

City of Minot

Regular City Council Meeting
Monday, March 15, 2021 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. COVID UPDATE
4. CITY MANAGER REPORT

Documents:

[CITY MANAGER REPORT 3-15-2021.PDF](#)

5. CONSIDER THE REPORT OF THE PLANNING COMMISSION
Presented by Principal Planner, John Van Dyke

Documents:

[03 \(MAR\) RECOMMENDATIONS 2021.PDF](#)

- 5.1. SUBDIVISION – TRESTLE RIDGE 5TH ADDITION

Planning Commission recommends City Council approve a subdivision plat to create a new subdivision from Lot 1, Trestle Ridge 4th Addition. The resulting lots will be known as Lots 1 through 3, Trestle Ridge 5th Addition.

This property is located on the east side of the intersection of 14th Ave SW and 62nd Street SW.

- 5.2. SUBDIVISION – HACIENDA HILLS 12TH ADDITION

Planning Commission recommends City Council approve a subdivision plat to create a new subdivision from Outlot 38, Section 19, Township 155N, Range 82W, Ward County, North Dakota. The resulting lots will be known as Lots 1 and 2, Hacienda Hills 12th Addition to the City of Minot, North Dakota.

The property is located at 1710 Valley St.

- 5.3. CONDITIONAL USE PERMIT – MEDICAL CLINIC

Planning Commission recommends City Council approve a resolution for a Conditional Use Permit for a general care clinic on Outlot 55 of Section 26, Township 155N, Range 83W.

The property is located at 1308 20th Ave. SW.

Documents:

5.4. PUBLIC HEARING: SUBDIVISION & ZONING DISTRICT CHANGE – SKJOLDAL ADDITION

A public hearing to consider a request from Randi Wurgler, for a Zoning District Change for Outlot 3, Section 17, Township 155N, Range 83W, Ward County, North Dakota (Proposed Lots 1 & 2, Skjoldal Addition) from "AG" Agricultural District to "RA" Agricultural Residential District for Lot 1 and from "AG" Agricultural District to "R1" Single-Family Residential District for Lot 2.

These properties are located at 4710 County Rd. 15 W.

Planning Commission recommends City Council

1. **Approve a new subdivision from Outlot 3, Section 17, Township 155N, Range 83W, Ward County, North Dakota to be known as Lots 1 and 2, Skjoldal Addition**
2. **Pass an ordinance on first reading to change the zone from "AG" Agricultural District to "RA" Agricultural Residential District for Lot 1 and from "AG" Agricultural District to "R1" Single-Family Residential District for Lot 2.**

Documents:

[031521 - RZ LOTS 1 AND 2 SKJOLDAL ADDITION - AG TO RA AND R1.PDF](#)

5.5. PUBLIC HEARING: SUBDIVISION, ZONING DISTRICT CHANGE, FUTURE LAND USE MAP AMENDMENT – GALUSHA RANCH 2ND ADDITION

A public hearing to consider a request from Stacey Abel representing Ready Builders II, LLC, for a Zoning District Change from "AG" Agricultural District to "RA" Agricultural Residential District on Galusha Ranch 2nd Addition.

The property is located northwest of the intersection of 24th St. SE and 43rd Ave. SE

Planning Commission recommends City Council

1. **Approve a new subdivision from Lot 3, Galusha Ranch Addition to the City of Minot, North Dakota and an unplatted portion of the SW1/4 of the NE1/4, Section 6, Township 154N, Range 82W, Ward County, North Dakota to be known as Galusha Ranch, 2nd Addition**
2. **Adopt a resolution to amend the Comprehensive Land Use Map from a mix of Very Low Density Residential and Low Density Residential to solely Very Low Density Residential**
3. **Pass an ordinance on first reading to change the zone from "AG" Agricultural District to "RA" Agricultural Residential District.**

Documents:

