

City of Minot

Regular City Council Meeting
Monday, April 19, 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 4-19-2021.PDF](#)

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

Documents:

[04 \(APR\) RECOMMENDATIONS 2021.PDF](#)

- 5.1. **CONDITIONAL USE PERMIT- CLIMATE CONTROLLED STORAGE**
Planning Commission recommends City Council approve a resolution for a Conditional Use Permit to comply with Resolution No. 3621, a conditional use permit issued on June 3, 2019 for climate-controlled storage that specifies in condition 1. c. that a new or amended conditional use permit must be obtained where a change in ownership occurs.

The property is legally known as the North 200' of Lots 9, 10, and 11, Less Sublot A of Lot 9, South Park Terrace Fourth Addition.

Documents:

[041921 - CUP AMENDMENT FOR CLIMATE CONTROLLED SELF STORAGE.PDF](#)

6. CONSENT ITEMS

- 6.1. **CITY COUNCIL MINUTES**
It is recommended the City Council approve the minutes of the April 5, 2021 regular City Council meeting and the April 12, 2021 City Council Work Session.

Documents:

6.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5546 - Rezone Outlot 15 of NE ¼ Section 26-156N-83W from AG and RA to just RA**
2. **Ordinance No. 5582 - Zoning District Change- Skjodal Addition, Lots 1 & 2**
3. **Ordinance No. 5588 - Amend The 2021 Annual Budget- Sewer Department Pickup**
4. **Ordinance No. 5589 - Amend the 2021 Annual Budget- Cargo Apron Reconstruction & Expansion Phase II**
5. **Ordinance No. 5590 - Amend the 2021 Annual Budget- ERP Central Property Module**
6. **Ordinance No. 5591 - Amend the 2021 Annual Budget- Bus Video Surveillance Security Equipment**
7. **Ordinance No. 5592 - Amend the 2021 Annual Budget- Cash Reserves for Insurance Expenses Over Budget**
8. **Ordinance No. 5593 - Amend the 2021 Annual Budget- Cyber Insurance**
9. **Ordinance No. 5594 - Amend the 2021 Annual Budget- Paving District 499**

Documents:

[ORDINANCE NO. 5546.PDF](#)
[ORDINANCE NO. 5582.PDF](#)
[ORDINANCE NO. 5588.PDF](#)
[ORDINANCE NO. 5589.PDF](#)
[ORDINANCE NO. 5590.PDF](#)
[ORDINANCE NO. 5591.PDF](#)
[ORDINANCE NO. 5592.PDF](#)
[ORDINANCE NO. 5593.PDF](#)
[ORDINANCE NO. 5594.PDF](#)

6.3. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 4-19-21.PDF](#)

6.4. BID AWARD FOR 1 FIRE DEPARTMENT PUMPER

The Minot Fire Department budgeted funding for the purchase of 1 Fire Department Pumper. This apparatus will replace the 1997 Freightliner pumper currently being utilized as a backup unit for the Fire Department. 50% funding for this pumper was awarded to the Fire Department through the Volkswagen grant. Per stipulations in the grant award the 1997 Freightliner pumper will be destroyed upon receipt of this new apparatus.

It is recommended the City Council accept the bid from Fire Safety USA for 1 E-ONE Fire Department Pumper for the amount of \$585,000.00. Funding for the purchase has been budgeted with 50% being paid from the grant award from Volkswagen.

Documents:

MEMO- BID AWARD FOR FIRE DEPARTMENT PUMPER1.DOCX

6.5. BID AWARD & ENGINEERING CONCURRENCE FOR MREFPP - BU-1C BURLINGTON

presented by Dan Jonasson SRJB Director - Director of Public Works

BU-1C Burlington flood control phase has been bid and awarded by the SRJB subject to Minot Council approval for funding. The SRJB also approved an engineering amendment with Barr Engineers and an engineering contract with HDR Engineers for constr. management and IEPR review.

