

May 16, 2022 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – May 16, 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.

MAYOR'S REPORT

The Mayor introduced Boy Scout Troop 425, who were attending to earn a merit badge.

The Mayor then proclaimed May 15-21 as Police Week in Minot. He also proclaimed May 16th as MHS Boys and Girls Basketball Team Day.

CITY MANAGER REPORT

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

PUBLIC HEARING: LOT 9, BLOCK 2, RAMSTAD'S 2ND ADDITION - APPROVED

The City Council held a public hearing on an application from Josh Wolsky, representing Dennis & Liz Wolsky Reserve Life Estate for a zoning map amendment from "M2" Heavy Industrial District to "CBD" Central Business District. In addition, the request includes a future land use map amendment from the Industrial to Downtown Mixed Use. The purpose of the application is to facilitate reuse of the property toward uses such as retail, office, restaurant, or other allowed use within the "CBD" Central Business District. The legal description for the property is Lot 9, Block 2, Ramstad's 2nd Addition. The property address is 313 E. Central Ave.

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

1. An ordinance on first reading for a zoning map amendment from "M2" Heavy Industrial District to "CBD" Central Business District.
2. Resolution 3769 to amend the Future Land Use Map for the subject properties from Industrial to Downtown Mixed Use.

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: STONEBRIDGE FARMS 4TH ADDITION - APPROVED

The City Council held a public hearing on an application from Harold Stewart, City Manager, on behalf of the City of Minot for a zoning map amendment from "R3C" Townhouse Residential District (R3C) to "R2" Two-Family Residential District (R2). The Land Development Ordinance of the City of Minot, adopted April 5, 2021, no longer permits twin homes to be constructed within R3C. The purpose of this request is to bring the existing twin home properties into legal conforming status and to allow the remaining undeveloped lots to be built with twin homes. The legal description for the properties is Lots 2A through 13B, Block 6, Lots 20A through 30B, Block 5, and Lots 35A through 37B, Block 3, Stonebridge Farms 4th Addition, To the City of Minot, North Dakota. The properties are addressed as follows: 3106-3153 8th St NE, and 90, 92, 94, 96, 98, & 100 Mulberry Loop NE.

Alderman Pitner moved to close the hearing approve an ordinance on first reading for a zoning map amendment from "R3C" Townhouse Residential District to "R2" Two-Family Residential District in alignment with the Planning Commission's recommendation.

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

5.3 PUBLIC HEARING: LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT - APPROVED

The City Council held a public hearing on an application from Harold Stewart, City Manager, on behalf of the City of Minot for a zoning text amendment to Table 2.2. Table of Uses, Section 4.1-6. C., D. & F., Chapter 2.3 Definitions, Table 6.1-4. Stacking Requirements, and Chapter 6.2 – Parking Table. The changes surround select commercial uses to be permitted within the “M1” Light Industrial District in limited circumstances. In addition, the changes include refined buffering standards related to auto maintenance, repair, and car wash uses. Corresponding changes to the use definitions, parking table, and automobile stacking requirements are included as part of the proposed changes. The changes will affect properties within the “C2” General Commercial District and “M1” Light Industrial District throughout the City of Minot and extra-territorial jurisdiction of the City.

Alderman Ross moved to close the hearing approve an ordinance on first reading for a text amendment in alignment with the Planning Commission's recommendation.

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

5.4 PUBLIC HEARING: LOT 1, HACIENDA HILLS 12TH ADDITION - DENIED

The City Council held a public hearing on an application from Tyler Oliver on behalf of Colby 2022, LLC, representing Ronald LaCount on behalf of DRL Holding, LLP, owner, for a zoning map amendment from “M1” Light Industrial District to “C2” General Commercial District. The request also includes a future land use map amendment from Industrial to Commercial. The legal description for the property is Lot 1, Hacienda Hills 12th Addition. The property is currently unaddressed and located southeast of the intersection of 13 St. SE and Valley St., west of 1710 Valley St.

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

1. An ordinance on first reading for a zoning map amendment from "M1" Light Industrial District to "C2" General Commercial District
2. Resolution 3770 to amend the Future Land Use Map for the subject properties from Industrial to Commercial.

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

MAJOR SUBDIVISION PRELIMINARY PLAT: MALLARD SUBSTATION SUBDIVISION – APPROVED

Alderwoman Olson motioned the City Council approve the major subdivision preliminary plat for Mallard Substation Subdivision in alignment with the Planning Commission recommendation.

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: RENAISSANCE ZONE CONDITIONAL APPROVAL – PROJECT M-100 (SPECTRUM FITNESS) – APPROVED

The City Council held a public hearing on Michael and Rachelle Sian, Spectrum Fitness, Inc., are request for a conditional approval of a Renaissance Zone application for an expansion to a building located at 1915 N. Broadway.