[031521 - LUM AMEND GALUSHA RANCH 2ND ADDITION, VLDR AND LDR TO VLDR.PDF](#)

[031521 - RZ LOTS 1-11 GALUSHA RANCH 2ND ADDITION - AG TO RA.PDF](#)

5.6. CONDITIONAL USE PERMIT – OUTDOOR DISPLAY, OPEN STORAGE, AND HAZARDOUS MATERIAL STORAGE

Planning Commission recommends City Council approve a resolution for a Conditional Use Permit for the outdoor display of merchandise, open storage,

and hazardous material storage on the east side of Block 4, Livingston's 7th Addition and more specifically known as proposed Lot 2, Livingston's 9th Addition.

The property is along 21st Avenue SE south of 905 21st Avenue SE.

Documents:

[031521 - CUP FOR OPEN SALES, OPEN STORAGE, HAZMAT STORAGE - STNL MINOT LLC.PDF](#)

- 5.7. MASTERPLAN AMENDMENT OF THE CITY LANDFILL SITE
Planning Commission recommends City Council approve the two proposed Landfill Master Plan amendment alternatives.

Documents:

[031521 - LANDFILL MASTERPLAN AMENDMENT.PDF](#)
[031521 - LANDFILL MASTERPLAN AMENDMENT - EXHIBIT A.PDF](#)
[031521 - LANDFILL MASTERPLAN AMENDMENT - EXHIBIT B.PDF](#)

6. CONSENT ITEMS

- 6.1. CITY COUNCIL MINUTES
It is recommended the City Council approve the minutes of the March 1, 2021 regular City Council meeting.

Documents:

[210301.PDF](#)

- 6.2. ADMINISTRATIVE APPROVALS
It is recommended the City Council ratify the attached administratively approved requests.

Documents:

[ADMIN APPROVALS 3-15-21.PDF](#)

- 6.3. CLOSE FUND BALANCE IN RECREATION/AUDITORIUM FUND, INCREASE CAPITAL INFRASTRUCTURE, EMERGENCY FUND TRANSFER OUT EXPENDITURE BUDGET, WATER TREATMENT PLANT PENSION EXPENSE, AND FIRE TRENCH EQUIPMENT
Attached is an ordinance to amend the 2020 annual budget to increase the Recreation/Auditorium, Capital Infrastructure, and Emergency Fund transfer out expenditures and General Fund transfer in to close the fund balance in the Recreation/Auditorium fund, move budgeted funds from Capital Infrastructure to Water/Sewer/Storm Sewer for 31st Ave Reconstruction, and move excess funds from flood 2015 in Emergency Fund to Water/Sewer/Storm Sewer for the purchase of pump replacement parts, and increase Water Plant pension expense.

It is recommended the City Council authorize the Mayor to sign the budget amendment and approve the transfer of funds.

Documents:

[81. 2020 MEMO - CLOSE FUND BALANCE AND YE BA.PDF](#)
[81. 2020 BA - CLOSE FUND BALANCE AND YE BA.PDF](#)

6.4. PROJECT SAFE NEIGHBORHOODS (2021200003/PD0196)

On August 17, 2020 the City Council approved a request from the Police Department, to apply for the Project Safe Neighborhoods Grant (PSN). The grant was awarded to the police department in the amount of \$18,883.

Recommend Council pass an ordinance to amend the 2021 annual budget for the Project Safe Neighborhood award amount.

Documents:

[COUNCIL MEMO PSN.PDF](#)
[20. 2021 BA - PROJECT SAFE NEIGHBORHOODS.PDF](#)

6.5. REALLOCATION OF FUNDS TO PURCHASE WILDLAND SLIDE IN UNIT FOR GRASS FIRES

The Minot Fire Department has budgeted for a grass firefighting unit for the last couple of years which has been removed due to budget constraints. We currently do not have the ability to pump and roll on grass fire incidents and must rely on Minot Rural Fire Department to assist us in this capability. We would like to use these remaining funds to purchase a slide in unit to put in our tow vehicle which will give us the ability to pump and roll to handle grass fires. With dry conditions these fires are expected to become more frequent having already dealt with 1 this year.

