

## June 17, 2019 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – JUNE 17, 2019 AT 5:30 P.M.

### ROLL CALL

#### Members Present:

Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky

#### Members Absent:

None

### PLEDGE OF ALLEGIANCE

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

### PERSONAL APPEARANCES

Rick Rodman, of 433 21<sup>st</sup> Street SW, came forward to talk about the levies. He said, he had already spoken to Alderman Straight but he has concerns about vehicles driving on the levies in his neighborhood. He recommended the City Council pass an ordinance instituting a \$500 fine plus the cost of repairs for anyone who drives on the levies. He then said what a great job the crew has been doing on the pump station and Perket Ditch project.

Mayor Sipma thanked Mr. Rodman for bringing the issue to their attention. He directed the City Attorney to research what current city ordinance or state law is in place.

Kirsten Engh, of 800 Main Street N, approached the Council to bring their attention to a neighbor's yard. She said, the house was torn down and the vacant lot now has several vehicles parked there and overgrown grass. She said, she spoke with Margie Zietz, the Code Enforcement Officer, but the problem has continued.

Alderman Olson said, she addressed the concern with Ms. Zietz, and they were told the vehicles would be moved within three days. That was several weeks ago so she was under the impression the problem was taken care of.

Alderman Straight shared photos of the property. He suggested implementing a streamlined process for complaints and an increase in fines.

Mayor Sipma requested Ms. Engh file a complaint about the overgrown grass so Public Works can begin the process to address it.

Alderman Podrygula commented on the need to improve code enforcement by potentially adding staff or creating better procedures.

### PUBLIC HEARING: BUILDING RELOCATION- 6201 24TH AVENUE SE – APPROVED

The City Council held a public hearing to consider a request by Kevin Frederick to relocate a 40' x 60' steel building from 2005 Burdick Expressway East, Minot ND, 58701 also known as Fairville R-D 2 Plats P 169, S19-155-82 Nedrose -S1 A79.30, to 6201 24th Ave SE, Minot, ND 58701, also known as Countryside Villas 3rd Addition Sublot B of Lot 23 & Lot 24 Nedrose A 2.998, subject to the following conditions:

1. A ten-thousand-dollar completion bond must be posted with the City of Minot prior to issuance of any permits for this work.
2. Application and approval of mechanical, electrical, plumbing, building permits for all new proposed construction.
3. Coordinate all relocation activities with public utilities and traffic authorities.
4. An approved foundation design in compliance with City of Minot building codes.
5. If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.
6. All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.
7. The exterior of the structure must be one consistent color arrangement of colors after relocation.
8. The property must be provided with proper site drainage, and must be landscaped in a manner similar to surrounding properties.

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9. The owner has replatted the property with a new legal address to become Countryside Villas Third Addition, Lot 24 and Sublot B of Lot 23. That plat has been approved by the Planning Commission and City Council but has yet to be legally recorded. In an effort to expedite the moving permit, it is advised to approve the moving permit and to not approve the building permit until the proposed plat has completed the recording process. This will not affect the current listed 911 address of the property.

Mr. Frederick came forward to answer any questions. He said, he would like to use the building for cold storage and tractors.

There being no further comments, Alderman Straight moved the City Council close the public hearing and approve the request. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **MAYORAL APPOINTMENTS – APPROVED**

Alderman Jantzer moved the City Council approve the following Mayoral appointments:

#### MAGIC Fund

Steve Bigelow appointed to replace Pat Bachmeier with a term to expire June 2022.

#### Planning Commission

Dustin Offerdahl reappointed with a term to expire June 2024.

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

### **LEGISLATIVE REPORT**

Shane Goettle, Special Assistant City Attorney, presented a briefing regarding the 2019 Legislative Session. He said, there were 905 bills introduced, 520 bills passed each chamber and he was actively tracking about 160 bills for Minot. At the conclusion of the session, the legislature passed a \$14.7 billion two-year budget which includes \$4.8 billion in the state general fund. It is up 12% from the previous biennium, but includes no tax increases.

He then expanded on several of the high-priority bills for Minot. He described the Prairie Dog Bill, House Bill 1066, by explaining the previous Hub City formula compared to what was passed during the session. The current formula sunsets on June 30<sup>th</sup> whereas the new formula will be more permanent. The new formula is based on an impact score including multiple factors such as HUB City's percentage of employment in mining, quarrying, and oil and gas extraction (MQOG), average of MQOG employment relative to total employment of all industries in each county for all the counties in the human service region in which the HUB City is located, percentage of establishments engaged in MQOG relative to total establishments of all industries in the county in which the HUB City is located, percentage of oil production in the human services region in which the HUB City is located, percentage change in population in last five years, and percentage change in population in last five years for the county in which the HUB City is located. With the changes in the formula, under the legislative assumptions, the City of Minot could see increased funding between \$12.56M and \$14M for the biennium.

Mayor Sipma asked Mr. Goettle to clarify how funds could be used from the Hub City revenue source. Mr. Goettle said, there is no limit on Hub City funding and how it can be spent. He compared it to the Ward County & Township Infrastructure Fund that has restrictions but not Hub City Funding.

Mr. Goettle then explained the Water Commission Budget in Senate Bill 2020. He said, Legislative Intent provided \$193,000,000 of state funding for Mouse River flood control projects within city limits of Minot for 2017-2025. There was \$57,713,284 during the 2017-2019 biennium and \$82.5 million during the 2019-2021 biennium. The remainder will be during 2021-2025. For the Northwest Area Water Supply project (NAWS), funding was included in water supply appropriation and the State Water Commission may tap the \$75 million line of credit at Bank of North Dakota if needed. There was also funding included for Minot's SW Elevated Water Tank in the amount of \$2.76 million State Water Commission cost share plus \$1.84 million local funding for a total of \$4.6 million.

