

**City of Wahpeton Minutes
June 18, 2007**

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at **City Hall on the 18th day of June 2007, beginning at 5:05 p.m.**

The following members were present: Mayor Sturdevant; Council members Beyer, Wateland, Mitskog, Otterson, Schmidt, Tollefson and Bohn.

The following members were absent: Meryl Hansey

Officers present: City Coordinator Kessel, Attorney Lies, Public Works Director Nelson, Assessor Broadland, Building Official Johnson, Librarian MacIver and Police Chief Thorsteinson.

Others present: Bruce Dockter and Brad Riley.

Mayor Sturdevant called the meeting to order at 5:05pm.

Motion by Otterson, seconded by Schmidt to approve the minutes from the June 4, 2007 Council meeting. Motion carried 7-0.

PUBLIC HEARINGS

BOARD OF ADJUSTMENT APPEAL REQUESTED BY COMSTOCK CONSTRUCTION

Bruce Dockter of Comstock Construction is present to request that the City Council grant Comstock Construction a variance to install an above ground fuel tank. The current City Ordinance only allows 500 gallons above ground, Comstock is requesting 50,500 gallons. Building Official Johnson informed Comstock that the International Fire Code allows 48,000 gallon tanks above ground, Mr. Dockter said Comstock Construction is willing to comply with the Fire Code. Wateland asked about notice being provided to surrounding property owners, the variance states 150 feet or directly adjacent, and he does not see anything in submittals from Red River Valley and Western Railroad. Dockter stated he has not spoken with them. Otterson asked Dockter the names of individuals who signed the variance: Raymond Norgaard of Wahpeton Glass and Paint, Ted Pietron of Wahpeton Ace Hardware, Jim Jawaski of Jawaski Glass, Rick DeFries of Three Rivers Decorating. Mayor Sturdevant asked if Dockter had spoke with the Fire Chief Klovstad, Dockter sent a letter to Fire Chief Klovstad and received no opposition, he also stated he submitted to the City of Wahpeton a copy of the plan submitted to the State Fire Marshall. Otterson asked about other cities and what they have allowed for above ground fuel storage, Johnson stated that they (Fargo and West Fargo) follow the International Fire Code. Otterson asked about Fargo and West Fargo Ordinances if their Ordinance states 500 gallons, Johnson said they comply with International Fire Code. Kessel stated the Public Works/Public Safety Committee should review our Ordinance to see if a revision is necessary. Lies stated that above ground fuel tanks should be presented before a board so adjoining property owners concerns may be taken into consideration. Otterson asked when Comstock contacted Fire Department, Dockter does not have the date, Johnson thought some time in April when the State Fire Marshall was contacted. Schmidt asked Johnson the size of other above ground tank in the City, Johnson does not know. Bohn asked if Comstock is required to have earthen containment or something large enough for spills, Johnson stated a containment is required. Dockter said Comstock Construction is installing a concrete containment area with a containment liner inside, to hold the capacity of one tank, three tanks total, each hold 16,000 gallons. Johnson spoke to Chief Klovstad and his only concern was storage of aircraft fuel, Dockter stated there would be no storage of airplane fuel. Wateland wondered how far off the railroad tracks the tanks would be situated, if a derailment were to occur, Dockter stated any buildings or structures must be 50 feet from the center of the tracks.

Motion by Beyer, second by Mitskog, to grant the variance requested by Comstock Construction of up to 48,000 gallons of above ground fuel storage contingent upon applicants providing proof of notice given to the owner of the railroad property. Effective fifteen days after written notice has been served

to the railroad and no protests received from railroad after a fifteen day window has passed. Motion carried 7-0.

PETITION TO SLOW TRAFFIC IN ROSEWOOD ADDITION

Brad Riley of 1401 17th Avenue North presented a petition signed by twenty-six Rosewood Additional residents. The petition is requesting traffic control speeds along 17th Avenue. Once 17th Avenue and Commerce are completed traffic will increase with signal installation. Mayor will refer to PWPS Committee.

Beyer asked Lies about Joel Dotzenrod's request to erect a secondary structure to access Kidder Road, if DaBill Drive off 4th Street is owned by the Park Board the request should be made to the Park Board. Lies if Park Board owns request should go to Park Board. Kessel will refer Joel Dotzenrod's request to the Park Board.

Motion by Councilmember Otterson to hold the first reading of the following Ordinance:

ORDINANCE NO. 895
AN ORDINANCE REZONING FROM INDUSTRIAL (I-1)
AND HIGHWAY BUSINESS (B-3) TO INDUSTRIAL (I-2)
(Parts of Hubbard and Tyler Subdivision)

OFFICER REPORTS

City Coordinator Kessel – Requested referral of City land sale (land 4-H Building sits upon) to the Finance Committee to which the Mayor obliged.

