

City of Minot

Regular City Council Meeting
Monday, April 20, 2020 at 5:30 PM
City Council Chambers, City Hall

Due to the COVID-19 public health emergency, City Hall is currently closed to the public. Members of the Minot City Council may be attending this meeting electronically or by telephone.

This meeting will be conducted with social distancing modifications consistent with the recommendations of the CDC. In person attendance at the meeting by the public will not be allowed.

Any member of the public seeking to submit comments relating to an Agenda item or public hearing should submit their comments [on the City website](#). All comments received prior to 12:00 p.m. on the meeting day will be considered part of the record of the meeting as if personally presented. Members of the public may view the live airing of the City Council meeting on Channel 19 or streamed live through the City's Facebook page at <https://www.facebook.com/cityofminot>

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

Documents:

[04 \(APR\) RECOMMENDATIONS 2020.PDF](#)

3.1. HAWKS VIEW 3RD ADDITION, LOTS 1 & 2

1. **Pass an ordinance on first reading to annex Lot 4 of Hawks View Addition into the corporate boundary of the City of Minot**
2. **Adopt a resolution to amend the Future Land Use Map of the Comprehensive Development Plan from "Low Density Residential" and "Very Low Density Residential" to "Very Low Density Residential" only**
3. **Approve a subdivision plat to be known as Hawks View 3rd Addition, Lots 1 & 2**

Documents:

[042020-ORDINANCE-ANNEX-HAWKS VIEW ADDITION LOT 4.PDF](#)
[042020-LUM AMEND HAWKS VIEW 3RD.PDF](#)

3.2. PUBLIC HEARING: ESSENTIAL TOWNHOMES ADDITION

A public hearing to consider an application by Andrew Thill, Applicant, and Essential Living, Inc., Owner, to change the zone on proposed Lot 1 from R4 (Planned Residential District) to RM (Medium Density Residential District) and to rezone proposed Lots 2 through 33 from R4 (Planned Residential District) to R3C (Townhouse Residential District).

1. **Approve a subdivision to replat the lot at 234 14th Avenue SE into 33 lots to be known as Essential Townhomes Addition**

2. **Adopt a resolution to amend the Comprehensive Land Use Map from “Neighborhood Commercial” to “Medium Density Residential”**
3. **Pass an ordinance on first reading to change the zone on proposed Lot 1 from R4 (Planned Residential District) to RM (Medium Density Residential District) and to rezone proposed Lots 2 through 33 from R4 (Planned Residential District) to R3C (Townhouse Residential District)**

Documents:

[042020-LUM AMEND ESSENTIAL TH.PDF](#)
[042020 - RZ -ESSENTIAL TH - R4 TO RM AND R3C.PDF](#)

4. CONSENT ITEMS

4.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the April 6, 2020 regular City Council minutes.

Documents:

[200406.PDF](#)

4.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5488 - Amend the 2020 Annual Budget- 2020 Watermain Replacement**

Documents:

[ORDINANCE NO. 5488.PDF](#)

4.3. MAYORAL APPOINTMENTS

It is recommended the City Council affirm the following Mayoral Appointments:

Elisha Gates appointed to the Planning Commission with a term to expire April 2025.

Shane Lider appointed to the Planning Commission with a term to expire April 2025.

Documents:

[MEMO TO APPT APRIL 20.PDF](#)

4.4. AUTOMATED BRINE PRODUCTION SYSTEM (PROJECT NUMBER 4409)

The use of salt brine for winter road maintenance has become a common practice for most major cities that deal with winter snow and ice conditions. Over the past few years, the City of Minot has gotten some small amounts of brine from NDDOT when its available. Availability is limited though with the large fleet and massive road network the DOT is trying to maintain. As such, the City began planning and budgeting for the equipment to produce its own many years ago.

On April 14, 2020 the Public Works Department opened bids for an automated brine production system for the Street Department. One bid was received, and it is as follows:

Bidder Make/Model Bid Price
VariTech Industries Inc. Brine Boss 1400 \$110,064.67

1. Recommend Council award the bid to VariTech Industries Inc. in the amount of \$110,064.67 for the Brine Boss automated brine production system.

