

## March 4, 2019 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – MARCH 4, 2019 AT 5:30 P.M.

### ROLL CALL

#### Members Present:

Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky

#### Members Absent:

None

### PLEDGE OF ALLEGIANCE

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

### PERSONAL APPEARANCES

None

### PUBLIC HEARING - ORDINANCE NO. 5354 – REZONING L. JOHNSON SUBDIVISION, LOT 1 – FIRST READING – APPROVED

The City Council held a public hearing to consider rezoning L. Johnson Subdivision, Lot 1 from C2 (General Commercial) to R1 (Single Family Residential). No one appeared on behalf of the public hearing.

Alderman Jantzer moved the City Council close the public hearing and place ordinance no. 5354 on first reading rezoning L. Johnson Subdivision, Lot 1 from C2 (General Commercial) to R1 (Single Family Residential). Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no.5354 on first reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none

### PUBLIC HEARING - ORDINANCE NO. 5355- REZONING OAK PARK PLACE, 2ND ADDITION, LOT 1 – FIRST READING – APPROVED

The City Council held a public hearing to consider rezoning of Oak Park Place, 2nd Addition, Lot 1 from R4 (Planned Residence) to R2 (Two-Family Residential). No one appeared on behalf of the public hearing.

Mayor Sipma asked about the base flood elevation for new construction in the valley. He asked if it was of consideration by the applicant.

Mr. Lang responded by saying, they would have to comply with the flood plain regulations in order to get a building permit and be at least one foot above the flood elevation as established by a surveyor.

The Mayor reminded the public about the base flood elevation for new construction and significant improvements.

Alderman Pitner moved the City Council close the public hearing and place ordinance no. 5355 on first reading rezoning Oak Park Place, 2nd Addition, Lot 1 from R4 (Planned Residence) to R2 (Two-Family Residential). Motion seconded by Alderman Straight and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5355 on first reading. Motion seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none

### PUBLIC HEARING - ORDINANCE NO. 5356- REZONING OF SECTION 34, TWP 155 NORTH, RANGE 82 WEST, OUTLOT 20 – FIRST READING – APPROVED

The City Council held a public hearing to consider rezoning of Section 34, TWP 155 North, Range 82 West, Outlot 20 from MH (Manufactured Home) to RA (Agricultural Residential). No one appeared on behalf of the public hearing.

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Alderman Jantzer moved the City Council close the public hearing and place ordinance no. 5356 on first reading rezoning Section 34, TWP 155 North, Range 82 West, Outlot 20 from MH (Manufactured Home) to RA (Agricultural Residential). Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5356 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none

### **PUBLIC HEARING - ORDINANCE NO. 5357- REZONE LOT 1, BLOCK 2, OVERLOOK PARK ADDITION – FIRST READING – APPROVED**

The City Council held a public hearing to consider a request to rezone Lot 1, Block 2, Overlook Park Addition from R1 (Single Family Residential) to P (Public). No one appeared on behalf of the public hearing.

Alderman Pitner moved the City Council close the public hearing and place ordinance no 5357 on first reading rezoning Lot 1, Block 2, Overlook Park Addition from R1 (Single Family Residential) to P (Public). Motion seconded by Alderman Jantzer and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5357 on first reading. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none

### **PUBLIC HEARING - ORDINANCE NO. 5358- REZONING PRAIRIE GREEN SECOND ADDITION LOT 6, BLOCK 22 LESS PORTION FOR HIGHWAY (PARCEL 6-3) – FIRST READING – APPROVED**

The City Council held a public hearing to consider rezoning Prairie Green Second Addition Lot 6, Block 22 less portion for highway (Parcel 6-3) from C4 (Planned Commercial) to C2 (General Commercial). No one appeared on behalf of the public hearing.

Alderman Pitner moved the City Council close the public hearing and place ordinance no. 5358 on first reading rezoning Prairie Green Second Addition Lot 6, Block 22 less portion for highway (Parcel 6-3) from C4 (Planned Commercial) to C2 (General Commercial). Motion seconded by Alderman Straight and carried unanimously.

Alderman Wolsky said, most of the area is zoned C4, which is now a defunct zone. He asked if the requested C2 zoning will be isolated or if the rest of the area will be rezoned in the future.

Mr. Lang stated, since C4 is a defunct zone, the direction in the ordinance is to treat C4 like C2. Since this application came forward for a Conditional Use Permit, it was an opportunity to adjust the zone as well. He then pointed out that there are locations in the area that also have C2 zoning.

Alderman Pitner moved the City Council pass ordinance no. 5358 on first reading. Motion seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none

### **PUBLIC HEARING – ORDINANCE NO. 5359- REZONING OF SW1/4 & NE1/4, SECTION 33-155-83 – FIRST READING – APPROVED**

The City Council held a public hearing to consider rezoning of SW1/4 & NE1/4, Section 33-155-83 from AG (Agricultural) District to P (Public). No one appeared on behalf of the public hearing.

Alderman Jantzer moved the City Council close the public hearing and place ordinance no. 5359 on first reading rezoning SW1/4 & NE1/4, Section 33-155-83 from AG (Agricultural) District to P (Public). Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5359 in first reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none

### **MAYOR'S REPORT**

The Mayor listed the following meetings and events he attended over the past month:

February 5th - Lunch presentation to the Women Owned Women Operated Business WOWOB

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February 5th - IEDC White Paper Wrap-up meeting  
February 13th - Carside Karaoke for Giving Hearts Day  
February 13th - Flood Home Acquisition at Minot Guarantee & Title  
February 14th - Lunch Presentation for the Magic City Apartment Renters Association at Sammy's Pizza  
February 14th - Attending Giving Hearts Day Event at Oak Park Theater  
February 15th - Met with Minot Park District Leadership on Transition Plan  
February 18<sup>th</sup> - Task Force 21 Meeting  
February 19th - Minot City Council  
February 20th - Lunch Meeting with Senator Kevin Cramer & Rep. Kelly Armstrong at Minot Air Force Base  
February 20<sup>th</sup> - MADC Annual Meeting at the Grand Hotel  
February 21<sup>st</sup> - Park & Recreation merger contract meeting  
February 21st - Spoke at the International Mother's Language Day at Minot State University  
February 22<sup>nd</sup> - Spoke at the ND State Fire School providing open remarks for the morning session  
February 22<sup>nd</sup> - IEDC Steering Committee Meeting  
February 22<sup>nd</sup> - Spoke at Burdick Job Corps Graduation Ceremony  
February 22<sup>nd</sup> - Master of Ceremonies at the Delta Waterfowl Banquet in Minot at the Grand Hotel  
February 23<sup>rd</sup> - Attended the Champaign & Ice Gala benefiting the Northern Plains Children's Advocacy Center  
February 25th - Interview by KX News regarding the Gathering Space  
February 27th - Attended the IEDC Technical Committee Meeting  
February 27th - Interview by KMOT regarding the Gathering Space  
February 28th - Participated in the launch of a new package ride share delivery service called PAKKAGE  
March 1<sup>st</sup> - Attended the League of Cities Day at the State Capital  
March 1st - Testified in opposition to HB 1471 regarding the State Regulating permit fees in extraterritorial areas  
March 1<sup>st</sup> - Attended afternoon session of the State Senate Session with Senator Karen Krebsbach  
March 4th - Attended IEDC Steering Committee at City Hall

### **CITY MANAGER'S REPORT**

The City Manager began by listing upcoming meeting dates including a Legislative Forum March 9<sup>th</sup>, March for Meals on Wheels March 12<sup>th</sup>, City Council March 18<sup>th</sup>, another Legislative Forum March 23<sup>rd</sup>, a Library Merger meeting March 25<sup>th</sup>, Planning Commission also March 25<sup>th</sup>, NDLC March Madness March 26<sup>th</sup> -27<sup>th</sup>, and City Council April 1<sup>st</sup>.

