

**Wahpeton City Council
May 16, 2011**

Present: Bertsch, Hartman, Mitskog, Sturdevant, DeVries, Dale, and Bohn

Absent: Hansey and Bajumpaa

Also Present: Huwe, Lies, Nelson, Thorsteinson, Broadland, Priebe, MacIver, Amos, Gutzmer and Johannessen

Meeting called to order by Mayor Sturdevant.

PUBLIC HEARINGS

ND Firefighter's Association Annual Convention June 2-4, Mary Peterson, President – Mary Peterson, of the Barney Fire Department and President of the ND Firefighter's Association and Secretary/Treasurer of the SE Firefighters, reviewed an agenda of the planned events for the Annual ND Firefighter's Association Convention to be held June 2-4, 2011. She said local facilities/businesses will be utilized during the convention, and will be promoting Wahpeton amenities. Sturdevant thanked Peterson and said the City of Wahpeton welcomes all visitors to the community.

CONSENT AGENDA ITEMS (presented by the Mayor)

Approval of minutes of regular meeting held May 2, 2011

Games of Chance Licenses, Site Authorizations & Special Permits

- Site Authorization for the Wahpeton Eagles Club
- Site Authorization for St. John's School
- Game of Chance Permit for NDSCS Letterwinners Club
- Game of Chance Permit for Twin Town Ambassadors
- Other Games of Chance and/or special permits

Presentation/Approval of Reports

- April 2011 Bill Pay Report (\$2,081,502.84 – see below)
- April Financial Reports
- Presidential Disaster Declaration
- Governor's Proclamation for ND Tourism Week

Motion by Bertsch, second by Hartman, to approve the Consent Agenda items as presented.

Motion Carried.

ITEMS REQUESTED MOVED FROM THE CONSENT AGENDA None.

REPORTS

FINANCE DIRECTOR/AUDITOR

Capital Improvements Budget amendment for City Hall Heat Pump Repairs – request referral to Finance Cmt. Mayor Sturdevant will refer this item to Finance & Personnel Committee.

Town Centre Square Update – request referral to Finance Cmt. Mayor Sturdevant will refer this item to Finance & Personnel Committee.

ND Dept. of Emergency Services Snow Removal Grants Huwe said ND Dept. of Emergency Services is offering \$9 million in grants to cities and counties who have incurred extraordinary snow

removal expenses. Huwe submitted an application for this grant and was informed today that it was accepted, and is in the process of starting the preliminary work accumulating the data for the grant which needs to be submitted by June 1, 2011.

Visitor's Center Agreement – Wayne Beyer to present Bertsch requested Council approval of an agreement drafted between the City of Wahpeton through the Convention & Visitors Bureau and the Three Rivers Arts Council whereby the City agrees to pay the Arts Council between \$1,600-\$2,200 payable in June, July, August and September upon receipt of invoice with approximately \$200 designated for signage for an Independent Contractor as a representative of the City to be hired to operate a Visitors Center at the Red Door Art Gallery for a term from May 28, 2011 to September 30, 2011. **Motion by Bertsch, second by Mitskog, to approve an agreement between the City of Wahpeton through the Convention & Visitors Bureau and the Three Rivers Arts Council whereby the City agrees to pay the Arts Council between \$1,600-\$2,200 payable in June, July, August and September upon receipt of invoice with approximately \$200 designated for signage for an Independent Contractor as a representative of the City to be hired to operate a Visitors Center at the Red Door Art Gallery for a term from May 28, 2011 to September 30, 2011. Motion Carried.**

ATTORNEY

Farmers' Market Agreement Lies explained that the Farmers' Market would like to once again utilize the Leach Library lawn location. The terms and conditions of this agreement would be the same as the previous year except it would be for one year only, and there is a 7-day notice of termination. Lies said there are no fees and they hold the City harmless and indemnify them against any losses or damages. **Motion by Hartman, second by DeVries, to approve the Farmers' Market Agreement as presented by Attorney Lies. Motion Carried.**

Lies then requested municipal code changes be referred to Finance Committee. Mayor Sturdevant will refer this item to Finance & Personnel Committee.

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Report

Priebe reported that the properties at 86 Dakota Avenue and 688 4th Avenue South are currently being advertised for sale, and that all information is available on the City's website.

Priebe announced that a spec home in NorthPark located at 1725 12th Street North was closed on last Friday.

Priebe said the Comprehensive Plan update recommendations would be presented to the Planning Commission advisory board at their meeting this Thursday. More public input meetings are planned.

