

City of Wahpeton Minutes

JANUARY 4, 1999

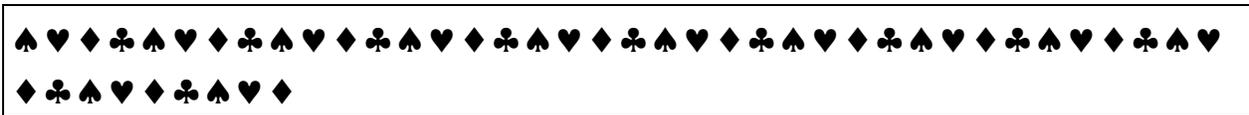
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on January 4, 1999 at 5:00 p.m.

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

The following was absent: Councilmember Tim Schmidt.

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

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Mathiason, to approve the minutes of the regular meeting held December 21, 1998. Motion carried.

Bids had been requested and received for purchase of a new Police Patrol Vehicle. A \$20,000 cost for one vehicle had been approved through the 1999 Capital Improvements Budget. As reported December 21st, the Personnel & Public Safety Committee had authorized bidding for both mid-sized and full-sized vehicles with the intent of making a choice on which type of vehicle better serves the Department's requirements. Motion by Hansey, seconded by Sturdevant, to open bids received for a Police Patrol Vehicle. Motion carried. The following bids were opened and read aloud:

<u>NAME & ADDRESS OF BIDDER</u>	<u>AMOUNT OF BID</u>
<i>Loberg Ford - Wahpeton, N Dakota</i>	<i>\$15,944.00 / with trade - (Mid--Size)</i>
<i>Ford Taurus</i>	
<i>Loberg Ford - Wahpeton, N Dakota</i>	<i>20,392.00 /with trade - (Full-Size) Ford</i>
<i>Crown Victoria</i>	

As proposed by the Police Chief, Mayor Schmitz turned the bids over to the Personnel & Public Safety Committee for review and recommendation.

The Public Works Director reported the Public Works Committee had not been able to get together to review 4x4 Street Department Pickup bids received on December 21st. Mr. Lein said he had reviewed the bids and is recommending award to the lower bidder.

Motion by Christensen, seconded by Hauck, to purchase the *Street Department's 4x4 Pickup* from Loberg Ford for its low bid of \$18,193.00. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-507
HEAD OF THE RED YOUTH ACTIVITIES ASSOCIATION

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, 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 was attested by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-508
WILKIN COUNTY PHEASANTS FOREVER

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 was attested by the City Auditor.

Councilmember Loberg offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-509
WAHPETON "CLOSE UP"

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, 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 he would like a meeting with the Finance & Economic Development Committee to discuss possible amendments of the 1998 General Fund Budget. The request was assigned by the Mayor.

Auditor Anderson distributed an application for C-1 Liquor License which has been submitted by Craig Peterson of Fergus Falls, Minnesota. The Auditor said Mr. Peterson is one of the persons interested in purchasing the former Buffington's business and needs to know if there will be any problems with obtaining the License. Auditor Anderson went on to say that the Police Chief has received a copy of the application and is in the process of completing the required background check of the applicant. He said no license would be issued until the property is purchased and all application requirements have been satisfied. Upon recommendation, the application was turned over to the Personnel & Public Safety Committee for review and recommendation.

Public Works Director Lein presented and described the updated plans for councilroom construction and additional remodeling at the new City Hall location. He said he felt drawings and plans are now developed to the point that the City Council could advertise for bids.

Motion by Meyer, seconded by Christensen, to authorize advertisement for bids for councilroom construction and remodeling of the new City Hall building at 1900 4th Street North. Motion carried 7-0.

The Public Works Director reported a letter has been received from Doug Hudson regarding a large, unpaid Public Utilities bill by a tenant renting Mr. Hudson's building. (The unpaid bill had been applied to property taxes in the usual manner in accordance with City Ordinance). Mr. Lein said the Public Works Committee will review the situation.

Director Lein said the Public Works Committee will also continue discussion of the 4th Street North resurfacing project with Randy Pope of Interstate Engineers.

The Loan Administrator requested a meeting with the Finance & Economic Development Committee in order to review interest rates of Revolving Loan Funds and to review end of year reports.

The Police Chief reported he will be working with Gene Berg, Chairman of the *Mayor's Committee for Employment of the Handicapped*, to create a new sub committee which will meet with merchants and business owners to review existing parking, signage, and enforcement of laws pertaining to handicapped parking and access.

Mayor Schmitz noted that all members had received a copy of a letter from the Mayor to local Legislators and other appropriate State Officials regarding the City's request for consideration of State help in paying for local flood prevention costs throughout the Red River Basin. The Mayor stated the letter had been prepared through the efforts of City Officers who have been working on the proposal for many months. Mayor Schmitz said he and Councilmembers will be required to personally continue efforts on the City's behalf.

Councilmember Hauck 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 Police Chief shortly. Mr. Hauck then distributed, for Council review, a report of 1998 Vacation & Sick Leave histories of City Employees.

Motion by Meyer, seconded by Hansey, to approve payment of bills presented in the amount of \$133,794.96 and that warrants be drawn upon their respective funds. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Hauck, to approve the following reports: NOV Municipal Court; NOV Police Dept. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

FLOOD MITIGATION	Noon - 01/05/99
PERS & PUBLIC SAFETY	12:30 - 01/07/99
PUBLIC WORKS	4:00 - 01/08/99
FINANCE & ECON DEV	Noon - 01/13/99

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

ATTEST:

Schmitz, Mayor

Duane M. oBudö

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

JANUARY 19, 1999

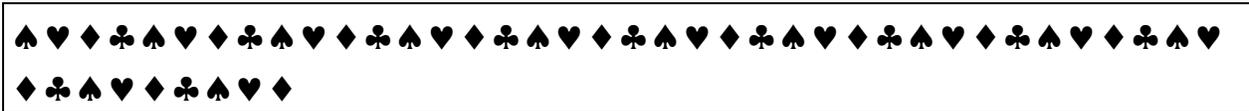
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on January 19, 1999 at 5:00 p.m.

The following members were present: Councilmembers Richard A. Hauck, James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Charles B. Christensen, Richard A. Loberg.

The following were absent: Mayor Duane M. øBudø Schmitz, Councilmembers Warren D. Meyer, Meryl T. Hansey.

Officers present: Police Chief, Loan Administrator, Attorney, Auditor.

Vice President Hauck presided at the meeting.



Motion by Sturdevant, seconded by Christensen, to approve the minutes of the regular meeting held January 4, 1999. Motion carried.

Councilmember Sturdevant reported the Public Safety Committee has reviewed the bids received for purchase of a new Police Patrol Vehicle. He said it was determined that the full-size unit will better serve the Department's needs and the Committee decided to recommend its purchase and remove the 1994 Ford Vehicle from the Department's fleet. Mr. Sturdevant said the Committee further decided to utilize the retiring 1994 Ford as a pooled City Fleet Automobile. He said the 1989 Ford will be substituted as the trade-in and this will necessitate a renegotiation of the final price. Mr. Sturdevant reported payment will be from the budgeted amounts for the Police Department through the Capital Improvements Fund.

Motion by Sturdevant, seconded by Christensen, to approve the recommendation of the Public Safety Committee and purchase the full-size Ford Crown Victoria as a Police Patrol Vehicle from Loberg Ford for its bid price of \$20,392.00 with the understanding that the final price will be negotiated as the City will trade in its 1989 Ford rather than the 1994 Ford which was listed in the bid specs. Motion carried 6-0. Voting aye: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hauck; voting nay: None.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 501
NDSCS STUDENT SENATE

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

GAMES OF CHANCE RESOLUTION NO. 506
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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hauck; 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. 510
BRECKENRIDGE-WAHPETON ZONTA INTERNATIONAL

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hauck; 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:

GAMES OF CHANCE RESOLUTION NO. 511
WAHPETON BUFFALO CLUB

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hauck; 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 correctly pronounced the name of the following applicant and moved adoption of:

GAMES OF CHANCE RESOLUTION NO. 512
PROMETHEUS

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

The City Auditor reported the Bismarck supper meeting with 25th District Legislators has been confirmed for February 25th. He passed around a sign-up listing in order to determine number of rooms which will be required.

Reporting for the City Assessor (who is in Bismarck testifying on bills), the Auditor stated the Hendrickson's have withdrawn their application for abatement of taxes.

Relaying information from the Public Works Director (who is on his way to Bismarck to discuss local levee costs), the Auditor reported no bids were received for the building at 79 Dakota Avenue and the Public Works Director will explore other avenues for removal of the levee site property.

The Loan Administrator distributed the Annual Report of the Revolving Loan Fund for the Council's review. Ms. Priebe also reported the Plat of NorthPark Addition has been filed and the covenants were approved by Resolution #2935. The Administrator said there are a few needed items remaining to be completed before lots can be sold & developed. She said the Finance Committee will be completing these items and the matter will be brought before the City Council on February 1st.

The City Attorney said he has received additional information regarding renewal of the Cable TV Franchise. He said the information will be mailed to Wahpeton & Breckenridge Councilmembers and a meeting will be scheduled in two to three weeks.

The City Attorney reported Representative Bruce Eckre has requested expression of local support for retention of the Graphic Arts Program at North Dakota State School of Science, and, for expression of support of the World Class Workforce Training System in North Dakota.

Motion by Loberg, seconded by Sturdevant, to suspend the rules and allow action on motions to approve the above-described Resolutions, matters which do not appear on the agenda. Motion carried 6-0. Voting aye: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hauck; voting nay: None.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2937

RESOLUTION IN SUPPORT OF THE PLAN FOR DEVELOPMENT OF A WORLD CLASS WORKFORCE TRAINING SYSTEM IN NORTH DAKOTA

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hauck; 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. 2938

RESOLUTION IN SUPPORT OF THE CONTINUATION OF THE GRAPHIC ARTS PROGRAM AT THE NORTH DAKOTA STATE COLLEGE OF SCIENCE

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: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hauck; 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 reported Officer Darcy Weinrich has accepted a position with the Minnesota Highway Patrol and has presented a letter of resignation effective January 31st.

Motion by Loberg, seconded by Schmidt, to accept Police Officer Darcy Weinrich's resignation. Motion carried 6-0.

A letter was received from Warren Stokes resigning from the Wahpeton Airport Authority. The Auditor reported the Airport Authority will be meeting later this month and will submit a recommendation for appointment by the Mayor.

Motion by Loberg, seconded by Mathiason, to accept Airport Authority Member Stokes's resignation. Motion carried.

Councilmember Sturdevant reported the Public Safety Committee has met with the Fire Chief regarding the proposed L.E.C. Alarms Ordinance. He said some changes are being prepared and the final draft should be ready February 1st.

Mr. Sturdevant observed that all members had received a copy of a proposed "Alcohol & Drug Free Policy" amendment to the City's Personnel Policy Manual. He said the Personnel Committee recommends approval.

Motion by Sturdevant, seconded by Christensen, to add the "Alcohol & Drug Free Policy" amendment to the City's Personnel Policy Manual. Motion carried 6-0. Voting aye: Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hauck; voting nay: None.

Councilmember Sturdevant reported there are evidently several persons or businesses interested in reopening the restaurant and bar adjoining the Super 8 Motel. He said this apparently is a bankruptcy matter and additional persons may become interested before a final decision on purchase is made. Mr. Sturdevant said the two known interested parties are inquiring about the chances of receiving a C-1 (Supper Club) Liquor License should they elect to make an offer to take over the operation, and, these parties have filed a Liquor License Application Form with the City Auditor. He said the Police Chief is making preliminary investigation of the applicants as required under City Ordinances, and, if any problem is found, the Chief and Auditor will notify the applicants. One main requirement, Mr. Sturdevant explained, is that the owner of the license--or the manager of the business---meet residency requirements; this information, along with a copy of the City Ordinance, has been relayed to the applicants or the applicants's agents. Mr. Sturdevant observed that C-1 Liquor Licenses are not restricted to number and the Police Committee can see no problem with recommending the City Council issue a C-1 Liquor License providing an applicant meets the requirements of City Ordinance; however, at this time, no further action is possible.

The Auditor distributed the January 13, 1999 minutes of the Finance & Economic Development Committee. He explained that the Committee had met with representatives of Otter Tail Power Company to examine options for possible electrical cost savings at the new City Hall building.

The Auditor noted that the Committee determined the estimated savings would not warrant a change at the present time, but, the information will be utilized during future discussions.

The Auditor reviewed the proposed amendments to the 1998 General Fund Budget which have been recommended for approval by the Finance Committee. He said there are always going to be some unexpected fluctuations here & there and the State Examiners recommend adjustments for major differences. The Auditor observed that there was about \$100,000 of additional income in 1998 (mainly from delinquent taxes, State transfers, & investment interest) and this amount plus the balance of underspending was transferred to the Capital Improvements Fund on the last day of the year. He said the 1998 year-end General Fund Balance remained at the amount deemed necessary as a reserve to pay bills until the bulk of property taxes are received in March.

Motion by Sturdevant, seconded by Schmidt, to approve the following amendments to the 1998 General Fund Budget:

<u>INCOME NO.</u>	<u>ORIGINAL</u>	<u>AMENDED</u>	<u>EXPENSE</u>	<u>NO.</u>
101-2102	\$ 5,000.00	\$ 20,000.00	101-1011-183	\$
500.00	\$ 2,000.00			
101-2103	8,000.00	20,000.00	101-1012-098	
61,300.00	15,000.00			
101-2104	100.00	5,000.00	101-1012-120	
7,000.00	4,000.00			
101-2111	243,000.00	255,000.00	101-1012-210	
4,500.00	8,500.00			
101-2114	4,500.00	10,000.00	101-1015-012	
75,000.00	50,000.00			
101-2121	120,000.00	175,000.00	101-1018-321	
28,000.00	23,000.00			
101-2171	40,000.00	15,000.00	101-1018-322	
35,000.00	30,000.00			
101-2179	<u>100.00</u>	<u>20,000.00</u>	101-1020-250	
5,000.00	10,000.00			
	\$420,700.00	\$520,000.00	101-1020-260	
13,000.00	10,000.00			
	<i>(\$99,300.00 increase)</i>		101-1021-250	
3,500.00	15,000.00			
			101-1024-140	
1,500.00	2,500.00			
			101-1024-251	
17,600.00	25,000.00			
			101-1024-260	
15,000.00	10,000.00			
			101-1024-285	
4,000.00	10,000.00			

Attorney)	PERS & PUBLIC SAFETY	12:30 - 01/25/99 (with City
	PUBLIC WORKS	Noon - 02/03/99 (Franchise)
	FINANCE & ECON DEV	time & date to be determined

The Loan Administrator said the latest estimate for the move to the new City Hall facility is during the first week-end of February. Ms. Priebe said this would mean the February 1st Council meeting will remain in the historic chambers.

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

ATTEST:

Vice President

Richard A. Hauck,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

FEBRUARY 1, 1999

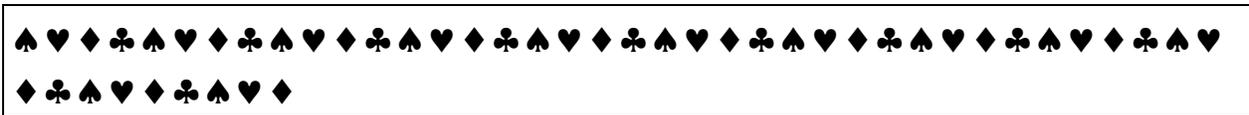
Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on February 1, 1999 at 5:00 p.m.

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

The following was absent: Councilmember James P. Sturdevant.

Officers present: Police Chief, Loan Administrator, 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 January 19, 1999. Motion carried.

Councilmember Loberg reported on a petition which has been received for proposed vacation of portions of undeveloped 9th Street South and undeveloped 3rd Avenue South. He said it appears all adjacent property owners in Blocks P, Q, & U of Fargo 2nd Addition have joined in on the petition. Mr. Loberg said the Planning Commission reviewed the petition earlier in the day and voted to hold a street vacation public hearing at 4:00 p.m. on Monday April 5th.

