

June 15, 2020 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – JUNE 15, 2020 AT 5:34 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.

PROCLAMATION- JUNETEENTH NATIONAL FREEDOM DAY

The Mayor Proclaimed June 19 as Juneteenth National Freedom Day.

WHEREAS, Juneteenth represents the first day of celebrating freedom in America for all Americans and the last known celebration for the ending of slavery, and,

WHEREAS, the Emancipation Proclamation was enacted and took effect Jan. 1, 1863, and on Nov. 9, 1863, during his Gettysburg address, President Abraham Lincoln announced that this nation, under God, shall have a new birth of freedom, and,

WHEREAS, on June 19, 1865, America with its former slaves celebrated this new birth of freedom, naming it Juneteenth; and,

WHEREAS, African Americans nurtured this infant of freedom called Juneteenth, while serving in America's wars and conflicts, exemplifying courage, patriotism and exhibiting patience with grace in the face of severe inequality; and

WHEREAS, 47 states and the District of Columbia have acknowledged Juneteenth as a day of observance to be recognized as necessary for freedom to be cemented in the American consciousness and the world;

NOW, THEREFORE, DO I, Shaun Sipma, Mayor of the City of Minot, hereby designate June 19 as Juneteenth National Freedom Day, and encourage all Minot residents to celebrate the historic birth of freedom for all Americans, regardless of race, and to encourage the state of North Dakota to join 47 other states in officially recognizing Juneteenth National Freedom Day.

PUBLIC HEARING: INTERIM USE PERMIT – SECTION 23-155-83, OUTLOTS 18-29 LESS RIGHT-OF-WAY – APPROVED

The City Council held a public hearing to consider a request by Minot Public Schools for an Interim Use Permit to allow two additional modular classroom buildings to be added to the five existing portable classroom buildings for a total of seven. The additional classroom space is needed due to an increase in students. No one came forward on behalf of the public hearing.

Alderman Jantzer moved the City Council close the public hearing and approve the request. Motion seconded by Alderman Olson.

Alderman Podrygula moved to amend the motion to include a requirement that an alarm system be installed connecting the buildings to central dispatch. Motion seconded by Alderman Wolsky.

Alderman Podrygula described the safety concerns regarding the modular classrooms. He said, he sympathizes with the School Board on the space issues but the Fire Chief recommends an alarm system. He explained his concerns for students especially those with special needs, having to evacuate in the case of an emergency. He said, the Fire Chief also pointed out concerns for an after-hours fire which can get out of hand quickly considering the construction of the buildings.

Alderman Wolsky asked about current building requirements and whether they include fire safety measures.

June 15, 2020 Regular City Council Meeting

Mr. Billingsley, Community and Economic Development Director, said there are very few requirements in the safety code which is why they increased the setbacks for this project.

Alderman Olson asked if the amendment would only apply to the two additional buildings or if it would be retroactive to the other five already in place.

Mr. Billingsley stated, the other five have already been approved without the condition so this would only apply to the two new buildings.

Alderman Podrygula agreed and said, his motion applies to the two they currently have under their control.

Alderman Wolsky commented that he needs more information about the current safety measures but is prepared to table the issue until they have answers.

Alderman Straight said the issue should be introduced on a larger level rather than including additional requirements for one situation at this stage.

Alderman Wolsky brought up the larger concerns about space issues in the schools and said, all the taxing entities are stewards of citizen's tax dollars. The organizations should work together to better plan future projects.

Alderman Podrygula raised a point of information by stating, the buildings are already being placed at the location without Council approval.

Alderman Wolsky moved the City Council table the item until they gather more information on safety measures. Motion seconded by Alderman Podrygula and failed by the following roll call vote: ayes: Podrygula, Straight, Wolsky; nays: Jantzer, Olson, Pitner, Sipma.

Alderman Olson recommended the School Board look at the issue holistically but said it is not the Council's authority to put that on them.

Alderman Pitner agreed with the concerns over the buildings already being in place. He said he supports additional safety measures.

Alderman Wolsky said the solution is to get students out of these structures and treating the symptom will not solve the space problems. The School District is responsible for the safety of the students but the Council has the authority to adopt additional safety requirements.

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

Alderman Pitner explained that he attended the DRT meetings and from the school's description of security measures, he envisioned a prison. He said, overcrowding is not something that has snuck up on the school. It has been anticipated for a long time. Portable classrooms are not a solution. He disagreed with the School's decision to place the classrooms before gaining approval from the Council. He said, he and other families will consider sending their kids out of district rather than sending them to portables like this.

