

# City of Minot

Committee of the Whole  
Wednesday, August 1, 2018 - 4:15 PM  
City Council Chambers

## 1. BUILDING RELOCATION REQUEST TO 605 11TH AVE SE- PATRICK SCHMIDT

**It is recommended the Committee and Council approve the relocation of the single family residence, from 1709 3rd Ave NE, Berthold, ND 58718, to 605 11th Ave SE, Minot, ND 58701, also known as, S/D Lot 6 Sec 24-155-83, Lot 7 Block 3 subject to conditions.**

Documents:

[Building Officials Memo to City Council.pdf](#)  
[Schmidt Move Request.pdf](#)  
[Itr to homeowners - Schmidt .pdf](#)  
[Itr to the Schmidt.pdf](#)  
[Map of Properties affected.PNG](#)  
[Inspectors Report.pdf](#)  
[Assessors Report - Patrick Schmidt.pdf](#)

## 2. NDDES FY 2018 SHSP REGIONAL RESPONSE TEAM GRANT – MINOT FD

The Minot Fire Department Regional Response Team has applied for the NDDES FY 2018 SHSP Regional Response Team Grant for sustainability fund to include training, exercises, and equipment in the areas of hazardous materials and technical rescue. We have requested a total package of \$194,396.00.

**Recommend authorization to apply for and, if awarded, accept the North Dakota Department of Emergency Services (NDDES) FY 2018 State Homeland Security Program (SHSP) and authorize the Mayor to sign the agreement.**

Documents:

[FY2018 NDDES SHSG - Minot FD.pdf](#)  
[FY 2018 HSGP Regional Application Project Detail Worksheet - MFD BC John F Krill.pdf](#)

## 3. GOOSENECK IMPLEMENT - MOURE EQUIPMENT PLAT AGREEMENT (4369)

This area was previously unplatted portion of the Southeast 1/4 of the Southeast 1/4 and unplatted portion of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 154 North, Range 83 West, Outlot 2, Ward County, North Dakota, located outside the City of Minot corporate limits but within the City of Minot extra territorial jurisdiction, for the purposes of the construction of a commercial lot and open space for Agricultural Sales / Service Facility with C2 Zoning within the within the unplatted portion of the property as described above within Ward County.

The Developer wishes the portion of the property to be rezoned from AG, Agricultural District to C2, General Commercial District. The subject property is located on the south side of County Highway 14A (54th Ave SW) and the west side of US Highway 83 South (South Broadway). The Property will be developed to facilitate a commercial lot with open

space. This item was previously approved by the Planning Commission and City Council in February/March of 2015. The Development agreement must be approved and signed before the plat will be recorded.

**It is recommended the City Council approve the Development (Plat) Agreement between the City and the Developer, Moure Equipment, LLC and authorize the Mayor to sign the agreement.**

Documents:

[4369 - Gooseneck - Moure Equipment Addition Developer Agreement Memo\\_w attachements.pdf](#)

**4. P4291 CARNegie CENTER STRUCTURAL REPAIRS – BID AWARD**

**Due to the timing of the bid opening a recommendation for award of bid for the Carnegie Center Structural Improvements will be on the Council's desk for the August 1, 2018 Committee of The Whole meeting.**

Documents:

[Memo- Bid Award Placeholder 4291 Carnegie Center.pdf](#)

**5. USE OF CITY OWNED PROPERTY BY NEIGHBOR – 1612 3RD AVE SE**

The City has acquired this property since the 2011 flood and the structures have been removed. Mr. Schuler has reached out requesting that he and his neighbors be allowed to use the property for temporary camper storage and gardens in exchange for maintaining the property.

**It is recommended the City enter into an agreement to allow Daniel Schuler, 304 17th Street SE the right to use City owned property at 1621 3rd Ave. SE in exchange for him maintaining the property.**

Documents:

[use of city owned property 1612 3rd street se.docx](#)

**6. SALE OF SURPLUS STREET SWEEPER TO SURREY**

The Public Works department has a surplus 1999 model Elgin Pelican street sweeper with 9744 hours on it that was replaced in 2017 with a new sweeper. We inquired at the time of bidding the new sweeper as to the value of the 1999 model sweeper as a trade in and the suppliers stated that they do not have sales or use for a sweeper that is 18-19 years old, so the trade in value of this unit was not of any value. Since this time, Surrey has inquired about purchasing any excess or surplus equipment that we may have as they contract their street sweeping out and would like to have their own sweeper. In the past the City has donated surplus equipment like older sweepers, garbage trucks to other entities such as the Park District.

**It is recommended the City Council approve the sale of a 1999 Elgin Pelican street sweeper to the City of Surrey for \$5,000.00.**

Documents:

[sale of sweeper to Surrey.docx](#)

**7. STORM SEWER CRANE TRUCK (PROJECT NUMBER 4322) BID AWARD**

On July 26, 2018, the Public Works Department opened bids for a truck mounted crane for the Storm Sewer Department. Three bids were received and all units meet the specifications for this project.

**It is recommended the City Council award the storm sewer crane truck bid to Westlie Motors in the amount of \$102,168.00.**

Documents:

[4322 - Memo to council - Crane Truck.pdf](#)

**8. SPECIALTY RESTAURANT BEER & WINE LICENSE- S-CORP DBA THE PUTT DISTRICT**

The City received a request from S-CORP dba The Putt District for a Specialty Restaurant Beer & Wine License operating at 17 South Main Street, Suite A. All documentation has been submitted and is being reviewed by the appropriate departments.

**It is recommended the Committee and Council approve the request from S-CORP dba The Putt District for a Specialty Restaurant Beer & Wine License operating at 17 South Main Street, Suite A, subject to approval by the Police Chief, Building Official and Fire Marshal.**

Documents:

[Memo- The Putt District.pdf](#)

**9. RETAIL BEER & WINE LICENSE- ARTISTIC AMBIANCE, INC. DBA FLOWER BOX**

The City received a request from Artistic Ambiance, Inc. dba Flower Box for a Retail Beer & Wine License operating at 301 W. Burdick Expy. All documentation has been submitted and is being reviewed by the appropriate departments.

**It is recommended the Committee and Council approve the request from Artistic Ambiance, Inc. dba Flower Box for a Retail Beer & Wine License operating at 301 W. Burdick Expy, subject to approval by the Police Chief, Building Official and Fire Marshal.**

Documents:

[Memo- Flower Box.pdf](#)

**10. SUPPER CLUB LICENSE- VALHALLA BAR AND GRILL, LLC DBA VALHALLA**

The City received a request from Valhalla Bar and Grill, LLC dba Valhalla for a Supper Club License operating at 2315 N. Broadway. All documentation has been submitted and is being reviewed by the appropriate departments.

**It is recommended the Committee and Council approve the request from Valhalla Bar and Grill, LLC dba Valhalla for a Supper Club License operating at 2315 N. Broadway, subject to approval by the Police Chief, Building Official and Fire Marshal.**

Documents:

[Memo- Valhalla.pdf](#)

**11. ORDINANCE AMENDMENT SECTION 18-205**

The City previously implemented ordinances relating to sexually oriented businesses. The City also implemented zoning ordinances relating to adult entertainment centers and/or sexually oriented businesses. The zoning ordinances were subsequently updated and amended and the adult entertainment centers and/or sexually oriented business section was renumbered from section 15-5 to section 15-7. Subsection 18-205(1) of the

City ordinance currently references section 15-5, as it was not subsequently modified to reference 15-7.

**It is recommended the City Council approve the attached ordinance amending Section 18-205 to eliminate inconsistency.**

Documents:

[Adult Entertainment Amendments\\_City Code\\_18-205\\_memo.pdf](#)  
[Adult Entertainment Amendments\\_City Code\\_18-205.pdf](#)

**12. DANGEROUS DOGS ORDINANCE- AMENDING AND REENACTING 7-27 OF CHAPTER 7**

At the January 17, 2018 Special City Council meeting the Council directed staff to combine section 7-27 of the City of Minot Code of Ordinances with the City of Fargo's ordinance (Section 12-0117) relating to dangerous dogs. The City Attorney and Police Chief have formulated the attached revision to 7-27.

**It is recommended the Committee and Council amend and reenact the attached ordinance revision to 7-27.**

Documents:

[Dangerous Dogs memo.pdf](#)  
[Article II Dogs and Cats \\_8.1.18 COW draft.pdf](#)

**13. MODIFICATIONS TO PHASE MI-1 - MOUSE RIVER FLOOD PROTECTION PATHS AND OPENINGS**

In August, 2017 the City Council's requests were presented to the SRJB regarding pedestrian modifications to the flood protection plan. The SRJB has revisited the request for these items and this is outlined in the attached letter to City Manager Barry. To summarize, all of the items seem to be addressed, with the exception of the additional opening at the Anne Street Bridge.

**It is recommended the City Council choose one of the following three options:**

- 1. Do not add an opening at the Anne Street Bridge - \$0 cost**
  - 2. Add a new 8' opening at the Anne Street Bridge – no modifications to existing Broadway opening - \$59,500.00 City funds**
  - 3. Add a new 8' opening at the Anne Street Bridge and narrow the openings at the Broadway opening from 16' on each side to 8' - \$7,800.00**
- Option 2 or 3 would both be considered improvements not flood related and would need to be funded 100% with a funding source identified by the city.**

Documents:

[memo for project 3529 phase MI-1 flood protection modification requests.pdf](#)  
[Ltr\\_2018-07-24\\_TomBarryAnneStreet.pdf](#)



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Mitch Flanagan

**DATE:** August 6, 2018

**SUBJECT: BUILDING RELOCATION REQUEST TO 605 11<sup>th</sup> AVE SE**

## **I. RECOMMENDED ACTION**

It is recommended the Committee and Council approve the relocation of the single family residence, from 1709 3<sup>rd</sup> Ave NE, Berthold, ND 58718, to 605 11<sup>th</sup> Ave SE, Minot, ND 58701, also known as , S/D Lot 6 Sec 24-155-83, Lot 7 Block 3 subject to the following conditions:

1. A ten-thousand dollar completion bond must be posted with the City of Minot prior to issuance of any permits for this work.
2. Application and approval of mechanical, electrical, plumbing, building permits for all new proposed construction.
3. Coordinate all relocation activities with public utilities and traffic authorities.
4. An approved foundation design in compliance with City of Minot building codes.
5. If required: plumbing, electrical and HVAC systems must be brought into compliance with current code requirements of the City of Minot.
6. All work at the new location must be in compliance with City of Minot building codes and zoning ordinances.
7. The exterior of the structure must be one consistent color arrangement of colors after relocation.
8. The property must be provided with proper site drainage, and must be landscaped in a manner similar to surrounding properties.

## **II. DEPARTMENT CONTACT PERSONS**

*Place name, titles, and phone numbers of the persons involved in hierarchical order:*

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

### **III. DESCRIPTION**

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

The area that is under consideration for the moving application is 605 11<sup>th</sup> Ave SE, Minot, ND 58701, also known as, S/D Lot 6 Sec 24-155-83, Lot 7 Block 3. The proposed moving location is an interior lot located on 11th Avenue SE. The property is surrounded by similar single family dwellings.

