

**Wahpeton City Council**  
**September 8, 2015**  
**5:00 p.m.**

**Present:** Schmidt, Lambrecht, Bertsch, Hansey, DeVries, Dale, and Wateland

**Absent:** Mitskog and Bajumpaa

**Also Present:** Huwe, Lies, Miranowski, Thorsteinson, Broadland, Priebe, Guck, and Cain

Meeting called to order by Mayor Hansey.

**PUBLIC HEARINGS/ETC.**

**Public Hearing with Planning Commission – Alley Vacation N. ½ of Block 32, Original**

**Townsite** ó This public hearing was held jointly with the Planning Commission. Planning Commission Chair DeVillers reconvened the Planning Commission meeting, and Lies was referred to for clarification. 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 of which there was none. Lies explained this alley vacation lies north of the Job Service and US Bank locations, immediately on the west side of the current Vertin Munson Funeral Home. It only runs for a half block because the south half block alley was vacated previously. The owners are considering remodeling and have petitioned for the vacation. Lies said the only issue is a resolution needs to be adopted to vacate an alley or street, and have had the four publications necessary but they are still working with the utility company so is subject to existing utilities and its condition upon working out with them. DeVillers then asked for a recommendation from the Planning Commission. **Motion by Donna Keogh, seconded by Daryl Eberhardt, to recommend to the City Council to approve the Alley Vacation of North ½ of Block 32, Original Townsite. Motion carried with all voting ‘aye’.**

Council member Schmidt offered the following and moved its adoption:

**RESOLUTION NO. 3574**  
**RESOLUTION VACATING ALLEYWAY**  
**(North ½ of Block 32, Original Townsite)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Bertsch. Motion carried with a roll call vote 6-0.

**Public Hearing with Planning Commission – Ord. No. 970 Amending Sec. 46-191 Industrial I-2 Zoning District Special Exceptions** ó

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 of which there was none. Lies explained this ordinance would allow for a special exception that can only be granted by the City Council, not by the Board of Adjustment, to allow for a composting site within an I-2 zoned area. It's not siting it anywhere but making it possible for it to be sited upon the Council's approval. DeVillers then asked for a recommendation from the Planning Commission. **Motion by Daryl Eberhardt, seconded by Donna Keogh, to recommend to the City Council to approve Ordinance No. 970 Amending Sec. 46-191 Industrial I-2 Zoning District Special Exceptions. Motion carried with all voting ‘aye’.**

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

**ORDINANCE NO. 970**  
**AN ORDINANCE AMENDING SECTION 46-191**  
**INDUSTRIAL I-2 DISTRICT TO ALLOW COMPOSTING**  
**AND YARD WASTE STORAGE ABOVE GROUND**  
**BY SPECIAL EXCEPTION BY CITY COUNCIL**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Lambrecht. Motion carried with a roll call vote of 6-0.

**Public Hearing with Planning Commission – Renaissance Zone Expansion**

Priebe explained the Renaissance Zone boundary amendments had been reviewed at the Planning Commission/Renaissance Zone Authority meeting, and said the amendment would extend current district boundaries by an additional 7 blocks and move a current ½ block to another location. She provided and reviewed a map of the proposed additional blocks as was publicly noticed in the newspaper. 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 of which there was none. DeVillers stated the Planning Commission/Renaissance Zone Authority recommends approval of the Renaissance Zone District boundary amendments as presented.

Council member Bertsch offered the following and moved its adoption:

**RESOLUTION NO. 3575**  
**RESOLUTION FOR RENAISSANCE ZONE**  
**DISTRICT BOUNDARY AMENDMENTS**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schmidt. Motion carried with a roll call vote 6-0.

**Motion by Allen Larson, seconded by Donna Keogh, to adjourn the Planning Commission meeting at 5:12 p.m. Motion carried with all voting ‘aye’.**

**Public Hearing – Declaring Work Necessary for an Improvement in Street & Storm Sewer Improvement District 12-02-06 16<sup>th</sup> Ave. N. Reconstruction from 11<sup>th</sup> St. N. to 210 Bypass**

Lies explained this is the time for the public hearing on the protest relating to going ahead with the Assessment District 12-02-06 which is the 16<sup>th</sup> Avenue Project. Miranowski described the project which he said would entail 16<sup>th</sup> Avenue from 11<sup>th</sup> Street to the 210 Bypass. He said the project would basically be the same as was done on 11<sup>th</sup> Street, including lowering the road, having two driving lanes with a center turning lane, and on the north side of the street would be constructing a 10 foot wide asphalt pathway that would extend from 11<sup>th</sup> Street to Commerce Street. 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 of which there was none.

