

City of Minot

Regular City Council Meeting
Monday, May 6, 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 a request from Matthew Yale to relocate a single family home from 1018 6th Avenue SW, also known as Kittelsons S/D West 50' Lot 7, to: 609 7th Street SE, Minot, also known as Dedricks First Addition Lot 3 Block 2, subject to conditions.

Documents:

[YALE- MEMO TO CITY COUNCIL.PDF](#)
[YALE MOVE REQUEST.PDF](#)
[HOMEOWNER LTR - YALE MOVE.PDF](#)
[PROPERTY OWNER LTR -YALE MOVE.PDF](#)
[YALE MAP OF PROPERTIES.PNG](#)
[INSPECTORS REPORT - YALE.PDF](#)
[ASSESSORS REPORT - YALE.PDF](#)

5. REPORTS: MAYOR

5.1. MAYORAL APPOINTMENTS

Documents:

[MEMO TO APPT MAY 2019.PDF](#)

5.2. MAYOR'S PROCLAMATION

Documents:

[BUILDING SAFETY PROCLAMATION MAY 2019.PDF](#)
[MUNICIPAL CLERK PROCLAMATION.PDF](#)
[PUBLIC WORKS PROCLAMATION MAY 2019.PDF](#)

6. CITY MANAGER REPORT

7. CITY ATTORNEY REPORT

Documents:

[ATTORNEY REPORT MAY 2019.PDF](#)

8. CONSIDER THE REPORT OF THE PLANNING COMMISSION: CONSENT ITEMS

Documents:

[04 \(APR\) RECOMMENDATIONS 2019.PDF](#)

- 8.1. SUBDIVISION OF COUNTRYSIDE VILLAS THIRD ADDITION, LOT 24 & SUBLOT B OF LOT 23 INTO A ONE LOT TO BE KNOWN AS COUNTRYSIDE VILLAS 6TH ADDITION
- 8.2. ADOPT A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR SELF-STORAGE UNITS AT NORTHERN PLAINS ENERGY PARK ADDITION, LOTS 7, 8, & 9, BLOCK 3

Documents:

[050619-RESOLUTION-CUP FOR SELF-STORAGE.PDF](#)

- 8.3. SUBDIVISION OF STATESBORO ADDITION, LOTS 4A THROUGH 9B TO BE KNOWN AS RAMSTAD HEIGHTS ADDITION
- 8.4. SUBDIVISION OF STATESBORO ADDITION, LOTS 12A THROUGH 15B TO BE KNOWN AS RAMSTAD HEIGHTS 2ND ADDITION
- 8.5. SUBDIVISION OF TERRACE HEIGHTS 15TH ADDITION, LOT 1 & 2 TO BE KNOWN AS TERRACE HEIGHTS 16TH ADDITION
- 8.6. PASS AN ORDINANCE TO ADOPT CHANGES TO THE MINOT ZONING CODE

Documents:

[ORDINANCE - C3 DOWNTOWN SIGNS.PDF](#)

[ORDINANCE - ARTIFICIAL TURF.PDF](#)

- 8.7. AMEND RESOLUTION 3606 ADJUSTING THE MEETING TIME OF THE PLANNING COMMISSION TO 5:30 PM

Documents:

[RESOLUTION NO. 3606- MEETING SCHEDULE.PDF](#)

9. PUBLIC HEARING: PASS AN ORDINANCE TO CHANGE THE ZONE FROM C2 TO RM ON GOHEENS ADDITION, LOT 6, BLOCK 3

A public hearing to consider a request by Scott and Marcia Julson to change the zone from C2 (General Commercial District) to RM (Medium Density Residential District) on Goheens Addition, Lot 6, Block 3.

