

City of Minot

Regular City Council Meeting
Monday, June 17, 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. MAYORAL APPOINTMENTS

It is recommended the City Council approve the following Mayoral appointments:

MAGIC Fund

Steve Bigelow appointed to replace Pat Bachmeier with a term to expire June 2022.

Planning Commission

Dustin Offerdahl reappointed with a term to expire June 2024.

6. COUNCIL LEGISLATIVE REPORT

Shane Goettle will provide a report to the Council on the 2019 Legislative Session, including a legislative report card.

7. CONSENT ITEMS

7.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the June 3, 2019 regular City Council meeting.

Documents:

[190603.PDF](#)

7.2. APPROVAL OF PAYROLL

It is recommended the City Council approve payroll for the period of April 14, 2019 through May 25, 2019 in the amount of \$3,015,703.19.

Documents:

[PAYROLL- MAY 2019.PDF](#)

7.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5392 - Amend the 2019 Annual Budget- move the sidewalk, street improvements, and demolition special revenue funds into the general fund.**
2. **Ordinance No. 5393 - Amend the 2019 Annual Budget- Bulletproof Vest Partnership Grant (PD0171)**
3. **Ordinance No. 5394 - Amend the 2019 Annual Budget- Two Skid Steer Loaders Trade-In**
4. **Ordinance No. 5395 - Amend the 2019 Annual Budget- Professional Services Development QTA RFP**

Documents:

[ORDINANCE NO. 5392.PDF](#)
[ORDINANCE NO. 5393.PDF](#)
[ORDINANCE NO. 5394.PDF](#)
[ORDINANCE NO. 5395.PDF](#)

7.4. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 6-17-19.PDF](#)

7.5. GAMING SITE AUTHORIZATIONS- 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 authorizations listed in the attached memo, to conduct games of chance for the license year of July 1, 2019 through June 30, 2020.

Documents:

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

7.6. FINAL PAYMENT FOR DEMOLITION OF 430 4TH AVENUE NE

This is a single demolition project based on accepted bid price of \$115,800. All work has been completed and inspected by CDM Smith personnel to assure it complies with contract requirements. This final payment constitutes close out of this contract.

It is recommended the City Council approve the final payment of \$102,193.50 to Dig It Up Backhoe Service Inc. for demolition and site restoration of 430 4th

Avenue NE.

Documents:

[430 4 AVE NE DEMOCONTRACTFINALPAYMENTCOUNCILMEMO.PDF](#)
[DIGITUPINVOICE \(00000002\).PDF](#)

7.7. RETAINAGE PAYMENT TO BERGER ENTERPRISES FOR 2018 DEMOLITION CONTRACT

As standard practice, the City of Minot held \$68,515.77 in retainage against the 2018 demolition contract with Berger Enterprises, LLC as assurance of all work being satisfactorily completed and the one-year warranty of such work satisfied. The one-year warranty period has been completed resulting in the ability to release the retainage and pay to Berger Enterprises, LLC.

It is recommended the City Council approve the retainage payment of \$68,515.77 to Berger Enterprises to close out the 2018 Demolition Contract.

Documents:

[2018DEMOCONTRACTFINALPAYMENTCOUNCILMEMO.PDF](#)
[2018INVOICE 9 FINAL RETAINAGE.PDF](#)

7.8. BUDGET AMENDMENT FOR LOCAL MATCH FUNDS NEEDED FOR THE PREVIOUSLY APPROVED PURCHASE OF A 2019 ADA COMPLIANT BRAUN ENTERVAN

On March 4, 2019, council approved the purchase of a 2019 ADA compliant Braun Entervan to replace a 2016 Braun Entervan that was damaged beyond repair in an accident. The vehicle was being purchased using a Section 5339 grant that would reimburse 80% of the purchase cost of \$41,100.00. At that time, it was understood that the \$14,521.00 that was received from the insurance claim would be used as the required local match for this purchase. Since this time we have been informed that since the van that was involved in the accident had not met its Useful Life Expectancy that the insurance proceeds must be applied to the federal portion of the purchase. After discussions with North Dakota DOT transit personnel, it was determined that 80% of the insurance claim would applied to the federal portion of the purchase and 20% of the insurance claim could be used toward local match.