It is recommended the City Council grant authorization to reallocate remaining funds from Fire Inspector Vehicle to purchase a slide in - all in one grass firefighting unit.

Documents:

[MEMO FOR GRASS FIRE UNIT \(NO BA NEEDED\).DOCX](#)

6.6. 2021 STREET SEAL - AWARD BID (4552)

Presented by Lance Meyer:

This is the annual maintenance project to fill the cracks that have developed over time and seal the pavement surface.

Recommend that Council:

- 1. Award the bid for the 2021 Street Seal District Project to the low bidder, Asphalt Surface Technologies Inc., in the amount of \$2,212,424.97.**
- 2. Authorize the Mayor to sign the Agreement for the project.**

Documents:

[2021 STREET SEAL - AWARD BID \(4552\).PDF](#)
[4552 COVER.PDF](#)

6.7. 2021 SIDEWALK, CURB & GUTTER REPLACEMENT - AWARD BID (4554)

Presented by Lance Meyer:

This annual maintenance project consists of the constructing, rebuilding, or repairing of sidewalk and curb & gutter in the right of way. In addition to the City's regular maintenance portion of the project, this also includes any assessment roll work.

Recommend that Council:

- 1. Award the bid for the 2021 Sidewalk, Curb & Gutter Replacement Project to the low bidder, Keller Paving & Landscaping, Inc, in the amount of \$468,156.00.**

2. Authorize the Mayor to sign the Agreement for the project.

Documents:

[2021 SIDEWALK, CURB AND GUTTER REPLACEMENT - AWARD BID \(4554\).PDF](#)
[COVER 4554 .PDF](#)

6.8. PAVING & UTILITY DISTRICT 2021-1 - AWARD BID (4585)

Presented by Lance Meyer:

On Tuesday, February 23, 2021, bids were opened for Paving & Utility District 2021-1, the roadway and utilities which will serve the impending development of the Magic City Discovery Center (MCDC) and other future Park District developments in the area.

Recommend that Council:

- 1. Award the bid for Paving & Utility District 2021-1 to the low bidder, Wagner Construction, Inc., in the amount of \$1,707,690.60.**
- 2. Authorize the Mayor to sign the Agreement.**

Documents:

[4585_MEMO_AWARD.PDF](#)
[PU DISTRICT 2021 4585_BID AWARD REC.PDF](#)
[MINOTPU DIST 2021-1 4585 BIDTABDETAILS.PDF](#)

6.9. BURDICK EXPRESSWAY WATERMAIN REPLACEMENT - AWARD OF BID (CITY PROJECT NO. 4567.1)

Each year, the Water and Sewer Department budgets funds for water main replacement in areas where old water mains are in poor condition. The proposed improvements are necessary because of the high maintenance costs over the past several years with respect to the old mains and hydrants.

On Tuesday, March 9, 2021 at 11:00 a.m., bids were opened for the Burdick Watermain Replacement Project. A tabulation of the bids is below:

Bidder	Total Bid
Post Construction	\$629,644.00
Dig It Up Construction	\$660,990.13
Wagner Construction Inc.	\$1,033,930.20
Kemper Construction	\$644,502.50

- 1. Recommend council award the bid for the Burdick Watermain Replacement Project to Post Construction for the lowest bid of \$629,644.00.**
- 2. Recommend council authorize the Mayor to sign the contract for the project.**

Documents:

[4567 - 2021 WATERMAIN REPLACEMENT-BURDICK EXPWY-AWARD OF BID MEMO.PDF](#)

6.10. WATER/SEWER DEPT. BACKHOE – AWARD OF BID (PROJECT NUMBER 4594)

On February 23, 2021, bids were opened for a backhoe for the Water/Sewer Department. A tabulation of the bids is as follows:

