

## July 19, 2021 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – JULY 19, 2021 AT 5:30 P.M.

### ROLL CALL

#### Members Present:

Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma

#### Members Absent:

None

### PLEDGE OF ALLEGIANCE

Mayor Sipma presiding and led the City Council in the Pledge of Allegiance.

### CITY MANAGER REPORT

The City Manager provided a written update describing events and activities for various departments. He also gave a reminder of the public input meeting on Thursday from 6:00-8:00 pm regarding plans and designs for the new City Hall Rehabilitation project.

### SUBDIVISION OF PENDLETON ESTATES 2ND ADDITION – APPROVED

Alderman Ross moved the City Council approve a subdivision plat to create Pendleton Estates 2nd Addition subdivision, being Lots 9 & 10, Block 2, Pendleton Estates Addition. The properties are located at 501 and 701 83rd St. NE.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### SUBDIVISION OF URBAN 15TH ADDITION – APPROVED

Alderman Ross moved the City Council approve a subdivision plat to create Urban 15th addition, being Lots 2, 3, & 4, Urban Fifth Addition to the City of Minot, North Dakota. The property is located at 900 37th Ave. SW.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### SUBDIVISION OF SOUTHWEST BUSINESS PARK 3RD ADDITION – APPROVED

Alderman Ross moved the City Council approve a subdivision plat to create 3 separate lots known as Southwest Business Park 3rd Addition from Lot 2, Block 1 of Southwest Business Park Second Addition, Section 32, Township 155 North, Range 83 West, Ward County, North Dakota. The property address is 36th Ave SW.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### PUBLIC HEARING: ANNEXATION AND REZONE OUTLOT 35 OF SECTION 29, TOWNSHIP 155 NORTH, RANGE 82 WEST

The City Council held a public hearing to consider a request from Loren Klein, for an annexation and a zoning map amendment from “AG” Agricultural District to “M1” Light Industrial District. The property is legally known as Outlot 35 of Section 29, Township 155 North, Range 82 West, Ward County, North Dakota. The property is located at 1613 27th St SE. No one appeared in favor or opposed to the request.

Alderman Jantzer moved to close the public hearing and approve the item. Motion seconded by Alderwoman Olson and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

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### **ORDINANCE NO. 5627 – ANNEXATION OF OUTLOT 35 OF SECTION 29, TOWNSHIP 155 NORTH, RANGE 82 WEST AND ADJACENT RIGHT-OF-WAY – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5627 on first reading to annex into the corporate limits of the City of Minot Outlot 35 of Section 29, Township 155 North, Range 82 West, Ward County, North Dakota. Motion seconded by Alderwoman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5627 on first reading. Motion seconded by Alderwoman Olson and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5628 – REZONE OUTLOT 35, LESS RIGHT-OF-WAY, SECTION 29, TOWNSHIP 155 NORTH, RANGE 82 WEST – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5628 on first reading to change the zoning designation of Outlot 35 of Section 29-155N-82W from “AG” Agricultural District to “M1” Light Industrial District. Motion seconded by Alderwoman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5628 on first reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **PUBLIC HEARING: REZONE OF OUTLOT 23 OF SECTION 19-155N-83W**

The City Council held a public hearing to consider a request by Ethan and Courtney Erickson representing Darla and Donald Erickson, for a zoning map amendment from “C2” General Commercial to “AG” Agricultural District for a 10-acre portion of their property to be known as Outlot 23. The property is legally known as an unplatted portion of the NE 1/4 of the SE 1/4, Section 19, Township 155 North, Range 83 West, Ward County, North Dakota. No one appeared in favor or opposed to the request.

Alderman Pitner moved the City Council close the public hearing and approve the item. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5629 - REZONE OUTLOT 23 OF SECTION 19-155N-83W – FIRST READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5629 on first reading to change the zoning designation of Outlot 23 of Section 19-155N-83W from “C2” General Commercial District to “AG” Agricultural District. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5629 on first reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **MAYORAL APPOINTMENT – APPROVED**

Alderwoman Olson moved the City Council confirm the following Mayoral appointment:

Library Board- Lindsey Bertsch with a term to expire June 2024

Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **CITY COUNCIL MINUTES – APPROVED**

Alderwoman Olson moved the City Council approve the minutes of the July 6, 2021 regular City Council meeting.

Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5611 - ZONING MAP AMENDMENT- BERTSCH ADDITION – SECOND READING – APPROVED**

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Alderman Olson moved the City Council place ordinance no. 5611 on second reading to rezone Bertsch Addition, Lot 2 from "AG" Agricultural District to both "AG" Agricultural District and "RR" Rural Residential District. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5611 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5623 - AMEND THE 2021 ANNUAL BUDGET- LOIS SUBSCRIPTION AGREEMENT – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5623 on second reading amending the 2021 annual budget to increase the sales tax first penny economic development subscription expenditures for the Location One Information System (LOIS), using cash reserves. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5623 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5624 – AMEND THE 2021 ANNUAL BUDGET- NDDOT URBAN AGREEMENT (CRISI) GRANT - SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5624 on second reading amending the 2021 annual budget to increase the engineering department professional services expenditures for the North Dakota Urban Agreement for the CRISI grant, using cash reserves. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5624 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5625 – AMEND THE 2021 ANNUAL BUDGET- CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT (CRRSAA) GRANT – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5625 on second reading amending the 2021 annual budget to increase Airport other professional services and Federal operating revenue for the 2021 ACRGP concessions addendum grant. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5625 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5626 – AMEND THE 2021 ANNUAL BUDGET- AIRPORT'S EXCHANGE OF 2019 TORO MOWER – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5626 on second reading amending the 2021 annual budget to increase the Airport capital equipment and sale of capital assets for the trade of the Airport 2019 Toro mower. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5626 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ADMINISTRATIVE APPROVALS – APPROVED**

Alderman Olson moved the City Council ratify the following administratively approved requests.

1. The Landing Bar & Bottle Shop for a special event permit June 23, 2021 at 1121 South Broadway
2. Atypical Brewery & Barrelworks for a special event permit June 26, 2021 outside 510 Central Ave E
3. The Pour Farm for a special event permit July 15-28, 2021 outside 201 37<sup>th</sup> Ave SW
4. The Pour Farm for a special event permit July 1-14, 2021 outside 201 37<sup>th</sup> Ave SW
5. Northern Infidels Motorcycle Club to conduct a raffle November 22, 2021 at 305 4<sup>th</sup> Ave NW

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6. The Tap Room/Saul's/Dad's for a special event permit June 28, 2021 at MSU Beaver Dam (500 University Ave W)
7. Atypical Brewery & Barrelworks for a special event permit June 26, 2021 at Oak Park (1300 4<sup>th</sup> Ave NW)
8. Trinity Health Auxiliary to conduct a raffle September 24-25, 2021 at Clarion Hotel (2200 Burdick Expy E)
9. Our Redeemer's Lutheran Brethren Church to conduct a raffle November 30, 2021 at Our Redeemer's Church and Christian School (700 16<sup>th</sup> Ave SE)
10. The Drop Zone for a special event permit July 1-8, 2021 on Main Street
11. Clarion Hotel & Convention Center for a special event permit July 4, 2021 outside 2200 Burdick Expy E)
12. JL Beers for a special event permit July 21, 2021 outside 2001 22<sup>nd</sup> Ave SW
13. Ranger Lounge for a special event permit June 24-July 8, 2021 outside 1218 South Broadway
14. Pleasant Lake Winery/Dakota Hills Winery for special event permits July 10-31, 2021 at North Prairie Farmer's Market (3<sup>rd</sup> Ave S & Broadway)
15. Blue Rider for a special event permit July 16, 2021 outside 118 1<sup>st</sup> Ave SE
16. High Third for a special event permit July 11-19, 2021 outside 110 East Central Ave
17. Pointe of View Winery for special event permits July 13-September 25, 2021 at Oak Park Farmer's Market (1300 4<sup>th</sup> Ave NW)
18. Bishop Ryan Catholic School Parent Activity Association to conduct raffles during the athletic season at Bishop Ryan Catholic School (316 11<sup>th</sup> Ave NW)
19. Bishop Ryan Catholic School Parent Activity Association to conduct raffle August 20, 2021-October 15, 2021 at Herb Parker Stadium (500 University Ave W)
20. Bishop Ryan Catholic School Parent Activity Association to conduct a raffle October 9, 2021 at the Grand Hotel (1505 North Broadway)
21. Minot High School Class of 1980 to conduct a raffle July 17, 2021 at The Starving Rooster (30 1<sup>st</sup> Street NE)
22. The Tap Room/Saul's/ Dad's for a special event permit July 15, 2021 at MSU Summer Amphitheater (500 University Ave W)
23. Off the Vine for a special event permit July 15, 2021 outside 15 South Main Street
24. The Starving Rooster for a special event permit July 13, 2021 at Mouse River Players (115 1<sup>st</sup> Street SE)
25. Atypical Brewery & Barrelworks for a special event permit July 10, 2021 outside 510 Central Ave E)
26. The Spot for a special event permit July 22, 2021 outside 6 2<sup>nd</sup> Street NE
27. The Spot for a special event permit July 10, 2021 outside 6 2<sup>nd</sup> Street NE
28. Ranger Lounge for a special event permit July 9-23, 2021 outside 1218 South Broadway
29. Arny's 2.0 for a special event permit July 12-26, 2021 outside 12 3<sup>rd</sup> Street SE
30. Minot High Trap Team to conduct a calendar raffle November 1-30, 2021 at Central Campus School (215 1<sup>st</sup> Street SE)
31. Kiwanis Club of Minot to conduct a raffle October 9, 2021 at Minot Auditorium (420 3<sup>rd</sup> Ave SW)
32. The Starving Rooster for a special event permit July 17, 2021 outside 30 1<sup>st</sup> Street NE
33. The Original Bar & Nightclub for a special event permit July 13, 2021 outside 720 North Broadway
34. The Spot for a special event permit July 24-August 1, 2021 outside 6 2<sup>nd</sup> Street NE

Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **3RD ST SE & BURDICK HSIP - FINAL PAYMENT (4426) – APPROVED**

Alderwoman Olson moved the City Council approve the final payment to the NDDOT in the amount of \$3,607.42 for the 3rd Street SE and Burdick Expressway HSIP project.

Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **STORM SEWER DISTRICT 123 – 10TH STREET SW – FINAL PAYMENT (4393) – APPROVED**

Alderwoman Olson moved the City Council approve the final payment to the Wagner Construction in the amount of \$162,990.49 for Storm Sewer District 123- 10<sup>th</sup> Street SW.

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### **LED STREETLIGHTS – AWARD OF BID (PROJECT NUMBER 4615) – APPROVED**

Alderwoman Olson moved the City Council approve the bid from Gefroh Electric in the amount of \$131,280 for 160 LED streetlights for the Traffic Department.

Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5630 – AMEND THE 2021 ANNUAL BUDGET- LED STREETLIGHTS – FIRST READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5630 on first reading amending the 2021 annual budget to increase the Traffic capital equipment and decrease Traffic street lights and signal maintenance for the street light LED conversion. Motion seconded by Alderman Ross and carried unanimously.

Alderwoman Olson moved the City Council pass ordinance no. 5630 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5631 - ENGINEERING STUDY AT THE INTERSECTION OF 1ST STREET SW AND 13TH AVENUE SW – FIRST READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5631 on first reading modifying the 1st Street SW approaches from Yield control to Stop control at the intersection with 13th Avenue SW. Motion seconded by Alderman Ross and carried unanimously.

Alderwoman Olson moved the City Council pass ordinance no. 5631 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **MINOT INTERNATIONAL AIRPORT RESCUE PLAN ACT OF 2021 (ARPA) GRANT ACCEPTANCE – APPROVED**

Alderwoman Olson moved the City Council approve acceptance of the Airport Rescue Plan Act (ARPA) grant for Federal Assistance to assist with costs related to operations, personnel, cleaning, sanitizing, janitorial services, prevention, preparation, and response to the COVID-19 pandemic, and authorize the Mayor to sign any applicable documentation for application and acceptance of the grant.

Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **OAG AVIATION WORLDWIDE, LLC (OAG) LICENSE AGREEMENT RENEWAL – WITHDRAWN**

This item was withdrawn prior to the Council meeting and will be considered at a later date.

