

JANUARY 5, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 5th day of January 1998 at 5:00 p.m.

The following members were present: at the beginning of the meeting Mayor Dan Rood, Jr., Councilmembers Richard A. Hauck, James P. Sturdevant, Warren Meyer, Charles B. Christensen, Richard Loberg.

The following were absent: Councilmembers Donna Keogh, Burnell G. Myhra, Woody Caspers.

Officers present: Attorney, Auditor, Auditor's Assistant, Public Works Director, Police Chief, Assessor, Economic Development Director, Loan Administrator.

Mayor Rood presided at the meeting.

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

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-467
AMERICAN LEGION BASEBALL

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Meyer, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, 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 Myhra joined the meeting at this time.

The City Auditor reported the County is considering consolidation of voting precincts and is wondering if it would be possible to combine the Dwight Township Poll with Wahpeton's First Ward. The matter was turned over to the Personnel Committee for review.

Councilmember Keogh joined the meeting at this time.

Assessor Stromberg reported an abatement request from Wahpeton Assembly of God Church has been received. Wahpeton Assembly of God purchased a single family dwelling from David Berndt on September 3, 1997 at 1021 1st Street South. Stromberg explained the property is being used exclusively as a parsonage and qualifies for Property Tax Exemption under NDCC 57-02-08(7)(9). The applicant asked that taxes billed in 1997 be abated from the date of purchase. Stromberg stated the Property Tax Exemption and the Abatement Request forms have been completed, per NDCC requirements and she recommends approval.

Motion by Hauck, seconded by Keogh, to approve the abatement request from Wahpeton Assembly of God Church as recommended by the Assessor. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Assessor Stromberg reported an abatement request from Andrew and Terrie Sletten has been received. She explained Mr. and Mrs. Sletten purchased the real estate from Zach Construction in May of 1997. The Certificate of Exemption form for Newly Constructed Single Family Residential Property had not been filed with the Assessor's office. The structure was 80% complete February 1, 1997, and was assigned a value of \$71,900.00. The building permit for the structure was issued on September 6, 1996. Stromberg explained NDCC 57-02-08.35 and City Resolution allow a new construction exemption of \$75,000.00 on structures. The City of Wahpeton's tiered exemption policy became effective for building permits issued on or after 1-1-

97. According to past and present policies, the Slettens are entitled to an exemption in the amount of \$71,900.00 for 1997 and \$75,000.00 for 1998. The Assessor recommended approval of the abatement request. A motion was made to approve the Assessor's recommendation.

Councilmember Meyer questioned the retroactive granting of the exemption and it was decided the matter should be reviewed. The motion to approve was withdrawn. Mayor Rood referred this to the Finance and Economic Development Committee.

The Public Works Director reported the EDA and Community Development Block Grant funds for the 4th Avenue Storm Sewer Project should be approved later this month. He explained the storm sewer pipe will be installed along 4th Avenue South from 8th Street east to the Bois de Sioux River. The estimated cost of the project is \$1,000,000.00, of which 50% will be funded by EDA.

Councilmember Meyer offered the following Resolution and moved its adoption

RESOLUTION NO. 2855

RESOLUTION CREATING STORM SEWER IMPROVEMENT DISTRICT 1-1-98

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; 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. 2856

RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE IMPROVEMENT IN STORM SEWER IMPROVEMENT DISTRICT 1-1-98

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; 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. 2857

RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT IN STORM SEWER IMPROVEMENT DISTRICT 1-1-98

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 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. 2858

RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE IMPROVEMENT DISTRICT 1-1-98

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 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. 2859

**RESOLUTION DECLARING NECESSITY OF AN IMPROVEMENT IN STORM
SEWER IMPROVEMENT DISTRICT 1-1-98**

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

The Public Works Director reported quotes have been received for a used motor grader; which is included in the 1998 capital improvements budget. He said 4 used graders were tested by the street crew, three from Butler Machinery and one from Champion. Lein recommended approval of a 1997 Champion grader in the amount of \$23,800.00 with trade in. He said the cost will be funded through a lease/purchase arrangement.

Motion by Christensen, seconded by Myhra to approve the purchase of a Champion grader as recommended by the Public Works Director. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Director Lein described Change Orders needed for the Flood Mitigation Project.

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

Director Lein presented Change Order No. 2 for the Flood Mitigation Project 5-1-97, Phase 2. He explained this addition is required to allow the pump lubricator solenoid valve to be taken out of loop if the pumps are run from a tractor PTO. It will be necessary to position the oil lubricator in the manual position during non-electric pumping. The lump sum amount includes a manual by-pass for each of the the pumps capable of running with dual power sources. The cost of Change Order No. 2 is \$1,288.00.

Motion by Hauck, seconded by Myhra to approve the Change Order No. 2 as presented by Director Lein. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Director Lein presented Change Order No. A-2 for the Flood Mitigation Project 5-1-97, Phase 2. He explained this change has to do with the relocation of park buildings and moving costs. He stated this is an increase of \$7,635.79 to the project cost.

Motion by Sturdevant, seconded by Keogh to approve the Change Order No. A-2 as presented by Director Lein. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

The Police Chief reported Officer Weinrich has requested education assistance for a class he is attending at NDSCS. Chief said the class directly related to Office Weinrich's job as it deals with civil laws. He said the course meets the guidelines of the Employee Policy Manual and education costs have been budgeted (course cost \$228.00). Chief Lotzer recommended approval.

Motion by Sturdevant, seconded by Hauck to approve Officer Weinrich's attendance of the Business Law class at NDSCS with the tuition to be paid for out of the Police Department Education Fund. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

The Police Chief reported Teddy's Sports Club has met the requirements for Cabaret Licensing and the 1998 license has been issued.

Police Chief Lotzer introduced Christopher Gale, Richland County's Director of Emergency Services/911/Telecommunications.

Mr. Gale extended his thanks to everyone for helping to make a smooth transition. He said some problems in the communications department have been identified and he will be making some recommendations in the near future. He said the changes will be gradual and the city should see improvement in the emergency services.

A letter and petition regarding the proposed Vacation of Alley abutting Three Rivers Decorating requesting a public hearing was received. Councilmember Keogh stated this had previously been discussed by the Planning Commission. She recommended the public hearing be set for February 17, 1998 at 5:00 p.m.

Motion by Keogh, seconded by Loberg to set a public hearing on February 17, 1998 at 5:00 p.m. for the proposed vacation of the alley abutting Three Rivers Decorating. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Mayor Rood proclaimed the week of January 5th through January 11th as "Free Enterprise Week."

Councilmember Hauck reported for the Personnel and Public Safety Committee. He said the job duties for the administrative assistants and titles are under review.

Councilmember Hauck reported in the 1998 Budget requires all Police Officers to be advanced at least 1 Step on 1/1/98 and in no case be lower than Step 5. It had been pointed out that this causes a problem whereby experienced officers will be on the same pay level as an officer with less than one year's experience. Hauck said the Committee feels the job and pay study may provide an answer to this. In the meantime the Committee has approved by unanimous vote that all officers reaching their second and third anniversaries in 1998 will be eligible for a 3 1/2% advancement on

their anniversaries (Weinrich, Pearson, Schmidt and Appel); all the rest will have received accelerated step increases so there is to be no provision for any additional 1998 pay increase.

Councilmember Hauck reported the Personnel and Public Safety Committee has reviewed the Senior Engineering Technician job description and recommended its approval. Christensen reported the Public Works Committee also recommended approval of the job description. Hauck said the Committee also recommends that the City begin immediately to advertise for applications for the Senior Engineering Technician position. Myhra said the Public Works Committee felt the position should not be advertised until 30 days prior to the mapping services contract expiration, allowing for the possibility of contract renewal. Meyer said the contract is strictly for GPS mapping while the proposed position will entail additional duties allowing the Public Works Director to design projects internally. Meyer said it is financially beneficial to fill the position rather than continue to contract.

Motion by Hauck, seconded by Sturdevant to approve the Senior Engineering Technician job description. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Motion by Hauck, seconded by Meyer to authorize the immediate advertisement for applications for the Senior Engineering Technician position. Motion carried, 6-1. Voting aye: Hauck, Sturdevant, Keogh, Meyer, Christensen, Loberg; voting nay: Myhra.

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 is working with Chief Lotzer to revise the Shift Supervisor Policy for the Police Department.

Councilmember Sturdevant reported the Finance & Economic Development recommended denial of the Abatement request submitted by James Powers for the 12 plex apartment at 1676 9th Street North.

Motion by Sturdevant, seconded by Meyer to deny the Abatement request submitted by James Powers for the 12 plex apartment at 1676 9th Street North. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Councilmember Hauck offered the following Resolution and moved its adoption

RESOLUTION NO. 2860
**RESOLUTION AUTHORIZING AUDITOR'S ASSISTANT TO ACT
AS SPECIAL DEPUTY AUDITOR UNDER LIMITED CIRCUMSTANCES
AND FOR LIMITED PURPOSES**

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.

Motion by Hauck, second by Christensen to approve the following reports: Finance & Economic Development Committee December 19, 1997; Personnel & Public Safety Committee December 18, 1997, and December 8, 1997; Public Works Committee December 17, 1997; December Wahpeton Police Department; November Water Works. Motion carried, 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: none.

Motion by Sturdevant, seconded by Meyer, to approve payment of bills presented in the amount of \$341,900.64 (checks 1926...2041) 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.

The following committee meetings were scheduled:

| | | |
|--------------------------------|------------|-------------|
| Flood Mitigation | 12:00 p.m. | January 7th |
| Personnel & Public Safety | 12:00 p.m. | January 8th |
| Finance & Economic Development | 12:00 p.m. | January 9th |

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

Dan Rood, Jr., Mayor

ATTEST:

Barbara J. Cole, Deputy City Auditor

-JANUARY 20, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 20th day of January 1998 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 A. Loberg.

Officers present: Police Chief, Assessor, Economic Development Director, Deputy City Attorney Hickman, Auditor.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Christensen, to approve the minutes of the regular meeting held January 5, 1998. Motion carried.

Councilmember Keogh reported for the Planning Commission. She reported a petition has been received by the Planning Commission and City Council for reversion of the KC Building zoning to B-1. Ms. Keogh said the property was rezoned to B-2 in 1995 in order to attempt to convert the entire property for apartments...providing certain variances could be obtained. She said the Zoning Adjustment Board turned down the variance requests and the petitioners are now requesting the property to be returned to its original B-1 zoning. Mrs. Keogh said the Planning Commission has scheduled a public hearing at 4:00 p.m. on February 17th for consideration of the proposal.

Motion by Keogh, seconded by Hauck, to schedule a public hearing at 5:00 p.m. on Tuesday, February 17, 1998 regarding the proposal to rezone the KC Hall property (All of Lot 17 and part of Lot 16, Block 37 O.T.) from B-2 to B-1. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Parks & Recreation Director Wayne Beyer attended and revealed Lonnie Halvorson has received the "Front Line Tourism Employee of the Year" Award from the State of North Dakota.

Director Beyer then reported the Wahpeton Park Board is requesting approval to remove the Kidder Dam and replace it with a rock rapids structure. He said Agencies of both States and the Corps of Engineers are in favor of the project which will aid in fish migration and will improve safety. Mr. Beyer noted that the Public Works Director has expressed some concern about retaining an alternate water source so the matter should be turned over to Committee. Mayor Rood instructed the Public Works Committee to meet and discuss the proposal.

Councilmember Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-468
COLE KAYCEE FIEDLER BENEFIT

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.

Karla Schimelfenig, Manager of Richland County Elections, attended to discuss proposed consolidation of precincts within the County. She explained there were 25 precincts and it is hoped to arrive at a total of 17. One of the recommendations is to close the Center Township polling location and conduct elections in concert with Wahpeton's 2nd Ward. Ms. Schimelfenig said the combination would eliminate one set of election officials which would reduce the total cost of elections. Councilmember Meyer wondered about the cost savings to the City of Wahpeton. Ms. Schimelfenig said it reduces the over-all County cost as provided in the Joint Powers Agreement. She said the decision of the Wahpeton City Council is needed by February 3rd. Mayor Rood instructed the Personnel & Public Safety Committee to review the request and return with a recommendation at the City's meeting of February 2nd.

The City Auditor distributed a listing of the "Pledge of Assets" by each financial institution in which the City has funds on deposit. He also presented a booklet containing each of the actual pledges and explained NDCC 21-04-11 requires the City Council to review and approve the pledges on a semi-annual basis.

Motion by Sturdevant, seconded by Keogh, to approve the following Pledges of Securities:

| | FDIC/NCUA | Additional | TOTAL |
|------------------------------|------------------|-------------------|--------------|
| Community First Bank | 100,000.00 | 5,564,958.72 | 5,664,958.72 |
| First Bank | 100,000.00 | 1,500,000.00 | 1,600,000.00 |
| Norwest Bank | 100,000.00 | 309,433.00 | 409,433.00 |
| American Federal Bank | 100,000.00 | | 100,000.00 |
| First Community Credit Union | 100,000.00 | | 100,000.00 |

Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

The Auditor reported the NDCC also requires the City Council to designate its Depositories for City Funds. The five institutions now holding deposits were recommended.

Motion by Christensen, seconded by Sturdevant, to designate the following Wahpeton financial institutions as the City of Wahpeton's depositories for public funds in 1998:

| | |
|----------------------|------------------------------|
| Community First Bank | American Federal Bank |
| First Bank | First Community Credit Union |
| Norwest Bank | |

Motion by Caspers, seconded by Keogh, to amend the motion by adding the following Wahpeton financial institutions as approved 1998 depositories:

| | |
|--------------------------------|---------------------|
| Gate City Federal Savings Bank | First American Bank |
|--------------------------------|---------------------|

Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

The original motion, as amended, then carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None

The Auditor distributed a listing of the 5-year history of City Fund Balances (following amendment of the 1997 City Budget). He said the documentation should come in handy to help determine long range fiscal planning.

The City Auditor observed that a letter has been received today from Northern Waste stating the company will begin charging a fee for commercial recycling. He said the City's contract with Northern Waste provides for residential recycling under the monthly fee negotiated, but, the Deputy Attorney finds commercial fees are negotiated directly with the contractor by each customer. The Council accepted the letter as informational.

Mapping Services Contractor Jim Azure presented proposed Change Order #1 for the demolition contract of old water treatment plant structures under the flood mitigation project. Because of delays in receiving permits, Mr. Azure said, the request is to adjust the completion date from February 1st to March 1st...and he recommends approval.

Motion by Christensen, seconded by Meyer, to approve Change Order #1 to the contract for demolition of old water treatment plant structures. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Mr. Azure reported the City has the opportunity to explore the possibility of utilizing the US Army Corps of Engineers to conduct a feasibility study of Wahpeton flood control measures. He said in order to get the ball rolling the City has to request the Corps to consider making the study and the City Attorney's office has prepared a Resolution for that purpose.

Councilmember Caspers offered the following Resolution and moved its adoption:

RESOLUTION NO. 2861
**RESOLUTION REQUESTING US ARMY CORPS
OF ENGINEERS TO CONDUCT FEASIBILITY STUDY
FOR FLOOD CONTROL PROJECT**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Meyer, 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 Economic Development Director reported on the restructuring announcement being released by Imation today, including the fact that 130 to 150 of its 600-person work force will be laid off by the middle of the year. Though this is a challenge to the community, Mr. Krauseneck said in summary, it is not an unusual occurrence in successful high technology industry which, in the natural course of business, has ups and downs in the number of its employees. He said the 20-year

history of the company has been very successful and there are many decisions based upon the need to remain competitive for long term success in the global economy. He added that Oklahoma diskette production has been moved to the local plant. Mr. Krauseneck also noted that Imation has made \$150 million in plant improvements over the past 5 years which reveals its commitment to the Wahpeton operation.

Mayor Rood reported he and Mr. Krauseneck had been meeting with Imation's management team and were well aware of the need for periodic changes in the number of employees. He said the announcement will certainly affect the persons who will be laid off, but, all must look at the long-term effect of decisions necessary to meet changing conditions.

Mayor Rood and Director Krauseneck joined in stating Wahpeton's plant is a technology center as well as a production center...as witnessed by the fact there will no reduction in the engineering staff.

The Police Chief reported on the Club Liquor License application received last meeting from the Bois de Sioux Golf Course. He wondered if there shouldn't be a special license or an off-premises license issued...depending upon who runs the beverage operation. Golf Director Fred Stregé said the golf course wishes to possess the license, be responsible, contract with a local party, operate by contract during 1998, and evaluate how to proceed in years to come. The City Auditor observed that a manager must be named and approved before the actual license document will be issued. He said he could see it will be difficult for the golf course to advertise for a contract unless assured of a license. The Auditor suggested the Council could consider a conditional motion subject to the Police Chief's future approval of a manager. He said the license would not be issued until the Chief signed off.

Motion by Christensen, seconded by Meyer, to approve a C-5 Club License for the Bois de Sioux Golf Course subject to the Police Chief's approval of a designated Manager. Motion carried 5-2. Voting aye: Sturdevant, Keogh, Meyer, Christensen, Caspers; voting nay: Hauck, Myhra.

The Auditor reported executed "Contract for Title" and the "Lease Agreement" documents with Richland County have been received and the changeover of ownership by Richland County and the renting by the City will now officially begin January 1, 1999.

Mayor Rood reported he will give his televised "State of City" address at 5:00 p.m. on Monday, January 26th. He said he will also want to visit with the Personnel Committee regarding the Hay study.

Personnel Committee Chairman Hauck reported copies of the proposed Hay job content questionnaire had been mailed to each member of the Council and the Committee has instructed the Auditor to distribute the questionnaire to each employee. He said the Committee will be meeting with Hay representatives on February 5th.

Mr. Hauck reported the Personnel Committee has recommended the Detective Sergeant and Administrative Staff Supervisor positions be reclassified as "non-exempt" in the City's Personnel Policy Manual and a copy of the revised section had been supplied to each Councilmember.

Motion by Hauck, seconded by Meyer, to amend the Personnel Policy Manual by removing the Detective Sergeant and Administrative Staff Supervisor positions from the "exempt" employee listing. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Motion by Hauck, seconded by Myhra, to approve the Personnel Committee's recommendation to authorize \$165 tuition for the Auditor Assistant's class at the University of Minnesota. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Finance Committee Chairman Sturdevant reported the Committee reviewed the abatement & retroactive exemption request for new home construction and discussed tightening up the local Resolution for applications. He said the Committee recommends approval of the request received as there are no restrictions on time to apply...however...the Committee also has caused a new Resolution to be prepared which requires application by February 1st during the two years following issuance of the building permit...if the first deadline is missed, the applicant would still qualify for the second year, but, exemption would be forfeited once the second deadline elapses.

Motion by Sturdevant, seconded by Caspers, to approve the Andrew and Terrie Sletten abatement & exemption request for new home construction. 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:

RESOLUTION NO. 2862

**RESOLUTION REAPPROVING EXEMPTION OF PROPERTY
AND ESTABLISHING LIMITATIONS THERETO 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 Meyer, 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

Mr. Sturdevant reported the Economic Development Commission reviewed and approved the 1998 budget for the Economic Development Department...which had been mailed with agendas. He said the total is \$183,162.00 as compared to \$183,470.00 budgeted in 1997. However, Mr. Sturdevant reported, last year's budget was underspent and \$25,097.98 was returned to the Sales Tax Fund. He said there have been refunds now for two year's running and complimented the Department on its fiscal management.

Motion by Sturdevant, seconded by Meyer, to approve the 1998 Economic Development Budget totaling \$183,162.00. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Budget Portfolio Chairman Meyer stated there was additional responsible fiscal management resulting in the General Fund's savings of \$130,000.00 on its 1997 expenditure budget. In addition, Mr. Meyer reported, \$290,000.00 of additional income was realized; largely through favorable investment interest rates, City Engineer project fees, Municipal Court fines, and higher than expected State Highway Fund receipts. He observed that the City's Capital Improvement Fund has been steadily decreasing (from \$555,000 in 1994 to \$125,000 at the end of 1997) and it is the Finance Committee's recommendation that the total of expense savings and additional income be transferred to the Capital Improvements Fund. Mr. Meyer noted the Auditor had mailed a complete report of proposed amendments to the Mayor and each Councilmember with the Agenda.

Motion by Meyer, seconded by Christensen, to amend the 1997 City General Fund Anticipated Income Budget as follows:

| | FROM | TO |
|-----------------------------------|------------|------------|
| Interest from Investments | 100,000.00 | 240,000.00 |
| Public Utilities Fund Transfer | 113,724.27 | 123,151.50 |
| Fiscal Agent (Bond Sale) Fees | 20,000.00 | 30,000.00 |
| Municipal Court Fines | 125,000.00 | 140,000.00 |
| Amusement Games Licenses | 200.00 | 1,000.00 |
| Other Licenses | 400.00 | 4,000.00 |
| Police Auction | 1,800.00 | 4,000.00 |
| Dog Tags | 750.00 | 1,000.00 |
| Equipment Rentals | 1,500.00 | 1,000.00 |
| Equipment/Supplies Sales | 2,000.00 | 100.00 |
| Improvement project Fees-Engineer | 20,000.00 | 130,000.00 |
| Plans & Specifications | 500.00 | 1,500.00 |

and to amend the 1997 City General Fund Expenditure Budget as follows:

| | | |
|-----------------------------------|------------|------------|
| Capital Improvement Fund Transfer | 130,122.97 | 420,000.00 |
|-----------------------------------|------------|------------|

Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Councilmember Christensen reported the Law Center Committee had met on January 15th with the newly hired Communications and Emergency Services Director Christopher Gale. He noted that the preliminary minutes of the meeting had been supplied with the Council Agenda, and the minutes reflected recommendation for approval of an additional \$6,000 for purchase of equipment deemed immediately necessary by Mr. Gale. Responding to a question by Councilmember Meyer, Mr. Christensen stated the total cost will be shared 50-50 by the City and Richland County.

Motion by Christensen, seconded by Hauck, to approve the Law Center Committee's recommendation for an immediate additional \$6,000.00 expenditure for Communications Center Equipment and authorize \$3,000.00 expenditure from the City's Capital Improvement Fund. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Motion by Sturdevant, seconded by Hauck, to approve the following reports: DEC Water Works, DEC Vacation and Sick Leave, 1997 Economic Development Department, 1/08/98 Personnel & Public Safety Committee minutes, 1/09/98 Finance & Economic Development Committee minutes. 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 | NOON | January 23, 1998 |
| Flood Mitigation | Several | January 27, 1998 (The City |

Auditor was instructed to supply a schedule of the day's meetings)

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

Dan Rood, Jr., Mayor

ATTEST:

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

FEBRUARY 2, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 2nd day of February 1998 at 5:00 p.m.

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

The following were absent: Councilmembers Burnell G. Myhra, Richard A. Loberg.

Officers present: Public Works Director, Police Chief, Loan Administrator, Economic Development Director, City Attorney.

Mayor Rood presided at the meeting.

Motion by Hauck, seconded by Caspers, to approve the minutes of the regular meeting held January 20, 1998. Motion carried.

Tracey Anderson of Lake Agassiz Regional Council attended and distributed information proposing the City serve as sponsor for a revolving loan for SpaceAge Synthetics. Randy Schneider of SpaceAge was also in attendance. Ms. Anderson explained that the EDA has approved \$775 million for flood-related, 4.5% recovery loans and Lake Agassiz Regional Council has been working with the Economic Development Director to provide the proposed \$250,000 EDA revolving loan. She said Lake Agassiz will pay all up front costs and will receive all payments for this loan. Ms. Anderson explained the City's responsibility is to review and approve documents plus act as sponsor. Economic Development Director Krauseneck reported the City already has an investment in SpaceAge and the proposed revolving loan will strengthen the Company and the City's position.

Councilmember Caspers offered the following Resolution and moved its adoption:

RESOLUTION NO. 2863

**RESOLUTION SPONSORING A COMMUNITY DEVELOPMENT
LOAN FUND LOAN FOR SPACEAGE SYNTHETICS, INC.**

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, 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.

County Auditor Kelly Hornstein and Communications/Emergency/911 Director Christopher Gale attended to discuss a proposed reidentification of the combined operation as Richland County

Integrated Emergency Services and to request consideration for approving the employment of additional dispatching staff. Mr. Hornstein said the change in title would be by Resolution of both the County Commission and City Council and would not substantially change any existing joint operation agreements.

Councilmember Meyer wondered if the City's emergency powers would be affected if the Resolution were adopted. City Attorney Lies observed that the North Dakota Century Code identifies items controlled by the City such as restrictions on street travel. Public Works Director Lein stated centralized emergency management would be advantageous to City during emergencies. Mr. Meyer said the Council should see an outline of a plan before acting on the Resolution. Director Gale said he would put some basic information together. He said the object is to utilize all available resources properly. Mayor Rood assigned the matter to the Personnel & Public Safety Committee. He asked that Mr. Gale's information be supplied when available.

Director Gale then reported on the apparent shortage of staff in the communications department. He said he's observed problems with a single dispatcher getting overwhelmed during busy times causing problems and possible liability. He outlined a recommendation for increasing the staff to allow for two dispatchers to be on duty during determined hours. Mr. Gale said budgets are adequate to hire an additional dispatcher immediately and reviewed costs and methods to supply funding through County and City budgets plus State programs for additional employees...telecommunications trainee and a full dispatcher. He said the proposal will be submitted to the next meeting of the Law Enforcement Center Committee (February 9th at 3:00 p.m. in County Commission Chambers).

Councilmember Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-469
WAHPETON CHEERLEADERS

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, 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-470
AMERICAN LEGION BASEBALL

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, 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 Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-471
PROMETHEUS MOTOR 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, 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 Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-472
WAHPETON BUFFALO 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, 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 and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. CG-473
WILKIN COUNTY PHEASANTS FOREVER

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, 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 Assessor reported she has completed her final Certification schooling, has taken the final test, and should know the results in a few days.

The Public Works Director reported two applications were received for the position of Senior Engineer Technician. Mayor Rood instructed the Personnel & Public Safety Committee to review the applications and make recommendation.

Director Lein reported Street Improvement Project 2-1-97 had been canceled partly due to the 1997 flood. He presented documentation for recreating the two property areas from last year, to add an additional property area, and to retitle as Special Improvement Project No. 2-1-98. Mr. Lein described the property areas, the work to be completed, and the methods for payment. He said Resolution No. 2869's protest public hearing will be held at 5:00 p.m. on March 16th.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2864
RESOLUTION CREATING STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)
(Property Area C - Kidder Recreation Area)

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, 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 and moved its adoption:

RESOLUTION NO. 2865

**RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)
(Property Area C - Kidder Recreation Area)**

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, 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:

RESOLUTION NO. 2866

**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
IN STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)
(Property Area C - Kidder Recreation Area)**

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, 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:

RESOLUTION NO. 2867

**RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS
AND ESTIMATE
OF COST FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)
(Property Area C - Kidder Recreation Area)**

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, 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 Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2868

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ESTIMATE

OF COST FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)
(Property Area C - Kidder Recreation Area)

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, 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:

RESOLUTION NO. 2869
RESOLUTION DECLARING WORK NECESSARY FOR AN IMPROVEMENT
IN STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area A - Northside Seal Coat)
(Property Area B - Westmore Avenue)
(Property Area C - Kidder Recreation Area)

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, 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 Public Works Director reported the Capital Improvements Budget contains a \$21,000 item for purchase of a 4x4 Pickup for the Street Department and requested permission to advertise for bids.

Motion by Christensen, seconded by Hauck, to authorize advertisement for bids to purchase a 4x4 Pickup for the Street Department. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Keogh, Meyer, Christensen, Caspers; voting nay: None.

Director Lein and City Attorney Lies discussed adoption of a Resolution asking FEMA to grant approval for placement of the City's flood protection levee on FEMA-acquired property. They said the City is not conceding its position of not necessarily needing permission but it will be prudent to have the request on file just in case.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2870
RESOLUTION REQUESTING PERMISSION FOR DIKE ON PROPERTY
ACQUIRED BY THE CITY WITH HAZARD MITIGATION GRANT FUNDS

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, 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 Public Works Director reported the 4th Avenue South Storm Sewer Project 1-1-98 public informational meeting had been held last week as scheduled. He said Tracy Anderson of Lake Agassiz expects shortly to receive grant information.

The City Attorney reported regulations for electronic accessibility of City records are being explored and Deputy Attorney Hickman has put together some information for consideration. He suggested the Personnel & Public Safety Committee should review the State Statutes with the City Attorney's office and adopt proper procedures...especially regarding personnel records.

The Police Chief said review of the department's on-call policy reveals the need for about \$200 to purchase two cell phones. He said the Police Department's Capital Improvements budget could be revised to accommodate the purchase. Mayor Rood instructed the Finance & Economic Development Committee to review the proposal.

A letter was received requesting approval to rent the Armory for a wedding dance on June 20th. The City Auditor observed that locations for dances are in short supply since the flood and the City Council has approved rental of the Armory when other City locations are filled. He said the applicants have received approval of the date from the Recreation Department, the Police Chief has been contacted for required policing, and a special off-premises liquor license will be applied for-and approved-before a rental contract would be executed.

Motion by Caspers, seconded by Sturdevant, to approve rental of the Armory for a wedding dance on June 20, 1998 upon receipt and approval of all policing and liquor sale requirements. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Keogh, Meyer, Christensen, Caspers; voting nay: None.

Mayor Rood distributed a memo to the City Council requesting the Public Works Committee to consider a possible snow removal ordinance for Dakota Avenue Sidewalks, suggestions of persons to serve on a Housing Task Force, reporting eight Wahpeton Businesses will be recognized for ADA and employment of disabled persons, and that he and the Personnel Committee Chairman will be meeting with Officers to review annual evaluations. The memo also outlined the items covered by his "State of the City" address televised on January 26th.

Motion by Hauck, seconded by Keogh, to approve the recommendation of the Personnel & Public Safety Committee to authorize combining the Center Township Poll with the City's 2nd Ward Poll. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Keogh, Meyer, Christensen, Caspers; voting nay: None.

Public Works Committee Chair Christensen reported the Committee had met with the Public Works Director, Parks & Recreation Director, North Dakota officials, and Minnesota DNR representatives regarding the proposal to remove the Kidder Dam and replace it with a rock rapids structure. He said the Committee will continue to meet and discuss the matter before offering a recommendation to the City Council.

Motion by Caspers, seconded by Keogh, to approve the following reports: DEC Municipal Court, 1997 Municipal Court, JAN Police Department. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Keogh, Meyer, Christensen, Caspers; voting nay: None.

Finance Committee Chair Sturdevant presented two listings of bills for approval. He observed that the one packet, totaling \$452,275.81, had been reviewed and approved by the Committee at bill paying on January 29th. Mr. Sturdevant said the remaining bills---received since Thursday--- have been listed for members to review at tonight's meeting.

Motion by Sturdevant, seconded by Meyer, to approve payment of the bills listed in the total amount of \$494,679.87 and that warrants be drawn upon their respective Funds. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Keogh, Meyer, Christensen, Caspers; voting nay: None.

The following Committee meetings were scheduled:

| | | | |
|--------------------------------|-----------|------------------|-------------------|
| Flood Mitigation | Noon | February 3, 1998 | |
| Personnel & Public Safety | 7:00 a.m. | February 5, 1998 | (at Buffington's) |
| Personnel & Public Safety | 5:00 p.m. | February 5, 1998 | |
| Finance & Economic Development | Noon | February 9, 1998 | |

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

Mayor
ATTEST:

Dan Rood, Jr.,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

FEBRUARY 17, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 17th day of February 1998 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, Woody Caspers.

The following were absent: None.

Officers present: Public Works Director, Police Chief, Loan Administrator, Economic Development Director, City Attorney, City Auditor.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve minutes of the regular meeting held February 2, 1998. Motion carried.

Jolean Pederson of North Dakota Workers Compensation attended and presented a Certificate and a \$1,486.03 check to Assistant Auditor Cole. Ms. Pederson reported the check represents the 5% discount of 1997 premiums due to the City's successful participation in the Bureau's Risk Management Program. She said it has been a real pleasure working with Ms. Cole and the entire City Hall staff.

A public hearing, following proper legal publication, was held regarding the proposed vacation of the 16-foot, unimproved alley right-of-way abutting Lots 1-6, Block 42, O.T. (from 7th Street and then west half-way through the block) Rick and Carolyn DeFries, petitioners, and Attorney Fred Strege attended in support of the vacation. Mr. Strege distributed pictures of the area and reported the alley right-of-way has never been utilized (there is a roadway on railroad land to the south). He noted the new Three Rivers Decorating addition will be better utilized by the vacation.

The City Attorney observed that none of alley along the south side of 7th Street could be a part of the vacation as there is still a dedicated alley along Block 41 to the east and it would require reserved access.

Jerry Meide, owner of (non-abutting) property in the area had submitted a written protest. He addressed the Council. Mr. Meide said he is not necessarily opposed but would like consideration for extended vacation through the block to the east. He said he had proposed vacation of the alley between 6th and 7th Streets some time ago but couldn't get approval. Mr. Meide said he has

contacted all property owners, except Goodyear, and all agree to vacating the alley (along Block 41).

The City Councilmembers agreed with Attorney Strege that the Block 42 vacation request shouldn't be delayed. A motion was offered to approve vacation. A question was asked about fire equipment and police vehicle access.

Motion by Hauck, seconded by Loberg, to instruct the Personnel & Public Safety Committee to meet with Fire Department Officers and with the Police Chief prior to the City Council's taking final action on the Block 42 O.T. alley vacation proposal. Motion carried, all voting aye.

A public hearing, following proper legal publication, was held regarding the proposed rezoning of Lot 17 and part of Lot 16, Block 37, O.T. back to B-1 from B-2. The property consists of the old KC Building and had been rezoned in 1995 for the purpose of constructing apartments on all floors. Parking variances couldn't be obtained so the owner asked for return to its original zoning. No one attended in opposition and no written protests had been received. Councilmember Keogh reported the Planning Commission had also held a public hearing and recommends approval of the rezoning.

Councilmember Keogh offered first reading of the following Ordinance:

ORDINANCE NO. 786
AN ORDINANCE REZONING
(ALL OF LOT 17 AND THE NORTH 3.18 FEET
OF LOT 16 BLOCK 37, ORIGINAL TOWNSITE)

A public hearing, following proper legal publication, was held regarding the necessity of increasing the storm sewer capacity along 4th Avenue South through Special Improvement Project No. 1-1-98. No one attended in opposition and no written protests had been received. Representatives of Interstate Engineers, designers of the project, attended to answer any questions. The City Public Works Director displayed a projection of the area, described the collection area and how local costs will be assessed according to benefits. He again mentioned that the estimated cost is \$1 million with EDA and CDBG grants paying for 80%. Director Lein said more exact costs will be determined after bids are received.

Councilmember Caspers offered the following Resolution and moved its adoption:

RESOLUTION NO. 2871
RESOLUTION DETERMINING INSUFFICIENCY OF PROTEST
AGAINST STORM SEWER IMPROVEMENT DISTRICT 1-1-98

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. GC-475

BEEFALO 75 CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, all voted in favor thereof. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Auditor distributed a report of 1997-certified Tax Levies by the State, County, School, Park, and City. He noted that the annual report is prepared in order to allow review of tax dollar expenditures. The Auditor referred to the pie chart on the Chamber wall which shows the City of Wahpeton receives \$25.38 of each \$100.00 paid in by City residents.

The Auditor then discussed the sequence and time tables for various steps concerning the 1998 City Election. He noted the first is selection of the 4 Election Inspectors which will be completed at the March 16 Council meeting. Second is the deadline for candidate petitions on April 10th. The election will be held on June 9th. The Auditor distributed packets of petitions, statements of interest, ward maps, etc., to those City officials whose current terms expire in June. He said information has been sent to the news media, is being displayed on public access television channel 8, and all materials for candidates are available at City Hall.

Motion by Christensen, seconded by Loberg, to authorize the Public Works Director to call for bids to be opened at 2:00 p.m., March 2, 1998 for removal of remaining buildings or parts of buildings in Flood Mitigation District 5-1-97. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Director Lein reported the Capital Improvements Budget includes \$26,000.00 for purchase of a Truck/Snow Plow and one has been located through Boyer Ford of Minneapolis at a cost of \$24,000.00. He requested approval to purchase.

Motion by Christensen, seconded by Myhra, to authorize a \$24,000.00 expenditure of Capital Improvement Funds for purchase of a 1980 Ford Truck/Snow Plow from Boyer Ford. Motion carried 8-0.

The Public Works Director reported the recent rains and unseasonably warmer temperatures are close to making a mess of graveled alleys, but, as of this date there are no restrictions and solid waste removal procedure is unchanged.

The Economic Development Director distributed the preliminary minutes of the February 9th meeting of the Economic Development Commission. Following many months of negotiation, Mr. Krauseneck reported, a recommendation has been approved for the proposed Penneys expansion project. He quoted from the motion in which the Commission recommends approval for the Sales Tax Fund to supply an annual rent guarantee (to the lender) for years 3, 4, 5 & 6 of a new 10-year Penneys lease (maximum of \$58,000 each year) subject to (Meideø) payment of all current property taxes throughout the City, escrowing of future property taxes, and other conditions to be developed by the Economic Development Director and the City Attorney. Mr. Krauseneck said arrangements with Penneys for a formal agreement will proceed if the City Council will go along

with the rent guarantee...and Penneys may reduce the term to years 4, 5 & 6. He said the final agreement and conditions will be brought back for approval.

Motion by Loberg, seconded by Sturdevant, to approve the Economic Development Commission's recommendation to reserve Sales Tax Funds as rent guarantee to the lender, Dougherty Summit Securities, for years 3, 4, 5 & 6 of a new 10-year Penneys lease subject to Meide's payment of all past due and current property taxes, escrowing of future Meide property taxes, and other conditions to be developed by the Economic Development Director and City Attorney.

Councilmember Hauck asked if the proposal had been reviewed by the Finance Committee. Mr. Krauseneck said the Committee has been appraised of all negotiations and has received all written material.

