

# City of Minot

Regular City Council meeting

Monday, August 16, 2021 at 5:30 PM

City Council Chambers, City Hall (515 2nd Ave SW)

Any person needing accommodation for the meeting is requested to notify the city clerks office at 857-4752

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CITY MANAGER REPORT

Documents:

[CITY MANAGER REPORT 8-16-2021.PDF](#)

4. CONSIDER THE REPORT OF THE PLANNING COMMISSION

Documents:

[08 \(AUG\) RECOMMENDATIONS 2021.PDF](#)

- 4.1. PUBLIC HEARING: REZONE LOTS 1 & 2, ERDMAN'S 2ND SUBDIVISION

A Public Hearing to consider a request from Donna Bye representing Souris River Joint Water Resource District and William and Laverne Erdman, for a zoning map amendment on Lots 1 thru 3 of Thurston's 2nd Addition and proposed Lot 2, Erdman's 2nd Subdivision for the purpose of facilitating future construction of phase MI-5 of the flood control project.

## **Planning Commission recommends the City Council**

1. **Approve a subdivision to be known as Lots 1 & 2, Erdman's 2nd Subdivision, being a replat of Lot 4, Thurston's 2nd Addition and Outlot 4, all in the SW1/4 of Section 18, Township 155 North, Range 82 West of the 5th Principal Meridian, County of Ward, State of North Dakota,**
2. **Adopt a resolution to amend the Future Land Use from Industrial to Public/Semi-Public for Lots 1 thru 3 of Thurston's 2nd Addition and proposed Lot 2, Erdman's 2nd Subdivision**
3. **Pass an ordinance on first reading to change the Zoning Map from "M1" Light Industrial District to "P" Public Zone for Lots 1 thru 3 of**

**Thurston's 2nd Addition**

4. **Pass an ordinance on first reading to change the Zoning Map from "M1" Light Industrial to "P" Public District on proposed Lot 2, Erdman's 2nd Subdivision.**
5. **Ratify the Master Plan of the proposed improvements**

Documents:

[081621 - LUM AMEND THURSTONS 2ND ADDITON LOTS 1-3 AND PROPOSED ERDMANS 2ND ADDITION, LOT 2 - INDUSTRIAL TO PUBLIC-SEMI-PUBLIC.PDF](#)  
[081621 - PROPOSED ERDMANS 2ND SUBDIVISION, LOT 2.PDF](#)  
[081621 - RZ LOTS 1-3 THURSTONS 2ND ADDITION.PDF](#)  
[MASTER PLAN - PROJECT MI-5.PDF](#)

5. CONSENT ITEMS

5.1. CITY COUNCIL MINUTES

**It is recommended that the City Council approve the minutes of the August 2, 2021 regular City Council meeting.**

Documents:

[210802.PDF](#)

5.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5629 - Rezone Outlot 23 of Section 19-155N-83W from "C2" to "AG"**
2. **Ordinance No. 5632 - Amend the 2021 Annual Budget- Library HVAC Controls**
3. **Ordinance No. 5633 - Amend the 2021 Annual Budget- Burdick Expressway Watermain Replacement (4567.1)**
4. **Ordinance No. 5634 - Amend the 2021 Annual Budget- Hazardous Materials Grant**
5. **Ordinance No. 5635 - Amend the 2021 Annual Budget- Ecologic Mobile Foam Testing System for ARFF Vehicles**
6. **Ordinance No. 5636 - 9th Avenue SW, West Of 6th Street SW - Westbound One-Way**
7. **Ordinance No. 5637 - No Parking on 25th Street NW at 5th Avenue NW**
8. **Ordinance No. 5638 - Amend the CMCO - 2021 Legislative Updates**

Documents:

[ORDINANCE NO. 5629.PDF](#)  
[ORDINANCE NO. 5632.PDF](#)  
[ORDINANCE NO. 5633.PDF](#)  
[ORDINANCE NO. 5634.PDF](#)  
[ORDINANCE NO. 5635.PDF](#)  
[ORDINANCE NO. 5636.PDF](#)  
[ORDINANCE NO. 5637.PDF](#)  
[ORDINANCE NO. 5638.PDF](#)

5.3. ADMINISTRATIVE APPROVALS

**It is recommended the city council ratify the attached administratively**

**approved permits.**

Documents:

[ADMIN APPROVALS 8-16-21.PDF](#)