Motion by Loberg, seconded by Hansey, to schedule a public hearing at 5:00 p.m. on Monday, April 5, 1999 for the proposed vacation of 9th Street South between Blocks P & Q of Fargo 2nd Addition and proposed vacation of 3rd Avenue South between Blocks P & U of Fargo 2nd Addition. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Hansey offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 513
WAHPETON PARENT TEACHER 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, 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 Mathiason offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 514
WAHPETON DRUG & GIFT

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, 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 Schmidt offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 515
WAHPETON WRESTLING CLUB

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, 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 Schmidt, to approve a Games of Chance Site Authorization for Head of the Red Youth Activities Association at the Par Four Restaurant (Golf Clubhouse) located at 101 RJ Hughes Drive. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Christensen, seconded by Mathiason, to approve the following Amusement Devices License:

<u>APPLICANT</u>		<u>BUSINESS NAME</u>	<u>BUSINESS</u>
<u>ADDRESS</u>	<u>NUMBER</u>		
MARY ANN WEIAND		THE PAR FOUR	101 RJ HUGHES
DRIVE	5		

Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Auditor reported North Dakota Law requires the City Council to designate its depositories for City Funds each year. He recommended all local financial institutions be so designated.

Motion by Meyer, seconded by Christensen, to designate the following Wahpeton financial institutions as the City of Wahpeton's depositories for public funds in 1999:

Community First Bank	US Bank	Norwest Bank
American Federal Bank	First American Bank	Gate City
Federal Savings Bank		
First Community Credit Union		

Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Auditor distributed a listing of the "Pledge of Assets" by each financial institution in which the City has funds on deposit as of December 31, 1998. He also presented a brochure

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. The report read:

<u>Designated Depository</u>	<u>Funds on Deposit</u>	<u>FDIC/NCUA</u>	<u>Additional</u>
<u>Total Pledged</u>			
Community First Bank \$5,413,520.33	\$2,954,413.88	\$100,000.00	\$5,313,520.33
US Bank 361,995.08	214,000.00	100,000.00	261,995.08
Norwest Bank 389,066.00	115,000.00	100,000.00	289,066.00
American National Bank 100,000.00	100,000.00	100,000.00	none
First Community Credit Union 100,000.00	100,000.00	100,000.00	none
Gate City Federal Savings Bank n/a	none	n/a	n/a
First American Bank n/a	none	n/a	n/a

Motion by Meyer, seconded by Loberg to approve the Pledge of Assets Report. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Sr. Engineer/Technician Jim Azure reported Water Plant Operator Allan Weiland will be enrolling in a 1 credit, math prep course at NDSCS and has requested consideration for the City to pay 1/2 of his \$73 class fee as allowed by the Personnel Policy Manual. Mr. Azure recommended approval.

Motion by Hansey, seconded by Schmidt, to approve a \$36.50 expenditure for payment of 1/2 of the math prep class fee for Water Plant Operator Allan R. Weiland. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The Police Chief filed two letters with the Council. They stated both Craig L. Peterson's and Paula McKay's background checks are complete and nothing has been found to prohibit either from obtaining a retail liquor license to operate the business abutting the Super 8 Motel.

A letter dated February 1, 1999, had been received from TCI of the Valley in which rate increases for basic and expanded basic service were listed for implementation on March 1, 1999. Copies of the letter and attachments were supplied to the Mayor and Councilmembers.

Copies of a January 27, 1999 letter from Juvenile Supervisor Charles R. Sheeley to Police Chief Lotzer had been mailed to each member of the City Council along with the agendas for tonight's meeting. The letter was a continuation of Mr. Sheeley's presentation to the City Council on November 16, 1998 regarding the "Juvenile Accountability Incentive Block Grant" (JAIBG) Program.. (The City Council-by majority vote-had agreed on 11/16/98 to join in on the program

with Richland County, Ransom County and the City of Lisbon to pool the funds received and to authorize administration through a 13-member Coalition Board...of which Chief Lotzer is a member) The letter noted that a grand total of \$27,971.00 has been allocated for the combined jurisdictions.

Mayor Schmitz stated he had received two letters expressing interest in appointment to the vacancy on the Airport Authority Board. He reported Kathy Hammer and Sandra Miksche are the two persons who have applied. The Mayor said he wanted to express his appreciation to both for making known their willingness to serve the Citizens of Wahpeton. Mayor Schmitz then appointed Kathy Hammer as a member of the Airport Authority to a term ending 2002; subject to confirmation by the City Council.

Motion by Hauck, seconded by Meyer, to confirm the Mayor's appointment of Kathy Hammer to the Airport Authority for a term ending 2002. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Hauck reported for Personnel & Public Safety Committee. He noted that all Council members had received a proposed "HIRING PRACTICES-PROCEDURE LIST" from the Committee which, with Council approval, will be followed when filling positions.

Motion by Hauck, seconded by Loberg, to adopt the "HIRING PRACTICES-PROCEDURE LIST" policy. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Hauck reported the Police Chief has filed a letter stating Officer Bill Straus has successfully completed his 6-month introductory period and should be approved as a full-time employee. Mr. Hauck said the Committee has endorsed the recommendation of the Police Chief and no further action is required.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee has been meeting with the Loan Administrator for possible redefining of the Revolving Loan Fund's mission. Mr. Meyer said additional meetings will continue the exploration.

Mr. Meyer presented two documents with information regarding purchase agreements for house construction in NorthPark Addition. He said the documents, compiled by the Loan Administrator and Finance Committee, sets a sales price of \$5,000 per lot with \$1,000 down when entering into the purchase agreement; the contractor or buyer will have 6 months to close and the remaining \$4,000 will be due at that time. Upon closing, he said, 12 months will be allowed for completion of construction. Mr. Meyer noted that the second document separates the 12-month requirement into an agreement upon itself.

Motion by Meyer, seconded by Hauck, to approve the two purchase agreement documents for house construction in NorthPark Addition. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Attorney reported documents have been received to complete the 2 1/2%, \$520,000.00 Revenue Bond Issue through the North Dakota Municipal Bond Bank for the City's Water Plant Controls Project No. 1-3-98. Attorney Lies said all of the materials check out and, upon approval of the appropriate Resolution, the Mayor and Auditor may execute the agreements.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2939

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$520,000.00 WATER TREATMENT REVENUE BOND, SERIES 1999**

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, 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 approve payment of bills presented in the amount of \$119,975.11 and that warrants be drawn upon their respective funds. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Loberg, seconded by Hauck, to approve the following Reports: DEC Municipal Court, 1998 Municipal Court Summary, JAN Police Department. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

(Franchise/Cable TV)	PUBLIC WORKS	Noon	-	02/03/99
	FLOOD MITIGATION	Noon	-	02/09/99
	PERS & PUBLIC SAFETY			time & date to be determined
	FINANCE & ECON DEV			time & date to be determined

Mayor Schmitz observed that, after an 89-year run, tonight's meeting is the last one to be held in the historic chambers located in the City Hall Building at 120 4th Street North. He said the February 16th meeting will be at the new City Hall Building located at 1900 4th Street North.

The Mayor reported City Hall Offices will be closed Thursday and Friday of this week to allow employees to move records and equipment to the new facility.

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

ATTEST:

Duane M. Budö Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

FEBRUARY 16, 1999

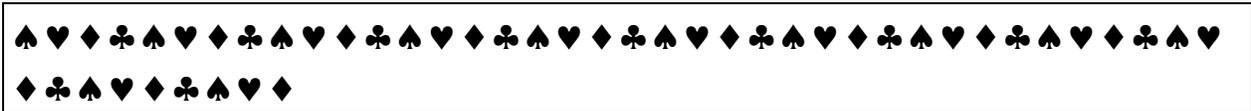
Pursuant to due call and notice thereof, the first regular meeting in New City Hall at 1900 4th Street North was duly held on February 16, 1999 at 5:00 p.m.

The following members were present: Councilmembers Richard A. Hauck, James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Charles B. Christensen, Meryl T. Hansey.

The following were absent: Mayor Duane M. Schmitz, Councilmember Richard A. Loberg.

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

President Meyer presided at the meeting.



Motion by Hauck, seconded by Hansey, to approve the minutes of the regular meeting held February 1, 1999. Motion carried.

Motion by Hansey, seconded by Christensen, to open bids for a street sweeper (with trade) as advertised. Motion carried. The following bids were received:

<u>NAME & ADDRESS OF BIDDER</u>	<u>AMOUNT OF BID</u>
Sweeney Brothers, Fargo	\$69,197.00
Sanitation Products	66,320.00

As requested by the Public Works Director, President Meyer turned the bids over to the Public Works Committee for tabulation and recommendation.

The Public Works Director distributed a report of City Hall Council Room & Fire Department remodeling bids which had been opened, as advertised, earlier in the day. The bids received were:

<u>WOOD</u>	<u>NAME & ADDRESS OF BIDDER</u>	<u>BASE BID</u>	<u>GRANITE</u>	<u>FLOOR ENTRY</u>	<u>CARPET</u>	<u>COUNTER</u>	<u>ENTRY</u>
<u>CEILING</u>	<u>DAYS</u>						
-	Gast Construction, Wahpeton	\$241,000.00		-\$3,560.00	-\$2,750.00	\$ 0.00	-\$ 395.00
-	Comstock Construction, Wahpeton	247,900.00		- 3,900.00	- 3,000.00	-1,200.00	-1,450.00
-	The Richland Group, Wahpeton	252,700.00		- 2,900.00	- 1,000.00	-1,100.00	-1,000.00
-	Gilbertson Construction, Valley City	280,000.00		- 10,000.00	- 1,200.00	-1,034.00	- 500.00
-							

Director Lein observed that the alternates were all deducts in case the base bid was higher than expected. As the base bid is within budget, Mr. Lein recommended the award of the contract to Gast Construction for its low bid.

Councilmember Hauck wondered about the area for handicapped accessibility. Director Lein said the easterly door on the south side of the building will be adapted for handicapped accessibility and is part of the base bid.

Motion by Christensen, seconded by Mathiason, to award the City Hall Council Room & Fire Department Remodeling Contract to Gast Construction for its low bid of \$241,000.00. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey, Meyer; voting nay: None.

The City Auditor explained that there are now payment boxes in three locations. There are four new boxes (*Public Utilities, Otter Tail Power, Great Plains Natural Gas, TCI Cable TV*) inside the door at EconoFoods. The original 4 drive-up boxes remain at the old City Hall location but, he said, that location may change when the weather warms up. The Auditor noted there are only three drive-up payment boxes at the new City Hall site as TCI elected not to install a box there. He said decisions whether or not to locate payment boxes are entirely up to each company.

Councilmember Schmidt offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 516
THREE RIVERS GYMNASTICS

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, Christensen, Hansey, Meyer; 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:

GAMES OF CHANCE RESOLUTION NO. 518
AMERICAN LEGION BASEBALL (6/12/99 EVENT)

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, Christensen, Hansey, Meyer; 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. 519
AMERICAN LEGION BASEBALL (4/09/99 EVENT)

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, Christensen, Hansey, Meyer; 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. 520
WIL-RICH (TROY THIELE BENEFIT)

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, Christensen, Hansey, Meyer; 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 distributed copies of the 1998 *Financial Statement and City Auditor's Report* which condensed documentation of income and expense, fund balances, balance sheet, and municipal indebtedness for the year past.

Auditor Anderson reported he had received a letter this morning concerning the status of taxes owing in Tax Increment Financing Districts. He said timely T.I.F. tax payments are so vital that he will want to review the status with the Finance Committee and City Attorney.

The City Assessor submitted an Abatement of Taxes Request for Wayne F. Berndt of 505 Center Street South. Ms. Stromberg explained that Mr. Berndt is permanently confined to a wheelchair and qualifies for an exemption under NDCC 57-02-08(20). She recommended approval.

Motion by Hansey, seconded by Sturdevant, to recommend approval of Wayne F. Berndt's Abatement of Taxes requested for the years 1997 and 1998. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey, Meyer; voting nay: None.

President Meyer noted that today marks Jane Priebe's 20th anniversary of employment with the City of Wahpeton.

Loan Administrator Priebe reported the Finance & Economic Development Committee has been holding meetings regarding refinement of the Revolving Loan Fund Program. She presented and reviewed a multi-page document which explained the proposed update of the Program. She said the mission of the Program will continue to be utilized for enhancement of community growth and development efforts through Commercial Rehab Loans, Microloans, Spec Building, and Housing Rehab Loans. Ms. Priebe and members of the Committee recommended approval of the revised Revolving Loan Fund Guidelines as presented.

Councilmember Hauck offered the following Resolution and moved its adoption

RESOLUTION NO. 2940
RESOLUTION APPROVING AND ADOPTING
REVOLVING LOAN FUND GUIDELINES

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, Christensen, Hansey, Meyer; 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 Administrator reported on the response to advertisements for sale of H.E.L.P. Lots in NorthPark Addition. She said there have been many inquiries and one lot has been sold.

The Public Works Director reported concrete is deteriorating in the wet well of Lift Station No. 1 and he is estimating a cost of \$32,900.00 for repairs. President Meyer asked the Public Works Committee to review the situation.

Director Lein then briefly described the plans and specifications which have been completed by Interstate Engineers for *Water Plant Controls Project No. 1-3-98*. Although the matter is not on the agenda, the Public Works Director recommended the necessary Resolutions be offered tonight in order to start up the construction process. The City Attorney noted that the North Dakota Bond Bank has approved funding and several legal steps are required on the City's part. He said bids are scheduled to be opened at 11:00 a.m. on March 19th.

Motion by Sturdevant, seconded by Christensen, to suspend the rules and allow action on Resolutions concerning Water Plant Controls Project No. 1-3-98, a matter which does not appear on the agenda. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey, Meyer; voting nay: None.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2941
**RESOLUTION DIRECTING PREPARATION OF
ENGINEER'S REPORT FOR THE IMPROVEMENT IN
WATER SYSTEM IMPROVEMENT PROJECT 1-3-98
(WATER PLANT CONTROLS)**

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, Christensen, Hansey, Meyer; 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. 2942
**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
IN WATER SYSTEM IMPROVEMENT PROJECT 1-3-98
(WATER PLANT CONTROLS)**

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, Christensen, Hansey, Meyer; 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. 2943
RESOLUTION DIRECTING PREPARATION OF PLANS

**AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE
THE IMPROVEMENT IN WATER SYSTEM IMPROVEMENT PROJECT 1-3-98
(WATER PLANT CONTROLS)**

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, Christensen, Hansey, Meyer; 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. 2944
RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT IN
WATER SYSTEM IMPROVEMENT PROJECT 1-3-98
(WATER PLANT CONTROLS)**

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, Sturdevant, Mathiason, Schmidt, Christensen, Hansey, Meyer; 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. 2945
RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT
FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT IN
WATER SYSTEM IMPROVEMENT PROJECT 1-3-98
(WATER PLANT CONTROLS)**

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, Sturdevant, Mathiason, Schmidt, Christensen, Hansey, Meyer; 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 there are a few options regarding *South Side Paving Project 2-1-99* which is funded partly by Federal Funds because of flood fighting-related damage. The Public Works Committee agreed to review the options and return with a report.

Councilmember Sturdevant and President Meyer reported for the Flood Mitigation Committee. They noted that Wahpeton's planning for flood protection and request for State assistance has been recognized by North Dakota Legislators and all concerned are to be complimented. Mr. Meyer observed that extremely good news came from Bismarck yesterday when the State Senate (on a vote of 42-7) approved the State Water Development Bill. He said the Bill includes a commitment of the State to supply \$3.5 million to share in the cost of Wahpeton's flood protection levee. The Council President observed that the next Legislative step is for the House to consider the bill and, hopefully, it will pass intact and be signed by the Governor.

