

JANUARY 6, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 6th day of January 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, Burnell G. Myhra, Warren D. Meyer, Charles B. Christensen, Woody Caspers.

The following were absent: James P. Sturdevant, Donna Keogh, Richard A. Loberg.

Officers present: Auditor, Public Works Director, Economic Development Director, Police Chief, Attorney, Assessor, Administrative Staff Supervisor.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Hauck, to approve the minutes of the regular meeting held December 16th, 1996. Motion carried.

A Public Hearing following publication of legal notice, was held regarding the proposed rezoning from B-3 to ETZ-1 of the following property in the ETZ area: From the southwest corner of the NW of Section 7, T132N, R47W; thence north on a bearing of N 1³21'06" E a distance of 565.20 feet; thence N 90³ 00'00" E a distance of 150.00 to the point of beginning; thence N 1³21'06" E a distance of 180 feet; thence N 90³ 00'00" W a distance of 150 feet; thence N 1³21'06" E a distance of 70.14 feet; thence N 90³ 00'00" E a distance of 413 feet; thence S 1³21'06" W a distance of 250.14 feet; thence N 90³ 00'00" W a distance of 263 feet, more or less, to the point of beginning, from B-3 to ETZ-1. No one attended in opposition and no written protests had been received.

Councilmember Hauck reported for the Planning Commission. He said the Commission held a public hearing regarding the same property and there was no opposition and the commission recommended approval of the rezoning.

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

ORDINANCE NO. 768
AN ORDINANCE REZONING
(PART OF NW 1/4 SECTION 7-132-47 (ETZ))

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Caspers, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck Myhra, Meyer, Christensen, Caspers; and the following voted against the same: none. Whereupon said Ordinance was declared duly passed and adopted, was signed by the Mayor, and was attested to by the City Auditor.

Mr. Fred Strege addressed the Council. He said Wahpeton Lumber had been sold and the attorney for the seller has requested a corrective deed for a minor correction from when the property was included under MIDA Bond documents. The City Attorney said he has reviewed the request and recommends the corrective deed be approved.

Motion by Myhra, seconded by Caspers, to authorize the necessary signatures on the corrective deed for the Wahpeton Lumber Company property. Motion carried, 5-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-430
LARRY KAUFMAN BENEFIT (FIRE)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen and upon vote being taken thereon, the following voted in favor thereof: Hauck, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The Auditor reported an application has been received for special liquor sales from James Buffington, Buffington's Restaurant, to be held in the Armory on February 14, 1997. The Auditor said the application states the proceeds will be donated to the zoo and a proof of insurance has been requested. Mayor Rood referred this to the Personnel and Public Safety Committee for review.

Auditor Anderson distributed a rough draft of the pre-closing entries for the City. He stated some transfers of funds are required as the snow & flood emergency has been depleted. He said he would be meeting with the Finance Committee on January 7, 1997 at 12:00 p.m. to review these transfers.

Auditor Anderson said a report from Guy Miller regarding floor space at the LEC had been received. He said the report is color coded and as soon as copies are available they will be supplied.

Auditor Anderson also reported on the Auditorsø meeting held in Bismarck recently. He highlighted the following:

- Use of computers of inquires only - this would be a real time saver in the assessor's office
- Reading of water meters over the phone lines - may be expensive
- Aid to Cities and Counties - remove "subject to Legislative approval" from the law and replace with a percent instead
- Method to track legislative bills - this will be done through the Economic Development Office
- Request fresh faces when bills come up in committee
- Senate Bill - school districts income taxes would reduce property tax

The Administrative Staff Supervisor reported Administrative Assistant Lynn Aman had resigned effective January 8, 1997. She stated applications to fill the vacancy are being taken through Job Service of ND. She also stated that an additional Administrative Assistant has been budgeted for 1997 and she would like to meet with the Personnel Committee to discuss this position.

The City Assessor reported an abatement request from Lonnie Broberg has been withdrawn. She stated an abatement request from Leonard and Velma Johnson for a Senior Citizen Tax Credit has been received and they meet all the necessary requirements, therefore, she recommended approval of Mr. and Mrs. Johnson's request.

Motion by Christensen, seconded by Myhra, to approve the Senior Citizen Tax Credit request from Leonard and Velma Johnson. Motion carried, 5-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Public Works Director reported a quote from Continental Lime for 1997 Water Plant Lime at \$69.84 per ton had been received. He said Continental Lime is the only company that provided the City with a quote and recommended approval.

Motion by Christensen, seconded by Hauck to award the contract for 1997 Water Plant Lime supplies to Continental Lime at a price of \$69.84 per ton. Motion carried, 5-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Director Lein reported on the 11th Street North Extension Project. He recommended the construction engineer service agreement be awarded to Interstate Engineering.

Motion by Caspers, seconded by Christensen, to award the construction engineer service agreement to Interstate Engineering. Motion carried, 5-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Director Lein asked the Council to pass a resolution of support for the Bois de Sioux Watershed District. He explained the Bois de Sioux Watershed District is actually in Minnesota, but, any attempt to control flooding can only benefit the City as well. Councilmember Hauck asked if this was funded through Minnesota. Lein said the funding is totally thorough Minnesota. Councilmember Caspers asked if it would be possible for the Council to get copies of the Boards minutes. Lein replied that he will request the City be notified when the meetings are being held and that copies of the minutes be forwarded.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2807
RESOLUTION OF SUPPORT FOR
RED RIVER WATERSHED MANAGEMENT BOARD

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Myhra, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Attorney reported the Council's decision of the Vertin Munson Variance matter has been appealed to the District Court.

Police Chief Lotzer reported Officer Kevin Pallas has resigned. He said applications are being accepted through January 10, 1997 to fill the vacancy. Chief Lotzer added that 33 applications have been received to fill a patrol officer position created under the COPS program.

Chief Lotzer reminded everyone that visibility is limited due to the snow and the streets are slippery requiring more stopping time. He asked that citizens please drive safely and remember the parking restrictions are in place.

Auditor Anderson stated a memorandum regarding the Assessor's request for tuition reimbursement has been placed in the correspondence folder. He said the request is for two courses (Intro to Probability & Statistics and Social Behavior) totaling \$658.00. Mr. Hauck noted the cost has been budgeted and the personnel policy requires approval by the City Council.

Motion by Hauck, seconded by Christensen, to approve the Assessor's tuition reimbursement request in the amount of \$658.00. Motion carried, 5-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Auditor Anderson stated written comments with regard to the Comprehensive Plan from the following have been placed in the correspondence folder and the Mayor and Council have been supplied with copies:

Michael P. Grogan	Arden C. Anderson
Martin Schmidt	Kenneth R. Emmel
Jerry Lein	Wayne H. Beyer

Mayor Rood reported a letter of appreciation for the Police Department had been received. He said the letter thanks the PD for all their assistance with the funeral homes.

Mayor Rood reported on the Comprehensive Plan in relationship to the Master Plan. He said the Comprehensive Plan provides a guide for amendment to the Master Plan. He then scheduled a meeting for the Council to consider the written comments for January 30, 1997 at 5:15 p.m.

Mayor Rood said the meeting with the Committee Chairs was productive. He said it was decided that their would be an officer responsible to each committee. This officer would act as a point of contact to assist in meeting notifications and agendas. He added that a clerical person would be assigned to record each committee meeting.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said a written performance review of Administrative Assistant Lori Conway has been submitted by the Administrative Staff Supervisor for review. Hauck said the committee will accept the written evaluation as presented.

Councilmember Meyer reported for the Finance and Economic Development Committee regarding the LEC request for additional employees. He said the committee had met with County Auditor Kelly Hornstein and requested some additional information. Meyer said this request is on hold as the information has not been received.

Councilmember Meyer reported for the Finance and Economic Development Committee. He said a committee meeting has been scheduled for January 7, 1997 at 12:00 p.m. to discuss the Police Phone System cost and Entry Level Housing. Councilmember Meyer said a meeting with the Economic Development Director needs to be scheduled to discuss the ED Budget. He reported a meeting with large electrical and natural gas users has been scheduled on January 14, 1997 at 12:00 p.m. to discuss franchise fees.

Councilmember Myhra reported for the Public Works Committee regarding the Cable TV Franchise Renewal process. He said the committees of Wahpeton and Brechenridge will continue to meet on this in the near future.

Councilmember Hauck reported a Cabaret Ordinance has been prepared. He said the ordinance is basically the same as presented in vetoed Ordinance No. 755 with the following changes:

1. Limiting the number of cabaret licenses permitting strip tease type entertainment to two and those would be the only Class A liquor licensees currently featuring such entertainment, clearly setting forth that such licenses are not transferrable and become non-renewable upon lapse
2. Once a license lapsed or the owner no longer was the liquor license holder, the license would become unavailable to a successor, without further action of the Council to amend this proposal

Councilmember Hauck offered first reading of the following Ordinance:

ORDINANCE NO. 770
AN ORDINANCE REGULATING CABERET ENTERTAINMENT

Councilmember Caspers reported Ordinance No. 769 setting City fees by resolution was on hold for further review by the Finance Committee. The City Attorney suggested delaying second reading until all fees by Ordinance can be identified. Auditor Anderson explained the ordinance does not set the fees, but, allows the fees to be set by resolution.

Motion by Meyer, seconded by Christensen to indefinitely postpone Ordinance No. 769 (An Ordinance to Set Certain Fees, Licenses and Costs by Resolution). Motion carried, 5-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Hauck, seconded by Christensen, to approve the following reports: Quarterly Total Estimated Cost of Employee Absenteeism for 1996, 4th Quarter Sick Leave, 4th Quarter Vacation, November 1996 Municipal Court, December 1996 Police Department. Motion carried, 5-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Caspers, seconded by Meyer, to approve payment of bills presented in the amount of \$98,900.82 and that warrants be drawn upon their respective funds. Motion carried, 5-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Christensen, seconded by Hauck, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

JANUARY 30, 1997

Pursuant to due call and notice thereof, a Public Hearing was duly held at City Hall on the 30th day of January 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, Warren D. Meyer, Charles B. Christensen.

The following were absent: James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Richard A. Loberg, Woody Caspers.

Officers present: Auditor, Public Works Director, Attorney, Loan Officer, Administrative Staff Supervisor.

Others present: Rick Hammer, Fred Strege, Newell Grant, Mort Mazaheri.

Mayor Rood presided at the meeting.

A public hearing, following published notice was held regarding the proposed City Comprehensive Plan.

Mayor Rood acknowledged written comments have been received from the following: E. W. Oliver, Mike Grogan, Kenneth Emmil, Martin Schmidt, Rick Hammer, and Fred Strege.

Mr. Meyer asked to have the process explained for the adoption of the comprehensive plan.

Attorney Lies explained the plan should be adopted by resolution then implementation guidelines can be worked out by committees. He added the implementation steps could be used to update the "Master Plan." Mayor Rood added that the city officers should be included in the committee meeting to help design implementation steps.

Rick Hammer said he felt the plan provides a good analysis of the city and that it will function well as a guide but, it lacks flexibility if it is to be taken word for word. He said his concerns have been expressed in the written comments he submitted.

Mr. Hauck asked what the next step should be. Mr. Meyer responded that the plan should be adopted and priorities should be set, then a fiscal plan should be worked out. He said it is hard to "timeline" when there are "whens and ifs" to deal with and this is one of the problems with growth. Mayor Rood suggested a five year plan be looked at; something similar to what the public works department has been working on. He said this will facilitate fiscal planning and timelines being set by both committee and council. He added that the some onus should be placed on the officers to find the problems, develop projects and bring these forward.

Mr. Meyer used the interceptor sewer as an example. He said the city will have to gamble on growth as it is not effective to "piecemeal" the sewer system. Hauck said the sewer system may become a priority in order to facilitate growth. Meyer agreed since westward expansion of the city is somewhat dependent upon city services. Rood added both short-term and long-term needs should be identified. Meyer said various groups should be invited to provide input. Mr. Hammer said a variety of people will see things differently and this brainstorming may help prevent future problems. Hammer said he would appreciate the opportunity to provide input.

Mr. Mazaheri said there is much detailed information still needed, the plan's end summation provides a "bird's eye view." He said long range financial plans should be developed. The comprehensive plan is like a road map, it contains a sequence of events that will affect fiscal year 1998 and beyond.

Mr. Strege said his concern is that the comprehensive plan will be confused with the master plan. Instead of using the comprehensive plan as a guide it will be used as an informal master plan, that things can not be done because they are different from the plan. He said if the plan is adopted some may think of it as perfect and not as a guide. He said this may subconsciously prohibit future decisions.

Mr. Meyer responded that the comprehensive plan is a resource to up-date the master plan. Rood said the plan needs to be a "fluid living document" as Mr. Meyer once put it and not taken as verbatim. Meyer said Mazaheri identifies the need to address recreation and the Park Board will want their views expressed;

there are things that not everyone will agree on. Meyer said the plan should be somewhat vague to allow freedom of action and decision on the details.

Mr. Grant said it appeared to him that everyone disagrees on what the plan is and how to proceed. He said the amount of frustration in the room should be a storm warning; that more understanding is needed. He thought adoption of the plan should wait until there is less confusion.

Mr. Meyer said there is a need to establish a process for flushing out the plan; that it contains a lot of theory. He said a condensed form outlining possible problems needs to be developed. Hauck added that a dozen or so items should be siphoned out and prioritized so that finances and implementation can be prepared for as the growth and development occur.

Mayor Rood reminded everyone that the public hearing was held to discuss written comments and not process.

Meyer asked if the comments can be accepted as they are specific and can not be addressed until the details of the plan are worked out. Mazaheri said the plan is a series of actions that affect the future; fiscal plans, priorities and plan processes still need to be developed and redeveloped. He said the plan should be adopted by resolution and then amended as needed. He recommended the plan be reviewed annually. Meyer said some of the sequences are self evident and will trigger other events.

Mr. Hauck asked when the comprehensive plan becomes part of the master plan. Mazaheri and Meyer said as the plan may be utilized during the process to amend the master plan. Mazaheri said events such as growth will trigger events. Meyer said the density will be determined by zoning regulations.

Mr. Strege said he doesn't want the plan to be misinterpreted. He would like the minutes to reflect the intent of the comprehensive plan as a guideline and not the master plan. He said more work should be done and when there is an absolutely agreed upon plan it should be incorporated into the master plan.

Mr. Meyer restated that the plan needs to be fluid. He said important things, things triggered by events as they occur should be added as needed.

Mayor Rood said the next step is to adopt the comprehensive plan and charge the council to go to work on it. He explained the comprehensive plan provides a base line to start work on the needs of the city and that will drive the update of the master plan.

Public Works Director Lein said the comprehensive plan addresses several growth options. He explained the plan is a tool that provides guidelines, as a document that lets citizens know that options and possibilities have been considered. Lein said these options will help the city to make decisions and plans as events occur, and compromises may need to be made from there. He said the intent of the comprehensive plan is to be a guideline, whether adopted as is or with the written comments attached.

Mr. Meyer said the adoption of the plan by resolution is not like an ordinance, and can be amended as necessary. Like a business plan, it will need to be amended or changed as events occur.

Mr. Strege said based on his past experience and history, once the plan is in place there will be many hoops for developers to jump through.

Mayor Rood said adoption of the plan with the written comments attached will provide the framework (direction) for city officers to work from to prepare for the future.

Attorney Lies pointed out that the Planning Commission and Council held a joint meeting regarding the comprehensive plan which was poorly attended. This meeting also has no new faces. He said the time has come to move ahead before everyone loses interest.

Mr. Meyer said the conflicts in the past stem from a lack of fiscal planning. He explained the city has had no long term fiscal plan and with development there is usually some cost to the city. The conflict is how and where the city will get the money to cover those costs.

Mr. Strege re-stated his desire to have the intent of the comprehensive plan clearly reflected in the minutes.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

FEBRUARY 3, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 3rd day of February 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren D. Meyer, Charles B. Christensen, Richard A Loberg.

The following was absent: Woody Caspers.

Officers present: Auditor, Public Works Director, Economic Development Director, Loan Officer, Police Chief, Attorney, Assessor, Administrative Staff Supervisor.

Mayor Rood presided at the meeting.

Motion by Hauck, seconded by Keogh, to approve the minutes of the regular meeting held January 3rd, 1997. Motion carried.

Councilmember Keogh reported on the Planning Commission meeting held earlier in the day. She said the commission recommended approval of the final airport plat and has set a public hearing for 4:00 p.m. on March 3, 1997.

Auditor Anderson asked to meet with the Finance Committee to review the application form, fees and license for cabarets. Mayor Rood made the assignment.

Economic Development Director Krauseneck said he is pleased with the teamwork everyone has assisted in the development of the Housing Entry Level Program (HELP). He said lots of planning has gone into the program with information provided from the Maxfield Survey, the Comprehensive Plan, and involvement from EDC and the Council, as well as several of the City Officers.

The Public Works Director briefly explained the HELP program. He said it addresses entry level housing by providing incentives to the buyer in the \$85,000 category. He said the buyer may build or buy a home that meets the requirements anywhere within the city limits. The program doesn't target any particular area of the city, though it does require R1C zoning and specifies lot size. It also will apply on lots existing prior to 1947 and will include a good portion of the older part of the city. Other requirements are single ownership, and that the residence be owner occupied. Incentives include a cash match to employees moving into the city, a two year tax exemption, special assessments being spread over a 25 year period, possibly other costs may be absorbed by the city, and a \$5,000 loan from RLF spread over ten years at five percent interest. Lein said program eligibility will begin with the program adoption and run through December 31, 1998 or for 50 homes. He said the HELP program will be explained to the Board of Realtors at its meeting on Wednesday, February 5th.

Councilmember Meyer offered first reading of the following Ordinance:

ORDINANCE NO. 772
AN ORDINANCE AMENDING CHAPTER 16,
ARTICLE 7 - ZONING, RESIDENTIAL DISTRICTS
(R1C)

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2811
RESOLUTION ESTABLISHING HOUSING,
ENTRY LEVEL PROGRAM (H.E.L.P.) AND GUIDELINES

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The Loan Officer announced the Economic Development Commission will be meeting at 12:00 p.m. on February 10, 1997 at Buffington.

Police Chief Lotzer confirmed his meeting with the Personnel and Public Safety Committee at 12:00 p.m. on February 10, 1997.

Mayor Rood appointed City Auditor Arden Anderson as the Workers Compensation Risk Management Coordinator for the City.

Motion by Hauck, seconded by Sturdevant, to confirm the appointment of Auditor Arden Anderson as the Workers Compensation Risk Management Coordinator for the City. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Councilmember Sturdevant reported for the Finance & Economic Development Committee regarding the request to purchase revolving loan software. He said the committee recommends approval of the fifty percent share with EDC in the purchase of the software. He said the city's share is \$2,750.00.

Motion by Sturdevant, seconded by Loberg, to approve the purchase of loan software as outlined above. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Councilmember Christensen reported for the Public Works Committee regarding the subdivision regulation amendments and additions. He asked the Public Works Director and the Attorney to review and update the current regulations.

Councilmember Christensen reported for the Public Works Committee regarding unpaid utilities bills and blowing trash. He said there will be no change in the policy regarding unpaid utilities bills and that Carla Broadland would contact Mr. Ed Moore to update him on the policy. Christensen said Public Works Director Lein has taken care of the blowing trash complaint from Mr. Fisher.

Mayor Rood observed that the Comprehensive Development Plan's written comments were reviewed at a scheduled public hearing on January 30, 1997.

Public Works Director Lein recommended adoption of the Comprehensive Plan with the comments attached to be used as a tool to update the Master Plan.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2812
RESOLUTION ADOPTING COMPREHENSIVE PLAN
FOR THE CITY OF WAHPETON, ND 1996

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Keogh, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Assessor discussed a graduated scale of property tax exemptions for new home construction. She said the recommendation was developed after reviewing policies of

other North Dakota Cities and is targeted to benefit entry-level housing starts. The two year exemptions would be graduated as follows:

1997 SCHEDULE OF RESIDENTIAL

NEW CONSTRUCTION EXEMPTION

TOTAL PROPERTY VALUE (Land+bldg+spcls)	Value of Bldg. Exempt Up to Max. Of	Approximate Tax Exempt Per Year
Up to \$100,000	\$75,000	\$1,800
\$100,001 - \$105,000	\$70,000	\$1,680
\$105,001 - \$110,000	\$65,000	\$1,560
\$110,001 - \$115,000	\$60,000	\$1,440
\$115,001 - \$120,000	\$55,000	\$1,320
\$120,001 - \$125,000	\$50,000	\$1,200
\$125,001 - \$130,000	\$45,000	\$1,080
\$130,001 - \$135,000	\$40,000	\$960
\$135,001 - \$140,000	\$35,000	\$840
\$140,001 - \$145,000	\$30,000	\$720
\$145,001 - \$150,000	\$25,000	\$600
\$150,001 - \$155,000	\$20,000	\$480
\$155,001 - \$160,000	\$15,000	\$360
\$160,001 - \$165,000	\$10,000	\$240
\$165,001 - \$170,000	\$5,000	\$120
Over \$170,000	\$-	\$-

The amount of exemption affects only the building assessment up to a maximum

of \$75,000 of building value. Properties where the building is assessed at

less than \$75,000 will pay property tax on the land only.

Councilmember Keogh offered the following Resolution and moved its adoption:

RESOLUTION NO. 2813
**RESOLUTION APPROVING EXEMPTION OF PROPERTY
AND SETTING FORTH A SCHEDULE THEREOF FOR
NEW SINGLE-FAMILY CONSTRUCTION**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Motion by Sturdevant, seconded by Hauck, to approve the following reports: Six Year Turnover Rate Comparison; 1996 Yearly Total Estimated Cost of Employee Absenteeism; December Municipal Court; January Police Department. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Councilmember Sturdevant offered second reading of the following Ordinance:

ORDINANCE NO. 771
AN ORDINANCE AMENDING CHAPTER 24-102

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember

Christensen, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: none. Whereupon said Ordinance was declared duly passed and adopted, was signed by the Mayor, and was attested to by the City Auditor.

The following committee meetings were scheduled:

Finance & Economic Development	8:00 a.m. February 5th
Public Safety	12:00 p.m. February 10th

Motion by Sturdevant, seconded by Loberg, to approve payment of bills presented in the amount of \$160,046.52 and that warrants be drawn upon their respective funds. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Motion by Christensen, seconded by Keogh, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

FEBRUARY 18, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 18th day of February 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, Donna Keogh, Burnell G. Myhra, Warren D. Meyer, Charles B. Christensen, Richard A Loberg, Woody Caspers.

The following was absent: James P. Sturdevant.

Officers present: Auditor, Public Works Director, Economic Development Director, Loan Administrator, Police Chief, Attorney, Assessor, Building Official, Administrative Staff Supervisor.

Mayor Rood presided at the meeting.

Motion by Keogh, seconded by Caspers, to approve the minutes of the regular meeting held February 3rd, 1997. Motion carried.

Councilmember Keogh reported on the Planning Commission meeting held earlier in the day. She said there was not a quorum present. She said a replat request was presented by Mr. Hammer which will be taken up at the next Planning Commission meeting.

The Economic Development Director reported for the Economic Development Commission. He said EDC recommends approval of the following program funding: establish a dedicated HELP EDF reserve in the amount of \$100,000.00, to be utilized per HELP guidelines, to be funded through the immediate creation of said housing reserve account, financed initially with a \$50,000.00 transfer and subsequently thereafter via a \$2,500.00 monthly escrow for twenty months.

Motion by Loberg, seconded by Meyer, to approve the recommendation of the Economic Development Commission authorizing a \$100,000.00 expenditure of Sales Tax Funds as incentives for the H.E.L.P. Program; the expenditures to be accomplished as follows: an immediate \$50,000.00 transfer plus \$2,500.00 transferred monthly for twenty months. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The City Auditor reported a Legislative meeting will be held on February 27th and the NDLC is hosting a Legislative day on March 4th. He asked to be notified if any councilmembers will be attending.

Councilmember Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-435
WAHPETON BEEFALO 75 CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The Administrative Supervisor reported the new phone system has been installed complete with voice mail. She said she will be contacting the councilmembers to explain the new system to them. She asked to be notified with any problems that anyone encounters as there may be some bugs that need to be worked out.

The Public Works Director reported the State has sent a new Standard Agreement form with regard to the Enloe Bridge project. He explained this agreement is basically the same as the previous one but reduces the City's liability. He recommended authorizing the Mayor to sign the new agreement.

Motion by Hauck, seconded by Christensen, to authorize the Mayor to sign the revised agreement. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Public Works Director requested an amendment to the HELP guidelines. Under the Revolving Loan Fund portion of the guide lines change the amount up to \$5,000 for downpayment and loan closing costs would only apply to conventional financing. Borrower must provide a minimum of 5% equity for this revolving loan.

