

City of Minot

Regular City Council Meeting
Monday, May 17, 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. MAYORAL PROCLAMATION: SUMMER OF READING

Documents:

[PROCLAMATION- SUMMER OF READING.PDF](#)

4. MAYORAL PROCLAMATION: PUBLIC WORKS WEEK

Documents:

[PROCLAMATION- PUBLIC WORKS WEEK.PDF](#)

5. 2021 LEGISLATIVE SESSION RECAP
Presented by Shane Goettle

6. CITY MANAGER REPORT

Documents:

[CITY MANAGER REPORT 5-17-2021.PDF](#)

7. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[05 \(MAY\) RECOMMENDATIONS 2021_.PDF](#)

- 7.1. SUBDIVISION OF SOUTHEAST RIDGE BUSINESS PARK 3RD ADDITION
Planning Commission recommends City Council approve a subdivision plat of Southeast Ridge Business Park 3rd Addition that will combine three lots into two. The property is legally known as Lots 3, 4, & 5, Block 1 of Southeast Ridge Business Park Addition, Section 29, Township 155 North, Range 82 West, Ward County, North Dakota. The properties are located at 1309 39th Street SE., 1305 9th Street SE and 3900 13th Avenue SE.
- 7.2. PUBLIC HEARING: RUTH ADDITION, LOTS 1 & 2
A public hearing to consider a request by from Nathan Amick representing Souris River Joint Board and David Kopp, for a zoning district change to revise the existing

zoning district boundaries of "AG" Agricultural District and "P" Public Zone to establish "AG" Agricultural District on Lot 1 and "P" Public Zone on Lot 2 Ruth Addition.

The Planning Commission recommends the City Council

1. **approve a subdivision plat of Ruth Addition, which includes Outlot 31 and an unplatted portion of the SE ¼ NW ¼, Section 21, Township 155 North, Range 83 West, Ward County, North Dakota.**
2. **adopt a resolution amending the existing Future Land Use Map of the Comprehensive Plan boundaries of Low Density Residential with a Conceptual Greenway Connection overlay and Public/Semi-Public with a Conceptual Greenway Connection overlay to establish Low Density Residential with no change to the Conceptual Greenway Connection overlay on Lot 1 and Public/Semi-Public with no change to the Conceptual Greenway Connection overlay on Lot 2.**
3. **pass an ordinance on first reading to rezone from "AG" Agricultural District and "P" Public Zone to establish "AG" Agricultural District on Lot 1 and "P" Public Zone on Lot 2**

Documents:

[051721 - LUM AMEND LOTS 1 2 RUTH ADDITION PUBLIC-SEMI-PUBLIC AND LDR.PDF](#)

[051721 - RZ LOTS 1 2 RUTH ADDITION P AG RECONFIGURATION.PDF](#)

7.3. PUBLIC HEARING: NORTON'S ADDITION, LOTS 14-17 IN BLOCK 3 OF THE REPLAT OF LOTS 41 THRU 49, BLOCK 1, AND BLOCKS 2 & 3

A public hearing to consider a request by Travis Mowbray representing Mowbray Properties, LLC, for a zone change from "C2" General Commercial to "M1" Industrial on Lots 14-17 in Block 3 of the Replat of Lots 41 thru 49, Block 1, and Blocks 2 & 3 of Norton's Addition. The property is located at 328 20th Avenue SE.

Planning Commission recommends the City Council

1. **pass an ordinance on first reading for a zoning change from "C2" General Commercial to "M1" Industrial**
2. **Adopt a resolution to amend the future land use map from Commercial to Industrial.**

Documents:

[051721 - RZ MOWBRAY - C2 TO M1.PDF](#)

[051721 - LUM AMEND MOWBRAY - COMMERCIAL TO INDUSTRIAL.PDF](#)

7.4. CONDITIONAL USE PERMIT – HAZARDOUS MATERIAL STORAGE

Planning Commission recommends City Council approve a resolution for a conditional use permit for hazardous material storage related to diesel fuel tanks to be utilized to support operations of Keller Paving and Landscaping, Inc. The property is legally known as Outlot 37 of NESW NWSE Section 29, Township 155 North, Range 82 West. The property is located at 1820 Hwy 2 Bypass E.

