

June 21, 2021 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – JUNE 21, 2021 AT 5:30 P.M.

ROLL CALL

Members Present:

Evans, Jantzer (phone), Olson, Pitner, Podrygula, Ross, Sipma

Members Absent:

None

PLEDGE OF ALLEGIANCE

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

CITY MANAGER REPORT

The City Manager provided a written update describing events and activities for various departments. He then thanked Minot Commission on Aging for providing the facility to host the Council Retreat. He also thanked the Juneteenth organizers for putting together the event on Saturday where he shared the City's proclamation.

APPLICATIONS FOR BUDGET CONSIDERATION

The City Manager explained that the budget process will include brief presentations from organizations requesting funds in the 2022 budget to explain their funding request and allow Council the opportunity to ask questions prior to making budget decisions.

Lisa Clute, Director of First District Health Unit said, although they have a contract with the City which includes funding, she wanted to provide the Council with their 2020 Annual Report. She stated, efforts were shifted to handle to COVID-19 pandemic so many of their usual services were not included in last year's report. She is currently working on their next budget and doesn't anticipate an increase in the request for funding from the City or Ward County. They are expecting additional COVID resources which will be tied to specific deliverables.

Roger Reich, Director of Minot Commission on Aging spoke to the Council. He said they have been partners with the City since 1973. He explained some of their services, including daily meal delivery, a footcare clinic, telephone reassurance calls, Medicare Part D prescription plans and acting as a point of contact for many other services. Upon further questioning he said, they plan to open for in-person meals in July and are conducting surveys to determine the comfort level for other activities like yoga and exercise classes. The foot clinic is open and he mentioned how fortunate it is that most of their clients have been vaccinated. He emphasized that no senior is ever turned away for their inability to pay and said they use Federal and State funds to balance their budget.

Justin Anderson, Director of Minot Area Council of the Arts provided details about all of the activities and improvements they have made in the recent years. He described the direct economic impact the arts have on the City of Minot and the immeasurable impact the arts have on the quality of life. He said funding from the City helps them continue efforts to advocate for the arts locally and in the region. Upon questioning regarding memberships, Mr. Anderson said there are memberships for individual artists as well as business and organization membership for a minimal cost between \$6 and \$150 per year. Memberships help to highlight artists in the region.

The Difference submitted an application; however, no one addressed the Council.

MAYORAL APPOINTMENTS – APPROVED

Alderman Pitner moved the City Council confirm the following Mayoral appointments:

MAGIC Fund Committee

Kelly Perrin appointed from the financial community with a term to expire June 2024.

Heating & Air Conditioning Board

June 21, 2021 Regular City Council Meeting

Floyd Hanson reappointed with a term to expire June 30, 2023
Travis Mowbray reappointed with a term to expire June 30, 2023

Plumbing Board

Timothy Feist reappointed with a term to expire June 30, 2023

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

CITY COUNCIL MINUTES – APPROVED

Alderman Pitner moved the City Council approve the minutes of the June 7, 2021 regular City Council meeting and the May 24, 2021 special Council meeting.

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

ORDINANCE NO. 5583- ZONING DISTRICT CHANGE- GALUSHA RANCH 2ND ADDITION – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5583 on second reading to change the zone from “AG” Agricultural District to “RA” Agricultural Residential District on Galusha Ranch, 2nd Addition. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5583 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ORDINANCE NO. 5612 - ZONING MAP AMENDMENT- LOT 8, DAKOTA SQUARE 2ND ADDITION – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5612 on second reading amending the zone from “C4” Planned Commercial to “C2” General Commercial with a Planned Unit Development (PUD) overlay on Lot 8, Dakota Square 2nd Addition. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5612 on second reading. Motion seconded by Alderwoman Evans and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ORDINANCE NO. 5614 - 16TH ST SW & 37th AVE SW MILL & OVERLAY BUDGET AMENDMENT (4592) – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5614 on second reading amending the 2021 annual budget to increase the Street department capital infrastructure expenditures for additional engineering expenses in 2021 for the 16th St and 37th Ave SW mill and overlay which will be funded with capital infrastructure reserves. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5614 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ORDINANCE NO. 5615 - AMENDING SECTION 9-6 IN CHAPTER 9 OF THE CITY OF MINOT CODE OF ORDINANCES – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5615 on second reading amending Chapter 9-6 of the City of Minot Code of Ordinances as it relates to fuel-fired appliances and future installations. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5615 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