### **IV. IMPACT:**

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

No impact.

#### **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

**APPLICATION FOR MOVING A RESIDENTIAL BUILDING**

I, Patrick & Cynthia Schmidt, owner and/or agent hereby make application to the City Building Official to move a(n) Residential house structure(s) from:

LOT 73BLOCK 2 Berthold S161ADDITION Berthold Prairie Rose EstatesADDRESS 1709 NE 3<sup>rd</sup> Ave Berthold ND 58718

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

LOT 7 (seven) Subdivision lot 6 BLOCK 3 Section 24, T 155N R 83W  
ward county ND

ADDITION \_\_\_\_\_

ADDRESS 605 11<sup>th</sup> Ave SE minot ND 58701 ward County ZONING R1S

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 7/2/2018  
Date2101 3<sup>rd</sup> St NW lot 314 minot ND 58703  
Mailing Address(701) 833-8472  
Phone

proposed to move from Prairie Rose Estates Berthold ND

to

605 11<sup>th</sup> Ave SE Minot ND 58701

Owners: Patrick & Cynthia Schmidt



RG770-A

724

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The diagram shows a house plan with a total width of 26' 0". The front entrance features a 'Covered Porch' with a width of 6' 0". The main entrance is centered under a 6' 0" wide overhang. The overall width of the house is 20' 0", indicated by a dimension line on the left. The front door is positioned at the center of the entrance area.

Covered  
Bench

95

19

House Committee on Energy and  
Commerce, 104th Congress, 1st Session, H.R. 10005

A hand-drawn floor plan of a house. The main structure is a rectangle with a front entrance on the left side. To the left of the entrance is a garage. The plan includes a central staircase and various rooms. A note on the plan specifies a room size of 22' x 22' and a garage width of 14'. A vertical dimension line indicates a height of 4'-6" for a section of the wall.

22 x 22  
Gangotri

11

1

11th Ave - Street

## **House Delivery Route:**

**Highway 2 / 52 to County Road 13, to County Road 14, to County Road 15, to County Road 16, to 2/Highway 52 near Logan. From Logan he will take Highway 52 to the Highway 2/52 on ramp west to 13th St, and turn north on 13th Street SE, West on 16th ave to Hiawatha Street, Hiawatha north to 11th ave to House location, at 605 - 11th Ave SE, Minot.**

# City of Minot

## Inspection Department

July 18, 2018,

Re: Building relocation request

Dear Property Owner:

Please be advised that this office has received a request from Patrick & Cynthia Schmidt to relocate a single-family dwelling from 1709 3<sup>rd</sup> Ave NE, Berthold, ND to 605 11<sup>th</sup> Ave SE, Minot, ND (S/D LOT 6 SEC 24-155-83, LOT 7 BLOCK 3). This property is zoned R1, Single-Family Residential District.

The Committee of the Whole will be reviewing the request on Wednesday, August 1, 2018, at 4:15 p.m. in the City Council Chambers at City Hall. A public hearing regarding the request will be held on August 6, 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 ★

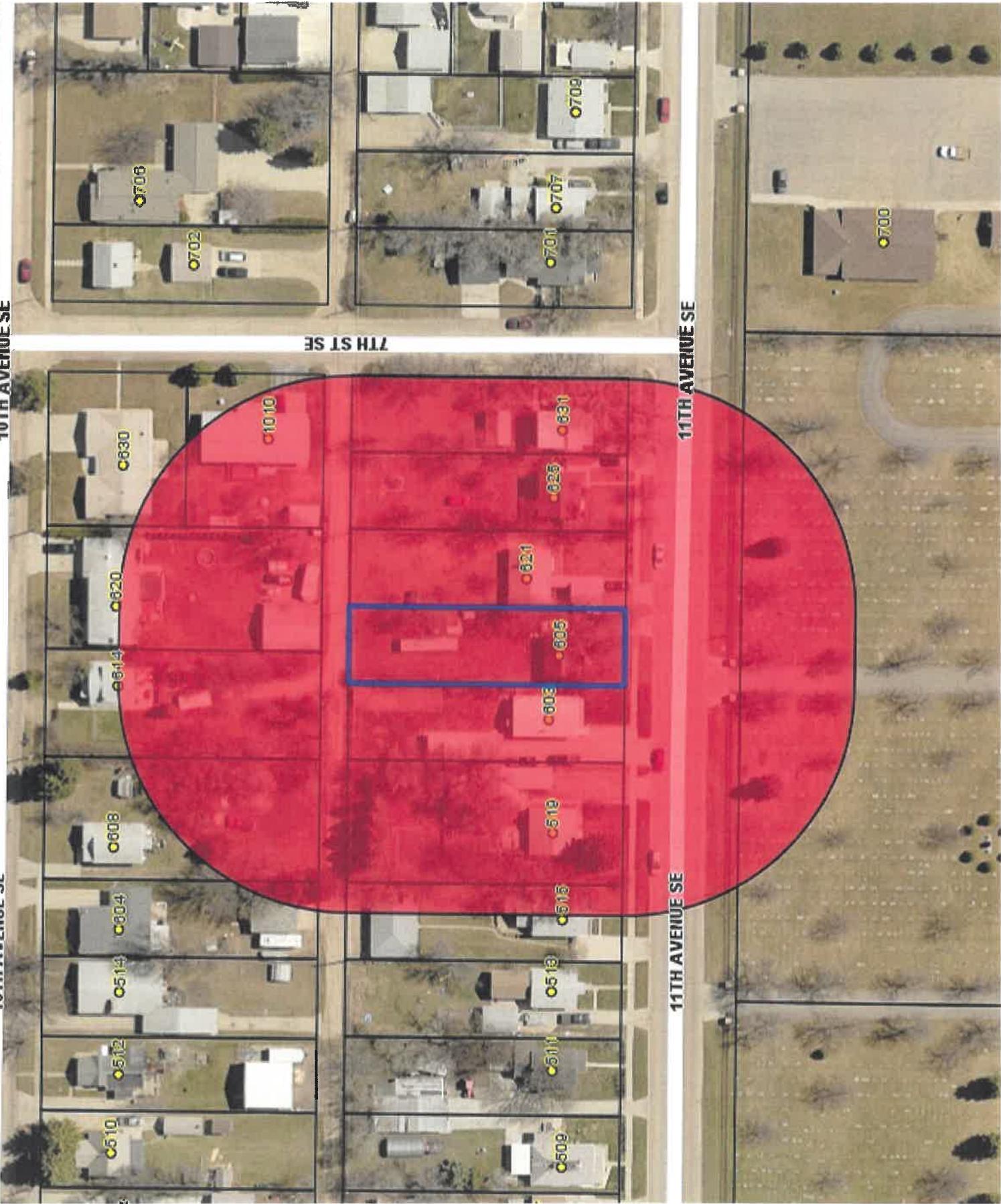
10TH AVENUE SE

7TH ST SE

11TH AVENUE SE

10TH AVENUE SE

11TH AVENUE SE





proposed to move from Prairie Rose Estates Berthold ND

to

605 11<sup>th</sup> Ave SE Minot ND 58701

Owners: Patrick & Cynthia Schmidt



Patrick & Cynthia Schmidt: You or your representative should appear on behalf of your request at the Committee of the Whole meeting on Wednesday August 1, 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**

1. Patrick & Cynthia Schmidt, owners of a single-family dwelling, are requesting to relocate this structure from 1709 3<sup>rd</sup> Ave, NE, Berthold, ND to **605 11<sup>th</sup> Ave SE** (S/D Lot 6 Sec 24-155-83, Lot 7 Block 3).

Application has been made to the City Council for a moving permit to move this structure, and a public hearing will be held on August 6, 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 the permits 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: July 22, 2018  
July 28, 2018  
August 4, 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: July 13th, 2018

TO: Tom Barry, City Manager

FROM: Dan Lovelace, Senior Property Appraiser

SUBJECT: Application from Patrick and Cynthia Schmidt to move a 2015 year built, 1528 sf modular house located at 1709 3<sup>rd</sup> Ave NE Berthold, ND 58718 also known as Berthold Prairie Rose Estates S/D, Lot 73, Block 2 to 605 11<sup>th</sup> Ave SE Minot, ND 58701 also known as S/D LOT 6 SEC 24 155 83, LOT 7, BLOCK 3 Addition, Lot 2.

## DESCRIPTION

The residence to be moved is a 1528 sf, single family, modular house. The structure is wood frame construction, with asphalt shingles, and vinyl siding on the exterior. The house is currently located at 1709 3<sup>rd</sup> Ave SE in Berthold, ND 58718 and photos are provided by the property appraiser.

## RECOMMENDATION

The area that is under consideration for the moving application is 605 11<sup>th</sup> Ave SE Minot, ND 58701 known as S/D LOT 6 SEC 24 155 83, LOT 7, BLOCK 3 Addition, Lot 2. The proposed moving location is in the middle of an established neighborhood. The property is a vacant lot in the middle of a block which is a mixture of single story ranch style homes and 1 ½ story homes. The homeowner stated that the house to be moved will be placed on a concrete 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.

Houses just adjacent to the proposed moving location have a valuation ranging from \$121,000 to \$175,000. 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 2015 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 1709 3<sup>rd</sup> Ave NE Berthold, ND 58718



Subject:



Subject:



Proposed moving location: 605 11<sup>th</sup> Ave SE (north of Rosehill Cemetery)



Property next door, to the West, of Proposed moving location:



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



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



4th Property to the West of Proposed moving location:



Property next door, to the East, of Proposed moving location:



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



3rd Property to the East of Proposed moving location:



4th Property to the East of Proposed moving location:



Property directly across street from Proposed moving location:



# City of Minot

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**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** *Kelli Flermoen*

**DATE:** *July 11, 2018*

**SUBJECT: NDDES FY 2018 SHSP REGIONAL RESPONSE TEAM GRANT – MINOT FD**

## **I. RECOMMENDED ACTION**

*State what you want the Council/Mayor to do – this will become their motion. List each action separately.*

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1. Recommend authorization to apply for and, if awarded, accept the North Dakota Department of Emergency Services (NDDES) FY 2018 State Homeland Security Program (SHSP)
2. Authorize the Mayor to sign the agreement

## **II. DEPARTMENT CONTACT PERSONS**

*Place name, titles, and phone numbers of the persons involved in hierarchical order:*

Kelli Flermoen, Fire Chief	701-857-4740
John Krill, Battalion Chief	701-857-4740

## **III. DESCRIPTION**

The Minot Fire Department Regional Response Team has applied for the NDDES FY 2018 SHSP Regional Response Team Grant for sustainability fund to include training, exercises, and equipment in the areas of hazardous materials and technical rescue. We have requested a total package of \$194,396.00

## **IV. IMPACT:**

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

*This grant will allow for sustainment of the regional response hazardous materials and technical rescue. This grant will allow for more personnel to be trained at an advanced level and for regional exercises with our region operational team.*

### **B. Fiscal Impact:**

*NDDES grant payments are reimbursements to the fiscal authority. No matching funds are required. A budget amendment will be requested when the grant is awarded.*