Council member Lambrecht offered the following and moved its adoption:

**RESOLUTION NO. 3576**  
**RESOLUTION DECLARING WORK NECESSARY FOR AN IMPROVEMENT**  
**IN STREET & STORM SEWER IMPROVEMENT DISTRICT 12-02-06**  
**(16<sup>TH</sup> AVENUE NORTH RECONSTRUCTION**  
**FROM 11<sup>TH</sup> STREET NORTH TO 210 BYPASS)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Bertsch. Motion carried with a roll call vote 6-0.

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

**Approval of minutes of Public Hearing held August 11, 2015**

**Approval of minutes of regular meeting held August 17, 2015**

**Approval of minutes of Committee of Whole meeting held August 20, 2015**

**Approval of minutes of Committee of Whole meeting held September 1, 2015**

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

Games of Chance Raffle Permit ó BW Blades

Games of Chance Raffle Permit ó VFW Auxiliary

Games of Chance Raffle Permit ó Red River Area Sportsmenø Club

**Other Games of Chance and/or special permits:**

Games of Chance Raffle Permit ó Austin Erickson Benefit

**Presentation/Approval of Reports**

Car Show Sept. 10<sup>th</sup>

Tri-State Safety Assoc. ó 4<sup>th</sup> Annual Safety Conference

MDI Update from Steve Haire

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

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**Request to schedule a public hearing for Sept. 21<sup>st</sup> at 5:00 – CDBG Grant Closeout on Well**

**Hse. #3 Project** ó Huwe requested a motion to schedule a public hearing for September 21<sup>st</sup> at 5:00 to provide closure on the Community Development Block Grant received through Lake Agassiz Regional Council for the repairs at Well House #3. **Motion by DeVries, seconded by Schmidt, to approve scheduling a Public Hearing for the Community Development Block Grant (CDBG) Closeout on the Well House #3 Project for September 21<sup>st</sup> at 5:00 p.m. Motion carried with all voting ‘aye’.**

**Recommendation on Refunding Improvement Bonds Series 2015** ó Huwe explained an alternative process was used this time rather than using a financial consultant to set up a public sale for the long term financing of the 11<sup>th</sup> Street North Project. She said private placement bonds were arranged and bids were requested from local area banks to buy the Cityø debt of \$460,000. She said 4 bids were received, with the most competitive bid being received from Bell State Bank with a proposal of an average interest rate of 2.38% and an estimated total cost of interest of \$49,428.75 for the 10 year bond agreement. Huwe said one unique feature of this debt issuance is that there is a prepayment clause so in the event we have a high incidence of pre-payments for the special assessments we can go ahead and prepay the debt and call the bonds early, which is advantageous to the City as a borrower. She said a resolution was needed to approve the bid from Bell State Bank in the amount of \$460,000 of principle with a varying interest rate as presented.

Council member Bajumpaa offered the following and moved its adoption:

**RESOLUTION NO. 3577**

**RESOLUTION CREATING THE FUND OF AN IMPROVEMENT DISTRICT,  
PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS FOR THE  
SUPPORT AND MAINTENANCE OF SAID FUND, AND AUTHORIZING THE  
ISSUANCE OF IMPROVEMENT WARRANTS THEREON  
(12-01-06 11<sup>th</sup> Street North Reconstruction)**

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

Council member Bertsch offered the following and moved its adoption:

**RESOLUTION NO. 3578**  
**RESOLUTION AUTHORIZING THE ISSUANCE OF \$460,000**  
**REFUNDING IMPROVEMENT BONDS OF 2015**  
**(12-01-06 11<sup>th</sup> Street North Reconstruction)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Wateland. Motion carried with a roll call vote 6-0.

**Property Issue at 403 2<sup>nd</sup> St. S. ó request referral to PW Cmt.** – Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

**Agent of Record – request referral to Finance Cmt.** ó Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

**NDLC Annual Conference Sept. 24 – 26, 2015 in Fargo** ó Huwe asked that anyone interested in attending who has not yet registered contact Cain at City Hall.