Documents:

[051721 - CUP HAZMAT STORAGE - KELLER PAVING.PDF](#)

[051721 - CUP HAZMAT STORAGE - KELLER PAVING - ATTACHMENT](#)

[A.PDF](#)

8. CONSENT ITEMS

8.1. CITY COUNCIL MINUTES

It is recommended the City Council approve the minutes of the May 3, 2021 regular City Council minutes.

Documents:

[210503.PDF](#)

8.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5602 - Amend the 2021 Annual Budget- L-Tron panoramic Scene Camera**
2. **Ordinance No. 5603 - Stop Signs for Side Streets of 16th St NW and 36th Ave NW**
3. **Ordinance No. 5604 - Amend the 2021 Annual Budget- Enlarge Paving & Utility District 2021-1**
4. **Ordinance No. 5605 - Amend the 2021 Annual Budget- Recruitment Services for Airport Director**

Documents:

[ORDINANCE NO. 5602.PDF](#)

[ORDINANCE NO. 5603.PDF](#)

[ORDINANCE NO. 5604.PDF](#)

[ORDINANCE NO. 5605.PDF](#)

8.3. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 5-17-21.PDF](#)

8.4. BUDGET AMENDMENT FOR BUS VIDEO SURVEILLANCE EQUIPMENT

Presented by Dan Jonasson

This project will amend the 2021 budget to transfer budget from the City Transit Cash Reserves fund to City Transit IT Repair and Maintenance fund. These license fees will be budgeted in this fund for future years.

Recommend the Council pass and ordinance amending the 2021 annual budget to transfer from City Transit Cash Reserves to the IT Repair and Maintenance fund.

Documents:

[2021 MTC FOR BUDGET AMENDMENT FOR CRADLEPOING LICENSE FEES.PDF](#)

[37. 2021 BA - LICENSE FEES FOR BUS WI-FI CELLULAR ROUTERS.PDF](#)

8.5. DOWNTOWN PLANNING SERVICES STUDY BUDGET AMENDMENT

The City of Minot was awarded a \$19,400 Partners in Planning grant from the North

Dakota Department of Commerce in March. The grant was awarded in March of 2021 and was not included in the Planning Department FY 2021 budget.

Recommend approval of the proposed ordinance to amend the 2021 budget to add a planning services grant to the Planning Department's budget.

Documents:

[CC MEMO - PLANNING GRANT BUDGET AMENDMENT.PDF](#)
[38. 2021 BA -PARTNERS IN PLANNING GRANT.PDF](#)

8.6. PLAN AND SPEC APPROVAL P3135.2F SWIF ACTION F OUTFALL PIPE CLEANING
Presented by Dan Jonasson

Plans and specifications were prepared to remove the silt buildup in 7 of our large diameter 84" pipes that control flow into and out of our dead loops. This is the final portion of the work that comprises our original SWIF plan for repair and maintenance of the existing flood control/levee system in Minot.

1. **Recommend approval of plans and specs for SWIF Action F Outfall Pipe Cleaning**
2. **Authorize the advertisement for bids.**

Documents:

[MEMO- SWIF ACTION F P3135.2F.PDF](#)
[2021-05-07_OPC.PDF](#)
[2021-05-07_SWIF F FULL SET.PDF](#)

8.7. PAVING DISTRICT 499 - FAMILY REC ADDITION - APPROVE PLANS (4591)
This improvement district is a petitioned project brought forth by the Minot Park District and previously approved by Council. This project provides access to and parking for the Minot Park District's Day Use Park located off County Road 15 W. This area is also known as Family Recreation Addition.

