

## July 15, 2019 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – JULY 15, 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

None

### APPROVAL OF MINUTES- JULY 1, 2019 – APPROVED

Alderman Olson moved the City Council approve the minutes of the July 1, 2019 regular City Council meeting.

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

### ORDINANCE NO. 5398 – ANNEX INTO CITY LIMITS THE WEST HALF OF LOT 6, THOMPSON’S 8<sup>TH</sup> PLAT – SECOND READING – APPROVED

Alderman Olson moved the City Council place ordinance no. 5398 on second reading to annex into the corporate limits of the City of Minot the west half of Lot 6, Thompson’s 8th plat to allow independent connection to the city water main subject to the following condition:

1. The applicant shall work with the Engineering Department and follow all City requirements for the water connection.

Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5398 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky; nays: none.

### ORDINANCE NO. 5400 – AMEND THE 2019 ANNUAL BUDGET – 2019-2020 NUISANCE ABATEMENT – SECOND READING – APPROVED

Alderman Olson moved the City Council place ordinance no. 5400 on second reading to amend the 2019 annual budget to increase the Inspection demolitions and nuisance abatement expenditures using cash reserves. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Olson moved the City Council pass ordinance on. 5400 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky; nays: none.

### ORDINANCE NO. 5401 - LOAN PAYOFF -GARRISON DIVERSION DEBT – SECOND READING – APPROVED

Alderman Olson moved the City Council place ordinance no. 5401 on second reading to amend the 2019 annual budget to increase the water department expenses to pay in full the United States Bureau of Reclamation loan in the amount of \$878,930.00. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5401 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky; nays: none.

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### **ORDINANCE NO. 5402 – AMENDING CHAPTER 1 (GENERAL PROVISIONS), SECTION 1-8 (GENERAL PENALTY) OF THE CODE OF ORDINANCES – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5402 on second reading amending section 1-8 of the Code of Ordinances to become current with state law regarding penalties for violations of the Code of Ordinances. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5402 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ADMINISTRATIVE APPROVALS – APPROVED**

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

1. The Spot for a special event permit June 22, 2019 outside The Spot (6 2nd Street NE)
2. The Spot for a special event permit July 3, 2019 at Dakota Territory Air Museum (100 34th Ave NE)
3. The Spot for a special event permit July 4, 2019 at Minot International Airport (305 Airport Road)
4. Ebenezer's for a special event permit June 22, 2019 outside Ebenezer's (300 E Central Ave)
5. Lamplighter for a special event permit June 21, 2019 outside Lamplighter (200 16th Street SW)
6. Swain Fishing Team to conduct a raffle September 14, 2019 at the Ranger Lounge (1218 South Broadway)
7. Atypical Brewery & Barrelworks for a special event permit July 11, 2019 outside Atypical Brewery & Barrelworks (510 Central Ave East)
8. Atypical Brewery & Barrelworks for a special event permit June 29, 2019 outside Atypical Brewery & Barrelworks (510 Central Ave East)
9. East End for a special event permit June 27, 2019 outside East End (400 Central Ave East)
10. 100th Anniversary Committee to conduct a raffle July 12, 2019 at Delta Vacations (1219 North Broadway)
11. Arny's 2.0 for a special event permit June 28, 2019 at 115 1st Street SE
12. Arny's 2.0 for a special event permit June 29, 2019 at Roosevelt Park (1215 E Burdick Expy)
13. Arny's 2.0 for a special event permit June 29, 2019 at Minot Auditorium (420 3rd Ave SW)
14. Rising Five to conduct a raffle August 10, 2019 at Sportsman's Loft (2800 South Broadway)
15. Minot Chapter Outdoor Adventure Foundation to conduct a raffle July 19-27 at North Hill Bowl (1901 North Broadway)
16. Magic City Equality to conduct a raffle June 30, 2019 at Arny's 2.0 (12 3rd Street SE)

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

### **FINAL PAYMENT TO DIG IT UP BACKHOE SERVICES, INC. FOR COMPLETION OF WORK AT 110 4TH AVENUE NW – APPROVED**

Alderman Olson moved the City Council authorize final payment of \$111,201.28 for completed work by Dig It Up Backhoe Services, Inc. at 110 4th Avenue NW.

