

## COMMITTEE OF THE WHOLE

May 30, 2018

Page 1

### Members Present:

Barney (Mayor), Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky

### Members Absent:

None

To the Honorable Mayor and All Aldermen:

Following are the recommendations of the **Committee of the Whole** meeting called to order at 4:15 p.m. on Wednesday, May 30, 2018:

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

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The above motion by Alderman Sipma, seconded by Alderman Olson, and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky. nays: none.

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

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The above motion by Alderman Sipma, seconded by Alderman Olson, and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 3. The City Council accept the bid from Fire Safety USA in the amount of \$34,780.50 for the SCBA Air Compressor (FD0068).**

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The above motion by Alderman Sipma, seconded by Alderman Olson, and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 4. The City Council authorize the Minot Police Department to submit a grant application for the 2018 ND Energy Infrastructure and Impact Grant and authorize the Mayor to sign the grant agreement, if awarded. Also pass an ordinance to amend the 2018 annual budget if awarded.**

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The above motion by Alderman Sipma, seconded by Alderman Olson, and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky. nays: none.

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

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## **COMMITTEE OF THE WHOLE**

May 30, 2018

Page 2

The above motion by Alderman Sipma, seconded by Alderman Olson, and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky. nays: none.

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

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The above motion by Alderman Sipma, seconded by Alderman Olson, and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky. nays: none.

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

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The above motion by Alderman Sipma, seconded by Alderman Olson, and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky. nays: none.

- 8. The City Council approve a five-year lease with Rainbow Gardens Association beginning in 2018 and terminating in 2022 for \$600.00 per year and authorize the Mayor to sign the lease agreement.**

\* \* \* \* \*

The above motion by Alderman Sipma, seconded by Alderman Wolsky.

Alderman Wolsky requested an update from staff on the partnership between the City and Rainbow Gardens to share the cost of installing fencing.

Mr. Jonasson said, there is fencing on three sides but none on the north side. He said he hasn't been given direction and does not have funding in the budget to install fencing.

Alderman Wolsky said it was a directive from the Nuisance Animal Ad Hoc Committee and they suggested using community facility funds.

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

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

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The above motion by Alderman Sipma, seconded by Alderman Straight.

## COMMITTEE OF THE WHOLE

May 30, 2018

Page 3

Alderman Wolsky asked for clarification on the license transfer. Mr. Lakefield responded by saying, the owner of the building owns the liquor license. They are going to be leasing the building to a new tenant who will also take over operations using the liquor license.

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

- 10. The City Council approve the encroachment agreement between the City of Minot and the Tap Room to occupy public right-of-way for a seasonal outdoor dining area at 23 Main Street, approve the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit and authorize the permit to be valid through the fall of 2019.**

\* \* \* \* \*

Alderman Olson moved to approve the encroachment agreement between the City of Minot and the Tap Room to occupy public right-of-way for a seasonal outdoor dining area at 23 Main Street, approve the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit. Motion seconded by Mayor Barney.

Principal Planner, Lance Lang explained, the outdoor dining encroachment permits are a new concept and these are the first applications to be processed. They were submitted shortly before the agenda deadline which did not allow for a thorough review before submitting a recommendation. After speaking with the City Manager, he had a couple modifications to the original recommendation. He said, because this is a new program, he and the City Manager suggest the permit be issued for one year as a trial period before issuing for a longer span of time. He also mentioned, the City Council may consider charging a fee such as a percentage of sales since the business would be making a profit from using City property.

Mr. Lang then spoke about the application by saying, the Tap Room requested there be a space between the building and the encroachment area which may cause problems.

Alderman Straight said, he spoke with the applicant and the reason the seating is away from the building is to leave room for pedestrian traffic on the non-stamped concrete. Alderman Straight asked Mr. Meyer about ADA compliance to which he responded by saying, a 4' wide area would be necessary. He has not reviewed the location to say for sure if it is compliant. Alderman Straight also suggested the trial period be for two years instead of one, so the business owner has a chance to recover their investment.

Mr. Barry said, the reason they suggested one year was to give an opportunity to change some of the rules if it is discovered there are issues with snow removal, pedestrian traffic, or street sweeping.

Mayor Barney commented, since the season has already started and the business owner is making a considerable investment, a portion of the year is not much of a test. He also said, the \$35 application fee is fine but requiring a percentage of sales is out of the question, in his opinion. He said, he believes the seating away from the building is not a problem. That is how it is set up in Bismarck and it creates a great

## **COMMITTEE OF THE WHOLE**

May 30, 2018

Page 4

atmosphere. He suggested giving businesses an opportunity to recoup their investment before making changes.