1. **Approve the Plans and Specifications and authorize a call for bids.**

Documents:

[4591_MEMO_APPROVEPLANS.PDF](#)
[PAVDIST499-COVERSHEET.PDF](#)

8.8. RETAIL BEER & WINE LICENSE – NOBLE INN OWNERSHIP TRANSFER
The City received a request to transfer a Retail Beer & Wine license from Magni, LLC to NHS, LLC operating as the Noble Inn located at 1009 20th Ave SE. All documentation has been submitted and inspections relating to the proposed premises have been approved by the Police Chief.

It is recommended the City Council approve the transfer of a Retail Beer & Wine License from Magni, LLC to NHS, LLC operating as Noble Inn.

Documents:

[MEMO- NOBLE INN LICENSE TRANSFER.PDF](#)

8.9. RETAIL BEER & WINE LICENSE – URBAN GOURMET, LLC DBA THE STATION
The City received a request for a Retail Beer & Wine license from Urban Gourmet,

LLC dba The Station operating at 1303 South Broadway. 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 Urban Gourmet, LLC dba The Station.

Documents:

[MEMO- THE STATION ALCOHOL LICENSE.PDF](#)

- 8.10. 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. At the time of this memo, the organizations included in the attached list have submitted the required documentation and received approval from the Police Chief.

Recommend approval of the gaming site authorizations for the license year of July 1, 2021 through June 30, 2022.

Documents:

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

- 8.11. 2021 STREET IMPROVEMENT – 31ST AVENUE NW SPEED REDUCTION (4550)
Incorporated with the 2021 Street Improvement mill and overlay of 31st Avenue SW between S Broadway and 16th Street SW, the Engineering Department is proposing to reduce the posted speed limit in this stretch from 35-mph to 30-mph. This is in line current industry standards along with other roadways in this area; i.e. 16th Street SW and 31st Avenue SW west of 16th Street SW and 31st Avenue SW east of S Broadway.

Documents:

[MEMO-31ST AVE SW SPEED REDUCTION \(4550\).DOCX](#)
[SPEED REDUCTION ORDINANCE - 31ST AVE SW.DOC](#)
[31ST AVENUE SW AREA SPEED LIMIT GRAPHIC.PDF](#)
[USLIMITS2 SPEED ZONING REPORT - 31ST AVENUE SW.PDF](#)

- 8.12. MINOT AIRPORT PARKING FACILITIES MANAGEMENT AGREEMENT
REEF Parking Management is the current vendor for the Airport's parking services. Their five-year contract expired December 31, 2020, and an additional 120-day holdover period was granted by City Council on December 7, 2020, resulting in an end date of May 31, 2021. During the holdover period, the Airport published a request for proposals (RFP) in an effort to better evaluate the new business climate as a result of the on-going pandemic and the current uncertainty in the aviation industry. As the Airport transitions to a concession-based parking management operation from a management-fee based operation, it will provide for an increase of non-aeronautical revenue.

- 1. Recommend approval of the parking management contract with LAZ Parking for management of the Airport's parking lots; and**
- 2. Recommend approval of parking equipment procurement/purchase; and**
- 3. Authorize the Mayor to sign the agreement**

Documents:

[MEMO AIRPORT PARKING MANAGEMENT AGREEMENT.PDF](#)
[LAZ PARKING PROPOSAL.PDF](#)
[LAZ PARKING MANAGEMENT AGREEMENT FINAL.PDF](#)
[2021 BA - AIRPORT PARKING EQUIPMENT AND MANAGEMENT AGREEMENT.PDF](#)

8.13. ADJUST 2021 PARKING FEES AT MINOT INTERNATIONAL AIRPORT

Resolution No. 3672 was passed and adopted on September 21, 2020. This resolution set the airport parking fees at the rates listed in the attachment. As the Airport transitions to a concession-based parking management operation from a management-fee based system, it is recommended that parking fees be simplified. Reducing the price points from eight to four in the Short Term Lot, and from seven price points to two in the Long Term lot simplifies the structure and increases efficiency. Parking rates at the Airport were last changed in 2016.

