

## September 20, 2021 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – SEPTEMBER 20, 2021 AT 5:30 P.M.

### ROLL CALL

#### Members Present:

Evans, Jantzer (phone), Olson, Pitner, Podrygula, Ross, Sipma

#### Members Absent:

None

### PLEDGE OF ALLEGIANCE

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

The Mayor recognized a Cub Scout Troop for attending the meeting to earn a badge.

### COVID UPDATE

Lisa Clute, Director of First District Health Unit, presented their daily report demonstrating the number of COVID cases throughout the region. She pointed out statistics for Ward County by saying, there were 14 new cases that day, the active cases are at 185 compared to the active cases one year ago at 191, and the 14-day positivity rate is 6.8%. Vaccinations for Ward County are at 25,402 doses, not including the Air Force Base. The number of hospitalizations statewide are at 120, current ICU hospitalizations are at 21. There have been 38,293 cases since the vaccine has been available, 34,746 of those being unvaccinated individuals and 3,547 were breakthrough cases in vaccinated individuals.

She continued by saying, there are not booster doses available yet. The recommendation from a subgroup of the FDA, is to provide booster doses to those 65 and older. The FDA will consider their recommendation and then the ACIP will meet Wednesday and Thursday to determine the rules on vaccinations. The FDA did not approve booster doses for anyone under 65 or immunocompromised. She also mentioned that Pfizer has been approved for ages 6-11 and will be available in October.

Taylor Wilson, of Trinity Hospital, provided some information on their operations. He said, the number of patients ebbs and flows but he encouraged any COVID positive individuals to contact their provider for MAB, which is an available treatment. He also promoted the Flu Clinic which offers flu shots by appointment. He said, they have not restricted their services but are monitoring every day.

Alderman Podrygula asked about hospital capacity to which Mr. Taylor responded by saying, physical availability is not a limiting factor among any hospital in the state, however staffing remains to be an issue.

Upon questioning by Alderman Ross regarding the number of vaccinations compared to the number of cases between this year and last year, Ms. Clute explained, the delta variant is more contagious. She also pointed out that last year, many of the cases were among older adults who are now vaccinated. This year, a majority of the cases are among younger people who have a lower vaccination rate.

Alderman Ross then asked about the survival rate of COVID. Mr. Taylor said, as treatments have improved, so has the survival rate. He also mentioned that a portion of Minot's population is at the Air Force Base which has now mandated vaccinations. Those statistics are not reflected in their data but it will improve the overall vaccination rate of the community.

### MAYORAL APPOINTMENT – APPROVED

Alderman Pitner moved the City Council confirm Roger Reich to the Library Board with a term of July 1, 2021 to June 30, 2024.

Motion seconded by Alderwoman Olson 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.

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He then recognized Maria Romanick as Acting Airport Director while they searched for a new Director to fill the position. He also announced that John Zakian has submitted his resignation as CDBG-DR-NDR Program Manager and acknowledged his positive impacts on the community.

Mayor Sipma recognized John Zakian for all of his efforts for the City of Minot and provided him with a Mayor's coin.

Mr. Zakian responded with some parting words and thanked the Council for the opportunity.

### **SUBDIVISION OF LOTS 1 & 2, THE BLUFFS 17TH ADDITION**

Alderman Pitner moved the City Council approve a subdivision of Lot 7, The Bluffs 7th Addition and Lot 8, The Bluffs 9th Addition to adjust the property boundary between the two lots. The resulting subdivision is to be known as Lots 1 & 2, The Bluffs 17th Addition.

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

### **SUBDIVISION OF LOTS 1-3, HILLTOP 6TH ADDITION**

Alderman Pitner moved the City Council approve a subdivision of Lots 1 & 2, Hilltop 5th Addition to divide two lots into three to be known as Lots 1-3, Hilltop 6th Addition.

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

### **SUBDIVISION OF AIRPORT INDUSTRIAL PARK 6TH ADDITION**

Alderman Pitner moved the City Council approve a subdivision plat to combine three lots into two to be known as Airport Industrial Park 6th Addition.

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

### **PUBLIC HEARING: MASTER BLOCK 2ND ADDITION, LOTS 1 & 2**

The City Council held a public hearing to consider a request from Steve Eberle representing Fred Bentz on behalf of Fred Bentz Investments, LLC to annex into city limits and approve a subdivision to consolidate two lots into one to be known as Master Block 2nd Addition. No one appeared on behalf of the request.

Whereupon Alderman Pitner moved the City Council close the public hearing and approve the recommendations.

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

### **SUBDIVISION OF MASTER BLOCK 2ND ADDITION, LOTS 1 & 2**

Alderman Pitner moved the City Council approve a subdivision to consolidate two lots into one to be known as Master Block 2nd Addition.

