

Regular City Council Meeting
Monday, May 3, 2021 at 5:30 PM
City Council Chambers, City Hall

This meeting will be conducted with social distancing modifications consistent with the recommendations of the CDC. Members of the public may attend but are encouraged to view the live airing of the City Council meeting on Channel 19 or streamed through the City's [YouTube](#) channel.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MAYOR'S REPORT
 - 3.1. PROCLAMATION: BUILDING SAFETY MONTH

Documents:

[PROCLAMATION- BUILDING SAFETY MONTH.PDF](#)

4. CITY MANAGER REPORT

Documents:

[CITY MANAGER REPORT 5-3-2021.PDF](#)

5. CITY ATTORNEY REPORT

Documents:

[2021-04.PDF](#)

6. CONSENT ITEMS

- 6.1. CITY COUNCIL MINUTES

It is recommended the City Council approve the minutes of the April 19, 2021 regular City Council meeting.

Documents:

[210419.PDF](#)

- 6.2. BILLS, TRANSFERS AND PAYROLL

It is recommended the City Council approve bills and transfers for April in the amount of \$1,991,858.29 and payroll for the period of March 14, 2021 through April 24, 2021 in the amount of \$3,112,241.91.

Documents:

[PAYROLL.PDF](#)
[BILLS AND TRANSFERS.PDF](#)

- 6.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5595 - Amend the 2021 Annual Budget- Watermain Replacement (4567)**
2. **Ordinance No. 5596 - Amend the 2021 Annual Budget- 2019 SHSG Service Body for a Tow Vehicle**
3. **Ordinance No. 5597 - Right Turn on Red Prohibition on W Burdick Expy at 16th St SW and 6th St SW**
4. **Ordinance No. 5598 - Amend the 2021 Annual Budget- Business Systems Analyst for Finance Department**
5. **Ordinance No. 5599 - Amend the CMCO- Modifying the Processes Regarding Permitting and Licensing**
6. **Ordinance No. 5600 - Amend the 2021 Annual Budget- Engineering for City-wide Wayfinding Signage**
7. **Ordinance No. 5601 - Amend the 2021 Annual Budget- Community Survey and Facilitator**

Documents:

[ORDINANCE NO. 5595.PDF](#)
[ORDINANCE NO. 5596.PDF](#)
[ORDINANCE NO. 5597.PDF](#)
[ORDINANCE NO. 5598.PDF](#)
[ORDINANCE NO. 5599.PDF](#)
[ORDINANCE NO. 5600.PDF](#)
[ORDINANCE NO. 5601.PDF](#)
[MEMO- GAMES OF CHANCE.PDF](#)

6.4. AIRPORT SKID STEER LOADER WITH ATTACHMENTS (2021500002)

The Airport planned and budgeted for an additional skid steer to supplement the unit that was put into service in 2009.

In accordance with City of Minot purchasing policy for purchases in excess of \$50,000, sealed bids were opened on April 27th. The City received four bids with Swanston Equipment offering the lowest bid for the equipment and attachments.

1. **Recommend approval of the bid from Swanston Equipment for the purchase of a commercial grade skid steer loader with heavy duty bucket and box broom sweeper attachment; and**
2. **Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO AIRPORT SKIDSTEER LOADER WITH ATTACHMENTS_FINAL.PDF](#)
[SPECIFICATIONS AND SWANSTON EQUIPMENT BID.PDF](#)
[SKID STEER BID TAB.PDF](#)

6.5. DOWNTOWN PLANNING SERVICES STUDY CONSULTANT SELECTION

The City of Minot was awarded a \$19,400 Partners in Planning grant from the North Dakota Department of Commerce in March. The Community Development Department solicited a Request for Qualifications from local planning, engineering, and architectural firms.

1. **Recommend the Council select Ackerman-Estvold as the consultant for the project.**
2. **Authorize the Community & Economic Development Director to negotiate a scope and fee.**
3. **Authorize the Mayor to sign the agreement.**

Documents:

[CC MEMO - PLANNING GRANT RFQ_FINAL.PDF](#)

6.6. BUDGET AMENDMENT FOR – L-TRON OSCR360 PANORAMIC SCENE CAMERA PURCHASE - PROJECT SAFE NEIGHBORHOODS (2021200003/PD0196)

Presented by John Klug

A budget amendment is required to move a portion of L-Tron Panoramic Scene Camera project from the capital fund into the general fund as it does not meet the City policy for a capital purchase. The expenditure and revenue will be decreased for the equipment purchase capital fund and increased in the general fund Police department applicable accounts. The Minot Police Department was awarded the 2021 Project Safe Neighborhoods (PSN) Grant through the Department of Justice.