Councilmember Meyer said the Urban Renewal Agency first approached the Finance Committee about a year ago with the proposal to again expand Penneys and was turned down. Mr. Meyer said the contractor has not completed the improvements promised under the T.I.F. project and wondered when the requests are going to end...will it end by collapsing like a house of cards? He commended Penneys for its fine operation but said he felt additional expansion is a decision that should be left up to Penneys based upon economics.

Councilmember Christensen agreed that expansion should be a business decision without guarantees. He said if Penneys' officials are saying business will be better...then the company should put in its own money for expansion.

Councilmember Sturdevant said he is in support of the proposal. He complimented Director Krauseneck for his more-than-a-year's worth of work in trimming the proposition to its current status...which is considerably different than what was first proposed (by URA). Mr. Sturdevant said downtown needs an anchor--Penneys is established and viable--and he feels the City Council should support the rent guarantee. He observed that there were empty stores when the Council provided help for the first Penneys expansion in 1994 and some of the empty stores have been filled. Councilmember Hauck said he also feels the rent guarantee support is justified.

Upon request of the Mayor, Penneys manager Don Neitzke reported on expansion plans. He said the larger area will bring in \$400,000 to \$500,000 of additional inventory along with 4 to 6 more employees. Mr. Neitzke said Penneys probably wouldn't be in Wahpeton had not the City helped with the expansions in 1992 and 1994..other Penneys stores are closing and Wahpeton keeps expanding. He agreed that the current proposal is a lot different than what was first tendered. Mr. Neitzke observed the Fergus Falls Penneys operation will be closing and this opens up a previously-untapped market area...and the Wahpeton store will supply for the needs of loyal Penneys shoppers from the east.

Mayor Rood wondered if the City wouldn't consider approving guarantees if a new business of this size were considering Wahpeton as a location.

Councilmember Loberg said the (\$58,000 per year of) Sales Tax money for rent guarantees is for the worst case scenario based upon the buildings remaining vacant should Penneys move out. He

said he feels that is unrealistic as at least some of the space would be filled and the rents would offset any guarantees.

Councilmember Keogh wondered about the commitment of lenders for the contractor's refinancing. Director Krauseneck said the refinancing will occur with approval of the rent guarantee agreement.

A question was asked about the possibility of Councilmember Caspers possessing a financial interest in downtown property and if he would be disqualified from voting. The City Attorney said Mr. Caspers should abstain if he has a financial interest in any of the property which would be improved because of the refinancing.

Councilmember Hauck wondered if tonight's vote is the final decision or if the Council will have an opportunity to approve the negotiated conditions. Attorney Lies said he reads the EDC's recommendation and the motion offered as not a final approval of a formal agreement...rather the negotiated terms would have to be brought back and approved by Council motion.

Upon request, the Auditor read back the motion originally offered. Mayor Rood observed the motion states the City Council will have to act on any additional terms and conditions which may be forthcoming. He suggested refining the motion to include only the references to rent guarantees and property tax escrowing. Councilmembers Loberg and Sturdevant agreed to withdraw their original motion.

Motion by Loberg, seconded by Sturdevant, to approve the Economic Development Commission's recommendation to reserve Sales Tax Funds as rent guarantee to the lender, Dougherty Summit Securities, for years 3, 4, 5 & 6 of a new 10-year Penneys' lease subject to Meide's payment of all past due and current property taxes and escrowing of future Meide property taxes.

Upon vote being taken on the motion, the following Councilmembers voted in favor: Hauck, Sturdevant, Loberg; and the following voted against: Keogh, Myhra, Meyer, Christensen. Councilmember Caspers stated he was abstaining from casting his vote due to a conflict of interest. Mayor Rood declared the motion lost on a vote of 3 in favor and 4 opposed.

The Loan Administrator reported on the 1985 east side HUD area and improvement project. She said one of the properties received a no-interest revolving loan to pay special assessments with the restriction that it be paid up should the property be sold. Ms. Priebe said sale is coming up and she needs to meet with the Finance Committee to discuss disposal of the balance. Mayor Rood turned the assignment over to the Finance & Economic Development Committee.

The Police Chief reported a 12-14 year old patrol car radio gave out and parts are no longer available for its repair. He said replacement is not budgeted but requested "emergency" approval to purchase a new radio at a quoted installed cost of \$2,537.67. Councilmember Meyer said the Chief should be planning and budgeting for these types of replacement.

Motion by Loberg, seconded by Sturdevant, to declare an emergency and authorize purchase of a replacement patrol car radio at a cost of \$2,537.67 installed. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Letters were received from TCI of the Valley containing notice of increases in cable TV fees beginning March 1, 1998 and revealing the availability of digital TV service.

A letter was received from the Bois de Sioux Golf Course recommending Golf Pro Jeff Bass be approved as Manager of the Golf Course Liquor License (which had been approved 1/20/98). Discussion followed on the history of the City Council's examination of license fees...especially for new applicants. It was pointed out that the City Council had not received a recommendation to consider any additional initiation fee, plus, the on-sale Golf Course License is of a type not restricted by population. Police Chief Lotzer reported no objection to approving Mr. Bass as Manager. The Auditor noted that approval of a Manager will complete the requirements for issuance of the License.

Motion by Christensen, seconded by Loberg, to approve Jeff Bass as Manager of the Class C-5, On Sale Club/Lodge Liquor License-approved January 20, 1998-for the Bois de Sioux Golf Course. Motion carried 7-1. Voting aye: Hauck, Sturdevant, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: Myhra.

A letter was received from Wahpeton Senior High School requesting donation for Project Graduation. The Police Chief and Auditor reported the City has historically donated the services of a Police Officer.

Motion by Sturdevant, seconded by Keogh, to donate the services of a Police Officer for Project Graduation on May 24, 1998. Motion carried 8-0.

A letter was received from the Elections Division of Richland County's Administration Office requesting City input for appointment of Election Inspectors. The Auditor noted the City Council will make the recommendation on March 16th.

A letter was received from Lake Agassiz Regional Development Corporation requesting nomination by February 24th of a Richland County "City" representative for the Corporation's Board of Directors. The letter stated the current representative is Steve Domm of Colfax.

Mayor Rood reported he has received one suggestion for appointment to a Housing Task Force and will appreciate additional recommendations.

Motion by Hauck, seconded by Loberg, to approve the Personnel Committee's recommendation and offer the Senior Engineer Technician position to Jim Azure at a salary of \$26,460.00 per year (Grade 4, Step 5). Councilmember Myhra wondered if the position couldn't be filled by contract. A question was asked about residency requirements. Councilmember Meyer noted the motion is to offer the position...it is up to Mr. Azure to accept and establish City or ETZ residency within 6 months...or request consideration for a waiver of the residency requirement. Upon vote being

taken on the motion, the following voted in favor: Hauck, Sturdevant, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: Myhra. Mayor Rood declared the motion adopted on a vote of 7 in favor and 1 opposed.

Councilmember Hauck reported the Personnel and Public Safety Committee recommends approval of a Resolution setting the following license fees: Annual Dog License \$5.00; Annual Cat License \$5.00; Annual Kennel License \$100.00.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2872
RESOLUTION SETTING LICENSE FEES
FOR CHAPTER 9 OF THE WAHPETON CITY ORDINANCES:
CONTROL AND PROTECTION OF ANIMALS, BIRDS AND FOWL

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 Sturdevant reported two employees have reached their employment anniversaries, the Personnel Committee has reviewed their Supervisor's evaluations, and has authorized budgeted pay increases as follows: Grade 3 Patrol Officer Darcy Weinrich to Step 7 (\$2,020/mo); Grade 1B Police Secretary Tracy Larson to Step 3 (\$1,257/mo).

Mr. Sturdevant reported the Finance & Economic Development Committee received and reviewed a recommendation from the Loan Administrator for a revised amortization schedule to retire the Revolving Loan Fund debt of Jim and Donalyn Oliver. He said the Committee agrees the proposal is in the best interests of the City and recommends approval.

Motion by Sturdevant, seconded by Hauck, to approve the revised Revolving Loan Fund amortization schedule for Jim and Donalyn Oliver. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Sturdevant, seconded by Christensen, to authorize the Police Department to purchase two Cell Phones by removing Pagers and Typewriter from the Department's approved 1998 Capital Improvements Budget. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Councilmember Meyer reported the Finance & Economic Development Committee reviewed Meide's request for payment of 5 remaining items of the 1994 Downtown T.I.F. Improvement Project. He said the Committee recommended payment of two of the items (Rear Wizard \$36,184.00 and Old Chamber Front \$1,500.00) providing all delinquent property taxes are paid and the City Council will extend the Developers Agreement expiration date to March 1, 1999 in order to allow for completion of construction of the three remaining 2nd floor apartment projects.

The City Auditor reported he has received Richland County Treasurer's Office receipts stating all of Meide's delinquent taxes have been paid by check this date.

Motion by Sturdevant, seconded by Meyer, to extend the Downtown T.I.F. Developer's Agreement until March 1, 1999. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; voting nay: None. Councilmember Caspers stated he was abstaining from casting his vote due to a conflict of interest.

Motion by Meyer, seconded by Christensen, to approve the Committee's recommendation, and invite FWW Financial, Ltd. to submit a proposal for refinancing a 1991 City Bond issue. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Caspers, seconded by Loberg, to approve the 1997 Building Permit Report. Motion carried, all voting aye.

The following Committee meetings were scheduled: Public Works 2/23 @ 5:00 p.m.; Personnel 2/27 @ noon; (Finance will schedule upon return of Loan Administrator).

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

ATTEST:

Mayor

Dan Rood, Jr.,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

MARCH 2, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 2nd day of March 1998 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 D. Meyer, Charles B. Christensen, Richard A. Loberg.

The following were absent: Councilmembers Donna Keogh, Woody Caspers.

Officers present: Public Works Director, Police Chief, Assessor, Economic Development Director, City Attorney, City Auditor.

Mayor Rood presided at the meeting.

Motion by Christensen, seconded by Loberg, to approve minutes of the regular meeting held February 17, 1998. Motion carried.

Motion by Christensen, seconded by Sturdevant, to open bids for a 4x4 Street Department Pickup. Motion carried. The following bids were received:

| <u>NAME AND ADDRESS OF BIDDER</u> | <u>AMOUNT OF BID</u> |
|---|----------------------|
| Loberg Ford, Wahpeton, N Dakota | \$20,427.00 |
| Paulø Automotive, Fergus Falls, Minnesota | 20,347.00 |
| Smith Motors, Wahpeton N Dakota | 20,684.00 |
| Loll Auto & Implement, Wahpeton, N Dakota | 23,321.00 |

Mayor Rood turned the bids over to the Public Works Committee for review and recommendation.

The Public Works Director reported one bid had been received at 2:00 p.m. this date for the clean-up of eight properties obtained by the City for permanent levee construction. He identified each of the properties and explained the cost for removal of remaining buildings, parts of buildings, and all other material will probably be charged to the 5-1-97 Flood Mitigation Improvement Project. Director Lein reported the bid received was from Comstock Construction in the amount of \$53,990.00 and he recommended award.

Motion by Christensen, seconded by Hauck, to award the Clean-up of Permanent Levee Property contract to Comstock Construction for its bid amount of \$53,990.00. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Loberg; voting nay: None.

Councilmember Hauck reported a quorum was not present for the Planning Commission meeting scheduled for 4:00 p.m. He said the Commissioners present did receive a short report from the Director of Parks and Recreation concerning a proposal for new area green spaces. Mr. Hauck said a committee-which will include two Planning Commissioners-will be meeting at 3:00 p.m. on March 16th to begin review of the proposal.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-474
CHAHINKAPA ZOO ASSOCIATION

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, all voted in favor thereof. 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. GC-476
WEGENER BENEFIT

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Sturdevant, and upon vote being taken thereon, all voted in favor thereof. 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:

GAMES OF CHANCE RESOLUTION NO. GC-477
WAHPETON WRESTLING CLUB

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, all voted in favor thereof. 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 Meyer, to amend Breckenridge-Wahpeton Zonta Games of Chance License GC-466 by changing the event date from April 1, 1998 to May 4, 1998. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Loberg; voting nay: None.

Motion by Sturdevant, seconded by Myhra, to amend Buffington's Amusement Games License No. 667 by increasing the allowed number of devices from two to twelve. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Loberg; voting nay: None.

The Auditor stated he had mailed a memo and supporting documentation with Agendas as a courtesy to the Finance Committee informing the members that Ms. Cole has selected the

Computer Network Training course as approved in the 1998 Capital Improvements Budget. Several technical and specific course questions were asked of the Auditor. The Auditor stated he was unable to answer as he had not brought additional information to the meeting. Mayor Rood asked the Finance Committee to review.

The Auditor distributed forms which will be used for bidding investments to come due on bond payment dates. He said the bids will be received and opened March 16th.

The Auditor discussed several items which he said should be discussed by the Finance Committee. He explained that he has received documentation from the North Dakota Bond Bank regarding 20-year amortization schedules for various amounts of borrowing of the City's cost for levee construction. He said the Loan Administrator has extended the due dates to 25-years.

The Auditor then distributed copies of a petition received earlier in the day regarding a request by 20 south side property owners to be kept up-to-date with estimated special assessments for the 4th Avenue Storm Sewer Project.

Finally, the Auditor explained that today is the deadline for the first payment of property taxes including those in the Tax Increment Financing District. He said the City has to plan for City-wide assessment if the major owner of TIF property does not pay taxes by the time budgets are certified. He asked County Auditor Kelly Hornstein to review specifics. Mr. Hornstein reported that \$51,927.23 of Tax Increment Taxes are now delinquent in the 6 downtown TIF Districts. He said the amount would require an assessment of about 6 mills should the taxes remain unpaid.

Mayor Rood turned the items over to the Finance Committee for review.

The City Assessor reported an Application for Abatement & Settlement of Taxes has been received. Her recommendation for Finance Committee review was approved.

The Public Works Director reported he had supplied a Feasibility Report for funding of a Digital Aerial Survey of the Wahpeton/Breckenridge area (both Cities and 3 miles beyond respective City limits). He said the contract would be in the amount of \$69,055 with Wahpeton as the lead agency. Mr. Lein stated Breckenridge has authorized its share and Wahpeton's cost would be \$29,511 of which the State Water Commission has verbally stated it will pay 50%. He observed that a decision must be made immediately as the fly-over and pictures must be completed after the snow melts but before the trees put out their leaves.

Motion by Loberg, seconded by Meyer, to approve a contract in the amount of \$69,055 with Eagle Scan Laser Terrain Mapping and Imaging of Boulder, Colorado for a Digital Aerial Survey, for the City of Wahpeton to serve as the lead agency, to authorize payment of the City of Wahpeton's share from a source to be determined by the Finance Committee. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Loberg; voting nay: None.

The Public Works Director utilized the overhead projector to display property areas recommended for Water & Sewer Improvement Project No. 1-2-98. He showed Area A as water & sewer to service Lots 5, 6, & 7 Block 1 and Lot 7, Block 2 of Oakwood Addition--and--Area B as

replacement of a damaged sewer main in the 500 Block of 4th Street North. Mr. Lein said his estimated costs are \$30,046 for Property Area A and \$22,375 for Property Area B. The Public Works Director stated, with approval of the series of Resolutions, bids will be opened at 2:00 p.m. April 6, 1998. He added that Jerry Meide is the majority property owner in Area A so the usual Necessity Public Hearing is waived.

Darrel Gast attended and spoke to the Council. He said he is the owner of Lot 7, Block 2 in Property Area A and is opposed to being assessed for a share of the cost. Mr. Gast said he owns additional lots along Oakwood Court and wondered if he could pay a share later when service is extended southward. The Public Works Director noted that Mr. Gast's Lot 7 abuts Oakwood Avenue and he feels, from an engineering standpoint, that it should be included in the project, but, he said, it doesn't affect the work if it's left out.

Councilmember Meyer asked the City Attorney if it would be legal for Mr. Gast to pay a share later. Attorney Lies said Mr. Gast would have to petition the City Council at that time...and that Council would have to decide whether or not to allow payment (and extension).

Councilmembers Hauck and Myhra stated they would offer the initial Resolution to create the District excluding Lot 7, Block 2 in Property Area A.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2873

**RESOLUTION CREATING SEWER AND WATER IMPROVEMENT DISTRICT 1-2-98
(PROPERTY AREA A-OAKWOOD AVENUE)
(PROPERTY AREA B-500 BLOCK 4TH STREET NORTH)**

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, 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:

RESOLUTION NO. 2874

**RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN SEWER AND WATER IMPROVEMENT DISTRICT 1-
2-98
(PROPERTY AREA A-OAKWOOD AVENUE)
(PROPERTY AREA B-500 BLOCK 4TH STREET NORTH)**

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, 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 Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2875

**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
FOR THE IMPROVEMENT IN SEWER AND WATER IMPROVEMENT DISTRICT 1-
2-98**

**(PROPERTY AREA A-OAKWOOD AVENUE)
(PROPERTY AREA B-500 BLOCK 4TH STREET NORTH)**

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, 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 Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2876

**RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS
AND ESTIMATE
OF COST FOR THE IMPROVEMENT IN SEWER AND WATER IMPROVEMENT
DISTRICT 1-2-98**

**(PROPERTY AREA A-OAKWOOD AVENUE)
(PROPERTY AREA B-500 BLOCK 4TH STREET NORTH)**

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, 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 Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2877

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ESTIMATE
OF COST FOR THE IMPROVEMENT IN SEWER AND WATER IMPROVEMENT
DISTRICT 1-2-98**

**(PROPERTY AREA A-OAKWOOD AVENUE)
(PROPERTY AREA B-500 BLOCK 4TH STREET NORTH)**

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, 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 Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2878

**RESOLUTION DETERMINING WRITTEN PETITION SIGNED BY MAJORITY OF
PROPERTY OWNERS RECEIVED REQUESTING WAVER OF PUBLICATION OF
NECESSITY
FOR THE IMPROVEMENT IN SEWER AND WATER IMPROVEMENT DISTRICT 1-
2-98**

(PROPERTY AREA A-OAKWOOD AVENUE)

(PROPERTY AREA B-500 BLOCK 4TH STREET NORTH)

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

RESOLUTION NO. 2879

**RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT
FOR BIDS FOR CONSTRUCTION OF THE IMPROVEMENT IN
SEWER AND WATER IMPROVEMENT DISTRICT 1-2-98
(PROPERTY AREA A-OAKWOOD AVENUE)
(PROPERTY AREA B-500 BLOCK 4TH STREET NORTH)**

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, 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 Economic Development Director introduced Thomas Newberger and Richard Shorma of Red River Human Services Foundation. Mr. Krauseneck explained that he has been working with the Foundation regarding a proposed 1/2 million dollar expansion of its building on the south side. He suggested the City could consider a gratis conveyance of parts of City-owned Lots 8, 9 & 10, of Block 46 which is currently an under-used public parking lot.

Mr. Newberg and Mr. Shorma each addressed the city Council and described the operation of the organization. Mr. Shorma also distributed copies of the proposed building expansion plans.

Mayor Rood turned the matter over to the Finance Committee for review and recommendation.

The City Attorney reviewed two items for Council action. He said the first is a housekeeping item for Norwest Investment supplying a Resolution authorizing the City to enter into the Lease-Purchase Agreement for the motor grader. Mr. Lies said the second concerns regulations for federal funding and is for a Resolution required by the Department of Housing and Urban Development whereby the City adopts an internal grievance procedure under section 504 of the Rehabilitation Act of 1973.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2880

**RESOLUTION APPROVING AND AUTHORIZING
GOVERNMENTAL LEASE-PURCHASE AGREEMENT
(CHAMPION MOTOR GRADER)**

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, 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 Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2881

RESOLUTION ADOPTING GRIEVANCE PROCEDURE

UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

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, 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.

A letter, dated February 25, 1998, had been received from Jim Azure requesting a three-year delay in requiring City or ETZ residency as a full-time employee. Mr. Azure, who at the 2/17/98 Council meeting had been offered the position of Senior Engineer Technician, stated in his letter that it will take him some time to restore his flood-damaged home along the Wild Rice River. The letter stated Mr. Azure and his spouse will be performing most of the work themselves and the extra time will allow them to recover their equity.

Councilmember Hauck reported the Personnel Committee has already met on Mr. Azure's request and has agreed unanimously to recommend approval of the extension.

Motion by Hauck, seconded by Loberg, to grant Senior Engineer Technician Jim Azure a waiver of the Personnel Policy's regulations for residency of full-time employees by allowing him a 3-year period to restore his rural home and require residency by February of 2001; to grant an exception of the Personnel Policy's vacation regulations and credit Mr. Azure for time served as part-time and contract employment with the City by authorizing 2-weeks vacation during the first year of full-time employment. Motion carried 5-1. Voting aye: Hauck, Sturdevant, Meyer, Christensen, Loberg; voting nay: Myhra.

Mayor Rood and the Public Works Director reported word has been received that the \$501,000.00 EDA grant has been received for the South Side Storm Sewer Project. Mr. Lein said the Council needs to approve acceptance.

Motion by Meyer, seconded by Hauck, to accept the \$501,000.00 EDA grant for the South Side Storm Sewer Project. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Loberg; voting nay: None.

Councilmember Hauck reported the Personnel & Public Safety Committee recommends vacation of the alley south of Block 42, Original Townsite with the exception of any portion on the south side of 7th Street.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2882

RESOLUTION APPROVING PETITION TO VACATE ALLEY

(ABUTTING BLOCK 42, ORIGINAL TOWNSITE)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Meyer, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, 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 reported the Personnel & Public Safety Committee recommends adoption of the Integrated Emergency Services Resolution (The City Auditor had forwarded a copy of the amended language to all Councilmembers with Agendas). Councilmember Meyer asked the Public Works Director if the revision met with his approval. Mr. Lein said it did.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2883

**RESOLUTION APPROVING RICHLAND COUNTY INTEGRATED
EMERGENCY SERVICES DESIGNATION AND PROCEDURES**

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, 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 reported Patrol Officer Elroy Schmidt has completed 2 years of employment and has received a favorable evaluation from the Chief and Sergeants. Mr. Sturdevant observed that the adopted 1998 salary schedule allows for a Step increase and the Committee has approved the Police Chief's recommendation letter for Officer Schmidt to be advanced 1 Step to a salary of \$1,956.00 per month. Councilmember Meyer wondered if Mr. Schmidt hadn't already been granted the maximum increase. Chief Lotzer explained that Officer Schmidt was one of the employees for whom provision was allowed for an additional Step.

Councilmember Sturdevant quoted from a letter received from Juvenile Supervisor Charles Sheeley complimenting Police Officer Todd Pearson for his work with the youth of the community.

Motion by Sturdevant, seconded by Loberg, to include the letter from Juvenile Supervisor Charles Sheeley in Todd Pearson's personnel file. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Loberg; voting nay: None.

Councilmember Sturdevant reported the Finance Committee has worked out the Revolving Loan/Special Assessment question, no changes are required, and the matter may be removed from further consideration.

Councilmember Christensen reported the Public Works Committee has completed its review of the request to remove Kidder Dam and replace it with a rock rapids structure. Mr. Christensen said the Committee will not recommended removal as it is felt the structure is necessary to provide a river level for possible future residential water supply.

Parks & Recreation Director Wayne Beyer was in attendance and stated Park officials will now review other areas where rocks are added to dams.

Councilmember Christensen offered first reading of the following Ordinance:

ORDINANCE NO. 787
**AN ORDINANCE REGULATING REMOVAL OF SNOW AND ICE FROM
SIDEWALKS FOR BUSINESS AND COMMERCIAL ENTERPRISES**

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

ORDINANCE NO. 786
**AN ORDINANCE REZONING
(ALL OF LOT 17 AND THE NORTH 3.18 FEET
OF LOT 16, BLOCK 37, ORIGINAL TOWNSITE)**

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 vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, 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 by the City Auditor.

Motion by Sturdevant, seconded by Christensen, to approve the following reports: FEB Police Department; JAN Municipal Court; 2/23/98 Public Works Committee Minutes; 2/27/98 Personnel & Public Safety Committee Minutes. Motion carried, all voting aye.

Motion by Sturdevant, seconded by Meyer, to approve payment of bills presented in the amount of \$118,780.39 and that warrants be drawn upon their respective funds. Motion carried. Voting aye: Hauck, Sturdevant, Myhra, Meyer, Christensen, Loberg; voting nay: None.

The following Committee meetings were scheduled:

| | |
|--------------------------------|---------------------------|
| PUBLIC WORKS | 12:00 noon 3/3/98 |
| FINANCE & ECONOMIC DEVELOPMENT | 11:30 a.m. 3/4/98 |
| PERSONNEL & PUBLIC SAFETY | To be scheduled following |

next contact

with Hay

Consultants

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

ATTEST:

Mayor

Dan Rood, Jr.,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

MARCH 16, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 16th day of March 1998 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, Woody Caspers.

The following were absent: None.

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

Mayor Rood presided at the meeting.

Motion by Hauck, seconded by Caspers, to approve minutes of the regular meeting held March 2, 1998. Motion carried.

Councilmember Christensen and Director Lein reported for the Public Works Committee regarding award of the contract (by bids received last meeting) for the Street Department 4x4 Pickup. They said the Committee's recommendation is to award to Loberg Ford at the bid amount of \$20,427.00 for a 1999 Ford F250. It was mentioned the lower bid...by \$80 by Paul's Automotive of Fergus Falls...is for a 1998 GMC. Therefore, because of the small difference, local dealer-local service, and its being a newer model, the Committee determined awarding Loberg the contract would be in the best interest of the City of Wahpeton.

Motion by Christensen, seconded by Myhra, to award the Street Department 4x4 Pickup purchase contract to Loberg Ford for its best bid of \$20,347.00 for a 1999 Ford F250. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Muriel Hedrick and Ruth Dzik, members of the '97 Flood Commemoration Committee, addressed the Council. Ms. Hedrick presented a letter stating April 17th is the anniversary of the 1997 flood's second crest and a candle light vigil is being planned at 7:00 p.m. on Friday April 17, 1998. She urged the Mayor and Council to attend the event.

The Auditor presented the following documentation of investment bids:

| <u>Amount</u> | <u>Maturity Date</u> | <u>Comm 1st Bank</u> | <u>Norwest Bank</u> |
|----------------------------|----------------------|----------------------|---------------------|
| <u>First Bank-Wahpeton</u> | | | |
| \$155,000.00 | May 28, 1998 | 5.10% | 5.15% |
| 4.80% | | | |

| | | | |
|---------------------------|--------------|----------------|--------------|
| 105,000.00 4.86% | Jul 30, 1998 | 5.10% | 5.15% |
| 60,000.00 5.18% | Sep 29, 1998 | 5.15% | 5.15% |
| 10,000.00 5.13% | Oct 29, 1998 | 5.15% * | 5.15% * |
| 265,000.00 5.23% | Nov 27, 1998 | 5.30% | 5.15% |
| 735,000.00 5.32% | Jan 28, 1999 | 5.40% | 5.15% |
| 25,000.00 5.30% | Mar 30, 1999 | 5.40% | 5.15% |
| 35,000.00 5.30% | Apr 29, 1999 | 5.40% | 5.15% |

It was noted that there was a tie of interest rates bid for the October 29, 1998 investment. Councilmember Meyer tossed a coin and Community 1st Bank's side came up.

Motion by Hauck, seconded by Meyer, to purchase Investments from the highest bidders. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Loberg, seconded by Meyer, to purchase the October 29, 1998 Investment through Community 1st Bank as determined by the coin flip. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

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. 2-1-98 (3 Property Areas). Upon motion duly made by Councilmember Sturdevant, 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 City Auditor then presented sealed bids which had been received pursuant to 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 bids were found to be as follows:

| <u>Name & Address of Bidder</u> | <u>Prop. Area A</u> | <u>Prop. Area A-1</u> | <u>Prop. Area B</u> | <u>Prop. Area C</u> | <u>Total</u> |
|---------------------------------------|---------------------|-----------------------|---------------------|---------------------|--------------|
| Mark Sand & Gravel | | | | | |
| Bemidji, MN | \$112,989.50 | \$ 13,552.95 | \$ 7,389.75 | \$ 3,681.58 | |
| \$137,613.78 | | | | | |
| Morris Sealcoat & Trucking | | | | | |
| Morris, MN | 113,116.02 | 14,048.30 | 7,243.75 | 3,668.30 | |
| 138,076.45 | | | | | |

| <u>Name & Address of Bidder</u> <u>Amount of Bid</u> | <u>Prop. Area A</u> | <u>Prop Area A-1</u> | <u>Prop Area B</u> | <u>Prop Area C</u> | <u>Total</u> |
|--|---------------------|----------------------|--------------------|--------------------|--------------|
| ASTECH St. Cloud, MN 150,776.05 | 126,169.50 | 13,366.87 | 7,336.00 | | 3,903.68 |
| Bituminous Paving, Inc. Ortonville, MN 152,368.64 | 128,206.20 | 12,691.53 | 7,467.25 | | 4,003.66 |
| Pearson Bros, Inc. Loretto, MN 152,937.40 | 126,522.30 | 12,847.32 | 8,237.70 | | 4,430.08 |
| Caldwell Asphalt Co, Inc. Hawick, MN 160,400.79 | 135,433.20 | 12,336.95 | 8,207.40 | | 4,423.24 |

Upon motion duly made by Councilmember Sturdevant, seconded by Councilmember Christensen, and carried, the City Auditor was then directed to enter the bids upon the minutes of this meeting and to preserve them carefully pending final action thereon.

Upon motion duly made by Councilmember Sturdevant, seconded by Councilmember Christensen, and carried, the Engineer planning the improvement for the City was then directed to make a careful and detailed statement of the estimated cost of the work based upon the bids received, and to submit the same to the Council.

The City Auditor presented an affidavit showing publication in the official newspaper of the City of the Resolution adopted February 2, 1998, entitled *Resolution Declaring Necessity of an Improvement in Street Improvement District 2-1-98 (3 Property Areas)* which affidavit was examined, found satisfactory and directed to be placed on file in the office of the City Auditor. The first publication of said Resolution having taken place on the 12th day of February, 1998, as shown by said affidavit, the Mayor directed the City Auditor to present all written protests against the making of said improvement which had been filed in his office within the period of 30 days from and after such first publication, in accordance with the provisions of Section 40-22-17 of the North Dakota Century Code, as amended. The City Auditor reported no protests had been filed. All other persons present affected by the proposed improvement as property owners or otherwise where then afforded opportunity to be heard by the Council as to the necessity and desirability of making said improvement as described in said Resolution. No one appeared in opposition.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2884
RESOLUTION DETERMINING INSUFFICIENCY OF PROTEST
AGAINST STREET IMPROVEMENT DISTRICT 2-1-98
(PROPERTY AREA A-NORTHSIDE SEAL COAT)
(PROPERTY AREA B-WESTMORE AVENUE)

(PROPERTY AREA C-KIDDER RECREATION AREA)

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.

Attorney Don Krassin appeared and stated he was representing the Southeast Senior Services Organization whose building and property abuts the southside City parking lot along 6th Street South in Block 46, Original Townsite. *(Two letters--both dated March 6, 1998--had been received from Attorney Krassin expressing concern of the proposed donation and requesting invitation to all meetings at which the matter is to be discussed. The letters also asked for financial information which had been supplied by the City Auditor).* Attorney Krassin observed that the Council, at its March 2nd meeting, received a proposal for possible donation of portions of the parking lot to Red River Human Services Foundation for expansion purposes. He said the Senior Services Organization is quite concerned and currently opposes the proposal. He offered several points:

1. Attorney Krassin said Senior Services delivers food throughout the County, and uses the parking lot to load vehicles via a concrete driving area constructed for that purpose.
2. He said it may be true that the lot is under-used and isn't used to its fullest extent...intermittent use is the better term, he said...but it is used by senior citizens during local events or when there are bus trips.
3. Mr. Krassin added that there may come a time when the need for more downtown parking will be explored and the existing lot would be there for utilization.
4. The Attorney also expressed concern about parking lot development costs paid by his client and Wahpeton citizens. He said the cost was about \$200,000 in 1979 which was paid, in part, by special assessments...his client paid its \$7,800 share and can't understand why the City would give away the property.

Attorney Krassin stated he and Organization Representative Roman Berg have spoken with Human Services reps and will continue to do so. He said the main purpose right now is to let the Council know his client's concerns.

The Economic Development Director reported the matter had been referred to the Finance Committee but has been put on hold because of the concerns of the Senior Citizens Organization.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-479
CHAHINKAPA ZOO ASSOCIATION

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Loberg, and upon vote being taken thereon, all voted in favor thereof. 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. GC-480
SENDCAA HEAD START

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Caspers, and upon vote being taken thereon, all voted in favor thereof. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and was attested by the City Auditor.

The City Auditor distributed a memo requesting approval of 4 polling locations for the June 9th Combined City-County Election. Motion by Caspers, seconded by Myhra, to approve the following Poll Locations for the June 9, 1998 Election:

| | |
|-------------|-------------------------|
| FIRST WARD | SOUTHSIDE FIRE HALL |
| SECOND WARD | LAW ENFORCEMENT CENTER |
| THIRD WARD | NDSCS ACTIVITIES CENTER |
| FOURTH WARD | NDSCS ACTIVITIES CENTER |

Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The City Assessor reported the City Tax Equalization Meeting will be held on April 14th beginning at 5:00 p.m. She observed that the City-wide residential reappraisal figures will be determined in short order and all residents will receive written notice if their values increase by \$3,000 or if they increase by 15%. Assessor Stromberg said there will be a lot of notices sent and the meeting will probably show a marked increase in attendance. Answering a question from the Council, the Assessor said no notice is required for properties that are reduced in value.

Randy Pope of Interstate Engineers attended and presented--for approval--plans, specs, and additional information regarding 4th Avenue South Storm Sewer Project 1-1-98. He explained there was a public information meeting when the project got underway and then the required legal protest hearing before the Council on February 17th (there were no objections). Mr. Pope again discussed the scope of the project, construction process, and locations. He said the cost is still estimated at about \$1 million and the \$500,000 EDA grant award has been announced. Mayor Rood said the amount is actually \$501,600. Mr. Pope observed that with approval of the plans and specs the City Council could go ahead with advertisements for bids. Attorney Lies said Resolution 2886 schedules a bid opening at 3:00 p.m. on April 20, 1998.

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2885
**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT IN
STORM SEWER IMPROVEMENT DISTRICT 1-1-98**

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.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2886
RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT

**FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT
IN STORM SEWER IMPROVEMENT DISTRICT 1-1-98**

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.

The Public Works Director reported the City has been exploring application through the State Revolving Loan Fund for a half million dollars to replace Water Plant Controls. Mr. Lein said the City ranks 39th out of 44 on the priority list, but, he has received a letter that the City will more than likely be able to obtain funds in 1998 and he recommended the City seriously consider application. Mayor Rood instructed the Public Works Committee to meet with Director Lein, review the proposal, and make recommendation to the City Council.

Motion by Caspers, seconded by Loberg, to contract with Interstate Engineers for preparation of plans and specifications for Storm Sewer Improvement District 1-1-98. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The Loan Administrator distributed a draft listing of 26 persons being considered for the Mayor's Housing Task Force. Administrator Priebe also presented a notice and agenda for the initial meeting of the Task Force which will be held at Otter Tail Power Company's Community Room at 5:00 p.m. on Wednesday, March 25, 1998.

The Police Chief reported he has received a letter from the Church of God requesting permission (if necessary) to conduct a "Way of the Cross" walk on Saturday, April 11th. He described the walk and estimated total participation.

Motion by Loberg, seconded by Hauck, to approve a parade permit for Church of God on Saturday, April 11, 1998. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Chief Lotzer reported he has been pursuing an additional, 100% Federally-funded, C.O.P.S. grant based upon hardship, has received word the request is under review, and he would like to discuss the position with Committee. The Personnel & Public Safety Committee agreed to the request.

A letter had been received from the North Dakota Department of Health regarding a regulated volatile organic chemical (VOC) susceptibility waiver determination. Public Works Director Lein reported the letter means the Department's periodic tests of ground water samples reveals there is no problem with Wahpeton's water supply.

Mayor Rood appointed the following Inspectors of the June 9, 1998 City Election subject to confirmation:

FIRST WARD
SECOND WARD

LaRae Swenson
Reuben Brownlee

THIRD WARD
FOURTH WARD

pending
Beverly McRoberts

Motion by Meyer, seconded by Myhra, to confirm the Mayor's appointments of Inspectors. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Mayor Rood observed there had been a meeting of County, City, School, and Park representatives some time ago at which there was discussion on methods to hold down mill levies. The Mayor said he will be contacting officials in order to schedule a like meeting...hopefully during the week of March 30th. (Tentatively scheduled for Noon on Friday, April 3rd)

Mayor Rood stated there is a necessity for the City Council to consider a solution for the ongoing dilemma of providing for the legal physical requirements of a City Hall building. He asked the Public Works Committee to meet and come up with the recommended solution.

Councilmember Hauck reported on proposed Personnel Policy Manual Changes recommended by the Personnel & Public Safety Committee at its March 2, 1998 meeting.

Motion by Hauck, seconded by Loberg, to approve the following amendments to the City's Personnel Policy Manual: (1) Page 13 New Employee Orientation/Enrollment. Change "Supervisor" to "Benefits Administrator."

(2) Page 42 On-call. Top three Senior Patrol Officers rotate weekend on-call responsibility along with Supervisors...and

to adopt the "on-call" provisions policy (developed by Attorney Hickman) for each Department.

(3) Page 46 Miscellaneous Benefits. Change Cafeteria Benefit Plan to read, "...the plan includes medical insurance, life insurance, long-term disability and all other cafeteria benefits currently offered by the City." and, "...comments he or she should contact the Benefits Administrator.

(4) Page 59 Disciplinary Guidelines. Remove named Supervisors and replace with "Exempt Employees."

Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Mr. Hauck reported Economic Development Department Administrative Assistant Lorraine Slotten has completed one year of employment satisfactorily and the Committee has approved the budgeted salary increase to Grade 1B, Step 4.

Councilmember Sturdevant reported the Finance and Economic Development Committee met March 4th and continued the meeting on March 6th. He observed that details of his report are documented in the Finance and Economic Development Committee Minutes of those dates. His verbal reports of the items to the City Council were:

(1) Computer network training is under review by the Personnel Committee.

