

**Wahpeton City Council**  
**March 21, 2011**

**Present:** Bertsch, Hansey, Hartman, Mitskog, Sturdevant, Dale, Bajumpaa, and Bohn

**Absent:** DeVries

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

Meeting called to order by Mayor Sturdevant.

**PUBLIC HEARINGS**

**Request to Satisfy Judgment on Personal Property** – Jeff and Shar Paur were present to make a request regarding their loan with the City for their former business. Paur's had entered into negotiations with Economic Development Director Priebe who had been given authorization by the Finance Committee to negotiate a payoff program, but Paur's still have some issues with what was proposed. Jeff Paur stated he and his wife had gone into business in Wahpeton in 2000 with Trophy's Restaurant/Lounge. They borrowed money from the City to remodel the property, which was mainly for flooring and electrical, and the loan money was disbursed to them as receipts were provided. He noted all business for the remodeling project was done in Wahpeton. Jeff said they had created Paursy Inc. so they did not have any personal ties to the business. The business was open 5 years and they held a sales tax permit. They had the business for sale for 1 year while open and 1 year while closed. He said the bank foreclosed on them before they could complete the sale of the business. They spent the last 7 years paying off their debt. Recently, while looking into their home mortgage, they realized that they still had ties to the City of Wahpeton with a judgment to their property. Paur's offered to pay the City \$10,000 in one lump sum to repay the loan debt, but the City came back with the proposal of the \$10,000 plus \$11,688.67 at a 7% interest rate with payments made over the next 2 years. Jeff said the money paid to the City would come from his family and would like the Council to accept their offer of \$10,000. Shar added that if the \$10,000 is totally unacceptable they would like to negotiate another amount as they no longer want to make payments, especially at 7%.

Sturdevant said Priebe has explained that the money loaned to the Paur's was from the Revolving Loan Fund account and it is important to keep that fund revolving. Priebe had brought the repayment amount down to \$21,688.67 without interest and late fees, and after taking direction from the Finance Committee offered what was proposed. Jeff then stated they had not realized they were personally guaranteeing this loan, which Sturdevant noted was a general loan practice. Sturdevant said the decision will need to be made by the Finance Committee, but recommended Priebe re-negotiate to extend the payments out a couple of years to make them more affordable. Shar wondered if a lump sum upfront payment could be negotiated. Sturdevant said Priebe has the authority to negotiate the payback amount and the Finance Committee can review that recommendation. Following further discussion, Bertsch suggested Paur's meet with the Finance Committee at their next meeting. Finance Committee Chair Bohn suggested Paur's meet with Priebe to come up with a proposal to present to Finance Committee at their next meeting, Monday, March 28<sup>th</sup> at noon. **Motion by Bertsch, second by Bohn, to refer this matter back to Finance & Personnel Committee and for Paur's to meet with Economic Development Director Priebe to negotiate a proposal for loan repayment for recommendation at the next Finance Committee meeting on Monday, March 28<sup>th</sup> at noon. Motion carried.**

**Equipment Acquisition for Bois de Sioux Golf Club – request referral to Finance Cmt.** Mayor Sturdevant will refer this item to Finance & Personnel Committee.

**CONSENT AGENDA ITEMS (presented by the Mayor)**

**Approval of minutes of regular meeting held March 7, 2011**

**Games of Chance Licenses, Site Authorizations & Special Permits**

- Game of Chance Permit for Hoop-N in Hawaii
- Game of Chance Permit for Bois de Sioux Golf Course
- Game of Chance Permit for Southern Valley Figure Skating Club
- Other Games of Chance and/or special permits

**Presentation/Approval of Reports**

- February 2011 Bill Pay Report (\$859,030.02 – see below)
- Bois de Sioux Watershed District Minutes 1/27/11
- Conversations for Communities Spring 2011
- CapX Quarterly [www.capx2020.com](http://www.capx2020.com)
- Airport Authority Minutes & Report 3/9/2011

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

Mayor Sturdevant then referred the Consent Agenda back to both Finance & Personnel Committee and PWPS Committee for their approval for final reading on its adoption.

