

City of Minot

Regular City Council Meeting
Monday, September 21, 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. CONSENT ITEMS

3.1. APPROVAL OF THE MINUTES

It is recommended the City Council approve the minutes of the September 8, 2020 regular City Council meeting.

Documents:

[200908.PDF](#)

3.2. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5526 - Rezoning Riverwood 2nd Addition, Lot 1 from AG to RA**
2. **Ordinance No. 5527 - Amend the 2020 Annual Budget- 2019 Sidewalk, Curb, and Gutter (4382)**
3. **Ordinance No. 5528 - Amend the 2020 Annual Budget- Construction Engineering SWIF Repair (3135.2D)**

Documents:

[ORDINANCE NO. 5526.PDF](#)
[ORDINANCE NO. 5527.PDF](#)
[ORDINANCE NO. 5528.PDF](#)

3.3. PARKING RAMP ROOF AND DRAINAGE SYSTEM FINAL PAYMENT (3738.6)

When the city took over maintenance and operations of the parking structures, a permanent roof needed to be constructed over the podium decks on both structures.

1. **Recommend Council make final payment to Rolac Contracting Inc, in the amount of \$52,039.51.**
2. **Pass an ordinance amending the 2020 annual budget to increase the Parking Ramps Capital Project expenditures**

Documents:

[3738.6 PARKING RAMP ROOF AND DRAINAGE SYSTEM FINAL PAYMENT MEMO.PDF](#)
[61. 2020 BA - PARKING RAMPS ROOF AND DRAINAGE SYSTEM \(3738.6\).PDF](#)
[3738.6 2020.08.25 PAY APP 7 FINAL.PDF](#)

- 3.4. APPROVE DEMOLITION ROUND 2 BID TO HSG PARK JOINT VENTURE LLC
Four bids were received for the Round 2 demolition contract which covers flood buyout structure demolition and spot blight structure demolition.

It is recommended the City Council approve CDBG-DR/NDR Round 2 Demolition Bid Award to HSG Joint Venture LLC in the amount of \$181,253.50

Documents:

[DEMO 2 BID AWARD CITY COUNCIL MEMO6-30-20AB \(AUTOSAVED\).PDF](#)
[RECOMMENDATION TO AWARD LETTER 2020 ROUND 2 STRUCTURE DEMOLITION 3755.17 \(1\).PDF](#)
[2020 ROUND 2 CITY OF MINOT STRUCTURE DEMO AND SITE RESTORATION BIDDING DOCUMENTS \(1\).PDF](#)

- 3.5. RESCHEDULE NOVEMBER PLANNING COMMISSION MEETING
The Minot City Council adopts an annual schedule for City Council and Planning Commission meetings. Staff recommends changing the date of the November Planning Commission meeting because it is scheduled to take place on Election Day. Staff proposes to hold the meeting on Wednesday, November 4, 2020.

It is recommended the City Council approve changing the Planning Commission meeting to November 4th instead of November 3rd.

Documents:

[MEMO TO COUNCIL - PLANNING COMMISSION MEETING CHANGE_KH.PDF](#)
[MEETING SCHEDULE 2020.PDF](#)

- 3.6. SUPPER CLUB LICENSE- BEV NAPS, INC. DBA HIGH THIRD
The City received a request from Bev Naps, Inc. dba High Third, for a Supper Club License operating at 7 1st Street SE. All documentation and inspections relating to the proposed premises have been approved by the Police Chief, Building Official and Fire Marshal.

It is recommended the City Council approve the Supper Club License for Bev Naps, Inc. dba High Third operating at 7 1st Street SE.

Documents:

[MEMO- HIGH THIRD.PDF](#)

- 3.7. GAMING SITE AUTHORIZATION- THE AGGIE FOUNDATION
Site approval by the City Council is required as a precondition to obtain a state games of chance license. Each organization submits documentation annually in order to conduct games of chance at locations throughout the city of Minot.

It is recommended the City Council approve the gaming site authorization for The Aggie Foundation to install electronic pull tab devices and poker at High Third (7 1st Street SE)

Documents:

[MEMO- GAMING SITE AUTHORIZATION-THE AGGIE FOUNDATION.PDF](#)
[AGGIE FOUNDATION.PDF](#)

3.8. GAMING SITE AUTHORIZATION- COMPANIONS FOR CHILDREN

Site approval by the City Council is required as a precondition to obtain a state games of chance license. Each organization submits documentation annually in order to conduct games of chance at locations throughout the city of Minot.

It is recommended the City Council approve the gaming site authorization for Companions For Children to install a pull tab dispensing device at Mi Mexico (301 40th Ave SW #101)

Documents:

[MEMO- GAMING SITE AUTHORIZATION-COMPANIONS FOR CHILDREN.PDF](#)
[COMPANIONS FOR CHILDREN.PDF](#)

3.9. ANNUAL RENEWAL OF MOWBRAY & SON PREVENTATIVE MAINTENANCE AGREEMENT

In 2017, at the conclusion of the warranty period for many of the Passenger Terminal's mechanical systems, the Airport entered into a one-year preventative maintenance plan with Mowbray and Son, Inc. Mechanical Contractors. This agreement was then renewed in 2018 and 2019.