Documents:

[GOHEENS ADDITION LOT 6 BLOCK 3.PDF](#)

10. PUBLIC HEARING: PASS AN ORDINANCE TO CHANGE THE ZONE FROM R4 TO R1S ON RAMSTAD HEIGHTS ADDITION

A public hearing to consider a request by Bakken Development Group I, LLC to change the zone from R4 (Planned Residential District) to R1S (Single-Family Residential District With Small Lot Size Flexibility) on Ramstad Heights Addition. This property is located at 3213-3315 15th Street NW.

Documents:

[050619-ORDINANCE-RZ RAMSTAD HEIGHTS ADDITION.PDF](#)

11. PUBLIC HEARING: PASS AN ORDINANCE TO CHANGE THE ZONE FROM R4 TO R1S ON RAMSTAD HEIGHTS 2ND ADDITION

A public hearing to consider a request by Bakken Development Group I, LLC to change the zone from R4 (Planned Residential District) to R1S (Single-Family Residential District With Small Lot Size Flexibility) on Ramstad Heights 2nd Addition. This property is located at 3407-3421 15th Street NW.

Documents:

[050619-ORDINANCE-RZ RAMSTAD HEIGHTS 2ND ADDITION.PDF](#)

12. CITY COUNCIL: CONSENT ITEMS

12.1. APPROVAL OF THE MINUTES

Approval of the minutes of the April 15, 2019 regular City Council meeting.

Documents:

[190415.PDF](#)

12.2. BILLS, TRANSFERS AND PAYROLL

Approval of the bills and transfers in the amount of \$2,645,492.01 and payroll for the period of March 17 through April 13, 2019 in the amount of \$2,090,775.36.

Documents:

[BILLS APRIL 2019.PDF](#)
[PAYROLL APRIL 2019.PDF](#)

12.3. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 5-6.PDF](#)

12.4. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

- 1. Ordinance No. 5373- Amend the 2019 Annual Budget- Fire Department Burn Building**
- 2. Ordinance No. 5374- Amend the 2019 Annual Budget- Aud/Rec. Budget**
- 3. Ordinance No. 5375- Amend the 2019 Annual Budget- SWIF Action D Culvert Deficiency Repair**

Documents:

[ORDINANCE NO. 5373.PDF](#)
[ORDINANCE NO. 5374.PDF](#)
[ORDINANCE NO. 5375.PDF](#)

12.5. GAMING SITE AUTHORIZATIONS- ANNUAL GAMING ORGANIZATION 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 attached gaming site authorizations for the license year of July 1, 2019 through June 30, 2020.

Documents:

[GAMING SITE AUTHORIZATIONS.PDF](#)
[GAMING ORGANIZATIONS.PDF](#)

12.6. 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, 2019 until June 30, 2020.

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

Documents:

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

12.7. AUTHORIZING RESOLUTION TO APPLY FOR NDDOT SECTION 5339 TRANSIT CAPITAL GRANT

The Transit Department applies for this FTA funded grant through the NDDOT each year. The funds from this grant will be used to purchase one Heavy Duty Low Floor Transit bus and one ADA Accessible Mini Van to replace vehicles that have exceeded their life expectancy.

1. **Request council allow the Transit Department to apply for a NDDOT Section 5339 Capital Purchase grant.**
2. **Request the mayor sign the Authorizing Resolution and authorize the Public Works Director to sign any other documents associated with this grant application.**

Documents:

[2020 MTC TO SIGN TRANSIT 5339 AUTHORIZING RESOLUTION.PDF](#)
[AUTHORIZING RESOLUTION - 5339 GRANT.PDF](#)

12.8. BUS ADVERTISING AGREEMENT - FIRST INTERNATIONAL BANK AND TRUST

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, 2019 for a period of one year with options to renew the agreement on a yearly basis.

Request Council renew the current advertising agreement with First International Bank and Trust to advertise on the sides and rear of one transit bus.

