

# City of Minot

Committee of the Whole  
Wednesday, May 30, 2018 - 4:15 PM  
City Council Chambers

## 1. BUILDING RELOCATION REQUEST- 1015 2ND AVE SW- JOSEPH CHRISTOFF

The residence to be moved is a 1020 sf, single family house. The structure is wood frame construction, with steel roofing, and vinyl siding on the exterior. The house is currently located at 609 52nd St NE, Bismarck, ND and photos are provided by the property appraiser.

**It is recommended the Committee and Council approve the relocation of a single family residence, from 609 North 52nd Street, Bismarck ND, 58503, to 1015 2nd Ave SW, Minot, ND 58701, also known as Carney Addition Lot 23, subject to conditions.**

Documents:

[Memo to City Council.pdf](#)  
[Christoff move app.pdf](#)  
[Property owners ltr Christoff.pdf](#)  
[Owners ltr Christoff.pdf](#)  
[Map of Affected Properties.PNG](#)  
[Inspectors report - Christoff.pdf](#)  
[Assessors Report Christoff.pdf](#)

## 2. BUILDING RELOCATION REQUEST- 200 18TH ST SE- JUSTIN SEIFERT & SAMANTHA KUNTZ

The residence to be moved is a 1027 sf, single family house. The structure is wood frame construction, with asphalt shingles, and vinyl siding on the exterior. The house is currently located at 713 12th St SW in Minot and photos are provided by the property appraiser.

**It is recommended the Committee and Council approve the relocation of a single family residence, from 713 12th St SW, Minot ND, 58701 also known as Kittelsons S/D South 66' Lot 19, to 200 18th St SE, Minot, ND 58701, also known as Elbow Park Manor 4th Addition Lot 2, subject to conditions.**

Documents:

[Memo to City Council.pdf](#)  
[Seifert-Kuntz move app.pdf](#)  
[Homeowners ltr Seifert-Kuntz.pdf](#)  
[Property Owners Letter.pdf](#)  
[Properties Affected by Seifert-Kuntz Move.PNG](#)  
[Seifert-Kuntz Inspectors Report.pdf](#)  
[Assessor Report Seiffert-Kuntz.pdf](#)

## 3. SCBA AIR COMPRESSOR BIDS (FD0068)

The Fire Department advertised for bids on a new SCBA air compressor. This is for a 10HP Arctic compressor, 2 bottle fill station, and 4 bottle cascade. This also includes delivery and a 2 year parts and labor warranty.

**It is recommended the Committee and Council accept the lowest bid opened 05/02/18 from Fire Safety USA for \$34,780.50.**

Documents:

[2018 Memo - SCBA Air Compressor Bid Recommendation.pdf](#)  
[Bid- Alex Air Apparatus.jpg](#)  
[Bid- Fire Safety USA.jpg](#)

**4. ENERGY INFRASTRUCTURE AND IMPACT OFFICE GRANT - POLICE DEPARTMENT**

The Police Department has filed a grant application to apply for \$194,000 to replace the in-car and body worn camera systems used by Patrol Officers. There is no match requirement for the grant funds however the replacement system contract would be for a five year period requiring a commitment to bearing the estimated annual costs of about \$80,000 for subsequent years to maintain both systems.

- 1. Recommend approval for the Minot Police Department grant application for the 2018 ND Energy Infrastructure and Impact Grant; and**
- 2. Authorize the Mayor to sign the grant agreement , if awarded; and**
- 3. Pass an ordinance to amend the 2018 annual budget if awarded.**

Documents:

[2018 Energy Impact Grant PD0151.pdf](#)  
[2018 ND Energy Infrastructure and Impact Grant Application.pdf](#)

**5. LEASE FOR RAINBOW GARDENS**

For the past five years the City has been leasing a portion of cemetery property to Rainbow Gardens Association for the purpose of developing garden plots. This land will at some point be needed for additional grave sites, but not for many years. Until it is needed Rainbow Gardens has developed the area into garden plots and rents these out to citizens that want to have a garden.

- 1. Recommend Council approval of a five-year lease with Rainbow Gardens Association beginning in 2018 and terminating in 2022 for \$600.00 per year.**
- 2. Authorize the mayor to sign the lease agreement.**

Documents:

[3748 - Memo to council - Rainbow Gardens Lease.pdf](#)

**6. 4:00 P.M. COCA-COLA RIGHT OF WAY ENCROACHMENT APPLICATION**

The Subject property requesting the encroachment permit is located at 405 9th St. SE, Minot, ND 58701. The applicant is applying for the encroachment permit to install groundwater monitoring wells as required by the North Dakota Department of Health (NDDH) to investigate potential groundwater contamination.

The applicant will install three "permanent" monitoring wells in the Right-of-Way along East Burdick. Two (2) wells will be located in the sidewalk in front of the 405 9th St. SE and one (1) well will be located across the street in the right-of-way. Wells shall be installed flush with existing grades and upon approval of the ground water sampling analysis by the NDDH, the wells shall be permanently sealed and abandoned.

It is recommended the City Council approve the Right of Way Encroachment Agreement Application submitted by The Coca-Cola Bottling Company for the installation of three (3) semi-permanent monitoring wells in the City's Right of Way for the purpose of monitoring

area ground water condition.

Documents:

[Memo-Coca-Cola encroachment permit application 2018.05.18 w\\_exhibits.pdf](#)

#### **7. ALCOHOLIC BEVERAGE LICENSE RENEWALS 2018-2019**

Alcoholic beverage sales licenses are approved from July 1st through June 30th of each year. In order to renew the license, an application is submitted for review by the Police Department and inspections by the Building Official and Fire Marshall.

**It is recommended the Committee and Council approve the alcoholic beverage sales license renewals for the July 1, 2018 through June 30, 2019 license year, subject to receipt of proper documentation and renewal fees and approval from the Police Chief, Building Official and Fire Marshal.**

Documents:

[Memo- Alcoholic Beverage License Renewals.pdf](#)  
[License Renewals.pdf](#)

#### **8. RETAIL BEER LICENSE- ATYPICAL, LLC DBA ATYPICAL BREWERY & BARRELWORKS**

The City received a request from Atypical, LLC dba Atypical Brewery & Barrelworks for a Retail Beer license operating at 510 Central Ave E. Documentation has been submitted and is being reviewed by the appropriate departments.

**It is recommended the Committee and Council approve the request subject to receipt of all documentation and approval by the Police Chief, Building Official and Fire Marshal.**

Documents:

[Memo- Atypical Brewery.pdf](#)

#### **9. RETAIL LIQUOR LICENSE TRANSFER - THE POUR FARM**

The City received a request to transfer the Retail Liquor and Beer License for The Pour Farm. All documentation has been submitted and is being reviewed by the appropriate departments.

**It is recommended the Committee and Council approve the request to transfer the Retail Liquor and Beer License known as #10959 dba The Pour Farm from, Pour Inc., (Dave Iverson), to The Pour Farm, LLC (Diane Jenson) and to transfer the license from The Pour Farm, LLC (Diane Jenson) to Pour Fools, Inc., (Tracy Boyd), subject to receipt of all documentation and approval by the Police Chief, Building Official and Fire Marshal.**

Documents:

[Memo- The Pour Farm.pdf](#)  
[Transfer Forms- Pour Farm.PDF](#)

#### **10. OUTDOOR DINING PERMIT – THE TAP ROOM**

In February 2017 the City Council approved Ordinance No.5151 amending Chapter 28, "Streets, Sidewalks, and Public Grounds," to allow encroachment agreements associated with permits for outdoor dining areas in the Central Business District.

- 1. Recommend approval of the encroachment permit to occupy public right-**

of-way for a seasonal outdoor dining area at 23 Main Street for the Tap Room.

2. Recommend approval of the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit.
3. Authorize the length of time for which the permit will be valid. The maximum allowable time period is three (3) years. Since this is a new program, staff recommends that permits be issued for one year only so that we can evaluate performance and make any necessary adjustments before issuing multi-year permits. Think of the initial year as a trial run or test case scenario.

Documents:

[Tap Room 2018.pdf](#)  
[Tap Room Attachments.pdf](#)  
[Tap Room 2018 revised.pdf](#)

#### **11. OUTDOOR DINING PERMIT – 10 NORTH MAIN**

In February 2017 the City Council approved Ordinance No.5151 amending Chapter 28, "Streets, Sidewalks, and Public Grounds," to allow encroachment agreements associated with permits for outdoor dining areas in the Central Business District.

1. Recommend approval of the encroachment permit to occupy public right-of-way for a seasonal outdoor dining area at 10 Main Street North for the restaurant.
2. Recommend approval of the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit.
3. Authorize the length of time for which the permit will be valid. The maximum allowable time period is three (3) years. Since this is a new program, staff recommends that permits be issued for one year only so that we can evaluate performance and make any necessary adjustments before issuing multi-year permits. Think of the initial year as a trial run or test case scenario.

Documents:

[Ten North Main 2018.pdf](#)  
[10 N Main Attachments.pdf](#)  
[Ten North Main 2018 revised.pdf](#)

#### **12. INFORMATIONAL- BOARD OF HEALTH APPROVED RESPONSIBLE BEVERAGE SERVER TRAINING**

Kira Lampton, of First District Health Unit, is available to answer questions. The Board of Health approved the Responsible Beverage Server Training.

#### **13. UPDATE ON THE PARKING STRUCTURES**

The Finance Director will provide an update on the status of the parking structures.

#### **14. SPOT BLIGHT RFP AUTHORIZATION FOR APPRAISERS**

With the Spot Blight initiative using the Uniform Relocation Act it is required that an appraisal and appraisal review be done to determine value of home in the current condition. With an estimated scope of no more than 40 properties, this entire program can be handled in house with city staff support coordinated by the DR Program Director

rather than needing to add any further scope of work to the CDM Smith contract through the offer and offer acceptance process. Therefore, it is needed to seek to procure 2 assessors separate and apart from the subcontract currently with CDM Smith.

**It is recommended the City Council approve the preparation and issuance of an RFP for Spot Blight Appraisers by DR Program Manager.**

Documents:

[SpotblightAssessorRFPcouncilmemo.pdf](#)



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Mitch Flanagan

**DATE:** June 4, 2018

**SUBJECT:** Building relocation request to 1015 2<sup>nd</sup> Ave SW

#### **I. RECOMMENDED ACTION**

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It is recommended the Committee and Council approve the relocation of a single family residence, from 609 North 52<sup>nd</sup> Street, Bismarck ND, 58503, to 1015 2<sup>nd</sup> Ave SW, Minot, ND 58701, also known as Carney Addition Lot 23, 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 building permits for all proposed construction.
3. An approved foundation design in compliance with City of Minot building codes.
4. If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.
5. All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.
6. The exterior of the structure must be one consistent color arrangement of colors after relocation.
7. Applicant must obtain all necessary permits, and coordinate all relocation activities with public utilities and traffic authorities.
8. The property must be provided with proper site drainage, and must be landscaped in a manner similar to surrounding properties.

#### **II. DEPARTMENT CONTACT PERSONS**

Mitch Flanagan, Building Official	857-4102
Mike Murphy, Residential Inspector	857-4102
Dan Lovelace, Property Appraiser Senior	857-4160

#### **III. DESCRIPTION**

The residence to be moved is a 1020 sf, single family house. The structure is wood frame construction, with steel roofing, and vinyl siding on the exterior.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

The original house at the proposed location- 1015 2nd Ave SW was demoed without a demolition permit: any new construction will require a soil test. The proposed location for the building is also in the new risk map flood plain/ floodway. Building shall meet certain code requirements.

##### **B. Service/Delivery Impact:**

No impact.

##### **C. Fiscal Impact:**

No fiscal impact

#### **V. ALTERNATIVES**

No alternatives are applicable

#### **VI. TIME CONSTRAINTS**

All work must begin within 30 days of issuance of moving and building permits and completed within ten months of start date and generally in accordance with the following schedule:

1. Foundation complete within two months.
2. Structure relocated within four months
3. Work required for code compliance completed within six months
4. All proposed construction and final clean up completed within ten months.
5. City of Minot Zoning Ordinance, Section 23-1 states:

“All off-street parking spaces and all driveways on private property leading to such parking areas shall be all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards.”

#### **VII. LIST OF ATTACHMENTS**

- A. Application for Moving a Residential Building, pictures, and site plan.
- B. Letter to homeowners within 150 feet.
- C. Letter to applicant.
- D. Map showing properties affected
- E. Inspectors reports
- F. Assessors report

Approved for Council Agenda: \_\_\_\_\_

Date: \_\_\_\_\_

## INSPECTIONS DEPARTMENT

**APPLICATION FOR MOVING A RESIDENTIAL BUILDING**

I, JOSEPH CHRISTOFF, owner and/or agent hereby make application to the City Building Official to move a(n) SINGLE FAMILY HOME structure(s) from:

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_

ADDITION \_\_\_\_\_

ADDRESS 609 N 52<sup>nd</sup> ST BISMARCK, ND

To the location within the City of Minot, North Dakota, legally described as:

LOT 23 BLOCK \_\_\_\_\_

ADDITION CARNEY ADDITION

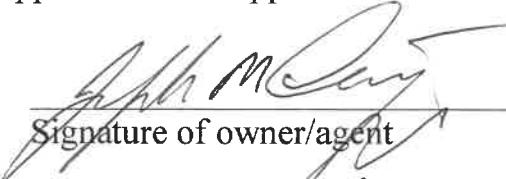
ADDRESS 1015 2<sup>nd</sup> AVE SW MINOT ZONING R1

I understand that this relocation request shall be posted by the City of Minot for a Notice of Public Hearing and that such Notice shall be published in the Official Newspaper designating the date of said hearing. Separate notices shall be sent by certified mail to affected property owners.

Moving Fee:

Residential Use: City Council approval fee: \$450.00

It is further understood that a completion bond in the amount of \$10,000.00 shall be provided to the City upon the approval of this application.

  
Signature of owner/agent

4/27/18  
Date

925 Basin Ave Suite 1

Mailing Address  
BISMARCK, ND 58504

Phone 864-324-2556



Complete Measurements

609 N 52nd St  
Bismarck, ND 58501



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PROPERTY ID: 588980  
GUTTER HOUSE

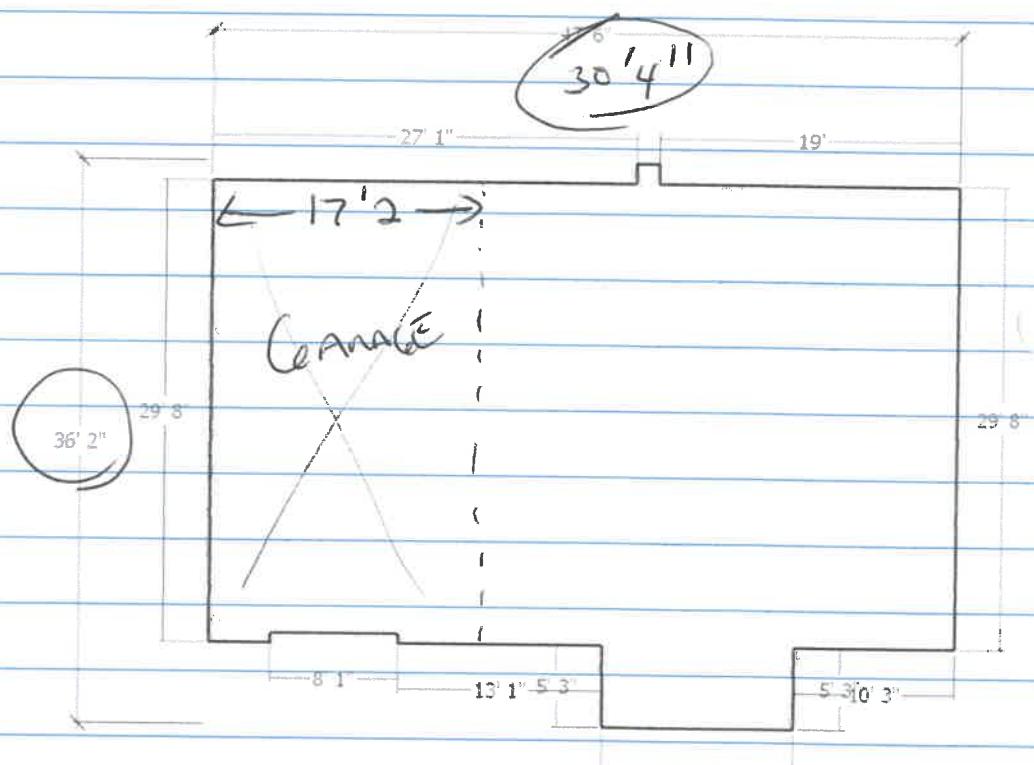
26 APRIL 2018



Complete Measurements

609 N 52nd St, Bismarck, ND  
FOOTPRINT

BACK



Number of Stories: 1

Footprint Perimeter: 168' 7"

Footprint Area: 1469 ft<sup>2</sup>

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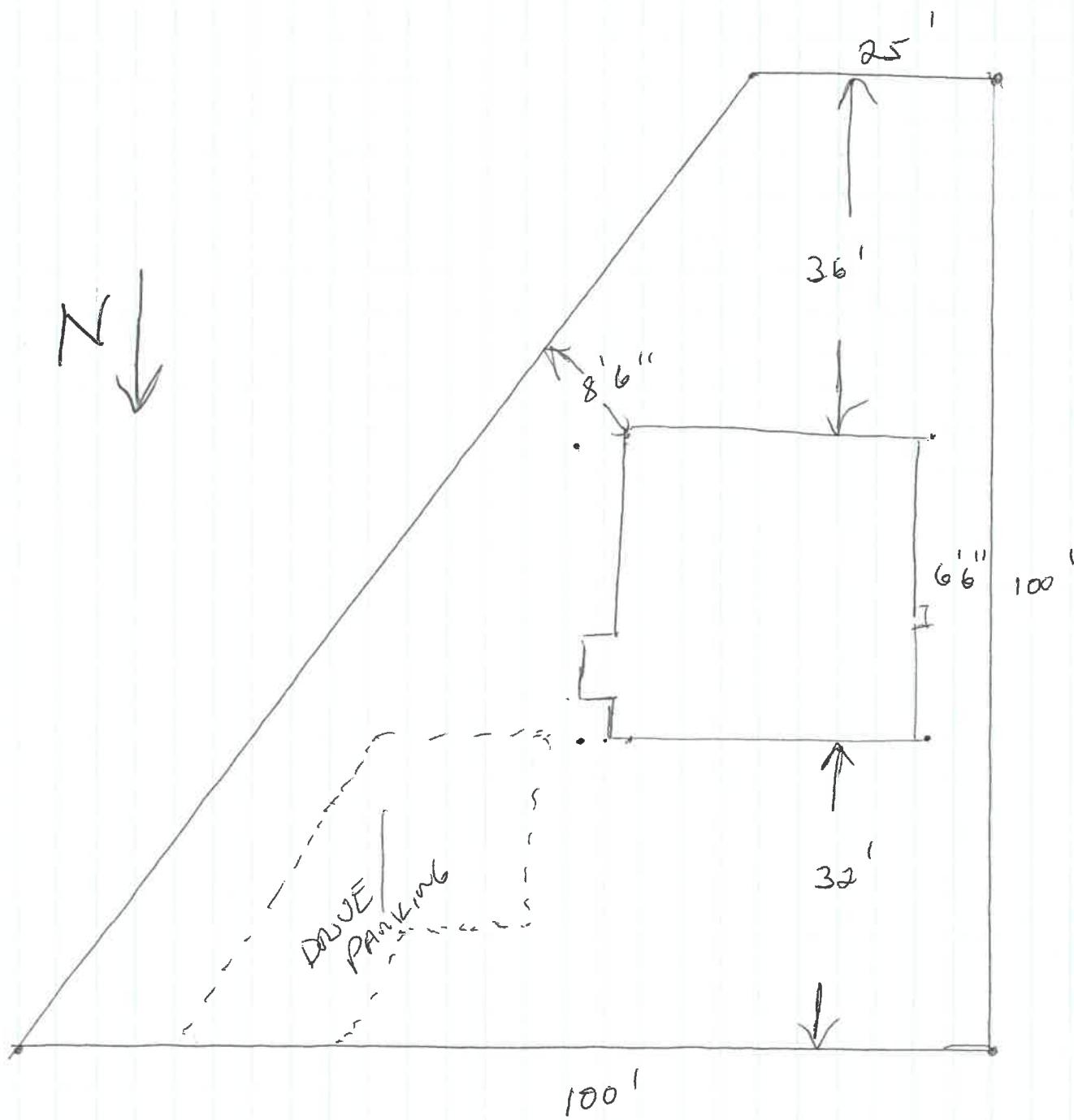
PROPERTY ID: 585980  
GUTTER HOUSE  
26 APRIL 2018

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NOTE: Garage not being moved

1015 2<sup>nd</sup> st sw

41



2<sup>nd</sup> AVE SW

# City of Minot

## Inspection Department

May 14, 2018

Re: Building relocation request

Dear Property Owner:

Please be advised that this office has received a request from Joseph Christoff to relocate a single-family dwelling from 609 N 52<sup>nd</sup> St, Bismarck, ND to 1015 2<sup>nd</sup> Ave SW (Carney Addition Lot 23). This property is zoned R1, Single-Family Residential District.