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

### **FINAL PAYMENT- ROUND 1 DEMOLITION CONTRACT TO DIG IT UP BACKHOE SERVICE, INC. – APPROVED**

Alderman Olson moved the City Council approve final payment of \$131,102.50 to Dig It Up Backhoe Service, Inc. for 2019 Round 1 Demolition/Site Restoration Contract.

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

### **AUTHORIZE ROUND 2 AND ROUND 3 DEMOLITION BIDS – APPROVED**

Alderman Olson moved the City Council authorize issuance of Round 2 and 3 Demolition/Site restoration Bids both for two more acquired Zombie Homes and structures acquired for flood control projects.

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

### **ORDINANCE NO. 5405- BUDGET AMENDMENT FOR FRONT END LOADER LEASE AND SNOW BLOWER ATTACHMENTS – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5405 on first reading to amend the budget to move the front end loader lease and snow blower attachments out of the equipment purchase capital fund into the general fund street department accounts. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5405 on first reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAM – APPROVED**

Alderman Olson moved the City Council approve the Minot International Airport (MOT) Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23 and authorize Rick Feltner, Airport Director, to sign applicable documentation.

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

### **SUNDRE PIPELINE EASEMENT ABANDONMENT – APPROVED**

Alderman Olson moved the City Council authorize the Mayor to sign a letter on the City's behalf requesting all easements for the Sundre Pipeline to be abandoned.

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

### **AMENDED RIGHT-OF-WAY ENCROACHMENT PERMIT– ARTIFICIAL TURF – APPROVED**

Alderman Olson moved the City Council ratify the amended Right-Of-Way Encroachment Permit with Valley Properties, LLC.

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

### **ORDINANCE NO. 5403 - AMENDING CHAPTER 23 (OFFENSES – MISCELLANEOUS), ARTICLE I (IN GENERAL), SECTION 23-1 AND ARTICLE III (SUMPTUARY OFFENSES), SECTIONS, 23-34 AND 23-34.1 OF THE CODE OF ORDINANCES AND AMENDING CHAPTER 23 (OFFENSES – MISCELLANEOUS), ARTICLE III (SUMPTUARY OFFENSES) AND BY ADDING SECTION 23-34.3 TO THE CODE OF ORDINANCES – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5403 on second reading to adopt and implement the changes made by the 2019 North Dakota Legislative Session relating to marijuana offenses within the corporate limits of the city. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5403 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Podrygula, Sipma, Straight; nays: Wolsky.

### **ORDINANCE NO. 5404 - CITY COUNCIL MEETINGS ORDER OF BUSINESS – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5404 on second reading, to repeal and reenact section 2-30 which relates to the order of business for meetings of the City Council. Motion seconded by Alderman Jantzer and carried unanimously.

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Alderman Straight said he is willing to try the change but would like to revisit it in six months. Mayor Sipma said, they can revisit at any time.

Alderman Olson moved the City Council pass ordinance no. 5404 on second reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Sipma, Straight; nays: Podrygula, Wolsky.

### **MEN'S WINTER REFUGE LEASE RENEWAL – APPROVED**

Alderman Straight moved the City Council approve the renewal of the lease between the City of Minot and Men's Winter Refuge and authorize the Mayor to sign.

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

### **FAA 2019 AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT OFFER – APPROVED**

Alderman Olson moved the City Council pre-approve the 2019 AIP Grant Offer from the FAA and authorize the Mayor and the City Attorney to sign necessary documents. Motion seconded by Alderman Jantzer.

Alderman Wolsky asked if the request was just a procedural approval to save time. Maria Romanick, the Airport Services Coordinator, replied by saying, they just received the approval in the mail today and the pre-approval from Council was so it didn't need to be brought before them twice.