The next bill was Senate Bill 2275, Political Subdivision Finance, a companion to the Prairie Dog Bill. He explained that the bill was a State Bond to support capitalizing a revolving loan fund for political subdivisions to access at 2% rates for up to 40 years. He said, SB 2075 was defeated. Minot legislators rallied to support the bill's passage. It was then resurrected in OMB Budget Bill in the Senate, but was cut in House Appropriations. There was one last effort in Joint Conference Committee in

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OMB Bill but it also failed. He explained that it was defeated largely because of concerns about state bonding to capitalize and long-term obligation of the state.

Mr. Goettle mentioned many other pieces of legislation that passed in the areas of Property Tax and Special Assessments, Zoning and Special Improvement Districts. There was also legislation relating to the Park District, Public Bidding, Retirement Military Benefits, Occupational Licensing, Local Recalls, Law Enforcement & Fines, Municipal Courts/Judges, legal notices, living wage prohibition, auxiliary containers, restriction on inquiry into criminal record until selected for an interview, ROW crossings, no firearm buybacks, lodging taxes, protection of records for disaster preparation plans and cyber security. He also listed defeated bills concerning Party affiliation, Adoption of preliminary budget timeline, Arbitration of controversies arising out of a contract for an above grade road or street improvement, Prohibiting use of eminent domain with approval of county commission, and a Constitutional amendment related to use of Legacy Fund principal and earnings.

He then described some interim studies that will take place during 2019-2020, including 2241, Sewage Treatment Systems which will study the regulation of sewage treatment system installation, maintenance, testing, and repair. Study 1021, the Emergency & interoperable public safety communications, which is a study of consolidated emergency and interoperable public safety communications system governance and funding options. Study 1474, Special Assessment Alternatives, which will study options for replacing revenue generated by special assessments with revenue from an alternative local funding source. Study 2015, Legacy Fund Earnings that will study the potential uses of legacy fund earnings, including the use of earnings to provide tax relief, provide for reinvestment of legacy fund earnings, fund research and technological advancements, promote economic growth and diversification, and promote workforce development and career and technical education.

Mr. Goettle concluded by saying he has a spreadsheet available upon request, outlining a detailed summary of each bill and how legislators voted.

The City Manager thanked Mr. Goettle for all of his work throughout the Legislative Session. He said there have been considerable strides in improving our relationship with members of the State House and improved our position and approach for dealing with legislative issues. Mr. Goettle said there was more engagement from the entire City Council than he has seen in the past.

Aldermen Straight and Wolsky commented on the need for more citizens to testify during the next Legislative Session and have more community engagement.

### **APPROVAL OF MINUTES- JUNE 3, 2019 – APPROVED**

Alderman Jantzer moved the City Council approve the minutes of the June 3, 2019 regular City Council meeting.

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

### **APPROVAL OF PAYROLL – APPROVED**

Alderman Jantzer moved the City Council approve payroll for the period of April 14, 2019 through May 25, 2019 in the amount of \$3,015,703.19.

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

### **ORDINANCE NO. 5392: REALLOCATE FUNDS INTO THE GENERAL FUND AND CLOSE THE APPLICABLE SPECIAL REVENUE FUND – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5392 on second reading to amend the 2019 annual budget to move the sidewalk, street improvements, and demolition special revenue funds into the general fund. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5392 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

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### **ORDINANCE NO. 5393: AMEND THE 2019 ANNUAL BUDGET – BULLETPROOF VEST PARTNERSHIP GRANT (PD0171) – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5393 on second reading to amend the 2019 annual budget to increase the police operation supplies revenues and expenditures for a FY18 Bulletproof Vest Partnership Grant. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5393 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5394: AMEND THE 2019 ANNUAL BUDGET - TWO SKID STEER LOADERS TRADE-IN 2019 (4177) – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5394 on second reading to amend the 2019 annual budget to increase the street capital purchase expenditures and revenues to trade in two skid steer loaders using trade-in revenue. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5394 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5395: AMEND THE 2019 ANNUAL BUDGET – PROFESSIONAL SERVICES DEVELOPMENT QTA RFP – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5395 on second reading to amend the 2019 annual budget to increase the airport professional services for development of the RFP for the QTA facility. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5395 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ADMINISTRATIVE APPROVALS – APPROVED**

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

1. Rotary Club of Minot to conduct raffles July 1, 2019 through June 30, 2020 at the Grand Hotel (1505 North Broadway)
2. Heidi Newbury to conduct a raffle for the benefit of Judy Weishaar's Medical Expenses on June 22, 2019 at The Landing Bar (2015 North Broadway)
3. The Spot for a special event permit June 6, 2019 at Dakota Territory Air Museum (100 34th Ave NE)
4. Off the Vine for a special event permit June 6-8, 2019 at 15 South Main Street
5. 19th Hole for a special event permit June 27, 2019 at Roosevelt Park Zoo (1219 Burdick Expy East)
6. The Dakota Lounge for a special event permit June 8, 2019 at the Parker Center (21 1st Ave SE)
7. Souris River Brewing for a special event permit June 22, 2019 on Main Street downtown
8. The Pour Farm for a special event permit June 20-27, 2019 outside 201 37th Ave SW
9. Mule Deer Foundation to conduct a raffle July 11, 2019 at Oak Park (1500 4th Ave NW)