**ITEMS REQUESTED MOVED FROM THE CONSENT AGENDA** None.

**REPORTS**

**FINANCE DIRECTOR/AUDITOR**

**2010 ND Transportation Funding Report** Huwe said this is a newly created by legislation and 2009 was the first year this report was prepared. She said this is extensive reporting, and that the local investment on transportation is significant with a lot of those decisions made by City Council and implemented by City staff. Huwe reviewed the 2010 report numbers using the new census number of 7766, and she did a comparison to 2009 which showed a 27% increase mostly attributed to multiple projects. **Motion by Bajumpaa, second by Bohn, to acknowledge receipt of the 2010 North Dakota Transportation Funding Report. Motion Carried.**

Regarding the 2010 census, Huwe said results were release on 3/16/2011 and can be found at [www.census.gov](http://www.census.gov). She said the new census number for Wahpeton of 7766 is about a 10% decrease compared to 2000 and said this information will be discussed at the retreat on Thursday.

**ND Dept. of Health Safe Drinking Water Act Certificate of Compliance** Huwe reported that the City of Wahpeton has received a letter of commendation from the ND Dept. of Health regarding compliance with the Safe Drinking Water Act, which for the most part can be accredited to the work of Leo Murr and his staff at the water plant, and it was noted the water system is fully compliant. The staff was commended for their efforts.

**City Council Retreat – Thursday, March 24<sup>th</sup> at 4:00 p.m.** Huwe noted there is a full agenda for this meeting.

**Open House at Lindenwood – Friday, March 25<sup>th</sup> 4-6 p.m.** Huwe reported that these first 8 units are fully rented and the new planned construction has 6 of the 8 units spoken for.

## **NDLC March Madness 3/29-3/30**

**Legislative Update conference calls on Fridays at 2:00 p.m.** Huwe said the end of the legislative session is nearing and conference calls with the NDLC continue on Fridays at 2:00 pm to review legislation.

## **ASSESSOR**

**Notice of Equalization Meeting April 12, 2011 5:00 p.m.** Broadland announced the Equalization meeting will be held Tuesday, April 12<sup>th</sup> at 5pm and asked Council members to let her know who will be able to be in attendance. Broadland said she did not have final number from the State yet but wanted the Council to be aware that there will be some changes.

## **ECONOMIC DEVELOPMENT DIRECTOR**

### **Economic Development Report**

Priebe announced that the HIPP (Home Improvement Participant Program) begins today in partnership with Gate City Bank with \$250,000 available for construction rehab projects. She said interested parties should contact the Economic Development office or Mike Lee at Gate City Bank.

Priebe then reported that community profile surveys were sent out to local businesses and industries to update primary sector contact and history information. Samples of the survey were provided.

Priebe reported there is an expected closing date of April 15, 2011 for the NSP house located at 211 5<sup>th</sup> Ave N. The house sold for its listed price of \$85,900 and there will be no need for a soft second.

Priebe then reviewed a recap of 2010 for the Economic Development Commission, which included information on the meetings held, projects funded, and income received from sales tax.

Priebe said the company that produced the Wahpeton Video TourBook found on the Wahpeton.com webpage is contacting Wahpeton businesses and organizations to purchase advertising and that it is a legitimate company but that it is totally up to the business/organization to decide if they want to advertise with this company at their own expense.

Priebe then announced that Absolute Marketing, who entered their work for the City of Wahpeton into the American Advertising Federation of ND competition, won several awards at the ADDY award ceremony held in Fargo February 25<sup>th</sup>. Duplicate awards will be sent to City Hall for display.

Priebe said that she will be attending a meeting in Fergus Falls on March 29<sup>th</sup> to discuss a Tour of Manufacturing event for Fergus and Wahpeton manufacturers through membership to the Tri-State Manufacturers Assoc.

Priebe reminded the group of the NDSCS DREAMS Auction scheduled for Friday, April 8<sup>th</sup>.

