

April 18, 2022 Regular City Council Meeting

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

ROLL CALL

Members Present:

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

Members Absent:

None

PLEDGE OF ALLEGIANCE

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

APPROVAL OF EMERGENCY DECLARATION RESOLUTION

Harold Stewart began by stating the City of Minot received 36 inches of snow in a 48-hour period of time. He wanted to thank the Public Works staff, the contractors and local farmers, the Airport staff, the Police Department and Fire Department. Harold also recognized the PIO, Derek Hackett, for the great communication provided to the citizens of Minot. Also, a big thank you to the citizens for helping each other and being patient.

Dan Jonasson discussed how the 1st concentration for the Public Works staff was to help the PD and FD respond to aid calls and the 2nd concentration was to the emergency routes during the storm. The City of Minot hired 7 different contractors and the cost would be approximately \$40,000 per day. By Saturday afternoon, the City of Minot streets were passable and crews were out again on Sunday for the second round of snow. The staff will continue to widen roads.

Alderman Podrygula asked why this snow event was different in the sense that we are aiding with the clean-up of driveways. Dan mentioned that plow gates are useless with this much snow and the end-of driveway piles would have been significant so it was decided the contractors would help aid in the driveway entrance clean-up.

Mayor Sipma mentioned that there is a potential of a disaster declaration (federal/state) if the National Weather Service can state that this storm was a record snow event and the county will have to show costs exceeding \$1 million in two days. Mayor Sipma thanked all of the heavy equipment operators and Alderwoman Evans wanted to thank the first responders.

Alderwoman Evans moved the City Council approve the Resolution No. 3756 for the declaration of the Snow Emergency. Motion seconded by Alderman Pitner and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

CITY MANAGER REPORT

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

PUBLIC HEARING: NICHOLS MOVE - APPROVED

The City Council held a public hearing for the area that is under consideration for the moving application is 5325 Zaharia Dr. SE Minot. The property is surrounded by similar single-family dwellings as well as single story manufactured homes, with similar, detached or attached garages. The immediate area also contains numerous vacant lots. The homeowner stated that the 528 SF detached garage to be moved is to be placed on a pre-constructed concrete slab. The Inspection Department has received application for building permit for the foundation for this building and is ready to issue.

Alderman Pitner moved to close the hearing and approve the relocation of the detached garage from 406 31st Ave SE Lot 101, Minot ND, 58701 also known as Interchange 6th Addition Lot 1 Block 2 and Lot 20 Interchange 7th Addition, to 5325 Zaharia Dr SE, Minot, ND 58701, also known as Kopper Sunrise 2nd Addition Lot 7 Block 1, subject to the following conditions:

1. A ten-thousand-dollar completion bond must be posted with the City of Minot prior to issuance of any permits for this work.
2. An approved approach permit assigned to 4900 30th Ave SE issued by Nedrose Township.
3. Application and approval of mechanical, electrical, plumbing, building permits for all new proposed construction.
4. Coordinate all relocation activities with public utilities and traffic authorities.

5. An approved foundation design in compliance with City of Minot building codes.
6. If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.
7. All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.
8. The exterior of the structure must be one consistent color arrangement of colors after relocation.
9. The property must be provided with proper site drainage, and must be landscaped in a manner similar to surrounding properties.

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

PUBLIC HEARING: WEST 67' OF THE NORTH 250' OF LOT 2 BAYOU ADDITION - APPROVED

The City Council held a public hearing on an application from Kenn and Lynette Simensen, owners for a future land use map amendment from Industrial to Downtown Mixed Use and a zoning map amendment from "M1" Light Industrial District to "CBD" Central Business District. The purpose for the request is to facilitate retail activities, including a commercial kitchen. The legal description for the property is the west 67' of the North 250' of Lot 2, Bayou Addition. The property address is 400 E. Central Ave.

Alderman Jantzer moved to close the hearing and approve following in alignment with the Planning Commission recommendation:

1. Resolution No. 3752 to amend the Future Land Use Map for the subject properties from Industrial to Downtown Mixed use.
2. An ordinance on the first reading for a zoning map amendment from "M1" Light Industrial District to "CBD" Central Business District.

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

PUBLIC HEARING: MINOT HS 2ND ADDITION - APPROVED

The City Council held a public hearing on an application from Sean Weeks representing Jared Edwards and Scott Moum on behalf of Minot Public Schools, owner, for a preliminary plat to be known as Minot HS 2 Addition to consolidate three lots into one and simultaneously vacate the adjoining portions of unimproved right-of-way denoted as 23 Ave. NW and 22 St. NW. The application also requests a zoning map amendment request from "C2" General Commercial to "P" Public Zone and a future land use map amendment from Commercial to Public/Semi-Public for the purpose of constructing a new high school with athletic facilities. The legal description for the properties is Lots 1 through 3, ING Addition. The address for the properties is 2100 21 Ave. NW.

