

City of Minot

Regular City Council Meeting
Monday, May 20, 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. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. PERSONAL APPEARANCES
4. PUBLIC HEARING: TAXI LICENSE DENIAL - ROCKY MCCAIN
A public hearing to allow Rocky McCain, an applicant for a taxi license, to appeal the decision made by the Police Chief to deny the application based on the qualifications and background examination.

It is recommended the City Council ratify the decision made by the Police Chief to deny a City of Minot Taxi License to Rocky McCain based on a review of his driving records.

Documents:

[MEMO ON TAXI LICENSE PUBLIC HEARING - ROCKY MCCAIN.PDF](#)
[ROCKY MCCAIN - TAXI LICENSE APPLICATION.PDF](#)
[LETTER OF DENIAL TO ROCKY MCCAIN.PDF](#)

5. CONSIDER THE REPORT OF THE MAGIC FUND SCREENING COMMITTEE

Documents:

[MAGIC MINUTES 4-26-19.PDF](#)

- 5.1. PUBLIC HEARING: APPROVE MAGIC FUND SOURIS BASIN PLANNING COUNCIL AGREEMENT
The Souris Basin Planning Council submitted a MAGIC Fund Grant application to the MAGIC Fund Screening Committee to capitalize a new revolving loan fund specifically designed to work in conjunction with the Bank of North Dakota PACE and Flex PACE Interest Rate Buy Down programs. The funds requested by the Council is \$500,000 in 2019 and \$500,000 in 2020. The MAGIC Fund Screening Committee at its April 26, 2019 meeting approved the request.
 1. **It is recommended the City Council take action regarding MAGIC Fund grant agreement with Souris Basin Planning Council to create a PACE and Flex PACE Revolving Loan Fund to partner with Bank of North Dakota.**
 2. **Recommend City Council approve the Budget Amendment to increase Sales Tax Economic Development expenditures for the Souris Basin Planning Council Business Accelerator Fund grant.**

Documents:

[SOURISBASINMAGICFUNDCOUNCILMEMO5-14-19A.PDF](#)
[SOURISBASINMAGICFUND.PDF](#)
[2019 BA - SBPC BUSINESS ACCELERATOR FUND GRANT.PDF](#)
[SBPC AGREEMENT.PDF](#)

5.2. PUBLIC HEARING: AUTHORIZE VISIT MINOT TO PROCEED WITH RFQ TO LEAD TO MAGIC FUND GRANT

Visit Minot has requested that the City Council authorize RFQ to be issued to select a consultant to develop a coordinated community wide branding strategy for economic development with details of agreement to serve as basis for drafting agreement with city to secure up to \$300,000 from the MAGIC Fund.

1. **It is recommended the City Council decide whether to authorize Visit Minot to Proceed with a Request for Proposal to initiate the process to develop a detailed scope of work, timeline, and budget through contract negotiations with a consultant selected through the RFQ which will result in developing an agreement with the City to be approved by the City Council to approve a MAGIC Fund Grant up to \$300,000 waiving match requirement.**
2. **Recommend City Council approve the Budget Amendment to increase Sales Tax Economic Development expenditures for the Visit Minot Professional Marketing Consultant grant.**

Documents:

[VISITMINOTMAGICFUNDCOUNCILMEMO5-14-19.PDF](#)
[VISITMINOTMOTION.PDF](#)
[20190514134612789.PDF](#)
[2019 BA- VISIT MINOT PROFESSIONAL MARKETING CONSULTANT GRANT.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the May 6, 2019 regular City Council meeting.

Documents:

[190506.PDF](#)

6.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5376 - Amend the Minot Zoning Code- Downtown Signs**
2. **Ordinance No. 5377 - Amend the Minot Zoning Code- Artificial Turf**
3. **Ordinance No. 5381 - Amend the 2019 Annual Budget- Demo 338 Walders Street**
4. **Ordinance No. 5382 - Amend the 2019 Annual Budget- Airport Mezzanine Bar Expansion**
5. **Ordinance No. 5383 - Amend the 2019 Annual Budget- Skien Norway**
6. **Ordinance No. 5384 - Amend the 2019 Annual Budget- CRS Open Space Preservatio**
7. **Ordinance No. 5385 - No Parking Along 16th Avenue SE**
8. **Ordinance No. 5386 - Amend the 2019 Annual Budget- Pedestrian Crossing Improvements**

Documents:

