

## February 1, 2021 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – FEBRUARY 1, 2021 AT 5:30 P.M.

### ROLL CALL

#### Members Present:

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

#### Members Absent:

None

### PLEDGE OF ALLEGIANCE

City Council President Olson presiding and led the City Council in the Pledge of Allegiance

### COVID-19 UPDATE

Lisa Clute, Executive Officer of First District Health Unit, stated, they are focusing on vaccines and monitoring epidemiology. They still provide PCR testing on Monday, Wednesday, and Thursday at First District as well as at MSU on Tuesday and Friday. She extended her appreciation to Minot Fire Department and the City for conducting Binax testing. She then said, about 40% of the 75 and older age group have been vaccinated in Ward county. Trinity and private providers are working aggressively to distribute as many vaccines as possible. First District Health Unit will hold vaccine clinics next week, Tuesday through Friday, when they have vaccines on hand. They hope to move on to the next group in the Tier which will be offered by healthcare providers and will be done by invitation first. They are providing vaccines in a rotation to private healthcare providers one week, public healthcare providers the next week and pharmacies the week after. They are working closely with all healthcare providers to shift doses between them and make sure demands are met. As of today, 9.1% of Ward county has received their first dose and 2.3% have received their second dose. She explained that the rates are provided by the State but she is concerned that the denominator used in their calculation may not be as accurate as they would like it. She said they are using the total number of people vaccinated in the community rather than the community's population.

She then said they are pleased with the positivity rate but encourage everyone to continue mitigation efforts. The situation is much better than it was in November and December but we need to hold these numbers while vaccinations are being done.

Alderwoman Evans read the subcategories listed under Tier 1B and Ms. Clute confirmed they have only vaccinated about 40% of the first category which is individuals age 75 and up.

Alderman Jantzer asked how many Ward county residents have had COVID, to which Ms. Clute stated, there have been 8,989 positives to date.

Alderwoman Evans pointed out that the Minot VA Center would be providing vaccinations at the Armory on Wednesday from 7:00 am-5:00 pm.

Ms. Clute also said the Minot Air Force Base has been vaccinating as well.

Upon questioning by Alderman Podrygula, Ms. Clute explained they likely will not reach the 65 and older age group during the next round vaccines available, but individuals should monitor news releases for vaccination dates. She also said, there has been discussion regarding the criteria for the subcategories for vaccinations. Medical providers will invite eligible people when vaccines are available. She estimated they would have additional vaccines the week of February 13<sup>th</sup> and the following week but it is based on distribution. She said, First District would open up the week of February 20<sup>th</sup> for the next category.

Alderwoman Olson asked if any vaccines had gone to waste. Ms. Clute said they have been able to use every drop of vaccine made available to them. They have a list of individuals to call that can be vaccinated on short notice if any vaccine is remaining in an open vial.

Alderman Ross asked if people are still susceptible to COVID between the first and second dose. Ms. Clute explained, they would still be susceptible until the second dose increases the effectiveness to 95%.

## February 1, 2021 Regular City Council Meeting

Alderman Ross pointed out that since 40% of the 75 and up age group has only received the first vaccine it gives a false sense that they are no longer at risk for COVID.

Alderman Ross then asked Ms. Clute if the City was in a position to lift the mask mandate.

Ms. Clute responded by saying, whether there is a mandate or not, everyone needs to continue mitigation efforts. Masks are just one tool and they are still encouraged along with social distancing and proper hygiene.

Alderwoman Evans asked how many vaccines were distributed since last Friday. Ms. Clute said First District Health Unit didn't have any vaccines available but Trinity was vaccinating over the weekend.

Alderman Pitner asked if they are concerned about the availability of a second dose to which Ms. Clute said, they are prepared and have doses allocated.

Alderwoman Evans reminded everyone to visit the First District Health Unit website at [www.FDHU.org](http://www.FDHU.org).

Alderwoman Olson then read a letter from Mayor Sipma, which he provided to the Council earlier that day:

“With the Executive Order repealing Minot’s Mask Mandate came ahead of the council decision to reevaluate the issue at the Mid-February Council Meeting I feel it necessary to disclose the factors taken into consideration.

I had hoped to be present, as with every council meeting, but in-person testimony at the House Appropriations Committee in support of HB 1431 had to take priority. HB 1431 contains appropriations for Mouse River Flood Control funding and Minot CTE funding.

Factors that were relevant to the Executive Order Removing the Mask Mandate Effective 1/29/2021:

- At the City Council meeting 01/19/2021 I nor any council members were aware of the Governor’s intentions of reducing the COVID-19 Risk Level from Moderate to Low.
  - Rolling 14 day infection rate for Ward County under 5% of those tested (3.39% on 1/28/2021)  
\*First District Health Unit Data
  - Business capacity and operations restrictions removed from the Governor’s Executive order to Low Risk Level
  - Hospital (COVID-19) capacity sufficient
  - As of 1/28/2021 Nearly 40% of 75-Plus population in Ward County Received COVID-19 Vaccination  
\*First District Health Unit Data
  - Availability for Binax testing in Minot through Minot Fire Department Testing Location
  - Optics to State Law Makers considering bills relating to local Government Powers during Emergencies.  
(Affect in Municipalities)
- a) House Concurrent Resolution 3007 – Terminating State of Emergency for North Dakota  
(City would no longer qualify for Federal Emergency Funding relating to COVID-19 Response)
  - b) House Bill 1260 – In Emergency Declarations that negatively affect business, a moratorium on select Department Heads, City Managers & elected officials.  
(Key Department Heads & the City Manager would be forced to work without pay during any emergency declaration that has an impact on any business. Legal issues of forcing someone to work without pay, likelihood of losing key positions in times of emergency, breaking City manager Contract. This bill has been amended now to just target City Managers and City elected officials.)
  - c) House Bill 1323 – Relating to limitations on mask wearing requirements.  
(Would prevent any municipality from mask mandate in an emergency situation – Public Health Issue)
  - d) House Bill 1118 – Relating to Gubernatorial Disaster Declaration – Pandemic  
(Would require the declaration to expire without special assembly by the legislature – creating bureaucratic process when a process is already in place for the legislature to repeal by calling a special session. State Aid or Federal aid to local municipalities could be affected.)
  - e) House Bill 1204 – Relating prohibiting an employee from wearing a mask at work  
(Substantial health implications specific to FD & PD along with healthcare)

