

# City of Minot

Regular City Council Meeting  
Monday, August 5, 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. REPORTS: MAYOR
4. CITY MANAGER REPORT
5. CITY ATTORNEY REPORT

**Documents:**

[ATTORNEY REPORT.PDF](#)

**6. CONSIDER THE REPORT OF THE PLANNING COMMISSION**

**Documents:**

[07 \(JULY\) RECOMMENDATIONS 2019.PDF](#)

- 6.1. OLT 9 OF SW LS RD S29-155-82 NEDROSE A 4.83  
**Recommend the City Council approve a request by Brian Niess for a replat Outlot 9 and a portion of Outlot 29, Section 29-155N-82W into two new outlots.**
- 6.2. PRAIRIE GREEN SECOND ADDITION LOTS 7,8,9 OF BLOCK 18 AND LOT 2, BLOCK 19, REPLAT OF LOTS 1-6, BLOCK 19, PLUS VACATED R.O.W  
**It is recommended the City Council approve a request by Farm Credit Services of North Dakota for a PUD (Planned Unit Development) amendment to add a storage building to Prairie Green Second Addition Lots 7, 8, 9 of Block 18, Lot 2 of Block 19, and a replat of Lots 1-6, Block 19, plus vacated R.O.W.**
- 6.3. PUBLIC HEARING: RAMSTAD HEIGHTS 3RD ADDITION
  1. **A Public Hearing to consider a request by the Bakken Development Group Minot I, LLC for a rezone from R4 (Planned Residence District) to R1S (Single-Family Residential District with Small Lot Flexibility)**
  2. **It is recommended the City Council approve a motion to subdivide Lots 16A thru 21B of Block 5 of Statesboro Addition into single family lots to be known as Ramstad Heights 3rd Addition.**

**Documents:**

[AUGUST 2019-ORDINANCE-RZ RAMSTAD HEIGHTS 3RD ADDITION.PDF](#)

6.4. PUBLIC HEARING: RAMSTAD HEIGHTS 4TH ADDITION

1. **A public hearing to consider a request by the Bakken Development Group Minot I, LLC for a rezone from R4 (Planned Residence District) to R1S (Single-Family Residential District with Small Lot Flexibility).**
2. **It is recommended the City Council approve a motion to subdivide Lot 15A of Block 8 of Statesboro Addition into single-family lots to be known as Ramstad Heights 4th Addition.**

Documents:

[AUGUST 2019-ORDINANCE-RZ RAMSTAD HEIGHTS 4TH ADDITION.PDF](#)

6.5. RIDGEDALE ACRES FIFTH ADDITION

**It is recommended the City Council approve a motion on a request by Benjamin Hutchings for a replat of Outlot 15, Ridgedale Acres into two lots.**

6.6. PUBLIC HEARING: RETRIEVER RIDGE SUBDIVISION

1. **A Public Hearing to consider a request by Terry Davis for a rezone from AG (Agricultural District) to RA (Agricultural Residential District) on Retriever Ridge Subdivision.**
2. **It is recommended the City Council approve a motion for a subdivision plat of a four-lot rural residential subdivision to be known as Retriever Ridge Subdivision on property described as Section 25-156-83, S ½ of NE 1/4 of SE 1/4.**

Documents:

[AUGUST 2019 - RZ RETRIEVER RIDGE SUB.PDF](#)

6.7. PUBLIC HEARING: SOUTHWEST CROSSING CCRC, LOT 1, BLOCK 1, LOT 2, BLOCK 1, LOT 1, BLOCK 2, LOT 2, BLOCK 2

**It is recommended the City Council:**

1. **adopt a resolution approving a request by Southwest Crossing CCRC for a Planned Unit Development (PUD) to develop a retirement community**
2. **adopt a resolution to approve a Comprehensive Plan Map Amendment from Low Density Residential and Medium Density Residential to High Density Residential**
3. **Hold a public hearing to consider a request to pass an ordinance to approve a rezone from R4 (Planned Development), R3 (Multi-Family Residential), R3C (Townhouse Residential) & R2 (Two-Family Residential) to RH (Residential High Density)**
4. **and approve a motion for a subdivision plat to be known as Southwest Crossing CCRC Subdivision.**

Documents:

[AUGUST 2019- PUD-SW CROSSING CCRC -RESOLUTION.PDF](#)  
[AUGUST 2019-ORDINANCE-RZ SOUTHWEST CROSSING CCRC.PDF](#)

