

Wahpeton City Council

July 6, 2015

5:00 p.m.

Present: Schmidt, Lambrecht, Bertsch, Mitskog, Hansey, DeVries, Dale, Bajumpaa, and Wateland

Absent: None

Also Present: Huwe, Lies, Rogahn, Thorsteinson, Broadland, Priebe, Guck, Amos, and Cain

Meeting called to order by Mayor Hansey.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

Briarwood Waste Removal ó Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Public Hearing – Street Vacation Request Wahpeton Public Schools ó This public hearing was held jointly with the Planning Commission. Planning Commission Chair DeVillers reconvened the Planning Commission meeting. He said the Planning Commission recommends approval of the street vacation request from Wahpeton Public Schools. Mayor Hansey asked Huwe if there were any written or oral protests received of which there were none. Hansey then asked if there was anyone present to protest. Lies referred to a map identifying the specific area and explained that all the properties were dedicated as streets but are all basically internal to the system of the School District, and have never been maintained by the City or treated as City streets. He felt this would be a good deal from the City standpoint.

Council member DeVries offered the following and moved its adoption:

RESOLUTION NO. 3566

RESOLUTION VACATING STREETS

(Adjacent to Wahpeton High School & Middle School)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Bajumpaa. Motion carried with a roll call vote 8-0.

Public Hearing – Rezoning 206 4th St. S. from R-2 to RB-4 ó Mayor Hansey asked Huwe if there were any written or oral protests received of which there were none. Hansey then asked if there was anyone present to protest. Lies referred to a map of the area, saying it is across the street from a muffler shop building and would be keeping a low classification of business being used as a warehouse. He explained City staff felt because of its location abutting the railroad tracks it would never have a house located there again and that this is the best use of the property. Lies then asked for a recommendation from the Planning Commission. **Motion by Roger Jenson, seconded by Allen Larson, to recommend to the City Council to approve the Rezoning of 206 4th Street South from R-2 to RB-4. Motion carried with all voting ‘aye’.**

Council member Mitskog offered the first reading of the following Ordinance:

ORDINANCE NO. 969

AN ORDINANCE REZONING FROM

RESIDENCE R-2 TWO-FAMILY TO BUSINESS RB-4 NEIGHBORHOOD

(N ½ Lots 4-7, Block 15, Original Townsite)

Public Hearing – Rezoning part of Hobby Time Acres and Part of Oliver First Addition from PUD and I-2 to R-3