1. **Recommend Council concur with the SJBR bid award of BU-1C to Bluestone Construction**
2. **Recommend Council concur with the SJBR award of Engineering amendment for construction engineering with Barr Engineers for BU-1C**
3. **Recommend Council concur with the SJBR Approval of IEPR review with HDR engineers for BU-1C**

Documents:

[MEMO - BIDAWARD - BU-1C - P3529.3B.PDF](#)
[BU-1C BID TAB.PDF](#)
[BARR CONTRACT.PDF](#)
[HDR CONTRACT.PDF](#)
[REIMBURSEMENT RESOLUTION 3529.3B BURLINGTON LEVEE SYSTEM \(PHASE BU-1C\).PDF](#)

6.6. APPROVE 2021 ROUND 1 DEMOLITION CONTRACT TO BERGER ENTERPRISES, LLC

The City periodically bids for demolition and site restoration when sufficient volume of available structures are acquired to warrant and encourage active interest and participation. The timing of these bids is also connected to assuring that demolition and site restoration remain on track with planned flood control projects. The low bid of \$502,300 from Berger Enterprises, LLC \$ is well below the independent engineer's pre-bid estimate of \$643,635.

Recommend City Council award the contract for demolition and site restoration for CDBG-NDR flood buyout structures and CDBG-DR Spot Blight structures for Round 1 work to Berger Enterprises, LLC in the amount of \$502,300.

Documents:

[ROUND12021DEMONLITIONCOUNCILMEMO1.PDF](#)
[RECOMMENDATION TO AWARD LETTER 2021 STRUCTURE DEMOLITION 3755.18.PDF](#)

6.7. 2021 WATERMAIN REPLACEMENT - AWARD OF BID (CITY PROJECT NO. 4567)

On Tuesday, April 13, 2021 at 11:00 a.m., bids were opened for the 2021 Watermain Replacement Project. A tabulation of the bids is below:

Bidder	Total Bid
Post Construction	\$1,915,937.00
Wagner Construction	\$2,257,396.25
Kemper Construction	\$1,856,793.75

1. **Recommend council award the bid for the 2021 Watermain Replacement Project to Kemper Construction for the lowest bid of \$1,856,793.75.**
2. **Recommend council approve the budget amendment to use cash reserves for the budget shortfall to cover the entire project cost.**
3. **Recommend council authorize the Mayor to sign the contract for the project.**

Documents:

[4567 - 2021 WATERMAIN REPLACEMENT - AWARD OF BID MEMO.PDF](#)
[31. 2021 BA - 2021 WATERMAIN REPLACEMENT \(4567\).PDF](#)
[4567 - 2021 WATERMAIN REPLACEMENT COVER.PDF](#)

6.8. AMEND 2019 SHSG CAPITAL BUDGET

This equipment is a body for an existing Fire Department unit that will be used as a tow vehicle for the heavy trailers. This purchase has been approved by the State Homeland Security Grant program.

Recommend Council pass the proposed ordinance to amend the 2021 Annual Budget for the 2019 State Homeland Security Grant to increase capital equipment purchases and decrease general fund purchases, for purchase of a service body for a tow vehicle.

Documents:

[MEMO FOR 2019 SHSG CAPITAL BA.PDF](#)
[30. 2021 BA - FY19 SHSG CAPITAL \(FD0105\).PDF](#)

6.9. DISPOSAL OF EXCESS TRANSIT VIDEO SURVEILLANCE EQUIPMENT

Presented by Dan Jonasson - Director of Public Works

City transit replaced our existing REI video surveillance cameras system on our transit busses with a system that was more compatible with our existing route match software system. We are requesting to dispose of 10, surplus, REI Video Surveillance systems that were recently replaced with new Apollo Systems, which are more compatible with our busses and our Routematch system. Two of these systems would be traded to BisMan transit for equipment they are disposing of that is compatible with our system.

1. **Recommend approval of the donation of 2 REI video surveillance systems to BisMan Transit.**
2. **Recommend approval of disposal of remaining 8 REI camera surveillance systems through the police auction.**

Documents:

[2021 MTC FOR VIDEO SYSTEM DISPOSAL DJ.PDF](#)

6.10. MS4 PROGRAM NOTICE OF INTENT OBTAIN COVERAGE

Presented by Lance Meyer:

The City participates in the Municipal Separate Storm Sewer Systems (MS4) program which is administered through the North Dakota Department of Environmental Quality (NDDEQ). Every five years, the City must submit a Notice of Intent to the State to continue participating in the program.

- 1. Recommend Council approve the City's MS4 program**
- 2. Authorize the Director of Public Works to sign the Notice of Intent form and submit to the State Department of Environmental Quality**

Documents:

[SFN53488_STORMMS4-NOI.PDF](#)
[MS4 PROGRAM NOTICE OF INTENT TO OBTAIN COVERAGE MEMO.PDF](#)

6.11. ADOPTION OF 2021 OFFICIAL ZONING MAP

Section 2.1-2.C of the newly adopted City of Minot Land Development Ordinance advises the Minot City Council to "adopt a new Official Zoning Map which shall supersede the prior Official zoning Map".