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

### **ORDINANCE NO. 5655 – ANNEX LOT 1, MASTER BLOCK 2ND ADDITION – FIRST READING – APPROVED**

Alderman Pitner moved the City Council place ordinance no. 5655 on first reading to annex Lot 1, Master Block 2nd Addition into the corporate boundary of the City of Minot, North Dakota. Motion seconded by Alderwoman Olson and carried unanimously.

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Alderman Pitner moved the City Council pass ordinance no. 5655 on first reading. 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: ZONING MAP AMENDMENT- LOTS 1-20, BOLTON HEIGHTS 11TH ADDITION**

The City Council held a public hearing to consider a request by Jennifer Cook representing Luis Cortez, for a zoning map amendment from "R1" Single-Family Residential District to "R2" Two-Family Residential District for the purpose of constructing Twinhomes on Lots 1 through 20, Bolton Heights 11th Addition. No one appeared on behalf of the request.

Whereupon Alderwoman Olson moved the City Council close the public hearing and approve the recommendations. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5656 - ZONING MAP AMENDMENT- LOTS 1-20, BOLTON HEIGHTS 11TH ADDITION – FIRST READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5656 on first reading for a zoning map amendment from "R1" Single-Family Residential District to "R2" Two-Family Residential District on Lots 1 through 20, Bolton Heights 11th Addition. Motion seconded by Alderman Ross and carried unanimously.

Alderwoman Olson moved the City Council pass ordinance no. 5656 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **PUBLIC HEARING: DON'S 2ND ADDITION**

The City Council held a public hearing to consider a request by 42 Minot, LLP, on behalf of Jared L Lochthowe, for the annexation of a portion of the SE1/4 & SW1/4 of Section 35, Township 156 North, Range 83 West and a zoning map amendment from "AG" Agricultural District to "M1" Light Industrial District, on the proposed plat to be known as Don's 2nd Addition. No one appeared on behalf of the request.

Whereupon Alderwoman Olson moved the City Council close the public hearing and approve the recommendations.

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

### **ORDINANCE NO. 5657 – ANNEX LOTS 1 & 2 DON'S 2ND ADDITION – FIRST READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5657 on first reading to annex a portion of the SE1/4 & SW1/4 of Section 35, Township 156 North, Range 83 West into city limits to be known as Lots 1 & 2, Don's 2nd Addition. Motion seconded by Alderman Ross and carried unanimously.

Alderwoman Olson moved the City Council pass ordinance no. 5657 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

### **ORDINANCE NO. 5658 – ZONING MAP AMENDMENT - DON'S 2ND ADDITION – FIRST READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5658 on first reading for a zoning map amendment from "AG" Agricultural District to "M1" Light Industrial District on Lots 1 & 2, Don's 2<sup>nd</sup> Addition. Motion seconded by Alderman Ross and carried unanimously.

Alderwoman Olson moved the City Council pass ordinance no. 5658 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

### **RESOLUTION NO. 3737 – FUTURE LAND USE MAP AMENDMENT- DON'S 2ND ADDITION**

Alderwoman Olson moved the City Council adopt resolution no. 3537 for a Future Land Use Amendment from Office Business Park and Medium Density Residential to Industrial for the property described as Lots 1 & 2, Don's 2<sup>nd</sup> Addition.

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

### **SUBDIVISION OF DON'S 2ND ADDITION**

Alderwoman Olson moved the City Council approve a subdivision of a portion of the SE1/4 & SW1/4 of Section 35, township 156 North, Range 83 West to be known as Don's 2nd Addition.

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

### **ORDINANCE NO. 5659 - ZONING ORDINANCE TEXT AMENDMENT – SIGN REGULATIONS – FIRST READING – APPROVED**

The City Council held a public hearing to consider a zoning ordinance text amendment relating to sign regulations and notification requirements. No one appeared on behalf of the recommendation.

Whereupon Alderman Pitner moved the City Council close the public hearing and place ordinance no. 5659 on first reading amending tables 5.1-6(b) and 5.1-6(c) related to sign regulations and 9.2-1 C related to written notice to neighboring property owners. Motion seconded by Alderman Ross and carried unanimously.

Principal Planner, John Van Dyke provided further information to the Council. He said the current ordinance already goes above and beyond what is required by state law regarding notification. Minot is the only large City in North Dakota who provides notification to neighboring properties by certified mail. The process is expensive and inefficient compared to regular mail service.

The City Manager pointed out the City's effort to be more transparent than state law requires.

Alderman Pitner moved the City Council pass ordinance no. 5659 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

### **CITY COUNCIL MINUTES – APPROVED**

Alderwoman Olson moved the City Council approve the minutes of the September 7, 2021 regular City Council meeting.

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

### **ORDINANCE NO. 5640 – REZONE LOTS 1 & 2, ERDMAN'S 2ND SUBDIVISION – SECOND READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5640 on second reading to change the Zoning Map from "M1" Light Industrial to "P" Public District on Lot 2, Erdman's 2nd Subdivision. Motion seconded by Alderman Ross and carried unanimously.