## **V. ALTERNATIVES**

*N/A*

## **VI. TIME CONSTRAINTS**

*The application was submitted on June 6, 2018.*

## **VII. LIST OF ATTACHMENTS**

A. *Copy of the FY 18 NDDES SHSP application*

## Project Detail Worksheet (Regional)

Project Name	Project Description	Project Location (zip code)	Item Description	AEL Code (for Equipment only)	Primary Core Capability	Sustain or Build	Deployable	Shareable	Category (Planning, Equipment, Training, Exercise)	Quantity	Cost/Unit	Funding Amount	Project Management Step (Initiate, Plan, Execute, Control, Close Out)	Start Date	End Date
e.g. Regional project	Provide CBRNE Detection Equipment.	20001	SCBA, CBRN	01AR-01-SCBA	Screening, Search, and Detection	Sustain	Yes	Yes	Equipment	1	\$ 5,000.00	\$ 5,000.00	Execute	8/1/2012	5/31/2015
<b>Training</b>															
Hazardous Materials Technician Aniston, GA	Provide Hazmat Response Capabilities	36201	Back Fill and Overtime	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	8/24 hrs.	\$ 35.00	\$ 6,720.00			
Hazardous Materials Technician Aniston, GA	Provide Hazmat Response Capabilities	36201	Per Diem	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	6 food cards.	\$ 400.00	\$ 2,400.00			
Technical Emergency Response Training for CBRNE Incidents Aniston, GA	Provide Hazmat Response Capabilities	36201	Back Fill and Overtime	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	6/240 hrs.	\$ 35.00	\$ 5,040.00			
Technical Emergency Response Training for CBRNE Incidents Aniston, GA	Provide Hazmat Response Capabilities	36201	Per Diem	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	3 food cards.	\$ 200.00	\$ 600.00			
Crude by Rail - Pueblo, CO	Provide Hazmat Response Capabilities	81001	Per Diem	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	6/5 days	\$ 51.00	\$ 1,530.00			
Crude by Rail - Pueblo, CO	Provide Hazmat Response Capabilities	81001	Car Rental	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	(2) 5 day Sessions	\$ 275.00	\$ 550.00			
Crude by Rail - Pueblo, CO	Provide Hazmat Response Capabilities	81001	Back Fill and Overtime	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	6/24 hrs	\$ 35.00	\$ 5,040.00			
Hot Zone Conference - Houston, TX	Provide Hazmat Response Capabilities	77001	Tuition	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	3	\$ 200.00	\$ 600.00			
Hot Zone Conference - Houston, TX	Provide Hazmat Response Capabilities	77001	Airfare	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	3	\$ 900.00	\$ 2,700.00			
Hot Zone Conference - Houston, TX	Provide Hazmat Response Capabilities	77001	Lodging	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	3/ 4 nights	\$ 150.00	\$ 1,800.00			
Hot Zone Conference - Houston, TX	Provide Hazmat Response Capabilities	77001	Per Diem	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	3/5 days	\$ 59.00	\$ 885.00			
Hot Zone Conference - Houston, TX	Provide Hazmat Response Capabilities	77001	Back Fill and Overtime	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Training	6/24 hrs	\$ 35.00	\$ 5,040.00			
TEEX Trench Rescue Levels I and II (RES020)	Provide Trench Rescue Response Capabilities	77843	Tuition	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	3	\$ 1,150.00	\$ 3,450.00			
TEEX Trench Rescue Levels I and II (RES020)	Provide Trench Rescue Response Capabilities	77843	OT and Back Fill	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	3/48 hrs.	\$ 35.00	\$ 5,040.00			
TEEX Trench Rescue Levels I and II (RES020)	Provide Trench Rescue Response Capabilities	77843	Lodging	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	3/5 nights	150.00/night	\$ 2,250.00			
TEEX Trench Rescue Levels I and II (RES020)	Provide Trench Rescue Response Capabilities	77843	Per Diem	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	3/6 days	56.00/day	\$ 1,008.00			
TEEX Trench Rescue Levels I and II (RES020)	Provide Trench Rescue Response Capabilities	77843	Car Rental	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	1 week	\$ 290.00	\$ 290.00			
TEEX Trench Rescue Levels I and II (RES020)	Provide Trench Rescue Response Capabilities	77843	Airfare	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	3	\$ 958.00	\$ 2,874.00			

## Project Detail Worksheet (Regional)

Project Name	Project Description	Project Location (zip code)	Item Description	AEL Code (for Equipment only)	Primary Core Capability	Sustain or Build	Deployable	Shareable	Category (Planning, Equipment, Training, Exercise)	Quantity	Cost/Unit	Funding Amount	Project Management Step (Initiate, Plan, Execute, Control, Close Out)	Start Date	End Date	
TEEX Structural Collapse Specialist (9P2631)	Provide Structural Collapse Response Capabilities	77843	Tuition	N/A	Mass Search and Rescue Operations	Build	N/A	N/A	Training	3	\$ 3,250.00	\$ 9,750.00				
TEEX Structural Collapse Specialist (9P2631)	Provide Structural Collapse Response Capabilities	77843	OT and Back Fill	N/A	Mass Search and Rescue Operations	Build	N/A	N/A	Training	10/24 hrs.	\$ 35.00	\$ 8,400.00				
TEEX Structural Collapse Specialist (9P2631)	Provide Structural Collapse Response Capabilities	77843	Lodging	N/A	Mass Search and Rescue Operations	Build	N/A	N/A	Training	3/8 nights	150.00/night	\$ 3,600.00				
TEEX Structural Collapse Specialist (9P2631)	Provide Structural Collapse Response Capabilities	77843	Per Diem	N/A	Mass Search and Rescue Operations	Build	N/A	N/A	Training	3/9 days	56.00/day	\$ 1,512.00				
TEEX Structural Collapse Specialist (9P2631)	Provide Structural Collapse Response Capabilities	77843	Car Rental	N/A	Mass Search and Rescue Operations	Build	N/A	N/A	Training	1 week & 2 days	\$ 410.00	\$ 410.00				
TEEX Structural Collapse Specialist (9P2631)	Provide Structural Collapse Response Capabilities	77843	Airfare	N/A	Mass Search and Rescue Operations	Build	N/A	N/A	Training	3	\$ 958.00	\$ 2,874.00				
TEEX Confined Space I & II (RES 002)	Provide Confined Space Response Capabilities	77843	Tuition	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	N/A	3/ days	\$ 625.00	\$ 1,875.00				
TEEX Confined Space I & II (RES 002)	Provide Confined Space Response Capabilities	77843	OT and Back Fill	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	5/24hrs.	\$ 35.00	\$ 4,200.00				
TEEX Confined Space I & II (RES 002)	Provide Confined Space Response Capabilities	77843	Lodging	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	3/6 nights	150.00/night	\$ 2,700.00				
TEEX Confined Space I & II (RES 002)	Provide Confined Space Response Capabilities	77843	Per Diem	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	3/6 days	56.00/day	\$ 1,008.00				
TEEX Confined Space I & II (RES 002)	Provide Confined Space Response Capabilities	77843	Car Rental	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	1 week	\$ 290.00	\$ 290.00				
TEEX Confined Space I & II (RES 002)	Provide Confined Space Response Capabilities	77843	Airfare	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Training	3	\$ 958.00	\$ 2,874.00				
												Total Hazmat Training (Line 4 - 15)	\$ 32,905.00			
												Total Trench Rescue Training (Line 16-21)	\$ 14,912.00			
												Total Structural Collapse Training (Line 22 - 27)	\$ 26,546.00			
												Total Confined Space Training (Line 28 - 33)	\$ 12,947.00			
												Total Training	\$ 87,310.00			
<b>Exercise</b>																
Regional Haz-Mat Exercise	Practice CBRNE Response Operations	58702/58801	Overtime and Back Fill	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Exercise	9/ 24 hrs	\$35.00	\$ 7,560.00				
Regional Haz-Mat Exercise	Practice CBRNE Response Operations	58702/58801	Per Diem	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Exercise	6/\$10.50 day/6 days		\$ 378.00				
Regional Haz-Mat Exercise	Practice CBRNE Response Operations	58702/58801	Fuel	N/A	Environmental Response/Health and Safety	Sustain	N/A	N/A	Exercise	240 miles 5mpgx \$4.00/gal x 3 vehicles		\$ 576.00				
Regional Structural Collapse Exercise	Practice CBRNE Response Operations	58702/58801	Overtime and Back Fill	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Exercise	9/ 24 hrs	\$ 35.00	\$ 7,560.00				
Regional Structural Collapse Exercise	Practice CBRNE Response Operations	58702/58801	Per Diem	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Exercise	6/\$10.50 day/6 days		\$ 378.00				
Regional Structural Collapse Exercise	Practice CBRNE Response Operations	58702/58801	Fuel	N/A	Mass Search and Rescue Operations	Sustain	N/A	N/A	Exercise	240 miles 5mpgx \$4.00/gal x3 vehicles		\$ 576.00				
												Total Hazmat Exercise (Line 40 - 42)	\$ 8,514.00			
												Total Structural Collapse Exercise (Line 43 - 45)	\$ 8,514.00			
												Total Exercise	\$ 17,028.00			

## Project Detail Worksheet (Regional)

Project Name	Project Description	Project Location (zip code)	Item Description	AEL Code (for Equipment only)	Primary Core Capability	Sustain or Build	Deployable	Shareable	Category (Planning, Equipment, Training, Exercise)	Quantity	Cost/Unit	Funding Amount	Project Management Step (Initiate, Plan, Execute, Control, Close Out)	Start Date	End Date
<b>Equipment</b>															
<b>Hazmat Equipment</b>															
Hazmat Sustainment	Replace or main tain equipment &	58701	First Defender RMX S-1	07CD-01-DPMG	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	1	\$ 43,050.00	\$ 43,050.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	Multi-Rae Plus Replace	07CD-01-DPMG	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	1	\$ 2,200.00	\$ 2,200.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	ORAЕ Meters -maintain/upgrade	07CD-01-DPMG	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	5	\$ 1,000.00	\$ 5,000.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	Mini-Rae Lite PID	07CD-01-DPMG	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	1	\$ 895.00	\$ 895.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	Calibration gas (single & cocktail)	07CD-01-DPMG	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	1	\$ 3,000.00	\$ 3,000.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	Detector tubes	07RD-01-HHSM	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	1	\$ 1,800.00	\$ 1,800.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	Ludlums - annual calibration/maintenance	07RD-01-HHSM	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	1	\$ 600.00	\$ 600.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	Disposable batteries for meters - includes SCBA	10BC-00-BATT	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	1	\$ 400.00	\$ 400.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	Research/ Training Manuals for CBRNE	07CD-01-DPMG	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	2	\$ 250.00	\$ 500.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	Shipping	21GN-00-SHIP	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	1	Misc Fees	\$ 1,450.00			
Hazmat Sustainment	Replace or main tain equipment &	58701	SCBA maintenance/testing	01AR-01-SCBC	Environmental Response/Health and Safety	Sustain	Yes	Yes	Equipment	8	\$ 150.00	\$ 1,200.00			
<b>Mass Search And Rescue Equipment - (Structural Collapse/ Confined Space/ Trench Rescue/ Rope Rescue/ High Angle Rescue)</b>															
Regional Response	Replace or main tain equipment &	58701	MPD (Multi-Purpose Device)	03OE--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	2	\$ 735.00	\$ 1,470.00			
Regional Response	Replace or main tain equipment &	58701	Carabiners	03OE--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	10	\$ 56.00	\$ 560.00			
Regional Response	Replace or main tain equipment &	58701	Disaster Response Litter	03OE--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 400.00	\$ 400.00			
Regional Response	Replace or main tain equipment &	58701	Vertical Lift Harness	03OE--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	2	\$ 241.00	\$ 482.00			
Regional Response	Replace or main tain equipment &	58701	Anchor Plates	03OE--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	2	\$ 67.00	\$ 134.00			
Regional Response	Replace or main tain equipment &	58701	CMC 1/2" Rescue Rope	03OE--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	800'	\$ 1.61	\$ 1,288.00			
Regional Response	Replace or main tain equipment &	58701	1" Flat Webbing	03OE--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	300'	\$ 0.58	\$ 174.00			