[ORDINANCE NO. 5376.PDF](#)
[ORDINANCE NO. 5377.PDF](#)
[ORDINANCE NO. 5381.PDF](#)
[ORDINANCE NO. 5382.PDF](#)
[ORDINANCE NO. 5383.PDF](#)
[ORDINANCE NO. 5384.PDF](#)
[ORDINANCE NO. 5385.PDF](#)
[ORDINANCE NO. 5386.PDF](#)

6.3. PARKING STRUCTURE EXTERIOR FINISHES FINAL PAYMENT AND EAPC CONTRACT AMENDMENT (3738.4)

This project was initiated in 2016 to provide an exterior finish on the two downtown parking structures. The exterior finishes were originally going to be installed by the developer, but were not advanced when construction on the ramps was substantially complete. Thus, to protect the City's investment, a project was initiated to install an exterior finish.

1. **Recommend council approve final payment to Rolac Contracting Inc, in the amount of \$47,417.95.**
2. **Recommend approving a contract amendment request from EAPC for architectural services rendered past the project completion date in the amount of \$4,924.50.**
3. **Authorize the use of liquidated damages to pay for a portion of the additional architectural services rendered on the contract.**
4. **Approve the budget amendment on first reading**

Documents:

[3738.4 PARKING STRUCTURE EXTERIOR FINISHES FINAL PAYMENT AND EAPC CONTRACT AMENDMENT.PDF](#)
[3738.4 FINAL PAY APPLICATION.PDF](#)
[15. 2019 BA - PARKING STRUCTURE EXTERIOR EXPENSES USING CASH RESERVE 3738.4.PDF](#)

6.4. WIDE-AREA TURF MOWER (PROJECT NUMBER 4417)

On May 14, 2019, the Public Works Department opened bids for a new wide-area turf mower for the Street Department. Two bids were received, and they are as follows:

Bidder Make/Model Bid Price

Gooseneck Implement JD 1600 \$51,915.87

MTI Distributing Toro Groundmaster \$76,821.33

Recommend Council award the bid to Gooseneck Implement in the amount of \$51,915.87 for the wide-area turf mower.

Documents:

[4417 - MEMO TO COUNCIL - TURF MOWER.PDF](#)

6.5. 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 5-20-19.PDF](#)

- 6.6. WAL-MART COMMUNITY GRANT APPLICATION - NATIONAL NIGHT OUT EVENT
The Police Department has applied for the Wal-Mart Community grant in the amount of \$5,000 to fund the 2019 National Night Out event to be held in August.

1. **Recommended that the Council ratify the application by the Minot Police Department.**
2. **Recommended that the Council authorize acceptance if awarded, the Wal-Mart Community Grant.**
3. **Recommended that the Council authorize the Mayor to sign the necessary documentation.**

Documents:

[MEMO - WAL-MART COMMUNITY GRANT.PDF](#)
[WAL-MART COMMUNITY GRANT APPLICATION AND GUIDELINES.PDF](#)

- 6.7. ACCOUNT NUMBER CHANGE FOR PD GRANTS & OFF DUTY POLICING
Police grants and off duty policing overtime salaries, social security (off duty only) and Medicare have been tracked in the administration and general department. Starting in 2019, the City would like to track these costs in department 20, formerly police administration. The change was recommended after the budget for 2019 was completed.

Recommend council approve the budget adjustment regarding a change in police grant and off duty budgeted department policing account numbers.

Documents:

[24. 2019 MEMO - ACCOUNT NUMBER CHANGE FOR PD 06 TO 20.DOCX](#)
[24. 2019 BA - ACCOUNT NUMBER CHANGE FOR PD 06 TO 20.DOCX](#)

- 6.8. STATION #2 – ROOFING PROJECT BID ACCEPTANCE
Annual evaluations of the status of the roofs have found that fire station #2 was in need a re-roof. The fire department advertised for bids and received bids from Jessen Roofing, Inc. and Tecta America. Both bids included a quote for Ballasted roof and adhered roof. Both bids include a 10 year manufacturer's warranty.

Recommend the City Council accept the bid from Jessen Roofing, Inc. to perform the re-roof of Fire Station #2.

Documents:

[5-7-19 STATION 2 REROOF.PDF](#)
[TECTA AMERICA \(1\).PDF](#)
[TECTA AMERICA \(2\).PDF](#)

- 6.9. NDDDES FY 2018/2019 HMEP TRAINING GRANT – MINOT FD
The Minot Fire Department Regional Response Team has applied for the NDDDES FY 2018/2019 Hazardous Materials Emergency Preparedness (HMEP) Training funds.