## February 1, 2021 Regular City Council Meeting

- f) House Bill 1259 – Relating to prohibiting from participating in a wastewater surveillance program unless approved by the governing body.  
(Health officials routinely monitor wastewater for communicable disease. Creates more bureaucracy)

There are a handful of other COVID-19 reactionary bills under consideration. These listed above are, at this point, highlighted as those of greatest impact to local response and handling of emergencies.

By carefully considering the factors outlined above as well as the political reaction in some of the proposed bills I felt it prudent to be responsive to the risk level being lowered, hospital capacity being sufficient, the rolling 14 day infectious rate being under 5% and the vaccination progress moving forward.

In a brief phone call with Council President Olson the morning the health risk level was announced it would be lowered I advised her of my intentions. I also advised that if the council disagrees a special meeting could be called to override my decision or that decision could be overridden at the next council meeting.

As I have stated prior, I prefer these types of decision to be made with the full council. Given the nature of the political atmosphere in Bismarck and lack of timely communication from the Governor's office about upcoming changes I felt it necessary to exercise the executive action.

Healthcare officials continue to advise people to follow the recommendations of wearing a mask when around groups of people, practice personal distancing and good hygiene to limit COVID Spread in the community. I am encouraging people to follow those same recommendations that have been in place since COVID started impacting our community.”

Mayor Sipma, available by phone, said that several of the bills are working through the legislative process and it is likely that some will not gain traction. There are others however, that if passed could take away the authority of a municipality to impose a mask mandate if one is necessary in the future. He said he would prefer to keep the mandate in place until vaccinations were further along but since the risk level is low at this point, it is more important to make sure they retain local authority to make decisions.

Alderwoman Evans read a prepared statement on the issue:

“I take my position as a member of this City Council very seriously. I am entrusted by the voters of Minot to act in their best interest and to do so with transparency and integrity. I believe one of the roles of elected officials is to ensure that the rules of our democracy are followed. One of these rules is to not use the power that is bestowed upon us inappropriately. Last week I believe the powers the City Council bestowed upon the Mayor were used inappropriately.

On March 16, 2020, City Council affirmed the Emergency Declaration made by the City Manager. The state of emergency for COVID-19 allowed the City to be eligible for state and federal COVID related funding. The Council made this declaration in effect until rescinded by the City Council or until Executive Order 2020-03, issued by North Dakota Governor, Doug Burgum, is rescinded. Neither of these actions have occurred and Minot is still under this emergency declaration.

On March 19, 2020, at a Special City Council Meeting, the Council passed, on first reading, Ordinance 5486. This ordinance authorizes the mayor, to take 29 procedural actions and issue orders when the City is under a state of emergency. At the introduction of the ordinance, the Mayor stated, the proposed ordinance grants the Mayor certain powers during a declared emergency in order to expedite decisions without having to call special meetings of the City Council. He said, a similar ordinance was brought forward during the 2011 flood but was denied for being too overreaching. Several members of the Council went on record stating they supported this ordinance but wanted the Mayor to keep them informed. To that the Mayor responded by saying, of course, a critical aspect of emergency situations is that everyone be informed. The Mayor also said, they are still able to call Council meetings for large decisions.

On March 26th at another Special Meeting, the City Council considered the ordinance on second reading. Alderman Podrygula offered an amendment that removed the words “suspend, limit, cancel,” in reference to the Mayor's ability to decide if the City Council would meet. The Mayor could still postpone, reschedule or relocate meetings to maintain flexibility. This amendment passed.

Alderman Pitner said he trusts that the Mayor would only express his authority in the interest of public safety.

At the end of discussions, the ordinance was passed by a 7-0 vote.

## February 1, 2021 Regular City Council Meeting

Since that time, the Mayor has exercised some powers given under Section 2-38, some of these have included: closing long term parking at the airport and modifying the Airport fee regulations; the extension of the time period in which a temporary alcoholic beverage license can be permitted and eliminating the \$250 fee for license amendments; permitting supper club licensees to sell beer and wine off sale and to allow applicants for alcoholic beverage licenses to pay their license fees in two installments.

Remaining true to his word the Mayor did bring “large decisions” to the Council. Most notably on the issue of whether masks would be required in City buildings, whether mask wearing would be mandatory for city staff and whether we would require masks to be worn by the general public. On October 19, 2020, the Council by a 5-2 voted to direct the Mayor to require masks in Minot. This issue was revisited at our last meeting on January 19, 2021. Once again, the Council affirmed the mask mandate and agreed to revisit the issue at our February 16, 2021 meeting. In recommending that we continue with the mandate, the Mayor said that based on his consultations with First District and Trinity, the continuing Bionex testing and the fact that we are not too deep into vaccinating Tier 1-B, (and I quote ) “It makes sense to continue the City mask mandate for one month.” He went on to say that the appropriate time for the removal of the mask mandate would involve making progress on vaccinating our Tier 1-B people, a “reasonable” infection and the continued accessibility of the vaccination.