Alderman Podrygula explained why he also does not support the issue. He said he was surprised by the close proximity of the classrooms and the existing issues with fire safety. He raised concerns about the buildings already being in place and said it challenges their authority as a Council. He said, the portable classrooms are not a good learning environment and they need to work together to prioritize the issue among the governing taxing entities. He brought up other safety concerns but said it is the responsibility of the School Board to address it. The Interim Use Permit is before the Council so they need to act on it and he is not comfortable approving it based on the information available.

Whereupon a vote was taken on the original motion by Alderman Jantzer, seconded by Alderman Olson, and carried by the following roll call vote: Jantzer, Olson, Sipma, Straight, Wolsky; nays: Pitner, Podrygula.

MAYORAL APPOINTMENT – APPROVED

June 15, 2020 Regular City Council Meeting

Alderman Jantzer moved the City Council affirm the Mayor's reappointment of Tim Baumann to the Planning Commission with a term to expire June 2025.

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

APPROVAL OF THE MINUTES – APPROVED

Alderman Jantzer moved the City Council approve the minutes of the June 1, 2020 regular City Council meeting.

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

APPROVAL OF PAYROLL – APPROVED

Alderman Jantzer moved the City Council approve payroll for the period of April 12, 2020 through May 23, 2020 in the amount of \$3,105,584.25.

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

ORDINANCE NO. 5410 – REZONE SOUTHWEST CROSSING CCRC, LOT 1, BLOCK 1, LOT 2, BLOCK 1, LOT 1, BLOCK 2, LOT 2, BLOCK 2 – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5410 on second reading to rezone Southwest Crossing CCRC, Lot 1, Block 1; Lot 2, Block 1; Lot 1, Block 2; Lot 2, Block 2 from R4 (Planned Development), R3 (Multi-Family Residential), R3C (Townhouse Residential) & R2 (Two-Family Residential) to RH (Residential High Density). Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5410 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

ORDINANCE NO. 5501 – ANNEX INTO CITY LIMITS- SRT ADDITION, LOT 1 – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5501 on second reading to annex Lot 1 SRT Addition into the City of Minot corporate limits. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5501 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

ORDINANCE NO. 5505- AMEND 2020 BUDGET FOR THE PURCHASE OF A HAZARDOUS MATERIALS DATA GATHERING KIT (FD0105) – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5505 on second reading to amend the 2020 annual budget to adjust the Fire department funds for the purchase of a data gathering kit to be used with Hazardous Materials equipment. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5505 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

ORDINANCE NO. 5506 AMEND THE 2020 ANNUAL BUDGET- FY 2019 STATE HOMELAND SECURITY GRANT EQUIPMENT PURCHASE (FD0105) – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5506 on second reading to amend the 2020 Annual budget to increase revenues and expenditures to include the trade in value for Area Rae Meters purchased with the FY19 State Homeland Security Grant funding. Motion seconded by Alderman Olson and carried unanimously.

June 15, 2020 Regular City Council Meeting

Alderman Jantzer moved the City Council pass ordinance no. 5506 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

ORDINANCE NO. 5507 - AMEND THE 2020 ANNUAL BUDGET- BJA FY 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5507 on second reading amending the 2020 annual budget to increase the Police department operation supplies revenues and expenditures for the 2020 Coronavirus Emergency Supplemental Funding Program Grant awarded by the Department of Justice. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5507 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

ORDINANCE NO. 5508 - AMEND THE 2020 ANNUAL BUDGET- FIRE COMMAND CENTER HVAC CONTROL UPGRADE – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5508 on second reading to amend the 2020 annual budget to increase the Fire Building and Grounds expenditures for the purchase of an HVAC control upgrade for the fire command center that had been appropriated in the 2019 budget. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5508 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

ORDINANCE NO. 5509 - AMEND THE 2020 ANNUAL BUDGET- CITY HALL BUILDING RELOCATION ANALYSIS (CAP032 / 4466) – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5509 on second reading to amend the 2020 annual budget to increase the engineer professional service contracts expenditure and revenue for the City Hall building analysis which will be funded with budgeted Capital Purchases for the new City Hall. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5509 on second reading. Motion seconded by Alderman Olson and carried by the following roll call vote: ayes: Jantzer, Olson, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: none.

