



Regular City Council Meeting

Monday, August 19, 2024, at 5:30 PM

City Council Chambers, City Hall (10 3rd Ave SW)

Any person needing special accommodation for the meeting is requested to notify the City Clerk's office at 857-4752.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MAYOR'S REPORT

4. REPORTS

4.1. CITY MANAGER'S REPORT

5. PLANNING COMMISSION

5.1. AUGUST 2024 PLANNING COMMISSION MEETING MINUTES

5.2. PUBLIC HEARING: PRELIMINARY PLAT - COPACETIC ADDITION

RECOMMENDED ACTION

It is recommended City Council approve the Major Subdivision Preliminary Plat for Copacetic Addition with the condition that the right-of-way along the section line and required utilities easements be dedicated on the final plat.

5.3. PUBLIC HEARING - PUBLIC ZONE PLAN REVIEW - PUBLIC WORKS SALT AND SAND BUILDING

RECOMMENDED ACTION

It is recommended City Council approve the Public Land Development Master Plan.

5.4. PUBLIC HEARING: PRELIMINARY PLAT & ZONING MAP AMENDMENT

RECOMMENDED ACTION

It is recommended City Council approve a Preliminary Plat for Great Plains Addition subject to the following conditions :

- **Traffic impact study is required and must be approved by the city**

and NDDOT.

- Access locations must be approved by NDDOT. A frontage road may be required.
- Sewer connection fees apply.
- Storm water management plan required.
- Developer's agreement required for any public street and utility improvements associated with the development.

It is recommended City Council approve the Zoning Map Amendment on first reading not based on staff conditions or findings of fact as outlined in the staff report to City Council on the basis that within the LDO that #1 is satisfied it upholds the spirit of C2 but aligns with the M1 zoning conditions and #4 fulfills and is consistent with the plans, policies and purpose of the ordinance as was initiated by Planning Commission.

6. PUBLIC HEARING

6.1. PUBLIC HEARING - ENGLE COURT AFFORDABLE HOUSING COMPLEX

RECOMMENDED ACTION

It is recommended City Council authorize staff to proceed with the submission of the CDBG application to the State of North Dakota.

6.2. PUBLIC HEARING: DEMOLITION OF DANGEROUS BUILDING, LOCATED AT 112 8TH AVE NW

RECOMMENDED ACTION

1. It is recommended City Council find that the damaged residence located at 112 8th Ave NW, Minot, ND 58703 is a dangerous building as defined by City Ordinance Sec. 9-2 (11) and 9-11(1) - (8); and
2. Direct City staff to collect three bids to demolish the building(s) and select the best and most cost-effective bid.

6.3. PUBLIC HEARING: DEMOLITION OF DANGEROUS BUILDING, LOCATED AT 101 & 103 8TH AVE SE

RECOMMENDED ACTION

1. It is recommended City Council find that the damaged residence located at 101 & 103 8th Ave SE, Minot, ND 58701 is a dangerous building as defined by City Ordinance Sec. 9-2 (11) and 9-11(1) - (8); and
2. Direct City staff to collect three bids to demolish the building(s)

and select the best and most cost-effective bid.

7. CONSENT ITEMS

7.1. CITY COUNCIL MINUTES

RECOMMENDED ACTION

It is recommended City Council approve the minutes of the July 30, 2024, Budget Q & A meeting and the August 5, 2024, Regular City Council meeting.

7.2. ORDINANCES

RECOMMENDED ACTION

It is recommended City Council approve the following ordinances on second reading:

- 1. Ordinance No 5986 - 2024 BA - PD Cordico App**
- 2. Ordinance No 5987 - 2024 BA - Donation for Library Digitization**
- 3. Ordinance No 5988 - 2024 BA - Airport Fire Panel Replacement**
- 4. Ordinance No 5989 - 2024 BA - (6) Street Graders Lease Buyout**
- 5. Ordinance No 5990 - 2024 BA - Regional Carbon Dioxide Facility**
- 6. Ordinance No 5991 - 2024 BA - CRISI Grant Amendment #2**

7.3. ADMINISTRATIVE APPROVALS

RECOMMENDED ACTION

It is recommended City Council ratify the following administratively approved requests:

- 1. Special Event Permit for The Ranger Lounge (1218 S Broadway).**
- 2. Special Event Permit for the Blue Rider (118 1st Ave SE).**
- 3. Two Special Event Permits for Sports on Tap (220 S Broadway).**
- 4. Special Event Permit for The Landing Bar and Bottleshop (2015 N Broadway).**
- 5. Community Rocks, Inc. to conduct a raffle on August 24, 2024 at MSU Summer Theater (1357-1573 7th St NW).**
- 6. Minot High School Trap Team to conduct raffle November 1-30, 2024 at Minot North High School (2000 21st Ave NW).**
- 7. Minot State University to conduct raffles from August 23, 2024 through February 26, 2025 at MSU (500 University Ave W).**
- 8. Minot Indoor Rodeo, Inc to conduct a raffle on October 26, 2024 at Minot Auditorium (420 3rd Ave SW).**

9. Operation Warm Heart to conduct a raffle on August 3, 2024 at Corbett Field (1124 E Burdick Exwy).
10. Souris Valley Animal Shelter to conduct a raffle on August 6, 2024 at Corbett Field (1124 E Burdick Exwy).

7.4. MAYORAL APPOINTMENTS

RECOMMENDED ACTION

It is recommended City Council confirm the following Mayoral Appointments:

- **Becky Bertsch to replace Mitch Kraft on the Special Assessment Committee, with a term to expire August 2030.**
- **Scott Collins to replace Dean Lenertz on the Special Assessment Committee, with a term to expire August 2030.**
- **Braxton Heupel to replace Jason Zimmerman on the Special Assessment Committee, with a term to expire August 2030.**
- **Alderman Pitner to replace former Alderwoman Carrie Evans as an alternate on the MPO Policy Board.**

7.5. ALCOHOLIC BEVERAGE LICENSE - BASECAMP INDIAN KITCHEN

RECOMMENDED ACTION

It is recommended City Council approve a Supper Club license for the Basecamp Indian Kitchen at 1425 24th Ave SW for the period of August 19, 2024 through December 31, 2024.

7.6. CITY ASSESSOR'S PROPERTY RECORD WEBSITE CONTRACT RENEWAL - VANGUARD APPRAISALS, INC.

RECOMMENDED ACTION

It is recommended City Council approve the website service contract between Vanguard Appraisals, Inc. and the City of Minot and authorize the Mayor to sign the contract.

7.7. APPROVAL OF ACCOUNTS RECEIVABLE WRITE-OFFS

RECOMMENDED ACTION

It is recommended City Council approve the July 2024 general accounts receivable write-offs.

7.8. ICMA AGREEMENT TO PARTICIPATE IN VETERANS LOCAL GOVERNMENT MANAGEMENT FELLOWSHIP

RECOMMENDED ACTION

It is recommended City Council approve the agreement to participate in the Veterans Local Government Fellowship; and authorize the Mayor sign the agreement on behalf of the City of Minot.

7.9. CONSENT TO THE CHANGE OF OWNERSHIP FROM OAKWELLS COMMUTER RAIL, LLC TO TAILWIND HOSPITALITY, INC.

RECOMMENDED ACTION

- 1. It is recommended City Council consent to the change of ownership from Oakwells Commuter Rail, LLC to Tailwind Hospitality, Inc. contingent on the closing occurring within 10 business-days of the anticipated transaction date, August 29, 2024;**
- 2. Direct staff to draft an amendment to the Concession Agreement to reflect the new owner's name and contact information following proof of sales documents is provided;**
- 3. Approve the Mayor to sign all applicable documents.**

7.10. SPECIAL ASSESSMENT APPROVAL; SIDEWALK REPAIR (4713)

RECOMMENDED ACTION

It is recommended City Council approve the assessment roll for Sidewalk Repair project 4713.

7.11. MREFPP MI-7E - CONCURRENCE OF BID AWARD

RECOMMENDED ACTION

It is recommended City Council concur with the award recommendation by the SRJB to Wagner Construction, Inc in the amount of \$35,177,052.12.

7.12. WASTEWATER MASTER SERVICE AGREEMENTS

RECOMMENDED ACTION

It is recommended City Council approve the Master Service Agreements with Ackerman Engineering and Apex Engineering.