The Committee of the Whole will be reviewing the request on Wednesday, May 30, 2018, at 4:15 p.m. in the City Council Chambers at City Hall. A public hearing regarding the request will be held on June 4, 2018, at 6:30 p.m., also in the City Council Chambers. If you wish to appear or give comments concerning the request, you may attend these meetings, or you may present comments to this office at 1025 31<sup>st</sup> Street SE during normal working hours.

Sincerely,

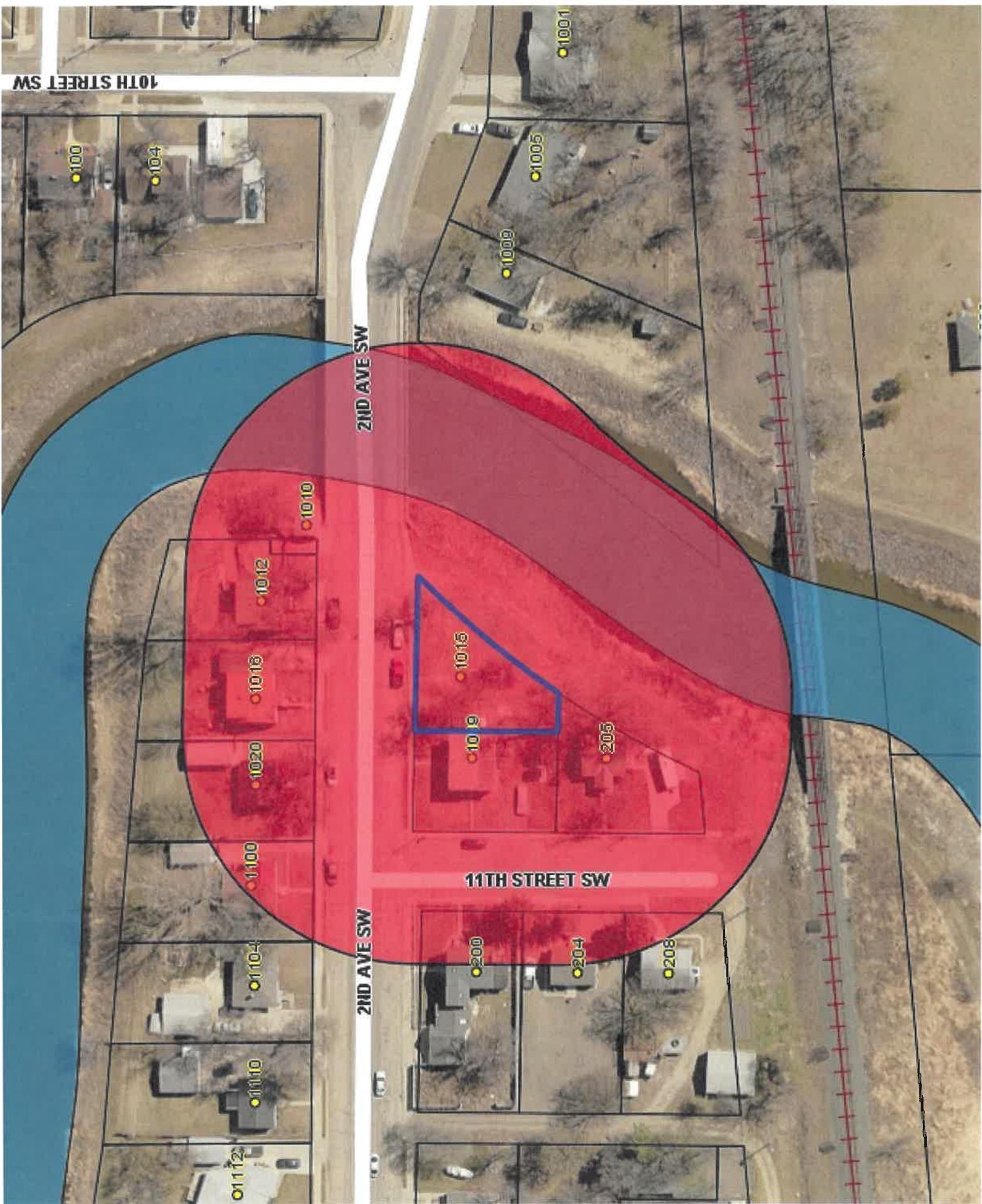


M. T. Flanagan  
Building Official

Enclosures

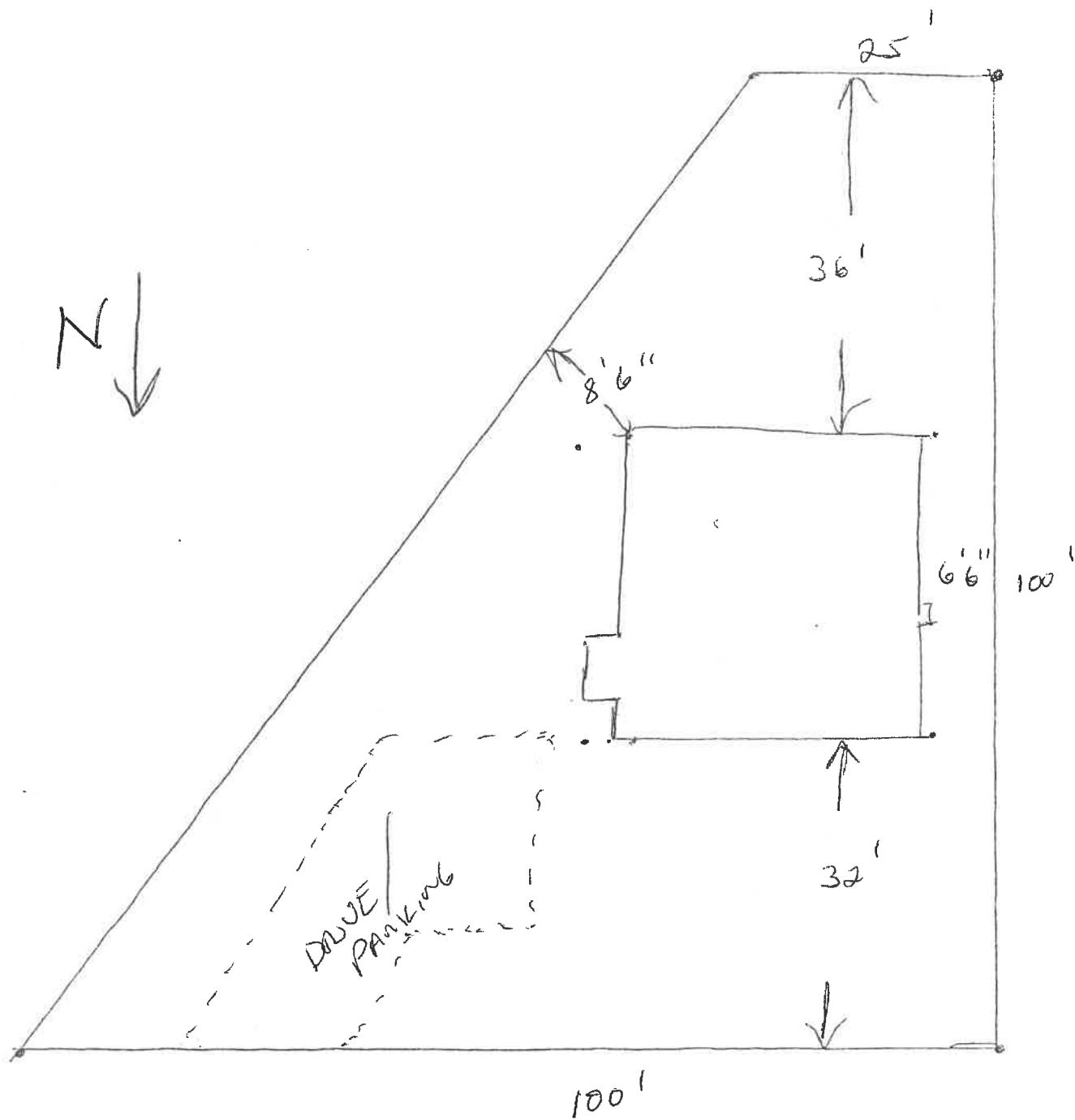
Certified Mail

★The Magic City★



1015 2<sup>nd</sup> ST SW

E  
4'



2<sup>nd</sup> AVE SW



Complete Measurements

609 N 52nd St  
Bismarck, ND 58501



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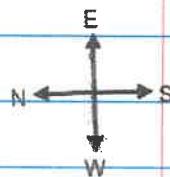
PROPERTY ID: 581  
GUTTER HOUSE  
26 APRIL 2018



GAF e360

Complete Measurements

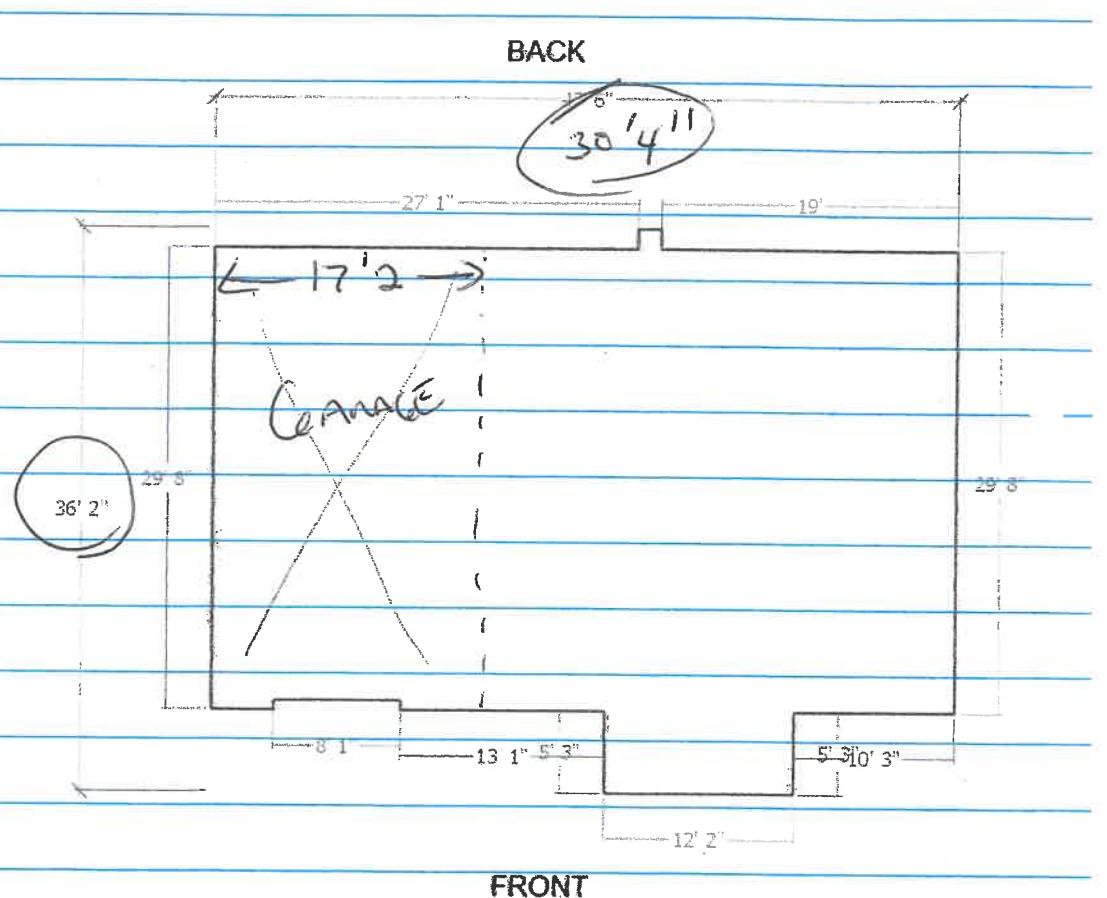
609 N 52nd St, Bismarck, ND  
FOOTPRINT



Number of Stories: 1

Footprint Perimeter: 168' 7"

Footprint Area: 1469 ft<sup>2</sup>



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PROPERTY ID: 5889  
GUTTER HOUSE  
26 APRIL 2018

Page 5

NOTE: Garage not being  
MOVED

Joseph Christoff: You or your representative should appear on behalf of your request at the Committee of the Whole meeting on Wednesday, May 30, 2018, at 4:15 p.m. in the City Council Chambers. The Committee of the Whole will be considering your request at that time.

#### **NOTICE OF INTENT TO MOVE A BUILDING**

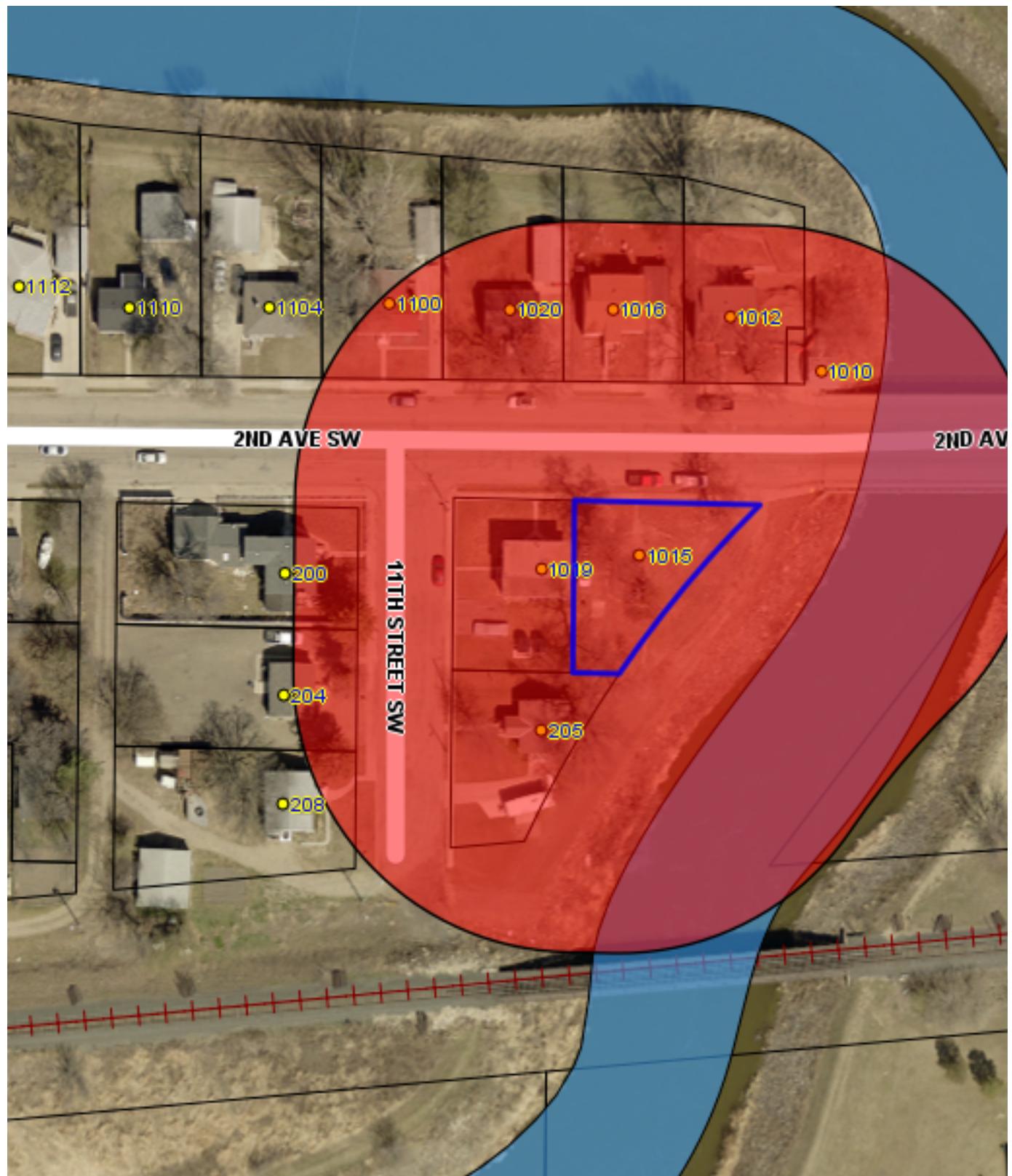
Joseph Christoff, owner of a single-family dwelling, is requesting to relocate this structure from 609 N 52<sup>nd</sup> St, Bismarck, ND to 1015 2<sup>nd</sup> Ave SW (Carney Addition Lot 23).

Application has been made to the City Council for a moving permit to move this structure, and a public hearing will be held on June 4, 2018, at 6:30 p.m. in City Council Chambers at City Hall (515 2<sup>nd</sup> Avenue SW).

Anyone objecting to the granting of this permit to move this structure should make their protest known and appear in opposition to the granting of this permit. Further information can be obtained from Mitch Flanagan, Building Official, at 857-4102.

