

Wahpeton City Council
April 18, 2011

Present: Bertsch, Hansey, Hartman, Mitskog, DeVries, Dale, Bajumpaa, and Bohn

Absent: Sturdevant

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

Meeting called to order by City Council President Mitskog.

CONSENT AGENDA ITEMS (presented by the City Council President) – City Council President Mitskog asked if there were any items to be removed from the consent agenda and there were none.

Approval of minutes of regular meeting held April 4, 2011

Game of Chance Licenses, Site Authorizations & Special Permits

Game of Chance Permit for NDSCS OTA Club

Other Games of Chance and/or special permits

Presentation/Approval of Reports

March 2011 Bill Pay Report (\$822,484.00 – see below)

March 2011 Financial Reports

Dakota Valley Electric Rate Increase Notice

NDIRF Participator

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

ITEMS REQUESTED MOVED FROM THE CONSENT AGENDA None.

REPORTS

FINANCE DIRECTOR/AUDITOR Mitskog congratulated Huwe on the recent leadership award she received from the North Dakota League of Cities.

2011 Fireworks License Applications Huwe said there were 7 applicants, all of whom were previous license holders. **Motion by DeVries, second by Bajumpaa, to approve the 2011 Fireworks License Applications as presented. Motion Carried.**

Firehouse Pub Request for Street Dance June 2nd Huwe reported that Police Chief Thorsteinson has reviewed this request and has expressed what the conditions are for a street dance, requiring two additional officers. Firehouse Pub manager Kirk Peterson was present to answer any questions. The street dance is to be held in conjunction with the State Fire Convention which will be held in Wahpeton June 2-4, 2011. **Motion by Hansey, second by Hartman, to approve the Firehouse Pub request for a street dance to be held June 2, 2011. Motion Carried.**

Request for extension on Tedrow Development Agreement Huwe explained that on October 4, 2010, the City of Wahpeton and Roger Tedrow entered into a developer's agreement for construction of 8 units of single level housing with the first two units to be completed by March 31, 2011, however due to the late signing of the agreement and inclement weather the contractor is requesting an extension to November 1, 2011. **Motion by Bohn, second by Bajumpaa, to approve an amendment**

to the development agreement between the City and Roger Tedrow to extend the completion date of occupancy to November 1, 2011. Motion Carried.

Potential Bond Refunding on Bond Series 2003D – request referral to Finance Cmt. City Council President Mitskog will refer this item to Finance & Personnel Committee.

Housing incentive set-aside fund – request referral to Finance Cmt. City Council President Mitskog will refer this item to Finance & Personnel Committee.

NDLC Regional Meeting in Valley City May 4th Anyone interested in attending should contact Huwe.

Legislative Update Huwe said we are nearing the end of the 63rd Legislative Session and gave an update on some of the activities.

ASSESSOR/BUILDING CODES

Broadland reported that the Board of Equalization meeting recessed last Tuesday, April 12th, and will reconvene tonight following the City Council meeting.

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Report

Regarding the Neighborhood Stabilization Program (NSP) house located at 211 5th Avenue North, Priebe announced that the City closed on the property this afternoon selling the property to Julie Moderow, which now needs formal council approval. **Motion by Bohn, second by DeVries, to approve the sale and settlement of the Neighborhood Stabilization Program (NSP) home located at 211 5th Avenue North to Julie Moderow. Motion Carried.**

Priebe presented a bill received/approved by the EDC from Lincoln State Bank for Tublick's which she explained that the City participated with the RCJDA on their loan. The company recently defaulted and filed bankruptcy with over \$30,000 remaining on the loan. The City's portion of the litigation bill is \$281.39 which the EDC has suggested be taken from the Defaults Reserve Account of the Sales Tax Fund. The EDC has also suggested setting an amount not to exceed \$5,000 so that if more invoices are received it will not need to come back to the Council and to set precedence. **Motion by Bohn, second by Bertsch, to approve \$281.39 from the Defaults Reserve and to approve the use of the Default Reserve Fund to cover costs associated with the Tublick's project up to \$5,000.** Discussion held. **Motion Carried. Roll call vote 8-0.**

