

City of Minot

Regular City Council Meeting
Monday, July 20, 2020 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. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[07 \(JUL\) RECOMMENDATIONS 2020.PDF](#)

3.1. PUBLIC HEARING- REZONE LOTS 1 & 2 OF SWENSON'S ADDITION

A public hearing to consider a request by Souris River Joint Board and Ackerman-Estvold to rezone proposed Lot 1 from AG (Agricultural) to P, (Public) and to rezone proposed Lot 2 from AG (Agricultural) to RA (Residential Agricultural).

1. **Approve subdivision to be known as Lots 1 and 2 of Swenson's Addition to construct a levee as part of the Mouse River Flood Control Project.**
2. **Pass an Ordinance on first reading to rezone proposed Lot 1 from AG (Agricultural) to P, (Public) and to rezone proposed Lot 2 from AG (Agricultural) to RA (Residential Agricultural).**

Documents:

[072020 - SWENSONS ADDITION RZ AG TO P AND RA.PDF](#)

3.2. PUBLIC HEARING- REZONE THE BLUFFS 14TH ADDITION

A public hearing to consider a request by Ackerman Estvold to rezone The Bluffs 14th Addition from R1 (Single-Family Residential) and AG (Agricultural) to RA (Agricultural Residential).

1. **Approve subdivision of The Bluffs 14th Addition**
2. **Pass an Ordinance on first reading to rezone The Bluffs 14th Addition from R1 (Single-Family Residential) and AG (Agricultural) to RA (Agricultural Residential).**

Documents:

[072020 - BLUFFS 14TH ADDITION RZ AG AND R1 TO RA.PDF](#)

3.3. SUBDIVISION OF BEL AIR 25TH ADDITION, LOT 1

It is recommended the City Council approve a subdivision to combine existing Lots 10 and 11, Bel Air 14th Addition into one lot to be known as Bel Air 25th Addition, Lot 1.

3.4. PUBLIC HEARING- REZONE TRINITY HEALTH 3RD ADDITION

A public hearing to consider a request by Eric Poppinga of Central Power Electric Cooperative, Inc. for a zone change from AG (Agricultural) to P (Public Zone) on Trinity Health 3rd Addition, Lot 1.

1. **Approve a two-lot subdivision plat to be known as Trinity Health 3rd Addition, Lots 1 & 2.**
2. **Pass an ordinance on first reading to change the zoning on Trinity Health 3rd Addition, Lot 1 from AG (Agricultural) to P (Public Zone).**

Documents:

[072020 - TRINITY HEALTH 3RD ADDITION RZ AG TO P.PDF](#)

4. CONSENT ITEMS

4.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the July 6, 2020 special City Council meeting and the July 6, 2020 regular City Council meeting.

Documents:

[200706- SPECIAL.PDF](#)
[200706.PDF](#)

4.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5347 - Change the Zone from AG to P on Family Recreation Addition, Lot 1**
2. **Ordinance No. 5348 - Annex into City Limits Family Recreation Addition, Lot 1**
3. **Ordinance No. 5420 - Rezone McHenry Addition, Lot 1 from R3B to C2**
4. **Ordinance No. 5489 - Annex Hawks View 3rd Addition, Lot 4**
5. **Ordinance No. 5490 - Rezone Essential Townhomes Addition, Lot 1 from R4 to RM and Lots 2-33 from R4 to R3C**
6. **Ordinance No. 5498 - Rezone Ramstad Heights 7th Addition from R-4 to R1S**
7. **Ordinance No. 5499 - Rezone Ramstad Heights 8th Addition from R-4 to R1S**
8. **Ordinance No. 5500 - Rezone Ramstad Heights 9th Addition from R-4 to R1S**
9. **Ordinance No. 5515 - Amend the 2020 Annual Budget- Second Allocation Quality Control (DR0001)**
10. **Ordinance No. 5516 - Amend the 2020 Annual Budget- Country Financial Donation (FD0108)**

Documents:

[ORDINANCE NO. 5347.PDF](#)
[ORDINANCE NO. 5348.PDF](#)
[ORDINANCE NO. 5420.PDF](#)
[ORDINANCE NO. 5489.PDF](#)

