

City of Minot

Regular City Council Meeting
Monday, July 1, 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 REQUEST TO 7520 15TH AVE SE- CHAD SICKLES

A public hearing to consider a request by Chad Sickles to relocate a single-family residence from 104 6th St NE, Minot ND, 58701 also known as Torbensons Addn. lot 2 less E30 of N25 Block 3, to 7520 15th Ave SE, Minot, ND 58701, also known as Sunny Slope 2nd Addn. Lot 38, subject to conditions.

Documents:

[MEMO TO CITY COUNCIL- SICKLES.PDF](#)
[SICKLES MOVE APP.PDF](#)
[SICKLES PROPERTY OWNERS LETTER.PDF](#)
[CHAD SICKLES LETTER.PDF](#)
[INSPECTORS REPORT - SICKLES.PDF](#)
[ASSESSORS REPORT 7520 15TH AVE SE SICKLES, CHAD.PDF](#)
[SICKES OFFER TO PURCHASE.PDF](#)

5. REPORTS: MAYOR

5.1. MAYORAL APPOINTMENTS

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

**Renaissance Zone Board
Jason Bentley appointed to replace Chad Vogel with a term to expire June 2022.**

6. REPORTS: CITY MANAGER

7. ATTORNEY REPORT

Documents:

[ATTORNEY REPORT.PDF](#)

8. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

06 (JUNE) RECOMMENDATIONS 2019.PDF

- 8.1. PASS AN ORDINANCE TO ANNEX INTO CITY LIMITS THE WEST HALF OF LOT 6, THOMPSON'S 8TH PLAT

Recommend the City Council pass an ordinance to annex into city limits the West Half of Lot 6, Thompson's 8th Plat to allow independent connection to the city water main. This property is located at 110 43rd Avenue, SW.

Documents:

[060119-ORDIANCE-ANNEX- THE WEST HALF OF LOT 6 THOMPSONS 8TH PLAT.PDF](#)

- 8.2. SUBDIVISION OF PRAIRIE GREEN 24TH ADDITION

Recommend the City Council approve the subdivision of Lot 17 less the South 30 feet of Amended Plats of Lots 12, 15, 16 & 17 to be known as Prairie Green 24th Addition. This property is located at 905 28th Avenue SW.

- 8.3. PUBLIC HEARING: PASS AN ORDINANCE TO CHANGE THE ZONE FROM C2 TO R3C ON PRAIRIE GREEN 24TH ADDITION

It is recommended the City Council pass an ordinance to change the zone from C2 (General Commercial District) to R3C (Townhouse Residential District) on proposed Prairie Green 24th Addition. This property is located at 905 28th Avenue, SW.

Documents:

[060119-ORDIANCE-RZ- PRAIRIE GREEN 24TH ADD.PDF](#)

9. CONSENT ITEMS

- 9.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the June 17, 2019 regular City Council minutes.

Documents:

[190617.PDF](#)

- 9.2. APPROVAL OF BILLS, TRANSFERS & PAYROLL

Approval of the bills and transfers for June in the amount of \$6,029,544.89 and payroll for the period of May 26, 2019 through June 22, 2019 in the amount of \$2,065,892.46.

Documents:

[BILLS JUNE 2019.PDF](#)
[PAYROLL 7-1-19.PDF](#)

- 9.3. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 7-1-19.PDF](#)

9.4. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5396 - Amend the 2019 Annual Budget- ADA Compliant Braun Entervan**
2. **Ordinance No. 5397 - Amend the 2019 Annual Budget- Hess Grant Forcible Entry Training Equipment**

Documents:

[ORDINANCE NO. 5396.PDF](#)
[ORDINANCE NO. 5397.PDF](#)

9.5. FINAL PAYMENT – MINOT FIRE STATION 3 REHABILITATION

In 2018, Hight Construction began the rehabilitation project on the Minot Fire Department Station 3. The City Council approved the project which has been completed.

It is recommended the City Council approve final payment in the amount of \$6,500 to be paid to Hight Construction for the Minot Fire Station 3 Rehabilitation.