Alderwoman Olson moved to close the hearing and approve the following in alignment with the Planning Commission recommendation:

1. The masterplan as provided in Attachment 'A'.
2. A Major Subdivision Preliminary Plat for the Minot HS 2 Addition as provided in Attachment 'B'.
3. Resolution No. 3753 to amend the Future Land Use Map for the subject property from Commercial to Public/Semi-Public District.
4. An ordinance on the first reading for a zoning map amendment from "C2" General Commercial District to "P" Public District.

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

PUBLIC HEARING: LOT 1, PRAIRIE GREEN 7TH ADDITION PLUS ½ A PORTION OF VACATED 36TH AVE SW – APPROVED

The City Council held a public hearing on an application by Roger Mazurek and Nick Gray on behalf of Young Men's Christian Association of Minot, owner, for a zoning map amendment from "R1" Single-Family Residential District to "C2" General Commercial District for the purpose of aligning the subject property zoning closer with the existing use of indoor/outdoor recreation. In addition, the request includes a future land use amendment from Low Density Residential to Commercial. The legal

description for the property is Lot 1, Prairie Green 7 Addition plus ½ a portion of vacated 36 Ave. SW. The address for the property is 3515 16 St. SW.

Alderman Ross moved to close the hearing and approve the following in alignment with the Planning Commission recommendation:

1. Resolution No. 3754 to amend the Future Land Use Map for the subject property from Low Density Residential to Commercial.
2. An ordinance on first reading for a zoning map amendment from "R1" SingleFamily Residential District to "C2" General Commercial District.

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

MAJOR SUBDIVISION PREIMINARY PLAT: STEIN INDUSTRIAL ADDITION – APPROVED

Alderman Pitner moved the City Council approve the major subdivision preliminary plat for the Stein Industrial Addition in alignment with the Planning Commission recommendation.

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

EXTENSION OF RECORDABLE (FINAL) PLAT DEADLINE – APPROVED

Alderman Pitner moved the City Council approve an extension from six (6) months to twelve (12) months for the submission of the final, recordable plat per Section 10.2-4 B of the pre-December 6, 2021 City of Minot Land Development Ordinance for the following subdivision plats:

1. Don's 2nd Addition (Extended to September 20, 2022)
2. Master Block 2nd Addition (Extended to September 20, 2022)
3. The Bluff's 18th Addition (Extended to November 15, 2022)
4. St. John's 3rd Addition (Extended to November 15, 2022)
5. Outlot 5, being all of Outlot 4, a Portion of the NW1/4 of the NW1/4, and a portion of the NE1/4 of the NW1/4, all within Section 9, Township 155N, Range 82W, Ward County, North Dakota (Extended to June 7, 2022)

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

CONSENT ITEMS - APPROVED

Alderwoman Olson moved the City Council approve Consent Items 6.1-6.17 and 6.19-6.23 with the following staff recommendations:

6.1 CITY COUNCIL MINUTES – Approval of the minutes for the April 4, 2022 Regular City Council Meeting.

6.2 ADMINISTRATIVE APPROVALS – Approve the Administrative Approvals including:

1. Downtown Business & Professional Association to conduct a raffle on April 9, 2022 at the Spot (6 2nd St NE).
2. Special Event Permit for ZZ Food Group, LLC dba J.L Beers (2001 22nd Ave SW).
3. Special Event Permit for KP2, Inc dba The Spot (6 2nd St NE).
4. Special Event Permit for Atypical, LLC dba Atypical Brewery & Barrelworks (510 Central Ave E).

6.3 ORDINANCES – Approval of the following ordinances on second reading:

1. Ordinance No. 5722 - Amending 2022 Budget - 2022 Street Improvements
2. Ordinance No 5723 - Amending 2022 Budget - FY19 Fire SHSG (2020300001)
3. Ordinance No 5724 - Amending 2022 Budget - FY21 Fire SHSG (2022300003)
4. Ordinance No 5725 - Amending 2022 Budget - FY21 Fire HMEP (2022300004)
5. Ordinance No. 5726 - Amending 2022 Budget - FAA and State Aero AIP Grant Application
6. Ordinance No 5727 - Amending 2022 Budget - 2022 Watermain Replacement
7. Ordinance No 5728 - Amending 2022 Budget - Traffic Intelligence System

6.4 MINOR PLAT: SOUTH MINOT SECOND ADDITION – Approve a minor subdivision plat as provided in Attachment A to create South Minot Second Addition, being Lots 1 and 2, of Block 3, of First Addition to South Minot, to the City of Minot, North Dakota.

