

January 18, 2022 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – JANUARY 18, 2022 AT 5:30 P.M.

ROLL CALL

Members Present:

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

Members Absent:

None

PLEDGE OF ALLEGIANCE

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

COVID REPORT

Roxanne Vendsel from First District Health Unit presented on the current state of Ward County concerning COVID. There are many challenges she spoke of with COVID one being business and staffing issues. First District is testing Monday – Friday with extended hours on Wednesday evenings with 300 tests per day available. The state is doing Saturday testing and holiday testing at the Auditorium. The COVID call center is still open and available to the citizens. Vaccinations can still be done at First District. Roxanne also discussed the CDC guidelines for quarantine.

MAYORAL APPOINTMENTS – APPROVED

Alderman Jantzer moved the City Council approve Miranda Schuler to replace Pam Karpenko on the Civil Service Commission with a term to expire December 2025.

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

CITY MANAGER REPORT

The City Manager provided a written update describing events and activities for various departments. Harold also mentioned that the staff is getting ready to begin the scheduling for the budget cycle of 2023.

PUBLIC HEARING: BLU ON BROADWAY PARKING LOT EXPANSION – APPROVED

The City Council held a public hearing for application from Blake Nybakken representing Blu on Broadway, LLC and Northern Bottling Company (owners) for an amendment to the Planned Unit Development “PUD” overlay to remove the restriction to first floor commercial comprising of 30% office or similar uses. The application proposes expanding the overly district to encompass a proposed parking area to provide ten additional parking stalls as part of the Blu on Broadway development. The legal description for the properties are Lots 7 & 8, Block 2, Home Acres Addition Less Highway & Street and the South 60’ of East 120’ of West 150’ of Lot 3, Block 2, City of Minot, Ward County, ND.

Alderwoman Olson moved the City Council approve the item in alignment with the Planning Commission recommendation. Motion was seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

COUNCIL MINUTES – APPROVED

Alderwoman Olson moved the City Council approve the minutes of January 3, 2022 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.

CITY COUNCIL MINUTES

Alderwoman Olson moved the City Council approve the following administrative approval requests:

1. Minot High Dance Team to conduct a raffle on January 16, 2022 at Magic City Campus (1100 11 Ave SW).

2. Special Event Permit for Der Blaue, LLC dba Blue Rider (2400 10th St SW, Unit 326)
3. Colin Brown Y's Men Club to conduct a raffle on June 27, 2022 at Minot Family YMCA (3515 16th St SW).
4. Magic City Figure Skating Club to conduct a raffle on March 27, 2022 at the Maysa Arena (2501 Burdick Expressway West).

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. 5691 – AMEND THE 2021 ANNUAL BUDGET – HAZARDOUS MATERIALS EMERGENCY PREPAEDNESS GRANT – SECOND READING – APPROVED

Alderman Olson moved the City Council place ordinance no. 5691 on second reading amending the 2021 annual budget to increase the Fire Department general fund travel costs and education and training expenditures for the HMEP grant.

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. 5692 – AMEND THE 2022 ANNUAL BUDGET – SCHEELS GRANT – APPROVED

Alderman Olson moved the City Council place ordinance no. 5692 on second reading amending the 2022 annual budget to increase the Fire Department general fund furniture and equipment expenditure for the purchase of exercise equipment using donated funds from Scheels.

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

ALCOHOLIC BEVERAGE LICENSE RENEWALS – APPROVED

Alderman Olson moved the City Council approve the following alcoholic beverage license renewals requests:

1. Columbian Club Association dba Knights of Columbus (2601 North 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 – MINOT HOCK BOOSTERS – APPROVED

Alderman Olson moved the City Council approve the gaming site authorization for Minot Hockey Boosters to install electronic pull tabs at On the Rocks (614 3rd St NE).

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 – MULE DEER FOUNDATION – APPROVED

Alderman Olson moved the City Council approve the gaming site authorization for the Mule Deer Foundation to conduct a raffle at Sports on Tap (220 South Broadway #A).

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 – RMEF MINNDAK, INC – APPROVED

Alderman Olson moved the City Council approve the gaming site authorization for the RMEF Minndak, Inc to conduct a raffle at the Grand Hotel (1505 North Broadway).

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

SUPPER CLUB LICENSE – WHISKEY NINE – APPROVED

Alderman Olson moved the City Council approve the following supper club license request:

1. Whiskey Nine, LLC dba Whiskey Nine operating at 111 W Central Ave.

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

MOU WITH MINOT PUBLIC SCHOOLS FOR SCHOOL RESOURCE OFFICERS – APPROVED

Alderwoman Olson moved the City Council approve the MOU with Minot Public Schools and authorize the Chief of Police 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.

MAGIC FUND SCREENING COMMITTEE – APPROVED

Alderwoman Olson moved the City Council approve the MAGIC Fund Screening Committee Minutes from December 17, 2021.

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

BUDGET AMMENDMENT MAGIC FUND STEVENS WELDING – APPROVED

Alderwoman Olson moved the City Council approve the budget amendment to appropriate the expenditure of funds from the Magic Fund for the PACE loan for Stevens Welding that was approved on the January 3, 2022 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.