(2) Local cost of levee construction is currently estimated at \$4 million and the Committee is exploring revenue sources other than property taxes.

(3) The County Auditor alerted the Committee that there are \$51,927.23 of T.I.F. taxes unpaid as of March 1st...the City

Auditor reported there appears to be enough surplus in the bond payment fund to take care of this year's

obligations so a City-wide mill levy probably won't be necessary in 1998...but the situation is being watched

closely.

(4) The City will provide interim advance funding and final local cost of the Aerial Survey Contract through the Water Operating Fund.

(5) The Committee decided to deny the proposal for advance refunding of a bond issue as the savings wouldn't be realized until 2007...further to keep an eye on interest rates and perhaps add the refunding as part of a new bond issue.

(6) Reviewed with City Assessor Stromberg, the Robert Ostmo airport hanger abatement of taxes request...based partially upon income and expense. The Committee reviewed the Assessor's determinations and agreed with the Assessor's

recommendation for denial. Mr. Caspers said he had missed the Committee meeting and wondered what were the

deciding factors. Mr. Sturdevant said it was that square footage values were determined to be proper and that

income & expenses are not part of the current assessment criteria.

Motion by Sturdevant, seconded by Christensen, to approve the Finance Committee's recommendation and provide interim advance funding and final local cost through the Water Operating Fund for the Digital Aerial Survey which has been jointly approved by Breckenridge/Minnesota DNR and Wahpeton/State Water Commission/Richland County. Motion carried 7-1. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg,; voting nay: Caspers.

Motion by Sturdevant, seconded by Christensen, to concur with the Finance Committee's decision to recommend to the Richland County Commission that it deny the Abatement and Settlement of Taxes request submitted by Robert Ostmo. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Mr. Sturdevant further reported that members of the Flood Mitigation Committee had held a beneficial meeting on March 6th with State Legislators of the 25th & 27th Districts. He said the conversations revolved around State and Federal help with levee protection costs.

Councilmember Christensen reported the Public Works Committee has met and reviewed the revised version of Ordinance 787 regarding downtown sidewalk snow/ice removal and recommends adoption. The City Attorney read and explained each of the Ordinance sections.

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

ORDINANCE NO. 787

**AN ORDINANCE REGULATING REMOVAL OF SNOW AND ICE FROM
SIDEWALKS FOR BUSINESS AND COMMERCIAL ENTERPRISES**

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

The Auditor reported a letter, signed by 20 southside property owners, has been received asking that they be kept up to date on total costs, grants, local projected costs, and estimated special assessments for the 1-1-98 Storm Sewer Project.

Motion by Sturdevant, seconded by Caspers, to approve the following reports: JAN Wahpeton Water Works, FEB Wahpeton Water Works, 3/4/98 & 3/6/98 Finance & Economic Development Committee meeting minutes, 3/2/98 Personnel & Public Safety Committee meeting minutes. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Sturdevant, seconded by Loberg, to approve bills listed and presented in the amount of \$141,864.57 and that warrants be drawn upon 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:

| | |
|--------------------------------|--------------------|
| FLOOD MITIGATION | 12:00 noon 3/17/98 |
| PUBLIC WORKS | 12:00 noon 3/19/98 |
| PERSONNEL & PUBLIC SAFETY | 12:00 noon 3/23/98 |
| FINANCE & ECONOMIC DEVELOPMENT | not scheduled |

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

ATTEST:

Dan Rood, Jr., Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

APRIL 6, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 6th day of April 1998 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, Woody Caspers.

The following were absent: None.

Officers present: Public Works Director, Loan Administrator, Assessor, Economic Development Director, City Attorney, City Auditor.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve minutes of the regular meeting held March 16, 1998. Motion carried.

The City Auditor presented an affidavit showing the advertisement of bids for the construction of the improvement proposed to be made in Sewer and Water Improvement District 1-2-98 (Property Area A-Oakwood Avenue; Property Area B-500 Block 4th Street North).

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 City Auditor then presented sealed bids which had been received pursuant to said advertisement before the time of this meeting. The bids having been opened at 2:00 p.m., 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 bids were found to be as follows:

| <u>Name & Address of Bidder</u> | <u>Prop. Area A.</u> | <u>Prop Area B.</u> |
|---|----------------------|---------------------|
| Total Bid Amount Comstock Construction | | |
| Wahpeton, ND | \$ 29,997.50 | \$ 28,180.05 |
| \$ 58,177.55 | | |
| Schipper Construction, Inc. | | |
| Fargo, ND | 28,541.30 | 25,909.02 |
| 54,450.32 | | |

Kindred Plumbing & Heating

Kindred, ND
40,819.04

20,763.20

20,055.84

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Loberg, and carried, the City Auditor was then directed to enter the bids upon the minutes of this meeting and to preserve them carefully pending final action thereon.

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Loberg, and carried, the Engineer planning the improvement for the City was then directed to make a careful and detailed statement of the estimated cost of the work based upon the bids received, and to submit the same to the Council.

The Council then re-examined the bids received for construction of the improvement in Sewer and Water Improvement District 1-2-98 (Property Area A-Oakwood Avenue; Property Area B-500 Block 4th Street North), which bids were received on the 6th day of April, 1998, together with a statement by the Engineer planning said improvement for the City of the estimated cost of said improvement under the terms of the respective bids. The Engineer recommended the contract be awarded to Kindred Plumbing and Heating for its low bid of \$40,819.04. After examination of the report of the Engineer and consideration of the bids, Councilmember Christensen then introduced the following Resolution and moved its adoption:
RESOLUTION NO. 2887

**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF AN
IMPROVEMENT IN SEWER AND WATER IMPROVEMENT DISTRICT 1-2-98
(PROPERTY AREA A-OAKWOOD AVENUE)
(PROPERTY AREA B-500 BLOCK OF 4TH STREET NORTH)**

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 Council then re-examined the bids received for construction of the improvement in Street Improvement District 2-1-98 (Property Area A-Northside Seal Coat; Property Area B-Westmore Avenue; Property Area C-Kidder Recreation Area), which bids were received on the 16th day of March, 1998, together with a statement by the Engineer planning said improvement for the City of the estimated cost of said improvement under the terms of the respective bids. The Engineer recommended the contract be awarded to Mark Sand & Gravel for its low bid of \$137,613.78. After examination of the report of the Engineer and consideration of the bids, Councilmember Christensen then introduced the following Resolution and moved its adoption:
RESOLUTION NO. 2888

**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF AN
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-98
(PROPERTY AREA A-NORTHSIDE SEAL COAT)
(PROPERTY AREA B-WESTMORE AVENUE)
(PROPERTY AREA C-KIDDER RECREATION AREA)**

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 Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-481
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, 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 Loberg offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-481
NORTH DAKOTA QUARTER HORSE YOUTH 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, 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 a listing of applications for Fireworks Sale Licenses. He observed that City Ordinances allow 6 licenses based upon population, all 6 current license holders applied for renewal, and a seventh application was submitted as well. The Auditor reported the Council has historically approved renewal to existing license holders.

Motion by Hauck, seconded by Keogh, to approve the following Fireworks Sale Licenses:

| <u>APPLICANT</u> | <u>BUSINESS/ADDRESS</u> | |
|--|---|--------------------------------------|
| <u>SALE/ADDRESS</u> | | |
| 1. TERRY STURDEVANT Pk Lot Ave.) | Car Pro 209 4th St. South | Sturdevants (109 Dakota |
| 2. JEFF CHRISTOPHERSON Fireworks Ave. | Colonial Rental 1101 Dakota Ave. | Jerryø 1101 Dakota |
| 3. LARRY THIELE Ave. | Ben Franklin Store 406 Dakota Ave. | Ben Franklin Store 406 Dakota |

- 4. MIKE ERLANDSON** Captain Clean Big Mike's
Fireworks 1331 7th St. North 2003 9th St.
North
- 5. JERRY PRANTE** Prante's, Inc. Buffington's
802 2nd St. South 995 21st Ave.
North
- 6. PERRY MILLER** Miller's True Value FFA Alumni
Chapter 403 Dakota Avenue (Rich. Co. Vo-
Tec) 2101 9th St.
N.

Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The City Auditor distributed two applications for special Off-premises Liquor Sale Permits. He said the required insurance proof has been submitted for both. The Auditor reported he has been informed the Park Board has voted to allow sales at designated Randall Field locations.

Motion by Meyer, seconded by Sturdevant, to approve the following Special Off-premises Liquor Sales Permits subject to completion of requirements as directed by the Chief of Police:

| <u>APPLICANT</u> | <u>SALE/ADDRESS</u> | <u>EVENT DATE</u> | <u>PURPOSE</u> |
|---|---|-------------------|----------------|
| BUFFINGTON'S CLASS C-1 #522 Fund Raiser | Wahpeton Armory 304 5th Street South | April 24, 1998 | Zoo |
| P.O.E.T.S. Hawks Baseball - CLASS A #517 Baseball Fund Raiser | John Randall Field Chahinkapa Park-1st St. North | May 20, 1998 | Red Legion |

Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The Auditor distributed copies of the City's 1997 *Financial Statement and City Auditor's Report*. He said the report contains all financial documentation of City funds and extra copies are available for the asking.

The Auditor then passed around a copy of the March/April "One Year Has Passed" pamphlet from the Village Family Service Center which looked back at the 1997 flood and contained several personal interest stories along with expressions of gratitude. He noted that page 12/13 featured a

photo of Wahpeton's Aaron and Marie Fairbanks who complimented the Public Works Director with the following quote: *“There was this guy by the name of Jerry, who was watching the dike and water level every hour on the hour all day and all night long. It made us feel a lot safer.”*

The City Assessor reported the City Board of Equalization meeting will be held at the Law Enforcement Center's Community Room on Tuesday, April 14th. She said the updates and overview with the City Council will begin at 4:00 p.m. and appeals will be scheduled beginning at 5:00. Assessor Stromberg said entry of all figures from the mass reappraisal of residential property has been completed and about 625 notices of increase were mailed to Residential Property Owners. She said the mailings were based upon a minimum increase of \$3,000 and 15% excess or more of former valuation.

The Public Works Director discussed a recommended amendment concerning Zoning Ordinances for older sections of the City. He proposed that a *“Special Exception”* be created in order to allow consideration for construction of a home on currently unbuildable or misconfigured property. He said the Special Exception would provide for reasonable square footage and set-back deviations to allow the Board of Adjustment to review applications on a case-by-case basis. Mr. Lein observed there are a few loose ends to be worked out but suggested first reading of an Ordinance could be offered in the meantime.

Councilmember Loberg offered first reading of the following Ordinance:

ORDINANCE NO. 788
AN ORDINANCE AMENDING SECTION 16-722
SPECIAL EXCEPTION

Director Lein discussed approval of a *“Contract for Professional Services”* with Lake Agassiz Regional Development Corporation for administration of the (\$501,600) EDA Grant for the 4th Avenue South Storm Sewer Project. He explained that the contract would be through January 24, 1999 and would not exceed \$5,000.

Motion by Sturdevant, seconded by Meyer, to authorize execution of the Contract with Lake Agassiz Regional Development Corporation for administration of the 4th Avenue South Storm Sewer EDA Grant. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The Public Works Director distributed a map of a portion of Chahinkapa Park upon which appeared the Wahpeton Park Board-approved relocation of RJ Hughes Drive from the swimming pool area thence north and east around the duck pond to its junction with 8th Avenue. Mr. Lein said the location is agreeable and proposes the project be added to Flood Mitigation District 5-1-97 as Phase 1-A.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2889
RESOLUTION ADDING PHASE 1-A TO
FLOOD MITIGATION DISTRICT 5-1-97
(CHAHINKAPA PARK AREA)

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 Public Works Director reported a FEMA letter has just been received concerning a City rating system which could have an effect on flood insurance. As recommended by Mr. Lein, Mayor Rood assigned the matter to the Flood Mitigation Committee.

Director Lein reported the City will again join with Wilkin and Otter Tail Counties to provide for disposal of hazardous household wastes. He said the Wilkin County Highway Garage will again be the drop-off point on Saturday May 2nd between the hours of 9:00 a.m. and 1:00 p.m.

Mr. Lein said the City's Cleanup Week will probably be during the week of April 27th but the final decision hasn't been made. He said there will be plenty of publicity when dates are determined. The Director added that the tree disposal area road is inaccessible at the present time and there will also be an announcement when the site is opened for the public's convenience.

The Public Works Director completed his report by noting the deterioration of the Highway 127 railroad crossing is the City's problem and will be repaired when weather permits. He said the City is working with the Red River Valley and Western Railroad to schedule the time to dig out the old asphalt and replace it with new hot mix.

The Economic Development Director reported there is a revised proposal for the Penney's project which should be analyzed by Committee. Councilmember Sturdevant said the Finance & Economic Development Committee will meet and review the new proposal.

Director Krauseneck reported the new levee will cause relocation of Dean's Landscaping. He said the business will qualify for a relocation loan through the North Dakota Office of Intergovernmental Assistance with the City as the sponsoring agency through a Resolution.

Councilmember Caspers offered the following Resolution and moved its adoption:

RESOLUTION NO. 2890

RESOLUTION OF SPONSORSHIP

DEAN'S LANDSCAPING DISASTER RECOVERY LOAN

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 Loan Officer reported there will be a ceremony at the Dakota Avenue/Minnesota Avenue Interstate Bridge on April 17th to commemorate the anniversary of the great flood of 1997. She said invitations will be received by all Councilmembers shortly.

The Auditor reported notice has been received that, due to the original Good Friday deadline, the final Election Petition filing date has been extended to Monday, April 13th.

A letter was received from Tom Bertelsen/Smokes Signs of Hankinson, asking if the City Council would consider amending its Ordinance dealing with benches on downtown sidewalks. The letter included pictures of signed benches located in other communities. The request was turned over to the Personnel & Public Safety Committee.

A petition, signed by adjoining property owners, was received requesting vacation of a short portion of undeveloped 5th Avenue South between Center Street and 1st Street SE. Upon recommendation of the Public Works Director, the City Council directed the proposal be reviewed by the Planning Commission.

Letters were received from the Wahpeton Area Chamber of Commerce requesting approval for a Parade Permit during Carousel Days and for possible waiver of Amusement Device Licensing Fees. The Kiddie and Grand Parades are scheduled for June 13th and would utilize portions of 5th Avenue North, 11th Street North, and Dakota Avenue. The Chamber will pitch its tent in Chahinkapa Park on June 13th and 14th, plans to install amusement devices therein and are asking the City to consider waiver of the license fees.

The Auditor reported Police Chief Lotzer's mother-in-law passed away and he was unable to attend tonight's meeting. Mr. Anderson suggested the Parade Permit be approved subject to the Police Chief's approval of all other conditions.

Motion by Loberg, seconded by Hauck, to approve a Parade Permit for the Wahpeton Area Chamber of Commerce on June 13, 1998 subject to arrangements agreeable to the Police Chief. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Mayor Rood instructed the Finance & Economic Development Committee to consider the request for license fee waiver.

A letter was received requesting donation for the annual Independence Day fireworks display in Chahinkapa Park. A motion was approved to again donate \$100.00. (The donation will be made through funds of the Visitors' Committee)

A letter was received from Doug Bartels asking the City to review Ordinances dealing with Winter Parking Policy. The matter was turned over to two Committees for review and response: Personnel & Public Safety and Public Works.

The City Auditor brought the Council's attention to a Certificate in the correspondence folder revealing that Connie Stromberg has successfully completed all of the requirements of the North Dakota Century Code and is certified as a "Class 1 City Assessor" as of April 1, 1998. Mayor Rood and the Councilmembers conferred their congratulations to Ms. Stromberg.

Mayor Rood presented a memo to the City Council. Item #1 was an attachment regarding the Agenda for the North Dakota League of Cities Regional Meeting which will be held at Wahpeton's Eagles Club on April 21st beginning at 2:00 p.m. He urged all members to attend.

Item #3 of the Mayor's memo stated there will be a follow-up housing meeting in the next two weeks for those who volunteered to serve on a committee to continue plans for determining methods to provide entry level housing units.

The Mayor's item #2 proposed that the City Council consider an item on the June 9th Ballot to clarify the vote of 1996 regarding publication of City minutes. Mayor Rood apologized for such short notice but said he had just learned today that all ballot proposals must be arranged 60 days before the election date. He noted the item is not on the Agenda and Ordinances will only allow consideration if the rules are suspended by a unanimous vote.

Motion by Sturdevant, seconded by Caspers, to suspend the rules and allow action on a motion to consider adding the Mayor's request for a "publication" vote on the June 9th Ballot, a matter which does not appear on the Agenda. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Mayor Rood said his recommendation is to place a measure on the City Election Ballot asking the citizens to re-vote on the publication of minutes, and, that the cost be shown as \$8,500 per year. He said a new vote would clarify the amount required...would show the public there is an expense and what the expense is.

Motion by Caspers, seconded by Hauck, to place the "publication" question on the June 9, 1998 City Election ballot.

Councilmember Sturdevant wondered if the \$8,500 figure is close to the actual cost on publishing the minutes, bills, ordinances, and resolutions. Mayor Rood said he felt it was.

Councilmember Meyer said it is his understanding that the vote is to be every 4 years. He wondered if a new vote would mean the next date for the question would be in 2002.

The City Attorney reviewed NDCC statutes. He said the law states the vote on the question-in every North Dakota City-had to begin in 1996 and then has to be voted upon every 4 years thereafter. Attorney Lies said the Law was satisfied in 1996 and a vote in 1998 would not be tied to State Law so it would be advisory and non-binding...similar to the Cabaret vote.

Mayor Rood said he felt if the vote to approve publishing was positive it couldn't be voted on until 4 years later...but that every 4 years is a minimum if there is a negative vote.

Councilmember Caspers wondered if the City Ordinances have to be changed to make the vote binding. The City Attorney stated that would be one of the powers allowed under Home Rule provisions....the City Council would propose an Ordinance to be voted upon by the public.

Councilmember Christensen said he felt the matter had been settled two years ago and it isn't necessary to vote again until the 4 years are up.

Councilmember Meyer said he couldn't see the Council not heeding the results of the vote. He wondered if there should be a range of cost.

Mayor Rood said he feels the \$8,500 figure is a correct figure...rather than the range of cost on the 1996 ballot. He said the measure was defeated by a large 3-to-1 or 2/3-1/3 margin in 1996 and the new margin will be a determining factor.

Councilmember Keogh wondered if the amount could be guaranteed during the two years.

A vote was then taken on the motion to include the following on the June 9, 1998 City Election Ballot: *“Shall the Minutes of the City of Wahpeton Council meetings be published in the official newspaper as a legal notice at an estimated cost of \$8,500 annually?”* The motion was approved on a vote of 7 in favor and 1 opposed. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: Loberg.

Motion by Hauck, seconded by Sturdevant, to approve the recommendation of the Personnel & Public Safety Committee and amend all sections of the Personnel Policy Manual regarding part-time, permanent part-time, and full-time employee definitions and regulations. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Hauck, seconded by Meyer, to approve the recommendation of the Personnel & Public Safety Committee and adopt the proposed Performance Review Forms entitled, “Police Department,” “Street Department,” “General Employee,” and “Exempt Employee.” Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Hauck, seconded by Loberg, to approve the recommendation of the Personnel & Public Safety Committee and adopt the new section of the Personnel Policy Manual entitled, ELECTRONIC COMMUNICATION POLICY. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Councilmember Hauck said the Committee will continue discussion of the Assessor's budgeted salary adjustment and offer a report at the Council's April 20th meeting.

Mr. Hauck reported on the status of the Hay study. He said information is being received and the Committee met with supervisors today to discuss job classifications.

Mayor Rood said he learned Friday that the Park will not be receiving funds for a Park Patrol Officer. He noted that part of the disaster declaration allows the City to apply for a C.O.P.S. officer for a 3-year period at no local cost and asked the Committee to keep on top of discussions regarding the position.

Councilmember Christensen reported the Public Works Committee has reviewed the need and method of funding approximately \$520,000 for new controls at the Water Plant. He said the Committee recommends proceeding with the project...the first step would be to secure funding through the State's Drinking Water Revolving Loan Fund.

Randy Pope of Interstate Engineering attended and stated, with Council approval, application would be submitted to the State Health Department for the Revolving Loan Fund's low interest loan estimated at between 2 1/2 and 4%.

Motion by Sturdevant, seconded by Loberg, to authorize application to the North Dakota Department of Health for a Drinking Water Revolving Loan Fund low interest loan to fund costs for new Water Plant Controls. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Christensen, seconded by Caspers, to contract with Interstate Engineers to prepare the loan application, prepare a feasibility study, and complete all other additional engineering procedures for the Water Plant Controls Project. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Loberg, seconded by Christensen, to approve the following reports: MAR Police Department; FEB Municipal Court; 3/17/98 and 3/24/98 Flood Committee Minutes; 3/10/98 and 3/23/98 Personnel & Public Safety Committee Minutes; 3/19/98 Public Works Committee Minutes. 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 \$214,163.34 and that warrants be drawn upon 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 4/07/98 |
| <i>Joint</i> PUBLIC WORKS and PERSONNEL & PUBLIC SAFETY | 12:00 noon 4/09/98 |
| PERSONNEL & PUBLIC SAFETY | 12:00 noon 4/14/98 |

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

Dan Rood, Jr., Mayor

ATTEST:

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

APRIL 20, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 20th day of April 1998 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, Woody Caspers.

The following were absent: None.

Officers present: Public Works Director, Loan Administrator, Assessor, Economic Development Director, City Attorney, City Auditor.

Mayor Rood presided at the meeting.

Motion by Hauck, seconded by Loberg, to approve minutes of the regular meeting held April 6, 1998. Motion carried.

The City Auditor presented an affidavit showing the advertisement of bids for the construction of the improvement proposed to be made in 4th Avenue South **Storm Sewer Improvement District 1-1-98 (EDA Project No. 05-19-59050)**.

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Keogh, and carried, the affidavit was approved and directed to be placed on file in the office of the City Auditor. The City Auditor then presented sealed bids which had been received pursuant to said advertisement before the time of this meeting. The bids having been opened at 3:00 p.m., 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 bids were found to be as follows:

| <u>Name & Address of Bidder</u> | <u>Base Bid</u> | <u>Deduct Alt. 1</u> |
|---------------------------------------|----------------------|----------------------|
| <u>Deduct Alt. 2</u> | | |
| Kindred Plumbing & Heating | \$ 829,169.90 | \$ 14,000.00 |
| \$ 14,000.00 | | |
| Kindred, N Dakota | | |
| Quam Construction | 841,563.10 | 13,125.00 |
| 13,125.00 | | |
| Willmar, Minnesota | | |

| | | |
|---|---------------------|------------------|
| Geo. E. Haggart, Inc. 17,000.00 Fargo, N Dakota | 860,703.50 | 17,000.00 |
| Schipper Construction 14,875.00 Fargo, N Dakota | 875,161.00 | 14,875.00 |
| Wanzek Construction, Inc. 17,800.00 West Fargo, N Dakota | 974,032.10 | 17,800.00 |
| Sellin Bros. 13,000.00 Hawley, Minnesota | 988,377.00 | 13,000.00 |
| H & W Contracting 13,500.00 Sioux Falls, S Dakota | 1,060,677.00 | 13,500.00 |
| Dakota Underground 14,000.00 Fargo, N Dakota | 1,135,409.00 | 14,000.00 |

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Keogh, and carried, the City Auditor was then directed to enter the bids upon the minutes of this meeting and to preserve them carefully pending final action thereon.

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Keogh, and carried, the Engineer planning the improvement for the City was then directed to make a careful and detailed statement of the estimated cost of the work based upon the bids received, and to submit the same to the Council.

The Council then re-examined the bids received for construction of the improvement in 4th Avenue South Storm Sewer Improvement District 1-1-98 (EDA Project No. 05-19-59050), which bids were received on the 20th day of April, 1998, together with a statement by the Engineer planning said improvement for the City of the estimated cost of said improvement under the terms of the respective bids. The Engineer observed that the engineer's estimate was \$810,000.00 and recommended the contract be awarded to Kindred Plumbing & Heating for its low bid of \$829,169.90 subject to concurrent approval by the Economic Development Administration (EDA) and Department of Housing and Urban Development (HUD). After examination of the report of the Engineer and consideration of the bids, Councilmember Christensen then introduced the following Resolution and moved its adoption:

RESOLUTION NO. 2891

**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF AN
IMPROVEMENT IN STORM SEWER IMPROVEMENT DISTRICT 1-1-98**

(4TH AVENUE SOUTH - EDA PROJECT NO. 05-19-59050)

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.

The Public Works Director reminded the Council that a letter had been received from property owners in the 1-1-98 assessment district asking to be kept informed of construction bids and estimated special assessments. Upon the Director's recommendation, Mayor Rood instructed the Public Works Committee to notify the petitioners and invited them to the Committee's next meeting.

Planning Commission President Keogh reported the Commission has reviewed the petition received requesting vacation of undeveloped 5th Avenue South between Center Street and 1st Street SE. She said the Planning Commission determined vacation of the Street has not affected, nor will it affect, proper development of the City.

Motion by Keogh, seconded by Hauck, to authorize publication of legal notice for a public hearing at 5:00 p.m. on Monday, June 1, 1998 for the proposed vacation of undeveloped 5th Avenue South between Center Street and 1st Street SE. 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:

GAMES OF CHANCE RESOLUTION NO. GC-483
SONS OF NORWAY

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, 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 Loberg offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-484
WAHPETON-BRECKENRIDGE SOFTBALL ASSOCIATION

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 Keogh offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-485
CHAHINKAPA ZOO ASSOCIATION

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.

Motion by Sturdevant, seconded by Hauck, to approve the 7/1/98-6/30/99 Games of Chance Site Authorization for Wahpeton Eagles Club. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The City Auditor informed the Council that a letter had been received this date from TCI of the Valley regarding a recent Court decision dealing with computation of Cable TV Franchise Fees. Mayor Rood instructed the Public Works Committee to review the documentation with the City Attorney.

The Auditor reported the Police Department conducted a check of tobacco sales to minors and found violations by six businesses. He said the City Attorney's Office had sent letters of reprimand as the City Ordinances proscribe for a first offense. Upon recommendation of the Auditor, Mayor Rood instructed the Personnel & Public Safety Committee to review the reports of the tobacco sale investigation and violations with the City Attorney's Office.

Reporting for the City Assessor, Mayor Rood stated the Board of Equalization will be continued and completed on Monday, May 4th beginning at 4:30 p.m.

The Public Works Director reported on drainage requirements between the old and new levees on the north side. He said the cost will be \$6,651.00 and presented a proposed change order for installation of two drain pipes to eliminate drainage problems.

Motion by Christensen, seconded by Caspers, to approve Change Order No. 3 for Flood Mitigation Project 5-1-97 in the amount of \$6,651.00 to provide for drainage between old and new levees. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Director Lein reported City Clean-up Week will commence Monday, April 27th and boulevard pick-up will coincide with days of regular household solid waste collection. He said the tree disposal site will open April 28th for the summer and will then be available to City residents between the hours of 9 a.m. and 2 p.m. Tuesdays, Thursdays, and Saturdays.

The Public Works Director confirmed May 2nd as the day to bring hazardous wastes to the Wilkin County Shop Building. He said volunteers for that day are needed.

The Police Chief said he has received notification that Federal cost sharing of the original C.O.P.S. position will be extended for a fourth year. Mr. Lotzer said the Federal share will be 20%, the feds need notification by April 30th, and he recommends the extension offer be accepted.

Motion by Sturdevant, seconded by Hauck, to approve a one-year extension of the original C.O.P.S. agreement with the U.S. Department of Justice at a local cost sharing of 80%. Motion

carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

A letter was received from Red River Human Services documenting purchase, rents, and building sale amounts regarding the PL-1-79 Parking Lot Project on the south side. He noted Red River's expansion request onto part of the lot is currently on hold.

Mayor Rood reported on investigations following Senator Conrad's observation about the Pentagon's 5-year Defense Plan List and the absence on the list of a funding proposal for the new Wahpeton Armory. The Mayor said he had made some contacts last week, found there are several lists, and the Wahpeton Armory is indeed on the Pentagon's 5-year Plan. He said contact with Washington today reinforced the information. Mayor Rood said this means construction of the Armory could get started in 1999...and the latest start would be 2003.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the three assigned items will be continued to the May 4th Council meeting.

Councilmember Sturdevant reported for the Finance & Economic Development Committee. He said the Committee discussed the Penney's financing matter and decided it will not be submitted to the City Council. Mr. Sturdevant said the Committee recommends issuance of the Amusement Device License to the Chamber of Commerce for machines in its tent during Carousel Days...but to waive the license fee.

Motion by Sturdevant, seconded by Christensen, to approve an Amusement Device License for the Chamber of Commerce during Carousel Days and to waive the license fee. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Councilmember Sturdevant reported the Southside Parking Lot proposal will remain on hold until the Economic Development Director completes negotiations.

Councilmember Christensen reported for the Public Works Committee. For years, he said, the Committee has been studying methods for a solution to bring City Hall into compliance with the American with Disabilities Act. Mr. Christensen said the Committee has completed its assignment and is prepared to offer a recommendation.

Motion by Christensen, seconded by Caspers, for the City of Wahpeton to accept the offer of Otter Tail Power Company for purchase of its building, surrounding grounds, and additional 12 acres of land located along 4th Street North in Wahpeton, North Dakota on a Contract for Deed in the sum of \$1,175,000.00 under the following terms and conditions:

1. \$550,000.00 Down Payment.
2. \$625,000.00 paid in *six equal installments* with interest at the rate of 6 1/2% per annum.
3. That the Contract for Deed shall provide that Otter Tail Power Company will not have the right for specific performance as a remedy for any default on the part of the City.

Councilmember Meyer stated Otter Tail may request monthly payments and offered an amendment of the motion to state the Contract for Deed payments will be *six equal installments or the equivalency thereof*. The motion was seconded by Councilmember Sturdevant, and the motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Councilmember Meyer reported all Councilmembers and the news media have received documentation of the offer, including the City's ability to finance the down payment and Contract for Deed payments.

Councilmembers Hauck and Myhra reported the questions they had raised at the Committee meeting have been satisfactorily answered.

Councilmember Sturdevant observed that the Otter Tail Building contains several truck bays and the facility will also serve for northside storage of fire fighting vehicles, plus, if necessary, it could be utilized by the Police Department in the future.

Upon roll call vote being taken on the original motion, as amended, to purchase the Otter Tail Power Company Building, surrounding grounds, and additional 12 acres of City Hall relocation, the following Councilmembers voted in favor: Hauck, Sturdevant, Keogh, Meyer, Christensen, Loberg, Caspers; the following Councilmember voted against the motion: Myhra. Whereupon Mayor Rood declared the motion adopted on a vote of 7 in favor and 1 opposed.

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

ORDINANCE NO. 788
AN ORDINANCE AMENDING SECTION 16-722
SPECIAL EXCEPTION

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

Motion by Sturdevant, seconded by Meyer, to approve payment of bills presented in the amount of \$243,896.04 and that warrants be drawn upon 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:

| | | |
|------|--------------------------------|----------------------------|
| | FLOOD MITIGATION | Monday, April 27th - NOON |
| | PERSONNEL & PUBLIC SAFETY | Monday, April 27th - 5:00 |
| p.m. | PUBLIC WORKS | Tuesday, April 28th - NOON |
| | FINANCE & ECONOMIC DEVELOPMENT | Not Scheduled |

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

ATTEST:

Dan Rood, Jr., Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

MAY 4, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 4th day of May 1998 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, Woody Caspers.

The following were absent: None.

Officers present: Public Works Director, Loan Administrator, Police Chief, Assessor, Economic Development Director, Deputy City Attorney Hickman, City Auditor.

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve the minutes of the regular meeting held April 20, 1998. Motion carried.

James Brownlee of the State Auditor's Office attended and reviewed the 1997 audit of City records. All Councilmembers had been supplied with a copy of the 33-page audit report. With some minor exceptions, Mr. Brownlee said, the records are complete, accurate, and conform with requirements of the North Dakota Century Code; the variations were listed along with recommended corrections. He expressed his gratitude to City Hall staff members for their cooperation during the examination. Mr. Brownlee said the Library, audited as a component unit, has been operating at a loss for the past two years and reserves will be used up unless the trend is reversed.

Motion by Caspers, seconded by Sturdevant, to approve the 1997 audit of City records. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Attorney Fred Strege appeared on behalf of the Bois de Sioux Golf Club. He said the Club's Board of Directors has contracted with Rhonda & Allen Weiland to manage the food and beverage operation at the new clubhouse. The attorney said LaVerne Reinbold of the North Dakota Attorney General's Office licensing division recommends that the Club's on-sale Liquor License be amended as a joint license to include the name of the contracted manager. Mr. Strege said City Attorney Lies agrees the joint license is o.k. by City statutes. He then submitted a Liquor License application, signed by Rhonda Weiland, for the Bois de Sioux's license to jointly include the name of the Weiland's corporation once it is formed. Mayor Rood announced that the police have

conducted a records check and the Chief has submitted a memo stating Rhonda Weiland's history would not preclude her from acting as a Liquor License Manager.

Rhonda Weiland addressed the City Council. She expressed appreciation for being selected to manage the food and beverage operation at the facility and stated she would do a good job. Ms. Weiland said she recognizes the operation to be a great responsibility and will conduct training sessions for the staff to ensure proper operation.

Motion by Loberg, seconded by Keogh, to approve an amendment to the Bois de Sioux Golf Club's Class C-5 (On-sale Club/Lounge) Liquor License adding the Weiland's Corporation as a joint licensee; the amended License to be issued upon the City Auditor's receipt of incorporation papers. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Attorney Strege, who also serves on the golf board, reported the construction of the clubhouse is coming along nicely and may be ready for occupation by the middle of June. He observed some road work is necessary to allow proper access and pledged cooperation wherever necessary to allow the facility to be up and running around July 1st.

Councilmember Keogh reported the Planning Commission met earlier in the day and reviewed plans submitted by Francis Schmidt to add "Schmidt's Fourth Addition" to his development in the Extra Territorial Zoning Area. She said the Commission will hold a public hearing at 4:00 p.m. on June 1st. It was pointed out that it is not necessary for the City Council to also conduct a public hearing.

Motion by Sturdevant, seconded by Hauck, to approve the Head of the Red Youth Activities Association's gaming site permit at Buffington's for the period of July 1, 1998 through June 30, 1999. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Caspers, seconded by Loberg, to approve the Red River Human Services Foundation's gaming site permit at Oasis Stage Bar for the period of July 1, 1998 through June 30, 1999. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Caspers, seconded by Hauck, to approve the Red River Human Services Foundation's gaming site permit at Teddy's for the period of July 1, 1998 through June 30, 1999. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The City Auditor presented proposed farm land lease agreements for 1998. He recommended renewing the "Schuett" agreement with John Samuelson and approving an initial agreement with Bruce Christianson for the recently-acquired "Riverside/Meyer" property. The Auditor noted that both agreements provide zero rental cost but the lessees agree to seek no compensation for crops destroyed should the City have cause to utilize parts of the property for any reason. He said the give and take provision has worked out very well to this point.

Motion by Keogh, seconded by Loberg, to approve renewal of the Schuett Addition Farming Agreement with John Samuelson for the year 1998. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Sturdevant, seconded by Caspers, to approve execution of the Riverside/Meyer Addition Farming Agreement with Bruce Christianson for the year 1998. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The City Auditor said he was saddened to report that Auditor's Assistant Barbara Cole had tendered her resignation effective May 31st. He said he has come to rely heavily on Ms. Cole's assistance and would like to complete arrangements to fill the position as soon as possible. The Personnel Committee agreed to meet with the Auditor as soon as possible.

The Public Works Director discussed a proposed change order for Flood Mitigation Project 5-1-97. He described the various adjustments...some up, some down...amounting to a net increase of \$8,048.00. Mr. Lein recommended approval.

Motion by Christensen, seconded by Meyer, to approve Project 5-1-97 Change Order #4 with the Contractor, Fagan Inc., in the amount of \$8,048.00. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Director Lein reported the North Dakota State Water Commission has formally agreed to share in 50% (not to exceed \$14,756.00) of the City's cost for the Digital Aerial Survey.

The Public Works Director reported on the North Dakota Department of Transportation's Urban Program List for the City of Wahpeton. He said 210 By-pass reconstruction is scheduled for fiscal years 1999 and 2000 while 4th Street North reconstruction is on the list for fiscal year 2000.

Mr. Lein concluded his report by revealing that the survey conducted by the Insurance Services Office is complete and the City has retained its Class 5 fire insurance rating.

The Economic Development Director reported there will be a public informational meeting at Stern Cultural Center on the NDSCS campus at 7:00 p.m., May 6th. At that time school officials will outline proposed cuts as ordered by the Governor's 5% reduction order.

Director Krauseneck reported the Economic Development Commission will be meeting tomorrow and he anticipated there will be a recommendation on sales tax matters which will require immediate consideration by the City Council. In light of that, he requested consideration for tonight's Council meeting being recessed until 5:00 p.m. on Thursday, May 7th.

Deputy City Attorney Linda Hickman reported the Personnel & Public Safety Committee requested her to draft a proposed Resolution designating the City Auditor as General Licensing Officer to act in that capacity as provided in all Ordinance sections where a Licensing Officer isn't

specifically identified. With adoption of the Resolution, she said, the Auditor would then be authorized to issue the warning letters for tobacco sales violations.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2892
RESOLUTION DESIGNATING WAHPETON CITY AUDITOR
AS GENERAL LICENSING OFFICER FOR ALL CITY LICENSES

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

Mayor Rood requested Committees to discuss the following:

Personnel & Public Safety Committee - A proposed June meeting to discuss planning & goal setting.

Public Works Committee - Process for City Hall changeover to the Otter Tail Power building.

Finance & Economic Dev. Committee - 1. Disposition of existing City Hall 2. Financing options for new City Hall.