Mr. Barry went into detail about the Legislative process and the bills that have been introduced and monitored this year. He said, there were nearly 1,000 bills filed and of those, 269 Senate bills crossed to the House and 351 House bills crossed to the Senate. The City has been closely monitoring over 100 bills that could affect the city of Minot but 40% of those have been voted down. He said that all five tax cap bills had failed and are no longer a concern this year and SB 2166 was voted down which would have quadrupled the City's tort liability and likely doubled insurance premiums. There are still eight bills we are actively supporting and eight bills we are actively opposed along with 48 others that we are keeping an eye on. Staff has been very busy with tracking and testifying on behalf of these issues.

Upon questioning by Alderman Wolsky, Mr. Barry said, there are multiple resources used to track information on the legislative session. The North Dakota League Cities has bill information and most of the City testimony can be found on the City website. There are multiple associations with different perspectives that are used as well.

The City Manager moved on to discuss progress regarding the IEDC report. He explained that the Stakeholders Group met several times after breaking into smaller Technical Teams. Those teams created reports which can be found on the City website. The reports have been compiled into a work plan for the Steering Committee to identify which organizations can provide services to best fill the gaps. The Steering Committee formed two recommendations during their meetings. They endorsed the idea that was recommended from the Stakeholder Group suggesting the City should hire an Economic Development Specialist. City staff is currently working on developing a job description for that position. They also approved the One Brand Committee's recommendation to hire a consultant and apply to the MAGIC Fund.

The City Manager announced that Brian Billingsley has accepted the position of Community & Economic Development Director and will start April 1<sup>st</sup>. He listed his qualifications by saying, he has 25 years of planning and community development experience. He has worked on downtown revitalization, river space design and gathering space development.

Mr. Barry gave updates on the NDR projects. He said, HUD has issued a release of funds for the Gathering Space and offer letters have been sent to property owners. He explained that the project is a voluntary acquisition and the property owners

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are given an offer based on the City's assessed value plus 10%. The project includes \$2.5 million for acquisition and demolition and \$3.5 million for construction.

He announced that HUD approved the City Hall Relocation waiver. It was denied in 2016 because HUD felt the City had not yet fulfilled the needs of the vulnerable population. Since other projects have progressed, it was resubmitted last year. Mr. Barry listed several drivers and benefits of relocating City Hall. He said, City Hall is out of space and expansion is eminent. The Police Department is out of space and Public Works is nearly at capacity. If City offices were relocated, the Auditorium could be freed up for public use. Consolidation and relocation will avoid the need to expand multiple facilities. He continued by saying, the current location was threatened by flooding in 2011 which is dangerous because it houses dispatch for emergency services. Relocating to downtown will enhance the economic revitalization of downtown that was described in the NDR application. We will also be able to centralize services to improve the customer experience. The City Hall relocation could also resurrect the project for a Center for Technical Education (CTE). HUD allocated \$1.5 million for a CTE but that is not enough to build a Center. If it is combined with a public building, that project can potentially move forward. He said, the City Hall Relocation project has \$6.2 million in available funding but that will not be enough to complete it. Staff is now conducting a space analysis to figure out what would be needed. After that, we will assess available properties and once one is chosen, could make a contingent offer before conducting an environmental review under HUD guidelines. The project must be complete by September 30, 2022.

He continued with a few other NDR updates. HUD feels no need to audit the City grants programs in 2019 due to previous compliance. They are confident in our managements of the grants. The City has acquired five more "zombie" homes with two more for probable demolition this spring. Park South has turned out to be a very successful project and 40 out of the 41 units are occupied. This is an example of the demand for low to moderate income (LMI) housing. He stated, HUD has adjusted the LMI limits by increasing the low-income threshold, meaning more families will qualify for this type of housing.

The City Manager briefly spoke about the Capital Improvement Plan (CIP). The City Engineer will present further details on the 2019-2023 CIP later in the meeting. He said, the document will help to identify and complete projects by providing a whole picture for each project including charts and data that prioritizes each one. He thanked Lance Meyer, the City Engineer for compiling the document and the Department Directors for their contributions to it.

Mr. Barry announced that United Airlines will be adding another flight from Minot to Denver starting the summer. He thanked the Airport Director for his ongoing work to improve operations.

The City Manager concluded his report by recognizing Sarah White, as Outstanding Police Employee of the Year and Sgt. Paul Burns as Outstanding Police Officer of the Year. The City Manager said he is glad Chief Olson makes recognizing staff a priority in his department. Sarah White was unable to attend but Chief Olson shared some of the comments from Sgt. Burns' nomination letter. Both were presented with awards during a ceremony at the Police Department.

Alderman Straight requested the City Manager work on reeducating the public on NDR funding fundamentals such as, what we can and cannot spend grant money on. He wants to ensure the public is aware of the stipulations associated with the use of grants. He recognized the need for additional space at City Hall but said the public may not have the same understanding.

### **CITY ATTORNEY'S REPORT**

The City Attorney submitted a written report.

### **SUBDIVISION OF LIVINGSTON'S 8TH ADDITION, LOTS 1-3 – APPROVED**

Alderman Jantzer moved the City Council approve an application by Ward County Farm Bureau submitted by John Pietsch, to replat Livingston's 6th Addition, Lot 1, into a three-lot subdivision to be known as Livingston's 8th Addition, Lots 1-3.

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

### **SUBDIVISION OF L. JOHNSON SUBDIVISION, LOTS 1 & 2 – APPROVED**

Alderman Jantzer moved the City Council approve an application by Larry D. Johnson to replat Outlot 8, Section 36, TWP 156 North, Range 83 West, into two lots to be known as L. Johnson Subdivision, Lots 1 & 2.

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

### **SUBDIVISION OF OAK PARK PLACE, 2ND ADDITION, LOT 1 – APPROVED**

Alderman Jantzer moved the City Council approve an application by Mike and Sheila Hayes to combine Lots 6A through 10B of Oak Park Place into one lot to be known as Oak Park Place, 2nd Addition, Lot 1.

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

### **REPLAT OF OUTLOTS 18 & 19 OF SECTION 34, TWP 155 NORTH, RANGE 82 WEST, TO BECOME TWO NEW OUTLOTS KNOWN AS OUTLOT 20 & 21 – APPROVED**

Alderman Jantzer moved the City Council approve an application by Deven Mantz to replat Outlots 18 & 19 of Section 34, TWP 155 North, Range 82 West, to become two new outlots known as Outlot 20 & 21, by adjusting the common lot line between proposed Outlots 20 & 21, fifty feet (50') east of its current location.

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

### **SUBDIVISION PLATTING OF OVERLOOK PARK ADDITION, LOT 1, BLOCK 1, & LOT 1, BLOCK 2 AND DEDICATED 1ST ST NW RIGHT-OF-WAY – APPROVED**

Alderman Jantzer moved the City Council approve an application by the Minot Park District, applicant Ron Merritt, for subdivision platting to define the fifty-foot (50') wide corridor for dedicated 1st Street, NW Right-of-Way and establish property extents of proposed lots and blocks.

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

### **RESOLUTION NO. 3610- AMEND THE FUTURE LAND USE MAP DESIGNATION FROM “INDUSTRIAL”, “GENERAL MIXED USE” AND “HIGH DENSITY RESIDENTIAL” TO “PUBLIC” ON THE SE1/4 & NE1/4, SECTION 33-155-83 – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3610 to amend the Future Land Use Map designation from “Industrial”, “General Mixed Use” and “High Density Residential” to “Public” on the SE1/4 & NE1/4, Section 33-155-83.

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

### **RESOLUTION NO. 3609- CONDITIONAL USE PERMIT (CUP) TO ACCOMMODATE A CLINIC, MORE SPECIFICALLY DESCRIBED AS A MEDICAL MARIJUANA DISPENSARY – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3609 for a Conditional Use Permit (CUP) to accommodate a clinic, more specifically described as a medical marijuana dispensary on Prairie Green Second Addition Lot 6, Block 22, less portion for highway (Parcel 6-3). Motion seconded by Alderman Wolsky.