June 21, 2021 Regular City Council Meeting

ORDINANCE NO. 5616 – AMENDING CMCO CRAFTSMEN LICENSE FEES – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5616 on second reading amending language in the City of Minot Code of Ordinances to allow the City Council to set the Craftsmen fees by resolution and rescinds language in the Code of Ordinances allowing Gas Fitters and HVAC Installers to apply for temporary work permits. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5616 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ORDINANCE NO. 5617 - BUDGET AMENDMENT- CITY ECONOMIC DEVELOPMENT ACTIVITIES – SECOND READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5617 on second reading amending the 2021 annual budget to increase the sales tax first penny economic development community contributions for City economic development activities using cash reserves. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5617 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ADMINISTRATIVE APPROVALS – RATIFIED

Alderman Pitner moved the City Council ratify the following administratively approved requests:

1. Minot Top 3 to conduct a raffle August 6, 2021 at Starving Rooster (30 1st Street NE)
2. The Spot for a special event permit May 29, 2021 outside 6 2nd Street NE
3. Minot Optimist Club to conduct a raffle August 4, 2021 at the Grand Hotel (1505 N. Broadway)
4. Magic City Equality to conduct bingo September 5, 2021 at the Grand Hotel (1505 N. Broadway)
5. The Spot for special event permits May 29 – September 3, 2021 at the Regency Event Center (105 1st Ave SE)
6. The Original Bar and Nightclub for a special event permit June 5, 2021 at Oak Park (1300 4th Ave NW)
7. Elevation for a special event permit May 26, 2021 at The Depot (15 N. Main Street)
8. High Third for a special event permit June 13-27, 2021 outside 110 East Central Ave
9. Off the Vine for a special event permit June 3-10, 2021 outside 15 Main Street S
10. Atypical Brewery & Barrelworks for a special event permit June 4-6, 2021 outside 510 Central Ave
11. Trinity Health Foundation to conduct a raffle September 10, 2021 at Dakota Square Arco (1520 24th Ave SW)
12. The Original Bar and Nightclub for a special event permit June 10, 2021 outside 720 N. Broadway
13. The Spot for a special event permit June 3-12, 2021 outside 6 2nd Street NE
14. Minot Public School Foundation to conduct a raffle June 7, 2021 at Minot Country Club (1912 Valley Bluffs Drive)
15. Enbridge to conduct a raffle August 9, 2021 at Enbridge (1600 2nd Ave SW, Ste 16)
16. Army's 2.0 for a special event permit June 4-14, 2021 outside 12 3rd Street SE
17. The Ranger for a special event permit June 9-23, 2021 outside 1218 South Broadway
18. Forgotten Warrior Foundation to conduct a raffle June 25-27, 2021 at The Landing (2015 N Broadway)
19. Zion Lutheran Church Women's Group to conduct a raffle September 25, 2021 at Zion Lutheran Church (1800 Hiawatha Street)
20. Nok Back Tavern for a special event permit June 19, 2021 outside 100 3rd Street NE
21. The Tap Room for a special event permit June 18, 2021 at the Scandinavian Heritage Park (1020 S. Broadway)
22. Capri Bar for a special event permit June 18, 2021 outside 2030 Burdick Expy E
23. Capri Bar for a special event permit June 26, 2021 outside 2030 Burdick Expy E
24. Army's 2.0 for a special event permit June 14-June 28, 2021 outside 12 3rd Street SE
25. Army's 2.0 for a special event permit June 28-July 12, 2021 outside 12 3rd Street SE
26. The Putt District for a special event permit June 17-24, 2021 outside 5 35th Ave NE, Suite B
27. Minot Young Professionals to conduct a raffle June 28, 2021 at Elevation (1912 Valley Bluffs Drive)
28. Minot Commission On Aging to conduct bingo and raffle July 1, 2021 – June 30, 2022 at Minot Commission On Aging (21 First Ave SE)
29. Minot Insulin Services, Inc to conduct a raffle July 15, 2021 at 4R Home Thrift Store (2031 N. Broadway)