FINAL PAYMENT – CARGO APRON CONSTRUCTION (PHASE II) – PULLED

Airport Director Jennifer Eckman asked for this item to be pulled due to items on punch list not being fully complete. Alderwoman Evans motioned to postpone 7.12 final payment on the Cargo Apron Construction Phase II until the next meeting. Alderman Ross questioned whether or not that would be enough time to make sure Bluestone completes the project. Jennifer confirmed that she would need to check with the contractor on the amount of time needed for the project to be completed.

Alderwoman Evans amended the motion to postpone the final payment on the Cargo Apron Construction Phase II until the Airport Director brings item back to council. The motion was seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

PUBLIC WORKS COOLING TOWER AND HEAT EXCHANGER – FINAL PAYMENT - APPROVED

Alderwoman Olson moved the City Council approve the final payment for the cooling tower and heat exchanger project to Mowbray and Sons in the amount of \$28,915.32.

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

SAFER GRANT REQUEST – APPROVED

Alderwoman Olson moved the City Council approve Fire Chief Kelli Kronschnabel to apply for the SAFER grant.

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

WARD COUNTY HAZARD MITIGATION PLAN ANNUAL PROGRESS REPORT - APPROVED

Alderwoman Olson moved the City Council receive and file the Hazard Mitigation Plan Annual Progress Report.

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

ORDINANCE TO AMEND 2022 BUDGET TO REASSIGN PART-TIME ADMINISTRATIVE CLERK FROM MUNICIPAL COUR TO POLICE DEPARTMENT – APPROVED

Alderwoman Olson moved the City Council approve the proposed amendment to the 2022 annual budget to reallocate the part-time clerk from Municipal Court to the Police Department.

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

HESS GRANT AWARD FOR CAPITAL PURCHASE OF AIR COMPRESSOR – PULLED

Mayor Shaun Sipma pulled this item until a later date.

4600 – 2022 TRAFFIC SIGNAL IMPROVEMENT PROJECT – APPROVED

Alderman Jantzer motioned the City Council approve CDBG-NDR Substantial Amendment #7 authorizing submission to HUD following a public comment period.

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

APPROVE CDBG-NDR SUBSTANTIAL AMENDMENT #7 – APPROVED

Alderman Jantzer motioned the City Council award the bid for the construction portion of the 2022 Signal Improvement Project to the lower bidder, Main Electric Construction Inc. in the amount of \$305,575.00 and authorize the Mayor to sign the agreement.

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

16TH ST SW & 37TH AVE SW COST PARTICIPATION AND MAINTENANCE AGREEMENT (CPM)(4592) – APPROVED

Alderman Pitner motioned the City Council approve the CPM agreement with the North Dakota Department of Transportation and authorize the Mayor to sign the agreement.

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

APPROVE DESIGN AND CONSTRUCTION OF NEW WELL IN SUNDRE AQUAFER P#4681 – APPROVED

Alderwoman Olson moved the City Council approval for the Public Works Director to negotiate an agreement with Houston Engineering for design, bidding and construction services for a new well in the sunder aquafer; to authorize the use of NAWS sales tax dollars for funding a new well; to authorize the Mayor to sign the contract; and approve the budget amendment for engineering services.

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

APPROVE A BUSINESS INCENTIVE AGREEMENT WITH LPN1, LLC REGARDING THE MINOT INTERMODAL PORT – APPROVED

The City Manager, Harold Stewart, did a presentation on Business Incentive Agreements. BIA's are the use of public funds to incentivize local business ventures. He discussed the requirements by state law of a BIA, one being. A BIA should always create jobs, term balances of public investment and should ensure accountability. The presentation ended with the idea of what the minimum standard should be for the City of Minot in terms of years for the agreement.

Alderwoman Evans asked for the City Manager walk through a 10-year term vs. a 5-year minimum term. Harold said that he is supportive of the BIA with the Intermodal Port. This particular agreement has a purchase option within the existing lease with the amount of the sale already set. The agreement has some guarantee and commitment of jobs created but does not have any outlined private sector funds. Harold believed that a 5-year agreement is a little light and a 10-year agreement would provide more return on the funds.

Alderman Jantzer proposed the question son whether the agreement had to be a 5-year or a 10-year? Harold replied with the fact the agreement cannot go below a 5-year term but anything above that is negotiable with MACEDC. The City of Minot staff recommend a 10-year agreement but MACEDC is looking for a 5-year agreement.

Alderwoman Evans asked John MacMartin if he could explain on behalf of the MACEDC why 5 years and why it would be beneficial for the community. John spoke about how the 5-year term would be more comparable to other agreements. MACEDC after the foreclosure and bankruptcy. This is about the benefit of moving products but with mother nature and supply chain issues this can make the business volatile.

Alderman Pitner wanting to find out if John new if the current operator at the port had weighed in on a 5-year term vs a 10-year term. John responded with the operator would like a 5-year agreement because he is weighing all his business costs. Alderman Podrygula inquired on if the agreement terms could be altered if needed after the agreement is in place. John said that you can change the agreement but with the agreement both parties want to know what they are getting into.