Publish Legal Ad: May 20, 2018  
May 26, 2018  
June 2, 2018

Bill to: Inspection Department  
City of Minot  
515 2<sup>nd</sup> Avenue SW  
Minot, ND 58701





## BUILDING RELOCATION INSPECTION CHECKLIST

1025 31st Street SE Minot, ND 58701, Phone: 701-857-4102

### PROPERTY LOCATION:

### PROJECT NAME:

### EXTERIOR:

1. Are there signs of roof, foundation, wall and structural support failure?
2. What is the current condition of shingles and roof vents?
3. Current condition of windows, fascia, and trim?
4. Current condition of siding, need repair, replacement, or paint?

### INTERIOR:

1. Are windows in all sleeping rooms egress type (820 Sq. In. Net openable area)?
2. Are smoke detectors installed and in correct location?
3. What is the size and condition of floor supports?
4. Does the building have fuses or circuit breakers and what size is the electrical panel?
5. What is the type and current condition of wiring?
6. What is the type and current condition of HVAC?

### COMMENTS:

INSPECTOR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# City of Minot

## Assessor's Office

DATE: May 8th, 2018

TO: Tom Barry, City Manager

FROM: Dan Lovelace, Senior Property Appraiser

SUBJECT: Application from Joseph Christoff to move a 1960 year built, 1020 sf house located at 609 52<sup>nd</sup> St NE, Bismarck, ND also known as Gibbs Township, Section 31 to 1015 2<sup>nd</sup> Ave SW, Minot, ND also known as Carney Addition, Lot 23.

### DESCRIPTION

The residence to be moved is a 1020sf, single family house. The structure is wood frame construction, with steel roofing, and vinyl siding on the exterior. The house is currently located at 609 52<sup>nd</sup> St NE, Bismarck, ND and photos are provided by the property appraiser.

### RECOMMENDATION

The area that is under consideration for the moving application is 1015 2<sup>nd</sup> Ave SW Minot, ND also known as Carney addition, Lot 23. The proposed moving location is at the middle of an established neighborhood. The property is a vacant lot is on a block comprised primarily of single story ranch style homes built in the 1950's. The homeowner stated that the 1020 sf house to be moved is to be placed on a crawl space.

On a building relocation move, ordinance requires the assessor to determine if the home would currently meet 60% of its replacement cost and whether it is compatible with the neighborhood.

The subject property has a 2018 assessed value of \$143,000 according to the Burleigh County Tax Directors office. Houses just adjacent to the proposed moving location have a valuation ranging from \$99,000 to \$206,000. After moving in the house, it is my opinion that the property would fit in with homes in the vicinity, both in terms of value as well as appearance.

This structure was constructed in 1960 and therefore is estimated to meet 60% of its replacement cost as per Sec 9-47(b) (c) of the Minot Code of Ordinances and appears to be compatible with the existing properties in the immediate neighborhood.

It is our opinion that this structure will be compatible with the existing properties in the neighborhood, therefore the City of Minot Assessor's Office recommends the move be approved to the proposed site.

Subject: currently located at 609 52<sup>nd</sup> St NE, Bismarck, ND



Subject:



Subject:



Proposed moving location: 1015 2<sup>nd</sup> ave sw



Property to the East of Proposed moving location:



Property to the Southwest of Proposed moving location:



Property to the North of Proposed moving location (across street):



Property to the North and 1 house West (across street):



Property to the North and 2 houses West (across street):



Property to the North and 3 houses West (across street):



Property to the West of Proposed moving location (same side of street):



2nd house to the West of Proposed moving location (same side of street):





**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Mitch Flanagan

**DATE:** June 4, 2018

**SUBJECT: Building relocation request to 200 18<sup>th</sup> St SE**

#### **I. RECOMMENDED ACTION**

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It is recommended the Committee and Council approve the relocation of a single family residence, from 713 12<sup>th</sup> St SW, Minot ND, 58701 also known as Kittelsons S/D South 66' Lot 19, to 200 18<sup>th</sup> St SE, Minot, ND 58701, also known as Elbow Park Manor 4<sup>th</sup> Addition Lot 2, 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 building permits for all proposed construction.
3. An approved foundation design in compliance with City of Minot building codes.
4. If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.
5. All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.
6. The exterior of the structure must be one consistent color arrangement of colors after relocation.
7. Applicant must obtain all necessary permits, and coordinate all relocation activities with public utilities and traffic authorities.
8. The property must be provided with proper site drainage, and must be landscaped in a manner similar to surrounding properties.

#### **II. DEPARTMENT CONTACT PERSONS**

Mitch Flanagan, Building Official	857-4102
Mike Murphy, Residential Inspector	857-4102
Dan Lovelace, Property Appraiser Senior	857-4160

#### **III. DESCRIPTION**

The residence to be moved is a 1027 sf, single family house. The structure is wood frame construction, with asphalt shingles, and vinyl siding on the exterior.

#### **IV. IMPACT:**

This structure was purchased from the City and is located in the flood buy out area. The proposed location for the building will be in the new risk map flood plain/ floodway.

#### **V. TIME CONSTRAINTS**

All work must begin within 30 days of issuance of moving and building permits and completed within ten months of start date and generally in accordance with the following schedule:

1. Foundation complete within two months.
2. Structure relocated within four months
3. Work required for code compliance completed within six months
4. All proposed construction and final clean up completed within ten months.
5. City of Minot Zoning Ordinance, Section 23-1 states:

“All off-street parking spaces and all driveways on private property leading to such parking areas shall be all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards.”

#### **VI. LIST OF ATTACHMENTS**

- A. Application for Moving a Residential Building, pictures, and site plan.
- B. Letter to homeowners within 150 feet.
- C. Letter to applicant.
- D. Map showing properties affected
- E. Inspectors reports
- F. Assessors report

Approved for Council Agenda: \_\_\_\_\_

Date: \_\_\_\_\_

INSPECTIONS DEPARTMENT

**APPLICATION FOR MOVING A RESIDENTIAL BUILDING**

Justin Seifert &/or  
I, Samantha Kuntz, owner and/or agent hereby make application to the City  
Building Official to move a(n) house structure(s) from:

LOT 19 BLOCK Port N 1/2 SW Sec 23 155 83 South 6th  
ADDITION S Kittlesons S/D  
ADDRESS 713 1/2± St SW, Minot ND 58701

To the location within the City of Minot, North Dakota, legally described as:

LOT 2 BLOCK 4± Addn.  
ADDITION Elbow Park Manor 4± Addn  
ADDRESS 200 SE 18± St, Minot, ND 58701 ZONING R1

I understand that this relocation request shall be posted by the City of Minot for a Notice of Public Hearing and that such Notice shall be published in the Official Newspaper designating the date of said hearing. Separate notices shall be sent by certified mail to affected property owners.

Moving Fee:

Residential Use: City Council approval fee: \$450.00

It is further understood that a completion bond in the amount of \$10,000.00 shall be provided to the City upon the approval of this application.

Juntz for Samantha Kuntz 1-27-18  
Signature of owner/agent Date

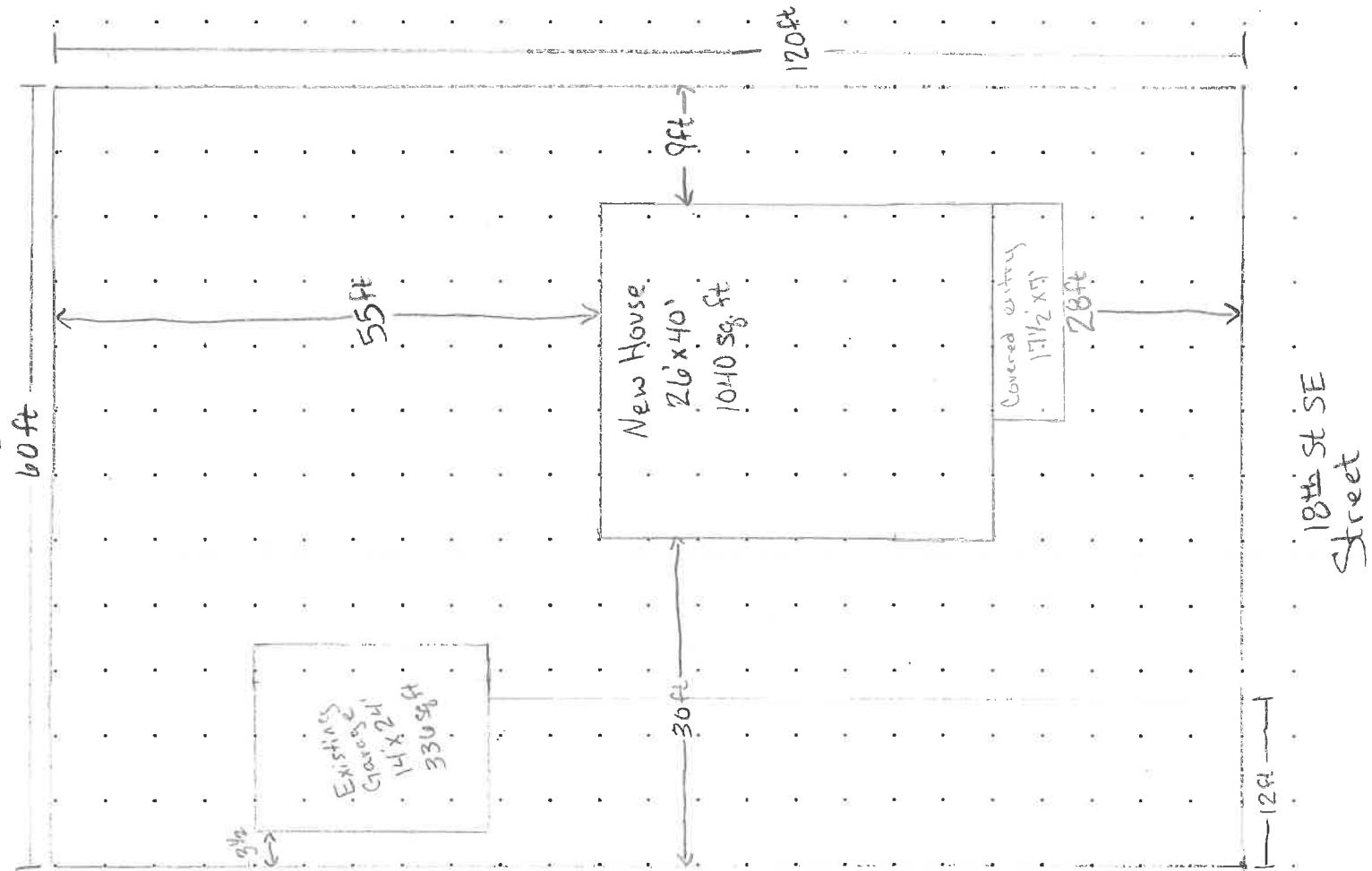
801 100± Ave NE Minot, ND 58703  
Mailing Address

(701) 833-4450 (701) 400-5967  
Phone



(Show distances to new structure from property lines and existing buildings)  
FOR INTERIOR WORK SUPPLY NEW FLOOR PLAN OR DESCRIBE WORK

North



This permit creates no warranties with regard to construction or code compliance. Any inspections under this permit are for the benefit of the public and not the permit recipient, and any inspections do not create a duty to the permit recipient, the owner, or to a subsequent purchaser with regard to quality of construction or code compliance. This agreement applies to any such claim brought by any subsequent purchaser or owner of the property. I understand that I am responsible for the information shown hereon. I certify that I have investigated the location of my property lines, any easements or other restrictions on the property and the dimensions shown are accurate to the best of my knowledge.

AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS. **APPLICANT SIGN** \_\_\_\_\_ **DATE** \_\_\_\_\_

**CERTIFICATE OF OCCUPANCY CAN NOT BE ISSUED UNTIL ALL REQUIRED INSPECTIONS AS SHOWN ON THE HARD CARD AS APPROVED.**

200 18th St SE, Minot, ND 58701 to 713 12th St SW, Minot, ND

Drive 15.4 miles, 28 min



Map data ©2018 Google 2000 ft

via US-83 BYP S

28 min

26 min without traffic

15.4 miles

# City of Minot

## Inspection Department

May 14, 2018,

Re: Building relocation request

Dear Property Owner:

Please be advised that this office has received a request from Justin Seifert and Samantha Kuntz to relocate a single-family dwelling from 713 12<sup>th</sup> St SW to 200 18<sup>th</sup> St SE (ELBOW PARK MANOR 4<sup>TH</sup> ADDITION LOT 2). This property is zoned R1, Single-Family Residential District.

The Committee of the Whole will be reviewing the request on Wednesday, May 30, 2018, at 4:15 p.m. in the City Council Chambers at City Hall. A public hearing regarding the request will be held on June 4, 2018, at 6:30 p.m., also in the City Council Chambers. If you wish to appear or give comments concerning the request, you may attend these meetings, or you may present comments to this office at 1025 31<sup>st</sup> Street SE during normal working hours.

Sincerely,

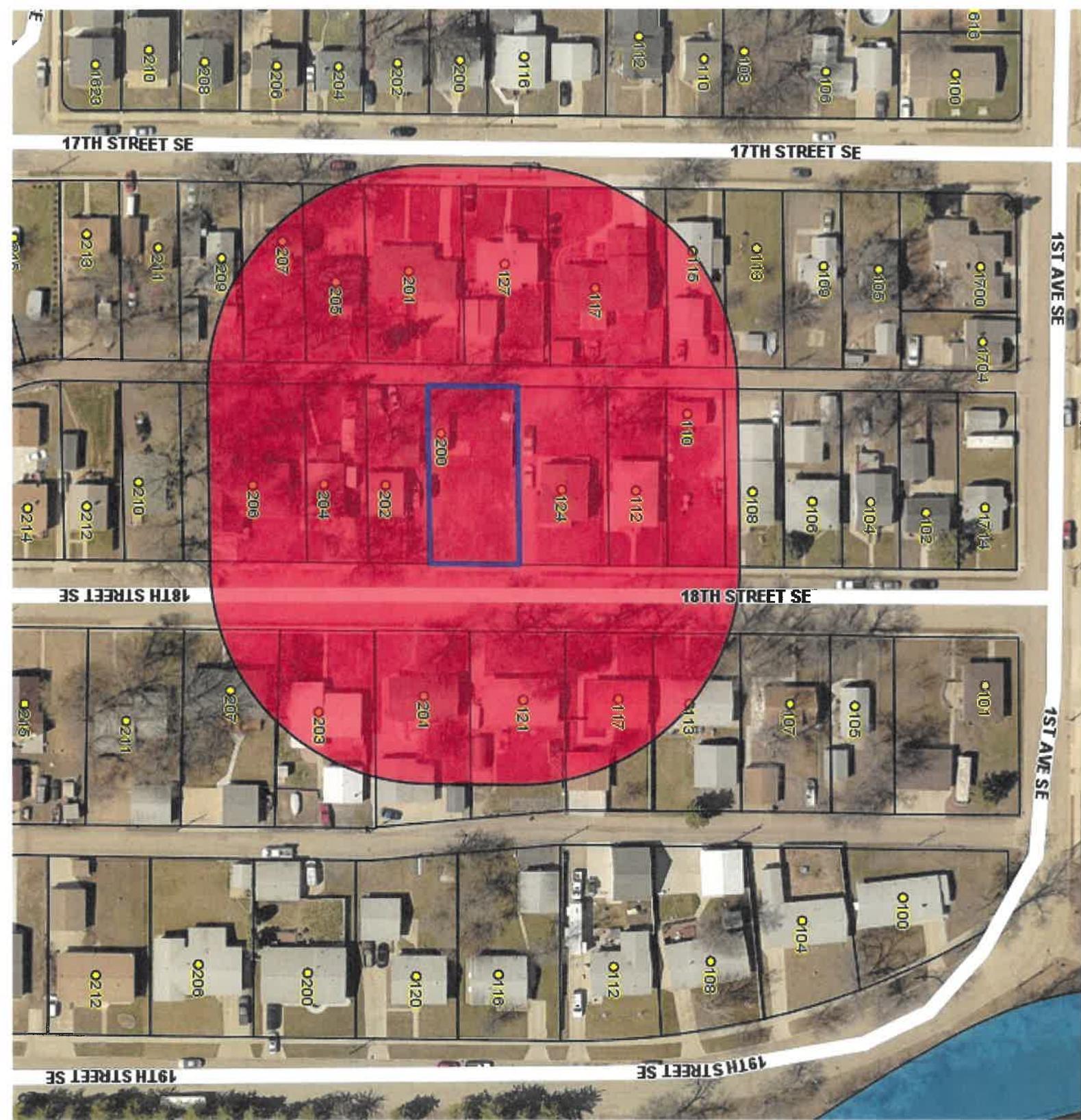


M. T. Flanagan  
Building Official

Enclosures

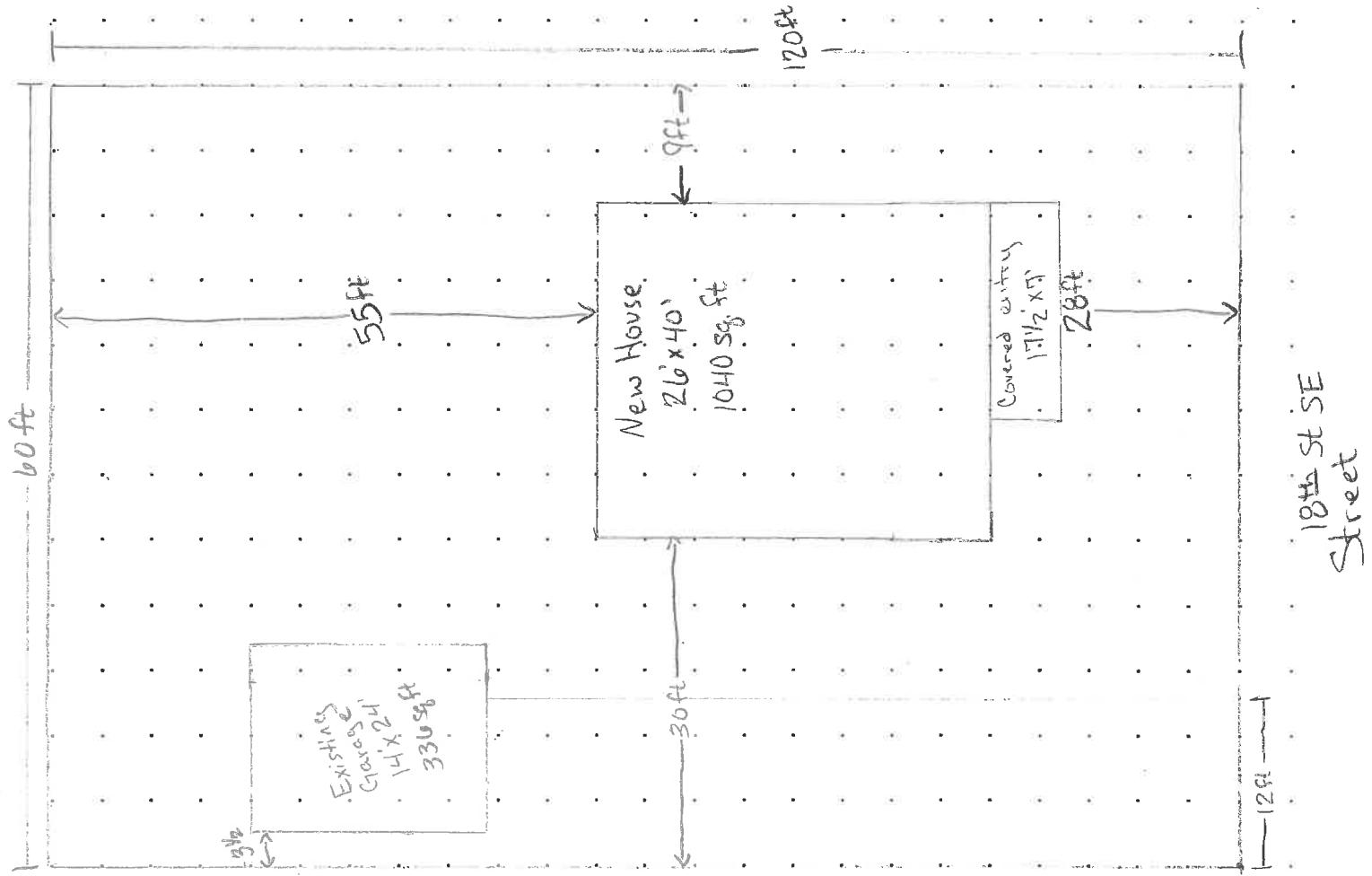
Certified Mail

\* The Magic City \*



(Show distances to new structure from property lines and existing buildings)  
FOR INTERIOR WORK SUPPLY NEW FLOOR PLAN OR DESCRIBE WORK

