

City of Minot

Regular City Council Meeting
Monday, June 3, 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: BUILDING RELOCATION- 6201 24TH AVENUE SE

A public hearing to consider a request by Kevin Frederick to relocate a 40' x 60' steel building from 2005 Burdick Expressway East, Minot ND, 58701 also known as Fairville R-D 2 Plats P 169, S19-155-82 Nedrose -S1 A79.30, to 6201 24th Ave SE, Minot, ND 58701, also known as Countryside Villas 3rd Addition Sublot B of Lot 23 & Lot 24 Nedrose A 2.998, subject to conditions.

Documents:

[MEMO TO CITY COUNCIL.PDF](#)
[FREDERICK MOVE REQUEST.PDF](#)
[PROPERTY OWNERS LTR -FREDERICK.PDF](#)
[FREDERICK LETTER.PDF](#)
[6201 24TH AVE SE.PNG](#)
[INSPECTORS REPORT FREDERICK.PDF](#)
[ASSESSORS REPORT FREDERICK.PDF](#)
[FREDERICK REVISED SITE PLAN.JPG](#)

5. REPORTS: MAYOR

5.1. MAYORAL APPOINTMENTS

It is recommended the City Council confirm the attached Mayoral Appointments.

Documents:

[MEMO TO APPT JUNE 3 2019.PDF](#)
[MEMO_CRS_PPI_APPOINTCOMMITTEE.PDF](#)

6. CITY MANAGER REPORT

7. CITY ATTORNEY REPORT

Documents:

[ATTORNEY REPORT JUNE 2019.PDF](#)

8. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[05 \(MAY\) RECOMMENDATIONS 2019.PDF](#)

- 8.1. APPROVAL OF THE RIGHT-OF-WAY PLAT FOR OUTLOT 31 IN SECTION 13-155-83
- 8.2. ADOPT A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA DISPENSARY ON PRAIRIE GREEN 2ND ADDITION, BLOCK 22, LOT 6

Documents:

[060319-CUP- MEDICAL MARIJUANA DISPENSARY.PDF](#)

- 8.3. ADOPT A RESOLUTION FOR A CONDITIONAL USE PERMIT TO ADD AN ADDITIONAL ABOVE GROUND PROPANE TANK AT BROOKVIEW 8TH ADDITION BLOCK 1, LOT 1

Documents:

[060319-CUP- PROPANE TANK - SCHATZ.PDF](#)

- 8.4. APPROVE SUBDIVISION OF E150' OF THE W250' OF THE S300' OF LOT 4, BLOCK 2 OF MORELY'S REARRANGEMENT OF BLOCKS 2, 4, 6, 7, 9, & 13 OF ROOSEVELT HEIGHTS ADDITION INTO TWO SEPARATE PLATTED LOTS TO BE KNOWN AS ROOSEVELT HEIGHTS 3RD ADDITION, LOTS 1 AND 2
- 8.5. ADOPT A RESOLUTION FOR A CONDITIONAL USE PERMIT ON SOUTH PARK TERRACE 4TH ADDITION, N200' OF LOTS 9, 10, & 11 LESS SUBLOT A OF LOT 9

Documents:

[060319-CUP- CLIMATE CONTROLLED STORAGE -HIAWATHA.PDF](#)

9. CONSENT ITEMS

- 9.1. APPROVAL OF THE MINUTES
It is recommended the City Council approve the minutes of the May 20, 2019 regular City Council meeting.

Documents:

[190520.PDF](#)

- 9.2. BILLS AND TRANSFERS
It is recommended the City Council approve the Bills and Transfers for May in the amount of \$5,373,286.54.

Documents:

[BILLS MAY 2019.PDF](#)

- 9.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING
 1. **Ordinance No. 5378 - Zone Change- From C2 To RM On Goheens Addition, Lot 6, Block 3**
 2. **Ordinance No. 5379 - Zone Change- From R4 To R1S On Ramstad Heights Addition**
 3. **Ordinance No. 5380 - Zone Change- From R4 To R1S On Ramstad**

Heights 2nd Addition

4. **Ordinance No. 5387 - Amend the 2019 Annual Budget- SBPC**
5. **Ordinance No. 5388 - Amend the 2019 Annual Budget- OneBrand**
6. **Ordinance No. 5389 - Amend the 2019 Annual Budget- Parking Structure Exterior Finishes**
7. **Ordinance No. 5390 - Amend the 2019 Annual Budget- NDDDES FY 2018/2019 HMEP Training Grant**
8. **Ordinance No. 5391 - Adjust the Account Numbers for Police Grants and Off Duty Policing Overtime Salaries**