Alderman Wolsky asked if the Conditional Use Permit application was dependent on action by the State to approve the dispensary.

Mr. Lang explained, the State is in charge of permitting but from a City standpoint, the property must comply with local zoning codes. Applications for dispensaries were due to the State by February 26<sup>th</sup> and from what he has read, there were four applicants. Under the conditions set by the State the applicants can move forward but it is a competitive process. He said, he expects to see the other applicants request Conditional Use Permits as well.

Upon further questioning, the City Attorney added, a CUP is granted to the company that applied for it but it can be amended with approval by the Planning Commission and City Council.

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Alderman Straight asked if other groups can apply for a CUP in the same location, to which Mr. Lang responded by saying, each applicant must cater the application to their own business. He said, it is possible but they would still have to apply. This applicant plans to purchase the property if granted the permit by the State.

Mr. Lang clarified, the dispensary is controlled by the State and only qualified, medicinal marijuana card holders will be allowed to purchase marijuana. The City's only concern regarding the dispensary is whether it follows the Zoning Code.

Alderman Wolsky said, he supports the application and will likely support the others, as long as they follow the code.

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

### **APPROVAL OF MINUTES- FEBRUARY 4, 2019 & FEBRUARY 19, 2019 – APPROVED**

Alderman Jantzer moved the City Council approve the minutes from the February 4, 2019 & February 19, 2019 Regular City Council meetings.

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

### **APPROVAL OF BILLS – FEBRUARY 2019 – APPROVED**

Alderman Jantzer moved the City Council approve the bills and transfers as listed for February in the amount of \$4,786,995.96 as follows:

ACME TOOLS	119.00	BECKER, KRISTA	104.50
275890		276120	
ACME TOOLS	559.84	BERG, JESSE	143.00
276107		276287	
ADVANCED BUSINESS METHODS	2774.28	BERG, MONDA	282.00
275891		275900	
ADVANCED FIRST AID INC	238.00	BEST BUY BUSINESS ADVANTAGE ACCOUNT	13.39
275892		276121	
AE2S CONSTRUCTION LLC	46546.00	BIBLIOTHECA, LLC	3937.85
276108		275901	
ALL AMERICAN TROPHIES	30.00	BLUETARP FINANCIAL, INC	41.95
276109		275902	
ALL SEASON ARENA	19016.91	BORDER STATES ELECTRIC SUPPLY	226.87
276110		275903	
AMAZON.COM	1154.12	BORDER STATES ELECTRIC SUPPLY	234.95
1000000		276122	
AMERICAN LIBRARY ASSOCIATION	181.24	BROADWAY PRINTING COMPANY	284.00
276111		1000001	
AMERICAN TRUCK & TRAILER, LLC	7397.38	BURNS, AUSTIN	393.30
276112		275905	
AMERICAN WELDING & GAS, INC.	4561.53	BUTLER MACHINERY CO.	925.78
276113		275906	
AMERIPRIDE	61.19	BUTLER MACHINERY CO.	520.24
275893		276123	
AMERIPRIDE	122.38	C.A. PIERSON LAW P.C.	6000.00
276114		275907	
AMERITAS LIFE INSURANCE CORP	2466.91	CASAREZ, JR, ANDRES	104.50
275894		276124	
ANDERSON, JANET	182.60	CDW GOVERNMENT INC	23666.47
276115		275909	
APEX ENGINEERING GROUP	51455.56	CDW GOVERNMENT INC	3312.70
276116		276125	
APH/AUTO VALUE	1699.00	CDW GOVERNMENT INC	1496.86
275895		1000002	
ARROWHEAD ACE HARDWARE	11.28	CENGAGE LEARNING/GALE	160.44
275896		276126	
AXON ENTERPRISE, INC	14950.00	CHIEF/LAW ENFORCEMENT SUPPLY	405.00
275897		276263	
AXON ENTERPRISE, INC	91580.50	CHRISTOPHER A. CARLSON	277.09
276117		276077	
BAKER & TAYLOR BOOKS	418.38	CHRISTOPHER A. CARLSON	277.09
275898		276264	
BAKER & TAYLOR BOOKS	6986.28	CIRCLE SANITATION	44.00
276118		275910	
BAKKE GRINOLDS WIEDERHOLT	2773.40	CITY OF MINOT	100.00
276075		275911	
BANK OF NORTH DAKOTA	55162.46	CLUTE OFFICE EQUIP. INC.	78.34
276119		276127	
BAUER, KATHERINE	37.06	COLONIAL LIFE PREMIUM PROCESSING	2782.44
275899		275912	
BAUER, KATHERINE	2.38	COLOR DYNAMICS LLC	3200.00
276076		275913	