Beginning in July 2019, Airport staff have completed filter changes, significantly reducing the preventative maintenance plan cost. Mowbray & Sons, Inc., upon approval of the attached proposal, will continue to provide quarterly and annual preventative maintenance checks.

1. **Recommend approval of the Mowbray & Son Preventative Maintenance Proposal (annual renewal); and**
2. **Authorize the Airport Director to sign the agreement**

Documents:

[MEMO MOWBRAY AND SON PM CONTRACT.PDF](#)
[CITY OF MINOT AIRPORT 2020-21 PM CHECKS.PDF](#)

3.10. APPROVE LICENSE RENEWAL FOR SALESFORCE SOFTWARE

Salesforce offers record based software which the City has used as the basis for electronic storage of programmatic CDBG-DR and CDBG-NDR records. In 2016, the City identified to HUD that Salesforce will be used as the official record storage. The renewal fee of \$24,874.91 is in line with the annual fee paid by the City for the 2019/2020 annual period. Continuation of the license is consistent with HUD procurement rules.

It is recommended the City Council approve a one year renewal of the Salesforce software license at a fee of \$24,874.91.

Documents:

[SALSEFORCE RENEWAL CITY COUNCIL MEMO6-30-20AB.DOCX](#)
[CARAHSOFT - SALESFORCE.COM - 05.07.2020 - QUOTE 22016843.PDF](#)

3.11. APPROVE RFQ FOR INDIVIDUAL LMI NEW SINGLE FAMILY HOMES

The HUD approved 2016 CDBG-NDR Action Plan calls for the use of funds to acquire land and develop three new neighborhoods with at least 250 LMI eligible single family homes constructed. In 2018, the City was successful in completing a non-Substantial amendment to the Action Plan which adjusted the goal for single family housing to be a mix of locating LMI households in existing single family homes outside the FEMA flood zone in established resilient neighborhoods and new single family home construction outside the FEMA flood zone. The plan is to issue a Request of Qualifications for property owners, home builders, and developers with access to currently zoned buildable single family lots in neighborhoods that meet resilient neighborhoods or that based on current construction activity will meet by the end of 2020 the resilient neighborhood standards which will be willing to meet LMI single family construction cost standards (land and structure) and which will be willing to partner with the City and the CDBG-NDR rules.

It is recommended the City Council approve Issuing Request for Qualifications for Individual lot acquisition for single family home construction, and/or lot and single family home construction for LMI eligible Minot households.

Documents:

[SINGLE FAMILY RFQ CITY COUNCIL MEMO6-30-20AB \(AUTOSAVED\).PDF](#)

3.12. MINOT INTERMODAL FACILITY CRISI GRANT AWARD (4546)

In May of this year, the City and NDDOT signed an agreement to accept funds from the Federal Railway Administration's CRISI grant program. These funds will be used to perform preliminary engineering and site layout concepts for the proposed intermodal facility north of County Road 12.

1. **Approve the contract amendment with the NDDOT and authorize the mayor to sign the amendment;**
2. **Approve Ackerman-Estvold to perform engineering services related to the CRISI Grant, authorize the city engineer to negotiate a scope and fee, and authorize the mayor to sign the agreement;**
3. **Authorize the mayor and staff to complete any required Title VI program requirements;**
4. **Approve on 1st reading the attached budget amendment.**

Documents:

[4546 - MINOT INTERMODAL FACILITY CRISI GRANT AWARD MEMO.PDF](#)
[URBAN AGREEMENT CRISI GRANT UNSIGNED ORIGINAL.PDF](#)
[URBAN AGREEMENT CRISI GRANT AMENDMENT 1.PDF](#)
[62. NDDOT URBAN AGREEMENT \(CRISI GRANT\).PDF](#)

3.13. NO PARKING ON N BROADWAY (US HIGHWAY 83) EAST FRONTAGE ROAD BETWEEN 35TH AVENUE NW AND 36TH AVENUE NW

The Engineering Department recently became aware of improper parking along the N Broadway East Frontage road between 35th Avenue NW and 36th Avenue NW that was creating multiple safety concerns and obstructions. Per conversations with the NDDOT Minot District, District Engineer Korby Seward, the N Broadway (US Highway 83) roadway ditch is not to be used for public parking. Additionally, drivers routinely park with up to half of their vehicle on the roadway.

**It is recommended the City Council pass an ordinance to add parking restrictions to the following location:
West side of the N Broadway (US Highway 83) East Frontage Road between**

35th Avenue NW and 36th Avenue NW.