Priebe said the EDC heard and recommend approval of a request from Parks & Recreation for an economic impact study which it is felt would help to put a dollar figure on recreational activities and what economic impact those events have. Since this is a state-wide analysis there are many partners involved to share in the \$100,000 cost. The local share is \$2,500 of which the Wahpeton CVB has approved \$1,250 from the lodging tax and would like the City to match that amount. **Motion by Bajumpaa, second by Bohn, to approve \$1,250 from the Sales Tax for Recreation account to share in the state-wide economic impact study. Motion Carried. Roll call vote 8-0.**

Regarding the Town Centre Square project, Priebe said the EDC recommended approval of an in-house request received from the City to cover a project overrun. Project revenue was expected to exceed expenses when documents were formally signed between the City and Phoenix Housing, Inc., however, due to asbestos abatement, an extra year of taxes, and elevator repairs, the escrowed dollars were used toward the renovation and repair of Town Centre Square. The City initially borrowed

\$198,263.14 from the Revolving Loan Fund, with proceeds from the property totaling \$260,000 but due to the unforeseen expenses there is a \$9,100.04 shortfall to replenish the RLF on this project. **Motion by Bohn, second by DeVries, to approve an additional \$9,100.04 from the Sales Tax Fund for Economic Development to the Revolving Loan Fund to cover the shortfall on the Town Centre Square project. Motion Carried. Roll call vote 8-0.**

Priebe reported that since the start of the Home Improvement Partnership Program (HIPP) on April 5th, 8 applications have been received, with five of those approved, one declined and two in the process.

Priebe provided copies of the Primary Sector Industry Fact Sheet, which was updated with information received through a survey sent out recently to primary sector businesses.

A wrap-up meeting for the 16th Annual NDSCS Dreams Auction is scheduled for Tuesday, April 19th, and Priebe will report on the results at the next council meeting.

Regarding upcoming meetings, Priebe said the CDC Board will be meeting on Wednesday, April 20th at noon, and the Planning Commission will be meeting on Thursday, April 21st at 4pm where an update on the Comprehensive Plan will be heard. Priebe also announced that 'Marketplace for Kids' will be held on May 17th at NDSCS and information can be found at www.marketplaceforkids.org.

PUBLIC WORKS DIRECTOR NELSON **PW Report**

2010 Consumer Confidence Report – request referral to PW Cmt. City Council President Mitskog will refer this item to Public Works & Public Safety Committee.

Nelson requested referral to PW Committee for **Change Order No. 4 and final for Comstock Construction, Inc. for flood protection improvements at Harry Stern Airport Project No. FL07-130** – City Council President Mitskog will refer this item to Public Works & Public Safety Committee.

Nelson requested referral to PW Committee for **Engineer's Report for Cul de Sac Street Improvements Project No. ST10-161** – City Council President Mitskog will refer this item to Public Works & Public Safety Committee.

Nelson requested referral to PW Committee for **Permission to Advertise Well #1 Pump and Motor Replacement Project No. W11-182** – City Council President Mitskog will refer this item to Public Works & Public Safety Committee.

Nelson announced that Spring Clean Up Week is scheduled for May 16-20, 2011. More information will be provided closer to the date.

Nelson noted that sump pumps illegally connected to the sanitary sewer system will be billed \$75/month per ordinance until compliance is met and further checks will continue to be done.

REPORTS FROM THE CITY COUNCIL COMMITTEES **Finance Committee Report**

Bohn said the Finance Committee met at noon on April 11th.

Rental Inspection Program Overview – discussion Bohn said after hearing Building Codes Official Todd Johnson's report regarding rental inspection programs in North Dakota, decision was made for

Building Codes Official Johnson to work with Broadland and Huwe on public awareness of this issue and educating renters in Wahpeton.

Requests for proposals on City-Owned Properties (86 Dakota Ave.) – motion to recommend RFP process Motion by Bohn, second by DeVries, to approve proceeding with the RFP process for the 86 Dakota Avenue property with proposals due back by June 30th, 2011 at noon. Motion Carried.