June 21, 2021 Regular City Council Meeting

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

PAVING DISTRICT 499 - FAMILY REC ADDITION - AWARD BID (4591) – APPROVED

Alderman Pitner moved the City Council award the bid for Paving District 499 to the low bidder, Strata Corporation, in the amount of \$1,241,160.65 and authorize the Mayor to sign the Agreement.

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

SWIF ACTION F - OUTFALL PIPE CLEANING - AWARD OF BID (PROJECT NUMBER 3135.2F) – APPROVED

Alderman Pitner moved the City Council approve the low bid submitted by Subsurface, Inc, in the amount of \$396,192.00 and authorize the Mayor to sign the contract on behalf of the City.

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

ORDINANCE NO. 5619 – AMEND THE 2021 ANNUAL BUDGET- SWIF ACTION F OUTFALL PIPE CLEANING – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5619 on first reading to amend the 2021 annual budget to increase Street department levee maintenance for the SWIF F work which will be funded with Sales Tax flood control and general fund reserves that were a result of State Water Commission funding that was received for SWIF D and E work. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5619 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

4577 – BEL AIR ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL – TRANSPORTATION ALTERNATIVES GRANT AWARD – APPROVED

Alderman Pitner moved the City Council accept the federal Transportation Alternative (TA) funds in the amount of \$290,000.00 for the Bel Air Elementary Safe Routes to School project, authorize staff to start the design engineering and subsequent construction services, and authorize staff to complete the project to provide safe routes to school for Bel Air Elementary.

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

4581 – WASHINGTON ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL – TRANSPORTATION ALTERNATIVES GRANT AWARD – APPROVED

Alderman Pitner moved the City Council accept the federal Transportation Alternative (TA) funds in the amount of \$258,151.00. for the Washington Elementary Safe Routes to School project, authorize staff to start the design engineering and subsequent construction services, and authorize staff to complete the project to provide safe routes to school for Washington Elementary.

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

FY2021 USDOJ – BULLETPROOF VEST PARTNERSHIP GRANT – APPROVED

Alderman Pitner moved the City Council grant authorization to apply for and, if awarded, accept the US Department of Justice (USDOJ) FY 2021 Bulletproof Vest Partnership Grant for the Minot Police Department, and, authorize the Chief of Police and/or Mayor to sign the award agreements in accordance with grant guidelines.

June 21, 2021 Regular City Council Meeting

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

ORDINANCE NO. 5620 - AMEND 2021 DISPATCH BUDGET TO PURCHASE RADIO CONSOLE FOR COMMUNICATION WITH MINOT FIRE DEPARTMENT – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5620 on first reading to amend the 2021 annual budget to increase the Fire Department Capital Equipment Purchases revenues and expenditures and decrease the Vehicle and Equipment Repair revenues and expenditures for the purchase of a dispatch console. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5620 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ORDINANCE NO. 5618 – AMEND THE 2021 ANNUAL BUDGET-NEW PARKING FACILITIES MANAGEMENT – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5618 on first reading amending the 2021 annual budget to increase the Airport's capital equipment expenses, department materials and supplies, IT maintenance and repair, and consultants for the purchasing of new parking equipment for the new parking facilities management at the Airport. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5618 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

AIRPORT PARKING FACILITIES MANAGEMENT CONTRACT AMENDMENT – APPROVED

Alderman Pitner moved the City Council approve the contract amendment with LAZ Parking to provide clear terms and conditions regarding term length, sales tax, and first date of payment, and authorize the Mayor to sign any applicable documentation.