Alderwoman Evans moved to close the hearing and grant conditional approval of Renaissance Zone Case M-100 for a fiveyear property tax exemption including improvements and for a State Income Tax exemption.

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

CONSENT ITEMS - APPROVED

Alderman Pitner moved the City Council approve Consent Items 7.1, 7.2 #1-3, 7.3-7.12 with the following staff recommendations:

7.1 CITY COUNCIL MINUTES – Approval of the minutes for the May 2, 2022 Regular City Council meeting, the May 2, 2022 Special City Council meeting, the May 4, 2022 Budget Tours and the May 5, 2022 Budget Tours.

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

1. Ordinance No. 5737 - Amending 2022 Budget - Airport ARFF Truck
2. Ordinance No. 5738 - Amending 2022 Budget - Cooling Tower Piping Replacement
3. Ordinance No. 5739 - Amending 2022 Budget - SBPC Business Accelerator Fund

7.3 ADMINISTRATIVE APPROVALS – Approve the Administrative Approvals including:

1. Minot Commission on Aging to conduct bingo on July 1, 2022 through June 30, 2023 at Minot Commission on Aging (21 1st Ave SE).
2. Trinity Health Foundation to conduct a raffle on September 9, 2022 at the Dakota Square Arco (1520 24th Ave SW).
3. Project Bee to conduct a raffle on June 4, 2022 at the Project Bee Office (400 East Central Ave, Suite 302).
4. Minot Public School Foundation to conduct a raffle on May 14, 2022 at the Grand Hotel (1505 N Broadway).
5. Two Special Event Permits for Pour Fools, LLC dba The Pour Farm (201 37th Ave SW).
6. Special Event Permit for VennMitchell, Inc dba The Landing Bar & Bottle Shop (2015 N Broadway).
7. Two Special Event Permits for Der Blaue, LLC dba Blue Rider (118 1st Ave SE).
8. Special Event Permit for KP2, Inc dba The Spot (6 2nd St NE).

7.4 NORTHSIDE 5TH ADDITION DEVELOPMENT AGREEMENT - Approval of the development agreement and authorized the Mayor to sign the agreement.

7.5 MINOR PLAT: NORTHSIDE 5TH ADDITION - Approve a minor subdivision plat as provided in Attachment A to create the North Side 5th Addition, being a replat of Lots 1-6, North Side 4th Addition to the City of Minot.

7.6 MAJOR SUBDIVISION FINAL PLAT: BOLTON HEIGHTS 12TH ADDITION - approve major subdivision final plat as provided in Attachment A to create the Bolton Heights 12th Addition, being a replat Lots 1-20, Bolton Heights 11th Addition to the City of Minot.

7.7 FAÇADE IMPROVEMENT PROGRAM CASE NO. FI-3 - Approve Façade Improvement Program Case No. FI-3 for façade renovation work to be performed by The Mouse River Players located at 115 1 Street SE, in an amount not to exceed \$63,998.00, subject to terms and conditions set forth in the program.

7.8 CODE OF ORDINANCES CHAPTER 28 RE-WRITE – ASSOCIATED POLICIES - Approve the attached Outdoor Dining & Seating Area Encroachment License Policy and Parklets & Stateries Encroachment License Policy.

7.9 CODE OF ORDINANCES CHAPTER 28 RE-WRITE - FEE RESOLUTION - Adopt the resolution setting the fees and other requirements of Chapter 28 of the Code of Ordinances.

7.10 STANDARDS SPECIFICATIONS AND DETAILS – 2022 UPDATE - Approve and adopt the 2022 Standard Specifications and Details for Construction.

7.11 SPECIAL ASSISTANT CITY ATTORNEY - LEGISLATIVE SERVICES - Approve and authorize the Mayor to sign the Consulting and Legal Services Agreement between the City of Minot and Shane Goettle; and Continue the appointment of Shane Goettle as Special Assistant City Attorney.

7.12 ASSIGNMENT OF LEASE FROM LARRY HUIZENGA TO SHAWN HUIZENGA MINOT INTERNATIONAL AIRPORT, FIRST ADDITION, LOT 6 - Approve the consent to assign lease to Shawn Huizenga from Larry Huizenga; and authorize the Mayor to sign consent to assign lease.

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

7.2 #4 ORDINANCE NO. 5740 – CHAPTER 28 – STREETS, SIDEWALKS, AND PUBLIC GROUNDS – APPROVED

Alderman Podrygula just wanted to let the public know that the City Attorney had provided good feedback on the policy. He did point out that if the Police Chief were to deny a procession and/or open-air meeting, the applicant could appeal to the City Manager. There is no appeal to the City Council.