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

### **GAMING SITE AUTHORIZATIONS- ANNUAL GAMING ORGANIZATION RENEWAL – APPROVED**

Alderman Jantzer moved the City Council approve the following Gaming Site Authorizations for the license year July 1, 2019 through June 30, 2020:

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Foundation for Orthodoxy	ADB Investments, ND, LLC	Clarion Hotel & Convention Center	2200 Burdick Expy E
Magic City Lions	Tonite We Ride Inc	Ben's Tavern	220 6th St NE
Magic City Lions	Bev Naps, Inc.	Elevation	1912 Valley Bluff
Magic City Lions	Spicy Pie MSU, LLC	Spicy Pie	1100 North Broadway
Magic City Lions	WWW, Inc.	Ebeneezer's	300 & 304 E Central Avenue

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

### **FINAL PAYMENT FOR DEMOLITION OF 430 4TH AVENUE NE – APPROVED**

Alderman Jantzer moved the City Council approve the final payment of \$102,193.50 to Dig It Up Backhoe Service Inc. for demolition and site restoration of 430 4th Avenue NE.

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

### **RETAINAGE PAYMENT TO BERGER ENTERPRISES FOR 2018 DEMOLITION CONTRACT – APPROVED**

Alderman Jantzer moved the City Council approve the retainage payment of \$68,515.77 to Berger Enterprises to close out the 2018 Demolition Contract.

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

### **ORDINANCE NO. 5396- AMEND THE 2019 ANNUAL BUDGET- MATCH FUNDS NEEDED FOR THE PURCHASE OF A 2019 ADA COMPLIANT BRAUN ENTERVAN – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5396 on first reading to amend the 2019 annual budget to increase equipment purchases damage claim revenues and decrease equipment purchases federal revenues for the purchase of an ADA Compliant Braun Entervan. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5396 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **NDDOT FFY 2020 TRAFFIC SAFETY GRANT – APPROVED**

Alderman Jantzer moved the City Council grant authorization to apply for and, if awarded, accept the North Dakota Department of Transportation (NDDOT) FY 2020 Traffic Safety Enforcement Grant for the Minot Police Department and authorize the Mayor to sign the agreement.

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

### **HESS CORP GRANT – FORCIBLE ENTRY TRAINING EQUIPMENT – MINOT FD (FD0099) – APPROVED**

Alderman Jantzer moved the City Council ratify and accept the HESS Corporation grant that was successfully obtained for use towards the procurement of a forcible entry prop.

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

### **ORDINANCE NO. 5397 – AMEND THE 2019 ANNUAL BUDGET – HESS CORP GRANT FORCIBLE ENTRY TRAINING EQUIPMENT – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5397 on first reading to amend the 2019 annual budget to increase the fire capital purchases revenues and expenditures for the awarded forcible entry prop training equipment grants. Motion seconded by Alderman Pitner and carried unanimously.

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Alderman Jantzer moved the City Council pass ordinance no. 5397 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **2020 DOMESTIC VIOLENCE CRISIS CENTER JAG (PD0175) – APPROVED**

Alderman Jantzer moved the City Council ratify the application by the Minot Police Department / Domestic Violence Crisis Center and authorize acceptance if awarded, the 2020 JAG and Lottery Grant.

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

### **ANNUAL RENEWAL OF MOWBRAY & SON PREVENTATIVE MAINTENANCE AGREEMENT – APPROVED**

Alderman Jantzer moved the City Council approve the Mowbray & Son Preventative Maintenance Proposal (annual renewal) and authorize the Airport Director to sign the agreement.

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

### **AMEND ULTEIG MASTER PROFESSIONAL SERVICES AGREEMENT CONTRACT – APPROVED**

Alderman Jantzer moved the City Council approve Amendment No. 1 to the Master Professional Services Agreement (MPSA) with Uletig and authorize the Mayor to sign any applicable documentation.

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

### **SETTLEMENT AGREEMENT TO ACQUIRE PROPERTIES AT 210 7TH STREET NE AND 706 4TH AVENUE NE FOR FLOOD CONTROL PROJECTS – APPROVED**

Alderman Olson moved the City Council approve the Settlement Agreement of the matters entitled Kenn Simensen, Lynette Simensen, and United Community Bank of North Dakota, plaintiffs, v. City of Minot, defendant, Ward County District Court Case Nos. 51-2019-CV-00028 and 51-2019-CV-00029 for a purchase agreement for the subject properties in the amount of \$1,750,000 with such agreement representing full and complete resolution of all issues between the parties in these actions, and authorize the Mayor to execute any and all documents necessary to the settlement and acquisition of the properties.

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

### **ALCOHOLIC BEVERAGE LICENSE RENEWALS 2019-2020 – APPROVED**

Alderman Jantzer moved the City Council approve the alcoholic beverage license renewals for the period of July 1, 2019 through December 31, 2020 for all applicants who have submitted all application materials and passed background checks and inspections.

