

Wahpeton City Council

May 6, 2013

5:00 p.m.

Present: Schmidt, Hansey, Bertsch, Mitskog, Sturdevant, DeVries, Dale, and Bohn

Absent: Bajumpaa

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

Planning Commission Members Present: Damon DeVillers, Allen Larson, Roger Jensen, Daryl Eberhardt, and Liz Mumm

Meeting called to order by Mayor Sturdevant.

PUBLIC HEARINGS / ETC.

Hearing Westside Rezoning is pending and shall be continued

Public Hearing for Re-zoning Request for a portion of Lot G of the Rosewood Addition Mayor Sturdevant asked if any written protests had been received or if anyone present would like to protest the re-zoning of a portion of Lot G of Rosewood Addition from business (B-3) to residential (R-3). Huwe said there had been one telephone inquiry who was invited to attend tonight's meeting and they chose not to attend. Nelson reviewed a map of this portion of Lot G of Rosewood Addition, explaining that the re-zoning matches up with the R-3 zoning to the east and to R-3 zoning to the south and west, that it is in general conformance with the Comprehensive Plan, and that it is also proposing for mixed use residential or commercial in this area immediately adjacent to Rosewood. He said the Planning Commission reviewed the request and recommend approval and are ready to participate in a joint public hearing with the City Council. DeVillers reconvened the Planning Commission meeting and asked for a recommendation to approve the re-zoning request. **Motion by Larson, seconded by Mumm, to approve the Re-zoning Request for a Portion of Lot G of the Rosewood Addition from Highway Business (B-3) to Residential Multi-Family (R-3). Motion Carried with all voting 'aye'.** Council member Bertsch offered the first reading of the following Ordinance:

ORDINANCE NO. 951

**AN ORDINANCE REZONING FROM HIGHWAY BUSINESS (B-3)
TO RESIDENTIAL MULTI-FAMILY (R-3)
(Part of Rosewood Addition)**

Motion by Larson, seconded by Eberhardt, to adjourn the Planning Commission meeting at 5:05pm. Motion Carried with all voting 'aye'.

BIDS / OFFERS / QUOTES

South Side Sewer Phase B Improvement District 08-02-03 Resolution No. 3515 Awarding Contract for Construction of an Improvement in S. Side Drainage Imp. Part B (7th Ave. S. & Center St.) pending public meeting (previously tabled)

Nelson said the bids for this project had been read at the previous meeting with the recommendation to award to the low responsible bidder H&S Contracting, Inc. in the amount of \$474,951.10, and requested adoption of Resolution 3515 to award the bid.

Council member Dale offered the following and moved its adoption:

RESOLUTION NO. 3515

**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION
OF AN IMPROVEMENT IN
South Drainage Improvements, Part B (7th Avenue South & Center Street)
(Improvement District 08-02-03)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember DeVries. Discussion held regarding the meeting held recently with the south side residents regarding this project. Motion carried with a roll call vote 7-0.

CONSENT AGENDA ITEMS (presented by the Mayor) Mayor Sturdevant 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 15, 2013

Approval of minutes of Cmt. of the Whole meeting held April 15, 2013

Games of Chance Licenses, Site Authorizations & Special Permits

American Cancer Society Relay for Life Raffle Permit

Sheila Heger Benefit Raffle Permit

Three Rivers Gymnastics Site Authorization

St. John's School Site Authorization

Other Games of Chance and/or Special Permits

Presentation/Approval of Reports

2012 City of Wahpeton Drinking Water Quality Report (Consumer Confidence Report)

Bois de Sioux Watershed District Board Minutes 2-21-13

Motion by Schmidt, seconded by Bertsch, to approve the Consent Agenda items as presented. Motion Carried with all voting 'aye'.

ITEMS REQUESTED MOVED FROM THE CONSENT AGENDA None.

REPORTS FROM CITY OFFICERS AND STAFF

FINANCE DIRECTOR

2013 Fireworks License Application for BW Blades Huwe said the BW Blades Board of Directors has chosen to forego fireworks sales as part of their fundraising for this year, and requested referral to the Finance Committee to discuss the options for the unused fireworks sales license. Mayor Sturdevant will refer this item to Finance, Economic Development & Personnel Committee.