Motion by Meyer, seconded by Loberg to amend the HELP guidelines to read Borrower must provide a minimum of 5% equity for this revolving loan. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Christensen offered a second reading of the following Ordinance and moved for its adoption:

ORDINANCE NO. 772
AN ORDINANCE AMENDING CHAPTER 16,
ARTICLE 7 - ZONING, RESIDENTIAL DISTRICTS (R-1c)

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Meyer, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Ordinance was declared duly passed and adopted, was signed by the Mayor, and was attested to by the City Auditor.

The City Loan Officer submitted the 1996 Sales Tax and Lodging Tax Annual Reports. She stated a meeting has been schedule for 5:15 p.m. on February 20th at the LEC to meet with employers to discuss the cash match housing incentive program.

The Police Chief reported the new phone system for the Police Department has been installed. He stated two new police officer are recommended for appointment: Melissa Zaun and Scott Kent.

Mayor Rood appointed Scott Kent and Melissa Zaun as Patrol Officers at Pay Grade 3, Step 1, subject to council confirmation.

Motion by Hauck, seconded by Christensen, to confirm the Mayor's appointments of Scott Kent and Melissa Zaun as Patrol Officers under the stated terms. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

A letter dated February 12, 1997 from the LEC requesting further consideration for an additional communications department employee was received.

A letter dated January 23, 1997 from Great Plains Natural Gas Co. was received requesting a meeting to discuss franchise fees. Mayor Rood assigned this to the Finance and Economic Development Committee.

Mayor Rood assigned the Public Works Committee and the Public Works Director to review weight limit ordinances as related to the city's streets.

Councilmember Meyer reported for the Finance and Economic Development Committee regarding the LEC square footage report. He said the committee is in the process of reviewing alternate proposals.

Councilmember Meyer also reported on the LEC request for an additional communications department employee. He said the committee had recommended denial of the request. In light of the letter received he will place this issue on hold until further review can be conducted.

Councilmember Meyer reported for the Finance and Economic Development Committee regarding the city's policy for deposits of public funds. He said the Committee has determined that the City's policy of bidding on Bond Payment Certificate of Deposits will continue with the three banks (Community First, Norwest, and First Bank) until Urban Renewal Bonds mature on December 1, 1998. He said the Committee will allow the City Auditor to invest other surplus funds at his discretion in any of the existing financial institutions. Lastly, Mr. Meyer stated the City's checking and savings accounts will be moved from bank-to-bank on a 5-year rotating basis. He said the Auditor has been instructed to prepare a form to be completed by Community First Bank, Norwest, and First Bank concerning interest to be paid on checking and savings accounts plus the interest to be charged for Temporary Construction Warrants.

Councilmember Meyer reported the Committee has instructed the City Auditor to prepare application and license forms for the two classes of Cabaret Licenses and a letter outlining the determination of the initial fees and plans to review costs annually. He said the two persons eligible for Class One Cabaret Licenses will be invited to a Committee meeting to discuss the recommendations of the Committee.

The following committee meetings were scheduled:

Finance & Economic Development	12:00 p.m. February 19th
Personnel & Public Safety	12:00 p.m. February 21st

Motion by Hauck, seconded by Caspers, to approve the following reports: 1996 Building Permit Report; 1996 Water Consumption; 1996 Annual Visitors Committee; EDC Quarterly; 1996 Annual Economic Development Fund. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Hauck, seconded by Keogh, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

MARCH 3, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 3rd day of March 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Charles B. Christensen, Woody Caspers.

The following were absent: Warren D. Meyer, Richard A Loberg.

Officers present: Public Works Director, Economic Development Director, Loan Administrator, Police Chief, Attorney, Assessor, Administrative Staff Supervisor/Deputy Auditor.

Mayor Rood presided at the meeting.

Police Chief Lotzer introduced Melissa Zahn and Scott Kent, newly hired patrol officers.

Motion by Hauck, seconded by Christensen, to approve the minutes of the regular meeting held February 18th, 1997. Motion carried.

Councilmember Keogh reported on the Planning Commission meeting held earlier in the day. She said there was not a quorum present. She said a public hearing was held regarding the airport re-plat and no one attended in opposition and no written protests had been received.

Councilmember Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-437
CHAHINKAPA ZOO ASSOCIATION

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-438
WAHPETON WRESTLING CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The Deputy City Auditor reported a request had been received to amend the event date for Games of Chance License No. 433 from February 22, 1997 to March 22, 1997.

Motion by Caspers, seconded by Hauck, to amend the date on Games of Chance License No. 433 from February 22, 1997 to March 22, 1997. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

The Deputy City Auditor presented a listing of bond payment requirements for the next 12 month period along with a proposed CD purchase/maturity schedule. With Council approval, she said, the list would be supplied to the local banks for bidding on the CD amounts.

Motion by Sturdevant, seconded by Christensen, to authorize distribution of CD bidding forms to Community First Bank, First Bank, and Norwest Bank; to receive bids at the City Council meeting of March 17, 1997. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

Deputy Auditor Cole presented applications for 1997 City Cabaret License as follows:

Pausch Stores Inc./Oasis Bar	Class 1
Teddy's Inc./Teddy's Sports Bar & Supper Club	Class 1
Wahpeton Aerie 2749 Fraternal Order of Eagles	Class 2
Buffington's	Class 2

She said the applications are complete and the fees have been paid. Councilmember Sturdevant said a resolution to set cabaret fees will be offered later in the meeting and he would like to have action on the license applications delayed until that time.

The City Assessor reported an abatement/exemption request from Three Rivers Gymnastics Inc. She said the purchase price was \$217,000.00 and the true and full value in 1996 was \$160,000.00. Stromberg said she has discussed the abatement/exemption request with Larry Osborn and they are in agreement that Three Rivers Gymnastics meets the criteria defining exempt property as determined by the State of North Dakota. Mayor Rood referred this to the Finance and Economic Development Committee for review and recommendation.

The Public Works Director said he would like to start the process for the 1997 seal coating project. Lein said there are two areas. Property Area A is located between the downtown area and NDSCS, bounded by the Red River on the east and 11th Street North on the west. Area B is along Westmore Avenue and will seal coat an area that was repaved in 1996. He explained the Westmore Avenue project last year did not include seal coating because of cost saving advantages by using larger quantities in seal coating with the City's annual Seal Coating project.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2814
RESOLUTION CREATING STREET IMPROVEMENT DISTRICT 2-1-97
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Keogh offered the following Resolution and moved its adoption:

RESOLUTION NO. 2815
RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-97
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Caspers offered the following Resolution and moved its adoption:

RESOLUTION NO. 2816

**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT IN STREET
IMPROVEMENT DISTRICT 2-1-97**

(Property Area A - Northside Seal Coat)

(Property Area B - Westmore Avenue)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Caspers offered the following Resolution and moved its adoption:

RESOLUTION NO. 2817

**RESOLUTION DECLARING WORK NECESSARY FOR AN IMPROVEMENT IN
STREET IMPROVEMENT DISTRICT 2-1-97**

(Property Area A - Northside Seal Coat)

(Property Area B - Westmore Avenue)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2819

**RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS AND
ESTIMATE OF COST FOR THE IMPROVEMENT IN STREET IMPROVEMENT
DISTRICT 2-1-97**

(Property Area A - Northside Seal Coat)

(Property Area B - Westmore Avenue)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Director Lein provided information on the upcoming flood. He said the River Forecasting Service has provided outlook numbers of 16.5 feet considering the current moister basin and 18.5 feet considering normal precipitation through the end of March. 1989, he said, is the highest flood on record at 17.90 feet. This years predictions are higher water levels than Wahpeton/Breckenridge have ever seen, making it hard to plan for. The main effort for the city forces will be to keep the sanitary sewers and lift stations from backing up. Since 1989 storm sewer gates have been installed on all but 2nd Avenue storm sewers. All of the other ones along the edge of the city do have gates and can be shut off to keep the water from backing up into the streets much like it did in 1989. When that happens, Lein explained, the city has to pump the water to take care of the runoff within the city. He said arrangements have been made with the Corps of Engineers to have pumps ready for that purpose. As for problem areas within the city, Lein said, Briarwood Court and the entire park area experienced high water in 1989. He said the Corps of Engineers is working on preliminary diking to help in the park area. Lein said the city has been receiving calls asking about elevations of private property. He explained the city does not have this information, there are street and curb elevations and citizens can relate those to the land around their homes. The River Forecast Center will issue an update on March 14th.

Lein said in preparation for federal assistance the Governor has issued a declared the State of North Dakota a disaster area. He asked for the passing of a standard resolution required by the Corps of Engineers, requesting assistance.

Councilmember Caspers offered the following Resolution and moved its adoption:

RESOLUTION NO. 2818

**RESOLUTION REQUESTING ASSISTANCE IN FLOOD EMERGENCY
PREPARATION AND IN FLOOD FIGHTING AND RESCUE OPERATIONS**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Myhra asked about sandbags and why the cost is different in Fargo and Breckenridge. Director Lein explained that each county must purchase sandbags, usually .10 to .20 per bag. It is up to the individual county if they want to try to recover this cost, he said. Lein said sandbags are available through the Richland County Emergency Management Office at .20 per bag and anyone needing sandbags should contact the Richland County Emergency Management Office.

The Police Chief reported a donation request for one police officer's service for Project Graduation was received. He said the City has been donating the service of a police officer for several years and recommended the donation be continued.

Motion by Keogh, seconded by Sturdevant to assist %Project Graduation+by donating the cost of a police officer. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

Mayor Rood appointed the following individuals to a special ad hoc committee for the purposes of serving as the Emergency Management Committee: Woody Caspers - Chair, Rich Hauck, Jim Sturdevant, Donna Keogh. He said a special public meeting regarding flood related issues will be held Monday, March 10 at 5:00 p.m. in City Hall.

Councilmember Hauck reported for the Personnel and Public Safety Committee. He said the Benefits Coordinator has met with the committee to discuss an employee wellness program, Healthy Hearts. He said this program consist of things such as blood pressure and cholesterol screening. Hauck said the program is coordinated through Medica and local health care providers at no additional cost to the City.

Motion by Hauck, seconded by Keogh to approve the Healthy Hearts program as presented. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

Councilmember Hauck reported for the Personnel and Public Safety Committee regarding the Public Works Mapping proposal. He said there is about \$9,000.00 in the budget for mapping and the Public Works Director has requested \$9,900.00 be transferred from the Water/Sewer Fund to facilitate continuation of the project. He explained there is an opportunity to retain the current employee to continue mapping sewer and water lines, converting them to the autocad program.

Motion by Hauck, seconded by Christensen to approve the fund transfer of \$9,900.00 from the Water/Sewer fund. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

Councilmember Sturdevant reported the Personnel and Public Safety Committee has approved anniversary step increases as follows:

Elroy Schmit	Grade 3, Step 4
Darcy Weinrich	Grade 3, Step 5

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the Cabaret License Fees. He said two fee classes have been set; Class 1 at \$500.00 and Class 2 at \$100.00. He said the Police Department will be monitoring costs associated with Cabaret Licensed establishments and fees may be adjusted as necessary in future years.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2820
RESOLUTION ESTABLISHING CABARET LICENSE FEES
EFFECTIVE APRIL 15, 1997

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Sturdevant reported on the LEC request for an additional communications department employee. He said the committee had previously recommended denial of the request. Sturdevant said the additional information has been reviewed, and the committee has not changed its decision to deny the request.

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the LEC square footage report. He said the committee is continuing to review this issue.

Councilmember Sturdevant reported for the Finance and Economic Development Committee has met with Great Plains Gas Company to review their request for a 5 year franchise extension. He said the extension will bring their contract to June 2007. The committee recommends approval of the 5 year extension for Great Plains Gas Company.

Motion by Sturdevant, seconded by Christensen to proceed with the 5 year franchise extension for Great Plains Gas Company. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

Councilmember Sturdevant offered first reading of the following Ordinance:

ORDINANCE NO. 773
AN ORDINANCE AMENDING CHAPTER 24-102 - GAS COMPANY

Councilmember Christensen reported for the Public Works Committee regarding the street weight limit ordinances. He said the committee will be meeting on this issue later this week.

Councilmember Myhra reported for the Public Works Committee on the status of the cable TV franchise renewal process. He said a meeting has been scheduled for Wednesday, March 5 at 4:00 p.m. in City Hall.

Mayor Rood asked Attorney Lies if each of the four cabaret license applications needed a separate motion. Lies explained that two motions were needed, one for each class.

Motion by Keogh, seconded by Christensen to issue Class 1 Cabaret License to Pausch Stores Inc./Oasis Bar and Teddy's Inc./Teddy's Sports Bar & Supper Club subject to completion of the checklist by the Police Chief. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

Motion by Christensen, seconded by Caspers to issue Class 2 Cabaret Licenses to Wahpeton Aerie 2749 Fraternal Order of Eagles and Buffington's. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

The following committee meetings were scheduled:

Public Works	12:00 p.m. March 3rd
Personnel & Public Safety	12:00 p.m. march 3rd

Motion by Hauck, seconded by Caspers, to approve the following reports: January Municipal Court; February Police Department. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Caspers; voting nay: none.

Motion by Hauck, seconded by Christensen, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

MARCH 17, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 17th day of March 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following were absent: none.

Officers present: Economic Development Director, Police Chief, Attorney, Administrative Staff Supervisor, Auditor.

Mayor Rood presided at the meeting.

Motion by Christensen, seconded by Keogh, to approve the minutes of the regular meeting held March 3rd, 1997. Motion carried.

The City Auditor reported bids have been received for the 1997-98 Bond Payment CDs.

Motion by Sturdevant, seconded by Hauck, to approve opening of the bids. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The City Auditor presented the following Certificate of Deposit Investment Bids which mature on the Bond Payment dates:

Maturity Date	CD Principal	Interest Percentage Bid		
		Comm 1st Bank	First Bank	Norwest Bank
5/29/97	\$75,000.00	5.15%	No Bid	4.75%
7/30/97	\$120,000.00	5.30%	4.47%	4.75%
9/29/97	\$55,000.00	5.35%	5.18%	4.75%
10/30/97	\$10,000.00	5.35%	5.18%	4.75%
11/26/97	\$210,000.00	5.50%	5.23%	5.00%
1/30/98	\$825,000.00	5.65%	5.00%	5.00%
3/28/98	\$25,000.00	5.50%	5.35%	5.00%
4/29/98	\$65,000.00	5.60%	5.35%	5.00%

Auditor Anderson recommended this years bid be awarded to the highest bidder.

Motion by Meyer, seconded by Loberg, to award CD bids to Community 1st Bank. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Keogh reported on the Planning Commission meeting held earlier in the day. She said Mr. Rick Hammer was present to discuss the replat and rezoning of Rosewood 2nd Addition. Keogh said a public hearing was held regarding the Rosewood replat and no one attended in opposition and no written protests had been received. The Commission approved the Rosewood replat and recommended the Council do the same. She said the Commission has set a public hearing for the April 7, 1997 at 4:00 p.m. regarding the rezoning of Rosewood.

Motion by Keogh, seconded by Hauck, to hold a public hearing on April 7, 1997 at 5:00 p.m. for proposed rezoning of Lots 1-4, Block 3, Rosewood Addition from R3 to R2.

Councilmember Keogh offered the following Resolution and moved its adoption:

RESOLUTION NO. 2821

RESOLUTION APPROVING PLAT OF ROSEWOOD 2ND ADDITION AND REQUESTING THAT IT BE RECORDED WITHOUT AUDITOR'S CERTIFICATE

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Keogh reported the Planning Commission held a public hearing on March 3rd regarding the airport replat and no one attended in opposition and no written protests had been received. The Commission approved the airport replat and recommended the Council do the same.

Jerry Beck addressed the Council regarding the airport replat . He said the replat is needed to expand the plat to include more lots. He said this will create approximately 29 new lots or space for 50 planes.

Councilmember Keogh offered the following Resolution and moved its adoption:

RESOLUTION NO. 2822

RESOLUTION APPROVING THE FIRST REPLAT OF VACATED HARRY S. STERN AIRPORT FIRST ADDITION AND REQUESTING THAT IT BE RECORDED WITHOUT AUDITOR'S CERTIFICATE

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-439

WAHPETON-BRECKENRIDGE SOFTBALL ASSOCIATION

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-440

WAHPETON PTA

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was

declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-441
SENDCAA - HEAD START

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-442
RICHLAND COUNTY SOCIAL SERVICES

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-443
SOUTHERN VALLEY FIGURE SKATING CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Sturdevant, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Auditor presented an application for 1997 City Cabaret License, Class-2, from the Wahpeton Veterans, Inc./Veterans Club. He said the application is complete and meets all of the requirements set for by Ordinance 770.

Motion by Sturdevant, seconded by Hauck, to issue a Class 2 Cabaret License to Wahpeton Veterans Inc./Veterans Club. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Auditor Anderson reported a request from John Samuelson proposing an extension of the Schuett Addition Farming Agreement. Mayor Rood referred this to the Public Works Committee.

The Public Works Director's Assistant, Jim Azure said the process for the 1997 seal coating project has started. Azure said there are two areas. Property Area A is located between the downtown area and NDSCS, bounded by the Red River on the east and

11th Street North on the west. Area B is along Westmore Avenue and will seal coat an area that was repaved in 1996. He said the next step is for the Council to approve the plans and specs, and to advertise for construction bids at 3:00 p.m. on April 21, 1997.

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2823

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-97
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Meyer, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2824

**RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-97
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The Economic Development Director reported on a letter from CDC regarding the sale of land. The Mayor referred this to the Finance and Economic Development Committee.

The City Attorney stated that he has been contacted by Jerry Prante regarding the use of alcoholic beverages in the Armory. Lies said Ordinance No. 27-113 prohibits the possession of alcoholic beverages in the Wahpeton Armory. He said he has had contact with the ND National Guard and with the ND Insurance Reserve Fund regarding this. Mayor Rood asked the City Attorney to prepare a draft ordinance and referred this issue to the Personnel and Public Safety Committee for review.

Police Chief Lotzer reported the new 1997 Ford patrol car will soon be ready for use as soon as the radar unit is installed.

A notice of the NDIRF annual meeting to be held in Bismarck on April 24, 1997 was received. The City Auditor will be attending this meeting.

A notice of the NDLC Regional Seminar has been received. The seminar will be held in Milnor on April 29, 1997. The Auditor said the newly appointed Regional Director will be present at the seminar.

Mayor Rood said he has met with the Corps of Engineers regarding the upcoming flood. He said the Corps will start work on the southside on Thursday. Mayor Rood said the target height is 20 feet. He complimented Jerry Lein and Jim Azure for their efforts in the preparation of maps and information to the public. He said the pre-flood preparation has been outstanding. Leland Gregor and his crew have been moving snow and cutting trees in preparation for diking, as well as working with the Park and Brairwood on elevations and their needs.

Councilmember Hauck reported for the Personnel and Public Safety Committee regarding the Mapping Service Contract. He explained the contract will be valid from March 18, 1997 to March 17, 1998 for an expenditure of \$26,256.00. He said this is a little higher than expected due to Mr. Azure's being a contract employee. As a contract employee Mr. Azure is responsible for his own Social Security Tax and Worker's Compensation.

Motion by Hauck, seconded by Meyer to approve the contact with Mr. Azure as outlined above. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the LEC square footage report. He said the committee is continuing to review this issue.

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the abatement/exemption request received from Three Rivers Gymnastics. He said Three Rivers Gymnastics meets the exemption criteria as defined by NDCC Section 57-02-08.11 and recommended approval. He said the Committee also recommended approval of the abatement retroactive to July 31, 1996, the purchase date.

Motion by Sturdevant, seconded by Caspers, to approve the abatement/exemption request as outlined above. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Casper; voting nay: none.

Councilmember Christensen reported for the Public Works Committee regarding the street weight limit ordinances. He said the committee will be meeting on this issue later this week.

Councilmember Myhra reported for the Public Works Committee on the status of the cable TV franchise renewal process. He distributed a letter from Steve Schirber, General Manager TCI, who attended the last meeting. Myhra said it is the wishes of all parties to change from the formal franchise renewal process to the informal process. He explained the formal process is very costly and changes can be made through the informal process.

He added that the Committee or TCI can request formal proceedings at any time. He said the Committee will continue to update the Council as proceedings continue.

Mayor Rood asked if the rate comparison for Great Plains Gas had been received. None had so Mayor Rood asked if the second reading of Ordinance No. 773 could be delayed until the rate comparisons are received and have been reviewed, the Council members agreed.

The following committee meetings were scheduled:

Personnel & Public Safety	12:00 p.m. March 19th
Finance & Economic Development	12:00 p.m. March 21st

Motion by Sturdevant, seconded by Loberg, to approve the following report: February 1997 Water Works. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Hauck, seconded by Christensen, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

MARCH 24, 1997

Pursuant to due call and notice thereof, a special meeting was duly held at City Hall on the 24th day of March 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following were absent: none.

Officers present: Economic Development Director, Police Chief, Attorney, Administrative Staff Supervisor, Auditor, Assessor, Public Works Director, Public Works Director's Assistant.

Mayor Rood presided at the meeting.

Mayor Rood explained the special meeting of the City Council had been called to discuss flood preparation. He said updates from Jerry Lein and Jim Azure would be forthcoming. He expressed the City's concern over all areas with some special areas of concern being the park, zoo, Prante's, south side and Briarwood. He stressed that the City is not prepared to walk away from any area, and will do its best to protect the entire city.

Jim Azure reported the City and the Corps of Engineers have begun diking in the Briarwood area, this is approximately 90% complete. On the south side the Corps has extended the line and are diking out past Dean's Landscaping to 7th Avenue. He said the City is in the process of obtaining the easements necessary for the construction of the dike. Azure said there are plans for protecting homes near the park area as well.

Councilmember Hauck asked if any of the diking is to be permanent. Director Lein explained that all the diking is temporary and is to be removed after the flooding is over. Myhra asked if it was the responsibility of the city to remove the dikes and if this is true who will force the city to remove them. Lein had no comment.

Councilmember Myhra expressed concern about diking on property owned by Bob Marks on the north end of Center Street. He asked why the dike had to be down Marks driveway. Jim Azure responded the plan is to stock pile diking materials and only dike if necessary. Jerry said the dike will be placed along side of the driveway and not in it. Marks asked why it had to be in the driveway, if it floods in his buildings he will need to rent space and move things, how is he supposed to move things if he can not use his driveway? Lein explained the stock pile will be at the airport not in his driveway. Don Huckee asked why the city crews cannot build the dike making it a permanent dike. Azure said it would have to be a massive dike to go around all the buildings. Rood stated the city is trying to work with the citizens and the Corps. He said they have explored many different options and nothing is taken lightly. Azure said the Corps designs the dike line, the Corps makes the decision. Marks asked if his house and garage would be protected? Lein said they will be protected.

Mayor Rood asked Director Lein to provide information on the park area elevations, home and dike plans.

Director Lein explained the Corps had approved advance measures to protect the park area. He said these measure have been withdrawn due to protest from Breckenridge. He said the present dike varies in height from 17.7 feet on the south end to 16.9 feet by the hospital, 18.6 feet by the llamas and 14.6 feet at Prante. Lein said the City would like to level off the length of the dike at 18.5 feet which would then be the same height as the Breckenridge side near the Hospital and Nursing Home.

Lein explained the Corps has done an analysis of the river with the dike being constructed in the park and the analysis shows a 3/4 inch rise in the river upstream. The City Ordinance doesn't allow any rise.

Motion by Hauck, seconded by Sturdevant, to continue with the dike as outlined to achieve a level of 18.5 feet which would then be the same height as the Breckenridge side near the Hospital and Nursing Home.

Councilmember Meyer said if the City funds the dike improvement and park hasn't the money for it then what happens? Attorney Lies said the City is not looking to assess anyone, the park or private property, for the dike improvements as the improvements are for protecting the City. He said the City will need to be sure it has the proper right-of-ways and easements. Lies said the City should also be concerned with the state and federal rules. Breaking rules may cost the City a loss in federal and state funds and the flood insurance coverage of the City's residents.

Councilmember Sturdevant asked if there is an estimate of cost to improve the existing dike? Lein said a very rough estimate would be \$20,000 - \$30,000. Christensen said he thought it would be cheaper to improve the dike than to clean up afterwards.