Recommend approval of the proposed ordinance for a portion of the L-Tron Camera purchase to be moved from capital equipment fund to general fund.

Documents:

[COUNCIL MEMO - 202120003-PD0196 L-TRON CAMERA BA PSN GRANT AW.DOCX](#)
[33. 2021 BA - PROJECT SAFE NEIGHBORHOODS CAPITAL TO GF \(PD0196\).DOCX](#)

6.7. RETAIL BEER & WINE LICENSE – LOR SPA

The City received a request for a Retail Beer & Wine license from Lor Spa, LLC dba Lor Spa operating at 1412 2nd Ave SW. All documentation has been submitted and inspections relating to the proposed premises have been approved by the Police Chief, Building Official and Fire Marshal.

It is recommended the City Council approve the Retail Beer & Wine License for Lor Spa, LLC dba Lor Spa.

Documents:

[MEMO- LOR SPA ALCOHOL LICENSE.PDF](#)

6.8. ASSIGNMENT OF LEASE, T-HANGAR NO. 3

There is one (1) vacancy out of sixteen (16) T-hangars owned by the Airport. Protocol established a policy of a waiting list for vacancies. Dillon Ouellette is the next interested party on the waiting list.

Mr. Ouellette has indicated interest in renting a T-hangar for a monthly rent of \$75.00 per month, and will abide by the lease terms and obligations. The lease term is month-to-month, which may be terminated by the City or the Tenant with a 30-day written notice.

- 1. Recommend approval of the Airport Lease, T-Hangar between the City of Minot and Dillon Ouellette for T-Hangar No. 3 for \$75.00 per month; and**
- 2. Authorize the Mayor to sign the agreement.**

Documents:

[MEMO T-HANGAR 3 - DILLON OUELLETTE.PDF](#)

6.9. LIFEPAK CR2 DEFIBRILLATOR – TRANSFER OF OWNERSHIP AGREEMENT

Presented by John Klug, Chief of Police.

The North Dakota Department of Health Division of Emergency Medical Systems (NDDoH DEMS) secured grant funding to provide defibrillators for law enforcement in North Dakota. The grant supplies twenty-one (21) Automatic External Defibrillators (AED) to the Minot Police Department to allow for one to be carried in each patrol vehicle.

Recommend approval of the Lifepak CR2 Defibrillator Transfer of Ownership from the ND Department of Health to the City of Minot, Police Department; and

Authorize the Chief of Police to sign the Transfer of Ownership Agreement.

Documents:

[MEMO - LIFEPAK CR2 DEFIBRILLATOR - TRANSFER OF OWNERSHIP.PDF](#)
[NDDOH LIFEPAK CR2 TRANSFER OF OWNERSHIP AGREEMENT.PDF](#)

6.10. P# 3529.05A MREFPP PHASE WC-1A – TIERRECITA VALLEJO LEVEE SEGMENT PLAN AND SPEC APPROVAL

Presented by Dan Jonasson

The Tierrecita Vallejo levee segment is part of the overall Mouse River Plan and serves as the western tie back of the levee system that will ultimately reduce the flood risk to northwest Minot. The Souris River Joint Board will be approving the plans and specifications at a future meeting.

1. **Recommend Council approve the plans and specifications for the first phase of construction of the Tierrecita Vallejo levee segment,**
2. **Recommend approval of the Reimbursement Resolution.**

Documents:

[MEMO - WC-1A - P3529.5 DRAFT.PDF](#)
[MREFPP_WC-1A_100_OPC - DRAFT 042321.PDF](#)
[G-104.PDF](#)
[REIMBURSEMENT RESOLUTION 3529.05A TIERRECITA VALLEJO WEST TIEBACK LEVEE PHASE 1.PDF](#)

6.11. P# 3529.2C MREFPP PHASE MI-2C – WEST PETERSON COULEE DRAINAGE IMPROVEMENTS PLAN AND SPEC APPROVAL

Presented by Dan Jonasson

The proposed project includes the installation of approximately 2,300 feet of 48” diameter storm sewer, connections, appurtenances, as well as erosion and traffic controls needed to reroute surface water runoff away from the Perkett Ditch and directly to the Mouse River.