The following Committee meetings were scheduled:

PUBLIC WORKS	Noon - 02/17/99
PERS & PUBLIC SAFETY	12:30 - 02/18/99
FINANCE & ECON DEV	To be determined
FLOOD MITIGATION	Not Scheduled

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

ATTEST:

Warren D. Meyer, President

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

MARCH 1, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on March 1, 1999 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, Meryl T. Hansey.

The following were absent: Councilmembers Charles B. Christensen, Richard A. Loberg.

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

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Schmidt, to approve the minutes of the regular meeting held February 16, 1999. Motion carried.

Motion by Sturdevant, seconded by Meyer, to read bids received for a Levee Mower as advertised. Motion carried. The following bids were read aloud:

<u>BID</u>	<u>NAME & ADDRESS OF BIDDER</u>	<u>TYPE OF UNIT</u>	<u>AMOUNT OF</u>
	Richland Co. Implement, Wahpeton	New Holland CM274	
\$14,400.00			
	Sanitation Products, Fargo	Kut-kwick SSM 38-72D	
40,971.00			

As requested by the Public Works Director, Mayor Schmitz turned the bids over to the Public Works Committee for tabulation and recommendation.

The Public Works Director reported the Public Works Committee had reviewed the two Street Sweeper bids received at the Council meeting of February 16th and recommends award to Sanitation Products, which was the lower bidder.

Motion by Hansey, seconded by Schmidt, to award the contract for purchase of a new Street Sweeper to Sanitation Products of Fargo, N Dakota for its low bid of \$66,320.00 Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

The City Auditor reported a letter has been received from the owner of Tomacelli's Pizza stating the business closed on February 28th. He said the letter requests a pro-rated refund of the 1999

fees for C-2 Beer/Wine License and the Amusement Devices License. Mr. Anderson observed that City Ordinances charge the City Council with determining whether or not to grant a refund of City License. Mayor Schmitz turned the matter over to the Finance Committee for recommendation.

Auditor Anderson then reported on non-payment of 1997 and 1998 Tax Increment Financing (TIF) District property taxes. He said as of 4:00 p.m. today, Richland County reported Jerry Meide had not paid the property taxes for 1997 & 1998. The Auditor observed that, by law, the City Council will have to place a deficiency levy on all City property owners if there is a shortage in the Tax Increment Bond Payment Fund when payments to bond holders are due. Auditor Anderson said he will be working with the City Attorney to proceed with the steps for collection through personal guarantees as agreed to when the 1994 Downtown Development Project was authorized by the City Council.

The City Auditor further reported on a notice, dated February 23, 1999, from US Bank Trust Center of St. Paul notifying Meide & Son and the City of Wahpeton that *An Event of Default* by Meide & Son has occurred. The letter stated that Interest and Principal for Meide's *1992 Multifamily Housing Refunding Bonds (Town Center Square Project)* had not been deposited with US Bank Trust Center (the paying agent) on February 1, 1999. The Auditor said the bonds were issued under the provisions allowed by the Municipal Industrial Development Act (MIDA). He said because there was no deposit, bond holders had not been paid on the February 1st maturity date. The Auditor further reported that he had received a phone call from an upset bond holder in McClusky, North Dakota demanding that the City pay its debts. Mr. Anderson said the City is not directly liable for payment of MIDA-type bonds...it merely lends its name so the bond issuer can receive a more favorable interest rate...but non-payment by the issuer *stains* the City's reputation.

Auditor Anderson said he had mailed a letter to Jerry Meide expressing concern about the non-payment of taxes and non-deposit causing default on the bonds; all Councilmember were supplied a copy of the letter. He said he will also be working with the City Attorney on the bond default matter.

Assessor Stromberg reported she would like to have the City Council act on an Application for Abatement & Settlement of Taxes, but, the item does not appear on the Council meeting agenda.

Motion by Hauck, seconded by Sturdevant, to suspend the rules and allow action on a matter concerning an Application & Settlement of Taxes request, a matter which does not appear on the agenda. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

The City Assessor reviewed an Abatement of Taxes Request, dated 1/11/99 from Arnold Biel of 1002 8th Avenue North. Mr. Biel had entered *Over assessed* as the reason for requesting his property's value be reduced from \$33,400 to \$29,400. Ms. Stromberg reported she had reviewed sales data and found two sales of like property:

**1014 8th Avenue North sold for \$40,200 in July, 1997 and
1019 8th Avenue North brought \$38,000 October of 1995.**

As a result, the Assessor said, she wrote a letter (on January 25th) to Mr. Biel asking him to supply additional reasons by February 8th for the requested valuation reduction; the letter said it was the Assessor's intent to present the Application at the City Council's February 16th meeting and have it turned over to the Finance Committee for review. The letter further stated that Mr. Biel would be welcome at the Council meeting and Committee meeting. Assessor Stromberg said nothing has been received so she would now recommend that the Application be denied. She said the next step will be a hearing before the Richland County Commissioners at which time Mr. Biel will still have the opportunity to submit testimony. Councilmember Hansey wondered if the Assessor's letter to Mr. Biel had been sent registered or by regular mail. Ms. Stromberg said it was by regular mail.

Motion by Meyer, seconded by Mathiason, to recommend, to the Richland County Commission, denial of the Abatement & Settlement of Taxes request submitted by Arnold Biel for the property at 1002 8th Avenue North. Motion carried 5-1. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer; voting nay: Hansey.

The Public Works Director reported the North Dakota Department of Transportation's construction schedule for the year 2000 includes work on By-pass 210. He said the State requires a Preliminary Engineering Agreement with the City of Wahpeton. The matter was referred to the Public Works Committee for review and recommendation.

Upon a suggestion by the Economic Development Director, the Finance Committee agreed to review the options for providing beneficial utilization of the old City Hall property at 120 4th Street North.

In support of the Auditor's report, Director Krauseneck observed, TIF and MIDA incentives have to be very carefully considered. He said some projects, such as the recent St. Catherine's MIDA Bond project, cause no worry and are of great benefit to the City, but others are mainly developer oriented. Mr. Krauseneck said it may be time to alter the types of incentives allowed by the City Council and suggested a meeting with the Finance Committee for that very purpose. Mayor Schmitz agreed and asked the Committee to meet and discuss the City's incentive programs.

A letter had been received from the Wahpeton Visitors Committee recommending appointment of Rich Holm as the 7th member of the Committee. The letter stated the Committee promotes tourism throughout the area and Mr. Holm will represent Fort Abercrombie.

Mayor Schmitz appointed Rich Holm to the Wahpeton Visitors Committee for a term ending in the year 2000. Motion by Hauck, seconded by Hansey, to confirm the Mayor's appointment. Motion carried 6-0.

Director Lein reported for the Public Works Committee. He said two quotes were obtained for repair of Lift Station No. 1's wet well and the Committee wants to contract with the party of the lower quote, Visu-Sewer Clean & Seal, at a cost not to exceed \$32,900.00. Mr. Lein observed that the quoted amount is more than \$25,000 and City Ordinances require sealed bids for projects exceeding that amount...unless the City Council declares an emergency. The Director said the

repairs are indeed an emergency and the Committee recommends contracting under the emergency provision.

Motion by Hansey, seconded by Meyer, to declare an emergency and award the Lift Station No. 1 repair contract to Visu-Sewer Clean & Seal of St. Louis Park, Minnesota at an amount not to exceed \$32,900.00. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

The Public Works Committee had also reviewed options for South Side Street Project 2-1-99. Director Lein said it was decided to send a letter to all affected property owners and invite them to a public meeting and discuss the options.

Motion by Meyer, seconded by Hansey, to approve payment of bills presented in the amount of \$119,451.83 and that warrants be drawn upon their respective funds. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Hauck, to approve the following reports: 1998 Building Permits, JAN Wahpeton Water Works, JAN Police Department. Motion carried 6-0.

The following Committee meetings were scheduled:

	PUBLIC WORKS	To be determined	
- 03/10/99 (with	PERS & PUBLIC SAFETY	12:30 - 03/02/99	& 12:30
City Attorney)	FINANCE & ECON DEV	Noon	- 03/08/99
	FLOOD MITIGATION	Not Scheduled	

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

ATTEST:

Duane M. Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

MARCH 15, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on March 15, 1999 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, Meryl T. Hansey.

The following was absent: Councilmember Richard A. Loberg.

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

Mayor Schmitz presided at the meeting.



Motion by Mathiason, seconded by Hansey, to approve the minutes of the regular meeting held March 1, 1999. Motion carried.

Councilmember Christensen reported the Public Works Committee had reviewed the two bids received for a levee mower. He said only one met specifications and the Committee recommends award to Sanitation Products of Fargo at its bid amount.

Motion by Christensen, seconded by Mathiason, to award the Levee Mower contract to Sanitation Products for its best bid of \$40,971.00 for a **Kut-kwick Mower, Model SSM 38-72D**. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Councilmember Hauck reported for the Planning Commission. He observed that the Planning Commission and City Council have each received a petition from Steve Hinsverk of DBS Inc. requesting rezoning from R-3 to B-1 for portions of Lots 10, 11, and 12 in Block 3, Original Townsite in order to construct and operate a car wash facility. Mr. Hauck said the Commission reviewed additional R-3 zoning on lots both north and south of Dakota Avenue in the 100 Block. He said the Commission determined the traffic volume is such that it is desirable to apply B-1 zoning for all commercial lots bordering Dakota Avenue in the 100 Block. Mr. Hauck said all of the property owners will be notified of the proposal and be given the opportunity to comment on the rezoning proposal for individual lots. Mr. Hauck said the Planning Commission scheduled a public hearing at 4 pm on April 5th.

Motion by Hauck, seconded by Meyer, to schedule a public hearing at 5:00 p.m. on April 5, 1999 for the proposal to rezone as B-1 all commercial lots on the South 1/2 of Block 3 and the North 1/2 of Block 4, Original Townsite. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 517
CHAHINKAPA ZOO

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, 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:

GAMES OF CHANCE RESOLUTION NO. 521
DISTRIBUTIVE EDUCATION CLASSES OF AMERICA

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, 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:

GAMES OF CHANCE RESOLUTION NO. 522
WILKIN SOIL & WATER CONSERVATION DISTRICT

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, 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 presented the following documentation of investment bids:

Investment	Maturity	American	Comm First	Bremer	First Comm	Gate	City
Norwest Bank	US Bank						
Amount	Date	Fed. Bank	Bank	Bank	Cr. Union	Sav	Bank
<u>Wahpeton</u>	<u>Wahpeton</u>						
\$180,000.00	05/27/99	4.76%	4.69%	4.68%	4.17%	no bid	
4.60%	4.25%						
90,000.00	07/29/99	4.82%	4.75%	4.75%	4.17%	no bid	
4.70%	4.40%						
60,000.00	09/29/99	4.89%	4.78%	4.80%	4.35%	no bid	
4.85%	4.70%						
420,000.00	11/27/99	4.98%	4.93%	4.85%	4.55%	no bid	
4.90%	4.75%						
Investment	Maturity	American	Comm First	Bremer	First Comm	Gate	City
Norwest Bank	US Bank						
Amount	Date	Fed. Bank	Bank	Bank	Cr. Union	Sav	Bank
<u>Wahpeton</u>	<u>Wahpeton</u>						

540,000.00	01/28/00	5.00%	5.03%	4.90%	4.65%	no bid
5.05%	4.90%					
25,000.00	03/30/00	5.05%	4.90%	5.00%	4.55%	no bid
5.10%	4.65%					

Motion by Hauck, seconded by Meyer, to purchase Investments through the highest bidders. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Councilmember Christensen reported the Public Works Committee has reviewed the North Dakota Department of Transportation's Preliminary Engineering Agreement for rehabilitation of ND 210 from ND 13 to the Red River. He said everything appears in order and the Committee recommends approval.

Motion by Christensen, seconded by Hansey, to authorize the Mayor and Auditor to execute the Preliminary Engineering Agreement with NDDOT for the ND 210 Rehabilitation Project numbered NHU-8-210(007)000. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

The Public Works Director requested approval to advertise for bids for demolition and disposal of all structures located on City-obtained property for levee construction. He reported there are three properties; two are on 2nd Avenue North and the third is an apartment building adjacent to the river.

Motion by Meyer, seconded by Christensen, to publish notice for sealed bids for demolition and disposal of all structures on three lots as described by the Public Works Director; the bids to be opened at 2:00 p.m. on April 19, 1999. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Director Lein then presented information regarding proposed street improvements in two areas of the City. Area A of the Project, designated as **Street Improvement District 2-2-99**, consists of reconstructing 9th Street North from 16th Avenue to ND 210. Mr. Lein said the street was last paved in 1974-75 and has deteriorated to the point of needing a complete overhaul. He said the northerly portion will be beefed up in order to accommodate the heavier national guard vehicles anticipated when the new Armory is constructed between 4th and 9th Streets. Director Lein said he is estimating a cost of \$297,955 for Area A. The Public Works Director described Area B as a reconstruction of 8th Avenue South from 6th Street and west. He said this area was paved in 1975-76 and the hard surface is pretty well gone. His estimate of cost for Area B was \$142,000. Director Lein said affected property owners will be notified of the proposed construction and will be invited to attend a public information meeting. He added that street projects are only allowed through consent of the persons receiving the assessment. Through the legal notice process, Director Lein said, a formal public hearing is scheduled inviting written protests, if any, and the project cannot proceed if protests are received from more than half of the properties in the district. The City Attorney presented the Resolutions required for creating the Project and arranging for a public hearing of necessity. He said Resolution No. 2950 directs the protest public hearing to be held at the City Council's meeting on May 3, 1999.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2946

RESOLUTION CREATING STREET IMPROVEMENT DISTRICT 2-2-99

(Property Area A - Ninth Street North)

(Property Area B - Eight 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, Mathiason, Schmidt, 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 was attested by the City Auditor.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2947

**RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-2-99**

(Property Area A - Ninth Street North)

(Property Area B - Eight Avenue South)

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, 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:

RESOLUTION NO. 2948

**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-2-99**

(Property Area A - Ninth Street North)

(Property Area B - Eight 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, Sturdevant, Mathiason, Schmidt, 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 was attested by the City Auditor.

Councilmember Schmidt offered the following Resolution and moved its adoption:

RESOLUTION NO. 2949

**RESOLUTION DIRECTING PREPARATION OF PLANS
AND SPECIFICATIONS AND ESTIMATE OF COST
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-2-99**

(Property Area A - Ninth Street North)

(Property Area B - Eight 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, Sturdevant, Mathiason, Schmidt, 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 was attested by the City Auditor.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2950
RESOLUTION DECLARING WORK NECESSARY FOR
AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area A - Ninth Street North)
(Property Area B - Eight Avenue South)

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, 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.

A letter had been received from Attorney Fred Strege urging continuation of the City's policy allowing application for Tax Increment Financing incentives.

A notice had been received from the Tourism Committee outlining the tentative schedule and events for Carousel Days to be held June 11, 12 & 13, 1999.

The Police Chief reported on removal of overnight street parking restrictions. He also observed there are some cars lingering in parking lots which will be hauled out and impounded.

Councilmember Meyer reported for the Finance Committee. He said the Committee unanimously voted to recommend denial of Tomacelli's request for a pro-rated refund of liquor license fees and amusement devices license fees. Mr. Meyer said the Committee is continuing to discuss the future usage of the old City Hall property along with reviewing economic development incentives. He said the latter two items will be placed on the Council's agenda when the Committee is ready to offer recommendations.

Motion by Meyer, seconded by Sturdevant, to deny Tomacelli's request for a pro-rated refund of liquor license fees and amusement devices license fees. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Answering a question from Councilmember Hansey, the Public Works Director reported alley restrictions will be going into effect during the week of March 22nd.