2012 State Audit Report Huwe said the ND State Auditors Office has completed the fiscal year 2012 audit and issued a report stating an audit opinion that the City of Wahpeton financial statements for 2012 are presented fairly in all material respects, the respective financial position of the government activities, the business-type activities, and the discretely presented component unit (Leach Public Library) are all in accordance with generally accepted accounting principles. She said the Schedule of Findings on pages 52-53 and the Communication with the Board summarize a material weakness identified in the audit process where the City's capital assets were understated for 2011 by \$6,019,074, which is related to construction work in progress and re-classification of flood protection assets. Huwe said a prior period adjustment was made and a significant increase in the City's assets and Statement of Net Position is reflected in the 2012 statements as a result of this adjustment. She noted that the City's 2012 Audited Financial Statements are available on the City's website and on the Municipal Securities Rulemaking Board website EMMA in compliance with MSRB Rule 15c2-12. Huwe requested a motion to acknowledge receipt of the 2012 Audited Financials. **Motion by Bohn, seconded by Schmidt, to acknowledge receipt of the 2012 State Audit Report of the Audited Financials for the City of Wahpeton. Motion Carried with all voting 'aye'.**

Leadership Code – request referral to both committees Huwe said the Leadership Code was reviewed during the City Council Retreat held April 24th, and there were several changes suggested by City Attorney Lies. Huwe requested this topic be referred to both committees for evaluation of the suggested changes. Mayor will refer this item to Finance, Economic Development & Personnel Committee and, also, to the Public Works & Public Safety Committee.

Legislative Update Huwe said the 63rd Legislative Session of the State of North Dakota concluded at approximately 4:00 am Saturday, May 4th, and was the longest legislative session in ND history using all

80 days allowed by the ND Constitution. Huwe then reviewed some of the major bills. She said House Bill 1013 was one of the final bills addressing appropriations for the Department of Public Instruction, and it includes an up to 60 mill reduction in property taxes levied by school districts – an approximately 14% reduction in a City of Wahpeton’s taxpayer’s bill. She said Senate Bill 2171 broadens the eligibility requirements for persons aged 65 or permanently disabled (referred to as the Homestead Property Tax Credit) increasing the income range from \$18,000 – \$26,000 to \$22,000 – \$38,000 for property tax discounts ranging from 100% - 20%. Additionally, the limitation on assets of Homestead Credit applicants was increased from \$75,000 to \$500,000. Huwe said House Bill 1290 requires assessors to provide written notice to all property owners of any increases in property value of \$3,000 or more or a 10% increase in assessed value. She said Senate Bill 2314 requires a city to receive certification from the ND Department of Commerce verifying primary sector employer status prior to approval of a tax exemption or payment in lieu of taxes. Huwe commented that there are many more pieces of enacted legislation to follow up on from now until the August 1st effective date, and she will provide more information as it becomes available.

Mayor Sturdevant then called on Ron Rowland, Executive Vice-President of the Wahpeton Breckenridge Chamber of Commerce, who wanted to make a request for a street dance. Rowland said they would like to request a permit for a street dance to be held June 22nd from 5pm-midnight, with a band playing from 7pm-11pm. He explained that it is all part of a new event the Chamber is putting together, however a name has not been established yet. He said included in the event will be a softball tournament, tractor show – possibly some motorcycles, a street dance with a youth dance at the same time, the Chamber’s rib cook-off will be moved from Crazy Daze to this day to allow participants to cook on-site, they are working with the Aviator Build Program on their kit plane program at the airport, along with other vendors and crafts, and are working with the Red Door Art Gallery on doing an event of theirs, along with other possibilities such as an evening movie, some promoting with the zoo, and a fishing and/or golf tournament event of some kind. He said the sponsors are going to be the Daily News and KBMW who will help with the efforts of promotion as there is a very tight budget. Rowland said they plan to start in the morning and have had conversations with different groups and a business to start with a pancake breakfast and said it is planned to be a 2-day event starting with a 16-team softball tournament on Friday, and it is felt the event will create over-night stays which will be addressed with the CVB at their meeting next week. He said permission for the street dance, which is an integral part of the event, is what is being requested at this time. When asked, Rowland said the streets that would be blocked off are 3rd and 4th Streets. It was also noted that the tractor show would take place in the Dollar Store/Sears parking lot. Rowland said there will also be some vendors there and that they have conversations going with people to sponsor the rib cook-off, hopefully at a business establishment that is in the grill/food business and will also invite the different non-profit organizations with food carts to also provide food options. Rowland said there was feeling that there was a void for the summertime that needs to be filled, with the next event being Crazy Daze in July, then the Wilkin County Fair, then Headwaters Days. It was then noted that the Police Department has been contacted regarding this street closure and Anderson said it has been approved. **Motion by Mitskog, seconded by Bertsch to suspend the rules. Motion Carried with all voting ‘aye’. Motion by Bertsch, seconded by Hansey, to approve the request to close Dakota Avenue between 3rd and 4th Streets on June 22nd, 2013, from 5:00pm to midnight for a street dance event. Motion Carried with all voting ‘aye’.**

ATTORNEY

Resolution No. 3516 Resolution Directing Preparation of the Engineer’s Report for Commercial Streets Rehabilitation, Various Locations Street Improvement District 12-04-04 Proj. No. ST12-205 Lies explained that at a prior meeting a contract with Interstate Engineering had been approved on the City’s Street Improvement District 12-04-04, and this resolution is directing that they prepare the report called for in that contract.