7.13. BURDICK EXPRESSWAY VIADUCT IMPROVEMENTS - FINAL PAYMENT (4563)

RECOMMENDED ACTION

- 1. It is recommended City Council approve the final payment to the NDDOT in the amount of \$8,010.42; and**
- 2. Approve the budget amendment in the amount of \$3,224 on first**

- reading; and
3. **Authorize the Mayor and Finance Director to sign the final certification of local match.**

7.14. USE OF A CITY EMPLOYEE'S ONLINE AUCTION SERVICES FOR SURPLUS VEHICLES ONLINE AUCTION

RECOMMENDED ACTION

1. **It is recommended City Council approve the utilization of the City of Minot employee for the online auction to dispose of the surplus equipment in accordance with Sec 2-4 of the Minot Municipal code; and**
2. **Authorize the Mayor to sign the Auction Services auction agreement.**

7.15. AMENDMENT: MYLA PROPERTY LLC. IRREVOCABLE LETTER OF CREDIT

RECOMMENDED ACTION

It is recommended the City Council approve the amendment to Myla Property, LLC. Irrevocable Letter of Credit and authorize the Mayor to sign the document extending the term of the Letter of Credit.

7.16. CONSENT TO ASSIGN AIRPORT LEASE FROM PERRY WEISBERG TO KP STUNT PRODUCTIONS

RECOMMENDED ACTION

It is recommended City Council approve the consent to assign lease to Kent Pietsch from Perry Weisberg and authorize the Mayor to sign consent to assign lease.

7.17. SPECIAL ASSISTANT CITY ATTORNEY APPOINTMENT - JOHN WARCUP

RECOMMENDED ACTION

1. **It is recommended City Council appoint John Warcup as a special city attorney to represent the City and respond to the attached foreclosure complaint; and**
2. **Appoint John Warcup as a special city attorney to assist with any similar federal grant compliance matters.**

8. ACTION ITEMS

8.1. DRIVEWAY APPEAL AND REQUEST FOR SPECIAL PERMIT - 1109
HIAWATHA ST SE

RECOMMENDED ACTION

City Council may choose from the options below:

1. Approve the special permit for 1109 Hiawatha St SE and allow a driveway width to a maximum of 51 feet at the curb line to be constructed in conformance with Chapter 28 of the Code of Ordinances.
2. Deny the special permit

8.2. STORM SEWER DISTRICT 124 CONTRACT AMENDMENT AND PROJECT
UPDATE

RECOMMENDED ACTION

1. It is recommended City Council approve the contract amendment with Ackerman Estvold and authorize the Mayor to sign the amendment; and
2. Approve the attached reimbursement resolution.

8.3. NW AREA WATERMAIN REPLACEMENT - CONTRACT AMENDMENT
(4656)

RECOMMENDED ACTION

1. It is recommended City Council approve the contract amendment in the amount of \$76,890.35 for Houston Engineering for additional services performed during the NW Area Watermain Replacement Project; and
2. Approve a budget amendment to allocate funds from cash reserves on first reading.

8.4. TRANSIT CENTER - 1ST ST SW PARKING REVISION (4741)

RECOMMENDED ACTION

It is recommended that Council pass the following parking related ordinances for the Transit Center relocation:

- A. Remove the parking restriction on the west side of 1st Street SW between Burdick Expwy W and 3rd Avenue SW.
- B. Restrict parking on the west side of 1st Street SW for 170-feet

south of the center of 3rd Avenue SW.

8.5. STAFF DIRECTION ON ORNAMENTAL LIGHTING ORDINANCE

RECOMMENDED ACTION

It is recommended City Council adopt Alternative #2: "Ornamental lighting that interferes with local aviation operations is not permitted and must be removed. The Minot International Airport Director will provide direction to citizens and staff regarding whether or not ornamental lighting will interfere with local aviation operations."

8.6. 2024 WATERMAIN REPLACEMENT - BUDGET AMENDMENT (4816/4817)

RECOMMENDED ACTION

It is recommended City Council approve a budget amendment on first reading to appropriate funds for the two projects that were awarded in May.

9. PERSONAL APPEARANCES

10. MISCELLANEOUS AND DISCUSSION ITEMS

10.1. BROWN & BROWN PRESENTATION

10.2. COUNCIL PRESIDENT'S LETTER OF RECOMMENDATION ON 2025 BUDGET

11. LIAISON REPORTS

12. ADJOURNMENT