## Project Detail Worksheet (Regional)

Project Name	Project Description	Project Location (zip code)	Item Description	AEL Code (for Equipment only)	Primary Core Capability	Sustain or Build	Deployable	Shareable	Category (Planning, Equipment, Training, Exercise)	Quantity	Cost/Unit	Funding Amount	Project Management Step (Initiate, Plan, Execute, Control, Close Out)	Start Date	End Date
Regional Response	Replace or main tain equipment &	58701	Prusiks	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	10	\$ 20.00	\$ 200.00			
Regional Response	Replace or main tain equipment &	58701	Ultra Pro Edge Protector	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	2	\$ 120.50	\$ 241.00			
Regional Response	Replace or main tain equipment &	58701	CMC Work Gloves	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	10	\$ 35.00	\$ 350.00			
Regional Response	Replace or main tain equipment &	58701	Single Swivel Pulley	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	2	\$ 145.00	\$ 290.00			
Regional Response	Replace or main tain equipment &	58701	Double Swivel Pulley	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	2	\$ 165.00	\$ 330.00			
Regional Response	Replace or main tain equipment &	58701	Kootenay Pulley	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 282.00	\$ 282.00			
Regional Response	Replace or main tain equipment &	58701	CMC 3D Descent Device	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 249.00	\$ 249.00			
Regional Response	Replace or main tain equipment &	58701	Patient Tie-In System	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 253.00	\$ 253.00			
Regional Response	Replace or main tain equipment &	58701	Pelvic Harness	030E--05-POPH	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 260.00	\$ 260.00			
Regional Response	Replace or main tain equipment &	58701	SAR System w/ supply hoses	01AR-01-SAR	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 6,000.00	\$ 6,000.00			
Regional Response	Replace or main tain equipment &	58701	MSA-10045164 Escape Packs	01AR-01-SAR	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	2	\$ 2,000.00	\$ 4,000.00			
Regional Response	Replace or main tain equipment &	58701	Screw Jack SJ-4	03SR-01-SHOR	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	10	\$ 100.00	\$ 1,000.00			
Regional Response	Replace or main tain equipment &	58701	10 inch Hydra Fusion Strut	03SR-01-SHOR	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	2	\$ 3,500.00	\$ 7,000.00			
Regional Response	Replace or main tain equipment &	58701	Milwaukee Cordless Tool Kit - 2695-29	03SR-02-TPEL	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 1,000.00	\$ 1,000.00			
Regional Response	Replace or main tain equipment &	58701	Craftsman Mechanic Tool Kit	03SR-01-SHOR	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 500.00	\$ 500.00			
Regional Response	Replace or main tain equipment &	58701	Husqvarna K970 Concrete Ring Saw	03SR-01-SHOR	Mass Search and Rescue Operations	Sustain	Yes	Yes	Equipment	1	\$ 3,500.00	\$ 3,500.00			
													Total Hazmat Equipment (Line 51- 61)	\$ 60,095.00	
													Total Hazmat Equipment (Line 63- 85)	\$ 29,963.00	
													Total Equipment Request	\$ 90,058.00	
													Total Exercise Request	\$ 17,028.00	
													Total Training Request	\$ 87,310.00	
													Grand Total	\$ 194,396.00	



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**TO:** Mayor Shaun Sipma  
Members of the City Council

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

**DATE:** 7/24/2018

**SUBJECT: GOOSENECK IMPLEMENT – MOURE EQUIPMENT (PLAT) AGREEMENT (4369)**

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## **I. RECOMMENDED ACTION**

1. Recommend approval of the Development (Plat) Agreement by the Council.
2. Authorize the Mayor to sign the Development (Plat) Agreement.

## **II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	(701) 857-4100
David Wicke, Assistant City Engineer	(701) 857-4100

## **III. DESCRIPTION**

### **A. Background**

This area was previously unplatted portion of the Southeast ¼ of the Southeast ¼ and unplattd portion of the Southwest ¼ of the Southeast ¼ of Section 11, Township 154 North, Range 83 West, Outlot 2, Ward County, North Dakota, located outside the City of Minot corporate limits but within the City of Minot extra territorial jurisdiction, for the purposes of the construction of a commercial lot and open space for Agricultural Sales / Service Facility with C2 Zoning within the within the unplattd portion of the property as described above within Ward County.

The Developer wishes the portion of the property to be rezoned from AG, Agricultural District to C2, General Commercial District. The subject property is located on the south side of County Highway 14A (54<sup>th</sup> Ave SW) and the west side of US Highway 83 South (South Broadway). The Property will be developed to facilitate a commercial lot with open space. This item was previously approved by the Planning Commission and City Council in February/March of 2015. The Development agreement must be approved and signed before the plat will be recorded.

### **B. Proposed Project**

Staff and the Developer, Moure Equipment, LLC, wish to execute and agreement relating to the obligations for development and conditions outlined by City Staff and approved by the Planning Commission and City Council.

The language is consistent with other agreements the City has executed in the past with other Developers. A security valued at 120% of all public street and utility infrastructure costs as determined by the design engineer's opinion of probable construction costs or by a contractor's bid shall be required and provided by the Developer to the City; the required security shall be in the form of an unconditional letter of credit or performance bond, and shall be submitted in a form acceptable to the City Attorney.

**C. Consultant Selection**

NA

**IV. IMPACT:**

**A. Strategic Impact:**

NA

**B. Service/Delivery Impact:**

NA

**C. Fiscal Impact:**

NA

**V. ALTERNATIVES**

NA

**VI. TIME CONSTRAINTS**

Council's approval of the recommendation is required before the plat can be recorded.

**VII. LIST OF ATTACHMENTS**

**A. Gooseneck Implement – Moure Equipment Addition Plat Development Agreement**

## **GOOSENECK IMPLEMENT – SECTION 11-154-83, OUTLOT 2 - PLAT AGREEMENT**

### **Required Improvements within publicly dedicated rights-of-way and easements serving Section 11-154-83, Outlot 2 to the City Minot / Ward County, ND**

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2018 between the City of Minot, a municipal corporation (City), whose mailing address is P.O. Box 5006, Minot, ND 58702 and Moure Equipment LLC, A North Dakota Limited Liability Corporation (Developer), whose mailing address is 800 31<sup>st</sup> Ave SW Minot, ND 58701.

WHEREAS, the Developer owns the property known as GOOSENECK – MOURE EQUIPMENT, more specifically described as: SE<sup>1/4</sup>, SE<sup>1/4</sup> and unplattoned portion of the SW<sup>1/4</sup>, SE<sup>1/4</sup>, Section 11, Township 154 North, Range 83 located outside the City of Minot corporate limits but within the City of Minot extra territorial jurisdiction for the purposes of the construction of a commercial lot and open space for Agricultural Sales / Service Facility with C-2 Zoning within the re-platted property known as Gooseneck Implement – Section 11-154-83, Outlot 2 within Ward County;

WHEREAS, the City is requiring the Developer to complete specific improvements and other conditions before granting further permits for the Development of GOOSENECK – MOURE EQUIPMENT, Section 11-154-83, Outlot 2;

WHEREAS, the purpose of this agreement is to memorialize the specific improvements and conditions the Developer shall complete before the City will authorize additional permits for the development of GOOSENECK – MOURE EQUIPMENT, Section 11-154-83, Outlot 2;

WHEREAS, in addition to any specific improvements and conditions provided in this Agreement, Exhibits A and B are hereby incorporated herein by reference;

WHEREAS, the City is requiring the following improvements as conditioned within approval of GOOSENECK – MOURE EQUIPMENT, Section 11-154-83, Outlot 2 Plat:

NOW, THEREFORE, it is hereby agreed and stipulated that the Developer shall complete the following before the City grants any further permits for the Development of GOOSENECK – MOURE EQUIPMENT, Section 11-154-83, Outlot 2:

1. Rezoning
  - a. The Developer shall rezone SE<sup>1/4</sup>, SE<sup>1/4</sup> and unplattoned portion of the SW<sup>1/4</sup>, SE<sup>1/4</sup>, Section 11-154-83 from AG, Agricultural to C2, General Commercial District.
    - i. The lot size and their proposed uses, buildings, structure types, parking, etc. shall adhere to the requirements of the City Minot Zoning Ordinances.
2. Conditional Use Permit
  - a. Display of storage or farm equipment shall only be granted upon approval of a

conditional use permit.

3. Public Street and Utility Infrastructure Improvements

- a. Developer shall install, at its sole cost, the sanitary sewer collection system including any services to the lot to serve the development within Section 11-154-83, Outlot 2.
  - i. The existing private sanitary sewer system serving Outlot 3 must be upgraded to meet City specifications in order for Developer to utilize this system. Upon upgrade of the sanitary sewer system, the City shall provide operation of the system.
- b. Developer further understands that the lot shall be served with water by North Prairie Rural Water. The Developer shall make any and all arrangements with North Prairie Rural Water for service including all costs or agreements necessary for service.
- c. The required public utility plans for connection to sanitary sewer shall be submitted by the Developer which shall be reviewed by the City for conformance to City standards and specifications. The City shall approve such plans if they meet all requirements of the City.
- d. At Developer's sole cost, all public utility infrastructure shall be installed and tested per the City Standard Specifications and Details by the Developer.
- e. At Developer's sole cost, the sanitary sewer collection system, within public right-of-way or utility easement, including all service to the lot shall be inspected full time by an engineering firm, licensed to do work in North Dakota, and under the direction of a professional engineer, licensed to do work in North Dakota.
  - i. If at any time during construction the work is not being inspected by an engineering firm, the City may order the work to stop immediately until the work can be inspected. The City shall not be held responsible in any way for the work stoppage.
- f. The Developer shall warranty all public utility infrastructure work constructed as part of Section 11-154-83, Outlot 2 to be free of material and workmanship defects for a period of two years after final written acceptance by the City.
  - i. At any time during the two-year warranty period, the Developer shall correct any deficiencies found by the City. The Developer shall be responsible for the sole cost of correcting any deficiencies identified by the City including but not limited to contractor costs, attorney's fees, and engineering costs.
- g. The Developer shall submit record drawings certified by the engineer of record to the City for all public utility infrastructure installed as part of Section 11-154-83, Outlot 2 conforming to the City's Record Plan Policy on file with the Engineering Department. Record drawings shall be submitted in hard copy, dwg, and GIS format.
- h. Security valued at 120% of all public utility infrastructure costs, as determined by a contractor's bid for the work or the design engineer's opinion of probable cost shall be required and provided by the Developer to the City; the required security shall be in the form of an unconditional letter of credit or performance bond, and shall be submitted in a form acceptable to the City Attorney.