Council member Dale offered the following and moved its adoption:

RESOLUTION NO. 3516
RESOLUTION DIRECTING PREPARATION OF THE ENGINEER’S REPORT

**FOR THE IMPROVEMENT IN
STREET IMPROVEMENT DISTRICT 12-04-04
(Commercial Street Rehabilitation, Various Locations)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Bohn. Motion carried with a roll call vote 7-0.

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Report Priebe requested referral of the Downtown Revitalization Project that has been discussed previously in closed session at the EDC and Finance Committee levels, and she said it needs to be revisited by both committees as the project's scope and financing has changed. Mayor Sturdevant will refer this item to Finance, Economic Development & Personnel Committee, and also to the Economic Development Commission.

Priebe said the City Safety Committee, of which she is a member, has purchased and received 10 adult and 10 infant CPR dummies for a total cost of \$1,317. She said they will be stored at City Hall and Police Office Brittany Marohl will be using them to train City employees, which is a 2 year renewal.

Priebe said a proposal to develop two bi-level homes either on separate lots or as a twin home unit in NorthPark is still in the early discussion stages. She said the partnership is with the City of Wahpeton and EDHA (Eastern Dakota Housing Alliance) and the current plan is for EDHA to own the homes and use them as rental units.

Priebe said the Community Development Corporation Board of Directors heard a presentation on April 26th by Alex Chaput with respect to Cobblestone Inn & Suites, a Wisconsin-based company. She said his hope is to find local investors to construct a hotel/conference center in Wahpeton. Priebe said Chaput is from Langdon and works for BriMark Builders, and has been involved in projects in Bottineau, Rugby, and other smaller communities – 7 properties in all in North Dakota – in cities of 12,000 in population or less. She said she has information from the meeting for anyone interested in learning more about the project. Priebe noted the CDC's next meeting will be at noon on Wednesday, May 15th.

Priebe then shared some good news. She said Twin Valley Tires, which is a tire retread business based out of Milbank, SD, is very close to expanding into Wahpeton. She said the owner had been working with the Economic Development office, Mayor Sturdevant, and Building Codes Official Johnson on a location east of Econofoods in the building co-located with Gripper's Sports. Priebe said there are a few more steps to take, and likely a Renaissance Zone application will need to be prepared and other Economic Development programs accessed before they are up and running. She said they would like to open by July 1st but is an aggressive schedule. There will be 3-5 jobs created with this business and a couple more possible if a retail store is set up at some point in the future. Priebe said they do plan to relocate families as well as hire in the area.

Priebe said she just received the Greater North Dakota Chamber review meetings of the 2013 legislative session, with a meeting being held in Wahpeton on Thursday, June 20th from 8:00am-9:15am at the Wahpeton Breckenridge Chamber of Commerce office, to review all the actions that affect our communities.

Regarding the online community movie project, Priebe said interviews and a photo shoot were supposed to have been scheduled for the first week in May but has been postponed until things start turning green. She said it has been re-scheduled for June 27th.

Priebe then announced that the new community maps are finished and each Council member was given one. She said flat copies were also available.

PUBLIC WORKS DIRECTOR NELSON

Approval of Minor Re-Plat of Part of Lot 4 and Lots 5 & 6 in Pleasant Acres Re-Arrangement

Nelson reviewed a map of the area, explaining that there were three lots involved, 2 of which are owned by the City, on the end of 17th Avenue North which is the far north end of the City's levy project which ends right off the corner of what is now a vacant house on Lot 4R. Nelson said in the course of the levy project the City has acquired and swapped some land with the property owner located on the corner, Lot 6R, and in the process the lot lines are being firmed up in the form of a plat. He said in addition, they have added to the vacant lot at the end of the street where the levy is positioned, and have retained an easement on the property with the house – a 7' wide easement on the side lot line for access to the levy and also to control the type of vegetation. Nelson said an easement was likewise obtained from the property owners of Lot 6R for the same conditions. Nelson said the Planning Commission has reviewed this, the title opinion has been obtained for all 3 parcels, and are prepared now for the City Council to approve the final plat with Resolution 3517.