Mayor Rood expressed his appreciation to members of the Police Department for escort and assistance during the Governor's visit.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said Connie Stromberg has earned her *Class 1 City Assessor's License* through the North Dakota State Tax Commissioner's Office, and, as the City's 1998 Budget was approved pledging a 3 1/2% salary adjustment for obtaining the license, the Committee has voted 3-0 to grant the salary adjustment, retroactive to the certificate's issue date of April 1, 1998.

Motion by Hauck, seconded by Meyer, to approve the Public Safety Committee's recommendation and deny the request from Smoke's Signs to amend Ordinances in order to allow benches on Dakota Avenue Sidewalks.

Councilmember Keogh said there aren't any places to rest in Dakota Avenue stores and elderly shoppers have expressed an interest for installation of benches. She added that spouses would also like a place to rest while waiting for their mates to complete shopping.

Councilmember Meyer said the Committee weighed the plusses and minuses and determined benches on the public's right of way would cause too many problems...such as snow removal.

Responding to a question from the Council, the Police Chief said all earlier requests for Dakota Avenue sidewalk benches have been denied. He said a bench was allowed to be placed on the 3rd Street side of the laundromat at 301 Dakota Avenue.

Councilmember Caspers wondered if Dakota Avenue merchants had been approached, and, if the Committee would reconsider if business owners made a request. Mr. Hauck said the Committee didn't receive input from merchants but would certainly discuss any requests from them.

Upon vote being taken on the motion to deny location of benches on Dakota Avenue Sidewalks, the following voted in favor: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg; and the following voted against: Caspers. Mayor Rood declared the motion adopted on a vote of 7 in favor and 1 opposed.

The Police Chief reported the new C.O.P.S. application has been submitted.

Councilmember Christensen reported for the Public Works Committee. He said the Committee reviewed the request from Doug Bartels to review winter snow removal parking restrictions to possibly allow for night parking alternately on streets & avenues. Mr. Christensen said the Committee reviewed the winter parking regulations, determined the current policy is not unfair, and provides cost-efficient snow removal from all City Streets and Avenues.

Motion by Christensen, seconded by Keogh, to confirm the Public Works Committee's recommendation to continue winter parking restrictions in their entirety and for the Auditor to notify Doug Bartels of the Council's decision. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Mr. Christensen reported the Committee reviewed the bid cost and grants of the 1-1-98 storm sewer project for 4th Avenue South. He said the estimated final cost is \$1,077,920.00 and the Committee feels, to be fair, the property owners in the district should share in \$175,000 of the amount remaining after deducting EDA & CDBG grants.

Motion by Christensen, seconded Caspers, to approve the Public Works Committee's recommendation to spread \$175,000 of special assessments to property within the 1-1-98 4th Avenue South Storm Sewer Improvement District. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Reporting for the Franchise Portfolio of the Public Works Committee, Councilmember Myhra stated the franchise fee computation matter will be discussed during a meeting between TCI and the two local communities. (May 12 at 5:00 p.m)

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

Motion by Sturdevant, seconded by Christensen, to approve payment of bills presented in the amount of \$194,519.32 and that warrants be drawn upon 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
PUBLIC WORKS
FINANCE & ECONOMIC DEVELOPMENT
FLOOD MITIGATION

Tuesday, May 5th - 4:00 p.m.
Monday, May 11th - NOON
Tuesday, May 12th - NOON
Not scheduled

Motion by Caspers, seconded by Keogh, to recess until 5:00 p.m., Thursday, May 7, 1998. Motion carried.

ATTEST:

Dan Rood, Jr., Mayor

Arden C. Anderson, City Auditor

City of Wapaketon Minutes

MAY 7, 1998

Pursuant to due call and notice thereof, a recessed meeting was duly held at City Hall on the 7th day of May 1998 at 5:00 p.m.

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

The following were absent: James P. Sturdevant, Warren D. Meyer.

Officers present: Finance Programs Director, Police Chief, Economic Development Director, City Attorney Lies.

Vice-Chairman Myhra called the meeting to order at 5:10 p.m. Mayor Rood presided over the meeting at 5:20 p.m.

The regular council meeting on May 4, 1998 had been recessed to this date in order to receive and act upon a recommendation from the Economic Development Commission.

The Economic Development Director reported that he, the Community Development Corporation (CDC) and the Economic Development Commission (EDC) have been working with PrimeBoard and PrimeWood for some time on an important, interrelated matter. The recently-announced merger of PrimeWood and Woodcraft will have a positive material impact upon PrimeWood, the community, and the existing 1994 CDC/EDC agreement with PrimeBoard, a preferred stock agreement in the amount of \$1,000,000, a dollar per share of stock, cumulative 12% dividend payoff structure on an annual basis, spread over 5 years, and guaranteed by PrimeWood.

As PrimeWood closes its pending transaction with Woodcraft, there are a promissory note, guarantee, and security filings that have to be released and/or dealt with. Krauseneck had taken a proposed settlement concept to the CDC on Monday, May 5th, and received unanimous approval for the approach. The EDC meeting on Tuesday, May 6th, further refined this approach and led to a formal EDC recommendation, agreed to by Mr. Shorma and approved unanimously by the Commission. The document about to be presented is consistent [in detail] with these discussions and recommendations at the CDC and EDC levels.

Krauseneck then distributed the proposed new Promissory Note to the Council. He reported that what the City needs to do with the existing agreement is to close out those items with PrimeWood shown as the signatory or guarantor, etc. There would be a redemption of all the shares outstanding and the accumulated dividends (\$310,000 to date) would be converted to debt, at a 5 year term, zero percent interest loan to PrimeBoard. Repayment of the dividends is not the ultimate

intent, which is rather to utilize this amount for [and in lieu of] additional PrimeBoard local match financing for expansion.

Christensen stated, "What you're saying is we're going to give Eddy Shorma \$310,000?" Krauseneck said that, no, the dividend will in essence be returning to PrimeBoard as a series of local matches for future expansion and infrastructure projects, with the understanding that there will be no requests for local funding for the duration of the note, etc.

Krauseneck added that the intent of this arrangement is to further and effectively leverage the dividends. PrimeBoard had been a high risk start-up business that has taken the owner's continued equity injection to keep the project going. There are now positive changes at PrimeWood that allow Mr. Shorma to do things at PrimeBoard, to make it viable and ready for expansion, etc.

Krauseneck commented on the 1994 CDC documents prepared by escrow agent Steve Lies. "These are great set of documents from the City's point of view...the new documents reflect the original format and the EDC's decision on Tuesday night," he said.

City Attorney Lies addressed the City's standpoint when PrimeBoard initially requested funding. "They [PrimeBoard] received in excess of \$425,000 in the form of tax exemptions, but those were given up to get \$1,000,000 in stock." Lies went on to say that there was also a \$200,000 grant that PrimeBoard opted not to take as well. Lies felt the City has done well on this investment. Lies further added that future expansions to PrimeBoard would provide a stronger assurance for successful operation, that the note is "to his benefit, but to ours [the City's] as well."

Christensen asked Lies and Krauseneck if the dividends were required to be paid by Shorma. Lies said that only if certain ratios had been met. "PrimeBoard was not in default, the dividends accumulated over time and it was my understanding that the first payment would not have had to be paid," Lies said. Krauseneck concurred and added that the dividends accumulated but in no way had been forgiven in 1996 and 1997.

Caspers asked that if Shorma wasn't to pay annually, when was he supposed to pay? Lies and Krauseneck said that all the dividends and the principal would come due October, 1999. Caspers inquired why the Council should be worried about it [the agreement] today? Krauseneck stated that the CDC/City is in 2nd position right now on inventory, etc., and with the Woodcraft announcement, that transaction would put the City in first position. In order for the City to be "taken out" of first position, PrimeWood and the new company need to satisfy the terms of the existing CDC/PrimeBoard agreement which, in summary, includes \$1,000,000 in principal and \$310,000 in dividends.

Caspers asked what would happen in five years if the no new expansions took place? Lies answered that the note would be due and what had not gone to expansion would have to be paid back to the City. Krauseneck added that this was highly unlikely.

Christensen questioned if the \$1,000,000 is due right now? Krauseneck said the \$1,000,000 would come back within the next week or so.

Attorney Fred Strege appeared before Council representing Ed Shorma and the rest of the stockholders of PrimeBoard to answer any questions the Council may have. The Mayor wondered about the wording in the document pertaining to expansion within the existing City limits.

Strege said one area which could be modified would be to expand the area into the Extra-Territorial Zoning (ETZ) area. Krauseneck added that it's to the City's advantage to have some of these facilities, when and where appropriate, outside of the City limits. Krauseneck then briefly described the positive work with Dwight Township regarding industrial designations for the land north of the City. Krauseneck advised improving the wording of the document with respect to ETZ, etc.

Caspers suggested recessing this meeting until Monday at 5 as he felt there were some conflicts in the wording of the document [i.e. the question on the city limits]. Krauseneck stated that the City has been trying to achieve smart industrial siting through planning, so he suggested striking three words "within city limits" from the document and replacing them with "within the ETZ, etc."

Mayor Rood asked Strege if re-wording the phrase "within city limits" to "within the ETZ" was acceptable? Strege said that PrimeBoard may want to expand right where they're at and the Mayor said, "but you may not want to be required to expand there." Strege agreed and added that he needed to share the document with Mr. Shorma before signing.

Krauseneck said that the language used in the new note {except for the oversight of the city limits issue} is consistent with the original documentation, and accurately reflected what the EDC approved. Krauseneck felt this was a positive solution which had already been agreed to by Shorma on Tuesday night.

Loberg added that the whole purpose for funding projects like this is knowing some will work and some will work less quickly and some will not. Keogh added that the City can't dispute the fact that Mr. Shorma's businesses have brought jobs to Wahpeton. Christensen said, "If we're going to do this, let's do it."

Hauck summarized what was expected of the Council tonight and asked for concurrence from Krauseneck, and the EDC Chairman, Gabe Hermes. Hermes stated that the goal is to get "PrimeBoard expanded and going."

Motion by Loberg, seconded by Myhra to accept the documents as presented with minor changes in the language regarding city limits. Motion carried 6-0. Voting "aye" Hauck, Keogh, Myhra, Christensen, Loberg, Caspers. Voting "nay" None.

Motion by Loberg, seconded by Hauck to suspend the rules all allow action on a matter not appearing on the agenda. Motion carried with all voting "aye"

Chief Lotzer received a letter of resignation from Melissa Zaun dated May 5th giving her 2 week notice. She has accepted a job in Moorhead. Chief Lotzer also requested authorization to begin the process to replace Ms. Zaun. She was hired under the "COPS" program.

Motion by Hauck, seconded by Caspers to accept the resignation of police officer Melissa Zaun. Motion carried with all voting =ayeø

Motion by Caspers, seconded by Loberg to authorize Chief Lotzer to begin the process to fill the position left by police officer Melissa Zaun. Motion carried with all voting =ayeø

Motion by Caspers, seconded by Keogh to adjourn. Motion carried with all voting =ayeø

ATTEST:

Dan Rood, Jr., Mayor

Jane P. Priebe, Acting City Auditor

City of Wahpeton Minutes

MAY 18, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 18th day of May 1998 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.

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

Officers present: Public Works Director, Police Chief, Economic Development Director, City Attorney, City Auditor.

Mayor Rood presided at the meeting.

Motion by Hauck, seconded by Keogh, to approve the minutes of the regular meeting held May 4, 1998 including minutes of the recessed meeting held May 7, 1998. Motion carried.

Mayor Rood proffered the appreciation of the City Council for the work of the students who, for the past three years, have manned the equipment to provide television coverage of City Council meetings. He said the five---namely *Jake Krohn, Dan Kurowski, Toby Haugen, Jeff Schmidt, and Michael Licht*---started as sophomores, are now graduating from Wahpeton High School, and the City Council wishes to express its gratitude. The Mayor presented individual *Meritorious Service Award* plaques to the students in recognition of their years of dedication and responsibility while televising the Council meetings to the Citizens of Wahpeton.

Councilmember Meyer offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-486
WAHPETON SENIOR CITIZENS HARMONY CLUB

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, 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 attested by the City Auditor.

Motion by Myhra, seconded by Hauck, to approve the Wahpeton Veteransø July 1, 1998 through June 30, 1999 Gaming Site Authorization for its location at 219 Dakota Avenue. Motion carried 5-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

Motion by Myhra, seconded by Keogh, to approve the Wahpeton Hockey Association's July 1, 1998 through June 30, 1999 Gaming Site Authorization for its location at Sportsman's Lounge-304 Dakota Avenue. Motion carried 5-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

The City Auditor reported three items are not on the agenda but require action: Two license applications have been received dealing with the Chamber of Commerce-sponsored Carousel Days on June 13th and 14th. The first is for 10 Amusement Devices and the second is from Teddy's Bar for a special off-premises Liquor Permit. Both Licenses will be sited within the Chamber's tent at Chahinkapa Park. The third item is for renewal of the Median Plantings Contract.

Motion by Hauck, seconded by Keogh, to suspend the rules and allow action on the above three items not appearing on the agenda. Motion carried 5-0.

Motion by Keogh, seconded by Myhra, to approve an Amusement Device License in the name of the Wahpeton Chamber of Commerce for 10 devices to be located in the Chamber's Tent in Chahinkapa Park during Carousel Days on June 13th and 14th. Motion carried 5-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

Motion by Christensen, seconded by Hauck, to approve a special off-premises Liquor License on June 13th for Teddy's, Inc. to be located in the Chamber of Commerce's tent in Chahinkapa Park during Carousel Days; the License to be issued immediately upon receipt of the required proof of insurance. Motion carried 5-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

Motion by Keogh, seconded by Hauck, to renew the contract with Emery's Greenhouse to provide 1998 flower plantings and maintenance for Dakota Avenue Medians and City Hall at a fee of \$2,600.00. Motion carried 5-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

Reporting for the Loan Administrator, the Auditor noted that all members had received information regarding the GNDA-sponsored "Leadership North Dakota" seminar in Bismarck on June 8th. He said there is no cost and all interested in attending should contact City Hall for ride sharing, etc, information.

The Public Works Director reported the Flood Mitigation Committee met on April 27th and voted to acquire 7 additional properties for levee construction purposes. As noted in the Flood Committee's minutes of that date, all local costs of acquisition and relocation will be charged to the 5-1-97 Flood Mitigation Project.

Director Lein noted the minutes reflect that the Flood Committee had met with the owners of the property at 77 2nd Avenue North and voted to purchase the property subject to Council confirmation. The purchase price would be \$44,500 and would allow the owners to retain salvage rights to the house and garage. In addition, the applicable relocation funds would be available under the City's buy-out guidelines.

Motion by Christensen, seconded by Meyer, to execute a Purchase Agreement with Brad and Sara Prchal in the amount of \$44,500.00 for their property at 77 2nd Avenue North; to allow the owners to retain salvage rights to the house and garage; to allow the owners to remove any items from the house according to a list submitted to the Public Works Director; and to authorize relocation funds...all costs to be charged to the 5-1-97 Flood Mitigation Project. Motion carried 5-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

The Public Works Director reported on Richland County's proposed replacement of a illegal drain culvert during road improvements north of the City. He said the existing culvert--which is of adequate size and has many more years of life left in it--was installed when a legal drain was created some years ago to take care of drainage needs in developing portions of Wahpeton. At that time, the City Council agreed to absorb all of the costs. Mr. Lein said the County Commission is considering replacement with an expensive larger culvert. He said the Commission could include the \$100,000+ cost as part of the road project, but, the Commission appears to be considering utilizing a illegal drain law which allows charge of the culvert's cost to the Water Resource Board...the Board would have no choice but to assign the cost to those who paid originally...or 100% to the City of Wahpeton. Director Lein said there is no appeal if the legal drain law is utilized...and would like the appropriate Committees to discuss the affair further. Mayor Rood instructed the Public Works and Finance Committees to meet jointly and determine how to proceed.

Public Works Director Lein reported notice has been received from North Dakota's Office of Intergovernmental Assistance that HUD has approved the \$500,000 grant for 4th Avenue South's Storm Sewer Project 1-1-98. The Director then recommended approval of a resolution approving Kindred Plumbing & Heating's bond for the Improvement Project.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2893

RESOLUTION APPROVING CONTRACTOR'S BOND IN REGARD

TO AN IMPROVEMENT IN STORM SEWER IMPROVEMENT DISTRICT 1-1-98

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, 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 attested by the City Auditor.

When agendas of tonight's meeting had been mailed to Councilmembers and candidates, the Public Works Director had caused to be inserted a feasibility study for proposed installation of small volume pumps in Flood Pumping Stations No. 1, 2, and 3. He explained that the existing large pumps operate once water reaches two feet in the pumping structures and the small pumps would eliminate problems with free standing water below the 2-foot level. Mr. Lein said quotes had been obtained as follows:

\$22,471.00

North Dakota Pump and Lift Station Service

Waldor Pump Company

17,730.00

He recommended award at the lower quote as a Charge Order to Flood Mitigation Project No. 5-1-97, Phase 1.

Motion by Christensen, seconded by Meyer, to approve Change Order A-4 for Flood Mitigation Project No. 5-1-97, Phase 1, and award the small pumps installation contract to Waldor Pump Company for its low quote of \$17,730.00. Motion carried 5-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

Director Lein observed that some compost collection sites are being abused. He said tree branches and other items are being dropped off at the sites where only yard waste and leaves are to be disposed of. Mr. Lein reported the program is a fine service for the citizens of Wahpeton; everyone wants the service to remain and not be discontinued because of the actions of a few. He said the sites are going to be monitored and maintained on a regular basis with violators being subject to fines up to and including \$500.00.

The Police Chief offered a report of the Community Policing Program. He said it has been very successful and many nice compliments have been received.

Councilmember Hauck reported for the *Personnel & Public Safety Committee*.

1. Police Officer Todd Pearson has completed this third year of employment, has received a favorable rating by his supervisor, and the Committee has approved the budgeted one Step Anniversary pay adjustment effective May 15, 1998.
2. A partial report has been received from Hay Management regarding the pay range for the Auditor's Assistant position. He said the Committee will be reviewing the complete report next week.

Motion by Hauck, seconded by Meyer, to authorize the necessary steps for filling City Hall positions. Motion carried 5-0. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

Councilmember Meyer reported for the *Finance and Economic Development Committee*:

1. The Committee has some preliminary financing options for the new City Hall facility and will continue its discussions in order to determine the best financing method.
2. The Committee has instructed the Economic Development Department to explore methods and recommend a beneficial solution for disposal of the current City Hall property.

Councilmembers Christensen and Myhra reported for the *Public Works Committee*:

1. Mr. Christensen said the Committee has discussed needs for the new City Hall location. He reported that the Committee voted to employ an architect---to receive direction from the Public Works Director---and draw up plans for necessary remodeling.

2. Mr. Myhra reported on the meeting with TCI Cable TV held May 12th. He said the City of Breckenridge also attended and the discussion was mainly on renewal of the contract (**which expires 7/15/99**). He said the joint Committee will be meeting again in mid-June and TCI is to have a proposed contract ready for review. Mr. Myhra said a customer wants a survey is going to be conducted at a cost of \$6,000 to be split equally by Wahpeton, Breckenridge, and TCI Cable TV. The City Attorney said the survey will be by telephone and will be conducted by an independent agency...not by the cable company.

Motion by Christensen, seconded by Hauck, to approve the following report: 5/12/98 Finance & Economic Development Committee minutes. Motion carried. Voting aye: Hauck, Keogh, Myhra, Meyer, Christensen; voting nay: None.

The following Committee meetings were scheduled:

| | |
|--------------------------------|--------------------------|
| FLOOD MITIGATION | Tuesday, May 19th - NOON |
| PERSONNEL & PUBLIC SAFETY | To be determined |
| PUBLIC WORKS | To be determined |
| FINANCE & ECONOMIC DEVELOPMENT | To be determined |

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

ATTEST:

Dan Rood, Jr., Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

JUNE 1, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 1st day of June 1998 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, Woody Caspers.

The following were absent: None.

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

Mayor Rood presided at the meeting.

Motion by Caspers, seconded by Keogh, to approve the minutes of the regular meeting held May 18, 1998. Motion carried.

A public hearing, following published public notice, was held regarding the proposed vacation of undeveloped 5th Avenue South east of Centre Street. No one attended in opposition and no written protests had been received.

Councilmember Keogh offered the following Resolution and moved its adoption:

RESOLUTION NO. 2894
RESOLUTION VACATING STREET
(Portion of Undeveloped Fifth Avenue South)

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 attested by the City Auditor.

Councilmember Keogh reported the Planning Commission had held its meeting earlier in the day and conducted a public hearing regarding approval of the Plat of Schmidt's Subdivision Fourth Addition in the Extra Territorial Zoning (ETZ) Area. She reported no protests had been received and the Planning Commission recommends City Council approval.

Councilmember Keogh offered the following Resolution and moved its adoption:

RESOLUTION NO. 2895
RESOLUTION APPROVING THE PLAT OF SCHMIDT'S SUBDIVISION
FOURTH 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 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 attested by the City Auditor.

Bruce Dockter of Comstock Construction attended and distributed a pamphlet he had prepared entitled, *Proposed City of Wahpeton Comprehensive Housing Program*. He explained that the proposal contains suggested amendments to the City's Housing Entry Level Program (HELP) to include all levels of housing, provide an annual amount for advertising, broaden the eligibility to more than R-1c zoned property, and provide additional incentives. Mr. Dockter said he had surveyed other area Cities to compare housing incentive packages, housing starts, lot costs, property taxes and special assessments. He said the results are listed in the pamphlet and Wahpeton isn't really out of line but should take a look at making some changes to be more competitive. Mr. Dockter said he would like to meet with the appropriate Committee for more discussion as soon as possible.

Bob Comstock, owner of Comstock Construction, then addressed the City Council with recommendations. He distributed a copy of a Fargo *Forum* editorial complementing Devils Lake officials for remaining a vibrant center of commerce in spite of flooding problems and a Fergus Falls *Daily Journal* news article containing an interview with the Fergus Falls Economic Development Director regarding its City's method of utilizing Tax Increment Financing (T.I.F) for economic development. Mr. Comstock also distributed a copy of Otter Tail Power's October, 1994 *Hi-Lites* booklet in which it was pointed out communities need to pursue economic development and community growth. Mr. Comstock said he feels some serious changes should be made to protect the City's financial security. He said there has been a 21% increase in the amount of property tax received by the City Council but a negligible amount of that income is going toward new construction. Mr. Comstock said the City Council has to induce additional housing and increase the tax base.

Mr. Comstock said he is asking the City to pass some Resolutions to guide new and future City Councils:

First - A requirement that, for any entity--industrial or otherwise--receiving incentives, 50% of its employees must live within the City limits. He said other states have regulations on jobs and state grants. He said Wahpeton has created jobs but has gotten nothing in return.

Second - All T.I.F. Districts be self supporting. He said because of pressure by splinter groups, the Council's resulting T.I.F. decisions have been poor on how retirement of debt has been structured. Mr. Comstock said the *Daily Journal's* news article shows that Fergus Falls Economic Development Director states Cities need to have T.I.F. projects for the success of a community.

Mr. Comstock read the list of "Keys to Survival for Small Towns" on page 3 of the Otter Tail pamphlet. He said it is obvious they have been overlooked by the Wahpeton Council over the years. He added that the City needs to establish goals for all its departments, account for objectives, and run the City as a business.

Mr. Comstock said the City's main goal is to develop housing and it's no good to have a program that only benefits a small segment. Rather, he said, there has to be motivation for existing home owners to move up and allow others to buy existing homes--as most people want a house of 1,800 square feet or more. Mr. Comstock said half of his employees live out of town; he interviewed them and found they want to buy existing homes and not build. He further reported that the City's comprehensive plan calls for a convention center and observed Fergus Falls is planning a half-cent sales tax to pay for construction of its convention center and community center. He said Wahpeton needs these same types of amenities and recommended the City restructure its sales tax to pay for them.

Lastly, Mr. Comstock displayed drawings of a proposed "Congregate Housing Project" which he said he'd been working on with the senior citizens for over three years. He said it is a \$2 million project and will stop the City's loss of senior citizens now moving to complexes in Fargo and Fergus Falls. Mr. Comstock said he will be asking for T.I.F. and MIDA (Municipal Industrial Development Act) Bond financing and requested the matter be added to the Finance Committee's agenda.

Mayor Rood thanked Mr. Dockter and Mr. Comstock for bringing the suggestions before the City Council. He said all suggestions are welcomed and the Finance and Economic Development Committee will consider the items within the next two weeks. A report will then be forwarded to the City Council. The Mayor asked Mr. Dockter to make an appointment to meet with the Economic Development Director and Loan Administrator prior to the Committee meeting (of which the date and time will be scheduled at the conclusion of tonight's Council meeting).

Joel Bickford, Battalion Commander of the Wahpeton National Guard Unit, attended by invitation of the City Council. Mayor Rood called him forward to receive a Resolution expressing the City's appreciation of the Guard's cooperation in completing projects bettering public property and for enhancing the reputation of the City of Wahpeton. He observed that the Guard Unit has recently returned from a good will construction mission in Honduras and the City wishes to formally state its gratitude for the Guard's giving spirit, positive attitude, and dedication to communities of the Wahpeton area and of the world. The Mayor noted that Councilmember Myhra had a long time association as a guardsman and asked him to help in awarding the certificate to Commander Bickford.

Councilmember Myhra presented the following Resolution and moved its adoption:

RESOLUTION NO. 2896
RESOLUTION OF APPRECIATION
TO THE 142ND COMBAT ENGINEER BATTALION
OF THE NORTH DAKOTA NATIONAL GUARD

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 attested by the City Auditor. Commander Bickford accepted the framed document along with a round of applause from the Mayor, Council, and all others present.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-487
NDCS LETTERWINNERS 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, 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 attested by the City Auditor.

The City Auditor submitted several items for consideration. He reported a letter had been received from Zoo Director Kathy Diekman requesting extension of the Zoo Association's Raffle License #448 from May 30th to September 7th. He said the request is permissible and recommended approval. The Auditor also submitted applications received for Special Event, Off-Premises Liquor License Sales permits. The first was from Theodore Bellmore of Teddy's for a Wedding Dance at the Wahpeton Armory on June 20th (the dance had been approved by 2/2/94 Council motion). The second application was for POETS to sell beer at the F-M RedHawks/Thunder Bay Whiskey Jacks Northern League Baseball games on June 6th and 7th. The Auditor reported off-premises proof of insurance has been received for both applicants.

Motion by Hauck, seconded by Keogh, to approve extension of Zoo Association Games of Chance License #448 from May 30, 1998 to September 7, 1998. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Loberg, seconded by Sturdevant, to approve issuance of a Special Event, Off-Premises Liquor Sales Permit to Teddy's, Inc., for the Wedding Dance to be held at the Wahpeton Armory on June 20, 1998. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Caspers, seconded by Loberg, to approve issuance of a Special Event, Off-Premises Liquor Sales Permit to POETS, Inc., for the RedHawks/Whiskey Jacks Baseball Games to be held at Randall Field on June 7 & 8, 1998. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The City Auditor noted that campaign literature of the "Bud Schmitz for Mayor of Wahpeton Committee" shows Marilyn Anderson as Treasurer. The Auditor assured the City Council that his wife...also named Marilyn Anderson...is remaining neutral and is not serving on any political committees.

The Public Works Director reported on negotiations to acquire the property at 78 2nd Avenue North for levee construction purposes. He said the agreed-to purchase price is \$25,953.00 plus there will be some closing costs, etc. Director Lein said the purchase, which is recommended by the

Flood Mitigation Committee, will complete acquisition of all of the property needed north of Dakota Avenue.

Motion by Christensen, seconded by Sturdevant, to complete purchase of the property at 78 2nd Avenue North for levee construction purposes at an amount, including all costs, not to exceed \$27,000.00. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Director Lein reported on mosquito control measures of the Vector Control District. He said employees are treating all known stagnant water with larvacide chemicals and are continuing surface spraying for adults. Mr. Lein observed how small pools of water (cans, tires, etc) are ideal breeding areas and urged residents to identify and eliminate the sites. He also recommended citizens spray bushes and yards to help control adults...which are only affected if the spray comes in direct contact.

The Public Works Director presented and discussed a proposed change order for Phase 1 of Flood Mitigation Project 5-1-97 to provide additional clay, top soil, and rip rap for levees on the north side. Mr. Lein said ramps in the Park area are in need of additional clay and soil...plus rip rap is required where old pipes were removed along the river. He said the additional material, to cost \$64,500.00, was not included with the original bid as the total amount couldn't be anticipated until the project got to its present status.

Motion by Caspers, seconded by Keogh, to suspend the rules and allow action on the proposed change order, a matter which does not appear on the agenda. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Christensen, seconded by Loberg, to approve \$64,500.00 Change Order #7 with Camas Minndak for Phase 1 of Flood Mitigation Project 5-1-97 in order to provide additional clay, top soil, and rip rap. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Director Lein reported the contractors are going to be working extensively on the northside levee all through June and traffic is going to be affected at times. He said the completion date for all dirt work is June 30th. Answering a question from Councilmember Caspers, Mr. Lein said he would visit with the Park Board about looping traffic in the Park area.

The Public Works Director said the 3rd Avenue North Water Tower has been examined, a report has been received, and the Public Works Committee will review the information at its next meeting.

The Economic Development Director stated he appreciated the input received earlier in the meeting from Mr. Dockter and Mr. Comstock. The Director observed that the City has been working on some of the recommendations to provide amenities. He then offered a report on development projects underway.

He said there is a project underway which replaces the golf course building--an amenity which existed before the flood; the City Council voted to aid the golf course board in getting the facility back on its feet after its property was completely destroyed during the 1997 disaster.

Director Krauseneck said the City recognized the need for additional recreational areas which wouldn't be part of a standard Armory building and has been putting money aside every month in a special fund to provide for the additional public space. He said the City is planning for a local cost of about \$1,000,000.

The Director said he and others have also been aggressively working on a conference center. Discussions are underway with a lead bank and a restaurateur.

The Economic Development Director discussed two related items dealing with availability of lots for construction of entry level homes under the City's H.E.L.P. plan. He said there are 6 H.E.L.P. starts underway here and there---which is nice for infilling---but a neighborhood development is necessary. Two areas are the Kubela land recently purchased along Meyers Addition on the south side and a proposed purchase on the north side along 11th Street.

Mr. Krauseneck reminded the Council that the Kubela land had been purchased to partially provide land to install levees as part of the flood control project; it contains enough additional space for 26 living units of income based, owned-housing. He said the \$80,000 purchase was through the Real Estate Fund and the amount will be replaced when the HUD grant is received. The Director reported the property will be developed in partnership with the State-certified Southeast North Dakota Community Action Agency utilizing a \$230,000 State award (the project was evaluated as #1 in the State) and \$450,000 through the Federal Home Loan Bank Community Program.

Director Krauseneck reported entry level housing plans for the south side and north side of the City are being blended together. He distributed and discussed a proposed earnest money contract with Meide & Son for purchase of approximately 8 undeveloped acres along 11th Street North extended. Mr. Krauseneck said 3 curb cuts exist and lot lay-out plans for 3 cul-de-sacs were outlined before the Planning Commission some time ago (although a formal plat hasn't been submitted). He said it appears a fourth cul-de-sac could be inserted and each cul-de-sac would have ten 1C-zoned lots of about 6,900 sq. ft....which would provide availability of a total of 40 H.E.L.P. housing, owner-occupied lots. Mr. Krauseneck said the total purchase price of \$185,000--through the Real Estate Fund--could be recovered by sales of lots at \$5,000 each. He added that a formal plat could be developed upon approval of the earnest money contract.

Motion by Caspers, seconded by Sturdevant, to authorize execution of the earnest money contract with Meide & Son for purchase of approximately 8 undeveloped acres along 11th Street North extended at a price of \$85,000.00 payable through the Real Estate Fund. Motion carried 7-1. Voting aye: Hauck, Sturdevant, Keogh, Meyer, Christensen, Loberg, Caspers; voting nay: Myhra.

The Economic Development Director then reported on additional development projects and grants which have received funding in the past two weeks. He said the first project is a grant to install a rail spur to serve existing and future industry in the north industrial area...the project is now fully

funded and Red River Valley & Western Railroad should begin work soon. He noted the City had contributed \$25,000 towards the local \$125,000 match of State Funds.

Director Krauseneck said the second project is Richland County's improvement of the two-mile stretch of the "Froedtert" road north of the City. He said the City contributed \$25,000 towards the \$400,000 cost; other contributors were: Richland County JDA, MinnDak, Cargill, and Dwight Township.

The final award, Mr. Krauseneck reported, is a \$99,750.00 State Community Development Block Grant for flood-related damage suffered by SpaceAge Synthetics. He said the papers just came through and he wasn't able to get the acceptance matter on the agenda.

Motion by Sturdevant, seconded by Hauck, to suspend the rules and allow action on the CDBG/SpaceAge grant, a matter which does not appear on the agenda. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Christensen, seconded by Myhra, to authorize the Mayor to execute the papers accepting the \$99,750.00 Block Grant award for SpaceAge Synthetics. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The Police Chief reported on a request to block off Dakota Avenue during Crazy Days and a request for the 1998 NDSCS Homecoming Parade.

Motion by Loberg, seconded by Hauck, to approve roping off of Dakota Avenue between 3rd and 6th Streets during Crazy Days on July 15th and 16th. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Sturdevant, seconded by Keogh, to approve a permit for the NDSCS Homecoming Parade on October 3, 1998. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Chief Lotzer reported 32 applications (16 licensed) have been received for Police Officer opening.

A letter was received from the Law Center Committee notifying all interested that there will be a demonstration of the Enhanced 911 emergency system at the Law Center on June 10th beginning at 10:30 a.m.

A letter was received from the Attorney General Licensing Division asking the City to review licensing of Red River Human Services' second 21 table at the Teddy's site...due to limited play. The Auditor said he has mailed a letter to Red River's Gaming Director asking for comment.

A letter was received from Fred Waclaw expressing appreciation of the City's policy for removal of junk vehicles.

Mayor Rood reminded everyone of Carousel Days coming up at the end of next week. He also observed that the number of Police Officer applications speaks well of the local police force's reputation.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee will hold a telephone conference with Hay officials on Thursday to review final questions on two job descriptions/position titles and the Committee plans to act on the descriptions and titles in short order. He stated the Committee will ask supervisors to develop a list of goals. Chairman Hauck reported that, upon recommendation of the City Auditor, the Committee proposes Carla Broadland be promoted to the Auditor's Assistant Position.

Motion by Hauck, seconded by Keogh, to promote Carla Broadland to the position of Auditor's Assistant, effective June 1, 1998, at the Hay Study Pay Grade L, Step 3, which is \$21,313 per year. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Councilmember Sturdevant reported Police Administrative Assistant Gaylene Bakken has completed three years of employment, has received a favorable review, and the Personnel Committee has approved the budgeted salary adjustment to \$1,362 per month effective June 1, 1998.

Chief Lotzer reported he has received word that the application for the C.O.P.S. grant is being reviewed higher up.

Councilmember Sturdevant reported for the Finance & Economic Development Committee and Public Works Committee regarding review of possible "*legal drain*" assessment for the County's proposed replacement of a legal drain culvert during improvements to County Highway #10. He said the Public Works Director and both Committees have determined that the existing culvert is okay...and...replacement will not create additional benefit for the City...but, if the County Commissioners elect to utilize the NDCC Law to assess the total culvert cost to the Water Resources Board...100% of the costs would be charged to, and paid by, Wahpeton because of agreements when the Legal Drain was created in 1977. The Committee noted that the Legal Drain serves a 7-square-mile area but the City of Wahpeton's area only totals 7/10 of a square mile. To provide future fair sharing of costs, Mr. Sturdevant said, the Committees are recommending that the City Council notify Richland County that the City disagrees with the "legal drain" assessment process for the proposed culvert replacement, and, to petition the Richland County Water Resources Board to create a new Legal Drain for fair assessment of costs in the future.

Motion by Sturdevant, seconded by Meyer, to notify Richland County of the City's disagreement of utilization of the "*legal drain*" assessment process for the cost of new box culverts proposed for replacement of the existing *Wahpeton Drain #1* culvert during improvements to Richland County Highway #10...and...to petition the Richland County Water Resources Board to create a new Legal Drain District to fairly assess *Wahpeton Drain #1* costs in the future. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Hauck, seconded by Caspers, to approve the following reports: APR Wahpeton Water Works; APR Municipal Court; MAY Wahpeton Police Department; 5/26/98 Finance & Economic Development Committee minutes; 5/28/98 Personnel & Public Safety Committee minutes. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Sturdevant, seconded by Meyer to approve bills presented in the amount of \$229,649.96 and that warrants be drawn upon their respective funds. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The following Committee meetings were scheduled:

| | |
|--------------------------------|---------------|
| PERSONNEL & PUBLIC SAFETY | NOON June 4th |
| PUBLIC WORKS | NOON June 8th |
| FINANCE & ECONOMIC DEVELOPMENT | NOON June 9th |
| FLOOD MITIGATION | Not scheduled |

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

ATTEST:

Dan Rood, Jr., Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

JUNE 15, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 15th day of June 1998 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, Woody Caspers.

The following were absent: None.

Officers present: Public Works Director, Police Chief, Loan Administrator, Economic Development Director, City Attorney, City Auditor.

Mayor Rood presided at the meeting.

Motion by Hauck, seconded by Caspers, to approve the minutes of the regular meeting held , 1998. Motion carried.

Councilmember Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-488
ST. CATHERINE'S LIVING CENTER

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 attested by the City Auditor.