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

RESOLUTION NO. 3719 - MREFPP PHASE MI-4B MAPLE DIVERSION RAW WATER LINE RELOCATION (3529.04B) – APPROVED

Alderman Pitner moved the City Council approve plans and specifications and recommend approval to SRJB for bidding of the Raw Water Line Utility relocation portion of the Maple Diversion MI-4B of the MREFPP and approve the resolution of funding.

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

RETAIL BEER & WINE LICENSE – OISHII RAMEN – APPROVED

Alderman Pitner moved the City Council approve the Retail Beer & Wine License for Hibachi Express, LLC dba Oishii Ramen operating at 1901 South Broadway.

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

GAMING SITE AUTHORIZATION- HAZELTON AMERICAN LEGION – APPROVED

Alderman Pitner moved the City Council approval of the gaming site authorization for the Hazelton American Legion to conduct electronic pull tab devices at the Comfort Suites during the license year of July 1, 2021 through June 30, 2022.

June 21, 2021 Regular City Council Meeting

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

ANNUAL GAMING SITE AUTHORIZATION- AGGIE FOUNDATION – APPROVED

Alderman Pitner moved the City Council of the gaming site authorizations for the Aggie Foundation to conduct games of chance at Off the Vine, High Third, Dakota Burger, Best Kept Secret (Sleep Inn), East End, Army's 2.0, and Knights of Columbus during the license year of July 1, 2021 through June 30, 2022.

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

GAMING SITE AUTHORIZATION- NORTH DAKOTA STATE FAIR FOUNDATION – APPROVED

Alderman Pitner moved the City Council of the gaming site authorizations for the ND State Fair Foundation to conduct games of chance at Quality Inn, Blue Rider, and Elevation during the license year of July 1, 2021 through June 30, 2022.

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

ORDINANCE NO. 5621 - STOP SIGNS FOR PRAIRIE GREEN NEIGHBORHOOD – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5621 on first reading to remove a yield sign restriction from Eastbound 32nd Avenue at 10th Street SW and add stop sign restrictions to the following approaches in the Prairie Green neighborhood:

1. Southbound 14th Street SW at 32nd Avenue SW
2. Southbound 12th Street SW at 32nd Avenue SW
3. Northbound 13th Street SW at 32nd Avenue SW
4. Northbound 11th Street SW at 32nd Avenue SW
5. Eastbound 32nd Avenue SW at 10th Street SW
6. Eastbound 33rd Avenue SW at 13th Street SW
7. Westbound 33rd Avenue SW at 13th Street SW
8. Eastbound 34th Avenue SW at 13th Street SW
9. Westbound 34th Avenue SW at 13th Street SW
10. Southbound 12th Street SW and 34th Avenue SW
11. Eastbound 34th Avenue SW and 10th Street SW
12. Southbound 15th Street SW at 35th Avenue SW
13. Eastbound 35th Avenue SW at 13th Street SW

Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5621 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

DONATION OF 1977 AM GENERAL SPARE PARTS TO MIDWEST BUS MUSEUM – APPROVED

Alderman Pitner moved the City Council approve donation of spare parts for the 1977 AM General Transit bus to the Midwest Bus Museum in Bangor Wisconsin and authorize the Public Works Director to sign any documentation that would go with this donation.

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

AUCTION FLOOD BUYOUT STRUCTURE SALVAGE – APPROVED

June 21, 2021 Regular City Council Meeting

Alderman Pitner moved the City Council authorize auction of flood buyout structure salvage located at 303 6th Street NE and 1101 6th Avenue SW.