Documents:

[ORDINANCE NO. 5378.PDF](#)
[ORDINANCE NO. 5379.PDF](#)
[ORDINANCE NO. 5380.PDF](#)
[ORDINANCE NO. 5387.PDF](#)
[ORDINANCE NO. 5388.PDF](#)
[ORDINANCE NO. 5389.PDF](#)
[ORDINANCE NO. 5390.PDF](#)
[ORDINANCE NO. 5391.PDF](#)

9.4. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 6-3-19.PDF](#)

9.5. GAMING SITE AUTHORIZATION- ANNUAL GAMING ORGANIZATION RENEWAL

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 authorization for American Foundation for Wildlife to conduct games of chance at The Landing Bar & Bottle Shop for the license year of July 1, 2019 through June 30, 2020.

Documents:

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

9.6. FINAL PAYMENT TO KLJ FOR MASTER PLAN AND ALP UPDATE (AIR030)

In 2015, KLJ was contracted to update the Airports Master Plan and Airport Layout Plan as required by the FAA. The Project has reached conclusion with the completed updates submitted to the FAA for approval. This was a grant eligible project with 95% of total funding coming from federal and state grants, and 5% local share.

1. **Recommend approval of the Final Invoice for Master Plan and ALP Update (AIR030) to KLJ; and**
2. **Authorize the Rick Feltner, Airport Director, to sign any applicable Final Payment documentation.**

Documents:

[MEMO AIR030 FINAL PAYMENT TO KLJ \(2\).PDF](#)

9.7. SIDEWALK, STREET IMPROVEMENT, AND DEMOLITION FUNDS REALLOCATED INTO THE GENERAL FUND AND CLOSE THE APPLICABLE SPECIAL REVENUE FUND

Due to Governmental Accounting Standards Board (GASB), Statement 54's definition of a special revenue fund, the City will need to close the sidewalk, street improvement, and demolition fund and move into the appropriate general fund department account. All revenues and current year expenditures will be allocated to the general fund and will have no impact to the City. This will allow the City's financial statements to conform with Generally Accepted Accounting Principles (GAAP) as established by GASB.

Recommend approval for the first reading of the budget amendment to move the sidewalk, street improvements, and demolition special revenue funds into the general fund.

Documents:

[2019 MEMO - FUNDS 270 271 AND 273 TO GF.1.PDF](#)
[20. 2019 BA - FUNDS 270, 271, AND 273 TO DEPT 40 GF.DOCX](#)

9.8. 2020 WCNTF JAG & LOTTERY GRANT APPLICATION (PD0172)

The Minot Police Department/Ward County Narcotics Task Force requests authorization to apply for, and if awarded, accept, the 2020 JAG and Lottery Grant to fund the Task Force 2020 operating budget. The grant would provide 65% of the operating budget. A 35% match is required. The match will be split equally between the City of Minot and Ward County. The City of Minot will be the fiscal agent for this grant.

1. **Recommend the Council ratify the application by the Minot Police Department / Ward County Narcotics Task Force; and**
2. **authorize acceptance if awarded, the 2020 JAG and Lottery Grant from the ND Bureau of Criminal Investigation**

Documents:

[2019 MEMO - WCNTF JAG GRANT 2020A.DOCX](#)
[2020 WCNTF GRANT APPLICATION AND MOU.PDF](#)

9.9. ACCEPTANCE OF BID AND APPROVAL OF PURCHASE OF BOMB SUIT FOR MINOT POLICE BOMB SQUAD (PD0164)

The purchase of the bomb suit will help maintain, modernize, and update protective equipment for the bomb team and help ensure they are adequately protected during investigations of suspicious devices. This item will be purchased as part of the Fiscal Year 2018 Regional Response Team State Homeland Security Grant.

Recommend the City Council accept the bid from Med-Eng, LLC and authorize the purchase of a full coverage bomb suit.