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

### **ORDINANCE NO. 5406 – AMEND THE 2019 ANNUAL BUDGET FAA 2019 AIP GRANT – FIRST READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5406 on first reading to amend the 2019 annual budget to account for increased revenue and expenses relative to the 2019 Airport Improvements Program Grant. Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5406 on first reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **AUTHORIZE INITIATING INVOLUNTARY ACQUISITION PROCESS FOR BUYOUT AREAS 6 AND 6A – APPROVED**

Alderman Jantzer moved the City Council authorize initiating Involuntary Acquisition for Buyout Areas 6 and 6A affirming a general authorization granted several years ago. Motion seconded by Alderman Olson.

Alderman Straight mentioned that his uncle's property is on the list and asked about a timeline for the buyout process. He wondered if the flood control project is caught up to the point that the houses in the area need to be purchased. He also suggested a Town Hall meeting be scheduled in southeast Minot to discuss the issue.

Mr. Zakian said, notices will be sent in the next 90-120 days, after the environmental review takes place. He continued by saying, the \$8 million available through the state gives them sufficient funds to move forward with this phase of the project.

Alderman Pitner entered the meeting at 5:38 pm.

Upon further questioning by Alderman Straight, Mr. Zakian said, the properties can be demolished as they are acquired. Staff has developed a process to assess purchased properties for potential auction and if not sold, they will be demolished. HUD expects an expeditious process. He also explained that after the environmental review, a General Information Notice (GIN) will be sent to the affected property owners and they can convene a meeting.

Mayor Sipma said, they intend to auction any salvageable houses and return funds into the program.

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Alderman Wolsky asked if there were any alternatives considered to rectify the requirements that were missed several years ago. Mr. Zakian said, as long as an issue is identified and corrective action is made, the actions are acceptable to HUD. There is no alternative to advancing the Involuntary Acquisition.

Mayor Sipma reminded everyone that Involuntary Acquisitions are heated and emotional and it is not an easy process.

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

### **AUTHORIZE ADDING 3 FLOOD ACQUIRED STRUCTURES TO AUCTION BIDS – APPROVED**

Alderman Wolsky moved the City Council authorize adding structures at 420 1st Ave. NE, 1124 6th Ave. SW, and 323 1st Ave NE to the auction bid program acquired as part of the CDBG-NDR Involuntary Acquisition program supporting flood control projects. Motion seconded by Alderman Olson.

Alderman Wolsky asked where to find information on the houses that are up for bid, to which Mr. Zakian responded by saying, they are posted on the website. Mr. Zakian then explained the bid process. A minimum bid is set by staff based on a percentage of the assessed value. If no bids are received the first round, the minimum is reduced for a second and third round. If no bids are received, then the house is slated for demolition. To bid on a house, a sealed envelope must be submitted by the deadline. Potential bidders can get interior access to the house by contacting Chris Owen.

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

### **NO PARKING ALONG 1ST STREET NE AT HAMMOND PARK MIDBLOCK CROSSWALK – APPROVED**

Alderman Jantzer moved the City Council place an ordinance on first reading to add parking restrictions to the following location:

- West side of 1st Street NE, south 125-feet to 180-feet from the west-center of the 8th Avenue NE intersection.
- East side of 1st Street NE, south 115-feet to 165-feet from the east-center of the 8th Avenue NE intersection.

Motion seconded by Alderman Pitner.

Alderman Wolsky said he didn't see the necessity in installing the crosswalk or No Parking zones in the proposed location and would prefer to send the issue back to staff for review.

Alderman Wolsky moved the City Council refer the item back to staff to meet with the Park District for further consideration. Motion seconded by Alderman Straight.

Stephen Joersz, Traffic Engineer, explained that the location of the crosswalk was related to the parking lot. The "No Parking" signs were suggested in order to increase visibility of the crosswalk. He said, the project was part of the 2019 Storm Sewer Rehabilitation project done by Public Works but he is unsure if the Park District was involved.