North



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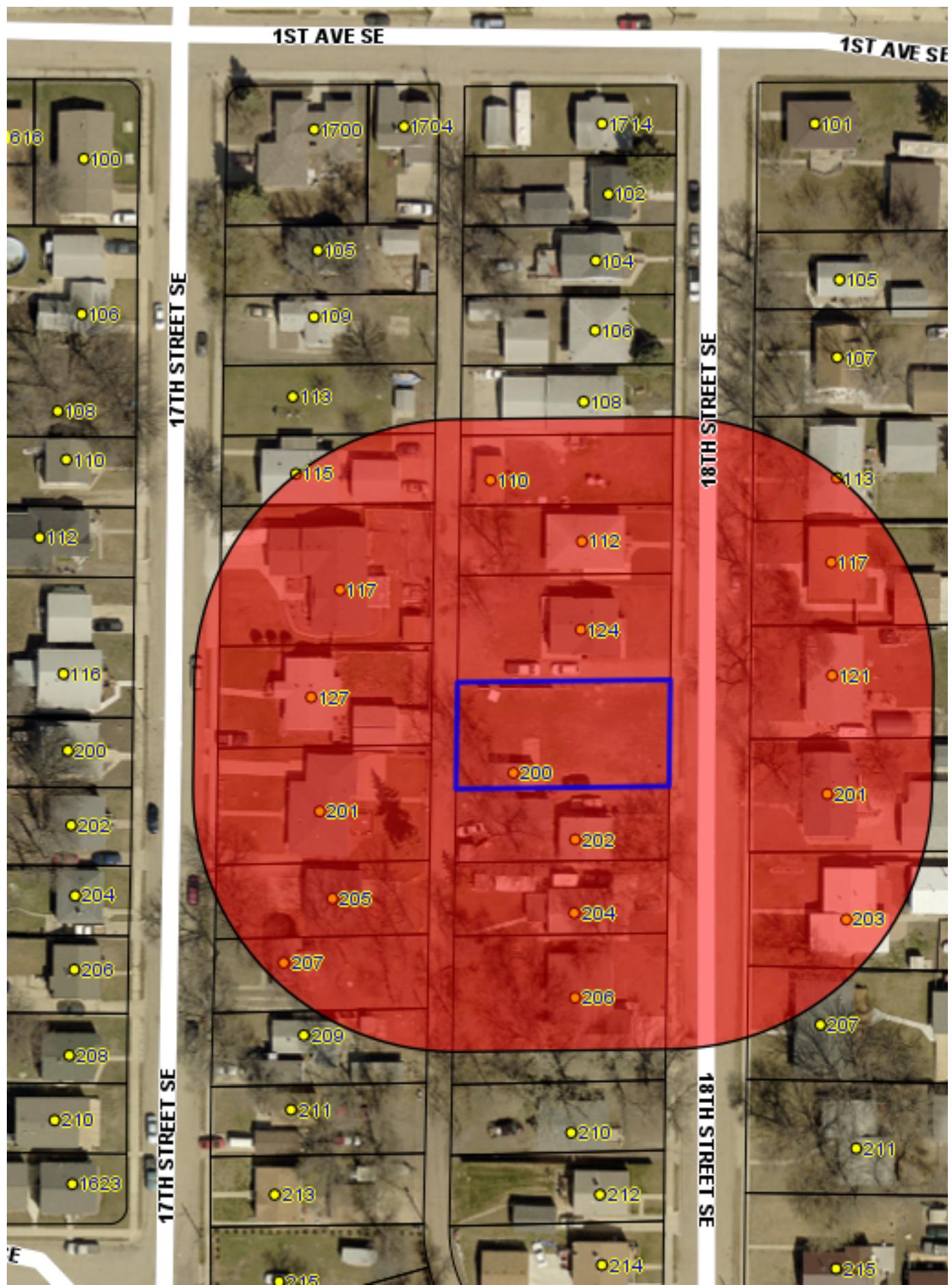
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Sincerely,

M. T. Flanagan  
Building Official

Enclosures

Certified Mail





## BUILDING RELOCATION INSPECTION CHECKLIST

1025 31st Street SE Minot, ND 58701, Phone: 701-857-4102

### PROPERTY LOCATION:

### PROJECT NAME:

### EXTERIOR:

1. Are there signs of roof, foundation, wall and structural support failure?
2. What is the current condition of shingles and roof vents?
3. Current condition of windows, fascia, and trim?
4. Current condition of siding, need repair, replacement, or paint?

### INTERIOR:

1. Are windows in all sleeping rooms egress type (820 Sq. In. Net openable area)?
2. Are smoke detectors installed and in correct location?
3. What is the size and condition of floor supports?
4. Does the building have fuses or circuit breakers and what size is the electrical panel?
5. What is the type and current condition of wiring?
6. What is the type and current condition of HVAC?

### COMMENTS:

INSPECTOR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# City of Minot

Assessor's Office

DATE: May 7th, 2018

TO: Tom Barry, City Manager

FROM: Dan Lovelace, Senior Property Appraiser

SUBJECT: Application from Justin Seifert and/or Samantha Kuntz to move a 2014 year built, 1027 sf house located at 713 12<sup>th</sup> St SW Minot, ND 58701 also known as Kittelsons S/D, Lot 19 to 200 18<sup>th</sup> St SE Minot, ND 58701 also known as Elbow Park Manor 4<sup>th</sup> Addition, Lot 2.

## DESCRIPTION

The residence to be moved is a 1027 sf, single family house. The structure is wood frame construction, with asphalt shingles, and vinyl siding on the exterior. The house is currently located at 713 12<sup>th</sup> St SW in Minot and photos are provided by the property appraiser.

## RECOMMENDATION

The area that is under consideration for the moving application is 200 18<sup>th</sup> St SE Minot, ND 58701 also known as Elbow Park Manor 4<sup>th</sup> addition, Lot 2. The proposed moving location is at the middle of an established neighborhood. The property is a vacant lot in the middle of a block comprised primarily of single story ranch style homes. The homeowner stated that the 1027 sf house to be moved is to be placed on a concrete slab on grade.

On a building relocation move, ordinance requires the assessor to determine if the home would currently meet 60% of its replacement cost and whether it is compatible with the neighborhood.

The subject property has a 2018 assessed value of \$142,000 according to the City of Minot Assessor's office. Houses just adjacent to the proposed moving location have a valuation ranging from \$122,000 to \$186,000. After moving in the house, the property would fit in with homes in the vicinity, both in terms of value as well as appearance.

This structure was constructed in 2014 and therefore is estimated to meet 60% of its replacement cost as per Sec 9-47(b) (c) of the Minot Code of Ordinances and appears to be compatible with the existing properties in the immediate neighborhood.

It is our opinion that this structure will be compatible with the existing properties in the neighborhood, therefore the City of Minot Assessor's Office recommends the move be approved to the proposed site.

Subject: currently located at 713 12<sup>th</sup> St NW (west of Moose Club)



Subject:



Subject:



Proposed moving location: 200 18<sup>th</sup> St SE (south of Roosevelt Park Zoo)



Property to the South of Proposed moving location:



2<sup>nd</sup> Property to the South of Proposed moving location:



3<sup>rd</sup> Property to the South of Proposed moving location:



4th Property to the South of Proposed moving location:



1<sup>st</sup> Property to the North of Proposed moving location:



2<sup>nd</sup> Property to the North of Proposed moving location:



3<sup>rd</sup> Property to the North of Proposed moving location:



4<sup>th</sup> Property to the North of Proposed moving location:



Property directly across street from Proposed moving location:



Property directly across street and 1 house to the North:



Property directly across street and 1 house to the South:





**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** *Kelli Flermoen, Fire Chief*

**DATE:** *May 23rd, 2018*

**SUBJECT: SCBA AIR COMPRESSOR BIDS (FD0068)**

## I. RECOMMENDED ACTION

1. We recommend the Committee and Council accept the lowest bid opened 05/02/18 from Fire Safety USA for \$34,780.50.

## II. DEPARTMENT CONTACT PERSONS

Kelli Flermoen, Fire Chief 857-4740

### III. DESCRIPTION

## A. Background

The fire department advertised for bids on a new SCBA air compressor. The bids received were over budget and/or did not meet the specifications as spelled out within the bid package. For the sake of time, it was re-advertised and bids were opened on 5/2/18. It is the recommendation the City Council accept the Compressor Bid for \$34,780.50 from Fire Safety USA. Their bid met all bid specifications; this is for a 10HP Arctic compressor, 2 bottle fill station, and 4 bottle cascade. This also includes delivery and a 2 year parts and labor warranty. The other bid from Alex Air Apparatus also met the bid specifications but came in at a price of \$49,900.00.

## B. Proposed Project

A SCBA compressor to be purchased meets the fire department needs and is within budget.

### C. Consultant Selection

N/A

#### IV. IMPACT:

#### A. Strategic Impact:

This project will allow us to purchase a new SCBA compressor that meets the National Fire Protection Association standards which is part of our guiding budgetary principles as well as the department goal of priding exceptional public safety and emergency service.

#### B. Service/Delivery Impact:

Our current compressor has pressure restrictions on it that do not allow us to fill to capacity. This compressor will allow us to fill the air tanks with certified breathing air that is necessary for our firefighters to perform their duties.

### C. Fiscal Impact:

i. Project Costs/Funding

1. Cost of Breathing Air Compressor / Fill Station	\$34,780.50
2. Rural Community Grant	(20,000.00)
3. Fire Capital Purchase	<u>(16,219.50)</u>
4. Remaining Balance	0.00

**V. ALTERNATIVES**

- A. The City Council could choose to reject all bids and not move forward with the purchase.
- B. The City Council could choose the higher bid from Alex Air.

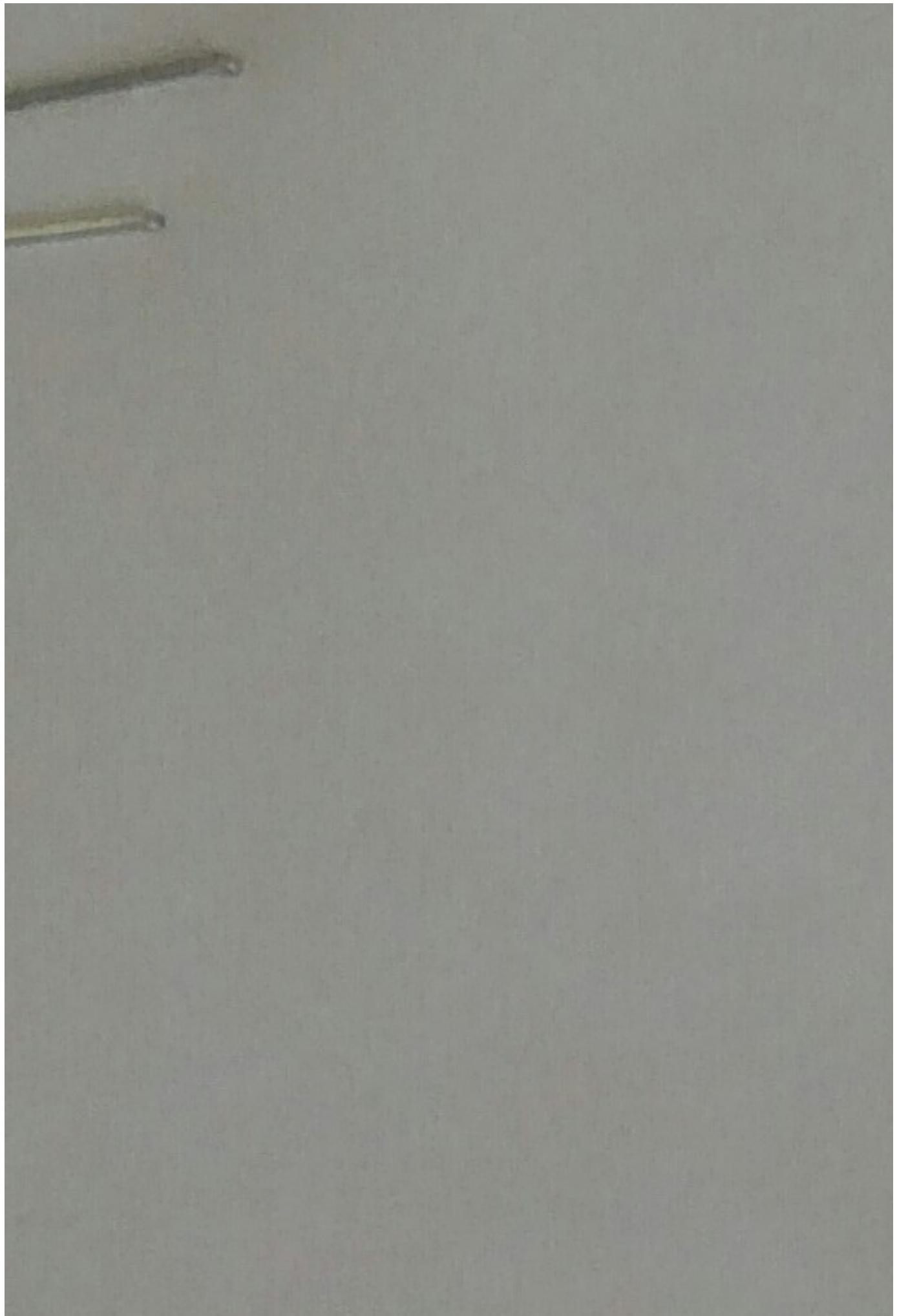
**VI. TIME CONSTRAINTS**

The Fire Department has bid this project several times in an effort to meet bid specifications and budget constraints. In order for firefighters to efficiently perform their duties the purchase of this compressor should move forward as soon as possible.

**VII. LIST OF ATTACHMENTS**

- A. Bid Proposals

The City of





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**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Chief Jason Olson

**DATE:** May 24, 2018

**SUBJECT: ENERGY INFRASTRUCTURE AND IMPACT GRANT (PD0151)**

---

## **I. RECOMMENDED ACTION**

- A. Recommend approval for the Minot Police Department to apply for the 2018 Energy Infrastructure and Impact Grant; and
- B. Authorize the Mayor to sign the grant agreement, if awarded; and
- C. Authorize the Mayor to sign the budget amendment, if awarded

## **II. DEPARTMENT CONTACT PERSONS**

Jason Olson, Chief of Police	857-4715
John Klug, Captain, Grants Administrator	857-9800

## **III. DESCRIPTION**

### **A. Background**

The Police Department has filed an application for up to \$194,000 in grant funding through this program for replacement of our in-car video system and system upgrade and replacement of our body worn cameras used by patrol officers of the police department. There is no local match requirement for this grant.

The current in-car camera systems have been in use since 2012 and are wearing out. The software system is out of date and the cameras themselves are frequently experiencing functionality issues. The replacement system will enhance and improve operational capabilities through better management software and providing new cameras. The video management system will be the same for in-car and body worn cameras which will simplify and streamline the management of stored video.

The body-worn cameras in use have been deployed for two years. It is anticipated that some of the batteries will begin to fail causing expensive replacement costs. If funded the grant will purchase a maintenance and replacement plan for the next five years for the body worn cameras. The video storage contract would expand from the current limited contract to an unlimited contract which would provide defined costs for cloud based video storage for the next five years for both in-car and body worn video. Another advantage to the new systems

is that due to the fact that the software and storage are web based and cloud based they do not require any support from our IT staff to maintain.

**B. Proposed Project**

Purchase replacement in-car and body worn camera systems.

**C. Consultant Selection**

If the grant is awarded the standard acquisition process will be followed to acquire the system.

**IV. IMPACT:**

**A. Strategic Impact:**

The use of in-car video in law enforcement patrol vehicles has been standard of the industry for over 25 years. The video has usefulness for enhancing officer safety, documentation of police behavior which is useful for both transparency and the investigation of complaints as well as potential civil liability, training opportunities, and use by both the prosecution and defense attorneys in criminal cases.

Body worn camera systems have been an emerging technology for about the past 10 years that provide video for the same purposes as in-car video listed above. Many agencies across the country have implemented body worn cameras for their patrol officers. The Minot Police Department has had this technology in use since June of 2018.

New equipment which will be covered by maintenance contracts and contracts with fixed costs for cloud based storage of video requiring no support from City of Minot IT staff for a period of five years.

**B. Service/Delivery Impact:**

The current in-car video systems have been failing due to wearing out. A new system would provide reliable, cost controlled solution for both body worn and in-car video with improved capabilities and ease of use for both field and office personnel. The new video management system would also improve the processing of open records requests and discovery requests by both the prosecution and defense attorneys.

**C. Fiscal Impact:**

<u>Project Costs</u>	
Body Worn Camera System	\$95,000
<u>In-car Camera System</u>	<u>\$99,000</u>
Total	\$194,000

Estimated contract of \$80,000 annually for the subsequent four years to maintain both systems including unlimited storage and equipment upgrades.

**Project Funding**

ND Energy Infrastructure and Impact Officer Grant –

**V. ALTERNATIVES**

- A. Funding replacement camera systems through the normal budget process at an estimated first year cost of \$135,000 for in-car system and \$47,000 body worn camera video storage contract and camera replacements for 2019.
- B. Continue using the current systems until they completely wear out.
- C. Cease having in-car and body worn camera systems.

**V. TIME CONSTRAINTS**

- A. The grant was released and had a deadline with a short turnaround so the application has already been filed.