7. CONSENT ITEMS

7.1. APPROVAL OF THE MINUTES

**It is recommended the City Council approve the minutes of the July 15, 2019**

**regular City Council meeting.**

Documents:

[190715.PDF](#)

7.2. APPROVAL OF BILLS, TRANSFERS & PAYROLL

**Approval of the bills and transfers for July in the amount of \$6,557,358.98 and payroll for the period of June 23, 2019 through July 20, 2019 in the amount of \$2,034,319.54.**

Documents:

[BILLS JULY 2019.PDF](#)  
[PAYROLL JULY 2019.PDF](#)

7.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5405 - Amend the 2019 Annual Budget- Front End Loader and Snow Blower Attachments**
2. **Ordinance No. 5406 - Amend the 2019 Annual Budget- FAA AIP Grant**

Documents:

[ORDINANCE NO. 5405.PDF](#)  
[ORDINANCE NO. 5406.PDF](#)

7.4. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 8-5-19.PDF](#)

7.5. RETAIL BEER & WINE LICENSE – GOURMET CHEF INC, DBA GOURMET CHEF

The City received a request from Gourmet Chef, Inc. dba Gourmet Chef, for a Retail Beer & Wine License operating at 122 South Main Street. All documentation has been approved by the Police Chief, Building Official and Fire Marshal.

**It is recommended the City Council approve the request from Gourmet Chef, Inc dba Gourmet Chef, for a Retail Beer & Wine License operating at 122 South Main Street.**

Documents:

[MEMO- GOURMET CHEF.PDF](#)

7.6. BID ACCEPTANCE AND APPROVAL TO PURCHASE FITNESS TESTING EQUIPMENT – 2017 JAG GRANT (PD0144)

The Minot Police Department and Ward County Sheriff's Department will make a joint purchase of equipment to conduct physical agility testing of new peace officer applicants for their agency. This testing conforms to job specific physical agility testing and was implemented statewide by the North Dakota Peace Officer Standards and Training Board starting in March of 2017.

**Recommend the acceptance of bid from PTM Equipment Inc. for the fitness**

**testing equipment for new police applicants and authorize the order and purchase of equipment from PTM Equipment Inc. and approve the budget adjustment on first reading.**

Documents:

[COUNCIL MEMO - BID ACCEPTANCE.PDF](#)  
[BID ESTIMATE.PDF](#)  
[SOLE SOURCE LETTER.PDF](#)  
[W-8 US TAX WITHHOLDING.PDF](#)  
[FEDERAL GRANT CHECKLIST \(2017 JAG GRANT\).PDF](#)  
[49. 2019 BA - FITNESS TESTING EQUIPMENT PD0144.PDF](#)

7.7. 2019 SIDEWALK, CURB & GUTTER REPLACEMENT – INSTALLATION & ASSESSMENT OF SIDEWALK (4382)

In addition to the City's regular maintenance portion of the sidewalk project, this also includes any assessment roll work. In accordance with Section 40-29-03 of the North Dakota Century Code, the Engineering Department have provided notices to property owners to construct, rebuild, or repair sidewalks adjacent to their properties within the city right of way.

Table 1 (attached) lists the 11 owners, physical address, and legal description of the properties that, to date, did not comply with the notice to construct, rebuild, or repair sidewalks. The list also contains 8 properties that provided a waiver for the City's contractor to perform the work.

- 1. Recommended that the City Council order the construction, rebuilding, or repairing of sidewalks to be performed by the City's contracted Contractor; and**
- 2. Recommended that the City Council assess the construction cost and administration fees for this sidewalk work against the benefiting properties, as shown in Table 1.**

Documents:

[4382 - 2019 SIDEWALK, CURB AND GUTTER ASSESSMENT MEMO.PDF](#)  
[TABLE 1 - PROPERTIES.PDF](#)

7.8. ENGINEERING AMMENDMENT WITH EAPC FOR CARNEGIE CENTER REPAIRS

The project consisted of design engineering, bidding, and construction engineering and project close out of repair of deficiencies found on the Carnegie center. During the repairs additional soils analysis was needed under the existing foundation that was removed to determine proper structural repairs. Materials testing performed these services under EAPC contract. This amendment would cover these additional services and also amend the misc. reimbursable actual costs of the project from the estimated costs to the actual costs. The total increase of the engineering would be \$634.72.