1. **Recommend approval of the Resolution to adjust the 2021 Rates, Fees, and Charges Pertaining the Minot International Airport Parking Fees; and**
2. **Authorize the Mayor to sign the resolution**

Documents:

[MEMO 2021 PARKING RATES.PDF](#)
[2021 RESOLUTION PARKING FEES.PDF](#)

8.14. MINOT AIRPORT PROFESSIONAL CONSULTING SERVICES

Ulteig Engineers, Inc. is the current engineer of record for the Airport's professional consulting services and their five-year Master Professional Services Agreement expires June 30, 2021. FAA Advisory Circular 150/5100-14E, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects, and the FAA Airport Improvement Program (AIP) Handbook stipulates a master agreement cannot be extended beyond five years, thus requiring Airport Sponsors to perform consultant selection at a minimum of once every five years. To meet these requirements, the Airport published requests for qualifications (RFQ) in February 2021. On March 26, 2021 five proposals were received and accepted for architecture and engineering and four proposals were received and accepted for planning and environmental. After scoring and ranking all proposals, the firms were invited to present and interview in front of the scoring panel.

1. **Approve selection of Short Elliot Hendrickson, Inc. (SEH) as the Airport's professional consultant for architecture, engineering, planning, and environmental services over a 5-year term (2021-2026);**
2. **Authorize the Airport to negotiate and enter into a Master Professional Services Agreement with SEH;**
3. **Authorize the Mayor to sign any applicable documents.**

Documents:

[MEMO AIRPORT PROFESSIONAL CONSULTING SERVICES.PDF](#)
[SOQ SCORECARD.PDF](#)
[INTERVIEW SCORECARD.PDF](#)
[SEH PLANNING_ENVIRONMENTAL SERVICES PRESENTATION.PDF](#)
[SEH SUBMITTAL_QUALIFICATIONS FOR AIRPORT PLANNING AND ENVIRONMENTAL SERVICES_3-26-2021.PDF](#)

8.15. LANDFILL SCRAPER – LEASE DOCUMENTS (PROJECT NUMBER 4575)

On December 1, 2020, Minot City Council awarded a lease to Butler Machinery for a new scraper for the Minot Landfill. Upon review of the lease documents, it was decided council should authorize the lease with CAT Financial since they are the leasing company.

1. **Recommend council authorize entering a lease with Caterpillar Financial Services Corporation for the new landfill scraper lease that was awarded to Butler Machinery in December of 2020.**
2. **Approve and authorize the Mayor to sign the Governmental Entity Resolution to Lease document within the lease and other associated documents.**

Documents:

[4575 - MEMO TO COUNCIL - LANDFILL SCRAPER LEASE DOCUMENTS.PDF](#)
[CAT LEASE DOCUMENTS.PDF](#)
[CAT GOVERNEMENTAL RESOLUTION.PDF](#)

8.16. CONCUR ON PURCHASE PRICE FOR FLOOD BUYOUT AT 1212 28TH STREET SW AT \$138,000

The City of Minot Policy and Procedures for Involuntary Acquisition includes a provision that any negotiated purchase price for flood buyouts under these guidelines where the purchase price exceeds 15 per cent and \$15,000 from the initial purchase price offer made by the City shall go to the Council before a closing can take place. As a result of successful negotiations with the property owner in this matter, we have reach agreement on a purchase price of \$138,000 which is below the cap to meet HUD's requirement of a necessary and reasonable cost. However, the purchase price is 22 per cent above the initial offer and exceeds \$15,000 from the original offer.

Recommend the City Council concur with negotiated purchase price of \$138,000 for Flood buyout acquisition at 1212 28th Street SW owned by Patricia Bender and Michael Wilson

Documents:

[BENDERPROPERTYACQUISITIONCOUNCILMEMO1.PDF](#)

8.17. DELEGATION OF AUTHORITY - ND STATE FIRE MARSHAL

The ND State Fire Marshal has sent us an updated version of the Delegation of Authority for the inspections and code enforcement. We have had this delegation since 2012. This new version will be updated each code adoption cycle which is every three years.