So you can imagine my utter surprise when 8 days later when I received an email from the Mayor stating he was rescinding the mask mandate. There were only two of the six members of the Council sent the email. To be sure, I not disagreeing with the Mayor’s power to revoke the mask mandate. However, I am in disagreement on how the decision was made. Let me take a minute to highlight why I believe the Mayor acted inappropriately.

1. He committed to the Council that he would bring “large decisions” to us. And while he did this TWO TIMES with the issuance of the mandate, he does not seem to have even entertained to bring this “large decision” to the Council.
2. Since March 16, 2020, the City Council has had 18 Special Meetings on various topics. There is no reason the Mayor could not have called a Special meeting last week to bring this “large decision” to the Council. He chose not to.
  - a. Furthermore, the Mayor’s decision was effective Friday morning, today is Monday. There is no compelling reason the Mayor could not have waited an additional few days to bring this “large decision” to us. When the Council passed the ordinance extending emergency powers to the Mayor, it did so to allow the Mayor to act quickly and for the safety of the public. It remains unclear to me how lifting the mask mandate is such a pressing public health or safety emergency that it could not be brought before a Special Meeting or today’s regular meeting of the Council.
3. At our last meeting, the Mayor stated one of the reasons we needed to extend the mask mandate until at least Feb 16th was to allow the medical community to make inroads into vaccinating our vulnerable populations in Tier 1-B. What happened to that reasoning, Mr. Mayor? There are eight sub-categories of people in Tier 1-B and we are not even done vaccinating the first group. In fact, according to First District only about 38% of the first sub-category (75 and older) has been vaccinated. That is not even half of the first of eight groups in Tier 1-B.
4. The Mayor failed to keep the Council informed. His email stating he was going to lift the mandate was only sent to two Council members. The remaining four had to be forwarded the email from one of those members. This is not acceptable. Why, Mr. Mayor were you unable to add four additional people onto that email or use the email address that sends emails to all seven members? If the four had not been forwarded this email, the odds are they would have found out about your unilateral actions in a press release. This is not acceptable.
5. While the City Council retains the power to terminate the state of emergency declared in Minot and thus terminate the Mayor’s emergency powers, I am not going to recommend that. If we terminated the state of emergency, we would become ineligible for state and federal related COVID funding. And this is not what would be best for our community at this time.
6. It appears from everything the Mayor has communicated, that his decision was not based on any COVID related emergency or any of the reasons he stated at our Jan 19th meeting to keep the mask mandate until at least Feb 19th. In fact, he lays much of his rationale on politics in the legislature.
7. His decision was not made in contemplation of Section 2-38 or the intentions of Council when that ordinance was passed. We did not pass this law so the Mayor could act unilaterally in non-emergency situations. It undermines democracy and the duly elected members of this Council when the Mayor uses powers granted to him in an inappropriate way. It brings me no joy to offer this statement of criticism of the Mayor. However, I strongly believe

## **February 1, 2021 Regular City Council Meeting**

that our system relies on checks and balances and I want to register my disapproval of the Mayor usurping the expected process, in the hopes it will not happen again.”

Alderman Ross agreed with Alderwoman Evans’ statement.

Alderman Podrygula said, it is a tough call and they presented compelling reasoning. He said he had no problem granting emergency powers but was concerned the full Council wasn’t involved or notified of the decision. He commented that he would like to be informed before a media release.

### **MAYOR’S REPORT**

The Mayor was not available to present his report at the meeting; however, he provided a written summary of his meetings and activities over the past month.

January 5th – KMOT Interview  
January 6th – COVID Coalition Meeting  
January 6th – Water Coalition Meeting  
January 6th – COVID-19 Task Force Meeting  
January 7th – Military Affairs Committee  
January 8th – Home Acquisition Closing NDT&G  
January 9th – Testified in support of HB 1020 House Appropriations, Education & Environment Division in conjunction with SRJB  
January 9th – CTE Committee Meeting  
January 9th – Task Force 21 Meeting  
January 12th – Chamber/EDC Meeting  
January 13th – COVID Coalition Meeting  
January 13th – Governor Conference Call with ND Mayors  
January 14th – Home Acquisition Closing NDT&G  
January 14th – Minot City Podcast Interview  
January 15th – League of Cities Meeting  
January 15th – Legislative Planning Meeting  
January 16th – Chamber/EDC Legislative Forum Virtual  
January 18th – Home Acquisition Closing NDT&G  
January 19th – Regular City Council Meeting  
January 20th – Testified in opposition to HB 1260, moratorium on pay for certain employees when emergency declaration affects the community  
January 20th – Testified in opposition to HB 1138, enable civil action against political subdivision for violations of Sec 4 of Article 1 of State Constitution  
January 22nd – Governor’s Conference Call with ND Mayors  
January 22nd – ND League of Cities Legislative Meeting  
January 22nd – Legislative Planning Meeting  
January 25th – KMOT Interview  
January 26th – KX News Interview  
January 27th – Chamber/EDC Meeting  
January 27th – MDN Interview  
January 28th – HB 1431 Meeting in Bismarck re: Flood Control & NAWS  
January 29th – State of the City Final Prep  
January 29th – ND League of Cities Legislative Meeting  
January 29th – Legislative Planning Meeting  
January 30th – Chamber/EDC Legislative Forum Virtual  
February 1st – Testify in Support of HB 1431 Infrastructure Bonding Bill

He also indicated, there were numerous phone calls, e-mails, and individual contact concerning City business.

