

City of Minot

Regular City Council Meeting
Monday, August 3, 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. MAYOR'S REPORT
4. CITY MANAGER REPORT
5. CITY ATTORNEY REPORT

Documents:

[2020-07.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the July 20, 2020 regular City Council meeting, and the July 17th, July 20th, and July 29th special City Council meetings.

Documents:

[200720.PDF](#)
[200717- SPECIAL.PDF](#)
[200720- SPECIAL.PDF](#)
[200729- SPECIAL.PDF](#)

6.2. APPROVAL OF BILLS, TRANSFERS & PAYROLL

It is recommended the City Council approve bills and transfers for July in the amount of \$6,828,483.33 and payroll for the period of June 21, 2020 through July 18, 2020 in the amount of \$2,119,521.53.

Documents:

[BILLS JULY 2020.PDF](#)
[PAYROLL JULY 2020.PDF](#)

6.3. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5516 - Rezone Swenson's Addition Lots 1 & 2**
2. **Ordinance No. 5517 - Rezone The Bluffs 14th Addition from R1 and AG**

to RA

Documents:

[ORDINANCE NO. 5516.PDF](#)
[ORDINANCE NO. 5517.PDF](#)

6.4. ADMINISTRATIVE APPROVALS

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

Documents:

[ADMIN APPROVALS 8-3-2020.PDF](#)

6.5. FINAL PAYMENT - 2019 STREET IMPROVEMENT DISTRICT (4379)

This project was the annual maintenance project to repair and replace streets that were showing moderate to severe pavement distresses. Work began on the four phase project in June 2019 and the project was substantially completed on May 21, 2020.

- 1. Approve the final payment of \$155,571.70 to be paid to Keller Paving & Landscaping, Inc. and authorize the Mayor to sign.**
- 2. Approve the budget amendment in the amount of \$11,589.**

Documents:

[4379 - 2019 STREET IMPROVEMENT FINAL PAYMENT MEMO.PDF](#)
[4379_FINALPAYAPP.PDF](#)
[54. 2019 STREET IMPROVEMENT BA \(4379\).PDF](#)

6.6. CHANGE ORDER #1, DRAINAGE & STORMWATER IMPROVEMENT (AIR066)

In February 2018, the Airport's Wildlife Hazard Management Plan (WHMP) was revised and approved by the FAA. The design was delayed in Fall 2019 when it was discovered that an underground Enbridge pipeline would impact a portion of proposed ditch modifications and realignment. The Airport has been working with Enbridge since that time to find an amenable solution that addresses the drainage problem but still provides acceptable ground cover for the pipeline. The change order being requested accounts for costs of hydrovac potholing that was performed to determine the exact depth and location of the pipeline on-airport and the engineering fees required to redesign that section of the ditch improvements.

- 1. Recommend that Council approve the attached change order for the ongoing Drainage & Stormwater Improvement Project (AIR066); and**
- 2. Recommend that Council approve the attached budget amendment; and**
- 3. Authorize the Mayor to sign any applicable documentation.**

Documents:

[MEMO STORMWATER CO \(2\).PDF](#)
[55. 2020 BA FOR STORMWATER DESIGN \(AIR066\).PDF](#)
[CO 1 - DRAINAGE STORMWATER IMPROVEMENTS - DITCH REALIGNMENT - REV. 1.PDF](#)

6.7. AMENDED LEASE TERMS AND CONDITIONS FOR JAMES LARSEN AND DUANE

HAUGSTAD

Mr. James Larsen and Mr. Duane Haugstad currently are partners in a ground lease agreement with the Minot International Airport (MOT). New lease terms for Mr. Larsen and Mr. Haugstad were approved by the City Council at their regular meeting on June 15, 2020. Following that meeting, additional discussion was had by city staff and other Minot International Airport general aviation tenants in regards to the insurance terms within the approved lease. On July 20, 2020, City Council approved new lease terms for several other general aviation tenants of the Minot Airport, with the adjustment of some of the insurance requirements. In an effort to maintain similar ground lease requirements for all new and renewed ground rent leases, city staff has identified a few updates to be made to Mr. Larsen and Mr. Haugstad's lease, which are shown in red. The updates include changes to employers' liability, general liability, automobile liability, aviation liability insurance, and the removal of hull insurance, all found under paragraph 21.a.