- i. Once the public street and utility infrastructure is approved by the City, the required security shall be reduced to 10% of the bid cost during the two-year warranty period. After the warranty period has expired, the security shall be released by the City. \_
4. Maintenance of Public Right of Way and Easements
  - a. Unless specific ownership is defined on the plat, all easements and public right of way dedicated with this plat shall be for public use and access.
  - b. Because easements and public right of way are located outside of the corporate limits of the City, the City shall not be responsible for any maintenance relating to the easements and public right of way.
  - c. Developer shall obtain approval, from jurisdiction providing maintenance, for any driveways and access locations to lots platted with the development.
5. Storm Water Management System
  - a. A Storm Water Management Plan (SWMP) shall be submitted to the City Engineer, to be reviewed and approved. Developer shall ensure the SWMP associated with this plat is in accordance with the final approved plan.
  - b. Developer shall install as required, all storm water structure, pipes or culverts to convey drainage for this development per the final approved drainage plan.
6. Erosion Control Practices
  - a. Developer shall meet all erosion control practice requirements of the State of North Dakota.
  - b. Developer shall obtain written approval from the City Engineer on all erosion control practices.
7. Planning Requirements
  - a. Traffic Study must be approved.
  - b. Storm Water Management Plans will be required and approved by the City Engineer, NDDOT, and Ward County Resources Board.
  - c. Erosion Control practices will need to meet State of North Dakota requirements and approved by the City Engineer.
  - d. Developer's Agreement will be in place prior to the final plat being recorded.
  - e. Landscaping and buffering plans will be required and approved by the Planning Department.
  - f. Screening along public road and adjacent properties will be required and approved by the Planning Department.
  - g. Trash enclosure will be required and approved by the Planning Department.
  - h. Public Utility Fees will be required from North Prairie Rural Water District.
  - i. Connection fees for sanitary sewer are required, if connected.
8. This Agreement shall be governed by and interpreted according to North Dakota law. The appropriate venue and jurisdiction for any litigation hereunder shall be in a court located in Ward County, North Dakota.

9. Each party represents and warrants that this Agreement has been duly authorized, executed and delivered by it; that the undersigned representatives are duly authorized to sign this Agreement on behalf of the party for whom they are signing and whom they represent; that performance of all the actions contemplated thereby have been duly authorized by all requisite action and that this Agreement constitutes a valid and binding obligation, enforceable against Developer, its successors and assigns in accordance with its terms.
10. Neither this Agreement nor any item hereof may be changed, waived, discharged, or terminated orally, but only by instrument in writing by all parties hereto.
11. If any part of this agreement shall be judged invalid, the remainder shall not be invalidated. Any part of any section found to be invalid shall not invalidate the remaining part of said section, and the invalid section may be reformed to be valid and enforceable to the extent allowed by law.
12. This agreement shall be recorded in the Ward County Register of Deed's Office, and shall constitute a covenant running with the land, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any property association.

IN WITNESS WHEREOF, the parties hereto, after due authorization by its respective governing bodies/partners, hereby sign this agreement on the day and year first above written.

CITY OF MINOT, ND

By: \_\_\_\_\_  
Shaun Sipma, Mayor

Attest: \_\_\_\_\_  
Kelly Mataalka, City Clerk

MOURE EQUIPMENT, LLC

By: \_\_\_\_\_  
Brian Hoffer  
Moure Equipment, LLC  
A North Dakota Limited Liability Corporation

STATE OF NORTH DAKOTA        )  
                                      ) ss  
COUNTY OF \_\_\_\_\_                )

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal) \_\_\_\_\_

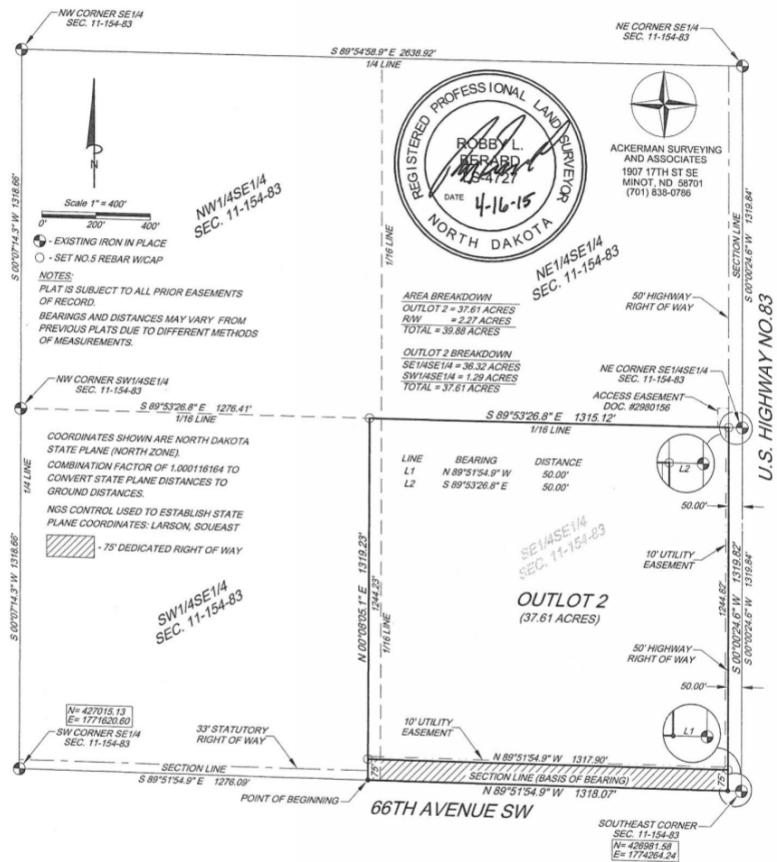
\_\_\_\_\_  
\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County,  
North Dakota.  
My Commission Expires: \_\_\_\_\_

## **EXHIBIT 'A'**

### **Outlot 2 Plat**

## PLAT OF OUTLOT 2

of SE1/4SE1/4 & SW1/4SE1/4, Section 11, Township 154 North, Range 83 West  
Owner: MOURE EQUIPMENT, LLP.



Outlot 2, of SE1/4SE1/4 & SW1/4SE1/4, Section 11, Township 154 North, Range 83 West  
Described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF THE SE1/4, SECTION 11, TOWNSHIP 154 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA; THENCE S 89°51'54.9" E, ALONG THE SOUTH BOUNDARY OF SECTION 11, A DISTANCE OF 1276.09 FEET TO THE POINT OF BEGINNING; THENCE N 00°08'05.1" E, A DISTANCE OF 1319.23 FEET TO THE NORTH BOUNDARY OF THE S1/2 OF THE SE1/4 OF SAID SECTION 11; THENCE S 89°53'26.8" E, ALONG THE NORTH BOUNDARY OF THE S1/2 OF THE SE1/4 OF SECTION 11, A DISTANCE OF 1315.12 FEET TO THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY No. 83; THENCE S 00°00'24.6" W, ALONG THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY No. 83, A DISTANCE OF 1319.82 FEET TO THE SOUTH BOUNDARY OF SAID SECTION 11; THENCE N 89°51'54.9" W, ALONG THE SOUTH BOUNDARY OF SECTION 11, A DISTANCE OF 1318.07 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 39.88 ACRES.

## **EXHIBIT 'B'**

### **CITY OF MINOT DEVELOPMENT POLICY**

In the interest of public safety and orderly development within the City of Minot a policy has been established that establishes what sequence of events needs to take place in order for building permits and occupancy permits to be issued for all residential, commercial, and industrial development within the City of Minot jurisdiction.

A. Building permits for individual sites will be issued upon:

1. Approval of a storm water management plan for the site or subdivision.
2. Approval of site plan or subdivision plans.
3. Installation and testing of necessary water and sewer main to serve the adjacent properties.
4. Adjacent streets or access easements to serve the properties have the appropriate gravel sections put in place.
5. Provide City with verification that proper state storm water permits have been obtained for the project.

Upon completion of the above items building permits will be issued as deemed appropriate by the Engineering department. It will be the developer's responsibility to maintain the gravel streets or access easements throughout the project in a manner sufficient to allow access for emergency vehicles and inspection personnel. If at any time, it is determined that the roadways have fallen into an unacceptable condition no further permits will be issued until the necessary corrections have been made.

B. Occupancy permits for individual sites will be issued upon:

1. Water and sewer mains serving properties have passed the appropriate tests.
2. Utilities to include gas and electric have been installed to the property.
3. Curb and gutter and one lift of asphalt have been installed in roadway or easement adjacent to property.



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** *Dan Jonasson, Director of Public Works*

**DATE:** *July 17, 2018*

**SUBJECT:** **P4291 CARNEGIE CENTER STRUCTURAL REPAIRS – BID AWARD**

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

1. A recommendation for award of bid for the Carnegie Structural Improvements will be on the Councils desk for the August 1, 2018 Committee of The Whole

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

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

#### **III. DESCRIPTION**

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

EAPC completed a preliminary report outlining the proposed work that needs to be completed to repair structural and other repairs on the Carnegie Center.

Public Works prepared a Request for Qualifications for Architectural and Engineering services and advertise in accordance with State law. EAPC was the only firm that responded to the RFQ and their qualifications show they are qualified to perform the design and construction management work.

EAPC has completed the plans and specification for these improvements and the plans and specs were approved and authorization was given to advertise for bids.

Bids will be opened on July 31, 2018 and a recommendation of award will be provided for the Committee to act on at the August 1, 2018 Committee of the Whole

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

The project will consist repairs of structural issues for the Carnegie center. All work has been designed in accordance with the State Historical Requirements.

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

EAPC was the only consultant that responded to the RFQ and was qualified to perform the services outlined in the RFQ. City Council approved the selection of EAPC to complete this work.

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

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

Carnegie Center is a historic building, owned by the city of Minot, in need of Structural repairs. Funding was approved from the community facilities fund in the amount of \$550,000 for this project.

**B. Service/Delivery Impact:**

This project is needed to restore the structural integrity of the building and repair settlement occurring to the structure.

**C. Fiscal Impact:**

<u>Project Funding</u>	
Community facilities funds	\$550,000.00
Engineering	\$ (33,800.00)

**V. ALTERNATIVES**

**VI. TIME CONSTRAINTS**

Council's approval of the recommendation will allow the project to move forth to begin work on the needed repairs in 2018.