Bidder	Base Bid	Trade-In	Purchase Price	5-year Lease
RDO Equipment Co	\$164,400	\$40,000	\$124,400	\$10,603.46

Butler Machinery	\$155,000	\$35,000	\$120,000	\$23,237.57
General Equipment	\$105,900	\$40,000	\$65,900	\$ 6,175.36

The specifications for this equipment called for an operating weight of at least 28,000 lbs. The machine bid by General Equipment only weighs about 17,000 lbs, so it wasn't considered for purchase. Both machines provided by RDO and Butler do meet specifications. The basis for the bid was lowest cost of ownership over the five-year lease period.

1. Recommend council approve the bid from RDO Equipment Co. in the amount of \$10,603.46 per year for a five-year lease for the backhoe.

Documents:

[MEMO - AWARD OF BID - WATER-SEWER BACKHOE.PDF](#)

6.11. APPROVAL OF BUS ADVERTISING CONTRACT WITH JL BEERS (ZZ FOOD GROUP LLC) P3687.2

There has been an advertising contract in place with ZZ Food Group, LLC, DBA JL Beers since April 2016. If approved, the contract will be renewed for a 3-year period beginning April 1, 2021 through March 31, 2024.

1. **Approve the advertising agreement with ZZ Food Group, LLC, DBA JL Beers to advertise on the sides of one transit bus.**
2. **Authorize the mayor to sign the agreement**

Documents:

[MTC JL BEERS ADVERTISING FOR 2021.PDF](#)
[2021 ADVERTISING AGREEMENT WITH JL BEERS.PDF](#)

6.12. CITY OF MINOT EQUIPMENT RENTAL RATES 2021-2022

Each year Public Works updates rental rates for equipment in the different departments. These rates are approved annually so an official rate structure is on file. These rates are used when work needs to be done for situations not created by the City, such as a private entity spilling oil or when another community needs assistance from specialized equipment owned by the City. These rates are also used for reimbursement for insurance claims or disaster assistance.

Recommend council approve City of Minot equipment rental rates for 2021-2022.

Documents:

[MEMO TO COUNCIL - 21-22 EQUIPMENT RENTAL RATES.PDF](#)
[RENTAL RATES 21-22.PDF](#)

6.13. AUCTION FLOOD BUYOUT STRUCTURE

As the City acquires properties for the flood mitigation projects and Spot Blight, it has periodically presented to the City Council approval requests to auction structures on such property deemed sound and able to be moved, salvage of items in structures deemed to have value where structure, itself, is deemed to not be suitable to be moved, and cleared land that were Spot Blight structures. If approved, the mobile home located at 1420 1st Avenue SE will be added to the list of structures sold at auction.

It is recommended the City Council authorize auction of the flood buyout

structure located at 1420 1st Avenue SE.

Documents:

[AUCTION STRUCTURE CITY COUNCIL MEMO-3-4-2021.PDF](#)
[AUCTION OURADNIK.PDF](#)

6.14. WASTEWATER TESTING AGREEMENT EXTENSION

Beginning in 2020, the MAFB began working with a company called Ageiss, Inc. to contract wastewater testing services. Ageiss requires an agreement between parties to establish responsibilities, terms and fees. The fees in the agreement are consistent with the current wastewater laboratory fees. The term of the agreement extension is February 28, 2021 through February 28, 2022. The agreement can be terminated at any time for either party's convenience.

Recommend council authorize the Mayor to sign the agreement between the City and Ageiss Inc. to provide wastewater testing services to the MAFB.