6.5 MINOR PLAT: MILLER'S THIRD ADDITION - Approve a minor subdivision plat as provided in Attachment A to create the Miller's Third Addition, being Lots 9 And 10 of The Rearrangement of Miller's Addition to the City of Minot, North Dakota.

6.6 MINOR PLAT: BROADWAY CIRCLE ADDITION - Approve a minor subdivision plat as provided in Attachment A to create the Broadway Circle Addition, being a replat of Outlots 4, 6, and 7 in the Southwest 1/4 of Section 25, Township 155N, Range 83W of the Fifth Principal Meridian in the City of Minot, North Dakota.

6.7 GAMING SITE AUTHORIZATION - PRAIRIE GRIT ADAPTIVE SPORTS - Approval of the gaming site authorizations for the Prairie Grit Adaptive Sports to conduct games of chance at Whiskey Nine during the license year of July 1, 2022 through June 30, 2023.

6.8 ANNUAL GAMING SITE AUTHORIZATION - FOUNDATION FOR ORTHODOXY, INC - Approval of the gaming site authorization for the Foundation for Orthodoxy, Inc to conduct twenty-one, electronic pull tab devices and pull-tab dispensing devices at the Clarion Hotel & Convention Center during the license year of July 1, 2022 through June 30, 2023.

6.9 ANNUAL GAMING SITE AUTHORIZATION - ND ASSOCIATION FOR THE DISABLED, INC - Approval of the gaming site authorizations for the ND Association for the Disabled, Inc to conduct games of chance at the below locations during the license year of July 1, 2022 through June 30, 2023.

1. Drop Zone
2. Rockin' Horse Saloon

6.10 ANNUAL GAMING SITE AUTHORIZATION - AGGIE FOUNDATION - Approval of the gaming site authorizations for the Aggie Foundation to conduct games of chance at the below locations during the license year of July 1, 2022 through June 30, 2023.

1. High Third
2. Best Kept Secret (Sleep Inn)
3. Off the Vine
4. Army's 2.0

6.11 ANNUAL GAMING SITE AUTHORIZATION - MINOT HOCKEY BOOSTERS - Approval of the gaming site authorizations for the Minot Hockey Boosters to conduct games of chance at the below locations during the license year of July 1, 2022 through June 30, 2023.

1. Ace's Lounge & Casino
2. Barley Pop Bar
3. On the Rocks
4. Nola's Lounge
5. The "O"riginal Bar and Nightclub
6. 28 Tastes and Taps

6.12 ANNUAL GAMING SITE AUTHORIZATION - OUR REDEEMER'S LUTHERAN CHURCH - Approval of the gaming site authorizations for the Our Redeemer's Lutheran Church to conduct raffles at Our Redeemer's Lutheran Church and Christian School during the license year of July 1, 2022 through June 30, 2023.

6.13 ANNUAL GAMING SITE AUTHORIZATION - PRAIRIE GRIT ADAPTIVE SPORTS - Approval of the gaming site authorizations for the Prairie Grit Adaptive Sports to conduct games of chance at the below locations during the license year of July 1, 2022 through June 30, 2023.

1. Sammy's Pizza
2. Applebee's

6.14 ANNUAL GAMING SITE AUTHORIZATION - ND STATE FAIR FOUNDATION - Approval of the gaming site authorizations for the ND State Fair Foundation to conduct games of chance at the below locations during the license year of July 1, 2022 through June 30, 2023.

1. Elevation

2. Blue Rider

6.15 16TH AVENUE SE (OUR REDEEMER'S) SCHOOL SPEED ZONE - Pass an ordinance implementing a Special Speed Limit in the form of a school zone on 16th Avenue SE, by Our Redeemer's Christian School, between 150-feet west of the center of 6th Street SE and 700-feet east from the center of 6th Street SE.

6.16 MINOT CENTRAL PSAP RELOCATION CONSULTANT - REQUEST FOR QUALIFICATIONS - Approve request for qualifications (RFQ) for technical and professional services consulting services for Minot Central PSAP relocation and build.

6.17 CDM SMITH NDR CONTRACT AMENDMENT 6 - Approve CDM Smith NDR Contract Amendment 6; and authorize Mayor to sign the contract amendment.