### **PROCLAMATION – GIVING HEARTS DAY**

President Olson read the Mayor’s Proclamation for Giving Hearts Day.

The Mayor Proclaims February 11, 2021 Giving Hearts Day.

## February 1, 2021 Regular City Council Meeting

WHEREAS, the goals of Giving Hearts Day are to raise awareness of the charitable non-profit sector and its organizations in North Dakota, to promote online giving, and to provide donors with the opportunity to multiply the results of their giving; and

WHEREAS, Giving Hearts Day is a powerful example of the private sector providing assistance to charitable, non-profit organizations that offer vital services to improve the quality of life for many members of our community; and

WHEREAS, the charitable, non-profit sector supports individuals and families with quality programs, materials and funds that promote, encourage, and sustain independence and self-sufficiency; and

WHEREAS, in order to provide these benefits, charities need ongoing funds to continue providing long-term, sustainable services to our residents in need; and

WHEREAS, these charities have demonstrated a need for collaboration and resources, and have joined together for this 24-hour fundraising event that is dedicated to inspiring online donations for charities at [impactgiveback.org](http://impactgiveback.org);

NOW, THEREFORE, DO I, Shaun Sipma, Mayor of the City of Minot, hereby proclaim February 11, 2021, as Giving Hearts Day in Minot, and call upon public officials, business and community leaders, and all Minot residents to observe this day with appropriate activities and programs; recognize charitable non-profits, their staffs and volunteers who provide essential services to our community; and support Giving Hearts Day by volunteering or providing financial support to local charities in Minot and central North Dakota at [givingheartday.org](http://givingheartday.org).

### CITY MANAGER REPORT

The City Manager provided a written update describing events and activities for various departments.

### CITY ATTORNEY REPORT

The City Attorney submitted a written report.

### CITY COUNCIL MINUTES – APPROVED

Alderman Ross moved the City Council approve the minutes of the January 19, 2021 regular City Council meeting.

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

### BILLS, TRANSFERS & PAYROLL

Alderman Ross moved the City Council approve payroll for the period of December 20, 2020 through January 16, 2021 in the amount of \$2,170,371.22 and bills and transfers in the amount of \$3,132,840.10 as follows:

ACKERMAN ESTVOLD	13,110.00	28517	BROADWAY PRINTING COMPANY	1,079.00	28518
ADVANCED BUSINESS METHODS	8,525.03	1	BUTLER MACHINERY CO.	273.58	9
ALL AMERICAN TROPHIES	3,165.00	28517	C&C PLUMBING AND HEATING	127.50	28519
ALL SEASON ARENA	8,414.29	3	CARI ROBISON	50.00	0
AMERICAN WATER WORKS ASSN.	3,764.00	28517	CAROLINA SOFTWARE	250.00	28519
AMERICAN WELDING & GAS, INC.	7,057.20	4	CASHWISE	150.00	2
AMERITAS LIFE INSURANCE CORP	1,676.88	28517	CENTRAL TRENCHING, INC.	6,600.00	28519
AQUA-PURE, INC.	910.38	5	CHARITY LEMERE	41.40	3
ARAMARK	81.64	28517	COLONIAL LIFE	2,517.44	28519
ARCHKEY TECHNOLOGIES	670.00	0	COMPUTER STORE	674.98	5
BAKER & TAYLOR BOOKS	443.35	28518	DACOTAH PAPER CO.	308.53	28519
BLUE RIDGE PROPERTIES, LLC	915.50	1	DAKOTA FLUID POWER, INC.	348.17	7
BOOK SYSTEMS, INC.	1,720.00	28518	DAKOTA TRUCK & FARM	21.84	28519
BORDER STATES INDUSTRIES, INC.	3,362.72	4	DAX BREVIK	37.50	8
		28518			9
		6			28518
		28517			9
		7			28518