**LIST OF ATTACHMENTS**

**A. A Tabulation of Bids will be provided after the bid opening for the Committee's review**



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** *Dan Jonasson, Director of Public Works*

**DATE:** *July 24, 2018*

**SUBJECT: USE OF CITY OWNED PROPERTY BY NEIGHBOR – 1612 3<sup>rd</sup> AVE SE**

**I. RECOMMENDED ACTION**

1. Recommend the City enter into an agreement to allow Daniel Schuler, 304 17<sup>th</sup> Street SE the right to use City owned property at 1621 3<sup>rd</sup> Ave. SE in exchange for him maintaining the property.

**II. DEPARTMENT CONTACT PERSONS**

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

**III. DESCRIPTION**

**A. Background**

The City has acquired this property since the 2011 flood and the structures have been removed. Mr. Schuler has reached out requesting that he and his neighbors be allowed to use the property for temp. Camper storage and gardens in exchange for maintaining the property.

**B. Proposed Project**

N/A

**C. Consultant Selection**

N/A

**IV. IMPACT:**

**A. Strategic Impact:**

This will be one less property the City has to mow and maintain.

**B. Service/Delivery Impact:**

.

**C. Fiscal Impact:**

**V. ALTERNATIVES**

**VI. TIME CONSTRAINTS**

## LIST OF ATTACHMENTS

A. The lot in question is outlined below.





**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Dan Jonasson, Director of Public Works

**DATE:** July 17, 2018

**SUBJECT: SALE OF SURPLUS STREET SWEEPER TO SURREY**

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

1. Recommend approval of the sale of a 1999 Elgin Pelican street sweeper to the City of Surrey for \$5,000.00

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

Dan Jonasson, Director of Public Works	701-857-4140
Jason Sorenson, Asst. Director of Public Works	701-857-4140

#### **III. DESCRIPTION**

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

*The Public Works department has a surplus 1999 model Elgin Pelican street sweeper with 9744 hours on it that was replaced in 2017 with a new sweeper. We inquired at the time of bidding the new sweeper as to the value of the 1999 model sweeper as a trade in and the suppliers stated that they do not have sales or use for a sweeper that is 18-19 years old, so the trade in value of this unit was not of any value. Since this time, Surrey has inquired about purchasing any excess or surplus equipment that we may have as they contract their street sweeping out and would like to have their own sweeper.*

*In the past the City has donated surplus equipment like older sweepers, garbage trucks to other entities such as the Park District.*

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

Sale of 1999 Elgin P-Series Pelican Premier Sweeper

VIN:P3295-S

9744 Hrs.

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

N/A

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

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

N/A

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

N/A

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

###### **Project Costs**

*This would provide an additional \$5000.00 to the general fund.*

**V. ALTERNATIVES**

**VI. TIME CONSTRAINTS**

**VII. LIST OF ATTACHMENTS**



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** *Dan Jonasson, Director of Public Works*

**DATE:** *July 26, 2018*

**SUBJECT:** **STORM SEWER CRANE TRUCK (PROJECT NUMBER 4322) BID AWARD**

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

- 
1. Recommend council award the storm sewer crane truck bid to Westlie Motors in the amount of \$102,168.00.

#### **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**

*On July 26, 2018, the Public Works Department opened bids for a truck mounted crane for the Storm Sewer Department. Three bids were received and they are as follows:*

<b><u>Bidder</u></b>	<b><u>Make/Model</u></b>	<b><u>Base Bid</u></b>
<i>Normont Equipment</i>	<i>2019 Ford F550</i>	<i>\$107,245.00</i>
<i>Westlie Motor Company</i>	<i>2019 Ford F550</i>	<i>\$102,168.00</i>
<i>Nelson Auto Center</i>	<i>2019 Ford F550</i>	<i>\$112,841.70</i>

*The units bid meet the specifications for this project. The basis of award was lowest cost.  
\$\_\_\_\_\_.*

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

*N/A*

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

*N/A*

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

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

*N/A*

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

*NA*

**C. Fiscal Impact:**

**Project Costs**

Total Cost	\$102,168.00
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**Project Funding**

*Funding for this project is budgeted in the 2018 Storm Sewer Department budget in the amount of \$100,000. Additional funds in the amount of \$2,168.00 would come from 140.5900.511.04-39 Maintenance Storm Sewer, Manholes, Etc.*

**V. **ALTERNATIVES****

*N/A*

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

*N/A*

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



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Kelly Matalka, City Clerk

**DATE:** August 1, 2018

**SUBJECT:** SPECIALTY RESTAURANT BEER & WINE LICENSE- S-CORP DBA THE PUTT DISTRICT

## I. RECOMMENDED ACTION

It is recommended the Committee and Council approve the request from S-CORP dba The Putt District for a Specialty Restaurant Beer & Wine License operating at 17 South Main Street, Suite A, 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 S-CORP dba The Putt District for a Specialty Restaurant Beer & Wine License operating at 17 South Main Street, Suite A. 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 Specialty Restaurant Beer & Wine license is \$950 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



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Kelly Matalka, City Clerk

**DATE:** August 1, 2018

**SUBJECT: RETAIL BEER & WINE LICENSE- ARTISTIC AMBIANCE, INC. DBA FLOWER BOX**

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

It is recommended the Committee and Council approve the request from Artistic Ambiance, Inc. dba Flower Box for a Retail Beer & Wine License operating at 301 W. Burdick Expy, 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 Artistic Ambiance, Inc. dba Flower Box for a Retail Beer & Wine License operating at 301 W. Burdick Expy. 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 & Wine license is \$950 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



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Kelly Matalka, City Clerk

**DATE:** August 1, 2018

**SUBJECT:** **SUPPER CLUB LICENSE- VALHALLA BAR AND GRILL, LLC DBA VALHALLA**

## I. RECOMMENDED ACTION

It is recommended the Committee and Council approve the request from Valhalla Bar and Grill, LLC dba Valhalla for a Supper Club License operating at 2315 N. Broadway, 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 Valhalla Bar and Grill, LLC dba Valhalla for a Supper Club License operating at 2315 N. Broadway. 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 Supper Club 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**

N/A



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Kelly Hendershot

**DATE:** July 23, 2018

**SUBJECT: ORDINANCE AMENDMENT SECTION 18-205**

**I. RECOMMENDED ACTION**

1. Approve the attached ordinance relating to section 18-205.

**II. DEPARTMENT CONTACT PERSONS**

Kelly Hendershot (701) 857-4755

**III. DESCRIPTION**

The City previously implemented ordinances relating to sexually oriented businesses. The City also implemented zoning ordinances relating to adult entertainment centers and/or sexually oriented businesses. The zoning ordinances were subsequently updated and amended and the adult entertainment centers and/or sexually oriented business section was renumbered from section 15-5 to section 15-7.

Subsection 18-205(1) of the City ordinance currently references section 15-5, as it was not subsequently modified to reference 15-7. With that, City staff recommends making that amendment now, to eliminate inconsistency.

**IV. IMPACT:**

N/A

**V. ALTERNATIVES**

The City Council could reject the recommended change or suggest an alternative change.

**VI. TIME CONSTRAINTS**

The proposed ordinance is recommended to eliminate inconsistency. With that, City staff believes time is of the essence.

**VII. LIST OF ATTACHMENTS**

- A. Proposed Ordinance – Section 18-205(1)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SUBSECTION (1) OF SECTION 18-205 TO DIVISION 11 (SEXUALLY ORIENTED BUSINESS) OF ARTICLE III (SPECIFIC BUSINESSES AND OCCUPATIONS) OF CHAPTER 18 (LICENSES AND BUSINESS REGULATIONS) OF THE CITY OF MINOT CODE OF ORDINANCES

WHEREAS, the City of Minot previously adopted ordinances relating to sexually oriented businesses;

WHEREAS, the City of Minot previously adopted zoning ordinances relating to adult entertainment ordinances and/or sexually oriented businesses;

WHEREAS, when the City of Minot zoning ordinances were previously updated and amended, section 15-5 was renumbered to 15-7 and section 18-205(1) was inadvertently not amended;

WHEREAS, the City of Minot now wishes to amend its ordinance to update the zoning code section referenced in the ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§1. That subsection (1), of section 18-205, of Division 11 (Sexually Oriented Business), of Article III (Specific Businesses and Occupations), of Chapter 18 (Licenses and Business Regulations) of the City of Minot Code of Ordinances is hereby amended to read as follows:

(1) A sexually oriented business is prohibited from being established, located, operated or licensed in any district within the City of Minot other than the M-2, Heavy Industrial District, and then only if it meets the conditions set forth in section **15-7** of the Minot Zoning Ordinance.

§2. This ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

ATTEST:

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Kelly Matalka, City Clerk

APPROVED:

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Shaun Sipma, Mayor



**TO:** Mayor Shawn Sipma  
Members of the City Council

**FROM:** Police Chief Jason Olson

**DATE:** July 10, 2018

**SUBJECT: DOGS AND CATS ORDINANCE REVISIONS**

**I. RECOMMENDED ACTION**

1. Pass the recommended changes to Chapter 7, Article II (DOGS AND CATS) by amending and reenacting the ordinance.
2. Authorize the Mayor to sign the ordinance.

**II. DEPARTMENT CONTACT PERSONS**

Jason Olson, Police Chief	857-4715
Kelly Hendershot, City Attorney	857-4755

**III. DESCRIPTION**

**A. Background**

At the January 17, 2018 Special City Council meeting the Council directed staff to combine section 7-27 of the City of Minot Code of Ordinances with the City of Fargo's ordinance (Section 12-0117) relating to dangerous dogs. The City Attorney and Police Chief have formulated the attached revision to Chapter 7, Article II (DOGS AND CATS).

**IV. IMPACT:**

**A. Strategic Impact:**

The revision to Chapter 7, Article II captures the methods of dealing with dangerous dogs more effectively without creating the unnecessary and burdensome bureaucracy contained in the Fargo ordinance.

**B. Service/Delivery Impact:**

The changes to Chapter 7, Article II will spell out available sentencing options better to the Municipal Judge when dealing with dangerous animals. This may result in more effective measures being taken to address dangerous animals and improve public safety in regards to these animals.

**C. Fiscal Impact:**

None

**V. ALTERNATIVES**

Alt 1. The Council could leave Chapter 7, Article II in its current form and not make any changes.

Alt 2. The City Council could expand upon the suggested changes to pattern Chapter 7, Article II so that it more closely follows the Fargo ordinance's permitting approach specifically for dangerous

and potentially dangerous dogs. This approach would be burdensome to the Minot Police Department. It is an alternative approach to breed specific bans (pit bulls) which the Council recently voted to leave intact.