**VI. LIST OF ATTACHMENTS**

- A. Budget Amendment

# ENERGY INFRASTRUCTURE AND IMPACT OFFICE GRANT APPLICATION

Application Date: 04/30/2018

**Please Remit to:**

Energy Infrastructure and Impact Office  
1707 North 9th Street  
PO Box 5523  
Bismarck, ND 58506-5523  
Email: [energyimpact@nd.gov](mailto:energyimpact@nd.gov)  
Fax: 701-328-3650  
Office: 701-328-2800

Name of your Subdivision/Agency: (City of Minot - Police Department)  
For Example: Your City Name, Your County Name, Your Fire District Name, Your School Name, or other Taxing District

Contact Person/Title: (John Klug, Captain) Daytime Phone: (701) 857-9800

Address: (PO Box 5006) Cell Phone: (701) 578-8742

City, State, Zip: (Minot, ND 58702) E-mail: (john.klug@minotnd.org)

If the information you entered here is different than the name and address we used on your most current correspondence AND if you want us to change our records to this information, please mark the next field with an "X" ( X )

---

## PART A:

What basic governmental service or function best describes this project? ("X" only one)

<input type="checkbox"/>	Education	<input checked="" type="checkbox"/>	Law Enforcement	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Critical Access Hospitals	<input type="checkbox"/>	Public Works (water, sewer, etc)	<input type="checkbox"/>	Transportation
<input type="checkbox"/>	Nursing Homes, Basic Care	<input type="checkbox"/>	Human Trafficking	<input type="checkbox"/>	Fire/Rescue
<input type="checkbox"/>	Developmentally Disabled Providers	<input type="checkbox"/>	Local District Health	<input type="checkbox"/>	EMS
<input type="checkbox"/>	Sexual Assault Examiner Programs	<input type="checkbox"/>	Domestic Violence	<input type="checkbox"/>	Other

What best identifies the focus of your project (i.e. a request for emergency services may be for vehicle or for equipment). ("X" only one)

<input type="checkbox"/>	Administration	<input type="checkbox"/>	Parks & Rec Facilities	<input type="checkbox"/>	Supplies/Materials
<input type="checkbox"/>	Airport Improvement	<input type="checkbox"/>	Personnel	<input type="checkbox"/>	Training
<input type="checkbox"/>	Building Construction	<input type="checkbox"/>	Planning/Engineering	<input type="checkbox"/>	Vehicles
<input type="checkbox"/>	Building Renovation	<input type="checkbox"/>	Rd/St Construction	<input type="checkbox"/>	Water, Sewer, Infrastructure Construction
<input checked="" type="checkbox"/>	Equipment	<input type="checkbox"/>	Rd/St Maintenance	<input type="checkbox"/>	Water, Sewer, Infrastructure Maintenance
<input type="checkbox"/>	Other <u>( )</u>				

What is the title of your project.(please limit this to just a couple words – there is a space for a full project description in Part D of this form)

Project Description: (In-Car Video System & Body Worn Cameras)

North Dakota Century Code Chapter 57-62 identifies that grants from the oil and gas impact grant fund are to be provided to oil and gas development-impacted cities, counties, school districts, and other taxing districts. Some exemptions have been provided for by the Legislature.

Does your agency have the authority to levy a tax as provided for in North Dakota Century Code?  Yes  No

---

## PART B:

Total anticipated cost of the project (Please use whole dollars) \$ (195,000)

Amount requested from the Energy Infrastructure and Impact Office \$ (195,000)

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**PART C:** The following financial information must be provided to the department before a grant application can be acted upon. If applicable.

Most recent mill levy levied by your board	<u>(106.65 )</u>
20 <sup>17</sup> taxable valuation	\$ <u>(212,053,359.06)</u>
General obligation bonded indebtedness	\$ <u>(18,050,000.00 )</u>
Revenue bonding indebtedness	\$ <u>(49,925,000.00 )</u>
Other indebtedness	\$ <u>( 85,520,110.00 )</u>

**Supporting Documents to Include:**

- A copy of the most recent year end financial statements (audited if available), for the political subdivision applying. (Townships please provide a copy of page 1 of the annual Township Financial Report - Form F-66 (ND-3A)).
- A copy of the current budget for the political subdivision applying.
- Documentation showing the breakdown of all mils levied by the political subdivision applying during the current fiscal year, as well as the taxable valuation used to determine the mils levied.
- Documentation, if available, showing the projected cost of the project for which you are requesting a grant.

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**PART D: Please explain below how your grant application project is directly necessitated by impacts from oil and gas development.**

Priority 1: In-Car Video System Upgrades (\$99,000 for 20 systems)

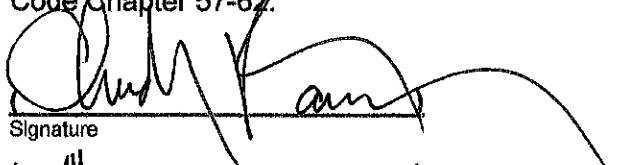
Priority 2: Body Worn Camera System Upgrades (\$95,000 for 60 cameras, 10 docking stations, licensing)

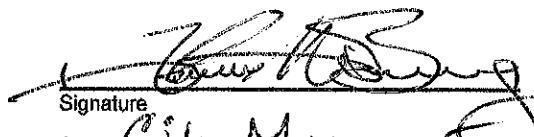
The oil and gas industry has had an ongoing impact on Minot. There have been large increases in the population, the amount of traffic, and an increase in violent, drug and property crimes in the Minot community. The change in the dynamics of Minot has increased the number of cases handled across the board. Video systems allow for recording of all contacts with the public, whether for a criminal case, a traffic stop, or citizen interaction. The current system has allowed for the department to handle citizen complaints against officers as well as criminal and traffic court cases more effectively. The video documents the contact and many times the evidence needed to assist in prosecution is readily available for a court to review. The downturn in economic activity has also had an impact through job loss and financial hardships. This has also been the case for the City of Minot, where the income from sales tax has gone down drastically, but the calls for service handled by the police department has continued to rise. The reduced tax base causes funding issues for some of the larger projects such as the ones being requested through this grant. They are very important for the city, department, and community we serve, but it will be difficult to fund the needed upgrade to the systems without financial support. The funding through this grant has been prioritized as above. If only a portion of the request can be funded, it would give us the opportunity to advance one system now and continue to limp the other.

**Part E:** (Narrative description of project. When applying for a grant during the current grant round, please identify specific projects or problems that need funding. Please identify how your request qualifies for this grant round including requirements that may be defined specific to this grant round.)

Both projects, if approved, would be implemented within about 4 months of the approval unless there was a delay from the manufacturer or installer for the systems. There is currently not another funding source for either project and both have become important parts of our daily operation for the department. As mentioned above, without the funding assistance of the grant, it would be difficult to obtain all funding through the budgeting process and we would continue to seek grant opportunities if/when they arise. If the systems are funded as listed above, the city would cover the cost of any overage of the requested amount as well as the annual costs associated to keep the system up to date and working effectively. One system being considered has an annual cost, but it includes periodic replacement of equipment so the current issue being we are facing could be avoided by budgeting the future annual cost in the department's budget. The quotes are currently being drafted so the department would only have to pick the vendor and obtain city council approval of the system upgrades and acceptance of grant funding to move forward with the project. The grant proposal will be provided to the City Council for consideration at the June 2018 meeting.

We certify that the information contained in this application is true and correct to the best of our knowledge as recorded in the official minutes of our ( \_\_\_\_\_ ) (Month, Day, Year) meeting, and we further certify that any funds received by (City of Minot - Police) (Name of Applicant) as the result of this application will be expended according to the laws of the State of North Dakota for the purpose stated in this application. My signature confirms I am an appointed or elected government official as required by North Dakota Century Code Chapter 57-62.

  
Signature  
(Mayor)  
Title (Mayor, Chairman, President, etc.)

  
Signature  
(City Manager)  
Title (Auditor, Clerk, Secretary, etc.)



---

**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** *Jason Sorenson*

**DATE:** *May 22, 2018*

**SUBJECT:** Lease for Rainbow Gardens

---

#### **I. RECOMMENDED ACTION**

1. Recommend council approval of a five-year lease with Rainbow Gardens Association beginning in 2018 and terminating in 2022 for \$600.00 per year.
2. Authorize the mayor to sign the lease agreement.

#### **II. DEPARTMENT CONTACT PERSONS**

Dan Jonasson, Director of Public Works	857-4140
Jason Sorenson, Assistant Director of Public Works	857-4140

#### **III. DESCRIPTION**

##### **A. Background**

*For the past five years the City has been leasing a portion of cemetery property to Rainbow Gardens Association for the purpose of developing garden plots. This land will at some point be needed for additional grave sites, but not for many years. Until it is needed Rainbow Gardens has developed the area into garden plots and rents these out to citizens that want to have a garden.*

##### **B. Proposed Project**

*N/A*

##### **C. Consultant Selection**

*N/A*

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

*This agreement creates opportunities for gardening to citizens that maybe don't have space or the ability to garden on their own land. With Rainbow Gardens leasing the land, they are responsible for all upkeep and maintenance which saves the City time and resources that would ordinarily be expended to maintain the property. .*

##### **B. Service/Delivery Impact:**

*N/A*

**C. Fiscal Impact:**

**Project Costs**

*Rainbow Gardens pays the City \$600.00 per year to lease the land and all maintenance is at the sole cost of the association.*

**Project Funding**

*N/A*

**V. ALTERNATIVES**

*N/A*

**VI. TIME CONSTRAINTS**

*N/A*

**VII. LIST OF ATTACHMENTS**

*N/A*



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** David Wicke, Assistant City Engineer

**DATE:** 5/18/2018

**SUBJECT: RIGHT OF WAY ENCROACHMENT AGREEMENT APPLICATION**

### **I. RECOMMENDED ACTION**

1. Recommend approval of the Right of Way Encroachment Agreement Application submitted by The Coca-Cola Bottling Company for the installation of three (3) semi-permanent monitoring wells in the City's Right of Way for the purpose of monitoring area ground water condition.

### **II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	857-4100
David Wicke, Assistant City Engineer	857-4100

### **III. DESCRIPTION**

#### **A. Background**

The Subject property requesting the encroachment permit is described as Sunnyside Addition Lots 6 thru 11 Block 1 Less Parcel 1-2 DOC#3007252 and is located at the physical address of 405 9<sup>th</sup> St. SE, Minot, ND 58701. Applicant is applying for the encroachment permit to install groundwater monitoring wells as required by the North Dakota Department of Health (NDDH) to investigate potential groundwater contamination.

The applicant will install three “permanent” monitoring wells in the Right-of-Way along East Burdick. Two (2) wells will be located in the sidewalk in front of the 405 9<sup>th</sup> St. SE and one (1) well will be located across the street in the right-of-way. Wells shall be installed flush with existing grades and upon approval of the ground water sampling analysis by the NDDH, the wells shall be permanently sealed and abandoned.

#### **B. Proposed Project**

Encroachments within the right-of-way are interpreted as a permanent encroachment as defined in Article I. Section 28-3 of the Code of Ordinances. If the City Council deems that the request is warranted, it should be approved with the following recommendations:

1. That the City Council approves the encroachment listed above.
2. That the permit holder agrees that the costs of maintenance and replacement be their responsibility.
3. That the City Attorney prepares the encroachment permit agreement, including language to protect the City from liability.
4. That the City Council retains the right to revoke the encroachment permit if it becomes necessary for any reasons.

5. That the permit holder pays a \$100 permit fee.
6. That the permit holder shall obtain and comply with insurance coverage requirements.
7. No person may construct or install the proposed ramp/walkway within the public right-of-way without having first obtained a permit from the City Engineer.

**C. Consultant Selection**

NA

**IV. IMPACT:**

**A. Strategic Impact:**

NA

**B. Service/Delivery Impact:**

NA

**C. Fiscal Impact:**

All costs associated with the Permit shall be bore solely by the applicant. The City will not be responsible for the permit holder's routine maintenance, repair, replacement or other related cost associated with the proposed ramp/walkway.

**V. ALTERNATIVES**

NA

**VI. TIME CONSTRAINTS**

NA

**VII. LIST OF ATTACHMENTS**

- A. Right-of-Way Encroachment Agreement Application
- B. Encroachment Exhibit – Map of Well Locations

# City of Minot

Engineering Department

## RIGHT OF WAY ENCROACHMENT AGREEMENT APPLICATION

### Contact Information:

Applicant/Owner The Coca-Cola Company

Mailing Address One Cola-Cola Plaza, Atlanta, GA 30313 Attn: Mike Ferrell CCP 508N

Phone (404)786-6380 Email mferrell@coca-cola.com

### Consultant to The Coca-Cola Company:

Antea Group

5910 Rice Creek Parkway, Suite 100, Shoreview, MN 55126

Karen Thole, Project Manager

Karen.thole@anteagroup.com; (651)697-5203

### Application Information:

Address of Requested Encroachment 411 9<sup>th</sup> Street SE, Minot, ND

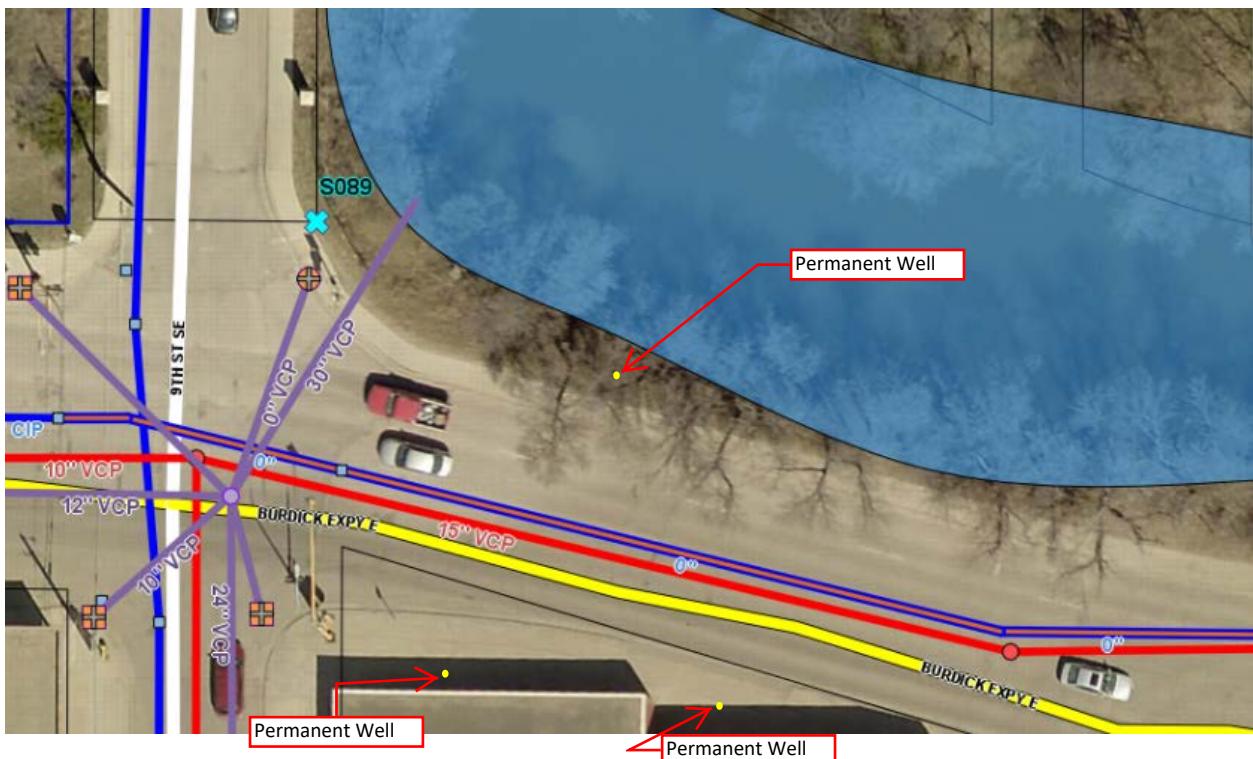
Legal Description of Property Parcel ID No. MI243970100110

Briefly describe the reason for this request A petroleum release presumably associated with a historical gas station has been identified at the Coca-Cola facility at 411 9<sup>th</sup> Street SE, Minot. Additional investigation of contaminated groundwater is required by the North Dakota Department of Health (NDDH), including the installation of "permanent" monitoring wells. The wells will be located in the rights-of-way along E. Burdick Parkway and will be constructed with an at-grade finish. The wells will be sampled on a regular basis to document groundwater impacts, if present. The wells will be sealed and all above-ground structures removed upon approval by the NDDH. A proposed well location map is attached.

  
Signature of Applicant

5-9-2018  
Date

\*\$100.00 processing fee will be required before recording of encroachment (after City Council approval).





**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Kelly Matalka, City Clerk

**DATE:** May 22, 2018

**SUBJECT: ALCOHOLIC BEVERAGE LICENSE RENEWALS 2018-2019**

**I. RECOMMENDED ACTION**

It is recommended the Committee and Council approve the alcoholic beverage sales license renewals for the July 1, 2018 through June 30, 2019 license year, subject to receipt of proper documentation and renewal fees and approval from the Police Chief, Building Official and Fire Marshal.

**II. DEPARTMENT CONTACT PERSONS**

Kelly Matalka, City Clerk	857-4752
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**III. DESCRIPTION**

Alcoholic beverage sales licenses are approved from July 1<sup>st</sup> through June 30<sup>th</sup> of each year. In order to renew the license, an application is submitted for review by the Police Department and inspections by the Building Official and Fire Marshall.

The City of Minot Code of Ordinances, Sec. 5-25. City clerk to submit application to the committee of the whole; approval, states:

- (a) The city clerk shall submit the application to the committee of the whole for its recommendation.
- (b) Upon receiving the recommendation of the committee of the whole, the city clerk shall then submit the application to the city council for its consideration.
- (c) Every application for a license required by this article shall be approved by the city council before the license shall be issued.

**IV. IMPACT:**

**Fiscal Impact:**

The fees vary depending on the type of license and is deposited into the appropriate general fund revenue account.

**V. ALTERNATIVES**

The Committee of the Whole and City Council could deny a license renewal application if there is reasonable cause to do so, and the establishment would not be permitted to sell alcohol.

**VI. TIME CONSTRAINTS**

Once the City license is approved, the organization must also apply for a State license. A timely approval is necessary if their business wishes to proceed with the sale of alcohol.

