

**Wahpeton City Council**  
**October 1, 2012**

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

**Absent:** None

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

Meeting called to order by Mayor Sturdevant.

**PUBLIC HEARINGS/ETC.**

**Leadership Excellence Award** Hansey recognized Mayor Sturdevant as the recipient of the Leadership Excellence Award at the ND League of Cities Conference held recently in Grand Forks. Congratulations and appreciation were shown through a round of applause.

**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 September 17, 2012**

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

Ladies Aux. to VFW – Game of Chance Raffle Permit

NDSCS Auto Tech – Game of Chance Raffle Permit

Head of the Red Trap & Archery Club – Game of Chance Raffle Permit

Other Games of Chance and/or Special Permits

**Presentation/Approval of Reports**

ADA Seminar

Bois de Sioux Watershed District Minutes 7-19-12

ND Dept. of Health DWSRF Notice

ND Dept. of Transportation Special Road Fund

Correspondence from Green Law Firm

**Motion by Mitskog, seconded by Bertsch, to approve the Consent Agenda items as presented.**  
**Motion Carried.**

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

**REPORTS**

**FINANCE DIRECTOR**

**Report from Employee Benefits Committee – request referral to Finance Cmt.** Mayor Sturdevant will refer this item to Finance, Economic Development & Personnel Committee.

**Review of Property Tax Reform Legislative Proposals – request referral to Finance Cmt.**

Mayor Sturdevant will refer this item to Finance, Economic Development & Personnel Committee.

**Town Centre Square Improvements – request referral to Finance Cmt.** Mayor Sturdevant will refer this item to Finance, Economic Development & Personnel Committee.

**ATTORNEY**

**City Ordinances & Amendments (requests for second reading/adoption)**

**No. 946 Amending Sec. 22-451 Taxicabs (limousine licensing)** Lies explained that this ordinance would eliminate from the word taxicab, which the City licenses, the words limousine and buses. Council member Bajumpaa offered the second reading of the following Ordinance:

**ORDINANCE NO. 946**  
**AN ORDINANCE AMENDING ARTICLE XI.**  
**TAXICABS**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Bohn. Motion Carried with all voting 'aye'.

**No. 947 Amending Sec. 22-379 Record of Goods Pawned** Lies said this ordinance deals with requiring the pawnbrokers to convert to a computerized system for their daily reporting of items that they pawn that day.

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

**ORDINANCE NO. 947**  
**AN ORDINANCE AMENDING ARTICLE IX.**  
**PAWNBROKERS, SECOND HAND DEALERS AND JUNK DEALERS**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Bajumpaa. Lies requested that an amendment be offered to change the effective date to January 1, 2013. **Motion by Hansey, seconded by Mitskog, to amend Ordinance No. 947 by changing the effective date to January 1, 2013.** Discussion held. **Motion Carried.** Sturdevant then called for the vote regarding the second reading of Ordinance No. 947. Motion Carried with all voting 'aye'.

**No. 948 Adding Sec. 42-635 Prohibiting the Use of Wireless Comm. Devices** Lies explained that this ordinance would limit the use of wireless communication devices while driving and is patterned after the existing State law. For adults (ages 18 and older) this would prohibit texting and using e-mail while driving, and for those under age 18 would prohibit cell phone use while driving. Council member Hansey offered the second reading of the following Ordinance:

**ORDINANCE NO. 948**  
**AN ORDINANCE**  
**PROHIBITING THE USE OF WIRELESS COMMUNICATION**  
**DEVICES**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Mitskog. Discussion held regarding clarification and enforcement of this ordinance. It was noted this ordinance would be effective upon publication. Motion Carried with all voting 'aye'.

**No. 949 Amending Sec. 42-129 Fees related to Prohib. Wireless Comm. Devices** Lies said this ordinance will establish the penalties for offenses of the above referenced ordinance. Council member DeVries offered the second reading of the following Ordinance:

**ORDINANCE NO. 949**  
**AN ORDINANCE AMENDING**  
**SECTION 42-129 FEES**  
**TO PROVIDE PENALTY FOR SEC. 42-635 AND SEC. 42-636**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Bohn. Motion Carried with all voting 'aye'.

## **ECONOMIC DEVELOPMENT DIRECTOR**

**Economic Development Report** – A written report was provided in Priebe's absence. She is attending an IEDC Annual Convention in Houston, TX.