HMEP funds are matched on an 80%-20% (cash or in-kind) with non-federal resources. This grant will allow the City to train personnel the HazMat IQ system, which lets responders see immediate application of the material to their response world. The HazMat IQ system simplifies complex chemistry concepts into need to know essentials that can easily be used in the field. This system has been implemented in the Minot Fire Department for a few years and with the number of new personnel it is imperative for the program to be repeated.

1. **Recommend authorization to ratify and accept the North Dakota Department of Emergency Services (NDDDES) FY 2018-2019 Hazardous Materials Emergency Preparedness (HMEP) Training grant.**
2. **Recommend the budget amendment be approved to appropriate the spending and use of general fund cash reserves for the City match.**
3. **Authorize the Mayor to sign any required documents**

Documents:

[33. 2019 MEMO - NDDDES FY 2018-2019 HMEP TRAINING GRANT \(FD0098\) REVISED.PDF](#)
[HMEP APPLICATION.PDF](#)
[HAZMAT IQ AWARD LETTER.PDF](#)
[33. 2019 BA - NDDDES FY 2018-2019 HMEP TRAINING GRANT FD0098 REVISED.PDF](#)

6.10. SRT UTILITY EASEMENT ON CITY PROPERTY

SRT is requesting an easement from the City of Minot to construct underground facilities along the edge of City owned parcels.

1. **Approve the proposed right of way easement for SRT.**
2. **Authorize the Mayor to sign the necessary documents.**

Documents:

[MEMO_SRT_EASEMENTS.PDF](#)
[SRT_EASEMENT_ATTACHMENTS.PDF](#)

6.11. BURLINGTON FIRE DEPARTMENT MUTUAL AID AGREEMENT

The Burlington Fire Department is no longer part of the Mouse River Firefighters Association, which had them in a mutual aid agreement with the City of Minot. The Burlington Fire Department has an aerial ladder truck that could be called upon in the event that the Minot Fire Departments aerial truck is down for maintenance or out of service. This agreement defines roles, responsibilities and expectations between the two agencies

Recommend council ratify the Mayor's signature for the Burlington Fire Department Mutual Aid Agreement with the Minot Fire Department.

Documents:

[BURLINGTON MUTUAL AID AGREEMENT 4-30-19.PDF](#)
[MOU BURLINGTON FIRE DEPT.PDF](#)

6.12. PASSENGER FACILITY CHARGE (PFC) CLOSEOUT APPLICATION #7

In 2012, the City of Minot signed an approved application from the Federal Aviation Administration (FAA) for the collection of \$1,683,019 in Passenger Facility Charges (PFC's), using a \$4.50 PFC for Capital Improvement projects.

1. **Recommend approval of the closeout of PFC Application #7; and**
2. **Authorize the Finance Director or Mayor to sign any applicable documentation.**

Documents:

[PFC 7 CLOSEOUT.PDF](#)
[FORM 5500-1.PDF](#)
[AMENDMENT REQUEST.PDF](#)

7. ACTION ITEMS

7.1. JF AVIATION, LLC. LEASE AGREEMENT

JF Aviation, LLC is currently subletting a hangar from Apple Air, LLC, as approved during the February 19, 2019 Council Meeting. JF Aviation, LLC is now moving forward with its own lease agreement at Minot International Airport.

1. **Recommend approval of the lease agreement; and**
2. **Authorize the Mayor to sign any applicable documentation (three copies requested).**

Documents:

[MEMO JF AVIATION LEASE AGREEMENT.PDF](#)
[LEASE AGREEMENT 2019-05-13.PDF](#)

7.2. AUTHORIZE SETTLEMENT TO ACQUIRE 1124 6th AVENUE SW

The property owned by the estate of Jean Laskowski located at 1124 6th Avenue SW in the city of Minot is part of the Involuntary Acquisition program for flood control projects. During 2018 there were a series of offers and counter offers involved in purchase negotiations to acquire this property.

City Council approve a motion to authorize the City to acquire 1124 6th Avenue SW through a court settlement, at a purchase price of \$170,000 as part of flood control project acquisitions and further authorize the Mayor to execute all settlement related documents necessary to acquire the property.

Documents:

[LASKOWSKICOUNCILMEMO5-14-19.DOCX](#)

8. DEPARTMENT REPORT: FINANCE DIRECTOR
9. LIAISON REPORTS
10. MISCELLANEOUS AND DISCUSSION ITEMS
11. ADJOURNMENT