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COMMUNITY AMBULANCE SERVICE	194.00	275914	LEMAR, NEAL	50.00	276175
CORRPRO COMPANIES	3275.00	275915	LHOIST NORTH AMERICA OF MISSOURI	25443.06	275990
CPS, LTD	18696.50	276078	LHOIST NORTH AMERICA OF MISSOURI	16754.58	276177
CRAFT BUILDERS, INC	51313.20	275916	LINNERTZ, DARRELL	736.50	275991
CRAFT BUILDERS, INC	806.70	276128	LOWES PRINTING, INC.	2595.00	275992
CROSS COUNTRY DELIVERY	318.85	275917	M & H GAS	7.77	275993
CUMMINS POWER, LLC	261.37	275918	M-B COMPANY	3250.00	276178
CUMMINS POWER, LLC	1229.08	276129	MADC	27450.00	275994
CURT'S STARTER & ALT. SERVICE	179.50	275919	MAIN ELECTRIC CONSTRUCTION	4268.97	275995
DACOTAH PAPER CO.	4120.59	276130	MARCO, INC	221.49	275996
DAKOTA FIRE EXTINGUISHER	52.26	275920	MARCO, INC	371.50	275997
DAKOTA FLUID POWER, INC	491.03	276131	MATERIAL TESTING	1812.00	275998
DAKOTA PUMP & CONTROL CO.	760.00	276265	MDU	4532.01	276179
DEERE CREDIT, INC	58448.57	275921	MENARDS	25.85	275999
DELL MARKETING L.P.	1554.98	275922	MENARDS	68.47	276180
DELL MARKETING L.P.	1060.96	276133	MEYER, LANCE	227.75	276181
DELTA DENTAL OF MINNESOTA	16808.80	275923	MICROSOFT CORPORATION	1759.54	276000
DEMCO	4375.86	275924	MIDCONTINENT COMMUNICATIONS	1740.44	276001
DOMESTIC VIOLENCE CRISIS CENTE	1554.18	275925	MIDSTATES WIRELESS, INC	125.00	276002
DR TRANSPORT, INC	4639.73	276079	MIDSTATES WIRELESS, INC	187.50	276182
DR TRANSPORT, INC	15926.24	276266	MINOT AUTO	2556.62	276007
DXP ENTERPRISES, INC	505.00	275926	MINOT AUTO	2386.43	276187
DYKE, DARREN	104.50	276134	MINOT AUTOMOTIVE CENTER	151.83	276008
EBIX / HOPE NEWSLETTER	187.35	276135	MINOT AUTOMOTIVE CENTER	73.87	276188
ECOLAB	367.43	275927	MINOT COMMISSION ON AGING	7083.33	276009
EMERGENCY AUTOMOTIVE TECHNOLOGIES	1149.00	275928	MINOT CONVENTION&VISITORS BUR.	18414.45	276090
EMERGENCY AUTOMOTIVE TECHNOLOGIES	228.29	276136	MINOT CONVENTION&VISITORS BUR.	3049.45	276189
ENERBASE	46522.95	275946	MINOT DAILY NEWS	383.25	276010
ENERBASE	49797.38	276157	MINOT DAILY NEWS	678.90	276190
ESTATE OF JOE KRAFT	715.00	275947	MINOT ELECTRIC	3366.54	276011
FACTORY MOTOR PARTS	642.12	275948	MINOT EMPLOYEE DONATIONS	1406.52	276274
FACTORY MOTOR PARTS	945.65	276080	MINOT PLUMBING&HEATING CO INC	101.00	276012
FACTORY MOTOR PARTS	859.39	276158	MINOT PLUMBING&HEATING CO INC	101.00	276191
FARGO GLASS & PAINT COMPANY	51.00	276159	MISCELLANEOUS A/R	50.00	276083
FARSTAD OIL CO	79.70	275949	MISCELLANEOUS A/R	50.00	276089
FARSTAD OIL CO	1254.00	276160	MISCELLANEOUS A/R	50.00	276098
FASTENAL COMPANY	92.17	275950	MISCELLANEOUS A/R	650.00	276239
FEDERAL EXPRESS	15.92	275951	MN CHILD SUPPORT PAYMENT CENTER	164.74	276091
FELTNER, RICHARD	264.40	276268	MN CHILD SUPPORT PAYMENT CENTER	164.74	276275
FIDELITY SECURTIY LIFE	2783.01	275952	MORELLI'S DISTRIBUTING INC.	3943.62	276013
FIRST DISTRICT HEALTH UNIT	8333.33	275953	MORELLI'S DISTRIBUTING INC.	2022.79	276192
FIRST INTERNATIONAL BANK & TRUST	1040.00	276269	MOUSE RIVER FIREFIGHTER'S ASSN	25.00	276014
FIRST WESTERN INSURANCE	671672.00	275956	MOWBRAY & SONS	276.00	276193
FLEETMIND SOLUTIONS INC	1987.50	276081	MUNICODE	1109.91	276015
FLOW MEASUREMENT AND CONTROL	1225.00	276270	MUNICODE	950.00	276194
FOLEY, JARED	55.00	275957	NAGEL, THOMAS	1412.50	276276
FORCE AMERICA	471.57	276161	NAPA AUTO PARTS	398.45	276017
FRENCH, JOHN	37.57	276162	NAPA AUTO PARTS	163.79	276092
FUSION AUTOMATION INC	230.00	275958	NAPA AUTO PARTS	1060.53	276196
FUSION AUTOMATION INC	888.90	276082	NATIONAL PAYMENT CORPORATION	670.45	276093
G & P COMMERCIAL SALES	121.73	276163	ND CHILD SUPPORT	25.00	276018
GEFROH ELECTRIC	160.00	276164	ND CHILD SUPPORT	5.00	276197
GENERAL TRADING	1021.29	275961	ND DEPT OF HEALTH	911.00	276198
GENERAL TRADING	127.82	276165	ND DEPT OF TRANSPORTATION	42556.96	276019
GERDAU AMERISTEEL	716.43	275962	ND HOUSING FINANCE AGENCY	246.39	276020
GERDAU AMERISTEEL	120.12	276166	ND ONE CALL, INC	32.70	276094
GFOA	150.00	275963	ND ONE CALL, INC	82.60	276199
GLADBACK, BELINDA	110.00	275964	ND WATER EDUCATION FOUNDATION	280.00	276021
GOETTLE, SHANE C	7500.00	275965	NDAPHMC	95.00	276022
GOOSENECK IMPLEMENT	23.88	275966	NDBOA	885.00	276200
GRAND FORKS FIRE EQUIPMENT	2797.50	275967	NDWPCC	20.00	276023
GRANITE SPRINGS CO.	81.50	275968	NEWMAN TRAFFIC SIGNS	7547.64	276024
HACH	852.68	275969	NIESS IMPRESSIONS	52.25	276201
HANKS, ELIJAH	115.50	275970	NORTH DAKOTA HIGHWAY PATROL	1013.78	276022
HARLEYS	13.98	276167	NORTH PRAIRIE RURAL WATER	76.39	276025
HARLEYS SERVICE CENTER INC	26.98	276271	NORTHERN BRAKE	578.91	276026
HOFFART, JESSE	143.00	276272	NORTHERN PLAINS EQUIPMENT CO., INC.	183.30	276027
HOLIDAY GAS STATION	50.00	275971	NORTHERN TRUCK EQUIPMENT CORP	2363.55	276203
IACP	190.00	275972	NORTHWEST TIRE AND RETREAD	4568.14	276028
ICC	105.00	275973	NORTHWEST TIRE AND RETREAD	2394.01	276205
INDIGO SIGNWORKS, INC	247.50	275974	NOYES, JOSHUA	104.50	276206
INFOGROUP/INFO-USA MARKETING	1995.00	276168	OAKWELLS COMMUTER RAIL LLC	1327.82	276207
INFORMATION TECHNOLOGY DEPARTMENT	2813.74	275977	OCLE	1309.30	276208
INFORMATION TECHNOLOGY DEPARTMENT	5272.85	276087	OFFICE DEPOT	219.76	276029
INTERNATIONAL ACADEMIES OF EMERGEN	50.00	276169	OFFICE DEPOT	48.49	276209
INTERNATIONAL CODE COUNCIL, INC	1280.00	275978	OFFICE DEPOT	238.53	1000003
INTERSTATE BATTERY SYSTEM	381.90	275979	OLSON'S TOWING	2075.00	276211
INTERSTATE BATTERY SYSTEM	555.15	276170	OVERHEAD DOOR CO. OF MINOT	42.00	276212
IPMA-HR	405.00	276171	PEPSI-COLA BOTTLING COMPANY	1788.12	276030
ISUZU DIESEL MIDWEST	2428.75	276172	PEPSI-COLA BOTTLING COMPANY	1195.05	276213
J.D. POWER	137.00	275980	PEREZ JR., ISRAEL	150.00	276277
JEROMES COLLISION CENTER	1334.86	276173	PETERSON, AARON	393.30	276031
JERRY'S REPAIR & ALIGNMENT	85.00	275981	PKG CONTRACTING, INC.	289831.99	276095
JH MEDICAL SUPPLY	175.27	275982	POST BOARD	270.00	276032
JOB SERVICES OF NORTH DAKOTA	7542.00	275983	PRAXAIR DISTRIBUTION, INC.	29.29	276214
JONASSON, DAN	90.00	275984	PRINGLE & HERIGSTAD, P.C.	1126.15	276033
KADRMAS, LEE & JACKSON (BISMARCK)	6839.00	276273	PRINGLE & HERIGSTAD, P.C.	2975.95	276215
KEVINS AUTO BODY	7036.77	275985	PRINGLE & HERIGSTAD, P.C.	1594.00	276278
KLIMPEL EXCAVATING, INC.	140.00	276174	PROCOLLECT	567.92	276216
KRONSNABEL, KELLI	132.18	275986	PROLAWN	565.20	276217
LACAL EQUIPMENT	1112.56	275987	PROTECTION SYSTEMS, INC	300.00	276218
LANDMARK STRUCTURES	214826.50	275988	PROVIDENT LIFE & ACC INS CO	622.00	276034