Alderwoman Olson moved the City Council pass ordinance no. 5640 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5646 - AMEND THE 2021 ANNUAL BUDGET- AIRCRAFT RESCUE AND FIRE FIGHTING (ARFF) LIVE BURN TRAINING – SECOND READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5646 on second reading amending the 2021 annual budget to increase the Airport education and training expenses and decrease Fire department education and training expenditures for the additional funds needed for the annual ARFF training and approve the transfer of revenue from General Fund to Airport. Motion seconded by Alderman Ross and carried unanimously.

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Alderman Olson moved the City Council pass ordinance no. 5646 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5647 - AMEND THE 2021 ANNUAL BUDGET- TRAVEL EXPENSES FOR AIRPORT DIRECTOR FINAL CANDIDATES – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5647 on second reading amending the 2021 annual budget to increase the Airport travel costs for travel expenses during the interview process of the new Airport Director, which will be funded with ACRGP funds. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5647 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5648 – AMEND THE 2021 ANNUAL BUDGET - FY20 FIRE STATE HOMELAND SECURITY GRANT CAPITAL PURCHASE (2021300001) – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5648 on second reading to amend the 2021 annual budget to increase the Fire department General fund materials and supplies revenue & expenditures and decrease the Fire department Capital Equipment revenues and expenditures for an electric ventilation fan purchase using funds from the FY2020 State Homeland Security Grant Program Regional Response award. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5648 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5649 - MINOT INTERNATIONAL AIRPORT (MOT) RUNWAY 13/31 PAVEMENT EVALUATION – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5649 on second reading amending the 2021 annual budget to increase the Airport airside runway maintenance for the engineering needed due to surface deterioration on Runway 13/31, which will be funded with ACRGP funds. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5649 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5650 – AMEND THE 2021 ANNUAL BUDGET CITYWORKS LICENSE UPGRADE (4423) – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5650 on second reading amending the 2021 annual budget to increase the information technology maintenance and agreements revenues and expenditures for the CityWorks and Munis integration upgrade. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5650 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5651 - LAW ENFORCEMENT PARKING ON S MAIN ST AT TRINITY EMERGENCY ROOM – SECOND READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5650 on second reading to modify the parking restriction on the west side of S Main Street that is 60-feet to 100-feet from the intersection of S Main Street and Burdick Expressway and do the following:

- Remove the existing 2-hour limited time parking zone
- Add a Law Enforcement Only parking zone

Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5650 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

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### **ORDINANCE NO. 5652 - NO PARKING ON 13TH AVENUE SW BETWEEN 1ST STREET SW AND S BROADWAY – SECOND READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5652 on second reading to add a parking restriction to the following location:

- No parking on the north side of 13th Avenue SW between 1st Street SW and S Broadway.
- No parking on the south side of 13th Avenue SW for 160-feet east from the center of the 13th Avenue SW and S Broadway intersection.

Motion seconded by Alderman Ross and carried unanimously.

Alderwoman Olson moved the City Council pass ordinance no. 5652 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5653 - AMEND CHAPTER 5-35 OF THE CITY OF MINOT CODE OF ORDINANCES – SECOND READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5653 on second reading amending the City of Minot Code of Ordinances, Chapter 5-35 pertaining to exceptions to the limitation on the number of licenses. Motion seconded by Alderman Ross.

Alderwoman Olson moved the City Council pass ordinance no. 5653 on second reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none

### **ADMINISTRATIVE APPROVALS**

Alderwoman Olson moved the City Council ratify the following administratively approved requests:

1. Minot High School Volleyball Boosters to conduct sports pools September 13, 2021 through November 15, 2021 at Magic City Campus (1100 11<sup>th</sup> Ave SW)
2. Minot Indoor Rodeo to conduct a raffle October 1 & 2, 2021 at Minot Municipal Auditorium (420 3<sup>rd</sup> Ave SW)
3. Army's 2.0 for a special event permit August 21, 2021 at Main Street Books (8 Main Street S)
4. Prairie Sky Breads for a special event permit August 27-29, 2021 outside 3 1<sup>st</sup> Street SE
5. East End for a special event permit August 21, 2021 outside 400 Central Ave E
6. Off the Vine for a special event permit September 11, 2021 at Oak Park (1300 4<sup>th</sup> Ave NW)
7. Atypical Brewery & Barrelworks for a special event permit September 11, 2021 at Oak Park (1300 4<sup>th</sup> Ave NW)
8. Elevation for a special event permit August 21, 2021 at The Depot (15 N Main Street)
9. The Pour Farm for a special event permit August 26-September 8, 2021 outside 201 37<sup>th</sup> Ave SW
10. The Ranger Lounge for a special event permit August 28, 2021 outside 1218 South Broadway
11. Army's 2.0 for a special event permit September 2, 2021 at 305 20<sup>th</sup> Ave SW
12. The Tap Room/Saul's/Dad's for a special event permit September 8, 2021 at 21 E Central Avenue
13. The Landing Bar & Bottleshop for a special event permit September 11, 2021 outside 2015 North Broadway
14. Minot State University Athletics to conduct raffles August 20, 2021-May 31, 2022 at Herb Parker Stadium and the Dome (500 University Ave W)
15. Souris Valley United Way to conduct raffles September 1, 2021- June 30, 2022 at 1941 4<sup>th</sup> St SW
16. Dakota College of Bottineau Student Nurse Organization to conduct a calendar raffle September 1, 2021 – December 31, 2021 at Trinity (307 5<sup>th</sup> Ave SE)
17. Minotauros Booster Club to conduct raffles October 1, 2021 – June 30, 2022 at MAYSA Arena (2501 Burdick Expy W)
18. Pleasant Lake Winery/Dakota Hills Winery for a special event permit September 18 & 25, 2021 at North Prairie Farmer's Market (3<sup>rd</sup> Ave S & Broadway)
19. East End for a special event permit September 11, 2021 outside 400 Central Ave E)
20. The Spot for a special event permit September 11 & 18, 2021 outside 6 2<sup>nd</sup> Street NE
21. The Spot for a special event permit October 16, 2021 outside 6 2<sup>nd</sup> Street NE

