

**Wahpeton City Council
December 6, 2010**

Present: Hansey, Hartman, Mitskog, Sturdevant, Dale, and Bajumpaa via teleconference

Absent: Bertsch, DeVries, and Bohn

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

Meeting called to order by Mayor Sturdevant.

Motion by Mitskog, second by Hansey, to approve the Council Minutes from November 15, 2010. Motion Carried.

Motion by Mitskog, second by Hansey, to approve the Council Retreat Minutes from November 16, 2010. Motion Carried.

PUBLIC HEARINGS/ETC.

Bois de Sioux Golf Course Operations Update Anderson reported that two of the golf cart sheds have been moved and the project was paid for with a zero interest loan through the City. He said the golf course opened on time this year and play was uninterrupted. Anderson reviewed a report from the treasurer which showed a shortfall of \$16,263. He explained that some of the shortfalls in the projected income were in memberships and the expected rental income from the former renter of Grille Room. He said they are working on the 2011 budget and are planning to adjust some fees, except for membership fees, to increase income, and have come up with an incentive plan. The next Golf Board meeting is scheduled for December 14th at 6:30pm to work out a balance budget. Anderson said the Bois de Sioux Public Golf Course Board of Directs requests their financing matter to be on the next Finance Committee agenda. Mayor Sturdevant will refer this item to Finance & Personnel Committee.

Mayoral Appointments of new Bois de Sioux Golf Board members Mayor Sturdevant said Arden Anderson and Roger Richels have been reappointed and Jay Ovsak is a new member replacing Lynn Syvertsen.

REPORTS

FINANCE DIRECTOR/AUDITOR HUWE - Huwe presented the following local site authorizations / games of chance permits for approval: **Knights of Columbus; Skills USA; Wahpeton All Sport Booster Club; Wahpeton Buffalo Club; Machinist Club – NDSCS; and Wahpeton Baseball/American Legion Baseball.** Motion by Hartman, second by Mitskog, for the adoption of the aforementioned game of chance permits as offered. Motion carried.

2011 City License Applications Huwe presented a list of Proposed 2011 City Licenses. Motion by Mitskog, second by Hansey, to suspend the rules to add Carousel Limousine to the 2011 City License applications. Motion carried. Motion by Hansey, second by Mitskog, to approve the 2011 City Licenses as presented contingent on the applicants having proved 100% compliance. Motion carried.

Seasonal Lease of City Building at 688 4th Ave. S. to Jacobson Transport Huwe explained that this is a month to month lease with Jacobson Transport for the former 4-H building. Motion by Hansey,

second by Dale, to approve the Seasonal Lease of City Building located at 688 4th Avenue South to Jacobson Transport. Motion carried.

NDLC Biennial legislative Workshop Dec. 8th at State Capitol Huwe asked that anyone interested in attending contact her.

Dinner with Legislators – refer to Finance Cmt. Mayor Sturdevant will refer this item to Finance & Personnel Committee.

Development Agreement with Legacy IV – refer to Finance Cmt. Mayor Sturdevant will refer this item to Finance & Personnel Committee.

City Council updates with KBMW at 11:05 AM on Tuesdays following Council Huwe said KBMW would like to talk on air to a Council member, the Mayor or staff person at 11:05am the morning following council meetings to give an update on the Council meetings starting tomorrow.

Schedule Public Hearing for WCCO Belting CDBG Grant on Dec. 20th Huwe said WCCO Belting has been approved for a Community Development Block Grant from Lake Agassiz Regional Council who has requested a hearing be scheduled to be held at the next Council meeting on December 20th, as City Council approval is required.

Recommendations from EDC Huwe reviewed the request from Phoenix Housing, Inc. for a City sales tax loan for Town Centre Square renovations and the recommendation from the EDC for its approval. **Motion by Mitskog, second by Hansey, to approve a \$670,000, 1% interest, 18 month construction loan from sales tax to Phoenix Housing, Inc. [or the new LLC] for the purposes outlined in the Construction Budget pursuant to an agreed upon Urban Renewal Development Agreement and Contract for Sale of Land and Buildings. Motion carried roll call vote 5-0.**

Huwe also reviewed a Town Centre Square permanent financing request through a FLEX PACE Interest Buydown from Phoenix Housing, Inc. and the recommendation from the EDC for its approval. This loan is to be repaid by the project developer. **Motion by Hansey, second by Mitskog, to approve a FLEX PACE interest buydown not to exceed \$77,000 for Phoenix Housing, Inc. [or new LLC tbd] and to allow city staff to negotiate the terms and conditions of this buydown. Motion carried roll call vote 5-0.**

ATTORNEY

Development Agreement for Town Centre Square Lies reviewed the details of the Urban Renewal Development Agreement and Contract for Sale of Land and Buildings for the Town Centre Square buildings, which he explained was also the purchase agreement. He noted the purchase price is \$260,000 which would require a \$26,000 down payment, and would be conveyed by a deed. **Motion by Mitskog, second by Bajumpaa, to approve the Urban Renewal Development Agreement and Contract for Sale of Land and Buildings as presented by Attorney Lies at a purchase price of \$260,000. Motion carried roll call vote 5-0.**

