

City of Minot

Regular City Council Meeting
Monday, May 4, 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](#). Members of the public may 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
4. CITY MANAGER REPORT
5. CITY ATTORNEY REPORT

Documents:

[2020-04.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

It is recommended the Council approve the minutes of the April 20, 2020 special City Council meeting and the April 20, 2020 regular City Council meeting.

Documents:

[200420- SPECIAL.PDF](#)
[200420.PDF](#)

6.2. BILLS, TRANSFERS AND PAYROLL

It is recommended the City Council approve bills and transfers for April in the amount of \$2,756,590.95 and payroll for the period of March 15, 2020 through April 11, 2020 in the amount of \$2,076,618.46.

Documents:

[BILLS APRIL 2020.PDF](#)
[PAYROLL APRIL 2020.PDF](#)

6.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5491 - Amend the 2020 Annual Budget- Direct Link Crisis Response System (PD0150)**
2. **Ordinance No. 5492 - Modifying Stop Control at the Intersection of Mulberry Loop 34th Ave NE**
3. **Ordinance No. 5493 - Amend the 2020 Annual Budget- Storm Sewer District 123**
4. **Ordinance No. 5494 - Amend the 2020 Annual Budget- Change Order to Install Heat Tapes on Parking Ramps**
5. **Ordinance No. 5495 - Amend the 2020 Annual Budget- Extension of Daycare Services**
6. **Ordinance No. 5496 - Amend the 2020 Annual Budget- City Hall Building Analysis**
7. **Ordinance No. 5497 - Amend the 2020 Annual Budget- CRISI Grant**

Documents:

[ORDINANCE NO. 5491.PDF](#)
[ORDINANCE NO. 5492.PDF](#)
[ORDINANCE NO. 5493.PDF](#)
[ORDINANCE NO. 5494.PDF](#)
[ORDINANCE NO. 5495.PDF](#)
[ORDINANCE NO. 5496.PDF](#)
[ORDINANCE NO. 5497.PDF](#)

6.4. BURDICK EXPRESSWAY RECONSTRUCTION 9TH TO 15TH ST FINAL PAYMENT (4179)

Burdick Expressway from 9th to 15th St was reconstructed in 2017 as part of a NDDOT Urban Regional program project. The project has gone through the final payment process and the NDDOT is requesting final reimbursement for the project. The City's final billing is in the amount of \$15,473.35.

1. Recommend council approve the final payment to the NDDOT in the amount of \$15,473.35.

Documents:

[4179 - BURDICK EXPRESSWAY RECONSTRUCTION FINAL PAYMENT MEMO.PDF](#)
[BURDICK EXPRESSWAY FINAL PAYMENT AND CERT OF LOCAL MATCH.PDF](#)

6.5. WASHINGTON ELEMENTARY SRTS - FINAL PAYMENT (4367)

The Washington Elementary School Safe Routes to School project, a Transportation Alternatives Program (TAP) project, was constructed in 2019 and included installation of sidewalks around Washington Elementary School. The project has gone through the final payment process and the NDDOT is requesting final reimbursement for the project.

Recommend Council approve the final payment to the NDDOT in the amount of \$429.45.

Documents:

[4367 - WASHINGTON ELEMENTARY SRTS FINAL PAYMENT MEMO.PDF](#)
[WASHINGTON ELEMENTARY SRTS FINAL PAYMENT AND CERT OF LOCAL](#)

[MATCH.PDF](#)

6.6. 42ND ST INTERSECTION FINAL PAYMENT (4181)

The 42nd St Intersection project was constructed in 2018 as part of a NDDOT Urban Regional program project. The project has gone through the final payment process and the NDDOT is requesting final reimbursement for the project. The NDDOT's final billing is in the amount of \$10,225.22.

1. Recommend council approve the final payment to the NDDOT in the amount of \$10,225.22.

Documents:

[4181 - 42ND ST INTERSECTION FINAL PAYMENT MEMO.PDF](#)
[NDDOT FINAL PAYMENT AND CERT OF LOCAL MATCH.PDF](#)

6.7. GAMING SITE AUTHORIZATION RENEWALS

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.

Recommend approval of the gaming site authorizations for the license year of July 1, 2020 through June 30, 2021.