The Auditor presented the Official Abstract of Votes as certified by the Richland County Canvassing Board. The results of the June 9th Election were shown as:

| | <u>1ST WARD</u> | <u>2ND WARD</u> | <u>3RD WARD</u> | <u>4TH WARD</u> | |
|------------------------|--------------------|-----------------|-----------------|-----------------|------------|
| | | <u>TOTAL</u> | | | |
| | TOTAL VOTES | 412 | 455 | 286 | 333 |
| 1,486 | | | | | |
| <u>MAYOR</u> | | | | | |
| Dan Rood, Jr. | 120 | 165 | 114 | 157 | 556 |
| Duane M. øBudø Schmitz | 279 | 282 | 167 | 172 | 900 |

COUNCILMEMBERS
AT LARGE (2 elected)

| | | | | | |
|----------------------|-----|-----|-----|-----|------------|
| James G. Aldrich | 186 | 230 | 128 | 160 | 704 |
| Richard A. Loberg | 246 | 270 | 194 | 207 | 917 |
| Dr. Delray Mathiason | 244 | 292 | 163 | 206 | 905 |

FIRST WARD

| | | | | | |
|-----------|-----------------|----|--|--|--|
| 98 | Meryl T. Hansey | 98 | | | |
| 28 | Barry Pausch | 28 | | | |

THIRD WARD

| | | | | | |
|---------------------|--|--|----|--|-----------|
| James P. Sturdevant | | | 47 | | 47 |
|---------------------|--|--|----|--|-----------|

PUBLISH MINUTES

| | | | | | |
|-----|-----|-----|-----|-----|------------|
| Yes | 183 | 191 | 99 | 121 | 594 |
| No | 166 | 224 | 153 | 175 | 718 |

PARK COMMISSIONERS (3 elected)

| | | | | | |
|--------------|---------------------|-----|-----|-----|-----|
| 1,201 | Max L. Reinke | 321 | 382 | 237 | 261 |
| 1,073 | Daryl Eberhardt | 289 | 338 | 218 | 228 |
| 1,233 | Meredith M. Mitskog | 342 | 375 | 238 | 278 |

The Public Works Director reported Meter Reader/Water Plant Operator Travis Carufel will be attending a computer class at a fee of \$76.72. Director Lein recommended the City share in 50% of the cost as provided by the Personnel Policy Manual.

Motion by Myhra, seconded by Sturdevant, to approve a \$38.36 expenditure from the Water Fund to share in 50% of the computer class fee for employee Travis Carufel. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Public Works Director Lein reported Wilkin County will be providing a drop off site (at the County Highway Department Building on Breckenridge's south side) for hazardous household waste on the first Monday in the months of July, August, and September. If the City Council will agree to a contract, he said, Wahpeton citizens would be able to utilize the service. Mr. Lein said the fee would be \$40 per delivery and would be paid from the City's Waste Surcharge Fund. Answering Councilmember questions, Mr. Lein said he and the Public Works Committee feel the program is beneficial for Wahpeton residents and the cost shouldn't be much different than the one-time-per-year program. He added that commercial disposal will not be part of the contract as the program is for delivery by residents only.

Motion by Christensen, seconded by Keogh, to contract through Wilkin County for residential disposal of household hazardous waste on the first Monday of July, August, and September at a fee of \$40 per delivery with the cost to be paid through the Waste Surcharge Fund. Motion carried.

Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Upon recommendation of the Public Works Director, Mayor Rood directed the Flood Mitigation Committee to review the proposed change order for Hughes Shelter area construction in Chahinkapa Park.

A copy of a letter from the Office of the Attorney General to Red River Human Services was discussed. The letter continued the State's observation that the second 21 table at Teddy's may be unnecessary. The Auditor said he had contacted Red River Human Services previously and feels the organization should determine whether or not to drop the second table. Councilmember Caspers said he had contacted the Attorney General's office, and, after reviewing the information, agrees that the matter should be worked out between the organization and Teddy's. The Police Chief said the Police Department had supplied the information of usage as requested by the State. The City Attorney said there originally was no maximum table rent so the prime spots were charged plenty...now the State has limited the amount allowed for rental of table spaces and apparently are reviewing possible excesses in the number of tables.

Councilmember Hauck reported the Personnel & Public Safety Committee is continuing to work on the revised Job Descriptions, Position Titles, and Pay Classifications.

Councilmember Sturdevant reported the Finance & Economic Development Committee met and received suggestions for expanding the housing incentive program. He added that the Committee will continue working on determining the best deal for financing purchase of the new City Hall property.

Motion by Christensen, seconded by Myhra, to authorize the Public Works Director to research the condition of the 3rd Avenue North Water Tower, determine repair needs, and make recommendation for solution or abandonment. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Mr. Christensen reported the Committee is reviewing illegal tree dumping and other abuses of yard waste collection sites. He said the Committee has authorized placement of signs directing residents to the tree disposal site north of By-pass Highway No. 210...the signs to include dates and hours and operation.

Linda and Joe Hoak of 511 4th Street North attended and requested a fix of a standing water problem by their home. She described the situation and said she had asked the Public Works Director if something could be done. She said the Director had replied it would be taken care of in September as part of an improvement project. Ms. Hoak said they'd like to see if something could be done temporarily before then.

Director Lein reported the problem will be eliminated as part of the improvement project scheduled to begin June 22nd. He said his statement had been that the entire project would be *completed* in September. Mr. Lein stated there really isn't any way to provide a temporary fix as the area has

to be milled out in order to do a proper job...which is what will be done under the contract. Mr. Lein said he will try and get the contractor to get an early start in the Hoakø area.

Motion by Caspers, seconded by Hauck, to approve the following reports: MAY Wahpeton Water Works; MAY Revolving Loan Fund; 6/08/98 Public Works Committee minutes; 6/10/98 Finance & Economic Development Committee minutes. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

Motion by Sturdevant, seconded by Meyer to approve bills presented in the amount of \$4,987.73 and that warrants be drawn upon their respective funds. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Loberg, Caspers; voting nay: None.

The following Committee meetings were scheduled:

| | |
|--------------------------------|----------------|
| PERSONNEL & PUBLIC SAFETY | NOON June 17th |
| FLOOD MITIGATION | NOON June 18th |
| PUBLIC WORKS | Not scheduled |
| FINANCE & ECONOMIC DEVELOPMENT | Not scheduled |

A letter of resignation was received from Fourth Ward Councilmember Richard A. Loberg. In the letter Mr. Loberg explained that he is moving out of the Ward.

Motion by Meyer, seconded by Christensen to accept the resignation of Richard A. Loberg as Fourth Ward Councilmember. Motion carried. Voting aye: Hauck, Sturdevant, Keogh, Myhra, Meyer, Christensen, Caspers; voting nay: None.

Council President Meyer awarded inscribed plaques to Councilmembers recognizing their service to the Citizens of Wahpeton: The plaques read as follows:

**The City of Wahpeton
awards to
Donna Keogh
this Meritorious Service Award
in appreciation
of her years of dedication and responsibility
while serving the Citizens of Wahpeton as
At-Large Councilmember
1994-1998**

**The City of Wahpeton
awards to
Woody Caspers
this Meritorious Service Award
in appreciation
of his years of dedication and responsibility**

**while serving the Citizens of Wahpeton as
At-Large Councilmember
1975-1977 and 1994-1998**

**The City of Wahpeton
awards to
Burnell G. Myhra
this Meritorious Service Award
in appreciation
of his years of dedication and responsibility
while serving the Citizens of Wahpeton as
First Ward Councilmember
1978-1982 and 1986-1998**

President Meyer then presented an inscribed plaque to Mayor Rood along with the gavel he had wielded during his term: The Plaque read:

**The City of Wahpeton
awards to
Dan Rood, Jr.
this Meritorious Service Award
in appreciation
of his years of dedicated leadership
while serving the Citizens of Wahpeton as
Mayor
1994-1998**

The gavel's inscription read:

***Dan Rood, Jr.*
Mayor, 1994-1998
Called to order 6/20/94
*Adjourned 6/15/98***

Mayor Rood expressed his appreciation to the City Council, City Officers...and...most importantly, the Citizens of Wahpeton for their support over the past four years during some extremely challenging times. He specifically mentioned the challenge of the 1997 spring flood where, during the wee hours, the spirit of the Community was revealed by the efforts of City officials, the people of Wahpeton and all of the volunteers.

Motion by Caspers, seconded by Myhra to adjourn *sine die*. Motion carried.

ATTEST:

Dan Rood, Jr., Mayor

Arden C. Anderson, City Auditor

City of Wapaketon Minutes

JULY 6, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on the 6th day of July 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. "Bud" Schmitz, Councilmembers Richard A. Hauck, Dr. Delray Mathiason, Warren D. Meyer, Charles B. Christensen, Richard A. Loberg, Meryl T. Hansey.

The following was absent: Councilmember James P. Sturdevant. (The 4th Ward Councilmember Chair is vacant)

Officers present: Public Works Director, Police Chief, Loan Administrator, Economic Development Director, City Attorney, City Auditor.

Mayor Schmitz presided at the meeting.

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Motion by Loberg, seconded by Hauck, to approve the minutes of the regular meeting held June 15, 1998. Motion carried.

Motion by Hansey, seconded by Loberg, to approve the minutes of the organizational meeting held June 15, 1998. Motion carried.

Wendell Thompson of 70 3rd Avenue North attended and passed around photos of the old water treatment plant area. He explained that the building was torn down for the new dike location but mudholes and debris remains which makes it impossible to control weeds. Mr. Thompson said the area is full of mosquitoes and children get all muddy playing there. The Public Works Director reported part of the demolition contract requires the contractor to clean up the area...which hasn't been done. Director Lein said a considerable amount of the payment is being withheld until the clean up is completed. Mr. Thompson wondered if anything could be done in the meantime. Engineer Assistant Azure said the area is to be drained but wasn't sure if it would be finished this year. There was additional discussion and it was agreed that the Public Works Director would get in touch with the contractor again and then contact Mr. Thompson.

Councilmember Hauck reported the Planning Commission met earlier in the day and approved the preliminary plat for NorthPark Addition along 11th Street North. The Planning Commission will hold a public hearing for adoption of the plat sometime in August. Mr. Hauck said the property will be utilized for entry level housing.

In the absence of the City Assessor, the City Auditor presented a Senior Citizens Property Tax Abatement request from Leonard & Velma Johanson for 1997 and 1998. The Auditor said the Johanson's request meets NDCC requirements for age & income and the forgiven amount will be reimbursed by the State of North Dakota...so there is no loss to the City.

Motion Hauck, seconded by Meyer, to approve the Leonard & Velma Johanson Senior Citizens Property Tax Abatement requests for 1997 and 1998. Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Mathiason, seconded by Loberg, to approve the 1998-99 Gaming Site Permit for Head of the Red Youth Activities Association at the new golf clubhouse. Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Auditor reported he has received and discussed the information from Community First Leasing Services for alternate financing of the new City Hall purchase. He said the Finance Committee will be asked to schedule a meeting with First Leasing officials in the near future.

Copies of the *City Scan* article regarding the September 24-26 Annual Conference of the North Dakota League of Cities, in Minot, were distributed for preliminary information.

The Public Works Director discussed Flood Mitigation Project 5-1-97 Change Order A-5 to pay the costs of relocating Hughes Shelter in Chahinkapa Park as agreed to as part of Phase I. Mr. Lein said the structure had to be relocated in order to construct the new levee and costs are partially paid through federal funds and partially through local funds. He said the total amount of the project under the change order is \$41,094.00 which is the determined pre flood value.

Motion by Christensen, seconded by Meyer, to approve Flood Mitigation Project 5-1-97 Change Order A-5 in the amount of \$41,094.00 for relocation of Hughes Shelter. Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The Public Works Director reported a petition for installation of paving and curb & gutter for a portion of Oakwood Avenue has been received from a majority of the affected property owners. He said the request is to extend paving between Lots 5 & 6 of Block 1 and Lot 7 of Block 2. Director Lein said the work could be added to Street Improvement Project 2-1-98 as Property Area D, the estimated cost (including engineering, administration, & contingencies) would be \$13,968.00, and the assessments would be spread by square foot on benefited property within Lots 5-6-7, Block 1 and Lot 7, Block 2. Mr. Lein said the contractor for Street Improvement Project 2-1-98, Mark Sand and Gravel, has agreed to install the street surface and curb & gutter at an estimated cost of \$10,347.00. The City Attorney informed the Council that if 3/4 of the affected property owners petition for an improvement in this manner, the City may authorize the additional work through a series of Resolutions. He then described each Resolution in sequence.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2897
RESOLUTION TO ENLARGE STREET IMPROVEMENT DISTRICT 2-1-98

**(Property Area A - Northside Seal Coat, Property Area B - Westmore Avenue,
Property Area C - Kidder Recreation Area)**

BY THE ADDITION OF PROPERTY AREA D - OAKWOOD AVENUE

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

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2898

**RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area D - Oakwood Avenue)**

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

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2899

**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area D - Oakwood Avenue)**

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, Mathiason, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and attested by the City Auditor.

Councilmember Hansey offered the following Resolution and moved its adoption:

RESOLUTION NO. 2900

**RESOLUTION DIRECTING PREPARATION OF PLANS
AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area D - Oakwood Avenue)**

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

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2901

RESOLUTION APPROVING PLANS AND SPECIFICATIONS

**AND ESTIMATE OF COST FOR THE IMPROVEMENT IN
STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area D - Oakwood Avenue)**

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

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2902

**RESOLUTION DETERMINING WRITTEN PETITION SIGNED BY MAJORITY
OF PROPERTY OWNERS RECEIVED REQUESTING WAIVER OF PUBLIC
HEARING OF NECESSITY FOR STREET IMPROVEMENT DISTRICT 2-1-98
(Property Area D - Oakwood Avenue)**

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

The Public Works Director reported the Mayor has received a letter from the Circle of Nations School concerning adequate water pressure for fire protection. He said the matter will be addressed at the next meeting of the Public Works Committee.

Director Lein reported interviews for the Utilities Administrative Assistant position are complete and he is recommending Angie Appel be employed at an annual salary of \$18,742.00.

Motion by Loberg, seconded by Meyer, to approve employment of Angie Appel as Utilities Administrative Assistant at an annual salary of \$18,742.00. Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Attorney reported on the methods available for filling the 4th Ward Councilmember position. He said the 15 days have passed for receipt of a petition calling for a special election and therefore the City Council may schedule a special election or it may chose to appoint a resident of the Ward. The City Auditor reported on persons who have expressed interest or have been proposed for appointment. Council President Meyer recommended that the position be filled by Council appointment from among persons directly applying through letters to the City Auditor.

Motion by Meyer, seconded by Hauck, to require written applications to the City Auditor by July 15, 1998, from the interested parties themselves, for consideration of appointment as 4th Ward Councilmember; for the City Council to recess tonight's meeting until noon on July 16th in order to visit with the applicants; to appoint the Councilmember at the regular City Council meeting to be held on July 20, 1998. Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Attorney reported he had contacted Red River Human Services regarding the State's concern about the possible unneeded second twenty-one table at Teddy's. Attorney Lies said a letter from Red River Human Services has been returned stating the organization is working on increasing usage. He said he felt the answer was sufficient and he has forwarded a copy to the State's Director of Gaming.

The Police Chief recommended appointment of William Straus as Police Officer to replace Officer Zaun. He said Mr. Straus has attended all appropriate classes and is a licensed police officer.

Mayor Schmitz appointed William Straus as Police Officer at a monthly salary of \$1,897.00 subject to confirmation by the City Council.

Motion by Hansey, seconded by Loberg, to confirm the Mayor's appointment of William Straus as Police Officer at the salary stated. Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Chief Lotzer said JCPenney has requested approval to hold a sidewalk sale on July 9th, and, as allowed by City Ordinance, he has issued a permit authorizing the event.

Mayor Schmitz made the following appointments subject to Council confirmation:

| | | | | |
|-----------------------------|--------|--------------------------------|--------|------------------------|
| <u>PLANNING COMMISSION</u> | | <u>ZONING ADJUSTMENT BOARD</u> | | <u>AIRPORT</u> |
| <u>AUTHORITY</u> | | | | |
| Richard A. Hauck | (2003) | Mary Beth Olerud | (2003) | Allen Yaggie |
| (2003) | | | | |
| Richard A. Loberg | (1999) | Trudy Tischer, Alternate | (1999) | |
| <u>LIBRARY BOARD</u> | | <u>VISITORS COMMITTEE</u> | | <u>VECTOR</u> |
| <u>CONTROL BOARD</u> | | | | |
| Art Grochow | (2001) | Scott Wahl | (2002) | Warren |
| Schuett(2003) | | | | |
| Sonja Christensen | (2001) | Perry Miller | (2002) | |
| | | Lois Berndt | (2002) | |
| | | Jim Oliver (new position) | (2002) | |
| <u>URBAN RENEWAL AGENCY</u> | | | | |
| Jo Haire | (1999) | Tim Carr | (1999) | Russell Denault (1999) |
| Holen (1999) | | | | Donald |
| Perry Miller | (1999) | R.E.T. Smith, Attorney | | Jane P. Priebe, Clerk |

Motion by Hauck, seconded by Loberg, to confirm the Mayor's appointments as listed above.

Councilmember Meyer wondered about the new position on the Visitor's Committee. Jane Priebe, Visitor's Committee Coordinator, said the Committee may consist of up to 12 members and the new one will bring the number to seven. Mr. Meyer noted that the proposed appointee is shown as the Chamber of Commerce Executive Director and wondered if the Board's recommendation is

for the person or if it is for whoever is serving at Chamber Director. Wayne Beyer, a member of the Visitor's Committee said the new position on the Committee was approved with the intention of appointing the Chamber Director but it wouldn't necessarily be automatic that a change in Chamber Directors would cause a substitution of the person serving on the Visitor's Board.

Upon vote taken on the motion to confirm the Mayor's appointments to various Boards and Commissions, the motion was approved on a vote of 5 in favor and 1 opposed. Voting aye: Hauck, Mathiason, Christensen, Loberg, Hansey; voting nay: Meyer.

Motion by Loberg, seconded by Hauck, for the City Council to appoint the following:

ECONOMIC DEVELOPMENT COMMISSION

Urban Renewal Agency Representative - Russell Denault (2002) At-large Representative
- John Nyquist (2002)

Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Hauck reported information has been received regarding the additional C.O.P.S. position applied for some time ago. He said the matter will be part of the next Personnel Committee agenda.

Councilmember Meyer reported the 1999 City Budget process will be starting soon and the Auditor will be distributing forms to Department Heads.

Motion by Caspers, seconded by Hauck, to approve the following reports: MAY Municipal Court; JUN Wahpeton Police Department. Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Meyer, seconded by Loberg to approve listed bills presented in the amount of \$193,649.17 and that warrants be drawn upon their respective funds. Motion carried 6-0. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

| | |
|--------------------------------|-------------------|
| PERSONNEL & PUBLIC SAFETY | NOON July 9th |
| PUBLIC WORKS | NOON July 10th |
| FINANCE & ECONOMIC DEVELOPMENT | Not scheduled |
| FLOOD MITIGATION | Week of July 20th |

Motion by Meyer, seconded by Loberg, to recess until Noon, July 16, 1998. Motion carried.

Mayor
ATTEST:

Duane M. Budö Schmitz,

Arden C. Anderson, City Auditor

Councilmember Meyer deferred to the City Attorney. Attorney Lies then explained that one or more citizens had contacted the North Dakota Attorney General about the matter (of four letters, dated August 7 & 8, 1995, to Palisades Development and Douglas A. Carlson Development containing non-authorized signatures purported to be those of the Mayor and City Auditor). He said a letter from the Attorney General has been returned stating that North Dakota Century Code 11-16-06 would allow the City to petition the District Court for appointment of an independent attorney to fully investigate the matter. He said a deputy City Attorney has prepared a proposed Resolution for the City Council to consider and he suggested it be read aloud. Attorney Lies noted that Douglas Carlson of Douglas A. Carlson Development, Inc., to whom one of the letters was written, was in the audience and invited Mr. Carlson to respond if he did not agree with the information contained in the Resolution.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2903
**RESOLUTION TO PETITION THE DISTRICT COURT
PURSUANT TO NORTH DAKOTA CENTURY CODE 11-16-06
TO APPOINT AN ATTORNEY TO TAKE CHARGE OF
PROSECUTION OF FORGERY OF THE SIGNATURE OF THE
CITY AUDITOR AND THEN MAYOR IN AUGUST 1995**

The entire Resolution was then read aloud. Mr. Carlson acknowledged that he had received the letters.

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: Mathiason, Meyer, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and attested by the City Auditor.

Mayor Schmitz noted four persons have submitted written requests to be considered for appointment to the vacancy in the 4th Ward Councilmember position. He asked each in turn to address the Council.

The applicants--Gerald Nankivel, Michael W. Haapala, Tim Schmidt, and Glen Tollefson--each related their history, current occupation, and interests in serving as 4th Ward Councilmember. Responding to questions from the Council and Mayor, all stated they would be able to take the time necessary to attend meetings and would run for the position if a special election were called.

Councilmember Hauck joined the meeting during the presentations by the candidates.

Councilmember Loberg wondered if an election is still an option. Attorney Lies said it is; the Council could choose to schedule an election at any time...even at the November general election if it wishes to. He stated the Council itself may choose (appoint) the person to complete the final two years of the term, and, it would be possible that the Council would have to vote more than once as the appointment requires a majority vote of all Councilmembers...which means 5 votes would be necessary to elect.

Mayor Schmitz observed that the proposal for filling the 4th Ward Councilmember vacancy is on the Council's July 20th Agenda.

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

Mayor
ATTEST:

Duane M. "Bud" Schmitz,

Arden C. Anderson, City Auditor

City of Wapaketon Minutes

JULY 20, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on July 20, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. öBudö Schmitz, Councilmembers Richard A. Hauck, James P. Sturdevant; Dr. Delray Mathiason, Warren D. Meyer, Charles B. Christensen, Richard A. Loberg, Meryl T. Hansey.

The following were absent: None. (The 4th Ward Councilmember Chair is vacant)

Officers present: Public Works Director, Police Chief, Loan Administrator, Economic Development Director, City Attorney, City Auditor.

Mayor Schmitz presided at the meeting.

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Motion by Hauck, seconded by Loberg, to approve the minutes of the regular meeting held July 6, 1998 and the minutes of the recessed meeting held July 16, 1998. Motion carried.

Motion by Christensen, seconded by Hansey, to hold an election to fill the final two years of the vacant 4th Ward Councilmember position.

Questions were asked about the estimated cost of a special election and the possibility of waiting until the November General Election. The Auditor said the top cost should be about \$400.00. He added that the proposal is a single issue and suggested the Council consider holding the election as soon as possible. The City Attorney observed that, if a special election is approved, it will require candidates to circulate and file petitions; therefore, some time should be allowed for that purpose. Councilmember Sturdevant said he feels that the election should be held as quickly as possible and wondered how long it would take for all the formalities. The Auditor said he could get petitions out tomorrow. It was generally agreed that there would be enough time for petitions to be filed by August 10th and an election could be held a week or two later. Answering a question from Councilmember Loberg, the City Attorney replied that more than the original four applicants could file petitions to be included on a special election ballot.

Councilmember Hansey withdrew his second stating he was of the opinion that the original motion was to allow the *Council* to vote for selection of the replacement from the four applications received.

Motion by Christensen, seconded by Hauck, to schedule a special election on August 25, 1998 for the purpose of filling the final two years of the vacant 4th Ward Councilmember position. Motion

carried 6-1. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg; voting nay: Hansey.

Parks & Recreation Director Wayne Beyer attended and reported new flood defense levies in Chahinkapa Park are complete and have recently been seeded with grass. He complimented the Public Works Department on its fine work in providing the new protection on the north side. Director Beyer said the new levee and road relocation eliminated several Campground spaces, has created an unsafe condition, and has caused the Park Board to seek a new Campground location. He then distributed a drawing of the Kidder Recreation Area showing a proposed relocation concept. Mr. Beyer said the proposal includes a full-service rest room & shower facility which will require water service via a 6-inch line from 4th Street. The drawing showed the proposed route of the line. The Parks and Recreation Director said the Park Board is requesting help from the Public Works Department for plans and estimated cost.

Councilmember Hansey wondered where the funding will come from. Mr. Beyer said that is not known right now as the Park Board is waiting on decisions from FEMA and HUD. He said the Board is hoping there will not be a need to utilize the special assessment procedure.

Councilmember Meyer wondered if the Park Board is legally allowed to authorize construction projects which would cause an increase in the number of Park Board-levied mills. He observed that Wahpeton's citizens voted whether or not to authorize the Park Board to levy additional mills in order to construct the swimming pool. The City Attorney replied that the citizens voted because the swimming pool is a structure---proposals for additional property taxes to pay for a structure must be authorized by the voters. On the other hand, he said, work authorized on public health matters--such as water and sewer projects--are exempted from the protest process. The Attorney added that in order for the work to be completed and the costs special assessed to benefited property (in this case Park Board property which would increase mills), the Park Board will have to approach the City Council for creation of a special assessment project before any work is authorized. Councilmember Loberg and the Public Works Director noted that the present proposal is only asking for the City's help to create a design and estimate the cost...the Council will have further say if the Park Board proposes the work be performed as a special assessment project.

Motion by Hauck, seconded by Sturdevant, to authorize the Public Works Department to prepare plans and estimate cost for the proposed 6-inch water line from 4th Street North to the proposed relocation site of the Park Campground in the Kidder Recreation Area. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Loberg offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-489
THE LEACH HOME

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

The Public Works Director reported Southeast North Dakota has been declared a disaster area for the fifth time in five years. He said he and the City Auditor attended a meeting a week or so ago and signed up for FEMA assistance. Mr. Lein said right now the plans are to apply for funding to clean up river debris. The Director said in order to make everything official, the City needs to join the Federal Government in declaring an emergency.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2904
RESOLUTION OF EMERGENCY DECLARATION
INCIDENT NUMBER RC98-0006

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, Mathiason, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and attested by the City Auditor.

Director Lein then presented a proposed change order for 4th Avenue South Storm Sewer Project 1-1-98. He said the extra is for a portable electric generator to operate lift station pumps plus some added piping. He said the additional cost of \$28,072.00 raises the over-all construction contract to \$847,241.90 of which 50% will be paid through the matching EDA grant. (The matching grant is approved to a maximum of \$500,000)

Motion by Christensen, seconded by Mathiason, to approve the \$28,072.00 construction contract change order with Kindred Plumbing & Heating for a portable electric generator and added piping. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The Public Works Director reported the NDDOT's priority list for the year 2000 includes reconstruction of 4th Street North. He noted that the City has a few things to do up front and asked for review by the Public Works Committee. He also requested that the Public Works Committee review the overtime policy for the exempt positions of Water Plant Superintendent and Street Foreman. Mayor Schmitz assigned both matters to the Public Works Committee.

The Police Chief introduced Patrol Officer Bill Straus to the City Council. Chief Lotzer also reported that the Department has introduced a bicycle patrol program with Officers Todd Pearson and Elroy Schmidt in charge.

The City Auditor reported the two-year contracts for Municipal Judge, Public Defender, and Court Clerk expire in December and, as budgets will require, he has sent letters asking about renewals. One reply has been received; the Public Defender states he would accept a new contract at the same rate.

Councilmember Hauck reported for the Personnel Committee. He said the Committee has been reviewing revised job descriptions and are recommending approval.

Motion by Hauck, seconded by Loberg, to approve the job descriptions for City Hall Administrative Assistants. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Mr. Hauck reported the Committee has also spent some time with the salary administration policy and the Councilmembers have received a copy of the report. He asked that everyone look it over and feel free to contact Committee members.

Councilmember Sturdevant reported Police Secretary Tracy Larson has completed her first year of employment, has received a satisfactory performance review, and the Personnel Committee has approved the budgeted Anniversary Pay increase to \$1,307.00 per month effective August 1, 1998.

The following Committee meetings were scheduled: Personnel on 7/22 at noon (with supervisors), Public Works on 7/28 at noon, Flood Mitigation 7/29 at noon.

Motion by Sturdevant, seconded by Hauck, to approve the following reports: JUN Water Works; 2ND QTR Employee Vacation, Sick Leave, etc., reports. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

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

ATTEST:
Mayor

Duane M. öBudö Schmitz,

Arden C. Anderson, City Auditor

have indicated they'd go along. He observed that the language tracks State Law which would require County payment of costs through the District Court route.

Mr. Hansey asked if the County Commission also has to act if the City Council approves the agreement. Attorney Lies said it would and he believes the Commission has scheduled a meeting tomorrow morning for that purpose.

Answering a question about whether or not the Attorney General had conducted an investigation, Mr. Lies stated the Attorney General received the State's Attorney's letter and apparently reviewed the procedures as documented in the letter only. He said to his knowledge City officials and the persons receiving the 4 letters in 1995 had not been contacted by the Attorney General. He said the Attorney General's letter stated the State's Attorney had conducted a review and the Attorney General wasn't going to second-guess the decision of the State's Attorney.

The City Attorney said there are some disagreements regarding 1995's sequence of events, such as: The City Auditor on Tuesday, 8/15/95 delivered copies of the four irregularly-signed documents (received by Sauk Rapids developers on manufactured City stationery); the State's Attorney (who was at a conference in Dickinson on 8/15/95) says he first received notification through the news media.

Councilmember Sturdevant said some say there was an investigation by the State's Attorney's office...some say there wasn't. He said he'd like to hear what Mr. Myers has to say. Mr. Sturdevant also wondered why the City Council had made the decision to go to District Court so quickly after receiving the (7/8/98) letter from Richland County asking for a joint meeting.

Attorney Lies said he, Mr. Comstock & his attorney (R.E.T. Smith), Mayor Rood, and the City Auditor were invited to attend a meeting in the State's Attorney's office on Friday, 8/18/95 to discuss the four letters. During the two hour meeting, Attorney Lies said, Mr. Comstock and the State's Attorney spoke at length; the City officials didn't feel they were interviewed in the manner of an investigation. The City Attorney said he couldn't address the extent of the investigation but didn't believe there were any other interviews of City officials. He said developer Douglas Carlson attended the City's July 16 meeting and agreed with the information contained in Resolution No. 2903.

Councilmember Hansey wondered if State's Attorney Myers concurs with those statements. He said he agrees with Mr. Sturdevant that passage of the Resolution (No. 2903) to petition the District Court moved too fast and he doesn't want it to happen again.

Attorney Lies said a Councilmember, after receiving a copy of the County's letter, had asked him to research what avenues were available...one of which was to petition the District Court. The decision to act immediately was proposed and approved by members of the City Council.

Councilmember Hansey said he wasn't on the City Council three years ago but understands that the State's Attorney informed the City Council to contact him if anyone wanted further investigation.

The City Attorney said neither he, Mayor Rood, nor the City Auditor recall any statements about getting back to the State's Attorney if further investigation was desired.

Motion by Hansey, seconded by Sturdevant, to delay any action on the "Agreement to Appointment of Special Counsel" until such time as the City Council may meet and discuss the matter with the State's Attorney and then schedule a special City Council meeting at a later date.

Councilmember Meyer stated that the City did not create the situation. He said an event occurred and City officials turned the matter over to the State's Attorney which is standard procedure whenever a possible crime may have been committed, and, the State's Attorney chose not to prosecute. Mr. Meyer said the City Council was informed of the decision after the decision...at no time did the State's Attorney indicate that he was waiting for the Council to get back to him if more investigation was desired. Councilmember Meyer observed that citizens are now asking for an explanation and he feels they have a right to expect one.

The City Auditor wondered whether or not the motion would require the Council to meet in special session with the State's Attorney as it's quite possible that a quorum could be present during the meeting. It was generally agreed that if the motion to meet with the State's Attorney were adopted, it could be determined later if a special Council meeting will be called.

Attorney Lies noted that if the "Agreement" is not approved, the matter will still be before the District Court...unless the City Council would vote to withdraw the petition (Resolution No. 2903). Councilmember Hansey said he still feels Mr. Myers should be contacted and the City Council shouldn't act until it has a chance to visit with him. County Commission Chairman, Dave Paulson, confirmed that Mr. Myers will be available by phone during the County Commission meeting tomorrow morning.

Upon vote taken on the motion to delay action on the "Agreement" until the Council may meet with the State's Attorney, the following voted in favor: Hansey, Sturdevant; and the following voted against: Mathiason, Meyer, Christensen, Loberg. Mayor Schmitz declared the motion lost on a vote of 2 in favor and 4 opposed.

Motion by Meyer, seconded by Christensen, to approve the following:

"AGREEMENT TO APPOINTMENT OF SPECIAL COUNSEL

That the City of Wahpeton acknowledges that State's Attorney Earle "Bud" Myers exercised prosecutorial discretion in the investigation and decision not to charge Robert Comstock in 1995, and acknowledges the conclusion in the letter of the Attorney general to Renelle Bertsch Merbach that finds that while some may disagree with the decision, that the State's Attorney (Earle "Bud" Myers) did not violate his duty or responsibility as State's Attorney in making that decision.

That the City of Wahpeton acknowledges that prior to the filing of a Petition with the District Court for the appointment of a special prosecutor, the City of Wahpeton had not requested the State's Attorney to reconsider the matter or asked for an independent investigation though it could have. That the only action taken was by citizens to contact County Commissioners, Attorney General, news media, the U.S. Attorney, and City officials.

That the City of Wahpeton is desirous of having this matter considered and the State's Attorney is desirous of having this matter completely resolved; all parties agree that to avoid public skepticism, it would be best to have the matter reviewed and investigated by a special counsel.

The Richland County Commission agrees that the public interest would best be served by such appointment and agrees to pay the costs of the same.

That the parties realize that time is of the essence, that a special counsel must bring an action, if any, on or before August 8, 1998, or any action would be barred by the statute of limitations.

In that the Attorney General's Office has declined to act as special counsel because it had previously reviewed the matter, the Richland County Commission, with the advice and consent of the State's Attorney shall appoint Robert Hoy, Attorney at Law, Fargo, North Dakota, as a special counsel to fully investigate the Robert Comstock matter arising in August of 1995. Said special counsel shall be vested with the powers of the State's Attorney for the purpose of this action, but no other purpose, and shall be the only person authorized to proceed in such action.

All of the parties further agree that by such appointment, the City's application for proceeding further thereon is moot. The City shall file a copy of this stipulation with the Court.

Dated this 27th day of July, 1998.

CITY OF WAHPETON
COMMISSION

By /s/ Duane M. Schmitz
Paulson
Duane M. Schmitz, Mayor

ATTEST:

/s/ Arden C. Anderson
Hornstein
Arden C. Anderson, City Auditor
Auditor

WAHPETON CITY ATTORNEY
COUNTY STATE'S ATTORNEY
Earle R. Myers, Jr.

/s/ Steven J. Lies
McBeth
Steven J. Lies

RICHLAND COUNTY

By /s/ David

Chairman

ATTEST:

/s/ Kelly

Kelly Hornstein, County

RICHLAND

By /s/ Ronald W.

Ronald W. McBeth"

Councilmember Sturdevant asked if the proposed agreement is more agreeable to the State's Attorney than letting the matter take its course in District Court. Attorney Lies said he received a phone call from Mr. Myers prior to his leaving for a few days of vacation and Mr. Myers said he recommends following the appointment route.

Upon vote being taken on the proposal to execute the Agreement to Appointment of Special Counsel the following voted in favor: Mathiason, Meyer, Christensen, Loberg; and the following voted against: Hansey, Sturdevant. Mayor Schmitz declared the motion adopted on a vote of 4 in favor and 2 opposed.

The City Attorney then discussed the matter of City accounts payable and payroll checks issued utilizing the existing signature stamp with former Mayor Rood's facsimile signature along with those of the City Auditor and City Treasurer. (The stamp, which appears on the Bank's signature cards of the two checking accounts, had continued to be utilized while waiting for delivery of a new stamp containing Mayor Schmitz's facsimile signature)

Attorney Lies said he researched State Law and has spoken with a deputy at the Attorney General's Office. He said his investigation revealed that the statutes require City checks to be signed by the Mayor and City Auditor but there is no penalty clause if not done that way. The Attorney said the deputy at the Attorney General's Office agrees that using the old stamp wasn't the proper course to follow but didn't think it was a big deal. He said the suggestion is for the City Council to ratify the checks by motion.

The City Auditor presented a memorandum to the City Council in which he acknowledged he authorized utilization of the existing stamp when paying Council-approved checks while waiting for Mayor Schmitz's new stamp; that he takes full responsibility for the decision; and that if the action were found to be illegal, he would admit to it.

Mayor Schmitz said he had no problem with the way checks were paid while waiting for the new stamp.

Councilmember Sturdevant said he wanted everyone to be aware that the Finance Committee reviewed all of the (accounts payable) vouchers in question and a complete listing had been submitted to each Councilmember before approval at a Council meeting. He observed that payroll checks are authorized by the annual budget. Mr. Sturdevant said this is not a matter that the citizens should be concerned about.

Motion by Meyer, seconded by Sturdevant, to ratify the following expenditures:

| | |
|---|--------------|
| Accounts Payable Checks #2977 through #3186 | \$827,101.87 |
| Payroll Checks #1047 through #1145 | 70,236.04 |

Motion carried 6-0. Voting aye: Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Mayor Schmitz noted that a letter to the editor expressed concern about citizens not being allowed to comment at Council meetings unless they were on the agenda. He said the statement was not accurate and wants all to know that citizens are welcome to attend meetings and will be called upon whether or not they appear on the agenda.

The Mayor said he has been receiving unsigned letters and he will not respond unless the author is identified..

Motion by Christensen, seconded by Hansey, to adjourn.

ATTEST:

Schmitz, Mayor

Duane M. oBudö

Arden C. Anderson, City Auditor

Motion by Sturdevant, seconded by Meyer, to approve \$69,505.34 Change Order #6 for Flood Mitigation Project No. 5-1-97. Motion carried 5-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Hansey; voting nay: None.

The Public Works Director reported on the status of the request through the State Revolving Loan Fund for consideration of a low-interest loan to the City for replacement of Water Plant Controls (initial application was approved by Council motion March 16, 1998). He said the next step in the process is adoption of a Resolution authorizing filing of the formal application which includes naming the Mayor as the local authorized representative.

Answering questions from Councilmember Hansey about costs and effect, Director Lein said--if approved--the 3 1/2% loan, estimated between \$400,000 and \$500,000, would allow the City to borrow money at a very favorable rate to install modern equipment and computer systems in order to provide for up-to-date efficiency of the Water Plant.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2905
**RESOLUTION AUTHORIZING FILING OF APPLICATION
WITH THE NORTH DAKOTA DEPARTMENT OF HEALTH
FOR A LOAN UNDER THE CLEAN WATER ACT**

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, Mathiason, Meyer; and the following voted against the same: Hansey: Whereupon said Resolution was declared duly passed and adopted on a vote of 4 in favor and 1 opposed, was signed by the Mayor and attested by the City Auditor.