**ASSESSOR/BUILDING COES**

**Special Assessment Commission Public Hearing Sept. 10<sup>th</sup> at 5:30 p.m.** ó Broadland said the 11<sup>th</sup> Street North project organizational meeting was held August 18<sup>th</sup> at 4 p.m. Letters were then mailed to the property owners within that district on the 19<sup>th</sup> informing them that the Special Assessment Commission Public Hearings were scheduled for September 10<sup>th</sup> at 5:30 p.m. Broadland requested a motion to schedule the confirmation hearing for the Wahpeton City Council for October 5<sup>th</sup>, 2015 at 5:00 p.m. **Motion by Lambrecht, seconded by DeVries, to schedule a Confirmation Hearing for Special Assessment District 12-01-06 Street and Storm Sewer Improvement District 12-01-06 (11<sup>th</sup> Street North – Reconstruction) (Avenue B to 16<sup>th</sup> Avenue North) (11<sup>th</sup> Street North to Highway 210 Bypass – Storm Sewer) for October 5<sup>th</sup> at 5:00 p.m. Motion carried with all voting ‘aye’.**

**ECONOMIC DEVELOPMENT DIRECTOR**

**Planning Commission motion to recommend approval of the Oakwood Addition Minor Replat No. 2 (adoption by Resolution)** ó Priebe said Oakwood Addition Minor Replat No. 2 has been before the Planning Commission 3 times. She reviewed: **July 20<sup>th</sup> meeting:** Lot one is owned by Jerry Meide who is selling off pieces to his neighbors. Lot 2 would be sold to Lot 7 owner, Perry Miller. Mike Yaggie is purchasing Lot 4 and already owns Lot 3. Alan Klein would be purchasing Lot 5 and Wayne Ward would be purchasing Lot 6. These owners want the land as a tree barrier for their property. Meide reserves the easement for a road between Lot 1 & 2. There is no infrastructure, no streets, and no dedications in this area. When 16<sup>th</sup> Avenue is redone, the DOT cannot take away the gravel access road. There is already a garage there. If the setbacks are met, Miller can build on Lot 2. There is public access to it. Lies stated that Miller would need a variance to put up a new non-residential structure. The ordinance states that you cannot have primary use of a lot as an accessory building. The building that is there is grandfathered in. Discussion was held regarding the small lot and how they should go together with the parcel and this initial presentation was tabled until the following meeting. **August 3<sup>rd</sup> meeting:** A new description of attaching the little lots to the larger ones was reviewed and approved by the Planning Commission. This description is printed on the back of the map. This would clear up

the concerns of having them permanently attached. Lot 2 would remain separate because it has street access. The Planning Commission then approved the preliminary Minor Replat and set a joint hearing date of September 8<sup>th</sup>. **Final approval August 25<sup>th</sup> meeting:** There has been a change to this plat. Ward no longer wants his piece going all the way to the North, he wants to match the boundary with others. This Lot 6 will no longer be attached to Lot 2 it will be permanently attached to Lot 4. The lot descriptions are on the back of the map. Wayne Ward owns Lot 4 and the west part of Lot 2 currently. The east part of Lot 2 is owned by Becky Snyder. Both halves of Lot 2 are currently grass, no buildings. The language was worked out last time and it is listed in the owner's certificate. Priebe said the recommendation from the Planning Commission is for final approval of Minor Replat No. 2 of Oakwood Addition.

Council member Wateland offered the following and moved its adoption:

**RESOLUTION NO. 3579**  
**RESOLUTION APPROVING THE MINOR REPLAT NO. 2**  
**OF OAKWOOD ADDITION**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schmidt. Motion carried with a roll call vote 6-0.

**Planning Commission motion to recommend approval of the Birchwood Investment Properties, LLC Renaissance Zone Project application including a 5 year property tax exemption at 100% yr. 1, 80% yr. 2, 60% yr. 3, 40 % yr. 4 and 20% yr. 5**