- 1. City Staff recommends that City Council review the proposed amended Ground Lease and Hangar Development Agreement between the City of Minot and James Larsen and Duane Haugstad; and**
- 2. Authorize the Mayor to enter into the amended agreement.**

Documents:

[MEMO LARSEN.HAUGSTAD AMENDED LEASE.PDF](#)
[AMENDED PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - LARSEN.HAUGSTAD.PDF](#)

6.8. AMENDED LEASE TERMS AND CONDITIONS FOR ARDEN GLICK

Arden Glick currently leases real estate from the Minot International Airport (MOT). New lease terms for Mr. Glick were approved by the City Council at their regular meeting on June 15, 2020. Following that meeting, additional discussion was had by City staff and other Minot International Airport general aviation tenants in regards to the insurance terms within the approved lease. On July 20, 2020, City Council approved new lease terms for several other general aviation tenants of the Minot Airport, with the adjustment of some of the insurance requirements. In an effort to maintain similar ground lease requirements for all new and renewed ground rent leases, City staff has identified a few updates to be made to Mr. Glick's lease, which are shown in red. The updates include changes to employers' liability, general liability, automobile liability, aviation liability insurance, and the removal of hull insurance, all found under paragraph 21.a.

- 1. City Staff recommends that City Council review the proposed amended Ground Lease and Hangar Development Agreement between the City of Minot and Arden Glick; and**
- 2. Authorize the Mayor to enter into the amended agreement.**

Documents:

[MEMO GLICK AMENDED LEASE.PDF](#)
[AMENDED PROPOSED GROUND LEASE AND HANGAR DEVELOPMENT AGREEMENT - GLICK.PDF](#)

6.9. CONSULTING SERVICES, PARKING MANAGEMENT REQUEST FOR PROPOSALS (RFP) DEVELOPMENT

Parking revenue is a significant form of income for the Airport, accounting for more than \$1.75 million in gross receipts in 2019. With the expiration of the current contract, the Airport has the opportunity to maximize its net revenue by investigating current industry best practices in terms of fee structure, automation, or bringing the operation completely within the fold of the Airport.

1. **Authorize the Airport Director to begin the process of analyzing past performance and future opportunities for parking management alternatives at the conclusion of the current five-year contract with Reef Parking; and**
2. **Authorize the Airport Director to enter into an agreement for consulting services with Landrum and Brown, the Airport's business consultant of record; and**
3. **Authorize the Mayor to sign the associated documents.**

Documents:

[MEMO PARKING MANAGEMENT RFP_CONSULTING SERVICES.PDF](#)
[PARKING SCOPE OF SERVICE 07272020 \(002\).PDF](#)

6.10. WIRELESS COMMUNICATION FACILITIES MASTER ATTACHMENT AGREEMENT – VERIZON WIRELESS

Over the course of the last year and a half, staff have been creating ordinances, policies, and documents required to allow small cell wireless facilities within the public right of way. Before any small cell facilities can be placed within the public right of way, a master attachment agreement must be executed between the City and a private wireless carrier.

1. **Recommend Council approve the Wireless Communications Facilities Master Attachment Agreement with Verizon Wireless**
2. **Authorize the Mayor to sign the agreement**

Documents:

[WIRELESS COMMUNICATIONS FACILITIES MASTER ATTACHMENT AGREEMENT VERIZON MEMO.PDF](#)
[WIRELESS COMMUNICATIONS FACILITIES MASTER ATTACHMENT AGREEMENT.PDF](#)

6.11. SIRN RADIO PURCHASE (FD0100)

This purchase will allow for interoperability between all responding agencies which is not available at this time. This will allow greater communications on a daily basis but imperative for mutual aid and regional response emergencies. As a regional response provider in hazardous materials and structural collapse as well as holding 26 mutual aid agreements, communications is key in ensuring proper level of response. This step that our community and state is taking to fill the gaps identified within the study will make an impact on the safety and effectiveness of our response. This purchase will be replacing our existing portable, mobile and base radios department wide to comply with the new standards.

Recommendation for the Council is to approve the purchase of the radios and needed accessories through the SIRN project using the state bid.

Documents:

[3166 FIRE SIRN PROJECT.PDF](#)

6.12. APPROVE AMENDMENT #4 FOR SUNSET RIDGE AGREEMENT WITH BEYOND SHELTER

In 2015, the City of Minot entered into an agreement with Beyond Shelter, Inc. providing \$100,000 towards land acquisition to construct two apartment buildings with a total of 74 apartment units. Amendment #4 clarifies the relationship between CDBG-NDR and CDBG-DR to permit the project's benefits to be shared.