Alderman Podrygula motioned the City Council approve Ordinance No. 5740 Chapter 28 Streets, Sidewalks and Public Grounds on second reading.

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

7.13 APPROVE 2023 BUDGET SCHEDULE – APPROVED

Alderman Podrygula wanted to mention that this budget process is newer and better. It is a process that helps the council make decisions. The process involves the council from the beginning, gives them enough time to research and ask questions, and has an extensive tour schedule. It is also very transparent since all meetings are noticed and open to the public.

Alderman Podrygula motioned the City Council approve the schedule for the preparation of the 2023 Budget.

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: TAX INCREMENT FINANCING DISTRICT #2022-1 (BIG M BUILDING)– APPROVED

The City Council held a public hearing to consider the Urban Renewal and Development Plan submitted by Big M Minot, LLC and to consider the development agreement between the City of Minot and Big M Minot, LLC.

Brian Billingsley, Community Development Director, discussed the TIF with the City Council. He mentioned that Ward County had not taken any action after their initial denial. The TIF would have a 90/10 split with 90% of the taxes going to the bond payment and 10% of the taxes going to the taxing entities. The completion of the TIF would be in 2042 and Brian presented the council with the numbers and mills for each taxing entity involved. His department has put the notice into the paper, sent certified letters to the competitors, and notified the other taxing entities. The City of Minot was waiting on the development agreement until Ward County presented options and decisions on the TIF.

Blake Nybakken, EPIC representative, mentioned that EPIC is excited to bring this property back online by taking the blighted building back to a functional space downtown. He is hopeful for the County Commissioners to act on the TIF tomorrow.

John MacMartin, President of the MACEDC, spoke about how TIFs were a missing tool for investors/businesses. The MACEDC Board unanimously support the TIF project with the M-Building. He stated that the taxing entities will see more money during the duration of the TIF than the building sitting there vacant and how this project is very important for downtown. Brekka Kramer, future President of the MACEDC, said that this will send a critical message to developers that Minot is inviting and open to new business.

Harold Stewart, City Manager, gave a timeline of events leading up to this decision. PFM showed that the numbers were accurate and that the TIF is a necessity for the project to move forward. The City of Minot sent that report to Ward County and the Minot Public School Board once it was received. Dorsey & Whitney are looking over the possible development agreement. Harold mentioned that it might be a possibility the council table this discussion until June 6th in order to see what Ward County decides at their next meeting.

Alderman Podrygula mentioned that he had heard from Ward County Commissioners saying this was unfair competition to other developers. Harold replied saying this building sat vacant and available for any developer for 20 years. Developers must meet a certain criterion but if any developer comes forward with TIF ideas the City of Minot would be open to the option. Harold views this as a public/private partnership. Alderman Pitner also mentioned that the M-Building was publicly listed on the MLS property sale website.

Alderman Jantzer motion to close the public hearing, and table item until June 6th. Harold mentioned to the motion maker that it should be added to direct staff to issue any necessary public notices. Alderman Jantzer changed his motion and motioned to close the public hearing, and table item until June 6, 2022 and to direct staff to issue any necessary public notices.

Motion seconded by Alderwoman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Sipma; nays: Evans, Pitner, Podrygula, Ross. The motion failed.

Alderwoman Evans mentioned that the Resolution that was to be approved by the vote did not have any numbers. Harold stated that the Resolution for the TIF plan was to vote tonight and the developer's agreement that is separate would have all the numbers. He also stated that depending on the County Commission meeting, the numbers from the spreadsheet Brian Billingsley presented might have to be presented again to council but not the Resolution. Harold also mentioned that there is a 15-day notification period to competitors that might have to be resent.

Alderman Evans motioned to approve the development or renewal plan complies with the City's Official Urban Renewal Plan and General Development Plan and NDCC Ch. 40-58, City staff recommends the approval of the Urban Renewal and Development Plan resolution relating to TIF District 2022-1; and authorize the Mayor to sign the resolution.

Alderman Pitner mentioned that he was worried about the message it would send if they tabled the item. Mayor Sipma that it was advised to table the item. Alderwoman Olson is not in opposition of project but wanted the process done correctly.

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

REFUND TO CENTRAL AND RENAISSANCE PASS HOLDERS FOR PERIOD OF FREE PARKING – APPROVED

Alderman Pitner moved the City Council approve the refund of 1/2 month to all holders of paid parking passes that were in effect during the period that the gates were open due to the snow storm.

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

BID ACCEPTANCE AND CONTRACT AWARD FOR FRONT END LOADER – APPROVED

Alderman Jantzer moved the City Council authorize City staff to accept low bid from RDO Equipment for the Wheel Loader and associated attachments which opened on April 5, 2022 pending federal and state grant awards; approve the proposed ordinance on first reading; and approve to apply for funding, accept if awarded, and have the Mayor, City Attorney and the Airport Director sign contracts, grants, and necessary documents.