Lies referred to a map of the property and explained this is a track purchased by the Wahpeton Community Development Corporation (WCDC) that encompasses approximately 36.5 acres north of Walmart. There are 3 types of zoning classifications in there currently: Hobby Time Acres PUD, I-1 Industrial, and Highway Business, and the request is to rezone them all to R-3 to allow for apartment dwelling, twin homes, single family homes and any type of residential dwelling. He said the WCDC entered into a purchase agreement with KLC Holdings, LLC who intend, if the property gets rezoned, to develop the land into family housing. Hansey then asked if there was anyone present to protest. Tim Gast addressed the Council saying he was denied rezoning property in the same area for apartments about a year ago and now when the WCDC owns the land the rules have changed. He now feels it is not a place for apartments to be located as it is commercial/industrial and never meant for apartment complexes. The railroad track is out there, there are already businesses located there, and heavy traffic along with trucks delivering to Walmart. Luke Swenson also protested, saying there is a local person with local revenue and local construction crews keeping everything here benefiting the community and although he had no fault with KLC Holdings he felt denying a local person the same opportunity was not right. He felt concern for current apartment occupancy with the addition of the 250 apartments. Denise Johnson said a letter of opposition was sent from Sam Johnson/Law Office but none had been received at City Hall at meeting time. Randy Pope, WCDC President, spoke in support of the rezoning saying the WCDC does own the land which was purchased in an effort to facilitate housing wherever they can which is one of their goals. The WCDC has a purchase agreement with Pace/KLC Holdings. Priebe made a correction that it was not 250 units but 2 ó 45 complexes which was reported incorrectly in the paper, and has since been downsized to 39 units per building and would be 2 buildings. Mayor Hansey asked Huwe if there were any written or oral protests received of which there were none, just what had already been noted. Lies asked if anyone protesting owned property within 150 feet of the area being considered for rezoning and since there wasn't 20% he said it doesn't affect the voting requirements as there was not sufficient protest. Discussion held regarding the development of the lots. Mitskog explained that this parcel was not considered in the Housing Committee Task Force discussions in the last few years and became known last year that it may become available. She said the City is faced with a critical shortage of affordable lots to build on. Local contractors are concerned that there are no opportunities to be able to build houses. To ensure houses aren't being built outside the community the WCDC got involved in discussions and when this parcel became available some options were considered and came up with a plan that would have a mixed use of multi-family twin homes and single family new construction ó affordable workforce-type of housing, that would give local contractors opportunities. Mitskog told Gast she did not think this was on the radar when he approached the City and apologized that the City was not open enough to that discussion at that time. She said the City had identified other parcels of land for development and could not make any progress for negotiations with acquisition of those lands or trying to encourage developers to develop land that would allow for affordable new construction. Gast wondered if homes are built in this area where would the industrial area be located. Mitskog answered that it was part of the land use discussions that are ongoing, but appears to be further north. She then commented that about 25 primary sector businesses were visited last summer and their #1 concern was lack of workers and their #2 concern was lack of housing. Pedestrian safety in the area was then discussed. Sam Johnson talked about the current vacancy rate of 18% for his apartments (123 units), and for the first time ever in the last couple of months have not generated enough income to pay their expenses. He felt if this is allowed to come in under R-3 and allow the apartment complexes to be built it will make the situation worse for themselves and others who have already invested in the City of Wahpeton who don't have the money this company does. Johnson said when he inquired about this property when it was commercial property he was told it could not be rezoned. Further discussion held. Johnson stated he objects and opposes the R-3 rezone. Gast talked about the possible consequences. Addressing Gast's concern that this would

not be a good area for housing, Dale commented he sat in on a meeting with the City Planner and City Administrator of West Fargo who both saw the potential of using this 36 acres for housing ó that it would fit well. As far as the occupancy rate of existing apartments, Dale said a manager of a good-sized plant in Wahpeton commented that a lot of his employees commute from Fargo because there aren't any apartments available in Wahpeton that suit them. **Motion by Roger Jenson, seconded by Tiana Bohn, to recommend to the City Council to approve Rezoning part of Hobby Time Acres and Part of Oliver First Addition from PUD and I-2 to R-3. Motion carried with all voting 'aye'.**

Council member Bertsch offered the second reading of the following Ordinance:

ORDINANCE NO. 968
**AN ORDINANCE REZONING PARTS OF OLIVER FIRST ADDITION FROM
PLANNED UNIT DEVELOPMENT DISTRICT (HOBBY TIME ACRES)
TO RESIDENCE R-3 MULTI-FAMILY
AND
PART OF OLIVER FIRST ADDITION FROM
BUSINESS B-3 HIGHWAY AND INDUSTRIAL I-2 DISTRICT
TO RESIDENCE R-3 MULTI-FAMILY**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Schmidt. Motion carried with a roll call vote of 8-0.

Motion by Allen Larson, seconded by Roger Jenson, to adjourn the Planning Commission meeting at 5:40pm. Motion carried with all voting 'aye'.

CONSENT AGENDA ITEMS (presented by the Mayor) ó

Approval of minutes of regular meeting held June 15, 2015

Games of Chance Licenses, Site Authorizations & Special Permits:

Wahpeton Public Schools ó Raffle Permit 9/1/15 ó 10/26/15

Wahpeton Public Schools ó Raffle Permit 10/27/15 ó 12/14/15

Wahpeton Public Schools ó Raffle Permit 12/15/15 ó 2/5/16

Evans Support ó Raffle Permit

Presentation/Approval of Reports

NDLC Review of 2015 Legislative Session & 2017 Planning

Vogel Law Firm Notice of Appeal RE: Machine Design Inc.