## **PUBLIC WORKS DIRECTOR NELSON**

### **PW Report**

Nelson read the bids that were opened on March 18<sup>th</sup> in Bismarck for the Dakota Avenue Landscape Enhancement project, which was bid last year, bids rejected and the project modified and rebid: Hoffman & McNamara Co. – combined bid of \$213, 188; Strata Corporation – combined bid of \$267,322; and Opp Construction LLC - \$314,162 which included an option the City would have to consider, and he asked for referral to PW Committee. Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

**Request Permission to Advertise Water Treatment Plant Energy Improvements (Bid Packages 1 & 2), Project No. W09-164** Nelson then reviewed a description of those improvements. **Motion by Mitskog, second by Hansey, to authorize permission to advertise Water Treatment Plant Energy Improvements (Bid Packages 1 & 2) Project No. W09-164. Motion Carried.**

**Refer to PW Committee Professional Services Agreement for Preliminary Design Engineering of Cul-de-sac Street Improvements, Various Locations, Project No. ST10-161** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

**Refer to PW Committee Professional Services Agreement for Design Engineering of Alley Improvements, Various Locations, Project No. ST10-162** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

**Refer to PW Committee Professional Services Agreement for Construction Engineering for Dakota Avenue Landscape Enhancement Project TEU-8-013(048)390** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

**Request Approval of Contract with Heitkamp Construction Company, Inc. for Ditch Excavation & Cleaning, Project No. DR10-179, in amount of \$18,776.18** Discussion regarding the project was held. **Motion by Hansey, second by Mitskog, to approve the Contract with Heitkamp Construction Company, Inc. for Ditch Excavation & Cleaning, Project No. DR10-179, in the amount of \$18,776.18. Motion Carried roll call vote 7-0.**

**Request Approval of Contract with Comstock Construction, Inc. for Improvements to Pond 1, Project No. DR10-178, in amount of \$16,130.00** Discussion regarding the scope of the project was held. **Motion by Dale, second by Bajumpaa, to approve the contract with Comstock Construction, Inc. for Improvements to Pond 1, Project No. DR10-178, in the amount of \$16,130.00. Motion Carried roll call vote 7-0.**

**Request Approval of 2011 Annual Contract with North Dakota Department of Health for Laboratory Services for chemical and radiological analyses** **Motion by Mitskog, second by Hartman, to approve the 2011 Annual Contract with North Dakota Department of Health for Laboratory Services for chemical and radiological analyses. Motion Carried roll call vote 7-0.**

Nelson then announced that alley restrictions would be going into effect starting March 28<sup>th</sup> in both Wahpeton and Breckenridge. All garbage will be picked up on the street, with no alley pickups regardless of the surfacing material.

Regarding sump pumps, Nelson said as of March 15<sup>th</sup> the sump pump permits expire and all sump pump discharges need to be kept out of the sanitary sewer. This reminder is for residents to comply with the ordinance. There will be a charge of \$75/month for violations where there is direct knowledge of sump pumps being connected to the sanitary sewer.

#### **COMMUNICATIONS FROM THE MAYOR & COUNCIL**

Mayor Sturdevant said a letter was received from a resident in the Christine area regarding the impact of the diversion channels in Fargo on Richland County, and requesting support for their group called "Uphill Battle". Mayor Sturdevant referred this item to Flood Committee.

#### **REPORTS FROM THE CITY COUNCIL COMMITTEES**

## Finance Committee Report

Bohn said the Finance Committee did not meet so there was nothing to report at this time.

## Public Works Public Safety Committee Report

Hansey said the Publics Works Public Safety Committee did not meet so there was nothing to report. He did, however, acknowledge and commend all who helped with the sandbag filling efforts on Saturday, March 19<sup>th</sup>.