Documents:

MTC FIRST INTERNATIONAL BANK ADVERTISING FOR 2019.PDF
ADVERTISING AGREEMENT.PDF

12.9. ACCEPTANCE OF BID AND PURCHASE APPROVAL OF THE HAND HELD CHEMICAL IDENTIFICATION SYSTEM FOR MINOT POLICE BOMB SQUAD (PD0142)

The hand held chemical identification system would allow the Bomb Squad to quickly and accurately analyze unknown substances to help determine what they are handling so the appropriate safety precautions can be taken. This item will be purchased as part of the Fiscal Year 2017 SHSP Regional Response Team Grant, Project – PD0142.

1. **Recommend acceptance of the bid from Thermo Scientific Portable Analytical Instruments, Inc. for the purchase of a hand held chemical identification analyzer; and,**
2. **Authorize the purchase of the chemical detection analyzer from Thermo Scientific Portable Analytical Instruments.**

Documents:

[COUNCIL MEMO FOR CHEMICAL ID SYSTEM.PDF](#)
[THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS INC. BID PROPOSAL.PDF](#)
[AGILENT TECHNOLOGIES BID PROPOSAL.PDF](#)
[REQUEST FOR EXCEPTION TO LOW BID - LETTER OF EXPLANATION.PDF](#)
[PROCUR. CHECKLIST - PD0142 HANDHELD - APPROVED.PDF](#)

12.10. 2019 PAVEMENT MARKINGS – AWARD OF BID (4442)

This is the annual maintenance project to stripe pavement markings throughout the City's streets. This project maintains all pavement markings on the roads. On Tuesday, April 30, 2019 at 11:00 a.m., bids were opened for the 2019 Pavement Marking Project. The lowest bid was received by West River Striping Company with the bid amount of \$163,995.00 which is approximately 11.1% above the Engineer's Estimate.

It is recommended the City Council award the bid for the 2019 Pavement Markings Project to the low bidder, West River Striping Company, in the amount of \$163,995.00 and authorize the Mayor to sign the Agreement for the project.

Documents:

[4442 - 2019 PAVEMENT MARKINGS AWARD OF BID MEMO.PDF](#)

12.11. WASHINGTON ELEMENTARY SAFE ROUTES TO SCHOOL – AWARD OF BID (4367)

The Washington Elementary School Safe Routes to School project is a Transportation Alternatives Program (TAP) project designed to install sidewalks around Washington Elementary School. On Friday, April 12, 2019 at 9:30 am, bids were opened for the Washington Elementary Safe Routes to School project. Minot Paving Company, Inc. was the low bidder at \$191,775.90, which is 25.8% below the Engineer's Estimate.

1. **It is recommended the City Council award the bid for the Washington Elementary Safe Routes to School Project to the low bidder, Minot Paving Company, Inc. in the amount of \$191,775.90.**
2. **Authorize the Mayor to sign the Agreement upon concurrence of award from the North Dakota Department of Transportation (NDDOT).**

Documents:

[4367 - WASHINGTON ELEMENTARY SRTS AWARD OF BID MEMO.PDF](#)
[4367-WASHINGTON ELEMENTARY SRTS AWARD OF BID MEMO - ATTACHMENTS.PDF](#)

12.12. WASHINGTON ELEMENTARY SAFE ROUTES TO SCHOOL – AWARD OF CONSTRUCTION ENGINEERING SERVICES (4367)

The Washington Elementary School Safe Routes to School project is a Transportation Alternatives Program (TAP) project designed to install sidewalks around Washington Elementary School. Since this project is cost shared through the TAP program, the City is required by the CPM agreement to provide construction engineering services meeting the NDDOT's Sampling and Testing Manual as well as keep all project records and documentation as required by the Construction Records Manual and the Construction Automated Records System (CARS).

Currently the City does not have staff trained/experienced in utilizing CARS, nor does the City have staff experienced in performing the construction engineering services as required by NDDOT. On Friday, April 12, 2019 at 12:00 pm, proposals were opened for the Washington Elementary Safe Routes to School Constructions Engineering Services. The City only received one proposal, which was from Ackerman-Estvold.