## February 1, 2021 Regular City Council Meeting

DELLA MARTISEN & OLIVIA CHRISTMAS	20.00	28522	NEBRASKA CHILD SUPPORT PAYMENT	563.08	28525
DIVISION OF CHILD SUPPORT	102.00	8	NORTH COUNTRY SPORTSWEAR	122.00	2
DOMESTIC VIOLENCE CRISIS CENTE	799.07	28520	NORTH PRAIRIE RURAL WATER DISTRICT	74.82	4
DORSEY & WHITNEY	13,935.68	1	NORTHWEST TIRE AND RETREAD	4,238.34	5
ECOLAB PEST ELIMINATION DIVISION	505.27	28520	OLSON'S TOWING	2,445.00	6
EILEEN BEAN	30.02	3	PINKERTON ANIMAL HOSPITAL	150.00	7
EMPLOYEE ONE TIME PAY	10.00	28518	PROCOLLECT	647.22	8
ENERBASE	12,452.63	3	PROVIDENT LIFE & ACC INS CO	525.92	9
ENVIRONMENTAL TOXICITY CONTROL, INC.	375.00	28520	RANDI LACROIX	29.10	0
ESRI, INC.	38,500.00	5	RANDI MONLEY	22.58	1
FACTORY MOTOR PARTS	1,625.37	6	RDO EQUIPMENT	4,158.35	28524
FARSTAD OIL CO	16,698.18	28520	REAL TIME TRANSLATIONS, INC.	58.10	0
FASTENAL COMPANY	51.59	8	RODNEY BRIAN NEUHALFEN	50.00	28526
FIRST INTERNATIONAL BANK & TRUST	640.00	28521	ROUTEMATCH	2,000.00	1
G & P COMMERCIAL SALES	441.86	1	SCHOCKS SAFE AND LOCK SERVICE	437.59	4
GAFFANEYS	117.73	28521	SCHONSTEDT INSTRUMENT COMPANY	305.95	5
GENERAL TRADING	210.99	2	SOLTIS BUSINESS FORMS CO.	723.50	6
GOETTLE LAW, PLLC	7,500.00	28521	SOUTH DAKOTA CHILD SUPPORT	188.31	8
HAWKINS, INC.	6,201.00	4	STATE WATER COMMISSION	11,888.20	28526
JANET ANDERSON	75.22	5	SUN LIFE FINANCIAL	73.00	9
JOHN DEERE FINANCIAL	230.00	28521	SUNDRE SAND & GRAVEL, INC.	4,199.02	0
KALIX	30.34	7	SUPERION, LLC	81,122.67	28527
KITTILSON, CLOYD	2,461.00	28517	SWANSTON EQUIPMENT	3,091.19	1
KIWANIS CLUB OF MINOT	150.00	8	TAMRA SIVERTSON	25.00	2
LHOIST NORTH AMERICA OF MISSOURI	10,404.34	28521	THE BANK OF NEW YORK MELLON	500.00	3
LIQUIDITY SERVICES OPERATIONS, LLC.	1,861.67	8	THE BARK PORCH INC	1,083.00	4
MAC'S CONSTRUCTION INC.	8,500.00	9	THEIN WELL	136,482.53	5
MACEY WANTZ	73.60	28522	THERM AIR SALES CORP	653.76	6
MAIN ELECTRIC CONSTRUCTION	242,540.58	0	TRINITY EVANGELICAL FREE CHURCH	300.00	7
MARCO, INC.	245.24	28522	TRINITY MEDICAL GROUP	116.00	8
MCKAY, BLAKE A.	1,474.00	6	TWENTERPRISES, INC.	245.42	9
MIDWEST TAPE	137.45	28528	TYLER TECHNOLOGIES, INC.	172,390.31	0
MILLER LAW OFFICE, P.C.	930.00	5	UNIQUE FOR YOU	18,166.33	28528
MINOT AUTO	650.01	28522	UNITED MAILING SERVICE	5,250.52	1
MINOT AUTOMOTIVE CENTER	60.00	3	UNUM LIFE INSURANCE	12,482.75	2
MINOT CHAMBER OF COMMERCE	5,432.09	28523	VERIZON WIRELESS	4,439.96	3
MINOT CONVENTION&VISITORS BUR.	16,828.59	4	WARD COUNTY AUDITOR	3,995.00	4
MINOT DAILY NEWS	886.16	28523	WARD COUNTY RECORDER	20.00	5
MINOT ELECTRIC	2,152.06	5	WATER BILLING ONE TIME PAY	7.97	6
MINOT EMPLOYEE DONATIONS	793.90	6	WATER BILLING ONE TIME PAY	45.07	7
MINOT PARK DISTRICT	2,000.00	28523	WATER BILLING ONE TIME PAY	1.92	8
MONTANA-DAKOTA UTILITIES CO.	319.68	7	WATER BILLING ONE TIME PAY	10.00	9
MOWBRAY & SONS	6,132.00	28524	WATER BILLING ONE TIME PAY	12.03	0
MUNICODE	492.63	1	WATER BILLING ONE TIME PAY	51.81	1
NAPA AUTO PARTS	553.96	28524	WATER BILLING ONE TIME PAY	2,984.98	2
NATIONAL PAYMENT CORPORATION	142.40	3	WATER BILLING ONE TIME PAY	41.79	3
ND DEPT OF TRANSPORTATION	135,468.80	4	WATER BILLING ONE TIME PAY	260.64	4
ND FRATERNAL ORDER OF POLICE	675.00	28524	WATER BILLING ONE TIME PAY	10.00	5
ND LEAGUE OF CITIES	22,593.00	5	WATER BILLING ONE TIME PAY	29.81	6
ND ONE CALL, INC.	244.20	6	WATER BILLING ONE TIME PAY	9.32	7
ND WATER USERS ASSN.	1,200.00	28524	WESTERN STEEL AND PLUMBING	352.41	8
NDDEQ	1,024.86	7	WESTLIE TRUCK CENTER	226.92	9
		28525			0
		1			1