Recommend approval to use \$5,316.00 from Bus Department cash reserves for matching funds for the purchase of a 2019 ADA Compliant Braun Entervan to replace the 2016 Braun Entervan that was damaged beyond repair in an accident.

Documents:

[MATCHING FUNDS FOR PURCHASE OF 2019 ADA VAN WITH BUDGET AMMENDMENT.PDF](#)
[41. 2019 BA - REPLACEMENT FOR DAMAGED VAN ADJUSTMENTS \(BUS037\).PDF](#)

7.9. NDDOT FFY 2020 TRAFFIC SAFETY GRANT

The Minot Police Department has participated in this annual traffic safety grant program on an ongoing basis. The funds are used to pay officers to work in an overtime capacity and increase enforcement of impaired driving, occupant protection, distracted driving, and underage drinking in an effort to make Minot a safer community.

1. **Recommend authorization to apply for and, if awarded, accept the North Dakota Department of Transportation (NDDOT) FY 2020 Traffic Safety Enforcement Grant for the Minot Police Department; and**
2. **Authorize the Mayor to sign the agreement.**

Documents:

[FFY 2020 TRAFFIC SAFETY COUNCIL MEMO.PDF](#)
[FFY 2020 SIGNED CONTRACT PROPOSAL.PDF](#)

7.10. HESS CORP GRANT – FORCIBLE ENTRY TRAINING EQUIPMENT – MINOT FD (FD0099)

This grant was submitted to HESS Corporation for consideration for the purchase of a forcible entry prop for at the training center. The grant was obtained to purchase a forcible entry prop to be utilized by personnel when learning to force doors at structure fires, rescues, and medical calls properly. Being able to force doors on residential and commercial properties effectively and in a timely manner could save lives. In the fire service, time is everything.

1. **Recommend authorization to ratify and accept the HESS Corporation grant that was successfully obtained for use towards the procurement of a forcible entry prop.**
2. **Recommend Council approve the budget amendment**

Documents:

[36. 2019 MEMO - HESS FD0099.PDF](#)
[FORCIBLE ENTRY PROP INVOICE.PDF](#)
[FORCIBLE ENTRY PROCUREMENT CHECKLIST.PDF](#)
[36. 2019 BA- HESS FD0099.PDF](#)

7.11. 2020 DOMESTIC VIOLENCE CRISIS CENTER JAG (PD0175)

The Domestic Violence Crisis Center employs a Victim Advocate who provides assistance with obtaining Protection Orders for the victims of domestic violence, sexual assault, dating violence, stalking and human trafficking in the counties of Ward, Renville, Pierce and McHenry in north central North Dakota. The JAG grant helps defer the costs of their salary/benefits.

1. **Recommend that the Committee and Council ratify the application by the Minot Police Department / Domestic Violence Crisis Center. This is a pass-through grant. There will be no fiscal impact to the City; and**
2. **Recommend that the Committee and Council authorize acceptance if awarded, the 2020 JAG and Lottery Grant.**

Documents:

[APPLICATION.PDF](#)
[MPD DVCC 2019 MOU.PDF](#)
[2019 MEMO - 2020 DVCC JAG.DOCX](#)

7.12. ANNUAL RENEWAL OF MOWBRAY & SON PREVENTATIVE MAINTENANCE AGREEMENT

In 2017, at the conclusion of the warranty period for many of the Passenger Terminal's

mechanical systems, the Airport entered into a one-year preventative maintenance plan with Mowbray and Son, Inc. Mechanical Contractors. This agreement was then renewed in 2018.

Beginning in July 2019, Airport staff will complete filter changes, significantly reducing the preventative maintenance plan cost. Mowbray & Sons, Inc., upon approval of the attached proposal, will continue to provide preventative maintenance checks.

- 1. Recommend approval of the Mowbray & Son Preventative Maintenance Proposal (annual renewal); and**
- 2. Authorize the Airport Director to sign the agreement**

Documents:

[MEMO MOWBRAY AND SON PM CONTRACT.PDF](#)
[MOWBRAY AND SON PM PROPOSAL.PDF](#)

- 7.13. AMEND ULTEIG MASTER PROFESSIONAL SERVICES AGREEMENT CONTRACT
An amendment to the MPSA between Ulteig and the Airport will make changes necessary to comply with FAA grant requirements. The proposed changes are detailed in the attached document.