1. **Recommend Council select Ackerman-Estvold to perform the Construction Engineering Services for the Washington Elementary Safe Routes to School Project.**
2. **Recommend Council authorize the Mayor to sign the Agreement.**

Documents:

[4367 - WASHINGTON ELEMENTARY SRTS AWARD OF CONSTRUCTION ENGINEERING SERVICES.PDF](#)

12.13. DEMOLITION OF 338 WALDERS STRUCTURE

The structure at 338 Walders was purchased as a potential location for a flood control museum or visitor center. There is no interest to pursue this option, so staff has offered this house/structure for sale to the public four (4) times. No bids were received.

A quote for the demolition was solicited from the existing MI-1 contractor and his quote for demolition was \$13,000.

1. **Recommend approval of demolition of 338 Walders structure**
2. **Recommend the Council pass an ordinance to amend the budget for demolition costs of \$13,000.00**
3. **Authorize the demolition award to Park Construction in the amount of \$13,000.00**

Documents:

[MEMO P4445 REMOVAL OF 338 WALDERS.DOCX](#)
[MI-1 CHANGE PROPOSAL 14 - WALDERS DEMO.PDF](#)
[CDM SMITH COST ESTIMATE FOR DEMO - EMAIL.DOCX](#)
[31. 2019 BA - 338 WALDERS STREET DEMO \(CAP022\).DOCX](#)

12.14. MASTER WATER SERVICES RFQ – CONSULTANT SELECTION (PROJECT #4421)
ND State Water Commission requires an RFQ for consultant services every three

years for projects that will receive State funding. As such, the City released an RFQ seeking qualified firms to perform general engineering and consultant services to assist, advise, design and manage water related projects for the City of Minot. The firms of Houston Engineering and Ackerman-Estvold submitted qualification statements for the project.

1. **Recommended Council select Houston Engineering to perform all general engineering and consultant services for water related infrastructure projects on an as needed basis for a three year term.**
2. **Recommend Council authorize the Mayor to sign a master task order agreement for engineering services as projects arise.**
3. **Recommend council authorize the Mayor to sign water modeling task order in the amount of \$30,000.**

Documents:

[MEMO TO COUNCIL - WATER RFQ SELECTION.PDF](#)

12.15. BUDGET ADJUSTMENT TO INCREASE CAPITAL, MAINTENANCE BUILDINGS & GROUNDS, AND MISCELLANEOUS REVENUES FOR AIRPORT MEZZANINE BAR EXPANSION PROJECT

A budget ordinance amending the 2019 annual airport budget to increase capital expenses, maintenance buildings & grounds, and miscellaneous revenues for the mezzanine bar expansion at the airport; funded by Oakwells, LLC (concessionaire at the airport). This adjustment will help maintain budget transparency.

1. **Recommend approval of the budget adjustment to increase capital expenses, maintenance buildings & grounds, and miscellaneous revenues for 2019; and**
2. **Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO - MEZZANINE BAR.PDF](#)
[27. 2019 BA - AIRPORT MEZZANINE PROJECT.PDF](#)

12.16. 2019 PROPOSED ORDINANCE FOR TRAVEL TO SKIEN, NORWAY

The Mayor and City Manager are scheduled to travel to the City of Minot's Sister City, Skien, Norway. This will be the first time that delegations from Minot have been to Skien since 2015. The trip is to be funded by donations from Norsk Hostfest.

Recommend City Council approve the Budget Amendment to increase general and administrative revenues and general fund expenses for the Norway travel.

Documents:

[MEMO- TRAVEL TO SKIEN, NORWAY.PDF](#)
[BA- TRAVEL TO SKIEN, NORWAY.PDF](#)

13. ACTION ITEMS

13.1. COMMUNITY RATING SYSTEM - OPEN SPACE PRESERVATION

The City of Minot participates in FEMA's Community Rating System (CRS) program through the National Flood Insurance Program. One floodplain management action credited by the CRS program is preservation of open space within the Special Flood Hazard Area (SHFA). Signing a Statement of Intent to preserve the open space allows

the City to receive additional CRS benefits by simply documenting the ownership and usage of property. The City owns 38 parcels which are partially or completely located in the SFHA and qualify for Open Space Preservation credit.

