

February 22, 2022 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – February 22, 2022 AT 5:30 P.M.

ROLL CALL

Members Present:

Evans, Jantzer, Olson (via Teams), Pitner, Podrygula, Ross, Sipma

Members Absent:

None

PLEDGE OF ALLEGIANCE

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

MAYOR'S REPORT – HESS GRANT AWARD FOR CAPITAL PURCHASE OF AIR COMPRESSOR

Brent Lohnes, Hess Corporation representative, presented the City of Minot Fire Department with a check for \$41,533.85 for an air compressor for Fire Station #5. The compressor will be used to fill self-contained breathing apparatus's for responses involving fires, hazardous materials, confined space, and any other incidents that the quality of air is compromised.

Alderman Jantzer moved the City Council to approve and accept the grant award for air compressor and approve the budget amendment to increase donation funded revenue and capital equipment expenditures for an air compressor purchase to be made using donated funds. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

MAYOR'S REPORT – PROCLAMATION: ENGINEER'S WEEK

City of Minot Mayor Proclaims Feb. 20-26 as Engineers Week

WHEREAS, engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and,

WHEREAS, engineers face the major technological challenges of our time – from rebuilding cities devastated by natural disaster, cleaning up the environment, and assuring safe, sustainable, and cost-effective infrastructure is designed and constructed to meet the needs of society; and,

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and,

WHEREAS, we will look more than ever to engineers and their knowledge and skills to meet the challenges of the 21st century;

NOW, THEREFORE, DO I, Shaun Sipma, Mayor of the City of Minot, hereby proclaim Feb. 20-26, 2022, as Engineers Week in Minot in recognition of the important past work and future contributions provided by the engineers within our community, and their vital role in creating safe, reliable infrastructure for the City of Minot and its residents.

CITY MANAGER REPORT

The City Manager provided a written update describing events and activities for various departments. Harold also mentioned that he is always happy to meet with employees and he wants the City of Minot to provide a safe and fair work environment.

Harold invited Chief Klug to speak about the issues with the 911 system being down. The entire system was down from 9:30-5:00 pm. This is the third time in the last year or so that this has happened. Chief Klug was preliminary notified that this was a possible fiber optic issue in Fargo but he will get a complete report in about a week.

Harold wanted to remind the City Council that the three employee committees have begun to meet. The three committees consist of the policy committee, employee recognition committee, and the performance evaluation committee.

Mayor Sipma mentioned that the NW Minot citizens reached out in appreciation to the employees working on the watermain break.

CONSIDER THE REPORT OF THE MAGIC FUND SCREENING COMMITTEE

The annual compliance report for the MAGIC Fund Screening Committee was provided for review. The Finance Director stood for any questions.

PUBLIC HEARING: THE TRACKS - APPROVED

The City Council held a public hearing to consider an application from Blake Nybakken representing Henry Land Holding, LLC for a zoning map amendment from “C1” Neighborhood Commercial District to “C2” General Commercial District with a “PUD Overlay” Planned Unit Development. The proposal seeks to establish seven midrise buildings up to 90 feet tall with four of the seven buildings comprised of commercial on the first floor and residential on the second floor and above. The remaining three buildings will be solely residential use. The proposal will include 468 residential units, approximately 53,277 s.f. of commercial space, and two public plazas. Two additional buildings to accommodate drive-thru food retail are also proposed. A plat containing 12 lots is also proposed to delineate the various buildings and uses on the site and is to be known as Highlander Estates Fourth Addition. The subject property is legally described as Lot 13, Highlander Estates Subdivision, Section 34, Township 155N, Range 83W, Ward County, North Dakota. The property is unaddressed and is located west of 2251 36th Ave. SW and north of the new Trinity Health hospital.

Brian Billingsley reported to the council about the two revisions on the conditions for the Tracks. The revised conditions include:

11. The site will consist of seven midrise buildings up to 90 feet tall, with four of the seven buildings being mixed commercial and residential use ~~comprised of commercial on the first floor and residential on the second floor and above~~. The remaining three buildings will be solely residential use. The proposal will include up to 468 residential units, up to 53,277 s.f. of commercial space, and two public plazas.