The Loan Administrator reported application has been received for a loan through the City's Revolving Loan Fund and the Finance Committee should meet for review. The request was agreed to.

Administrator Priebe then discussed a proposed Resolution for sponsoring a loan through the North Dakota Office of Intergovernmental Assistance. She said the flood and construction of the new levee has caused *Prante's* to seek a new location. The Administrator said the Prantes are now applying for funding through the State in the same manner as many other businesses have. Ms. Priebe observed the request was received last Friday so it isn't on the Agenda, but, she said, the Resolution shows City support, only, and does not obligate the City in any way.

Motion by Sturdevant, seconded by Hauck, to suspend the rules and allow action on a Resolution supporting the "*Prante's Flood Recovery Development*" application for a loan through the North Dakota OIA, an item which does not appear on the Agenda. Motion carried 5-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Hansey; voting nay: None.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2906
**RESOLUTION OF SPONSORSHIP
(Prante's Flood Recovery Development)**

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, Mathiason, Meyer, Hansey; and the following voted against the same: None: Whereupon said Resolution was declared duly passed and adopted by unanimous vote, was signed by the Mayor and attested by the City Auditor.

Mayor Schmitz appointed Beverly McRoberts as 4th Ward Inspector of the Special August 25, 1998 Councilmember Election, and, Councilmember Mathiason to the Law Enforcement Center Management Board.

Motion by Meyer, seconded by Hauck, to confirm Mayor's appointment of Beverly McRoberts as Inspector of Election. Motion carried 5-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Hansey; voting nay: None.

Motion by Meyer, seconded by Sturdevant, to confirm Mayor's appointment of Councilmember Mathiason to the Law Enforcement Center Management Board. Motion carried 5-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Hansey; voting nay: None.

The Police Chief wondered if, by appointment to Law Center Board, Councilmember Mathiason would automatically be assigned to replace Councilmember Hauck as a member of the Drug Task Force. In order to try and head off any potential future fiddle-faddle, it was decided to add an appointment proposal to the next Council meeting Agenda.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said as a part of the Hay Group Job Classification Study, the Committee has been reviewing, and now recommends, a new policy for administering the salary program and creation of a program to award exceptional performance.

Motion by Hauck, seconded by Meyer, to amend the City's Personnel Policy by adopting the "*Salary Administration Policy*" and "*Exceptional Performance Award Program*."

Councilmember Hansey wondered if the motion shouldn't be tabled in order to look over the proposed salary schedule to see if any inequities need to be worked out. Councilmembers Hauck and Meyer said the motion is for adoption of policies and doesn't affect individual salaries.

Upon vote on the motion to adopt the *policy* and the *program*, the following voted in favor: Hauck, Sturdevant, Mathiason, Meyer, Hansey; and the following voted against: None. Whereupon Mayor Schmitz declared the motion adopted by unanimous vote.

Councilmember Hauck reported the Law Enforcement Center Committee has been reviewing the recommendation for asking Richland County Voters for approval to add 50 cents on their phone bills to upgrade the County's 911 emergency phone system. He said the LEC Committee has voted to place the proposal on the November Election Ballot and the Committee is asking the County Commission and City Council to express their support as well.

Motion by Hauck, seconded by Mathiason, to suspend the rules and allow action on a motion supporting a favorable vote to add 50 cents on phone bills for 911 emergency upgrades, an item which does not appear on the agenda. Upon vote being taken, Councilmember Meyer cast an opposing vote therefore defeating the motion which requires unanimous support. He said he felt the matter should be discussed by Committee first. Mayor Schmitz assigned the item to the Personnel & Public Safety Committee.

Councilmember Hauck reported the Law Center Committee wants a review of the percentage of time spent by the County employee performing Municipal Court Clerk duties (the City of Wahpeton has been paying Richland County \$10,000 per year for the employee to serve as Municipal Court Clerk). He asked the City Auditor to get together with the County Auditor, review the situation, and come back with a report of percentages.

The Public Works Director reported for the Public Works Committee. 1) He said the Committee has determined that it is not economically feasible to approve expenditure for repairs necessary to bring the old 3rd Avenue North Water Tower into compliance with State Health Department regulations. He said tests show abandonment of the water tower has minimal effect on the City's water pressure. 2) Director Lein said the Committee reviewed the process for reconstruction of 4th Street North in the year 2000. He reported the Committee recommends following NDDOT's regulations requiring selection of an engineer to design the project and hold public hearings.

Motion by Sturdevant, seconded by Mathiason, to approve the Public Works Committee's recommendation to forego repairs and remove the 3rd Avenue North Water Tower from the City's water distribution system. Motion carried 5-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Hansey; voting nay: None.

Motion by Mathiason, seconded by Sturdevant, to request proposals for a consultant engineer as required for the NDDOT's 4th Street North reconstruction project for the year 2000. Motion carried 5-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Hansey; voting nay: None.

Director Lein observed that NDDOT requires the City to adopt a written policy for requesting consultant engineer proposals. He said there is a policy but it hasn't been formally put in writing and adopted by the City Council. The matter was turned over to the Public Works Committee for review and recommendation.

Completing the Committee report, Director Lein stated the Public Works Committee reviewed the proposal for overtime exception for two exempt employees and has asked to meet jointly with the Personnel & Public Safety Committee. Mayor Schmitz made the assignment.

Councilmember Sturdevant reported for the Flood Mitigation Committee. He said the Committee met last week and brought the new Councilmembers and Mayor up to date on Council decisions and status of flood prevention measures.

Motion by Meyer, seconded by Sturdevant, to approve payment of bills presented in the amount of \$456,034.74 and that warrants be drawn upon their respective Funds. Motion carried 5-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Meyer, to approve the following reports: JUN Municipal Court; JUL Police Department. Motion carried 5-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Hansey; voting nay: None.

The following Committee meetings were scheduled:

| | | |
|--------------------------------|------------------|------|
| PERSONNEL & PUBLIC SAFETY | Wed, Aug 5th | Noon |
| FINANCE & ECONOMIC DEVELOPMENT | Thur, Aug 13th | Noon |
| PUBLIC WORK | To be determined | |

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

ATTEST:

Schmitz, Mayor

Duane M. oBudö

Arden C. Anderson, City Auditor

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

Councilmember Mathiason offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-492
ST. JOHN'S CATHOLIC CHURCH - GROUPS

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, Mathiason, Meyer, Christensen, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

The Auditor noted requested information regarding Court Clerk/LEC Receptionist costs had been obtained and forwarded to Councilmembers. He said the items are part of the preliminary budget and will be discussed by the Finance Committee.

Auditor Anderson said proposed expenditure budget forms are out and are to be returned this week. He said the computer storage problem contained revenue projections and the figures will hopefully be recovered by the restorers.

The City Assessor reported she had attended the State Board of Equalization meeting in Bismarck last week. Ms. Stromberg said the Board has determined that the City's commercial property sales ratio is at 100% and the sales ratio for residential property is at 99.1%. She said the ratios are in direct correlation with the mass reappraisal; without it the residential figure would have been about 91%.

The Public Works Director reported receipt of proposed Change Order A-6 for the 5-1-97 Flood Mitigation Project. Mr. Lein said the proposal is for work in the zoo area and recommended it be reviewed by the Flood Mitigation Committee. Mayor Schmitz instructed the Committee to make the review and return with a recommendation.

Director Lein noted the proposed Plat for NorthPark Addition is now complete and a public hearing before the Planning Commission is scheduled for August 28th. He said sanitary sewer, water, and storm sewer services need to be installed in order to develop the area. He described the work necessary and recommended that the City Council begin the process of adopting Resolutions for a special improvement project (1-4-98) in order to get a jump on the procedures and allow part of the services to be installed before freeze-up...that will allow marketing of 10-13 lots this year...although the process could be interrupted by the Council at any time prior to award of the construction contract. He said bids for the project would be opened at 2:00 p.m. on September 16th.

Answering a question from Councilmember Hansey, the Economic Development Director reported there has already been interest in the lots.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2907

**RESOLUTION CREATING SANITARY SEWER, WATER
AND STORM SEWER IMPROVEMENT DISTRICT 1-4-98
(NORTHPARK ADDITION)**

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

Councilmember Hauck offered the following Resolution and moved its adoption:

**RESOLUTION NO. 2908
RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN SANITARY SEWER, WATER
AND STORM SEWER IMPROVEMENT DISTRICT 1-4-98
(NORTHPARK ADDITION)**

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, Mathiason, Meyer, Christensen, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

**RESOLUTION NO. 2909
RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
IN SANITARY SEWER, WATER AND STORM SEWER
IMPROVEMENT DISTRICT 1-4-98
(NORTHPARK ADDITION)**

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

Councilmember Sturdevant offered the following Resolution and moved its adoption:

**RESOLUTION NO. 2910
RESOLUTION DIRECTING PREPARATION OF PLANS
AND SPECIFICATIONS AND ESTIMATE OF COST FOR
THE IMPROVEMENT IN SANITARY SEWER, WATER
AND STORM SEWER IMPROVEMENT DISTRICT 1-4-98
(NORTHPARK ADDITION)**

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

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2911
**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT IN
SANITARY SEWER, WATER AND STORM SEWER
IMPROVEMENT DISTRICT 1-4-98
(NORTHPARK ADDITION)**

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, Mathiason, Meyer, Christensen, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2912
**RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT
FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT IN
SANITARY SEWER, WATER AND STORM SEWER
IMPROVEMENT DISTRICT 1-4-98
(NORTHPARK ADDITION)**

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, Mathiason, Meyer, Christensen, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

The Public Works Director reported he has received two requests...one from Scottø Electric and the other from Smith Motors...for installation of pavement on boulevards to allow parking. He said the zoning allows for the proposals, he has looked over each area and recommends approval. Answering a question from the Police Chief about intersection sight lines, Director Lein said the City Ordinances will be followed.

Motion by Christensen, seconded by Meyer, to approve installation of pavement and allow parking on the boulevard as requested by Smith Motors and endorsed by the Public Works Director. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Mathiason, to approve installation of pavement and allow parking on the boulevard as requested by Scottø Electric and endorsed by the Public Works Director. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

Director Lein reported 5 street lights are being reinstalled along RJ Hughes Drive and the new flood control levee on the North side. He said the contract with Otter Tail Power Company needs to be amended by the proper application.

Motion by Christensen, seconded by Meyer, to approve the application to Otter Tail Power Company for installation of 5 HPS-23 street lights along RJ Hughes Drive. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

The Public Works Director reported the City Auditor has received a letter from PrimeBoard, Inc. requesting a Fire Code variance for straw bales. Mayor Schmitz turned the request over to the Personnel & Public Safety Committee for review and recommendation.

City Attorney Lies and Otter Tail Power Company's Division Manager Russel Denault reported they have worked out the proposed agreement for the City to purchase Otter Tail's office building on 4th Street North for relocation of City Hall. They said the Public Works Director had input during its preparation. Attorney Lies discussed some of the agreement's particulars. Some are: Purchase of the building and 14.46 acres of land at a price of \$1,175,000; purchase could either be by a contract for deed or by lease arrangement through a bank; Otter Tail Power is responsible for any existing environmental problems; Otter Tail warrants the land title is free of defects.

Mr. Denault said the written agreement shouldn't have any problems on Otter Tail's end. He said some issues on furniture and other finishing touches will be worked out with the City Auditor and Public Works Director. Answering a question from Councilmember Sturdevant, Mr. Denault said the heating system is not under a computer system and won't be affected by "year 2000" worries.

Mayor Schmitz wondered when the City will have to decide on the better method of financing. Attorney Lies said closing is being targeted for December 15th and a decision should be made at least a couple of weeks before then.

Motion by Meyer, seconded by Christensen, to authorize the Mayor and City Auditor to execute the Agreement with Otter Tail Power Company for purchase of Otter Tail's office building and 14.46 acres of land for relocation of City Hall. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

The Police Chief reported he will honor a request from Evangelical Pastors Fellowship to supply a police officer for about 2 1/2 hours at no cost to supervise a Halloween party at Central Elementary gym for 305-500 children. Councilmember Sturdevant said it appears the party is a good program and endorsed the Chief's decision.

A letter had been received from Richland County requesting appointment of a member to the County Zoning Board to replace Donna Keogh. Economic Development Director Krauseneck remarked on the good works of the Board. Mayor Schmitz appointed Councilmember Loberg subject to confirmation.

Motion by Hauck, seconded by Sturdevant, to confirm the Mayor's appointment of Councilmember Richard A. Loberg to the Richland County Zoning Board. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

Mayor Schmitz appointed Councilmember Mathiason to the Drug Task Force. Motion by Sturdevant, seconded by Meyer, to confirm Mayor's appointment of Councilmember Delray

Mathiason to the Drug Task Force. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee has been working for over a year on the Job Classification & Pay Plan and a recommendation is ready on the final draft which had been distributed for review by Councilmembers. He said the Committee feels the Plan is fair and provides the mechanics for allowing employees to have an avenue to propose changes.

Motion by Hauck, seconded by Meyer, to approve the Personnel & Public Safety Committee's recommendation to adopt the Hay Job Classification and Pay Plan. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

Motion by Hauck, seconded by Meyer, to approve the Personnel & Public Safety Committee's recommendation to implement the Hay Job Classification and Pay Plan on September 1, 1998. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

Councilmember Hauck said the Committee is asking the City Auditor to further investigate the Law Center Committee's request for City Council support in asking Richland County Voters for approval to add 50 cents on their phone bills to upgrade the County's 911 emergency phone system.

Mr. Hauck said the Committee is not ready to make recommendation regarding the request for overtime allowances for two exempt employees.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee met with representatives of Community First Bank regarding a lease/purchase agreement for funding purchase of the new City Hall property. Mr. Meyer said the Committee is not ready for a recommendation but members feel the bank route is a better way to go. He said income and expense figures are still being collected...the (5.95%) interest rate is locked in for 60 days.

Mr. Meyer reported the Committee met with the Loan Administrator and reviewed a proposal for amending a revolving loan fund loan. He reviewed the minutes of the meeting, noted that the recommendations from Ms. Priebe were acceptable, and that the Committee recommends approval.

Motion by Meyer, seconded by Christensen, to approve the new terms and conditions of the Nelsons /dba/ Maytag Laundry revolving loan fund loan as proposed by the Loan Administrator. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Hansey; voting nay: None.

Councilmember Christensen said the Public Works Committee will be meeting in the next two weeks to discuss the NDDOT requirement for the City to adopt a written policy for requesting consultant engineer proposals.

The following Committee meetings were scheduled:

| | | |
|--------------------------------|----------------|-------|
| FINANCE & ECONOMIC DEVELOPMENT | Mon, Aug 24th | Noon |
| FLOOD MITIGATION | Tues, Aug 25th | Noon |
| PERSONNEL & PUBLIC SAFETY | Wed, Aug 26th | 12:30 |
| PUBLIC WORKS | Fri, Aug 28th | 12:30 |

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

ATTEST:

Schmitz, Mayor

Duane M. oBudö

Arden C. Anderson, City Auditor

**RESOLUTION ADOPTING PLAT
NORTHPARK ADDITION**

The motion for the adoption of the foregoing Resolution was seconded by Councilmember Hansey.

Councilmember Meyer stated he testified at the Planning Commission regarding his concerns about the green space area designated on the NorthPark Addition Plat. He said he had reservations about the City taking a leading role in developing residential building lots but understood it had to in order to provide an area for entry level homes. He said Wahpeton has the third highest tax levy in the State and one of the purposes of creating the Addition is to expand the City's population and tax base in order to reduce mills; removing lots is counterproductive to that purpose. Mr. Meyer also expressed concern about the taxpayers' ability to afford satellite park systems.

Councilmember Loberg said he agreed with Mr. Meyer about not wanting to get into the development business, but, it had to be done and feels neighborhood green space is important to young families with children. He said it was important for him when his children were small and he witnessed continuous usage of the minipark in his neighborhood.

Councilmember Hansey wondered what age group the Addition was designed for. The Economic Development Director said there was a lot of consideration by a lot of people in arriving at the final proposal. He said the Maxfield Study revealed the need for this type of development in order to attract young families. Mr. Krauseneck said the Planning Commission discussed many options and it is felt the lots will fill up quicker because of the designated green space.

Councilmember Meyer said he senses a lack of the Park Board's resources to develop the space for park purposes and sees it remaining a bare area with power lines over unmown grass.

Councilmember Hansey asked Park officials to estimate development cost and explain their plans. Parks & Recreation Director Wayne Beyer said it is estimated it will cost \$20,000 to set up a playground in the area. He said people and organizations (Kiwanis, etc) have been willing to donate non-tax money to help the Park Board develop other playgrounds. Park Board President Meredith Mitskog agreed people are out there willing to raise the money. She said the Park Board has tried to get developers to donate land for neighborhood parks but understands the economics involved for them. Ms. Mitskog said perhaps the NorthPark development will set an example as it is a long ways to Chahinkapa Park for residents on the west side. She said the Park Board feels the dedication creates a positive attitude for the City, which Wahpeton needs.

Mayor Schmitz asked if the dedication of the three lots raises the cost of the other lots in the Addition. The Economic Development Director reported the lot costs will be \$5,000 and would not be affected by adding or subtracting to the number. Director Krauseneck said he recognizes that Councilmember Meyer's concern is having property on the tax rolls and it is a decision that was made after careful consideration of providing an attractive development. He said potential homeowners will qualify under the City's H.E.L.P. program. He said it is hoped that HUD may pay some of the special assessments cost. The City Attorney added that the residents would not have to pick up specials on the park land...specials on municipally-owner property are paid by a City-wide assessment on all property.

Councilmember Christensen said he agreed with Mr. Meyer that providing the means for construction of affordable housing was the reason the City reluctantly got involved with developing an area for that purpose. He said he also understands Councilmember Meyer's arguments about the green space taking property off the tax rolls...but feels that a neighborhood park will be good for young families.

Upon vote being taken for proposed adoption of Resolution No. 2913 approving the Plat for NorthPark Addition, the following Councilmembers voted in favor: Mathiason, Schmidt, Christensen, Loberg, Hansey; and the following voted against: Meyer. Whereupon said Resolution was declared duly passed and adopted on a vote of 5 in favor and 1 opposed, was signed by the Mayor, and attested by the City Auditor.

Motion by Hansey, seconded by Schmidt, to adjourn. Motion carried.

ATTEST:

Schmitz, Mayor

Duane M. Budö

Arden C. Anderson, City Auditor

September 8, 1998

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on September 8, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. "Bud" Schmitz, Councilmembers James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Charles B. Christensen, Richard A Loberg, Meryl T. Hansey.

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

Officers present: Public Works Director, Police Chief, Loan Administrator, Assessor, Economic Development Director, Attorney, Auditor's Assistant.

Mayor Schmitz presided at the meeting.

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Motion by Loberg, seconded by Mathiason, to approve the minutes of the regular meeting held August 17, 1998, and the special meeting held August 28, 1998. Motion carried.

David Gripentrog requested consideration of a Nonconforming Use in an area zoned Light Industrial I-1 in order to continue to keep horses in the former Dakota Pork Building. Mr. Gripentrog stated that they intended to handle horses and possibly beef cattle only. Mr. Gripentrog presented a list of individuals who have housed horses on the property consecutively for the last 32 years and stated that he would appreciate the Council's consideration to continue to operate the livestock operation of buying and selling. Mayor Schmitz turned the request over to the Personnel and Public Safety Committee.

Councilmember Hansey stated he had visited with Public Works Director Lein and Sr. Engineer Technician Azure prior to the Council meeting and learned there are preliminary plans are to run water/sewer lines under the graveled surface of South Centre Street. Due to this fact, Hansey said he felt questions regarding black topping can wait until next year.

Councilmember Loberg reported the Planning Commissioners had met earlier in the day and approved the preliminary plat of Bois de Sioux Village Addition. Mr. Loberg reported the Commission had received a request from Russel Denault, Wahpeton Division Manager of Otter Tail Power Company, proposing its property north of its office building on 4th Street North to bypass highway 210 be rezoned from Heavy Industrial I-2 to Business Heavy B-2. After further discussion, the Planning Commission agreed to consider B-2 zoning for the 210' frontage acreage along 4th Street North and leave the remaining property zoned I-2.

Motion by Loberg, seconded by Christensen, to concur with the proposal for OTP rezoning as presented. Motion carried 6-0. Voting aye: Loberg, Hansey, Sturdevant, Mathiason, Schmidt, Christensen; voting nay: None.

Motion by Loberg, seconded by Mathiason, to schedule a public hearing at 5:00 p.m. on Monday, October 5, 1998 for the proposed rezoning of the following-described property from I-2 to B-2 as requested by Otter Tail Power Company.

"The following described property within the City of Wahpeton along the East Side of Fourth Street North from State Highway 210 south, more particularly described as follows: Commencing at the northwest corner of Lot One (1), Block Three (3), Pleasant Acres Estate Addition, Wahpeton, North Dakota; thence North along the easterly right of way line of Fourth Street North a distance of 501.15 feet to the point of beginning; thence continuing north along said easterly right of way line of Fourth Street North a distance of 595.24 feet, more or less, to the southerly right of way line of North Dakota State Highway No. 210; thence east a distance of 210 feet; thence south along a line parallel too and 210 feet east of the easterly right of way line of Fourth Street North a distance of 595.24 feet; thence west a distance of 210 feet, more or less, to the point of beginning. Said tract contains 2.86 acres, more or less'."

Motion carried 6-0. Voting aye: Loberg, Hansey, Sturdevant, Mathiason, Schmidt, Christensen; voting nay: None.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO GC-493

NORTH DAKOTA STATE COLLEGE OF SCIENCE ALUMNI FOUNDATION

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

Councilmember Loberg offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO GC-496

WAHPETON ALL-SPORTS BOOSTER CLUB

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

Councilmember Mathiason offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO GC-495

WAHPETON-BRECKENRIDGE WOMEN OF TODAY

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

The City Assessor reported that she had received an abatement request on an apartment building and requested it be turned over to the Finance Committee. Mayor Schmitz so ordered.

The Public Works Director reported he had received a request for a boulevard improvement from MBM Investments, owner of four apartment buildings located on Center Street South, to allow for installation of pavement on boulevards. MBM Investments will be repairing their parking lot and will pave approximately seven feet into the boulevard. Mr. Lein recommended approval.

Motion by Christensen, seconded by Loberg, to approve installation of pavement on the boulevard along Center Street South as requested by MBM Investments as endorsed by the Public Works Director. Motion carried 6-0. Voting aye: Christensen, Loberg, Hansey, Sturdevant, Mathiason, Schmidt; voting nay: None.

Upon request of the Public Works Director, Mayor Schmitz instructed the Public Works Committee to review an Architectural Services Agreement for remodeling of the new City Hall.

Director Lein requested the City Council adopt Resolutions for six separate improvement projects to allow the Special Assessment Commission to begin the procedure for spreading the assessments.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2914
RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED
WATER IMPROVEMENT DISTRICT 1-1-96
IN THE AMOUNT OF \$84,492.70

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2915
RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED
STREET IMPROVEMENT DISTRICT 2-2-96
IN THE AMOUNT OF \$149,445.54

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

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2916
RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED
STREET IMPROVEMENT DISTRICT 2-5-96 (Property Area A)
IN THE AMOUNT OF \$201,393.69

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2917
RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED
STREET IMPROVEMENT DISTRICT 2-5-96 (Property Area B)
IN THE AMOUNT OF \$40,579.17

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2918
RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED
WATER, SANITARY SEWER & STREET IMPROVEMENT DISTRICT 1-2-98
(Property Area A)
IN THE AMOUNT OF \$31,680.36

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

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2919
RESOLUTION DIRECTING ASSESSMENTS TO BE LEVIED
WATER, SANITARY SEWER & STREET IMPROVEMENT DISTRICT 1-2-98
(Property Area B)
IN THE AMOUNT OF \$65,673.78

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested by the City Auditor.

Director Lein reported Engineering Services bids had been accepted through September 4th for the Fourth Street North Improvement Project to be completed in the year 2000. He said the proposals will now be reviewed by the Public Works Committee and a report will be offered at a later City Council meeting.

City Loan Administrator Priebe informed the Council that an Economic Development Commission meeting is scheduled for 5:00 p.m. on September 14th.

City Attorney Lies requested a meeting with the Franchise Committee to be held within the next two weeks. He reported that the City's cable television renewal process has begun, that TCI of the Valley was acquired by AT&T, and there are several items to review. Mayor Schmitz asked the Franchise Committee to make the review.

The Police Chief reported that he had met with the Law Enforcement Center Committee to discuss various types of alarms. The Chief stated that at times companies install alarms without notifying the Police Department. He said he and the LEC Board are asking that an ordinance be established requiring all entities to notify the Police Department and be assessed a fee for installation; and establish a fine if the Police Department is not notified. Chief Lotzer stated that the County would also pass a County ordinance if the City adopted one. Mayor Schmitz turned the request over to the Personnel and Public Safety Committee.

Chief Lotzer reported that Police Secretary Tracy Larson had turned in a letter of resignation and he would like to go ahead and advertise for a replacement. Chief Lotzer stated that he had the opportunity to visit with the Personnel Committee and viewed the new job description/salary range which he felt to be satisfactory and will move ahead to replace Ms. Larson.

A request was received from Seeds 2000 to Lease Schuett Addition Farm Land beginning January 1999, following the same terms and conditions as set forth in the current lease agreement with John Samuelson who is retiring.

Motion by Christensen, seconded by Loberg to approve the Schuett Addition Farming Agreement with Seeds 2000 effective January 1, 1999. Motion carried 6-0. Voting aye: Christensen, Loberg, Hansey, Sturdevant, Mathiason, Schmidt; voting nay: None.

A letter was received from Mr. Kemett Emmel requesting the City to consider an Ordinance regulating the volume of car radios. Mayor Schmitz turned the request over to the Personnel and Public Safety Committee.

Norwest Investment Services submitted a governmental lease-purchase proposal for the Council's review in reference to the financing of the new City Hall Building Project. Mayor Schmitz turned the proposal over to the Finance Committee.

Councilmember Sturdevant reported for the Personnel and Public Safety Committee. He said the Committee had met with Darwin Krause of PrimeBoard and reviewed the company's request for a Uniform Fire Code Variance regarding the size of straw stacks stored at the manufacturing site. Mr. Sturdevant said the proposed Variance would allow PrimeBoard to eliminate its storage outside of its fenced-in area, would allow reduction of the number of stacks by constructing fewer but larger stacks up to 2,500 tons each, the stacks would be 60 feet apart in rows (presently 30 feet) which would help, Mr. Sturdevant said, reduce the "wind tunnel" effect should there be a fire. He noted that Fire Department officers attended the Committee meeting but would not endorse the proposal. Mr. Sturdevant said the larger stacks would also help reduce spoilage. Councilmember Hansey observed that PrimeBoard already is allowed stacks up to 1,000 tons and that he is concerned with allowing stack sizes 25 times over the State Fire Code's recommended limit of 100

tons per stack. Mr. Sturdevant said the Committee feels the Variance to contain the stacks within the fenced area is a good plan and the Committeemembers voted 3-0 to recommend approval.

Motion by Sturdevant, seconded by Christensen, to grant a variance to the Uniform Fire Code Article 28, Section 2806 ó Storage of Agricultural Products, as applied for and to allow PrimeBoard Inc., as follows: To allow straw stacks up to 2,500 tons each, so long as the stacks are within the fenced boundaries of the lands currently being utilized for storage purposes, that the stacks do not exceed present heights and that there be a clear space of 60 feet between stacks. A period until 4/1/99 will be allowed to comply with the storage boundaries of this variance. Motion carried 5-1. Voting aye: Sturdevant, Mathiason, Schmidt, Christensen, Loberg; voting nay: Hansey.

Councilmember Sturdevant reported for the Finance and Economic Development Committee. He stated that the Committee has begun the 1999 City Budget process but has no recommendation at this time.

Councilmember Sturdevant reported for the Flood Mitigation Committee. He said the Committee will be meeting next week in reference the proposed Change Order A-6.

Councilmember Christensen reported for the Public Works Committee. He said the proposed Written Policy for Consultant Engineer was reviewed and the Committee recommends approval.

Motion by Christensen, seconded by Hansey, to adopt the Written Policy for Consultant Engineer. Motion carried 6-0. Voting aye: Christensen, Loberg, Hansey, Sturdevant, Mathiason, Schmidt; voting nay: None.

Motion by Sturdevant, seconded by Christensen, to approve the following reports: JULY Municipal Court; AUGUST Wahpeton Police Department. Motion carried 6-0. Voting aye: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Loberg, to approve listed bills presented in the amount of \$784,410.55 and that warrants be drawn upon their respective funds. Motion carried 6-0. Voting aye: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

| | |
|------------------|---------------------|
| FLOOD MITIGATION | NOON September 15TH |
| PUBLIC WORKS | NOON September 14TH |
| FRANCHISE | NOON September 14TH |

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

ATTEST:

Duane M. "Bud" Schmitz, Mayor

Carla J. Broadland, Auditor Assistant

Forty-seven (47) West of the Fifth Principal Meridian, in the City of Wahpeton, Richland County, North Dakota, more particularly described as follows:

Commencing at the Southeast corner of said Section Thirty-two (32); thence on an assumed bearing of South 89°48'53" West, on and along the South line of said Section Thirty-two (32) a distance of 993.62 feet, to the Southwest corner of the tract deeded to the City of Wahpeton in Warranty Deed recorded as Document No. 275140; thence North 00°01'45" East, on and along the West line of the said tract described in Document No. 275140, a distance of 255.30 feet to the POINT OF BEGINNING; thence continuing North 00°01'45" East on and along the West line of the said tract described in Document No. 275140 a distance of 4.7 feet; thence South 89°48'53" West a distance of 89.323 feet; thence South 00°11'07" East a distance of 4.64 feet, more or less, to a point on a line with an assumed bearing of North 89°51'26" East, a distance of 89.15 feet West of the Point of Beginning; thence North 89°51'26" East to the Point of Beginning."

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

ATTEST:

Schmitz, Mayor

Duane M. öBudö

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

September 21, 1998

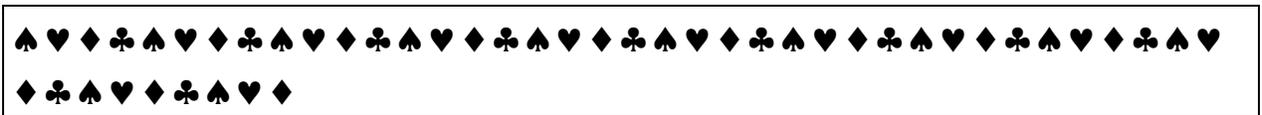
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on September 21, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. øBudø Schmitz, Councilmembers Richard A. Hauck, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Charles B. Christensen.

The following were absent: Councilmembers James P. Sturdevant, Richard A. Loberg, Meryl T. Hansey.

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

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Christensen, to approve the minutes of the regular meeting held September 8, 1998 and the special meeting held September 15, 1998. Motion carried.

The City Auditor presented an affidavit showing the advertisement of bids for the construction of the improvement proposed to be made in **Sanitary Sewer, Water and Storm Sewer Improvement District 1-4-98 (NorthPark Addition)**.

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Schmidt, 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 a report on sealed bids which had been received pursuant to 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 bids were found to be as follows:

| <u>Name & Address of Bidder</u> | <u>Estimated</u> |
|--|------------------|
| <u>Contract Price</u> Kindred Plumbing & Heating Kindred, N Dakota \$125,957.02 | |

Sellin Bros., Inc.

Hawley, Minnesota
125,963.50

Northern Excavating Co.
Jamestown, N Dakota
129,352.85

Dakota Underground
Fargo, N Dakota
134,017.05

Quam Construction
West Fargo, N Dakota
139,899.15

Geo. E. Haggart, Inc.
Fargo, N Dakota
143,119.75

Comstock Construction
Wahpeton, N Dakota
172,200.00

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Schmidt, and carried, the City Auditor was then directed to enter the bids upon the minutes of this meeting and to preserve them carefully pending final action thereon.

The Council then re-examined the bids received for construction of the improvement in **Sanitary Sewer, Water and Storm Sewer Improvement District 1-4-98 (NorthPark Addition)**, which bids had been received on the 16th day of September, 1998, together with a statement by the Engineer planning said improvement for the City of the estimated cost of said improvement under the terms of the respective bids. The Engineer recommended the contract to awarded to Kindred Plumbing & Heating for its low bid of \$125,957.02. After examination of the report of the Engineer and consideration of the bids, Councilmember Christensen then introduced the following Resolution and moved its adoption:

RESOLUTION NO. 2920
**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF AN
IMPROVEMENT IN SANITARY SEWER, WATER AND
STORM SEWER IMPROVEMENT DISTRICT 1-4-98
(NORTH PARK ADDITION)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schmidt, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Mathiason, Schmidt, 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 letter was received on Friday from Carl McPherson of 1204 14th Avenue North requesting approval to landscape with decorative rocks around a sign, valves, and a water hydrant on his boulevard. Mayor Schmitz turned the request over to the Public Works Committee for review.

The Economic Development Director relayed four recommendations from the Economic Development Commission:

1. Flood-related Relocation - Pranteø on the Green Supper Club was displaced due to the 1997 flood and is now proposing relocation along 11th Street North. Mr. Krauseneck said all financing is in place and the EDC recommends a \$10,000 Sales Tax Grant and a zero interest buy-down (up to \$15,000) towards an already approved Revolving Loan Fund \$40,000 loan.

Motion by Meyer, seconded by Mathiason, to approve the EDC-recommended grant and interest buy-down for Pranteø relocation. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

2. Conference Center Study - In conjunction with--and shared funding from--the Visitorø Committee, Community Development Corporation, and Chamber of Commerce, the EDC recommends expenditure of \$5,000 of Sales Tax Funds towards a study to determine needs, size, type, etc.

Motion by Hauck, seconded by Meyer, to approve the EDC-recommended expenditure for a Conference Center Study. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

3. Speculative Home Builder's Program - Lake Agassiz Regional Development Council has committed \$150,000 of USDA Rural Development Funds to address Wahpetonø housing shortage by creating a spec building pool--administered by Lake Agassiz--for construction of 9 homes. The proposal is for a \$45,000 pledge of Revolving Loan Funds to provide a \$195,000 pool for Loans to be made to builders of HELP program homes, with a \$5,000 Sales Tax Fund commitment to cover the final RLF shortfall.

Motion by Schmidt, seconded by Christensen, to approve the EDC-recommended expenditure for the Speculative Home Builderø Program. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

4. Labor Market Analysis - Needed for proper planning and policy decisions. City will work with UND Research Institute and Job Service to complete the report. Cost estimate is \$12,000-\$15,000 split 50-50 with Richland County Jobs Development Authority. Wahpetonø \$7,500 (maximum) would be paid through its Job Development Fund which is administered by the EDC. Councilmember Meyer wondered how long the report will be valid. Mr. Krauseneck replied that was the same question he asked. He said the results are good for about a year and a half...at which time there will be an update.

Motion by Mathiason, seconded by Meyer, to approve the EDC-recommended expenditure of \$7,500 from the Cityø Job Development Fund for the Labor Market Analysis. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

Director Krauseneck then reported for Loan Administrator Jane Priebe regarding her request to review rate schedules of the City's Revolving Loan Fund in relation to incentive needs. Mayor Schmitz asked the Finance Committee to review the proposal with Ms. Priebe.

The City Attorney reported Barney Myhra is considering construction of a house in Block 6 of Riverside Addition on the City's south side and is proposing dedication of some of his property to provide for a 55-foot extension of the dead-end alley in the block to gain additional access to the lot. He showed a drawing of the property's location. The Public Works Director said he had no objections to extending the public right-of-way.

Motion by Hauck, seconded by Meyer, to approve dedication and extension of alley in Block 6, Riverside Addition. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

Attorney Lies then discussed the need for formally approving the Cable TV merger of Westmarc Cable Holding, Inc. and AT&T Corp. He said the Public Works Committee has reviewed the matter and noted approval is merely a formality but is required. The City Attorney said the change in ownership will not affect the term or conditions of the existing franchise agreement...expires 7/15/99...which is now in renewal negotiations (in concert with the City of Breckenridge).

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2921
**RESOLUTION APPROVING THE CHANGE OF
CONTROL OF THE CABLE COMMUNICATIONS FRANCHISE**

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, Mathiason, Schmidt, 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 Attorney reported he had received a phone call from Russ Denault of Otter Tail Power Company regarding the lot owned by OTP's Minnesota-Dakota Generating Co. in NorthPark Addition. He said the power company proposes deeding the lot to the City at no cost and for the City to grant an easement to OTP for poles and guy wires on the property. Attorney Lies said the arrangement is not detrimental to the City of Wahpeton and recommended approval.

Motion by Meyer, seconded by Hauck, to suspend the rules and allow action on a motion to accept deeded property from Otter Tail Power Company, a matter which does not appear on the agenda. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

Motion by Meyer, seconded by Schmidt, to accept the grant and transfer of all land and interests of Minnesota-Dakota Generating Co. in NorthPark Addition with the reservation for a utility easement for the site of the existing powerline structures and to approve the removal of Ottertail Power Company from the unfiled plat of NorthPark Addition. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

The Police Chief reported on the excellent cooperation of Kindred Plumbing and Heating during the Storm Sewer Construction Project 1-1-98 on 4th Avenue South. He said the company continually keeps the Police Department informed when construction enters intersections and traffic rerouting is necessary.

Mayor Schmitz reported he has received a letter from the Visitors Committee revealing Boardmember Perry Miller has resigned and the Committee wishes Blake Miller appointed in Perry's stead. The Mayor stated he would honor the request and effected the appointment to a term ending June of 2002.