The Fire Chief requests that council approves and allow for her to sign the Delegation of Authority from the North Dakota State Fire Marshal's Office to allow the Authority Having Jurisdiction (AHJ) to have code responsibility for schools, State buildings and residential State buildings within the City of Minot.

Documents:

[DELEGATION OF AUTHORITY FORM - ND STATE FIRE MARSHAL .PDF](#)
[MINOT FD LETTER AND DOA.PDF](#)
[SCHOOLS.PDF](#)
[STATE BUILDINGS.ANNUAL.PDF](#)
[STATE BUILDINGS.PDF](#)

8.18. LETTER TO SURFACE TRANSPORTATION BOARD DOWNTOWN RAIL TRANSFER
Presented by Lance Meyer

The City was contacted by CP Rail regarding their concerns about a transfer operation change with BNSF. A grain facility near Noonan is requesting unit train service by BNSF via a shared piece of track that runs to the facility. The matter is in front of the Surface Transportation Board for review and staff recommends the City send a letter stating the City's concerns.

Recommend Council authorize the Mayor to send a letter to the Surface Transportation Board stating the City's concerns

Documents:

[LETTER TO SURFACE TRANSPORTATION BOARD DOWNTOWN RAIL TRANSFER MEMO.PDF](#)
[LETTER TO CYNTHIA T. BROWN SURFACE TRANSPORTATION BOARD.PDF](#)
[CP MINOT SIDING.PDF](#)

8.19. APPROVAL OF CONTRACT WITH ND OFFICE OF STATE TAX COMMISSIONER FOR COLLECTION OF CITY SALES TAX
Presented by David Lakefield

The City of Minot currently contracts with the ND State Tax Commissioner to collect City of Minot sales tax. The current contract expires on June 30, 2021 and the proposed renewal is for the period of July 1, 2021 through June 30, 2023.

It is recommended the City Council approve the contract with the ND State Tax Commissioner to collect City sales tax for the period of July 1, 2021 to June 30, 2021 and authorize the Finance Director to sign the contract.

Documents:

[SALES TAX CONTRACT.PDF](#)
[TAX COMMISSIONER CONTRACT.PDF](#)

8.20. REPORT ON 1901 SOUTH BROADWAY (BROADWAY CIRCLE LMI HOUSING/FAMILY HOMELESS SHELTER PROJECT)

Attached is a report on the LMI Housing/Family Homeless Shelter project with no City Council action needed or recommended.

Documents:

[HOMELESSSHELTERCOUNCILMEMO.PDF](#)

8.21. MINOT INTERMODAL FACILITY CRISI GRANT UPDATE (4546)
Presented by Lance Meyer

In May of 2020, the City and NDDOT signed an agreement to accept funds from the Federal Railway Administration's CRISI grant program for a study of intermodal operations and planning. Because of changes to intermodal service by BNSF, the

scope of work in the agreement has been updated. Staff is requesting council review the updated scope so there is understanding of how the study is being undertaken.

No action is required. This is an informational memo.

Documents:

[4546 - MINOT INTERMODAL FACILITY CRISI GRANT UPDATE MEMO.PDF](#)
[MINOT INTERMODAL_ATTACH 2-5FINAL.PDF](#)

9. ACTION ITEMS

9.1. AGREEMENT WITH PARK DISTRICT FOR USE OF CITY LOTS

Presented by Dan Jonasson

The Park district originally entered into an agreement with the City for use of several lots along Burdick expressway for flower gardens and small park areas, until they are needed for the future flood protection project. Staff has recently been contacted by Tim Bauman and some of his colleagues, who would like to plant pollinator gardens on various areas throughout the city. Because the JPA already addresses access and use as requested by Mr. Bauman, City staff felt that the most efficient and consistent way to provide access to these lots for this type of use, is to revise the current JPA with the Park District to add the lots.