Professional services contract for re-plat of TCS Lies said this contract would be with Interstate Engineering. **Motion by Hansey, second by Hartman, to approve a Professional Services contract with Interstate Engineering for up to \$4,500 for re-plat of Town Centre Square. Motion carried roll call vote 5-0.**

Professional services contract with Legend Technical Services – Lies said this contract is to address concerns of asbestos in TCS. **Motion by Mitskog, second by Dale, to approve a Professional Services contract with Legend Technical Services for \$1,315 for Town Centre Square. Motion carried roll call vote 5-0.**

Vacation of 5th St Right-of-Way at Town Centre Square – Motion by Hartman, second by Mitskog, to authorize the City Mayor Sturdevant and Finance Director Huwe to sign a petition to vacate 5th Street Right-of-Way at Town Centre Square, and to set a hearing for this vacation on January 17th, 2011. Motion carried.

PILOT Hearings for TCS & Legacy IV – set public hearings for Jan. 3, 2011 – Motion by Hansey, second by Mitskog, to set public hearings for 5:00pm on January 3, 2011, for PILOT hearings for Town Centre Square and Legacy IV. Motion carried.

Adoption of 2009 I-Codes, second reading and adoption of Ordinance No. 936 – Lies said this would be for the second reading of the adoption of the 2009 International Building Codes as prepared by the International Code Council to be effective January 1, 2011. Council member Hansey offered the second reading of the following Ordinance:

ORDINANCE NO. 936
AN ORDINANCE AMENDING SECTION 18-3001
ADOPTION – BUILDING CODE

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Hartman, Motion Carried.

ECONOMIC DEVELOPMENT DIRECTOR

Copies of the report were provided.

PUBLIC WORKS DIRECTOR NELSON

PW Report

Nelson asked to suspend the rules for the reading of the bid opening of the Dakota Avenue Transportation Enhancement Project. **Motion Mitskog, second by Dale, to suspend the rules for the reading of the bid opening of the Dakota Avenue Transportation Enhancement Project. Motion carried.** Nelson said a bid opening was held on November 19th by the DOT for this project which is a landscape enhancement project for Dakota Avenue, and because the estimate for the project was much lower than the bids received it was decided to reject all bids so would like this matter to be referred to the Public Works Committee to revise the project scope for re-bidding. **Motion by Hartman, second by Dale, to reject all bids for the Dakota Avenue Transportation Enhancement Project and to refer the matter to the Public Works/Public Safety Committee to revise the project scope for re-bidding. Motion carried.**

Professional Services Agreement with Interstate Engineering, Inc. for Downtown Parking Study – Request for Referral to PW/PS Committee - Mayor Sturdevant will refer this item to PW/PS Committee.

Change Order 1(Final) with George E. Haggert, Inc. for Southside Drainage Improvements, Project No. DR09-165 – Request for Referral to PW/PS Committee - Mayor Sturdevant will refer this item to PW/PS Committee.

Zoning Map Adoption – Motion Hansey, second by Dale, for approval of Zoning Map adoption contingent on approval by the Planning Commission. Motion carried.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Sturdevant asked that Consent Agenda item be referred to both the Finance Committee and PW/PS Committee.

REPORTS FROM THE CITY COUNCIL COMMITTEES

Finance Committee Report

Huwe gave the Finance Committee report from the meetings held November 22 and November 29, 2010. She said the **PILOT Application for Legacy IV Senior Housing – motion to recommend offering a PILOT to Legacy IV Properties LLC for Lindenwood II** was already acted upon by the Council. **Town Centre Square – review of proposal** was addressed by Lies earlier in the meeting.

Request for proposal to market City owned properties – motion to recommend City Assessor Broadland to negotiate with Richland County for the acquisition of a lot with an up to amount of \$3,000. Motion by Mitskog, second by Bajumpaa, to approve authorizing City Assessor Broadland to negotiate with Richland County for the acquisition of a lot with an up to amount of \$3,000. Motion Carried.

Request review of Contractor’s License Renewals and NDSCS Building Construction Technology Spec Home are items with ongoing discussion.

Public Works Public Safety Committee Report

Hansey said there was no formal report.

PRESENTATION OF COMMUNICATION/REPORTS

- a. *Bois de Sioux Golf Club 2011 Membership Drive*
- b. *Lake Agassiz Water Authority Notice of Meeting Dec. 8th*
- c. *Red River Basin Commission Conference Jan. 18-20th*
- d. *Bremer Bank Nonprofit Connection Newsletter*
- e. *The Basics of Open Records & Meetings ND Attorney General’s Office*

Motion by Mitskog, seconded by Hartman, to approve the reports sent in the mail and in the correspondence book. Motion Carried.

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Committee December 13th, 12:00 Noon
- b. PW/PS Committee December 14th, 12:00 Noon
- c. Planning Commission December 16th, 4:00 P.M.

Motion by Mitskog, seconded by Hartman, to adjourn.

Mayor Sturdevant

Lynelle Amos, Finance Assistant