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RAPID FIRE PROTECTION INC	230.50	276219	U.S. FOODSERVICE	2274.68	276055
RAZOR TRACKING INC	6287.50	276096	U.S. FOODSERVICE	2542.95	276249
RDO EQUIPMENT	447.60	276035	U.S. GEOLOGICAL SURVEY	20580.00	276250
RDO EQUIPMENT	326.52	276220	U.S. POST OFFICE	5000.00	276102
REGENT BOOK COMPANY	17.09	276221	ULTEIG	1203.50	276251
ROTELIUK, RONDEL	39.44	276097	UNIFORM CENTER	2049.84	276056
RYAN CHEVROLET INC.	522.58	276222	UNIFORM CENTER	119.98	276252
SANITATION PRODUCTS	2243.38	276036	UNITED MAILING SERVICE	178.53	276057
SANITATION PRODUCTS	24479.95	276223	UNITED MAILING SERVICE	339.03	276253
SATHER, MYRON GENE	20.00	276224	UNUM LIFE INSURANCE COMPANY OF AMER	11594.46	276058
SCHEELS	100.00	276037	UPS STORE #1423	61.07	276059
SECURITY PLUS	105.00	276225	UPS STORE #1423	38.71	276254
SERTOMA CLUB OF MINOT	100.00	276038	VANTAGEPOINT TRANSFER - 30#####	124.19	276104
SHOWCASES	9.94	276226	VANTAGEPOINT TRANSFER - 30#####	124.19	276282
SIMTECH INC	360.00	276039	VERIZON	2395.25	276060
SOURIS BASIN PLANNING COUNCIL	4208.33	276040	VERIZON	281.13	276283
SOURIS RIVER JOINT WATER RESOURCE	1111984.98	276228	WAL MART	10.00	276061
SOUTH CAROLINA DMV	6.00	276041	WAL MART	14.96	276284
SOUTH DAKOTA CHILD SUPPORT	175.87	276099	WANTZ, MACEY	76.30	276062
SOUTH DAKOTA CHILD SUPPORT	175.87	276280	WANTZ, MACEY	4.90	276105
SPENCER, DAVID	1102.50	276229	WARD COUNTY DIVE TEAM	5000.00	276063
STAPLES	219.21	1000004	WARD COUNTY RECORDER	20.00	276064
STATE WATER COMMISSION	900526.78	276042	WARD COUNTY RECORDER	20.00	276065
STATE WATER COMMISSION	34314.42	276230	WARD COUNTY RECORDER	20.00	276066
STEIN'S INC.	64.00	276043	WARD COUNTY RECORDER	132329.60	276106
STEVICK BUSINESS SPECIALTIES & WEAR	195.00	276044	WARD COUNTY RECORDER	20.00	276286
STEVICK BUSINESS SPECIALTIES & WEAR	7213.00	276233	WARD COUNTY TREASURER	18851.04	276069
STEVICK, VERN	413.33	276045	WATER ACCOUNT REFUNDS	50.00	275904
STRANDEMO, COLE	203.50	276234	WATER ACCOUNT REFUNDS	18.46	275908
STREICHER'S	350.00	276046	WATER ACCOUNT REFUNDS	40.90	275929
SUN LIFE FINANCIAL	46.50	276047	WATER ACCOUNT REFUNDS	107.56	275959
SUNDRE SAND & GRAVEL, INC.	2753.63	276048	WATER ACCOUNT REFUNDS	20.72	275989
SUNDRE SAND & GRAVEL, INC.	12695.25	276235	WATER ACCOUNT REFUNDS	1276.24	276088
SUNRISE DELIVERY	212.00	276049	WATER ACCOUNT REFUNDS	9.12	276103
SUNRISE DELIVERY	212.00	276236	WATER ACCOUNT REFUNDS	10.00	276132
SUPERPUMPER	20.00	276237	WATER ACCOUNT REFUNDS	72.03	276176
SWANSTON EQUIPMENT	275.33	276050	WATER ACCOUNT REFUNDS	2.30	276255
SWANSTON EQUIPMENT	9611.87	276238	WATER ACCOUNT REFUNDS	50.00	276267
THATCHER COMPANY OF MONTANA	10227.14	276240	WATER ACCOUNT REFUNDS	107.09	276279
THE VIEW	25.00	276100	WESTLIE FORD	121.97	276070
THOMSON REUTERS	407.00	276241	WESTLIE FORD	112.22	276256
THOMSON REUTERS-WEST PAYMENT CENTER	252.00	276242	WESTLIE TRUCK CENTER	407.41	276071
TIMOTHY, SCOTT	90.00	276051	WESTLIE TRUCK CENTER	1000.79	276257
TITAN MACHINERY	491.68	276052	WHITESSELL, STEVE	27.96	276258
TITAN MACHINERY	60.60	276243	WILLIAM E. YOUNG CO., INC	1346.04	276259
TOTALFUNDS	395.49	276244	WILLIAMS, AARON	392.08	276072
TRAFFIC CONTROL CORPORATION	8460.00	276053	WORKFORCE SAFETY & INSURANCE	168548.05	276290
TRANSUNION	152.20	276245	WORLD TRADE PRESS	210.00	276260
TRANSUNION	40.00	276246	WSI CLAIM	1196.84	276073
TRILLION AVIATION	2372.71	276247	WSI CLAIM	250.00	276261
TRINITY MEDICAL GROUP	97.50	276248	XEROX CORPORATION	131.42	276074
TX CHILD SUPPORT SDU	318.46	276101	XEROX CORPORATION	1118.80	276262
TX CHILD SUPPORT SDU	318.46	276281			
TYLER TECHNOLOGIES, INC	136500.00	276054	<b>TOTAL:</b>	<b>\$4,786,995.96</b>	

### **CHARGE THESE FUNDS:**

Airport	\$ 26,131.42
Cemetery	3,539.58
Parking Authority	376.25
Garbage	
Collection	21,274.42
Landfill	30,171.00
Water/Sewer	
Storm Sewer Maintenance	11,885.75
Water Supply	61,993.66
Water Distribution	37,655.42
Sewer	23,643.58
Utility Billing	6,772.42
Replacement	9,013.75
Public Transportation	5,679.33
Library	6,693.83
Auditorium/Recreation	16,821.34



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Total Transferred	\$ 261,651.75
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**ELECTRONIC PAYMENTS**

AFLAC	28,862.76
BCBS	351,516.76
Federal Tax Withholding	340,401.26
State Income Tax	
Sales and Use Tax	2,593.12
ND State Disbursement	7,804.74
Deferred Comp	17,250.59
Verendrye Electric	56,687.64
Xcel	141,548.25
MDU	39,225.74
Wells Fargo Credit Cards	123,789.21
Verizon	0
Credit Card Payments	459.27
Mass Mutual	82,803.16
Credit Card Fees	149.90
Discovery Benefits	10,989.34
Stop Payment	25.00
NDPERS Pension	16,690.87
SRT	9,966.70
Total	\$1,230,764.31

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

**APPROVAL OF PAYROLL – JANUARY 20, 2019 THROUGH FEBRUARY 16, 2019 - APPROVED**

Alderman Jantzer moved the City Council approve the payroll for the period of January 20, 2019 through February 16, 2019 in the amount of \$2,119,799.03.

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

**ADMINISTRATIVE APPROVALS – APPROVED**

Alderman Jantzer moved the City Council ratify the following administratively approved requests.

1. Mule Deer Foundation to conduct a raffle March 2, 2019 at the Grand Hotel (1505 North Broadway)
2. Minot Public School Foundation to conduct a raffle March 14, 2019 in downtown Minot
3. 1 II V Motorcycle Club to conduct a raffle October 23, 2019 at the Ranger Lounge (1218 South Broadway)
4. Minot State University Women’s Hockey to conduct a raffle March 25, 2019 at MAYSA Arena (2501 Burdick Expy West)
5. Knights of Columbus Council 9839 to conduct a raffle May 5, 2019 at Little Flower Catholic Church (800 University Ave West)
6. Ward County Historical Society to conduct a raffle April 12, 2019 at Sleep Inn (2400 10th St SW)
7. The Tap Room for a special event permit February 22, 2019 at The Parker (21 1st Ave SE)

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8. The Tap Room for a special event permit March 21, 2019 at Prairie Federal Credit Union (1430 South Broadway)
9. Arny's 2.0 for a special event permit April 4, 2019 at Northwest Arts Center Minot State University (500 University Ave West)

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

### **ORDINANCE NO. 5352- AMEND THE ANNUAL BUDGET- CHIP SEALING CEMETERY ROADS – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5352 on second reading to amend the 2019 annual budget to allocate \$50,000 of unused sales tax improvements reserves to the 2019 Cemetery budget. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5352 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Wolsky; nays: none.