The Committee agreed with the Mayor's comments and expressed the need to maintain compliance with ADA requirements.

Alderman Sipma moved to amend the motion to authorize a two year approval, extended through the fall of 2019. Motion seconded by Mayor Barney, and carried by the following roll call vote: ayes: Barney, Jantzer, Olson, Podrygula, Sipma, Straight, Wolsky. nays: none.

The City Manager encouraged the Council to consider issues such as snow removal operations in the instance of a sudden storm. The City does not want to be held responsible for damage to property.

The Mayor suggested language be included in the agreement that the City is not responsible for any damage to property. Mr. Lang stated, the draft of the agreement includes language that the City is not to be held liable and says the City reserves the right to perform routine or emergency maintenance without notice.

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

**11. The City Council approve the encroachment agreement between the City of Minot and 10 N Main to occupy public right-of-way for a seasonal outdoor dining area at 10 North Main Street, approve the documents submitted as part of the application, including, but not limited to; the site plan, drawings, photographs, written descriptions, copies of health department licensure and insurance, all to be made part of the permit and authorize the permit to be valid through the fall of 2019.**

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The above motion by Alderman Wolsky, seconded by Alderman Sipma.

Mr. Lang clarified, the applicant requested the encroachment be 42" wide, which could be approved by the Planning Director but because she requested the permit be valid for longer than one year, it was brought before the Council to make the decision.

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

**12. Kira Lampton, of First District Health Unit, spoke about Responsible Beverage Server Training.**

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Kira Lampton, Prevention Outreach Coordinator at First District Health Unit, came before the Committee to inform them that the Board of Health adopted the Responsible Beverage Server Training into our Food Code. She explained, alcohol continues to be one of the number one causes in accidents and injuries and

## **COMMITTEE OF THE WHOLE**

May 30, 2018

Page 5

is often considered a drug of choice leading to addiction. Responsible Beverage Server Training is an evidence based strategy that has proven to help reduce underage drinking and adult binge drinking. The Food Code is currently being revised but once it is adopted by the Board of Health, she offered to come back and answer any further questions the Council may have.

Upon questioning by the Committee, Ms. Lampton explained, First District Health Unit works within seven counties and they have trained about 600 servers. Once adopted into the Food Code, the training will be a mandatory requirement by the Board of Health. She said, they currently offer free classes once a month and there is a small charge for online training. She also added, they are in contact with many of the bar owners and will be communicating the changes in the Food Code.

### **13. The Finance Director provided an update on the status of the parking structures.**

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David Lakefield said, the parking structures should be back to normal operations on Monday. Staff has been working on issues with merchant accounts and the parking equipment manufacturer to ensure everything is working properly. The plan is to close the inbound gates and leave the outbound gates open over the weekend. Vehicles will be able to take a ticket as they go in and will not have any difficulties getting out if the vehicle was parked before being able to get a ticket.

Mr. Sickler and his crew have been working to clean, repair and identify needs of the ramp. Staff is also working on the budget for the ramps for the upcoming year.

Upon questioning by Alderman Jantzer, Mr. Lakefield said the rates and charges have been left the same as they previously were. The City Manager also commented, the first hour is free and he recommends the Council have a conversation about offering the first two hours free, which would make it comparable to on street parking.

Alderman Wolsky asked about the structural analysis, to which the City Attorney explained, outside counsel is working with an out of state firm to line up that relationship. The City Engineer provided a scope and they have provided a response, so it is in progress. The City Manager said, because we are working with an outside agency, they are scheduling the work. It is expected to take about 4-6 weeks before it will be available for consideration by the City Council.

### **14. The City Council approve the preparation and issuance of an RFP for Spot Blight Appraisers by DR Program Manager.**

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The above motion by Alderman Wolsky, seconded by Alderman Sipma.

Alderman Wolsky said, he is glad to see there will be an opportunity to compare appraisals.

Alderman Jantzer asked if there will be sufficient motivation for a timely completion, to which Mr. Zakian responded by saying, there will be a time delivery requirement included in the RFP. This provides a small opportunity to see if we can become more competitive and learn from previous processes.

**COMMITTEE OF THE WHOLE**

May 30, 2018

Page 6

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

There being no further business, the meeting was adjourned at 5:05 pm.

Respectfully Submitted,

Kelly Matalka,

City Clerk