10 North Main	Supper Club License	10 Partners, LLC	10 North Main Street
19th Hole	Retail Beer and Wine License	Steve Kottsick	2400 14th Avenue SW
Aces Lounge & Casino	Retail Liquor and Beer License	Ice Time, LLC	1524 S Broadway, Suite 8
Applebee's Grill and Bar	Supper Club License	Apple Core Enterprises, Inc.	2302 15th Street SW
Badland's Grill House & Saloon	Supper Club License	Minot Badlands Restaurant, LLC	1400 31 <sup>st</sup> Avenue SW
Barley Pop Bar	Retail Beer and Wine License	Barley Pop Bar, Inc.	437 North Broadway
Ben's Tavern	Retail Beer and Wine License	Tonite We Ride, Inc.	220 6th Street NE
Blue Rider	Retail Beer and Wine License	Y.N.O.T., Inc.	118 1st Avenue SE

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Bones BBQ Wine & Brew	Retail Beer and Wine License	Bones BBQ, Inc.	1412 2nd Ave SW Unit B
Bootlegz	Retail Liquor and Beer License	5 Guys Bar, LLC	515 20 <sup>th</sup> Avenue SE Suite 2B
Broadway Liquors	Retail Liquor and Beer License	Broadway Liquor, LLC	1030 N. Broadway
Buffalo Wild Wings	Supper Club License	Wings of Minot ND, LLC	3820 South Broadway
Buffalo Wings & Rings	Supper Club License	A & M Hauck, Inc,	910 24 <sup>th</sup> Avenue SW
Capri Bar	Retail Liquor and Beer License	Shedars, Inc.	2030 Burdick Expressway E
Cash Wise Liquor #3043	Retail Liquor and Beer License	Coborn's, Inc.	3224 16 <sup>th</sup> Street SW #400
China Star Restaurant	Specialty Restaurant Beer and Wine License	China Star Minot, Inc.	1631 South Broadway
Comfort Suites	Hotel-Motel Retail Liquor and Beer License	Gill Corporation	601 22 <sup>nd</sup> Ave SW
Cookies For You	Retail Beer and Wine License	Casey's Cookies, Inc.	117 Main Street S
Dakota Inn Trappers Lounge	Hotel-Motel Retail Liquor and Beer License	Hanuman, L.L.C.	2401 Elk Drive
Dakota Lounge	Retail Liquor and Beer License	TEN, Inc.	1525 31 <sup>st</sup> Avenue SW, Ste A
East End	Retail Beer and Wine License	Hops, Inc	400 East Central Ave Ste. 102
Ebeneezer's	Retail Liquor and Beer License	WWW, Inc.	300 & 304 E Central Avenue
El Azteca	Retail Beer & Wine License	El Azteca, LLC	2035 N. Broadway
Elevation	Private Golf Course License	Bev Naps Inc.	1912 Valley Bluff Dr
Grand Hotel	Hotel-Motel Retail Liquor and Beer License	International Inn, Inc.	1505 North Broadway
Ground Round	Supper Club License	Classic Foods of Minot	2110 Burdick Expressway E
Hampton Inn and Suites	Retail Beer and Wine License	Minot Hotel Partners, LLC	1400 North Broadway
Happy Joe's Pizza	Retail Beer License	Pardon Enterprises, Inc.	420 20 <sup>th</sup> Avenue SE
Hibachi Buffet	Specialty Restaurant Beer and Wine License	Hibachi Buffet 168 Inc.	1901 South Broadway
Hyatt House of Minot	Hotel-Motel Retail Liquor and Beer License	Channel Point Hospitality, LLC	2301 Landmark Drive
J.L. Beers	Retail Beer License	ZZ Food Group, LLC	2201 22 <sup>nd</sup> Ave SW
Knights of Columbus	Private Club Retail Liquor and Beer License	Columbian Club Association	2601 North Broadway
Lamplighter Lounge/Arrowhead Liquors	Retail Liquor and Beer License	Lamplighter Lounge, Inc.	200 16th Street SW
Landing Bar & Bottle Shop	Retail Liquor and Beer License	VennMitchell, Inc.	2015 North Broadway
LongHorn Steakhouse #5500	Supper Club License	Rare Hospitality Management, LLC.	1707 22 <sup>nd</sup> Avenue SW
Lucky Strike Casino	Retail Liquor and Beer License	North Hill Bowl, Inc.	1901 North Broadway
Mi Mexico	Supper Club License	Los Cunados, Inc.	301 40 <sup>th</sup> Avenue SW Ste 101
Microtel Inn & Suites	Retail Beer and Wine License	GM Minot Operating, LLC	414 37th Ave SW
Minot State University	Minot State University	M & S Concessions, Inc.	500 University Ave West
Moose Lodge No. 822	Private Club Retail Liquor and Beer License	Loyal Order of Moose	400 9th Street SW
MP Wine & Spirits	Retail Liquor and Beer License	Johanneson's, Inc.	1024 24th Avenue SW
MP Wine & Spirits	Retail Liquor and Beer License	Johanneson's of ND, Inc.	1930 South Broadway
MP Wine & Spirits	Retail Liquor and Beer License	Johanneson's Inc.	2211 16th St NW