**Acquisition/Relocation/Renovation of 222 Dakota Ave:** An application to the EDHA (Eastern Dakota Housing Alliance) for HOME funds was electronically submitted September 24<sup>th</sup>. A meeting of their board was held September 26<sup>th</sup> to discuss the merits of the project. The application was approved with conditions, which will be discussed in an upcoming development team meeting.

**Classy & Classic Car Show:** The weather was fantastic and so was the show! The list of winners was provided.

## **LIBRARIAN**

**Library Report** – MacIver introduced the new Children's Librarian, Rachel Kercher. After providing some background information, MacIver said this was Kercher's first day of employment at Leach Public Library and asked that she be welcomed as a new City employee and resident.

MacIver announced that Chocolate Chocolate Day & Used Book Sale will be held Thursday, October 11<sup>th</sup> from 12:30-5:00pm with delivery available. She said the Modern Woodmen Club will be matching up to \$500 this year.

MacIver then reported that the Library exterior improvement project has reached completion and invited everyone to check out the improvements that have been made.

## **PUBLIC WORKS DIRECTOR NELSON**

Nelson provided a report from the Planning Commission meeting held earlier that day, saying the committee had taken action regarding a request for minor plat approval located at 15<sup>th</sup> Street North. Nelson then pointed out the area on an overhead map. He explained that there are two existing parcels involved with one parcel being enlarged by reducing the other. Nelson said the flag-shaped parcel created would provide public access to existing right-of-way for the bulk of the current lot, adding a piece to the current rectangular parcel. He said the process used was a minor plat which is under an ordinance provision the Council adopted about a year ago that for reconfiguration of property boundaries that result in no infrastructure requirements, no special exceptions, no more than 5 lots being created, and plat complies with all laws, regulations, etc., and requires no public right-of-way to comply with the City's subdivision ordinance, an expedited process can be utilized and this particular reconfiguration/plat complies with all stipulations/requirements of the ordinance. Nelson said the Planning Commission reviewed the plat and recommend approval by the Council, which Nelson explained that with the Council's approval it will be ready for recording without full advertising, etc. that goes with a major plat. The Planning Commission's recommendation is that the minor plat as presented be approved with the stipulation that the title opinion be submitted for review by the City Attorney prior to recording the plat. **Motion by Hansey, seconded by Bertsch, to approve the minor plat as presented with the stipulation that the title opinion be submitted for review by the City Attorney prior to recording the plat. Motion Carried.**

**PW Report** – Nelson requested referral to PW Committee for **Property Maintenance in the South Side Industrial Park**. Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

Nelson requested referral to PW Committee for **Screening Requirements in the Industrial Zoning Districts**. Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

Nelson requested referral to PW Committee for a **Request for Way-Finding Signage on Shared-Use Paths and Recreational Trails**. Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

Nelson announced that Fall City Cleanup Week for City of Wahpeton residents will be held October 8-12. All cleanup items must be brought to the Waste Management transfer station on 11<sup>th</sup> Street South. The hours are 8am-7pm on Monday and 8am-4pm Tuesday through Friday. Nelson then listed some of the acceptable items as well as items that will not be accepted.

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

Mayor Sturdevant said there was a vacant 3-year term position on the Economic Development Commission and asked for confirmation from the City Council for his appointment of Glen Tollefson to the EDC. **Motion by Mitskog, seconded by Hansey, to confirm Mayor Sturdevant's appointment of Glen Tollefson to the Economic Development Commission. Motion Carried.**

**Vacant Council Position** Mayor Sturdevant said the designated committee would meet following this meeting to make a decision.

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

#### **Finance, Personnel & Economic Development Committee Report**

Bohn said the Finance, Personnel & Economic Development Committee met at noon on September 24<sup>th</sup>.

**ND Insurance Reserve Fund Coverage – discussion** – Bohn said no recommendation was made by the Finance Committee and opened the item up for discussion to decide whether or not to make a motion to change the insurance agent or no motion would continue the policy with the current carrier, BW Insurance. Discussion was held. Hansey said he has known Kleven for several years and the City has had exceptional service from him, he is a local resident, and property owner and Hansey didn't feel it was through any fault of his own that he is no longer with BW Insurance so had some reservations about staying with Bank of the West. Bohn said one of the difficulties she saw in this instance is that the City has several different agreements throughout the year that the City maintains with various vendors/providers and in this case the agent came to the Council to make them aware of the change and she felt it was important to understand that there was no service issue with the current provider and felt the need to give the City administrators and staff the opportunity to pursue contracts in the best interest of the City and to understand that a contract that the City has entered into is more than likely being fulfilled if there are no service issues. She was not comfortable with the precedence that could be set in this situation.