Recommend approval of the revised joint powers agreement with the Minot Park District for use of City properties.

Documents:

[MEMO APPROVE UPDATED PARK AGREEMENT FOR USE OF CITY LOTS_KH.PDF](#)
[PARCELS FOR POLLINATOR GARDENS USE.PDF](#)
[AMENDED ADOPT A LOT JPA_5.12.21_CLEAN.PDF](#)

9.2. RESTORATION EFFORT FOR FLOOD BUYOUT PROPERTIES NOT NEEDED FOR FLOOD CONTROL PROJECTS

A recent meeting was arranged by the Minot Park District with the Audubon Society and City officials including Alderman Podrygula as Council liaison, Director of Community and Economic Development, and the DR Program Manager, with the purpose to explore the possibility of leveraging CDBG-NDR funds with grant fund from the Audubon Society. As a result of this meeting, it is clear there is an opportunity to coordinate expertise and resources among multiple parties using CDBG-NDR funds as leverage to undertake uses of flood storage areas which can benefit Minot residents.

It is recommended the City Council approve Staff recommendations including creation of a Task Force and negotiating Sub-Recipient Agreement with Audubon Society of North Dakota

Documents:

[FLOODRESTORATIONTASKFORCECOUNCILMEMO.DOCX](#)

9.3. APPROVE CDBG-NDR SUBSTANTIAL AMENDMENT #5

As a result of the space analysis undertaken for the relocation of City Hall to the former Wells Fargo building, the conclusion of the City Engineer, consulting architect, and the space analysis committee, it appears possible that tenants in the building with month to month leases may have to be relocated to other locations. To assure

that these tenants have access to the relocation benefits which can be funded by the CDBG-NDR grant, it is necessary to amend the current HUD approved Action Plan. HUD rules set forth that a Substantial Amendment is required to an Action Plan when beneficiaries will be added or deleted. In this case, for relocation services and funding, beneficiaries will be added to the existing Relocation Activity.

It is recommended the City Council approve CDBG-NDR Substantial Amendment #5 to add beneficiaries to relocation services.

Documents:

[NDRSUBSTANTIALAMENDMENT5COUNCILMEMO.PDF](#)
[NDR SUBSTANTIAL AMENDMENT5.PDF](#)

9.4. APPROVE MINOR MODIFICATION TO TERMINATION AGREEMENT WITH LIGHTHOUSE MANAGEMENT

Lighthouse Management, in the wake of court approval of conveying 1901 South Broadway to the City of Minot and since the original Termination Agreement was approved by the City Council, specific details about Program Income became known, has requested that a minor modification be made to the agreement to reflect that Lighthouse Management has provided the City with the Program Income information. The modified agreement will result in closing out the relationship with Lutheran Social Services, conveying the site to the City, and allowing the City to resume the LMI rental housing/family homeless shelter project.

It is recommended the City Council approve a minor modification to the Termination Agreement with Lighthouse Management.

Documents:

[MODIFIEDLIGHTHOUSEAGREEMENTCOUNCILMEMO.PDF](#)
[LSS SUBRECIPIENT AGREEMENTS TERMINATION AND PURCHASE AGREEMENT 5.11.21.PDF](#)

9.5. 10TH ANNIVERSARY OF THE FLOOD EVENT PLANNER CONTRACT

In preparation for the 10th Anniversary of the Mouse River Flood, the City decided to form a committee to determine how to commemorate the event. During discussions with the Committee it was decided that with time constraints it was better to reach out and find a planner for this event.

It's recommended the City Council approve the contract between the City of Minot and Hometown Elegance Event Catering and Productions for consultation of the 10th Anniversary & commemoration of the flood.

Documents:

[MEMO EVENT PLANNER.PDF](#)
[EVENT PLANNING CONTRACT.PDF](#)

10. PERSONAL APPEARANCES

11. MISCELLANEOUS AND DISCUSSION ITEMS

12. LIAISON REPORTS

13. ADJOURNMENT