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MP Wine & Spirits	Retail Liquor and Beer License	Johannesson's, Inc.	1600 2 <sup>nd</sup> Avenue SW, Suite 1
MP Wine & Spirits	Retail Liquor and Beer License	Johannesson's, Inc.	1620 South Broadway
ND Asia Restaurant	Supper Club License	Crystal Globe, LLC	3400 16th Street SW
Noble Inn	Retail Beer and Wine License	Magni, LLC	1009 20 <sup>th</sup> Avenue SE
Nola's Lounge	Retail Liquor and Beer License	Lovelace, Inc.	919 Burdick Expressway W
Off The Vine	Retail Beer and Wine License	AV Vinreet, Inc.	#15 South Main Street
On the Rocks	Retail Liquor and Beer License	KK Investments, Inc.	614 3rd Street NE
Paradiso's Mexican Restaurant	Retail Liquor and Beer License	Sergio's of Minot, Inc.	1445 South Broadway
Planet Pizza	Retail Beer License	Pro-Vest, Inc.	220 South Broadway
Qdoba Mexican Grill	Specialty Restaurant Beer License	Dakota Kid, LLC	1700 South Broadway
Qdoba Mexican Grill	Specialty Restaurant Beer License	Dakota Kid, LLC	2045 North Broadway
Ranger Lounge	Retail Liquor and Beer License	Bricks, Inc.	1218 South Broadway
Rock Taphouse	Supper Club License	Bull Elk Enterprises, Inc.	2400 10 <sup>th</sup> Street SW
Rockin' Horse Saloon	Retail Liquor and Beer License	Friday's, Inc.	2625 Burdick Expressway E
Ruby Tuesday	Supper Club License	Minot Cuisine, Inc.	100 28 <sup>th</sup> Avenue SW
Sakura Japanese Steak House	Supper Club License	Sakura Japanese Steak House, Inc.	1425 24 <sup>th</sup> Avenue SW
Sammy's Pizza	Retail Beer and Wine License	Osborn, Inc.	400 North Broadway
Sleep Inn & Suites	Hotel-Motel Retail Liquor and Beer License	Minot Lodging Expo, LLC	2400 10 <sup>th</sup> Street SW
Spicy Pie MSU	Supper Club License	Spicy Pie MSU, LLC	1100 North Broadway
Sports on Tap	Retail Liquor and Beer License	Sports on Tap, Inc.	220 South Broadway
Staybridge Suites	Retail Beer and Wine License	Premiere Hospitality, LLC	3009 South Broadway
The Ice Box	Retail Beer and Wine License	Don and Dawn VerBruggen	100 3rd Street NE
The Olive Garden Italian Restaurant	Supper Club License	GMRI, Inc.	1030 24 <sup>th</sup> Avenue SW
The Pour Farm	Retail Liquor and Beer License	Pour, Inc.	201 37 <sup>th</sup> Avenue SW
The Spot	Retail Liquor and Beer License	KP2, Inc.	215 E Central Ave
The Starving Rooster	Supper Club License	The Starving Rooster, LLC	30 1st Street NE
The Tap Room	Retail Beer and Wine License	Duckpond Ventures, LLC	23 South Main Street, Ste B
Trestle Tap House	Airport Terminal Restaurant	Oakwells Commuter Rail	305 Airport Rd #221
Uncle Maddio's Pizza	Specialty Restaurant Beer and Wine License	Madihope, LLC	3310 16th St SW
Urban Winery	Winery License	Urban Winery, LLC	6 N Main St #103
Wal-Mart Supercenter #1636	Retail Liquor and Beer License	Walmart Inc.	3900 South Broadway

Alderman Jantzer moved the City Council approve the following license renewals for the period of July 1, 2019 through December 31, 2020 with the following conditions:

- a. Atypical Brewery & Barrelworks
  - i. Condition: Submit full annual license fee
- b. Hawthorn Suites By Wyndham
  - i. Condition: Submit full annual license fee
- c. Loaf 'N' Jug #673
  - i. Condition: Submit full annual license fee
- d. Roosters Nightclub
  - i. Condition: Submit full annual license fee



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- ii. Condition: Building and/or fire inspections completed after maintenance and/or renovation with recommendation for approval
- e. The “O”riginal Bar & Nightclub
  - i. Condition: Submit full annual license fee
- f. Mi Casa Su Casa Mexican Restaurant
  - i. Condition: Submit full annual license fee
  - ii. Condition: MPD finalize background check and recommend approval
- g. Corbett Field
  - i. Condition: Submit full annual license fee
- h. Little Blue Elephant
  - i. Condition: Submit full annual license fee
- i. Thai Hot 2
  - i. Condition: Submit full annual license fee
- j. Souris River Brewing
  - i. Condition: MPD finalize background check and recommend approval
- k. Arny’s 2.0 Bottle Show & Lounge
  - i. Condition: MPD finalize background check and recommend approval
- l. The Putt District
  - i. Condition: MPD finalize background check and recommend approval
- m. Flower Box
  - i. Condition: MPD finalize background check and recommend approval
- n. MAYSA
  - i. Condition: MPD finalize background check and recommend approval
- o. Fireside
  - i. Condition: Building and/or fire inspections completed after maintenance and/or renovation with recommendation for approval

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

### **36TH AVENUE NW EAST FRONTAGE ROAD MEDIAN RECOMMENDATION (4071) – APPROVED**

Mayor Sipma stated, after discussions with Mr. Marsh, who requested the median at 36<sup>th</sup> Avenue NW be removed, he came to the conclusion they are looking for a “yes, and here’s how” mentality. He said, he would support removing the median as long as a performance bond be issued for a period of three years following the first permit that is pulled. He continued by saying, Mr. Marsh has made the comment that the median is preventing development so Mayor Sipma recommended it be removed with the condition that it is put back in place three years after the first permit is pulled and be paid for by the owner. The bond will ensure median is put back in.

Alderman Wolsky moved the City Council allow Mr. Marsh to remove the full median but require he issue a performance bond to cover the replacement cost and require the median be installed three years after the first permit is pulled for development of the property. Motion seconded by Alderman Straight.