Motion by Sturdevant, seconded by Hauck, to approve the February Wahpeton Water Works Report. . Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

The following Committee meetings were scheduled:

FLOOD MITIGATION	Noon - 03/16/99
PERS & PUBLIC SAFETY	12:30 - 03/17/99
PUBLIC WORKS	Noon - 03/24/99

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

ATTEST:

Mayor

Duane M. Schmitz,

Arden C. Anderson, City Auditor

2. Well No. 1 Modification	7,366.00	5,250.00
5,249.00		
3. Well No. 2 Modification	7,366.00	5,250.00
5,249.00		
4. Well No. 3 Modification	7,366.00	4,250.00
5,105.00		
5. Pump Station Controls	79,100.00	90,600.00
90,931.00		
6. Control Area Cabinets	4,000.00	3,845.00
5,270.00		
7. Miscellaneous Electrical		
Modification of Water	10,000.00	43,800.00
87,998.00		
8. Control Modification Allowance	<u>10,000.00</u>	<u>10,000.00</u>
<u>10,000.00</u>		
TOTAL BASE BID	\$289,399.00	\$313,995.00
\$361,392.00		
Additive Alternate No. 1	4,000.00	4,650.00
4,582.00		
Deductive Alternate No. 1	(79,100.00)	(90,600.00)
(90,931.00)		

Upon motion duly made by Councilmember Mathiason, 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.

Upon motion duly made by Councilmember Meyer, 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 Council then re-examined the bids received for construction of the improvement in **WATER SYSTEM IMPROVEMENT PROJECT NO. 1-3-98 (WATER PLANT CONTROLS) DWSRF No. 3900973** which bids were received on the 19th day of March, 1999, 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 Johnø Refrigeration & Electric, Inc., for its low bid of \$293,399.00 which includes Additive Alternate No. 1. The Engineer further stated the North Dakota Health Department must concur with the award and a provision to that effect is included in the award Resolution. 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. 2951
**RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF AN
IMPROVEMENT**

**IN WATER SYSTEM IMPROVEMENT PROJECT NO. 1-3-98
(WATER PLANT CONTROLS) DWSRF No. 3900973**

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, Christensen, Loberg, Hansey; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, with the stipulation that the Mayor and City Auditor would be authorized to execute the Resolution only after concurrence by the North Dakota Health Department.

A public hearing, following published legal notice, was held regarding the proposal to vacate portions of undeveloped 9th Street South and undeveloped 3rd Avenue South along Blocks P, Q, & U of Fargo Second Addition. No one attended in opposition and no written protests had been received. Councilmember Loberg reported for the Planning Commission. He said the Planning Commission had held its own public hearing earlier in the day, had received no protests, and adopted a motion recommending the City Council approve the proposal. The Public Works Director confirmed that the rights-of-way are dead ends and have no value for future public roadways.

Councilmember Loberg offered the following Resolution and moved its adoption:

**RESOLUTION NO. 2952
RESOLUTION VACATING STREET
(9th Street South in Blocks P & Q Fargo 2nd Addition and
3rd Avenue South in Blocks P & U Fargo 2nd Addition)**

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, 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.

A public hearing, following published legal notice, was held regarding the proposal to rezone Lots 10, 11 & 12, Block 3 and Lots 5, 6 & 7 Block 4, Original Townsite from Residential-Multiple Family R-3 to Business-Central B-1. No one attended in opposition and no written protests had been received. Councilmember Loberg reported for the Planning Commission. He said the Planning Commission had held its own public hearing earlier in the day, had received no protests, and adopted a motion recommending the City Council approve the proposal.

Councilmember Loberg offered first reading of the following Ordinance:

**ORDINANCE NO. 795
AN ORDINANCE REZONING FROM R-3 TO B-1
(Lots 10, 11 & 12, Block 3 Original Townsite and
Lots 5, 6 & 7, Block 4 Original Townsite)**

Jim Brownlee of the North State Auditor's Office attended and reviewed the **State's 1998 Audit** of City operation. He said the finances are in good shape and all required procedures are being followed. Mr. Brownlee noted that the City is taking care to hopefully eliminate potential YK2 problems but no one can be sure everything is o.k. until January 1, 2000 comes and goes. He also

noted that the City had larger-than-usual capital expenditures last year because of the money spent on flood protection, purchase of land for residential development, construction of the golf clubhouse, and purchase & remodeling of the new City Hall property. As a result, Mr. Brownlee said, there are some deficit Funds and the City is actually borrowing against other Funds. He said it looks like levee funding is going to be approved by the State Legislature and this will allow the City to arrange funding to restore some of its internally-borrowed money.

Mr. Brownlee then handed out a packet of financial information for Council review. He explained the information compares Wahpeton's revenue, expenditures, and debt ratios to like figures in other North Dakota Communities of similar population. He said Wahpeton's mill levy may be high but the City actually has a favorable taxing climate when all revenues are taken into consideration. Mr. Brownlee said Wahpeton's property tax revenue is 24% of the City's total income and this is well below the average of 43%. He again noted that Wahpeton's capital outlay shows quite high for 1998...because of the items he mentioned earlier. Mr. Brownlee observed that the year-end *General Fund Balance to General Fund Expenditures* was way lower than any other City. The average year-end balance is 44% and Wahpeton's is only 7% of yearly expenditures. However, he said, the amount carried over shows good fiscal management as the amount is adequate and the citizens can be assured that money isn't being stockpiled.

Councilmember Mathiason offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 523

MARC AMBROSE ROOB SUPPLEMENTAL NEEDS TRUST

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, 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 Auditor presented Farming Agreements for the year 2000 and recommended approval. He said the two agreements are unique in that the City charges no rent and the farmers agree to forego requests for recourse should any of the property be utilized for development at any time.

Motion by Meyer, seconded by Hansey, to approve the *year 2000 Schuett Addition Farming Agreement* with **SEEDS 2000** and the *year 2000 Bois de Sioux Village Addition Farming Agreement* with **Bruce Christianson**. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Auditor reported new figures have been presented to him by Dan Wiles of FWW Financial Advisors for possible refinancing of an existing Bond Issue. He said the City Council had passed on an earlier proposal about six months ago because of insufficient savings. The Auditor said the new figures document a probable \$35,000 to \$40,000 net savings and recommended the Finance Committee meet with Mr. Wiles discuss the proposal. This was agreed to.

The City Auditor presented a listing of applications for Fireworks Sale Licenses. He observed that City Ordinances allow 6 licenses based upon population and all 6 current license holders applied

for renewal at their usual sites. The Auditor reported the Council has historically approved renewal to existing license holders. He apologized for leaving the item off the agenda.

Motion by Meyer, seconded by Hauck, to suspend the rules and allow action on a motion approving 1999 Fireworks Sales Licenses, a matter which does not appear on the agenda. Motion carried, all voting aye:

Motion by Meyer, seconded by Schmidt, to approve the following Fireworks Sale Licenses:

<u>APPLICANT</u>	<u>BUSINESS/ADDRESS</u>
<u>SALE/ADDRESS</u>	
1. TERRY STURDEVANT Sturdevants Pk Lot 109 Dakota Ave	Car Pro 209 4th St. South
2. JEFF CHRISTOPHERSON Jerry's Fireworks Ave. 1101 Dakota Ave.	Colonial Rental 1101 Dakota
3. LARRY THIELE Ben Franklin Store Ave. 406 Dakota Ave.	Ben Franklin Store 406 Dakota
4. MIKE ERLANDSON Big Mike's Fireworks 2003 9th St. North	Captain Clean 1331 7th St. North
5. JERRY PRANTE Parking Lot 995 21st Ave. North	Prante's, Inc. 1605 11th St. North
6. PERRY MILLER Richland Co. Vo-Tec Avenue 2101 9th St. North	Miller's True Value 403 Dakota (FFA Alumni Chapter)

Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Assessor discussed two Abatement of Taxes requests received for the year 1997. Ms. Stromberg said both concern properties of the North Dakota State College of Science Alumni Association which were transferred to NDSCS in 1997 but the deeds hadn't been filed so the parcels stayed on the books as taxable property. A question was asked regarding intent of transfer in 1997. The Assessor said she would follow up by obtaining deed copies with dates.

Assessor Stromberg reported the City's Board of Equalization meeting will be held at City Hall on Tuesday, April 13th beginning at 4:00 p.m. and a quorum of the Council is necessary. She said required notices have been mailed to affected property owners. Answering a question from

Councilmember Meyer, the Assessor said the new sales ratio report from the State shows the City's ratio at about 96%.

The Public Works Director submitted plans and specifications for Street Improvement District No. 2-2-99. With approval of the plans & specs, Mr. Lein said, bid ads will be published scheduling bid opening on May 3rd at 2:00 p.m.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2953
**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT
IN STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area A - Ninth Street North
Property Area B - Eighth Avenue South)**

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, 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 Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 2954
**RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT
FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT
IN STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area A - Ninth Street North
Property Area B - Eighth Avenue South)**

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, 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 Public Works Director reported on the public meeting held with residents regarding the improvement options for Street Improvement Project 2-1-99. Mr. Lein said the consensus was to deal on a block-by-block basis for review by the Public Works Committee.

Director Lein reported a letter has been received from Richland County Vocational Education requesting consideration for hard-surfacing roadways in NorthPark Addition. Mayor Schmitz asked the Public Works Committee to meet with the Public Works Director for review of the request.

The Economic Development Director reported he has negotiated two earnest money contracts for review of the Finance Committee. He said the first contract is for *sale of 4.19 acres* in Schuett Addition to *Richard L. Pierce, LTD* for Manufactured Homes expansion; the second is for *purchase of 3.76 acres* along 4th Street North *from Otter Tail Power Company* to provide

additional property for Armory purposes. Mayor Schmitz instructed the Committee to review the contracts and make recommendation at the next City Council meeting.

Director Krauseneck passed out invitations for the Annual Community Development Corporation meeting at Prante's on April 19th beginning at 11:30 a.m. He said the speaker will be Bruce Gjovig, Director of the UND's Center for Innovation. The Director also reported that the Economic Development Commission will be meeting at 5:00 pm on April 12th.

The Police Chief reported he has received a request from the Chamber of Commerce for blockage of Dakota Avenue for parades during Carousel Days on June 12th and 13th. He said diversion of traffic shouldn't last for more than one & one-half hours and recommended approval.

Motion by Meyer, seconded by Hauck, to permit the requested parades on Dakota Avenue during Carousel Days. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Mathiason reported for the YK2 Committee. He said recommendation from the group's meeting on March 17th had been forwarded to all Council members with this meeting's agenda. Mr. Mathiason said there will be some costs involved...computer checks, staff overtime, water plant & lift station stand-by generators, among others. The Finance Committee agreed to review the requested outlay of special costs.

Mayor Schmitz noted that all Council members had received a letter at tonight's meeting from TCI of the Valley reviewing the effect of the merger of AT&T and Tele-Communications, Inc. The letter stated there will be some transition matters but local ownership and service will not change.

The Mayor reported the Chambers of Commerce of Wahpeton & Breckenridge have invited North Dakota Governor Ed Schafer and Minnesota Governor Jesse Ventura to participate in the Governors Cup Golf Tournament on June 12th. He said the event, which is part of the Carousel Days celebration, will help commemorate the cooperation of the two Cities in rebuilding facilities to restore the quality of life for its Citizens. Mayor Schmitz then read a Proclamation declaring June 12th as "Governors Day."

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee has held several meetings regarding regulations for private alarm systems. Mr. Hauck highlighted some of the provisions including charges for repeated false alarms. He said the Committee is now recommending adoption of the appropriate Ordinance and asked the Auditor to supply all Councilmembers with a copy of the document along with minutes of this meeting.

Councilmember Hauck offered first reading of the following Ordinance:

ORDINANCE NO. 796
AN ORDINANCE REGULATING PRIVATE ALARM SYSTEMS

Mr. Hauck then reported the Personnel & Public Safety Committee had reviewed Job Descriptions and portions of the Employee Manual. He said several changes are recommended.

Motion by Hauck, seconded by Meyer, to change Job Descriptions as follows: 1. *Auditor* - Name change from City Auditor/Personnel Administrator to Auditor. Put into standard format with minor revisions. 2. *Assessor* - Put into standard format added under education (or ability to obtain with designated time frame) under Class 1 Certification from the State of North Dakota. 3. *Economic Development Director* - Put into standard format. 4. *Loan Administrator* - Put into standard format and changed fund programs to current ones. 5. *Custodian* - Put into standard format and revised in its entirety by combining old description and duties list.

Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Hauck, seconded by Meyer, to amend the "Vacation" section of the Employee Manual by providing an additional 8 hours of annually-earned "in lieu of holiday" vacation time for Water Plant Personnel and 9 hours of annually-earned "in lieu of holiday" vacation time for Police Officers. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Hauck, seconded by Meyer, to modify "Recruitment Policy" as follows: By removing section A & B and replacing it with "Refer to Hiring Procedures List." Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Hauck, seconded by Meyer, to amend the "Sick Leave" section of the Employee Manual by deleting the following sentence: "When an employee ceases employment with the city for any reason other than retirement accumulated sick leave is then forfeited."

Answering a question from Mr. Hansey, Councilmember Meyer said the sentence is being removed because the City has no provisions for unused sick leave compensation.

Upon vote being taken on the motion to delete the sentence from the "Sick Leave" portion of the Employee Manual, the following voted in favor: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; and the following voted against: None. Motion carried 7-0.

Councilmember Christensen reported for the Public Works Committee. He said the Committee has met several times and has now completed its review of the proposed Cable TV Franchise extension. Mr. Christensen said the Committee recommends adoption of the renewal Ordinance which will extend the franchise until July 15, 2004 and will allow the City to charge up to 5% as a franchise fee.

Councilmember Christensen offered first reading of the following Ordinance:

ORDINANCE NO. 797
AND ORDINANCE AMENDING THE CABLE TELEVISION FRANCHISE
ORDINANCE NO. 24-103, AS AMENDED, TO EXTEND THE TERM OF SUCH
FRANCHISE

The City Auditor reported on receipt of documents from Norwest Investment Services to complete financing of the new Elgin Street Sweeper under a lease/purchase agreement. He said the City Council earlier approved purchase in the amount of \$66,320.00 through the usual lease/purchase arrangement with Norwest and most of the 13 financing items have been completed. He said one of the final steps is to adopt a Resolution approving execution of the actual document agreeing to the financing with Norwest Investment Services. The Auditor suggested it be offered at this time.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2955
RESOLUTION APPROVING AND AUTHORIZING
GOVERNMENTAL LEASE-PURCHASE MASTER AGREEMENT
(ELGIN STREET SWEEPER)

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, 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 Loan Administrator reported she had received a letter today regarding the *Do Something BRICK Award for Community Leadership*. She said this is a new program allowing young people to apply for grants for projects which will measurably strengthen their communities...brick-by-brick. Ms. Priebe said the applicants must be 30 years of age or under and she will be relaying information and applications to appropriate organizations and individuals.

Motion by Meyer, seconded by Schmidt, to approve payment of bills presented in the amount of \$181,999.39 and that warrants be drawn upon their respective funds. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None

Motion by Mathiason, seconded by Loberg, to approve the following Reports: February Municipal Court; March Police Department. Motion carried 7-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

FLOOD MITIGATION	Noon - 04/06/99
PERS & PUBLIC SAFETY	not scheduled
PUBLIC WORKS	Noon - 04/13/99
FINANCE & ECON DEV	Noon - 04/08/99

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

Mayor
ATTEST:

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

APRIL 19, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on April 19, 1999 at 5:00 p.m.

The following members were present: Mayor Duane M. 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 was absent: Councilmember Tim Schmidt.

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

Mayor Schmitz presided at the meeting.



Motion by Hansey, seconded by Christensen, to approve the minutes of the regular meeting held April 5, 1999. Motion carried.

The Public Works Director reported bids had been received from two contractors at 2:00 p.m. this date for removal of buildings from three properties obtained by the City for permanent levee construction under Improvement Project No. 5-1-97. He presented the following report of proposals received and recommended award to the lower bidder:

<u>PROPERTY</u> <u>CONSTRUCTION</u>	<u>COMSTOCK CONSTRUCTION</u>	<u>CAMAS</u>
77 2nd Ave. North 5,889.00	\$ 4,710.00	\$
78 2nd Ave. North 7,280.00	6,040.00	
79 Dakota Avenue <u>13,050.00</u> \$26,219.00	<u>11,340.00</u> \$22,090.00	

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2956
RESOLUTION AWARDING CONTRACT FOR
REMOVAL OF LEVEE LOCATION BUILDINGS

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, 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 to by the City Auditor.