Attorney Lies expressed concern regarding liability issues. He said he has had very little time to explore this and if the City breaks federal rules he wasn't sure of the ramifications, the City could lose some federal funding. Meyer said the Corps is a federal agency and was going to dike, but, now are backing out because of Breckenridge's objections. Lies said he has not spoken to the Corps. He said to his knowledge there are three reasons for the Corps not improving the dike: ring diking around the park structures is an option; the loss of funds from FEMA, physical problems because of the make up of the cities.

As to where the rules were three weeks ago when the project was approved, Lies said he didn't know but, has asked the same of Governor Schafer's Attorney, Bob Harms, who couldn't answer it either.

Mayor Rood said the City is not trying to be extravagant, just to fix what is already in place. The preplan was developed with consultation of the ND Water Commission and the Corps of Engineers. He added that the preplan improvements also help the adjoining property owners. Lein said this will also protect a major lift station, manholes and sewer system in that area.

Motion by Hauck, seconded by Loberg, to amend the previous motion to read to continue with the dike as outlined to achieve a level of 18.5 feet, contingent upon the approval of the Wahpeton Park Board. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Caspers, seconded by Keogh, to ask the Breckenridge City Council to hold a special meeting as soon as possible to endorse Wahpeton's dike work in the park area. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Mayor Rood asked to have the City Auditor pay for the tetanus shots for the flood workers.

Motion by Meyer, seconded by Sturdevant, to direct the City Auditor to pay for the tetanus shots for flood workers. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Hauck requested the members of the Flood Ad-Hoc Committee represent the City of Wahpeton at the Breckenridge Council meeting.

Motion by Meyer, seconded by Christensen, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

APRIL 21, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 21st day of April 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following were absent: none.

Officers present: Economic Development Director, Police Chief, Attorney, Administrative Staff Supervisor, Auditor, Assessor.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve the minutes of the regular meeting held March 17th, 1997. Motion carried.

Motion by Hauck, seconded by Loberg, to approve the minutes of the special meeting held March 24th, 1997. Motion carried.

Mayor Rood noted that the regular meeting scheduled for April 7th was canceled due to the flood and blizzard.

The City Auditor presented an affidavit showing the advertisement of bids for the construction of the improvement proposed to be made in STREET IMPROVEMENT DISTRICT NO. 2-1-97 (NORTHSIDE SEAL COAT)

Upon motion duly made by Councilmember Loberg, seconded by Councilmember Christensen, and carried, the affidavit was approved and directed to be placed on file in the office of the City Auditor. The Public Works Director then presented sealed bids which had been received pursuant to the said advertisement before the time of this meeting. The bids having been opened and publicly read and a bidder's bond accompanying each of the bids having been examined, the names and addresses of the respective bidders and the estimated contract cost under the prices stated in their several bid were found to be as follows:

<u>NAME & ADDRESS OF BIDDER</u>		<u>AMOUNT</u>
AsTech Asphalt	St. Cloud, MN	\$122,967.50
Bituminous Paving Inc.	Ortonville, MN	\$140,100.00
Caldwell Asphalt Co. Inc.	Hawick, MN (not opened)	no contractors license
Morris Sealcoat & Trucking	Morris, MN (not opened)	no contractors license
Pearson Brothers	Loretto, MN	\$119,519.50

Public Works Director Lein explained that North Dakota Century Code prohibits bids without a copy of the contractors license from being considered, therefore, only AsTech Asphalt, Bituminous Paving and Pearson Brothers are to be considered. Mayor Rood referred the bids to the Public Works Committee for review and recommendation.

A continuation of the Public Hearing following publication of legal notice, was held on April 7 regarding the rezoning of Lots 1-4, Block 3, Rosewood Addition from R3 to R2. No one attended in opposition and no written protests were received.

Councilmember Keogh reported the Planning Commission held a continuation of the April 7 Public Hearing regarding the rezoning of Lots 1-4, Block 3, Rosewood Addition from R3 to R2. She said No one attended in opposition and no written protests were received. Keogh said the Commission recommends approval of the zone change. Councilmember Keogh offered first reading of the following Ordinance:

ORDINANCE NO. 774
AN ORDINANCE REZONING
(LOTS 1,2,3, AND 4, BLOCK 1, ROSEWOOD 2ND ADDITION)

Councilmember Keogh reported for the Planning Commission regarding the request for rezoning by Jerry Meide. She said Meide has requested Lots 10 & 11 in Block 1, Lots 5, 7 and 8 in Block 2, Evergreen West Addition be rezoned from R3 to R1c. Keogh said the Commission has scheduled a Public Hearing regarding the rezoning request for May 5, 1997 at 4:00 p.m. and recommends the Council also set a hearing date.

Motion by Keogh, seconded by Hauck to set a Public Hearing for the proposed rezoning of Lots 10 & 11 in Block 1, Lots 5, 7 and 8 in Block 2, Evergreen West Addition be rezoned from R3 to R1c for 5:00 p.m. on May 5, 1997. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-444
THREE RIVERS AMATEUR RADIO CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-445
NDSCS LETTERWINNERS CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Auditor presented an application for 1997 City Cabaret License, Class-2, from the Prante~~q~~ on the Green/Prante~~q~~ Inc. He said the application was received prior to the flood, the license has been issued and the check deposited. Anderson said Prante~~q~~ may be asking for a refund in light of the current flood damage to their property. He asked for approval of the license retroactive to March 20th at the location listed on the application.

Motion by Sturdevant, seconded by Meyer, to issue a Class 2 Cabaret License to Prante~~q~~ on the Green/Prante~~q~~ Inc. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Auditor Anderson reported eight fireworks license applications have been received. He explained that after the special census the City may issue six fireworks licenses. Mayor Rood referred the applications to the Public Works Committee for review.

Motion by Caspers, seconded by Christensen to award a contract for maintenance of Dakota Avenue Medians, not to exceed \$2,600.00, to Emery Greenhouse. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Auditor Anderson reported Mr. Samuelson has signed the necessary contracts to continue farming in Schuett Addition. Councilmember Sturdevant reported the Finance Committee recommends approval of the farming agreement.

Motion by Sturdevant, seconded by Caspers to continue the agreement with John Samuelson for farming Schuett Addition. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The City Assessor reported on the following abatement requests:

1. Request from Charles & Karen Puetz - the County had approved an abatement for 1994 & 1995 that was not presented to the City. She said value now needs to be reduce on City records from \$50,400 to \$39,00 fro the tax year 1995. 1996 also need to be reduced from \$54,200 to \$41,900, Stromberg added, this includes the 7.5% blanket increase. Councilmember Meyer asked why the City hadn~~q~~ been aware of this request before now? Stromberg said she was not sure as this happened before she became the Assessor. Sturdevant asked for the abatement request procedure to be explained. Stromberg said the request should first come to the City, if the City denies the request it can then be appealed to the County, and the State if so desired. Councilmember Meyer expressed concern about the City being by-passed, and asked what happens if the City denies the abatement request. Stromberg explained the value will still be lowered as the County can overturn the City~~q~~ decision.

Motion by Sturdevant, second by Loberg, to approve the abatement granted for Puetz by the County as stated above. Motion failed, 3-5. Voting aye: Sturdevant, Keogh, Myhra; voting nay: Hauck, Meyer, Christensen, Loberg, Caspers.

2. Request from Clark & Sharon Stahlecker - Disabled Persons abatement for 1995 & 1996. Stromberg said they have provided all the necessary proof including the physicians certificate. She said they qualify for the an 80% reduction for 1995 and a 60% reduction for 1996.

Motion by Meyer, seconded by Caspers, to approve the Disabled Persons abatement for Clark and Sharon Stahlecker as stated above. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

3. Request from Sharon Tetzloff - Disabled Persons abatement for 1996. Stromberg said Tetzloff has provided all the necessary proof including the physicians certificate. She said they qualify for the an 40% reduction for 1996.

Motion by Meyer, seconded by Caspers, to approve the Disabled Persons abatement for Sharon Tetzloff as stated above. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Public Works Director reported a request from Minn-Dak Co-op for sanitary sewer service had been received. He recommended approval of an agreement with Minn-Dak and asked that this be assigned to the Public Works Committee. Mayor Rood assigned this to the Public Works Committee.

The Economic Development Director reported for CDC regarding Dean's Landscaping, which is an item not on the agenda. He explained that Dean was on the wrong side of the dike. Krauseneck said CDC recommends that Dean's Landscaping be allowed to relocate to Lot 1, Block 2, Schuett Addition for a one year period.

Motion by Meyer, seconded by Myhra to suspend the rules to allow action on the above stated matter. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Christensen, seconded by Loberg to transfer the lease with Dean's Landscaping to Lot 1, Block 2, Schuett Addition for a one year period. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Economic Development Director reported for CDC regarding the sale of land to Interstate Tire. The Mayor referred this to the Finance and Economic Development Committee.

The City Attorney stated a memorandum opinion had been issued in Richland County District Court in the matter of the Vertin-Munson Funeral Home, Inc. He said the ruling upholds the City's decision in granting the variance.

Attorney Lies also reported the North Dakota Supreme Court has heard the appeal regarding the south side zoning conflict. He said a decision might be forthcoming sometime in May.

Police Chief Lotzer reported the Wahpeton Area Chamber of Commerce will be holding their annual Carousel Days Festival on June 14 & 15, 1997. He said the Chamber has requested to close a portion of Dakota Ave at 8:30 a.m. 9:00 a.m. and 9:30 a.m. for a money drops, a Kiddies Parade at 10:00 a.m. and the main Parade at 10:30 a.m. Chief Lotzer said the parade route is the same as last year and he recommended the approval of the parade permit.

Motion by Caspers, seconded by Myhra to approve the parade permit. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

A notice of the NDLC Regional Seminar has been received. The seminar will be held in Milnor on April 29, 1997. Auditor Anderson asked all those planning on attending contact him by 5:00 p.m. on April 22nd.

A letter dated April 2nd 1997 was received from Jim Buffington requesting the Amusement Devices Ordinance be reviewed to address short term special events such as dart tournaments. Mayor Rood referred this to the Public Safety Committee.

An agreement with the Red Cross to set up headquarters for flood relief in a portion of the National Guard Armory had been approved and signed at the bill paying meeting on April 1, 1997. Attorney Lies explained the agreement should now be ratified by Council.

Motion by Hauck, seconded by Loberg, to ratify the facility agreement between the City and the Red Cross for use of the National Guard Armory for flood relief. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

A donation of \$250.00 was received from the Fraternal Order of the Eagles to help offset costs for the tetanus inoculations for flood control workers and volunteers. A letter of thanks has been sent to the Eagles.

A letter dated March 26, 1997 was received from North Dakota State College of Science requesting permission to have a homecoming parade. Mayor Rood asked this to be placed on the next agenda.

Mayor Rood asked the Personnel & Public Safety Committee to publicly recognize the many volunteers and city employees who have given of themselves in an effort to battle the flood of 1997. He then thanked the City Family Members that assisted in a manner way above and beyond the call of duty in the flood fighting efforts including Warren Meyer, Charlie Christensen, Woody Caspers, Jerry Lein, Jim Azure, Leland Gregor, Mark Krauseneck, Vern, Rick, Tony, Brad, Travis, Arden, and our City Hall staff.

Mayor Rood asked the Public Works Committee to expedite the passing of an Ordinance address Street Weight Limits. He explained weight limits would help minimized the damage to our already strained street system.

Councilmember Christensen offered first reading of the following Ordinance:

ORDINANCE NO. 775
AN ORDINANCE AMENDING SECTION 14-402

Councilmember Hauck reported for the Personnel and Public Safety Committee regarding the Chain of Command revision status and the Armory Alcoholic Beverages Ordinance review. He said the committee will be meeting later this week to discuss these issues.

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the LEC square footage report. He said the committee is continuing to review this issue.

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the CDC Land Sale Procedure. He said the committee will be meeting this week to review the procedure.

Councilmember Myhra reported for the Public Works Committee on the status of the cable TV franchise renewal process. He said the committee recommends the Council switch the renewal process to informal.

Motion by Myhra, seconded by Loberg, to change the cable TV franchise renewal process from the formal negotiation process to the informal process. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Meyer offered second reading of the following Ordinance:

ORDINANCE NO. 773
AN ORDINANCE AMENDING CHAPTER 24-102 - GAS COMPANY

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Christensen, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; 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.

Motion by Caspers, seconded by Loberg, to approve the following reports: 1st Quarter Sick Leave Report, 1st Quarter Vacation Report, March Police Department, February Municipal Court, February Water Works. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Sturdevant reported warrants for bills in the amount of \$112,435.88 had been reviewed and signed at the regular bill paying meeting. He said additional bills in the amount of \$107,440.94 have been added since the bill paying meeting. He submitted a listing of the bills for review.

Motion by Sturdevant, seconded by Meyer, to approve payment of bills presented in the amount of \$219,876.82 and that warrants be drawn on their respective funds. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Personnel & Public Safety	will be scheduled this week
Finance & Economic Development	12:00 p.m. April 24th
Public Works	will be scheduled

Motion by Meyer, seconded by Caspers, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

MAY 5, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 5th day of May 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Woody Caspers.

The following were absent: Councilmembers James P. Sturdevant, Richard Loberg.

Officers present: Auditor, Attorney, Administrative Staff Supervisor, Public Works Director, Police Chief, Assessor.

Mayor Rood presided at the meeting.

Mayor Rood presented Flood Fighting Appreciation Plaques to NDSCS and Wahpeton High School Students. Stephanie Kelly accepted the plaque for NDSCS and Josh Kehrwald, David Boelke, and Darin Walters accepted for WHS.

Motion by Hauck, seconded by Caspers, to approve the minutes of the regular meeting held April 21st, 1997. Motion carried.

The Public Works Director reported the Seal Coating Project 2-1-97 bids had been opened on April 21st. Lein said about half of the streets involved in the project bid have been affected by the flood. This may change the scope of the project, he said, and recommended the bids be returned. Councilmember Christensen reported the Public Works Committee had met to review the bids and the Committee recommended returning the bids.

Motion by Christensen, seconded by Myhra, to reject and return the Seal Coating Project 2-1-97 bids, bid bonds and the \$25.00 Plans and Specifications deposits. Motion carried, 6-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

A Public Hearing following publication of legal notice, was held regarding the rezoning of Lots 10 & 11, Block 1, and Lots 5, 7 & 8, Block 2, Evergreen West Addition from R3 to R1c. No one attended in opposition and no written protests were received.

Councilmember Keogh reported the Planning Commission held a Public Hearing at 4:00 p.m. regarding the rezoning of Lots 10 & 11, Block 1, and Lots 5, 7 & 8, Block 2, Evergreen West Addition from R3 to R1c. She said no one attended in opposition and no written protests were received. Keogh said the Commission recommends approval of the zoning change.

Councilmember Keogh offered first reading of the following Ordinance:

ORDINANCE NO. 776
AN ORDINANCE REZONING
(LOTS 10 & 11, BLOCK 1, AND LOTS 5, 7 & 8, BLOCK 2,
EVERGREEN WEST ADDITION)

Councilmember Keogh reported the Planning Commission acted as a Board of Adjustment regarding a special exception request submitted by Harley Anderson and had approved the

request allowing a mobile home to be located for a period of three years on Mr. Anderson's property zoned ETZ-1.

Councilmember Keogh reported Colin Bailey of Meide & Son had attended the Planning Commission meeting. She reported that Mr. Bailey had distributed a preliminary plat of the proposed development along 11th Street North extension.

The City Auditor reported the Wyndmere Braves Baseball Club applied for, paid for, and received a games of chance license from Wyndmere. The actual drawing for the raffle will be held during a tournament in Wahpeton. Anderson said to satisfy the State the Club needs to have a games of chance permit issued from Wahpeton. Anderson recommended the City grant a games of chance permit to the Wyndmere Braves Baseball Club at no charge as they have already paid the fees to Wyndmere.

Councilmember Caspers offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-170
WYNDMERE BRAVES BASEBALL

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Auditor stated two requests for Games of Chance site licenses for Red River Human Services have been received. They will be located at The Oasis Stage Bar, 512 Dakota Av., Wahpeton and Teddy's, 318 Dakota Av., Wahpeton.

Councilmember Hauck offered the following Resolution and moved its adoption

RESOLUTION NO. 2825
RESOLUTION APPROVING GAMES OF CHANCE SITE
AUTHORIZATIONS FOR RED RIVER HUMAN SERVICES FOUNDATION

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Auditor Anderson stated there are many people and/or groups that should be thanked for their efforts in the flood fight. He asked anyone with names of individuals or groups that helped with the flood to please contact him at City Hall.

The Administrative Staff Supervisor reported three of the policies in the Employee Policy Manual are in need of updating. She said they are *Employee Records*, *Disciplinary Guidelines* and *Family Medical Leave*. Mayor Rood referred this to the Personnel Committee.

The City Assessor requested to meet with the Finance Committee regarding abatement requests and sales ratio information. Mayor Rood assigned this to the Finance Committee.

The Public Works Director reported the Tree Burn Site will be open starting Thursday, May 8 for the 1997 season. He said the hours of operation will be 9:00 a.m. to 2:00 p.m. on Tuesday, Thursday, and Saturday. Lein announced the annual spring clean up week will be held May 19

through May 23. He also reported flood clean up has began and sand/sandbags can be returned to the city shop.

Police Chief Lotzer reported NDSCS has requested to hold a Homecoming Parade on October 10, 1997. He said the parade will start in Breckenridge and end in Wahpeton at NDSCS. This will require the closing of streets along the parade route and, Chief said, he will be coordinating this with the NDSCS.

Motion by Keogh, seconded by Hauck to approve the parade permit. Motion carried, 6-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Chief Lotzer reported NDDOT traffic enforcement %Operation Buckle Down+will be kicking off at the Governor's Office on May 17th. Lotzer explained the program deals with seat belts and air bag awareness. He said the City has an Ordinance regarding child restraints, but it doesn't address seat belt use. Lotzer felt the Ordinance should be review. The Mayor referred this to the Personnel and Public Safety Committee.

A letter dated April 28, 1997 was received from Fred Strege asking permission to locate 12 by 60 foot trailer at the Bois de Sioux golf course for use as a pro shop. The mobile home will be located in position acceptable to the Building Official and the Public Works Director. The Mayor referred this to the Public Works Committee.

A request for law enforcement assistance in the flooded Red River Valley areas was received April 21, 1997. Chief Lotzer said the Wahpeton Police Department had sent Todd Pearson to assist in the Grand Forks area for one day.

Mayor Rood displayed a plaque received recognizing the Wahpeton City Council's outstanding service and work with the Tobacco Free North Dakota project. He said a special thanks to Councilmembers Myhra and Hauck for their involvement in the project.

The Mayor said there had been members of the US Coast Guard involved in the flood fight in Wahpeton. A letter of appreciation for all the help the citizens of Wahpeton provided was presented to the Council.

Mayor Rood stated a letter had been received from Les Dimmick of Molalla, OR. He said Mr. Dimmick wrote about the fond memories he had of Wahpeton from when was a student at NDSCS. Mr. Dimmick sent a check in the amount of \$100.00 to be used in the flood relief efforts.

Councilmember Hauck reported for the Personnel and Public Safety Committee regarding the Chain of Command revision status. He said the committee is in the process of reviewing this.

Councilmember Hauck reported the Personnel and Public Safety Committee has an Armory Alcoholic Beverages Ordinance prepared and he asked the City Attorney give a summary of the ordinance. Attorney Lies said the ordinance allows for the dispensation and possession of alcoholic beverages in the Armory itself but not on the grounds outside of the Armory. He added the Council retains the authority to approve all requests and to set terms and conditions for any event on a case by case basis.

Councilmember Hauck offered first reading of the following Ordinance:

ORDINANCE NO. 777
AN ORDINANCE AMENDING SECTION 27-112

Councilmember Hauck reported the fireworks applications have been review by the Personnel and Public Safety Committee. He said the committee recommended approving the following license applications:

<u>APPLICANT</u>	<u>BUSINESS/ADDRESS</u>	<u>SALE/ADDRESS</u>
Terry Sturdevant	CarPro 209 4th St S	103 Dakota Av 103 Dakota Av (Parking Lot)
Jeff Christopherson	Jerry's Fireworks 1101 Dakota Av	1101 Dakota Av
Larry Thiele	Ben Franklin 406 Dakota Av	406 Dakota Av
Mike Erlandson	Big Mike's Fireworks 2003 9th St N	2003 9th St N
Jerry Prante	Prante's (BW Blades) 1305 RJ Hughes Dr	Buffington's 995 21st Av N
Perry Miller/FFA	Miller's True Value 312 Dakota Av	Miller's True Value 312 Dakota Av

Motion by Hauck, seconded by Meyer, to approve issuance of licenses to the applicants listed. Motion carried, 6-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers.

Councilmember Hauck reported for the Personnel and Public Safety Committee regarding the request from Jim Buffington to have the Amusement Device Licensing Ordinance & Fees reviewed. He said the committee recommended no change to the current ordinance. License holders are to obtain permits for the maximum number of units to be utilized at any one time, and that number of permits is good for the entire year without further application.

Councilmember Hauck said the Personnel and Public Safety Committee recommended \$7,400.00 in extraordinary performance flood bonuses be distributed to exempt employees and to street crew employees as determined by the Public Works Director.

Motion by Hauck, seconded by Christensen approve extraordinary performance flood bonuses in the amount of \$7,400.00. Motion carried, 6-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Meyer reported for the Finance and Economic Development Committee regarding the CDC Land Sale Procedure. He said CDC is continuing with negotiations.

Councilmember Christensen reported for the Public Works Committee regarding the Minn-Dak sewer service agreement. He said an agreement has been drawn up for sanitary sewer service and the committee recommends approval. Christensen then asked the City Attorney to briefly explain the agreement. Attorney Lies said it allows for domestic waste only; no industrial waste. The City will treat and dispose of the waste at \$1.05 per gallon with a provision for increases proportionately to future rate adjustments.

Motion by Christensen, seconded by Hauck to approve the agreement between the City of Wahpeton and Minn-Dak Farmers Co-op and Minn-Dak Yeast as stated above. Motion carried, 6-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Christensen reported the Public Works Committee has reviewed the job performance of Travis Carufel, Meter Reader/Operator, and has approved an anniversary Step increase to Step 4, Grade 2.

Councilmember Keogh offered second reading of the following Ordinance:

ORDINANCE NO. 774
AN ORDINANCE REZONING
(LOTS 1,2,3, AND 4, BLOCK 1, ROSEWOOD 2ND ADDITION)

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Christensen, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; 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.

Motion by Caspers, seconded by Loberg, to approve the following reports: April Police Department, Annual Project Evaluation - Crime Prevention Grant #D95-222, Annual Project Evaluation - Crime Prevention Grant #D94-231, March Municipal Court, February Municipal Court, March Water Works. Motion carried, 6-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Meyer, seconded by Caspers to approve payment of bills presented in the amount of \$243,495.34 and that warrants be drawn on their respective funds. Motion carried, 8-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The following committee meetings were scheduled:

Personnel & Public Safety	12:00 p.m. May 12th
Finance & Economic Development	
Public Works	8:00 a.m. May 6th

Motion by Meyer, seconded by Keogh, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

MAY 19, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 19th day of May 1997 at 5:00 p.m.

The following members were present: Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following was absent: Mayor Dan Rood, Jr.

Officers present: Auditor, Attorney, Administrative Staff Supervisor, Public Works Director, Police Chief, Loan Administrator.

President Meyer presided at the meeting.

Motion by Keogh, seconded by Christensen, to approve the minutes of the regular meeting held May 5th, 1997. Motion carried.

The City Auditor reported Mr. Brownlee had a schedule conflict and asked to be place on the agenda for June 2nd.

Fred Strege, Bois de Sioux golf club director, addressed the Council as to the condition of the golf course. He said he has been visiting with Mark Krauseneck on ways to handle the effects of the flood. The club house and pro-shop as well as Prante's are gone. He said the golf club has been meeting to plan for replacement of the club house. Strege distributed photos of the flood damage. He said his report is preliminary but wants to keep the City Council up to date.

Councilmember Keogh reported for the Planning Commission. She said public hearings had been set for the rezoning request from Meide and Son, Inc. for rezoning of Prairiewood Addition along the 11th Street extension north to Wheatland Road, and for the rezoning request from Smith Motors for West 70th of Lots 7 & 8, Holbrook & Hobson Addition.