ORDINANCE NO. 5510 - AMEND THE 2020 ANNUAL BUDGET - LIB035 LIBRARY EXTERIOR – SECOND READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5510 on second reading to amend the 2020 annual budget to increase the Library building and grounds expenditure for the exterior improvements. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5510 on second reading. Motion seconded by Alderman Olson 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. North Hill Bowl to conduct raffles through December 31, 2020 at North Hill Bowl (1901 N. Broadway)
2. Colin Brown Y's Men Club to conduct sports pools from September 1, 2020 through December 31, 2020 at Minot Family YMCA (3515 16th Street SW)
3. Magic City Equality to conduct bingo at Badland's Brew and Army's 2.0 September 3, 2020 and September 6, 2020
4. The Pour Farm for seven special event permits from June 4, 2020 through September 8, 2020 outside The Pour Farm (201 37th Ave SW)
5. Army's 2.0 for a special event permit June 19, 2020 through July 2, 2020 outside 12 3rd Street SE

June 15, 2020 Regular City Council Meeting

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

ORDINANCE NO. 5512 - AMEND 2020 ANNUAL BUDGET: FIT TESTING MACHINE – FIRST READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5512 on first reading to amend the 2020 annual budget to increase the Fire capital equipment expenditures and decrease the Fire operation supplies expenditures for the purchase of fit testing equipment funded by the 2018 Homeland Security Grant. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5512 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.

ORDINANCE NO. 5513 – AMEND THE 2020 ANNUAL BUDGET: L-TRON OSCR360 PANORAMIC SCENE CAMERA PURCHASE (PD0185) – FIRST READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5513 on first reading amending the 2020 annual budget to increase Police general fund operation supplies expenditures and revenues and decrease Police capital equipment purchase expenditures and revenues for the purchase of a 3D Evidence Collection Camera for Ward County funded by the FY2019 Edward Byrne JAG Grant. Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5513 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.

GAMING SITE AUTHORIZATIONS- ANNUAL GAMING ORGANIZATION RENEWALS – APPROVED

Alderman Jantzer moved the City Council grant approval of the remaining gaming site authorizations for the license year of July 1, 2020 through June 30, 2021.

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

ASSIGNMENT OF LEASE FROM SHIRLEY RUSTAD TO SCOTT RUSTAD LOT 1, SOUTH SIDE ADDITION, MINOT INTERNATIONAL AIRPORT – APPROVED

Alderman Jantzer moved the City Council approve the assignment of a ground lease from Mr. Shirley Rustad to Mr. Scott Rustad and authorize the Mayor to sign any documentation necessary to complete the assignment.

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

ASSIGNMENT OF HOLDOVER LEASE TERMS IN FULL TO ARDEN GLICK AND APPROVE NEW LEASE AGREEMENT FOR LOT 2 BLOCK 9, MINOT INTERNATIONAL AIRPORT 2ND ADDITION (FORMERLY KNOWN AS LOT 7) – APPROVED

Alderman Jantzer moved the City Council grant approval to assign the holdover ground lease interest from Dr. Michael T. Vandall to Mr. Arden Glick, approve the Ground Lease and Hangar Development Agreement with Mr. Glick and authorize the Mayor to sign any necessary documentation to assign the lease interest and enter into the lease.

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

OFFER NEW LEASE TERMS TO JAMES LARSEN AND DUANE HAUGSTAD FOR LOT 3 BLOCK 9, MINOT INTERNATIONAL AIRPORT 2ND ADDITION (FORMERLY KNOWN AS LOT 6) – APPROVED

Alderman Jantzer moved the City Council approve the new Ground Lease and Hangar Development Agreement with Mr. Larsen and Mr. Haugstad; and authorize the Mayor to sign any applicable documentation.

June 15, 2020 Regular City Council Meeting

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

APPROVE CDM SMITH NO COST INCREASE EXTENSION ALLOCATION #1 – APPROVED

Alderman Jantzer moved the City Council approve CDBG-DR Allocation #1 CDM Smith Agreement Extension until June 30, 2021 at no added cost increase to current cap and authorize Mayor to execute extension agreement.

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

AMENDMENT TO PROSECUTION CONTRACT – APPROVED

Alderman Jantzer moved the City Council authorize the Mayor to sign the contract amendment relating to prosecution services of Boppre Law Firm, PLLC, on behalf of the City of Minot.