[ORDINANCE NO. 5490.PDF](#)
[ORDINANCE NO. 5498.PDF](#)
[ORDINANCE NO. 5499.PDF](#)
[ORDINANCE NO. 5500.PDF](#)
[ORDINANCE NO. 5515.PDF](#)
[ORDINANCE NO. 5516.PDF](#)

4.3. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 7-20-20.PDF](#)

- 4.4. SUPPER CLUB LICENSE- BOOK VALUE INVESTORS, LLP DBA 28 TASTES & TAPS
The City received a request from Book Value Investors, LLP dba 28 Tastes & Taps, for a Supper Club License operating at 1603 35th Ave SW. All documentation has been approved by the Police Chief, Building Official and Fire Marshal.

It is recommended the City Council approve the request from Book Value Investors, LLP dba 28 Tastes & Taps, for a Supper Club License operating at 1603 35th Ave SW.

Documents:

[MEMO- ALCOHOL LICENSE- 28 TASTES AND TAPS.PDF](#)

- 4.5. GAMING SITE AUTHORIZATION- MINOT HOCKEY BOOSTERS

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.

It is recommended the City Council approve the gaming site authorization for Minot Hockey Boosters to conduct gaming at 28 Tastes & Taps (1603 35th Ave SW).

Documents:

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

- 4.6. 4505 – EDISON ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL –
TRANSPORTATION ALTERNATIVES GRANT AWARD

In December 2019, and with approval by the City Council, the City of Minot applied for Transportation Alternative (TA) funds to provide safe routes to Edison elementary. TA funds for Fiscal Year 2022 were awarded to the City of Minot in June of 2020 with a maximum amount of \$290,000.

- 1. Recommend acceptance of federal Transportation Alternative (TA) funds in the amount of \$290,000.**
- 2. Authorize staff to start the design engineering and subsequent construction services.**
- 3. Authorize staff to complete the project to provide safe routes to school for Edison Elementary.**

Documents:

[4505 - EDISON SRTS AWARD ACCEPTANCE.PDF](#)
[2022 TA GRANT AWARD LETTER.PDF](#)
[EDISON SRTS MAPS-FIG 1.PDF](#)

4.7. 2021 WCNTF JAG & LOTTERY GRANT APPLICATION

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 and Ward County Narcotics Task Force; and**
2. **Authorize acceptance if awarded the 2021 JAG and Lottery Grant from the ND Bureau of Criminal Investigations.**

Documents:

[WCNTF 2021 JAG MEMO.PDF](#)
[2021 WCNTF GRANT APPLICATION \(PD0193\).PDF](#)

4.8. CARGO APRON BID AWARD AND CONTRACT

The Cargo Apron Reconstruction and Expansion project was approved by City Council on April 20, 2020 as part of the FAA's 2020 Airport Improvement Program (AIP) grant funding. Per the CARES Act, the FAA has committed to fund the project at 100% with no local matching funds required. In order to begin construction, approval of the Notice of Award, Agreement, and authorization to utilize budgeted funds until grant funding is released is necessary.

1. **Recommend the Notice of Award of the Cargo Apron Reconstruction and Expansion project to Bluestone Construction as the low bidder.**
2. **Approve the Agreement for construction of the project**
3. **Authorize the Airport to utilize budgeted funds for the project, until FAA grant funds are received.**
4. **Authorize the Mayor to sign the necessary documentation.**

Documents:

[MEMO - CARGO APRON BID AWARD.PDF](#)
[NOTICE OF AWARD - BLUE STONE.PDF](#)
[BID TAB - CARGO APRON.PDF](#)
[BLUE STONE CONSTRUCTION AGREEMENT.PDF](#)
[CONSTRUCTION CONTRACT APPENDIX.PDF](#)
[BID FORM - BLUE STONE.PDF](#)

4.9. ENCROACHMENT PERMIT - 1ST STREET NE RAMP - 21EC

Creedence Properties III, LLC wishes to provide access to their building from the eastern adjacent public sidewalk. The interior finished floor elevation is approximately 2'-6" higher than the exterior sidewalk elevation. The proposal is to construct one ADA accessible ramp and one staircase to allow ingress/egress to the east side of the building. The proposed ramp and staircase will encroach on the City's right-of-way but have been designed to maintain proper access along the City's sidewalk.