Documents:

[MEMO-N BROADWAY - 36TH AVE NW - SE FRONTAGE ROAD NO PARKING.PDF](#)
[NO PARKING ORD - N BROADWAY - 36TH AVE NW - SE FRONTAGE ROAD.PDF](#)
[GRAPHIC - N BROADWAY EAST FRONTAGE ROAD.PDF](#)
[EXISTING PHOTOS N BROADWAY - 36TH AVE NW - SE FRONTAGE ROAD.PDF](#)

3.14. GENERAL WASTEWATER CONSULTING (PROJECT NUMBER 4325)

Each year issues arise regarding wastewater conveyance, treatment, or various other issues. Over the past few years Apex Engineering has been providing these services. The use of state or federal funds generally requires that the wastewater consultant be competitively selected as part of an RFQ process. Since the last wastewater RFQ was done in 2012 it was decided to do an updated consultant selection

1. **Recommend council approve the firms of Apex Engineering and Ackerman-Estvold Engineering to provide general wastewater consulting services.**
2. **Recommend council authorize the mayor to sign master services agreements with both firms on behalf of the City.**

Documents:

[4325 - MEMO - APPROVE CONSULTANTS.PDF](#)

4. ACTION ITEMS

4.1. ADOPT ORDINANCE NO. 5529 ON SECOND READING ADOPTING THE 2021 ANNUAL BUDGET & ADOPT A RESOLUTION ESTABLISHING RATES, FEES, AND CHARGES PERTAINING TO MINOT INTERNATIONAL AIRPORT

1. **It is recommended the City Council place and pass ordinance no. 5529 on second reading to adopt the 2021 annual budget.**
2. **Adopt a resolution establishing the 2021 rates, fees, and charges pertaining to Minot International Airport.**

Documents:

[2021 BUDGET ORDINANCE.PDF](#)
[2021 AIRPORT RATES RESOLUTION.PDF](#)

4.2. APPROVE PURCHASE PRICE OF \$215,000 WITH MARYANNE LAFONTAINE

City policies and procedures for flood buyout properties, known as Involuntary Acquisition, have a provision that any negotiated purchase price which exceeds 15% of initial offer and \$15,000 above the initial offer is presented to the City Council for approval. The original offer made by the City to Maryanne Lafontaine was \$180,000 and the agreed upon purchase price is \$215,000 which exceeds the 15% and \$15,000 provision.

It is recommended the City Council approve the mutually agreed purchase

price of \$215,000 for flood buyout acquisition of property located at 1516 3rd Avenue SE.

Documents:

[APPROVE LAFONTAINE ACQUISITION CITY COUNCIL MEMO6-30-20AB.PDF](#)

4.3. CITY ACCEPT TENTATIVE AGREEMENT IN EMINENT DOMAIN CASE TO ACQUIRE 303 6th STREET NE

On April 2, 2019, the City filed an eminent domain action against Perry Miller to acquire the property at 303 – 6th Street NE (Lot 6, Block 2, Torbenson's Addition) which is necessary for construction, operation and maintenance of the Mouse River Enhanced Flood Protection Project. Defendant Perry Miller filed an Answer to the City's Complaint. Settlement negotiations have resulted in a tentative agreement at \$193,000.00. In addition, the issue of attorney's fees and costs will be later decided by the court.

City staff recommends that the City accept a tentative agreement reached property owners and their attorney, which is as follows:

- 1. Agree to purchase the Perry Miller property at 303 – 6th Street NE necessary for construction, operation and maintenance of the flood protection project for the amount of \$193,000.00;**
- 2. Property owner will petition the district court for reimbursement for reasonable attorney's fees and costs; and**
- 3. Possession of property to be promptly transferred to City to allow construction of necessary flood protection.**

Documents:

[SETTLEMENT MEMO THE MINOT CITY COUNCIL 091520.PDF](#)

4.4. CITY HALL FLAG RAISING

The Mayor recommends the City Council limit flag-raising at City Hall until a formal policy is developed and approved by the City Council. The exceptions to this approval should be (1) the PIO/MIA Flag, which was previously approved to be raised on September 18, 2020 and (2) the NRA Flag, which was previously approved to be raised on September 25, 2020. No other applications relating to flag raising are pending at this time.

The Mayor also recommends the City Council to direct the City Manager to develop a formal policy regarding flag raising at City Hall. The policy should comply with applicable laws and include reference to applicable flag code and flag etiquette that is in line with the mission statement for the City of Minot.

It is recommended the City Council approve a motion to (1) with the exception of the American flag, State of North Dakota flag, City of Minot flag, and two previously approved flag raising requests, cease all ceremonial flag raisings at City Hall; and (2) direct the City Manager to develop a formal policy regarding flag raising at City Hall.

Documents:

[FLAG RAISING POLICY_MEMO.PDF](#)

5. CONSIDER THE REPORT OF THE MAGIC FUND SCREENING COMMITTEE

The MAGIC Fund Steering Committee recommends the City Council authorize \$800,000 to purchase the property at 120 Burdick Expressway East for

creation of a CTE.

Documents:

[MAGIC MINUTES 9-18-20.PDF](#)
[MINOT CTE SLIDES 8_25_20.PDF](#)

6. PERSONAL APPEARANCES

7. MISCELLANEOUS AND DISCUSSION ITEMS

7.1. MADC REPORT

As part of the agreement with the City of Minot, MADC is required to provide a written update of their contractual obligations. Attached you will find the report.

Documents:

[MADC REPORT TO CITY OF MINOT.PDF](#)

7.2. UPDATE FROM FIRST DISTRICT HEALTH UNIT

8. LIAISON REPORTS

9. ADJOURNMENT