It is recommended the City Council approve and authorize Mayor and Finance Director to execute amendment #4 with the Sunset Ridge Agreement

Documents:

[SUNSETRIDGEAMENDMENT4COUNCILMEMO.PDF](#)
[SUNSETRIDGEAMENDMENT4.PDF](#)

7. ACTION ITEMS

7.1. SUPPER CLUB LICENSE- AMERICAN MULTI-CINEMA, INC DBA AMC DAKOTA SQUARE 9

The City received a request from American Multi-Cinema, Inc dba AMC Dakota Square 9, for a Supper Club License operating at 2400 10th Street SW, Suite 604. All documentation and inspections relating to the proposed premises have been approved by the Police Chief, Building Official and Fire Marshal. The City's Supper Club License (City of Minot Code of Ordinances Section 5-16(6) allows for the on-sale of liquor, beer, and wine at an establishment defined as a supper club under Section 5 1 (17) of the Code of Ordinances.

1. If the City Council agrees that the AMC Theatre is primarily operating as a restaurant, it is recommended the City Council approve the request from American Multi-Cinema, Inc dba AMC Dakota Square 9, for a Supper Club License operating at 2400 10th Street SW, Suite 604.

OR

2. If the City Council does not agree that the AMC Theatre is primarily operating as a restaurant, it is recommended the City Council deny the request from American Multi-Cinema, Inc dba AMC Dakota Square 9, for a Supper Club License operating at 2400 10th Street SW, Suite 604.

Documents:

[AMC THEATRE MEMO.PDF](#)

7.2. CONCUR ON PURCHASE PRICE FOR FLOOD BUYOUT AT 1416 FIRST AVENUE SE FOR \$160,000

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 \$130,000 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 reached agreement on a purchase price of \$160,000 which is 23 per cent above the initial offer and exceeds \$15,000 from the original offer.

It is recommended the City Council concur with negotiated purchase with property owner for flood buyout acquisition on 1416 First Avenue SE for \$160,000.

Documents:

[SUDBRINKPROPERTYACQUISITIONCOUNCILMEMOA.PDF](#)
[6104 SUDBRINK ADMINISTRATIVE SETTLEMENT.PDF](#)

7.3. APPROVE DEVELOPER AGREEMENT WITH BEYOND SHELTER, INC. FOR 54 LMI SENIOR CITIZEN RENTAL UNITS

In mid-2019, the City Council approved a resolution tentatively allocating up to \$5.5

million in CDBG-DR funds necessary for partially financing construction of 54 units of senior citizen LMI housing by Beyond Shelter, Inc. conditioned on Beyond Shelter, Inc. securing leverage financing for the balance of the project. Beyond Shelter, Inc. has successfully secured the leverage financing through an allocation of Low Income Housing Tax Credits, and grants from State of North Dakota sources with a value for share of construction of \$4,750,000.

It is recommended the City Council approve and authorize the Mayor and Finance Director to execute the Developer Agreement with Beyond Shelter, Inc. for construction of 54 unit senior citizen LMI rental housing

Documents:

[SOURISHEIGHTSDEVELOPMENTAGREEMENTCOUNCILMEMO.PDF](#)
[UPDATED - CDBG NDR AGREEMENT \(REVISED DRAFT 7_28_20\)](#)
[ABCD.PDF](#)

7.4. TERM LIMITS

At the June 20, 2020 regular City Council meeting, the City Council approved a motion directing the city attorney to draft an ordinance to implement term limits for city council members. The motion directed the draft ordinance to be based off of the City of Fargo's ordinance relating to term limits. Attached is a draft ordinance implementing term limits for the city council members. The language is identical to Fargo's ordinance, with the exception of the date in subsection (d). That is left blank so the city council members can discuss what date, if any, is appropriate.

Consider the draft ordinance, on first reading, relating to term limits for city council members.

Documents:

[TERM LIMITS ORDINANCE_MEMO.PDF](#)
[LIMITATIONS ON TERMS_ORDINANCE.PDF](#)
[2_0106.___LIMITATION_ON_TERMS..PDF](#)

8. PERSONAL APPEARANCES

9. MISCELLANEOUS AND DISCUSSION ITEMS

9.1. PRELIMINARY BUDGET PRESENTATION

9.2. FORMER LANDFILL SUPERFUND DISCUSSION

The Assistant Director of Public Works will provide a presentation.

10. ADJOURNMENT