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22. Lamplighter Lounge for a special event permit September 17-19, 2021 outside 200 16<sup>th</sup> Street SW
23. National Association of Insurance & Financial Advisors North Dakota to conduct a raffle September 23, 2021 at Sleep Inn & suites Conference Center (2400 10<sup>th</sup> St SW))
24. Atypical Brewery & Barrelworks for a special event permit September 10, 2021 outside 510 Central Ave E
25. Elevation for a special event permit September 17, 2021 at The Depot (15 N Main Street)
26. The Spot for a special event permit September 10-23, 2021 at The Regency Event Center (105 1<sup>st</sup> Ave SE)
27. Denial of a local permit to Danielle Gange to conduct a raffle September 11, 2021 at The Landing Bar & Bottleshop (2015 North Broadway)

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

### **GAMING SITE AUTHORIZATION- PRAIRIE GRIT ADAPTIVE SPORTS**

Alderman Olson moved the City Council approve the gaming site authorization for Prairie Grit Adaptive Sports to conduct electronic pull tabs at Sammy's Pizza through June 30, 2022.

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

### **BURDICK EXPRESSWAY WATERMAIN REPLACEMENT – FINAL PAYMENT (CITY PROJECT NO. 4567.1)**

Alderman Olson moved the City Council approve the final payment to Post Construction in the amount of \$234,345.30 for the Burdick Watermain Replacement Project.

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

### **AWARD 2021 ROUND 2 CDBG-NDR STRUCTURE DEMOLITION/SITE RESTORATION CONTRACT TO DIG IT UP BACKHOE SERVICE, INC.**

Alderman Olson moved the City Council approve the contract with Dig It Up Backhoe Service, Inc. for CDBG-NDR Round 2 Structure Demolition/Site Restoration Contract in the amount of \$414,545.

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

### **AIRPORT PAID PARKING LOT SNOW REMOVAL OPERATIONS BID**

Alderman Olson moved the City Council authorize the Airport to advertise bids for snow removal services for the paid parking lots for the 2021-2022 snow season, authorize the Airport to award the snow removal contract to the lowest, responsible bidder and authorize the Mayor to sign any applicable documentation.

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

### **ORDINANCE NO. 5660 – AMEND THE 2021 ANNUAL BUDGET- PAVING & UTILITY DISTRICT 2021-1 (4585) ENGINEERING CONTRACT – FIRST READING – APPROVED**

Alderman Olson moved the City Council approve the amendment to the AE2S engineering contract and place ordinance no. 5660 on first reading amending the 2021 annual budget to increase general fund engineering street infrastructure and refunding bond revenue and decrease water, storm sewer and capital infrastructure expenses/expenditures and refunding bond revenue for the change order for the Minot Park District paving and utility improvements. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5660 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

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### **APPROVE CONTRACT WITH SWANSON & WARCUP, LTD. FOR EMINENT DOMAIN LEGAL SERVICES IN SUPPORT OF ACQUISITIONS ACTIVITIES CONNECTED TO FLOOD CONTROL PROJECTS**

Alderman Olson moved the City Council approve the contract with Swanson & Warcup, Ltd. for eminent domain legal services in support of acquisitions activities connected to flood control projects.

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

### **BID ACCEPTANCE AND PURCHASE OF (5) POLICE PATROL VEHICLES**

Alderman Olson moved the City Council accept the bid by Nelson Auto Center, Fergus Falls, MN for the purchase of five (5) 2022 Ford Interceptor Utility Vehicles for a total cost of \$179,452.90.