Board and Commission seats Mayor Sturdevant recommend the following appointments:

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|--------------------------------------|----------------------------|
| Planning Commission | Donna Keogh |
| Zoning Adjustment Board | Devry Klocke |
| Zoning Adjustment Board | Shannon Schillinger |
| Library Board | Lisa Otterson |
| Library Board | Jennifer Beyer |
| Library Board | Mary Kroshus |
| Visitor's Committee | Kathy Diekman |
| Visitor's Committee | Andrew Lewis |
| Special Assessment Commission | Penny Helgeson |
| Golf Board | Jeff Hoyer |
| Golf Board | Arden Anderson |
| Golf Board | Lynn Syvertson |
| Economic Development Com. | John Nyquist |
| Economic Development Com. | Arden Anderson |
| Airport Authority | Kathy Hammer |

Motion by Wateland, second by Beyer to approve the appointments as recommended by Mayor Sturdevant. Motion carried 7-0.

Refer to Public Works/Public Safety Committee review of the above ground fuel storage Ordinance.

Council member Otterson's birthday is next week, June 29th.

Coordinator Kessel announced that there are games of chance, and site authorization licenses to approve.

Councilmember Bohn offered the following and moved its adoption:

Site Authorization
Three Rivers Gymnastics

The motion for the adoption of the foregoing Resolution was duly **seconded by Councilmember Tollefson**, Motion Passed 7-0.

Councilmember Tollefson offered the following and moved its adoption:

Games of Chance
Wahpeton Senior Citizen's Center

The motion for the adoption of the foregoing Resolution was duly **seconded by Councilmember Bohn**, Motion Passed 7-0.

Chief Thorsteinson – Request from the Chamber of Commerce Retail Committee, for Crazy Days to block Dakota Avenue from 4th Street to 6th Street on July 18th. The alternate date if rain is July 19th. Motion by Mitskog, second by Bohn to approve the street closure for the Crazy Days event. Motion carried 7-0.

Public Works Director Nelson – Council asked about vector control, Nelson stated that larvacide began May 2nd in the City. Ground spraying took place the first time last Friday, the 15th and Saturday the 16th, the next ground spray is scheduled for Wednesday the 20th and Thursday the 21st. Counts normally increase rapidly in June, Nelson will be watching the numbers and possibly have an aerial spray prior to July 4th. Mitskog asked if scheduled days for spraying are Wednesday in the south, Thursday in the north. Nelson stated Monday (south) and Tuesday (north) normal days for spraying. Wateland expressed concern regarding the tall grass in the Rosewood Addition on the vacant lots. Mayor Sturdevant stated that the CDC is going to take care of the issue. Nelson stated there are property owners that are unable to mow due to heavy rainfall and drainage issues. Otterson asked if larvacide is available at City Hall to residents, Nelson stated it is available.

REPORTS FROM THE CITY COUNCIL COMMITTEES

Finance Committee – Tollefson reported employee health insurance premiums are increasing 20% as of July 1, 2007. The Finance Committee discussed several options; one being an adjustment to cafeteria dollars and the other is the City paying the difference of \$15,151 for those employees affected, until the end of the year and reviewing again at budget time for 2008. Motion by Tollefson, second by Bohn to pay the \$15,151 health insurance increase until the end of the year for those employees who are currently enrolled in the medical insurance currently offered by the City. Beyer stated that he is opposed, since health insurance is part of the benefit/compensation package, and it is not fair to all staff as some are insured by their spouse. Beyer stated that he does feel this is better than not doing anything as employees could have been subject to a 10-11% reduction in wages. Voting aye: Tollefson, Bohn, Mitskog, Otterson, Schmidt. Voting nay: Beyer and Wateland. Motion passed 5-2.

Motion by Tollefson, second by Mitskog to approve the motor grader lease with Bank of the West. Voting aye: Tollefson, Bohn, Beyer, Wateland, Mitskog, Otterson, and Schmidt. Voting nay: None. Motion carried 7-0.

Public Works Committee – Committee Chair Otterson reported that the Public Works/Public Safety Committee met June 5th, with Richard and MaryAnn Pierce regarding several grievances that they have with the City.

Motion by Otterson, second by Schmidt allow up to \$16,000 for purchase of a vector control vehicle to allow for spraying in remote areas. Voting aye: Otterson, Schmidt, Tollefson, Bohn, Beyer, Wateland, and Mitskog. Motion carried 7-0.