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

AFFIRM BEHM OIL PROPERTY CDBG-NDR FLOOD BUYOUT ACQUISITION – APPROVED

Alderman Jantzer moved the City Council affirm acquisition of Behm Oil property for \$140,000 for CDBG-NDR Flood Buyout Program Acquisition consistent with City policies and procedures.

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

ENCROACHMENT PERMIT - 1ST STREET AKSAL SIGN – APPROVED

Alderman Jantzer moved the City Council approve the Right of Way Encroachment Permit Application submitted by Aksal Group, LLC for the installation of a projecting sign at their building at 3 1st Street SE.

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

ENCROACHMENT PERMIT - VILLAGE AVE/HIAWATHA ST – APPROVED

Alderman Jantzer moved the City Council approve the Right of Way Encroachment Agreement Application submitted by Richard G and Phyllis P Hodnefield Life Estate and Janice Lundeen for the installation of private storm sewer to tie into a City catch basin in the 1700 block of Hiawatha Street.

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

NORTHRIDGE VILLAS DEVELOPMENT AGREEMENT AMENDMENT 1 (3632) – APPROVED

Alderman Jantzer moved the City Council approve Amendment 1 to the Northridge Villas Development Agreement and authorize the Mayor to sign the amendment.

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

ORDINANCE NO. 5514 - NO PARKING ON 12TH STREET SW BETWEEN 8TH AVENUE SW AND 16TH STREET SW – FIRST READING – APPROVED

Alderman Jantzer moved the City Council place ordinance no. 5514 on first reading to add parking restrictions to the following location:

1. South side of 12th Street SW, between 16th Street SW and 8th Avenue SW.
2. North side of 12th Street SW, east 230-feet from the center of the 16th Street SW intersection.

June 15, 2020 Regular City Council Meeting

Motion seconded by Alderman Olson and carried unanimously.

Alderman Jantzer moved the City Council pass ordinance no. 5514 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.

AMENDED LEASE TERMS AND CONDITIONS FOR SCOTT AVIATION/WILSON SCOTT – APPROVED

Alderman Podrygula moved the City Council approve the Ground Lease and Hangar Development Agreement between the City of Minot and Scott Aviation/Wilson Scott and authorize the Mayor to sign the amended agreement. Motion seconded by Alderman Pitner.

Alderman Podrygula commended staff for finding a win-win solution for this and other airport agreements. He said, he is glad to see standardized agreements and up-to-date terms.

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

ORDINANCE NO. 5511 - SECOND PENNY SALES TAX – SECOND READING – TABLED

Alderman Pitner moved to table ordinance no 5511 on second reading.

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

DEVELOPERS AGREEMENT - RAMSTAD HEIGHTS 8TH & 9TH (4519) – APPROVED

Alderman Straight moved the City Council approve the Ramstad Height's 8th and 9th Additions Developers Agreement with Four Seasons Construction, Inc. and authorize the Mayor to sign. Motion seconded by Alderman Jantzer.

Alderman Pitner explained that the developer reached out with concerns regarding the agreement. Through correspondence with the City Engineer, Alderman Pitner found out the reason sewer lines are capped at the main line rather than the right of way is in case other utilities need to be accessed, it would not be hit. The utilities in this development are already in place so he wondered if can allow the connection at the right of way. He also raised questions about how the road was originally constructed and suggested the City allow another paving company to analyze the road before constructing a new one. He said, this developer is taking over what was a defunct property and making improvements which adds more value to the tax roll benefitting the citizens of Minot. He wants to ensure the development is done well but wants to work with the public to demonstrate the City is open for business and allow the private sector to work collaboratively with the City.

Alderman Pitner moved to amend the agreement to allow the developer to cap the sewer lines at the right of way and allow a paving company to bore into the road to analyze its state before replacing it. Motion seconded by Alderman Straight.

Alderman Pitner said, lines have been capped at the right of way in other developments in the past. The utilities are in place so there is minimal risk of hitting lines while digging. He commented how the Council often speaks about infill and project development and this is an example of what they are looking for.

Mike Hayes, of Four Seasons Construction, described their request. He provided examples of developments where the City did not require the developer to replace the roads. He asked for the opportunity to have a paving company bore the curb and street to see the condition of the road to save money rather than replace a road that doesn't need to be replaced. He continued by saying, a previous developer's agreement was approved in May for the same roadway allowing them to cap the sewer lines at the right of way. He also said all utilities are in besides street lighting, which they will install. Mr. Hayes said they are creating affordable housing that Minot needs.

