

City of Minot

Regular City Council Meeting
Tuesday, September 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. MAYOR'S REPORT
4. CITY MANAGER REPORT
5. ATTORNEY REPORT

Documents:

[ATTORNEY REPORT - SEPTEMBER 2019.PDF](#)

6. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[08 \(AUG\) RECOMMENDATIONS 2019.PDF](#)

- 6.1. LOT 1 GREENLAND ADDITION- CONDITIONAL USE PERMIT

It is recommended the City Council adopt a resolution approving a request by Ferrellgas, L.P. for a Conditional Use Permit to construct a propane storage and distribution facility on a site replacing an existing industrial use. This property is located at 1001 46th Avenue, NE.

Documents:

[CUP- FERRELL PROPANE 1 - RESOLUTION.PDF](#)

- 6.2. GREENLAND 2ND ADDITION LOT 1

It is recommended the City Council adopt a resolution approving a request by Ferrellgas, L.P. for a Conditional Use Permit to construct a propane storage and distribution facility on undeveloped property. This property is located at 1011 46th Avenue, N.E.

Documents:

[CUP- FERRELL PROPANE 2 - RESOLUTION.PDF](#)

- 6.3. HOME ACRES ADDN, BLK 2, LOTS 7 & 8 LESS HWY

It is recommended the City Council adopt a resolution to approve a request by Blu on Broadway, LLC for consideration of a Planned Unit Development (PUD) submittal for a mixed-use project containing commercial uses on the ground floor and affordable housing on upper floors, to consider an increase in

proposed density and also deviations to landscaping and parking requirements. This property is located at 1629 S. Broadway.

Documents:

[PUD-BLU ON BROADWAY -RESOLUTION.PDF](#)

6.4. ZONING TEXT AMENDMENT

It is recommended the City Council pass an ordinance amending Chapter 2, Definitions and section 11-3(q) of Chapter 11 of the Zoning Supplement to the Code of Ordinances, City of Minot, North Dakota to regulate commercial and residential mixed use in hotels and motels in the C2, General Commercial Zoning District.

Documents:

[HOTEL AND MOTEL MIXED USE ORDINANCE_SRS_8.21.19_2.PDF](#)

7. CONSENT ITEMS

7.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the July 31st & August 1st Special City Council Retreat, the August 5th regular City Council meeting, the August 12th Special City Council meeting, and the August 19th Regular City Council meeting.

Documents:

[MINOT CITY COUNCIL RETREAT MINUTES - 08-01-19 - FINAL.PDF](#)
[190805.PDF](#)
[190812.PDF](#)
[190819.PDF](#)

7.2. BILLS, TRANSFERS AND PAYROLL

Approval of the bills and transfers for August in the amount of \$11,900,513.10 and payroll for the period of July 21, 2019 through August 17, 2019 in the amount of \$2,022,873.20.

Documents:

[BILLS- AUGUST 2019.PDF](#)
[PAYROLL AUGUST 2019.PDF](#)

7.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5407 - Rezone Ramstad Heights 3rd Addition from R4 to R1S**
2. **Ordinance No. 5408 - Rezone Ramstad Heights 4th Addition from R4 to R1S**
3. **Ordinance No. 5413 - Amend the 2019 Annual Budget- K-9 Caspian (PD0170)**
4. **Ordinance No. 5414 - Amend the 2019 Annual Budget- Citywide Asset Management Software**
5. **Ordinance No. 5415 - Amend the 2019 Annual Budget- Sales Tax Reserves For Flood Control**

Documents:

[ORDINANCE NO. 5407.PDF](#)
[ORDINANCE NO. 5408.PDF](#)
[ORDINANCE NO. 5413.PDF](#)
[ORDINANCE NO. 5414.PDF](#)
[ORDINANCE NO. 5415.PDF](#)

7.4. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 9-3-19.PDF](#)

7.5. FINAL PAYMENT – SUNDRE LINE REROUTE (PROJECT NUMBER 4195)

This project rerouted the raw water line that brings Sundre Aquifer water to the Minot water treatment plant around the south end of Minot. It consisted of about seven miles of pipeline installation and a tie into the NAWS raw water line south of Minot.

Recommend approval of final payment to Wagner Construction in the amount of \$142,277.67.

