

## November 18, 2019 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – NOVEMBER 18, 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.

### APPROVAL OF THE MINUTES – APPROVED

Alderman Jantzer moved the City Council approve the minutes of the November 4, 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.

### ORDINANCE NO. 5426 – AMEND THE 2020 ANNUAL BUDGET - STREET SWEEPER (4496) – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5426 on second reading to amend the 2020 annual budget to increase the Street Capital Equipment Purchases expenditures for the purchase of a street sweeper. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5426 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. Sports On Tap for a special event permit October 26, 2019 at 220 South Broadway
2. Wildwood Men's League to conduct a raffle February 8, 2020 at Knights Of Columbus (2601 N Broadway)
3. Prairie Grit Adaptive Sports to conduct a raffle at Sleep Inn & Suites (2400 10th Ave SW)
4. Independence, Inc. to conduct a raffle at the Clarion Hotel (2200 E Burdick Expy)
5. Minot Prairie Quilters to conduct a raffle at Clarion Hotel (2200 E Burdick Expy)
6. Minot Prairie Quilters to conduct a raffle at Vincent Methodist (1024 2nd Street SE)
7. The Spot for a special event permit October 26, 2019 outside 6 2nd Street NE
8. The Spot for a special event permit October 26, 2019 at Dakota Territory Air Museum (100 34th Ave NE)
9. Atypical Brewery for a special event permit October 24, 2019 at MSU (500 University Ave W)
10. MP Wine & Spirits for a special event permit October 24, 2019 at Clarion Hotel (2200 E Burdick Expy)
11. Atypical Brewery for a special event permit October 26, 2019 at The Spot (6 2nd Street NE)
12. Navy Rose Giroux Benefit to conduct a raffle November 17, 2019 at Moose Lodge (400 9th St SW)
13. MSU Alumni Association to extend the site premises January 17-19, 2020 and January 25, 2020 to include the Grand Ballroom at the Grand International Hotel (1505 North Broadway)

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

### ADOPTION OF THE 2020 MEETING SCHEDULE – APPROVED

Alderman Jantzer moved the City Council adopt the 2020 meeting schedule.

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

### **2019 STREET PATCHING – PHASE 2 – FINAL PAYMENT (4380.1) – APPROVED**

Alderman Jantzer moved the City Council approve the final payment of \$61,757.21 to be paid to Bechtold Paving, Inc. for 2019 Street Patching Phase 2.

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

### **AXON FLEET IN-CAR VIDEO SYSTEM ALLOCATION OF FUNDS – APPROVED**

Alderman Jantzer moved the City Council grant approval to allocate funds to purchase an in-car video system through Axon, approve the expenditure of money seized or forfeited to the Minot Police Department; and authorize the Mayor to sign the acceptance of quote and sales terms.

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

### **RESOLUTION NO. 3641- BROWNFIELD ASSESSMENT GRANT – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3641 confirming the City's role to support Souris Basin Planning Council (SBPC) and their application to the Environmental Protection Agency to conduct assessments on all brownfields in the seven-county area serviced by SBPC.

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

### **RESOLUTION FOR CRS OPEN SPACE PRESERVATION – WITHDRAWN**

The City Manager explained that this item was not yet ready for Council approval since staff is still waiting for approval by the FAA.

### **ORDINANCE NO. 5425 - REZONE BLAISDELL BIRD ADDITION, LOTS 23 & 24, BLOCK 13 – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5425 on second reading to rezone Blaisdell Bird Addition, Lots 23 & 24, Block 13 From C1 (Neighborhood Commercial District) to R2 (Two-Family Residential District). Motion seconded by Alderman Pitner and carried.

Alderman Podrygula apologized for his tone while discussing this item during the previous meeting. He said he should not have been so critical but remains concerned. He should have phrased it in a more positive way but he wished the applicant had spent more time and energy to get the consent of the neighbors. He also mentioned the importance of maintaining close tabs to ensure the needs of the neighbors are taken into consideration in the future.

Alderman Olson moved the City Council pass ordinance no. 5425 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight; nays: Wolsky.