Alderman Straight asked about the cost to have a paving company bore for road conditions, to which Mr. Hayes responded by saying, it would be much less than replacing the street. He said, there have been two paving companies who said it needs slight milling but the testing could be up to \$2,000 to find out what's underneath.

Mayor Sipma asked the City Engineer to explain the risk to the City if the changes are made to the agreement.

June 15, 2020 Regular City Council Meeting

Mr. Meyer provided the history behind construction of the road in this location. He said, in 2012, the developer installed the street section in haste so the City would allow a certificate of occupancy. The development was rushed because of weather and the road was never constructed properly. The City never accepted the road and it didn't meet City specifications. He said, the agreement with the previous developer included provisions to start replacing 32nd Avenue in phases and it has been the City's position since 2012 that the developer would replace the road. He then stated, the pavement is in bad shape so when it does get replaced, it will be on the taxpayers to pay for it.

Mr. Meyer also explained that it is a longstanding policy to cap the utility services at the mains because of utility boring. Contractors using a directional drill will risk hitting the lines. His recommendation is to keep the developer's agreement as written. He read the minutes from the DRT meeting stating Kodiak Street, 32nd Avenue and Hunter Avenue need to be removed and replaced to City standards using 2019 specifications. He said, it should not be a surprise to the developer.

Upon further questioning by the Mayor regarding what the boring samples might show, Mr. Meyer said, since it was placed on frozen ground, it will likely cause microcracking and potholes. He then clarified for Alderman Podrygula that the road never met city specifications and was never acceptable to the City.

Alderman Wolsky asked about the previous situations that allowed Mr. Hayes to cap lines at the property line rather than the mains.

Mr. Meyer explained that during the first phase of development in 2016, since the street infrastructure was rejected, the developer replaced the curb and gutter and the street section on 15th Street. In 2017, when Mr. Hayes replatted the properties, they decided to allow him to keep the caps at the right of way line since the road had just been constructed. The original recommendation for 5th and 6th Addition was consistent with City policy however, they didn't have the information at the time explaining why they allowed the services to be capped at the property line for the previous Addition so to be fair and consistent, they allowed the 5th and 6th Addition to also cap the lines at the property line. They have tried working with the developer but in this situation, they would be taking advantage of previous circumstances. This location does not have the road there and only has curb and gutter that requires replacement anyway. Mr. Meyer then confirmed, they are not requiring the developer go back and fix any of the previous connections, only requiring they connect them at the main line going forward.

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

Alderman Straight expressed concerns that the developer has to bear the cost even though the situation is not his fault. He said he is frustrated and the City needs to be better at holding developers accountable to their developer's agreements.

The Mayor agreed that developer's agreements are important as well as adhering to guidelines recommended by the City Engineer. They also have to pay attention to the backlog of road maintenance that continues to pile up.

Alderman Pitner said, he respects the City Engineer but this developer is trying to improve a bad development into something the city needs. He said he wants to be flexible as they have been in the past.

Alderman Wolsky stated, the cost of development is the cost of development. Allowing shortcuts will reduce the cost at the front end but would catch up with us eventually. Since the City accepts responsibility for the continued maintenance and services going forward, then the streets should be built to city specifications and the true costs should be acknowledged.

Whereupon a vote was taken on the original motion by Alderman Straight, seconded by Alderman Jantzer and carried by the following roll call vote: ayes: Jantzer, Olson, Podrygula, Sipma, Wolsky; nays: Pitner, Straight.

PERSONAL APPEARANCES

John MacMartin, representing the Chamber of Commerce and the Minot Area Development Corporation, addressed the Council. He commended the City for participating in Maximize Minot by purchasing police vehicles from a local vendor. He said, the action did not go unnoticed.

He also presented the Council with veggipasta produced locally by AGT Foods in Minot. He provided a press release explaining that the product, made from dry peas, is vegan and gluten-free, and is sold worldwide as well as Marketplace Foods in Minot.