Motion by Sturdevant, seconded by Hauck, to approve a Games of Chance Site Authorization for Head of the Read Youth Activities Association, Inc., at Teddyø for the period May 15, 1999 through June 30, 1999. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Hauck, to approve a Games of Chance Site Authorization for Head of the Read Youth Activities Association, Inc., at Teddyø for the period July 1, 1999 through June 30, 2000. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Mathiason, to approve a Games of Chance Site Authorization for Head of the Read Youth Activities Association, Inc., at Par Four for the period July 1, 1999 through June 30, 2000. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 524
WAHPETON HIGH SCHOOL FOOTBALL

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, 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 to by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 525
WAHPETON-BRECKENRIDGE SOFTBALL 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, 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 to by the City Auditor.

The City Auditor reported he had attended the annual meeting of the North Dakota Insurance Reserve Fund in Bismarck last Thursday. Because liability insurance premiums were increasing at an alarming rate in the early 80ø, he explained, the NDIRF was created by North Dakota subdivisions in an attempt to stabilize the cost...and it has done just that. Auditor Anderson said the NDIRF is similar to the State Fire & Tornado Fund in that it only allows North Dakota governmental subdivisions to be members...and most are. The Auditor said the annual meeting has always been a pleasure to attend as the reports of the programø success continue to provide a most positive financial impact on its members. He presented a report explaining the history of the

NDIRF's formation, Wahpeton's annual liability insurance premiums, and refunds received. He said because of the Fund's healthy balance, \$21,619.00 (more than half) of the City's current premium was refunded and has been deposited into the City's General Fund. The Auditor's report estimated a \$273,924.00 savings in premiums for Wahpeton's taxpayers since the NDIRF began in 1986.

The City Auditor reported for the City Assessor who is home ill. However, a report from the Assessor was distributed to each member of the Council.

Two NDSCS Abatement requests, discussed at the April 5th Council meeting, had been delayed until this date due to concerns about intent and property transaction dates. The distributed report stated Ms. Stromberg had researched the property transfers from NDSCS Alumni Association to NDSCS. She had received a copy of the purchase check dated 6/23/97 and found the transaction dates were 6/30/97; the deeds weren't filed until 2/08/99. The Assessor's report recommended approval of the abatements.

Motion by Sturdevant, seconded by Meyer, to recommend approval of a prorated abatement for 1997 and a full abatement for 1998 for the NDSCS properties at 717 4th St. North and 723 4th St. North. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The Assessor's report stated Rick & Elizabeth Krump of 849 2nd St. North have filed an Application for Property Tax Exemption for 1998 and 1999 in the amount of \$80,000.00 per year. She stated that NDCC 57-02-08 (20) provides for the \$80,000.00 maximum for permanently or totally disabled persons confined to a wheelchair. Ms. Stromberg's note reported the required physician's certificate, certifying to Mr. Krump's condition, has been received and she recommends approval of the request.

Motion by Mathiason, seconded by Loberg, to recommend approval of a "disabled" \$80,000.00 Property Tax Exemption requested by Rick & Elizabeth Krump for the property at 849 2nd St. North for 1998 and 1999. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Assessor Stromberg's report stated an Abatement Request has been received from David & LaRae Gripenrog for the recently-purchased Dakota Pork property adjacent to Loll Auto. Upon her request Mayor Schmitz instructed the Finance Committee to review the petition for Abatement with the City Assessor.

Because of Ms. Stromberg's illness, the Auditor reported, the adjourned Board of Equalization meeting couldn't be held at 4:30 p.m. this date. He said the Assessor requests a continuation of the adjourned Board of Equalization meeting; possibly to coincide with a Finance Committee meeting.

The Economic Development Director relayed recommendations from the Economic Development Commission. He said

the EDC discussed City assistance for Dean's Landscaping which is being relocated out of the flood plain. Mr. Krauseneck said the recommendation is identical to sales tax funding approved for Prante's in which a \$10,000 relocation grant is supplied along with a \$15,000 interest buy-down on a \$40,000 Revolving Loan Fund Loan.

Motion by Meyer, seconded by Loberg, to concur with sales tax expenditure recommendations of the Economic Development Commission and approve a \$10,000 flood relocation grant plus a \$15,000 RLF interest buy-down grant for Dean's Landscaping. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Director Krauseneck said the second EDC recommendation is for a \$3,000 sales tax grant towards a \$15,000 Day Care Center feasibility study. He said several other organizations are also contributing in order to provide for a proper in-depth study of the potential worth of establishing a 24-hour Day Care facility.

Motion by Hansey, seconded by Meyer, to concur with the recommendation of the Economic Development Commission and expend \$3,000 of sales tax funds to aid in funding a Day Care Center Feasibility Study. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The Economic Development Director reported on the Community Development Corporation's annual meeting held earlier in the day. He distributed and reviewed a report listing dozens of projects that identified the many expansions, start-ups, and infrastructure improvements in Wahpeton's industrial and commercial community over the past twelve months. Mr. Krauseneck said the CDC report also documented projects dealing with work force development, flood recovery and protection. He said he appreciates the spirit of cooperation with the various agencies which has allowed the City Economic Development Department to take an active part in many of the projects.

The Council observed there appears to be some start-up building activity in NorthPark Addition. Mr. Krauseneck said Richland County Vo-Tech has purchased a lot, is digging a basement, and will be constructing a home. He added there is interest in 6 more lots (by Southeast North Dakota Community Action Agency) and a decision is expected in the next few weeks.

The Police Chief reported that, although nothing has been received as of this date, there will be a request for the usual gratis police officer at Wahpeton High School's "Project Graduation" and he suggested approval by the Council. Mr. Hansey and Mr. Sturdevant observed the annual program has been very successful and recommended support.

Motion by Sturdevant, seconded by Hansey, to suspend the rules and allow action on a motion to contribute to "Project Graduation," a matter which does not appear on the agenda. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Hansey, to support Wahpeton High School's "Project Graduation," by supplying a Police Officer at no cost to the School District. Motion carried 7-0.

Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

A letter was received from Police Officer Scott Kent asking for clarification of "next of kin" funeral leave. The letter was turned over to the Personnel & Public Safety Committee for review and recommendation.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee reviewed the two Earnest Money Contracts and recommends approval. Mr. Meyer stated the Committee had also met with bond consultant Dan Wiles regarding refinancing of a current bond issue and for Mr. Wiles to serve as consultant for a new issue. Councilmember Meyer said the Committee agrees current interest rates will now provide sufficient savings and warrants the refinancing. He said a large savings in various fees (bond rating, bond consul, etc) can also be realized by selling a new bond issue at the same time, and, the Committee recommends authorizing Mr. Wiles to proceed; the new issue to include estimated local costs of the permanent flood protection levee.

Motion by Meyer, seconded by Hauck, to approve expending \$20,000.00 through the Armory Reserve Fund for purchase of 3.76 acres along 4th Street North from Otter Tail Power Company to provide additional property for Armory purposes. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Meyer, seconded by Mathiason, to approve the \$15,000.00 sale of all 4.19 acres of Lot 3, Block 3, Schuett Addition to Richard L. Pierce, LTD, for Manufactured Homes expansion. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Meyer, seconded by Hansey, to authorize Dan Wiles of FWW Financial, Ltd, to refinance the City's 1991 Bond Issue No. 8590; to appoint Mr. Wiles to act as the City's Bond Consultant for issuing of new refinancing improvement bonds; to include in the new issue the estimated local costs of the improvement projects providing for permanent flood protection. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Christensen reported for the Public Works Committee. He reiterated that the public meeting had been held with southside residents regarding options of the 2-1-99 paving project. Mr. Christensen said the Public Works Director has mailed out suggestions for varying work on a block-by-block basis and now some time is being allowed for responses.

Mr. Christensen said the Public Works Committee reviewed the request from Richland County Vo-Tech for partial paving of streets in NorthPark Addition. He said the Committee voted to recommend paving of the south portion...or about one-fourth of the total streets in the Addition. Councilmember Meyer wondered about the source of funds to pay for the project. The Public Works Director said he and the City Attorney are working that out.

Motion by Christensen, seconded by Mathiason, to approve the recommendation of the Public Works Committee and authorize paving of about one-fourth of the streets in the southern area of NorthPark Addition. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

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

ORDINANCE NO. 795
AN ORDINANCE REZONING FROM R-3 TO B-1
(Lots 10, 11 & 12, Block 3 Original Townsite and
Lots 5, 6 & 7, Block 4 Original Townsite)

The Ordinance was then read in full for the second time. Following second reading, the motion for adoption of the foregoing Ordinance was duly seconded by Councilmember Sturdevant, and upon vote 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 Ordinance was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

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

ORDINANCE NO. 796
AN ORDINANCE REGULATING PRIVATE ALARM SYSTEMS

Answering a question from the Council, the City Attorney said the Ordinance will take effect on January 1, 2000 following receipt of license applications in December. The Police Chief said he is compiling a list for notices.

Ordinance No. 796 was then read in full for the second time. Following its reading, the motion for adoption of the foregoing Ordinance was duly seconded by Councilmber Meyer, and upon vote taken thereon, the following voted in favor: Hauck, Sturdevant, Mathiason, 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 Mathiason offered second reading of the following Ordinance and moved its adoption:

ORDINANCE NO. 797
AND ORDINANCE AMENDING THE CABLE TELEVISION FRANCHISE
ORDINANCE NO. 24-103, AS AMENDED, TO EXTEND THE TERM
OF SUCH FRANCHISE TO JULY 15, 2004

The Ordinance was then read in full for the second time. Following second reading, the motion for adoption of the foregoing Ordinance was duly seconded by Councilmber Loberg, and upon vote 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 Ordinance was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Motion by Sturdevant, seconded by Mathiason, to approve the following Reports: 4TH QTR Economic Development Commission, 1ST QTR Economic Development Commission, ANNUAL REPORT FOR 1998 of Economic Development Commission, MAR Wahpeton Water Works. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Hauck said he remembered there was a request some time ago for study of the locations and operation of the City's emergency sirens. He suggested the Public Works Committee conduct a review and offer a report to the City Council. Councilmember Christensen reported the matter had been assigned to the Law Center Committee which had investigated the matter. He and the Public Works Director stated it was determined the City may need to install an additional siren to cover the northern part of town. Mayor Schmidt said it appears Mr. Hauck's suggestion to continue investigation of the item would come under the accountabilities of the Public Safety Committee and assigned the responsibility to its Chairman, Councilmember Hauck.

The following Committee meetings were scheduled:

FINANCE & ECON DEV	Noon - 04/22/99
PERS & PUBLIC SAFETY	12:30 - 04/26/99
PUBLIC WORKS	not scheduled
FLOOD MITIGATION	not scheduled

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

Mayor
ATTEST:

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

MAY 3, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on May 3, 1999 at 5:00 p.m.

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

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

Officers present: Public Works Director, Police Chief, Finance Programs Director, Attorney, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Christensen, seconded by Hauck, to approve the minutes of the regular meeting held April 19, 1999. Motion carried.

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. 2-2-99 (AREA A-9TH STREET NORTH; AREA B-8TH AVENUE SOUTH)**.

Upon motion duly made by Councilmember Hauck, seconded by Councilmember Mathiason, and carried, the affidavit was approved and directed to be placed on file in the office of the City Auditor. The Public Works Director reported sealed bids 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>CONTRACT PRICE</u>	<u>ESTIMATED</u>	
<u>Name & Address of Bidder</u>	<u>Area A</u>	<u>Area B</u>
<u>Total Bid</u>		
Camas		
Wahpeton, N Dakota	\$ 198,083.50	\$
108,759.50 \$ 306,843.00		
 Mark Sand & Gravel		
Fergus Falls, Minnesota	212,451.15	109,726.98
322,178.13		

Bituminous Paving		
Ortonville, Minnesota	226,291.75	124,392.10
350,683.85		
Central Specialties		
Alexandria, Minnesota	271,743.05	118,257.90
390,000.95		

Upon motion duly made by Councilmember Schmidt, seconded by Councilmember Meyer, 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 Hansey, 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 Resolution No. 2950 adopted March 15, 1999, entitled “**RESOLUTION DECLARING NECESSITY OF AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 2-2-99 (AREA A-9TH STREET NORTH; AREA B-8TH AVENUE SOUTH)**” 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 24th day of March 1999, 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. had been filed.

AREA “A”

The City Auditor reported that the protests so filed for Property **Area A** of Improvement District 2-2-99 were those signed by the following persons claiming to be owners of the properties described opposite their respective names:

<u>METES & BOUNDS (between 4th & 9th Streets North)</u>	<u>Protest Filed - by</u>
<u>Lot sq. ft. and Owner</u>	
Area A (Interstate Tire) Hollands, Gary	110,955.00 sq ft
Area B (Interstate Tire) Hollands, Gary	33,175.00 sq ft
Area D (Belt Building Partnership) Shorma, Richard	134,393.00 sq ft
<u>CENEX ADDITION</u>	
Area I Lot 3, Block 1 (Cenex) Nelson, Lynn	159,997.00 sq ft
Area J Lot 5, Block 1 (Cenex) Nelson, Lynn	42,996.00 sq ft

Area K Lot 1, Block 2 & M & B (Herman) 74,966.00 sq ft
Herman, Durlyn

The City Auditor stated the written protests represent 556,482 square feet which is 39.91% of the total of 1,394,221 square feet in **Area A** of Improvement District 2-2-99.

The protests were presented to and examined and considered by the Council. The signers of the protests and all other persons present affected by the proposed improvement as property owners or otherwise were then afforded opportunity to be heard by the Council as to the necessity and desirability of making said improvement as described in said Resolution. The following persons appeared and the substance of the views expressed by them was as follows:

<u>Name of Person Appearing</u>	<u>Remarks</u>
Gary Hollands	Was under the impression that Area A consisted of two distinct components and that heavy duty portion on the north would be considered separately. Hears rumors the heavy duty street is a requirement for the armory.
	<i>The Public Works Director said the rumor is not accurate.</i>
Kent Quamme	Would assessments be assigned by square foot or lineal foot?
<i>Assessment</i>	<i>The Public Works Director said square foot probably; the Special Commission makes the final decision.</i>
Durlyn Herman	Concerned with extra cost for the heavy duty portion. Wonders how much extra.
	<i>The Public Works Director said \$15 per lineal foot.</i>
Carmen Plummer	Will part of the cost be assessed to all Wahpeton property?
<i>allows for up to 20%</i>	<i>The Public Works Director said the Resolution creating the District of the cost to be spread City-wide. The City Attorney</i>
<i>said it is a City Council decision.</i>	
Don Shorma	Method of assessment seems to differ from letter dated March 19th.
Businesses not in the	district will be served by trucks. Will want truck
traffic to be prohibited on the southern	(non-heavy duty)
portion of 9th Street.	
	<i>The Public Works Director said signs could be erected regulating truck traffic.</i>

Answering questions from the Council, the City Attorney said a decision on awarding a contract is required within 30 days of the bid opening. He said the Council could continue the protest hearing, order further review by Committee, and proceed with required steps at the May 17 Council meeting.