Documents:

[MEMO- GAMING SITE AUTHORIZATIONS.PDF](#)

6.8. AWARD OF BID- ELECTRONIC DOOR LOCKS IN CITY HALL AND POLICE DEPARTMENT BUILDINGS

The Minot Police Department and City Hall are in the process of upgrading the access control features of the entire building. Part of those improvements is the addition of electronic door locks with wireless programming capabilities.

It is recommended the Council approve awarding the bid to The Computer Store in the amount of \$64,815.00.

Documents:

[AWARD OF BID- ELECTRONIC DOOR LOCKS.PDF](#)
[BID TABULATION.PDF](#)

6.9. BID AWARD P# 3529.3 MREFPP PHASE BU-1B – BURLINGTON LEVEES PHASE B

Plans and specifications for the Burlington levee project were approved by Minot City Council on November 4, 2019; Reimbursement Resolution No. 3640 was also approved at the same meeting, which covered the funding for the entire Burlington project. The Souris River Joint Board approved the plans and specifications for the project at their December 5, 2019 meeting.

Recommend Council approve the lowest qualified bid for, Phase BU-1B of the MREFPP and recommend award of this phase by the SRJB to Wagner Construction, the apparent low bidder.

Documents:

[MEMO - BID AWARD - BU-1B - P3529.3.PDF](#)
[2020-04-16_BID TABS COMPILED.PDF](#)

6.10. FAA 2020 AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT OFFER

The FAA is in the process of programming Minot International Airport's 2020 Airport Improvement Program grant funding. It is anticipated that a grant offer will be received in mid-June. In order to make the most of the summer construction season, the Airport is requesting that the City Council pre-approve the grant award as well as the associated budget amendment, and authorize the Mayor and the City Attorney to sign the documents when the offer is officially made by the FAA. Per the CARES Act, the grant offer will reflect the FAA's commitment to fund 100 % of the Airport's AIP projects in 2020. There will be no local or state share required for AIP improvements in 2020. The Airport's 2020 AIP project consists of Phase I of the Reconstruction and Expansion of the Cargo Apron and a portion of Taxiway Echo.

Acceptance of this grant obligates the Airport and the City to comply with all of the terms and conditions in the offer and in the Project Application.

- 1. Recommend acceptance of the 2020 AIP Grant Offer from the FAA, once received; and**
- 2. Authorize the Mayor and the City Attorney to sign any necessary documentation.**

Documents:

[MEMO FAA 2020 AIP GRANT ACCEPTANCE_FINAL.PDF](#)
[2020 FAA AIP PREAPPLICATION.PDF](#)
[CARGO APRON LAYOUT - REVISED MAY 2019.PDF](#)

6.11. MINOT INTERNATIONAL AIRPORT CARES FUNDING GRANT ACCEPTANCE

In response to the ongoing COVID-19 health crisis, and as a component of the CARES Act, the United States Government is offering grant assistance to US Airports. This funding is intended to offset revenue shortfalls brought on by significant reductions in passengers and flights. Minot International Airport has been offered \$2,753,046 to be available over the next four years.

- A. Recommend Council approve acceptance of CARES Act grant as described in the attached Application for Federal Assistance SF-424; and**
- B. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO ND-MOT CARES FUNDING.PDF](#)
[NORTH DAKOTAND MOT - SF424 UNSIGNED.PDF](#)
[CARES-ACT-AIRPORT-GRANTS-PRESENTATION.PDF](#)

6.12. LANDRUM & BROWN CARES ACT FUNDING BUSINESS SERVICES

The COVID-19 impact on airports and tenants has been significant. Now that the Airport relief funds have been finalized, understanding the impacts occurring in the industry and forecasting what could transpire between the current situation and the point when the rebound is substantially complete is the only way to accurately assess the real impact and the risks that exist for the Airport. Many analysts are now projecting that the recovery could take three years for the industry to return to pre-COVID-19 levels.

The airlines and other tenants have already requested deferrals or abatements of rents and/or concession fees. The airlines are on record expecting airports to decrease budgets going forward, at the same time that the "new normal" will likely add additional sanitation requirements and a potential need to enforce social distancing standards/require more space to process passengers.