## February 1, 2021 Regular City Council Meeting

WINNELSON	355.13	28530	LAVAUN MACKEY	25.00	28535
ACKERMAN ESTVOLD	15,162.50	3	LHOIST NORTH AMERICA OF MISSOURI	10,140.22	7
ADVANCED BUSINESS METHODS	226.71	28530	LOWES PRINTING, INC.	105.00	28535
ALL AMERICAN TROPHIES	539.95	5	MAIN ELECTRIC CONSTRUCTION	375.00	6
ALL SEASON ARENA	2,622.71	28530	MARCO, INC.	620.83	28535
AMERICAN PUBLIC WORKS ASSN.	3,420.00	6	MENARDS	81.48	8
AMERICAN TRUCK & TRAILER, LLC	346.44	28530	MIDLAND DIESEL SERVICE	191.70	28535
AMERICAN WELDING & GAS, INC.	4,897.80	8	MIDSTATES WIRELESS, INC.	125.00	9
AT & T	1,777.39	28531	MILLER LAW OFFICE, P.C.	307.50	0
AT&T	1,090.56	9	MINOT AUTO	2,109.55	28536
AUTO-OWNERS INSURANCE COMPANY	50,253.00	28531	MINOT CHAMBER OF COMMERCE	27,375.00	1
BAKER & TAYLOR BOOKS	519.36	0	MINOT COMMISSION ON AGING	12,500.00	28536
BCBS	20.00	28531	MINOT CONVENTION&VISITORS BUR.	5,245.42	3
BERRYDUNN	16,150.00	5	MINOT DAILY NEWS	978.60	28536
CASHWISE	60.00	28531	MINOT EMPLOYEE DONATIONS	782.90	8
CDM SMITH	366,581.84	6	MINOT VETERINARY CLINIC	3,002.00	28536
CHRISTIANSON HEATING & AIR	3,225.00	28532	MOTOROLA	8,947.70	9
CITY OF MINOT	50.00	0	MOWBRAY & SONS	509.87	28537
CIVICPLUS	1,823.26	1	NAPA AUTO PARTS	1,672.01	0
COOKIES FOR YOU	900.00	28532	ND DEPT OF TRANSPORTATION	5.00	28537
CPS, LTD	32,390.29	2	ND DEPT OF TRANSPORTATION	11.50	4
CUMMINS POWER, LLC	23,191.65	28532	ND DEPT OF TRANSPORTATION	11.50	5
DACOTAH PAPER CO.	4,363.48	5	ND DEPT OF TRANSPORTATION	11.50	28537
DIVERSIFIED INSPECTIONS, INC.	1,700.00	6	ND DEPT OF TRANSPORTATION	11.50	6
DIVISION OF CHILD SUPPORT	102.00	28532	ND DEPT OF TRANSPORTATION	11.50	28537
DUO-SAFETY LADDER	74.36	8	ND DEPT OF TRANSPORTATION	11.50	8
EMERGENCY AUTOMOTIVE TECHNOLOGIES	408.58	28532	ND DEPT OF TRANSPORTATION	11.50	28537
ENERBASE	12,125.73	9	ND FIRE CHIEFS ASSN	100.00	0
ENVIRONMENTAL TOXICITY CONTROL, INC.	525.00	0	ND FRATERNAL ORDER OF POLICE	675.00	28538
FACTORY MOTOR PARTS	658.50	1	ND ONE CALL, INC.	51.15	1
FARRWEST	71,749.95	28533	ND READY MIX & CONCRETE PRODUCTS ASSOCIATION	25.00	28538
FARSTAD OIL CO	18,543.50	2	ND STATE RADIO COMM.	3,000.00	3
FASTENAL COMPANY	45.99	28533	ND WATER COALITION	1,000.00	28538
FIRST DISTRICT HEALTH UNIT	25,052.00	4	NEBRASKA CHILD SUPPORT PAYMENT	563.08	6
FIRST INTERNATIONAL BANK & TRUST	630.00	5	NET TRANSCRIPTS	2,069.79	28538
FIRST WESTERN INSURANCE	7,747.00	28533	NORTH COUNTRY SPORTSWEAR	880.98	7
GALE	334.93	8	NORTHERN TESTING	1,209.00	8
GALLS, LLC	218.89	28533	NORTHWEST TIRE AND RETREAD	3,674.61	28539
GENERAL TRADING	59.47	9	ONLINE DAKOTA INFORMATION NETWORK	474.00	0
GILLIG, LLC	284.32	0	OTIS ELEVATOR COMPANY	23,277.96	28539
GRAND FORKS FIRE EQUIPMENT	760.20	1	PHIL SCHULTZ	200.00	2
GRAPHICS LETTERING & TRIM	2,652.00	28534	PRINGLE & HERIGSTAD, P.C.	296.90	28539
H&H TRUCKING	8,121.62	2	PROCOLLECT	1,746.60	5
HARLEYS	6.99	28534	PROTECH INTEGRATIONS, LLC	89.94	6
HITS, INC.	500.00	3	RDO EQUIPMENT	3,771.13	28539
HOLLY BURCKHARD	12.36	28534	REFUND ONE TIME PAY	1,510.00	7
HOUSTON ENGINEERING, INC.	33,712.10	4	REFUND ONE TIME PAY	184.41	8
INFORMATION TECHNOLOGY DEPARTMENT	2,841.80	5	REFUND ONE TIME PAY	625.00	28540
JAMESTOWN COMMUNICATIONS	209.00	28535	REFUND ONE TIME PAY	25.00	1
JANET PARTON	742.62	0	REFUND ONE TIME PAY	250.00	28540
JIMS WELDING, INC.	729.31	1	REFUND ONE TIME PAY	6,205.94	3
KLJ ENGINEERING, LLC	7,990.25	28539	REFUND ONE TIME PAY	10.00	28540
		3	REFUND ONE TIME PAY	495.00	4
		28535			6