Motion by Schmidt, seconded by Meyer, to confirm the Mayor's appointment of Blake Miller as Visitors Committee Boardmember for the term specified. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

The Mayor noted that October is National Disability Employment Awareness Month and read a Proclamation declaring the week of October 11, 1998 as "**WAHPETON DISABILITY EMPLOYMENT AWARENESS WEEK.**" Mayor Schmitz reported that the local *Mayor's Committee on Employment of People with Disabilities* has been very successful and, at a recognition awards breakfast in March of 1999, will be honoring six area businesses for hiring individuals with disabilities and for complying with ADA regulations.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee voted 2-1 to recommend that the City Council deny the request from David and LaRae Gripenrog for approval of a nonconforming use in an area zoned Light Industrial I-1 in order to continue to keep horses in the former Dakota Pork Building. He said the Committee further recommends that the Gripenrog's be allowed 2 years of grace while locating other equestrian housing.

Motion by Hauck, seconded by Meyer, to approve the recommendation of Personnel & Public Safety Committee for denial of the request for a nonconforming use but to allow a 2-year grace period (to September 21, 2001) for the petitioners to remove horses from the property. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

Mr. Hauck said the Finance Committee will report on the Cost of Living plus Grade/Step assignments. He said the other two Personnel Committee items will be forwarded to the October 5th agenda.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the 1999 City Budget is basically completed and each Council member had received a copy of last week's General Fund and Capital Improvements preliminary budget reports which contained proposed income and expense figures. Mr. Meyer said the Committee met earlier in the day and agreed to add \$35,000 to General Fund expenses as a *Personnel Reserve* for possible temporary or part-time help...or if a receptionist proves necessary at the new City Hall building. He said the income will be from an anticipated underspending of the 1998 budget. In addition, Mr. Meyer noted, the budget shows a proposed 2% Cost-of-Living salary adjustment for all employees except

those in excess of the top amount in their pay grade. He said it is important for citizens to know that the City-wide reappraisal of residential property has allowed the City to levy 5.18 fewer mills than in 1998.

Councilmember Meyer offered first reading of the following Ordinance:

ORDINANCE NO. 789
CITY OF WAHPETON BUDGET
FOR THE YEAR 1999

Mr. Meyer reported the City Council had decided two years ago that all License Fees would set by Resolution and would hopefully provide small yearly adjustments rather than large adjustments to catch up as had been the case in years past. He said the Finance and Economic Development Committee reviewed the Consumer Price Index in setting the 2% Cost of Living adjustment and are recommending Liquor and Cabaret License Fees also be increased by 2%.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2922
RESOLUTION ESTABLISHING 1999 LIQUOR
AND CABARET LICENSE FEES

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, Mathiason, Schmidt, 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.

Councilmember Meyer reported the Finance Committee reviewed and unanimously voted to recommend denial of the Abatement Request from HJS for the apartment building at 1015 3rd Avenue North. He noted the value of \$406,200 was established by the cost approach while the requested abatement value of \$381,800 is through the income approach.

Motion by Meyer, seconded by Christensen, to deny the Abatement of Taxes request submitted by HJS Inc., for its property located at 1015 3rd Avenue North. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

Mr. Meyer then reported for the Flood Mitigation Committee. He said proposed Change Order No. A-6 was reviewed which calls for payment to the Wahpeton Park Board for buildings and facilities forced to relocate because new levee construction. He said the Park Board was promised payment of the pre-flood valuations of the property and the Committee recommends approval.

Motion by Meyer, seconded by Hauck, to approve Change Order A-6 for Flood Mitigation Project 5-1-97. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

Councilmember Christensen reported for the Public Works Committee. He said the proposed Architectural Contract for the remodeling of the new City Hall building was reviewed and the

Committee recommends approval. Answering a question from the Council, it was reported that the 7% fee will be based upon the amount of work required.

Motion by Christensen, seconded by Schmidt, to approve the City Hall Architectural Contract with Les Bjore as recommended by the Public Works Committee. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

Councilmember Mathiason reported the Public Works Committee-Franchise Portfolio-will be scheduling a meeting with Breckenridge Officials to continue Cable TV Franchise renewal discussions.

Karl Braun of Edina, Minnesota attended and submitted a copy of his 9/16/97 letter he had written to then Mayor Rood regarding damage to his car by a snow plow on March 14, 1997. He said the City's insurance company determined he was more than 50% at fault and would not pay on his claim. Mr. Braun said his letter was never answered and he would like to visit with the Council about the history and his reasons for requesting payment. Mayor Schmitz asked the Personnel & Public Safety Committee to review the matter.

Motion by Hauck, seconded by Meyer, to approve the following reports: JUL Water Works, AUG Water Works, 2ND QTR Economic Development Commission. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: None.

The following Committee meetings were scheduled:

| | | |
|------------------|-------|------------------|
| PERSONNEL | 12:30 | September 22nd |
| FLOOD MITIGATION | NOON | September 29th |
| PUBLIC WORKS | NOON | September 28th |
| FRANCHISE | | To be determined |

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

ATTEST:

Duane M. oBudö Schmitz, Mayor

Arden C. Anderson, C ity Auditor

City of Wahpeton Minutes

October 5, 1998

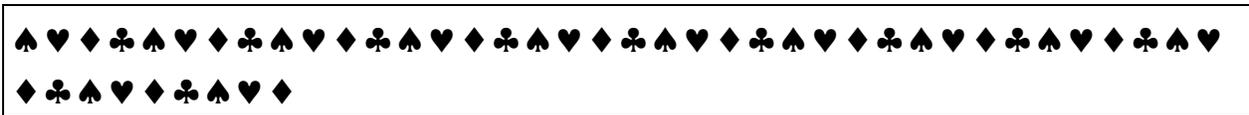
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on October 5, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. Schmitz, Councilmembers Richard A. Hauck, James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Charles B. Christensen, Richard A. Loberg, Meryl T. Hansey.

The following were absent: None.

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

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Sturdevant, to approve the minutes of the regular meeting held September 21, 1998. Motion carried.

A public hearing, following publication of legal notice, was held regarding the request of Otter Tail Power Company to rezone a portion of its property along 4th Street North from I-2 to B-2. The property description follows:

“The following described property within the City of Wahpeton along the East Side of Fourth Street North from State Highway 210 south, more particularly described as follows: 'Commencing at the northwest corner of Lot One (1), Block Three (3), Pleasant Acres Estate Addition, Wahpeton, North Dakota; thence North along the easterly right of way line of Fourth Street North a distance of 501.15 feet to the point of beginning; thence continuing north along said easterly right of way line of Fourth Street North a distance of 595.24 feet, more or less, to the southerly right of way line of North Dakota State Highway No. 210; thence east a distance of 210 feet; thence south along a line parallel to and 210 feet east of the easterly right of way line of Fourth Street North a distance of 595.24 feet; thence west a distance of 210 feet, more or less, to the point of beginning. Said tract contains 2.86 acres, more or less.'”

No one attended in opposition and no written protests had been received. Councilmember Loberg, who also serves as President of the Planning Commission, reported the Planning Commission had also held a public hearing earlier in the day. He said no protests had been received and the Commission voted to recommend approval of the rezoning.

Councilmember Loberg offered first reading of the following Ordinance and moved its adoption:

ORDINANCE NO. 790
AN ORDINANCE REZONING
(2000 Block of Fourth Street North)

Councilmember Mathiason offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-497
BOIS DE SIOUX DUCKS UNLIMITED

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, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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. GC-498
UNITED CHURCH OF CHRIST

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schmidt, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 Meyer, seconded by Christensen, to authorize the Mayor and City Auditor to execute the *Clerk of Court Services Contract* with Richland County for City payment of \$13,000.00 to utilize a County Employee to serve as Municipal Court Clerk for the year 1999. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

The City Auditor reported a letter has been received from Cy Gietzen wondering about the future of weather data reporting and if the reporting may be absorbed by the City of Wahpeton. Mayor Schmitz turned the matter over to the Public Works Committee.

The Auditor said the Ambulance Subsidy Contract has been renewed by mutual agreement for the past couple of years but now Ambulance Services, Inc., has submitted a letter asking to meet and update the contract as of January 1, 1999. Mayor Schmitz instructed the Finance Committee to meet with Ambulance Services regarding the request.

The City Assessor reported the Special Assessment Commission met earlier in the day, conducted public hearings (following publication of legal notice), and received no protests on proposed special assessments for six completed improvement projects. She said the Commission has approved the itemized lists of assessments and is now submitting the same to the Council for further action. Ms. Stromberg said the next step is for the City Council to publish its legal notice and hold public hearings in order to confirm the assessments.

Motion by Meyer, seconded by Schmidt, to schedule public hearings before the City Council at 5:00 p.m. on Monday, November 2, 1998 for confirmation of the following special assessment lists: **1-1-96, 2-2-96, 2-5-96 Area A, 2-5-96 Area B, 1-2-98 Area A, 1-2-98 Area B**. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

The Public Works Director requested the week of October 26th be designated as *“Fall Clean-up Week.”* Through the contract with Northern Waste, Mr. Lein explained, the transfer station will be open and will accept--at no additional charge--most larger items excepting white goods such as refrigerators. He explained that the public will be notified through the news media.

Motion by Mathiason, seconded by Hansey, to designate *“Fall Clean-up Week”* beginning October 26, 1998. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

Director Lein observed that the Council has adopted a formal procedure to select Consultant Engineers and proposed that the Public Works Committee and Public Works Director be empowered as the selection authority.

Motion by Meyer, seconded by Loberg, to appoint the Public Works Committee and Public Works Director as the *“Consultant Engineering Selection Committee.”* Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

The Public Works Director then discussed the need for disposal of an additional three houses purchased to allow construction of the new flood control levee. He recommended they be advertised for sale with removal required by June 15, 1999. He said the particulars will be included with bid forms obtained at City Hall.

Motion by Christensen, seconded by Schmidt, to advertise for bids to be opened at 3:00 p.m. on November 4, 1998, for the sale and removal of flood mitigation houses located at 77 2nd Avenue North, 78 2nd Avenue North, and 49 7th Avenue South. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

The Economic Development Director discussed a request from Benedictine Living Communities (BLC) requesting approval for sale of additional Municipal Industrial Development Act (MIDA) Bonds to fund capital improvements to BLC facilities in several North Dakota cities...including St. Catherine's Living Center in Wahpeton. Mr. Krauseneck explained that \$12,390,000 of MIDA Bonds were issued for like purposes by the City of Dickinson in 1990 and now BLC is requesting approval to issue up to an additional \$800,000 for the proposed capital improvements. He said the City of Dickinson will again be the vehicle to issue the bonds but all other affected cities are required to hold public hearings and approve the procedure. The Economic Development Director presented a proposed Resolution calling for a public hearing at 5:00 p.m. on November 2nd to receive comments on the proposed MIDA Bond Issue by the City of Dickinson.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2923
**RESOLUTION RELATING TO THE USE OF PROCEEDS OF REVENUE
BONDS ISSUED ON BEHALF OF BENEDICTINE LIVING COMMUNITIES
AND CALLING A PUBLIC HEARING THEREON**

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, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 Police Chief relayed a request from the Chamber of Commerce for a possible Christmas season kick-off parade on Dakota Avenue...probably on November 27th. He said he could see no problem.

Motion by Schmidt, seconded by Hansey, to approve a parade permit for the Chamber of Commerce to hold its Christmas season parade on November 27th. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

Chief Lotzer reported on two other items: 1) Mary Harrison has been employed as Administration Clerk I since September 29th, and, 2) Verbal approval has been received for a \$10,000 grant for radio equipment.

A letter had been received from the Southern Valley Figure Skating Club regarding plans to sponsor the Carson & Barnes Circus on June 29, 1999. The Auditor reported plans are to set up in the NDSCS football parking lot area and that he and the Police Chief are checking on required permits.

A letter had been received from Attorney Christian M. Anderson in which he tendered his resignation as Regular Alternate Municipal Judge. The City Attorney noted that the North Dakota State Court Administrator requires Municipal Judges and "permanent" alternate judges to attend an annual seminar in Bismarck. As there are so few times that an alternate is required, Mr. Lies said, that the Citizens of Wahpeton will be better served if the Mayor is given the authority to appoint an alternate judge as needed. He recommended amending City Ordinances to provide for the appointments.

Councilmember Loberg offered first reading of the following Ordinance:

ORDINANCE NO. 791
ORDINANCE AMENDING SECTION 3-514 AND 3-516
(Municipal Judge Appointment/Education)

The City Auditor drew the Council's attention to a letter in correspondence thanking John Samuelson for his relationship with City personnel and his stewardship of City property during his 8 year's rental of farm land in Schuett Addition.

Mayor Schmitz said he does not keep unsigned letters so the authors are wasting their time.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He asked the City Attorney to report on his investigation of the request from Karl Braun to review the snow plow accident of 3/14/97.

Attorney Lies said he had contacted the North Dakota Insurance Reserve Fund (NDIRF), which is the City's insurance carrier, and obtained a copy of the NDIRF's 7/8/97 letter to Mr. Braun. The information had been relayed to each member of the Personnel & Public Safety Committee by letter on September 30th. The NDIRF letter stated the insurance company was denying the claim and cited North Dakota Motor Vehicle Law 39-10-26.1, "*The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a roadway whenever such vehicle displays flashing lights.*" No one on the City Council felt the City should second-guess the findings of its insurance company.

Councilmember Hauck said the other Personnel & Public Safety Committee assignments will be continued to the October 19, 1998 Council meeting.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee has completed its work on the City's 1999 Budget which includes a couple of very minor adjustments from the budget and pay plan documentation that all Members received prior to first reading of the Ordinance last meeting. He again noted that the budget incorporates recommendations from the Personnel Committee for a 2% cost of living salary adjustment to each step in the pay plan and will approve the assigned 1999 grades & steps for all employees. Mr. Meyer reviewed the final General Fund Budget totaling \$1,974,926.00, the Special Funds Budget of \$589,812.40, and the Capital Improvements Budget in the amount of \$172,547.00. He noted that total mills levied for 1999 are 129.34 which is a reduction of 5.18 from the current total.

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

ORDINANCE NO. 789

**AN ORDINANCE MAKING AN APPROPRIATION FOR THE CITY OF
WAHPETON, NORTH DAKOTA FOR THE YEAR 1999**

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 vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 said the Finance Committee will be reviewing additional proposals for financing of the City Hall purchase & remodeling and will also continue the review of Revolving Loan Rate Schedules.

Councilmember Christensen said the Public Works Committee will report on its assignments at the City Council meeting of October 19th.

Motion by Sturdevant, seconded by Hauck, to approve the following reports: AUG Municipal Court, SEP Police Department. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

Motion by Meyer, seconded by Christensen, to approve payment of bills reviewed in the amount of \$440,258.26 and that warrants be drawn upon their respective funds. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

The following Committee meetings were scheduled:

| | |
|------------------|---------------------|
| PERSONNEL | 12:30 October 7th |
| FINANCE | NOON October 9th |
| PUBLIC WORKS | NOON October 9th |
| FLOOD MITIGATION | No meeting required |

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

ATTEST:

Schmitz, Mayor

Duane M. oBudö

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

October 19, 1998

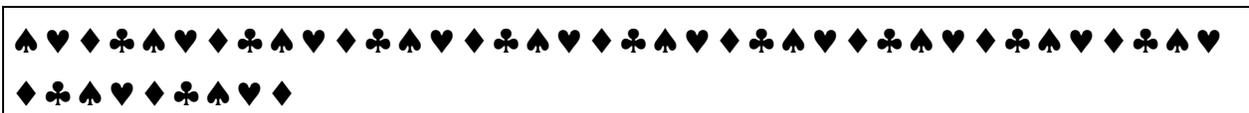
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on October 19, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. Budö Schmitz, Councilmembers Richard A. Hauck, James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Charles B. Christensen, Richard A. Loberg, Meryl T. Hansey.

The following were absent: None.

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

Mayor Schmitz presided at the meeting.



Mayor Schmitz read a Proclamation declaring the week of October 18 as "Free Enterprise Week." A DECA member of the Richland County Vocational and Technical Center accepted the document.

Motion by Hansey, seconded by Hauck, to approve the minutes of the regular meeting held October 5, 1998. Motion carried.

Councilmember Loberg reported the Planning Commission had met earlier in the day and received a petition from Dale and Cheri Formanek requesting rezoning of their property from Residential R-2 to Business B-2. The Planning Commission President noted that the City Council has also received the petition which is for the South 72 feet of Lots 1 & 2, Block 18, Original Townsite. He said MeritCare Clinic is interested in purchasing the property for possible parking lot expansion and apparently wants the zoning taken care of before purchase. Mr. Loberg said the Planning Commission expressed no opposition to the proposed rezoning and scheduled a public hearing at 4:00 p.m. on November 16th.

Motion by Loberg, seconded by Christensen, to schedule a public hearing at 5:00 p.m. on November 16, 1998 for proposed **rezoning of the South 72 feet of Lots 1 & 2, Block 18, Original Townsite** from R-2 to B-2. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Loberg then reported that the Planning Commission had received and approved a preliminary plat for **Berg Addition** bordering 11th Street and 16th Avenue North. He said this is

the final unplatted piece of property in that area and, as the City owns some of the land in the proposed Addition, the Planning Commission agreed to join with the other property owners in the cost of preparing and approving the plat. The Planning Commission President said the City's cost will be about \$250.00. He noted that the Planning Commission will hold a public hearing at 4:00 p.m. on 11/16/98 in order to formally receive public comments before welcoming the land into the City's family of Additions.

In conclusion, Mr. Loberg reported that the Planning Commission has reviewed a listing of candidates for filling the vacant Commissioner position and the 7 sitting Commissioners recommend appointment of Donna Keogh.

Mayor Schmitz appointed Donna Keogh as the 8th Planning Commissioner to a term ending 2002. Motion by Loberg, seconded by Hauck, to confirm the Mayor's appointment of Donna Keogh. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-499
SOUTHERN VALLEY FIGURE SKATING 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, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 a report of Funds on Deposit and Pledged Assets by the City's Designated Depositories as of September 30, 1998. The report read:

| <u>Designated Depository</u> <u>Pledged</u> | <u>Funds on Deposit</u> | <u>FDIC/NCUA</u> | <u>Additional</u> | <u>Total</u> |
|--|--------------------------------|-------------------------|--------------------------|--------------------------------|
| <i>Community Bank</i> \$3,588,257.77 | \$3,588,257.77 | \$100,000.00 | \$5,831,643.77 | <i>First</i> \$5,931,643.77 |
| <i>U.S. Bank</i> 274,000.00 | 274,000.00 | 100,000.00 | 291,459.69 | 391,459.69 |
| <i>Norwest Bank</i> 303,500.00 | 303,500.00 | 100,000.00 | 258,743.00 | 358,743.00 |
| <i>American Bank</i> 100,000.00 | 100,000.00 | 100,000.00 | none | <i>Federal</i> 100,000.00 |
| <i>First Union</i> 100,000.00 | 100,000.00 | 100,000.00 | none | <i>Credit</i> 100,000.00 |

| | | | |
|---------------------------------------|-------------|-----|---------|
| <i>Gate City Federal Savings Bank</i> | none n/a | n/a | n/a |
| <i>First American Bank</i> | none | n/a | n/a n/a |

Motion by Loberg, seconded by Schmidt, to approve the Pledge of Assets report. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The Auditor presented the Bois de Sioux Village Farming Agreement which has now been signed by Bruce Christianson. He reminded the Council that the agreement is similar to the long-standing policy in Schuett Addition whereby the City collects no rent and the renter agrees there will be no claim if the City goes in and utilizes property for development purposes. With no objections forthcoming from the Council, Mayor Schmitz added his signature to the document.

The Economic Development Director requested the Public Works Committee to review square footage allowed for ranch-style houses in R1c zones. He said there have been some questions about possibly allowing larger homes on corner lots. Mayor Schmitz turned the request over to the Public Works Committee for consideration.

The Public Works Director reported he has received written quotes from various contractors for 1999 equipment rental rates. He said most quoted rental charges are in line with current fees. He recommended approval of all and he would select the most beneficial rate when and as necessary.

Motion by Christensen, seconded by Loberg, to approve all equipment rental quotes received from contractors for the year 1999. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The Police Chief reported he has received a letter informing him of a one-year extension of the Community Oriented Policing Services (COPS) Grant. He said there are two COPS positions on the force--the Community Policing Officer and a regular Patrol Officer. The Chief noted the extension will be for the original 3-year grant expiring this year and will provide 20% of the officer's cost...or \$13,945.00. Councilmember Sturdevant noted the officer is on staff and it shouldn't be necessary for Committee review before approval.

Motion by Sturdevant, seconded by Hansey, to authorize the Mayor to execute the agreement for a one-year extension of the City's original COPS Grant project. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Chief Lotzer reported the Highway Patrol and Police Department will hold a joint Town Hall Meeting in the Law Center at 7:00 p.m. on October 28th. He said the Patrol's COPS Program will be discussed and the get-together will allow the public to meet Highway Patrol and Police personnel.

A petition had been received on October 13th from several residents near NDSCS requesting the City to review student parking on residential streets. Mayor Schmitz instructed the Personnel & Public Safety Committee (Police portfolio) to meet with the Police Chief, investigate the situation, and make recommendation to the City Council.

Mayor Schmitz displayed a *Certificate of Appreciation* to **The Wahpeton Mayor's Committee on Employment of People with Disabilities**. The award, from *The Governor's Americans with Disabilities Act Consortium*, was for outstanding service and contributions for making the community accessible for disabled persons.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the L.E.C. alarm matter will be discussed with the Police Chief this week.. Mr. Hauck said the Committee has decided that the Police Department will monitor car radio volumes before proceeding with consideration of an Ordinance.

Councilmember Sturdevant noted the Auditor has requested more specific information regarding the proposed circus permit and the item will be delayed until that information is received.

Councilmember Meyer reported for the Finance & Economic Development Committee. He reviewed the City's agreement for purchase of the Otter Tail Power Company Offices and surrounding land on North 4th Street for relocation of City Hall; the purchase price agreed to was (and is) \$1,175,000 and the Committee has determined furnishing and Council Room construction should cost a maximum of \$300,000. Mr. Meyer noted that (in April) the Council had approved a \$550,000 down payment and that Otter Tail Power Company agreed to finance the balance over a 6-year period. He said Community First Bank had subsequently offered to finance the balance plus the furnishing/remodeling costs at a better rate and the Committee was considering going that route. Councilmember Meyer said Norwest Bank has asked consideration for submitting a financing offer, and, being interest rates have been becoming more favorable, the Committee recommends formally asking for financing proposals.

Motion by Meyer, seconded by Sturdevant, to instruct the City Auditor to prepare documentation and distribute the same to interested financial institutions requesting offers for financing the \$925,000 City Hall purchase/furnishing/remodeling cost over a 6-year period. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Meyer said the Committee met with Loan Administrator Jane Priebe to review recommended changes in Revolving Loan Fund Guidelines. He said it was agreed to recommend that the Committee meet with the Loan Administrator each January and that interest rates be set at that time for the entire year.

Motion by Meyer, seconded by Christensen, to endorse the recommendation of the Finance & Economic Development Committee for annual consideration and determination of Revolving Loan Fund interest amounts. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Meyer then reported that the final (of 3) Urban Renewal Loan was paid off in June of 1998. He said a Loan Committee was appointed to review loans from the fund until retirement of the three bank loans. As the banks have now been paid, Mr. Meyer recommended that the Loan Committee be abolished.

Motion by Meyer, seconded by Christensen, to abolish the Urban Renewal Loan Committee with the City Council's thanks for the job well done in reviewing loans. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

In conclusion, Mr. Meyer reported, the Committee and the Loan Administrator discussed the absence in the Revolving Loan Fund guidelines of documentation providing a procedure to deal with exceptions, and, decided to propose an amendment to fill that void.

Motion by Meyer, seconded by Schmidt, to amend the Revolving Loan Fund Guidelines by inserting a paragraph to the effect that the Loan Administrator will document exceptions and present the same to the Finance & Economic Development Committee for review. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Meyer said the date and time for the requested meeting between Ambulance Services, Inc., and the Finance Committee will be determined later in the meeting.

Councilmember Christensen reported for the Public Works Committee. He said the Committee has reviewed all of the proposals from engineering firms for the 4th Street North Project and, for the next step in the process, are recommending approval of a ranked list.

Motion by Christensen, seconded by Hansey, to approve the recommendation of the Public Works Committee and rank the 4th Street North Project engineering firms in the following order: 1) *Interstate Engineering*, 2) *Moore Engineering*, 3) *Lightowler Johnson Associates*. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Mr. Christensen reported the Committee is still considering the "weather reporting" suggestion from Cy Gietzen.

Councilmember Sturdevant reported members of Flood Mitigation Committee and City Officers will be meeting with Governor Schafer and staff on Friday for continued discussions regarding levee protection and estimated cost.

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

ORDINANCE NO. 790
AN ORDINANCE REZONING
(2000 Block of Fourth Street North)

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 vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 Hansey offered second reading of the following Ordinance and moved its adoption:

ORDINANCE NO. 791
ORDINANCE AMENDING SECTION 3-514 AND 3-516
(Municipal Judge Appointment/Education)

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 vote being taken thereon, the following Councilmembers voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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, seconded by Hauck, to approve the following reports: 3rd QTR Airport Authority Financial Report, 3rd QTR City Financial Reports, SEP Balance Sheet, SEP Wahpeton Water Works, Y2K Memo presented by Jane Priebe. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None.

The following Committee meetings were scheduled:

| | | |
|-------------------------|------------|--------------|
| FLOOD MITIGATION | NOON | October 20th |
| PERSONNEL & PUBL SAFETY | 12:30 P.M. | October 21st |
| FINANCE & ECON DEV | NOON | October 26th |
| PUBLIC WORKS | 4:00 P.M. | October 28th |

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

ATTEST:

Schmitz, Mayor

Duane M. öBudö

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

November 2, 1998

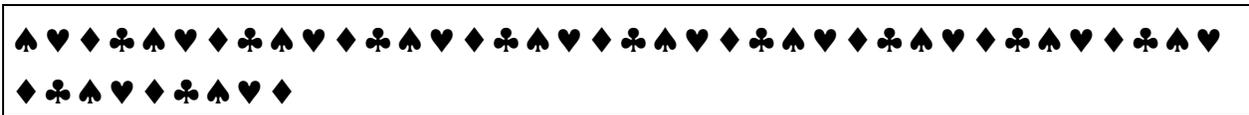
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on November 2, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. Budö Schmitz, Councilmembers Richard A. Hauck, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Meryl T. Hansey.

The following were absent: Councilmembers James P. Sturdevant, Charles B. Christensen, Richard A. Loberg.

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

Mayor Schmitz presided at the meeting.



Motion by Hansey, seconded by Mathiason, to approve the minutes of the regular meeting held October 19, 1998. Motion carried.

Assessment Confirmation public hearings, following published legal notice, were held for 6 Special Improvement Projects. They were: 1-1-96 *Chahinkapa Park Water Improvement*
2-2-96 *Westmore Avenue Street Improvement*
2-5-96 Area A *Briarwood Court Street Improvement*
2-5-96 Area B *7th Avenue South Street Improvement*
1-2-98 Area A *Oakwood Addition Sewer & Water Improvement*
1-2-98 Area B *500 Block 4th Street North Sewer Improvement*

No one attended in opposition and no written protests had been received.

As noted by the published legal notice, copies of proposed assessments for each Project had been available for public inspection at City Hall. Copies were also on the council table for City Council review. The City Auditor explained that the City Council's hearing is the final step before certifying, or adding the assessments to each piece of property within the specified district. He noted that the Special Assessment Commission had published a listing of all assessments for the 6 Projects and had held its public hearings (on October 5th) before forwarding the list to the City Council for final approval.

Councilmember Schmidt offered the following Resolution and moved its adoption:

RESOLUTION NO. 2924

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
WATER IMPROVEMENT DISTRICT 1-1-96**

(CHAHINKAPA PARK)

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, Mathiason, Schmidt, Meyer, Hansey; 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 Hansey offered the following Resolution and moved its adoption:

RESOLUTION NO. 2925

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
STREET IMPROVEMENT DISTRICT 2-2-96**

(WESTMORE AVENUE)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Mathiason, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Mathiason, Schmidt, Meyer, Hansey; 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 Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2926

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
STREET IMPROVEMENT DISTRICT 2-5-96**

(PROPERTY AREA A - BRIARWOOD COURT)

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, Mathiason, Schmidt, Meyer, Hansey; 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 Schmidt offered the following Resolution and moved its adoption:

RESOLUTION NO. 2927

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
STREET IMPROVEMENT DISTRICT 2-5-96**

(PROPERTY AREA B - 7TH AVENUE SOUTH)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Mathiason, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Mathiason, Schmidt, Meyer, Hansey; 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 Schmidt offered the following Resolution and moved its adoption:

RESOLUTION NO. 2928

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
SEWER & WATER IMPROVEMENT DISTRICT 1-2-98**

(PROPERTY AREA A - OAKWOOD ADDITION)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Mathiason, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Mathiason, Schmidt, Meyer, Hansey; 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 Hansey offered the following Resolution and moved its adoption:

RESOLUTION NO. 2929

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
SEWER & WATER IMPROVEMENT DISTRICT 1-2-98
(PROPERTY AREA B - 500 BLOCK 4TH STREET NORTH)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Mathiason, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Mathiason, Schmidt, Meyer, Hansey; 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 that--with the adoption of the Resolutions--the first year's assessment plus interest will appear on each property owner's tax statement this December. However, Assessor Stromberg said, State Law allows pre-payment of the principal in full within 10 days of confirmation...no interest. Glancing at the calendar, she observed that the deadline for the pre-payments will be November 12th. Councilmember Hansey recommended that information to that effect be relayed by the newspaper and radio.

A public hearing, following published legal notice, was held regarding the request from Benedictine Living Communities (BLC) for approval to sell additional Municipal Industrial Development Act (MIDA) Bonds to fund capital improvements of BLC facilities in several North Dakota cities...including St. Catherine's Living Center in Wahpeton. \$12,390,000 of MIDA Bonds were issued for like purposes by the City of Dickinson in 1990 and now BLC is requesting approval to issue up to an additional \$800,000 for the proposed capital improvements. The City of Dickinson will again be the vehicle to issue the bonds but all other affected cities are required to hold public hearings and approve the procedure.

No one attended in opposition and no written protests had been received. Brigid Steele, St. Catherine's Living Center Administrator, attended to answer questions, if any. She said the plans are for proceeds to be used for general remodeling and for capital improvements.

Councilmember Hansey offered the following Resolution and moved its adoption:

RESOLUTION NO. 2930

**RESOLUTION RELATING TO THE USE OF PROCEEDS OF
REVENUE BONDS ISSUED ON BEHALF OF BENEDICTINE
LIVING COMMUNITIES; GIVING APPROVAL THERETO**

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, Mathiason, Schmidt, Meyer, Hansey; 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.

Janet Weiblen of 1426 Westmore Avenue attended and offered some impressions regarding the City's refuse removal program. She said after living in five other States she has been a resident of Wahpeton for 6 weeks and has twice experienced situations with refuse removal restrictions not found in other areas. Ms. Weiblen said she had several empty boxes after unpacking and found that, during the once-per-week schedule, only one container would be picked up without additional fee. She said that's almost like punishing people for moving to Wahpeton. Secondly, she noted, there is a "clean-up week" but residents have to find a pickup in order to haul their own yard waste to disposal sites. Ms. Weiblen said she felt part of the taxes being paid by residents should make provision for services such as special pick up of excess packing boxes and for removal of yard wastes during clean-up weeks. She also wondered if there is a noise ordinance as she works near the high school and has experienced loud car radios which has caused windows to vibrate.

Addressing the refuse removal policy, Councilmember Hansey said the observations would have to be considered by the Council to see if they are feasible as the City contracts with a private entity. Councilmember Meyer observed that the procedures were arrived at after considerable negotiations with the disposal company. He said because of Wahpeton's location (in the Red River Valley) it is in a unique situation as the City doesn't own a landfill...and the one utilized is over 50 miles away. He said there had to be some trade-offs in negotiating the contract while attempting to arrive at the best solution for City residents. A little later in the meeting the Auditor noted that the refuse removal program is not supported by taxes. Rather, he said, it is an "enterprise fund" supported by fees only and is designed to be a "wash" (to break even financially). He said Ms. Weiblen's comments were well taken and could be discussed when renewal contracts are negotiated.

Regarding the car radio volume question, the City Attorney observed that even though the City does not have decibel restrictions, excessive noise is prohibited. Police Chief Lotzer said there has been a recent request to consider creation of a City Ordinance regulating car radio volume and the Council has instructed the police department to monitor the situation.

The Public Works Director presented the proposed Engineering Service Agreement for the design phase of the North Dakota Department of Transportation 4th Street North reconstruction project to be completed in the year 2000. He said it is a \$2.5 million project and the Agreement calls for a 5.4% engineering fee at an hourly rate; the total fee not to exceed \$132,580.00.

Motion by Mathiason, seconded by Schmidt, to authorize the Mayor and City Auditor to execute the "ENGINEERING SERVICE AGREEMENT-DESIGN PHASE" contract with Interstate Engineering, Inc., for the 4th Street North reconstruction project {NDDOT Project No. SU-8-991 (016) 013 and City Project No. 2-1-00}. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

Director Lein then recommended approval of the Lab Services Contract with the State Health Department for monthly testing of City Water Plant samples. He and the Council felt the \$680 annual fee was reasonable.

Motion by Hauck, seconded by Mathiason, to execute the "LAB SERVICES CONTRACT" with the State Health Department for the period July 1, 1998 through June 30, 1999. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

The Economic Development Director distributed recommendations from the Economic Development Commission meeting held October 29th. He said an Ad Hoc Committee of EDC and Chamber of Commerce members worked out the proposals for marketing and promotions which should eliminate duplication of efforts. He said approval of the recommendation will provide for an annual \$25,000 donation of Sales Tax Funds to the Chamber for the 5-year period beginning 1999 and a \$12,500 donation of Visitors Committee Funds for one year.

Motion by Meyer, seconded by Schmidt, to approve the recommendation of the Economic Development Commission to authorize a \$25,000/calendar year transfer (\$6,250 per quarter) for up to five years to the Wahpeton Area Chamber of Commerce, per the overall marketing/promotional purposes outlined in the 29 October EDC Chamber Committee findings, such funding to be subject to an annual (City/Chamber) review process, including examination of Chamber program and financial performance, and possible adjustments due to City/Chamber financial or strategic planning changes. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

Director Krauseneck then began a discussion of proposed covenants for NorthPark Addition. He said the final form was arrived at following input from builders, the Public Works Director, and Codes Administrator. He observed that the Council's rules are for proposals to be submitted first to the City Council and then assigned to Committee. Mr. Krauseneck suggested the Public Works Committee. He said the proposed covenants cover 31 of the NorthPark lots; excluded are the 6 lots bordering Wheatland Road.

Another item on the Council's agenda concerned a recommendation from the Public Works Committee to amend Zoning Classification R-1c to allow 1,300 sq. ft. ranch-style homes on slightly larger lots. Mr. Krauseneck said three or four lots in NorthPark would be available for the homes while none of the south side's "Kubula" lots would be.

Councilmember Meyer said he had a problem with the proposed amendment as the Finance Committee was not consulted about the proposal to allow larger homes. He said the Finance Committee acted as the consultant when the Council identified a need for the size of homes as a maximum of 1,100 sq. ft. and created the H.E.L.P. program. He said he'd rather see provisions made to allow variance applications than to approve an amendment which will allow the larger homes throughout R-1c zones.

Mayor Schmitz instructed the Finance Committee to review the proposed R-1c amendment and assigned the review of NorthPark Covenants to the Public Works Committee.

Councilmember Hansey offered first reading of the following Ordinance:

ORDINANCE NO. 792

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 7
ZONING, RESIDENTIAL DISTRICT (R-1C)**

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the proposed Law Center Alarm Ordinance has been reviewed by the City Attorney and will be on the next Council agenda. Mr. Hauck said the meeting regarding NDSCS student parking will be discussed with nearby residents tomorrow.

Motion by Hauck seconded by Meyer, to approve the recommendation of the Personnel & Public Safety for approval of a Class C-1 (Restaurant on-sale) Liquor License for Pranteø, Inc. at its new 11th Street & 16th Avenue North Location. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

Councilmember Hauck reported the Police Chief has received information about a grant which is becoming available for Juvenile Justice Programs. Nothing was mentioned about a possible local cost. Mayor Schmidt instructed the Personnel & Public Safety Committee to review the information and return with more information & a potential recommendation.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said he, Mayor Schmitz, and the City Auditor had attended a Richland County Commission meeting earlier in the day and took part in discussions following a presentation by Hugh Mikkelson of Ambulance Services, Inc., regarding a requested 2-year renewal of the service contract at an increased annual subsidy. (Since 1970 Ambulance Services, Inc. has contracted with Wilkin County and the City of Breckenridge in Minnesota and with Richland County and the City of Wahpeton in North Dakota) Mr. Meyer said the proposal pointed out that the requested subsidy is for covering bad debts as the ambulance company is required to respond to all calls it receives. He said the annual subsidy hadn't changed since 1991 and the Wahpeton representatives agreed with the County Commission that the proposed increase was justified. The Richland County Commissioners agreed to a renewal contract for the years 1999 and 2000 with the provision that County and City representatives get together to review the ambulance services system. In order to allow for the new amount, Mr. Meyer reported, the City's 1999 Ambulance Fund budget would have to be increased \$4,200.00. However, he noted, there is a small surplus in the Fund so the approved one-mill levy does not need an increase. Answering a question from Council-member Hansey, Mr. Meyer said rates and other financial information will be discussed during continuing meetings with Ambulance Services, Inc, and Richland County.