Council member Bohn offered the following and moved its adoption:

RESOLUTION NO. 3517

RESOLUTION APPROVING THE MINOR RE-PLAT OF PART OF LOT 4 AND LOTS 5 AND 6 ALL IN PLAT OF PLEASANT ACRES RE-ARRANGEMENT TO THE CITY OF WAHPETON, NORTH DAKOTA AND REQUESTING THAT IT BE RECORDED WITHOUT AUDITOR'S CERTIFICATE

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Dale. Motion carried with a roll call vote 7-0.

Nelson requested referral to PW/PS Committee for **Railroad Crossing Improvements on 6th Street South**. Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

Nelson then referred to the City of Wahpeton Annual Drinking Water Quality Report for 2012, copies of which had been provided. He said this is an annual process that is done, and that all public water supply systems provide a report to their customers in a specified format in a variety of delivery methods, such as television broadcast, mailed to customers, public access channel, and on the City of Wahpeton website. Nelson said the report lists a number of detected substances, and all contaminants in Wahpeton's water supply are found to be well below the limits that are prescribed by the Safe Drinking Water Act. He then reviewed some highlights from the report.

Nelson reported that alley restrictions will be lifted starting Monday, May 13th.

Nelson announced that Spring Curbside Cleanup week in Wahpeton will be held May 13-17, 2013. He said items should be placed on street or avenues but not alleys. Nelson then reviewed a list of items that will be accepted and those that will not be accepted.

Nelson then reminded residents that sump pumps need to be placed outside and to make sure the water is running away from the house. Some discussion was held.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Mayor Sturdevant said a letter had been received from Mary Busta who is having an issue with parking in front of her house. Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

REPORTS FROM THE CITY COUNCIL COMMITTEES

Finance, Personnel & Economic Development Committee Report (no meeting held April 22nd)

Bohn said the Finance, Personnel & Economic Development Committee did not meet. She said application packages for the Public Works Director position will continue to be evaluated that are received in the next two weeks.

Public Works Public Safety Committee Report

Hansey said the Public Works Public Safety Committee met at 5:00 p.m. on April 23rd.

Dilapidated Properties Report

Property Maintenance in Southside Industrial Park - discussion

Town Centre Square Plaza Renovation Proj. No. PW12-209 – motion to approve contract award to Gast Construction for \$211,660.82 concurrent with Change Order No. 1 (\$47,444.78, amended contract total is \$164,216.04) – **Motion by Hansey, seconded by DeVries, to approve contract award to Gast Construction for \$211,660.82 concurrent with Change Order No. 1 for a deduct of \$47,444.78, for an amended contract total of \$164,216.04 for Town Centre Square Plaza Renovation Project No. PW12-209.** Discussion held regarding when the project will begin, and also the cost of the project. **Roll Call vote 7-0. Motion Carried with all voting ‘aye’.**

Request amendment No. 2 to Professional Services Agreement with Interstate Engineering for construction engineering services on the Cul-de-Sac Street Improvements Proj. No. ST10-161 – motion to recommend approval of amendment amount \$61,496 – **Motion by Hansey, seconded by Schmidt, to approve Amendment No. 2 to Professional Services Agreement with Interstate Engineering Inc. for Construction Engineering Services on the Cul-de-Sac Street Improvements, Project No. ST10-161 in the amount \$61,496. Roll Call vote 7-0. Motion Carried with all voting ‘aye’.**

Request amendment No. 1 to Professional Services Agreement with Interstate Engineering for construction engineering services on S. Side Drainage Phase B Imp. Proj. No. DR12-203 – motion to recommend approval of amendment amount of \$47,359 – **Motion by Hansey, seconded by Dale, to approve Amendment No. 1 to Professional Services Agreement with Interstate Engineering Inc. for Construction Engineering Services on South Side Drainage Improvements, Phase B, Project No. DR12-203 in the amount of \$47,359. Roll Call vote 7-0. Motion Carried with all voting ‘aye’.**

Waste Management Contract Renewal– discussion

Disposition of City Owned Lots– discussion

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Committee May 13th, 12:00 Noon
- b. Public Works Committee May 14th, 12:00 Noon
- c. Planning Commission May 16th, 4:00 PM

Motion by Mitskog, seconded by Bertsch, to adjourn at 5:52pm.

Mayor Sturdevant

Lynelle Amos, Finance Assistant