Staff recommends the City Council approve the 2021 Official Zoning Map of the City of Minot and authorize the Mayor and City Clerk to sign the map.

Documents:

[2021 OFFICIAL ZONING MAP - CC MEMO.PDF](#)
[041921-RESOLUTION 2021 OFFICIAL ZONING MAP_KH.PDF](#)
[ZONING 04-2021-36X44 \(OFFICIAL\).PDF](#)

6.12. AMENDMENT TO AIRPORT CONCESSIONAIRE AGREEMENT

The current COVID-19 pandemic has resulted in a dramatic decrease in the number of flights and passengers on both a national and local level. These decreases in turn have had a negative financial effect on the Airport's business partners as well. At the Minot International Airport, food and beverage services are provided through a contractual agreement with Oakwells Commuter Rail (dba The Trestle Tap House). The Airport is paid by a percentage of sales, or a minimum annual guarantee (MAG), whichever is greater. Per the lease agreement, "The MAG for each succeeding year shall be the greater of the previous year's MAG escalated at three percent (3%) or ninety percent (90%) of the previous year's commission payments to the City, whichever is greater." By amending the agreement, the Airport would allow Oakwells to remain at the 2020 calculated MAG for 2021.

Recommend the City Council approve the amendment to the agreement between the Airport and Oakwells allowing a temporary hold of the Minimum Annual Guarantee (MAG) annual increase for 2021.

Documents:

[MEMO OAKWELLS 2021 MAG AMENDMENT.PDF](#)
[OAKWELLS COMMUTER RAIL CONCESSION AGREEMENT.PDF](#)
[CONCESSION AGREEMENT RENEWAL REQUEST.PDF](#)
[CONCESSION AGREEMENT AMENDMENT.PDF](#)

6.13. APPROVE AMENDMENT TO SOURIS HEIGHTS DEVELOPMENT AGREEMENT EXTENDING TIMELINE

Beyond Shelter Inc., the non-profit developer for the 54 unit LMI rental apartment building known as Souris Heights has requested an extension of the timeline for the project to October 1, 2022. The reason for the request is that it took longer than expected for the developer to complete the Low Income Housing Tax Credit transaction which is leverage funds for the project and to successfully bid the project. Under the new CDBG-NDR spend deadline of September 30, 2023, the deadline is acceptable.

Recommend City Council approve an amendment to Souris Heights

Development Agreement and authorize the Mayor and other City officials as necessary to sign amendment documents.

Documents:

[SOURISHEIGHTSAMENDMENT1OUNCILMEMO.PDF](#)
[SOURIS HEIGHTS - FIRST AMENDMENT TO CDBG NDR AGREEMENT.PDF](#)
[BEYONDSHELTER-SOURISHEIGHTSDEVLPAGREEMENT.PDF](#)

6.14. MAGIC CITY DISCOVERY CENTER SUBRECIPIENT AGREEMENTS

Children's Museum of Minot, Inc. has been working on a project to construct and operate a Children's Museum in north Minot. Recently, Minot was awarded \$6,293,820 from a DCIP grant to further the project. The grant conditions required the City of Minot to be the grantee and utilize sub-recipient agreements with Children's Museum of Minot, Inc. and Minot Park District to ensure compliance with the grant agreement. The Minot Park District is anticipated to approve the agreement at their meeting on April 20.

Recommend approval of the Sub-recipient agreement between the City of Minot and Children's Museum of Minot, Inc. and the Sub-recipient agreement between the City of Minot and Minot Park District for the Magic City Discovery Center Project.

Documents:

[APRIL52021.DOCX](#)
[NOTICE OF AWARD.PDF](#)
[AGREEMENT WITH MINOT AND MPD CLEAN COPY.DOCX](#)
[SUBRECIPIENT AGREEMENT.PDF](#)

6.15. MINOT ONE BRAND SIGN STRUCTURE AT MAIN AND CENTRAL - INFORMATIONAL ITEM

The Minot One Brand project is intending to install a monument sign at the northeast corner of Main Street and Central Avenue. A graphic of the proposed sign is attached for reference.

The One Brand project manager has coordinated the location with staff and the Downtown Business & Professional Association.