Documents:

[2019 MEMO - SUIT BOMB SQUAD PD0164.DOCX](#)
[FED GRANT CHECKLIST - BOMB SUIT-APPROVED.PDF](#)

9.10. FY2018 USDOJ – BULLETPROOF VEST PARTNERSHIP GRANT (PD0171)

This has been an ongoing annual grant program which pays 50% of the qualified

bulletproof vest purchases for the police department. Due to the 2018 freeze on federal grants, this application had been on hold. The grant has since been awarded.

1. **Recommend authorization to apply for and, accept the US Department of Justice (USDOJ) FY 2018 Bulletproof Vest Partnership Grant for the Minot Police Department; and**
2. **Recommend Council approve a budget amendment to increase the police operation supplies revenues and expenditures for a FY18 Bulletproof Vest Partnership Grant.**

Documents:

[2019 MEMO- FY18 USDOJ BPV PARTNERSHIP GRANT PD0171.PDF](#)
[FY18 APPLICATION.PDF](#)
[38. 2019 BA - FY18 BPV.PDF](#)

9.11. FY2019 USDOJ – BULLETPROOF VEST PARTNERSHIP GRANT (PD0174)

This has been an ongoing annual grant program which pays 50% of the qualified bulletproof vest purchases for the police department.

Recommend authorization to apply for and, if awarded, accept the US Department of Justice (USDOJ) FY 2019 Bulletproof Vest Partnership Grant for the Minot Police Department.

Documents:

[39. 2019 MEMO - FY19 USDOJ BPV PARTNERSHIP GRANT PD0174.DOCX](#)
[FY19 APPLICATION.PDF](#)

9.12. TWO SKID STEER LOADERS TRADE-IN 2019 (4177)

Over the past few years, Public Works has bid multiple skid steers with a guaranteed annual trade amount. This program has helped the departments be more productive by having a new machine under warranty with minimal downtime for repairs. The trade deals work out to a rate of \$5-\$11 per hour, which is less than typical rental rates for a similar piece of equipment.

Recommend council approve a budget amendment to the 2019 Street Department budget for the purchase of 2 new skid steer loaders.

Documents:

[34. 2019 MEMO - 2 SKID STEER STREET 2019 4177.DOCX](#)
[34. 2019 BA - 2 SKID STEER STREET 2019 4177.DOCX](#)
[PROCUREMENT CHECKLIST 4177 - APPROVED.PDF](#)

9.13. KELLER PAVING TURN LANE IMPROVEMENTS AND MEDIAN CROSSING PIPE PERMIT (4374)

Keller Paving Inc. is adding turn lanes and making median improvements in front of their business on US Highway 2. The improvements include upsizing a median crossing pipe to handle additional drainage.

1. **Recommend Council approve the City of Minot to sponsor the project and be designated as the permittee.**
2. **Authorize the Mayor to sign the permit.**
3. **Require that a performance and payment bond be required for the full amount of the improvements.**

Documents:

[KELLER TURN LANE IMPROVEMENTS MEMO.PDF](#)
[NDDOT PERMIT.PDF](#)

- 9.14. APPROVAL OF CDBG-NDR INFRASTRUCTURE POLICIES AND PROCEDURES
HUD policies encourage Grantees to enact and enforce policies and procedures for the activities set forth in a HUD approved Action Plan. We have policies and procedures for such activities as acquisitions, multi-family rental LMI housing, single family LMI homes but we do not yet have policies for infrastructure activities because these activities have not until recently been in a position to proceed to construction.

It is recommended the City Council grant approval of CDBG-NDR Infrastructure Policies and Procedures for such projects as the Gathering Space and Family Homeless Shelter.

Documents:

[INFRASTRUCTUREPOLICIESANDPROCEDURESCOUNCILMEMO.PDF](#)
[MINOT NDR INFRASTRUCTURE POLICYA.PDF](#)

- 9.15. RETAIL LIQUOR & BEER LICENSE TRANSFER – KP2, INC. DBA THE SPOT
Paperwork was submitted to transfer the Retail Liquor & Beer license from Blindside Investments, LLP to KP2, Inc. dba The Spot. All documentation has been reviewed by the Police Chief and inspections have been done by the Building Official and Fire Marshal.

It is recommended the City Council approve the transfer of the Retail Liquor & Beer license from Blindside Investments, LLP. to KP2, Inc. dba The Spot.