Documents:

[4195 - SUNDRE REROUTE - FINAL PAYMENT.PDF](#)
[4195 WAGNER PAY REQUEST 9 - FINAL.PDF](#)
[4195 CO 7.PDF](#)

7.6. RETAIL LIQUOR & BEER LICENSE AMENDMENT- BROADWAY LIQUOR, LLC

In 2017, First International Bank & Trust took security interest involving financing of a liquor license purchase for Broadway Liquor, LLC operating as Broadway Liquor. It was brought to light in a recent audit of the loan by First International Bank & Trust that they did not have a perfected security interest. This license amendment will correct the citation found in their audit.

It is recommended the City Council approve the amendment to the Retail Liquor & Beer License held by Broadway Liquor, LLC to include First International Bank & Trust listed as a security interest on the license.

Documents:

[MEMO- SECURITY INTEREST.PDF](#)

7.7. RETAIL LIQUOR & BEER LICENSE AMENDMENT- THE ORIGINAL BAR & NIGHTCLUB

The Original Bar & Nightclub recently demolished their old building and constructed a new facility at the same address, 720 North Broadway. Final building and fire inspections have been completed and the business is ready to re-open.

It is recommended the City Council approve the amendment to the Retail Liquor & Beer License held by The Original Bar and Nightclub, Inc. to change the premises of the license to the newly constructed building located at 720 North Broadway.

Documents:

7.8. CITY COUNCIL APPROVE LICENSE TRANSFER OF SALESFORCE TO CITY OF MINOT

The City of Minot has been using Salesforce software as the source of record keeping for CDBG-DR and CDBG-NDR soon after engaging CDM Smith in 2012. HUD requires a Grantee to identify one system and one method for maintaining all files and records pertaining to HUD grants. HUD also requires that all records and files pertaining to HUD grants be under the custodial control of the Grantee.

It is requested that the City Council approve transfer of the license for Salesforce software to the City of Minot and annual renewal payment of \$24,989.41 as repository of all CDBG-DR and CDBG-NDR records.

Documents:

[SALESFORCECOUNCILMEMO.DOCX](#)
[SALESFORCE.COM - 08.14.2019 - QUOTE 16984202.PDF](#)

7.9. CITY COUNCIL APPROVE NO COST AMENDMENT #4 TO AGREEMENT WITH CDM SMITH INC.

The agreement with CDM Smith Inc. periodically needs to be changed to reflect adjustments in work scope based on new needs or unanticipated changes in needs. The two changes in scope are to update a previously completed Affordable Housing Supply and Demand Study in 2017, and with waiver approval add relocation of City Hall support services. The amendment also extends the termination date to December 31, 2021 from the current June 30, 2020 further locking in the current contract cap.

It is requested the City Council approve No Cost Amendment #4 to the CDBG-NDR Project Delivery Agreement with CDM Smith, Inc. with Scope Amendments and contract extension to December 31, 2021.

Documents:

[CDMSMITHAMEND4NDRCOUNCILMEMO.DOCX](#)
[CDMSMITHNDRAMENDMENT4.PDF](#)

8. ACTION ITEMS

8.1. SIDEWALK ASSESSMENT ROLL 2019

North Dakota Century Code chapter 40-29 gives the City the authority to construct, rebuild or repair sidewalks upon property owner's non-compliance and to assess the cost of doing so against the parcels benefited.

Staff recommends approval of the assessment roll for sidewalk repair project 4311.

Documents:

[SIDEWALK 2018-19.PDF](#)
[SIDEWALK ASSESSMENT ROLL 2019.PDF](#)

8.2. 31ST AVENUE SW AND 10TH STREET SW SIGNAL WARRANT REVIEW (4393)

As part of the 2006 16th Street SW and 37th Avenue SW reconstruction project, a temporary span wire traffic signal was installed at the intersection of 31st Avenue SW and 10th Street SW. The initial purpose of this intersection was to aid in the detour of

traffic. After the South Broadway reconstruction was completed, the neighborhood surrounding the traffic signal in question lobbied for the span wire signal to stay, even though it was unwarranted. The signal cabinet and controller are significantly outdated and were originally obtained from the City of Bismarck excess stockpile. Spare parts are difficult, if not impossible, to obtain.

In the spring of 2019, the Traffic Department conducted a signal warrant analysis for the study intersection. Based on existing traffic volumes, the intersection of 31st Avenue SW and 10th Street SW did not meet traffic signal warrants. Furthermore, this intersection is not anticipated to meet signal warrants within the next five years.