Documents:

[06-19-19 FINAL PAYMENT MEMO FOR HIGHT.PDF](#)
[FINAL PAYMENT APPLICATION.PDF](#)

9.6. FINAL PAYMENT – ANNE STREET BRIDGE PLANNING STUDY

EAPC has completed their assessment of the Anne Street Bridge. The total cost came in \$10,816.07 under budget. This payment of \$6,884.36 will allow the City to close out the CDBG-DR activity file for this contract.

It is recommended the City Council approve final payment in the amount of \$6,884.36 to be paid to EAPC for the Anne Street Bridge Planning Study.

Documents:

[06-26-19 FINAL PAYMENT MEMO FOR EAPC.PDF](#)
[EAPC ANNE STREET BRIDGE.PDF](#)

9.7. ODOR CONTROL IMPROVEMENTS (PROJECT NUMBER 4305)

In the fall of 2016, Apex completed an odor control study to address the on-going odor issue at Master Lift. The result of the study indicated a need to reduce hydrogen sulfide concentrations within the sanitary sewer collection system. The project was bid in April of 2018 and the low bidder was PKG Construction Inc. at \$524,000.00. PKG has now completed all items remaining for the project.

Recommend Council approve the final payment amount of \$28,655.46 to be paid to PKG Contracting, Inc.

Documents:

[4305 - MEMO TO COUNCIL - FINAL PAYMENT.PDF](#)
[4305 PKG PAY APP 6 - FINAL.PDF](#)

9.8. AWARD OF BID - 2019-2020 NUISANCE ABATEMENT (4439)

This is the annual project to address nuisances throughout the City. This project removes any nuisances located on private property, following the procedure as

outlined in municipal code.

The lowest bid price was received by Hanson's Excavating, Inc. with the bid of \$28,673.00. This bid is approximately 6% above the Engineer's Estimate.

Recommend that Council award the bid for the 2019-2020 Nuisance Abatement Project to the low bidder, Hanson's Excavating, Inc., in the amount of \$28,673.00 and authorize the Mayor to sign the Agreement. Recommend the City Council pass an ordinance to amend the 2019 annual budget to increase the Inspection demolitions and nuisance abatement expenditures using cash reserves.

Documents:

[4439 - 2019-2020 NUISANCE ABATEMENT AWARD OF BID MEMO.PDF](#)
[45. BA FOR 2019-2020 NUISANCE ABATEMENT - 4439.PDF](#)

9.9. LEASE FOR SIX MOTOR GRADERS – AWARD OF BID (PROJECT# 4401)

Each year the Street Department rents six motor graders to use for winter snow removal operations. The machines are delivered to the City on about October 15 of each year and they are kept until April 15. For the 2019-2020 snow removal season leasing six brand new blades was explored and appeared to be promising. On Tuesday, June 25, 2019, bids were opened for five-year leases on six new motor graders. The tabulation of bids is below:

| Bidder | Base Bid | Annual Lease Payment |
|----------------------------------|-----------------|-----------------------------|
| <u>Buyout</u> | | |
| Butler Machinery \$182,000.00 | \$288,000 | \$29,049.76 |
| RDO Equipment \$197,000.00 | \$291,000 | \$26,272.00 |

Recommend council award the bid for a 5-year lease of six new motor graders to RDO Equipment in the amount of \$26,272.00 per year per machine.

Documents:

[MEMO - MOTOR GRADER AWARD OF BID.PDF](#)

9.10. 3RD STREET SE AND BURDICK EXPRESSWAY HSIP REJECT BID (4426)

The City of Minot Engineering Department designed and bid City Project 4426. On Friday, June 14th, NDDOT opened the bids and two bids were received. The low bid from Strata was \$208,294.50, which is \$112,444.50 higher than the engineer's estimate. After reviewing the bids and contacting Strata, it was determined that a rejection of the current bids and a rebid would result in a more accurate and cost efficient project.

Recommend Council to reject the bids for 3rd Street SE and Burdick Expressway HSIP and authorize Engineering, along with the NDDOT, to rebid the project.

Documents:

9.11. LOAN PAYOFF -GARRISON DIVERSION DEBT

The City entered into an agreement with the Bureau of Reclamation in the early seventies for the construction of the Minot Pipeline. This was the first phase of a project which was to eventually provide water for the City from Garrison Diversion Unit facilities. The Bureau of Reclamation financed the project for the City. The original loan was for \$3,781,560.51 over 50 years at an annual interest rate of 3.5 percent. The City is currently making semi-annual principal/interest payments with the final payment scheduled for July 1, 2027.