**Recommend approval of EAPC Consultants amendment for the design and construction engineering on the Carnegie Building and authorize the Mayor to sign the amendment on behalf of the City**

Documents:

[MEMO APPROVE ENGINEERING AMMENDMENT 4291.DOCX](#)  
[EAPC ENG AGREEMENT 4291.PDF](#)  
[EAPC ENG AMENDMENT 4291.PDF](#)

7.9. AGREEMENT FOR DESIGN AND CONSTRUCTION ENGINEERING P3135.2E SWIF

## REPAIR OF BANK STABILIZATION, DREDGING AND CULVERT CLEANING

This engineering agreement is for the design and construction engineering for the final bank stabilization areas identified in our levee inspections on our SWIF, as well as removal of sediment from the river channel and cleaning of the sediment from the dead loop structures.

1. **Recommend approval of the engineering contract with Houston Engineering for SWIF E**
2. **Authorize the Mayor to sign the agreement on behalf of the City**

Documents:

[MEMO APPROVE ENGINEERING 3135.2E.DOCX](#)  
[ENGINEERING AGREEMENT SWIF E HOUSTON ENG.PDF](#)  
[SWIF E PRELIMINARY REPAIR AREAS.PDF](#)

## 7.10. AVFLIGHT LEASE AMENDMENT TO ADD ADDITIONAL LAND

Avflight, the Fixed Based Operator (FBO) currently leasing space at the Minot International Airport, has requested to add land to their current lease. Additional land, part of Lot 1, Block 7, Minot International Airport Second Addition, is available adjacent to Avflight's main hangar. With Council's approval, this amendment will add this space to the current lease agreement.

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

Documents:

[MEMO AVFLIGHT ADDITIONAL LEASED LAND AMENDMENT\\_FINAL.PDF](#)  
[AVFLIGHT LEASE AMENDMENT.PDF](#)

## 7.11. CONFIRM SOP FOR OWNER RETENTION OF SINGLE-FAMILY STRUCTURES AS A POLICY AND PROCEDURE

Since the inception of acquisition of properties under Allocation #2, there has been a Standard Operating Procedure (SOP) followed by City staff and CDM Smith to allow interested homeowners to keep the house after purchase and move it. The HUD rules call for policies and procedures, and that those policies and procedures be uniformly established by a set procedure.

**It is recommended the City Council approve Standard Operating Procedures for Owner Retention of Single-Family Structures as a Policy and Procedure.**

Documents:

[SOPOWNERSALVAGERETENTIONCOUNCILMEMO.PDF](#)  
[MINOT - OWNER RETENTION OF SINGLE-FAMILY STRUCTURES \(0000002\).PDF](#)

## 7.12. AUTHORIZATION OF FINAL APPLICATION TO GOVERNOR'S FUND FOR COMMUNITY DEVELOPMENT

An application was made to the Governor's Fund for Community Development in the amount of \$760,000 for Lutheran Social Services Housing as leveraged funds for the CDBG-NDR projects with this non-profit through sub-recipient agreements for the Family Homeless Shelter and 17 units of multi-family rental units on the same site. Of the amount requested, the Governor's funds is authorizing \$300,000 to proceed in a final application.

**It is recommended the City Council authorize a final application to be made for \$300,000 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:

[LSSHINC30000GOVERNORFUNDAPPLICATIONCOUNCILMEMO.PDF](#)  
[SFN 52659 CDBG FINAL APPLICATION \(00000002\)A.PDF](#)

## **8. ACTION ITEMS**

### **8.1. PUBLIC HEARING: BUILDING RELOCATION REQUEST TO 513 11TH ST NW**

**A public hearing to consider a request by Rose Barkie to relocate a single family residence, garage and accessory building from 1313 27th St SW, Minot ND, 58701 also known as Lighthall's S/D of Outlot 3, Lots 8, 9, 10 & 11, to 4900 30th Ave SE, Minot, ND 58701, also known as Sublot B of Olt 5 of NESW Sec 33-155-82, subject to conditions.**

Documents:

[MEMO TO CITY COUNCIL.PDF](#)  
[ROSE BARKIE MOVE APP.PDF](#)  
[NOTICE TO HOMEOWNER -BARKIE.PDF](#)  
[PROPERTY OWNERS LTR - BARKIE.PDF](#)  
[513 11TH ST NW-MAP OF AFFECTED PROPERTIES.PNG](#)  
[INSPECTORS REPORT - BARKIE.PDF](#)  
[ASSESSORS REPORT - BARKIE.PDF](#)

### **8.2. PUBLIC HEARING- ADDITIONAL ANIMAL PERMIT**

City ordinance states that no person shall harbor or keep more than ten (10) animals, of which ten (10) animals no more than four (4) may be cats or dogs, or a combination of dogs or cats, unless a permit is obtained. Mr. Hutton provided all necessary information as required on the application and he has submitted the appropriate fee. Animal Control Officer Lovro reviewed the application and inspected the property.