Mayor Hansey asked if there were any items to be removed from the consent agenda and there were none. **Motion by Mitskog, seconded by Lambrecht, to approve the Consent Agenda items as presented. Motion carried with all voting 'aye'.**

REPORTS FROM CITY OFFICERS AND STAFF

FINANCE DIRECTOR

Purchase Agreement Update – 920 3rd Ave. N. – request referral to Finance Cmt. ó Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

2016 Budget – request referral to Finance Cmt. ó Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

Hay Compensation Study – request referral to Finance Cmt. ó Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

Old City Hall Development Agreement – request referral to Finance Cmt. ó Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

ATTORNEY

Resolution No. 3566 Vacating Streets specified adjacent to Wahpeton High School & Middle School ó Addressed earlier in the meeting.

Ord. No. 966 Procedures for Competitive Bids – second reading

Council member Schmidt offered the second reading of the following Ordinance:

ORDINANCE NO. 966
AN ORDINANCE REPEALING AND REENACTING SECTION 2-483
PROCEDURE FOR COMPETITIVE BIDS

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Bajumpaa. Motion carried with a roll call vote of 8-0.

Ord. No. 967 Special Exceptions in Zoning – second reading

Council member Bajumpaa offered the second reading of the following Ordinance:

ORDINANCE NO. 967
AN ORDINANCE AMENDING SECTION 46-73
SPECIAL EXCEPTIONS IN ZONING

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Wateland. Motion carried with a roll call vote of 8-0.

Ord. No. 968 Rezoning Part of Hobby Time Acres & Part of Oliver First Addition from Planned Unit Development and I-2 to R-3 – second reading ó Addressed earlier in the meeting.

Ord. No. 969 Rezoning 206 4th St. S. from R-2 to RB-4 – first reading ó Addressed earlier in the meeting.

Request to set a hearing date for Machine Design, Inc. Zoning Matter ó Lies explained Machine Design, Inc. had a hearing in front of the Planning Commission acting as the Board of Adjustment (BOA) for the ETZ area and there was a property in the ETZ the building codes official found was being used as a salvage yard/junk yard and the Planning Commission/BOA upheld the order to cease and desist but gave them some additional time to clean it up. That order has now been appealed to the Council which the property owner has a right to appeal from the PC/BOA to the City Council, so will need to set a hearing date. **Motion by DeVries, seconded by Bajumpaa, to set a Public Hearing for the Machine Design, Inc. Zoning Matter for Monday, July 27th at 5:30 p.m. Motion carried with all voting ‘aye’.**

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Report ó Priebe made some clarifications on the Daily News article with regard to more housing coming to Wahpeton. She said the proposed project is north of Walmart, not west as reported. The three zoning classifications were just now changed to R-3, which allows for everything from single family homes to twin homes to multi-family units. The land is being

sold to a developer, KLC Holdings, contingent upon rezoning and replatting. The development is expected to include 2 ó 45 unit complexes and has since been downsized to 39, or a total of 78 units. Single family home construction in this development is currently designed to be built on smaller lots for affordability. Priebe reiterated that in conducting the BR&E survey interviews the main concerns as far as challenges and barriers were affordable housing, specifically homes and apartments. Age and volume of the current rental housing stock can cause barriers and limitations to housing activity. While existing stock is very affordable, some housing is old and may need substantial improvement to meet expectations of potential renters. Also, the large number of older rental units create a high vacancy rate and make it difficult to construct new rental housing. Priebe said the City's rent structure is low, which makes it difficult to construct new rental housing, and the City has limited available land for future housing development. She said there are some potential projects on the horizon and if they do come to fruition housing will be needed.

LIBRARY DIRECTOR

Guck reported the library's new 3D printer, as of last Wednesday, is open to the public. There is a Library Board approved printing policy available on the library's website, along with their pricing structure. She felt they have created something that is accessible, and plan to do a media blitz to bring more attention to it. She encourage those present to stop into the library for a demonstration. Mitskog thanked Guck and commended her for her forward thinking and being a visionary, in what she is doing for our youth and our community.