At the request of the City Manager, Mr. Meyer, the City Engineer, explained the outstanding commitment by Mr. Marsh to finish improvements to the property. Mr. Meyer said, there is about \$15,000 in paving that hasn’t been completed. He said, staff would need to assess exactly what damage has been done since the infrastructure was installed. His recommendation would be to repair or install the infrastructure before any building permits are issued. Mr. Meyer further explained, the frontage road had utility and street improvements done. There was curb and gutter installed, catch basins, and there were supposed to be two lifts of asphalt pavement. It is still missing the top 1 ½ inch of asphalt, to act as a protective layer.

Alderman Podrygula said, he was not keen on the median but after reviewing the engineering study, he is convinced it is necessary. He requested the City Engineer explain the recommendation from not only City staff, but NDDOT engineers and other resources cited in the study.

The City Engineer stated, the engineering staff is not in favor of removing the median for many reasons but primarily for safety. The City’s Engineering staff as well as the DOT’s Engineers concur that removing the median is not a wise idea. He

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explained that easements were purposefully included in the development to alleviate access concerns. He said, frontage roads are a burden on the City and this was an effort to correct those issues.

Mayor Sipma clarified his intent for the motion by saying, the full median would be removed to improve access to the development. It also simplifies snow removal. The idea behind granting three years, is to give opportunity for the property to be developed and assume enough time for consumers to adapt. Three years seemed like enough time to see a traffic count that would be representative of the area. The performance bond for \$50,000 ensures the median is put back in.

Alderman Straight asked why the additional pavement needs to be added if a developer may come in and tear it out. Mr. Meyer said, there have already been three years of deterioration and it will continue to get damaged. If the owner does not install it now, it will be on the City to make repairs.

Mr. Marsh said, the intent was to add the last lift when the permits were pulled for development.

Alderman Jantzer asked who would pay for removing the median. Mayor Sipma responded by saying, it should be paid for by the developer. Mr. Marsh stated, he would like the City to pay for removing the median and he will pay the bond to put it back in.

Mr. Meyer estimated the cost to remove the median would be around \$15,000.

Mr. Barry said, the City had not anticipated the expense and would have to check the budget and possibly bring a budget amendment back to Council.

Mayor Sipma said, he is trying to find a solution but he cannot put it on the backs of taxpayers to assist with it. Since there are outstanding costs with the overlay, he would look to the developers to pay for the removal.

Mr. Marsh thanked the Council for the consideration and said the city needs development on north hill. He said, if necessary, he will pay to remove the median and get a bond to reinstall three years after permits are pulled. He also said he would install the asphalt lift as committed.

Alderman Wolsky said, in his opinion, it may be beneficial for the city infrastructure to lag behind development to minimize mistakes. In this situation, city infrastructure was ahead of development in the area and caused issues.

The City Manager pointed out that the motion does not include a value of the surety bond. He said, Mayor Sipma mentioned a \$50,000 bond but they should add that price and the \$15,000 for the asphalt lift in the motion. There would be a total bond of \$65,000 as assurance there will be no cost to the City. He said, the bond would go into place now and would be held for three years after the first permit.

Mr. Marsh asked when the bond should be posted, to which the Mayor suggested, it should be within 90 days.

The motion maker, Alderman Wolsky, and the second, Alderman Straight, agreed.

Upon questioning by Mr. Marsh, the City Manager said, he may hire whoever he wants to do the work removing the median but he should coordinate with the Traffic Engineer regarding timing and road closures.

Alderman Jantzer asked if the bond is required to be in place before the median is removed, to which Mr. Barry said, it has not been set as a requirement but it can be included in a developer's agreement. He suggested all of the conditions be written into an agreement and be presented to the Council to be ratified.

Mr. Marsh said, he would prefer action be taken tonight. The Council has his word the bond will be taken out and the median would be replaced.

Alderman Wolsky said, he was under the impression the performance bond would take effect when the permit is pulled for development. Since development may not happen, he doesn't see it as necessary to have a median in the next three years. He said he would like to move forward and trusts staff to include necessary conditions in a developer's agreement.

Upon questioning by Alderman Pitner, Mr. Meyer explained the permitting process to have the work done with the median. He said, they require a right-of-way permit which shows the scope of work. A traffic Control Plan is submitted to describe

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when they will do the work and to coordinate with other projects being done. He said, they wouldn't be able to proceed until the permits are in place.

Mayor Sipma said, staff can work on the developer's agreement while Mr. Marsh is submitting information for the required permits and they won't be any delay.

Mr. Marsh assured, he will issue the bond before removing the median and an agreement is not necessary.

Alderman Podrygula said, he likes compromise but is troubled that the Council is going against staff's recommendation. He is uncomfortable going against their professional judgement after a very thorough study was done. Facilitating economic development is desirable but he wanted to ensure their actions are carefully considered.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ANNE STREET BRIDGE ENGINEERING REPORT AND PRESENTATION (4385) – APPROVED**

Jay Kleven, Project Structural Engineer from EAPC, gave a presentation on the condition of the Anne Street Bridge. He defined the different sections of the bridge and showed photos of his analysis. He said, overall, the steel is in fairly good condition but many sections of wood have deteriorated and need replacement. He gave estimates for various options for the project's cost. The total project opinion of probable cost without phasing and including traditional coatings is, \$1,651,200. He described an option using FRP encasement around the submerged steel piers, which would decrease the total cost to \$1,248,400. He then provided phasing scenarios to spread the costs over six years for a total estimated cost of \$1,937,648.