**It is recommended the City Council authorize a Special Use Permit to John D. Hutton Jr. to have two additional dogs in excess of the four dogs allowed by City ordinance.**

Documents:

[MEMO- ADDITIONAL ANIMALS PERMIT.PDF](#)  
[APPLICATION- SPECIAL USE PERMIT.PDF](#)  
[HUTTON- DOCUMENTATION.PDF](#)

### **8.3. RECRUITMENT SERVICES AND TITLE REVISION FOR ECONOMIC DEVELOPMENT ADMINISTRATOR**

The Human Resource Department has been unsuccessful in hiring for the position of Economic Development Specialist which has been advertised since mid-April. The Human Resource Department had received information from seven (7) individuals for the position; however, all applicants lacked the required background or experience for the position. As such, the Human Resource Director would like to utilize the recruitment services of an outside firm to assist in this process. Professional recruitment organizations have a wider reach in finding qualified applicants for government and professional positions, and will have better capability of finding the best candidate to fill the position.

**Recommend to approve the title revision, and using the services of Baker Tilly Virchow Krause, LLP (Baker Tilly), for the recruitment of the Economic Development Administrator position; and further, authorize the Mayor to sign the contract on the City's behalf.**

Documents:

[MEMO APPROVING RECRUITMENT SERVICES FOR ECONOMIC DEVELOPMENT ADMINISTRATOR.PDF](#)  
[PROP MINOT ECONOMIC DEVELOPMENT SPECIALIST FINAL.PDF](#)

**8.4. PURCHASE OF 805 2ND AVENUE NE AND SALVAGE OF HOUSE TO KELSEY M. SLAUGHTER**

The City has reached agreement with Kelsey M. Slaughter to purchase his house and property for a flood control project. Pursuant to City acquisition policies and procedures, the agreed upon acquisition price of \$156,000 does not necessitate City Council approval because it is not higher than \$15,000 from the City's original offer. However, this is the first purchase which uses salvage of the house as a policy and procedure, and, therefore, is prudent to seek City Council approval.

**It is recommended the City Council approve the purchase of 805 2nd Avenue for a price of \$156,000 minus a salvage value of \$13,859 for a net purchase price of \$142,141 authorizing Mayor and other City officials as needed to execute all documents necessary to complete the purchase and authorize the seller, Kelsey M. Slaughter to reacquire house and relocate it.**

Documents:

[SLAUGHTERACQUISITIONCOUNCILMEMO.PDF](#)  
[PA \(SIGNED BY SLAUTER\) 071819.PDF](#)  
[PA ADDENDUM \(SIGNED BY SLAUTER\) 071819.PDF](#)

**8.5. EXPIRING LAND LEASE WITH MINOT AVIATION**

Minot Aviation, also known as "Aeroport Hobby Shop", leases Lot 1, Block 1 (Westside S 40' Lot 4, N 60' Lot 5) located at the Minot International Airport (MOT). The term of the current lease expires on January 31, 2020. Per the terms of the current lease, the City is required to notify Minot Aviation at least 120 days in advance, prior to the expiration of the base lease, if it does not intend to renew or extend. Under the current lease, the City owns the land, and Minot Aviation owns the improvements, which includes an airplane hangar and attached commercial space. The current monthly rent for the land is \$250 per month (\$3,000 per year). Due to the reasons described in the attached memo, City staff is recommending the Council not renew or extend the current lease with Minot Aviation.