Alderman Pitner motioned for the City Council approves a 10-year agreement and the assignment in the interest of the lease. The motion was seconded by Alderwoman Evans.

Alderman Pitner understands MACEDC's position but it is the lowest standard and we can hold to a higher standard as a council. Alderwoman Evans spoke about how the City Manager and staff have taken the time to make the case on the 10-year agreement and that is why she supports this motion.

Alderman Podrygula mentioned that MACEDC has done great work but there is also an obligation to the staff recommendations. He stated that city staff should speak with other cities to about common framework for future Business Incentive Agreements. Alderman Podrygula see the significance of this project for the state and the city and will support the 10-year agreement.

Alderwoman Olson is torn between the staff recommendations and the MACEDC recommendations. She thought 10-years seemed like a long time for this particular agreement and would support a 5-year term. Alderman Jantzer also stated that the state statue is there for a reason. He thought all of these agreements should be considered separately and he was willing to accept a 5-year term for this particular agreement. Alderman Ross recognized that the staff has done their homework but this is an opportunity to send a message that we are willing to work with other business and he was in support of the 5-year agreement.

Mayor Sipma has sat on the MACEDC board and has listened to many discussions on 5-year vs 10-year. He mentioned two letters John provided to the council two State Commissioners that supported the 5-year agreement. He said it is hard to always measure by job growth. The Mayor mentioned that this is about creating relationships, finding an operator, and that BNSF wants this project in Minot. He was in support of the 5-year term.

The City Attorney, Kelly Hendershot, clarified that the second part of the motion should be to approve the lease amendment conditioned on the assignment to LPND1. Alderman Pitner and Alderwoman Olson agreed. The motion carried by the following roll call vote: ayes: Evans, Pitner, Podrygula; nays: Jantzer, Olson, Ross, Sipma. The Mayor announced the motion failed and looked to the council for another motion.

Alderman Jantzer made a motion for the City Council to approve a 5-year agreement and approve the lease amendment conditioned on the assignment to LPND1. Motion was seconded by Alderwoman Olson and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

PERSONAL APPEARANCES

Chief John Klug from the Minot Police Department gave the City Council an update on his staff in relations to COVID. He also mentioned that the K-9 Donation Project will be opening and there would be more information to come. Mayor Sipma asked John about how much adding another K-9 is to the department. Chief Klug responded with about \$36,000 in equipment and vehicle and about \$32,000 for the K-9 and training. Alderman Podrygula responded with appreciation for all the hard work of the PD staff and the update.

MISCELLANEOUS & DISCUSSION ITEMS

John MacMartin presented the semi-annual MACEDC presentation. He discussed how they are attracting private sector jobs such as the Intermodal Port. John spoke about the Minot Air Force Base and Task Force 21. The MACEDC is responding to RFP's, they are giving new businesses assistance, they are supporting the Minot One Brand and they have a new job training grant program with Job Service of ND. For the future and on-going planning, MACEDC is working on their strategic plan, they are promoting the City of Minot, they are working on their key initiatives, and LOIS has a presence online now for two years. Lastly, John mentioned the MACEDC's new and current efforts such as the CTE, Start-Up Minot, BR&E they are interviewing 5 businesses a month, and MAGIC Fund applications.

Alderman Evans inquired about if you can track engagement with LOIS. John said that Jaime is working on the input into LOIS and is trying to extract reports. The reports on LOIS are generic so the LOIS staff is trying to improve on the reporting process.

Alderman Podrygula thanked John for the report because it was nice to see the data shared and he is pleased with the relationship between MACEDC and the City of Minot. Alderman Evans appreciated the transparency and efforts of the MACEDC.

LIAISON REPORTS

Alderman Evans had nothing to report.

Alderman Olson attended the Liaison Committee meeting on January 13th. It was the City’s turn to chair this year and Mark Vollmer reported on the upcoming new school and remodel projects. There will be an item on the agenda coming up about the Minot Area Wide Planning Committee that was discussed at the meeting. She also attended the CTE Kick-Off.

Alderman Podrygula attended the County Planning Commission and they are working on updating Ordinances. The Minot Commission on Aging had a regular meeting, the Emergency Resource Council met on emergency preparedness, the Comprehensive Plan Steering committee is working with consultants on a vision of plan, and the Greenway Ecological Restoration Committee met about the use of the flood plan greenway.

Alderman Pitner had nothing to report.

Alderman Jantzer was present at the Liaison Committee meeting and mentioned that Alderman Olson was elected as the Chair for the committee this year.

Alderman Ross went to the Zoning Ordinance Steering Committee and they had about 20 minor changes as clean-up.

Mayor Sipma attended the MACEDC Board meeting and mentioned the upcoming State of the City on February 18, 2022.

Mayor Sipma also thanked the City of Minot street crews and wanted to mention that mailboxes are the responsibility of the citizens.

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 7:14 pm.

ATTEST: Mikayla McWilliams
Mikayla McWilliams, City Clerk

APPROVED: Shaun Sipma
Shaun Sipma, Mayor