With the abandonment of the Sundre pipeline, the City has been given the option to pay in full the US Bureau of Reclamation loan (Garrison Diversion).

Recommend approval of the budget amendment ordinance using water and sewer cash reserves to pay in full the United States Bureau of Reclamation loan in the amount of \$878,930.00.

Documents:

[2019 MEMO - LOAN PAYOFF-SUNDRE PIPELINE.PDF](#)
[43. 2019 BA - PAYOFF GARRISON DIVERSION DEBT EARLY.PDF](#)

9.12. DESIGNATION OF 55TH ST NE AS A 129,000 LB CORRIDOR (4460)

In the 2017 legislative session, the State Legislature established a 129,000-pound truck network. Federal highways included in the network that affect Minot include US 83, 52, and 2. The network only includes US highways and not local jurisdiction roadways. The local jurisdiction must add network segments if they wish for the segment to be included on the network.

Recommend council pass a resolution designating 55th St NE from US Highway 2 north to County Road 12 as a 129,000-pound corridor.

Documents:

[DESIGNATION OF 55TH ST NE 129,000 LB CORRIDOR MEMO.PDF](#)

9.13. LARRY HUIZENGA LEASE AGREEMENT

Mr. Huizenga is seeking to build a hangar at Minot International Airport First Addition, Lot 6 on the southeast side of the Minot International Airport. In order to begin construction on the hangar, it is requested that the lease agreement be approved by Minot City Council.

**1. Recommend approval of the lease agreement; and
2. Ratify the Mayor's signature on any applicable documentation.**

Documents:

[MEMO LARRY HUIZENGA LEASE AGREEMENT.PDF](#)
[LARRY HUIZENGA GROUND LEASE TEMPLATE 5.28.19.PDF](#)
[EXHIBIT A - LEGAL DESCRIPTION LOT 6 - HUIZENGA.PDF](#)
[EXHIBIT B - MINIMUM STANDARDS.PDF](#)

9.14. APPROVAL OF THE CONTRACT WITH ND STATE TAX COMMISSIONER FOR COLLECTION OF CITY LOCAL SALES, USE AND GROSS RECEIPT TAXES 2019-2021

The ND State Tax Commissioner collects the City Local Sales, Use and Gross Receipt taxes. This is a continuation of previous contracts with the ND State Tax Commissioner.

It is recommended the City Council approve the continuation of the contract with ND State Tax Commissioner for the 2019-2021 biennium.

Documents:

[SALES AND USE MEMO.DOCX](#)
[ND STATE COMMISSIONER CONTRACT.PDF](#)

9.15. ALCOHOLIC BEVERAGE LICENSE RENEWALS 2019-2020

Last month, liquor license renewals were approved for a majority of license holders. There were several licensees who had not submitted documentation at that time, but have now complied with the requirements.

It is recommended the City Council approve the remaining alcoholic beverage license renewals for the period of July 1, 2019 through December 31, 2020:

- **Captain's Cove Seafood Restaurant**
- **Clarion Hotel and Convention Center, Minot**
- **Pizza Ranch**
- **Quality Inn & Suites**
- **Thai Hot**

Documents:

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

10. ACTION ITEMS

10.1. ORDINANCE AMENDMENTS - 2019 LEGISLATIVE UPDATES

The North Dakota Legislature amended sections of state law relating to penalties for class B misdemeanors. The attached ordinance implements the changes made to state law into our City Code of Ordinances.

It is recommended the City Council approve, on first reading, the attached ordinance updates relating to Sections 1-8, 23-1, 23-34, 23-34.1, and 23-34.3.

Documents:

[2019 LEGISLATIVE UPDATES_CC MEMO.PDF](#)
[1-8 GENERAL PENALTY ORDINANCE 2019.PDF](#)
[MJ AMENDMENTS_2019.PDF](#)

10.2. ORDINANCE AMENDMENT - CITY COUNCIL MEETINGS ORDER OF BUSINESS

Mayor Sipma requested the City Attorney's Office amend section 2-30, which relates to the order of business for meetings of the City Council.