ó Priebe explained the Renaissance Zone Authority reviewed a request for a New Construction project of a 24 unit apartment complex at the west end of 8<sup>th</sup> Avenue South near Dakota's Edge. The area is zoned R-3 and the project cost is estimated at \$1.9 million. Project contact is Mike Schoenecker representing owner Birchwood Investment Properties LLC. The proposal show 9 one bedroom units; five 2 BR 2 Bath units; 6 two bed one bath; and 4 three bed/two bath units. 24 garages (2 buildings with 12 each) are in the plans and the apartment units are at market rate rents roughly \$725 to \$975/month. The RZA may grant 100% 5-year property tax exemptions on new construction within the Renaissance Zone. This was discussed at an initial meeting of the RZA August 3<sup>rd</sup> and tabled until more information was received on the project itself as well as potential issues with 8<sup>th</sup> Avenue South street access. (It is not a through street.) A review of recent PILOTS (Payment In Lieu Of Taxes) for projects outside of the Renaissance Zone and for previous zone projects revealed apartment buildings having received a graduated scale for tax exemptions as an incentive for investing. Assessor Broadland presented a revised schedule showing 100% exemption the first year; 80% the 2<sup>nd</sup> year, 60% the 3<sup>rd</sup> year, 40% the 4<sup>th</sup> year, and 20% the 5<sup>th</sup> year. For this project this would mean a \$118,816 estimated total property tax exemption for the 5 years or 60% of the property tax bill with Birchwood paying 40%. Broadland's suggestion is also consistent with what has been done recently. The RZA recommends the Wahpeton City Council approve the Renaissance Zone application from Birchwood Investment Properties, LLC as presented. **Motion by Lambrecht, seconded by Bertsch, to approve the Renaissance Zone application from Birchwood Investment Properties, LLC for New Construction at the west end of 8<sup>th</sup> Avenue South for a 5 year property tax exemption of 100% year 1, 80% year 2, 60% year 3, 40% year 4 and 20% year 5.** Discussion held. **Motion carried with a roll call vote of 6-0.**

**Planning Commission motion to recommend approval of the plat of Evergreen West Minor Replat No. 1 with conditions regarding drainage** ó Priebe explained this is a property owned by Charlie Zach who is requesting a replat of this property to allow him to build some twin homes, which would be 3 sets of twin homes in the 6 lots in Evergreen West located just west of

McDonalds along 14<sup>th</sup> Street. It is zoned R1-C, which allows for a twin home by special exception and would meet all the setbacks. She said the Planning Commission reviewed this request at their meeting earlier today and recommend approval of the plat of Evergreen West Minor Replat No. 1 contingent upon receiving a Special Exception through the Board of Adjustment for the R1-C Zoning and twin homes development.

Council member Bertsch offered the following and moved its adoption:

**RESOLUTION NO. 3580**  
**RESOLUTION APPROVING THE MINOR REPLAT NO. 1**  
**OF EVERGREEN WEST ADDITION**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Lambrecht. Motion carried with a roll call vote 6-0.

Priebe said with the added blocks in the Renaissance Zone and with the more recent approval of Evergreen West in Renaissance Zone Block 26A, the Authority is now in the process of amending the Development Plan for the zone as it relates to property tax exemptions for newly constructed homes. There is an ordinance on the books that allows up to the first \$150,000 value of a new home be exempted from ad valorem tax for 2 years. RZ tax exemptions may go up to 100% for 5 years.

Priebe reported she received a check today for \$5,000 from Wade Hamilton for the lot at 418 8<sup>th</sup> Street North, who would like to construct a new home on this parcel but would like a 36 month window in which to complete the project instead of the 12 months. She recommended the extension to 36 months be allowed. **Motion by Schmidt, seconded by Bertsch, to allow a 36 month construction period for the lot at 418 8<sup>th</sup> Street North. Motion carried with all voting ‘aye’.**

Priebe announced that WCCO Belting has once again been chosen as one of the top 50 places to work in the region according to Prairie Business magazine. She said the employees have to independently log on to the site if they so choose to vote and if they do it is done anonymously. She said the City will be sharing in the cost of some billboard advertising for 3 months promoting their newest recognition. She then congratulated CEO/President Tom Shorma and all employees of WCCO Belting.

Priebe said the Car & Bike Show is this Thursday, September 10<sup>th</sup>. This is the 6<sup>th</sup> Car Show that has been expanded to a car AND bike show this year with a cruise that will go from Main Street to New Old Main on the college campus. Awards will be presented through voting. KBMW will be serving HOPE brats and burgers and the Lions Club will be making mini-donuts. The Red Door Art Gallery will be open, as will Cherry Berry. There will also be music by a dj. The 400 and 500 Blocks of Dakota Avenue will be blocked off for the event with staging of the cars and bikes beginning at 4pm. She recognized the sponsors Smith Motors, Vision Ford and Dakota Chrysler. Priebe also noted that the Farmers Market will open for business in the Sears/Family Dollar parking lot as well.