6.19 TYLER TECHNOLOGIES, INC – PAYROLL AND HR COMPONENTS - Approve the Agreement and Mutual Release and Amendment; and authorize the Mayor to sign applicable documents on behalf of the City.

6.20 APPROVAL OF BID FOR DRILLING WELL F IN THE SUNDRE WELLFIELD - Waive the minor bid irregularity and award the bid to drill a new well in the Sundre Wellfield to LTP Enterprises in the amount of \$349,916.00; and authorize the mayor to sign contracts on behalf of the City.

6.21 RESOLUTION UPDATING AUTHORIZED SIGNATORIES ON CITY BANK ACCOUNTS - Approve the attached resolution updating the authorized signatories on the City's bank accounts.

6.22 CONTRACT FOR RUNWAY 8/26 AND TAXIWAY B REALIGNMENT – PHASE 1 DESIGN ALTERNATIVES AND AIRPORT LAYOUT PLAN (ALP) SHEET UPDATE - Approve the Runway 8/26 and Taxiway B Realignment – Phase 1 Design Alternatives and Airport Layout Plan (ALP) Sheet Update proposal to be conducted by Short Elliott Hendrickson Inc. (SEH); and authorize the Mayor to sign the agreement.

6.23 CONTRACT FOR RUNWAY PAVEMENT REHAB – BIDDING & CONSTRUCTION ADMIN - Approve the runway pavement rehab bidding and construction administration to be conducted by Short Elliott Hendrickson Inc. (SEH); 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.

PURCHASE OF 2022 PATROL VEHICLES - APPROVED

Alderwoman Olson inquired about the process the Police Department took in searching for a local company verse an out of state company. Chief Klug mentioned that as of the current ones ordered from last year the City of Minot has only received 1 of the 4. The 2022 production of the vehicles has been shut down but Nelson Auto had 20 ordered that are not spoken for. Westlie Ford in Minot had not ordered more of the 2022 prior to the production shut down. Harold mentioned that the vehicle industry is in short supply and Chief Klug had done a great job in the search to find a dealer that had the vehicles and would honor the state bid pricing. Chief Klug did state that these vehicles along with the new investigation vehicles were all under the budgeted amount.

Alderwoman Olson thanked Chief Klug for reaching out to the local company and then finding a good alternative that had a great result.

Alderwoman Olson moved the City Council accept the quote by Nelson Auto, Fergus Fall, MN and purchasing seven (7) 2022 Ford Interceptor Utility Vehicles using North Dakota State Contract for a total cost of \$254,768.72. Motion seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

SKID STEER LOADER TRADE – BUDGET AMENDMENT – APPROVED

Alderman Jantzer moved the City Council approve a budget amendment to the 2022 Water and Sewer Departments budgets for the purchase of two new skid steer loaders.

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

SWIF ACTION F - OUTFALL PIPE CLEANING – FINAL PAYMENT (PROJECT NUMBER 3135.2F) – APPROVED

Alderman Olson moved the City Council approve the final payment in the amount of \$46,753.05 to Subsurface, Inc. for the SWIF F Pipe Cleaning project; and approve a budget amendment in the amount of \$24,690.00 to cover quantity overages on portions of the project.

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

CITYWORKS AND PAYMENTUS INTEGRATION STATEMENT OF WORK (4423) – APPROVED

Alderman Jantzer moved the City Council approve the statement of work with Paymentus for Cityworks integration and authorize the mayor to sign the statement of work; and approve the attached budget amendment and use of general fund cash reserves to pay for the integration.

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

PROPOSED ORDINANCE – COPY MACHINE PURCHASE – APPROVED

Harold spoke about how the City staff has been working on a consolidated copy machine bidding process but with access to printers it has become an issue along with the supply chain problems. Alderman Ross asked Chief Klug how long the Police Department would have to wait for delivery of the copy machine. Chief Klug said he was quoted 2-3 months for delivery which was standard on all the quotes.

Alderman Olson moved the City Council approve the proposed ordinance to amend the 2021 budget to transfer funds from general fund to capital equipment fund for the purchase of a color copy machine and, authorize the Chief of Police to sign the acceptance of the quote for purchase.

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

AIRCRAFT RESCUE AND FIREFIGHTING (ARFF) TRUCK PROCUREMENT - PULLED

PERSONAL APPEARANCES

N/A

MISCELLANEOUS & DISCUSSION ITEMS

2022 – 2026 CAPITAL IMPROVEMENT PLAN DISCUSSION

Lance Meyer presented on the Capital Improvement Process (CIP) including the funding sources, the departments involved in the CIP, and the department totals by year. He highlighted some of the projects which would include the Flood Protection Projects, the Street Light LED Conversion, S. Broadway Reconstruction, the 16th Street SW Interchange Rehabilitation, the 16th Street Reconstruction, and Anne Street Bridge.