Hansey then asked if Kleven operated out of his home. Kleven then approached the Council with his response. He said that Insure Forward is looking for office space in Wahpeton and said Kip Erickson, who is the Vice President and on the board of Insure Forward, was also present to re-enforce Kleven's commitment to this community. Kleven said he does work from his home and noted that when he was with BW Insurance he did not spend a lot of time in the office but would visit his clients at their place of business. He said he truly has a passion for public entities and

would like to stay as the City's agent. He said he has been working with NDIRF for 20 years and would like to continue.

Scott Nicholson, the new agency manager for BW Insurance of Wahpeton, then approached the Council. He said also present with him was Chuck Klabo, Territory Sales Manager for North and South Dakota for BW Insurance. Nicholson said Kleven talked a lot about service and until he is fully licensed, in about 5 weeks, that is really all he will be able to talk about. He said his background is in service and is one of his best assets. Nicholson said the agency will be located in Wahpeton, which will consist of himself and Kari Nordick who has been with the agency for about 4 years so she is familiar with the City's account. He said Klabo is also familiar with the account and has been servicing it since Kleven's absence. Nicholson then talked about his commitment to and involvement in the community. He felt what was important was that the City has not had any gaps in service despite the change and that the carrier is not changing, and stated his commitment to the City is service.

Chuck Klabo and Kip Erickson then made comments regarding their respective agencies. Further discussion was held. **Motion by Bertsch, seconded by Hansey, to switch the NDIRF coverage to Insure Forward. Motion Failed 2-5 with Hansey and Bertsch voting 'aye'; and Mitskog, DeVries, Dale, Bajumpaa, and Bohn voting 'nay'.** Sturdevant noted the City will stay with BW Insurance.

#### **Reimbursement Request for change of address – tabled pending additional information**

**2013 Budget – motion** to recommend amendment of the 2012 budget to allocate \$5,000 to replace the K9 dog Stryker. – **Motion by Bohn, seconded by Bajumpaa, to amend the 2012 budget to allocate \$5,000 from current year reserves from the General Fund to replace the K9 dog Stryker. Roll call vote 7-0. Motion Carried.**

**Motion** to recommend a formal request to Richland County for an explanation in the 2013 Communications budget increase. – **Motion by Bohn, seconded by Bajumpaa, to make a formal request to Richland County for an explanation in the 2013 Communications budget increase. Motion Carried.**

**Public Works Operations Manager Position** – Bohn said this would be addressed later in tonight's meeting.

#### **Public Works Public Safety Committee Report**

Hansey said the Publics Works Public Safety Committee met at 5:00pm on September 25<sup>th</sup>.

**Permission to advertise Northside Ditch Mtc. Proj. DR12-206 – motion** to recommend proceeding to advertise – **Motion by Hansey, seconded by Dale, to approve Advertisement for the Northside Ditch Maintenance, Project No. DR12-206. Motion Carried.**

**2013 Budget – motion** to recommend removing the Public Works Operations Manager Position form the 2013 budget – This will be addressed later in the meeting.

#### **UNFINISHED BUSINESS**

##### **Ordinance No. 945 – Adoption of the 2013 Budget**

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

**ORDINANCE NO. 945**  
**AN ORDINANCE MAKING AN APPROPRIATION FOR THE CITY OF  
WAHPETON, NORTH DAKOTA FOR THE YEAR 2013**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Bajumpaa. Discussion was requested regarding the Public Works Operations Manager Position. When asked how to proceed, Lies explained that since the ordinance has been offered for second reading it is subject to discussion or to amendment. **Hansey offered an amendment to the motion, seconded by DeVries, to remove the Public Works Operations Manager Position from the 2013 budget along with its funding.** Further discussion held. Bohn commented that a lot of work has gone into researching the job, its responsibilities, and projects this person would take on and that there has also been a lot of discussion on whether or not to realign some duties to the existing employees to take on projects as needed for the city to continue to grow and she felt with the current budgeting there was over \$70,000 allocated for this position and felt it would be short-sided to remove it from the budget at this time. She said whether the Council decides to fill the position in the future she believed that would come to fruition after it is investigated further, but felt the funds still may have some potential whether it is used to contract some services on projects that may be done in the short-term, or adjust staff responsibilities with their current job descriptions allowing the City to reflectively adjust their pay and change in grade if that's the path that is pursued. She also mentioned the unknown medical insurance increase coming up next year, and felt it was important those funds remain in the budget at this time.