June 15, 2020 Regular City Council Meeting

MISCELLANEOUS & DISCUSSION

Alderman Straight requested a discussion on term limits for City Council. He said, he is not disparaging his colleagues and appreciates their service but believes they can all do better to build public trust. He pointed out this was not an attempt to be like other cities although, the City Attorney provided information from the City of Fargo's ordinance. He said, he wants to promote more citizen engagement. He commented that he personally follows a two-term policy which is why he did not run during the past election. He related the issue to previous testimony at the legislature regarding party affiliation. Alderman Straight mentioned the comments provided by Alderman Podrygula via email regarding elections as an appropriate means of term limits. He concluded by saying, he is not proposing an ordinance change at this meeting but would like to have the discussion so they can consolidate ideas and reflect on improvements.

Alderman Wolsky said he agreed with Alderman Podrygula's comments that elections are the best tool to impose term limits however, he believes term limits should be considered. He said it provides a reminder that being on Council is a responsibility, not an entitlement.

Alderman Wolsky moved the City Council direct staff to draft an ordinance based on Fargo's policy, to be considered at the first meeting in August. Motion seconded by Alderman Podrygula.

Alderman Pitner commented that it wouldn't affect him personally as he doesn't plan to serve more than two terms. He said, he was raised to believe that if you want to see change, you have to get involved and term limits may force people to get engaged.

Alderman Olson said the suggestion should come from the community. She pointed out that according to her research, it becomes more difficult for women or minorities to run when there are term limits. She would like to see more diversity on the Council and this could be a road block.

Alderman Pitner requested Alderman Olson share the sources of her research because it is an interesting perspective.

In reference to Fargo's ordinance which sets limitations to three terms, the Mayor commented that he hasn't seen a former Mayor serve more than three terms. He pointed out that the recent election showed a lot of positivity having five candidates compete for three Council seats. He hoped more people engage in elections in the future.

Alderman Podrygula commented that he is against term limits but supports the discussion. He believes elections are an efficient way to set a term limit by listening to the will of the people. He also said, there is a steep learning curve associated with serving on the City Council which allows elected officials to acquire a sense of wisdom over time. Limiting Council terms deprives people of choice when they should ensure all voices are heard during an election. He described his experience winning and losing elections over the years and said, not being elected creates humility.

Alderman Pitner spoke about the necessity to be engaged as citizens.

Whereupon a vote was taken on the above motion by Alderman Wolsky, seconded by Alderman Podrygula, and carried by the following roll call vote: ayes: Jantzer, Pitner, Podrygula, Sipma, Straight, Wolsky; nays: Olson.

Alderman Wolsky brought up an issue regarding John Zakian's employment as the CDBG-DR/NDR Program Manager. He stated, his employment was an election issue and Mr. Zakian resigned prior to the election. Afterwards, he rescinded his resignation and it is possible his actions impacted the election. Alderman Wolsky raised concerns about the process and said it was brought to the attention of the Executive Committee and not shared with the full Council. He then mentioned concerns with the way Mr. Zakian handled the agenda items brought to Council at the June 1st meeting regarding subrecipient agreements with the Park District and Strong Towns.

Alderman Wolsky moved the City Council direct the Acting City Manager not to accept the request from Mr. Zakian to rescind his resignation. Motion seconded by Alderman Straight.

Mr. Zakian stated, there was no hidden agenda and the job offer that was extended to him is still an option. He realized that leaving would create a huge gap in the continuing progress in Minot and he did not want to leave with so much unfinished work. He said he is invested in Minot and the CDBG-DR projects and would rather stay than move onto another career. He

June 15, 2020 Regular City Council Meeting

explained that he reached out to the elected officials in leadership roles to gather opinions and then emailed the HR Director and City Manager to rescind the resignation.

Mr. Zakian clarified the issues concerning the direction from Council regarding the Park District and Strong Towns. He said, neither organization is eligible to receive grant funds at this time because they are required to be registered with Sam.gov. He has notified the organizations but has not heard back from them yet. He said they can register with Sam.gov, which can take four to five weeks, and then he will move forward with the requested projects and proceed with subrecipient agreements.

Mayor Sipma then confirmed that employment is handled by the City Manager, not at the Council level.

At the request of Mayor Sipma, the HR Director stated, rescinding a resignation is not uncommon and is not a problem as long as a replacement has not been hired. It is the City Manager's decision as the supervisor of this position.

Alderman Podrygula said he is not comfortable publicly probing a City employee, however they govern collectively as a Council and it is in their best interest to have open conversations rather than making unilateral decisions.

The Mayor stated, Mr. Zakian is not a Department Head and the appropriate process was followed when he contacted the HR Director and City Manager. It is very odd that it would be brought to City Council.