### **ORDINANCE NO. 5353- AMEND CHAPTER 23-61 TO PROVIDE EXCEPTION TO PROHIBITION ON DISCHARGING FIREARMS WITHIN CITY LIMITS – SECOND READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5353 on second reading amending Section 23-61 of Division 1, Article IV, Chapter 23 of the City of Minot Code of Ordinances to allow the Minot International Airport to use a firearm to reduce wildlife hazards at the Airport; and authorize the Mayor to sign the Ordinance. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5353 on second reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **FINAL PAYMENT- LIBRARY EXTERIOR (LIB024) – APPROVED**

Alderman Jantzer moved the City Council approve the final payment in the amount of \$23,507 to Rolac Contracting, Inc. for the completion of their work on the Library Exterior.

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

### **PURCHASE OF 2019 ADA COMPLIANT BRAUN ENTERVAN (BUS037)**

Alderman Jantzer moved the City Council authorize staff to purchase a 2019 ADA Compliant Braun Entervan via the State contract, to replace the 2016 Braun Entervan that was damaged beyond repair in an accident.

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

### **ORDINANCE NO. 5360 – AMEND THE 2019 ANNUAL BUDGET- VAN PURCHASE (BUS037) – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5360 on first reading to amend the 2019 annual budget to increase the equipment purchases revenues and expenditures for the purchase of an ADA Compliant Braun Entervan. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no.5360 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **STORM SEWER DISTRICT 123 – 10TH STREET SW – ENGINEERING SELECTION (4393)**

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Alderman Jantzer moved the City Council select Ackerman-Estvold to perform all consulting engineering for Storm Sewer District 123, 10<sup>th</sup> Street SW, authorize the City Engineer to negotiate a scope and fee for services, and authorize the Mayor to sign the contract.

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

### **RESOLUTION NO. 3611 - STORM SEWER DISTRICT 123 – 10TH STREET SW – APPROVED**

Alderman Jantzer moved the City Council adopt resolution no. 3611 authorizing the use of refunding improvement bonds in order to preserve the option of the City to finance the costs of Storm Sewer District 123, 10<sup>th</sup> Street SW, with tax-exempt obligations.

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

### **DEPOSIT PLACEMENT AGREEMENT – APPROVED**

Alderman Olson moved the City Council approve the Deposit Placement Agreement with First Western Bank. Motion seconded by Alderman Straight.

Tore Maras-Lindeman, resident of Minot, asked who decided to use First Western Bank.

The Finance Director explained, this agreement is for an account that is already in place and is used daily for cash transactions. Because the amount of money in that account exceeds the FDIC limit of \$250,000, First Western Bank is required to either pledge securities or come up with another mechanism that guarantees those funds. A recent change from the legislature approved these types of programs instead of pledging securities. First Western Bank proposed this service and in exchange the City gets a better return on funds that are held at the bank. He said, his assumption is that we will see more of these regarding funds that we have in other institutions within Minot. He explained that this service essentially farms out deposits to other banking institutions. The City can provide a list of institutions that we don't want funds going to, to avoid exceeding the \$250,000 cap so it is a service that bundles deposits to stay under the limit.

Alderman Wolsky asked about the rate of return, to which Mr. Lakefield responded by saying, it is variable but the assumption is that we will be about 25 to 50 basis points. It depends on the rate of return they get to farm these out to other institutions as well.

Alderman Wolsky asked about the policy change that lead to the ability to do this. Mr. Lakefield said, this particular case originated with First Western. He said, he believes this is the direction other banking institutions will start moving toward with public funds. Maintaining the pledge of securities is cumbersome for them and this makes the process more streamlined, hence the greater rate of return.

Alderman Podrygula asked about increased risk to which Mr. Lakefield responded by saying, the higher rate of return is on efficiencies of investing the money. Currently, the banking institution has to manage the deposits and it has to be held at 110% of what we actually have. These companies have figured out a way to do that efficiently and pass on those cost savings.

Alderman Wolsky commented that it appears we are exchanging a local pledge guaranteeing these dollars and deferring it to the Federal government. Because the money is being spread out to multiple institutions to avoid reaching the threshold, the Federal Government becomes the guarantor. He questioned if we have more faith in the federal government than in our local institutions.

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

### **CITY HALL RETAINING WALL – ENGINEERING SELECTION (4398) – APPROVED**

Alderman Olson moved the City Council select KLJ to perform all consulting engineering for the City Hall Retaining Wall, authorize the City Engineer to negotiate a scope and fee for services and authorize the Mayor to sign the contract. Motion seconded by Alderman Jantzer.

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Alderman Wolsky raised concerns that the scope of the project was too limited and said he believes the sloped wall is stable.

Alderman Wolsky moved to amend the motion to advise the City Engineer to negotiate with the consulting engineering firm to first evaluate the cost of alternatives to replacing the facing with a wall. Motion seconded by Alderman Podrygula.

Alderman Straight suggested instead of using the \$1.4 million for the retaining wall, use that money toward a new City Hall. He said, however, he understands the building would still be used for the Police Department and Council Chambers.

Alderman Olson said, she sat on the selection committee for choosing an engineering firm and listened as they presented other options. The firm that was selected presented other options but this was the recommendation that would be the most efficient choice long term.

The City Engineer explained, they can continue to study the issue but there is a cost associated. They can replace the covering with another rip rap but cannot guarantee it will last. There are similar walls around Minot that have failed and it depends on groundwater and soil conditions. Even if City Hall is relocated, we will not be vacating the building and it affects the Auditorium. There is a need for additional parking which will be a benefit to the Auditorium when tournaments and events take place. A retaining wall system will be an overall benefit for the facility and will outlast a replacement covering.

Upon questioning by Alderman Podrygula regarding additional engineering costs and the effect of delays in the project, Mr. Meyer said, it would depend on the scope. He said, there are basically three options, we can build the wall, we can do nothing or we can remove and replace. Studying nonconventional options will take time, analysis and testing which then has to be weighed with the impacts to other facilities. He mentioned that in a previous discussion on the issue, Alderman Wolsky suggested sloping the hillside back and planting grass. He said, it can be done but we would lose 3<sup>rd</sup> Avenue and eliminate the fire lane next to the Auditorium.

Alderman Podrygula asked if the engineering firm had already done the analysis and concluded this would be the best option. Mr. Meyer said, the firm listened to the conversation that took place previously and understand they can do another analysis but the likely conclusion is that it will be an inferior alternative to the retaining wall system that was recommended. They briefly looked at other options but they stand behind the recommendation that a retaining wall is the best option.

Alderman Wolsky clarified that he assumed the preliminary data that was already collected including geological surveys and borings would be adequate for composing estimates of alternative solutions. He did not expect them to have to collect additional information. Mr. Meyer responded by saying, they should have some of the data they need but there are additional factors, such as testing to the rip rap to see if there is something we can do to prolong the design life, which may require consulting with the geotechnical engineers.

Alderman Wolsky then asked what grade of slope would be necessary to accept a vegetative surface. Mr. Meyer said, a 4 to 1 slope is preferred, but a 3 to 1 slope would be acceptable, anything less cannot be maintained. The steeper the slope, the higher potential for erosion from rainwater.

Alderman Wolsky asked about a slope of native grass that doesn't require maintenance. Mr. Meyer said, native grasses are still not maintenance free and take time to establish growth. For the most part, a retaining wall will not require maintenance other than initially checking seals.

Alderman Straight asked about the slope of walls 3 & 4 and if they are the same as 1 & 2. Mr. Meyer explained, the other walls have a gentler slope and are not as high as 1 & 2 so the soil pressure behind them isn't as great. Wall 2 is interesting because of the serpentine shape and wall 1 is difficult because of the cooling equipment located there. Walls 1 & 2 are a priority because of the infrastructure but 3, 4, & 5 will need to be addressed at some time in the future.

Alderman Pitner asked the City Engineer to elaborate on why alternatives were not considered. He asked if those options would result in higher costs. Mr. Meyer said, the costs of a slope would be lower but there is a tradeoff. He said, doubling the horizontal distance would push well into 3<sup>rd</sup> Avenue and be very close to the Auditorium.