Motion by Loberg, seconded by Keogh to set two consecutive public hearings for the rezoning of Prairiewood Addition along the 11th Street extension north to Wheatland Road, and for the rezoning West 70th of Lots 7 & 8, Holbrook & Hobson Addition, for June 2, 1997 at 5:00 p.m. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The City Auditor stated three requests for renewal of Games of Chance site licenses have been received as follows:

<u>ORGANIZATION</u>	<u>LOCATION</u>
Head of Red Youth Activities Association	Buffington 955 21st Ave N. Wahpeton
Wahpeton Aerie #2749 F.O. Eagles	The Eagles Club 112-114 Dakota Av, Wahpeton
Wahpeton Veterans, Inc.	The Vets Club 219 Dakota Av, Wahpeton

Councilmember Hauck offered the following Resolution and moved its adoption

RESOLUTION NO. 2826
RESOLUTION APPROVING GAMES OF CHANCE SITE
AUTHORIZATION FOR WAHPETON AERIE #2749 F.O. EAGLES

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Sturdevant, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption

RESOLUTION NO. 2827

**RESOLUTION APPROVING GAMES OF CHANCE SITE
AUTHORIZATION FOR HEAD OF RED YOUTH ACTIVITIES ASSOCIATION**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption

RESOLUTION NO. 2828

**RESOLUTION APPROVING GAMES OF CHANCE SITE
AUTHORIZATION FOR WAHPETON VETERANS, INC.**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Myhra, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Auditor stated the request for special event liquor permit from Ted Bellmore has been withdrawn.

The City Auditor presented the banks securities pledged to the City of Wahpeton. He explained these securities are a requirement of the State and he recommended their approval.

Auditor Anderson reported proposals have been received from the three local banks. He said the proposal are for the city checking and savings accounts, and they are rather lengthy. President Meyer referred this to the Finance Committee.

Loan Administrator Priebe confirmed the joint Finance Committee and URA meeting scheduled for Wednesday, May 21, 1997 at 9:00 a.m. She said the meeting is to discuss a proposal for additional remodeling of Dakota Avenue property.

The City Attorney stated the city has an ordinance regulating tobacco sales. He said there is now a federal law which is more lenient than the city's ordinance. He explained the city will need to file an exemption from the federal law to keep the city's ordinance in effect. If the exemption is not filed the federal law supersedes the city ordinance.

Motion by Christensen, seconded by Sturdevant to suspend the rules to allow action on the above stated matter, an item which does not appear on the agenda. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Myhra, seconded by Hauck to apply for the exemption from the federal tobacco law as stated by the City Attorney. Motion carried, 7-1. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Christensen, Loberg, Caspers; voting nay: Meyer.

Police Chief Lotzer reported the Chamber of Commerce has requested to close a portion of Dakota Avenue for Crazy Days. He said Dakota Avenue from 3rd to 6th Streets would be closed but the west bound lane will be reserved for emergency vehicles.

Motion by Sturdevant, seconded by Loberg to approve the closing of Dakota Avenue for Crazy Days as stated by Chief Lotzer. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

A letter dated May 7, 1997 was received from Harlan Muehler regarding the Fireworks Display Project at Randall Field on the 4th of July asking for a donation of \$100.00. Loan Administrator Priebe reported the Wahpeton Visitors Committee will be making the donation this year.

The Fact Findings of the Vertin Munson Variance were received and placed in the correspondence folder.

A letter dated May 2, 1997 was received from the City Attorney regarding the Cable Television Customer Satisfaction Survey from the City of Rochester.

A premium rebate from NDIRF has been received in the amount of \$31,156.00. Auditor Anderson stated this is a change from previous years; in the past, any rebates were applied to the next year's premium.

A memo dated May 19, 1997 from Mayor Rood was distributed. The memo addressed Smith Motors rezoning petition, second reading of Evergreen West rezoning ordinance and the Employee Appreciation picnic scheduled for Optimist Shelter on June 24, 1997.

Councilmember Hauck reported the Personnel and Public Safety Committee is continuing review of the Chain of Command revision.

Councilmember Hauck reported for the Personnel and Public Safety Committee on the Personnel Policy Manual updates. He said the committee has reviewed the updates to *Employee Records* and *Disciplinary Guidelines* and recommend their approval. Caspers asked what the changes were. Cole explained the ND open records law applies to personnel records; the changes to *Employee Records* are due to a change in the NDCC exempting personal information from the open records requirement. Cole said the change to *Disciplinary Guidelines* excludes exempt employees from suspension without pay. She explained when an exempt employee is suspended without pay, that employee is no longer considered exempt.

Councilmember Hauck reported the Personnel and Public Safety Committee received a recommendation from the Administrative Staff Supervisor to hire Lorraine Slotten as Administrative Assistant, Pay Grade 1B Step 2. He said the committee has reviewed Ms. Slotten's qualifications and recommends approval.

Motion by Hauck, seconded by Sturdevant, to approve the hiring of Lorraine Slotten as Administrative Assistant, Pay Grade 1B Step 2, effective June 1, 1997. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Hauck reported for the Personnel and Public Safety Committee on the Step Increase for the Administrative Assistant/Benefits Coordinator. He said the committee will be meeting this week to continue discussion on the increase.

Councilmember Sturdevant reported for the Personnel and Public Safety Committee regarding a request from the Police Chief for a Seat Belt Ordinance. He said the committee will be scheduling a meeting to review this.

Councilmember Meyer reported for the Finance and Economic Development Committee regarding the Law Enforcement Center Square Footage and the Abatement of Taxes requests. He said the committee will be meeting next week to review these.

Councilmember Christensen reported for the Public Works Committee regarding the Bois de Sioux Golf Course request to locate a mobile home for use as a Pro-Shop. He said the committee recommends approval of the contract with the following amendments:

1. Require City water and sewer services by June 1, 1997.
2. Terminate as of December 31, 1997.

Motion by Christensen, seconded by Caspers to approve the contract with the Bois de Sioux Golf Course as outlined above. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Sturdevant reported the Personnel and Public Safety Committee has reviewed the job performance of Patrolman Tim Appell upon completion of his introductory period and has approved a Step increase to Step 3, Grade 3.

Councilmember Sturdevant reported the Personnel and Public Safety Committee has reviewed the job performance of Patrolman Todd Pearson on his second year anniversary and has approved a Step increase to Step 5, Grade 3.

Councilmember Keogh offered second reading of the following Ordinance:

ORDINANCE NO. 776
AN ORDINANCE REZONING
(LOTS 10 & 11, BLOCK 1, AND LOTS 5, 7 & 8, BLOCK 2,
EVERGREEN WEST ADDITION)

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Hauck, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; 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 Hauck offered second reading of the following Ordinance:

ORDINANCE NO. 777
AN ORDINANCE AMENDING SECTION 27-112

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Loberg, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; 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.

Motion by Caspers, seconded by Loberg, to approve the following reports: 1st Quarter 1996-1997 Leave Cost Comparison; 1st Quarter Total Estimated Cost Of Employee Absenteeism. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Finance & Economic Development	9:00 a.m. May 21st
Personnel & Public Safety	12:00 p.m. May 22nd
Public Works	4:00 p.m. May 27th
Public Safety	12:00 p.m. May 27th

The Public Works Director discussed a preliminary proposal for advance planning to mitigate dangers of future flooding. Lein said planning for permanent flood protection of the city needs to start now to have it in place before next spring. Lein said flood mitigation funds for permanent protections should be available. The plan will include drainage, levee construction, landscaping and soil analysis as well as the acquisition of some land. A preliminary plan should be developed by the public works department, Lein said, then an experienced consultant should be hired for levees associated with the 1997 flood.

Lein said newly constructed levees were placed outside of the floodway and the design plan will be developed with all the levees, existing and proposed remaining outside the floodway. There is a need for a new levees through the park, zoo and golf course area which will provide the city protection. He said some 7 to 12 properties with a combined assessed value of \$550,000 to \$800,000 may need to be acquired. Once again the flood mitigation program should provide up to 85 percent of the costs, he said. Estimated preliminary cost is \$2 to \$2.5 million.

Motion by Christensen, seconded by Loberg to authorize the Public Works Director to work with the Public Works Committee in developing a flood prevention plan. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Christensen, seconded by Hauck to authorize the Public Works Director to request proposals for engineer firms to compile the plans and specifications for a flood prevention plan. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Loberg, seconded by Christensen, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

JUNE 2, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 2nd day of June 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following was absent: none.

Officers present: Economic Development Director, Attorney, Administrative Staff Supervisor, Public Works Director, Police Chief, Loan Administrator, Assessor.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve the minutes of the regular meeting held May 19, 1997. Motion carried.

A public hearing following publication of legal notice, was held regarding the rezoning of Part of the Southeast Quarter Section 32, Township 133 North, Range 47 West, from B-3 to R-1c and from R-2 and R-3 to R-3. No one attended in opposition and no written protests were received.

Councilmember Keogh reported the Planning Commission held a public hearing at 4:00 p.m. regarding the rezoning of Part of the Southeast Quarter Section 32, Township 133 North, Range 47 West, from B-3 to R-1c and from R-2 and R-3 to R-3. She said the Commission recommends approval of the zoning change.

Councilmember Keogh offered first reading of the following Ordinance:

ORDINANCE NO. 778
AN ORDINANCE REZONING
(Part of the Southeast Quarter Section 32,
Township 133 North, Range 47 West)

A public hearing following publication of legal notice, was held regarding the rezoning of West 70q of Lots 7 & 8, Block 15, Holbrook & Hobson Addition) from R-2 to B-2. No one attended in opposition and no written protests were received.

Councilmember Keogh reported the Planning Commission held a public hearing at 4:00 p.m. regarding the rezoning of West 70q of Lots 7 & 8, Block 15, Holbrook & Hobson Addition) from R-2 to B-2. She reported Mr. & Mrs. Eklind had some questions which Mr. Joe Sirek of Smith Motors answered. She said there were no protests and the Commission recommends approval of the zoning change.

Councilmember Keogh offered first reading of the following Ordinance:

ORDINANCE NO. 779
AN ORDINANCE REZONING

(West 70' of Lots 7 & 8, Block 15, Holbrook & Hobson Addition)

Auditor Brownlee presented the 1996 Audit of City Books and provided a brief explanation of the Communication with the Board.

Motion by Christensen, seconded by Meyer to approve the 1996 City Audit and the Communications win the Board as distributed. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-446
WAHPETON AREA CHAMBER OF COMMERCE

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Keogh, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-447
WAHPETON VOCTURE NO. 250 (AMERICAN LEGION)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The Administrative Staff Supervisor stated a request for renewal of Games of Chance site license has been received as follows:

<u>ORGANIZATION</u>	<u>LOCATION</u>	
Wahpeton Hockey Association	Sportsman's Lounge	304 Dakota Av. Wahpeton, ND

Councilmember Sturdevant offered the following Resolution and moved its adoption

RESOLUTION NO. 2829
RESOLUTION APPROVING GAMES OF CHANCE SITE
AUTHORIZATION FOR WAHPETON HOCKEY ASSOCIATION

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Assessor requested a meeting with the Finance Committee regarding abatement requests. She then introduced Ben Diederick and George Berg. They will be assisting in the Assessor's office with data collection for the city wide mass residential appraisal.

The Public Works Director said a couple of months ago the City Council directed preparation of the AD/504 plan. Lein said the plan is an update as to the City records as to how the City will

handle AD issues. Lake Agassiz Regional Council has prepared a plan and is asking for its adoption by the City Council. Mayor Rood referred this to the Public Works Committee.

The Public Works Director reported on the preliminary flood protection plan. He said maps have been prepared that show the proposed alignment of a levy system that will afford protection of all the properties within the city limits. The levy will follow the routes that were established by the Corps of Engineers with changes in the park and zoo area where the advance measures levy protection ran down 1st and 2nd Streets North. There are some other minor changes in the system but, they have been designed keeping in mind the goal ~~to~~ protect all the properties within the city limits+.

Jim Azure explained this spring when the Corps of Engineers determined where the actual floodway line is in many areas. The City used that data along with maps of the floodway area in Wahpeton and Breckenridge along with a computer overlay plat drawing to show where the flood way is in conjunction with some properties in town. Azure said the levees in Briarwood will stay in place. Along Hughes Drive the existing levees are in the flood way so they will be moved through the golf course, zoo and the park to the other side of the flood way. He said this will actually widen the river channel. Relocation of some properties, an Otter Tail Power substation and the portions of the zoo will be necessary.

Director Lein explained the levees on the south side will run from Dakota Avenue to 7th Avenue approximately where emergency levy is located and from 7th Avenue South along the ridge to 11th Avenue South, then along the section line to Center Street. At 11th Avenue South the levy will follow the ditch along the airport property. This is primarily setting the dikes to the level established during the advanced measures. Lein said after the Council adopts the plan the Public Works Department will have to discuss this with the Corps of Engineers, obtain levy permits from the State Water Commission and work with the flood insurance mapping through FEMA.

Motion by Christensen, seconded by Meyer, to approve the preliminary flood protection plan as presented by the Public Works Director. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Public Works Director Lein presented a request for sewer service for DEL Leasing, a component of Minn-Dak Cooperative has been received. He said DEL Leasing has asked for permission to hook up to the sewer service that Minn-Dak is installing. Mayor Rood referred this to the Public Works Committee.

The City Attorney recommended the Council pass a Resolution of support and encouragement for the ND Division of Emergency Management to immediately move forward the funds received from FEMA.

Motion by Hauck, seconded by Meyer to suspend the rules to allow action on the above stated matter. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Christensen offered the following Resolution and moved its adoption

RESOLUTION NO. 2830
**RESOLUTION TO ENCOURAGE THE NORTH DAKOTA DIVISION OF EMERGENCY
MANAGEMENT TO ADVANCE OBLIGATION OF HAZARD MITIGATION FUNDS, ACCEPT
APPLICATIONS AND RELEASE FUNDS FOR MUNICIPAL FLOOD WORKS**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Loan Administrator Priebe announced the Economic Development Committee meeting scheduled for Monday, June 9, 1997 at 5:00 p.m.

The Economic Development Director asked for a Resolution for the City of Wahpeton to operate as sponsoring unit of government in conjunction with Richland County for a rail spur on the north end of town.

Motion by Sturdevant, seconded by Loberg to suspend the rules to allow action on the above stated matter. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Caspers offered the following Resolution and moved its adoption

RESOLUTION NO. 2831
RESOLUTION OF NDOIA SPONSORSHIP - RAIL SPUR

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

A letter was received from the Bois de Sioux Golf Club requesting a meeting with the Finance & Economic Development Committee.

A preliminary list of appointment to be made by the Mayor and City Council on June 16th was distributed.

A memo dated June 2, 1997 from Mayor Rood was distributed.

Councilmember Hauck reported the Personnel and Public Safety Committee directed the City Auditor to remove the Chain of Command revision from the agenda until further notice.

Councilmember Hauck reported the Personnel and Public Safety Committee has reviewed the job performance of Lori Conway, Administrative Assistant/Benefits Coordinator, and has approved an increase to Grade 2, Step 6.

Councilmember Sturdevant reported for the Personnel and Public Safety Committee regarding a request from the Police Chief for a Seat Belt Ordinance. He said the committee recommends no change.

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the Law Enforcement Center Square Footage. He said the committee is continuing its review.

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the abatement request from Charles Puetz. He said this request had been denied at a

previous Council meeting and is being brought up as a house cleaning issue. The County approved this request before it was brought to the City, therefore, the Committee recommends the abatement request be approved.

Motion by Sturdevant, seconded by Loberg to approve the abatement request for Charles Puetz. Motion carried, 5-3. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Caspers; voting nay: Meyer, Christensen, Loberg.

Councilmember Sturdevant reported for the Finance and Economic Development Committee regarding the abatement request from George Schuler. He said the Committee recommends the abatement request be denied. Assessor Stromberg explained Mr. Schuler had his property appraised and that the City's appraised value is higher. Stromberg said the State Board of Equalization allows the assessed value be within five percent of the market value. Mr. Schuler's property is within this compliance ratio.

Motion by Sturdevant, seconded by Meyer to deny the abatement request for George Schuler. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Christensen reported for the Public Works Committee on the Flood Mitigation Process. He said there were several resolutions to approve so that preparation for future flood prevention could begin.

Councilmember Christensen offered the following Resolution and moved its adoption

RESOLUTION NO. 2831

RESOLUTION CREATING FLOOD MITIGATION DISTRICT 5-1-97

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Caspers offered the following Resolution and moved its adoption

RESOLUTION NO. 2833

RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Sturdevant, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Loberg offered the following Resolution and moved its adoption

RESOLUTION NO. 2834

RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT IN FLOOD MITIGATION DISTRICT 5-1-97

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the

following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Myhra offered the following Resolution and moved its adoption

RESOLUTION NO. 2835

RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Keogh, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Keogh offered the following Resolution and moved its adoption

RESOLUTION NO. 2836

RESOLUTION DECLARING NECESSITY OF AN IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Motion by Loberg, seconded by Sturdevant to approve the following reports: May Wahpeton Police Department; April Municipal Court; April Water Works. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Sturdevant, seconded by Meyer, to approve payment of bills presented in the amount of \$234,970.62 and that warrants be drawn on their respective funds. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Finance & Economic Development	12:00 p.m. June 6th
Public Works	4:00 p.m. June 4th

Motion by Hauck, seconded by Christensen, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

JUNE 16, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 16th day of June 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Woody Caspers.

The following was absent: Richard Loberg.

Officers present: Auditor, Economic Development Director, Attorney, Administrative Staff Supervisor, Public Works Director, Police Chief, Loan Administrator, Assessor.

Mayor Rood presided at the meeting.

Motion by Caspers, second by Hauck, to approve the minutes of the regular meeting held June 2, 1997. Motion carried.

The Public Works Director reported four proposals have been received from engineering consultant firms for flood mitigation. He said the firms have been ranked based on their qualifications. He recommended the following ranking:

1. Bonestroo, Rosene Anderlik & Associates
2. Interstate Engineering, Inc.
3. Houston Engineering, Inc.
4. Ulteig Engineers, Inc.

Motion by Christensen, second by Myhra to approve the ranking as presented by the Public Works Director. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-448
CHAHINKAPA ZOO ASSOCIATION

The motion for the adoption of the foregoing Resolution was duly second by Councilmember Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-449
BETTERING AMERICA'S CHILD CARE ASSOCIATION (BACCA)

The motion for the adoption of the foregoing Resolution was duly second by Councilmember Caspers and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Auditor reported it is time for renewal of the sales tax administration fee. He said the City Council and citizens of Wahpeton voted to piggy back a one cent tax on to the States five percent sales tax. Council has adopted an administration fee schedule of 2.5 percent by the State Tax Department. Auditor Anderson explained there are two ways of applying this fee:

- A) 2.5 percent of collected sales tax each month
- B) State estimates ahead on how much the City sales tax will be and breaks that amount down into 24 equal payments

Anderson said method B is the method used with the last two contracts. The State has projected collections of \$630,000 per year. Anderson said this may be a little understated but there is no guarantee of that. He recommended use of method B continue for the contract.

Motion by Hauck, second by Christensen to adopt method B for the period of July 1, 1997 to June 30, 1999 as explained by the City Auditor for sales tax administration fees. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Public Works Director reported Lake Agassiz Regional Council (LARC) has agreed to prepare the necessary application regarding flood mitigation funds. He said LARC is receiving funding in the form of grants from EDA and there will be no cost to the City. Christensen reported the Public Works Committee has reviewed this and recommends approval of LARC as the City's agent for the flood mitigation process.

Motion by Christensen, second by Keogh to designate Lake Agassiz Regional Council as the City's agent to prepare flood mitigation documentation and applications. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Director Lein reported a letter has been received regarding storm sewer drainage problems in Concord Court. He said the letter has been signed by most of the residents of Concord Court. Mayor Rood turned this over to the Public Works Committee.

Director Lein reported a Petition to Vacate an alley in the 500 block of 10th Street North has been received. The Mayor turned this over to the Planning Commission.

The Economic Development Director relayed three recommendations from the Economic Development Commission. First the Northside Rail Spur project is an old project that has been reconfigured, he said. The project consists of the rehabilitation of the existing track bed from the main line down to Imation and Primewood. The City will own the infrastructure in order to qualify for the CDLF Grant Funds and Red River Valley and Western Railroad will lease the spur from the City and provide operations and maintenance services. He said the funding will be:

Loan Fund	\$115,000	grant
Benefiting Company	\$ 7,500	contribution
City of Wahpeton	\$ 25,000	0% interest loan
RCJDA	\$ 25,000	0% interest loan

Krauseneck stated EDC recommended the City authorize a loan be issued from the sales tax fund for \$25,000 over 10 years and 0 percent with a 3 year deferral.

Motion by Sturdevant, second by Caspers to authorize a loan be issued from the sales tax fund for \$25,000 over 10 years and 0 percent with a 3 year deferral. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Economic Development Director said the next recommendation concerns Great Plains Grains (a.k.a. Amazing Grains). Great Plains Grains is a new small grains and wheat processor

and has had success in its phase I market research program. He said they have seen interest from specialty breads and cereal manufacturers. The second pilot phase has started, production is now at tonnage levels. Great Plains Grains is taking a step-by-step approach, marketing research, patent search, pilot and finally full scale production. Great Plains Grains has asked for funding assistance similar to phase I, in the form of a grant [reverting to a loan with commercialization] in the amount of \$2,000.00 as they begin phase 2. Krauseneck said EDC recommended an award to Great Plains Grains of a grant of \$2000.00 as a match, with the same terms as Richland County JDA of \$5,000, further matching ND APUC of approximate \$29,000 and balance of the total \$40,000 project provided by private equity.

Motion by Caspers, second by Christensen to award Great Plains Grains a grant of \$2000.00 with the same terms as phase 1, which reverts to a loan with commercialization. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

A new state wide Externship pilot program for educators providing real time business experience for teachers to experience what their students will face in the workforce has been developed. There are two candidates from Wahpeton, NDSCS and WHS instructors, who will be working with two area businesses. The externship is four weeks in duration. Krauseneck recommended a local grant in the amount of \$1,000; \$500 for each externship. The balance [\$6,000] would be split between the businesses [\$4,000], the ND department of ED&F [\$1,000] and the Governors Commission on the Status of Women [\$1,000].

Motion by Caspers, second Hauck to approve a local grant in the amount of \$1,000; \$500 for each externship. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Police Chief introduced Deborah Anderson, Administrative Assistant, at the PD. Ms. Anderson's official start date was June 11, 1997.

Mayor Rood made the following appointments:

COMMITTEE	APPOINTEE	TERM
Planning Commission	Deb Colburn	2002
Zoning Adjustment Board	Devry Klocke	2002
Zoning Adjustment Board	Trudy Tischer, Alternate	1998
Airport Authority	A.W. Stokes	2002
Library Board	John Reinbold	2000
Special Assessment Commission	Roger Freden	2003
Board of Health	Dr. James Halvorson	1999
Board of Health	Richard Hauck	1999
Board of Health	Charles Christensen	1999
Board of Health	Warren Meyer	1999
Board of Health	Richard Loberg	1999

Chahinkapa Park Zoo Assoc. Board of Directors	1997-1998	Position
	Jim Oliver	Director
	Tim Matz	Director
	Leo Gregoire	Director
	Dan Biewer	Director
	Jean Lemmon	Director
	Rich Holm	Director

	Lonnie Halverson	Director
	Wayne Beyer	Sec-Treas
Head of the Red Youth Activities Association Board of Directors	1997-1998	Position
	Mike Yaggie	Director
	Connie Caspers	Director
	Jim Richels	Director
	Bob Gustafson	Director
	Brian Quamme	Director
	Randy Tobias	Director
	Mike Connell	Director
	Bob Splichal	Director
	Wayne Beyer	Secretary
	Pete Sonnesyn	Arena Manager
Bois De Sioux Golf Club Board of Directors	1997-1998	Position
	Tom Kotnour	Director
	Dan Unruh	Director
	Mike Ferrell	Director
	Dick Grahm	Director
	Fred Strege	Director
	Don Neitzke	Director
	Steve Diederick	Director
	Jeff Bass	Golf Pro
	Peter Jensen	Greens Super.
	James Anderson	Sec./Treas.

Motion by Keogh, second by Meyer to approve the appointments as listed above. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Mayor Rood said he will make the appointments to the Urban Renewal Agency in July. The Mayor announced the bill paying meeting has been moved to June 30th so as not to interfere with the 4th of July holiday.

Mayor Rood appointed the following Councilmembers to an Ad-Hoc Committee to review flood mitigation matters: Warren Meyer, Council President

Charles Christensen, Public Works Committee Chairperson

Jim Sturdevant, Finance Committee Chairperson

Motion by Caspers, second by Myhra, to approve the Ad-Hoc Committee appointments. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Sturdevant reported the Public Safety Committee has reviewed the job performance of Gaylene Bakken, Administrative Assistant, and has approved an anniversary Step increase to Step 4, Grade 1B.