POLICE CHIEF

Request permission to close Dakota Ave. from 3rd St. to 6th St. Wed. July 22nd 6am – 7pm for Wahpeton Breckenridge Chamber Crazy Daze ó Police Chief Thorsteinson said the Wahpeton Breckenridge Chamber has requested to hold Crazy Daze on July 22nd which would require street closure on Dakota Avenue from 3rd Street to 6th Street with 4th Street remaining open, from 6am to 7pm. He explained there have been no issues in the past. **Motion by DeVries, seconded by Bajumpaa, to approve closing Dakota Avenue from 3rd Street to 6th Street, with 4th Street remaining open, Wednesday, July 22nd from 6am – 7pm for Wahpeton Breckenridge Chamber Crazy Daze. Motion carried with all voting 'aye'.**

Request permission to close a portion of Dakota Ave. from the bridge to 9th St. N. for the NDSCS Homecoming Parade on Oct. 3, 2015 9:30 am to 11:30 am approx. ó Police Chief Thorsteinson said NDSCS has requested to hold a parade in conjunction with their homecoming event to be held on October 3rd, beginning at 10am starting at Wells Park in Breckenridge continuing down Dakota Avenue to 9th Street. He did not foresee any issues. **Motion by Lambrecht, seconded by Schmidt, to approve closing a portion of Dakota Avenue from the bridge to 9th Street North for the NDSCS Homecoming Parade on October 3, 2015, from 9:30 am to 11:30 am approximately. Motion carried with all voting 'aye'.**

[Wateland exited the meeting at 6:00 pm]

PUBLIC WORKS DIRECTOR

PW Report ó Rogahn requested referral to Public Works Committee of **Lift Station #1 Final Pay Request**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee of **Seal Coat Project Final Pay Request**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee of **Hawkin's Chemical for Chemical Feeder for Lift Station #1**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee of **Water Treatment Plant RFQ Updates**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Finance Committee of **Odor at Ponds Presentation**. Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

Rogahn then requested to set up a tour of the ponds following the City Council meeting on July 20th.

Rogahn then provided some updates, saying pavement markings are complete except for the parking lots which are expected to be finished this week. Street sweeping is scheduled throughout the entire town this week. The jetter machine is being used for storm sewer cleaning and are currently working on 3rd Avenue North leads into 2nd Avenue. The manhole cutter has been used to lower and reset 13 manholes and 6 catch basins have been repaired. On 5th Avenue South and 5th Street South a storm sewer collapsed in the catch basins and M&M Contracting is working on those repairs.

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report

DeVries said the Finance, Personnel & Economic Development Committee met at noon on June 22nd.

Dakota Valley Patronage Buyout – discussion

Budget Planning/Priorities– discussion

Ord. No. 966 Amendment to 2-483 Procedures for Competitive Bids – discussion

Public Works Public Safety Committee Report

Bajumpaa said the Public Works Public Safety Committee met at noon on June 25th.

Dilapidated Properties Report – motion to require fencing around 120 6th St. N. by 7/9/15 ó **Motion by Bajumpaa, seconded by Lambrecht, to approve requiring fencing around the property at 120 6th Street North by July 9, 2015. Motion carried with all voting 'aye'.**

Ord. No. 967 Special Exceptions in Zoning – motion to recommend adoption ó Addressed earlier in meeting.

Dakota Ave. Concrete Repairs & Traffic Control Signage – motion to recommend proceeding with the submitted by Comstock Construction for \$45,194 ó **Motion by Bajumpaa, seconded by Schmidt, to approve proceeding with the Dakota Avenue Concrete Repairs & Traffic Control Signage with the bid submitted by Comstock Construction for \$45,194. Motion carried with a roll call vote of 6-1, with Bajumpaa, Schmidt, Lambrecht, Bertsch, Mitskog, and DeVries voting 'aye'; and Dale voting 'nay'.**

Odor at Ponds – discussion

Staff Update – discussion

<suspension of rules>

HVAC Repair at Golf Clubhouse – motion to approve/ratify air conditioning repair expenses of \$3,750 ó Motion by Bajumpaa, seconded by Schmidt, to approve/ratify the air conditioning repair expense of \$3,750 at the Golf Clubhouse. Motion carried with a roll call vote of 7-0.

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Committee July 13th, 12:00 Noon
- b. Flood Committee July 14th, 11:30 AM
- c. Public Works Committee July 14th, 12:00 Noon
- d. Planning Commission July 16th, 4:00 PM

It was noted a Committee of the Whole meeting will be held July 15th at noon.

Motion by Mitskog, seconded by Bertsch, to adjourn at 6:10 p.m.

Mayor Hansey

Lynelle Amos, Finance Assistant