Documents:

[4409 - MEMO TO COUNCIL - BRINE SYSTEM.PDF](#)

- 4.5. BUDGET AMENDMENT – DIRECT LINK CRISIS RESPONSE SYSTEM (PD0150)
The Minot Police Department and Ward County Sheriff's Department made a joint purchase of a Crisis Response Throw Phone and Video System for use by the Crisis Negotiations Team. This team is staffed with personnel from both agencies falls under the direction of the SWAT Commander.

Recommend approval of the proposed ordinance for the Direct Link Crisis Response System to amend the 2020 budget to transfer funds from general fund to capital equipment fund.

Documents:

[12. CRISIS RESPONSE THROW PHONE \(PD0150\).PDF](#)
[12. 2020 BA - CRISIS RESPONSE THROW PHONE \(PD0150\).PDF](#)

- 4.6. ENGINEERING STUDY AT THE INTERSECTION OF MULBERRY LOOP AND 34TH AVENUE NE (WEST INTERSECTION)
An investigation was recently completed regarding motorist safety at the un-controlled intersection of Mulberry Loop and 34th Avenue NE. It is important to note that due to the alignment of Mulberry Loop there are two Mulberry Loop and 34th Avenue NE intersections. The purpose of the council memo and analysis is referencing the west such intersection. The engineering study consisted of applying AASHTO's guidelines for intersection sight triangles.

It is recommended that Council pass an ordinance on modifying the Mulberry Loop approaches to Stop control at the intersection with 34th Avenue NE.

Documents:

[MEMO_STOPS MULBERRY LOOP AT 34TH AVE NE \(WEST\).DOCX](#)
[ATTACHMENT A MULBERRY LOOP AT 34TH AVE NE \(WEST\).PDF](#)
[PROPOSED ORDINANCE STOP ON MULBERRY AT 34TH AVE NE \(WEST\).DOC](#)

- 4.7. CUSTOMS AND BORDER PROTECTION (CBP) LEASE AT MOT
United States Customs and Border Protection (CBP), an agency within the Department of Homeland Security, operates a Federal Inspection Station (FIS) on the general aviation side of the Airport. This one-year lease with optional renewals memorializes the agreement between the Airport and CBP.

1. Recommend approval of the Customs and Border Protection (CBP) lease at the Minot International Airport; and
2. Authorize the Airport Director to sign any applicable documentation.

Documents:

[MEMO CBP LEASE.PDF](#)
[LETTER MINOT LEASE .PDF](#)

[MINOT GAF LEASE HSBP-7117-L-IN0386.PDF](#)
[EXHIBIT A - FLOORPLAN.PDF](#)
[EXHIBIT B - PARKING.PDF](#)
[EXHIBIT C - SAM REPS - MINOT.PDF](#)
[EXHIBIT D - REPRESENTATION TELE AND VIDEO SERVICES - MINOT.PDF](#)

4.8. RATIFICATION OF AMENDMENT TO AIRPORT CONCESSIONAIRE AGREEMENT

The current COVID-19 pandemic has resulted in a dramatic decrease in the number of flights and passengers on both a national and local level. These decreases in turn have had a negative financial effect on the Airport's business partners as well. At the Minot International Airport, food and beverage services are provided through a contractual agreement with Oakwells Commuter Rail (dba The Trestle Tap House). The Airport is paid by a percentage of sales, or a minimum annual guarantee (MAG), whichever is greater. By amending the agreement, the Airport is allowing Oakwells to pay a straight percentage of sales for the months of April, May, and June and temporarily abate any MAG that may be due. From July through December, Oakwells will return to paying their agreed to MAG/Sales amount. In addition, they will be required to pay back the abated amount, prorated over six-months.

1. Recommend that the City Council ratify the Mayor's approval of an amendment to the agreement between the Airport and Oakwells allowing a temporary abatement of the Minimum Annual Guarantee (MAG).

Documents:

[MEMO OAKWELLS RATIFICATION \(2\).PDF](#)
[OAKWELLS MAG LETTER 040920 SIGNED.PDF](#)
[OAKWELLS LEASE.PDF](#)
[OAKWELLS AMENDMENT_MAYOR SIGNED.PDF](#)

4.9. 30th AVE GRAVITY SEWER PHASE 2 (CITY PROJECT 3490.6) EASEMENT

The City has been in the process of constructing the NE sanitary sewer system since 2011. 30th Ave Gravity Sewer Phase 2 is the final phase of this project which crosses the Minot Airport on the north end. Due to the fact that much of the Minot airport is funded with FAA federal funds, we were required to pay fair market value for an easement across the airport property.