Councilmember Sturdevant reported the Finance Committee had a meeting with Assessor Stromberg regarding an abatement request submitted by Marlin McChesney, conservator for Deloris Nelson at 616 5th Street North. The property is currently valued at \$47,500 and they have requested it be lowered to \$28,000. The Assessor has inspected the property and recommends

it be reduced to \$38,900 based on the current condition of the property. Sturdevant said the committee has reviewed the request and recommends denial of the abatement on a 2-1 vote.

Motion by Sturdevant, second by Meyer to deny the request for abatement of property located at 616 5th Street North. Motion carried, 4-3. Voting aye: Meyer, Caspers, Hauck, Myhra; voting nay: Keogh, Christensen, Sturdevant.

Councilmember Christensen reported the Public Works Committee has reviewed the agreement for sanitary sewer services with D.E.L. Leasing and recommends its approval.

Motion by Christensen, second by Keogh to approve the lease agreement for sanitary sewer services with D.E.L. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Christensen reported the Public Works Committee has reviewed and approved the A.D.A./504 Plan that was prepared for the City by Lake Agassiz Regional Council.

Motion by Christensen, second by Keogh to approve the A.D.A./504 Plan. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Keogh offered second reading of the following Ordinance:

ORDINANCE NO. 778
AN ORDINANCE REZONING
(Part of the Southeast Quarter Section 32,
Township 133 North, Range 47 West)

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Meyer, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; 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 Keogh offered second reading of the following Ordinance:

ORDINANCE NO. 779
AN ORDINANCE REZONING
(West 70' of Lots 7 & 8, Block 15, Holbrook & Hobson Addition)

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Sturdevant, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; 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.

Motion by Sturdevant, second by Myhra to approve the following reports: EDC Quarterly Report, 1st Qtr; May Vacation; May Sick Leave. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The following committee meetings were scheduled:

Finance & Economic Development	12:00 p.m.	Wednesday, June 17th
Public Works	4:00 p.m.	Wednesday, June 17th

Motion by Hauck, second by Myhra, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

JULY 21, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 21st day of June 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following was absent: James P. Sturdevant.

Officers present: Auditor, Economic Development Director, Attorney, Administrative Staff Supervisor, Public Works Director, Loan Administrator, Assessor.

Mayor Rood presided at the meeting.

Motion by Caspers, second by Hauck to approve the minutes of the regular meeting held July 7, 1997. Motion carried.

The Public Works Director reported 3 bids were received for rubberized crack sealing as follows:

Zimmerman Contracting, Inc.	P and T Products	\$0.34 per L.F.
Roadway Services, Inc.	Craftco Product	\$0.38 per L.F.
Northwest Asphalt Maintenance, Inc.	Craftco Product	\$0.395 per L.F.

Director Lein recommended the bid be awarded to Zimmerman at \$0.34 per L.F. He stated the funding for crack sealing is in the Special Street Maintenance Fund.

Motion by Christensen, seconded by Loberg to award the bid for rubberized crack sealing to Zimmerman at \$0.34 per L.F. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-450
THE LEACH HOME

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Assessor reported an application abatement for flood damaged property has been received from Fred and Barbara Wacha for property located at 98 3rd Av. N. She said Mr. & Mrs. Wacha have furnished a copy of a bid in the amount of \$23,452.00 to replace the existing basement. According to N.D.C.C. Section 57-02-11(2) property damaged by flood may have the value reduced by the cost to cure. Assessor Stromberg said she has inspected the property and recommends the current value, \$36,700.00, be reduced to \$19,100.00.

Motion by Meyer, seconded by Keogh to approve the application for abatement for property located at 98 3rd Av. N. owned by Fred and Barbara Wacha. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Public Works Director reported on Flood Mitigation District 5-1-97. He reminded everyone a public hearing will be held on August 4th defining the assessment district for the City's local share of flood levy work.

Director Lein provided an update on the flood mitigation procedures. He said the City's application for acquisition of flood damaged properties is in the hands of the Emergency Management Division and is being processed. The approval of the first phase, which consists of five properties that were substantially damaged, should be forthcoming.

Director Lein reported on an item not on the agenda; a letter from NDSCS requesting approval to construct a parking lot at the intersection of 8th Avenue and 4th Street North.

Motion by Hauck, seconded by Myhra to suspend the rules to allow action on the above stated matter. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein explained the reason for bringing this to the Council is that NDSCS wants to use a portion of the boulevard along 8th Avenue. The college is requesting that the city approve the use of the boulevard for parking in accordance with the site plan presented.

Motion by Christensen, seconded by Meyer to approve NDSCS's request for a 5.5 feet set back from the curb on 8th Avenue North. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein stated the first payment from FEMA has been received. He said the check is in the amount of \$257,210.00.

Mayor Rood stated that he, Councilmember Meyer, and Public Works Director Lein met with an engineering firm last week regarding flood issues in a joint meeting with officials from Breckenridge. It was a good meeting and everybody left with an understanding of where both communities are headed with flood issues. There is concurrence on how the levy elevations will be arrived at using the appropriate level that can be allowed using the Bois de Sioux and the Red River that have been established through the surveying efforts as baseline. Flood mitigation efforts are on track and on schedule.

Councilmember Hauck reported the Personnel and Public Safety Committee will be meeting to discuss employee evaluations/budgeted step reports. He said the Committee has received a request from Member Myhra regarding sick leave and the Committee will be meeting with him in the near future.

Councilmember Hauck reported for the Personnel and Public Safety Committee regarding impound vehicles. He said the committee has asked the Police Chief to hold sales more frequently to lessen the number of impounded cars that are stored while the city continues to explore the possibility of a new impound storage area.

Councilmember Hauck reported the Personnel and Public Safety Committee has reviewed the job performance of Barbara Cole, Administrative Staff Supervisor, and has approved an anniversary Step increase to Step 11, Grade 3.

Councilmember Hauck reported the Personnel and Public Safety Committee has reviewed the job performance and responsibilities of Carla Broadland, Administrative Assistant, and has approved a Step increase to Step 11, Grade 1B, effective July 15, 1997.

Motion by Hauck, seconded by Meyer, to approve a step increase for Administrative Assistant Carla Broadland as stated above. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Meyer reported for the Finance and Economic Development Committee regarding the LEC square footage report. He said a proposed agreement and cover letter has been sent out establishing a baseline for meetings with the County. The Committee, he said, agrees the City should pay operational costs for those areas reserved exclusively for the City's use. However, as County residents, he said, the Committee feels City residents already pay for those areas of common use through County taxes. The common areas make up 28 percent of the total LEC area.

Motion by Meyer, seconded by Hauck, to approve the proposed agreement as outlined above. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Meyer reported the Finance and Economic Development Committee met with members of the golf course board and Economic Development Director Krauseneck. Meyer said the golf course board has applied and received preliminary approval for SBA loan at 4 percent interest for flood recovery efforts. The board is requesting the city guarantee the SBA loan through a mortgage on the real estate. The Committee recommends approval of the guarantee, Meyer explained, as this is a way for the city to provide assistance in the recovery efforts without cash outlay. Economic Development Director Krauseneck added the SBA loan is for operational restructuring and does not include the costs or issues associated with clubhouse replacement.

Motion by Meyer, seconded by Loberg, to approve the city's guarantee of the SBA loan in the amount of \$390,000 at 4 percent interest.

City Attorney Lies questioned the source of funding. He said it is unconstitutional under North Dakota law to give credit to or back private persons unless it is for the poor. Lies also said the motion should be contingent upon EDC approval as it is EDC money being pledged.

Motion by Caspers, seconded by Myhra, to amend the original motion to include backing through the Sales Tax Fund contingent upon EDC approval. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Meyer, seconded by Loberg, to approve the original motion as amended. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Meyer reported the Committee has met with the City Loan Administrator, developers and a local bank concerning the Housing Entry-Level Program. As a result of the meeting, he said, a clarification is needed regarding the revolving loan second mortgage. Meyer said previous interpretations are that this could not be used for first time home buyers or FHA. He said the Committee recommends the wording be changed to "Combination of first mortgage and Revolving Loan Fund loan cannot exceed 100 percent of the purchase price exclusive of mortgage insurance premium."

Councilmember Caspers said the memo states a balance of \$2,000 would be left after 10 years, which is to be paid and not financed. Priebe said that is from an old memo that should be discarded. She asked Mr. Meyer to distributed copies of the current memo. Meyer said the original wording was %the amount up to \$5,000 for downpayment and loan closing costs would only apply to conventional financing.+ He explained conventional financing requires private mortgage insurance, which requires 5 percent equity. Meyer said the wording was then amended to %Borrower must provide a minimum of 5 percent equity to qualify for this revolving loan.+ He said this left out the words conventional loan. Rather than trying to expand on lending requirement, he said, the intent is to avoid a negative equity position created by the revolving loan. The new wording is %Combination of first mortgage and revolving loan fund loan cannot exceed 100 percent of the purchase price exclusive of mortgage insurance premium.

Motion by Meyer, seconded by Keogh to approve the change in wording in the HELP brochure as stated above. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Meyer, seconded by Loberg to approve the HELP application form to reflect the wording as stated above. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Caspers, second by Loberg to approve the following reports: June Water Works, May Water Works, 2nd Qtr Vacation; 2nd Qtr Sick Leave, 2nd Qtr Estimated Cost of Employee Absenteeism, Airport Authority General Ledger, Airport Authority Minutes of July 2 and July 9, 1997. Motion carried, 7-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Finance & Economic Development	12:00 p.m.	Wednesday, June 17th
Public Works	4:00 p.m.	Wednesday, June 17th

Motion by Hauck, second by Myhra, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

AUGUST 4, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 4th day of August, 1997 at 5:00 p.m.

The following members were present: Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen.

The following were absent: Mayor Dan Rood, Jr., Richard Loberg, Woody Caspers.

Officers present: Auditor, Attorney, Administrative Staff Supervisor, Public Works Director, Loan Administrator, Police Chief.

President Meyer presided at the meeting.

Motion by Christensen, second by Hauck, to approve the minutes of the regular meeting held July 21, 1997. Motion carried.

A public hearing of necessity, following publication of legal notice, was held regarding the Flood Mitigation Project 5-1-97. No one attended in opposition and no written protests were received.

Councilmember Caspers offered the following Resolution and moved its adoption

RESOLUTION NO. 2837
**RESOLUTION DETERMINING INSUFFICIENCY OF PROTEST
AGAINST FLOOD MITIGATION DISTRICT 5-1-97**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Sturdevant, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-453
BENEDICTINE HEALTHCARE dba WAHPETON HEALTHCARE CENTER

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Auditor reported a representative of the VFW asked to place a petition nominating Woodrow Keeble to the Hall Of Fame of North Dakota. They have asked for

the Council to give approval by signing the petition and leaving it at the front desk of City Hall for people to sign.

The Administrative Staff Supervisor reported there is no defined waiting period for employee health insurance. The current practice has been for new employees to complete their introductory period (6 months) before health insurance begins. She said exceptions have been negotiated during the job offer/job acceptance process.

The Public Works Director stated the City had requested aid from the State of North Dakota through its special reserve funds for improvements to the Kidder Recreation Area Road. It was approved for 1997. The project cost is estimated at \$72,000 of which the State will provide 60%, not to exceed \$38,130. The remainder is to be locally funded. The Park Board has set aside funding for this; approximately \$34,000. Director Lein said the next step is to advertise for bids for this project.

Motion by Keogh, second by Hauck, to advertise for bids for the Kidder Recreation Area Road project. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen; voting nay: none.

Director Lein reported the Flood Mitigation Committee has established guidelines for the acquisition of properties. Its recommendation consists of two parts:

1. Buyout offers of property located within the flood protection levee corridor at the greater of the appraised value or the valuation on the City tax rolls.
2. Relocation incentives: (all options include relocation within the City Limits)

<u>Apartment Dwellers</u>	Option A:	\$500.00 relocation assistance to an apartment.
	Option B:	Option B, C or D as listed under %Home Owner+
<u>Home Owners</u>	Option A:	\$2,500.00 in relocation and moving assistance if moving to an apartment, manufactured home, or rental home.
	Option B:	\$2,500.00 in relocation and moving assistance, up to \$2,500.00 towards special assessments on existing property, and \$2,500.00 in purchase assistance. A possible total of \$7,500.00
	Option C:	\$2,500.00 in relocation and moving assistance, up to \$7,500.00 towards special assessment on a new home not previously occupied, and \$5,000.00 in purchase assistance. A possible total of \$15,000.00
	Option D:	In addition to Option A, B or C above, up to \$50,000.00 reimbursement for replacement costs of special accessibility requirements.

Motion by Christensen, second by Sturdevant to approve the buyout recommendation as outlined above. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen; voting nay: none.

Motion by Christensen, second by Keogh to approve the relocation recommendation as outlined above. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen; voting nay: none.

The Public Works Director said the plans for the levee have been prepared. He said the footprint has been laid out for the city with some areas in detail. Lein introduced Mr. Tom Peterson of Bonestroo, Rosene, Anderlik and Associates, to explain the detail or phasing of the project.

Mr. Peterson explained Phase 1 as the actual levee through the park area, which would be constructed in 1997. He said it would be built to the height of the flood of 1997. The additional three feet freeboard will be added as weather permits. Mr. Peterson said the estimated cost of Phase 1 is \$900,000. If approved, bids will be solicited and opened on August 29th.

Councilmember Sturdevant offered the following Resolution and moved its adoption

RESOLUTION NO. 2838
**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT IN
FLOOD MITIGATION DISTRICT 5-1-97
(PHASE 1)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption

RESOLUTION NO. 2839
**RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT
FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT IN
FLOOD MITIGATION DISTRICT 5-1-97
(PHASE 1)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Keogh, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Attorney stated in December 1996 the City passed an ordinance relating to animals. This ordinance consolidated all the animal ordinances that were on the books. He said in the process one line relating to cruelty to animals was left out. Attorney Lies presented an amendment to the original ordinance.

Councilmember Hauck offered first reading of the following Ordinance:

ORDINANCE NO. 780
**AN ORDINANCE AMENDING SECTION 9-205 OF THE
REVISED ORDINANCES OF THE CITY OF WAHPETON**

The City Attorney reported an alternate Municipal Judge should be appointed to handle cases when there is a conflict with Sam Johnson, Municipal Judge. He said the Mayor has appointed Christian Anderson as alternate Municipal Judge.

Motion by Hauck, second by Keogh to confirm the Mayor's appointment of Christian Anderson as alternate Municipal Judge. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen; voting nay: none.

Police Chief Lotzer reported he attended an awards presentation in Grand Forks hosted by the Coast Guard.

A letter dated 7-21-97, from Kelly Wold-Herzog of Maxim Real Estate Group was received regarding development in the Holiday Inn Express area. This has been delayed until a later date as requested by Ms. Wold-Herzog.

A memo from the Mayor was distributed. Mr. Hauck explained item #3 of the memo goes back to 1996 when Lori Conway had requested to join the Municipal Finance Officers Association for the State of North Dakota. She brought the request before the Council and the Council approved her being a member; an alternate member for two years and a regular member for two years. He said as a member of the organization she would be attending their meetings, generally 1 to 4 meetings per year. Myhra said according to the memo from the Mayor a non-officer needs to have permission from the Council each year to attend the annual NDLC state convention. Hauck said Ms. Conway was authorized to attend when the Council approved her membership in MFOA. He added that it is only reasonable to allow her to attend the conventions while she is a member. Attorney Lies said a more specific motion will overrule a general motion, if Conway was authorized to specifically attend NDLC state conventions as part of the motion allowing her to join the MFOA this broader motion does not apply.

Councilmember Hauck reported the Personnel and Public Works Committee has developed an amended city organizational chart. The proposed chart will amend the current city organizational chart that was approved by Resolution No. 2717 in February 1996. The City at that time had an administrative assistants pool with a supervisor. Other supervisors at city hall went through the supervisor of the pool to coordinate their clerical work. That has not worked out to the best of everyone's work needs in city hall. Therefore, the Personnel Committee recommends the following in order to define the responsibilities to the supervisors:

1. Lorraine Slotten with Jane Priebe and Mark Krauseneck, with Jane Priebe as her supervisor
2. Barbara Cole under direct supervision of the City Auditor along with the City Assessor

AUGUST 18, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 18th day of August, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following were absent: none.

Officers present: Auditor, Attorney, Administrative Staff Supervisor, Public Works Director, Assessor, Police Chief.

Mayor Rood presided at the meeting.

Motion by Keogh, second by Christensen, to approve the minutes of the regular meeting held August 4, 1997. Motion carried.

A public hearing of necessity, following publication of legal notice, was held regarding the proposed Street Vacation (10th ST. N - 500 Block). No one attended in opposition and no written protests were received.

Councilmember Caspers offered the following Resolution and moved its adoption

RESOLUTION NO. 2840
RESOLUTION VACATING STREET
(TENTH STREET NORTH, 500 BLOCK OF
ABANDONED MILWAUKEE RAILROAD RIGHT OF WAY)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Keogh reported the Planning Commission had met earlier that day. She said the Commission had scheduled a public hearing at 4:00 p.m. September 2, 1997 regarding the rezoning of the abandoned Milwaukee Railroad right-of-way abutting ND Highway 210.

Motion by Keogh, second by Loberg to schedule a public hearing regarding the rezoning of the former Milwaukee Railroad right-of-way to be held September 2, 1997 at 5:00 p.m. proposed change is from Agricultural to B-3. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Keogh reported the Planning Commission heard preliminary plans for additional development in the Holiday Inn area. She said the Commission will continue discussion as plans move along.

Administrative Staff Supervisor Cole reported a call had been received from the North Dakota Corn Growers Association rescheduling its appearance before the Council to September 2, 1997.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-454
WAHPETON SENIOR CITIZENS HARMONY CLUB, INC.

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Assessor reported she had attended the State Board of Equalization meeting on August 12th which was held in Bismarck. She appeared before the Board and requested leniency regarding a 3% blanket valuation increase based on the 1997 sales ratio study of 92.5%. The basis of the leniency request was the status of the mass reappraisal, which is nearing completion. Also testifying on Wahpeton's behalf was Larry Osborn, Richland County Director of Tax Equalization and Ben Hushka, Fargo City Assessor. Stromberg informed the Council that although several cities requested leniency, Wahpeton had provided documentation and reports to the State Board prior to the meeting which added credence to the request. Assessor Stromberg said the Board will relay its decision within 60 days.

The Public Works Director stated an improvement of the storm sewer in the 4th Avenue South area from the river west to about 8th Street is being proposed. In the past there has been some surcharging of the existing storm sewer - heavy rains have caused manhole covers to be displaced. He said he has met with EDA and they have expressed an interest in providing some funding. In order for them to consider funding, he said, EDA needs a facility plan. Lein said he has discussed this with Interstate Engineering and would like approval to employ Interstate Engineering to work with Lake Agassiz Regional Council to provide EDA with the necessary engineering data for the fund application to EDA. Lein explained funding would be approximately 50 percent from EDA and the remainder through Community Development Block Grants through HUD. The approximate total cost is \$1,000,000.00.

Motion by Christensen, second by Loberg to employ Interstate Engineering to develop facilities plans in concert with LARC for the EDA application. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Public Works Director stated a couple of letters were received from property owners regarding water issues. One from Pierce, Inc., the operator of Briarwood Court, and one from Marty Skramstad. Lein asked these be turned over to the Public Works Committee for review. Mayor Rood assigned this to the Committee.

Director Lein reported the Kidder Recreation Road bidding approval was given at the August 4th Council meeting. Lein said the next step is to authorize the Mayor, Auditor, Attorney and City Engineer to sign a Construction and Maintenance Agreement with the NDDOT.

Motion by Keogh, second by Christensen to authorize the Mayor, Auditor, Attorney and City Engineer to sign the Construction and Maintenance Agreement with the NDDOT for the Kidder Recreation Road. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein provided an update on the Flood Mitigation Project. He said several requests have been received for bidding plans and specs. The bids will be opened August 29th, he said, and the contract award should be on September 2nd. The contract work is from 5th Avenue North through the park/zoo/golf course area, Lein said, and will connect with the high point on RJ Hughes Drive. In addition, he said, there are structures necessary to provide positive drainage during flood events. Lein said plans should be presented at the September 2nd meeting. Mayor Rood asked Lein to provide an overhead of what these facilities will look like at the next meeting.

Director Lein reported he will be issuing a demolition order for the former Elks Building tomorrow. He said there may be some problems with the acquisition of the property and this provides an alternate method to facilitate dike construction. Christensen asked if there are problems with the acquisition. Lein responded there may be as discussions over the past few days have indicated this. Mayor Rood asked the City Attorney what the proper procedure and time frame is for condemnation. Leis said the Public Works Director issues an order to demolish within a reasonable time frame (30 days) not to exceed 60 days. If there is non-compliance the Public Works Director will report this to Council and the Council then sets a public hearing. Leis said. At the hearing it is determined if there is sufficient reason to demolish the building. If the Council affirms the order a reasonable time is given, and after that time period the City may demolish the building and the cost may be placed on the tax roles.

Mayor Rood said as the City proceeds with the Flood Mitigation procedures on property acquisitions there are some aberrations; whether a legal description or footage change. These things are going to happen and the Committee will be meeting before the September 2nd Council meeting. He said the Committee will consolidate these things and bring back a report for Council to review.

Mayor Rood asked Director Lein if he would like to postpone the 2nd reading of Ordinance No. 775 regarding Street Weight Limits. Lein asked for an indefinite postponement.

Motion by Christensen, second by Loberg to indefinitely postpone the 2nd reading of Ordinance No. 775. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Hauck offered second reading of the following Ordinance:

ORDINANCE NO. 780
**AN ORDINANCE AMENDING SECTION 9-205 OF THE
REVISED ORDINANCES OF THE CITY OF WAHPETON**

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Sturdevant, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Ordinance was declared duly passed and was signed by the Mayor, and attested to by the City Auditor.

Councilmember Sturdevant reported the Finance and Economic Development Committee has received a response to the agreement to share the costs of the LEC with the County based on square footage. He said the Committee will be meeting to review the response.

Motion by Sturdevant, second by Caspers to approve the following reports: August Airport Authority Minutes; Airport Authority Balance Sheet; July Water Works; Personnel & Public Safety Committee Minutes of August 7th. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Finance & Economic Development	12:00 noon	August 22nd
Public Works	12:00 noon	August 25th
Personnel & Public Safety	12:00 noon	September 8th

Motion by Hauck, second by Keogh, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

SEPTEMBER 2, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 2nd day of September, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following were absent: none.

Officers present: Auditor, Attorney, Administrative Staff Supervisor, Public Works Director, Assessor, Police Chief.

Mayor Rood presided at the meeting.

Motion by Caspers, second by Hauck, to approve the minutes of the regular meeting held August 18, 1997. Motion carried.

The Public Works Director explained the bid opening for Improvement Project 5-1-97 Phase 1 has been postponed until 2:00 p.m., September 4, 1997.

The City Auditor presented an affidavit showing the advertisement of bids for the construction of the improvement proposed to be made in the KIDDER RECREATION ROAD PROJECT 2-2-97.

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Loberg, and carried, the affidavit was approved and directed to be placed on file in the office of the City Auditor. The Public Works Director then presented the sealed bid which had been received pursuant to the said advertisement before the time of this meeting. The bid having been opened and publicly read and a bidder's bond accompanying each of the bids having been examined, the name and address of the respective bidder and the estimated contract cost under the price stated in their several bid were found to be as follows:

NAME & ADDRESS OF BIDDER	AMOUNT
Camas Kost Division Wahpeton, ND	\$46,159.50

Councilmember Hauck offered the following Resolution and moved its adoption

RESOLUTION NO. 2841
RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION
OF AN IMPROVEMENT IN KIDDER RECREATION ROAD PROJECT 2-2-97

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none.

Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

A public hearing of necessity, following publication of legal notice, was held regarding the rezoning of the abandoned Railway right-of-way north of 210 from agricultural to B-3. No one attended in opposition and no written protests were received.

Councilmember Keogh reported the Planning Commission held a public hearing at 4:00 p.m. regarding the rezoning of the abandoned Milwaukee Railroad right-of-way abutting ND Highway 210. Keogh said the Planning Commission unanimously recommended the Council approve of the rezoning request.