**VII. LIST OF ATTACHMENTS**

- A. Alcoholic Beverage License Renewal List

Licensee	Dba	License Address	License Type
10 Partners, LLC	10 North Main	10 North Main Street	Supper Club License
Steve Kottick	19th Hole	2400 14th Avenue SW	Retail Beer and Wine License
Apple Core Enterprises, Inc.	Applebee's Grill and Bar	2302 15th Street SW	Supper Club License
Irish Laundry, LLC	Arny's 2.0 Bottle Shop & Lounge	#12 3rd Street SE	Retail Liquor and Beer License
Minot TR's, LLC	Badland's Grill House & Saloon	1400 31 <sup>st</sup> Avenue SW	Supper Club License
Barley Pop Bar, Inc.	Barley Pop Bar	437 North Broadway	Retail Beer and Wine License
Tonite We Ride, Inc.	Ben's Tavern	220 6th Street NE	Retail Beer and Wine License
Y.N.O.T., Inc.	Blue Rider	118 1st Avenue SE	Retail Beer and Wine License
Bones BBQ, Inc.	Bones BBQ Wine & Brew	1412 2nd Ave SW Unit B	Retail Beer and Wine License
5 Guys Bar, LLC	Bootlegrz	515 20 <sup>th</sup> Avenue SE Suite 2B	Retail Liquor and Beer License
Broadway Liquor, LLC	Broadway Liquors	1030 N. Broadway	Retail Liquor and Beer License
Wings of Minot ND, LLC	Buffalo Wild Wings	3820 South Broadway	Supper Club License
A & M Hauck, Inc,	Buffalo Wings & Rings	910 24 <sup>th</sup> Avenue SW	Supper Club License
Shedars, Inc.	Capri Bar	2030 Burdick Expressway E	Retail Liquor and Beer License
Captain's Cove, Inc.	Captain's Cove Seafood Restaurant	1735 South Broadway	Specialty Restaurant Beer and Wine License
Coborn's, Inc.	Cash Wise Liquor #3043	3224 16 <sup>th</sup> Street SW #400	Retail Liquor and Beer License
China Star Minot, Inc.	China Star Restaurant	1631 South Broadway	Specialty Restaurant Beer and Wine License
Back In Black, LLC	Classic Rock Coffee Co.	1408 2nd Ave SW	Specialty Restaurant Beer and Wine License
Gill Corporation	Comfort Suites	601 22 <sup>nd</sup> Ave SW	Hotel-Motel Retail Liquor and Beer License
Cookies For You, Inc.	Cookies For You	117 South Main Street	Retail Beer and Wine License
Expedition League, Inc.	Corbett Field	1124 E Burdick Expressway	Specialty Restaurant Beer & Wine License
H O Entertainment, LLP	dae Udder Place Lounge & Casino	1015 South Broadway	Retail Liquor and Beer License
Hanuman, L.L.C.	Dakota Inn Trappers Lounge	2401 Elk Drive	Hotel-Motel Retail Liquor and Beer License
TEN, Inc.	Dakota Lounge	1525 31 <sup>st</sup> Avenue SW, Ste A	Retail Liquor and Beer License
WWW, Inc.	Ebeneezer's	300 & 304 E Central Avenue	Retail Liquor and Beer License
El Azteca, LLC	El Azteca	2035 N. Broadway	Specialty Restaurant Beer License
Bev Naps Inc.	Elevation	1912 Valley Bluff Dr	Private Golf Course License
Saturday's, Inc.	Fireside Lounge	2605 Burdick Expressway W	Retail Liquor and Beer License

International Inn, Inc.	Grand International	1505 North Broadway	Hotel-Motel Retail Liquor and Beer License
Bull Elk Enterprises, Inc.	Grizzly's Grill N' Saloon	2400 10 <sup>th</sup> Street SW	Supper Club License
Classic Foods of Minot	Ground Round	2110 Burdick Expressway E	Supper Club License
Minot Hotel Partners, LLC	Hampton Inn and Suites	1400 North Broadway	Retail Beer and Wine License
Pardon Enterprises, Inc.	Happy Joe's Pizza	420 20 <sup>th</sup> Avenue SE	Retail Beer License
Hibachi Buffet 168 Inc.	Hibachi Buffet	1901 South Broadway	Specialty Restaurant Beer and Wine License
ADB Investments Minot, LLC	Holiday Inn—Riverside	2200 Burdick Expressway E	Hotel-Motel Retail Liquor and Beer License
Channel Point Hospitality, LLC	Hyatt House of Minot	2301 Landmark Drive	Hotel-Motel Retail Liquor and Beer License
ZZ Food Group, LLC	J.L. Beers	2201 22nd Ave SW	Retail Beer License
Johanneson's, Inc.	KJ's Fresh Market	1024 24th Avenue SW	Retail Liquor and Beer License
Columbian Club Association	Knights of Columbus	2601 North Broadway	Private Club Retail Liquor and Beer License
Lamplighter Lounge, Inc.	Lamplighter Lounge/Arrowhead Liquors	200 16th Street SW	Retail Liquor and Beer License
VennMitchell, Inc.	Landing Bar, Grill & Bottle Shop	2015 North Broadway	Retail Liquor and Beer License
Viraj Thedsomboon	Little Blue Elephant	22 South Main Street	Specialty Restaurant Beer and Wine License
EG Retail (America), LLC	Loaf 'N' Jug #673	810 North Broadway	Retail Beer License
Rare Hospitality Management, LLC.	LongHorn Steakhouse #5500	1707 22 <sup>nd</sup> Avenue SW	Supper Club License
North Hill Bowl, Inc.	Lucky Strike Casino	1901 North Broadway	Retail Liquor and Beer License
Johanneson's of ND, Inc.	MarketPlace Liquor	1930 South Broadway	Retail Liquor and Beer License
Johanneson's Inc.	Marketplace Liquor – North Hill	2211 16th St NW	Retail Liquor and Beer License
Johanneson's, Inc.	Marketplace -South Broadway	1620 South Broadway	Retail Liquor and Beer License
Johanneson's, Inc.	Marketplace-Arrowhead	1600 2 <sup>nd</sup> Avenue SW, Suite 1	Retail Liquor and Beer License
Mi Casa Su Casa, LLC	Mi Casa Su Casa Mexican Restaurant	315 Main Street South, Ste 200	Supper Club License
Los Cunados, Inc.	Mi Mexico	301 40 <sup>th</sup> Avenue SW Ste 101	Supper Club License
GM Minot Operating, LLC	Microtel Inn & Suites	414 37th Ave SW	Retail Beer and Wine License
M & S Concessions, Inc.	Minot State University	500 University Ave West	Minot State University
Minotauros Junior Hockey Club, LLC	Minotauros Junior Hockey Club	2501 West Burdick Expressway	Retail Beer and Wine License
Loyal Order of Moose	Moose Lodge No. 822	400 9th Street SW	Private Club Retail Liquor and Beer License
Crystal Globe, LLC	ND Asia Restaurant	3400 16th Street SW	Supper Club License
Magni, LLC	Noble Inn	1009 20 <sup>th</sup> Avenue SE	Retail Beer and Wine License

Lovelace, Inc.	Nola's Lounge	919 Burdick Expressway W	Retail Liquor and Beer License
AV Vinreet, Inc.	Off The Vine	#15 South Main Street	Retail Beer and Wine License
KK Investments, Inc.	On the Rocks	614 3rd Street NE	Retail Liquor and Beer License
Sergio's of Minot, Inc.	Paradiso's Mexican Restaurant	1445 South Broadway	Retail Liquor and Beer License
Premier Food Service, Inc.	Pizza Ranch	305 37 <sup>th</sup> Avenue SW	Specialty Restaurant Beer License
Pro-Vest, Inc.	Planet Pizza	220 South Broadway	Retail Beer License
Pour House, LLC.	Pour House	400 East Central Ave Ste. 102	Retail Beer and Wine License
Dakota Kid, LLC	Qdoba Mexican Grill	1700 South Broadway	Specialty Restaurant Beer License
Dakota Kid, LLC	Qdoba Mexican Grill	2045 North Broadway	Specialty Restaurant Beer License
FX8, Inc.	Quality Inn & Suites	3916 North Broadway	Retail Beer and Wine License
Bricks, Inc.	Ranger Lounge	1218 South Broadway	Retail Liquor and Beer License
Friday's, Inc.	Rockin' Horse Saloon	2625 Burdick Expressway E	Retail Liquor and Beer License
EBP, Inc.	Roosters Nightclub	101 South Main Street	Retail Liquor and Beer License
Rose's Blind Duck, LLP	Rose's Blind Duck Lounge	1524 S Broadway, Suite 8	Retail Liquor and Beer License
Minot Cuisine, Inc.	Ruby Tuesday	100 28 <sup>th</sup> Avenue SW	Supper Club License
Sakura Japanese Steak House, Inc.	Sakura Japanese Steak House	1425 24 <sup>th</sup> Avenue SW	Supper Club License
Osborn, Inc.	Sammy's Pizza	400 North Broadway	Retail Beer and Wine License
Minot Lodging Expo, LLC	Sleep Inn & Suites	2400 10 <sup>th</sup> Street SW	Hotel-Motel Retail Liquor and Beer License
Souris River Brewing, LLC	Souris River Brewing	32 3 <sup>rd</sup> Street NE	Retail Beer and Wine License
Bakken Hospitality, LLP	Souris Valley Suites	800 37 <sup>th</sup> Avenue SW	Hotel-Motel Retail Liquor and Beer License
Spicy Pie MSU, LLC	Spicy Pie MSU	1100 North Broadway	Supper Club License
Sports on Tap, Inc.	Sports on Tap	220 South Broadway	Retail Liquor and Beer License
Premiere Hospitality, LLC	Staybridge Suites	3009 South Broadway	Retail Beer and Wine License
Jack James Momaney	Thai Hot	101 Central Ave W	Specialty Restaurant Beer and Wine License
Jack James Momaney	Thai Hot 2	122 South Main Street, Suite G	Specialty Restaurant Beer and Wine License
The "O"riginal, Inc.	The "O"riginal Bar & Nightclub	720 North Broadway	Retail Liquor and Beer License
Don and Dawn VerBruggen	The Ice Box	100 3rd Street NE	Retail Beer and Wine License
GMRI, Inc.	The Olive Garden Italian Restaurant	1030 24 <sup>th</sup> Avenue SW	Supper Club License

Pour, Inc.	The Pour Farm	201 37 <sup>th</sup> Avenue SW	Retail Liquor and Beer License
KP2, Inc.	The Spot	215 E Central Ave	Retail Beer and Wine License
The Starving Rooster, LLC	The Starving Rooster	30 1st Street NE	Supper Club License
Duckpond Ventures, LLC	The Tap Room	23 South Main Street, Ste B	Retail Beer and Wine License
Oakwells Commuter Rail	Trestle Tap House	305 Airport Rd #221	Airport Terminal Restaurant
Madihope, LLC	Uncle Maddio's Pizza	3310 16th St SW	Specialty Restaurant Beer and Wine License
Urban Winery, LLC	Urban Winery	6 N Main St #103	Winery License
Walmart Inc.	Wal-Mart Supercenter #1636	3900 South Broadway	Retail Liquor and Beer License
With Room Coffee, LLC	With Room Coffee	400 East Central Ave Ste. 103	Retail Beer and Wine License



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Kelly Matalka, City Clerk

**DATE:** May 22, 2018

**SUBJECT: RETAIL BEER LICENSE- ATYPICAL, LLC DBA ATYPICAL BREWERY & BARRELWORKS**

#### **I. RECOMMENDED ACTION**

It is recommended the Committee and Council approve the request from Atypical, LLC dba Atypical Brewery & Barrelworks for a Retail Beer license operating at 510 Central Ave E, subject to receipt of all documentation and approval by the Police Chief, Building Official and Fire Marshal.

#### **II. DEPARTMENT CONTACT PERSONS**

Kelly Matalka, City Clerk 857-4752

#### **III. DESCRIPTION**

Under the City of Minot Code of Ordinances, Sec. 5-25. - City clerk to submit application to the committee of the whole; approval.

- a. The city clerk shall submit the application to the committee of the whole for its recommendation.
- b. Upon receiving the recommendation of the committee of the whole, the city clerk shall then submit the application to the city council for its consideration.
- c. Every application for a license required by this article shall be approved by the city council before the license shall be issued.

The City received a request from Atypical, LLC dba Atypical Brewery & Barrelworks for a Retail Beer license operating at 510 Central Ave E. All documentation has been submitted and is being reviewed by the appropriate departments.

#### **IV. IMPACT:**

Strategic Impact: N/A

Service/Delivery Impact: N/A

Fiscal Impact:

Alcoholic beverage license applications are processed by the City Clerk. The application fee for a Retail Beer License is \$625 annually and is deposited into the appropriate general fund revenue account.

**V. ALTERNATIVES**

The Committee of the Whole and City Council could deny this application if there is reasonable cause to do so and the establishment would not be permitted to sell alcohol.

**VI. TIME CONSTRAINTS**

Once the City license is approved, the organization must also apply for a State license. A timely approval is necessary if their business wishes to proceed with the sale of alcohol.

**VII. LIST OF ATTACHMENTS**

N/A

# City of Minot

**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Kelly Matalka, City Clerk

**DATE:** May 23, 2018

**SUBJECT: RETAIL BEER LICENSE TRANSFER- THE POUR FARM**

## I. RECOMMENDED ACTION

It is recommended the Committee and Council approve the request to transfer the Retail Liquor and Beer License known as #10959 dba The Pour Farm from, Pour Inc., (Dave Iverson), to The Pour Farm, LLC (Diane Jenson) and to transfer the license from The Pour Farm, LLC (Diane Jenson) to Pour Fools, Inc., (Tracy Boyd), subject to receipt of all documentation and approval by the Police Chief, Building Official and Fire Marshal.

## II. DEPARTMENT CONTACT PERSONS

Kelly Matalka, City Clerk 857-4752

### III. DESCRIPTION

Under the City of Minot Code of Ordinances, Sec. 5-25. - City clerk to submit application to the committee of the whole; approval.

- a. The city clerk shall submit the application to the committee of the whole for its recommendation.
- b. Upon receiving the recommendation of the committee of the whole, the city clerk shall then submit the application to the city council for its consideration.
- c. Every application for a license required by this article shall be approved by the city council before the license shall be issued.

The City received a request to transfer the Retail Liquor and Beer License for The Pour Farm. All documentation has been submitted and is being reviewed by the appropriate departments.

#### IV. IMPACT:

### Fiscal Impact:

Alcoholic beverage license applications are processed by the City Clerk. The application fee for a Retail Liquor & Beer License is \$3,125 annually and is deposited into the appropriate general fund revenue account.

## V. ALTERNATIVES

The Committee of the Whole and City Council could deny this application if there is reasonable cause to do so and the establishment would not be permitted to sell alcohol.

## **VI. TIME CONSTRAINTS**

Once the City license is approved, the organization must also apply for a State license. A timely approval is necessary if their business wishes to proceed with the sale of alcohol.

## **VII. LIST OF ATTACHMENTS**

- A. Transfer forms

**CITY OF MINOT  
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE  
TRANSFER**

The following statement to be completed for a transfer request only:

I, Poor Inc., David Iverson, the holder of the alcoholic beverage license known as #B10959 hereby request the license be transferred to The Pour Farm, L.L.C. subject to the approval by the City of Minot Council.

This transfer will be effective the 1st day of July, 2018 subject to the approval of the applicant's documentation.

**Detailed description or documentation of any consideration received in exchange for the license transfer:**

Pursuant to Lease and Escrow Agreement dated June 30, 2008 for no additional consideration.

Signed:

State of North Dakota )  
 ) SS  
County of Ward )

David Iverson, Poor Inc., being first duly sworn, deposes and says that he/she is the present license holder of the above named premises, and does request that the license be transferred by the City of Minot Council to The Pour Farm, L.L.C. 14 day of May, 2018. Subscribed and sworn to before me this

Signed:

## Notary Public

My commission expires:

**CITY OF MINOT**  
**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE**  
**TRANSFER**

The following statement to be completed for a transfer request only:

This transfer will be effective the 1<sup>st</sup> day of July, 2018 subject to the approval of the applicant's documentation.

**Detailed description or documentation of any consideration received in exchange for the license transfer:**

Pursuant to Lease and Escrow Agreement dated \_\_\_\_\_, 2018 but for no additional consideration.

Signed: Diane Jensen

State of North Dakota )  
 ) SS  
County of Ward )

Diane Jenson of The Pour Farm, L.L.C., being first duly sworn, deposes and says that he/she is the present license holder of the above named premises, and does request that the license be transferred by the City of Minot Council to Pour Fools, LLC 25th day of May, 20<sup>18</sup>. Subscribed and sworn to before me this

KELLY MATALKA  
Notary Public  
State of North Dakota  
My Commission Expires March 24, 2022

Signed: Kelli Mataalba  
Notary Public

My commission expires: March 24, 2022



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Lance A. Lang, Principal Planner

**DATE:** May 24, 2018

**SUBJECT: OUTDOOR DINING PERMIT – THE TAP ROOM**

## I. RECOMMENDED ACTION

1. Recommend approval of the encroachment permit to occupy public right-of-way for a seasonal outdoor dining area at 23 Main Street for the Tap Room.
2. Recommend approval of the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit.
3. Authorize the length of time for which the permit will be valid. The maximum allowable time period is three (3) years.

## II. DEPARTMENT CONTACT PERSONS

Lance A. Lang, Principal Planner 857-4108

### III. DESCRIPTION

## A. Background

In February 2017 the City Council approved Ordinance No.5151 amending Chapter 28, "Streets, Sidewalks, and Public Grounds," to allow encroachment agreements associated with permits for outdoor dining areas in the Central Business District.

## B. Proposed Project

Duckpond Ventures LLC dba The Tap Room has made application and submitted the required support information and fees for such a permit. The proposal includes the following amenities:

- Four (4) wrought iron tables with three (3) chairs at each table.
- A barrier made of black canvas cloth stretched between upright stainless steel stanchions. The barrier must be at least three feet (36 inches) in height.
- The area to be sectioned of measures roughly seven feet (7') wide by twenty eight feet (28') long.
- The distance from the existing wall of the building to the enclosed area is approximately five feet (5'). This area is open for pedestrian traffic (minimum forty-four inches (44") required).
- A security camera provides views of the area to management personnel inside the building.
- Proof of insurance and required health licenses are provided.
- The outdoor seating area will be operated in the evenings and on weekends. When not in operation the tables, chairs, barrier, etc. will be stored inside the building.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

For some time now the City Council, City staff, downtown business owners and patrons, and others have expressed interest in the revitalization project in the Central Business District. With the streets, sidewalks, utilities and other infrastructure improvements completed primarily last year and due to be finalized this year this is a great opportunity to encourage more patronage in the downtown area.

##### **B. Service/Delivery Impact:**

The permitting system to allow limited encroachment into the right-of-way provides a method whereby City staff and the elected officials can provide enhanced opportunities for the citizens of Minot to enjoy the downtown area.

##### **C. Fiscal Impact:**

This approach utilizes the existing sidewalk areas in downtown. No major changes are required. There is no cost to the City. The permit application fee is \$35.00 making this an affordable option for downtown business owners who may be interested in this program.

#### **V. ALTERNATIVES**

Alt 1. The Council could ask the applicant to modify the proposal.

Alt 2. The City Council could deny the permit request.

#### **VI. TIME CONSTRAINTS**

Council's approval of the recommendation will allow the applicant to move forward with the outdoor dining area taking advantage of the warm summer evenings that have recently arrived. Delay of the permit will delay the operation of the outdoor dining area during prime outdoor activity season.