1. **Authorize the Mayor to sign the Statement of Intent to Preserve Open Space.**
2. **Authorize the Mayor to sign any required documents for the Airport Concurrent Use Agreement.**
3. **Approve the attached budget amendment on first reading.**

Documents:

[MEMO_CRS_OPENSOURCE.PDF](#)
[A_STATEMENT OF INTENT TO PRESERVE OPEN SPACE.PDF](#)
[B_OPEN SPACE PRESERVATION MAP.PDF](#)
[C_32. 2019 BA - CRS OPEN SPACE AIRPORT ENGINEERING \(AIR080\).PDF](#)

13.2. NO PARKING ALONG 16TH AVENUE SE NEAR OUR REDEEMER'S

Our Redeemer's Christian School and Our Redeemer's Church have expressed concerns about exiting the campus onto 16th Avenue SE. Our Redeemer's has a circulatory flow to its parking lot that results in this access being the main exit from the parking lot.

It is recommended that Council pass an ordinance to add parking restrictions to the following location:

1. South side of 16th Avenue SE, east 200-feet to 300-feet from the center of the 6th Street SE intersection.

Documents:

[MEMO_PARKING AT OUR REDEEMERS.PDF](#)
[OUR REDEEMERS.PDF](#)
[NO PARKING ORD - OUR REDEEMERS.PDF](#)

13.3. PUBLIC ADMINISTRATION SOFTWARE MAINTENANCE

The City of Minot's Public Administration Software provider is CentralSquare Technologies (formerly Superior). Superior has provided Public Administration software and support services for the City since the early 1990s. The Public Administration software is used to manage a wide variety of City functions including Finance, HR/Payroll, Utility Billing to name a few. This system has and continues to run on City-owned servers. In 2017, the City entered into an agreement with Superior to migrate the City's existing, on-premise software environment to Superior's cloud/hosted environment. Due to unforeseen circumstances, the City has not cutover to the hosted cloud environment and no longer intends to do so.

Recommend approving the Amendment to the Superior ASP Order and Software License and Services Agreement and authorize the Mayor to sign on behalf of the City.

Documents:

[MEMO- SUPERION ON-PREM.PDF](#)

13.4. AMENDED CONTRACT FOR TRANSFER OF MUNICIPAL COURT CASES TO DISTRICT COURT

The City of Minot prosecutes violations of municipal ordinances. Section 40-18-15.1 of the North Dakota Century Code requires transfer of certain city cases to district court,

if a defendant requests a jury trial in writing within a specific statutory timeframe. The City of Minot previously entered into a contract with the State of North Dakota and Ward County to address the prosecution of municipal ordinance violations and the costs associated with the prosecution and management of files. The modification relates to fees that are exempt from the fee split (Section 1, paragraph 7).

It is recommended the City Council move to approve the amended contract for transfer of municipal court cases to district court and authorize the Mayor to sign the contract on behalf of the City of Minot.

Documents:

[DISTRICT COURT CONTRACT_2019.PDF](#)
[DISTRICT COURT CONTRACT_2019 LETTER.PDF](#)
[DISTRICT COURT CONTRACT_2019 AMENDED AGREEMENT.PDF](#)

13.5. 3RD STREET SE AND BURDICK EXPRESSWAY HSIP CPM AGREEMENT (4426)

The 3rd Street SE and Burdick Expressway HSIP project is a Highway Safety Improvement Program (HSIP) project designed for crosswalk improvements at the Ward County Courthouse and at Roosevelt Zoo/Corbett Field. The NDDOT requires agencies to sign CPM agreements for federally funded projects which states the responsibilities of each entity. The attached CPM agreement is the standard agreement from the NDDOT for these types of projects.

