBRARY DIRECTOR
8. LIAISON REPORTS
9. MISCELLANEOUS AND DISCUSSION ITEMS
  - 9.1. PRESENTATION OF RECYCLING SURVEY RESULTS
  - 9.2. REPORT: FIRST DISTRICT HEALTH UNIT
10. ADJOURNMENT