1. **Recommend Council approve the plans and specifications for the West Peterson Coulee Drainage Improvements**
2. **Recommend approval of a Reimbursement Resolution.**

Documents:

[MEMO - WPC - P3529.2C WEST PETERSON COULEE DRAINAGE IMP](#)

[PLAN APPROVAL.PDF](#)
[2021_04_11_EOPC_MI-2C_WESTPETERSON.PDF](#)
[WESTPETERSON_G-104.PDF](#)
[REIMBURSEMENT RESOLUTION 3529.2C WEST PETERSON COULEE.PDF](#)

6.12. P# 3529.5 & 3529.6 MREFPP PHASE MI6 And MI7 DOWNTOWN THROUGH ROOSEVELT PARK TO BURDICK DESIGN ENGINEERING

Presented by Dan Jonasson

Construction of flood risk reduction features for MI-6 and MI-7 is part of the overall Mouse River Plan. These phases of the MREFPP run approximately from Broadway bridge – East through Roosevelt park and the Roosevelt zoo to Burdick Expressway, on the south and west side of the Mouse River. A Reimbursement Resolution is included so that the City will have the ability to bond for their share of the design work, which is 35% of the total cost. 65% of the cost is provided through funding from the State Water Commission.

1. **Recommend Council approve the engineering contract for Houston Engineering and Barr Engineers and forward approval to the SRJB for design engineering on MI-6 and MI-7**
2. **Recommend approval of the reimbursement Resolution for MI-6 and MI-7**

Documents:

[MEMO -DESIGN ENGINEERING MI-6 MI-7 3529.5.PDF](#)
[AMENDMENT WORK ORDER NO. 15 - MI6 - HOUSTON ENG.PDF](#)
[BARR ENGINEERING MI-7 3529.6.PDF](#)
[REIMBURSEMENT RESOLUTION 3529.5 MI-6 AND MI-7.PDF](#)

6.13. ENCROACHMENT PERMIT - 101 3RD AVE SW - TRINITY HEALTH

Trinity Health wishes to install a new sign in place of an existing projecting sign from the eastern face of their building at 101 3rd Avenue SW.

Recommend approval of the Right of Way Encroachment Permit Application submitted by Indigo Signs on behalf of Trinity Health for the projecting sign on their building at 101 3rd Avenue SW.

Documents:

[MEMO_ENCROACHMENT_101 3RDAVESW.PDF](#)
[APPLICATION.PDF](#)
[ENCROACHMENTPERMIT_101 3RDAVESW.PDF](#)
[101 3RD AVE SW-LOCATION AERIAL.PDF](#)

6.14. ENCROACHMENT PERMIT - 1303 S BROADWAY - LASR, LLC

The property owner at 1303 South Broadway wishes to construct and install private storm sewer across a City boulevard to connect their onsite storm sewer system into a City storm sewer catch basin.

Recommend approval of the Right of Way Encroachment Agreement Application submitted by Kenn Simenson of LASR, LLC for the installation of private storm sewer to tie into a City catch basin at 1303 South Broadway.

Documents:

[MEMO_ENCROACHMENT_1303SOUTHBROADWAY.PDF](#)
[APPLICATION.PDF](#)

[ENCROACHMENTPERMIT_1303SOUTHBROADWAY.PDF](#)
[1303 S BROADWAY-LOCATION AERIAL.PDF](#)

6.15. WARD COUNTY TEMPORARY CONSTRUCTION EASEMENT

The Ward County Highway Department is replacing culverts across County Road 12 west of Minot adjacent to City owned land used for the pistol range. The County needs a temporary construction easement from the City in order to replace the existing culverts with a new box culvert.

Recommend Council approve temporary construction easement for Ward County

Documents:

[WARD COUNTY TEMPORARY CONSTRUCTION EASEMENT MEMO.PDF](#)

6.16. STOP SIGNS FOR SIDESTREETS OF 16TH ST NW AND 36TH AVE NW (4552)

As part of City of Minot project 4552 – 2021 Street Seal, the Engineering Department will be replacing the crosswalk markings along 16th Street NW and 36th Avenue NW. Alongside this improvement, the Engineering Department is proposing installing stop bars and stop signs for the 16th Street NW and 36th Avenue NW side streets of 32nd Avenue NW, 35th Avenue NW and Kodiak Street NW. This ordinance would create a "preferential right of way" that aligns with what is currently happening on 16th Street NW and 36th Avenue NW.