5.4. LOW HEAD DAM REMEDIATION – BUDGET AMENDMENT (PROJECT NUMBER 4618)

In the late in 70s and 80, the US Army Corps of Engineers completed a major flood control project in Minot by channelizing the Souris River and eliminating the winding nature. As a result, “dead loops” were created with control structures on each end and low head dams between the structures so water could still flow through the dead loops when gates are opened. There was also a low head dam constructed by the Minot Water Treatment Plant to hold a pool of water to ensure raw water supply during low water conditions. Due to the 4’-6’ drop-off over the dam, under currents (called a roller effect) create human safety risks. In 2020, the ND State Water Commission assessed low head dams across the state and a few of the structures in Minot made the priority list. The Minot Water Plant low head dam has the highest hazard prioritization in the state.

**1. Recommend council approve a budget amendment to allocate funds to begin design work for the low head dam remediation project.**

Documents:

[4618 - MEMO TO COUNCIL - LOW HEAD DAM - BUDGET AMENDMENT.PDF](#)  
[57. 2021 BA - LOW HEAD DAM REMEDIATION \(4618\).PDF](#)

5.5. LED STREETLIGHTS (PROJECT NUMBER 4615)

The Traffic Department maintains a majority of the streetlights throughout the City of Minot. A majority of these streetlights utilize the traditional high-pressure sodium, or HPS, light bulbs. As an industry standard, HPS lighting is being phased out for more efficient Light-Emitting Diode, or LED, streetlights. Project costs include an award of bid to Gefroh Electric for \$131,280 and an advertisement for bid of \$71.44. Due to the number of lights being replaced, the cost per light does not meet the City’s capital asset requirements.

Documents:

[MEMO 2.DOCX](#)  
[55. 2021 BA - TRAFFIC SIGNAL UPGRADE-2.DOCX](#)

5.6. FY20 FIRE STATE HOMELAND SECURITY GRANT CAPITAL PURCHASE (2021300001)

Minot Fire Department was awarded funding for the FY2020 State Homeland Security Grant. These funds are used for equipment purchases, equipment maintenance, and training for the Regional Response Teams. One piece of equipment purchased with this grant is a battery operated spreader. This equipment is used to respond with the NW Regional Operational Teams to incidents in the Northwest Region as well as the City of Minot. An additional battery and charger were purchased along with the spreader that do not qualify as capital.

**Recommend council approve a budget amendment to move grant funded revenue and expenditures from Capital Equipment to General fund for the portion of a purchase that does not meet the City's capital equipment qualifications.**

Documents:

[56. FY20 FIRE SHSG CAPITAL TO GF.DOCX](#)  
[56. 2021 BA - FY20 FIRE SHSG CAPITAL TO GF.DOCX](#)

5.7. P3529.1A PHASE 5A – STORMWATER PUMP STATION - FLOOD PROTECTION PLANS, SPECS AND FUNDING RESOLUTION APPROVAL

The plans and specifications for phase 5A, a storm water pump station of the MREFPP are Complete. This storm water pump station in going to be located east of 13<sup>th</sup> Street NE and North of Railway Ave. This station will take care of a large portion of the storm water in NE Minot, including much of the storm water that runs off from the airport. This is part of overall phase MI-5, which provides a line of protection from 3<sup>rd</sup> Street – east to just past 13<sup>th</sup> Street NE.

1. **Recommend approval of the Plans and specifications for MI-5A of the MREFPP and authorize bidding.**
2. **It is also recommended the Council pass a resolution establishing compliance with reimbursement bond regulations under the internal revenue code officially declaring the intent to finance the project by using tax exempt bonds.**

Documents:

[MEMO APPROVE PLANS AND SPECS 3529.1A PHASE 5A.PDF](#)  
[REIMBURSEMENT RESOLUTION MI-5A 4TH AVE PUMP STATION P3529.1A.PDF](#)  
[MI-5A ISSUED FOR BID OPC\\_COST CALCULATION.PDF](#)

5.8. WATER/SEWER BACKHOE – LEASE DOCUMENTS (PROJECT NUMBER 4594)

On March 2,2021, Minot City Council awarded a lease to RDO Equipment Co. for a new backhoe for the Water and Sewer Department. The machine was delivered to the City on August 5, 2021 along with lease documents. RDO Equipment, who was awarded the lease, is a distributor of John Deere machinery, but the lease financing will be provided by American Bank Center.