**VI. TIME CONSTRAINTS**

None

**VII. LIST OF ATTACHMENTS**

- A. Ordinance draft to Amend and Reenact Sections 7-25, 7-26, 7-27, and 7-30 and repealing section 7-28 of the Chapter 7 (Animals and Fowl), Article II (Dogs and Cats) of the City of Minot Code of Ordinances.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING AND REENACTING SECTIONS 7-25, 7-26, 7-27, AND 7-30 AND REPEALING SECTION 7-28 OF CHAPTER 7 (ANIMALS AND FOWL), ARTICLE II (DOGS AND CATS) OF THE CITY OF MINOT CODE OF ORDINANCES**

WHEREAS, the City of Minot has previously enacted ordinances relating to dogs and cats in the corporate limits of the City of Minot;

WHEREAS, the City of Minot, by and through the Minot City Council, desires to amend sections 7-25, 7-26, 7-27, and 7-30 and repeal section 7-28 of the City of Minot Code of Ordinances;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:**

§1. That section 7-25 of Article II (Dogs and Cats), Chapter 7 (Animals and Fowl) of the City of Minot Code of Ordinances, City of Minot, North Dakota, is hereby amended and reenacted to read as follows:

**Sec. 7-25. - Destructive and annoying animals prohibited.**

- (a) Any person who owns or keeps an animal within the city is in violation of this section if the animal:
  - (1) Damages or destroys any property which is not the property of its owner;
  - (2) Makes loud and frequent yelping, barking, howling, or other noise which annoys, under a reasonable person standard, any person not on the property of its owner;
  - (3) Defecates or urinates or does both on property other than that of the owner;
  - (4) Creates odors which are offensive, under a reasonable person standard, to any person not on the property of its owner;
  - (5) Causes unsanitary conditions harmful or tending to harm any person or animal; or
  - (6) Has been officially declared a public nuisance by the first district health unit.

§2. That section 7-26 of Article II (Dogs and Cats), Chapter 7 (Animals and Fowl) of the City of Minot Code of Ordinances, City of Minot, North Dakota, is hereby amended and reenacted to read as follows:

**Sec. 7-26. - Trespassing animals prohibited**

Any person who owns or keeps an animal within the city is in violation of this section if the animal trespasses upon private property.

§3. That section 7-27 of Article II (Dogs and Cats), Chapter 7 (Animals and Fowl) of

the City of Minot Code of Ordinances, City of Minot, North Dakota, is hereby amended and reenacted to read as follows:

**Sec. 7-27. - Dangerous animals prohibited.**

- (a) Any person who owns or keeps an animal within the city is in violation of this section if the animal:
  - (1) When unprovoked, bites, claws, or otherwise harms a human or domestic animal on public or private property;
  - (2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the owner's property, in an apparent attitude of attack; or
  - (3) When unprovoked, kills a domestic animal while off the owner's property.
  - (4) Has been designated as a dangerous animal by another jurisdiction.
- (b) Any person who brings into the corporate limits of the City of Minot an animal that has been designated as potentially dangerous by another jurisdiction shall notify the Minot Police Department Animal Control Officer within 24 hours of that animal being brought into the city of the location where the animal will be kept, owner contact information, length of stay in the city and proof of rabies inoculation.
  - (1) Owners in violation of notification requirements may have the animal impounded immediately by the police department and held until brought into compliance with this Division. The owner of said animal is responsible for boarding and expenses associated with this process.
- (c) No person may own or keep an animal in the city of Minot if the person has been convicted of a violation of this section, or of an equivalent ordinance or statute of another state or political subdivision, more than once. If any member of a household is prohibited from owning or keeping an animal pursuant to this section, unless specifically approved with or without restrictions by the Minot Police Department Animal Control Officer or court, no person in the household is permitted to own an animal.

§4. That section 7-28 of Article II (Dogs and Cats), Chapter 7 (Animals and Fowl) of the City of Minot Code of Ordinances, City of Minot, North Dakota, is hereby repealed.

§5. That section 7-30 of Article II (Dogs and Cats), Chapter 7 (Animals and Fowl) of the City of Minot Code of Ordinances, City of Minot, North Dakota, is hereby amended and reenacted to read as follows:

**Sec. 7-30. – Penalties and Enforcement**

- (a) The penalty for a violation of the provisions of this division shall be in accordance with section 1-8 of the Minot Code of Ordinances.
- (b) In addition to the penalties outlined specifically in section 1-8, the court shall be specifically authorized to order compliance by the owner of the animal with the provisions of this section and any other conditions which are necessary to ensure the health and safety of others. Such conditions may include, but are not limited to:
  - (1) That the owner remove the animal from the city;
  - (2) That the animal be euthanized;
  - (3) That the owner provide proof to the court that the animal has been sterilized;
  - (4) That the owner provide proof to the court that the animal has been properly licensed;
  - (5) That the owner of the animal shall keep the animal, while on the owner's property, in an effective enclosure. If the animal is outside the enclosure, it must be securely muzzled and restrained by a chain or leash no longer than 6 feet under the physical restraint of a competent adult;
  - (6) That the owner not sell or transfer ownership of the animal to any other person residing in the corporate limits of the City of Minot;
  - (7) That the owner advise the court if the animal bites anyone else;
  - (8) That the owner advise the court if the animal dies or becomes injured;
  - (9) That the animal undergo obedience training and proof of successful completion of training is provided to the court;
  - (10) That the owner post the property with warnings about a dangerous animal;
  - (11) That the animal not be allowed outdoors during certain times, such as between 7:30 a.m. and 9:30 a.m. and 2:00 p.m. and 4:00 p.m. (i.e., times when school age children may be present), or the time when it is known that the post office employee delivers the mail every day;
  - (12) That the owner provide proof to the Minot Police Department Animal Control Officer of continuing liability insurance in a single incident of \$300,000 for bodily injury to or death of any person or persons or for damage to property owned by the persons which may result from ownership, keeping, or maintenance of dangerous animals; and/or

(13) That the owner has a microchip implanted in the animal at his or her own cost. The chip number and owner's address and home, work and cell telephone numbers shall be provided and updated as needed to the Minot Police Department Animal Control Officer.

§6. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

ATTEST:

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Kelly Matalka, City Clerk

APPROVED:

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Shaun Sipma, Mayor



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** *Dan Jonasson, Director of Public Works*

**DATE:** *July 26, 2018*

**SUBJECT:** **REQUEST TO SRJB FOR DESIGN CHANGES/CONSIDERATIONS on MI-1 and MI-5**

**I. RECOMMENDED ACTION**

1. Recommendation of committee of one the three options as outlined below and forward recommendation to the SRJB.

---

**II. DEPARTMENT CONTACT PERSONS**

Dan Jonasson, Director of Public Works	857-4140
Ryan Ackerman, Administrator – SRJB	837-8737

**III. DESCRIPTION**

**The request from the City Council was presented to the SRJB at the August 2017 Board meeting.**

**The following items were submitted for the SRJB to consider**

1. MI-1 Change and MI-5 opening and path considerations to go under the BNSF bridge on East side of the river
2. MI-1 – West end path evaluation to continue under the Broadway bridge
3. MI-1 – extension of path east from Anne Street Bridge on wet side of the floodwall
4. MI-1 Added opening at Anne street bridge
5. Resolution of support for Magic City Waterway concept

**The SRJB heard from Alderman Wolsky in regards to adding the above items.**

**The board had discussion on the above topics, to summarize their concerns it consisted mainly of the following:**

**The features being requested do not appear to be flood protection related and there was concern that if they are incorporated, it could jeopardize funding from the State for future flood features, or these features being funded at all.**

**There was major concern that the USACE would want to review these additions and it could delay the flood protection work out to bid (phases 1-3).**

**One board member expressed concern of another opening being needed within 2-3 block of an existing opening for pedestrian access.**

**Finally, there was discussion with adding these amenities and other entities wanting added non-flood protection amenities and these creating issues on future segments.**

**If amenities of this type are considered, there should be an alternate funding source identified to cover the cost of these items.**

**The Board took no formal action on any of the items at this time.**

**The SRJB has revisited the request for these items and this is outlined in the attached letter to City Manager Barry. To summarize, all of the items seem to be addressed, with the exception of the additional opening at the Anne Street Bridge.**

**The following options are being forwarded in the memo for the Committee and Council to take action on:**

- 1. Do not add an opening at the Anne Street Bridge - \$0 cost**
- 2. Add a new 8' opening at the Anne Street Bridge – no modifications to existing Broadway opening - \$59,500.00 City funds**
- 3. Add a new 8' opening at the Anne Street Bridge and narrow the openings at the Broadway opening from 16' on each side to 8' - \$7,800.00**

**Option 2 or 3 would both be considered improvements not flood related and would need to be funded 100% with a funding source identified by the city.**

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

**A. Strategic Impact:**

*All work recommended will be in accordance with USACE design guidelines so that it can meet USACE and FEMA certifications*

**B. Service/Delivery Impact:**

*This project is part of the long term flood protection and the first phases to start removing 60% of the people in the new FEMA firm maps.*

**C. Fiscal Impact:**

*Funding from the State Water Commission is being requested for 65% of the costs*

#### **Project Costs**

Option 1	\$0 cost
Option 2	\$59,500.00 City Funding

**V. ALTERNATIVES**

- 1. Do not add an opening at the Anne Street Bridge - \$0 cost**
- 2. Add a new 8' opening at the Anne Street Bridge – no modifications to existing Broadway opening - \$59,500.00 City funds**
- 3. Add a new 8' opening at the Anne Street Bridge and narrow the openings at the Broadway opening from 16' on each side to 8' - \$7,800.00**

**VI. TIME CONSTRAINTS**

Council's approval of one of the above recommendation is critical as the contractor will need to modify his closures and submittal and the design will need to be modified to keep the project on track and moving forward.

**VII. LIST OF ATTACHMENTS**

- A. Letter to City Manager Barry from SRJB outlining the opening options.

July 24, 2018

*David Ashley*  
Chairman – McHenry County  
[dwashley56@gmail.com](mailto:dwashley56@gmail.com)

*Roger Sauer*  
Member – Renville County  
[rasauer@srt.com](mailto:rasauer@srt.com)

*Tom Klein*  
Member – Ward County  
[thokle@srt.com](mailto:thokle@srt.com)

*Clif Issendorf*  
Member – Bottineau County  
[issbros@srt.com](mailto:issbros@srt.com)

*Dan Jonasson*  
Member – City of Minot  
[dan.jonasson@minotnd.org](mailto:dan.jonasson@minotnd.org)

**City of Minot**  
Tom Barry, City Manager  
515 2<sup>nd</sup> Avenue Southwest  
Minot, North Dakota 58701

**Re: Mouse River Enhanced Flood Protection Project**  
**City of Minot Requests for Pedestrian Improvements Related to**  
**Phases MI-1 & MI-5**

Dear Tom:

On July 21, 2017, the Minot City Council held a special meeting to consider making requests to the Souris River Joint Board (SRJB) to modify the design of several aspects related to Phase MI-1 (4<sup>th</sup> Avenue Floodwall) and Phase MI-5 (Rodeo Road Levee / Northeast Tieback) of the Mouse River Plan.

The Council acted on the following:

1. Request that Phase MI-5 designs include a pedestrian opening through the floodwall near 3<sup>rd</sup> Street Northeast, the SRJB obtain an easement from BNSF Railroad for a shared use path underneath the BNSF tracks, and improvement of the path to ADA and BNSF standards
2. Request the SRJB evaluate the cost and viability of continuing a wet side shared use path from the Broadway Park entrance westward under the Broadway Bridge to provide pedestrian access to 4<sup>th</sup> Avenue and points beyond
3. Request the SRJB authorize a design addendum to Phase MI-1 of the Mouse River Enhanced Flood Protection Project (MREFPP) for the purpose of continuing the wet side shared use path eastward to the termination point of Phase 1 construction; and
4. Request the SRJB authorize a design addendum to Phase MI-1 of the MREFPP for the purpose of adding an 8' pedestrian opening in the floodwall that provides direct access to the Anne Street Bridge, while reducing the size of the flanking openings at the Broadway access from 16' each to 8' each.