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

### **ST. JOSEPH'S COMMUNITY FOUNDATION – GRANT**

Alderman Olson moved the City Council allow the Fire Chief to sign the letter of acceptance of the St. Joseph's Community Health Foundation grant.

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

### **ORDINANCE NO. 5662 – AMEND THE 2021 ANNUAL BUDGET- ST. JOSEPH'S COMMUNITY FOUNDATION – GRANT – FIRST READING – APPROVED**

Alderman Olson moved the City Council place ordinance no. 5662 on first reading to amend the 2021 annual budget to increase the Fire Department general fund local operating revenue and education and training expenditure for the purchase of CPR equipment with a grant awarded by the St. Joseph's Community Foundation. Motion seconded by Alderman Ross and carried unanimously.

Alderman Olson moved the City Council pass ordinance no. 5662 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **APPROVAL TO HIRE FIREFIGHTER AND EXCEED THE NUMBER OF UNIFORMED POSITIONS ALLOCATED IN THE 2021 BUDGET**

Alderman Olson moved the City Council give approval to allow the fire department to hire an additional firefighter and exceed the allocated number of uniformed positions budgeted for the department in 2021.

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

### **INTERCOM SYSTEM SUPPORT AGREEMENT**

Alderman Olson moved the City Council approve the annual support agreement with Atlas IED for the Airport's intercom system and authorize the Mayor to sign the agreement.

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

### **APPROVE NORTH DAKOTA WATER COMMISSION COST SHARE REIMBURSEMENT AGREEMENT**

Alderman Olson moved the City Council approve the North Dakota Water Commission Cost Share Reimbursement Agreement adding \$13.15 million in state leverage funds for flood buyout acquisitions.



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

### **ENCROACHMENT PERMIT - 3 1ST STREET SE - AKSAL/WEEKENDER SIGN**

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

### **BANK OF NORTH DAKOTA FLEX PACE INTEREST BUY DOWN FOR ESSENTIAL LIVING, INC. PARK SOUTH PHASE 2 AFFORDABLE TOWNHOUSE PROJECT**

Alderwoman Olson moved the City Council approve participation and support for Bank of North Dakota Flex Pace Interest Buy Down Affordable Housing program for Essential Living, Inc. Park South Phase 2 Affordable Townhouse Low/Moderate Income rental development and authorize the Mayor, Finance Director and City Attorney to execute necessary documents for the Flex Pace Program.

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

### **CITY HALL RETAINING WALL APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS (4398)**

Alderwoman Olson moved the City Council approve plans and specifications and call for bids for the City Hall Retaining Wall project including the addition of watermain replacement and parking surface replacement.

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

### **ORDINANCE NO. 5661 – AMEND THE 2021 ANNUAL BUDGET- COMMISSION ON AGING DAMAGE CLAIM – FIRST READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5661 on first reading to amend the 2021 annual budget to increase the general fund damage claim and Commission on Aging revenue accounts and Shop pass through expenditure account for the repair of a Commission on Aging vehicle paid for with a City insurance claim. Motion seconded by Alderman Ross and carried unanimously.

Alderwoman Olson moved the City Council pass ordinance no. 5661 on first reading. Motion seconded by Alderman Ross and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Ross, Sipma; nays: none.

### **ORDINANCE NO. 5654 - 2022 PROPOSED ANNUAL BUDGET ORDINANCE – SECOND READING – APPROVED**

Alderwoman Olson moved the City Council place ordinance no. 5654 on first reading adopting an ordinance entitled the “Annual Budget Ordinance,” appropriating the sums of money needed to defray the expenses and liabilities of the City of Minot, North Dakota, and making the annual tax levy for the period January 1, 2022, and ending December 31, 2022. Motion seconded by Alderwoman Evans and carried.

The City Manager shared that he received a phone call from Mr. and Mrs. Anderson residing at 913 West Central Avenue. They stated they were opposed to the budget being approved with an increase in taxes.

Alderwoman Olson mentioned a citizen who contacted the Council and met with the City Manager and Alderman Jantzer to discuss several questions he had about the budget.

Alderwoman Olson moved the City Council pass ordinance no. 5654 on first reading. Motion seconded by Alderwoman Evans and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Podrygula, Ross, Sipma; nays: Pitner.

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### **RESOLUTION NO. 3738 - ESTABLISHING RATES, FEES AND CHARGES PERTAINING TO MINOT INTERNATIONAL AIRPORT**

Alderwoman Olson moved the City Council adopt resolution no. 3538 establishing the rates, fees, and charges pertaining to the Minot International Airport.

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

### **RESOLUTION NO. 3739 - ESTABLISHING RATES, FEES AND CHARGES PERTAINING TO ROSEHILL MEMORIAL PARK**

Alderwoman Olson moved the City Council adopt resolution no. 3539 establishing rates, fees, and charges pertaining to the Rosehill Memorial Park.