Councilmember Otterson offered the following Resolution and moved for adoption:

RESOLUTION 3317
RESOLUTION ESTABLISHING VECTOR CONTROL RATES

Motion by Otterson, second by Schmidt to grant temporary authority to the Public Works Director and Police Chief to change the striping plan from 4th Street and 18th Avenue North to the 210 Bypass. Motion carried 7-0. Nelson reported that the reason for this change is to be consistent from Dakota Avenue North to the 210 Bypass, adding left turn lanes at 18th Avenue, Kidder Recreation entrance, and continuing north.

Councilmember Mitskog offered the second reading of the following Ordinance and moved for adoption:

ORDINANCE NO. 892
AN ORDINANCE AMENDING CHAPTER 8 PUBLIC NUISANCES

The motion for the adoption of the foregoing Ordinance was duly **seconded by** Councilmember Mitskog, and upon vote being taken thereon, the following voted in favor thereof: Beyer, Wateland, Otterson, Mitskog, Schmidt, Tollefson and Bohn; and the following voted against the same: None. Whereupon said Ordinance was declared duly passed and adopted, was signed by the Mayor, and attested to by the City Auditor.

Councilmember Tollefson offered the second reading of the following Ordinance and moved for adoption:

ORDINANCE NO. 893
AN ORDINANCE ARTICLE 6 NOXIOUS WEEDS AND UNCUT GRASS

The motion for the adoption of the foregoing Ordinance was duly **seconded by** Councilmember Schmidt, and upon vote being taken thereon, the following voted in favor thereof: Beyer, Wateland, Otterson, Mitskog, Schmidt, Tollefson and Bohn; and the following voted against the same: None. Whereupon said Ordinance was declared duly passed and adopted, was signed by the Mayor, and attested to by the City Auditor.

Councilmember Tollefson offered the second reading of the following Ordinance and moved for adoption:

ORDINANCE NO. 894
**AN ORDINANCE REZONING FROM HIGHWAY BUSINESS (B-3)
TO EXTRA TERRITORIAL ZONING DISTRICT (ETZ-1)
(PART OF THE SW ¼ OF THE NE ¼ 7-132-47)**

The motion for the adoption of the foregoing Ordinance was duly **seconded by** Councilmember Wateland, and upon vote being taken thereon, the following voted in favor thereof: Beyer, Wateland, Otterson, Mitskog, Schmidt, Tollefson and Bohn; and the following voted against the same: None. Whereupon said Ordinance was declared duly passed and adopted, was signed by the Mayor, and attested to by the City Auditor.

BILLS

General Fund 190,810.66, Water Operating Fund 57,050.47, Sanitary Sewer 23,329.68, Waste Removal Operating 18,337.21, Waste Reduction Fund 1,562.07, Vector Control Fund 3,061.62, Street Lighting 7,740.79, Armory Operating 1,545.83, Library Levy 13815.30, Advertising Levy 3,878.25, Airport 4 mill levy fund 468.88, Plan Commission Levy 2,293.25, Social Security Levy 88, Employee Safety Committee 297, Real Estate Levy 173, Special Street Maint Fund 569.53, Snow/Flood Emerg Levy Fund 1,150.20, Levee Maintenance 4,693.65, Ambulance Levy 2083.33, Meter Deposits 44.07, Unemployment Comp Reserve 335.96, Economic Dev Dept 11,519.03, Professional Develop Plan 665.26, Weed Maint Levy Fund 1,697.30, Lodging Tax Fund 330, Sales Tax Operating 13,841.66, Sales Tax Reserve 58,802.28, Sales Tax Mini Match Rsrv 557.82,

Revolving Loan 12,179.70, Gasoline 11,916.93, Community Policing 26.03, CERT 146.24, R/I #9596 102,028.13, 5/2/97 50,000, 1-1-04 Rosewood Ph II Proj 43,573.05, 1-1-06 Ph III 17th Ave Comm St 315. Motion by Tollefson, seconded by Mitskog to approve the bills totaling \$640,927.18. Motion carried 7-0.

PRESENTATION OF COMMUNICATION/REPORTS

Motion by Tollefson, seconded by Bohn to approve the reports sent in the mail and in the correspondence book. Motion carried 7-0.

SCHEDULING OF COMMITTEE MEETINGS

The following Committee meetings were then scheduled:

- * FINANCE & PERSONNEL June 25, 2007 Noon
- * PUBLIC WORKS June 19, 2007 Noon
- * FLOOD June 21, 2007 Noon

Motion by Mitskog, seconded by Wateland to adjourn. 5:50pm

Mayor Sturdevant

Angie Appell, Finance Assistant - Minutes respectfully submitted by aa.