- 1. Recommend approval of Amendment No. 1 to the Master Professional Services Agreement (MPSA) with Uletig; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO ULTEIG MPSA AMENDMENT.PDF](#)
[AMENDMENT NO. 1_FINAL_CITY OF MINOT_5.17.2019.PDF](#)

8. ACTION ITEMS

- 8.1. SETTLEMENT AGREEMENT TO ACQUIRE PROPERTIES AT 210 7TH STREET NE AND 706 4TH AVENUE NE FOR FLOOD CONTROL PROJECTS

Kenn and Lynnette Simensen initiated an Inverse Condemnation against the city in October, 2017 with the bank subsequently joining in the court action because it holds mortgages on both properties. From a compliance standpoint with HUD and URA rules, the city had not caused this Inverse Condemnation because at the time that this action was filed in the courts in November, 2018, the City was still open and offering negotiations on a purchase price and had not sought authority from the City Council to pursue acquisition of these properties through Eminent Domain.

It is recommended the City Council approve the Settlement Agreement of the matters entitled Kenn Simensen, Lynette Simensen, and United Community Bank of North Dakota, plaintiffs, v. City of Minot, defendant, Ward County District Court Case Nos. 51-2019-CV-00028 and 51-2019-CV-00029 for a purchase agreement for the subject properties in the amount of \$1,750,000 with such agreement representing full and complete resolution of all issues between the parties in these actions, and authorize the Mayor to execute any and all documents necessary to the settlement and acquisition of the properties.

Documents:

[SIMENSESETTLEMENTCOUNCILMEMO5-14-19A.PDF](#)
[ORDER FOR DISMISSAL.PDF](#)
[STIPULATION FOR DISMISSAL.PDF](#)
[SIMENSESETTLEMENTAGREEMENT.PDF](#)

8.2. ALCOHOLIC BEVERAGE LICENSE RENEWALS 2019-2020

In order to renew the license, an application must be submitted for review by the Police Department and inspections are done by the Building Official and Fire Marshal. The attached spreadsheet tracks all of the information submitted and approvals granted. It should also be noted, since the recent ordinance change to license renewals, the term of the licenses will commence at 12:00 am July 1, 2019 and continue through 11:59 pm on December 31, 2020.

1. **It is recommended the City Council approve the alcoholic beverage license renewals for the period of July 1, 2019 through December 31, 2020 for all applicants identified on the attached list who have submitted all application materials and passed background checks and inspections.**
2. **Grant conditional approval to the applicants listed in the attached memo including the specific conditions mentioned.**

Documents:

[MEMO- ALCOHOLIC BEVERAGE LICENSE RENEWALS.PDF](#)
[DATA FOR LICENSES- ANNUAL RENEWAL.XLSX](#)

8.3. 36TH AVENUE NW EAST FRONTAGE ROAD MEDIAN RECOMMENDATION (4071)

The owner of Northgate 4th Addition, Northgate on Broadway LLC, has requested the Council allow the removal of the concrete median across the east frontage road on 36th Avenue NW. Council requested that staff perform a traffic study at that intersection to determine the warrants of the median and potential impacts to the community.

It is recommended Council leave in place the east frontage road median at the intersection of 36th Avenue NW and Broadway.

Documents:

[36TH AVE NW EAST FRONTAGE ROAD MEDIAN RECOMMENDATION MEMO.PDF](#)
[FINAL W APPENDIX N BROADWAY AND 36TH AVENUE NW TRAFFIC STUDY.PDF](#)

8.4. ANNE STREET BRIDGE ENGINEERING REPORT AND PRESENTATION (4385)

Late last year, council authorized the engineering department to study the condition of the Anne Street Pedestrian Bridge and report findings to the council.

1. **Recommend Council accept and file the report.**
2. **Recommend Council close Anne Street Bridge until such time that the necessary repairs are completed to bring the bridge into a safe working condition.**

Documents:

[4385 - ANNE STREET BRIDGE FINAL REPORT MEMO.PDF](#)
[ANNE STREET BRIDGE ASSESSMENT FINAL REPORT_053119.PDF](#)

9. DEPARTMENT REPORT: HUMAN RESOURCE DIRECTOR

10. LIAISON REPORTS

11. MISCELLANEOUS AND DISCUSSION ITEMS

11.1. GATHERING SPACE PROPERTY NEGOTIATION DEADLINE

12. ADJOURNMENT