It is recommended that council pass an ordinance to add a stop sign restriction to the following approaches:

- 1. Westbound 32nd Avenue NW at 16th Street NW**
- 2. Westbound 35th Avenue NW at 16th Street NW**
- 3. Northbound Kodiak St NW at 36th Avenue NW**

Documents:

[MEMO-STOP SIGNS FOR SIDESTEETS ON 16TH ST NW AND 36TH AVE NW.DOCX](#)
[STOP SIGN RES - 16TH ST NW AND 36TH AVE NW.DOCX](#)
[STOP SIGN GRAPHIC.PDF](#)

6.17. PAVING & UTILITY DISTRICT 2021-1 (4585) - ENLARGE DISTRICT

This previously approved improvement district is a petitioned project brought forth by the Minot Park District. The pavement and utility improvements are located on 1st St NW from 19th Ave NW to 15th Ave NE and would serve the impending development of the Magic City Discovery Center (MCDC) and other future Park District developments in the area. The Minot Park District has asked that the district be amended to add the adjacent MCDC parking lots and related items to the improvement district.

Recommend that Council pass the following resolutions:

- 1. Approve the amendment to the Engineer's Report.**
- 2. Approve the Resolution to enlarge the improvement district.**
- 3. Approve the budget amendment.**

Documents:

[4585_MEMO_ENLARGEDISTRICT.PDF](#)
[REQUEST CHANGE ORDER MCDC 2021.PDF](#)
[ENGREPORT_PAVINGUTIL2021-1 AMENDMENT.PDF](#)
[35. 2021 BA - PAVING AND UTILITY DISTRICT 2021-1 \(PROJECT 4585\) ENLARGE DISTRICT.PDF](#)

6.18. PAVING DISTRICT 499 - FAMILY REC ADDITION (4591) - FUNDING AGREEMENT

Paving District 499 is a previously approved project that includes an assessment portion and a Minot Park District portion.

The City will be bonding for the assessment district portion of this project and those costs will be special assessed to the Minot Park District. For the Park District portion of the project, the Park District will make a direct payment to the City, outside of the assessment process. The attached funding agreement formalizes that reimbursement process. Both parties and their attorneys have reviewed and approved of this agreement.

Recommend that Council approve the funding agreement and authorize the Mayor to sign on the City's behalf.

Documents:

[4591_MEMO_FUNDINGAGREEMENT.PDF](#)
[CITY-PARK AGREEMENT PD 499 V2.0 APPROVED.PDF](#)

6.19. 33RD STREET SW - ROADWAY/RAILROAD CROSSING CLOSURE

This is an informational item. Please see attached memo.

Documents:

[33RD ST SW - ROADWAY RAILROAD CLOSURE.PDF](#)

7. ACTION ITEMS

7.1. PUBLIC HEARING: BUILDING RELOCATION REQUEST TO 811 3RD ST NE- JOHN THOMPSON

A public hearing to consider a request from John Thompson to relocate an accessory building from 2263 62nd Ave NW, Ryder, ND 58779 to 811 3rd St NE, Minot, ND 58701, also known as Lakeview Addition Lot 2 Block 16, subject to conditions.

Staff recommends approval of the request.

Documents:

[MEMO TO CITY COUNCIL.PDF](#)
[THOMPSON MOVE APPLICATION.PDF](#)
[LETTERS TO HOMEOWNERS THOMPSON.PDF](#)
[JOHN THOMPSON LETTER.PDF](#)
[ESRI MAP OF PROPERTIES AFFECTED.PNG](#)
[INSPECTORS REPORT - THOMPSON.PDF](#)
[ASSESSORS REPORT THOMPSON MOVE.PDF](#)

7.2. APPROVE EMINENT DOMAIN FOR IDENTIFIED FLOOD BUYOUT PROPERTIES

The City has striven to reach amicable agreements with the property owners on purchase prices for the identified properties. The City has allowed far more time and extended far more in written communication with the property owners than is required by the federal Uniform Relocation Act. Therefore, the point has been reached to assure that the acquisition process does not affect the timeline for flood control projects authorization of Eminent Domain is necessary.