16. Related to Signage: a. Additional permitted signage shall be limited to attached signs meeting the requirements of Article 5 of the underlying zoning district. 12 b. Videoboard messaging is limited to promoting onsite residential, commercial, and public plaza activities, as well as the promotion of plaza sponsors and community-wide event promotion (e.g. Norsk Hostfest and North Dakota State Fair). c. Sign area of the video board is limited to approximately 828 ~~414~~ s.f. and other dimensional standards shall refer to page 22 of Exhibit 5. d. Other video message board standards including, but not limited to, maximum brightness, hold time, transitions, and automatic dimming shall follow the standards provided in Section 5.1-10 related to digital sign regulations in the LDO.

Todd Berning, with Epic, thanked the leadership and the team under the City Manager for all the hard work.

Alderman Evans moved the City Council approved the following in alignment with the planning commission recommendations including the two revisions on conditions; the preliminary plat for Highlander Estates Fourth Addition and an ordinance on first reading for a zoning map amendment from “C1” Neighborhood Commercial District to “C2” General Commercial District with a “PUD Overlay” Planned Unit Development.

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

SUBDIVISION OF OUTLOTS 24 & 25 - APPROVED

Alderman Jantzer moved the City Council approve a subdivision plat to create Outlots 24 & 25 being located in the SE ¼ of the SW ¼ of Section 34, Township 155 North, Range 82 West, Ward County, ND.

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

COUNCIL MINUTES – APPROVED

Alderman Pitner moved the City Council approve the minutes of February 7, 2022 Regular City Council meeting.

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

ADMINISTRATIVE APPROVALS – APPROVED

Alderman Pitner moved the City Council approve the following administrative approval requests:

1. Perkett Elementary PTA to conduct a raffle on March 25, 2022 at the Perkett Elementary (2000 5th Ave SW).
2. I II V to conduct a raffle on September 10, 2022 at the Spot (6 2nd St NE).
3. Omicron Tau Honor Society for Nursing to conduct a raffle on May 10, 2022 at The Taube Museum of Art (2 North Main St).
4. Minot High Trap Team to conduct a calendar raffle November 2022 at Central Campus School (215 1st St SE).
5. Bel Air PTA to play bingo and conduct a raffle on April 22, 2022 at Bel Air Elementary (501 25th St NW).
6. Special Event Permit for Der Blaue, LLC dba Blue Rider (105 2nd Ave SE).
7. Special Event Permit for Der Blaue, LLC dba Blue Rider (8 Main St South).

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. 5700 – AMEND THE 2022 ANNUAL BUDGET – VEHICLE PURCHASE FOR STORM SEWER, WATER, SEWER, AND STREET DEPARTMENTS – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5700 on second reading amending the 2022 annual budget to increase the Storm Sewer, Water, Sewer, and Street Capital Equipment Expenditures for the purchase of fleet vehicles and approve the use of Water/Sewer/Storm Sewer and Capital Equipment Cash Reserves.

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. 5701 – AMEND THE 2022 ANNUAL BUDGET – WAYFINDING SIGNAGE – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5701 on second reading amending the 2022 annual budget to increase the Planning Department Engineering Expenditures for the Wayfinding Signage Design and approve the transfer of sales tax improvements cash reserves.

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. 5702 – REPEALING ARTICLE III CHAPTER 25 (MINOT AREA-WIDE PLANNING ORGANIZATION) – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5702 on second reading repealing Article III of Chapter 25 (Minot Area-Wide Planning Organization) of the City of Minot Code of Ordinances.

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. 5703 – REZONING LOTS 7 & 8 – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5703 on second reading rezoning Lots 7 & 8, Block 2, Less Highway & Street, and the South 60' of the East 120' of the West 150' of Lot 3, Block 2, Home Acres Addition from "C2" General Commercial District and "C2" General Commercial District with a "PUD Overlay" Planned Unit Development to solely "C2" General Commercial District with a "PUD Overlay" Planned Unit Development.