Equipment Acquisition for Bois de Sioux Golf Club – discussion Bohn said discussion was held with representatives from the Bois de Sioux Golf Club regarding the purchase of equipment, a memorandum of understanding agreement between the Golf Club and the City, and how the proceeds from the sale of the easement to Breckenridge should be spent. The Golf Board was to meet with City staff to make a recommendation. Bohn stated the Golf Board met earlier today and recommend the City purchase the pre-owned 2003 Toro Greensmaster 3150 mower at the cost of \$12,500.00. **Motion by Bohn, second by Bajumpaa, to approve the purchase of the pre-owned 2003 Toro Greenmaster 3150 mower at the cost of \$12,500.** Discussion held. **Motion Carried. Roll call vote 8-0.** Lies recommended the motion be made “pursuant to memorandum of understanding being drafted”. **Motion by Bohn, second by Bajumpaa, to amend the motion to approve the purchase of the pre-owned 2003 Toro Greenmaster 3150 mower at the cost of \$12,500 pursuant to the memorandum of understanding currently being drafted. Motion Carried. Roll call vote 8-0.**

Repurchase of Elm Court Lot #15 – motion to recommend repurchase less City costs incurred Motion by Bohn, second by DeVries, to approve the repurchase of Elm Court Lot #15 less City costs incurred. Motion Carried with Bertsch, Hansey, Mitskog, DeVries, Dale, Bajumpaa and Bohn voting ‘aye’, and Hartman voting ‘nay’.

Public Works Public Safety Committee Report

Hansey said the Publics Works Public Safety Committee met at 5:00pm on April 12th.

WTP Energy Improvements Ph 1, Project No. W09-164 – motion to recommend award of bid to Grotberg Electric \$15,300 and motion to recommend award of bid to Wahpeton Glass & Paint \$11,598 – Motion by Hansey, second by Hartman, to approve award of bid to Grotberg Electric in the amount of \$15,300 for WTP Energy Improvement Ph 1, Project No W09-164. Motion Carried. Roll call vote 8-0. Motion by Hansey, second by Hartman, to approve award of bid to Wahpeton Glass & Paint in the amount of \$11,598 for WTP Energy Improvements Ph 1, Project No. W09-164. Motion Carried. Roll call vote 8-0.

Hydrant Replacements Various Locations – motion to recommend award of bid to Sellin Bros. \$78,640 – Motion by Hansey, second by Hartman to approve award of bid to Sellin Bros. in the amount of \$78,640 for Hydrant Replacements in Various Locations. Motion Carried. Roll call vote 8-0.

Change Orders No. 6 & No. 10 for Dakota Ave. Reconstruction Project Duinick, Inc. – motion to recommend approval of change order No. 6 for \$15,014 and No. 10 for \$3,396.50 – Motion by Hansey, second by Hartman, to approve Change Order No. 6 for \$15,014 and also to approve Change Order No. 10 for \$3,396.50 both for Dakota Avenue Reconstruction Project Duinick, Inc. Motion Carried. Roll call vote 8-0.

Traffic Signals & Signing on Dakota Ave. – discussion Public Works meeting minutes can be referred to for further explanation.

Liquor and Tobacco Ordinances Penalties Changes – motion to recommend approval of ordinance amendments to diminish charges from misdemeanor offenses to infractions –

Council member Hansey offered first reading of the following Ordinance:

ORDINANCE NO. 938
AN ORDINANCE AMENDING SECTION 22-213(L)
AND
SECTION 7-912 PURCHASING, ATTEMPTING TO PURCHASE,
DELIVERING OR MAKING AVAILABLE TOBACCO PRODUCTS TO
MINORS PROHIBITED