Documents:

[MINOT ONE BRAND SIGN STRUCTURE AT MAIN AND CENTRAL MEMO.PDF](#)
[DOWNTOWN MINOT SIGN.JPG](#)

7. ACTION ITEMS

7.1. DRIVEWAY PERMIT APPEAL – GREEN ACRES 4TH ADDITION LOT 1

Mr. Kenneth Melgaard is requesting a driveway permit to access the back half of Lot 1, Green Acres 4th Addition. The driveway would be used for access to a planned accessory structure that Mr. Melgaard wishes to construct. On March 29, 2021 Mr. Melgaard applied for a Right of Way permit on 31st Avenue SW. The permit was denied by the City Engineer. Mr. Melgaard has appealed the decision of the City Engineer for Council consideration.

Recommend Council deny the appeal for a driveway permit at Green Acres 4th Addition, Lot 1

Documents:

[DRIVEWAY PERMIT APPEAL MEMO.PDF](#)
[KENNETH MELGAARD APPEAL REQUEST.PDF](#)
[RIGHT OF WAY PERMIT.PDF](#)
[NOVEMBER 2015 MINUTES ITEM 1.PDF](#)

7.2. AUTHORIZE EVICTION PROCEEDINGS FOR AN INDIVIDUAL ILLEGALLY IN A CITY OWNED HOUSE

While conducting a standard pre-demolition house inspection for a property acquired through Eminent Domain for a flood control project, staff found that the owner of the house who had repeatedly evaded being served notice regarding the acquisition is, in fact, in the house and refusing to vacate. Despite her efforts to avoid the entire acquisition process, Ms. Luetzen remains eligible pursuant to the federal Uniform Relocation Act (URA) to receive relocation benefits paid through the CDBG-NDR/State Water Commission Match funds to help in moving.

Recommend City Council authorize outside counsel to commence legal actions to cause someone illegally staying in a City acquired flood buyout property to leave the property

Documents:

[LUETZENEVICTIONAUTHORIZATIONCOUNCILMEMO1.PDF](#)
[RESOLUTION 040921.PDF](#)

7.3. RIGHT TURN ON RED PROHIBITION ON W BURDICK EXPWY AT 16TH STREET SW AND 6TH STREET SW (4429)

The W Burdick Expressway traffic signals at 16th Street SW and 6th Street SW are currently in the process of being replaced as part of city project 4429 – 2019 Signal Improvements. Engineering staff is proposing to install digital four (4) No-Turn on Red signs for these two traffic traffic signal systems. Combining Leading Pedestrian Interval along with prohibiting Right Turn on Red has proven to be a simple, low cost safety countermeasure that can benefits pedestrians while having a minimal impact on vehicle traffic.

It is recommended that council pass an ordinance to add a right turn on red prohibition to the following locations:

- 1. Northbound 16th Street SW at W Burdick Expressway.**
- 2. Northbound 6th Street SW at W Burdick Expressway.**
- 3. Southbound 6th Street SW at W Burdick Expressway.**
- 4. Westbound W Burdick Expressway at 6th Street SW.**

Documents:

[MEMO-W BURDICK RIGHT TURN ON RED PROHIBITED SIGNS.PDF](#)
[RIGHT TURN ON RED PROHIBIT RES - W BURDICK.PDF](#)

7.4. APPROVAL OF JOB DESCRIPTION AND HIRING OF BUSINESS SYSTEMS ANALYST FOR FINANCE DEPARTMENT

The City is currently going through the process to implement a full Enterprise Resource Planning (ERP) software system, including modules for finance, payroll, human capital management, organizational assets, and utility and tax specials billing. The intricate integration of these various modules requires knowledge on the technical workings of each application, including associated internal business processes. During this ongoing implementation process the Finance Director has recognized the need to have a dedicated staff person specialized in the applicable systems which is outside of the City's normal information technology areas.

1. **Recommend approval of job description for Business Systems Analyst and Authorize the Finance Director to fill the position.**
2. **Recommend approval of the proposed ordinance to amend the budget to approve the use of General Fund cash reserves.**

Documents:

[MEMO APPROVING JOB DESCRIPTION AND HIRING OF BUSINESS SYSTEMS ANALYST FOR FINANCE DEPARTMENT.PDF](#)
[BUSINESS SYSTEMS ANALYST.PDF](#)
[32. 2021 BA - BUSINESS SYSTEMS ANALYST POSITION.PDF](#)

7.5. MODIFYING THE PROCESSES REGARDING PERMITTING AND LICENSING

The Operations Committee was tasked with reviewing the City's current permitting and licensing processes and, if determined necessary and appropriate, recommending modifications to ordinances and processes to improve the City's customer service and efficiencies relating to permit application, processing, and regulating by providing a more user friendly, digital online permitting until a more permanent system can be implemented.