1. **Recommend Council approve the Cost Participation and Maintenance Agreement (CPM) and authorize the Mayor to sign the agreement.**
2. **Authorize the Mayor to sign the Budget Amendment for the project**

Documents:

[4426 - 3RD ST SE AND BURDICK EXPY HSIP CPM AGREEMENT.PDF](#)
[CPM MINOT HSIP_22449_LGD_CITY MINOT.PDF](#)
[30. 2019 BA - 3RD AVE SE AND BURDICK PEDESTRIAN SIGNAL IMPR \(4426\).DOCX](#)

13.6. APPROVE EMINENT DOMAIN RESOLUTION CDBG-NDR ACQUISITION

This property is 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 owner of this property as set forth in HUD's involuntary acquisition guidelines and the requirements of the Federal Uniform Relocation Act.

It is recommended the City Council approve a resolution authorizing commencing Eminent Domain Proceedings for 613 2nd Avenue, NE, Minot, ND 58703.

Documents:

[EMINENTDOMAINAUTHORIZATIONCOUNCILMEMO4-30-19.PDF](#)
[STREITZEMINENTDOMAINRESOLUTION.PDF](#)

13.7. AUTHORIZE 14 COMPLETED BLOCKS REMOVAL IN RENAISSANCE ZONE

The Renaissance Zone Board has been undertaking a comprehensive assessment and review of the Renaissance Zone Plan of which a key part are the blocks which comprise the Zone itself. The result of this extensive review was the identification of 14 of the 41 blocks now in the Zone as completed

It is recommended the City Council approve the recommendation of the

Renaissance Zone Board for the removal of 14 blocks determined to be completed.

Documents:

[RENAISSANCE_ZONE_BLOCK_REMOVAL_COUNCILMEMO.PDF](#)
[RENAISSANCE_ZONE_MAP.PDF](#)
[APRIL_RENAISSANCE_ZONE_MTG.PDF](#)

13.8. CITY COUNCIL POLICY DIRECTION ON OPPORTUNITY ZONE STRATEGY

Part 1 of the draft rules to be issued by the Internal Revenue Service to govern Opportunity Zone activities and requirements were issued October 29, 2018 with the second part of the rules to be issued several months later according to the IRS. Part 2 has not yet been published in the Federal Register but a draft has become available as of April 17, 2019 on the IRS website. However, since this is what is known as a self-directed, self-certified tax incentive investment program, it has become evident that the private sector is not waiting for the IRS rules to be published and become effective.

It is recommended the City Council Provide Policy Direction to promote investment in the Opportunity Zone.

Documents:

[OPPORTUNITYZONESTRATEGYCONSIDERATION_COUNCILMEMO.PDF](#)
[CITY_OF_MINOT_CENSUS_101.PDF](#)

13.9. CITY COUNCIL AUTHORIZE SUBMISSION OF OPPORTUNITY ZONE STREAMLINING IDEAS TO HUD

The U.S. Department of Housing and Urban Development has issued a public notice seeking ideas and comments from grantees on how they might streamline or improve their rules and regulations to allow use of CDBG-DR funds to support projects in Opportunity Zones.

City Council authorize submission to HUD of comments proposing measures to be implemented by HUD to expedite and support use of CDBG-DR funds in Opportunity Zone.

Documents:

[HUDOPPORTUNITYZONEIDEASCOUNCILMEMO.PDF](#)
[HUDOPPORTUNITYZONENOTICE.PDF](#)

14. MISCELLANEOUS AND DISCUSSION ITEMS

14.1. STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION - DRAFT REVISIONS

This is currently an informational item. City Engineer Lance Meyer will provide a brief overview of the draft revisions. These draft revisions are in a public comment period and can be viewed here: <https://www.minotnd.org/674/DRAFT-Standard-Specifications-and-Detail>

Revisions to the City of Minot Standard Specifications and Details for Construction will come before Council for approval and adoption at a future meeting.

Documents:

[MEMO_DRAFTSPECS_COUNCIL.PDF](#)

15. ADJOURNMENT