Recommend approval of the Right of Way Encroachment Agreement Application submitted by Creedence Properties III, LLC for the installation of one ADA access ramp and one staircase along 1st Street NE for their building

at 21 East Central Avenue.

Documents:

[MEMO_ENCROACHMENT_CREEDENCE EC21.PDF](#)
[2020-07-09 CREEDENCE - ENCROACHMENT APPLICATION.PDF](#)
[ENCROACHMENTPERMIT_CREEDENCERAMPS.PDF](#)
[ATTACHMENT 1 - ENCROACHMENT FIGURE.PDF](#)

4.10. OFFER NEW LEASE TERMS TO DELOS HAUGEN FOR LOT 4 BLOCK 9, MINOT INTERNATIONAL AIRPORT, SECOND ADDITION (FORMERLY LOT 5, MINOT INTERNATIONAL AIRPORT)

Delos Haugen is currently in a holdover month-to-month ground lease agreement with the Minot International Airport (MOT), as it expired on September 30, 2017. The renewal option of the original lease states, "... the Lessee has, and is hereby given, an option to renew a ground lease at the Minot International Airport for an additional 20 years under the terms and conditions set by the City Council at the time of renewal."

The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

- 1. Approve new Ground Lease and Hangar Development Agreement with Delos Haugen; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO DELOS HAUGEN.PDF](#)
[ORIGINAL LEASE - LOT 4 BLOCK 9_DELOS HAUGEN.PDF](#)
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - DELOS HAUGEN LOT 4 BLOCK 9 FINAL.PDF](#)
[EXHIBIT A - LEASED PREMISES LOT 4 BLOCK 9_DELOS HAUGEN.PDF](#)

4.11. OFFER NEW LEASE TERMS TO ELMO CARLSON FOR LOT 1 BLOCK 5, MINOT INTERNATIONAL AIRPORT, SECOND ADDITION (FORMERLY LOT 54, WESTSIDE DEVELOPMENT, MINOT INTERNATIONAL AIRPORT)

Elmo Carlson is currently in a holdover month-to-month ground lease agreement with the Minot International Airport (MOT), as it expired March 3, 2020. The renewal option of the original lease states, "... the Lessee has, and is hereby given, an option to renew a ground lease at the Minot International Airport for an additional 20 years under the terms and conditions set by the City Council at the time of renewal."

The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

- 1. Approve new Ground Lease and Hangar Development Agreement with Elmo Carlson; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO ELMO CARLSON.PDF](#)
[ORIGINAL LEASE - LOT 54 - ELMO CARLSON.PDF](#)
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - ELMO CARLSON - LOT 1 BLOCK 5_FINAL.PDF](#)
[EXHIBIT A - LOT 1 BLOCK 5 MINOT INTERNATIONAL AIRPORT 2ND](#)

4.12. OFFER NEW LEASE TERMS TO FLYING S REAL ESTATE, LLC. FOR LOT 3 BLOCK 5, MINOT INTERNATIONAL AIRPORT, SECOND ADDITION

Flying S Real Estate, LLC. is currently in a holdover month-to-month ground lease agreement with the Minot International Airport (MOT). Flying S Real Estate, LLC has submitted a request to renew the lease per the renewal option of the original lease agreement. The renewal option was requested on June 17, 2020, after the lease had been expired for several years. As a result, a new ground lease agreement is being proposed.

The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

- 1. Approve new Ground Lease and Hangar Development Agreement with Flying S Real Estate, LLC.; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO FLYING S NEW LEASE.PDF](#)
[ORIGINAL LEASE - LOT 3, BLOCK 5 - FLYING S.PDF](#)
[RENEWAL REQUEST.PDF](#)
[EXHIBIT A - LOT 3 BLOCK 5.PDF](#)
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - FLYING S REAL ESTATE_LOT 3 BLOCK 5_FINAL.PDF](#)

4.13. OFFER NEW LEASE TERMS TO GALEN MARSH FOR LOT 5 BLOCK 9, MINOT INTERNATIONAL AIRPORT, SECOND ADDITION (FORMERLY LOT 4, MINOT INTERNATIONAL AIRPORT)

Galen Marsh is currently in a holdover month-to-month ground lease agreement with the Minot International Airport (MOT), as it expired on April 30, 2017. Because the lease has been expired for a number of years, a new ground lease agreement is being proposed.