1. **Staff recommends approval of the attached Ordinance revisions.**
2. **Staff recommends approval of updated permit/license applications**

Documents:

[COUNCIL MEMO APPROVAL OF PERMIT AND LICENSES_KH.PDF](#)
[FINAL PERMIT RECOMMENDED CHANGES_CLEAN.PDF](#)
[LIST OF PERMITS AND LICENSES.PDF](#)

7.6. ENGINEERING FOR CITY-WIDE WAYFINDING SIGNAGE

Presented by Jonathan Rosenthal, Economic Development Administrator

A wayfinding signage system has been recommended in a number of studies for the entire City and especially its Central Business District. A downtown wayfinding study was completed in September 2019. Similarly designed signs become a recognizable feature and are part of placemaking efforts that not only provide directions to key locations such as the new Hospital, Ice Rinks and State Fair Grounds but also point out key attractions and locations such as museums, the university and downtown.

1. **Staff recommends the Council approve the Wayfinding engineering contract with Ackerman-Estvoid.**
2. **Staff recommends the Council approve the budget amendment ordinance to fund contract.**
3. **Approve use of Sales Tax Improvements cash reserves.**

Documents:

[WAYFINDING MEMO 4-5-21_BB.PDF](#)
[R19004 DOWNTOWN WAYFINDING STUDY 9-30-19.PDF](#)
[2.23.21 CITY OF MINOT WAYFINDING SIGNAGE.PDF](#)
[29. 2021 BA - WAYFINDING SIGNAGE DESIGN.PDF](#)

7.7. CITY HALL PROGRAM AND PRE-DESIGN SUBMITTAL (4466)

Presented by: Lance Meyer and JLG

The City has hired JLG Architects to design the new City Hall Building. JLG has sought input from city staff regarding the amount of space needed to operate their departments both now and in the future.

The needs were then summarized and presented to the building committee for their review. The committee's recommendation is summarized in the attached document and will be presented by JLG.

1. Recommend Council approve the program space analysis and authorize staff to proceed to the schematic design phase.

Documents:

[CITY HALL PROGRAM AND PRE-DESIGN SUBMITTAL MEMO.DOCX](#)
[21019MINOTCITYHALLREHABILITATIONPDBOOKLET210413.PDF](#)

7.8. CITY FLAG POLICY

The City Manager was tasked to bring a proposed policy regarding commemorative flags flown on City property, back to Council for consideration. The City Attorney and City Manager have done some research regarding the matter and have drafted a potential policy for the Council's consideration.

Documents:

[FLAG POLICY MEMO MARCH 2021.PDF](#)
[FLAG POLICY DRAFT MARCH 2021.PDF](#)

7.9. BUDGET AMENDMENT FOR COMMUNITY SURVEY AND FACILITATOR

In FY 2020 \$60,000 was budget for professional services to do some visioning/planning with Council and Staff, and to conduct a Community Survey. Given the transition of the City Manager position and COVID, these priorities were not accomplished. Some of the money was used on other needs and the remainder was unspent and rolled over into the General Fund Reserves.

Approve the ordinance amending the 2021 Annual Budget to allocate funds to conduct a Community Satisfaction Survey, and to have a professional facilitator services for meetings with the Council and Management Team.

Documents:

[BUDGET AMENDMENT FACILITATOR COMMUNITY SURVEY MEMO.PDF](#)
[34.2021 BA-COMMUNITY SURVEY AND FACILITATOR.PDF](#)
[MINOT ND MANAGEMENT TEAM RETREAT FACILITATION PROPOSAL.PDF](#)
[MINOT ND COUNCIL RETREAT FACILITATION PROPOSAL.PDF](#)
[PROPOSAL IBARRA MEJ GROUP 2021 ELT FACIL SVCS MINOT.PDF](#)
[STRATEGIC PLNG PROPOSAL IBARRA MEJ GROUP 2021 MINOT.PDF](#)

- 8. PERSONAL APPEARANCES
- 9. MISCELLANEOUS AND DISCUSSION ITEMS
- 10. LIAISON REPORTS
- 11. ADJOURNMENT