#### **VII. LIST OF ATTACHMENTS**

- A. Outdoor Dining Application/Encroachment Permit
- B. Certificate of Liability Insurance
- C. First District Health Department approval
- D. Photograph of proposed tables and chairs
- E. Image of proposed canvas barrier and stanchions
- F. Photograph of street view – area for proposed outdoor dining
- G. A different street view showing proposed location
- H. View from the Security Cam



**Planning Department**  
**Outdoor Dining Application/Encroachment Permit**

1025 31st St SE

PO Box 5006

Minot, ND 58702

planner@minotnd.org

(701) 857-4122

**Applicant Information**

Applicant Duckpond Ventures LLC dba The Tap Room  
Address 23 Main St. S Suite B  
City Minot State ND Zip 58701  
Phone ( 701-240-2816 )  
Email TheTapRoomND@gmail.com

**Property Owner Information**

Property Owner CDJ Opportunities LLC  
Address PO BOX 370  
City Minot State ND Zip 58701  
Phone ( 701-833-8283 )  
Email chris.lindbo0614@gmail.com

**Application Information**

Property Address 23 Main St. S Current Zoning C3

Property Legal Description ORIGINAL MINOT ADDITION FRONT OR WESTERLY 115' LOT 13 BLOCK 2

I/we the permit holder & applicant hold harmless and indemnifies the city from any claims or causes of action arising out of or related to the permitted activity, including, but not limited to, compliance with the Americans with Disabilities Act, the IBC (as amended by Section 9-2 of the City of Minot Code of Ordinances), and all other health and safety laws and regulations.

Applicant

5/21/2018

Date

Chris Lindbo  
Property owner

5/21/2018

Date

For office use only

\$35 Fee Paid A

Receipt # 60342

Planning Department Approval \_\_\_\_\_

Date \_\_\_\_\_



## **Planning Department**

### **Outdoor Dining Application/Encroachment Permit**

**1025 31st St SE**

PO Box 5006

**Minot, ND 58702**

planner@minotnd.org

**(701) 857-4122**

- Site Plan showing the proposed location of furniture, canopies, fencing, signs, and other accessories for the outdoor dining area; a description, drawing, sketch, or photograph showing the design of all furniture, fencing, canopies, signs, and accessories to be used in the outdoor dining area; location for the outdoor dining area; and other pertinent information related to the use of the outdoor dining area.
- Certificate of Insurance for comprehensive general liability and products and complete operations coverage in a minimum amount of \$1,000,000.00 per occurrence and in the aggregate, provided that those certificates may be furnished as evidence of such coverage purchased for the applicant's principal place of business for serving food, food products and/or beverages, so long as such certificates meet the minimum acceptable requirements established in this section. All certificates shall be issued by an insurance company authorized to do business in North Dakota, shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the city. The permit holder or encroachment agreement party shall continuously maintain the insurance required by this section and shall continuously provide the city with evidence of the insurance required by this section.
- Written approval from the health department and/or other applicable regulatory agency showing that the outdoor dining area has been inspected and is in compliance with current requirements for food handling establishments or sale of other product.
- Reason for encroachment being requested Outdoor seating area during seasonal weather.  
Outdoor seating areas will only be assembled after normal business hours and on weekends.



## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
05/11/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## PRODUCER

Western Agency Inc  
408 20th Ave SW  
Minot, ND 58701

CONTACT  
NAME:  
PHONE (A/C, No, Ext): (701) 852-5383  
FAX (A/C, No): (701) 852-6272  
E-MAIL ADDRESS: mail@western-agency.com

## INSURED

DuckPond Ventures LLC DBA The Tap Room  
Jon Lakoduk  
PO Box 2146  
Minot, ND 58702

INSURER(S) AFFORDING COVERAGE  
INSURER A: Auto Owners 18988  
INSURER B: Mount Vernon Fire Insurance Co  
INSURER C:  
INSURER D:  
INSURER E:  
INSURER F:

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE		ADDL SUBR INSD WWD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	\$ 1,000,000
	CLAIMS-MADE	<input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
	X General Liability		X	77754771	06/12/2017	06/12/2018	MED EXP (Any one person)	\$ 10,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	\$ 1,000,000
	X POLICY	<input type="checkbox"/> PRO- JECT	<input type="checkbox"/> LOC				GENERAL AGGREGATE	\$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG	\$ 2,000,000
A	AUTOMOBILE LIABILITY			5075477101	09/01/2017	09/01/2018	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	ANY AUTO OWNED AUTOS ONLY	<input checked="" type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per person)	\$
	Hired AUTOS ONLY		NON-OWNED AUTOS ONLY				BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
A	X UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR						\$
	EXCESS LIAB		CLAIMS-MADE				EACH OCCURRENCE	\$ 1,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$	10,000					AGGREGATE	\$ 1,000,000
							Prdts & Comp Op	\$ 1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/> Y / N		77754771	06/12/2017	06/12/2018	PER STATUTE	<input checked="" type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT	\$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
B	Liquor Liability			CL3574151	06/12/2017	06/12/2018	Liquor Liability	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
City of Minot, North Dakota is listed as an Additional Insured on the General Liability policy with 30 days notice of cancellation.

## CERTIFICATE HOLDER

## CANCELLATION

City of Minot, North Dakota  
515 2nd Ave SW  
Minot, ND 58701

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

## AUTHORIZED REPRESENTATIVE

*Vicki Legendre McKinney*



First District *DU*

Jon Lakoduk <jon@jonlakoduk.com>

*Approved*

## The Tap Room outdoor seating

2 messages

Jon Lakoduk <jon@jonlakoduk.com>  
To: "Windsor, Jake" <jwindsor@nd.gov>

Fri, May 18, 2018 at 12:50 PM

Mr Windsor,

The City of Minot is now allowing applications for an outdoor dining encroachment permit.

One of the items that needs to be submitted with the application is written approval from First District Health Unit: "showing that the outdoor dining area has been inspected and is in compliance with current requirements for food handling establishments or sale of other product."

We won't be serving any meals outside, as we don't inside either. However, customers will be free to bring their own food to the outdoor tables. Only beer from our establishment will be served.

I have attached a photo of the fencing material and views of the proposed position both from ground level and from the view of our outdoor camera.

Let me know if you have any questions.

I would like to get this submitted by next Tuesday to make the City Council meeting for approval.

### 3 attachments



Outdoor Seating - Security Cam Level.png  
1181K



Outdoor Seating Area - Ground Level.jpg  
4106K



The Tap Room Cafe Barrier Proposal.png  
243K

*R*

Windsor, Jake <JWINDSOR@nd.gov>  
To: Jon Lakoduk <jon@jonlakoduk.com>

Tue, May 22, 2018 at 7:38 AM

Good morning Mr. Lakoduk, I am assuming an email will work for the letter you requested? The outdoor seating area outside of the Tap Room is hereby approved by the First District Health Unit Environmental Health Division for an outdoor dining area. Let me know if this is sufficient sir - JW

**From:** Jon Lakoduk [mailto:[jon@jonlakoduk.com](mailto:jon@jonlakoduk.com)]

**Sent:** Friday, May 18, 2018 10:50 AM

**To:** Windsor, Jake

**Subject:** The Tap Room outdoor seating

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

[Quoted text hidden]

A handwritten blue signature, likely belonging to the recipient, is located in the bottom right corner of the page.



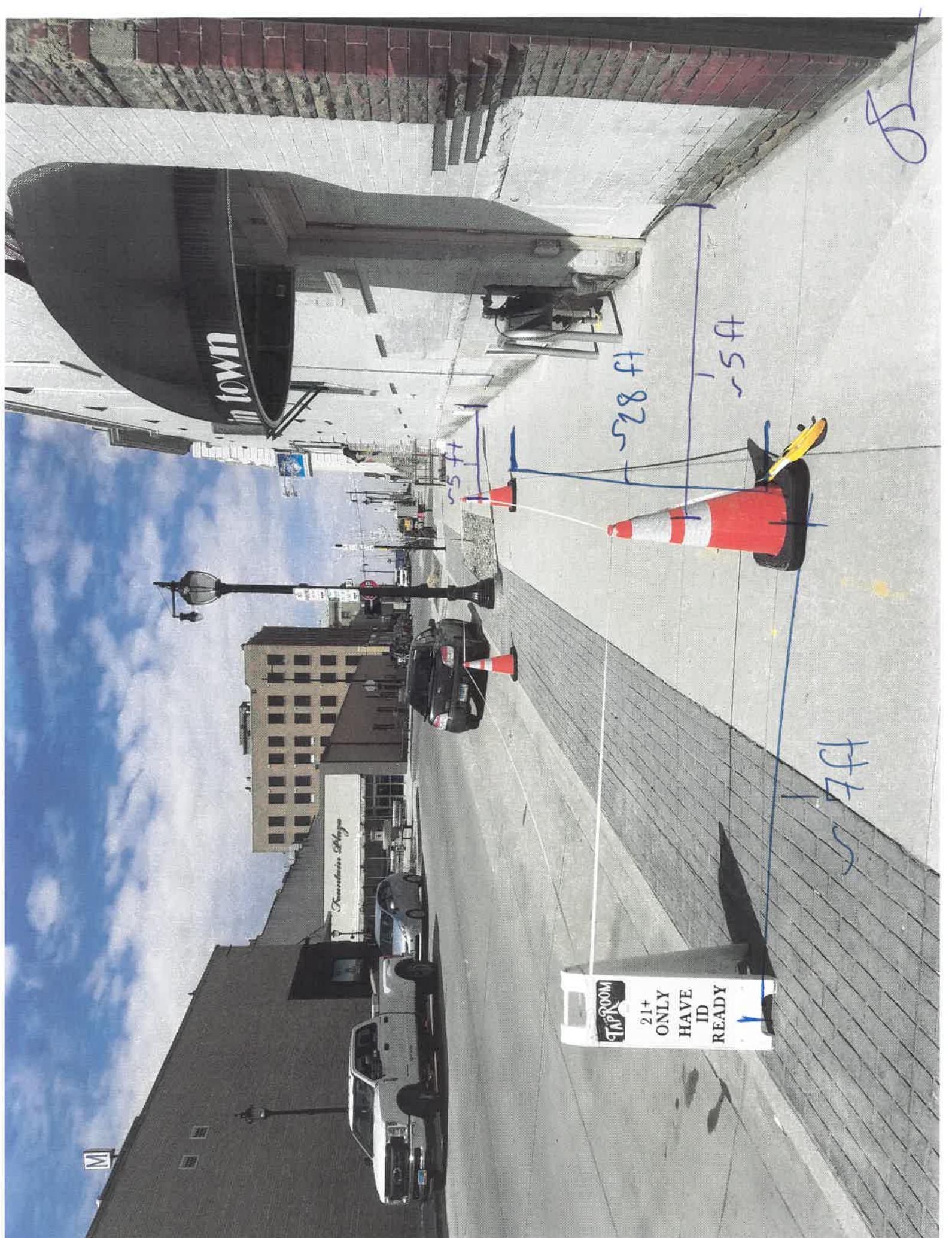
Sample of outdoor furniture to be used at w/ 3 chalks etc



Sample of banner ordered.

Black canvas w/ Stainless Steel stand.

J







Security Camera view to bartenders in  
bar covering entire area.



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Lance A. Lang, Principal Planner

**DATE:** May 29, 2018

**SUBJECT: OUTDOOR DINING PERMIT – THE TAP ROOM**

## I. RECOMMENDED ACTION

1. Recommend approval of the encroachment permit to occupy public right-of-way for a seasonal outdoor dining area at 23 Main Street for the Tap Room.
2. Recommend approval of the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit.
3. Authorize the length of time for which the permit will be valid. The maximum allowable time period is three (3) years. Since this is a new program, staff recommends that permits be issued for one year only so that we can evaluate performance and make any necessary adjustments before issuing multi-year permits. Think of the initial year as a trial run or test case scenario.

## II. DEPARTMENT CONTACT PERSONS

Lance A. Lang, Principal Planner 857-4108

### III. DESCRIPTION

## A. Background

In February 2017 the City Council approved Ordinance No.5151 amending Chapter 28, "Streets, Sidewalks, and Public Grounds," to allow encroachment agreements associated with permits for outdoor dining areas in the Central Business District.

## B. Proposed Project

Duckpond Ventures LLC dba The Tap Room has made application and submitted the required support information and fees for such a permit. The proposal includes the following amenities:

- Four (4) wrought iron tables with three (3) chairs at each table.
- A barrier made of black canvas cloth stretched between upright stainless steel stanchions. The barrier must be at least three feet (36 inches) in height.
- The area to be sectioned of measures roughly seven feet (7') wide by twenty eight feet (28') long.
- The distance from the existing wall of the building to the enclosed area is approximately five feet (5'). This area is open for pedestrian traffic (minimum forty-four inches (44") required).
- A security camera provides views of the area to management personnel inside the building.
- Proof of insurance and required health licenses are provided.
- The outdoor seating area will be operated in the evenings and on weekends. When not in operation the tables, chairs, barrier, etc. will be stored inside the building.

Upon further discussion amongst staff, it would be prudent to require an encroachment agreement between the City and the applicant much in the same manner that we currently require agreements for right-of-way encroachments of other types. Instead of issuing a piece of paper that serves as a permit for outdoor dining, the applicant will receive a copy of the executed encroachment agreement. Planning Staff is developing a boilerplate agreement for outdoor dining encroachment based on the current encroachment agreement format.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

For some time now the City Council, City staff, downtown business owners and patrons, and others have expressed interest in the revitalization project in the Central Business District. With the streets, sidewalks, utilities and other infrastructure improvements completed primarily last year and due to be finalized this year this is a great opportunity to encourage more patronage in the downtown area.

##### **B. Service/Delivery Impact:**

The permitting system to allow limited encroachment into the right-of-way provides a method whereby City staff and the elected officials can provide enhanced opportunities for the citizens of Minot to enjoy the downtown area.

##### **C. Fiscal Impact:**

This approach utilizes the existing sidewalk areas in downtown. No major changes are required. There is no cost to the City. The permit application fee is \$35.00 making this an affordable option for downtown business owners who may be interested in this program.

The City Council may consider charging a fee for the privilege of occupying the City right-of-way to do business and hence make a profit. A flat fee or certain percentage of sales could be payable to the City with the terms and conditions set forth in the encroachment agreement.

#### **V. ALTERNATIVES**

Alt 1. The Council could ask the applicant to modify the proposal.

Alt 2. The City Council could deny the permit request.

#### **VI. TIME CONSTRAINTS**

Council's approval of the recommendation will allow the applicant to move forward with the outdoor dining area taking advantage of the warm summer evenings that have recently arrived. Delay of the permit will delay the operation of the outdoor dining area during prime outdoor activity season.

It is suggested that the applicants apply sooner in the spring in anticipation of outdoor dining weather rather than waiting until the weather warms up and becomes conducive to dining on the sidewalk.

#### **VII. LIST OF ATTACHMENTS**

- A. Outdoor Dining Application/Encroachment Permit
- B. Certificate of Liability Insurance
- C. First District Health Department approval
- D. Photograph of proposed tables and chairs
- E. Image of proposed canvas barrier and stanchions
- F. Photograph of street view – area for proposed outdoor dining
- G. A different street view showing proposed location
- H. View from the Security Cam



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Lance A. Lang, Principal Planner

**DATE:** May 24, 2018

**SUBJECT: OUTDOOR DINING PERMIT – 10 NORTH MAIN**

## I. RECOMMENDED ACTION

1. Recommend approval of the encroachment permit to occupy public right-of-way for a seasonal outdoor dining area at 10 Main Street North for the restaurant.
2. Recommend approval of the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit.
3. Authorize the length of time for which the permit will be valid. The maximum allowable time period is three (3) years.

## II. DEPARTMENT CONTACT PERSONS

Lance A. Lang, Principal Planner 857-4108

### III. DESCRIPTION

## A. Background

In February 2017 the City Council approved Ordinance No.5151 amending Chapter 28, "Streets, Sidewalks, and Public Grounds," to allow encroachment agreements associated with permits for outdoor dining areas in the Central Business District.

## B. Proposed Project

BAB LLC dba 10 North Main has made application and submitted the required support information and fees for such a permit. The proposal includes the following amenities:

- Six (6) heavy plastic tables with three (3) heavy plastic foldable chairs at each table.
- A barrier made of plastic chain links stretched between upright plastic stanchions forty-two inches (42") in height. The stanchion bases are filled with sand for stability.
- The area to be sectioned off measures forty-two inches (42") wide by twenty feet (20') long on each side of the front door to the restaurant..
- The distance from the enclosed area to the curb for pedestrian circulation is approximately ten feet (10').
- Proof of insurance and required health licenses are provided.
- The outdoor seating area will be operated in the evenings and on weekends. When not in operation the tables, chairs, barrier, etc. will be stored inside the building.

**NOTE:** The applicant has applied for an outdoor dining area measuring forty-two inches (42") in width. The ordinance allows outdoor dining areas of forty-two inches and less to be approved by the Planning Director with no requirement for City Council review. However, approval by the Planning Director is limited to a one (1) year timeline. The City Council can approve a permit valid for up to

three (3) years. The applicant is aware of this, and has requested review by the Council because she wants the permit to be issued for a period of time exceeding one (1) year.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

For some time now the City Council, City staff, downtown business owners and patrons, and others have expressed interest in the revitalization project in the Central Business District. With the streets, sidewalks, utilities and other infrastructure improvements completed primarily last year and due to be finalized this year this is a great opportunity to encourage more patronage in the downtown area.

##### **B. Service/Delivery Impact:**

The permitting system to allow limited encroachment into the right-of-way provides a method whereby City staff and the elected officials can provide enhanced opportunities for the citizens of Minot to enjoy the downtown area.

##### **C. Fiscal Impact:**

This approach utilizes the existing sidewalk areas in downtown. No major changes are required. There is no cost to the City. The permit application fee is \$35.00 making this an affordable option for downtown business owners who may be interested in this program.

#### **V. ALTERNATIVES**

Alt 1. The Council could ask the applicant to modify the proposal.

Alt 2. The City Council could deny the permit request.

#### **VI. TIME CONSTRAINTS**

Council's approval of the recommendation will allow the applicant to move forward with the outdoor dining area taking advantage of the warm summer evenings that have recently arrived. Delay of the permit will delay the operation of the outdoor dining area during prime outdoor activity season.

#### **VII. LIST OF ATTACHMENTS**

- A. Outdoor Dining Application/Encroachment Permit
- B. Written description of proposed amenities
- C. Photograph of area proposed for outdoor dining
- D. First District Health Department approval
- E. Certificate of Liability Insurance

# City of Minot

## Planning Department Outdoor Dining Application/Encroachment Permit

1025 31st St SE

PO Box 5006

Minot, ND 58702

planner@minotnd.org

(701) 857-4122

### Applicant Information

Applicant 10 North Main  
Address 10 Main Street North  
City Minot State ND Zip 58703  
Phone 701 837-1010  
Email 10@tennorthmain.com

### Property Owner Information

Property Owner BAB, LLC  
Address 10 Main Street North  
City Minot State ND Zip 58703  
Phone 701 857-1010  
Email 10@tennorthmain.com

### Application Information

Property Address 10 Main Street N Current Zoning Commercial

Property Legal Description \_\_\_\_\_

I/we the permit holder & applicant hold harmless and indemnifies the city from any claims or causes of action arising out of or related to the permitted activity, including, but not limited to, compliance with the Americans with Disabilities Act, the IBC (as amended by section 9-2 of the City of Minot Code of Ordinances), and all other health and safety laws and regulations.