Councilmember Keogh offered first reading of the following Ordinance:

ORDINANCE NO. 781
AN ORDINANCE REZONING
(PART OF THE SE 1/4 - SECTION 32, TOWNSHIP 133 N, RANGE 47)
CITY OF WAHPETON

Darby Buckholtz of the ND Corn Growers Association introduced Trevor Guthmiller. Mr. Guthmiller presented information on an Airfest to promote the use of ethanol as an aviation fuel. He explained the air show has been produced since 1994 in various communities. The show is funded through franchise support, business sponsors, the Corn Growers Association and the City. He asked for City sponsorship in the amount of \$10,000 which would be matched by the ND Corn Growers Association. Mayor Rood referred this request to Jane Priebe and the Visitors Committee.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-455
RED RIVER AREA SPORTSMEN'S CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The Public Works Director stated the acquisition proceedings are moving along. He expects official offers to be sent out soon. The official offer, explained Lein, will take into consideration all other assistance. FEMA is in the process of verifying the assistance amounts. Lein said official offers will be made for the appraised or assessed value (whichever is higher) less the assistance amount. Then, he said, the property owner has 15 days to accept or reject the offer. He added this is a voluntary buy out and if offers are rejected, alternative plans will have to be implemented.

The Public Works Director reported several contractors bidding on Phase 1 participated in a walk-through of the project. This will provide them with a better understanding of the project and more accurate bids.

Director Lein reported Phase 2 of Improvement Project 5-1-97 is ready to proceed. He said the Plans and Specs are ready and he requested authorization to advertise for bids to be opened at 2:00 p.m. on Thursday, September 25, 1997.

Councilmember Christensen offered the following Resolution and moved its adoption

RESOLUTION NO. 2842
**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT IN
FLOOD MITIGATION DISTRICT 5-1-97
(PHASE 2)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Keogh offered the following Resolution and moved its adoption

RESOLUTION NO. 2843
**RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT
FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT IN
FLOOD MITIGATION DISTRICT 5-1-97
(PHASE 2)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Mayor Rood complimented Director Lein on the fine job he has done in guiding her through the Flood improvements and the necessary acquisition.

Councilmember Meyer offered the following Resolution and moved its adoption

RESOLUTION NO. 2844
RESOLUTION AMENDING REVOLVING LOAN FUND GUIDELINES

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Attorney stated he is in the process of collecting signatures for the dedication of a 20 foot alley in the 500 Block of 10th Street North (former Milwaukee Rail Road).

Councilmember Sturdevant reported for EDC on the Bois de Sioux Golf Course/Clubhouse project. He relayed the following recommendation:

The overall project involves a not-to-exceed \$400,000 EDC commitment towards the \$500,000 Bois de Sioux golf course clubhouse construction project, subject to terms and conditions of a loan, municipal ownership, legal counsel and economic development director...including memorandum of understanding, net/net lease, golf course minimum annual repayment amounts and dedication of additional fund raising to further by-down the clubhouse, and contingent upon land transfer approvals(s) by golf membership, etc.

Financial details include, not inclusively, favorable loan terms from Norwest/Community First. A \$350,000 loan directly to the City due to preferential interest rates and requisite bank confidence levels, financed at a fixed rate of 5.75% for the first five years, repriced in the 6th year to a rate 2.75% below prime, not to drop below 5%. Twenty year loan amortization. Two (fixed principal and declining interest) payments per year. Balloon or restructuring before the eighth year...due to possible sales tax expiration. Balance of \$400,000 (\$50,000) to be drawn directly from the ED fund. Additional specific financial and legal detail and project rationale can be found in the 20 August EDC minutes or addressed by the ED Director and City Attorney.

Motion by Sturdevant, second by Meyer to approve the EDC recommendation as outlined above. Motion carried, 6-2. Voting aye: Sturdevant, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: Hauck, Myhra.

Police Chief Lotzer said the Community Police Program was going well. He said there have been Neighborhood Crime Watch meetings and Crime Watch signs have been put up. Chief Lotzer introduced Officer Todd Pearson, Community Policing Program Coordinator.

Officer Pearson stated that he has been working with the Community Policing Program for about a year. He said he has been interactive with the local youth, as well as several clubs in the area. Booths have been set up at various events, he said. Counter Act, an program similar to D.A.R.E., is being introduced in the schools this year. Pearson added that he is working with the gang task force in Fargo. He said this allows him to keep in touch with what may be passing through the Wahpeton area.

Police Chief Lotzer added Officer Zaun and Pastor Wessel will be working with Three Rivers Crisis Center on domestic violence issues. He said relations with the Indian School have improved and there will be a picnic with the school to continue building that relationship. He also thanked the media for running public service announcements for the Police Department.

A letter of resignation was received from Police Officer Ross Renner. Officer Renner has accepted employment with the City of Fargo.

Motion by Sturdevant, seconded by Hauck to accept the resignation of Police Officer Ross Renner. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Mayor made the following appointments:

<u>NAME</u>	<u>APPOINTMENT</u>
Sharon Bladow	Deputy City Auditor/Treasurer
Russ Denault	Economic Development Commission

Motion by Hauck, second by Sturdevant to confirm the appointments as stated above. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Mayor made the following appointments to the Urban Renewal Agency:

Tim Carr	Russ Denault
Don Holen	Jo Haire
R.E.T. Smith, Attorney	Jane Priebe, Secretary

Motion by Caspers, second by Loberg to confirm the appointments to URA as stated above. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Sturdevant reported the Public Safety Committee has reviewed the job performance of Officers Scott Kent and Melissa Zaun, as both have completed the six month introductory period. The Committee has approved a Step increase to Step 2, Grade 3 for both Officers.

Councilmember Meyer offered first reading of the following Ordinance:

ORDINANCE NO. 778
AN ORDINANCE MAKING AN APPROPRIATION FOR
THE CITY OF WAHPETON, NORTH DAKOTA BEGINNING
JANUARY 1, 1997 AND ENDING DECEMBER 31, 1997

Councilmember Sturdevant reported the Finance and Economic Development Committee will be meeting to review the agreement to share the costs of the LEC with the County based on square footage.

Motion by Sturdevant, second by Loberg to approve the following reports: August Police Department; July Municipal Court. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Caspers, seconded by Keogh, to approve payment of bills presented in the amount of \$203,334.79 and that warrants be drawn on their respective funds. Motion carried, 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Finance & Economic Development	12:00 noon	September 3rd
Personnel & Public Safety	12:00 noon	September 4th
Personnel & Public Safety	12:00 noon	September 8th

Motion by Hauck, second by Keogh, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

SEPTEMBER 15, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 15th day of September, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following were absent: James P. Sturdevant, Donna Keogh.

Officers present: Attorney, Administrative Staff Supervisor, Public Works Director, Assessor, Police Chief, Economic Development Director.

Mayor Rood presided at the meeting.

Councilmember Hauck stated he felt his oral remarks---regarding his opposition to the golf clubhouse motion---had not been completely covered in the minutes of the City Council meeting of September 2, 1997. He requested approval to add written remarks as an amendment of the minutes. The members present agreed to the request. Mr. Hauck then offered the following amendment:

Motion by Caspers, second by Loberg, to approve the minutes of the regular meeting held August 18, 1997, as amended. Motion carried.

The City Auditor presented an affidavit showing the advertisement of bids for the construction of the improvement proposed to be made in the IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97 (PHASE 1).

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Loberg, and carried, the affidavit was approved and directed to be placed on file in the office of the City Auditor. The Public Works Director then presented the sealed bids which had been received pursuant to the said advertisement before the time of this meeting. The bids having been opened and publicly read and a bidder's bond accompanying each of the bids having been examined, the name and address of the respective bidder and the estimated contract cost under the price stated in their several bids were found to be as follows:

NAME	ADDRESS	AMOUNT
Camas Minndak, Inc.	Wahpeton, ND	\$1,303,713.57
Park Construction Co.	Minneapolis, MN	\$1,309,956.15
Comstock Construction, Inc.	Wahpeton, ND	\$1,418,784.21
Riley Brothers Construction	Morris, MN	\$1,435,776.15

Director Lein recommended the contract be awarded to Camas Minndak.

Councilmember Christensen offered the following Resolution and moved its adoption

RESOLUTION NO. 2845

**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION
OF AN IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97
(PHASE 1)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Meyer, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The Administrative Staff Supervisor reported on two employee policies that need updating. The first, she said, is %Employee Records+ that lists information in employee files that is exempt from public record laws. Cole said an employee's name is not an exempt item therefore it should be removed from the exempt category.

Motion by Hauck, seconded by Loberg, to amend the %Employee Records+ policy as stated by the Administrative Staff Supervisor. Motion carried, 6-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Supervisor Cole said the other policy in need of updating is %Overtime & Compensatory Time+. She said there are some inconsistencies with the current policy and current practice. Mayor Rood referred this to the Personnel Committee.

The City Assessor reported notification has been received of Barry Hastie's intent to recommend to the State Board of Equalization a 4% across the board valuation increase. She said this is in spite of the testimonies provided to the State earlier this year. Stromberg said she will be in Bismarck on Thursday for the State Board of Equalization meeting for the final ruling.

The Public Works Director reported the levee permit from the State Water Commission has been received. Construction on the Flood Levee can begin this week. He said it will take approximately 30 days to complete, this is if the weather holds.

Director Lein reported a letter dated September 5, 1997 from Gene and Carmen Plummer has been received. He said the Plummers are requesting to purchase a small parcel of land located at the corner of 11th Street and 16th Avenue. He added this land currently adjoins Plummer's property. Mayor Rood referred this to the Public Works and Finance Committees.

Director Lein reported the Elks Building Demolition was not completed by the given deadline. He said owners are working on a deed transfer (no dollar amount involved) to the City. The City will complete the demolition, he said, and recover the cost through FEMA reimbursement.

Director Lein reported some changes in street lights are needed. He said a revised contract with Otter Tail Power company will be presented to the Council once it has been prepared.

The City Attorney stated he has about 1/2 of the signatures needed for the dedication of a 20 foot alley in the 500 Block of 10th Street North (former Milwaukee Rail Road).

Attorney Lies reported Vern L. Hedland is retiring. He said Mr. Hedland has served in various capacities for the Farmers Home Administration and as Director of Rural Development. Lies said the City has been asked to enter a Joint Resolution recognizing Mr. Hedland's leadership role, dedication and spirited sense of public service.

Motion by Caspers, seconded by Hauck to suspend the rules to allow action on the above stated matter. Motion carried, 6-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Loberg offered the following Resolution and moved its adoption

JOINT RESOLUTION OF APPRECIATION
CITIES OF: ABERCROMBIE, COLFAX, CHRISTINE,
FAIRMOUNT, LIDGERWOOD, WAHPETON AND WYNDMERE

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Meyer, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Police Chief Lotzer reported the Attorney General's Office has audited records of the Park Police Officer funded by a State Grant. Lotzer said the auditors were given a tour of the park and rides on the carousel. He thanked Wayne Beyer for his assistance with the park tour.

The Police Chief relayed a request from the Right for Life Organization to hold a Life Chain along Dakota Avenue on October 5th from 2:00 p.m. to 3:00 p.m. Chief said the life chain is planned to extend across the river into Breckenridge and the organization has permission from Breckenridge. He stated that this event has been authorized in the past and there have been no major disruptions caused by the Life Chain.

Motion by Loberg, second by Caspers, to permit the Right for Life group to assemble along Dakota Avenue on October 5, 1996 from 2:00 p.m. to 3:00 p.m. Motion carried, 6-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Mayor Rood stated October is *National Disability Employment Awareness Month*. He said Wahpeton has many outstanding employers and offered the following proclamation:

The local Mayor's Committee on Employment of People with Disabilities+ has worked diligently over the past few years educating the public regarding the hiring process and accommodations required for employing local residents with disabilities.

The Committee's goal is to continue its work in providing information to both employers and handicapped individuals on available job opportunities.

In 1997, the Committee recognized nine area business for hiring individuals with disabilities and for complying with ADA regulations. The Committee plans to hold another recognition Awards Breakfast in February or March of 1998.

In order to bring the City's attention to the work of the Committee---and the desire to provide gainful employment of our citizens---I hereby declare the week of October 13, 1997 as

“WAHPETON DISABILITY EMPLOYMENT AWARENESS WEEK”

and ask that all employers and individuals identify job opportunities for handicapped persons within our region.

Councilmember Hauck reported the Personnel Committee has received proposals to revise the City Pay System from Broc Leitz. He said Mr. Leitz will revise the current system to reflect a market based administration system for a fee of \$25.00 per hour. With the time involved, Hauck said, the total cost may be as little as \$1,925 or as much as \$3,000. The Committee, by a unanimous vote, recommends Mr. Leitz be hired to revise the City Pay System to reflect a market based salary administration.

Motion by Hauck, second by Meyer to be hire Mr. Leitz to revise the City Pay System to reflect a market based salary administration. Motion carried, 6-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Meyer reported the Finance and Economic Development Committee has agreed on a 70/30 cost share of the LEC for the 1998 budget. He said the Committee will be meeting to review ownership/rental options.

Councilmember Meyer reported most of the 1998 budget has been completed. He said the Committee will be meeting September 17th at noon to review revenues.

Councilmember Hauck offered second reading of the following Ordinance:

ORDINANCE NO. 781
AN ORDINANCE REZONING
(PART OF THE SE 1/4 - SECTION 32, TOWNSHIP 133 N, RANGE 47)
CITY OF WAHPETON

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Christensen, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Myhra, Meyer, Christensen, Loberg, Caspers; 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.

Motion by Caspers, second by Loberg to approve the following reports: August Water Works; Finance/Budget Committee Minutes of September 8, 1997; August Vacation and Sick Leave. Motion carried, 6-0. Voting aye: Hauck, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Finance & Economic Development	12:00 noon	September 17th
Public Works	11:45 a.m.	September 17th
Personnel & Public Safety	12:00 noon	September 19th

Motion by Meyer, second by Loberg, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

OCTOBER 6, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 6th day of October, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg.

The following was absent: Councilmember Woody Caspers.

Officers present: Attorney, Auditor, Administrative Staff Supervisor, Public Works Director, Assessor, Police Chief, Economic Development Director.

Mayor Rood presided at the meeting.

Motion by Hauck, seconded by Christensen, to approve the minutes of the regular meeting held September 15, 1997. Motion carried.

Motion by Keogh, seconded by Loberg, to approve the minutes of the special meeting held October 3, 1997. Motion carried.

The Public Works Director reported the bids for Flood Mitigation Project 5-1-97 Phase II were opened and a contract was awarded to Fugen, Inc. Fargo at a special City Council meeting on October 3, 1997.

Members of the Village Disaster Resource Team addressed the Council. They explained the team is here to help residents of Wahpeton and Richland County with the flood recovery process. The Village provides counseling for families and individuals and assistance with finding available resources. There is no cost for the services the Village provides. The Village Team is funded through Federal Crisis Funds.

Attorney Fred Strege, representing Rick and Carolyn DeFries of Three Rivers Decorating, asked for a public hearing to be set regarding an alley vacation request. He said the DeFries have purchased the property located behind their store and are requesting the alley (Block 42, Original Town Site) be vacated. The only other adjoining property owner is the M&H station. Mr. DeFries stated the alley is seldom used and is not maintained by the City. Councilmember Keogh reported the Planning Commission has directed the City Attorney to set a public hearing and publish notice of the hearing regarding the above stated alley vacation once the necessary petition has been completed.

Motion by Keogh, seconded by Sturdevant to direct the City Attorney to set a public hearing and publish notice of the hearing regarding the above stated alley vacation once the necessary petition

has been completed. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Attorney R.E.T. Smith discussed and development of the property recently rezoned north of Highway 210. He stated he has been working with the City Attorney and the Public Works Director on a license agreement for the access to the property located north of the by-pass (Lot 4, Block 12, Otter Tail Addition). Smith said he would like to have the clause requiring no building on the land reserved for 11th Street North extension changed as this may be a problem for the developer. He asked if the Commission would consider amending the license agreement to change this clause allowing the developer to build on the right of way with the understanding that the City may require removal of the structure at the developers expense with reasonable notice...such as one year.

Motion by Christensen, seconded by Loberg to approve the license as drafted by the Public Works Director and the City Attorney reserving the 100 feet right of way for the extension of 11th Street North.

Motion by Meyer, seconded by Hauck to amend the previous motion to approve the license by allowing the developer to build on the right of way with the understanding that the City may require removal of the structure at the developers expense with one-year's notice. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Upon vote on the original motion as amended, the following voted aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none. Motion carried, 7-0.

Councilmember Keogh reported the Planning Commission received a letter from Smith Motors requesting a public hearing be set for the rezoning of the East 70th of Lots 7 & 8, Block 15, Holbrook & Hobson Addition to Wahpeton from R-2 to B-2. She said the Commission has set a public hearing to be held at 4:00 p.m. on October 20, 1997.

Motion by Keogh, seconded by Meyer to set a public hearing for the rezoning of East 70th of Lots 7 & 8, Block 15, Holbrook & Hobson Addition to Wahpeton from R-2 to B-2, to be held at 5:00 p.m. on October 20, 1997. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Councilmember Keogh reported the Planning Commission held discussion with regard to a set aside rule for parks in new developments (as related to the City's Comprehensive Plan). Commissioners Grogan and Bang will be following up on this issue.

Councilmember Loberg offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-452
BOIS DE SIOUX DUCKS UNLIMITED

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Keogh, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same:

None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-456
OTTER TAIL RIVER REVIVAL

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Sturdevant, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-457
BOIS DE SIOUX CHAPTER ROCKY MOUNTAIN ELK FOUNDATION

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-458
UNITED CHURCH OF CHRIST

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-459
CIRCLE OF NATIONS SCHOOL

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Auditor reported a check in the amount of \$634,881.78 has been received from the State Of North Dakota for the acquisition of properties under Flood Mitigation Project 5-1-97.

Auditor Anderson reported notification of a meeting regarding the year 2000 Federal Census. The meeting will be held in Fargo on October 23. He explained the census has a direct relationship with funds the City is eligible to receive.

Auditor Anderson said the North Dakota League of Cities is looking for tips on money management. These tips will be published in the monthly City Scan Magazine. He encouraged the Councilmembers to keep this in mind as the City budget process is completed.

Auditor Anderson reported on the bond sale status with the ND Bond Bank and the request from Daniel Wiles for consideration as Bond Consultant for the City. Mayor Rood referred this to the Finance Committee.

The City Assessor reported she had attended the second State Board of Equalization meeting in which a 4% across-the-board valuation increase had been recommended. She said this increase will not be imposed due to the mass reappraisal being conducted in Wahpeton. The net result is Wahpeton City Tax Payers will not have their property values increased by 4%. Mayor Rood complimented Ms. Stromberg on saving tax money for all Wahpeton residents.

The Public Works Director reported the levee construction in the park and zoo area is proceeding well and completion is anticipated by November 1. Lein reported a pre-construction meeting for phase 2 was held. Completion of phase 2 is anticipated by Thanksgiving, well ahead of the March 1 date set in the contract. Lein said the restricted access to the construction area has aided the contractors in project completion.

The Economic Development Director asked to meet with the Finance Committee regarding a land transaction. Mayor Rood assigned the matter as requested.

Director Krauseneck reminded everyone of the HUD funds Public Hearing being held this evening at 7:00 p.m. at the LEC.

The City Attorney stated there are four signatures still needed for the dedication of a 20 foot alley in the 500 Block of 10th Street North (former Milwaukee Rail Road).

Attorney Lies requested the Public Safety Committee review the proposed Disaster and Emergency Ordinance. Lies said some items that need discussion include the duration of Mayoral authority without formal Council action and what power, if any, do Department Heads have. Mayor Rood referred this to the Public Works Committee and the Public Safety Committee.

Attorney Lies requested the Public Safety Committee also review the level of fines set. Mayor Rood referred this to the Public Safety Committee.

Police Chief Lotzer requested approval to advertise for bids for the purchase of a 1998 four wheel drive vehicle. The bids will be with and without trade. He said this has been included in the 1998 budget.

Motion by Sturdevant, second by Meyer, to authorize the advertisement of bids for the vehicle described above. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Chief Lotzer reported approximately 30 applicants for the vacancy of Patrol Officer had been received. He said interviews have been conducted and background checks are in progress.

A memo from the Finance Committee Chair dated October 2, 1997 requesting review of the Employee Residency Policy was received. The Mayor referred this to the Personnel and Public Safety Committee.

Councilmember Hauck reported the Personnel Committee is in the process of reviewing the Employee Personnel Policy Manual.

Councilmember Sturdevant reported the Finance and Economic Development Committee is continuing to meet regarding the LEC square footage ownership/rental arrangement. The Committee has reviewed the LEC Board structure and recommends approval of the following change: the Board shall consist of two members of the County Commission and two members of the City Council, with the County and City Auditors as ex-officious.

Motion by Loberg, seconded by Meyer to suspend the rules and allow action on the LEC Board structure change. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Councilmember Sturdevant offered the following Resolution and moved its adoption

RESOLUTION NO. 2847
**RESOLUTION APPROVING SECOND ADDENDUM TO AGREEMENT FOR
CONSTRUCTION OF RICHLAND COUNTY-CITY OF WAHPETON LAW
ENFORCEMENT CENTER**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Meyer, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Mayor Rood appointed Christensen and Hauck to continue to serve on the LEC Board.

Councilmember Meyer reported the 1998 budget has been completed and is ready for approval.

Motion by Meyer, seconded by Hauck to approve the 1998 Salary Schedule. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Motion by Meyer, seconded by Christensen to approve the 1998 General Fund Income and Expens Line Items Reports. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Motion by Meyer, seconded by Hauck to approve the 1998 Capital Improvements budget. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Councilmember Meyer offered second reading of the following Ordinance:

ORDINANCE NO. 782

**AN ORDINANCE MAKING AN APPROPRIATION
FOR THE CITY OF WAHPETON, NORTH DAKOTA
BEGINNING JANUARY 1, 1998 AND ENDING DECEMBER 31, 1998**

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Sturdevant, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; 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 Meyer stated 1998 is the last full year for the franchise fees on electric and natural gas. He said the Finance Committee and Council will be looking into the long range financial plan for the City.

Councilmember Meyer reported the Finance and Economic Development Committee recommended the sale of the parcel of land in the NE corner of the intersection of 16th Avenue N and 11th Street N to the adjacent land owner, Mr. Gene Plummer, for \$500.00.

Motion by Sturdevant, seconded by Meyer to sell the parcel of land in the NE corner of the intersection of 16th Avenue N and 11th Street N to Gene Plummer, for \$500.00. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Councilmember Christensen reported the Public Works Committee has reviewed the job performance of Brad Lovgren, Street Crew, and has approved an anniversary Step increase to Step 4, Grade 2, effective September 1, 1997.

Motion by Sturdevant, seconded by Meyer, to approve payment of bills presented in the amount of \$216,861.59 and that warrants be drawn on their respective funds. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Motion by Loberg, second by Meyer to approve the following reports: September Police Department; Finance/Budget Committee Minutes of September 29, 1997; Personnel Safety Committee Minutes of September 22, 1997. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

The following committee meetings were scheduled:

Finance & Economic Development	12:00 noon	October 7th
Public Works & Public Safety	12:00 noon	October 17th
Personnel & Public Safety	12:00 noon	October 8th

Motion by Christensen, second by Loberg, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

OCTOBER 20, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 20th day of October, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following was absent: Councilmember Richard A. Hauck.

Officers present: Attorney, Auditor, Administrative Staff Supervisor, Public Works Director, Assessor, Police Chief, Economic Development Director.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve the minutes of the regular meeting held October 6, 1997. Motion carried.

A public hearing following publication of legal notice, was held regarding the rezoning of East 70⁰ of Lots 7 & 8, Block 15, Holbrook & Hobson Addition to Wahpeton from R-2 to B-2. No one attended in opposition and no written protests were received.

Councilmember Keogh reported the Planning Commission held a public hearing at 4:00 p.m. regarding the rezoning of East 70⁰ of Lots 7 & 8, Block 15, Holbrook & Hobson Addition. She said there was not a quorum present but the Commissioners present recommended approval of the zoning change.

Councilmember Keogh offered first reading of the following Ordinance:

ORDINANCE NO. 783
AN ORDINANCE REZONING
(EAST 70' OF LOTS 7 AND 8, BLOCK 15 HOLBROOK & HOBSON ADDITION)
CITY OF WAHPETON

Councilmember Caspers offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-460
ST. JOHN'S CATHOLIC CHURCH - GROUPS

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following voted in favor thereof: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-461

ST. JOHN'S CATHOLIC SCHOOL - GROUPS

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Keogh, and upon vote being taken thereon, the following voted in favor thereof: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-462 **RICHLAND COUNTY 4-H**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, the following voted in favor thereof: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Auditor reported the North Dakota Bond Bank Industrial Commission has approved the City's application for a loan in the amount of \$1,600,000.00 for the eight improvement projects.

The City Assessor reported she has completed four of the five classes required for certification. She said the fifth class will be completed in January 1998.