- 1. Recommend Council approve the proposed Landrum & Brown CARES Act Funding Business Services project; and**
- 2. Authorize the Airport Director to sign any applicable documentation.**

Documents:

[MEMO LANDRUM BROWN CARES ACT BUSINESS SERVICES_FINAL.PDF](#)
[CARES ASSESSMENT BF04222020.PDF](#)

- 6.13. CONCLUDE RELATIONSHIP WITH LESSEE FRED ANDERSEN MAY 31, 2020
Fred Andersen, also known as "Aviation Services", currently leases real estate from the Minot International Airport (MOT). The City Council elected to terminate the month-to-month lease at their August 5th meeting, and the City Attorney's office mailed notification of the City's election to terminate the lease to Aviation Services on August 9th, 2019. The tenant will vacate the premises and has agreed to turn the hangar over to the City by May 31, 2020.

- 1. City Staff recommends that the City Council authorize City Staff to proceed with marketing of property; and**
- 2. Direct City Staff to publish Request for Proposals (RFP) and new lease terms.**

Documents:

[MEMO FRED ANDERSEN UPDATE FINAL.PDF](#)
[DRAFT RFP - BLOCK 5, LOT 6.PDF](#)
[DRAFT OF NEW LEASE TERMS - BLOCK 5, LOT 6.PDF](#)
[EXHIBIT A - BLOCK 5, LOT 6 MINOT INTERNATIONAL AIRPORT 2ND ADDITION LEGAL DESCRIPTION.PDF](#)

- 6.14. CONFIRMATION OF INITIAL CDBG-NDR 2015/16 BINDING COMMITMENTS
In preparing for the April 20th discussion regarding a Substantial Amendment to the CDBG-NDR Action Plan, it was discovered that the City Council had not approved the NDRC Phase 1 and Phase 2 Applications, and the 2016 initial CDBG-DR Action Plan. In consultation with the City Attorney and Finance Director, it is prudent to request this City Council to approve the NDRC Phase 1 and Phase 2 Applications, the SF 424 binding federal commitments signed by the Mayor, the 2016 initial CDBG-Action Plan and the 2016 CDBG-NDR grant agreement signed by the Mayor.

Recommend the City Council approve NDRC Phase 1 and 2 Applications with SF 424 Federal Form and Certifications, CDBG-NDR 2016 Action Plan, and 2016 CDBG-NDR Grant Agreement affirming Mayor and Finance Director signing the commitments.

Documents:

[NDRCBINDINGCOMMITMENTSCOUNCILAPPROVALMEMO.DOCX](#)
[SF424NDRPHASE2A.PDF](#)
[NDR GRANT AGREEMENT.PDF](#)
[NDRC PHASE II PACKAGE.PDF](#)
[NDRCPHASE2CERTIFICATIONS.PDF](#)

7. ACTION ITEMS

- 7.1. NEW LEASE TERMS AND CONDITIONS FOR SCOTT AVIATION/WILSON SCOTT
Wilson Scott, also known as "Scott Aviation", currently leases real estate from the Minot International Airport (MOT). On March 16, 2020 the City Council authorized

notice be served to Mr. Scott that he was in default of the terms of his lease. This notice was given nearly one year after an initial inspection of the leased property and improvements indicated that the building was in a severe state of disrepair, and that the requirement of an aeronautical purpose for the property was not being met.

The Airport has drafted terms and conditions it would deem acceptable in order to renew the lease for an additional 20 years. These include a detailed timeline requiring repair of the structure and a verifiable aeronautical purpose.

City Staff recommends that the City Council review the proposed Ground Lease and Hangar Development Agreement and authorize the Mayor to enter into the agreement.

Documents:

[MEMO WILSON SCOTT UPDATE_SS.PDF](#)
[MINOT INTERNATIONAL AIRPORT GROUND LEASE_WILSON SCOTT_CITYS PROPOSED NEW...PDF](#)
[EXHIBIT A.PDF](#)
[EXHIBIT B.PDF](#)
[SIGNATURE.PDF](#)

7.2. SETTLEMENT AGREEMENT APPROVAL

J & C Rentals owns commercial property at 115 1st Ave NE and is asking for partial reimbursement of alleged storm sewer overcharges on their utility bill.