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

SUPPER CLUB LICENSE TRANSFER – MI MEXICO – APPROVED

Alderman Pitner moved the City Council approve the request from Los Cunados, Inc. for a Supper Club license transfer to now operate at 3816 S. Broadway.

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

DEVELOPERS AGREEMENT & RESOLUTION 3748 – BLU ON BROADWAY – APPROVED

Alderman Pitner moved the City Council approve the First Amendment to the Development Agreement and associated Resolution 3748 related to the Blu on Broadway development.

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

DEVELOPERS AGREEMENT – JEFFERSON SOUTH ADDITION (4675) – APPROVED

Alderman Pitner moved the City Council approve the Jefferson South Addition Developers Agreement with Oakland Communities of Minot, LLC and authorize the Mayor 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.

DEVELOPERS AGREEMENT – RIVER OAKS 6TH ADDITION – PULLED

Item was pulled from the agenda prior to the meeting.

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

Alderman Pitner moved the City Council approve the final payment in the amount of \$117,721.61 to be paid to Bluestone Construction.

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

P#352908 MREFPP PHASE SA-1 – SAWYER BRIDGE REPLACEMENT – APPROVED

Alderman Pitner moved the City Council approve plans and specifications and recommend approval to the SRJB for bidding of the Sawyer replacement, Phase SA-1 of the MREFPP and approve the resolution in regards to bonding and reimbursement for the MREFPP – SA-1 project.

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

AUTHORIZE ADVERTISEMENT FOR AUCTION/SALVAGE OF BLOOD BUYOUT PROPERTIES – APPROVED

Alderman Pitner moved the City Council authorize advertisement for auction and/or salvage for properties located at 1212 28th St SW & 105 6th St NE Minot, ND.

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

TRUCK BOX SALE REQUEST – APPROVED

Alderman Pitner moved the City Council authorize the sale of the rescue body and accept the sale price.

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

LIBRARY EXTERIOR RENOVATION – APPROVED

Alderman Pitner moved the City Council approve the Certificate of Substantial Completion for the exterior renovation of the Minot Public Library and authorize the Mayor to sign the Certificate.

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

APPROVE PURCHASE PRICE FOR 2719 12TH AVE SW & 2723 12TH AVE SW & DISMISS EMINENT DOMAIN CASE – APPROVED

Alderman Pitner moved the City Council approve purchase price of \$334,350 for 2719 12th Ave SW, 2723 12th Ave SW, & Vacant lot; legal description Lots 5, 6, & 7, Brekke's Subdivision of a portion of NW¼NW¼ Section 27, Township 155 North, Range 83 West of the 5th P.M., Minot, Ward County, North Dakota; authorize the Mayor and the Finance Director to execute the purchase agreement and any related documents; and City Council direct staff to take steps to stipulate the dismissal of the eminent domain pending in district court against property owners Gary & Patricia Bender.

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

16TH ST & 37TH AVE SW MILL & OVERLAY – AWARD OF BID (4592) - APPROVED

Alderman Pitner moved the City Council concur with the North Dakota Department of Transportation (NDDOT) rejection of low bid from Minot Paving Company Inc. for failure to comply with NDDOT Disadvantaged Business Enterprise (DBE) Program; award the second lowest bid of \$2,368,853.30 for the 16th St SW & 37th Ave SW Mill & Overlay project to Bechtold Paving Inc; and authorize the Mayor to sign the contract.

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

WARD COUNTY EMERGENCY OPERATIONS PLAN - APPROVED

Alderman Pitner moved the City Council adopt the Ward County Emergency Operations Plan and authorize May and Department Heads to sign.

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

2021 PROPOSED ORDINANCE FOR LINE ITEMS OVER BUDGET- APPROVED

Alderman Jantzer moved the City Council pass an ordinance to amend the 2021 annual budget to adjust department budgets for funds approved by the City Council for various grants, donations, bond costs, and transfers between funds.