Documents:

[MEMO - WASTEWATER TESTING AGREEMENT 2021-2022.PDF](#)
[CITY OF MINOT MOD 01 - 2021-2022.PDF](#)
[EXHIBIT 1 - CHARGE CODES FOR LAB TESTING.PDF](#)

7. ACTION ITEMS

7.1. CONCUR ON PURCHASE PRICE FOR FLOOD BUYOUT AT 16 8th STREET NE FOR \$178,800

The City of Minot Policy and Procedures for Involuntary Acquisition includes a provision that any negotiated purchase price for flood buyouts under these guidelines where the purchase price exceeds 15 per cent and \$15,000 from the initial purchase price offer made by the City shall go to the Council before a closing can take place. The independent appraised value originally set for this property was \$148,000 which per federal requirements was the initial offer made to the property owner. As a result of successful negotiations with the property owner in this matter, we have reach agreement on a purchase price of \$178,800 which is below the cap to meet HUD's requirement of a necessary and reasonable cost.

It is recommended the City Council concur with negotiated purchase price of \$178,800 for Flood buyout acquisition at 16 8th NE owned by John & Irene Pitner

Documents:

[PITNERPROPERTYACQUISITIONCOUNCILMEMO1.PDF](#)

7.2. APPROVE RESOLUTION AUTHORIZING COURT ACTION TO ENFORCE PURCHASE AGREEMENT WITH PALMER MILLER

Presented by John Zakian

The City of Minot entered into a purchase agreement with Palmer Miller on October 31, 2018 to acquire his property 105 6th Street NE. Since Mr. Miller signed the agreement he has made numerous requests for delaying closing on the property. Far more than sufficient time has been granted Mr. Miller to locate a new home and based on recent communication there is no evidence that he plans to honor the purchase agreement any time soon. Authorization of this resolution will result in Mr. Warcup seeking through court action to enforce the purchase agreement by closing on the property.

It is recommended the City Council approve the Resolution authorizing City's special counsel John A. Warcup to commence legal action to enforce purchase agreement with Palmer Miller.

Documents:

[CITYCOUNCILMEMOPALMERMILLER.PDF](#)
[CERTIFICATE AND RESOLUTION 030821.PDF](#)
[IMG20210310_10153532.PDF](#)

7.3. APPROVE TERMINATION AGREEMENT WITH LIGHTHOUSE MANAGEMENT GROUP, INC

Presented by John Zakian

The City of Minot entered into two sub-recipient agreements with Lutheran Social Services Housing, Inc. with one to construct and operate a 6 unit Family Homeless Shelter and the other to construct 17 units of LMI rental apartments known as Broadway Circle with both projects located on the same site with the physical address of 1901 South Broadway. On January 15, 2021, Lutheran Social Services North Dakota which includes its subsidiary, Lutheran Social Services Housing (LSSH), ceased all operations effective immediately. This decision included stopping all work on the Broadway Circle Project. LSSH has agreed to convey the property to the City of Minot which will assure the City's compliance with HUD requirements as well as afford the opportunity for the City to assure the planned project can be completed.

It is recommended the City Council Approve the Termination Agreement with Lighthouse Management closing out the two sub-recipient agreements with Lutheran Social Services Housing, Inc. and conveying 1901 South Broadway to the City of Minot.

Documents:

[CITYCOUNCILMEMOLSSHSETTLEMENT_KHJZ12.PDF](#)
[LSS SUBRECIPIENT AGREEMENTS TERMINATION AND PURCHASE AGREEMENT KAL 3-9-21 \(1\).PDF](#)
[AGREEMENTLSSFAMILYSHELTER20190606 \(1\).PDF](#)
[AGREEMENTLSSMULTIFAMILYHOUSING20190606 \(1\).PDF](#)

8. PERSONAL APPEARANCES

9. MISCELLANEOUS AND DISCUSSION ITEMS

9.1. LIBRARY ANNUAL REPORT

Presented by Janet Anderson

The Library Director will present the Minot Public Library's Annual Report for 2020.

Documents:

[2020 ANNUAL REPORT.PDF](#)

10. LIAISON REPORTS

11. ADJOURNMENT