DISBURSEMENTS FUND	ACCTS PAYABLE	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$204,171.14	\$57,222.21	\$261,393.35
201 WATER OPERATING FUND	\$72,933.75	\$23,718.62	\$96,652.37
202 SANITARY SEWER OPRTNG FND	\$7,996.96	\$17,103.65	\$25,100.61
203 WASTE REMOVAL OPRTNG FND	\$19,953.84	\$707.76	\$20,661.60
204 WASTE REDUCTION FUND	\$36,119.26		\$36,119.26
205 VECTOR CONTROL FUND	\$1,500.00	\$1,226.76	\$2,726.76
206 STREET LIGHTING	\$8,848.63		\$8,848.63
209 LIBRARY LEVY FUND	\$20,947.66	\$11,603.87	\$32,551.53
213 ADVERTISING LEVY FUND	\$4,608.15		\$4,608.15
216 AIRPORT 4-MILL LEVY FUND		\$449.96	\$449.96
217 PLANN COMMISSION LEVY FUND	\$1,129.92	\$1,644.12	\$2,774.04
222 SOCIAL SECURITY LEVY FUND	\$22,322.97		\$22,322.97
224 RETIREMENT FUND	\$18,901.30		\$18,901.30
227 ANNUAL RESERVE WH FUND		-\$2,658.34	-\$2,658.34
229 CAPITAL IMPROVEMENTS FUND	\$32,878.89		\$32,878.89
231 FD BLDG & EQUIP LEVY FUND	\$4,466.00		\$4,466.00
233 REAL ESTATE LEVY FUND	\$34.50		\$34.50
234 SPECIAL STREET MAINT FUND	\$13,032.52		\$13,032.52
235 SNOW/FLOOD EMERG LEVY FND	\$52,192.29		\$52,192.29
236 LEEVE MAINTENANCE	\$1,837.55	\$5,470.07	\$7,307.62
271 ECONOMIC DEVEL DEPT FUND	\$1,386.16	\$10,285.98	\$11,672.14
272 PROFESSIONAL DEVLPMNT PLN	\$3,625.16		\$3,625.16
303 MISCELLANEOUS FUND	\$139.16		\$139.16
315 TAX INCREMENT FUND	\$3,750.00		\$3,750.00
316 1% LODGING TAX (ADDTL 1/1/08)	\$81.32		\$81.32
318 WEED MAINT LEVY FUND	\$3,980.15		\$3,980.15
319 LODGING TAX FUND	\$7,886.99		\$7,886.99
320 SALES TAX OPERATING FUND	\$24,313.50		\$24,313.50
324 SALES TX MINI MTCH RSRV FND	\$2,000.00		\$2,000.00
325 SALES TX H.E.L.P. HOUSNG FND	\$113.00		\$113.00
326 REVOLVING LOAN FUND	\$1,288.24		\$1,288.24
361 GASOLINE,OIL,ETC	\$13,338.00	-\$4,637.58	\$8,700.42
390 CLUBHOUSE MAINTENANCE	\$11,377.07		\$11,377.07
393 DOWNTOWN CLEANUP FUND	\$3,702.55		\$3,702.55
395 CERT	\$78.75		\$78.75
572 1/2 SALES TAX FUND	\$22,881.86		\$22,881.86
574 5-2-97 (FLOOD PHASE II)	\$15,088.28		\$15,088.28
576 SPRING FLOODING 2010		\$74.86	\$74.86
577 SPRING RIVER CREST 2011	\$25.20		\$25.20
605 8-1-06 DAKOTA AVE	\$510.98		\$510.98
608 08-02-03 SSIDE STORM SEWER	\$48,074.90		\$48,074.90
614 NSP GRANT PROJECT	\$194.17		\$194.17
618 NDDOT HWY 127 FROM JCT 11	\$1,340.97		\$1,340.97
620 TOWN CENTRE SQUARE	\$2,195.32		\$2,195.32
624 WTP ENERGY EFF IMP.		\$9,025.00	\$9,025.00
TOTAL	\$691,247.06	\$131,236.94	\$822,484.00

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Wahpeton Community Center April 20th, 12:00 Noon
- b. Planning Commission April 21st, 4:00pm
- c. Finance Committee April 25th, 12:00 Noon
- d. PW/PS Committee April 26th, 12:00 Noon

Motion by Bertsch, seconded by DeVries, to adjourn.

Council President Alisa Mitskog

Lynelle Amos, Finance Assistant