DISBURSEMENTS FUND	ACCNTS PAYBL	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$201,674.61	\$32,181.33	\$233,855.94
201 WATER OPERATING FUND	\$57,548.44	\$31,662.82	\$89,211.26
202 SANITARY SEWER OPRTNG FND	\$10,877.80	\$16,736.65	\$27,614.45
203 WASTE REMOVAL OPRTNG FuND	\$18,405.44	\$707.76	\$19,113.20
204 WASTE REDUCTION FUND			\$0.00
205 VECTOR CONTROL FUND		\$1,226.63	\$1,226.63
206 STREET LIGHTING	\$9,548.42		\$9,548.42
207 ARMORY OPERATING FUND			\$0.00
209 LIBRARY LEVY FUND	\$4,770.47	\$11,347.42	\$16,117.89
213 ADVERTISING LEVY FUND	\$727.03	\$139.92	\$866.95
216 AIRPORT 4-MILL LEVY FUND		\$449.96	\$449.96
217 PLANN COMMISSION LEVY FUND	\$3,699.01	\$2,600.28	\$6,299.29
226 EMPLOYEE SAFETY COMMITTEE	\$1,250.00		\$1,250.00
227 ANNUAL RESERVE WH FUND		-\$2,658.34	-\$2,658.34
229 CAPITAL IMPROVEMENTS FUND	\$120,251.23		\$120,251.23
231 FD BLDG & EQUIP LEVY FUND	\$4,466.00		\$4,466.00
233 REAL ESTATE LEVY FUND	\$130.50		\$130.50
234 SPECIAL STREET MAINT FUND	\$1,383.00		\$1,383.00
235 SNOW/FLOOD EMERG LEVY FUND	\$31,695.92		\$31,695.92
236 LEVEE MAINTENANCE	\$3,930.08	\$6,297.42	\$10,227.50
237 CITY SHARE OF SPECIALS FUND	\$41,842.28		\$41,842.28
261 UNEMPLOYMENT COMP RESERVE FUND		\$90.00	\$90.00
271 ECONOMIC DEVEL DEPT FUND	\$1,625.95	\$10,285.98	\$11,911.93
272 PROFESSIONAL DEV PLAN	\$2,183.20		\$2,183.20
318 WEED MAINT LEVY FUND	\$1,020.00		\$1,020.00
319 LODGING TAX FUND	\$5,027.66		\$5,027.66
320 SALES TAX OPERATING FUND	\$46,182.66		\$46,182.66
321 SALES TAX RESERVE FUND	\$10,000.00		\$10,000.00
322 SALES TAX DEFAULTS RES FUND	\$307.22		\$307.22
326 REVOLVING LOAN FUND	\$42,558.83		\$42,558.83
361 GASOLINE,OIL,ETC		-\$3,725.97	-\$3,725.97
363 SAFE COMMUNITIES COALITION	\$90.00		\$90.00
393 DOWNTOWN CLEANUP FUND	\$4,544.55		\$4,544.55
574 5-2-97 (FLOOD PHASE II)	\$1,863.58		\$1,863.58
605 8-1-06 DAKOTA AVE	\$86,359.62		\$86,359.62
608 08-02-03 SSIDE STORM SEWER	\$3,115.00		\$3,115.00
614 NSP GRANT PROJECT	\$219.53		\$219.53
616 N CENTRAL AREA ST IMP PROJ	\$3,096.40		\$3,096.40
618 NDDOT HWY 127 FROM JCT 11	\$3,293.66		\$3,293.66
620 TOWN CENTRE SQUARE	\$2,800.77		\$2,800.77
622 3RD AVE N. RECON PROJ	\$25,199.30		\$25,199.30
<b>TOTAL</b>	<b>\$751,778.16</b>	<b>\$107,251.86</b>	<b>\$859,030.02</b>

## SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- Council Retreat March 24<sup>th</sup>, 4:00 P.M.
- Finance Committee March 28<sup>th</sup>, 12:00 Noon
- PW/PS Committee March 29<sup>th</sup>, 5:00 P.M.
- Flood Committee April 1<sup>st</sup>, 7:00 A.M.
- Planning Commission April 4<sup>th</sup>, 4:00 P.M.

**Motion by Mitskog, seconded by Hartman, to adjourn.**

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Mayor Sturdevant

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Lynelle Amos, Finance Assistant