The Public Works Director reported there are changes to the street light contract with Otter Tail Power. He said the changes affect lights at the corner of 7th Street and 16th Avenue, Oakwood Avenue and 11th Street North. Otter Tail Power has requested the street light contract be updated approving the change.

Motion by Christensen, seconded by Keogh to approve the changes to the street light contract with Otter Tail Power as outlined by the Public Works Director. Motion carried, 7-0. Voting aye: Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Public Works Director requested approval to advertise for bids for a new 4-wheel drive pick-up for the Water/Sewer Department.

Motion by Christensen, seconded by Sturdevant to authorize the call for bids for a new 4X4 pick-up for the Water/Sewer Department. Motion carried, 7-0. Voting aye: Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Director Lein presented Change Order No. 1 for the Flood Mitigation Project 5-1-97. He explained this is a change in the type of installation of seepage transfer pipe and the installation of an entrance road to the end over the top of the levee.

Motion by Keogh, seconded by Caspers to approve the change order as presented by Director Lein. Motion carried, 7-0. Voting aye: Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Director Lein reported closings of the property to be acquired by the City in the Flood Mitigation District has begun. Most of the property closing will be completed by Wednesday of this week. He asked for a motion authorizing the advertisement of bids for buildings that are salable, salvage rights, and demolition of the buildings that are not salable. He stated the monies from the sales will be put into the 5-1-97 project fund.

Motion by Sturdevant, seconded by Caspers to authorize advertisement for bids for the sale, demolition and salvage of Flood Mitigation properties acquired by the City. Motion carried, 7-0. Voting aye: Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Director Lein announced City Clean Up week will be held October 27th through October 31st. He added the City Tree Disposal site will be closing November 1st for the season.

The Economic Development Director reported he has been meeting with the Flood Mitigation Committee and the Finance Committee regarding the purchase of 14.2 acres of land in SE Wahpeton from Norman and Teresa Kubela. Krauseneck said an earnest money contract was executed on October 5th, contingent upon Council approval. He explained the land will be used for levee construction [location and as a borrow]; as a water holding catch-basin, from which to pump; and for housing. The purchase price will be drawn on the Real Estate Levy Fund. This Fund will be replenished in about a year when appropriations from HUD and FEMA are completed.

Motion by Sturdevant, seconded by Caspers to approve the earnest money contract executed on October 5th as explained by the Economic Development Director. Motion carried, 7-0. Voting aye: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The City Attorney stated there are four signatures still needed for the dedication of a 20 foot alley in the 500 Block of 10th Street North (former Milwaukee Rail Road).

Councilmember Christensen offered first reading of the following Ordinance:

ORDINANCE NO. 784
AN ORDINANCE AMENDING SECTION 4-305
OF THE REVISED ORDINANCES OF THE CITY OF WAHPETON
RELATING TO CITY FINES AND PENALTIES

Police Chief Lotzer reported Derek Cruff has been hired to fill the patrol officer vacancy. He has been hired with a start date of November 3, 1997, at pay grade 3, step 5.

Mayor Rood appointed Derek Cruff as patrol officer subject to Council approval.

Motion by Loberg, second by Sturdevant to confirm the appointment of Derek Cruff as patrol officer. Motion carried, 7-0. Voting aye: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

A memo from the Mayor was distributed prior to the Council meeting. Mayor Rood asked the Councilmembers to be aware of the City's long range financial plan. This is currently being worked on by the Finance Committee and will be brought forward for full Council consideration.

Councilmember Sturdevant reported the Personnel Committee has reviewed the proposed change to the Overtime Policy. He said the change more clearly defines Travel Time and its effect on overtime. It is the Committee's recommendation to approve the change.

Motion by Sturdevant, seconded by Meyer to approve the change to the Employee Manual Overtime Policy. Motion carried, 7-0. Voting aye: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Councilmember Sturdevant reported the Personnel Committee is in the process of reviewing the Employee Residency requirements

Councilmember Sturdevant reported the Finance and Economic Development Committee is continuing to meet regarding the LEC square footage ownership/rental arrangement. He added the Committee is also reviewing the City Bond Consultant request.

Councilmember Christensen reported the Public Works Committee has met with Randy Pope of Interstate Engineering regarding the interceptor sewer. He said the Committee has asked Mr. Pope to provide additional information.

Councilmember Christensen reported the Public Works Committee is continuing to work on the City Hall relocation issue.

Councilmember Christensen reported the Public Works Committee and the Public Safety Committee met to review the Disaster and Emergency Ordinance. He said this is still in discussion.

Councilmember Caspers offered the following Resolution and moved its adoption

RESOLUTION NO. 2848
RESOLUTION APPROVING CONTRACTOR'S BOND IN REGARD
TO AN IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97
(PHASE 1)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Keogh, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Loberg offered the following Resolution and moved its adoption

RESOLUTION NO. 2849
RESOLUTION APPROVING CONTRACTOR'S BOND IN REGARD
TO AN IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97
(PHASE 2)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Myhra, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Motion by Sturdevant, second by Loberg to approve the following reports: Third Quarter Economic Development; August Municipal Court; September Municipal Court; Personnel Committee Minutes of October 8, 1997; Personnel Committee Minutes of October 10, 1997; Public Works/Public Safety Minutes of October 17, 1997. Motion carried, 7-0. Voting aye: Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Flood Mitigation	12:00 noon	October 28th
Bill Paying	5:00 p.m.	October 30th

Motion by Caspers, second by Christensen, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

NOVEMBER 3, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 3rd day of November, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, Donna Keogh, Warren Meyer, Charles B. Christensen, Richard Loberg, Woody Caspers.

The following was absent: Councilmembers Burnell G. Myhra, James P. Sturdevant.

Officers present: Attorney, Auditor, Administrative Staff Supervisor, Public Works Director, Police Chief, Economic Development Director.

Mayor Rood presided at the meeting.

Motion by Hauck, seconded by Loberg, to approve the minutes of the regular meeting held October 20, 1997. Motion carried.

Motion by Christensen, seconded by Loberg, to open 4X4 Police Vehicle bids. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

NAME & ADDRESS OF BIDDER	AMOUNT w/Trade	AMOUNT w/o Trade
Cliff Loberg Ford Wahpeton, ND	\$25,987.00	\$28,035.00
Smith Motors Inc. Wahpeton, ND	\$26,539.96	\$29,039.96

Mayor Rood referred the bids to the Personnel and Public Safety Committee.

The City Auditor reported State Aid replaces revenue sharing and personal property tax replacement. Without an agreement between the City and the Park Board, explained Anderson, the aid is based on a formula of 1996 receipts. The Auditor recommended the Finance Committees of the Council and the Park Board meet to prepare an agreement for the state aid which starts on January 1, 1999. Mayor Rood referred this to the Finance Committee.

The Auditor asked for a resolution to issue temporary warrants for expenses of the Flood Mitigation Project District No. 5-1-97. There are close to one million dollars in bills for approval this evening, he said. The City needs to be authorized to borrow money on a temporary basis from Community First Bank, which is the City's major depository. When the Flood Mitigation is done the City will then sell bonds and buy back the temporary warrants. The City Attorney explained the terms as not to exceed \$2,500,000.00; to be borrowed from Community First Bank at an interest rate of 6.12%. Councilmember Meyer observed that this is the standard procedure for supplying construction funding.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2850
**RESOLUTION PROVIDING FOR ISSUANCE AND SALE OF TEMPORARY
IMPROVEMENT WARRANTS CREATING FUNDS FOR FLOOD MITIGATION
IMPROVEMENT DISTRICT 5-1-97**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Auditor Anderson reported a letter was received from Arntson & Steward regarding the proposed issuance of MIDA Bonds. Excel Realty Trust has multifamily units in Forman, Enderlin, Hankinson, Fairmount, Milnor, Wyndmere, Abercrombie, Cogswell, Walcott, Lidgerwood, Cooperstown, Beach, and the largest of which is in Wahpeton. Therefore, they are asking if the City will be the issuing agent of the MIDA Bonds and at what fee. Mayor Rood referred this to the Finance and Economic Development Committee.

The Public Works Director reported two projects are ready to be finished out. He said the statements are in with the bills. Street Improvement District 2-5-96, the paving of Briarwood Court and 7th Avenue South has been completed with a total construction cost of \$220,473.66.

Motion by Caspers, seconded by Loberg to approve the final contract of Street Improvement District 2-5-96. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein said Street Improvement Project 2-2-97, Kidder Road is also complete. He said the project has been funded by a grant from NDDOT and the Park Board in the amount of \$65,539.91.

Motion by Hauck, seconded by Keogh to approve the final contract of Street Improvement Project 2-2-97. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein presented Change Order No. 2 for the Flood Mitigation Project 5-1-97, Phase 1. He explained this change provides for construction in and around the golf course. The total cost for the change is \$41,402.38.

Motion by Loberg, seconded by Caspers to approve the change order number 2 as presented by Director Lein. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein presented Change Order No. 3 for the Flood Mitigation Project 5-1-97, Phase 1. He explained this change covers miscellaneous items in the zoo area in the amount of \$9,580.00.

Motion by Christensen, seconded by Meyer to approve the change order number 3 as presented by Director Lein. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein presented Change Order No. A-1 for the Flood Mitigation Project 5-1-97, Phase 1. He explained this change provides for the relocation of structures in the park. The total cost for the change is \$32,741.04.

Motion by Loberg, seconded by Meyer to approve the change order number A-1 as presented by Director Lein. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Public Works Director reported the property acquisitions are nearly complete. He said Assessor Stromberg will be meeting with the Bois de Sioux Board of Realtors asking them to show the properties the City wishes to sell for relocation. Lein explained a five hundred dollar per transaction fee would be given to the Realtor selling the property, as long as the house was relocated within the City Limits.

Motion by Loberg, seconded by Caspers to authorize the Bois de Sioux Board Of Realtors to show the properties for the City. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The Public Works Director reported the majority of the clay/earth work for 5-1-97 Phase 1 is completed. Due to the weather the black dirt work may be held to next year. Phase 2, he said, will be completed on schedule (February 15, 1998). Lein said Phase 3, (5th Avenue North to 11th Avenue South), should be started soon.

Motion by Meyer, seconded by Christensen to direct the engineer, Bonestroo & Associates, to design preliminary plans and specifications for Flood Mitigation Project 5-1-97 Phase 3. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein reported an item not on the agenda; the bids for annual equipment rates have been received and should be acted on this evening.

Motion by Meyer, seconded by Caspers to suspend the rules to allow action on the above stated matter. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Director Lein reported bids were received from Camas, Minndak Inc., Gast Construction, and Comstock Construction, for the rental use of equipment for snow removal. He recommended approval of all the bids as he will select the best bids as needed.

Motion by Caspers, seconded by Meyer to approve all the bids for equipment rental as presented. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The City Attorney stated there are four signatures still needed for the dedication of a 20 foot alley in the 500 Block of 10th Street North (former Milwaukee Rail Road).

Police Chief Lotzer reported on "Operation Buckle Down" ended in September. At a meeting in Bismarck, the Chief was presented with a plaque recognizing the City's efforts in the program.

A letter dated October 26, 1997, from Donald H. Taylor Sr., was received requesting transfer of the taxicab license. Mayor Rood referred this to the Personnel and Public Safety Committee.

A letter dated October 28, 1997, from TCI of the Valley was received explaining changes to the channel lineup effective December 1, 1997. The letter did not address any rate changes for cable services.

Councilmember Meyer reported the Finance and Economic Development Committee is continuing to meet regarding the LEC square footage ownership/rental arrangement. He said progress is being made and a final proposal should be presented in December.

Councilmember Meyer reported the Finance and Economic Development Committee will be reviewing the City Bond Consultant request.

Councilmember Christensen reported the Public Works Committee is continuing to work on the City Hall relocation issue.

Councilmember Christensen offered first reading of the following Ordinance:

ORDINANCE NO. 785
**AN ORDINANCE PROVIDING FOR LOCAL DISASTER OR
EMERGENCY ORGANIZATION, POWERS AND AUTHORITY**

Councilmember Christensen reported the Public Works Committee has reviewed the job performance of Travis Carufel, Meter Reader/Operator, and has approved an anniversary Step increase to Step 5, Grade 2.

Councilmember Christensen offered second reading of the following Ordinance:

ORDINANCE NO. 783
AN ORDINANCE REZONING
(EAST 70' OF LOTS 7 AND 8, BLOCK 15 HOLBROOK & HOBSON ADDITION)
CITY OF WAHPETON

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Loberg, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; 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 Caspers offered second reading of the following Ordinance:

ORDINANCE NO. 784
AN ORDINANCE AMENDING SECTION 4-305
OF THE REVISED ORDINANCES OF THE CITY OF WAHPETON
RELATING TO CITY FINES AND PENALTIES

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Hauck, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; 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.

Motion by Christensen, second by Loberg to approve the following reports: September Water Works; October Police Department; 1997 Curfew; Mass Reappraisal Update; Finance Budget Committee Minutes (L.E.C. Operation) October 10, 1997; Request for State Aid Agreement between City and Park Board. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

Motion by Meyer, seconded by Caspers, to approve payment of bills presented in the amount of \$1,288,342.26 (checks 1474...1606) and that warrants be drawn on their respective funds. Motion carried, 6-0. Voting aye: Hauck, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: none.

The following committee meetings were scheduled:

Personnel & Public Safety	5:00 p.m.	November 4th
Public Works	10:00 a.m.	November 5th

Motion by Hauck, second by Meyer, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

NOVEMBER 17, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 17th day of November, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, Burnell G. Myhra, Warren Meyer, Woody Caspers.

The following was absent: Councilmembers, James P. Sturdevant, Donna Keogh, Charles B. Christensen, Richard Loberg.

Officers present: Attorney, Auditor, Administrative Staff Supervisor, Public Works Director, Police Chief, Loan Administrator.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Hauck, to approve the minutes of the regular meeting held November 3, 1997. Motion carried.

Motion by Hauck, seconded by Meyer, to approve the purchase of a 4-wheel drive vehicle for the Police Department from Cliff Loberg Ford in the bid amount of \$28,035.00 without trade, budgeted in the 1998 Capital Improvements Budget. Motion carried, 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none.

The City Auditor stated a letter from Richland County regarding the possibility of combining voting precincts was received. He said copies of the letter will be mailed out.

The Public Works Director reported improvements at the water plant are on hold pending approval of funds from North Dakota Department of Health.

The Public Works Director reported the clay/earth work for 5-1-97 Phase 1 is completed in the park area. Phase 2, he said, will be completed on schedule (February 15, 1998). Lein said there are two areas where demolition is needed. These are the apartments at 10 Dakota Avenue and the old water plant. He said the water plant consists of three buildings. One of these building is currently used by the Police Department for the storage of impounded vehicles. Replacement of the storage area will need to be reviewed. Mayor Rood referred the replacement of the impound storage area to the Public Safety Committee.

Motion by Meyer, seconded by Caspers to authorize the Public Works Director to advertise for bids for the demolition of the above stated building, bids are to be opened at 10:00 a.m. on December 1, 1997. Motion carried, 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none.

Director Lein noted the Codes Administration contract expires December 31, 1997. Mayor Rood referred this to the Public Works Committee.

The Loan Administrator reported the Economic Development Committee will be meeting on November 24, 1997 at 5:00 p.m.

Police Chief Lotzer stated \$6,000.00 has been budgeted for the purchase of side arms during 1998. He requested to place an advance order for side arms as there is a 60 to 90 day manufacturing period once the order is placed. The payment for the side arms would occur in January 1998 as budgeted.

Motion by Hauck, seconded by Meyer to authorize the Chief of Police to place an advance order for side arms as stated above. Motion carried, 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none. Motion by Meyer, seconded by Myhra to suspend the rules to allow action on the Game of Chance Application. Motion carried, 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none.

Councilmember Caspers offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-463
ST. JOHN'S CHURCH - MARDI GRAS

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Myhra, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Myhra, Meyer, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

A post card from Wahpeton Health Care Center indicating a name change to St. Catherine's Living Center was received.

Mayor Rood stated he had attended the NDLC Board of Directors Meeting in Bismarck last week and will submit a written report shortly.

Councilmember Hauck reported the Personnel and Public Safety Committee recommended approval of the taxicab license transfer request from Donald Taylor subject to vehicle inspections by the Police Chief.

Motion by Hauck, seconded by Meyer to approve the taxicab license transfer. Motion carried, 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none.

Motion by Hauck, seconded by Meyer to authorize the Chief of Police to hire licensed North Dakota Peace Officers to serve as officers at public dances on a part-time basis.

Councilmember Hauck reported the Personnel Committee has reviewed the job performance of Tim Appell, Patrol Officer, and has approved a first year anniversary step increase to Step 4, Grade 3, as budgeted.

Councilmember Meyer reported the Finance and Economic Development Committee is continuing to meet regarding the LEC square footage ownership/rental arrangement. He said the next meeting is scheduled for December 1, 1997 at 12:00 noon.

Councilmember Meyer reported the Finance and Economic Development Committee has determined no action on appointment of a City Bond Consultant. He said the Committee has directed the Auditor determine a method to solicit proposals for consultants for upcoming bond issues and that Bond Sale costs be compared to ND Bond Bank expenditures.

Councilmember Meyer reported the Finance and Economic Development Committee recommended denial of the MIDA Bond request from Excel Realty Trust due to the effect it may have on the City's Bond rating.

Motion by Meyer, seconded by Caspers to deny the MIDA Bond request. Motion carried 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none.

Councilmember Meyer reported the Finance and Economic Development Committee recommended a contract be prepared between the City and the Park Board approving a 75% City/25% Park Board split of State Aid beginning January 1, 1998 and ending September 1, 2000.

Motion by Meyer, seconded by Hauck to authorize preparation of a contract between the City and the Park Board approving a 75% City/25% Park Board split of "State Aid" beginning January 1, 1998 and ending September 1, 2000. Motion carried 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none.

Mayor Rood said he had received a phone call from Councilmember Christensen recommending approval of the second reading of the Disaster and Emergency Ordinance.

Councilmember Hauck offered second reading of the following Ordinance:

ORDINANCE NO. 785
**AN ORDINANCE PROVIDING FOR LOCAL DISASTER OR
EMERGENCY ORGANIZATION, POWERS AND AUTHORITY**

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Meyer, and upon the vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Myhra, Meyer, Caspers; 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.

Chief Lotzer reported the state operated traffic light at 9th Street N and the 210 by-pass is currently operating in the flashing mode. He explained new parts are on order and NDDOT will repair the light as soon as possible.

Motion by Caspers, second by Hauck to approve the following reports: Finance Budget Committee Minutes (L.E.C. Operation) November 3, 1997; Personnel & Public Safety Committee November 4, 1997. Motion carried, 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none.

Motion by Meyer, seconded by Myhra, to approve payment of bills presented in the amount of \$2,447.70 (checks 1623...1640) and that warrants be drawn on their respective funds. Motion carried, 4-0. Voting aye: Hauck, Myhra, Meyer, Caspers; voting nay: none.

The following committee meeting was scheduled:

Personnel & Public Safety	12:00 p.m.	November 21st
---------------------------	------------	---------------

Motion by Hauck, second by Meyer, to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

DECEMBER 1, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 1st day of December, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Donna Keogh, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Woody Caspers.

The following was absent: Councilmember Richard Loberg.

Officers present: Attorney, Auditor, Auditor's Assistant, Public Works Director, Police Chief, Economic Development Director.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve the minutes of the regular meeting held November 17, 1997. Motion carried.

The Public Works Director reported two bids were received for the purchase of a 4-wheel drive vehicle for the Public Works Department as follows:

NAME & ADDRESS OF BIDDER			AMOUNT
Loberg Ford	Wahpeton, ND	w/trade	\$17,482.00
		w/o trade	\$21,191.00
Smith Motors	Wahpeton, ND	w/trade	\$16,190.00
		w/o trade	\$19,990.00

Mayor Rood referred the bids to the Public Works Committee for review.

The Public Works Director reported two bids were received for the demolition of the apartment house located at 10 Dakota Avenue and the building at the water plant site as follows:

NAME & ADDRESS OF BIDDER			AMOUNT
Camas-Minn Dak	Wahpeton, ND	10 Dakota Av	\$29,453.85
		Water Plant Site	\$141,879.60
Comstock Const.	Wahpeton, ND	10 Dakota Av	\$15,490.00
		Water Plant Site	\$85,150.00

Director Lein recommended the bid be awarded to lowest bidder, Comstock Construction.

Motion by Hauck, seconded by Caspers to award the demolition bid as stated above to Comstock Construction.

Mayor Rood noted there is an addition charge of \$30.00 per lineal foot for Water Plant pipe removal.

Motion to amend the previous motion to include the pipe removal costs. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Original motion as amended carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The City Auditor reported in the past athletic booster club games of chance have been issued with the fees being waived.

Councilmember Sturdevant offered the following Resolution with the fee waived and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-464
NDS CS ATHLETIC BOOSTER CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Caspers offered the following Resolution with the fee waived and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-465
WAHPETON ALL-SPORTS BOOSTER CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Myhra, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-466
BRECKENRIDGE-WAHPETON ZONTA

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and was attested by the City Auditor.

The City Auditor presented applications for 1997 City Licenses.

Motion by Sturdevant, seconded by Keogh to approve the following 1998 Liquor/Cabaret Licenses:

Licensee Name	Business Name	Liquor	Cabaret
GARY L JOHNSON	SPORTSMAN& LOUNGE	Class A	
MARY ANN MOHS	DRIFTWOOD LOUNGE	Class A	
PAUSCH STORES INC	OASIS BAR	Class A	Class 1
POETS INC	POETS WAREHOUSE LIQUORS	Class A	

TEDDY'S INC.	TEDDY'S SPORTS BAR	Class A	Class 1
WAHPETON AERIE 2749	FRATERNAL ORDER OF THE EAGLES CLUB	Class A	Class 2
BACCHUS INC	PRAIRIE SPIRITS	Class B	
CARMEN & JEANETTE PLUMMER	CHUCKS OFF SALE	Class B	
JIM BUFFINGTON	BUFFINGTON'S	Class C-1	Class 2

Motion carried, 7-0. Motion carried, 7-0. Voting aye: Hauck, Sturedevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Caspers, seconded by Hauck to approve the following 1998 City Licenses:

Licensee Name	Business Name	License Type
GARY L JOHNSON	SPORTSMAN\$ LOUNGE	Amusement Devices
MARY ANN MOHS	DRIFTWOOD LOUNGE	Amusement Devices
PAUSCH STORES INC	OASIS BAR	Amusement Devices
EUGENE W PLUMMER	STOP N GO	Amusement Devices
TEDDY'S INC.	TEDDY'S SPORTS BAR	Amusement Devices
WAHPETON AERIE 2749	FRATERNAL ORDER OF THE EAGLES CLUB	Amusement Devices
JIM BUFFINGTON	BUFFINGTON'S	Amusement Devices
BRENT MUEHLBERG	HOCKEY ASSOC.	Amusement Devices

BACCHUS INC	PRAIRIE SPIRITS	TR-4594	Tobacco
GARY L JOHNSON	SPORTSMAN\$ LOUNGE	TR-1930	Tobacco
MILLER & HOLMES	M & H GAS	TR-6793	Tobacco
MARY ANN MOHS	DRIFTWOOD LOUNGE	TR-2838	Tobacco
PAUSCH STORES INC	OASIS BAR	TR-2710	Tobacco
CARMEN & JEANETTE PLUMMER	CHUCKS OFF SALE	TR-4022	Tobacco
EUGENE W PLUMMER	STOP N GO	TR-3919	Tobacco
POETS INC	POETS WAREHOUSE LIQUORS	TR-1629	Tobacco
S&R VENDING CO INC	VETS CLUB	TR-2210	Tobacco
S&R VENDING CO INC	TRAVEL HOST/BUFFINGTON'S	TR-3839	Tobacco

DALE JOHNSON	JOHNSON MOVING COMPANY	House Moving
NICHOLAS SCHMIT	SCHMIT, INC.	House Moving
MIKE ROSS	SCHWAN'S SALES ENTERPRISES	Itinerant Merchant
JUDITH OLSON	OK PAWNBROKERS	Pawn Broker/Second
HARRIS BAILEY	NORTHERN WASTE SYSTEMS	Solid Waste Hauling
GARY ONCHUCK	INTERSTATE PROPERTY MGMT	Solid Waste Hauling
DONALD TAYLOR SR.	TWIN TOWN TAXI	Taxicab
GARY L JOHNSON	SPORTSMAN\$ LOUNGE	Tobacco

Motion carried, 7-0. Motion carried, 7-0. Voting aye: Hauck, Sturedevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Auditor reported a letter was received from Aaron and Marie Fairbanks requesting handicap parking. Mayor Rood referred this to the Personnel and Public Works Committee.