Alderman Straight asked the City Manager to discuss the agreement with the Parks District regarding the Auditorium. Mr. Barry said, they are contemplating a 20-year lease of the facility to the Park District. Both entities will cooperate on maintenance but the asset will remain owned by the City. We want to ensure the facilities are used in beneficial ways to enhance services. The City has an obligation to maintain the infrastructure and investments here even with the contemplation

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of the lease agreement. If the Parks District ends up buying or taking over the facilities in the future, we would have to see what point we are at in that point in time.

Alderman Wolsky stated, the report that was provided in 2016 did not investigate alternatives but only considered different wall types and additional parking. Before making a commitment, he wants to see other alternatives. He calculated that for a \$1.4 million project, it equates to \$28,000 per parking space and he is not willing to pay that rate for additional parking. He said, he would prefer to consider sacrificing a portion of the Auditorium parking lot or closing the avenue access to the lower parking lot if it saves money.

Mayor Sipma said, he looks at traffic flow and for events like the basketball tournaments that take place at the Auditorium, it would be a mistake to cut off access in and out. During the recent Championship Basketball game all nearby parking lots were full. He said, if we are hoping to grow the activities and the uses of the Auditorium, he doesn't quantify it as dollars per parking space, he is quantifying it as what it means for the future. He is concerned about the assets we are protecting at the Auditorium and at City Hall. He also said, this project has been delayed for numerous years and should not be delayed anymore.

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

Alderman Straight said he does not enjoy spending all of these dollars but he understands the need to protect our assets. Alderman Podrygula said it is reasonable to follow through with walls 1 & 2 but maybe we could look at another approach for 3, 4, and 5. Due to the topographical constraints, he does not see a better solution.

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

### **ORDINANCE NO. 5361 – AMEND CHAPTER 24 OF THE CMCO DUE TO MERGER MINOT RECREATION DEPARTMENT WITH MINOT PARK DISTRICT – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5361 on first reading amending Sections 24-2 (Definitions), 24-31(A) (Composition of Civil Service) and adding Section 24-41(F) (Filling Vacancies) of the City of Minot Code of Ordinances. Motion seconded by Alderman Straight and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5361 on first reading. Motion seconded by Alderman Straight and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **RESOLUTION NO. 3612 - EMINENT DOMAIN- 805 2<sup>ND</sup> AVENUE NE – APPROVED**

Alderman Olson moved the City Council adopt resolution no. 3612 authorizing the commencement of Eminent Domain Proceedings for 805 2<sup>nd</sup> Avenue NE. Motion seconded by Alderman Pitner.

Tore Maras-Lindeman, of 11<sup>th</sup> Street NW came forward and asked about the ordinance that was passed in the previous motion and whether the citizens voted on it. Mayor Sipma explained that the item is no longer for discussion but that the Council was elected to take that type of action. She then went on to discuss the MakeMinot campaign and the number of members on the City Council. She brought up Chapter 12 ½ of the Code of Ordinances and claimed that it gave the Council the authority to take anyone's house for the use of parks or recreation. She said it is unacceptable.

The Mayor explained that she was out of the context of the item in question.

Ms. Maras-Lindeman continued to describe the family that would be displaced as a result of eminent domain. She claimed there is a pending Federal case behind it but would maintain her journalistic integrity and not share their information. She asked what the City is offering for the house.

Mr. Zakian, NDR Program Manager, explained that there is a limited ability to use eminent domain by the North Dakota Century Code and the Uniform Relocation Act which governs all Federal grant programs. The properties listed here have been reviewed and vetted by HUD and have been found to be compliant. The City has attempted to negotiate a purchase price with the property owners of all three properties listed but have reached an impasse. We have not reached an agreement between what they want to sell it for and what we can justify to the Federal Government as being cost effective and efficient with the use of tax payer money. It is our obligation as the stewards of taxpayer money to be sure it is used in a prudent and

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efficient manner. He also said, even after eminent domain is authorized, there is still an opportunity to negotiate with the property owners. He pointed out, there is very limited strict ability for any municipality to use eminent domain to acquire property and there is not a vast array of uses for the property. One of the distinct public purposes in which eminent domain is allowed is for flood control projects that have been planned and designed to mitigate if not eliminate flood experiences similar to what took place in 2011.

Ms. Maras-Lindeman asked for an explanation as to how the City can offer crumbs to a family for their home when they did nothing but buy the house. She said, the City is not helping them and the citizens of Minot are not advocating for them. She said, it is unfair they should pay on a mortgage for a house that is no longer theirs because the City took it to build a green patch.

Mayor Sipma asked Mr. Zakian to explain the process that proceeds eminent domain. Mr. Zakian responded by saying, the USACE, SRJB and the City have deemed it necessary to acquire these three properties in order to continue long term flood control to preserve and protect this City from having another flood experience. All property owners are provided a fair price for their property that is justifiable and cost effective to HUD and other Federal agencies. They are also provided with relocation benefits if necessary, to make sure they have the opportunity to stay within the city of Minot and to purchase another home. He then explained that the property owners were notified more than a year ago of the need for these properties to be acquired for critically needed flood projects. Under the rules we are obligated to function under, we have to do two independent appraisals, by appraisers licensed in the state of North Dakota. They review the appraisals and have to reach an agreement on the value. A third administrative review is done internally with the City to make sure the value set and the process followed is consistent with the federal statute. They then make an initial offer to the property owner, who then has sufficient time to make a counteroffer. They can go back and forth until they reach a point where there is too far a gap between the values than can be justified as being a cost-effective use for the federal monies. At that point, they can resort to eminent domain. It has happened where the parties have successfully reached an agreement before having to go to court. Even at court, they are given a fair and equitable hearing before a decision is made.

Alderman Straight made a point to say that his uncle will likely be involved in the eminent domain process but will receive no favoritism due to his relation to a Council member.

Alderman Pitner said, he sat on the appeals committee and can attest to the stressful and sometimes contentious process that takes place. He said, however, there is a diligent process that is followed. He has family that is also involved with the buyout and he trusts that appraisals are done accurately. He said, he works in real estate and understand the value of a house to the homeowner is primarily emotional. He said the property owners have rights and are protected to make sure they get a fair opportunity.

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

### **RESOLUTION NO. 3613 – EMINENT DOMAIN- 303 6<sup>TH</sup> STREET NE – APPROVED**

Alderman Olson moved the City Council adopt resolution no. 3613 authorizing commencing Eminent Domain Proceedings for 303 6<sup>th</sup> Street NE.

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

### **RESOLUTION NO. 3614 – EMINENT DOMAIN- 208 6<sup>TH</sup> STREET NE – APPROVED**

Alderman Olson moved the City Council adopt resolution no. 3614 authorizing commencing Eminent Domain Proceedings for 208 6<sup>th</sup> Street NE.

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

### **UNDERWRITING GUIDELINES FOR CDBG-NDR HOUSING PROJECTS – APPROVED**

Alderman Straight moved the City Council approve underwriting guidelines based on HUD rules and regulations as well as past practices for use in future CDBG-NDR funded LMI housing projects.

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

### **ORDINANCE NO. 5362 – ADDING STOP CONTROL TO THE INTERSECTION OF 10TH AVENUE SE AND 2ND STREET SE – FIRST READING – APPROVED**

Alderman Podrygula moved the City Council place ordinance no. 5362 on first reading adding the intersection of 10<sup>th</sup> Avenue SE and 2<sup>nd</sup> Street SE to the list of City Council created traffic restrictions provided for in Section 20-2 of the City of Minot Code of Ordinances; Stop Signs and Yield Signs. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Podrygula expressed his support for what seems like a mundane change but, he emphasized, it makes a big difference. He thanked the Engineer for providing such a great graphical presentation and complimented the quality of the data.

Alderman Wolsky reminded the City Engineer of a nearby intersection that he believes also has a sight issue.