1. **Recommend council authorize entering a lease with American Bank Center for the new backhoe lease that was awarded to RDO Equipment Co. in March of 2021.**
2. **Authorize the Mayor and Finance Director to sign the lease documents**

Documents:

[4594 - MEMO TO COUNCIL - BACKHOE LEASE DOCUMENTS.PDF](#)  
[AMERICAN BANK CENTER - BACKHOE LEASE DOCS.PDF](#)

5.9. APPROVE SALE OF SALVAGE BARN FROM FLOOD BUYOUT ACQUISITION

The property at 707 Railway Avenue has been purchased by the City of Minot as part of the flood buyout program to acquire the property for flood control projects.

Structures were deemed to be demolished. However, Mr. Hunter understanding that he take ownership in "as is" condition has made offer to purchase. Pursuant to City Code any personal property meeting \$100 threshold value needs to be approved by the City Council for sale although HUD rules would define this barn as real property. To avoid any confusion or conflict, it is prudent to secure City Council approval.

**Authorize salvage sale of pole barn located at 707 Railway Avenue to Devin Hunter for \$2,500**

Documents:

[MEMO1.PDF](#)

5.10. OAG AVIATION WORLDWIDE, LLC (OAG) LICENSE AGREEMENT RENEWAL

OAG has provided automated flight information for the airport's website for several years. The annual support agreement will provide continuous flight information to the website as well as any technical assistance to airport staff. This is an updated contract provided by OAG.

1. **Recommend Council approve the annual support agreement with OAG for the airport's website flight information; and**
2. **Authorize the Mayor to sign the agreement.**

Documents:

[MEMO OAG FLIGHT VIEW LICENSE AGREEMENT RENEWAL.PDF](#)  
[CITY OF MINOT - MINOT INTERNATIONAL AIRPORT - REN OPP DIGITAL 2021-06 \(18081407\)\\_08.05.2021F.PDF](#)  
[CONTRACT REVIEW FORM - OAG.PDF](#)

5.11. PAVING DISTRICT 499 - ENGINEERING CONTRACT AMENDMENT (4591)

This improvement district is a petitioned project brought forth by the Minot Park District. This project provides access to and parking for the Minot Park District's Day Use Park located off County Road 15 W. This area is also known as Family Recreation Addition. This engineering contract amendment includes services for easement preparation and USACE permitting.

**Recommend Council approve the contract amendment with KLJ Engineering and authorize the Mayor to sign the amendment.**

Documents:

[4591\\_MEMO\\_ENGAMENDMENT.PDF](#)  
[20210722-FAMRECDUP-PAVDIST499-AGREEMENT-AMEND1.PDF](#)

5.12. BOND REIMBURSEMENT RESOLUTIONS

The bonds to finance these phases of flood control are expected to be sold on

September 7, 2021 and the proceeds will be used to finance the City's cost share of the projects.

**It is recommended that City Council approve the attached Reimbursement Resolutions covering various phases of the flood control project that are scheduled to begin in the near future. This establishes compliance with the Internal Revenue Code officially declaring the intent to finance the projects by using tax exempt bonds.**

Documents:

[REIMBURSEMENT RESOLUTIONS AUGUST 16.DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE RC-1\).DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE RU-1\).DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE SA-1\).DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE VE-1\).DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE WC-1B\).DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE WC-2\).DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE MI-5\).DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE MI-8\).DOCX](#)  
[REIMBURSEMENT RESOLUTION \(MREFPP PHASE MI-9\).DOCX](#)

## 6. ACTION ITEMS

### 6.1. PUBLIC HEARING: BUILDING RELOCATION REQUEST TO 4904 HWY 2 EAST

A public Hearing to consider a request from Tom Ripplinger to relocation of the detached garage from 501 6th St NE, Minot ND, 58701 also known as Hendrecksons First Addition Lot 8 less W 64' Block 1, to 4904 Hwy 2 East, Minot, ND 58701, also known as Out lot 67 of SESW less E 40' & Lot a S21-155-82, subject to conditions.