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

ROLL-OFF TRUCK – AWARD OF BID (4642) - APPROVED

Alderman Ross moved the City Council award the bid to Westlie Truck Center in the amount of \$172,143.00 for the roll-off truck and approve the budget amendment to move additional funds into the Capital Equipment line item to cover the shortfall.

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

2022 EDISON SAFE ROUTES TO SCHOOL – AWARD OF BID (4505) – APPROVED

Alderwoman Evans moved the City Council award the bid for the Edison Safe Routes to School project to the low bidder, Ti-Zack Concrete Inc. in the amount of \$1,038,915.95; approve the budget amendment ordinance; and authorize the Mayor to sign the Agreement upon concurrence of award from the North Dakota Department of Transportation (NDDOT).

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

FIRE STATION 5 – AWARD OF BIDS (FD0024) – APPROVED

Alderman Podrygula moved the City Council approve the bids for Station 5 construction project; authorize the Mayor to sign the necessary documents; and pass an ordinance on first reading to amend the 2022 budget and approve the use of capital infrastructure fund reserves.

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

CONTRACT FOR RUNWAY PAVEMENT REHAB DESIGN – APPROVED

Alderman Jantzer moved the City Council approve the runway pavement rehab design to be conducted by Short Elliott Hendrickson Inc. (SEH); and approve the proposed ordinance on first reading; and authorize the Mayor to sign the agreement.

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

CONTRACT FOR SNOW REMOVAL EQUIPMENT (SRE) ACQUISITION – APPROVED

Alderman Pitner moved the City Council approve the Snow Removal Equipment (SRE) Acquisition assistance proposal to be conducted by Short Elliott Hendrickson Inc. (SEH); approve the proposed ordinance on first reading; and authorize the Mayor 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.

VEHICLE DIAGNOSTIC EQUIPMENT (4634)– APPROVED

Alderman Ross moved the City Council approve the budget amendment in the amount of \$1,214.46 to fund the shortfall for the vehicle diagnostic equipment from Snap-on Industrial.

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

PERSONAL APPEARANCES

None

MISCELLANEOUS & DISCUSSION ITEMS

FINANCE DEPARTMENT UPDATE:

David Lakefield, Finance Director, presented on the Year-end of 2021. Revenues in 2021 were up in the Sales Tax and HUB City funding. He discussed how Property Taxes only funded 18% of the 2021 budget and 15% of the 2022 budget. 76% of that funding goes to fund Public Safety. Charges for services in 2021, came in 8% below budget. The City of Minot received many grants including the DCIP grant for MI-5 for over \$9.8 million, ARPA Funds for about \$7.4 million, CRRSA/ARPA Airport Funds for about \$7 million, and many other grants.

As for expenditures, the General Fund came in about \$3.2 million below budget in 2021. Concerns for 2023 when concerning expenditures would include fuel costs, utility costs, water meters and materials, street maintenance costs, and travel/training costs.

The Finance Director also spoke about ARPA funding, which are Local Fiscal Recovery Funds. He discussed the qualifications for the funding and what the funding is not allowed to be used for. A potential example for use would be the Storm Sewer District 121.

In closing, he brought up the 2023 budget with regards to revenue constraints, expenditure constraints, and the evaluation of service levels.

The City Manager mentioned that the presentation would be posted online for the public tomorrow. Alderwoman Evans asked about how the City of Minot staff plan on using the community survey to help with the 2023 budget. Harold said that Department Heads are coming up with goals and objectives and that the survey plays a key piece with strategic planning.

Alderman Pitner asked the Finance Director about the sunset time frame for NAWS. David Lakefield was able to say 2022/2023 depending on costs because of inflation. Mayor Sipma commented on how the City might need to look into the commitment for flood control after the completion of NAWS. Alderman Jantzer inquired about the ARPA funds and timeframe on expending those funds. David Lakefield stated that the funds need to be appropriated by 2024 and expensed by 2026. Alderwoman Evans asked David about the State Legislative Funds and timing. Mr. Lakefield responded that those funds usually are for capital projects not operational funds.