Mr. Kleven said, after the study was done, the City Engineer posed two more questions. He asked what the project cost would be in 2020 to open the bridge with full access. Mr. Kleven explained, with repairs to the south ramp, upper landing, southwest stairs and guardrail repairs, it would cost about \$350,000. Secondly, he was asked what the estimated cost would be to replace all of the bridge planks. He said, it would be about 680 planks at \$150 each or about \$102,000.

Mr. Kleven responded to a series of questions from Alderman Wolsky. He said, the full project would take the whole construction season but each individual phase would take about two months of work. He described the steel as being in good shape and said there is no observable concern over structural inadequacy. He also responded to questioning on ADA compliance by saying code enforcement conceded that handrails could be added at 34 inches high in addition to the current 42-inch guardrails.

Mayor Sipma raised the concern that BNSF is contemplating elevating their tracks. He asked how significant the costs would be to elevate the bridge.

Mr. Kleven said, he spoke with staff from BNSF and they did not raise any red flags on the project. It would be feasible to elevate the bridge but ADA compliance would be more restrictive and it would be more challenging to replace. He then said, it would not be cost effective to rebuild the bridge.

Alderman Straight spoke about a pedestrian bridge in Grand Forks that was demolished and asked Mr. Kleven to speak on the topic since he is familiar with that bridge. Mr. Kleven said, he was the engineer who provided the demo plans for the project. He explained that the need to take the bridge down was somewhat nebulous. The community has been seeking a solution since the removal of the bridge and have not found one. There is another bridge nearby but it is not ideal for pedestrians so there is not an equivalent replacement.

Alderman Straight stated, if the bridge is shut down, the longer it is unutilized the higher likelihood it goes away. He said, its historical significance makes it unique and he hopes they continue to discuss repairs.

Alderman Olson moved the City Council accept and file the Anne Street Bridge Engineering Report and close the Anne Street Bridge until such time that the necessary repairs are completed to bring the bridge into a safe working condition. Motion seconded by Alderman Jantzer.

Mayor Sipma said, as the area is further developed with flood control, and if BNSF chooses to elevate the tracks, the bridge would have to be elevated in excess of two feet.

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Alderman Wolsky commented that he is well aware of the condition of the Anne Street Bridge but it raises an issue acknowledging why we should build anything new if we cannot maintain what we have. He stated, he does not want to see this bridge lost on his watch. They have a responsibility to preserve the City's assets.

Alderman Wolsky moved the City Council amend the motion to take the information provided by Mr. Kleven and the project to the City's Capital Improvement Plan. Motion seconded by Alderman Straight.

Alderman Straight brought up the future Gathering Space and the potential for Central campus to become a middle school. He mentioned the increased importance of the bridge if those factors come to fruition. He said, if the bridge is elevated two feet, that could be included in the CIP in a phased approach to ensure it can be open and usable during the interim. He does not want the bridge to be closed for six years.

Mayor Sipma said, we don't have a timeframe from BNSF which could substantially change the project. Until there is a better picture it is premature to allocate significant dollars.

Alderman Wolsky said, since there is so much uncertainty he wouldn't support including specifics in the CIP but rather as a reminder of upcoming challenges.

The City Manager assured the project could be added to the CIP in its current form and denote in the project there could be a subsequent change in the elevation of the bridge. It probably wouldn't rate very high at this point because of the uncertainty but it can be included on the City's radar.

Whereupon a vote was taken on the amendment by Alderman Wolsky, seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: Olson.

Alderman Olson asked how the bridge is currently being blocked for pedestrian use. The Public Works Director said, it is closed for the flood control project, since it is in an active construction zone. There are barriers on either end but people continue to use it. He added, if approved tonight, they will improve the barricade with a more permanent structure.

Alderman Wolsky pointed out that if the barriers and signs cautioning the use of the bridge are being discarded, it is a message that residents want to use the bridge.

Alderman Pitner said, he has no issue adding the project to the CIP but the bridge has significant safety issues. He does not see the point in investing money to repair the bridge if it will eventually need to be raised. He agrees it should be closed until a clear picture can be realized.

Whereupon a vote was taken on the motion by Alderman Olson, seconded by Alderman Jantzer, as amended, and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: None.

### **DEPARTMENT REPORT: HUMAN RESOURCE DIRECTOR**

Human Resource Director, Lisa Jundt, gave a presentation on the department. She introduced the staff and explained their job duties. She described their recent achievements, including benefit enhancements and decrease in employee turnover as well as development of a customer service training curriculum. She said, their challenges will be implementation of the new ERP system and transferring manual data into more efficient processes.

### **LIAISON REPORTS**

Alderman Pitner said, he attended the Ward County Planning and Zoning meeting. He is also looking forward to his first Library Board meeting next month.

Alderman Jantzer said, the Liaison Committee hasn't met.

Alderman Wolsky attended the Ward County Planning meeting as well and said, the comprehensive plan will be considered for adoption on Thursday. He noted the addition of a quality of life initiative into the traffic plan to connect trails and walking paths county-wide.

Alderman Straight did not have any meetings to report on but requested an update on plans for how the census would be conducted next year.

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Alderman Olson invited the public to attend the first Juneteenth ceremony on Wednesday, June 19<sup>th</sup> in front of City Hall at noon.

Alderman Podrygula had no report.

Mayor Sipma acknowledged the Council's attendance at various other meetings they aren't necessarily appointed to, such as the IEDC Interagency Stakeholders meeting.