Recommend Council approve the easement for sewer utility crossing the airport property and authorize the transfer of funds from the project to the airport.

Documents:

[3490.6 - MEMO - APPROVE EASEMENT AIRPORT.PDF](#)
[MINOT AIRPORT EASEMENT MEMO.PDF](#)
[3490.6 EASEMENT DOCUMENTS.PDF](#)

4.10. BUS ADVERTISING AGREEMENT WITH FIRST INTERNATIONAL BANK AND TRUST (3687.1)

First International Bank and Trust would like to renew their contract to advertise on the sides and rear panel of one Minot City Transit bus. This agreement would begin May 1, 2020 for a period of one year with options to renew the agreement on a yearly basis.

Recommend Council renew the current advertising agreement with First International Bank and Trust to advertise on the sides and rear of one transit bus and authorize the Mayor to sign the contract.

Documents:

[MTC FIRST INTERNATIONAL BANK ADVERTISING FOR 2020 P3687.1.PDF](#)
[2020 ADVERTISING AGREEMENT WITH FIRST INTERNATIONAL BANK.DOCX](#)

- 4.11. CITY HALL RETAINING WALL – ENGINEERING CONTRACT AMENDMENT 2 (4398)
At the April 6th Council meeting, Council made the decision to delay the retaining wall project until the 2022 construction season. The proposed amendment 2 will simply change the contract timelines to reflect a 2022 construction date.

- 1. Recommend council approve the contract Amendment with KLJ**
- 2. Authorize the Mayor to sign the amendment**

Documents:

[4398 - CITY HALL RETAINING WALL ENGINEERING CONTRACT AMENDMENT 2 MEMO.PDF](#)
[KLJ CONTRACT AMENDMENT NO. 2.PDF](#)

- 4.12. ONE MILLION GALLON TANK DEMO - ENGINEERING AGREEMENT (PROJECT NUMBER 4530)

In 2014, Public Works staff began analyzing the one million gallon storage tank on 3rd St NE. Initially the tank appeared to be in relatively good condition considering it was constructed in 1946. However, upon further analysis it was decided to hire a coatings consultant to fully inspect the tank to determine the extents of modifications and repairs that are needed.

This project will consist of modeling the interconnects between the three pressure zones along 3rd St NE. Based on modeling information, distribution piping modifications will be designed and constructed to ensure the different pressure zones continue to work together along this corridor once the one million gallon tank is eliminated from the system.

- 1. Recommend Council approve the contract in the amount of \$98,000 with Houston Engineering for design and construction services for the one million gallon tank demolition and watermain improvements project.**
- 2. Authorize the Mayor to sign the contract**

Documents:

[MEMO - 4530 - ONE MILLION GALLON TANK DEMO - ENGINEERING AGREEMENT.PDF](#)
[TASK ORDER 3 - VALLEY ZONE 3RD ST IMPROVEMENTS.PDF](#)
[3RD ST TANK DEMO - CIP.PDF](#)

- 4.13. ROCK SOLID TECHNOLOGIES INC CONTRACT APPROVAL (4423)

As part of the citywide asset management and permitting software project, staff included in the scope a citizen management application to enhance the methods of communication with citizens.

- 1. Recommend Council approve the contract with Rock Solid Technology Inc.**
- 2. Authorize the Mayor to sign the contract**

Documents:

[4423 - ROCK SOLID CONTRACT APPROVAL MEMO.PDF](#)

- 4.14. STORM SEWER DISTRICT 123 – 10TH STREET SW – AWARD BID (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 this ongoing problem, Storm Sewer District 123 was created by Council, plans were approved for bid, and bids were received last week.

1. **Award the bid for Storm Sewer District 123 to the low bidder, Wagner Construction, Inc., in the amount of \$2,843,762.20.**
2. **Authorize the Mayor to sign the Agreement.**
3. **Approve the Budget Amendment.**

Documents:

[4393 - SSD123 10TH ST SW AWARD BIDS MEMO.PDF](#)
[2020-04-14, MINOTDIST123 BID RECOMMENDATION.PDF](#)
[41. 2020 BA - SSD 123 WATERMAIN REPLACEMENT PORTION \(4493\).PDF](#)

- 4.15. APPROVE JOINT POWERS AGREEMENT WITH MINOT PARK DISTRICT FOR COMMUNITY OWNED ICE ARENA FUNDS

The Council previously approve the request by Minot Park District for \$270,000 from the Community Owned Ice Arena Funds to repair a broken/leaking refrigeration line that has caused the staff at MAYSA to shut down one sheet of ice for the season. The Joint Powers Agreement formalizes the requirements between the parties to complete the project.