Alderman Podrygula moved the City Council pass ordinance no. 5362 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **LIBRARY MERGER COMMITTEE RECOMMENDATION – APPROVED**

Alderman Olson moved the City Council Support the Library Merger Committee's continuing work toward implementing a plan to merge the Minot and Ward County Public Libraries; and allow City staff to continue working toward this implementation plan. Motion seconded by Alderman Podrygula.

Janet Anderson, Director of the Minot Public Library and Kerrienne Boetcher, Ward County Library Administrator, gave a presentation on the Library Merger Committee's progress. They gave an overview and displayed graphs depicting the cost savings over the next ten years if a merger took place. Ms. Anderson compared the objectives from the previously adopted resolutions to the enhanced services and expansions that could be done with the merger. She also explained the value of Library services and the return on investment for the citizens who use those services.

Mayor Sipma thanked the Committee for their commitment and research for this endeavor. He also commended Alderman Olson for chairing the Committee.

Upon questioning by Alderman Jantzer, they stated, the merger would happen if a County-wide election voted in favor of it.

Alderman Olson encouraged the Council to approve the motion to move forward. She said, she was impressed by the numbers the Committee concluded in their research.

Alderman Podrygula said, there is rarely a time when a group finds a way to enhance services and save money. He commended the group's effort.

Alderman Straight commented that things like this are why Minot is a Hub City. He said, they try to be mindful of the dollars spent and efficiencies gained and Minot is doing the best we can.

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

### **SUB-RECIPIENT AGREEMENT WITH ESSENTIAL LIVING – APPROVED**

Alderman Straight moved the City Council approve the Sub-recipient Agreement with Essential Living, Inc. to construct 22 twin homes for Low/Moderate Income residents. Motion seconded by Alderman Olson.

Alderman Straight said he spoke with Mr. Walker about the project and the importance of infill in the community. He also commented on the demand for housing for vulnerable populations, as mentioned in Mr. Barry's City Manager Report.

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

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### **PURCHASE OF NUISANCE HOME – APPROVED**

Alderman Jantzer moved the City Council approve the purchase of the property located at 1004 3rd Ave NW from Ward County. Motion seconded by Alderman Podrygula.

Alderman Podrygula requested a current list of the “zombie” homes and their status as well as listing any road blocks preventing them from moving forward.

The Finance Director explained that this particular property was foreclosed by the bank and the City can purchase it for a portion of the back taxes. Some of the “zombie” homes are structurally sound which gives the City no legal reason to demolish them.

Upon questioning by Alderman Pitner, Mr. Zakian stated, the properties affected by the flood are eligible as an NDR expense but they are a voluntary acquisition and we cannot use eminent domain to acquire them. Once the property is purchased, the house can be demolished, and he would come back before the Council with a recommendation of what to do with the property. The goal would be to sell the land to get it back on the City’s tax roll.

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: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **ORDINANCE NO. 5363- PURCHASE OF NUISANCE HOME – FIRST READING – APPROVED**

Alderman Jantzer moved the City Council place ordinance no. 5363 on first reading to amend the 2019 annual budget to increase the Capital Purchases expenditures for the purchase of a property located at 1004 3rd Ave NW to be funded with Demolition cash reserves. Motion seconded by Alderman Podrygula and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5363 on first reading. Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **SNOW PLAN POLICY CHANGE PROPOSAL- REFER TO STAFF FOR REVIEW**

Alderman Wolsky moved the City Council consider changes to the City’s Snow Removal Plan that include the addition of ‘Arterial Pedestrian’ snow routes and add them to the operational plan. Motion seconded by Alderman Straight.

Alderman Wolsky initiated the proposed changes and invited the Public Works Director to share his comments.

Mr. Jonasson said, though it is admirable attempt, the proposal presents issues. The only sidewalk addressed is on Broadway but Public Works gets call on a lot of sidewalks besides Broadway. He questioned how they should determine which areas get consideration. He said, with limited staff, prioritizing sidewalks over residential roads causes concerns. It adds time to the response of emergency services. He then showed a map of all of the sidewalks they have to clear and said they have to consider the bigger picture.

Alderman Jantzer asked about the current process, to which Mr. Jonasson said, sidewalks are cleared after residential streets. As soon as there is a spare person not needed on a plow, sander, or dozer, they start on sidewalks. The rate of completion averages 72 hours or less.

Alderman Podrygula raised concerns about the width of some of the streets and said that seems like a bigger safety concern than sidewalks. He mentioned the bigger issue being resources.

Alderman Jantzer said, he does not support the proposal as-is because there are details the Public Works Director needs to work out.

Alderman Jantzer moved the City Council refer the proposal back to staff to revise and bring to the next meeting. Motion seconded by Alderman Podrygula.

Alderman Pitner said, adding responsibilities will reduce response times.



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Alderman Straight brought up another issue by saying, the City provides a bus service but it is a challenge to flag down a bus especially when sidewalks are not cleared.

Mayor Sipma commended Alderman Wolsky for bringing up accessibility but said that time is a challenge. Management of assets prioritizes the needs of the many over the needs of the few. Costs of this plan would need to be assessed before approving.

Alderman Wolsky explained that an issue was presented and he is happy to start the conversation to find a solution. He said, he would like to see this prioritized but would not support spending more money. He suggested they consider BID districts to take care of the sidewalks for property owners on Broadway. He also said, there are cities who restrict on street parking entirely and we should be more aggressive about on street parking.

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: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **CONTRACT FOR PLANNING CONSULTING SERVICES – APPROVED**

Alderman Wolsky moved the City Council approve the contract for consulting services with SRF Consulting Group, Inc. for planning consulting services to assist in a comprehensive update to the Minot Zoning Ordinance. Motion seconded by Alderman Pitner.

Tyler Neether, Vice Chairman of the Zoning Ordinance Steering Committee, said, they have discussed the proposal and are on board. He said, the Committee has made progress with their revisions but there are still issues to address and they do not have the manpower to do it.

Alderman Straight thanked the Committee for their continued work and said the builders appreciate the effort.

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

### **ORDINANCE NO. 5364 - CONTRACT FOR PLANNING CONSULTING SERVICES – FIRST READING – APPROVED**

Alderman Wolsky moved the City Council place ordinance no. 5364 on first reading to amend the 2019 annual budget to increase the Planning Department professional service contracts expenditures to be funded with cash reserves. Motion seconded by Alderman Pitner and carried unanimously.

Alderman Wolsky moved the City Council pass ordinance no. 5364 on first reading. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

### **PRESENTATION- DRAFT CAPITAL IMPROVEMENT PLAN (4365)**

Lance Meyer, City Engineer, prepared a presentation to describe the Capital Improvement Plan 2019-2023. He said, the entire 154-page document took about 700-800 hours of staff time and he thanked key personnel for their effort. Mr. Meyer explained that the City has been producing CIP documents for decades to display the capital needs of the city and assign funding sources to those needs. The Council recently asked for a more detailed CIP and additional data was desired. He described the methods that were used to quantify and rank projects based on criteria each department established. The new CIP format is intended to give the council, engineers, developers, builders, and interested citizens the information they need to make decisions for growth and development of the City. Since this is the first year in the new format, staff will be listening for feedback to improve the document in future years. He concluded by saying, the document is available for the Council's review and staff is available to answer questions. He will request formal adoption of the CIP at next month's City Council meeting.

The Council expressed their gratitude for the monumental improvements to the CIP.

### **MISCELLANEOUS AND DISCUSSION**

Alderman Podrygula said, he would like to discuss an article on climate change in North Dakota. He gave the article to the City Clerk to distribute for the next meeting.

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Mayor Sipma said, he appreciated the decorum of the Council during the passionate discussions that took place. He reminded everyone that Council meetings offer equal opportunity for citizens to share opinions but need to maintain order and respect. This is not a platform for misinformation and grandstanding will not be tolerated.

### ADJOURNMENT

There being no further business, Alderman Jantzer moved the City Council meeting be adjourned. Motion seconded by Alderman Pitner and carried unanimously. Meeting adjourned at 8:32 pm.

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

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