### **ORDINANCE NO. 5428 - BUDGET AMENDMENT- 3RD STREET SE & BURDICK EXPY CROSSWALK IMPROVEMENTS – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5428 on first reading to amend the 2019 annual budget to increase equipment purchases expenditures for the 3rd St SE & Burdick Expy crosswalk improvements which will be funded with equipment purchase fund cash reserves. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Wolsky asked about the process taking place for this situation. He wondered if they delay the award of bid until after the funding is secured through the budget amendment.

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The Finance Director stated, the correct process would be to have funding in place prior to awarding the bid, however, when the bid award came before the Council, it was with a recommendation from staff to reject the bids so a budget amendment was not included with the item. Typically, the budget amendment would be anticipated and brought forward at the same time. There was some discussion at the last meeting where we would potentially take those funds which was equipment purchase fund cash reserves. It is the original funding source for the local share of the project. The account contains savings from equipment purchases that came in under budget.

Upon further questioning by Alderman Wolsky, Mr. Lakefield explained, the DOT was advised that the bid was approved by Council.

Alderman Wolsky said, given the circumstances since this bid has been awarded, he will support the budget amendment, however, he believes there are alternatives to this kind of spending. This is a situation where the City could save money by waiting for the reconstruction project to take place in the next couple years. The Main Street Summit reiterated traffic patterns through temporary structures which is applicable here.

Alderman Straight brought up concerns about individuals with disabilities and ADA compliance. He said, he believes the improvements are necessary.

Alderman Jantzer moved the City Council pass ordinance no. 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.

### **STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION (4004) – TABLED**

Alderman Olson moved the City Council approve and adopt the 2019 Standard Specifications and Details for Construction. Motion seconded by Alderman Jantzer.

Alderman Wolsky mentioned that there may be a change in thinking regarding the width of residential streets. He said, Bismarck reduced the street size and he would be interested in gathering more information about their rationale.

Alderman Wolsky moved the City Council refer the Standard Specifications and Details for Construction back to staff. Motion seconded by Alderman Straight.

Alderman Wolsky continued by saying, the street size has been standardized for a long time but is an opportunity to be a first mover on the size of residential lots, development, and the amount of taxable property. Given enough time for development, reducing the size of the street could lead to lower housing costs, property tax costs, and smaller streets.

The City Engineer requested clarification, to which Alderman Wolsky said, he would like to understand what Bismarck decided on the issue and the rationale behind their decision.

Mr. Meyer agreed to gather the requested information then explained, this specification covers everything that's done with streets. The width is a big component which drives a lot of subdivision design standards. One thing to keep in mind is that the street width compounds into other decisions such as how wide we want boulevards, the amount of runoff calculated for stormwater management, snow storage, sidewalks and shared use paths. This document describes how we build our streets rather than a policy decision that would dictate the width of streets.

Alderman Jantzer asked if there had been other iterations of this policy since 2013. Mr. Meyer said, it used to be revised every year, however, it has not been reviewed since 2013. Subsequently, in 2014 the DOT did a specification rewrite which the City references. Staff has tried to update over the years but it requires focus to review in its entirety. Upon further questioning by Alderman Jantzer regarding Federal and State regulations, Mr. Meyer said, the City follows Federal guidelines on all Federal Aid projects. There are certain minimum specifications the DOT adopts.

Alderman Podrygula requested that if staff is going to research what Bismarck does, he would also like a comparison with other cities. He emphasized, it does not need to be an extensive study but rather a survey of relevant standards comparing street width. He would also be interested in the State, Federal, and professional opinions of the engineering field.

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.

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### **RESOLUTION NO. 3642 - ADOPTING PARKING FEES FOR PARKING AT CITY OF MINOT RENAISSANCE AND CENTRAL PARKING FACILITIES – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3642 formalizing the rates charged at the Renaissance and Central Parking Facilities. Motion seconded by Alderman Olson.

The Finance Director came forward with an update on the parking structures, as requested by the Council. He said, revenues are trending slightly ahead of budget and expenses are slightly below budget, equating to a small profit for the parking structures. The operating budget does not include the capital projects being done on the roof enclosures or security improvements. Things are trending in the right direction and the property maintenance crews have been performing regular inspections to ensure proper maintenance of equipment. He said, there are currently 47 active passes at the Renaissance Parking Ramp and 74 at the Central Ramp. There have also been inquiries for additional long-term lease agreements in the last few weeks.