Motion by Meyer, seconded by Hauck, to approve a two-year contract with Ambulance Services, Inc., for providing ambulance services within the City of Wahpeton at a contracted amount of \$24,486.00 annually; to assign to the Finance & Economic Development Committee the responsibility of meeting--without delay--with Hugh Mikkelson of Ambulance Services, Inc, and with representatives of the Richland County Commission to: 1) create a written contract for the two-year period and, 2) review the over-all ambulance service programs, subsidies, and mill levies. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

Motion by Meyer, seconded by Mathiason, to amend the City's 1999 Ambulance Subsidy Fund's Expenditure Budget by increasing the City's annual transfer from \$20,286.00 to \$24,486.00. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

The City Auditor reported he had received a call from Dale Formaneck wondering if there is any way to speed up the process for rezoning his and wife Cheri's property (south 72 feet of Lots 1 & 2, Block 18, O.T., from R-2 to B-2) as the sales transaction is scheduled before the date for second reading of the rezoning Ordinance on December 7th. The Auditor said he had informed Mr. Formaneck that legal time requirements prohibited holding the public hearing before November 16th. Addressing the Council, Auditor Anderson said it would be possible to offer first reading of a rezoning Ordinance at tonight's meeting and then second reading could be accomplished after the public hearing at the November 16 City Council meeting. He observed that November has five Mondays which does cause a little longer time before second reading and rezoning would be accomplished. Answering a question from the Council, Attorney Lies said the procedure had been utilized a few times in years past but rarely by recent Councils. The Auditor said Mr. Formaneck had asked if there was anything that could be done and the request was being relayed in that spirit. Auditor Anderson said he would only recommend first reading if the Council feels the action would be propitious. Councilmember Meyer said offering first reading ahead of hearing dates tends to defeat the purpose of allowing the time to receive comments at public hearings.

Motion by Meyer, seconded by Mathiason, to approve payment of bills presented in the amount of \$267,702.15 and that warrants be drawn upon their respective Funds. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Hauck, to approve the following reports: SEP Municipal Court; OCT Police Department. Motion carried 5-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Hansey; and the following voted against the same: None.

The following Committee meetings were scheduled:

| | |
|-------------------------|----------------------------|
| FLOOD MITIGATION | Date & Time not determined |
| PERSONNEL & PUBL SAFETY | Date & Time not determined |
| FINANCE & ECON DEV | Date & Time not determined |
| PUBLIC WORKS | Date & Time not determined |

It was recommended that City Hall be notified when the dates & times are determined so that proper notice to the news media may be accomplished.

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

ATTEST:

Schmitz, Mayor

Duane M. Budö

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

November 16, 1998

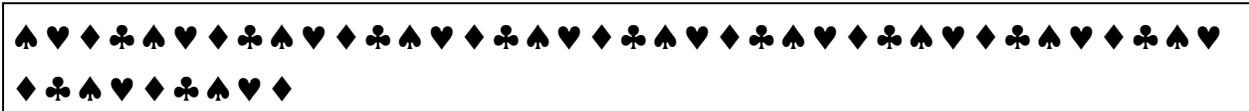
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on November 16, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. øBudø Schmitz, Councilmembers Richard A. Hauck, James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Charles B. Christensen, Richard A. Loberg, Meryl T. Hansey.

The following were absent: None..

Officers present: Public Works Director, Police Chief, Deputy Attorney John Bullis, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Schmidt, seconded by Sturdevant, to approve the minutes of the regular meeting held November 2, 1998. Motion carried.

The Public Works Director reported on the advertisement for bids and the receipt of same on November 4th for sale and removal of 3 flood mitigation houses. He said one bid was received. It was for the building at 49 7th Avenue South. Director Lein suggested the Flood Mitigation Committee review the bid and also determine how to proceed with disposal of the other two properties. Mayor Schmitz directed that be done.

A public hearing, following published legal notice, was held regarding the proposed rezoning of the South 72ø of Lot One (1) and Lot Two (2), in Block Eighteen (18), Original Townsite from Residence Two Family R-2 to Business Heavy B-2. No one attended in opposition and no written protests has been received. Councilmember Loberg reported the Planning Commission had held its own public hearing earlier in the day, no protests were received, and the Commission then adopted a motion recommending the rezoning be approved by the City Council.

Councilmember Loberg offered first reading of the following Ordinance:

ORDINANCE NO. 793
AN ORDINANCE REZONING
(South 72' of Lots 1 and 2, Block 18, Original Townsite)

Planning Commission President Loberg then reported that the Commission had also held a public hearing for the purpose of reviewing and accepting the Final Plat for Berg Addition along 11th Street and 16th Avenue North. He said no protests were received and the Planning Commission approved a motion accepting the Plat and recommending acceptance by the City Council.

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2931
**RESOLUTION APPROVING THE PLAT OF BERG 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 Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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. GC-500
ST. JOHN'S PARISH MARDI GRAS

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, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 documentation of quotes he had been instructed to obtain for financing of the \$925,000.00 balance for purchase, remodeling, and furnishing of the new City Hall building at 1800 4th St. North. Proposals were received from four local banking institutions and from the Municipal Bond Bank Capital Financing Program in Bismarck. The information for financing over 6, 10, and 12 year periods was turned over to the Finance Committee for review and recommendation.

Auditor Anderson reported on the need for refinancing temporary construction warrants to cover the City's continuing costs for Flood Mitigation Project 5-1-97. He said Resolution #2850 was adopted by the City Council last November allowing the Auditor to sell up to two and one-half million dollars of warrants at 6.16% to Community First Bank. The Auditor said a 12-month, \$1 million warrant was issued in November, 1997, and (the bank's legal counsel says) must now be replaced with a new Resolution and a new warrant. He said all interest on the original warrant will be paid to date. Auditor Anderson noted that the bank is offering to finance the new warrants at 5.66%.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2932
**RESOLUTION RELATING TO \$2,500,000.00 TEMPORARY
IMPROVEMENT WARRANTS; AUTHORIZING, SELLING AND
ESTABLISHING THE TERMS AND PROVIDING FOR
THE PAYMENT THEREOF**

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, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 all is good for the pre-session meeting with 25th District Legislators at 5:30 p.m. on Monday, November 23rd. However, he said, Buffington (the location) has a closed sign so a new location may be necessary and everyone will be kept informed. The Auditor distributed a listing of suggested topics and asked everyone to let him know if they wished to add anything to the agenda.

The Public Works Director reported on written quotes received for water plant liquid CO₂ (Carbon Dioxide) supplies for 1999. The following quotes had been received:

| | |
|---|------------------|
| Praxaire, Inc. Burr Ridge, Illinois | \$160.00 per Ton |
| Broin Enterprises, Inc. Scotland, S Dakota | 86.50 per Ton |

Councilmember Hansey wondered about the large difference in costs. Director Lein said he had inquired with Broin and found the CO₂ is a by-product created during ethanol production. He said Broin Enterprises supplies CO₂ to Fergus Falls and City officials there are quite satisfied with the company.

Motion by Christensen, seconded by Meyer, to approve a contract with Broin Enterprises, Inc. for supply of 1999 Water Plant CO₂ needs at its quoted price of \$86.50 per Ton. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Director Lein proposed advertising for bids for two pieces of equipment approved under the 1999 Capital Improvements Budget. He recommended bids for a 4x4 Street Pickup be opened on December 21, 1998 and bids for a Street Sweeper be received until January 19, 1999; the Street Sweeper to be financed through a 5-year lease/purchase agreement.

Motion by Christensen, seconded by Hauck, to authorize advertising for bids to be opened on December 21, 1998 for a 4x4 Street Pickup as budgeted through the 1999 Capital Improvements Fund. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Christensen, seconded by Hauck, to authorize advertising for bids to be opened on Tuesday, January 19, 1999 for a Street Sweeper as budgeted by lease/purchase agreement through the Capital Improvements Fund. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The Public Works Director reported on Section 205, Phase 3 Flood Protection Funding. He said the City qualifies under required cost benefit ratios and there are some decisions which will be requested from the Flood Mitigation Committee at its next meeting.

A request, from Pranteø for usage of some undeveloped City land in Berg Addition for temporary parking, was turned over to the Public Works Committee for review and recommendation.

Director Lein explained that the next step of the DOT-sponsored 4th Street North Reconstruction Project (to take place in 2000) is for a public information meeting with residents along the route. He said the meeting will be scheduled for December 10th and will run from 4 to 7 p.m. Mr. Lein noted that Randy Pope of Interstate Engineers was in the audience tonight and will also conduct the 12/10/98 meeting at which time concerns and questions will be solicited. The Public Works Director said letters will be mailed to all affected parties plus the news media will be encouraged to continue its service to the public by publicizing the meeting date and its purpose.

Mayor Schmitz brought the Councilø attention to a recent news article revealing that Councilmember James Sturdevant has earned the *øExtra Mile Awardö* from the Chamber of Commerce. The news story noted that Mr. Sturdevant created the Youth Football Program in 1981 and he has headed the all-volunteer program ever since. The Mayor further noted that Mr. Sturdevant deserves a similar award for the many years he has spent on the City Council. All in attendance congratulated Councilmember Sturdevant through a round of applause.

Councilmember Sturdevant reported for the Personnel & Public Safety Committee. He said the Committee is still working on the proposed L.E.C. Alarm Ordinance and will be meeting with the Fire Department as the next step in the review process.

Mr. Sturdevant reported the off-campus, NDSCS student parking concern has been rectified to the satisfaction of the petitioners by erecting 2-hour parking signs in the areas. He said residents affected by the new restricted times may obtain special extended parking permits from the Police Department when necessary.

Councilmember Hauck noted that the Personnel & Public Safety Committee had received an assignment to review and provide a recommendation on the proposal of the City accepting a grant through a Federal *øJuvenile Accountability Incentive Block Grantö* (JAIBG) program. He said the Committee had discussed the matter on two occasions and felt additional information was necessary before making the recommendation to the City Council. He introduced Richland County Juvenile Supervisor Charles Sheeley and asked him to explain further.

Mr. Sheeley said the JAIBG Program, which is designed to establish a *øCommunity Service Restitution Fundö* as a source of payment for assigned work, is being made available to North Dakota Counties and Cities to create a program to hold juvenile offenders more accountable for their actions and it will allow provisions for monetary restitution to those victims who suffer financial loss as a result of delinquent acts. Often, he said, juvenile offenders do not have the means to supply restitution for monetary loss of their victims and the Program has been designed to assign duties, to credit work hours at minimum wage, and to reimburse victims accordingly. He said a

13-member Coalition Board has been established to administer the Program. A listing of the Coalition Board Members was passed around.

Supervisor Sheeley noted four members of the Coalition Board reside in Ransom County and the City of Lisbon. He said that because he also serves as Juvenile Supervisor for Ransom County, and, Ransom County & the City of Lisbon have agreed to pool their grants with Richland County and City of Wahpeton grants. He passed out information listing the combined JAIBG Program grant amounts for the two Counties and two Cities which--if Wahpeton will pool its \$11,529.00--will create a total fund of \$27,971.00 to be administered by the Coalition Board. The two-year Program required 11% local share will be supplied through the State's portion of the Federal Grant, Mr. Sheeley explained, and he asked for the City to accept the grant, pool its allocation, and agree to joint administration by the listed Coalition Board.

Motion by Hauck, seconded by Hansey, to make application for the \$11,529.00 JAIBG grant through the North Dakota Juvenile Justice State Advisory Group.

The Auditor asked if Mr. Hauck meant for his motion to include the provisions for pooling funds and administration with the two Counties and the City of Lisbon. Councilmember Hauck said the motion is for the City of Wahpeton to go it alone. Councilmember Meyer agreed. He said he felt through City administration of the program's allocated amount, the taxpayers of Wahpeton will receive maximum benefit. Mr. Sheeley said adoption of the motion will require the City of Wahpeton to make its own application, assign work, and provide restitution bookkeeping. He said Wahpeton would get its fair share through the pooled method. Councilmember Sturdevant asked if going it alone would require the City to set up its own Coalition Board. Mr. Sheeley said it would.

Councilmember Hansey said he thought the motion was to pool so he was withdrawing his second. Councilmember Loberg said he would second the motion.

More discussion followed about types of duties to be assigned and how the victims would be compensated for damages. If the City went it alone, Councilmember Loberg asked, what would happen if there was major vandalism and the entire \$11,529.00 (Wahpeton's grant) were to be paid out? Mr. Sheeley said once the Fund is depleted there would be no means through the Program to supply further restitution.

Upon vote on the motion to apply for the \$11,529.00 JAIBG grant without pooling, the following voted in favor: Hauck, Meyer; and the following voted against: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey. Thereupon Mayor Schmitz declared the motion lost on a vote of 2 in favor and 6 opposed.

Motion by Hauck, seconded by Hansey, to apply for the \$11,529.00 JAIBG grant; to join with Richland County, Ransom County, and the City of Lisbon in pooling grants; and to authorize administration of the Program through the appointed 13-member Coalition Board. Motion carried 7-1. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; voting nay: Meyer.

Councilmember Meyer reported the Finance & Economic Development Committee was unable to meet during the last two weeks and all assignments have been continued.

Councilmember Christensen reported for the Public Works Committee. He said the Committee will go no further on the Gietzen request for a local weather reporting process unless someone comes forward to accept the responsibility of supplying information to various agencies. Mr. Christensen said the remaining two assignments will be discussed at the next Public Works Committee meeting.

Motion by Sturdevant, seconded by Hauck, to approve the OCT Wahpeton Water Works report. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

| | |
|-------------------------|----------------------------|
| FLOOD MITIGATION | November 17 - Noon |
| PERSONNEL & PUBL SAFETY | Date & Time not determined |
| FINANCE & ECON DEV | November 19 - Noon |
| PUBLIC WORKS | November 25 - Noon |

Councilmember Meyer reported there apparently has been some concern expressed by citizens regarding identification of persons residing in the City who have been convicted of crimes against children. He said the matter has been discussed with the Police Chief and with the City Attorney's Office. He asked Attorney Bullis for a report on his findings.

Deputy City Attorney John Bullis said there have been several questions asked about whether or not a list of persons convicted of crimes against children is or isn't a public record. He reported he had reviewed State Law and had inquired with appropriate State officials. Following all of the investigation, Attorney Bullis said, it is his opinion that the over-all list is a public record; therefore, anyone may request and obtain copies of the documentation from the Police Department. Attorney Bullis offered a word of caution. He said the implication may be that the persons listed are all sexual offenders. But, he said, that is not the case. He stated North Dakota is somewhat unique in that its law considers everyone under the age of 18 to be a child, and, therefore, all crimes by adults involving juveniles are included under the category of crimes against children. This means, Mr. Bullis continued, that conviction for simple assaults -- such as an 18-year-old pushing around a 17-year-old -- could cause a name to appear on a listing for 10 years.

Attorney Bullis further reported that the Chief of Police is charged with -- and is following through with -- the charged responsibility of determining if a person convicted of a crime against children, residing within the community, poses a threat to the community

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

ATTEST:

Duane M. Budö Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

DECEMBER 7, 1998

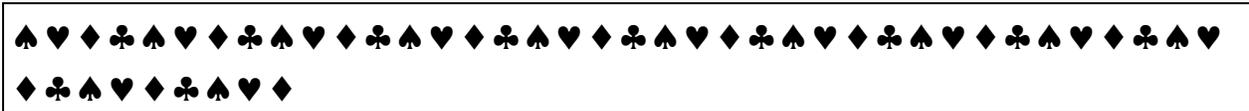
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on December 7, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. øBudø Schmitz, Councilmembers Richard A. Hauck, James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Charles B. Christensen, Richard A. Loberg, Meryl T. Hansey.

The following were absent: None..

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

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Christensen, to approve the minutes of the regular meeting held November 16, 1998. Motion carried.

Harvey Henderson, Assistant Scoutmaster of Wahpeton Troop 346 attended and introduced 5 Troopers. He said they were attending as a requirement for their quest of a Communication Merit Badge..

The following Games of Chance Resolutions were offered and approved:

GAMES OF CHANCE RESOLUTION NO. GC-502
BOIS DE SIOUX GOLF CLUB

GAMES OF CHANCE RESOLUTION NO. GC-503
FUTURE BUSINESS LEADERS OF AMERICA-RICHLAND CO. VO-TECH

GAMES OF CHANCE RESOLUTION NO. GC-504
NDS CS BOOSTER CLUB

Motion by Sturdevant, seconded by Schmidt, to approve a Games of Chance Site Permit for Wahpeton Hockey Associ-ation at Pranteø (1605 11th St. N.) beginning January 1, 1999. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Christensen, seconded by Loberg, to approve the following 1999 Liquor/Cabaret Licenses:

LICENSE HOLDER BUSINESS NAME MANAGER
LOT/BLOCK/ADDN CABARET

ON & OFF SALE

(CLASS A : LIQUOR, BEER & WINE - 7 DAYS PER WEEK)

Fee: \$3,121.00

| | | | |
|--|-------------------------|-----------------|-------|
| Teddyø, Inc. 17 O.T. CLASS 1 | TEDDYøS SPORTS BAR | Ted Bellmore | 10-11 |
| F.O. Eagles Aerie 2749 7 O.T. CLASS 2 | EAGLEøS CLUB | Perl D. Keys | 12 |
| Poetø, Inc. C Fargo | POETS WAREHOUSE LIQUORS | Kip Christensen | 1- 5 |

(CLASS A : LIQUOR, BEER & WINE - 6 DAYS PER WEEK "Grandfathered")

Fee: \$2,550.00

| | | | |
|--|------------------|---------------|----|
| Mohs, Mary Ann 17 O.T. | DRIFTWOOD LOUNGE | Mary Ann Mohs | 8 |
| Pausch Stores, Inc. 37 O.T. CLASS 1 | OASIS BAR | Barry Pausch | 9 |
| Johnson, Gary L. 17 O.T. | SPORTSMANøS BAR | Gary Johnson | 14 |

OFF SALE

(CLASS B : LIQUOR, BEER & WINE - 7 DAYS PER WEEK)

Fee: \$2,178.00

| | | | |
|--------------------------|-----------------|--------------|-------|
| Bacchus, Inc. B Fargo | PRAIRIE SPIRITS | Edward Moore | 16-18 |
|--------------------------|-----------------|--------------|-------|

(CLASS B : LIQUOR, BEER & WINE - 6 DAYS PER WEEK "Grandfathered")

Fee : \$1,913.00

| | | | |
|--------------------------------------|------------------|--------------------------|---|
| Plummer, C.E./Jeannette 1 Plummer | CHUCKøS OFF SALE | C.E. & Jeannette Plummer | 1 |
|--------------------------------------|------------------|--------------------------|---|

ON SALE

(CLASS C-1 : LIQUOR, BEER & WINE - RESTAURANT OF 150 SEATS OR MORE)

Fee: \$2,219.00

| | | | |
|--------------------------------|----------------|-----------------------|---|
| Pranteø Inc. 2 Berg CLASS 2 | PRANTEøS, INC. | Jerry & DoeRae Prante | 2 |
|--------------------------------|----------------|-----------------------|---|

(CLASS C-2 : BEER & WINE - RESTAURANT OF 50 SEATS OR MORE)

Fee: \$ 663.00

| | | | |
|---------------------------------|-------------------|--------------|----|
| Hastingø Development B Fargo | GODFATHERøS PIZZA | Rob Woodling | 6 |
| C & O, Inc. 37 O.T. | TOMACELLIøS PIZZA | Dave Olstad | 16 |

(CLASS C-5 : LIQUOR, BEER & WINE - CLUB/LODGE OF 200 MEMBERS OR MORE)

Fee: \$ 791.00

| | | | |
|--|------------|---------------|---------|
| Wahpeton Veteranø, Inc. 13 O.T. CLASS 2 | VETøS CLUB | Michael Close | 5 |
| Bois de Sioux Golf Club/J&J Weiand 132-47 | PAR 4 | Jeff Bass | Sec. 5, |

Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Hauck, to approve the following 1999 City Licenses:

AMUSEMENT DEVICES - \$15.00 FEE PER DEVICE

| <u>APPLICANT ADDRESS</u> | <u>NUMBER</u> | <u>BUSINESS NAME</u> | <u>BUSINESS</u> |
|----------------------------------|----------------------|-----------------------------|------------------------|
| MARY ANN MOHS AVENUE | 4 | DRIFTWOOD LOUNGE | 326 DAKOTA |
| PERL D. KEYS DAKOTA AVE. | 3 | EAGLE'S CLUB | 112-114 |
| BARRY PAUSCH AVENUE | 4 | OASIS BAR | 512 DAKOTA |
| GARY L. JOHNSON AVENUE | 4 | SPORTSMAN'S BAR | 304 DAKOTA |
| TED BELLMORE AVENUE | 6 | TEDDY'S SPORTS BAR | 314 DAKOTA |
| HASTINGS DEVELOPMENT AVENUE | 3 | GODFATHER'S PIZZA | 809 DAKOTA |
| DAVE OLSTAD NORTH | 5 | TOMACELLI'S PIZZA | 118 6TH ST. |
| ADVANCED AMUSEMENTS, INC. SOUTH | 2 | PAMIDA | 1202 4TH AVE. |
| TRI-STATE MUSIC SOUTH | 2 | PAMIDA | 1202 4TH AVE. |
| DIAMOND KIDDY RIDES SOUTH | 2 | PAMIDA | 1202 4TH AVE. |
| DEAN LACHANCE/HOCKEY ASSN AVENUE | 1 | SPORTSMAN'S BAR | 304 DAKOTA |
| DEAN LACHANCE/HOCKEY ASSN NORTH | 1 | PRANTE'S, INC | 1605 11TH ST. |
| DEAN TWIDWELL AVENUE | 1 | WAHPETON VIDEO | 614 DAKOTA |

SOLID WASTE HAULING - \$300.00 FEE

| | | | |
|------------------------------|--|--------------------------------|----------------|
| JAMES C. LUTZ South-Wahpeton | | NORTHERN WASTE SYSTEMS | 1016 11th Ave. |
| SANDRA MEIDE Wahpeton | | INTERSTATE PROPERTY MANAGEMENT | Box 246- |

PAWNBROKER/SECOND HAND GOODS - \$200.00 Fee

| | | | |
|-----------------------------|--|----------------|--------------|
| JUDITH OLSON South-Wahpeton | | OK PAWNBROKERS | 100 4th Ave. |
|-----------------------------|--|----------------|--------------|

ITINERANT MERCHANT - \$100.00 FEE

| | | | |
|-----------------------------|--|----------------------|------------------|
| KEN NOYES Dr.- Marshall, MN | | SCHWAN'S SALES, INC. | 115 West College |
|-----------------------------|--|----------------------|------------------|

TAXICAB - \$50.00 Fee

| | | | |
|--------------------------------|--|----------------|--------------|
| DON TAYLOR, SR. North-Wahpeton | | TWIN TOWN TAXI | 224 2nd Ave. |
|--------------------------------|--|----------------|--------------|

HOUSE MOVING - \$10.00 FEE

| | | | |
|--------------------------|--|------------------------|--------------|
| DALE JOHNSON SE-Wahpeton | | JOHNSON'S HOUSE MOVING | 7830 177 Ave |
|--------------------------|--|------------------------|--------------|

Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Auditor presented documentation regarding tax levies approved by Richland County, Wahpeton Public Schools, Wahpeton Park Board, and the City of Wahpeton. He then explained how the various mills levied affects taxpayers in the City of Wahpeton. The report showed Wahpeton residents pay in 48.68% of all levied amounts and directly receives a return of 13.19%. Auditor Anderson then directed the Council's attention to the pie chart recently-completed and posted in the chambers. It revealed that of each \$100.00 paid by a City of Wahpeton taxpayer, the money is distributed as follows:

| | | |
|--------------------|----------------|---------|
| | State & County | \$23.02 |
| School District | 44.33 | |
| Wahp Park District | 7.82 | |
| City of Wahpeton | 24.83 | |

The Auditor then presented information recently received from Lake Agassiz Regional Council regarding presentation of an application for administration payments of the City's expense for the south side storm sewer project. He said Lake Agassiz officials observe federal regulations require the City Council to adopt a motion to proceed.

Motion by Loberg, seconded by Hauck, to suspend the rules and allow action on a motion to approve application for EDA-CDLF administration payments, a matter which does not appear on the agenda. Motion carried, all voting aye:

Motion by Sturdevant, seconded by Hauck, to approve application for the following EDA-CDLF administration payments for the 1-1-98 4th Street South Storm Sewer Project: 9/30/98 \$1,992.00; 11/12/98 \$1,120.00. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Russ Denault of Otter Tail Power Company attended. He reported the Purchase Agreement for the new City Hall property has been signed by both OTP and the City. He said plans are for closing on December 30th.

A letter was received from TCI of the Valley stating that after January, 1999, BBC America will be moved from channel 291 to channel 162 and History Channel will be moved from channel 270 to channel 277.

Correspondence contained a copy of the invitation from Richland County to gather at Prante's later tonight for a joint social and business meeting.

A letter had been received from USBank Trust Services of St. Paul stating Meide & Son is in default of its monthly payment of Multifamily Housing Refunding Bonds for the Town Center Square Project.

Mayor Schmitz reported the 1998 Wahpeton and Breckenridge United Way Fundraising Campaign is wrapping up. He said there will be some publicity on radio and the in the paper concerning this year's success. Mayor Schmitz then declared December 16, 1998 as "**United Way Day**" in the City of Wahpeton.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He noted that the Mayor and Council had received copies of several items and the Committee is recommending approval.

Motion by Hauck, seconded by Sturdevant, to amend the City's Personnel Policy Manual by adopting the changes proposed for page 48, "Overtime & Compensatory Time" and page 50 "Holiday Pay"; to approve the proposed Job Descriptions and Salary Ranges for "Administrative Clerk III" (Salary Range W) and "Administrative Clerk II" (Salary Range X). Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Sturdevant reported the Personnel & Public Safety Committee is still working on the proposed L.E.C. Alarm Ordinance. (It had been reported at the November 16 Council meeting that the Committee will be meeting with the Fire Department as the next step in the review process).

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee has completed its review of the proposed amendment for R-1c zoning. Mr. Meyer observed that the City Council offered first reading of Ordinance No. 792 on November 2nd and that the Ordinance proposed an allowance for ranch-style homes up to 1,300 sq. ft. as a "**Permitted Use**". He said the Committee had agreed to 1,100 sq. ft. buildings and expressed concerns about any allowed blanket increases in the size of "affordable homes". Mr. Meyer said the Committee finally agreed it would be willing to recommend that the R-1c zoning be amended to allow the increased square footage under the provisions of a "**Special Exception**".

Motion by Meyer, seconded by Hansey, to amend proposed Ordinance No. 792 by removing the provisions for a 1,300 sq. ft. dwelling from "Permitted Use" and include same as a "Special Exception". Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Meyer offered second reading of the following Ordinance as amended:

ORDINANCE NO. 793
ORDINANCE AMENDING CHAPTER 16, ARTICLE 7
ZONING, RESIDENTIAL DISTRICT (R-1C)

The amended 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 vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 by the City Auditor.

Councilmember Meyer reported he and Committeemember Hansey will be the City's representatives to meet with Richland County and Ambulance Services, Inc. to prepare a formal contract for ambulance services throughout Richland County at a fair and equitable cost.

Mr. Meyer reported the Finance Committee received and reviewed quotes from financial institutions for financing the balance of City Hall purchase and remodeling costs. After the review the Committee decided a request for funding should be submitted to the North Dakota Municipal Bond Bank for a loan under its Capital Financing Program. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Committee Chairman Meyer then reported that the Finance Committee had reviewed the franchise fees for electrical and natural gas sales. He noted that, until the North Dakota Legislature meets, the City Council couldn't proceed with proposals for providing the local share of flood mitigation costs and that the City's 1999 budget was adopted including anticipated income from the franchise fees. He said the original Resolutions creating the 3% fees sunset on February 1, 1999 and the Economic Development Director has contacted large users to see if they would have objections to an extension for an additional year. None were received and the Committee is recommending extension.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2933
**RESOLUTION AMENDING RESOLUTION NO. 2809, EXTENDING
ACTIVATION OF OTTER TAIL POWER COMPANY FRANCHISE FEE
PURSUANT TO ORDINANCE NO. 604 (SECTION 4)**

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, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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. 2934
**RESOLUTION AMENDING RESOLUTION NO. 2810, EXTENDING
ACTIVATION OF GREAT PLAINS NATURAL GAS CO. FRANCHISE FEE
PURSUANT TO ORDINANCE NO. 771**

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, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 reported for the Public Works Committee. He said the Committee has completed its review of the proposed covenants for NorthPark Addition and recommends approval.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2935

**RESOLUTION DECLARING RESIDENTIAL COVENANTS,
CONDITIONS AND RESTRICTIONS - NORTH PARK ADDITION**

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

Mr. Christensen reported the Public Works Committee has authorized the Public Works Committee to discuss with Pranteø Restaurant, a possible purchase of adjacent City-owned land for parking purposes. He said the Assessor has reported that the property is valued at \$2,900.00. Mr. Christensen said the Pranteø are attempting to arrange financing and the matter will be brought back to the Council when an actual proposal is set down in writing.

Chairman Christensen reported three homes were located on land purchased for levee construction purposes and bids had been solicited for sale and removal. The addresses are: 49 7th Avenue South, 77 2nd Avenue North, and 78 2nd Avenue North. He said a bid was received for the 7th Avenue South building but no bids were received for the other two.

Motion by Sturdevant, seconded by Schmidt, to approve sale of the house at 49 7th Avenue South to Jim Azure for his bid of \$225.00 and to authorize the Public Works Director to negotiate disposal of the other two properties. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

A report from the Public Works Director was presented in which it was stated the Flood Mitigation Committee needs to request studies from the Corps of Engineers as the next step in the levee construction project.

Motion by Christensen, seconded by Meyer, to request a "Project Study Plan" and a "Federal Cost Share Agreement" for Phase III of the Flood Protection System from the US Army Corps of Engineers. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Christensen reported water & sewer funds are two of the sources for funds to purchase the new City Hall Building. He stated the Public Works Committee has recommended a 20 cents per thousand rate adjustment to provide the necessary resources.

Councilmember Christensen offered first reading of the following Ordinance:

ORDINANCE NO. 794

**AN ORDINANCE AMENDING CHAPTER 19 OF THE REVISED ORDINANCES
OF THE CITY OF WAHPETON WITH RESPECT TO WATER AND SEWER RATES**

Councilmember Loberg offered second reading of the following Ordinance:

ORDINANCE NO. 793

AN ORDINANCE REZONING

(South 72' of Lots 1 and 2, Block 18, Original Townsite)

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 Mathiason, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; 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 by the City Auditor.

Motion by Sturdevant, seconded by Hauck, to approve the following reports: NOV Municipal Court; NOV Police Department. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Meyer, seconded by Schmidt, to approve payment of bills presented in the amount of \$301,630.44 and that warrants be drawn upon their respective funds. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

| | |
|-------------------------|--------------------------|
| PERSONNEL & PUBL SAFETY | December 10 - 12:30 p.m. |
| FINANCE & ECON DEV | Not scheduled |
| PUBLIC WORKS | Not scheduled |
| FLOOD MITIGATION | Not scheduled |

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

ATTEST:

Duane M. Budö Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

DECEMBER 21, 1998

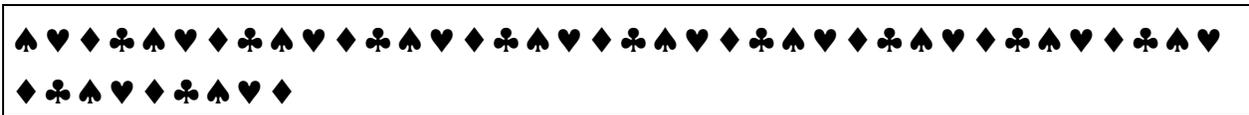
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on December 21, 1998 at 5:00 p.m.

The following members were present: Mayor Duane M. Schmitz, Councilmembers Richard A. Hauck, James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Richard A. Loberg, Meryl T. Hansey.

The following was absent: Councilmember Charles B. Christensen.

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

Mayor Schmitz presided at the meeting.



Motion by Loberg, seconded by Schmidt, to approve the minutes of the regular meeting held December 7, 1998. Motion carried.

Motion by Sturdevant, seconded by Hauck, to open bids received for a 4x4 Street Department Pickup. Motion carried. The following bids were received:

| <u>NAME & ADDRESS OF BIDDER</u> | <u>AMOUNT OF BID</u> |
|--|----------------------|
| <i>Smith Motors Wahpeton, N Dakota</i> | <i>\$18,531.29</i> |
| <i>Loberg Ford Wahpeton, N Dakota</i> | <i>18,193.00</i> |

As proposed by the Public Works Director, Mayor Schmitz turned the bids over to the Public Works Committee for review and recommendation.

Steve Ackerman and Bud Oliver attended as representatives of the Bois de Sioux Homeowners Association. Mr. Ackerman presented a check in the amount of \$4,776.00 as the Association's share of the cost for an aerial survey for future flood prevention purposes. He said the Association is naturally concerned with plans for levee construction and wants to work with the City of Wahpeton and Richland County so as not to sandwich other residential properties between levees.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-505
WAHPETON HIGH SCHOOL ART 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, Mathiason, Schmidt, Meyer, Loberg, Hansey; 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 closing for purchase of the Otter Tail Building at 1900 4th Street North will transpire at 4:00 p.m. on December 29th. He observed that it will take some time to move furniture and equipment to the new location so Council meetings will be held at the current City Hall through January of 1999.

The Public Works Director requested approval to advertise for purchase of a specialty mower for levee maintenance. He estimated the cost at \$20-25,000.00.

Motion by Meyer, seconded by Sturdevant, to authorize advertisement for bids for purchase of a levee maintenance mower. Motion carried 7-0.

Director Lein reported the quote received for 1999 Water Plant Lime Supplies is from Continental Lime of Calgary, Alberta, in the amount of \$70.59 per ton...which is up 18 cents per ton from the current contract. He said 600 to 650 tons is used each year, Continental Lime has been the supplier for some time, the City has maintained an excellent relationship with the company, and he recommended award of the contract to Continental Lime.

Motion by Meyer, seconded by Schmidt, to award a Contract to Continental Lime for supply of 1999 Water Plant Lime Supplies in the amount of \$70.59 per ton. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

The Public Works Director requested a motion to approve listing the 4th Street North Resurfacing Project with the North Dakota Department of Transportation (NDDOT) as the City's No. 1 priority item. He said the listing is merely a procedural step for the project which will receive federal funds totaling 80% of the estimated \$3 million cost.

Motion by Loberg, seconded by Mathiason, to approve the No. 1 Priority Listing with NDDOT for the 4th Street North Project. Motion carried 7-0. Aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; nay: None.

Mr. Lein reported that the scheduled public informational meeting about the 4th Street Project and there was a good turnout of residents living along the public thoroughfare. He said there were several written comments too, and, when all comments have been received, the Public Works Committee will review the same with Interstate Engineers.

The Police Chief reported he had met with the Personnel & Public Safety Committee regarding advertising for bids to purchase a new police car. He said it was decided to recommend advertising for both a mid-size and full-size vehicle and then make a choice between the two bids...as only one car is budgeted for. Bids to be received until January 4, 1999.

Chief Lotzer reported the Police Department has been receiving complaints about trash falling off of construction trucks. He said all contractors will receive a cautioning letter when renewing their contractors' licenses.

A letter had been received from Otter Tail Power Company regarding the Council's request to discuss possible savings at the new City Hall building if provisions are made for a dual heating system. The Auditor said the OTP representative will be invited to attend a Committee meeting to discuss the options.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee is still working on the proposed L.E.C. Alarm Ordinance. Mr. Hauck said the Committee has decided on a recommended change to the Employee Manual and has also drawn up two more Job Descriptions. He said all Councilmembers had received copies of the information and the Committee recommends approval.

Motion by Hauck, seconded by Hansey, to amend the City's Personnel policy Manual by adopting the changes proposed for page 11, "Introductory Period." Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

Motion by Hauck, seconded by Sturdevant, to approve the proposed Job Descriptions and Salary Ranges for "Senior Street Worker" (Salary Range K) and "Laborer" (Salary Range Y). Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said a motion was adopted last meeting for financing of the new City Hall property. The motion was to make application to the North Dakota Municipal Bond Bank for a loan under its Capital Financing Program. Since then, Mr. Meyer said, Bond Bank representatives have found that the Bond Bank does not offer lease/purchase financing any longer...and had to drop its offer of assistance. He said the Committee revisited the proposals from other financial institutions and has determined the offer from Norwest Investment Services is in the best interests of the City. Mr. Meyer reported the Committee has voted to recommend new City Hall Financing through Norwest by financing \$925,000 of new City Hall purchase/furnishing/remodeling costs through a 10-year, 4.95% Lease/Purchase Agreement.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2936
RESOLUTION AUTHORIZING ENTRY AND EXECUTION OF LEASE AND PURCHASE OPTION AGREEMENT AND RELATED DOCUMENTS WITH NORWEST INVESTMENT SERVICES, INC. FOR A NEW CITY HALL

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, Mathiason, Schmidt, Meyer, Loberg, Hansey; 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 second reading of the following Ordinance:

ORDINANCE NO. 794
AN ORDINANCE AMENDING CHAPTER 19 OF THE REVISED ORDINANCES

OF THE CITY OF WAHPETON WITH RESPECT TO WATER AND SEWER RATES

The Ordinance was then read in full for the second time. Following second reading, Councilmember Hansey inquired as to the proposed adjustments and their effect on an average bill. The Auditor said the proposal is for a 20-cents-per-thousand gallon increase for water & sewer users with the additional income pledged for City Hall purchase, furnishing, and remodeling costs. The Public Works Director said the average residential user will probably see a \$1.60 to \$2.00 per month increase. Mr. Hansey said he felt it was important for the public to know what the increase would be.

The motion for the adoption of Ordinance No. 794 was then duly seconded by Councilmember Sturdevant, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; 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 by the City Auditor.

Motion by Sturdevant, seconded by Hauck, to approve the following report: NOV Wahpeton Water Works. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

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|---|------------------------------------|
| PERSONNEL & PUBL SAFETY - Not Scheduled | FINANCE & ECON DEV - Bill Paying - |
| 4:00 p.m. 12/30/98 | |
| PUBLIC WORKS - Not scheduled | FLOOD MITIGATION - Not scheduled |

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

ATTEST:

Duane M. oBudö Schmitz, Mayor

Arden C. Anderson, City Auditor