Motion by Meyer, seconded by Hauck, to continue the 2-2-99 **Area A** protest hearing until the Council meeting of May 17, 1999, to instruct the Public Works Committee to meet for review of the bids, review comments, and make recommendation to the City Council on May 17th. Motion

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

{The Public Works Committee scheduled a meeting at 5:00 p.m. on Monday, May 10th to discuss Area A matters}

AREA "B"

The City Auditor reported that the protests so filed for Property **Area B** of Improvement District 2-2-99 were those signed by the following persons claiming to be owners of the properties described opposite their respective names:

<u>BLOCK 1 - South Industrial Park Subdivision</u>		<u>Protest Filed - by</u>
<u>Lot sq. ft. and Owner</u>		
Lot 7	165.00ø x 164.87ø Lorenz, Margaret	27,203.55 sq ft
Lot 9	164.86ø x 199.84ø Schmidt, Timothy	32,945.62 sq ft
Lot 10	165.00ø x 199.84ø Zoucha, Steven	32,973.60 sq ft
Lot 11	83.00ø x 199.84ø Holtz, Koyla	16,586.72 sq ft
Lot 12	115.00ø x 199.84ø Bigwood, Charles	22,981.60 sq ft
Lot 13	132.00ø x 199.84ø Storm, David	26,378.88 sq ft
<u>BLOCK 2 - South Industrial Park Subdivision</u>		
Lot 3	210.00ø x 356.84ø Tangen, Melvin	74,936.40 sq ft
Lot 4	210.00ø x 356.88ø Krueger, Mary/Ruth	74,944.80 sq ft
Lot 5	210.00ø x 356.92ø Lorenz, Margaret	74,953.20 sq ft

The City Auditor stated the written protests represent 383,904.37 square feet which is 53.27% of the total of 720,609.26 square feet in **Area B** of Improvement District 2-2-99.

The protests were presented to and examined and considered by the Council. The signers of the protests and all other persons present affected by the proposed improvement as property owners or otherwise were then afforded opportunity to be heard by the Council as to the necessity and desirability of making said improvement as described in said Resolution. The following persons appeared and the substance of the views expressed by them was as follows:

<u>Name of Person Appearing</u>	<u>Remarks</u>
Steven Zoucha wondering why the lots district.	Observed street improvement is not planned for western lots and are included in the improvement
<i>storm sewer portion</i>	<i>The Public Works Director said the lots are included because of the improvement project.</i>

Steven Zoucha Asked why won't the western lots be assessed for street improvement costs? He said they'dl (the residents of those lots) use the street.

The Public Works Director said all street improvements are assessed the same way; to the properties fronting the improvement. As streets are extended, the owners along that stretch receive assessments of the new construction cost.

Charles Bigwood Observed the protests are over 50%; what does that do to the project? Asked why was protest based upon square footage instead of lineal footage?

The City Attorney said the project is dead unless sufficient protests are withdrawn. He said State Law requires protests to be based upon square footage.

Charles Bigwood Wondered if protests would have been less than half, would Council have gone ahead?

The Mayor said the protests are over half and the project is dead. The City Attorney said the question is hypothetical; it would be a political decision.

Steven Zoucha Stated the protesters aren't necessarily against the project. Said questions have been asked about how much the project is going to cost but haven't gotten an answer.

Councilmembers said the bids weren't received until today.

Rick Krueger Concerned about storm sewer drainage area and capacity.

Charles Bigwood Stated the protesters would like to take part in planning the improvements and discussing assessments.

Gene Plummer Asked if elimination of Area B affects the possibility of awarding a contract for Area A?

The City Attorney said it would not; the bids were on each area and each stands alone.

Answering questions from the Council, the City Attorney again noted that no further procedures are available when protests exceed 50% of the district. He said if sufficient protests are withdrawn the bids may be held open for 30 days but would only be binding if the work to be accomplished is not altered; the Council would have to start over at square one and call for new bids if there is a change in the project. He said if there were agreed-to changes, the Council could accept a petition from a majority of the property owners eliminating the requirement for a necessity public hearing.

Motion by Schmidt, seconded by Hansey, to continue the 2-2-99 **Area B** protest hearing until the Council meeting of May 17, 1999, to instruct the Public Works Committee to meet for review of

the bids, review comments, and make recommendation to the City Council on May 17th. Motion carried 6-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

{The Public Works Committee scheduled a meeting at 6:00 p.m. on Monday, May 10th to discuss Area B matters}

Councilmember Mathiason offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 526
WAHPETON SENIOR CITIZENS HARMONY CLUB, INC.

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Mathiason, Schmidt, 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 to by the City Auditor.

Motion by Schmidt, seconded by Mathiason, to approve a Games of Chance Site Authorization for Red River Human Services Foundation at Oasis Stage Bar for the period July 1, 1999 through June 30, 2000. Motion carried 6-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Motion by Schmidt, seconded by Mathiason, to approve a Games of Chance Site Authorization for Wahpeton Aerie #2749 F.O.E at 112-114 Dakota Avenue for the period July 1, 1999 through June 30, 2000. Motion carried 6-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

The City Auditor reported a request has been received requesting a change of the Par Four's Liquor License Manager from Golf Pro Jeff Bass to Rhonda Weiland (Ms. Weiland contracts with the golf board to administer the food and beverage portion of the clubhouse operation). He said the request has been reviewed by the City Attorney who recommends the change be authorized. The Auditor said he had asked Police Chief Lotzer to make the usual investigation of the applicant.

The Police Chief said he has completed his investigation and has no problem with the proposed new manager. However, the Chief interjected, the license is under the "Club" classification and it appears to have turned into a sports bar. He said a club license requires 50% of income through food sales and he couldn't confirm that is the case. He reported he had also observed more amusement devices existed than were licensed. The Chief concluded his remarks by stating an underage person was apparently served alcohol and the case is pending.

The City Attorney said he had questioned Ms. Weiland about the 50% food sales question and was assured the requirement is being adhered to. He added that the golf board is ultimately responsible and the board is monitoring the operation. Answering a question from Councilmember Meyer, Attorney Lies said he has been in conversation with golf board members and he is satisfied that the golf board is concerned with the proper operation of the food and beverage portion of the

clubhouse. The Attorney said the boardmembers stated the golf board will continue to oversee the facility and will take the necessary steps to ensure compliance with liquor license regulations.

Motion by Meyer, seconded by Mathiason, to amend the Bois de Sioux Golf Club/J & J Weiland, Inc. Class C-5 Liquor License by authorizing Rhonda Weiland to be listed as Managing Agent. Motion carried 5-1. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen; voting nay: Hansey.

The City Auditor presented two applications for Special Event Liquor Permits for off-premises sales. The first was for Poets Warehouse Liquors to set up a beer garden at John Randall Field for the F-M Redhawks exhibition baseball game on May 23rd. Auditor Anderson said the second application was received this date from Wahpeton Veterans requesting approval for a special sales site at the Airport during the Carousel Days air shows on June 11th and 12th. The Auditor recommended the applications be approved to allow the petitioners to begin planning for the events. However, the Auditor added, he would not issue the special permits until the Police Chief approves the site layouts and proofs of insurance coverage are submitted. The Police Chief stated previous operations at the baseball facility have proved satisfactory.

Motion by Hauck, seconded by Mathiason, to approve a Special Event Liquor Sales Permit for Poets Warehouse Liquors to operate a beer garden at John Randall Field on May 23, 1999. Motion carried 6-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Motion by Christensen, seconded by Hansey, to approve a Special Event Liquor Sales Permit for Wahpeton Veterans to operate a beer garden at Wahpeton Airport on June 11 & 12, 1999. Motion carried 6-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

The City Auditor noted the City Assessor is home ill and the continuation of the Board of Equalization meeting has to be put on hold again. He said Assessor Stromberg has requested that the adjourned meeting be rescheduled; possibly to coincide with a Finance Committee meeting.

The Public Works Director presented information regarding **Street Improvement Project 2-1-99** for the south side of the City. He said the proposal is the final result of public input meetings conducted by the Public Works Committee with affected residents and the plan presented provides for varying work on a block-by-block basis as agreed to by the property owners. Director Leinø's report stated the project will provide \$250,000 of FEMA funds and \$250,000 of flood recovery funds to be applied to the asphalt pavement repair and replacement portion of the project. The City Attorney presented the Resolutions required for creating the project and arranging for a public hearing of necessity. He said Resolution No. 2961 directs the protest public hearing to be held at the City Council's meeting of June 21, 1999.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2957
RESOLUTION CREATING STREET IMPROVEMENT DISTRICT 2-1-99
(SOUTHSIDE STREETS)

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, 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 to by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2958
**RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-99
(SOUTHSIDE STREETS)**

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, Schmidt, 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 to by the City Auditor.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2959
**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
IN STREET IMPROVEMENT DISTRICT 2-1-99
(SOUTHSIDE STREETS)**

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, Schmidt, 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 to by the City Auditor.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2960
**RESOLUTION DIRECTING PREPARATION OF PLANS
AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-99
(SOUTHSIDE STREETS)**

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, 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 to by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2961
**RESOLUTION DECLARING WORK NECESSARY FOR AN IMPROVEMENT
IN STREET IMPROVEMENT DISTRICT 2-1-99**

(SOUTHSIDE STREETS)

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, Schmidt, 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 to by the City Auditor.

The Public Works Director presented information regarding **Street Improvement Project 2-1-00** for reconstruction of 4th Street North from Dakota Avenue to State Highway 210. He said the project, which is about a year into the planning stage, is in conjunction with the North Dakota Department of Transportation and one predesign meeting has been held. Director Lein said a second meeting is scheduled for May 27th. He noted the bids are prepared and received by NDDOT with the current estimated cost being \$3.5 million. The City Attorney presented the Resolutions required for creating the project and arranging for a public hearing of necessity. He said Resolution No. 2966 directs the protest public hearing to be held at the City Council's meeting of June 21, 1999.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2962
RESOLUTION CREATING STREET IMPROVEMENT DISTRICT 2-1-00
(FOURTH STREET NORTH)

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, 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 to by the City Auditor.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2963
RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-00
(FOURTH 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, Mathiason, Schmidt, 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 to by the City Auditor.

Councilmember Hansey offered the following Resolution and moved its adoption:

RESOLUTION NO. 2964
RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
IN STREET IMPROVEMENT DISTRICT 2-1-00
(FOURTH 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, Mathiason, Schmidt, 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 to by the City Auditor.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2965
**RESOLUTION DIRECTING PREPARATION OF PLANS
AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-00
(FOURTH STREET NORTH)**

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, 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 to by the City Auditor.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2966
**RESOLUTION DECLARING WORK NECESSARY FOR AN IMPROVEMENT
IN STREET IMPROVEMENT DISTRICT 2-1-00
(FOURTH 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, 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 to by the City Auditor.

The Public Works Director reported there will be a meeting in City Hall with FEMA representatives at 1:30 p.m. on Thursday, May 13th.

As recommended by Director Lein, Mayor Schmitz instructed the Public Works Committee to meet and review Lagoon Aeration matters.

Finance Programs Director Priebe reported for the Economic Development Department. She said the Director has mentioned possible tax reduction incentives for commercial & industrial construction and would like the proposal assigned to Committee. Mayor Schmitz accepted the proposal for the Council and asked for review by the Finance & Economic Development Committee.

Mayor Schmitz complimented the Economic Development Department on the Saturday Fargo Forum's positive news article about Wahpeton's industrial and business climate.

The City Attorney requested a meeting with the Finance & Economic Development Committee to discuss a proposal regarding property tax delinquencies in the Tax Increment Financing Districts. Mayor Schmitz effected the assignment.

Councilmember Hauck reported for the Personnel Committee. He said the Committee reviewed the request for special funeral leave and voted to recommend approval. Motion by Hauck, seconded by Meyer, to agree with Police Officer Scott Kent's interpretation of a close uncle as next of kin and allow one day special funeral leave for April 6, 1999 as requested. Motion carried 6-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee has held several meetings regarding methods to provide funding for the local cost of permanent flood protection. By 2-1 majority vote (Mr. Hansey was absent), Chairman Meyer said, the Committee agreed to recommend that the City Council call for a special election to ask the voters to approve a new 1/2 cent sales tax rather than relying on property taxes to pay for the flood protection costs, and, to provide that the tax sunsets when costs are paid. He said he was the dissenting member because he wished for a more comprehensive vote and will continue to aim for that in the future. However, Mr. Meyer reported, he agrees with the Committee's majority position of the vital need for permanent flood protection and that property taxes should not be required to retire the construction debt. He said he therefore will support the wishes of the majority and will join in promoting a positive vote by residents for the 1/2 cent sales tax proposal.

Councilmember Meyer offered first reading of the following Ordinance:

ORDINANCE NO. 798

**AN ORDINANCE ESTABLISHING ONE-HALF PERCENT SALES AND USE TAX
DEDICATED TO COSTS OF FLOOD MITIGATION DISTRICT 5-1-97**

The City Attorney said the next step is to determine the final wording of the Ordinance and to schedule a date for the election. He said second reading and adoption may only be accomplished following approval by the voters. Mayor Schmitz instructed the Finance & Economic Development Committee to review the matter with the City Attorney and offer a recommendation at the May 17, 1999 Council meeting.

Motion by Christensen, seconded by Mathiason, to approve the following Reports: MAR Municipal Court; APR Police Department. Motion carried 6-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Motion by Meyer, seconded by Christensen, to approve payment of bills presented in the amount of \$254,953.37 and that warrants be drawn upon their respective funds. Motion carried 6-0. Voting aye: Hauck, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

The Councilmembers agreed that a majority would be available to continue the adjourned Board of Equalization meeting to Noon on Monday, May 10, 1999.

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY

12:30 pm - 05/05/99

Continuation of Board FINANCE & ECON DEV Noon - 05/10/99 (*Also:*
Equalization meeting) *of*
Area A) PUBLIC WORKS 5:00 pm - 05/10/99 (2-2-99
Area B) 6:00 pm - 05/10/99 (2-2-99
FLOOD MITIGATION 11:30 am - 05/13/99

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

ATTEST:
Mayor

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

MAY 17, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on May 17, 1999 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, Meryl T. Hansey.

The following was absent: Councilmember Richard A. Loberg.

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

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Christensen, to approve the minutes of the regular meeting held May 3, 1999. Motion carried.

Area A of 2-2-99 <> Public Hearing of Necessity <> continued

Mayor Schmitz observed that the Public Hearing of Necessity for the construction of the improvement proposed to be made in **AREA A (9th Street North)** of **STREET IMPROVEMENT DISTRICT NO. 2-2-99** had been continued until tonight's meeting. He noted that the Public Works Committee had been instructed to meet and consider comments offered at the initial Public Hearing documented in the Council minutes of May 3rd.

The Public Works Director reported the Committee had met on May 10th with several of the affected property owners present. A written report of the meeting had been distributed to the members of the City Council. Director Lein said the main point is the proposal for a possible City-wide assessment of a portion of the cost as the northern area requires a heavy-duty street surface at a higher construction cost than the installation cost for a residential street. He said the Committee considered a motion to recommend that the City Council assign a 10% City-wide assessment which failed on a 2-2 vote due to the lack of a majority. He said a motion for 20% also failed because of a 2-2 tie vote and, therefore, the Committee does not have a recommendation regarding general obligation assessments. The Public Works Director stated there were no additional protests, none were withdrawn, and the area of protest remains at 39.91% of the District. He said the low bid is very favorable and recommended the Council proceed with steps to award the contract. Director Lein and the City Attorney said the first step is a procedural one in which

the City Council declares there was not a majority of protesters; the decision whether or not to award the contract is by a separate Resolution.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2967
RESOLUTION DETERMINING INSUFFICIENCY OF PROTEST
AGAINST AREA A OF STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area A - Ninth 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, Sturdevant, Mathiason, Schmidt, 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 to by the City Auditor.

The Council then re-examined the bids received for construction of the improvement in **Street Improvement District No. 2-2-99 (Area A)**, which bids were received on May 3, 1999, 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 **Camas, Inc.**, for its low bid of **\$198,083.50**. 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. 2968
RESOLUTION AWARDED CONTRACT FOR
CONSTRUCTION OF AN IMPROVEMENT IN AREA A OF
STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area A - Ninth Street North)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hauck.

Answering a question about whether or not the Resolution is the final determination about general obligation for part of the assessments, Councilmember Meyer and the City Attorney said it does not resolve that question at this time; the City Council would have to adopt a separate motion for that purpose. Attorney Lies said a motion proposing general obligation may be offered anytime before assessments are spread. Councilmember Sturdevant said the decision for contract award should be finished tonight. He said the general obligation question can be determined at a later date.