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

BUDGET AMENDMENT TO REPLACE A TOTALED PATROL VEHICLE – APPROVED

Alderman Olson moved the City Council approve the budget amendment to purchase an additional Patrol SUV through Nelson Auto.

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

CODE OF ORDINANCES CHAPTER 20 AMENDMENT FOR OFF HIGHWAY VEHICLES – APPROVED

Alderman Ross asked if they could hear the Chief of Police, John Klug's, opinion. Chief Klug mentioned that he worked closely with staff to make the necessary changes, to require certain equipment, and that this policy closely mirrors the policy of Bismarck.

Alderman Jantzer inquired if the Chief thought this would help with the motorized vehicles on the dykes. Chief said it might now that some OHV will be allowed in town but that does not include dirt bikes and 4-wheelers. Mayor Sipma said that he had met with individuals and businesses and the response was receptive by the businesses to make these off-highway vehicles legal.

Alderwoman Olson moved the council pass the proposed ordinance on first reading approving the changes to Chapter 20 of the Code of Ordinances.

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

MODIFICATION TO FLAG POLICY FOR POW/MIA FLAG – APPROVED

Harold Stewart mentioned the Chief of Police had also requested the Fallen Officer Flag be flown on city property during Police Officer Week but was denied. This came about after there was a citizen complaint of a flag that was not in the policy.

Alderman Jantzer moved the City Council approve the modification to the City Flag Policy to allow the POW/MIA flag to be flown in the veteran's section at Rosehill Cemetery.

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

BIRD SCOOTERS – MEMORANDUM OF UNDERSTANDING – APPROVED

Stephen Joersz stated that City of Minot staff and Bird Scooters have been working on an MOU. Bird Scooters had some concern on an area in the MOU and wanted the opportunity to present. Stephen introduced Michael with Bird Scooters on Microsoft Teams. Michael stated that the area in the MOU that discusses the penalty if a scooter is inappropriately parked for a certain period of time is broad in the agreement.

Alderman Pitner moved the City Council approve the Memorandum of Understanding with Bird Rides, Inc. to operate stand-up electric scooter sharing within the City of Minot.

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

PRIVATE HYDRANT ORDINANCE CHANGE – APPROVED

Alderman Evans asked for clarification on once the hydrant owner receives a notice they have time to comply prior to the City hiring someone to fix it and charging the citizen. The Fire Department clarified that there would be a 1st Notice, a 2nd Notice, and then they would hire a company to do the fix and assess to citizen.

Alderman Jantzer said that some people might not even know they own the hydrant but that he is glad that the City will be maintaining them.

Alderman Jantzer moved the City Council approve the following ordinance as written to allow the city to hire and assess costs back to the private hydrant owners for the maintenance and repairs needed annually.

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

PERSONAL APPEARANCES

There were no personal appearances.

MISCELLANEOUS & DISCUSSION ITEMS

Alderman Olson spoke about the Fallen Police Officer flag and would like more information to possibly consider and/or vote at a future meeting.

Alderman Evans wanted to congratulate Atypical Brewery on winning the 2022 Gold Metal in World Beer Cup.

Mayor Sipma mentioned that Congressman Kelly Armstrong will be in Minot on Monday for a flood tour from 2:00-3:00 pm.

LIAISON REPORTS

Alderman Pitner attended the Renaissance Zone meeting and is happy to see the program being used. Alderman Jantzer attended the Liaison Committee Meeting where the 911 budget, the election (voter sites at Maysa Arena & State Fair Center), and the potential relocation of municipal court was discussed.

Alderman Ross and Alderman Evans had no meetings to report on. Mayor Sipma discussed the Task Force 12 change of command, the MACEDC Board meeting, and the regular Task Force 21 meeting.


Alderman Olson attended the Souris Basin Planning Council Executive Board, a community input meeting (discussing the impacts of Lutheran Social Services closing), and the Dakota College Dental Program meeting.

Alderman Podrygula attended a County Planning Commission meeting and a Ward County Emergency Preparedness meeting. He has Minot Commission on Aging and the Comp Plan Steering Committee coming up.

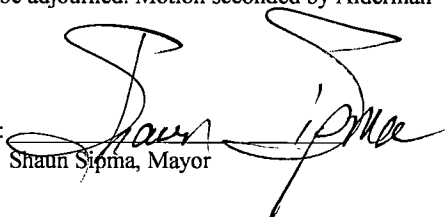
ADJOURNMENT

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Ross and carried unanimously. Meeting adjourned at 7:09 pm.

ATTEST:


Mikayla McWilliams, City Clerk

APPROVED:


Shaun Sipma, Mayor