It is recommended the City Council approve, on first reading, the attached ordinance relating to the order of business for meetings of the City Council.

Documents:

10.3. RIGHT OF WAY ENCROACHMENT APPLICATION – ARTIFICIAL TURF – 2124 ELK DRIVE

Per City Zoning Ordinance, artificial turf is allowable in certain locations and with certain stipulations. Artificial turf is only allowed in City right of way with a right of way encroachment permit. Mr. Tim Vallely submitted a Right of Way Encroachment Application and Artificial Turf Application.

The proposal is to install artificial turf within the boulevard/landscape island along the northwest property line, adjacent to 2124 Elk Drive. A portion of the landscape island is located within City right of way therefor a portion of the artificial turf would also be located within City right of way. The proposed artificial turf product and its placement meet the requirements of the ordinance.

Recommend approval of the Right of Way Encroachment Agreement Application submitted by Vallely Properties, LLC for the installation of artificial turf in the right-of-way at 2124 Elk Drive and authorize the Mayor to sign the Revocable Encroachment Permit.

Documents:

[MEMO_ENCROACHMENT_VALLELYTURF.PDF](#)
[ENCROACHMENT APPLICATION.PDF](#)
[ARTIFICIAL TURF APPLICATION.PDF](#)
[ARTIFICIAL TURF ENCROACHMENT PERMIT.PDF](#)
[EXHIBIT 1 ENCROACHEMNT AREA.PDF](#)
[EXHIBIT 2 ARTIFICIAL TURF APPLICATION.PDF](#)

10.4. SEWER CONNECTION FEE – 620 27th STREET NW

In 2011, following the completion of the North Minot Sanitary Sewer Study, the City Council set the North Minot Sewer Connection Fee at \$3,787.00 per acre.

Mr. Brian Sturm is planning to build a single-family residential structure at 650 27th St NW, which is located within the North Minot Sewer system. This residential lot is approximately 3.06 acres, which calculates to a connection fee of \$11,584.41. He is requesting a reduction to this fee based on developable area and consistency with neighbors.

Recommend that Council act upon one of the four alternatives listed in the memo.

Documents:

[MEMO-SEWERCONNECTIONFEE-STRUM.PDF](#)
[NORTH MINOT CONNECTION FEES_STURM.PDF](#)
[LETTER.PDF](#)

10.5. ACCEPT STRENGTHEN ND FUNDING TOOLKIT AND NEXT STEPS FOR USE STRATEGY

As part of the required reduction of planned uses of CDBG-DR funds based on the HUD reduced grant allocation of \$74.3 million, the city of Minot in 2016 set aside funds for use in pursuing Funding and Financial Strategies Planning to identify other sources of potential financing, funding, and resources that can support sustainable recovery and resilience projects, activities, and efforts. As a first step, a sub-recipient agreement with Strengthen ND was completed and approved by the City Council to

identify potential funding opportunities, methods and methodologies to pursue such grants, and categories.

It is recommended the City Council accept the Strengthen ND Funding Opportunity Toolkit and offer guidance on recommended next steps for use strategy.

Documents:

[FUNDINGOPPORTUNITIESTOOLKITCOUNCILMEMO5-14-19A.PDF](#)

10.6. OPTIONS FOR DISPOSITION OF SPOT BLIGHT ACQUIRED LOTS

To seek to acquire and demolish structures that have remained in disuse and disrepair after damage from the flood threatening the stability of neighborhoods, the City has used the Spot Blight National Objective to be able to spend CDBG-DR Allocation #1 funds to purchase these homes and demolish them restoring the properties to green grass. The Blight National Objective is limited in eligible use to eradicating the cause or causes of the blight which means acquisition, demolition and site restoration.

It is recommended the City Council provide guidance on which option or options to use for the disposition of the properties which the City has acquired through the Spot Blight (Zombie Home) program.

Documents:

[SPOTBLIGHTREUSEOPTONSCOUNCILMEMO5-14-19A.PDF](#)
[NOTICE-CPD-17-09-MANAGEMENT-OF-CDBG-ASSISTED-REAL-PROPERTY \(1\).PDF](#)

11. MISCELLANEOUS AND DISCUSSION ITEMS

12. ADJOURNMENT