**It is recommended the City Council approve the request.**

Documents:

[MEMO TO CITY COUNCIL.PDF](#)  
[RIPPLINGER MOVE APPLICATION.PDF](#)  
[MAP OF RIPPLINGER MOVE LOCATION.PDF](#)  
[LTR TO PROPERTY OWNERS-RIPPLIN.PDF](#)  
[RIPPLINGER LETTER.PDF](#)  
[ASSESSOR REPORT - RIPPLINGER.PDF](#)  
[INSPECTORS REPORT RIPPLINGER.PDF](#)

### 6.2. PUBLIC HEARING: BUILDING RELOCATION REQUEST TO 4701 1ST AVE NW

A Public Hearing to consider a request from Randi Wurgler to relocate a single family residence, from 1412 1st Ave SE, Minot ND, 58701 also known as Lenox Park Addition Lot 46, to 4701 10th Ave NW, Minot, ND 58703, also known as Skjoldal Addition Lot 2, also relocate a detached garage, from 1520 Burdick Expy E, Minot ND, 58701 also known as Elmwood Addition, E 30' of Lot 5 and all of Lot 7 less portion for highway, to 4701 10th Ave NW, Minot, ND 58703, also known as Skjoldal Addition Lot 2, subject to conditions

**It is recommended the City Council approve the relocation requests.**

Documents:

[MEMO TO CITY COUNCIL - HOUSE.PDF](#)  
[MEMO TO CITY COUNCIL - DETACHED GARAGE.PDF](#)  
[WURGLER MOVE APPLICATION.PDF](#)  
[HOMEOWNER LETTER.PDF](#)  
[PROPERTIES WITHIN 150 FEET.PDF](#)  
[HOMEOWNERS AFFECTED WURGLER.PDF](#)  
[WURGLER HOUSE INSPECTOR REPORT.PDF](#)  
[WURGLER GARAGE INSPECTOR REPORT.PDF](#)  
[WURGLER ASSESSORS REPORT.PDF](#)

6.3. 2021 NUISANCE ABATEMENT

Nuisance abatement project 4439 was approved by City Council on July 1, 2019. One abatement remains open, which has been completed and is ready to be special assessed. In addition, the City Forester acted upon three tree removals. All associated costs have been identified and included in the attached list. The City wishes to certify the list to Ward County for collection with property taxes.

**Request approval of the 2021 nuisance abatement list to be special assessed and certified to Ward county.**

Documents:

[MEMO NUISANCE ABATEMENT 2021.PDF](#)  
[NU20 4439 ASSESSMENT ROLL.PDF](#)

6.4. SPECIAL ASSESSMENT APPROVAL; 2021 WEED CUTTING

The Public Works department has responded to a number of complaints regarding tall grass and weeds. The attached list represents those locations the City abated for the twelve-month period beginning August 1, 2020 but has not received payment. The City wishes to certify the attached list to Ward County for collection with property taxes.

**Request approval of the 2021 weed cutting list to be special assessed and certified with Ward county.**

Documents:

[MEMO WEED CUTTING 2021.PDF](#)  
[WEED CUTTING 2021.PDF](#)

6.5. CITY HALL DESIGN DEVELOPMENT SUBMITTAL (4466)

Since June, JLG has been meeting with various departments, stakeholders, and the building committee during the design development phase of the project. JLG will be presenting the design development documents to the council for their review and sign off. Once approved, JLG will enter into the construction drawing phase of the project where plans and specifications will be developed for bidding.

1. **Recommend Council approve the Design Development submittal and move forward with the Construction Drawing phase.**
2. **Recommend Council to not move forward with solar panels at this time.**

Documents:

[CITY HALL DESIGN DEVELOPMENT SUBMITTAL MEMO.PDF](#)  
[210816 MCH - CITY COUNCIL PACKET\\_COMBINED.PDF](#)

6.6. RETAIL COACH, LLC CONTRACT

Staff recently concluded an RFQ process for a consultant to assist the City of Minot with retail services recruitment. The City received one bid response from Retail Coach, LLC and their proposal was reviewed and determined to meet all the specifications of the RFQ.

**It is recommended the City Council approve a one-year contract, with two potential annual renewals, with Retail Coach, LLC in the amount of \$47,500.**

Documents:

[RETAIL COACH CONTRACT APPROVAL MEMO.PDF](#)  
[SERVICES AGREEMENT-RETAIL RECRUITMENT DRAFT 8062021.PDF](#)

7. PERSONAL APPEARANCES
8. MISCELLANEOUS AND DISCUSSION ITEMS
  - 8.1. CITY COUNCIL BUDGET Q&A
9. LIAISON REPORTS
10. ADJOURNMENT