The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

- 1. Approve new Ground Lease and Hangar Development Agreement with Galen Marsh; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO GALEN MARSH.PDF](#)
[ORIGINAL LEASE - LOT 5, BLOCK 9_GALEN MARSH.PDF](#)
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - GALEN MARSH LOT 5 BLOCK 9_FINAL.PDF](#)
[EXHIBIT A - LOT 5 BLOCK 9.PDF](#)

4.14. OFFER NEW LEASE TERMS TO GARY JOHNSON FOR LOT 2 BLOCK 5, MINOT INTERNATIONAL AIRPORT, SECOND ADDITION (FORMERLY LOT 53, WESTSIDE DEVELOPMENT, MINOT INTERNATIONAL AIRPORT)

Gary Johnson is currently in a holdover month-to-month ground lease agreement with the Minot International Airport (MOT), as it expired on September 30, 2013. Mr. Johnson submitted a request to renew the lease per the renewal option of the original

lease agreement. The renewal option was requested on August 18, 2017, after the lease had been expired for several years. As a result, a new ground lease agreement is being proposed.

The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

- 1. Approve new Ground Lease and Hangar Development Agreement with Gary Johnson; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO GARY JOHNSON.PDF](#)
[ORIGINAL LEASE - LOT 53 - GARY JOHNSON.PDF](#)
[LEASE RENEWAL REQUEST.PDF](#)
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - GARY JOHNSON - LOT 2 BLOCK 5_FINAL.PDF](#)
[EXHIBIT A - LOT 2 BLOCK 5 - GARY JOHNSON.PDF](#)

- 4.15. OFFER NEW LEASE TERMS TO LARRY DURAND, DBA L&S NORTHERN ADVENTURES, INC. FOR LOT 7 BLOCK 9, MINOT INTERNATIONAL AIRPORT, SECOND ADDITION (FORMERLY LOT 2, HANGAR ADDITION, WESTSIDE DEVELOPMENT, AND MINOT INTERNATIONAL AIRPORT)

Larry Durand, dba L & S Northern Adventures, Inc., is currently in a holdover month-to-month ground lease agreement with the Minot International Airport (MOT), as it expired September 30, 2012. Because the lease has been expired for a number of years, a new ground lease agreement is being proposed.

The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

- 1. Approve new Ground Lease and Hangar Development Agreement with Larry Durand, dba L&S Northern Adventures, Inc.; and**
- 2. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO L AND S ADVENTURES.PDF](#)
[ORIGINAL LEASE - LOT 7, BLOCK 9_FORMERLY WESTSIDE LOT 2.PDF](#)
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - LARRY DURAND LOT 7 BLOCK 9_FINAL.PDF](#)
[EXHIBIT A - LOT 7 BLOCK 9 - L AND S ADVENTURES.PDF](#)

- 4.16. OFFER NEW LEASE TERMS TO SCHATZ CROSSROADS FOR LOT 4 BLOCK 5, MINOT INTERNATIONAL AIRPORT, SECOND ADDITION (FORMERLY LOT 51, WESTSIDE DEVELOPMENT, MINOT INTERNATIONAL AIRPORT)

Schatz Crossroads is currently in a holdover month-to-month ground lease agreement with the Minot International Airport (MOT), as it expired on September 30, 2012. Because the lease has been expired for a number of years, a new ground lease agreement is being proposed.

The proposed new ground lease and hangar development agreement will implement updated terms and conditions as well as a monthly rental rate that is in line with the approved Rates and Charges.

1. Approve new Ground Lease and Hangar Development Agreement with Schatz Crossroads; and
2. Authorize the Mayor to sign any applicable documentation.