Upon vote being taken on **Resolution No. 2968**, the following voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey; the following voted against the same: Meyer. Whereupon said Resolution was declared passed and adopted on a vote of 6 in favor and 1 opposed, was signed by the Mayor and attested to by the City Auditor.

Councilmember Hansey said the Council has approved City-wide assessment for portions of other street projects when there was heavy-duty construction and felt the entire City should share some of the 9th Street costs. Councilmember Meyer said sharing by general obligation has only been on projects in which the federal government has participated in. All other projects have been paid for within the district, only, and he couldn't see any reason why that policy should be changed

bid amount if the storm sewer portion were eliminated? The City Attorney said the Council must make a decision within 30 days of receipt of the bids. The Public Works Director said removal of the storm sewer portion would, in his opinion, substantially change the design of the project and new bids would have to be solicited. The City Attorney said the bidder may have his profit more in the sewer than the street portion of the project.

Councilmember Meyer said the apartment owner would have been assessed \$35,000.00 for the storm sewer and wondered how it was legally possible to assign the amount to the street portion of the project. The City Attorney said the apartment owner would have to agree to contributing or accepting the assessment.

Councilmember Sturdevant said it appears the protesters are asking that the storm sewer portion be eliminated and want the apartment owners to accept an additional assessment of \$35,000.00 for the street project plus the \$20,000.00 discussed at the Committee meeting...a total of \$55,000.00.

Mayor Schmitz said it looks as if the changes suggested are such that it kills the original project. He added that it appears the only way sufficient protests are going to be removed is if the apartment owners agree to a \$55,000.00 assessment without a storm sewer. He wondered how the Council should proceed at this point. The City Attorney said a Resolution of Sufficiency could be adopted now, or the hearing could be continued within the 30 days with all parties attending in an attempt to work something out.

Councilmember Christensen said he feels the proposed change is such that a whole new project has to be created and rebid. Mr. Hansey said that wouldn't necessarily be so if all of the parties could get together to try and agree on proposals. He said he wasn't sure the requested donation was fair but still felt an attempt should be made for an agreement. Mr. Zoucha said protests will be withdrawn if the \$55,000 donation is agreed to.

Councilman Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2969
RESOLUTION DETERMINING SUFFICIENCY OF PROTEST
AGAINST AREA B OF STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area B - Eighth Avenue South)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Christensen.

Mark Lorenz, one of the property owners in the district, said it's assumed the bidder's profits may be tied up in the storm sewer portion of the project but nobody knows for sure. He wondered if there could be a delay until the low bidder is contacted and a determination is made whether or not the contractor would agree to elimination of the storm sewer portion but still agree to installation of the street portion at the bid price.

Councilmember Sturdevant again asked if removal of the storm sewer portion would compel the City to create a new project and rebid. The City Attorney said the storm sewer is a material part of the project and some of the other bidders could claim that they would have bid the street portion differently if it had stood alone. The Public Works Director noted that there was only a \$1,000

The Public Works Director presented additional information regarding **Street Improvement Project 2-1-99** for the south side of the City. He said initial Resolutions had been adopted at the May 3rd meeting and he has now completed plans and specifications as instructed. Director Lein said it is an estimated \$810,000.00 project and he recommended opening of bids at 10:00 a.m. on June 21st. Answering a question from the Council, the Public Works Director noted that 2-1-99 will be constructed as a comprehensive project which will either be allowed or protested out in its entirety.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2970
**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT
IN STREET IMPROVEMENT DISTRICT 2-1-99
(SOUTHSIDE STREETS)**

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, 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 to by the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2971
**RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT
FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT IN
STREET IMPROVEMENT DISTRICT 2-1-99
(SOUTHSIDE STREETS)**

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, Mathiason, Schmidt, 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 to by the City Auditor.

The Public Works Director reported there was a Post Office sorting problem and several residents did not receive their Public Utilities bill delivered to the Post Office on April 30th. He said there has been public notification asking people to contact City Hall if they didn't receive their bill.

The City Auditor reported he had received three letters today from US Bank informing the City that defaults will occur in two days on Multifamily Housing Revenue (MIDA) Bonds allowed for Meide & Son projects. The letters stated the tenant (Meide) is three months delinquent in payments. The Issues and delinquent amounts were listed as:

<i>600 Dakota Properties Project - Series 1986</i>	<i>\$ 14,392.08</i>
<i>Evergreen - Wahpeton Project - Series 1986</i>	<i>41,100.50</i>
<i>Town Center Square Project - Series 1992</i>	<i>38,836.18</i>

The Auditor observed that the City does not have an obligation for payment, but, the City's reputation is tarnished if the bondholders don't receive their money.

The Police Chief distributed and discussed a report on enforcement of the Curfew Ordinance which was adopted by the City Council in 1995. He explained that the report lists various violations & referrals by number for the period between June of 1996 and August of 1998. Chief Lotzer said other misbehaviors, such as alcohol possession, were discovered as part of the curfew enforcement and those violations are also listed on the report.

A letter was received from TCI of the Valley/Westmarc Cable Holding, Inc. accepting City of Wahpeton Ordinance No.

797 extending the term of the Cable TV franchise through July 15, 2004.

A letter was received from Minn-Dak Farmers Cooperative explaining there will likely be an odor problem from Minn-Dak's wastewater treatment system over the spring and summer months.

A letter was received from Police Officer Todd Pearson addressed to the Public Safety Committee requesting retroactive vacation credit for a recently-approved extra holiday. The Personnel & Public Safety Committee agreed to review the request and report back to the City Council.

Mayor Schmitz reported he has received a letter of complaint about a messy yard. He turned the letter over to the Police Chief for examination and asked him to report findings to the Personnel & Public Safety Committee.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee has met on several occasions regarding the proposed special election asking voters to decide if the City should pay costs of permanent flood protection by property tax or by a new half cent sales tax. Mr. Meyer noted that all members have received copies of Committee minutes and the proposed ballot language.

Motion by Meyer, seconded by Hauck, to approve the special election ballot as follows:

“City of Wahpeton, N Dakota

SPECIAL ELECTION

Should the City of Wahpeton adopt Ordinance No. 798, “An Ordinance Establishing One-Half Percent Sales Tax and Use Tax Dedicated to Costs of Flood Mitigation District 5-1-97,” to implement a one-half percent (1/2%) city sales tax and use tax dedicated solely to the payment of the City’s cost of Flood Mitigation District 5-1-97, subject to all of the same provisions of Chapter 13 of the Revised Ordinances of the City of Wahpeton, the City’s current one percent (1%) sales and use taxes, except that the additional one-half percent (1/2%) sales and use taxes shall be collected for and only until such time as the debt for said Flood Mitigation 5-1-97 has been retired, rather than pay said Flood Mitigation District 5-1-97 debt by city-wide special assessments?

YES ___

NO ___

A YES vote means you favor paying for flood mitigation costs by sales tax of one-half percent (1/2%)

A NO vote means you favor paying for flood mitigation costs by city-wide special assessments”

Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Motion by Meyer, seconded by Christensen, to hold the special election on Tuesday, June 15, 1999. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

As requested by Mr. Meyer, the City Attorney reported on the Committee’s review of Jerry Meide’s delinquent real estate taxes, the request to allow partial payment, and monthly payments of the balance. Attorney Lies said he has received another letter today from Meide’s attorney in which it was stated that payment obligations for Tax Increment Financing (T.I.F.) District property taxes will be fulfilled and payments to the trustee of (MIDA) bonds will also be made to bring the payments up to date and to cure any defaults. The letter also stated there was no objection to the filing of a motion for default judgment for paying delinquent real estate taxes in the T.I.F. District.

Councilmember Meyer observed that the Finance & Economic Development Committee has completed its review of Meide’s proposal for payment of delinquent property taxes by installments and determined there is no guarantee that those promises will be followed anymore than were promises to pay up to now. Therefore, he said, the Committee recommended unanimously that the Council proceed with the legal action. Councilmember Mathiason wondered where funds would come from to pay for T.I.F. bonds if there isn’t sufficient money in the bond payment account. Attorney Lies said T.I.F. bonds---unlike MIDA bonds---are guaranteed by the City of Wahpeton and there would have to be a City-wide tax levy to raise the amount needed.

Motion by Meyer, seconded by Christensen, to proceed with legal action to provide for collection of Meide’s delinquent real estate taxes in the T.I.F. Districts. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

Mr. Meyer said the Finance Committee is continuing to study the projected costs for steps to counter possible Y2K problems and the proposal for property tax exemptions to encourage economic development.

Councilmember Christensen reported for the Public Works Committee. He said the Committee is currently reviewing lagoon aeration matters, including development of a financing package.

Councilmember Sturdevant reported for the Flood Mitigation Committee. He stated there was a meeting at City Hall on May 13th with representatives of FEMA and the Corps of Engineers; also in attendance were officials from the City of Breckenridge, the Richland Water Management Board, Center Township, and interested individuals. Mr. Sturdevant said there were discussions concerning procedures required to accomplish permanent flood control measures and all of the parties were given the opportunity to ask questions and offer comments. Mayor Schmitz said it was his first meeting with federal officials and he now knows the amount of patience required.

Motion by Sturdevant, seconded by Schmidt, to approve the APR Wahpeton Water Works Report. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Hansey; voting nay: None.

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY	12:30 pm - 05/24/99
PUBLIC WORKS	Noon - 05/26/99
FINANCE & ECON DEV	Noon - 05/27/99
FLOOD MITIGATION	Not scheduled

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

Mayor
ATTEST:

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

JUNE 3, 1999

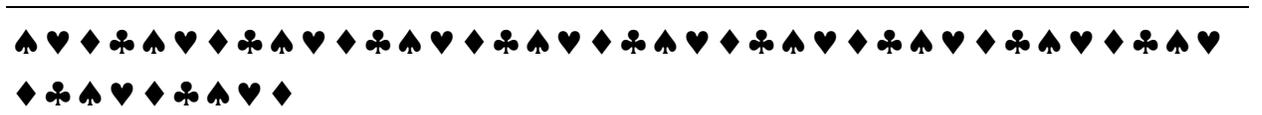
Pursuant to due call and notice thereof, a special meeting was duly held at City Hall on June 3, 1999 at Noon.

The following members were present: Mayor Duane M. Schmitz, Councilmembers James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer.

The following were absent: Councilmembers Richard A. Hauck, Charles B. Christensen, Richard A. Loberg. Meryl T. Hansey.

Officers present: Economic Development Director, Attorney, Auditor. Also present: Attorney Fred Strege.

Mayor Schmitz presided at the meeting.



The meeting was called by Mayor Schmitz for the purpose of discussing the purchase and resale of Railroad Property for economic development.

The City Attorney displayed maps of Railroad property bordering the main line tracks in the 400 and 500 blocks. He explained Jerry Meide had signed agreements in 1997 for purchase at a price of \$64,250.00. Mr. Lies said the agreements had expired some time ago but had been renewed while Mr. Meide worked on financing. He said the Railroad, by letter, now states it will only go along with the originally-quoted sale price if the City buys all of the property and that the City make its decision by June 4th. Meide's attorney, Fred Strege, agreed that the Railroad will need a decision by June 4th or the agreement to purchase at the stated price will be withdrawn.

Attorney Lies said Meide wishes to buy back the property adjoining the Penney's parking lot and has agreed to pay 1/3 of the \$64,250.00 purchase price plus the cost of surveying, etc. a total amount exceeding \$22,000. He said Meide had escrowed \$6,500.00 earlier and has now deposited an additional escrow check with the City Attorney in the amount of \$16,386.93.

In addition to the Penney's property, Attorney Lies said, there are signed agreements by Car Pro and Red River Human Services to purchase the railroad land adjoining their properties. He observed that a portion of the land to be purchased adjoins the South Side Fire Hall and could be used for Fire Department parking or expansion.

Councilmember Meyer wondered if the purchase will benefit the City. He asked if any other buyers would be available if the City didn't make the purchase. The Economic Development Director said the price would be higher.

Councilmember Meyer said the appearance to the public will hold the Council in an unfavorable light. He said the City is suing Meide because he hasn't paid his property taxes and now a proposal is being offered to help him purchase additional property.

Councilmember Sturdevant said there would be additional advantages. He said the plans are for designating employee parking south of the tracks which will open up parking spaces in the "Penney's" parking lot. Mr. Meyer said the City parking lot adjoining the Senior Citizens was supposed to be for employee parking and it's hardly used.

Councilmember Schmidt wondered if the Senior Citizens could use the property. Mr. Krauseneck said it could be used for that purpose, or for additional Red River Human Service expansion, or for a new business. Attorney Lies said the City would be investing in the future as ownership of adjoining land will probably change and it's important to have desirable land available. He said the City now knows it should have purchased all of the Milwaukee Railroad right of way when it had a chance.

Councilmember Sturdevant said the cost per square foot is good when compared to the amount Community First National Bank paid for its railroad property.

Attorney Lies said another requirement of the railroad is for the property to be fenced along the tracks.

Councilmember Meyer said he feels it is wrong for only 4 Councilmen to make a decision with such little time for review especially since Mr. Meide is involved and is delinquent on taxes in the TIF Districts. He again stated it looks wrong for the City to help Mr. Meide pay for additional property.

Attorney Strege said Meide sold some property to a Minneapolis firm and has paid \$80,000 towards his delinquent property taxes (\$125,136.34 remains past due as of 5/28/99). Mr. Strege said Mr. Meide has also made good on payments to MIDA bond holders. He said Meide is working to get everything current.

A question was asked about where City funds would come from to effect the purchase. Probably the Real Estate Fund answered the City Auditor. When asked about the fund's condition, the Auditor said it is \$63,000+ in the red. Mr. Krauseneck said the Fund will be receiving a refund for the purchase of the Kubula property on the South side.

Motion by Mathiason for the City to expend \$64,250.00 from the Real Estate Fund to purchase the entire amount of the Railroad property as described in Meide's 1997 purchase agreement; to then sell portions of the obtained property to Car Pro, Red River Human Services, and Meide according to signed agreements. The motion died for lack of a second.

Attorney Strege said, based upon railroad property sold in the Breckenridge, the cost of the described property will be higher if the existing purchase agreement is allowed to lapse. Mr. Meyer said that's hypothetical.

The Councilmen present asked the City Attorney and Economic Development Director to contact Railroad Officials and ask for an extension to next week.

A question was asked about buying and selling City Property. Attorney Lies said City Ordinances require a $\frac{3}{4}$ majority of the Council to sell property but only a simple majority to purchase.

Mayor Schmitz said he will propose that the Ordinance be amended to require a super majority for purchase of property as well.

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

Mayor
ATTEST:

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

JUNE 7, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on June 7, 1999 at 5:00 p.m.

The following members were present: Mayor Duane M. 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 was absent: Councilmember Tim Schmidt.

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

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Sturdevant, to approve the minutes of the regular meeting held May 17, 1999. Motion carried.

Motion by Hauck, seconded by Sturdevant, to approve the minutes of the special meeting held June 3, 1999. Motion carried.

Bond Attorney Brian Neugebauer was tardy and Mayor Schmitz proceeded to the Reports from City Officers' portion of the Agenda.

The City Auditor presented applications for Games of Chance License and for renewal of Site Permits. He noted all are in accordance with State Law and recommended approval.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 529
BEEFALO 75 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, 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 to by the City Auditor.

Motion by Sturdevant seconded Mathiason, to approve a Games of Chance Site Authorization for Wahpeton Hockey Association at Sportsman's Lounge, 304 Dakota Avenue, for the period July 1, 1999 through June 30, 2000. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion Sturdevant, seconded Hauck, to approve a Games of Chance Site Authorization for Wahpeton Hockey Association at Pranteø, 1605 11th Street North, for the period July 1, 1999 through June 30, 2000. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Auditor Anderson reported officials are secured, materials are on hand, and legal notices are being published for the Special Election on June 15th asking residents to determine payment of flood control debt by sales tax or special assessment. He said the letter of explanation is being mailed or delivered to all residents.