City Council approve attached resolution authorizing special counsel for Eminent Domain to commence proceedings for acquisition of properties needed for flood control projects for 1209 6th Avenue SW owned by John and Susan Dokken, partial parking lot take at 400 9th Street SW owned by the

Loyal Order of Moose Lodge No. 822, and 2816 14th Ave. SW and 1318 28th Street SW owned by Robert and Annelies Roberts

Documents:

[EMINENTDOMAINCOUNCILMEMO.DOCX](#)
[RESOLUTION.PDF](#)

7.3. CTE MAGIC FUND AGREEMENT

The MSU Foundation requested a MAGIC Fund grant in the amount of \$800,000 for the purchase of a property (120 Burdick Expressway East) to be used for the operation of a Career and Technical Education (CTE) Center. The Agreement provides for the grant and contemplates the MSU Foundation leasing the property to Dakota College, so Dakota College can improve the structure and operate a CTE at the site for 10 years after issuance of a certificate of occupancy.

Approve the MAGIC Fund Agreement between the City of Minot and MSU Foundation relating to the CTE Project.

Documents:

[CTE CITY COUNCIL MEMO.DOCX](#)
[DEVELOPMENT AGREEMENT \(CLEAN COPY\) 2021-04-27.PDF](#)
[LEASE AGREEMENT \(CLEAN COPY\) 2021-04-27.PDF](#)

7.4. CITY HALL PROGRAM FINAL RECOMMENDATION (4466)

Presented by Lance Meyer and JLG

JLG and staff have taken the feedback received from Council on April 19th and developed program space diagrams with the Building Committee's input. The primary program decision remaining after Council's input was whether to leave engineering and community development at the public works building.

1. Recommend Council approve Program Space Option 2 which includes keeping the engineering and community development departments at the Public Works Building

Documents:

[210426 - MINOT CITY HALL - PLAN OPTIONS - CITY COUNCIL.PDF](#)
[CITY HALL PROGRAM FINAL RECOMMENDATION MEMO.PDF](#)

7.5. 2021-2025 CAPITAL IMPROVEMENT PLAN (4572)

Every year, city departments submit projects for inclusion into the five-year capital improvement plan (CIP). The plan becomes the guiding document for city staff to program and budget capital construction projects throughout the City. Staff has included dozens of projects for Council's consideration for program years 2021-2025.

Recommend council adopt the 2021-2025 Capital Improvement Plan

Documents:

[CAPITAL IMPROVEMENT PLAN ADOPTION MEMO.PDF](#)
[DRAFT 2021-2025 CAPITAL IMPROVEMENT PLAN 3.4.21.PDF](#)

7.6. RECRUITMENT SERVICES FOR AIRPORT DIRECTOR POSITION

With the recent resignation and impending departure of Rick Feltner, the City has the challenge to find a qualified replacement to fill the position of Airport Director. The City

was fortunate during the last recruitment process for this position, to have the assistance of Airport Consultant, Ann Thorvik, who had been hired to facilitate the opening of the new Minot Airport terminal. Her expertise in the aviation area, helped to expedite the process in locating an excellent candidate for the position. The City Manager and Human Resource Director recognize that the need to fill this position in a timely manner and are asking that the City Council consider authorizing the use of an outside firm to assist in this process.

1. **Recommend the City Council approve using the recruitment services of ADK Consulting and Executive Search for the Airport Director position; and further, authorize the Mayor to sign the contract on the City's behalf.**
2. **Pass an ordinance amending the 2021 annual budget to increase the Airport's consultants expense for the hiring of a consulting firm to assist with recruiting the new Airport Director, using Airport cash reserves.**

Documents:

[MEMO APPROVING RECRUITMENT SERVICES FOR AIRPORT DIRECTOR.PDF](#)
[ADK RECRUITMENT PROPOSAL AIRPORT DIRECTOR.PDF](#)
[GOVHR RECRUITMENT PROPOSAL - AIRPORT DIRECTOR.PDF](#)
[36. 2021 BA AIRPORT DIRECTOR POSITION.PDF](#)

8. PERSONAL APPEARANCES

9. MISCELLANEOUS AND DISCUSSION ITEMS

9.1. BROADWAY CORRIDOR STUDY (4443) - SECOND VIRTUAL PUBLIC INPUT INFORMATIONAL

A brief presentation of the second virtual public input opportunity will be given during the May 3, 2021 council meeting. Additionally, public input opportunity #2 will also consist of the following activities:

- Virtual Open House – April 19th through May 17th
- Two (2) Live Question and Answer Sessions – May 5th and May 6th
- Six (6) Listening Sessions with Stakeholders

Documents:

[4443 - SECOND VIRTUAL PUBLIC INPUT MEETING - BROADWAY CORRIDOR STUDY.DOCX](#)

9.2. HYDRANT TESTING/INSPECTION PLAN

The Fire Chief will present information on hydrant testing and inspections.

10. ADJOURNMENT