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

### **RESOLUTION NO. 3740 - ESTABLISHING RATES, FEES AND CHARGES PERTAINING TO SEWER**

Alderwoman Olson moved the City Council adopt resolution no. 3540 establishing rates, fees, and charges pertaining to Sewer.

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

### **PUBLIC HEARING: BUILDING RELOCATION REQUEST TO 5301 ZAHARIA DRIVE SE - MOE MOVE**

The City Council held a public hearing to consider a request to relocate a detached garage from 703 Foxtail Drive (3725 10th St SW), Minot ND, 58701 also known as Liechty Homes 1st Addition Lot 1, to 5301 Zaharia Drive SE, Minot, ND 58701, also known as Kopper Sunrise 2nd Addition Lot 1 Block 1. The property is surrounded by similar single-family dwellings as well as single story manufactured homes. The immediate area also contains numerous vacant lots. The homeowner stated that the 2 stall, 676 sf garage will be placed on pre-constructed concrete slab. No one appeared on behalf of the request.

Whereupon Alderman Pitner moved to close the public hearing and approve the relocation of the detached garage from 703 Foxtail Drive (3725 10th St SW), Minot ND, 58701 also known as Liechty Homes 1st Addition Lot 1, to 5301 Zaharia Drive SE, Minot, ND 58701, also known as Kopper Sunrise 2nd Addition Lot 1 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. Application and approval of mechanical, electrical, plumbing, building permits for all new proposed construction.
3. Coordinate all relocation activities with public utilities and traffic authorities.
4. An approved foundation design in compliance with City of Minot building codes.
5. If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.
6. All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.
7. The exterior of the structure must be one consistent color arrangement of colors after relocation.
8. The property must be provided with proper site drainage, and must be landscaped in a manner similar to surrounding properties.

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

### **EDA GRANT PROJECT - VISIT MINOT**

The Mayor invited Stephanie Schoenrock, Director of Visit Minot, to explain the EDA Grant opportunity. She said, the Economic Development Administration (EDA) has an American Rescue Act where they are allocating \$3 billion. There is a component for travel, tourism and outdoor recreation that encompasses \$240 million. Visit Minot has customized a program

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to ensure they have the best shot at receiving some of the money. The focus of the grant is new and expanded infrastructure. She stated, their proposed project addresses six of the eight criteria required for funding. She described their request to expand the Scandinavian Heritage Center with a start-up studio. This model provides the tools to get new businesses up and running. The other component is an outdoor recreation area however, they are not looking for any support on that project at this time. The grant application is between \$3-\$4 million but in order to submit the application, they need to have a match. She provided a letter of commitment for the Council to consider that shows support for a \$200,000 match for the project. She mentioned another component that is important to EDA, which is workforce development. They are partnering with Minot State University to fulfill that component and make the most of the grant opportunity.

Mayor Sipma brought up the one penny of sales tax which allocates funds towards economic development and the MAGIC Fund. The constraints of those sources and the time frame did not make those a potential avenue for the project. Alderwoman Evans asked the Finance Director where the match would come from if they commit the \$200,000.

Mr. Lakefield stated, they have discussed using sales tax economic development funds that were allocated toward city economic development activities that haven't already been budgeted. They would expect the funds to be appropriated in 2022 which would require a budget amendment.

Alderman Ross asked Ms. Schoenrock about the mission of Visit Minot. She replied by saying, the mission is to draw more people from outside the county into Ward county and to support the hospitality industry.

Upon further questioning by Alderman Ross, Ms. Schoenrock said, they have not seen the need to approach Chamber EDC up to this point. Regarding requests to other taxing entities, she said, Visit Minot is working on other components of the grant such as a recreation component that will be presented to the Park District.

She then explained that EDA would provide 80% of the bill and the application does not require specific measurables. What they know so far, is that discussions are taking place to enhance workforce development through a partnership with MSU. They are focusing on other components at this point rather than developing measurables that have not been requested.

Mr. Stewart clarified that Visit Minot is applying for a grant that will include an addition to the Scandinavian Heritage Center adding square footage to allow space for these types of uses. There is a brick and mortar cost to adding onto the facility while maintaining the Scandinavian appeal of the building.

Alderman Podrygula commented that the ad hoc nature raises concerns. He would prefer if there were discussions taking place to determine where to focus funding through a comprehensive plan for investment. He also questioned how they would know the outcome of their investment without any measurable data.

Ms. Schoenrock responded by saying, Visit Minot is tracking far more metrics than they ever have before. For example, they are tracking credit card spend outside Ward County but the data is still being compiled. They are striving to be as accountable as they can be.

Mayor Sipma mentioned metrics that could be obtained through the renovation relating to the pop-up and retail space. They could also track the usage of the working space. The \$200,000 will fill a gap for small and existing business.

Alderwoman Evans pointed out the need for available working space especially considering the transition many businesses have made to working remotely.