Mayor Sipma mentioned, there have been requests from parents for special rates for students at Central Campus. When they reviewed the rates offered by the City, they were almost identical as what was suggested by parents.

Alderman Wolsky said, he would have suggested some slight changes to the hourly rates, particularly, he would prefer if hours 9 and 10 were included in the \$6.00 rate rather than \$9.00 to accommodate employees that may stay a little longer than an eight-hour shift. Because of the challenges involved with new signage and adjusting electronics, he recommended looking at that change when reviewing rates in the future. He then suggested the parking lot located at 1<sup>st</sup> Street and 1<sup>st</sup> Avenue, leased with SRT be analyzed. He said, since there has been more development in that area, there could be added pressure to open that parking lot to the public on a regular basis.

The City Manager responded by saying, those conversations are taking place. SRT has reached out to the City regarding covered parking in the ramps so there will be more information on that in the future.

Alderman Straight asked how much the Parking Authority receives in exchange for lease of that lot, but the information was not readily available at the meeting. He then said, it might be an opportunity for the City to promote use of the parking structures.

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.

### **DEVELOPERS AGREEMENT - FAMILY RECREATION ADDITION (4441) – APPROVED**

Alderman Wolsky moved the City Council approve the Family Recreation Addition Developers Agreement with the Minot Park District and authorize the Mayor to sign. Motion seconded by Alderman Straight.

Alderman Wolsky pointed out that the agreement requires the Park District, a taxing entity, build roads to City specifications. He said, this is an example where tax dollars could be saved if street widths were reduced.

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.

### **ORDINANCE NO. 5427- AMENDMENT TO CMCO SECTION 5-8; LICENSEE TO CLOSE AT CERTAIN TIMES – SECOND READING – APPROVED**

Alderman Straight moved the City Council place and pass ordinance no. 5427 on second reading amending Section 5-8 of the City of Minot Code of Ordinances to allow on-sale of alcohol on Thanksgiving Day. Motion seconded by Alderman Pitner.

Alderman Wolsky moved to amend the motion to modify the closing times from 1:00 AM to 2:00 AM, in 5-8(a) as provided in a revised document that was distributed to the Council. Motion seconded by Alderman Podrygula.

Alderman Wolsky said, he is proposing the change so that Minot will not be more restrictive than State law.

Alderman Podrygula commented that he has concerns for public safety and he invited the Police Chief to share his thoughts. Chief Olson presented some graphs demonstrating the calls for service year to date. He said, they changed the shift schedule to accommodate the increase in calls for service and now the afternoon shift ends at 2:00 AM. If this change is approved,

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there may be an increase in calls after bars close. He said, they will continue to monitor the number of calls and adjust coverage if necessary. He also provided graphs depicting the types of calls, specifically domestic disturbances and disorderly conduct.

Alderman Podrygula asked if there's a discrepancy between the closing times in neighboring towns. Chief Olson said he was not aware of what the ordinances say in Burlington and Surrey but there are several bars that close at 1:00 AM.

Upon questioning by Mayor Sipma, Chief Olson said, he reached out to other cities for their opinions comparing a 1:00 AM and 2:00 AM closing time but he did not get much feedback.

Mayor Sipma said, there were several business owners who reached out on both sides of the topic. He reminded the Council that when the issue failed during previous meetings, it was the business owners who were opposed to the change. He then invited those in attendance to share their comments.

Jon Lakoduk, owner of The Tap Room and Saul's, said, changing the closing time has been requested by customers. He believes it creates an anti-competitive business environment to be more restrictive than the State. He said that service industry professionals don't get a chance to go out and relax after a shift ends at 11:00 PM or midnight. Allowing bars to stay open longer would accommodate employees who work late. He explained that he understands the concerns of the Police Chief since he worked in the Police Department as a dispatcher and as an officer from 2007-2011. He wants to give an opportunity to non-traditional service workers to go out and leave the decision up to business owners if they want to extend their hours.