## February 1, 2021 Regular City Council Meeting

REFUND ONE TIME PAY	232.30	28540	UNIFORM CENTER	1,507.73	28542
RHI SUPPLY	4,794.85	7	UNITED MAILING SERVICE	628.30	8
RONDEL ROTELIUK	33.35	28540	UPS STORE #1423	19.03	28542
SANITATION PRODUCTS	6,057.81	8	VERIZON CONNECT NWF, INC.	814.69	9
SCHOCKS SAFE AND LOCK SERVICE	927.75	28540	VERIZON WIRELESS	58.56	28543
SECURITY PLUS	55.00	9	WALLWORK TRUCK CENTER	1,416.94	0
SERTOMA CLUB OF MINOT	400.00	28541	WARD COUNTY AUDITOR	6,465.00	28543
SOURIS RIVER JOINT WATER RESOURCE	1,031,742.75	0	WATER BILLING ONE TIME PAY	325.62	3
SOUTH DAKOTA CHILD SUPPORT	188.31	1	WATER BILLING ONE TIME PAY	50.00	4
STATE WATER COMMISSION	31,112.78	28541	WATER BILLING ONE TIME PAY	37.97	5
SUPERION, LLC	8,379.00	6	WATER BILLING ONE TIME PAY	2.87	28543
TARGET	25.00	7	WATER BILLING ONE TIME PAY	239.35	6
TED BOLTON	230.00	28541	WATER BILLING ONE TIME PAY	2.14	28543
THATCHER COMPANY, INC.	23,122.18	8	WATER BILLING ONE TIME PAY	48.33	0
TIMMONS GROUP	13,929.04	9	WATER BILLING ONE TIME PAY	13.98	28544
TR WAIND INSURANCE	50.00	28531	WATER BILLING ONE TIME PAY	4.98	2
TRINITY HEALTH	30.00	7	WESTLIE FORD	218.01	28544
TRINITY MEDICAL GROUP	1,994.75	28542	WESTLIE TRUCK CENTER	1,219.13	3
TYLER TECHNOLOGIES, INC.	4,200.00	0	TOTAL	3,132,840.10	4
U.S. GEOLOGICAL SURVEY	20,580.00	1			28544
U.S. POST OFFICE	5,000.00	2			5

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. 5562 – DVCC FUNDING GRANT – SECOND READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5562 on second reading to amend the 2021 annual budget to increase the Pass-Through Grants Fund federal revenues and expenditures for the Office of Justice Programs' Coronavirus Emergency Supplemental Funding Program grant awarded to the Domestic Violence Crisis Center. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5562 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. 5563 - PUBLIC WORKS COOLING TOWER AND HEAT EXCHANGER – SECOND READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5563 on second reading to amend the 2021 annual budget to increase the Property Maintenance HVAC Repair and Maintenance expenditures for the replacement of the Public Works Cooling Tower and Heat Exchanger. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5563 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. 5564 - EMERGENCY SIREN BATTERY REPLACEMENT FUNDS – SECOND READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5564 on second reading to amend the 2021 annual budget to increase the Property Maintenance Security System Maintenance expenditures for the replacement of emergency siren batteries. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5564 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. 5565 – AMEND THE 2021 ANNUAL BUDGET- ASSETWORKS PURCHASING AND RECEIVING CHANGE ORDER (4423) – SECOND READING – APPROVED**

## February 1, 2021 Regular City Council Meeting

Alderman Ross moved the City Council place ordinance no. 5565 on second reading to amend the 2021 annual budget to increase the Engineering Department's technical services and data processing maintenance and repair agreements expenditures for the purchase of an interface program to be used with the citywide asset management software with the use of General Fund cash reserves. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5565 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. 5566 - ADOPTION OF 2018 NORTH DAKOTA PLUMBING CODE, NDPC (2018 UPC) – SECOND READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5566 on second reading adopting the 2018 North Dakota Plumbing Code (NDPC). Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5566 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. 5567 - ADOPTION OF 2020 NATIONAL ELECTRICAL CODE, NEC (NFPA 70) & 2020 LAWS, RULES AND WIRING STANDARDS OF NORTH DAKOTA – SECOND READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5567 on second reading adopting the 2020 edition of the National Electrical Code (NEC). Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5567 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. 5568 – AMEND THE 2021 ANNUAL BUDGET - PAVING & UTILITY DISTRICT 2021-1 (4585) – SECOND READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5568 on second reading to amend the 2021 annual budget to increase water, sewer, storm sewer and capital infrastructure expenses/expenditures and refunding bond revenue for the Minot Park District paving and utility improvements. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5568 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. 5569 - 2020 ORDINANCE FOR LINE ITEMS OVER BUDGET – FIRST READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5569 on first reading to amend the 2020 annual budget to adjust department budgets for funds approved by the City Council for Various Grants, Donations and Interest Distribution. This budget amendment also allocates budgeted dollars to the new accounts that were created for the ERP system. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5569 on first 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. 5570 – AMEND THE 2021 ANNUAL BUDGET- COVID 19 RAPID TESTING EXPENSES FUNDING – FIRST READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5570 on first reading to amend the 2021 budget to increase multiple department's salary and benefit expenditures, the fire department's salary, benefit and supplies expenditures, and the federal grant revenues for the 2021 expenses expected to be incurred for COVID rapid testing to be reimbursed at 75% of eligible expenses from FEMA. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5570 on first reading. Motion seconded by Alderwoman Evans and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

## **February 1, 2021 Regular City Council Meeting**

### **ORDINANCE NO. 5571 - TRENCH TRAINING PROP BUDGET AMENDMENT REQUEST – FIRST READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5571 on first reading amending the 2021 annual budget to increase the Fire department Capital Equipment purchases expenditure for the purchase of a trench prop to be built for training. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5571 on first reading. Motion seconded by Alderwoman Evans and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ASPHALT RECYCLER – AWARD OF BID (PROJECT NUMBER 4587)**

Alderman Ross moved the City Council approve the bid from Normont Equipment Co. in the amount of \$87,360 for the asphalt recycler.