PRESENTATION BY RETAIL COACH: (Kyle Cofer via Teams)

Retail Coach is a company that is working with the City of Minot to recruit new retailer and restaurants. Kyle discussed how they collect data by using mobile location, which is an accurate way to determine retail areas by cellular pings. He showed trends with relation to Dakota Square Mall and Downtown Minot.

Retail Coach develops Retail Market Profiles to show possible retailers and restaurants. Kyle also showed a report called the Primary Retail Trade Area Demand Outlook. This report breaks down which types of retailers and restaurants might be profitable in the city. Retail Coach also provides Site Profiles on open locations for possible new business sites.

Mayor Sipma reminded the public that there is more data available on the City of Minot website. Alderman Ross asked Retail Coach if they have any reports showing what leakage of Minot residents go elsewhere for shopping. Kyle said that Retail Coach could provide those reports but they have gotten away from using them with recruitment.

Alderman Podrygula had concerns over the labor market, the population of being under 50,000, the lack of an interstate, he inquired about the influence of the Minot AFB and MSU. Kyle responded with how all communities struggle with the labor market but it is not a deal breaker. He also said that the population they work with would be the trade area population so he is not concerned with Minot being under 50,000. Minot not having an interstate should not hurt the recruitment process on a large scale. The Minot AFB and MSU are great strengths for Minot with recruitment and are extremely important with regards for retailers and restaurant markets.

Alderman Evans wanted Harold to remind the council about the relationship/contract with Retail Coach. Harold stated that the City of Minot went into a 3-year contract which is renewable every year, that they provide analytics for future and current business, they allow insight for investment, and Retail Coach is setting up meetings with current downtown businesses, city banks, and realtors.

OTHER MISC/DISCUSSION ITEMS:

The Mayor mentioned that city staff would like to come up with a plan on what items or thresholds make agenda items action items, such as budget amendments. Alderman Jantzer agreed that it is something to look at and that substantial amounts should be action items. Mayor Sipma suggested that it be a percentage and dollar amount for the budget amendments. Harold stated that this would allow for a balance on time and transparency. City Staff will review and create a policy. Alderman Pitner agreed with the idea but would tread lightly when it came to administrative approvals. Mayor Sipma clarified saying this would just outline what items can be consent and what should be action items and that council would still approve them all.

LIAISON REPORTS

Alderman Pitner had the Renaissance Board meeting (2 new façade projects), Focus Group for Comp Plan (Parks and Open Spaces), and a Recruitment meeting (discussion of events and growth of events in Minot. Alderman Jantzer had nothing to report. Alderman Ross had the Focus Group for Comp Plan (next meeting in April) and the Zoning/Ordinance meeting (next meeting in March). Alderman Evans had the Ward County Planning Commission (Passed amendments on right-of-way and directed recorder office to give back previously donated land), Library Board Meeting (new boiler, in person activities starting again, and children's library remodel moved to 2022), Comp Plan Focus Group on Housing and Community, and the Family Shelter meeting (Project Bee hopes for bid to go out in March 2022).

Alderman Podrygula attended the Comp Plan Focus Group for parks and trails also (website should be up soon), Ward County Planning Commission meeting (land planning issues and guided development), Minot Commission on Aging (320 meals delivered to people in community), and County Emergency Preparedness meeting (Hess spoke about oil safety especially with surrounding lakes). Alderman Olson reported on the Souris Basin Planning Council meeting which spoke about the Business Accelerator Fund. That fund has awarded many grants to small businesses in our community.

Mayor Sipma also attended a Comp Plan meeting, Team Minot (discussion on atmosphere and new airman and women), MACEDC meeting, and Project Bee (\$1,000 donation from Citizen of the Year Eric Locken). Mayor Sipma also mentioned his gratitude for the State of the City turnout.

ADJOURNMENT

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Evans and carried unanimously. Meeting adjourned at 7:26 pm

ATTEST: Mikayla McWilliams
Mikayla McWilliams, City Clerk

APPROVED: Shaun Sipma
Shaun Sipma, Mayor