### **ENCROACHMENT PERMIT - 111 CENTRAL AVE W – APPROVED**

Alderwoman Olson moved the City Council approve the Right of Way Encroachment Agreement Application submitted by S-J ONE ELEVEN, LLC for the installation of an ADA access for their building at 111 West Central Avenue.

Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ENCROACHMENT PERMIT - 1602 27TH STREET SE – APPROVED**

Alderwoman Olson moved the City Council approve the Right of Way Encroachment Permit Application by Dakota Agronomy Partners for the sign at 1602 27th St SE.

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Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ENCROACHMENT PERMIT - LOT 1 LIVINGSTON'S – APPROVED**

Alderman Olson moved the City Council approve the Right of Way Encroachment Agreement Application submitted by Meadowlark Holdings, LLC for the installation of private storm sewer to tie into a City catch basin east of Lot 1 Livingston's 9th Addition, along 21st Avenue SE.

Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **CARNEGIE CENTER LEASE WITH MACA – APPROVED**

The City Manager stated he has heard public concerns regarding inaccessibility to the Carnegie Center. He discussed the issue with community leaders, contacted the current lease holder, and decided the agreement with MACA would be a better use of the facility. In conjunction with the effort to revitalize downtown and considering the significant repairs recently done on the facility, this lease will mutually benefit the City and Minot Area Council of the Arts (MACA). The lease includes rental fees to act as revenue for MACA while providing a percentage to the City to cover costs of utilities and maintenance.

Mayor Sipma said he shares the concerns with accessibility and hopes MACA can better utilize the space.

Alderman Olson said she fully supports the new arrangement but asked about the religious group who has been renting the space.

Mr. Stewart explained that he is waiting for an opinion from the City Attorney but in his experience, a religious activity is not a permitted use in a taxpayer-owned facility. Allowing religious organizations to rent the facility could lead to potential litigation if anyone raised concerns.

Alderman Ross asked if MACA developed a plan for use of the facility.

Justin Anderson, Executive Director of Minot Area Council of the Arts said, the Board discussed it but has to wait and see how it is received by the public. The building hasn't been highlighted publicly so it is difficult to project the level of interest. He also said, the lease was written in a way so that aspects can be revisited periodically. The building will be available for rent and they hope revenue can be invested into the facility to bring it up to par with other event spaces.

Alderman Olson moved the City Council approve a two-year Lease of the Carnegie Center to Minot Area Council of the Arts (MACA).

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **PERSONAL APPEARANCES**

None

### **MISCELLANEOUS & DISCUSSION**

The Mayor reminded everyone the ND State Fair starts on Friday. He will participate in the parade on Saturday as will the Police Department, Fire Department and Sanitation. He encouraged everyone to support the local businesses involved especially since it was cancelled in 2020. He also commented on the impact the closed Canadian border will have on the Fair this year.

### **LIAISON REPORTS**

Alderman Podrygula said the Emergency Resource Council had a fascinating presentation from the National Guard on the resources they have available. The Commission on Aging will take their August meeting off but will have a presence at the

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State Fair. They are currently working on parking lot repairs and many of their regular programs will return in August. The Ward County Planning Commission continues to struggle with rewriting the zoning code. They will begin sharing the plan throughout smaller towns within the county for input.

Alderwoman Olson said her committees have not met but she also reminded everyone to attend the City Hall project Open House on Thursday.

Alderwoman Evans said the Library Board appointment was confirmed by the Council adding a younger perspective to the Board. She also announced the Library has eliminated fees for all materials except tools.

Mayor Sipma attended the Chamber EDC meeting. He also testified in Bismarck for NAWS and spoke to the Water Topics Committee.

Alderman Ross met with the Zoning Ordinance Steering Committee, details of which were included in the City Manager report. They will continue to work on the Subdivision chapter of the Code.

Alderman Jantzer had no meetings to report.

Alderman Pitner sat on the selection committee to choose a firm to update the comprehensive plan. They came to a decision and staff is currently working out the details of the contract.

### **ADJOURNMENT**

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Ross and carried unanimously. Meeting adjourned at 5:54 pm.

ATTEST: \_\_\_\_\_  
Kelly Matalka, City Clerk

APPROVED: \_\_\_\_\_  
Shaun Sipma, Mayor