Documents:

[MEMO SCHATZ CROSSROADS.PDF](#)
[ORIGINAL LEASE - LOT 4 BLOCK 5_FORMERLY LOT 51 WESTSIDE DEVELOPMENT.PDF](#)
[PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - SCHATZ_LOT 4 BLOCK 5_FINAL.PDF](#)
[EXHIBIT A - LOT 4 BLOCK 5_SCHATZ.PDF](#)

5. ACTION ITEMS

5.1. ORDINANCE NO. 5511 ON SECOND READING- SECOND PENNY SALES TAX EXTENSION

The second penny sales tax ordinance is scheduled to sunset at midnight on June 1, 2021. The proceeds of the second penny are dedicated to Property Tax Relief (18%), Infrastructure (24%), Community Facilities/Flood Control (18% and Northwest Area Water Supply. The second penny is critical to funding for the NAWS project and it is anticipated that it will require approximately 3-4 years to collect the funding necessary to complete the NAWS project.

It is recommended the City Council approve the language for the reinstatement of the second penny sales tax following the anticipated expiration on June 1, 2021.

Documents:

[JULY 20 2020 SALES TAX.PDF](#)
[ORDINANCE NO. 5511.PDF](#)

5.2. DEVELOPERS AGREEMENT - LOT 2 TRINITY HEALTH 3RD ADDITION (4420)

The plat of Trinity Health 3rd Addition, rezoning, and variance were approved by Planning Commission earlier this month and are on tonight's City Council agenda. The Developers Agreement details the expectations and responsible parties relating to items associated with the development of Lot 2 Trinity Health 3rd Addition.

Approve the Lot 2 Trinity Health 3rd Addition Developers Agreement with Trinity Health and authorize the Mayor to sign.

Documents:

[4420 - DEVELOPERS AGREEMENT - TRINITY3RD.PDF](#)
[4420-TRINITY3RDADD-DEVAGREEMENT.PDF](#)
[EXHIBITA-PLAT.PDF](#)
[DEVELOPMENT POLICY.PDF](#)

5.3. ARCGIS ENTERPRISE CONFIGURATION CONSULTING CONTRACT APPROVAL (4549)

The engineering department is in the process of converting over our existing legacy GIS platform to the industry standard ESRI GIS platform. The contract with Timmons Group, who is implementing Cityworks for the City, is primarily focused on installing and setting up the server infrastructure to support ArcGIS.

1. It is recommended that Council approve the contract with Timmons Group to provide GIS consulting services.

2. Authorize the Mayor to sign the contract.

Documents:

[TIMMONS GROUP LETTER OF AGREEMENT.PDF](#)
[4549 - ARCGIS ENTERPRISE CONFIGURATION CONSULTING CONTRACT APPROVAL.PDF](#)

5.4. RECRUITMENT SERVICES FOR CITY MANAGER POSITION

After termination of the previous City Manager, the City Council authorized the Human Resource Director to start the process of hiring a recruitment firm to assist with locating a replacement for the position. In the past several weeks the Human Resource Director has contacted seven (7) recruitment agencies for proposal of recruitment services. Only one (1) of the contacted firms provided a full proposal or quote to this request. The responding agency, GovHR USA (GHR), has substantial experience in Executive Management Recruitment for government entities similar in size to Minot. The remaining six (6) agencies either declined, or did not respond to the Department's request.

This recommendation was presented to the Council at the July 6th meeting but was postponed for two weeks for further consideration.

Recommend the City Council to approve the services of GovHR USA (GHR) for the recruitment of the City Manager position; and further, authorize the Mayor to sign the contract on the City's behalf.

Documents:

[MEMO APPROVING RECRUITMENT SERVICES FOR CITY MANAGER.PDF](#)
[PROPOSAL MINOT ND - CITY MANAGER.PDF](#)

6. PERSONAL APPEARANCES

7. MISCELLANEOUS AND DISCUSSION ITEMS

7.1. CITY MANAGER JOB DESCRIPTION

At the July 6th Regular City Council meeting, the Council requested a discussion item be placed on the next agenda regarding the City Manager Job Description. Alderman Podrygula and Alderwoman Evans provided the attached proposal for consideration.

Documents:

[PODRYGULA AND EVANS CM JOB DESCRIPTION JUNE 2020.PDF](#)

8. DEPARTMENT REPORT: FINANCIAL UPDATE

9. SOURIS RIVER JOINT BOARD- QUARTERLY REPORT

10. LIAISON REPORTS

11. ADJOURNMENT