Alderman Wolsky said, the information was relayed to Council after a decision had already been made. He said he believes the information was used inappropriately. He also commented that the Park District has received federal funds in the past and they were not contacted by Mr. Zakian regarding the situation.

Alderman Pitner said it is not uncommon to rescind a resignation. He requested clarification on the motion and asked if what they are considering is firing Mr. Zakian. He also said, he doesn't have enough information to say this affected the election.

The City Attorney stated, Mr. Zakian is a City employee and she is not aware of a situation where rescinding a resignation was not allowed other than when a position had already been filled. The decision belongs with the City Manager. Upon further questioning she stated, Mr. Zakian is employed under the NDR grant for a limited time period. He is not a civil service employee which is covered under certain protections and processes. He is essentially a temporary employee, as are all employees funded under CDBG-DR.

The HR Director further clarified, employees are aware when hired in the positions that when funds run out, the position is eliminated.

Alderman Olson said what an awkward position this puts them in. She also responded to previous comments about the Executive Committee. She explained that Mr. Zakian emailed the Mayor, President and Vice President for input on his decision. It is not unlike conversations with other employees. They were not given any authority to make a decision because it is up to the City Manager.

Alderman Straight said, it is similar to former City Manager Lee Staab reaching out to Alderman Jantzer but he saw this as an opportunity to part ways. He said, if it is preferable, they can direct the City Manager to discuss outside the Council meeting.

Mayor Sipma commented that the City has spent years correcting mistakes because we didn't know how to properly handle CDBG-DR grants. There have been disagreements regarding projects but we cannot go back to being in the dark about federal guidelines. He also said that during these uncertain times, they will not be able to find a replacement with as much experience as Mr. Zakian to relocate to Minot.

Alderman Straight said he disagrees and believes they could find a replacement. He raised concerns about a trip Mr. Zakian took at the expense of a developer and then made a recommendation to the Council regarding the development. He stated it needs to be conveyed that no staff can travel on a developer's nickel and said it questions their professionalism.

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

Alderman Pitner moved to place the NDR Department under the oversight of the Community Development Director and place Mr. Zakian under a Performance Improvement Program.

June 15, 2020 Regular City Council Meeting

The City Attorney said, no motion is necessary. They can direct the City Manager to determine the necessary and appropriate action and it can be handled internally. If changes are made to the reporting structure, it would be brought back for Council action.

Alderman Pitner emphasized that he wants to ensure there is appropriate coverage should Mr. Zakian decide to leave.

Acting City Manager Lakefield said, staff will develop a plan and bring it back to Council.

Alderman Podrygula said it is uncomfortable discussing someone’s performance publicly and he asked staff to discuss the matters outside the Council meeting. Concerns need to be dealt with properly.

Alderman Pitner reminded everyone to respond to the 2020 Census. He commented on how completing the census could help address some of the crowding issues taking place at Minot’s schools which were discussed earlier.

Alderman Wolsky mentioned that Magic City Equality reached out for a proclamation for Pride month. He wanted to let them know the message was received.

LIAISON REPORTS

Alderman Pitner said, the Library has found ways to continue to provide services and are a great example of how to thrive during a pandemic.

Alderman Jantzer said the County, City, Park, School Liaison Committee is scheduling a meeting in July.

Mayor Sipma reminded, there will be new committee assignments during the reorganization meeting. He then mentioned the COVID-19 Task Force and the tremendous amount of work they have done during the pandemic. He said they will be compiling an after-action review document for the Emergency Operations Manual. He thanked everyone involved.

Alderman Straight said Souris Basin Planning Council received relief from the federal government and he will attend his last Visit Minot meeting on Wednesday.

Alderman Olson will attend a Census meeting on Friday. She also said the Juneteenth celebration was scheduled at the last minute due to COVID but will take place on Friday beginning at City Hall at noon.

Alderman Podrygula visited 10,500 residents during his election campaign and said it was an opportunity to see first-hand the pavement condition index. He commented on the community’s pride and how it was a lesson in humility.

ADJOURNMENT

There being no further business, Alderman Pitner moved the City Council meeting be adjourned. Motion seconded by Alderman Jantzer and carried unanimously. Meeting adjourned at 7:46 pm.

ATTEST: _____
Kelly Matalka, City Clerk

APPROVED: _____
Shaun Sipma, Mayor