Documents:

[MEMO- LICENSE TRANSFER THE SPOT.PDF](#)
[TRANSFER FORM- THE SPOT.PDF](#)

10. ACTION ITEMS

- 10.1. REVISION OF ACCOUNTS PAYABLE JOB DESCRIPTION TO PURCHASING AGENT/FINANCIAL PROFESSIONAL & MOVE PART-TIME FINANCE PERSON TO A FULL-TIME FINANCIAL SPECIALIST

The City of Minot currently has a Financial Specialist doing the accounts payable function (entering invoices, reconciling statements, paying bills, etc.) and a part-time person assisting the Financial Specialist, reconciling projects, completing quarterly and annual surveys, and other duties. The finance department would like to change the Financial Specialist position into a Purchasing Agent/Financial Professional position.

It is recommended the City Council approve revisions to the Accounts Payable job description to include Procurement Specialist.

Documents:

[PURCHASING AGENT-FINANCIAL SPECIALIST MEMO.DOCX](#)
[PURCHAING AGENT-FINANCIAL PROFESSIONAL JOB DESCRIPTION.DOCX](#)

- 10.2. PROFESSIONAL CONSULTING SERVICES FOR RAC RFP PROCESS

The Airport is exploring the possibility of constructing a QTA for the benefit of car

rental customers and car rental companies. We envision a land-lease concept where the facility is designed and constructed by a private entity, and financed through Customer Facility Charges (CFC's). CFC's are user fees collected from car rental customers for the benefit of car rental related infrastructure improvements. Initial studies completed in conjunction with the Finance Department and the City Attorney indicate that this is a viable concept. The next step is to develop an RFP which solidifies the requirements and assumptions. Landrum and Brown is the Airport's business consultant of record. Fees for this service will be paid through CFC's.

1. **Recommend approval of the Statement of Work from Landrum & Brown, Inc. to develop a Request for Proposals (RFP) for the development of a Quick Turn Around (QTA) facility at the Minot International Airport; and**
2. **Authorize the Mayor to sign any applicable documentation.**
3. **Pass an ordinance to amend the budget to increase the airport professional services for development of the RFP for the QTA facility**

Documents:

[MEMO LANDRUM BROWN QTA RFP.PDF](#)
[MOT_LANDRUM BROWN_TASK ORDER 2_QTA RFP_SIGNED.PDF](#)
[40. 2019 BA - QTA FACILITY AIR082.PDF](#)

10.3. EXTENSION OF EMINENT DOMAIN OUTSIDE COUNSEL CONTRACT

At the commencement of the Involuntary Acquisition Buy Out Program for flood mitigation projects, after issuance of an appropriate RFP, the City engaged Swanson & Warcup, Ltd. to serve as special outside counsel for Eminent Domain cases. There is currently one eminent domain case actively being heard in court and five have been initially filed with the court.

It is recommended the City Council approve the second one-year extension of modified Eminent Domain Swanson & Warcup, Ltd. Contract and authorize Mayor to execute all related documents for extension.

Documents:

[SWANSONWARCUPEXTENSIONCOUNCILMEMOAB.DOCX](#)
[CONTRACT EXTENSION FOR AGREEMENT BETWEEN THE CITY AND SWANSON AND WARCUP FOR EMINENT DOMAIN LEGAL SERVICES.PDF](#)
[AGREEMENT TO EXTEND CONTRACT FOR LEGAL SERVICES 053019.PDF](#)

10.4. CDM SMITH NO COST EXTENSION AGREEMENT FOR ALLOCATION #1

Allocation #1 has two activities requiring support delivery services from CDM Smith. The first is environmental review in support of the final phase of the Northern Sanitary Sewer project which is being funded through Allocation #1. The second is the Spot Blight (Zombie Homes) acquisition and demolition which CDM Smith is providing environmental review and demolition compliance technical support.

City Council approve Allocation #1 CDM Smith Agreement Extension until June 30, 2020 at no added cost increase to current cap and authorize Mayor to execute extension agreement

Documents:

[CDM SMITHALLOCATION1EXTENSIONCOUNCILMEMOA.PDF](#)
[MINOT CDM SMITH CDBG CONTRACT 1 AMENDMENT 13_051519.PDF](#)

10.5. SUB-SURECIPIENT AGREEMENT WITH LUTHERAN SOCIAL SERVICES HOUSING, INC. FOR FAMILY HOMELESS SHELTER

While the city of Minot has multiple emergency shelters serving different groups within the community's vulnerable populations, during the development of the HUD National Disaster Resilience grant application, it was identified as a critical need within the community to fill a void which is not having a homeless shelter which serves families and which has no restriction on the children's age. One of the priority projects approved by HUD in the CDBG-NDR Action Plan is the construction of a Family Homeless Shelter with no restriction on family composition (i.e. two spouses regardless of gender) and no restriction on age of children. Lutheran Social Services Housing, Inc. has developed a proposal which meets the goal set forth in the Action Plan. Lutheran Social Services Housing, Inc. is a 501(c)(3) non-profit corporation which means the City can enter into a sub-recipient agreement.