Following discussion, Alderman Pitner moved the City Council allow the Mayor to sign the letters of support to move forward with the EDA Grant opportunity. Motion seconded by Alderwoman Olson.

Alderman Ross shared his concerns regarding the need for the additional space. He said the project seems to fit the mission of Chamber EDC rather than Visit Minot.

Alderman Pitner stated, the item before them requests the City provide the tools that Visit Minot needs to be successful. It is an investment in their community to improve economic development. As a member of the Visit Minot Board, he assured, they have put a lot of thought into the project. The grant is a once in a lifetime opportunity to support a project with a 5% match.

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Alderwoman Olson compared the project to the resiliency grant in which they had to quickly come up with ideas that would promote resiliency for years to come. There was pushback at that time as well but when the opportunity for a federal grant becomes available, they work within the time frame required. She offered support for the project.

Mayor Sipma mentioned another aspect, in which the pop-up space could provide exposure for Pride of Dakota vendors who do not have retail space elsewhere.

Mr. Stewart clarified, the action for consideration includes a letter of support and a \$200,000 commitment letter, which will require future action by Council in the form of a budget amendment.

Whereupon a vote was taken on the motion by Alderman Pitner seconded by Alderwoman Olson and carried by the following roll call vote: ayes: Evans, Jantzer, Olson, Pitner, Podrygula, Sipma; nays: Ross

### **ADOPT A POLICY FOR THE SALE OF RETAIL LIQUOR LICENSES**

Alderman Ross moved the City Council adopt a policy to conduct the sale of Retail Liquor Licenses, approve the advertisement and bid specifications and authorize staff to award the licenses to the highest qualified bidders. Motion seconded by Alderwoman Olson.

Upon questioning by Alderman Podrygula regarding the need for a cap on liquor licenses and whether there are State restrictions, Mayor Sipma said, the State does not set a cap on licenses but he believes the limit goes back to the prohibition era. Much of the discussion with the Liquor Ordinance Ad Hoc Committee in 2016 focused on the sale and transfer of licenses being \$200,000-\$300,000 each, when privately sold. Every city has its own limitations but when Minot created the limitation decades ago it didn't set a value. The question became, how equitable could we make the reverse condemnation of personal property by opening the availability to anyone. Since 2016, the price of any license transfers has been tracked in order to determine a possible value for a liquor license.

The City Attorney added, State law issues a retail alcohol license and requires each entity to have a local license. The limitation on Retail liquor licenses and Retail Beer and Wine licenses, was put in place in the 1980's although the limitation on Retail Beer and Wine licenses has since been removed. At that time, the ordinance was also modified to specifically say that a person holding a license has a property interest in that license. Eliminating the limitation runs into issues because there is a value to a liquor license as a result of the cap. Other cities in North Dakota have limitations on the number of licenses. Grand Forks does not have a cap; Bismarck and Dickinson do and have reviewed options for eliminating the cap but have not taken any action to remove the limitation.

Mr. Stewart addressed why there might be a limit on liquor establishments. He said, it wasn't uncommon years ago for values to be incorporated into local ordinance. It reflects the culture and character of the community. For example, cities have restricted business hours on Sundays due to culturally and moral observance of religions. As times change, values and regulations can also change.

Mayor Sipma added, after meeting with many bar owners during the discussions in 2016, they mentioned the substantial investment in their license and that some count on it as their retirement. They indicated that if the City took away the value of their property there would be a consortium of litigation to consider.

Alderman Podrygula requested the City Manager or City Attorney research any potential solutions to offer liquor license holders if the cap was eliminated.

The Mayor mentioned that one of the suggestions in 2016 was to purchase the licenses back but the amount was not something the City would be agreeable to at that time.

Alderman Pitner asked about the last time the City has issued additional licenses. The City Attorney said that through the City Clerk's research she was unable to find a time when licenses were auctioned off.

The City Attorney clarified that the proposed motion was to adopt a policy but did not suggest which policy to be adopted. She said, there were some alternatives provided to the Council and some corresponding forms to consider.

Alderman Ross indicated that his motion was to move forward with issuing four additional licenses. Alderwoman Olson, as the second, agreed.

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Alderman Evans moved the City Council adopt alternative three, to establish a committee to discuss the issuance of the additional licenses and ask them to develop a recommendation. Motion seconded by Alderman Pitner.

Alderman Pitner suggested the process involve representatives in economic development and include further discussions to make sure the licenses are used to their full potential.

Alderman Podrygula commented that they strive to encourage economic development so he questioned why they would set a limit on the number of businesses. He also said, fees should be consistent and pay for the cost of the service but should not be a source of revenue for the City.

Alderman Olson asked who would comprise membership of the committee, to which the Mayor said, he would envision a mix of Council members and representatives from the community who currently hold licenses.

Alderman Evans clarified her motion and said that her intention is for the committee to specifically discuss the process for the additional four licenses, not the overall alcohol ordinance.