It is recommended the Council approve the Joint Powers Agreement with Minot Park District for Community Owned Ice Arena Funds.

Documents:

[APRIL20ICEARENA.PDF](#)
[JP AGREEMENT_MAYSA COMMUNITY ICE FUND.PDF](#)

5. ACTION ITEMS

- 5.1. BUDGET AMENDMENT FOR CHANGE ORDER TO INSTALL HEAT TAPES TO PREVENT FREEZING IN ROOF DRAINS ON PARKING RAMPS

The roofing project was recently completed at both of the downtown parking ramps. It was discovered that there was no heat trace on the storm sewer drains at the ramps resulting in frozen and broken drains as well as water backing up on the roofs.

Recommend Council approve the budget amendment to fund the Change Order to install electric heat trace to prevent freezing in the storm sewer drains of both parking ramps.

Documents:

[APRIL20HEATTRACE.PDF](#)
[40. 2020 BA - PARKING RAMPS HEAT TRACE \(3738.6\).PDF](#)

- 5.2. EXTENSION OF DAYCARE SERVICES AGREEMENT

On March 26, 2020, the City Council approved a services agreement with Reser LLC d/b/a The Learning Tree to provide daycare services for emergency personnel. The term of that agreement expires on April 20, 2020. In order to continue providing these services to emergency personnel, the term paragraph of the contract needs to be amended. The amendment provides for a term expiration of May 18, 2020.

1. **Approve the Amendment to the Services Agreement with Reser LLC, d/b/a The Learning Tree; and**
2. **Approve the Budget Amendment, on first reading, relating to this expenditure.**

Documents:

[MEMO RE AMENDMENT TO SERVICES AGREEMENT.PDF](#)
[CONTRACT AMENDMENT - RESER LLC.PDF](#)
[THE LEARNING TREE_EXECUTED.PDF](#)
[42. 2020 BA - EMERGENCY PERSONNEL CHILDCARE SERVICES ADD.PDF](#)

5.3. DISCUSS & DECIDE ON CDBG-NDR SUBSTANTIAL AMENDMENT

On February 24, 2020 there was a Special City Council Meeting to discuss the status of CDBG-NDR activities, expenditures, and unencumbered balances to explore possible movement of funds through a substantial amendment. It was decided to consider all of the information and follow-up at a subsequent City Council meeting to make a decision on whether or not to undertake a substantial amendment, and if so, what should be included in the substantial amendment.

City Council Discuss need for a CDBG-NDR substantial amendment and decide on CDBG-NDR substantial amendment if need is determined.

Documents:

[SUBSTANTIALAMENDMENTCOUNCILMEMO.A.DOCX](#)

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 this requirement 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. At the March 16th regular Council meeting, the Council voted to hold the decision for 30 days. It is now being brought back for consideration.

1. **Recommend 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](#)

5.5. MATCHING FUNDS FOR FEDERAL CRISI GRANT

NDDOT and MADDC applied and were awarded a Federal CRISI grant to conduct an engineering study for rail expansion at the Minot Intermodal Facility. This study is to be funded by \$400,000 of federal funding and requires a local match of \$400,000. NDDOT will procure the engineering services and manage the study.

1. **It is recommended the City Council approve a budget amendment on first reading to move \$400,000 from Sales Tax Economic Development to Contract Services line item in Engineering's budget to be used as matching funds to conduct an engineering study for the Minot Intermodal Facility.**
2. **Authorize City Staff to negotiate the agreement with NDDOT and authorize the Mayor to sign the agreement contingent on approval of the budget amendment on second reading.**

Documents:

[APRIL20CRISIGRANT.PDF](#)

[43. NDDOT URBAN AGREEMENT \(CRISI GRANT\).PDF](#)

[MINOT AGREEMENT 2-28 FINAL NDDOT DRAFT \(00000006\).PDF](#)

6. PERSONAL APPEARANCES

7. MISCELLANEOUS AND DISCUSSION ITEMS

7.1. COVID-19 FINANCIAL IMPACTS AND RECOMMENDED ADJUSTMENTS

8. ADJOURNMENT