1. **Recommend approval of the Settlement agreement, release, and covenant not to sue.**
2. **Authorize the mayor to sign the agreement.**

Documents:

[J AND C RENTALS AGREEMENT MEMO.PDF](#)
[JC RENTALS RELEASEAND SETTLEMENT_SS.PDF](#)

7.3. DEVELOPERS AGREEMENT - ESSENTIAL TOWNHOMES (4532)

The Essential Townhomes Addition was approved by Planning Commission in March 2020 and by City Council in April 2020. Developers Agreements protect the City's interests and ensure necessary work within public right of way associated with newly developed or redeveloped property will be completed by Developers, in accordance with City standards and policy.

Approve the Essential Townhomes Developers Agreement with Essential Living, Inc. and authorize the Mayor to sign.

Documents:

[4532 - DEVELOPERS AGREEMENT - ESSENTIALTOWNHOMES.PDF](#)
[4532 - ESSENTIALLIVING-DEVAGREEMENT.PDF](#)

7.4. INCLUSION OF DISCLAIMER TO 2019 EVALUATIONS COMPLETED BY THE FORMER CITY MANAGER

On March 9, 2020, the Minot City Council voted 5-2 to hire independent counsel to investigate whether a hostile work environment existed within the City, primarily among the department heads, also referred to as the executive team, and the City Manager, Tom Barry. The investigation began on Monday, March 16, 2020 after approval of an agreement with Patricia Monson. Her conclusion in the report showed

there was a hostile work environment, which resulted in disparate treatment of employees, and lower scoring in 2019 employee evaluations that was "retributive and retaliatory".

The City of Minot Personnel Ordinance states that performance evaluations shall be made a permanent part of the personnel file. As such, destruction of the already completed evaluation(s) would not be the proper course of action to correct inaccurate information. Rather, it is suggested a disclaimer with supporting documentation, questioning the reliability and objectivity of the evaluations, be included with each.

Recommend to include a disclaimer to the 2019 evaluations of all subordinates of former City Manager, Tom Barry due to the reliability and objectivity of the evaluations. Included with the disclaimer will be a copy of the full final investigation report by independent counsel, Patricia Monson, and meeting minutes from the April 20, 2020 Special City Council meeting which terminated Mr. Barry's employment.

Documents:

[MEMO TO INCLUDE DISCLAIMER TO 2019 EVALUATIONS COMPLETED BY THE CITY MANAGER.PDF](#)
[2019 EVALUATION DISCLAIMER.PDF](#)
[INVESTIGATION REPORT-FINAL.PDF](#)

7.5. PUBLIC HEARING: TAX INCREMENT FINANCING DISTRICT #2020-1 (BLU ON BROADWAY)

A public hearing to consider the development or renewal plan submitted by Blu on Broadway, LLC and to consider the development agreement between the City of Minot and Blu on Broadway, LLC.

Blu on Broadway, LLC is requesting approval of a TIF District that will partially finance the construction of 1st Street SW between 16th Avenue and 17th Avenue. Blu on Broadway, LLC is the developer of the Blu on Broadway mixed use project that is located on a vacant parcel of land located at 1629 S. Broadway. The Planning Commission and City Council approved this project as a planned unit development in the Fall of 2019. Blu on Broadway, LLC will build a five-story building, with commercial units on the first floor and LMI housing on the upper floors.

If the City Council finds that the development or renewal plan complies with the City's Official Urban Renewal Plan and General Development Plan and NDCC ch. 40-58, City staff recommends the approval of the development or renewal plan resolution relating to TIF District 2020-1 and the approval of the development agreement.

1. **Recommend approval of TIF District 2020-1; and**
2. **Authorize the Mayor to sign the resolution; and**
3. **Authorize the Mayor to sign the development agreement with Blu on Broadway, LLC.**

Documents:

[CITY COUNCIL MEMO - TIF 2020-1.PDF](#)
[RESOLUTION - TIF 2020-1.PDF](#)
[DEVELOPMENT AGREEMENT - TIF 2020-1.PDF](#)
[APPLICATION AND NARRATIVE FOR TIF 2020-1 \(BLU ON BROADWAY\).PDF](#)

8. PERSONAL APPEARANCES

9. MISCELLANEOUS AND DISCUSSION ITEMS

9.1. OUTLINE 2021 BUDGET PRIORITIES

A draft of budget priorities for the 2021 budget cycle have been developed by staff. This agenda item is an opportunity for the Council to suggest modifications and adjustments.

9.2. INTERIM GOVERNMENT AND LEADERSHIP DISCUSSION AND ACTIONS

10. ADJOURNMENT