After further discussion, a vote was taken on the above motion by Alderman Evans, seconded by Alderman Pitner, and failed by the following roll call vote: ayes: Evans, Pitner, Podrygula; nays: Jantzer, Olson, Ross, Sipma

Alderman Olson stated, in 2016 the Council followed the recommendations of the liquor establishment owners, which is why they are in the situation they are now.

Alderman Podrygula said they should look more broadly than just continue to improve the business of current liquor establishments.

Alderman Pitner said, putting the desires of the current license holders over the needs of the community is what created the issue.

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

### **DONATE THERMAL IMAGER TO GLENBURN FIRE DEPARTMENT**

Alderman Pitner moved the City Council approve the request to donate a thermal imager to aid in the mission of Glenburn's Fire department in their time of need.

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

### **RETAIL BEER AND WINE LICENSE – UP YOUR AXE**

Alderman Olson moved the City Council approve the Retail Beer & Wine license for Up Your Axe, LLC, dba Up Your Axe operating at 21 East Central Avenue, Suite 102. Motion seconded by Alderman Ross.

The City Manager spoke on behalf of the agenda setting process since the item was added to the agenda only hours before the meeting. He said, the application had not been approved by staff at the time the agenda was published the previous week. It has since received approvals by the appropriate departments but raises the broader issue of when an item is pushed forward for Council consideration and when the deadline is held. There were other items proposed for the agenda after the deadline that were not added, however, Alderman Pitner requested this item be included on the agenda. He said, he is not opposed to the item itself but suggested the policy for agenda-setting be addressed.

Mayor Sipma stated, many of these licenses come to Council for a rubber stamp after staff has vetted the application and conducted inspections. He said, perhaps a change in process could allow an administrative approval for such items in the future.

Alderman Pitner apologized for putting any staff in a compromising position. He understands and respects the deadlines in place but is trying to be agile to support a small business attempting to open their business. He said he felt comfortable adding it to the agenda since it was simply a rubber stamp from Council.

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Alderwoman Evans requested a policy be drafted to maintain consistency for agenda setting.

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

### **PERSONAL APPEARANCES**

None

### **MISCELLANEOUS AND DISCUSSION ITEMS**

Mayor Sipma requested staff work to amend the ordinance to allow administrative approval of items such as alcohol licenses after they have met the requirements of the Police Chief, Fire Chief and Building Official.

Alderman Ross asked if it would be brought to the Council in a similar manner as raffle permits which are approved administratively under consent or would approval only be done by staff.

Mayor Sipma suggested it be handled in the same manner as a taxi license, where it could come to Council in the case of an appeal.

The City Manager said, staff can review items in ordinance that may be processed faster with administrative approvals. As long as an item meets ordinance requirements, then staff would have the administrative ability to grant approval. He said, they can bring a recommendation back to Council after they review processes which can be expedited.

Alderwoman Evans suggested they also review some of the duties assigned to the City Manager to authorize him/her to sign some contracts.

Alderman Podrygula requested the form for requesting agenda items be updated and used uniformly.

### **LIAISON REPORTS**

Alderman Podrygula said the Emergency Resource Council had a detailed briefing from BNSF regarding emergency operation plans and safety and security improvements. The Commission on Aging met and is starting to go back to normal activities for seniors. Participation is still low but they are being patient. He also attended the Ecological Restoration Committee meeting which is holding discussions with Minot State University and Minot public schools Science Programs to work together on the project. Other organizations like Minot Rotary is interested in working together.

Alderwoman Olson attended several meetings on the new City Hall where they are discussing details of the building such as furniture and various rooms. She also said they should be taking ownership of a building for the CTE soon, possibly October 1st.

Alderwoman Evans mentioned the Ward County Planning meeting which has been working through rewriting the zoning code. The Library launched a new website at [www.minotlibrary.org](http://www.minotlibrary.org). The summer reading program has officially ended and the statistics improved for all ages of readers.

Mayor Sipma attended the Ward County Weed Board meeting where they discussed the drought and various noxious weeds. Task Force 21 meets in Washington DC next week for the Nuclear Triad Conference and several City representatives will attend. The Chamber EDC is closely monitoring DMV operations and how the Department of Transportation is evolving. There will soon be a new tenant in the Agricultural Park.

Alderman Ross said the Zoning Ordinance Steering Committee met to finish the final chapter of the zoning code. Next Monday, they will meet to approve the final draft.

Alderman Jantzer, reporting from the Air Force Association conference in Washington DC, said there are some meetings scheduled with the Commander of Operations for the Air Force, as well as the Secretary, Chief of Staff and the Under Secretary. It provides a great opportunity to network with the top leadership of the Air Force. They are also meeting with Senators Hoeven and Cramer who are working to ensure the future of Minot's Air Force Base.

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Alderman Pitner met with the Renaissance Zone Review Board which approved the updated Zone Development Plan. Visit Minot presented earlier in the meeting.

### **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 8:01 pm.

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

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