1. **Recommend the Council to approve the removal of the span wire traffic signal at the 31st Avenue SW and 10th Street SW intersection.**
2. **Recommend the Council to approve an ordinance modifying the 31st Avenue SW and 10th Street SW intersection from Signal control to Two-Way Stop control. With 10th Street SW being the stop street and 31st Avenue SW being the free street.**

Documents:

[SSD123 - SIGNAL MEMO.PDF](#)
[31ST AVE SE AND 10TH ST SE SIGNAL AND MWSA WARRANT V2.PDF](#)
[31ST AVE SE AND 10TH ST SE SIGNAL AND MWSA WARRANT V2 - 5 YEAR FUTURE.PDF](#)
[31ST AVE SW AND 10TH ST SW - SFN07924.PDF](#)
[PROPOSED ORDINANCE 31ST AVE SW AND 10TH ST SW.PDF](#)

8.3. APPROVE EMINENT DOMAIN RESOLUTION FOR 1300 4TH AVE. NE, MINOT, ND 58703

This property is located in what is identified as Buyout Area #4 in support of the HUD approved CDBG-NDR Action Plan. The City has carried out the due diligence with the owner of this property as set forth in HUD's involuntary acquisition guidelines and the requirements of the federal Uniform Relocation Act.

It is requested the City Council approve the Eminent Domain Resolution for property and structures located at 1300 4th Avenue NE, Minot, ND 58703 as part of the HUD CDBG-DR acquisition program to support flood control projects.

Documents:

[EMINENTDOMAINTFERRELLGASMEMO.PDF](#)
[RESOLUTION 082019 FERRELL GAS.PDF](#)

8.4. ACQUISITION PROPERTIES ON EL RIO DRIVE (CAP037, CAP038, & CAP039)

Acquisition properties located on El Rio Drive were purchased in 2016 & early 2017 using CDBG-DR funds. Three properties were purchased using Involuntary Acquisition. As a result of the City's current ongoing internal compliance and audit reviews, these acquisitions were flagged by the City as not in compliance with the Uniform Relocation Act (URA). The City funds are 25% of the acquisition costs of these three non-compliant acquired properties were shifted to another local match funding source (i.e. sales tax flood control). The three properties are still required for the ongoing flood control project. The 75% is the State Water Commission (SWC) match funds. Since the SWC match is with City funding sources, the SWC match is not subject to the URA requirements.

1. **Recommend approval of the proposed ordinance on first reading.**
2. **Recommend authorization to use sales tax flood control reserves in the**

amount of \$280,707.25.

Documents:

[48. 2019 MEMO - ACQUISITION PROPERTIES ON EL RIO DRIVE.DOCX](#)
[48. 2019 BA - ACQUISITION PROPERTIES ON EL RIO DRIVE.DOCX](#)

- 8.5. CITY COUNCIL APPROVE FORGIVING PROMISSORY NOTE FOR 519 8TH AVE NE
Zonna Miller received from the city of Minot a \$225,064.98 CDBG-DR grant to rehabilitate her home seriously damaged in the flood. In receipt of the grant, Ms. Miller executed a Promissory Note dated August 11, 2014 which included requirements of maintaining flood and hazard insurance and that it be her primary residence. Ms. Miller has signed an affidavit attesting that proceeds of sale of her house after costs related to the sale and any existing loans will be used to pay off all existing medical bills. . Health related factors are one of the basis for releasing a property owner from the Promissory note prior to end of the term.

It is requested the City Council approve forgiving Promissory Note for property owned by Zonna Miller at 519 8th Avenue NE who was beneficiary of a Housing Rehabilitation CDBG-DR Grant.

Documents:

[ZMILLERPROMISSORYNOTEFORGIVENESSCOUNCILMEMO.DOCX](#)
[ZONNA MILLER- AFFIDAVIT.PDF](#)

9. PERSONAL APPEARANCES

10. MISCELLANEOUS AND DISCUSSION ITEMS

10.1. 2020 BUDGET PRESIDENT'S MESSAGE

Documents:

[2020 PRESIDENTS BUDGET MESSAGE FINAL.PDF](#)

10.2. STATUS OF THE ONE BRAND MAGIC FUND APPLICATION

11. ADJOURNMENT