The various directives and requests were forwarded to the SRJB for consideration at its August 2017 meeting. The items were discussed, but no immediate action directing the changes to the designs were taken by the SRJB.

Since that time, the administrative and engineering team of the SRJB, which meets biweekly to discuss project progress and details, has made provisions to accommodate most of what was requested by the City Council. Specifically:

1. The SRJB included provisions in the design of Phase MI-5 to provide for a shared pedestrian and maintenance access in the vicinity of 3<sup>rd</sup> Street Northeast to allow access to the shared use path to be located on the wet side of the floodwalls in this area. Additionally, the SRJB has made provisions within the design of MI-5 to include a shared use path beneath the east side of the BNSF bridge near 3<sup>rd</sup> Street, similar to the configuration that exists on the west side of that same BNSF bridge. It should be noted that while the SRJB is accommodating these requests within the design, the placement of a shared use path within BNSF right-of-way is subject to BNSF approval. The SRJB will continue to communicate the City's position in discussions with BNSF related to this feature but cannot guarantee its outcome.
2. The SRJB has been engaged with the US Army Corps of Engineers to provoke federal investment in Phase MI-4 of the project (Maple Diversion). As part of the feasibility study, recreational improvements are planned which would connect the shared use path components of Phase MI-3 to the shared use path components of Phase MI-1. The contemplated improvements include a shared use path connection to be constructed beneath the Broadway Bridge as part of a future federal project. If the City of Minot desires shared use path infrastructure to continue to the north of the Broadway pump station (presumably beneath or across the 4<sup>th</sup> Avenue Bridge near Broadway), those improvements would need to be done independent of the MREFPP, as they are not directly related or attributable to the flood risk management project.
3. The plans for Phase MI-1 were modified prior to bidding to include a shared use path from the foot of the Anne Street Bridge that continues east to 3<sup>rd</sup> Street Northeast. This can be considered a justified flood control expense, as the shared use path would serve as a maintenance access adjacent to the river along 4<sup>th</sup> Avenue Northeast.
4. The addition of an 8' opening in the floodwall at the Anne Street Bridge has been determined to be a betterment not specifically related to flood control, meaning that costs associated with the improvements would not be eligible for reimbursement using funds from the North Dakota State Water Commission. The SRJB has studied the potential costs of adding this opening, combined with the potential savings of reducing the size of the flanking openings at Broadway, as requested by the City Council. A memo from the engineering group responsible for the design of Phase MI-1 is attached to provide additional insight into the costs of adding the Anne Street Bridge opening.

***The SRJB requests that the City of Minot choose among the following options for the Anne Street Bridge opening:***

1. No opening at Anne Street Bridge. Additional cost to City of Minot: **\$0**.
2. Add 8' opening at Anne Street Bridge. No modifications to Broadway opening. Additional cost to City of Minot: **~\$59,500**.
3. Add 8' opening at Anne Street Bridge. Reduce flanking openings at Broadway from 16' to 8'. Additional cost to City of Minot: **~\$7,800**.

July 24, 2018  
City of Minot, Tom Barry  
MREFPP Phases MI-1 & MI-5  
Pedestrian Improvements  
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If options 2 or 3 are chosen by the City of Minot, the SRJB will direct its engineers and contractors to accommodate the request. Costs associated with the chosen option will be itemized separately from other flood control improvements and billed 100% to the City of Minot, in lieu of the flood control features which are billed 35% to the City of Minot.

Please call Ryan Ackerman at 857-9113 with questions or concerns.

Sincerely,

SOURIS RIVER JOINT BOARD



Ryan Ackerman, PE  
Administrator

Encl. Anne Street Bridge memorandum from Houston Engineering, Inc.

# MEMORANDUM

**To:** Souris River Joint Water Resource Board  
**From:** Houston Engineering, Inc.  
**Subject:** St. Anne's Opening and Potential Broadway Opening Revisions  
**Date:** July 23, 2018  
**Project:** MREFPP – MI-1 Phase 1 4<sup>th</sup> Avenue Floodwall Project

This memorandum is intended to provide a summary of the updated costs associated with adding an additional opening at the St. Anne's Bridge location and potential narrowing of the higher elevation openings at the Broadway opening location. The costs have been updated based on unit bid prices from Park Construction, Inc.

## **Option 1 – Add 8-ft Wide Opening Straight Off the St. Anne's Bridge**

This option would utilize the current column just east of the planter at Station 58+68.66 and add an additional column 8-ft to the east as shown in Figure No. 1 below. Due to the proximity of the proposed column and the existing pilaster at Station 58+88.66, we would propose shifting the transition from Segment C to Segment D floodwall section approximately 20-ft to the east. As part of making this change, the footing for the removable closure would need to be designed and incorporated via a change order to the plan set. A concrete trail would also be installed from the bridge location to the location of relocated 4<sup>th</sup> Avenue to provide connection to a striped cross-walk with ADA compliant ramps on both the north and south sides of the roadway. These changes would be incorporated on several sheets of the plan set (approximately 15). In addition, additional review of removable closure design submittals and construction related services would be required. Using unit prices from the Park Construction, the resultant cost estimate is shown in the table below. The net cost increase of adding the opening under this Option will result in a net increased cost to the project of approximately \$59,500.

**Figure No. 1**

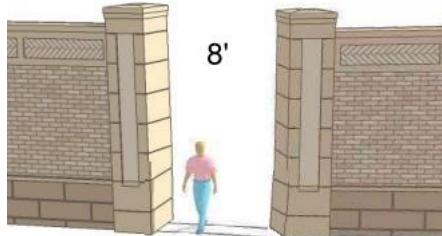


Table No. 1

		Unit	Estimated Unit Quantity	Unit Price	Amount	Totals
<b>8ft Opening Straight</b>						
<b>Add</b>	Floodwall Concrete Reinforcing (Regular)	LBS	15908.84	\$ 1.05	\$ 16,704.28	
	Floodwall Concrete Reinforcing (Epoxy Coated)	LBS	6609.26	\$ 1.20	\$ 7,931.11	
	Structural Concrete - Floodwall Footing	CY	85.99	\$ 519.50	\$ 44,673.74	
	Structural Concrete - Floodwall Stem	CY	33.05	\$ 575.00	\$ 19,001.62	
	4" Concrete Sidewalk	SY	18.00	\$ 38.60	\$ 694.80	
	Detectable Warning Panel	SF	18.00	\$ 24.70	\$ 444.60	
	6" Pavement Marking	LF	68.00	\$ 2.35	\$ 159.80	
	Removable Floodwall System	SF	128.00	\$ 400.00	\$ 51,200.00	
						\$ 140,809.95
<b>Deduct</b>	Floodwall Concrete Reinforcing (Regular)	LBS	14567.04	\$ 1.05	\$ 15,295.39	
	Floodwall Concrete Reinforcing (Epoxy Coated)	LBS	8414.81	\$ 1.20	\$ 10,097.78	
	Structural Concrete - Floodwall Footing	CY	78.74	\$ 519.50	\$ 40,905.81	
	Self-Consolidating Concrete - Floodwall Stem	CY	42.07	\$ 575.00	\$ 24,192.59	
	Install Salvaged Topsoil	CY	0.33	\$ 7.80	\$ 2.60	
	Turf Reinforcement Mat (TRM)	SY	4.81	\$ 15.70	\$ 75.47	
	Seeding (Standard)	AC	0.0027	\$ 2,500.00	\$ 6.81	
	Seeding (Wet Side)	AC	0.0010	\$ 834.00	\$ 0.83	
						\$ 90,577.29
	Additional design, plan changes, and Construction services					\$ 9,176.00
					<b>Net Increase</b>	<b>\$ 59,408.66</b>

### Option 2 – Add 8-ft Wide Opening Straight Off the St. Anne's Bridge and Narrow Broadway Opening

This option would include adding the additional 8-ft opening at St. Anne's (Option 1) along with a narrowing of removable closures at the Broadway opening. At the Broadway location, the existing higher-level openings would be narrowed from 16-ft to 8-ft each as shown in Figure No. 2 below. As part of making this change, the floodwall and closure in this area would need to be re-designed and incorporated via a change order to the plan set. These changes would be incorporated on several sheets of the plan set (approximately 18). Using unit prices from the Park Construction, the resultant cost estimate is shown in the table below. The net cost decrease of modifying the Broadway opening is a decrease of approximately \$51,700. The cost of adding the St. Anne's opening under Option 1 is an increased cost of approximately \$59,500. As a result, the net increase in cost of Option 2 to the project is approximately \$7,800.

Figure No. 2

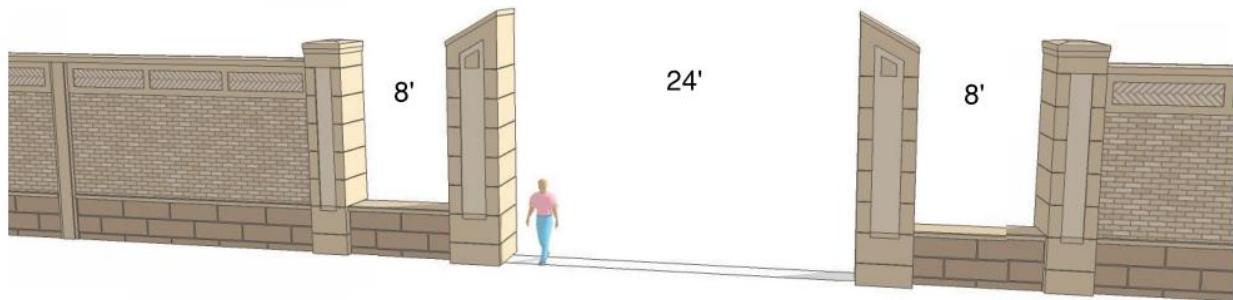


Table No. 2

		Unit	Estimated Unit Quantity	Unit Price	Amount	Totals
<b>Broadway Park Opening</b>						
<b>Add</b>	Floodwall Concrete Reinforcing (Epoxy Coated)	LBS	4503.70	\$ 1.20	\$ 5,404.44	
	Self-Consolidating Concrete - Floodwall Stem	CY	22.52	\$ 575.00	\$ 12,948.15	
						\$ 18,352.59
<b>Deduct</b>	Floodwall Concrete Reinforcing (Epoxy Coated)	LBS	3200.00	\$ 1.20	\$ 3,840.00	
	Self-Consolidating Concrete - Floodwall Stem	CY	16.00	\$ 575.00	\$ 9,200.00	
	Removable Floodwall System	CY	160.00	\$ 400.00	\$ 64,000.00	
						\$ 77,040.00
	Additional design, plan changes, and Construction services					\$ 7,072.00
<b>Net Decrease</b>						<b>\$ (51,615.41)</b>

### Construction Status

Park Construction is in the process of beginning to prepare submittal information on the floodwall and removable closure, for this reason time is of the essence if there is going to be a change in the current project design to avoid costs of re-submittals.

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