### **MISCELLANEOUS & DISCUSSION**

#### **GATHERING SPACE NEGOTIATION DEADLINE AUGUST 30, 2019 – APPROVED**

Mayor Sipma explained, negotiations for acquisition of properties for the gathering space have taken place since February. Progress is being made but time is ticking. The City needs to purchase the properties, demolish the site, and build the space. He suggested a deadline of September 30, 2019 to settle agreements for the purchase of Site 2 or the process should move forward with Sites 1 or 3. He commented that the Gathering Space was a lower ranked project in the NDR application but the community has rated it highly. Mr. Zakian has said that funding could potentially be used in other areas such as LMI housing if this project cannot move forward.

Alderman Pitner supported the idea. He asked when negotiations began for Site 2. Mr. Barry responded by saying, letters were sent to property owners last year expressing the City's interest in purchasing. Formal negotiations have taken place since February.

Alderman Straight asked if there was any consideration for donated land. Mr. Barry said, they are not aware of anyone willing to donate but would certainly consider offers. The assumption is to pay the assessed value for the property and if the assessment is out of date, the City adds 10% to the assessed value.

Mayor Sipma reminded, the NDR application requires two acres of land for the Gathering Space.

Alderman Wolsky stated, he does not support a deadline. He would rather see a revision of the project to work with the properties we can purchase. He has supported Site 2 as the location and thinks there is an alternative solution besides choosing a new site.

Mayor Sipma responded by saying, they have already substantially amended the NDR application in order to acquire property since the original application did not include acquisition. Another amendment could cost months of review. The City Manager added, an amendment could trigger a re-rating of the entire application and funding could be lost.

Alderman Pitner said, there have already been several months to negotiate and a September 30<sup>th</sup> deadline seems more than acceptable. He would even consider shortening it to August or July. He said that if you are not willing to walk away from a negotiation then you will get taken advantage of.

Alderman Olson moved the City Council place a deadline of August 30, 2019 to complete negotiations for Site 2 for the Gathering Space project. Motion seconded by Alderman Pitner.

Alderman Straight expressed his frustration. He said, there is \$2.5 million allocated for acquisition and demolition but they are not able to discuss the larger concept for the Gathering Space. He suggested the City be willing to spend more for quality properties that do not need to be demolished but rather be used as a part of the Gathering Space. The community would like to have indoor space and the buildings on Site 2 could be used. He said, we have allowed the guidelines to become rigid and the rationale for why we were given the funds became alienated. He suggested the need for a better negotiation process and include a mediator to alleviate the distrust from the community. He commented on the low ranking of the project in the NDR application and said, former City Manager Staab said the Gathering Space was one of the reasons Minot was awarded the funds. He said, he is frustrated Mr. Zakian is absent from the meeting again.

City Manager Barry addressed Mr. Zakian's absence by explaining that he is on medical leave. He also said, during the visit with HUD representatives last year, they encouraged reallocating funds away from the City Hall project and the Gathering Space into acquisition of properties for flood storage. He said that HUD is not in favor of those two projects and would like to see dollars spent in other NDR program components. However, staff is moving forward with the projects as outlined in the NDR application because we all want to see these projects happen.

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Alderman Straight raised concerns about the possibility of shelving the project and in turn losing the public's trust. He suggested involving another member of staff in the negotiations.

Mayor Sipma clarified, there was no mention of shelving the project. He said, he wants to be very clear they are continuing to fight that it goes through but they are very prudent of the time frame to get it done.

Alderman Straight suggested hiring a mediator, to which Mayor Sipma said, they need to ensure that is within HUD guidelines.

Alderman Pitner asked if Sites 1 and 3 are the only remaining sites for consideration. Mayor Sipma said, the next highest rated Site would be considered next. He further stated, part of the challenge was identifying sites that fit within the needs in the application.

Alderman Wolsky said, he supports Site 2 wholeheartedly. If they moved on to another site, he would be frustrated with the process that took place. He said, Site 2 received about 9,500 votes out of 10,000 so those 9,500 people would not be getting what they want. He said, he would not support moving the project to another location and starting over from the beginning with environmental review process and voluntary acquisition process. We would not be able to immediately begin on the next site.

Alderman Pitner asked if they could negotiate on multiple sites at once to expedite the process. Mr. Barry said, they cannot expend HUD dollars without a release of funds. The City Council could decide to divert its own money to move forward with environmental review and negotiation to jumpstart on another site. He also attempted to allay some concerns by saying, no one is talking about not moving forward with the selected site or shelving the project. They are simply attempting to put some pressure on the project to reach a milestone and in the event they cannot reach an agreement on the properties needed to satisfy the location, we have afforded enough time to go through the process again with the next site. The process takes a long time so it is prudent the City Council puts a deadline or they run the risk of running the clock out on the project. He said, they agreed on a process stating that if one site did not work out, we would move on to the next site and then the next site. We are putting all of our effort into this site but cannot force the property owners to do anything but they need to have a time certain where we can comfortably decide to pull the plug or realize they will run out of time.

Alderman Straight requested the Mayor take over negotiations. He said, he does not support moving to another site. He said to keep in mind the people who voted for the site and the public meetings that took place. He mentioned rumors that another political subdivision would not even entertain the idea of moving elsewhere and the City would have to take over. He said it would be in our best interest if the Mayor were more involved. He said it is a backwards process and we should go all in on this site even if it costs more, or walk away from the whole project, give the money back and recognize that it's just too much work.

Mayor Sipma said he would help facilitate wherever possible.

Whereupon a vote was taken on the above motion by Alderman Olson, seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma; nays: Straight, Wolsky.

### **ADJOURNMENT**

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Jantzer and carried unanimously. Meeting adjourned at 8:38 pm.

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

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