10 North Main

Applicant

5-22-18

Date

Bonny Tempel

Property owner

5-22-18

Date

For office use only

Total Fee Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

Planning Department Approval \_\_\_\_\_ Date \_\_\_\_\_



**Planning Department**  
**Outdoor Dining Application/Encroachment Permit**

1025 31st St SE

PO Box 5006

Minot, ND 58702

planner@minotnd.org

(701) 857-4122

- Site Plan showing the proposed location of furniture, canopies, fencing, signs, and other accessories for the outdoor dining area; a description, drawing, sketch, or photograph showing the design of all furniture, fencing, canopies, signs, and accessories to be used in the outdoor dining area; location for the outdoor dining area; and other pertinent information related to the use of the outdoor dining area.
- Certificate of Insurance for comprehensive general liability and products and complete operations coverage in a minimum amount of \$1,000,000.00 per occurrence and in the aggregate, provided that those certificates may be furnished as evidence of such coverage purchased for the applicant's principal place of business for serving food, food products and/or beverages, so long as such certificates meet the minimum acceptable requirements established in this section. All certificates shall be issued by an insurance company authorized to do business in North Dakota, shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the city. The permit holder or encroachment agreement party shall continuously maintain the insurance required by this section and shall continuously provide the city with evidence of the insurance required by this section.
- Written approval from the health department and/or other applicable regulatory agency showing that the outdoor dining area has been inspected and is in compliance with current requirements for food handling establishments or sale of other product.

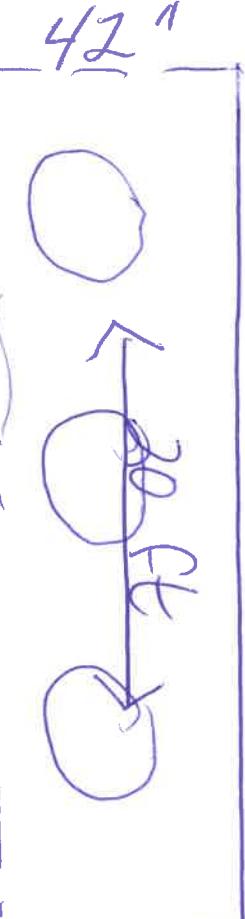
Reason for encroachment being requested

People love setting  
outside for food, drinks and  
socializing during our  
beautiful spring & summer  
months.

Bonny Kemper  
7-26-1992

10 (Main)

front door

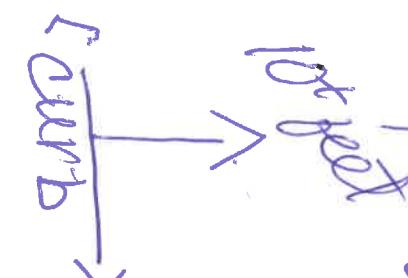


3 tables in  
back enclosure = 6 total  
= 12 chairs

1/2" diameter/ht.

28" diameter/ht.

stanchions - 42 inches high made of water  
filled plastic tubes  
or sand  
or sand (double heavy plastic  
Tables/chairs - 10 (double back day)  
(All will be removed back day)

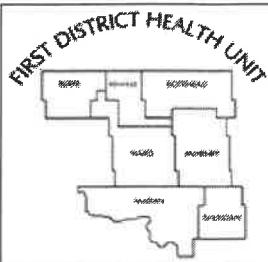


20 ft

Enclosure (stanchions / chain link)  
will be 20 ft on either side

of main (front) door. 42" from  
the wall. There will be 10 ft  
over 10 ft of walking space for  
pedestrians.





First District Health Unit  
Environmental Health Division  
801 11th Ave SW  
Minot ND 58701  
Phone: (701) 852-1376  
Fax: (701) 852-5043  
www.fdu.org

License #: FD17-01960	Date: 05/01/2018
Establishment: 10 NORTH MAIN	Score: 92
	Critical: 3
Address: 10 N MAIN ST	Non-Critical:0
City/State/Zip: MINOT ND 58703	Time In: 4:00 PM
Owner: ASHLEE DESCHAMP/10 PARTNERS LLC	Time Out: 5:15 PM
Telephone #: (701) 837-1010	EHP Code: 05

Compliance Status: IN = In Compliance OUT = Out of Compliance  
N/A = Not Applicable N/O = Not Observed

Purpose:  Regular  Follow-Up  
 Other: \_\_\_\_\_

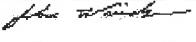
FOOD		EQUIPMENT, UTENSILS, AND LINENS	
In	1. FOOD FROM AN APPROVED SOURCE	Out	22. FOOD CONTACT SURFACES CLEAN, SANITIZED, MAINTAINED, APPROVED
In	2. FOOD IN GOOD CONDITION, SAFE AND UNADULTERATED	In	23. NON-FOOD CONTACT SURFACES CLEAN, MAINTAINED
In	3. FOOD COVERED AND PROTECTED FROM CONTAMINATION, CROSS CONTAMINATION	In	24. UTENSILS, EQUIPMENT, LINENS PROPERLY STORED, USED, DESIGNED, MAINTAINED
In	4. FOOD PROPERLY LABELED	In	25. SINGLE-SERVICE/SINGLE-USE ITEMS: MATERIALS, STORAGE, USE
Out	5. PROPER THAWING PROCEDURES	In	26. DISPENSING UTENSILS: STORED, USED CORRECTLY
In	6. PROPER COOKING TEMPERATURES AND TIMES	N/O	27. WIPING CLOTHS PROPERLY USED, STORED
In	7. PROPER COOLING PROCEDURES	In	28. APPROVED WAREWASHING FACILITIES, PRACTICES
N/O	8. PROPER REHEATING PROCEDURES	PHYSICAL FACILITIES	
In	9. PROPER HOT/COLD HOLDING TEMPERATURES, PROCEDURES	In	29. PHYSICAL FACILITIES MEET REQUIREMENTS
Out	10. PROPER DATE MARKING AND DISPOSITION OF EXPIRED FOOD	In	30. PHYSICAL FACILITIES CLEAN, MAINTAINED
N/O	11. FRUITS/VEGETABLES WASHED	In	31. RESTROOMS: NUMBER, APPROVED, SUPPLIES
EMPLOYEES AND MANAGEMENT		In	32. VENTILATION/LIGHTING: APPROVED, ADEQUATE
In	12. ALL FOOD EMPLOYEES HAVE CURRENT FOOD SAFETY EDUCATION CARD	In	33. ANIMALS/PESTS/VERMIN EXCLUDED, CONTROL MEASURES
In	13. PERSON IN CHARGE PRESENT, KNOWLEDGEABLE, PERFORMS DUTIES	In	34. FIRE SAFETY, FIRE SUPPRESSION
In	14. PERSON IN CHARGE KNOWLEDGABLE ABOUT EMPLOYEE HEALTH AND EMPLOYEE HEALTH POLICY; POLICY IS IN COMPLIANCE WITH REQUIREMENTS; POLICY APPLIED AS REQUIRED	WATER, PLUMBING, WASTEWATER, TRASH	
In	15. SICK EMPLOYEES EXCLUDED/RESTRICTED	In	35. WATER SUPPLY: APPROVED, ADEQUATE
In	16. NO DISCHARGE FROM EYES, NOSE, MOUTH	In	36. WASTEWATER SYSTEM: APPROVED, ADEQUATE
In	17. FOOD EMPLOYEES CLEAN, CLOTHING CLEAN, NO JEWELRY ON HANDS/ARMS, HAIR RESTRAINED	In	37. PLUMBING SYSTEM: APPROVED, ADEQUATE, MAINTAINED
In	18. PROPER HANDWASHING	In	38. TRASH: STORAGE, RECEPTACLES, REMOVED
In	19. APPROVED HANDSINK, ACCESSIBLE, PROPERLY EQUIPPED	CHEMICALS, TOXIC AND POISONOUS MATERIALS	
In	20. NO BARE HAND CONTACT WITH READY-TO-EAT FOODS	In	39. CHEMICALS, POISONS/TOXIC MATERIALS: USE, LABELING, STORAGE
In	21. PROPER EATING, TASTING, DRINKING, TOBACCO USE	In	40. SANITIZERS: APPROVED, USE, TESTING EQUIPMENT
MISCELLANEOUS PROVISIONS		In	41. LICENSES, VARIANCES, HACCP, PAPERWORK
		In	42. ALL OTHER PROVISIONS

Temperature Observations					
Item/Location	Temperature	Item/Location	Temperature	Item/Location	Temperature
PORK/Cold-Hold Unit	40°F	BEEF/Refrigerator	32°F	PASTA/Walk-In Cooler	72°F

Critical	Code Reference	Line	Violation Description
X	4-120	5	bags of raw vacuum packed pheasant thawing out on the counter Correct By: 05/01/2018
X	4-128	10	couple of items in the walk-in cooler without date-marking Correct By: 05/01/2018
X	4-310	22	knife with food debris present stored on the magnetic knife holder Correct By: 05/01/2018

Inspector Comment(s): 10@tennorthmain.com

Follow-up Required:  YES  NO

Inspector's Signature: 	Received By: 
--	---



BABHOLD-01

VICKI

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
05/22/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERNS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  
Western Agency Inc  
408 20th Ave SW  
Minot, ND 58701

CONTACT  
NAME:  
PHONE  
(A/C, No, Ext): (701) 852-5383  
E-MAIL  
ADDRESS: mail@western-agency.com

FAX  
(A/C, No): (701) 852-6272

INSURED

BAB Holdings, LLC  
PO Box 969  
Minot, ND 58702-0969

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Secura	22543
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<b>A</b>	COMMERCIAL GENERAL LIABILITY					
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X	20-BP-003269902-7	06/12/2017	06/12/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
<input checked="" type="checkbox"/>	<b>Business Owners</b>					
	GEN'L AGGREGATE LIMIT APPLIES PER:					
<input checked="" type="checkbox"/>	POLICY PROJECT LOC					
	OTHER:					
	AUTOMOBILE LIABILITY					
	ANY AUTO OWNED AUTOS ONLY	SCHEDULED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$
	Hired AUTOS ONLY	NON-OWNED AUTOS ONLY				BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
<b>A</b> <input checked="" type="checkbox"/>	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR					EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
	EXCESS LIAB	CLAIMS-MADE	20-CU-003269903-7	06/12/2017	06/12/2018	
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A			PER STATUTE \$ OTH-ER \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
City of Minot, North Dakota is listed as an Additional Insured on the General Liability policy with 30 days notice of cancellation.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE  
THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN



BABHOLD-01

VICKI

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
05/22/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: PHONE (A/C, No, Ext): (701) 852-5383 E-MAIL ADDRESS: mail@western-agency.com	FAX (A/C, No): (701) 852-6272
Western Agency Inc 408 20th Ave SW Minot, ND 58701		INSURER(S) AFFORDING COVERAGE INSURER A : Secura	NAIC # 22543
INSURED		INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	
BAB Holdings, LLC PO Box 969 Minot, ND 58702-0969			

COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:		
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<b>A</b>	COMMERCIAL GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X	20-BP-003269902-7	06/12/2017	06/12/2018	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<b>X</b> Business Owners					MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PERSONAL & ADV INJURY \$ 1,000,000
	X POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC					GENERAL AGGREGATE \$ 2,000,000
	OTHER:					PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO OWNED AUTOS ONLY	SCHEDULED AUTOS				BODILY INJURY (Per person) \$
	Hired AUTOS ONLY	NON-OWNED AUTOS ONLY				BODILY INJURY (Per accident) \$
	PROPERTY DAMAGE (Per accident) \$					
<b>A</b> <input checked="" type="checkbox"/>	UMBRELLA LIAB	X OCCUR				
	EXCESS LIAB	CLAIMS-MADE	20-CU-003269903-7	06/12/2017	06/12/2018	EACH OCCURRENCE \$ 3,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000					AGGREGATE \$ 3,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/> Y / N	N / A			PER STATUTE OTH- ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
City of Minot, North Dakota is listed as an Additional Insured on the General Liability policy with 30 days notice of cancellation.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF NOTICE WILL BE DELIVERED IN



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** Lance A. Lang, Principal Planner

**DATE:** May 24, 2018

**SUBJECT: OUTDOOR DINING PERMIT – 10 NORTH MAIN**

## **I. RECOMMENDED ACTION.**

1. Recommend approval of the encroachment permit to occupy public right-of-way for a seasonal outdoor dining area at 10 Main Street North for the restaurant.
2. Recommend approval of the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit.
3. Authorize the length of time for which the permit will be valid. The maximum allowable time period is three (3) years. Staff recommends one year- see comments Page 2.

Upon further discussion amongst staff, it would be prudent to require an encroachment agreement between the City and the applicant much in the same manner that we currently require agreements for right-of-way encroachments of other types. Instead of issuing a piece of paper that serves as a permit for outdoor dining, the applicant will receive a copy of the executed encroachment agreement. Planning Staff is developing a boilerplate agreement for outdoor dining encroachment based on the current encroachment agreement format

## II. DEPARTMENT CONTACT PERSONS

Lance A. Lang, Principal Planner 857-4108

### III. DESCRIPTION

## A. Background

In February 2017 the City Council approved Ordinance No.5151 amending Chapter 28, "Streets, Sidewalks, and Public Grounds," to allow encroachment agreements associated with permits for outdoor dining areas in the Central Business District.

## B. Proposed Project

BAB LLC dba 10 North Main has made application and submitted the required support information and fees for such a permit. The proposal includes the following amenities:

- Six (6) heavy plastic tables with three (3) heavy plastic foldable chairs at each table.
- A barrier made of plastic chain links stretched between upright plastic stanchions forty-two inches (42") in height. The stanchion bases are filled with sand for stability.
- The area to be sectioned off measures forty-two inches (42") wide by twenty feet (20') long on each side of the front door to the restaurant..
- The distance from the enclosed area to the curb for pedestrian circulation is approximately ten feet (10').
- Proof of insurance and required health licenses are provided.

- The outdoor seating area will be operated in the evenings and on weekends. When not in operation the tables, chairs, barrier, etc. will be stored inside the building.

**NOTE:** The applicant has applied for an outdoor dining area measuring forty-two inches (42") in width. The ordinance allows outdoor dining areas of forty-two inches and less to be approved by the Planning Director with no requirement for City Council review. However, approval by the Planning Director is limited to a one (1) year timeline. The City Council can approve a permit valid for up to three (3) years. The applicant is aware of this, and has requested review by the Council because she wants the permit to be issued for a period of time exceeding one (1) year. Since this is a new program, staff recommends that permits be issued for one year only so that we can evaluate performance and make any necessary adjustments before issuing multi-year permits. Think of the initial year as a trial run or test case scenario.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

For some time now the City Council, City staff, downtown business owners and patrons, and others have expressed interest in the revitalization project in the Central Business District. With the streets, sidewalks, utilities and other infrastructure improvements completed primarily last year and due to be finalized this year this is a great opportunity to encourage more patronage in the downtown area.

##### **B. Service/Delivery Impact:**

The permitting system to allow limited encroachment into the right-of-way provides a method whereby City staff and the elected officials can provide enhanced opportunities for the citizens of Minot to enjoy the downtown area.

##### **C. Fiscal Impact:**

This approach utilizes the existing sidewalk areas in downtown. No major changes are required. There is no cost to the City. The permit application fee is \$35.00 making this an affordable option for downtown business owners who may be interested in this program.

The City Council may consider charging a fee for the privilege of occupying the City right-of-way to do business and hence make a profit. A flat fee or certain percentage of sales could be payable to the City with the terms and conditions set forth in the encroachment agreement.

#### **V. ALTERNATIVES**

Alt 1. The Council could ask the applicant to modify the proposal.

Alt 2. The City Council could deny the permit request.

#### **VI. TIME CONSTRAINTS**

Council's approval of the recommendation will allow the applicant to move forward with the outdoor dining area taking advantage of the warm summer evenings that have recently arrived. Delay of the permit will delay the operation of the outdoor dining area during prime outdoor activity season.

It is suggested that the applicants apply sooner in the spring in anticipation of outdoor dining weather rather than waiting until the weather warms up and becomes conducive to dining on the sidewalk.

#### **VII. LIST OF ATTACHMENTS**

- Outdoor Dining Application/Encroachment Permit
- Written description of proposed amenities
- Photograph of area proposed for outdoor dining
- First District Health Department approval
- Certificate of Liability Insurance



**TO:** Mayor Chuck Barney  
Members of the City Council

**FROM:** John R. Zakian, DR Grant Program Manager & Chief Resilience Officer

**DATE:** May 30, 2018

**SUBJECT: SPOT BLIGHT RFP AUTHORIZATION FOR APPRAISERS**

#### **I. RECOMMENDED ACTION**

Approve Preparing and Issuing RFP for Spot Blight Appraisers by DR Program Manager

#### **II. DEPARTMENT CONTACT PERSONS**

John R. Zakian, DR Program Manager & Chief Resilience Officer, 423-4528

#### **III. DESCRIPTION**

##### **A. Background**

With the Spot Blight initiative using the Uniform Relocation Act it is required that an appraisal and appraisal review be done to determine value of home in the current condition. With an estimated scope of no more than 40 properties, this entire program can be handled in house with city staff support coordinated by the DR Program Director rather than needing to add any further scope of work to the CDM Smith contract through the offer and offer acceptance process. Therefore, it is needed to seek to procure 2 assessors separate and apart from the subcontract currently with CDM Smith.

##### **B. Proposed Project**

Upon approval of the Spot Blight policies and procedures, staff will advertise an RFP for two appraisers with one serving as primary appraiser and the other to serve as the review appraiser as required by the Uniform Relocation Act. It is recognized that appraisers are in high demand and should there be insufficient response to the RFP then we can fall back on the existing CDM Smith contract which has a sub-contract with both appraisers but the intent and purpose of attempting this RFP is to reduce overall costs and continue to increase management of CDBG-DR and CDBG-NDR funds and programs within city operations. This RFP will not slow down the planned initiation of the spot blight acquisition program since the initial letter advising the property owners of our intent will not require the city appraisers. A proposed tight timeline to undertake appraisals will also be included in the RFP to assure aggressive pursuit of addressing these properties' substandard conditions.

#### **IV. IMPACT:**

##### **A. Strategic Impact:**

The intent is to continue the ongoing effort to shift management and service delivery of CDBG-DR and CDBG-NDR to city staff within reasoned and reasonable use of resources and available time.

**B. Service/Delivery Impact:**

The goal of in house management of the appraisal and purchase offer process is to streamline bureaucracy and time involved in acquisition.

**C. Fiscal Impact:**

Based on prior experience, it is expected that the total cost for use of the primary and review appraisers will be less than \$90,000 with funds available within CDBG-DR Allocation #1 and not necessitating any type of Action Plan Amendment.

**V. ALTERNATIVES**

N/A

**VI. TIME CONSTRAINTS**

NA

**VII. LIST OF ATTACHMENTS**

NA