Cindy Sessions, of 800 Harmony Street NW, came forward in opposition of the change. She said, she would like more specific information from the Police Chief regarding the types of calls and how they relate to alcohol consumption. She emphasized the negative effects of alcohol and requested the Council look into it further. She also said, it seems hypocritical to approve a facility for treatment of addiction, which was approved earlier in the meeting, while allowing additional consumption of alcohol.

Sherry McLaughlin, owner of The Spot, said she would like to have the option to stay open until 2:00 AM even though she probably wouldn't do it all the time. She said, Minot is at a disadvantage when it comes to hosting events and tournaments if compared to other cities. She told the Council, closing bars at 1:00 AM does not stop people from drinking, it only stops them from drinking at her bar where they serve responsibly.

Jason Huus, from Broadway Liquor, said he personally does not want to stay open until 2:00 AM but believes owners should have the option. He pointed out that since they are located on Broadway, they would probably have to stay open in order to stay competitive with other business owners.

Alderman Pitner said he is supportive of the change so the businesses can make the decision. He pointed out that since the last time the issue was discussed, there have been improvements in the number of ride services and transportation.

Alderman Straight said he is sympathetic to Ms. Sessions concerns but believe they should allow business owners to decide.

Alderman Podrygula shared his feelings on the issue. On one hand, ride services have decreased the number of DUIs but on the other hand, alcohol sparks trouble and late calls to the Police Department are not resolved quickly. He also mentioned concerns over peoples sleep cycles after staying up later. He stated, he is still opposed to the motion but suggested special permits could be used for certain situations to allow businesses to be open longer.

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

Alderman Jantzer said he was contacted by constituents on both sides of the issue but he does not support the ordinance change.

Alderman Pitner commented that the average age of the community is getting younger and there are many residents who can't get home to family for Thanksgiving. Changing the ordinance will not require businesses to be open on Thanksgiving but would give the option for alternatives for the holiday.

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

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### **MODIFICATION TO EMPLOYMENT AGREEMENT – TABLED**

Alderman Olson moved the City Council table the modification to the City Manager’s employment agreement, for further input.

Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Sipma, Straight, Wolsky; nays: Podrygula.

### **PERSONAL APPEARANCES**

None

### **DEPARTMENT REPORT: COMMUNITY DEVELOPMENT DIRECTOR**

Brian Billingsley, Community Development Director, presented information on the department. He described the employees that make up the Planning, Inspections and Economic Development departments. He explained their mission statement, accomplishments, and goals. Future projects include updated the Comprehensive Plan, designing the Downtown Gathering Space, and implementing the Front & Center Plan.

After the presentation, Mr. Billingsley responded to questions from the Council.

### **LIAISON REPORTS**

Alderman Wolsky mentioned the Planning and Zoning Ordinance Committee who continue to work on revisions. The Renaissance Zone Board is working on the Development Plan. Ward County Planning Commission meets on Thursday. He also mentioned the Website Refresh Committee that began meeting this week to update and simplify the existing website.

Alderman Jantzer had nothing to report.

Alderman Pitner said, the Recruitment Task Force is wrapping up in the next couple meetings and will provide a report to the Council after January.

Alderman Straight had nothing to report.

Olson said the Buy Local Task Force will have one more meeting and will bring a recommendation to the Council in December. The One Brand project is ahead of schedule and Odney could present it this year. The Census Committee approved their budget and Olson reminded, there were funds set aside in the 2020 City budget for the census. She said, she also met with Xcel who provided an annual update to the Franchise Committee.

Wolsky asked about the Franchise Committee and the potential to include Canadian cable companies. He requested he be notified the next time the Committee meets so it could be discussed. Olson said, it was not a meeting of the Franchise Committee because most franchises have contracts extending 20 years. It was an update that Xcel provides as a service to the City. She said, if Wolsky wishes to schedule a meeting of the Franchise Committee, they can do so.

Alderman Podrygula had nothing to report

### **ADJOURNMENT**

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Olson and carried unanimously. Meeting adjourned at 7:01 pm.

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

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