Whereupon a vote was taken on the 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.

### **REQUEST FOR CITY OF MINOT PENSION REFUNDS – APPROVED**

Alderman Jantzer moved the City Council approve the refund of contributions to the following City of Minot employees:

- Adam Klein in the amount of \$72,572.97
- Patrick Muus in the amount of \$76,673.09
- Kirk Beeter in the amount of \$47,199.68
- Sean Snorek in the amount of \$46,683.96
- Todd Haman in the amount of \$78,898.57
- Matthew Hiatt in the amount of \$68,740.84
- Renee Escherich in the amount of \$43,297.50
- John Reynolds in the amount of \$116,039.07
- Jacob Lockrem in the amount of \$68,113.67
- Shannon Burckhard in the amount of \$67,962.96
- Sarah Schoenberg in the amount of \$29,539.87
- David Larson in the amount of \$12,505.98
- Christopher Sison in the amount of \$43,977.65
- Ryan Brunnemeyer in the amount of \$28,268.35

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- Zackary Rothermund in the amount of \$40,710.89

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

### **REQUEST FOR SURVIVOR BENEFITS – APPROVED**

Alderman Jantzer moved the City Council approve the surviving spouse benefits to the following City of Minot employees:

- David Volk in the amount of \$1,747.43
- Norman Nevland in the amount of \$1,320.23
- Glennys Berg in the amount of \$1,172.13.

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

### **REQUEST FOR CITY OF MINOT PENSION RETIREMENT BENEFITS – APPROVED**

Alderman Jantzer moved the City Council approve the pension retirement benefits to the following City of Minot employees:

- Cleo Nicolaisen in the amount of \$2,047.43
- Terry Ward in the amount of \$3,959.58
- Mark Post in the amount of \$3,885.58
- Clair Bullinger in the amount of \$1,619.48
- Austin Brown in the amount of \$3,173.54
- John Krill in the amount of \$5,316.15
- Dean Lenertz in the amount of \$6,541.92

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

### **DEPARTMENT REPORT: POLICE CHIEF**

Police Chief Olson presented his report to the Council. He covered crime statistics and calls for service, and provided information on the K9 Program, body cameras, and the SIRN project. He also informed the Council about current challenges and the department's vision for the future.

### **LIAISON REPORTS**

Alderman Podrygula did not have anything to report.

Alderman Olson said, the census 2020 committee meets for the first time this week.

Alderman Straight met with Visit Minot and said a tournament committee may be formed in the future.

Alderman Wolsky said the Planning & Zoning Ordinance Steering Committee is discussing community aesthetics and he invited the public to share their opinions during the next meeting, Wednesday at 8:30 am in the Council Chambers.

Alderman Jantzer did not have anything to report.

Alderman Pitner said, Ward County held an open house regarding their comprehensive plan. They collected input and will consider the plan at the next meeting. He also will attend his first Library Board meeting on Thursday.

### **MISCELLANEOUS & DISCUSSION**

Mayor Sipma shared some upcoming events, including the Sabre Dogs All-Star game the next day, the kickoff for the ND State Fair on Friday and the State Fair Parade on Saturday.

Alderman Wolsky requested staff provide the Council with the MADC 18-month plan that was set as a deliverable in the updated contract. He also requested information evaluating the effectiveness of the mosquito spraying program and suggested

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a focus be shifted to preventing mosquito breeding habitats. Lastly, he asked for an update on adoption of the International Existing Building Code.

The City Manager said, he would send the MADC 18-month plan to Council the following day. He also said, progress has been slow moving forward with the International Existing Building Code but staff is monitoring along with the State.

Mayor Sipma mentioned that First District Health Unit has tracked West Nile cases and may have statistics regarding mosquito spraying.

### **ADJOURNMENT**

There being no further business, Alderman Jantzer moved the City Council meeting be adjourned. Motion seconded by Alderman Olson and carried unanimously. Meeting adjourned at 6:45 pm.

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

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