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

### **NDDEQ VW GRANT APPROVAL- PUBLIC WORKS**

Alderman Ross moved the City Council approve the contract with the State of ND for grant funds for replacement of two Public Works dump trucks and authorize the Mayor to sign the contract agreement for the project.

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

### **ELECTRONIC VISUAL INFORMATION DISPLAY SYSTEM SUPPORT AGREEMENT**

Alderman Ross moved the City Council grant approval of the annual support agreement with Infax Incorporated for the Airport's electronic visual information display (EVID) system and authorize the Airport Director to sign the agreement.

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. 5572 – AMEND THE 2021 ANNUAL BUDGET- ELECTRONIC VISUAL INFORMATION DISPLAY SYSTEM – FIRST READING – APPROVED**

Alderman Ross moved the City Council place ordinance no. 5572 on first reading amending the 2021 annual budget to increase the Airport's IT maintenance and repair agreements for Infax Inc. which supports the EVID system at the Airport, using Airport cash reserves. Motion seconded by Alderwoman Evans and carried unanimously.

Alderman Ross moved the City Council pass ordinance no. 5572 on first reading. Motion seconded by Alderwoman Evans and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **STACKING SPACE APPROVAL – TIDAL WAVE AUTO SPA**

Alderman Jantzer moved the City Council grant approval of approximately 25 stacking spaces for Tidal Wave Auto Spa as illustrated on the site plan provided in Attachment A.

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

### **RESOLUTIONS- MASK MANDATE IN CITY BUILDINGS – APPROVED**

The City Manager explained that the City Council had previously adopted policies requiring the public to wear masks inside City facilities. There is also a policy regarding the requirement for employees to wear face masks while on duty. He said, the issues were discussed with the management team after the citywide mask mandate was lifted. Staff continues to have concerns over the safety of employees and being able to maintain staffing levels, should there be another outbreak. He recommended that any City facility that does not have barriers available, continue to require the public to wear masks. With

## February 1, 2021 Regular City Council Meeting

regards to the personnel policy, management feels it is still necessary that employees be required to wear a mask when social distancing isn't an option.

Alderman Podrygula said he is pleased to hear the issue was discussed by the management team and relayed to the Council.

Alderwoman Evans moved the City Council elect not to extend resolutions 3670.1 and 3675.1 relating to mask requirements in City owned buildings and the corresponding personnel policy. Motion seconded by Alderman Podrygula.

Alderwoman Evans explained that she doesn't often act against the recommendations from staff but because of the Mayor's actions in allowing the public to go mask-free she is hard-pressed to require masks of City employees. She said she spoke with retail workers and restaurant workers and questioned why their health is any less important than the health of City employees. She emphasized personal responsibility but said, it should not be required for certain individuals and not everyone.

Alderman Podrygula said, as an employer he feels obligated to protect the health and welfare of City staff and the customers who use the facilities. They do everything they can to keep their employees safe and it seems hypocritical to ask businesses to set an example by requiring masks, when the City isn't enforcing it themselves.

Alderman Pitner said this is the position he has supported from the beginning. The Council has a responsibility to protect their property, their employees, and the customers who walk through their doors. This is the responsible thing to do and it sets an example for other businesses to follow. The mandate expired but businesses have continued to require masks on their own. He said he believes they should not tell others how to run their business or how to protect their employees and customers. He supports the continuation of the resolutions.

City Attorney Hendershot clarified that the resolutions are in effect until terminated by the City Council or until the underlying state of emergency is lifted.

Alderwoman Evans amended her motion to terminate resolutions 3670.1 and 3675.1. Alderman Podrygula as the second, agreed.

Whereupon a vote was taken on the above motion by Alderwoman Evans, seconded by Alderman Podrygula and failed by the following roll call vote: ayes: Evans; nays: Jantzer, Olson, Pitner, Podrygula, Ross, Sipma.

Alderman Jantzer moved the City Council modify the existing resolution to eliminate the mask requirement for people receiving services in a City Building where they are separated from City employees by a physical barrier (e.g., window, plexiglass) while receiving those services. Motion seconded by Alderman Podrygula.

Alderman Ross asked if section 5 (f) of the existing resolution stating an exemption for, "people delivering a speech or performance for broadcast or to an audience," applies to the City Council sitting at the dais.

Ms. Hendershot said, as long as they are separated by a six-foot distance from nearby individuals.

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

### **CHILDREN'S MUSEUM OF MINOT, INC SUB-RECIPIENT AGREEMENT – TABLED**

Alderman Pitner moved the City Council table approval of the Sub-recipient agreement between the City of Minot and Children's Museum of Minot, Inc. for the DCIP grant.

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

### **APPROVE LUTHERAN SOCIAL SERVICES HOUSING SETTLEMENT – WITHDRAWN**

The item related to the Settlement Agreement with Lutheran Social Services Housing to close out the Broadway Circle Project, was withdrawn.

### **PERSONAL APPEARANCES**

## February 1, 2021 Regular City Council Meeting

None

### **MISCELLANEOUS & DISCUSSION**

Alderswoman Evans recognized Ryan Kamrowski, City Assessor, who has been called for Active Duty and will be on a leave of absence. She thanked him for his work as City Assessor and for his service with the military.

### **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 6:38 pm.

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

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