Priebe then announced that Marketplace for Kids would be held Tuesday of this week at NDSCS, and said anyone interested in volunteering to assist with this event should report to Horton Hall by 8:00 a.m. that day.

POLICE CHIEF

Update on Office Incident Police Chief Thorsteinson reported that the investigation into the incident involving the arrest of a juvenile on the afternoon of May 6, 2011 has been completed. The incident, during which the subject was arrested for Interfering with a Police Investigation while videotaping on-duty Officer Dustin Hill outside of the Richland-Wahpeton Law Enforcement Center, drew national

and international attention after a video of the arrest made by the involved juvenile was posted on the internet and went viral within several days.

Regarding the case, the following determinations were made: 1) In regard to Officer Hills action in the case - Although later determined to have been made with insufficient probable cause, Officer Hill's arrest in this case was made in good faith and without malice. 2) In regard to the actions of the on-duty supervisor in the case – The on-duty supervisor, after getting Officer Hill's account of the arrest and then believing that the arrest was made without sufficient probable cause, began taking steps to arrange for the juvenile's release. 3) The following consequences have been imposed upon Officer Hill for his actions during this incident: a) Officer Hill has been suspended from duty for five (5) days without pay, effective as of May 13, 2011. b) Officer Hill will be required to take forty (40) hours of remedial law enforcement training with an emphasis on Wahpeton municipal ordinances, the North Dakota Century Code, and Constitutional law to be completed by June 1, 2012. c) Officer Hill is hereby notified that any future incidents of a similar nature will result in his termination from employment. 4) All members of the Wahpeton Police Department will attend in-service training regarding rules of arrest and Constitutional law, provided by the Wahpeton City Attorney, so as to avoid any recurrences of this incident.

Request for Permission for Parade Chief Thorsteinson presented a request for a parade to be held during the ND Firefighters' Association Annual Convention in conjunction with Blue Goose Day on Friday, June 3rd at 5:00 p.m and will run eastbound on Dakota Avenue from 11th Street to 2nd Avenue then proceeding north to NDSCS. **Motion by Mitskog, second by DeVries, to approve the parade permit to be held Friday, June 3rd at 5:00 p.m.** Discussion held. **Motion Carried.**

PUBLIC WORKS DIRECTOR NELSON

PW Report

Permission to Advertise for Maintenance of Trees in Public Right-of-Way Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Cost Participation, Construction, & Maintenance Agreement with NDDOT for Safe Routes to School Phase 2, SRU-8-991(029)026 – request referral to PW Cmt. Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Nelson then requested referral to PW Committee for **Change Order No. 2 with Central Specialties, Inc. for North Central Area Streets, Project No. ST10-160.** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Nelson then requested referral to PW Committee for **Permitting of Work in Public Right-of-Way.** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Nelson also requested referral to PW Committee for **Policy for establishing on-street parking restrictions.** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Clean Up Week May 16th Nelson said clean up week is in progress and items will be picked up curbside or can be delivered to the transfer site. He then reviewed a list of the acceptable items and prohibited items.

Nelson noted that in the Report Book was included a **Meeting Agenda and Minutes of the Bios de Sioux Watershed District Meeting** which talks about the beneficial impact of the spring breakup.

Nelson then requested a Special Council Meeting for Award of Bid for Well No. 1 Pump, Motor, and Electrical Equipment Replacement, to be held prior to the Public Works meeting on May 24, 2011 at 5:00 p.m. He noted that bid opening will be this Friday.

Nelson also requested a CIP Committee Meeting be scheduled for Thursday, June 2, 2011 at noon.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Hartman requested referral to the PW Committee the fee for sump pump discharge. Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

REPORTS FROM THE CITY COUNCIL COMMITTEES

Finance Committee Report

Bohn said the Finance Committee met at noon on May 9th.

Memorandum of Agreement with Convention & Visitors Bureau on Installation & Maintenance of Banners on Dakota Ave. – discussion

Memorandum of Agreement with Chamber of Commerce on Installation & Maintenance of Flower Baskets on Dakota Ave. – discussion

Workforce Safety Recommended Policies - discussion

Public Works Public Safety Committee Report

DeVries said the Publics Works Public Safety Committee did not meet so there was nothing to report at this time.