With the Anne Street Bridge project, BNSF is requiring complete reconstruction with the stipulations that the bridge will meet the clearance requirements, the abutments would be outside of the BNSF right away, the City can obtain a new easement, and BNSF is made whole with any incurred costs. The new concept of the Anne St. Bridge would be a shorter bridge, it would be ADA compliant with a ramp, there would be a path system to the Victoria Bridge, and more paths to connect to other areas. Houston Engineering gave the City of Minot a cost estimate of \$5,424,666.90.

Alderman Olson asked at what point does more action need to be taken on the Anne St Bridge. Lance Meyer then said that in early 2024 the engineering process would need to begin and construction would begin in 2025 depending on the process of flood control. Alderman Olson then wanted to know if the Anne St Bridge was possibly replacing other projects. Lance said that is in the que but not a workload item. Alderman Olson is hesitant to fund the bridge but it is ultimately a decision on acting on it or waiting. Lance said they can leave in if they want to fund but the debt load is factored into the CIP process.

Mayor Sipma reminded the City Council and the public that the Souris River Joint Board need an answer on whether to design MI-6 flood control with or without the bridge. Alderman Jantzer mentioned that it went from \$1.6 million to repair to now \$5.5 million for a new bridge so we would be paying for demolition no matter what. Lance stated that he did not believe the City of Minot could save the current bridge.

Harold reminded the council that there would be additional costs with the Souris River Joint Board to design MI-6 with a bridge. He also let the council and public know that there would be a special assessment district to help fund the bridge at 50% for the surrounding businesses and homes in order to gain revenue for the new bridge. Harold wanted the council and public to think on if the bridge was the highest priority for the downtown district and if it would have a big economic impact.

Alderman Pitner had questions on the demolition costs, the green space, and if the City of Minot can do this project even later than the CIP plan. Lance Meyer addressed the questions stating demolition costs were \$180,000-\$200,000, that there has been very little discussion on green space, and that BNSF would more than likely allow for the project to be later if we can fulfill the requirements they need. Dan stated that with MI-6 design the SRJB needs an answer so they can plan the flood walls or levee system. The City Council will be adopting and/or making changes to CIP on May 2nd.

OTHER MISCELLANEOUS & DISCUSSION ITEMS

Alderwoman Evans moved the City Council keep the downtown parking garages free to the public until April 30, 2022.

Alderwoman Olson asked what the potential loss of income would be. David Lakefield stated he did not have that information available at this time but that the city would probably be asked to refund money to current permit holders. The parking ramps are experiencing some equipment issues from the last power outage but they did get fully opened to the public on Saturday due to the snow event.

Alderman Pitner asked if the city would have a legal obligation to provide refunds. Kelly Hendershot stated that she has not reviewed the contract lately but as long as the city can provide the benefit of the parking spot the city should be okay.

Public Works Director, Dan Jonasson, stated that the city does not have the staff to haul snow downtown and it would cost somewhere between \$20,000-30,000 per day to have a contractor haul the snow. David Lakefield then mentioned that the power outage issues have been resolved and the equipment should be fully working on Tuesday.

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

LIAISON REPORTS

Alderman Podrygula attended the Emergency Resource Council (drought/burn bans) and the Comp Plan Steering Committee (goals/citizen input). Alderwoman Olson attended a Dental Strategic Planning Task Force meeting (CTE), a City Hall building committee meeting (furniture), Souris Basin Planning meeting (additional funding for business accelerator funds), a Comp Plan meeting for housing/community character, and has an upcoming Liaison Committee meeting.

Alderwoman Evans said that the Family Shelter bidding closed this week but did not have any meeting to report on. Alderman Ross attended a Zoning Ordinance Steering Committee meeting. Alderman Jantzer will attend the upcoming Liaison meeting this Thursday. Alderman Pitner had no meetings to report on. Mayor Sipma has MACEDC on Wednesday, Task Force 21 postponed the ribbon cutting, attended weekly meetings on TIF with EPIC, and has postponed the landfill garbage clean up.

ADJOURNMENT

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderwoman Olson and carried unanimously. Meeting adjourned at 7:12 pm.

ATTEST: Mikayla McWilliams
Mikayla McWilliams, City Clerk

APPROVED: Shaun Sipma
Shaun Sipma, Mayor