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

AGREEMENT EXTENSIONS WITH CDM SMITH FOR CDBG-NDR AND CDBG-DR ALLOCATION #1 – APPROVED

Alderman Pitner moved the City Council approve a timeline extension with CDM Smith for CDBG-DR Allocation #1 and timeline extension with 3% cost of living increase on July 1, 2021, and July 1, 2022 on billing rate for CDBG-NDR with no additional funds added with the contract extension.

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

EXTENSION OF SWANSON & WARCUP LTD AGREEMENT TO COMPLETION OF ASSIGNED WORK – APPROVED

Alderman Pitner moved the City Council approve extension of the agreement with Swanson & Warcup Ltd. for CDBG-DR and CDBG-NDR Flood Buyout Acquisition Eminent Domain Proceedings to completion of all cases for which it has been assigned up to June 30, 2021.

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

RESOLUTION NO. 3722 - APPROVE EMINENT DOMAIN FOR 19 5TH STREET NE, 405 RAILWAY AVENUE, AND PARTIAL TAKE 1750/1800 8TH AVENUE SE, MINOT – APPROVED

Alderman Pitner moved the City Council adopt resolution no. 3722 to authorize commencing Eminent Domain Proceedings for 19 5th Street NE, 405 Railway Avenue, and partial take of 1750/1800 8th Avenue SE, Minot.

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

ENCROACHMENT PERMIT - 7 3RD STREET SE – APPROVED

Alderman Pitner moved the City Council approve the Right of Way Encroachment Permit Application for the projecting wall sign on the building at 7 3rd Street SE.

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

ENCROACHMENT PERMIT - 21 EAST CENTRAL – APPROVED

Alderman Pitner moved the City Council approve the Right of Way Encroachment Permit Application for the projecting sign on the building at 21 East Central.

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

PROFESSIONAL SERVICES AGREEMENT WITH LANDRUM & BROWN, INC. FOR AIR SERVICE DEVELOPMENT CONSULTING – APPROVED

Alderman Pitner moved the City Council approve the Master Services Agreement with Landrum & Brown, Inc. for Air Service Development Consulting and authorize the Mayor to sign any applicable documentation.

June 21, 2021 Regular City Council Meeting

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

RESOLUTION NO. 3720 - BETWEEN MOT AND MFD TO PROVIDE ARFF SERVICES – APPROVED

Alderman Pitner moved the City Council adopt Resolution no. 3720 between the Minot Airport and the Minot Fire Department memorializing the agreement in providing Aircraft Rescue and Firefighting (ARFF) services.

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

MUTUAL AID AGREEMENT BETWEEN CITY OF MINOT AND WILLISTON – APPROVED

Alderman Pitner moved the City Council ratify the Mutual Aid Agreement which was signed by the Mayor on June 17, 2021 allowing the Minot Fire Department to send the spare ARFF truck to Williston Airport.

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

RESOLUTION NO. 3721 - ARTS AGENCY DESIGNATION RESOLUTION – APPROVED

Alderman Pitner moved the City Council adopt resolution no. 3721 designating Minot Area Council of the Arts as the official Local Arts Agency (LAA) with power and authority to seek and distribute federal dollars.

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

ORDINANCE NO. 5622 - PROPERTY TAX PAYMENT FOR PORT PROPERTY AND PARKING RAMPS – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5622 on first reading amending the 2021 annual budget to increase the Finance and Parking Ramps department expenditures for the payment of delinquent taxes on City property, using cash reserves, approve payment of the 2018 property taxes for the land that was formerly leased to ND Port Services, and approve the payment of 2017 taxes for the parking ramp properties. Motion seconded by Alderman Ross and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5622 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

ABATEMENT REQUEST BY HUDYE GROUP, LP – APPROVED

Hudye Group LP has submitted applications for abatement of property taxes on 92 vacant lots in Prairie Wynd Fourth and Fifth Additions. The City Assessor recommended partial approval of the abatement requests.