DISBURSEMENTS FUND	ACCNTS PAYBL	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$259,338.43	\$32,978.00	\$292,316.43
201 WATER OPERATING FUND	\$46,099.74	\$33,183.24	\$79,282.98
202 SANITARY SEWER OPERATING FUND	\$18,626.12	\$18,178.44	\$36,804.56
203 WASTE REMOVAL OPERATING FUND	\$19,304.29	\$707.76	\$20,012.05
205 VECTOR CONTROL FUND	\$2,394.95	\$1,226.82	\$3,621.77
206 STREET LIGHTING	\$8,651.39		\$8,651.39
209 LIBRARY LEVY FUND	\$6,269.64	\$11,580.38	\$17,850.02
213 ADVERTISING LEVY FUND	\$555.30		\$555.30
216 AIRPORT 4-MILL LEVY FUND		-\$2,249.80	-\$2,249.80
217 PLANN COMMISSION LEVY FUND	\$1,086.86	\$4,343.96	\$5,430.82
227 ANNUAL RESERVE WH FUND		-\$2,658.34	-\$2,658.34
229 CAPITAL IMPROVEMENTS FUND	\$74,291.02		\$74,291.02
231 FD BLDG & EQUIP LEVY FUND	\$4,466.00		\$4,466.00
235 SNOW/FLOOD EMERG LEVY FUND	\$7,017.50		\$7,017.50
236 LEVEE MAINTENANCE	\$9,173.14	\$5,405.90	\$14,579.04
253 METER DEPOSITS TRUST FUND	\$91.10		\$91.10
261 UNEMPLOYMENT COMP RESERVE FUND	\$192.60		\$192.60
271 ECONOMIC DEVEL DEPT FUND	\$1,241.59	\$10,285.98	\$11,527.57
272 PROFESSIONAL DEVELOPMENT PLAN	\$2,351.46		\$2,351.46
316 1% LODGING TAX (ADDTL 1/1/08)	\$161.51		\$161.51
317 JOB DEVELOPMENT LEVY FUND	\$20,755.00		\$20,755.00
318 WEED MAINT LEVY FUND	\$840.00		\$840.00
319 LODGING TAX FUND	\$629.02		\$629.02
320 SALES TAX OPERATING FUND	\$64,463.30	\$9,100.04	\$73,563.34
321 SALES TAX RESERVE FUND	\$11,250.00		\$11,250.00
322 SALES TAX DEFAULTS RES FUND	\$281.39		\$281.39
324 SALES TAX MINI MATCH RSRV FUND	\$984.50		\$984.50
325 SALES TAX H.E.L.P. HOUSING FUND	\$150.00		\$150.00
326 REVOLVING LOAN FUND	\$496.72	-\$198,263.14	-\$197,766.42
361 GASOLINE,OIL,ETC	\$10,839.00	-\$4,292.51	\$6,546.49
390 CLUBHOUSE MAINTENANCE	\$8,745.00		\$8,745.00
393 DOWNTOWN CLEANUP FUND	\$1,413.50		\$1,413.50
449 R/I #10303 SERIES 2003D	\$162,793.00		\$162,793.00
450 R/I 10405 (FLOOD PHI)	\$153,921.25		\$153,921.25
451 R/I #10506 (2-2-03 + 1-1-04)	\$79,942.00		\$79,942.00
452 R/I#10607 (FLOOD MIT. 11/07)	\$137,194.63		\$137,194.63

453 R/I #10708 WESTSIDE TIF	\$176,102.50		\$176,102.50
454 R/I #10809 REFI 5 ISSUES	\$566,666.50		\$566,666.50
455 R/I #10910 SERIES 2010	\$63,270.10		\$63,270.10
574 5-2-97 (FLOOD PHASE II)	\$6,842.90		\$6,842.90
576 SPRING FLOODING 2010		-\$74.86	-\$74.86
577 SPRING RIVER CREST 2011	\$347.83	\$74.86	\$422.69
605 8-1-06 DAKOTA AVE	\$10,213.00		\$10,213.00
608 08-02-03 SSIDE STORM SEWER	\$1,957.00		\$1,957.00
610 SAFE ROUTES TO SCHOOL	\$24.84		\$24.84
614 NSP GRANT PROJECT	\$210.50		\$210.50
620 TOWN CENTRE SQUARE	\$7,933.39	\$189,163.10	\$197,096.49
622 3RD AVE N. RECON PROJ	\$23,233.50		\$23,233.50
TOTAL	\$1,972,813.01	\$108,689.83	\$2,081,502.84

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Planning Commission May 19th, 4:00 P.M.
- b. Flood Committee May 20th, 7:00 A.M.
- c. Finance Committee May 23rd, 12:00 Noon
- d. Special City Council May 24th, 5:00 P.M. (prior to PW/PS)
- e. PW/PS Committee May 24th, 5:00 P.M.
- f. Capital Improvements Committee June 2, 12:00 Noon

Motion by Mitskog, seconded by Hartman, to adjourn.

Mayor Sturdevant

Lynelle Amos, Finance Assistant