It is recommended the City Council approve the sub-recipient agreement with Lutheran Social Services Housing, Inc. to construct and operate a Family Homeless Shelter.

Documents:

[FAMILYHOMELESSSHELTERCOUNCILMEMO.PDF](#)
[FAMILY HOMELESS SHELTER SUBRECIPIENT AGREEMENT FEB 22 2019 FINAL DRAFTABC - JT COMMENTSAB.PDF](#)
[DETAILED PROJECT SCOPE - LSSH MINOT FAMILY SHELTER MAY 2019 V2.PDF](#)

10.6. SUB-SURECIPIENT AGREEMENT WITH LUTHERAN SOCIAL SERVICES HOUSING, INC. FOR LMI HOUSING CONSTRUCTION

There is an unmet need in Minot within the LMI population which is households and individuals who are at risk of homelessness for a wide variety of reasons related to meeting rental obligations as a tenant. The City in its HUD approved CDBG-NDR Action Plan made a significant financial commitment of the NDR funds to construct or rehabilitate multifamily rental apartments for LMI residents. The City has been adhering to a policy and practice of striving to meet this obligation to HUD through strategic and unique means and methods to mitigate impact to the existing private sector housing market in Minot. Lutheran Social Services Housing, Inc. has submitted a proposal which fits this strategy and goal as well as connecting with another critically important project within the CDBG-DR Action Plan which is the Family Homeless Shelter.

It is recommended the City Council approve a sub-recipient agreement with Lutheran Social Services Housing, Inc. to construct 17 multi-family rental units focusing on LMI households at risk of homelessness.

Documents:

[LSSH17UNITLMICOUNCILMEMO.PDF](#)
[17 UNIT MULTI-FAMILY RENTAL PROJECT LSS SUBRECIPIENT AGREEMENT FINAL DRAFTAB.PDF](#)
[DETAILED PROJECT SCOPE - LSSH MINOT LMI HOUS MAY 2019 V2 \(00000002\).PDF](#)

10.7. AUTHORIZATION OF APPLICATION TO GOVERNOR'S FUND FOR COMMUNITY DEVELOPMENT

The two separate sub-recipient agreements between the City of Minot and Lutheran Social Services Housing, Inc. to construct a 6-unit Family Emergency Homeless Shelter and a 17 unit LMI multi-family rental building. The CDBG/NDR funds cannot cover all acquisition costs and it is necessary for LSSH, Inc. to find such funds. The

application being made to the Governor's Fund for Community Development in the amount of \$760,000 is being made to cover such costs.

It is recommended the City Council grant authorization to apply for \$760,000 to the Governor's Fund for Community Development set-aside in support of the Lutheran Social Services Housing, Inc. projects being funded primarily through two sub-recipient agreements from CDBG-NDR grant and authorize the Mayor to sign all documents in support of the application.

Documents:

[LSSHINGGOVERNORFUNDAPPLICATIONOUNCILMEMO.PDF](#)
[SFN 53734 GOVERNORFUND APPLICATION \(00000002\)A.PDF](#)

10.8. PARKING RAMP ROOF AND DRAINAGE SYSTEM (3738.6)

Water infiltration into the parking ramps from snow melt and rain has continued to be a problem. The water infiltration continues to be messy and the long term effects on the structure of the building are unknown. The memo outlines several options and provides a recommended course of action.

1. **Recommend Council authorize the design and construction of an EPDM roof system for both downtown parking structures.**
2. **Recommend Council authorize the City Engineer to negotiate a scope and fee with EAPC to perform all consulting services for the roofing project and authorize the Mayor to sign the contract.**

Documents:

[PARKING RAMP ROOF AND DRAINAGE OPTIONS MEMO - TBC.PDF](#)

11. MISCELLANEOUS AND DISCUSSION ITEMS

12. ADJOURNMENT