**It is recommended that the Council**

- 1. Adopt the recommendation of the Airport Director not to renew or extend Minot Aviation's current land lease, which expires on January 31, 2019; and**
- 2. Direct the Airport Director to move forward with all actions necessary to wind up the present lease with Minot Aviation.**

Documents:

[MEMO MINOT AVIATION \(FINAL\).PDF](#)  
[LETTER TO MINOT AVIATION\\_7.11.19.PDF](#)  
[INSPECTION REPORT - MINOT AVIATION.PDF](#)  
[SIGNED GROUND LEASE AGREEMENT - MINOT AVIATION - EVA LUCKE.PDF](#)  
[MINOT AVIATION PHOTO.PNG](#)

8.6. MONTH-TO-MONTH LEASE TERMINATION, AVIATION SERVICES

Aviation Services, Inc., whose contact is Mr. Fred Andersen, leases land located at the Minot International Airport (MOT), identified more specifically as Westside Lot 49, on a month-to-month basis. The original term of the lease expired in 2008. Under terms of the original agreement, the Airport owns the land, and Aviation Services owns the improvements, which include an airplane T-hangar. The current monthly rent for the land is \$32.33 per month (\$387.91 per year). Due to the reasons described in the attached memo, City staff is recommending the Council terminate the month-to-month land lease with Aviation Services, Inc.

**It is recommended that the Council**

- 1. Adopt the recommendation of the Airport Director to terminate the month-to-month land lease with Aviation Services, Inc., and;**
- 2. Direct the Airport Director to move forward with all actions necessary to terminate the lease and reacquire the subject property.**

<!--[if !supportLists]-->

Documents:

[MEMO AVIATION SERVICES.PDF](#)  
[LETTER TO AVIATION SERVICES INC. \\_7.29.19\\_2ND ATTEMPT.PDF](#)  
[INSPECTION REPORT - AVIATION SERVICES.PDF](#)  
[LOT 49 LEASE AGREEMENT - AVIATION SERVICES.PDF](#)  
[AVIATION SERVICES HANGAR.JPG](#)

8.7. NO PARKING ALONG 1ST STREET NE AT HAMMOND PARK, MIDBLOCK CROSSWALK

As part of the 2019 Storm Sewer Rehabilitation project, Public Works is improving 1st Street NE and 8th Avenue NE by rebuilding portions the roadway, installing curb and upgrading to ADA compliant crosswalks. Engineering, Public Works and the Park District worked together to develop several alternatives for an appropriate location of an east-west pedestrian crossing near the 1st Street NE and 8th Avenue NE intersection. The alternatives are described in the attached memo.

**It is recommended that council pass an ordinance to add parking restrictions to the following location:**

- 1. West side of 1st Street NE, south 120-feet to 180-feet from the west-center of the 8th Avenue NE intersection.**
- 2. East side of 1st Street NE, south 110-feet to 170-feet from the east-center of the 8th Avenue NE intersection.**

Documents:

[MEMO\\_NO PARKING AT HAMMOND PARK CROSSWALK.DOCX](#)  
[HAMMOND PARK OVERVIEW PAGE.PDF](#)  
[EXHIBIT - HAMMOND PARK MID-BLOCK CROSSING.PDF](#)  
[HAMMOND PARK CROSSING SITE PHOTOS V2.DOCX](#)  
[NO PARKING ORD - 1ST ST NE HAMMOND PARK.DOCX](#)

8.8. CITY HALL RETAINING WALL – ALTERNATIVE SELECTION (4398)

A grouted rock retaining wall system is currently in place to retain the soil for the City Hall complex. The system was constructed in 1954 making the existing slope system 65 years old. Over the years, repairs have been made to the wall to keep it in a serviceable condition. However, the walls have



outlived their useful lives and are in need of replacement.

1. **Recommend council select wall finish option 3 as recommended by the aesthetics committee.**
2. **Recommend council select one of the following sets of option:**
  1. **Option 5B/4B (soldier pile wall with MSE (block) wall on north face of wall 2**
  2. **Option 5A/4A (soldier pile wall entire length of wall 2) – Staff Recommendation**
3. **Recommend council authorize the city engineer to negotiate a scope and fee for an engineering contract amendment in order to bid multiple wall alternatives and observe the work.**

Documents:

[1904-00132\\_CITY HALL RETAINING WALLS 1 AND 2 DECISIONS DOCUMENT-FINAL07262019.PDF](#)  
[4398 - CITY HALL RETAINING WALL ALTERNATIVE SELECTION.PDF](#)

## **9. PERSONAL APPEARANCES**

## **10. MISCELLANEOUS AND DISCUSSION ITEMS**

### **10.1. PRESENTATION OF THE 2020 BUDGET**

Documents:

[2020 ANNUAL PAY CLASSIFICATION PLAN.PDF](#)

## **11. ADJOURNMENT**