**LIBRARIAN**

**Library Report** ó Guck reported the lift at the library is now operational, as of last Tuesday. She gave a reminder that the Adult Spelling Bee will be held Saturday, September 26<sup>th</sup> from 4-7 p.m. at the Firehouse Pub. As of today there are two confirmed teams and three verbal commitments so are half way to the ten team limit. Guck said she is busy promoting the event.

Next week, Guck said she and her Children's Librarian, Rachel Kercher, will be in Jamestown for the ND Library Association Annual Conference. She said they will be attending the conference Wednesday through Friday.

### **PUBLIC WORKS DIRECTOR**

**PW Report** ó Miranowski requested referral to Public Works Committee of a request from the owners of the 400 Block of Dakota Avenue for a cost share request for the sidewalk replacement on the north side of the building in the alley. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski then reported cleaning continues for sanitary sewers and storm sewer, and patching streets.

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

**R/I Bond Series 2015 – motion to proceed with Request for Proposals** ó This was addressed earlier in the meeting.

**Band Levy Funding – motion to transfer \$3,600 from 2015 State Aid surplus to the Park Board as one time funding for Band Levy/Music in the Park with conditions** ó Motion by Bertsch, seconded by Schmidt, to approve transferring \$3,600 from 2015 State Aid surplus to the Park Board as one time funding for Band Levy/Music in the Park with conditions. Motion carried with a roll call vote of 6-0.

### **Preliminary 2016 Budget Ord. No. 971 – motion to offer first reading**

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

#### **ORDINANCE NO. 971** **AN ORDINANCE APPROPRIATION FOR 2016**

**Request for appointment of Mike Rosely, to the CVB to replace Pam Erlandson with term ending 6/30/2019** ó Motion by Lambrecht, seconded by DeVries, to approve the appointment of Mike Rosely to the Convention and Visitors Bureau to replace Pam Erlandson with term ending 6/30/2019. Motion carried with all voting 'aye'.

Dale asked for referral to the Public Works Committee of a possible partnership with the City of Wahpeton and NDSCS on the Willow Creek project. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

### **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 August 24<sup>th</sup>.

**Proposals for Insurance Agent of Record – discussion**

**2016 Preliminary Budget – discussion**

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

Lambrecht said the Public Works Public Safety Committee met at 5:00 p.m. on August 24<sup>th</sup>.

**2015 Dakota Ave. Concrete Repair Project Final Pay Request – motion** to recommend approval of final payment of \$41,866.50 to Comstock Construction for \$41,866.50 ó **Motion by**

**Lambrecht, seconded by Schmidt, to approve Final Payment for the 2015 Dakota Avenue Concrete Repair Project No. ST15-220 to Comstock Construction Inc. in the amount of \$41,866.50. Motion carried with a roll call vote of 6-0.**

**Well #3 Final Pay Request – motion to recommend approval of the final payment of \$29,660.71 to Comstock Construction ó Motion by Lambrecht, seconded by Bertsch, to approve Final Payment for Well #3 Building Reconstruction Project in the amount of \$29,660.71 to Comstock Construction Inc. Motion carried with a roll call vote of 6-0.**

**Yard Waste Collection – discussion**

**Transfer of Sewer Dept. Truck SW98-1 to Park Dept. – motion to recommend minimum sales price of \$2,300 or trade to Smith Motors ó Motion by Lambrecht, seconded by DeVries, to approve trading the Sewer Dept. Truck SW98-1 to Smith Motors. Motion carried with all voting ‘aye’.**

**Waste Water Ponds Odor Concerns – discussion**

**Budget Questions referred from Cmt. of Whole Aug. 20<sup>th</sup> – discussion**

**Dilapidated properties update – discussion**

**Parcel No. 17-3309-0002015 levy adjacent property**

Lies said the MDI Appeal Hearing needs to be rescheduled, and will have possible dates at the next City Council meeting.

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

The following Committee Meetings were then scheduled:

- a. Finance Committee September 14<sup>th</sup>, 12:00 Noon
- b. Public Works Committee September 15<sup>th</sup>, 12:00 Noon
- c. Planning Commission September 17<sup>th</sup>, 4:00 p.m.

**Motion by Lambrecht, seconded by Bertsch, to adjourn at 6:01 p.m.**

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Mayor Hansey

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Lynelle Amos, Finance Assistant