DeVries questioned if Bohn was only talking about the funds and not the position. Bohn answered that a job description has not been approved yet so the position could not be filled. DeVries then questioned if the funds would not be for that position – if they could be used for other needs, which Bohn answered that as of now they would be allocated to the PW Operations Manager position however she felt funds could be transferred. Huwe commented that with the amendment to the motion made by Hansey the City would lessen their tax levy, and granted the estimated fiscal impact of the position is \$76,642, with about \$27,500 of that coming from property tax sources so if the position is removed from the budget consideration would need to be given to amending the property tax levy down 1.96 mills which would affect other options. She said the funding from other sources, including the Water Fund, Sewer Fund, and Flood Maintenance Fund, all have revenues sufficient to meet their expenses as presented in the preliminary budget so those funds would just go unexpended. If the funds are not used for what they are appropriated for, Council approval would be needed for the funds to be used for something else. Further discussion held regarding this.

Mitskog felt the City needed to be very cognizant and respectful of the need for property tax relief and though the legislature is going to address it she felt we all need to do our part and to be adding a position to the City when the current employees/supervisors haven't been given the opportunity to assume some of the duties she felt it was premature and that it's risky to add staff without a well thought-out plan. She felt a job description was one thing but really felt the current employees should be approached as to what additional work they can assume. She acknowledged that Nelson works tirelessly long hours but said the City's population is flat and did not feel it was the right time to add staff at this point and would like to see the position removed from this budget as well as the funding. Hansey agreed, and questioned if the budget is approved with the elimination of the PW Operations Manager position if the money could be removed later so as not to have to redo the budget. Lies answered that it could not be done later as the Finance Director has to certify the budget into the County Auditor by today so a decision has to be made at this time.

Bajumpaa said his biggest concern is that, looking forward, there has to be a well thought-out transition plan in place, and if current employees are allowed to take on additional tasks that are currently being assumed by Nelson he wondered how they would be compensated if funds are not budgeted. Hansey wondered if Bajumpaa meant that if the employees take on more work they should receive more pay even though they may not be working up to their potential at this time. Bajumpaa was unsure but felt there would be a need to review and change job descriptions at some time, and if more work is added to employee's duties he wondered when they would need to be compensated for it. He felt it was a question that needed to be considered. Sturdevant noted that all job descriptions include "other duties as assigned" but understood the need if there is change in job description. Dale felt that if employees are given additional tasks it would be fair to see how they handle it before being awarded with a raise. Bajumpaa agreed but wondered how to go about addressing that, whether it be in 6 months, a year, or whatever. Sturdevant said job description changes would need to be addressed by either the PW Committee or Finance Committee from the supervisors. Mitskog said she also had questions about succession planning and felt the need to review all job descriptions on the PW department to see who would have the time and ability to assume some of those duties. Further discussion held.

Sturdevant then stated that there was an amendment on the floor to remove the PW Operations Manager position from the budget along with the funding. Bertsch felt it was premature to remove the position from the budget at this point, or maybe late in the date as it has been discussed since July and have still come to no conclusion and no workable solution. She said the money has been allocated and although there is not a complete job description Nelson has provided a sizable job description of things needing to be done. She also felt this position would help assist with the transition if/when Nelson leaves employment, and felt the need to leave the funding in the budget.

DeVries echoed Mitskog's comments and felt it was a timing issue right now. He said the subject has been discussed for a while and that the Council had been told it would be easier to take it out than to add it so that was taken into consideration which brought it to this point. He saw good to it but just did not feel the timing was right. Sturdevant said both PW and Finance Committees have given consideration to this issue the past couple of months and said that it was time to call for a vote on the amendment to remove the Public Works Operations Manager Position from the 2013 budget along with its funding. Comment was then heard from Nelson. **Roll call vote 4-3. Motion Carried with Hansey, Mitskog, DeVries and Dale voting 'aye'; and Bajumpaa, Bohn and Bertsch voting 'nay'.** Sturdevant then asked for the vote on the second reading of Ordinance 945. Roll call vote 7-0. Motion Carried.

#### **SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Committee October 8<sup>th</sup>, 12:00 Noon
- b. Public Works Committee October 9<sup>th</sup>, 12:00 Noon

**Motion by Mitskog, seconded by Hansey, to adjourn at 6:18pm.**

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Mayor Sturdevant

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Lynelle Amos, Finance Assistant