The Auditor reported the non-payment of property tax in the Tax Increment Financing district

The Public Works Director reported the Corps of Engineers may be willing to share in the cost of providing new aerial mapping for the City. He asked a letter of intent be sent to the Corps regarding this.

Motion by Caspers, seconded by Christensen to authorize the Public Works Director to send a letter of intent regarding an aerial mapping project, under C of E Section 22, to the Corps of Engineers. Motion carried, 7-0. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Economic Development Director reported on the following recommendations from the Economic Development Committee:

1. Dwight Township/County Road Project

As covered previously, good faith discussions have taken place with the Richland County Commissioners to the effect that the City would attempt to do what it could in assisting the County [given existing EDC/City fiscal constraints] in ensuring that we would not lose \$200K of federal aid dedicated to the completion of the roughly two (2) mile stretch of north-south township road between the intersection of County 10/10E and 8E. The total cost to finish/surface this strategically important regional stretch of industrial corridor road is approximately \$400K.

Richland County can only cover \$100K, in terms of the local share requirement. The County JDA has responded to the roughly \$100K local shortfall, by dedicating a \$50K matching share. Additionally, I have initiated preliminary fund raising discussions with neighboring industrial concerns. Dwight Township has volunteered to do the same. The Wahpeton CDC has strongly endorsed City involvement in this project because it is very consistent with our framework for on-going regional industrial development.

Based on the above, the EDC voted to pledge a \$25K grant to the road completion project. Similar to this year's rail spur infrastructure project teamwork and approach, it was the EDC's feeling that the City's financial investment and project leverage is once again solid. Finally, our \$25K good neighbor commitment should serve to help motivate a corresponding \$25K private sector matching total, to cover the remaining balance of the project.

EDC recommendation, by unanimous vote, to pledge a \$25,000 grant to the road completion project.

Motion by Sturdevant, seconded by Caspers to approve a \$25,000 grant to the road completion project as outlined above. Motion carried, 7-0. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

2. Great Plains Grains Project, Phase III Project

Positive strides continue to be made on the Great Plains Grains business development project. We should be proud of the approach and the results....there is a clear relationship between both. Intelligently phased market, technical, legal and financial project elements have been integrated in such a manner so as to minimize risk, maximize results and to optimally leverage short term and [especially Wahpeton's] ultimate investment and success. In lieu of my own dissertation, and I have stayed close to this project, find enclosed a copy of Phase II study results, including the Table of Contents [distributed to the EDC]. If you would like a copy of any or all of the Appendixes or further information, just give me a call.

I can recommend with the highest confidence, that we proceed with Phase III of Great Plains Grains. This will entail final research and preparation of a very detailed business plan, including the final marketing plan. The marketing plan will include validated real world market analyses and strategy components. For us, this simply entails another \$2K round of grant financing, with the same loan reversion t & cø as before. We have been very successful in partnering and promoting an eventual Richland County location, probably in the City of Wahpeton. Finally, as with Phases I and II, the County has already approved their +\$5K match and the ND Agricultural Products Utilization Commission [being also pleased with results to date] is entering into their final contract agreement.

EDC recommendation, by unanimous vote, to grant \$2,000 to Great Plains Grains, Phase III, subject to existing project loan reversion terms & conditions.

Motion by Sturdevant, seconded by Myhra to grant \$2,000 to Great Plains Grains, Phase III, subject to existing project loan reversion terms & conditions. Motion carried, 7-0. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Attorney Lies reported M&B 12B is being sold by contract for deed. He said the property was acquired with the flood acquisitions. Lies said the repairs required to the home for conventional financing are extensive.

Motion by Meyer, seconded by Christensen to authorize the sale of M&B 12B by contract for deed. Motion carried, 7-0. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Police Chief Lotzer reported information has been received on the C.O.P.S. program. He said the City has used the program in the past to bring in additional police officers. Lotzer said there is funding available through the C.O.P.S. program but local funding is also necessary. Mayor Rood referred this to the Finance Committee.

Chief Lotzer reported some type of secure building will be needed for the vehicle impound area. He said occasionally vehicle may be held for extended periods due to investigations or waiting to be retrieved by the owner/owner's family.

Councilmember Hauck reported the Personnel and Public Safety Committee recommends the Administrative Staff Supervisor's position be eliminated. He said the Committee wishes to state that the following proposal is not a reflection on the performance of the employee, rather, the change is being recommended to reflect evolved changes of the position's duties to serve the current needs of City operations. Therefore, the Committee recommends Ms. Cole's position be assigned at Grade 2, Step 6 as of January 1, 1998...and...recognizing that, in fairness to Ms. Cole, she be given some time to adjust her lifestyle to the reduced compensation for the reclassified position by reducing the difference from her current salary by 1/12 on January 15, 1998 and an additional 1/12 each pay period thereafter until the compensation is adjusted to the amount for Pay Grade 2, Step 6 for the June 30, 1998 pay date.

Motion by Hauck, seconded by Meyer to approve the above recommendations relating to the Auditor's Assistant position. Motion carried, 7-0. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Hauck reported the Personnel and Public Safety Committee will be reviewing the administrative assistant job descriptions and titles at their next meeting.

Councilmember Sturdevant reported the Personnel and Public Safety Committee is reviewing the Police Department vehicle impound needs.

Councilmember Meyer reported the Finance and Economic Development Committee is continuing to meet regarding the LEC ownership/rental arrangement. He said the Committee recommends 3,220.5 square feet as City's exclusive use to be rented from the County. When all documents are agreeable the sale and rental agreement will take effect January 1, 1998.

Councilmember Christensen reported the Public Works Committee recommended the Codes Administrator contract be renewed for 2 years under the same terms and conditions as currently in force.

Motion by Christensen, seconded by Caspers to renew the Codes Administrator contract for 2 years under the same terms and conditions currently in force. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Caspers, second by Keogh to approve the following reports: November Police Department; Personnel & Public Safety Committee November 21, 1997; October Municipal Court; October Water Works. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Meyer, seconded by Sturdevant, to approve payment of bills presented in the amount of \$407,819.69 (checks 1672...1776) and that warrants be drawn on their respective funds. Motion carried, 7-0. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The following committee meetings were scheduled:

Personnel & Public Safety	12:00 p.m.	December 3rd
Finance & Economic Development	12:00 p.m.	December 5th
Public Works	12:00 p.m.	December 8th

Motion by Caspers, second by Myhra to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

DECEMBER 15, 1997

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 15th day of December, 1997 at 5:00 p.m.

The following members were present: Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Burnell G. Myhra, Warren Meyer, Charles B. Christensen, Woody Caspers.

The following were absent: Councilmembers Donna Keogh, Richard Loberg.

Officers present: Attorney, Auditor, Auditor's Assistant, Public Works Director, Police Chief, Assessor.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve the minutes of the regular meeting held December 1, 1997. Motion carried.

The Public Works Committee recommended purchase of the 4-wheel drive vehicle for the Public Works Department from Smith Motors of Wahpeton, ND for the low bid of \$16,190.00 with trade.

Motion by Christensen, seconded by Hauck to purchase a 4-wheel drive vehicle for the Public Works Department from Smith Motors of Wahpeton, ND in the amount \$16,190.00 with trade. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The City Auditor presented applications for 1997 City Licenses.

Motion by Sturdevant, seconded by Keogh to approve the following 1998 Liquor/Cabaret Licenses:

Licensee Name	Business Name	Liquor
C&O INC.	TOMACELLI'S PIZZA	Class C-2
HASTINGS DEVELOPMENT	GODFATHER'S PIZZA	Class C-2

Motion carried, 6-0. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Caspers, seconded by Hauck to approve the following 1998 City Licenses:

Licensee Name	Business Name	License Type
HASTINGS DEVELOPMENT	GODFATHER'S PIZZA	Amusement Devices
TRI-STATE MUSIC	PAMIDA	Amusement Devices
WAHPETON VIDEO	WAHPETON VIDEO	Amusement Devices
FARMERS UNION OIL	CENEX C STORE	TR-0694 Tobacco
MILLER & HOLMES	M & H GAS	TR-6793 Tobacco

Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Assessor reported the City re-appraisal is now complete. Ninety-six percent of the properties have been inspected. Those properties not inspected will have their value estimated. Stromberg said the true and full value from the re-appraisal will be reflected on the 1998 tax records and forms.

Assessor Stromberg reported an abatement and settlement of taxes application has been received. Mayor Rood referred this to the Finance Committee.

The Public Works Director reported the NDDOT priority list needs to be updated and recommended that 4th Street North improvement be added as item number one.

Motion by Christensen, seconded by Myhra to notify NDDOT of the amendment to place the 4th Street North project on the priority list. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Loberg; voting nay: none.

The Public Works Director reported on the Flood Mitigation House Sales. He provided the following list of properties and purchase price:

Address	Purchaser		Purchase Price
<i>Houses</i>			
65 4th Ave N	Miranowski	Will Move	400.00
69 3rd Ave N	Johnson Moving	Will Salvage	550.00
73 3rd Ave N	Wahl	Will Move	1,600.00
103 3rd Ave S	Wahl	Will Move	300.00
80 5th Ave S	Thein Moving	Will Move	8,700.00
<i>Garages</i>			
73 2nd Ave N	Johnson Moving	Moved	525.00
80 5th Ave S	Alstadt	Will Move	<u>2,100.00</u>
TOTAL			14,175.00

Lein explained the City realizes no profit in these sales. He said the money from the property sales is placed in the Flood Mitigation account. When the flood protection is completed any moneys left in the account are turned over to FEMA.

Director Lein presented Change Order No. 4 for the Flood Mitigation Project 5-1-97, Phase 1. He explained this change provides for the relocation of the pipe behind the golf cart shacks. The total cost for the change is \$3,440.00.

Motion by Caspers, seconded by Meyer to approve the change order number 4 as presented by Director Lein. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The Public Works Director reported a quote to provide the City Water Plant with lime was received and he would like the Council to take action tonight. Director Lein said the quote is from Continental Lime to provide 1998 Water Plant lime for the City at \$69.84 per ton which is no change from the current contract.

Motion by Meyer, seconded by Christensen to suspend the rules to allow action on the above stated matter. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Motion by Caspers, seconded by Meyer to accept the quote for 1998 lime supply at \$69.84 per ton from Continental Lime. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Attorney Lies repute the North Dakota Bond Bank has sold bonds and the City will receive its funds on December 30th. He described resolutions required to complete paperwork. (City Bond Number is 9596).

Councilmember Sturdevant offered the following Resolution and moved its adoption

RESOLUTION NO. 2851

**RESOLUTION APPROVING CERTAIN ACTIONS AND AWARDING SALE OF
\$1,600,000 REFUNDING IMPROVEMENT BONDS #9596**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Meyer, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Caspers offered the following Resolution and moved its adoption

RESOLUTION NO. 2852

**RESOLUTION CREATING THE FUNDS OF IMPROVEMENT DISTRICTS,
PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS FOR THE
SUPPORT AND MAINTENANCE OF SAID FUNDS, AND AUTHORIZING THE
ISSUANCE OF IMPROVEMENT WARRANTS THEREON (R/I #9596)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption

RESOLUTION NO. 2853

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,600,000 REFUNDING
IMPROVEMENT BONDS, PRESCRIBING THE TERMS AND COVENANTS
THEREOF, AND CREATING A FUND FOR THE PAYMENT THEREOF (R/I #9596)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Sturdevant and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Attorney reported a vacancy exists for the judgeship at Jamestown due to the passing away of the Honorable James A. Wright. Attorney Lies asked a resolution of support to fill this vacancy be passed.

Councilmember Hauck offered the following Resolution and moved its adoption

RESOLUTION NO. 2854

**RESOLUTION IN SUPPORT OF FILLING JUDICIAL VACANCY IN DISTRICT
JUDGESHIP NUMBER ONE IN THE CHAMBER AT JAMESTOWN, NORTH
DAKOTA, SOUTHEAST JUDICIAL DISTRICT**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Sturdevant and upon vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; and the following voted against the same: none. Whereupon said Resolution was declared passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

Police Chief Lotzer requested a meeting with the Public Safety Committee and the Sergeants. Mayor Rood referred this to the Public Safety Committee.

A letter dated December 5, 1997 from TCI of the Valley outlined the cable channel line up beginning January, 1998.

Mayor Rood complimented the citizens of Wahpeton on the wonderful Christmas decorations. He said this is a true sign of community spirit and pride. Rood also complimented the Street Crew on the good job they did in setting up the City Christmas decorations.

Councilmember Hauck reported for the Personnel and Public Safety Committee. He said, although no vote was taken, the Committee will not recommend the residency requirement be extended beyond the ETZ Area, which is one mile beyond the City limits. Meyer stated the reason for no recommendation is the Committee is split on the issue of residency. Meyer said he sees no benefit to the City to require employees to reside within the City limits. Myhra said this could affect the City tax base and conflicts with the City's relocation incentives relating to the flood. Meyer said he did not feel the tax base would be affected as most of the City employees probably will not relocate. He added the current requirement allows employees to live in the ETZ Area which is outside the City limits. Sturdevant said he feels it is important that the City's employees set an example to other citizens of Wahpeton by residing within the City limits. Christensen said he felt it is unfair to unreasonably restrict where people can live.

Motion by Meyer, seconded by Christensen to extend the employee residency requirement to 5 miles from the current limit (the ETZ area), creating a six mile limit, on the ND side only. Motion failed, 2-4. Voting aye: Meyer, Christensen; voting nay: Hauck, Sturdevant, Myhra, Caspers.

Councilmember Hauck reported the job duties for the administrative assistants have been outlined and the supervisors are preparing the new descriptions. A recommendation will be offered once the descriptions and titles have been approved by the committee.

Councilmember Hauck reported the request to reassign the Utilities Administrative position from Grade 1B, Step 11 to Grade 2, Step 5 was denied by Committee vote. The Committee agreed that no changes should be considered until a job and wage study is completed.

Councilmember Hauck reported the Personnel and Public Safety Committee reviewed proposals from consulting firms and agreed to recommend a contract with Hay Management Consultants of Minneapolis to conduct the job and wage study for all City employees. Hauck said the initial discussions with Hay personnel will be with the Personnel Committee prior to the designation of an officer as contact person.

Motion by Hauck, seconded by Sturdevant to contract with Hay Management Consultants of Minneapolis, Minnesota to perform a Job Classification and Pay Study for the City of Wahpeton at a basic fee of \$10,500 and additional direct expenses not to exceed \$2,000. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Sturdevant reported the Personnel and Public Safety Committee is reviewing the Police Department vehicle impound needs.

Councilmember Sturdevant reported the Personnel and Public Safety Committee has reviewed the request for a handicapped parking zone in a residential area. He said the petitioners are not handicapped and the request is for when handicapped friends visit. The Committee felt allowing a sign could set a precedence and would not be a good thing. The Committee denied the request for a handicapped parking zone and the Police Chief is notifying the petitioners.

A job description for Senior Engineer/Technician had been presented to the Personnel Committee for review. Sturdevant said he felt the Public Works Committee should review this as the position falls under that portfolio. Mayor Rood referred this to the Public Works Committee.

Motion by Meyer, seconded by Christensen to suspend the rules to allow action on the hiring of a Director of Emergency Services/911/Telecommunications. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Hauck reported 5 candidates were interviewed. He said the Director will be a Richland County employee but LEC Operating Agreements require concurrence by the City Council in hiring of the individual to fill the position. The Board met earlier and reviewed the recommendations of the County and City Auditors (who were part of the interviewing panel) and the Board unanimously voted to recommend that the position be offered to Christopher Gale of Fargo, ND.

Motion by Hauck, seconded by Christensen to concur with the recommendation of the Law Center Board of Directors and approve hiring of Christopher Gale as Director of Emergency Services/911/Telecommunications. Motion carried, 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

Councilmember Meyer reported the Finance and Economic Development Committee has voted unanimously to recommend acceptance of the final Agreements for sale of the City's

ownership in the Law Enforcement Center and subsequent lease of space. He asked the City Attorney to explain the main items of the two documents...both of which would become effective on January 1, 1999.

City Attorney Lies stated the first of the documents is the "Contract for Title" which sells the City's portion of the LEC to Richland County for \$288,210.24--the amount invested by Wahpeton when the building was constructed (in 1974). He said payment will be received at no interest over a 6-year period in the same manner as City to County building share payments were allowed. Attorney Lies said Richland County will then be responsible for all costs except as provided for in the lease.

Motion by Sturdevant, seconded by Meyer, to authorize the Mayor and City Auditor to execute the Law Enforcement Center Contract for Title with Richland County effective January 1, 1999. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: None.

The City Attorney explained that the second agreement with Richland County is for lease of Law Center space beginning in 1999 as all budgets are set for 1998. He said the annual rent starts at \$2.80 per square foot and has an annual 2% inflation increase provided for each of first five years. In addition, an annual \$1.00 per sq. ft. maintenance fee is paid which is to provide for major maintenance and capital improvements. Attorney Lies said modifications such as new carpet, painting, etc, in City-exclusive areas will be the City's responsibility...daily cleaning and normal maintenance will be performed by the landlord. Mr. Lies said the \$1.00 additional fee remains constant throughout the lease unless annual reviews show the need for an adjustment which would then have to be approved by City Council motion. He said the initial lease runs through 2003 and provides for two automatically-renewable terms of 5 years each. The Attorney noted the Lease identifies current City-used space of 3,220.5 square feet...which, depending upon changing needs and conditions, could be modified year-by-year upon mutual agreement of the County Commission and City Council.

Councilmember Sturdevant observed that the sale and lease is cost effective as the City paid 40% of operational costs in through 1997, will pay 30% in 1998, and will begin the lease payments for 3,220.5 square feet in 1999. He offered the following comparison of costs:

1997	\$39,425.00	(40% of operating budget)
1998	30,470.00	(30% of operating budget)
1999	13,237.90	(\$2.80/sq ft lease - plus - \$1.00/ sq ft maint)

Motion by Sturdevant, seconded by Meyer, to authorize the Mayor and City Auditor to execute the Law Enforcement Center "Lease Agreement" with Richland County effective January 1, 1999.

Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Councilmember Sturdevant noted the Finance Committee has reviewed the requests from the Meide's for an extension to pay delinquent taxes in Tax Increment Financing Districts and for an extension of the construction period in the Downtown T.I.F. District. He asked the City Attorney to outline the agreements recommended by the Finance Committee.

Attorney Lies said two motions will be necessary. The first will be for acceptance of a "Confession of Judgement" signed by Mr. & Mrs. Meide which means the Meide's, as guarantors, promise to pay all taxes, by February 16, 1998, in the TIF Districts plus \$900+ for agreed-to but unpaid architectural and other expenses to the City of Wahpeton. Mr. Lies said the effect of the agreement is that the Meide's will not offer any objection to the City's filing for judgement in District Court if the obligations are not fulfilled by February 16th. He said delinquent TIF District taxes & penalties totaled over \$129,000.00 as of December 1st. The Attorney reported Meides' attorney has reviewed the document and informed the City Auditor it is agreeable to his clients. Attorney Lies stated, if approved, acceptance of the "Confession of Judgement" will be an amendment to the original Downtown Development Agreement.

Mayor Rood wondered about the mechanics to consider extension of the construction period which expired December 1st. Mr. Sturdevant and Attorney Lies said that could be provided for under a separate motion. The Attorney and City Auditor explained there is about \$250,000.00 untapped TIF funding of the \$1 million originally approved for construction of unfinished portions of the downtown development project.

Motion by Sturdevant, seconded by Meyer, to approve extension of the time period to February 16, 1998 for the Meides to pay all delinquent taxes on their properites in all TIF Districts subject to their execution of the "Confession of Judgement" as described above. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Motion by Sturdevant, seconded by Caspers, to approve extension of the time period to February 16, 1998 for funding of portions of Meide's TIF Downtown Development Project. Motion carried 5-1. Voting aye: Hauck, Sturdevant, Myhra, Christensen, Caspers; voting nay: Meyer.

Councilmembers had requested two weeks to study the proposed agreements for construction and lease of the golf course clubhouse. The three are: 1. Memorandum of Understanding; 2. Lease from City to Bois de Sioux Golf Club; 3. Right of First Refusal (concerning Minnesota portion of golf course).

Motion by Meyer, seconded by Christensen, to approve the three agreements with the Bois de

Sioux Golf Club.

Councilmember Hauck addressed the Council. He said a motion had been approved a few weeks ago to expend \$400,000 of sales tax funds to construct a clubhouse at the golf course. He said he remains opposed because there are greater needs to the City caused by the spring flood...costs of which are estimated as high as \$9 million. Mr. Hauck said diking is the first priority and will require payment of local costs--the total of which is not known at this time. He observed the Golf Club Association is only putting in \$70,000 (for clubhouse construction) and there are other SBA loans the City of Wahpeton may be obligated to pay if the Golf Club defaults on payment. Mr. Hauck said the Golf Course's lease payments of \$5,000 a year initially...and then for \$500 per month is a "fail safe" deal with no incentive to succeed...if the golf course defaults on SBA loans the course will turn into a municipal operation at substantial increased cost to Wahpeton taxpayers...and they deserve to know this.

Councilmember Meyer stated the Economic Development Commission reviewed the proposals at length and considered the over-all recreational needs to restore the quality of life for the City of Wahpeton. He said it was agreed that restoration of the golf course is a part of the construction necessary for flood recovery and protection of the north side recreational area which is one of the facilities which attracts people to our community. He said it is not a stand-alone issue but was included as a part of the over-all funding sources.

Councilmember Myhra observed that the zoo qualified for federal funding but the golf course didn't because they weren't considered to be on equal terms.

A review of other funding followed. It was determined that about \$2.9 million of Federal Block Grant money was received and the park/zoo was designated to receive \$600,000 for flood recovery. It had been decided not to ask that any of the Block Grant funds be utilized for golf course recovery (as it could have delayed approval) but to come up with clubhouse replacement funding from other sources.

Mr. Hauck said there was little done to make the public aware of the proposal and it usually takes longer to go through the City Council. He said people of Wahpeton didn't vote for the (sales tax) money to be used in this manner which he feels is competing against private enterprise (restaurant portion of the clubhouse). He again voiced his displeasure of the City of Wahpeton being responsible for SBA loans if the Golf Club defaults.

Councilmember Christensen said the discussions have been going on for months and have had mention at Council meetings. Mr. Hauck disagreed.

Councilmember Meyer said the clubhouse will not compete with private business as the Golf Club will ask local businesses to bid for the grillroom operation. He said the agreements do

not require the City to take over the SBA loans...it only gives the City the "option" to pay (defaulted) loans if the City of Wahpeton wants to preserve an 18-hole golf course.

Asked to recap the responsibilities of the agreements, the City Attorney stated the first 10 years gives the City of Wahpeton the option to purchase all golf course property for \$100 if the SBA loan payments aren't made...and assume the loans to keep the 18 holes intact---but it doesn't have to. During the second 10 years the city of Wahpeton has the option to purchase all golf course property if the Golf Board attempts to sell any of its property to someone else. He said if a future City Council would elect to exercise its option, the golf course could be operated as a municipal facility which isn't unusual.

Councilmember Sturdevant observed that the EDC spent some time in arriving at its decision to provide sales tax funds for partial funding of a replacement golf course building. He said there have been many comments by the general public--for and against--so he feels the proposal was not hidden. Mr. Sturdevant said he views replacement of the building as a restoration of the City's recreational services and the City funding share should be approved.

Mayor Rood said his concern all along was that the City of Wahpeton would have the ability to assure continuation of the golf course as an 18-hole facility if occurrences necessitate it. He said he knows a lot of work was put into the agreements to insure the City's right to have the opportunity to exercise that option over the next 20-year period.

Upon vote being taken on the motion to authorize execution of the three agreements with the Bois de Sioux Golf Club, the following voted in favor: Sturdevant, Meyer, Christensen, Caspers; and the following voted against: Hauck, Myhra. The motion was approved by a majority vote of 4 in favor and 2 opposed.

Motion by Sturdevant, second by Myhra to approve the following reports: Finance & Economic Development Committee December 5, 1997; Personnel & Public Safety Committee December 3, 1997, and December 8, 1997; Public Works Committee December 8, 1997. Motion carried, 6-0. Voting aye: Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Caspers; voting nay: none.

The following committee meetings were scheduled:

Public Works	12:00 p.m.	December 17th
Personnel & Public Safety	12:00 p.m.	December 18th
Finance & Economic Development	12:00 p.m.	December 19th

Motion by Hauck, second by Caspers to adjourn. Motion carried.

Dan Rood, Jr., Mayor

ATTEST: _____
Barbara J. Cole, Deputy City Auditor