Assistant City Assessor, Damon Druse told the Council that a representative from Hudye Group, LP contacted him and agreed with the City's recommendation.

Alderwoman Olson moved the City Council approve the City Assessors recommendation for partial approval of the abatement request for Residential and Light Industrial zoned lots in Prairie Wynd Fourth and Fifth Additions.

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

RAFFLE PERMIT APPLICATION DENIAL - SWAIN FISHING TEAM - RATIFIED

The Police Chief explained that he denied the local permit because the applicant did not meet the definition of a "public spirited" organization. He said, it seemed most similar to an amateur sports organization but in this case, the proceeds were

June 21, 2021 Regular City Council Meeting

not supportive of a team. He explained that his interpretation is that the applicant does not meet the definition; however, Council has the authority to make the decision.

Alderwoman Evans moved the City Council ratify the decision of the Police Chief to deny the local permit application submitted by Swain Fishing Team to conduct a raffle August 28, 2021 at the Ranger Lounge.

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

CITY HALL SCHEMATIC DESIGN SUBMITTAL (4466) – APPROVED

City Engineer, Lance Meyer, said the building committee met and determined the best layout for efficient workflow of the new City Hall. He then introduced Scott Jordan-Denny, Project Designer with JLG Architects, to present the design.

Following his presentation Mr. Jordan-Denny responded to questions from the Council. He described the Council Chambers by saying the room will allow for expansion using an accordion glass door. The dais will be slightly raised, about 18 inches, to improve visibility throughout the room.

Alderman Podrygula asked if the windows would be able to open to which Mr. Jordan-Denny responded by saying, it is the recommendation of the engineers that the windows remain shut. Mechanical systems work better when they are not impacted by variable conditions. He said, they can explore options but the windows are fairly thin and are currently one curtain wall system.

Mayor Sipma said he would prefer to see window options and pricing before choosing one.

Alderwoman Olson commented on the secure nature of the dispatch center and how windows would affect it.

Mr. Jordan-Denny also described the available space for future expansion. He said connection to the neighboring parking structure could potentially take place on the third floor, however, it would involve further study.

Alderwoman Evans brought up accessibility and said she wants the building to be a model of accessibility rather than just compliant.

Mayor Sipma asked about security for Council Chambers and brought up other cities who have included Kevlar to construct the dais.

Alderwoman Olson expressed the need to balance between welcoming the public and ensuring safety. She said the committee has had a lot of good conversations so far.

There being no further questions, Alderman Pitner moved the City Council approve the Schematic Design and move forward with the Building Design phase.

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

SEWER CONNECTION FEE - 900 21ST AVE SE

The City Engineer explained that due to some topography in Minot certain areas of land cannot be developed. This commercial lot is approximately 7.93 acres but only 3.62 acres is developable so the developer is requesting a reduction in the sewer connection fee. Staff has reviewed the request and believes that alternate #2, resulting in a connection fee of \$16,072.80 is appropriate.

Alderman Jantzer moved the City Council approve alternate #2, revising the connection fee calculation for this lot based on 3.62 acres (the developable area), resulting in a connection fee of \$16,072.80.

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

June 21, 2021 Regular City Council Meeting

PERSONAL APPEARANCES

David Labrun addressed the Council regarding the acquisition of his property. He said he disapproves of the way the City is handling it and described the process he has encountered to this point. He referenced the Uniform Relocation Act and disagreed with property's appraisal, particularly regarding comparable properties. He explained that he has followed all of the guidelines and has provided documentation supporting what he believes is a fair value but negotiations are not moving forward.

Mayor Sipma expressed his understanding for the difficult situation. He said, the process must be followed and if negotiations cannot reach an agreement, the next option is eminent domain.

Mr. Zakian came forward to explain but reminded that there is an anti-coercion clause that prevents any negotiation from taking place publicly. He said, there are two parts to acquisition; purchase price and relocation costs. A comparable replacement of the property is not included in the purchase price. All property owners are encouraged to meet with CDM Smith to review all of their options. He then explained that they use two independent appraisals to make sure there are no inconsistencies and, in this case, they both agreed on the value.

Alderwoman Olson asked about the time frame between appraisals, to which Mr. Zakian said, the appraisal is valid for about a year but there are no substantial differences between the appraisals.

The Mayor encouraged Mr. Labrun to continue to communicate with Mr. Zakian and CDM Smith to hopefully come to an amicable solution.

MISCELLANEOUS & DISCUSSION

Alderwoman Evans mentioned the City Council Retreat and said they are setting a clear vision and strategy to move the City forward.

Alderman Podrygula also commented on the success of the Council Retreat. He said there was a high level of communication between Council and City Staff and it is the start of a process that should be repeated.

Mayor Sipma then reminded everyone that Saturday is the 10th anniversary of the 2011 flood. He said there would be a memory walk starting at 9:00 am at Oak Park and the main program starts at noon. They hope to capture the resiliency since the flood and bring the community together to acknowledge how far they have come.

LIAISON REPORTS

Alderman Podrygula had no meetings to report.

Alderwoman Olson met as the City Hall committee liaison which was discussed during the earlier presentation. She attended the Souris Basin Planning Council meeting. The Liaison Committee discussed the future high school and relocation of Dispatch to the new City Hall.

Alderwoman Evans mentioned the Library's reading program. She said the final draft of the County zoning ordinance is near completion and will be available for public comment in the fall.

Alderman Ross said the Planning and Zoning Ordinance Committee will be working on the subdivision chapter throughout the summer.

Alderman Jantzer also attended the Liaison Committee Meeting.

Alderman Pitner had no meetings to report.

Mayor Sipma attended the Ward County Weed Board meeting and said the drought is having a detrimental affect since the chemicals used to eradicate weeds do not work without some moisture.

EXECUTIVE SESSION

June 21, 2021 Regular City Council Meeting

Mayor Sipma stated the next item on the agenda would be an executive session for the following pending legal matter: City of Minot v. Nathan Properties, LLC, et al. The legal authority for closing this portion of the meeting is North Dakota Century Code sections 44-04-17.1, 44-04-19.1 and 19.2. The topic or purpose of this executive session is to afford the City Council an opportunity to consult their attorneys, discuss negotiating or settlement strategy and/or provide negotiating instructions to its attorney regarding this pending litigation.

The Mayor stated, at this time, a motion would be needed in order to discuss the next topic in executive session rather than in an open meeting.

Whereupon, Alderwoman Olson moved the City Council move to an executive session. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

The Mayor then stated the executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session.

Mayor Sipma asked the members of the public attending the meeting to leave the room. He stated, the Council anticipated adjourning the executive session, and reconvening the open portion of the meeting at approximately 7:35 pm.

The executive session began at 7:13 pm and was attended by all members of the City Council, as well as the Mayor, City Manager, Finance Director, City Attorney, Public Information Officer, Public Works Director, CDBG-DR/NDR Program Manager, City Clerk, Attorney John Warcup, and Paralegal Cindy Savage.

At 7:28 pm, Alderman Pitner moved the City Council adjourn the executive session and return to the regular City Council meeting. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

The public was invited to return to the meeting room with the City Council meeting back in session.

SETTLEMENT AGREEMENT- CITY OF MINOT V. NATHAN PROPERTIES, LLC – APPROVED

Alderwoman Evans moved the City Council approve the terms of the settlement agreement between City of Minot v. Nathan Properties, LLC and authorize the Mayor to sign.

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

ADJOURNMENT

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Ross and carried unanimously. Meeting adjourned at 7:30 pm.

ATTEST: _____
Kelly Matalka, City Clerk

APPROVED: _____
Shaun Sipma, Mayor