The City Assessor reported the Equalization Meeting for Richland County will be held at the Court House on June 9th.

The Public Works Director reported the City Council, as property owner, has requested curb & gutter and bituminous surfacing for the southern portion of NorthPark Addition; specifically, the area referred to, is 18th Avenue North and the southern portion of 12th Street North. He presented an Engineering Report in which he listed an expected cost of \$35,810 for the project. With Council approval, he said, the work and cost will be added to Special Improvement Project 2-2-99. The City Attorney presented Resolutions to add the project as **Property Area C**. He said a Resolution of Necessity is not necessary following a petition from owners.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2972
RESOLUTION ADDING PROPERTY AREA C TO
STREET IMPROVEMENT DISTRICT 2-2-99
(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, 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 to by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 2973
RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area C - 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 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 to by the City Auditor.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2974
RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT

**IN STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area C - NorthPark Addition)**

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, 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 to by the City Auditor.

Councilmember Hansey offered the following Resolution and moved its adoption:

**RESOLUTION NO. 2975
RESOLUTION DIRECTING PREPARATION OF PLANS
AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area C – NorthPark Addition)**

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, 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 to by the City Auditor.

Councilmember Loberg offered the following Resolution and moved its adoption:

**RESOLUTION NO. 2976
RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT
IN STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area C – 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 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 to by the City Auditor.

Director Lein presented and discussed a proposed **Agreement with the Corps of Engineers** for the Corps to perform a **Feasibility Study for providing Flood Control Measures** for the City of Wahpeton under the authority of Section 205 of the 1948 Flood Control Act, and to prepare a report in accordance with Corps guidelines. He said the estimated total cost of the Study is \$600,000 and Wahpeton's estimated share is \$252,000 according to the Agreement. Mr. Lein said the City will be required to place funds in escrow in order to enable the Corps to draw expenses as necessary. The Director said the initial outlay of \$100,000 and all other deposits to escrow will be charged to Phase III of Flood Mitigation Project 5-1-97. Mr. Lein said the study concerns the remaining portion of the permanent levee to be constructed from 5th Avenue North to its tie-in on the South side.

Councilmember Hansey offered the following Resolution and moved its adoption:

**RESOLUTION NO. 2977
RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY
AND THE CITY OF WAHPETON, NORTH DAKOTA FOR**

2003	4.10	4.20	4.10
4.10			
2004	4.15	4.30	4.20
4.20			
2005	4.20	4.30	4.30
4.30			
2006	4.25	4.40	4.40
4.40			
2007	4.30	4.50	4.50
4.50			
2008	4.40	4.60	4.60
4.60			
2009	4.50	4.70	4.70
4.70			
2010	4.60	4.75	4.70
4.80			
2011	4.70	4.80	4.85
4.90			
2012	4.80	5.00	4.85
5.00			
2013	4.90	5.00	5.00
5.00			
2014	5.00	5.00	5.00
5.00			

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2979
RESOLUTION APPROVING CERTAIN ACTIONS AND AWARDED
SALE OF \$2,375,000 REFUNDING IMPROVEMENT BONDS
(SERIES 1999B – R/I #9698)

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, 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 to by the City Auditor.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2980
RESOLUTION CREATING THE FUNDS OF IMPROVEMENT DISTRICTS,
PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS FOR
THE SUPPORT AND MAINTENANCE OF SAID FUNDS, AND AUTHORIZING
THE ISSUANCE OF IMPROVEMENT WARRANTS THEREON
(SERIES 1999B – R/I #9698)

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, Meyer, Christensen, Loberg, Hansey; and the following voted against the

with the Burlington Northern and Santa Fe Railway Company authorizing the City of Wahpeton to purchase the described tracts of property; to authorize expenditure of **\$64,250.00** of Real Estate Funds to buy the railroad property in 400 and 500 Blocks as described in the May 27, 1997, Purchase Agreement; to effect payment as follows: **\$57,750.00** to Burlington Northern and Santa Fe Railway Company for the balance after deducting Meideø's down payment; **\$6,500.00** (representing refund of Meideø's down payment) to the Richland County Treasurer with the provision that the amount be applied to Meideø's delinquent taxes in Tax Increment Financing Districts. Motion carried 6-1-1. Voting aye: Hauck, Mathiason, Meyer, Christensen, Loberg; voting nay: Hansey; abstaining and not voting: Sturdevant.

Attorney Lies asked if the City Council wished to approve the sales of property to Car Pro and Red River Human Services. He said it will take a little time to file papers and obtain title but there would be no harm in adopting motions for transfers to take place at the proper time.

Councilmember Meyer offered the following Resolution to execute the **"Purchase Agreement"** with **Sturdevant Properties** for sale of the tract of newly-acquired railroad property abutting the north property line of the Car Pro business in Block 43, Richø's Reserve:

RESOLUTION NO. 2982
RESOLUTION AUTHORIZING SALE, CONVEYANCE
FOR DISPOSAL OF REAL PROPERTY
(Sturdevant Properties)

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; abstaining and not voting: Sturdevant. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and attested to by the City Auditor.

Councilmember Meyer offered the following Resolution to execute the **"Purchase Agreement"** with **Red River Human Services Foundation** for sale of the tract of newly-acquired railroad property abutting the north property line of the purchaser's property in Block 46, Richø's Reserve:

RESOLUTION NO. 2983
RESOLUTION AUTHORIZING SALE, CONVEYANCE
OR DISPOSAL OF REAL PROPERTY
(Red River Human Services 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, Mathiason, Meyer, Christensen, Loberg, Hansey; and the following voted against the same: None; abstaining and not voting: Sturdevant. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor, and attested to by the City Auditor.

The Police Chief reported on the investigation of alleged unkempt property in the area of 11th Street and 2nd Avenue North. He said there was some øclutterø but nothing he would describe as øjunk.ø The Chief said the property owner is taking steps to clean up the area. Mayor Schmitz instructed the Chief to keep on top of the situation.

A letter was received from North Dakota State College of Science requesting approval to hold the Carson & Barnes Circus in the Football Stadium Parking Lot on June 29, 1999. The City Auditor

stated the required certificate of insurance has been received and is in order. The Police Chief had received a copy of the letter. He said the Police Department recommends approval.

Motion by Sturdevant, seconded by Hauck, to authorize the Carson & Barnes Circus in the NDSCS Football Stadium Parking Lot on June 29, 1999. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

A copy of a May 25, 1999 letter from the NDSCS Wildcat Committee to the Bois de Sioux Golf Club Board had been received in which the Wildcat Committee expressed concern of recent constraints on beverage & food sales and the deteriorating relationship with the Golf Board. Mayor Schmitz reported a copy of the Golf Board's letter of reply was received today and wondered if the Building Committee would want to review the concerns. Councilmember Meyer said the City is merely being copied so there is no reason for the Council to be involved.

Mayor Schmitz announced that at the June 21st Council meeting he will be making annual appointments to various Boards and Commissions. He distributed a report listing volunteers whose terms are expiring along with a partial list of planned appointees. The Mayor asked the members to make suggestions if they wished.

The Mayor noted that in order to purchase real property, City Ordinances only require a majority vote by the members representing a quorum while sale of property requires a super majority of two-thirds (6) of the entire Council regardless of the number present at any meeting. He said a proposal requiring approval by two-thirds of the entire Council for purchase had been brought up during the discussion about the railroad property at the June 3rd special meeting. Mayor Schmitz recommended the Ordinances be amended so that the same provisions apply whether the City Council is buying or selling real estate.

Councilmember Meyer offered first reading of the following Ordinance:

ORDINANCE NO. 799
AN ORDINANCE AMENDING SECTION 12-202 TO
REQUIRE TWO-THIRDS MAJORITY VOTE OF THE ENTIRE
CITY COUNCIL TO APPROVE PURCHASE OF REAL PROPERTY

Mayor Schmitz reported he had received a letter today from Municipal Judge Sam Johnson in which the Judge asks to meet with the Finance Committee to discuss the Municipal Clerkship position. The Mayor ordered the matter be placed upon the next Finance & Economic Development Committee's agenda.

Councilmember Sturdevant reported for the Personnel & Public Safety Committee. He said the Committee has reviewed the bill passed by the State Legislature to allow sale and detonation of fireworks between December 27, 1999 and January 1, 2000. Mr. Sturdevant said the Committee recommends amendment of City Ordinances adopting the revision of the State of North Dakota allowing fireworks at the end of the year, to set a license fee of \$250.00, and to limit applicants to those who are currently licensed to sell fireworks.

Councilmember Sturdevant offered first reading of the following Ordinance:

ORDINANCE NO. 800
**AN ORDINANCE ALLOWING SALE AND DETONATION
OF FIREWORKS DECEMBER 27, 1999-JANUARY 1, 2000**

Councilmember Meyer reported for the Finance & Economic Development Committee.

Councilmember Sturdevant reported the Personnel & Public Safety Committee had reviewed the request to consider retroactive vacation hours credit of ÷in-lieu÷ holiday hours for police officers and water plant operators because of the City÷ tardiness in entering the Martin Luther King holiday into the Personnel Policy Manual. He said the Committee feels the matter was merely an oversight and affected employees will be allowed the extra hours as long as they÷re taken within a year. He said a listing of the credited hours have been listed and approved by Committee.

Motion by Sturdevant, seconded by Meyer, to approve the Personnel & Public Safety Committee÷ recommendation to grant retroactive vacation hours credit for police officers and water plant operators for ÷in-lieu÷ credit of past Martin Luther King holidays; that the hours be utilized by June 30, 2000 or be forfeited. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Sturdevant reported the Personnel & Public Safety Committee reviewed job descriptions for various positions in the Police Department, adopted changes, and recommends approval.

Motion by Sturdevant, seconded by Hauck, to endorse the Personnel & Public Safety Committee÷ revised job descriptions for Police Chief, Police Sergeant, Detective Sergeant, Police Officer and Administrative Assistant/Records Technician. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Loberg reported he had been contacted by the Chamber of Commerce and asked if the City Council will suspend the Ordinance on open burning and allow campers to utilize designated campfires in the Kidder Recreation Area this coming weekend during the Carousel Days promotion. He said the Chamber will construct fire rings and provide supervision.

Chamber Manager Jim Oliver reported a large horse parade is scheduled for Sunday with over 200 units signed up. He said a lot of the entries are campers plus the Fort Ransom Cavalry Unit will bivouac in the Kidder Area. Mr. Oliver said committee members will be on hand with the Park÷ water wagon standing by at all times. He said the campfires are permitted during events at all other area sites.

Councilmember Sturdevant wondered about the number and location of fire sites. Mr. Oliver said the campfires will be restricted to 6 rings only. Responding to a question about the source of wood and hours of operation, Mr. Oliver said the campers bring their own plus additional wood will be supplied by the Carousel Days Committee. He said there would be no problem placing a curfew on the time allowed.

Craig Aldrich, a volunteer member of the Wahpeton Fire Department, reported the request hasn't been submitted to the Department which is charged with enforcing City Ordinances. He said the members are expressing concern about the Council's suspending rules regarding open burning. Mr. Sturdevant asked if the Department may be less concerned after learning about the restrictions to designated rings only. Mr. Aldrich said he couldn't answer for his members but knows the Fire Department is concerned there may be "nuisance" calls through the 911 system reporting nighttime fires. Councilmember Hauck said he felt fires should be extinguished at a designated hour. Mr. Oliver said volunteers would make sure that was followed. He added that the Chamber would be willing to pay for a fireman to stand by in the area. Mr. Aldrich said he didn't think that would be necessary if there are police patrols and a time curfew.

Councilmember Meyer reported he has been contacted by the Fire Chief who remains opposed to allowing open campfires. He complimented the event organizers for their good work in putting the event together. He said he understands the good intentions of the proposal but the Ordinance was adopted for good reasons and dangers of open burning won't go away.

The Police Chief said he has attended similar events and has observed the fires are pretty well controlled. He said the fire rings should be 75 to 100 feet from camping units. He added that there will be regular patrols through the area plus the volunteers will be in constant radio contact. Councilmember Hansey said he continues to have some concerns but feels the discussed controls will help eliminate most of the problems.

Motion by Loberg, seconded by Sturdevant, to suspend the City Ordinance and allow 6 campfires in Chamber of Commerce-designated fire rings at the Kidder Recreation Area during Carousel Days on June 11th and 12th; to require all open fires to be extinguished by midnight each night. Motion carried 6-1. Voting aye: Hauck, Sturdevant, Mathiason, Christensen, Loberg, Hansey; voting nay: Meyer.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee is continuing to study the proposal for property tax exemptions to encourage economic development.

Mr. Meyer reported the Finance Committee has been reviewing the possibility of the City Council taking over the duties of the Urban Renewal Agency. He said major URA projects were completed some time ago, the body has basically been inactive for the past few years, and terms are expiring shortly. Mr. Meyer said new incentive programs will require screening of applications, public hearings and the like which will have to come before the City Council eventually. Therefore, he said, the Committee recommends the City Council reassume urban renewal responsibilities.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2984
RESOLUTION DISOLVING THE URBAN RENEWAL AGENCY
AND REASSIGNING URBAN RENEWAL PROJECT POWERS
TO THE WAHPETON CITY COUNCIL

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, 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 to by the City Auditor.

Mr. Meyer said the Finance Committee is continuing review of costs for Y2K problem prevention. He said there already is a need for adding equipment to alleviate current problems such as loss of power and need for generators and wiring to operate lift stations. Mr. Meyer said about \$35,900 is required in this year's budget for the various back-up installations which will be blended into Y2K prevention measures. He said additional costs will be projected through Public Works Department budget procedures.

Motion by Meyer, seconded by Hansey, to approve the recommendation of the Finance & Economic Development Committee and authorize a \$35,900 expenditure through the 1999 Water Operating Fund Budget to provide for emergency back-up systems for water and sewer facilities. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Hansey reported he has received traffic counts for the 9th Street/210 by-pass area, and asked that the figures be reviewed by the Public Works Committee. Mayor Schmitz ordered it be done.

Motion by Meyer, seconded by Christensen, to approve payment of bills presented in the amount of \$160,456.34 and that warrants be drawn upon their respective funds. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Sturdevant, seconded by Mathiason, to approve the following reports: APR Municipal Court, MAY Water Works, MAY Police Department. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Hauck reported all members have received a letter from Economic Development Director Mark Krauseneck in which Mr. Krauseneck asks acceptance of his resignation effective July 7th. The letter stated the Director has taken a similar position with the Grand Forks Economic Development Corporation. Mr. Hauck praised the good work of Mr. Krauseneck and expressed the gratitude of the citizens of Wahpeton during his four years of service.

Motion by Hauck, seconded by Sturdevant, to regretfully accept the resignation of Economic Development Director Mark Krauseneck effective July 7, 1999. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY	12:30 pm - 06/11/99
PUBLIC WORKS	Noon - 06/16/99
FINANCE & ECON DEV	Noon - 06/14/99
FLOOD MITIGATION	Not scheduled

Firemen Craig Aldrich and Roger Freden reported there was another oversight by the planners of the Carousel Days Air Show. They said it is mandatory two fire units be on standby during air shows but there was never any contact with the Fire Department to make plans or to get approval from the City Council. Councilman Loberg said some of the events are brand new and recommended preparation of a list concerns for review and solution.

Motion by Loberg, seconded by Hauck, to recess and enter into closed session for discussion of lawsuit matters with the City Attorney and North Dakota Insurance Reserve Fund Claims Manager, Jeff Cahill. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The closed session was then conducted and recorded on audio tape as required by State Law.

Motion by Sturdevant, seconded by Loberg, to end the closed session and reconvene the regular meeting. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Meyer, Christensen, Loberg, Hansey; voting nay: None.

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

Mayor
ATTEST:

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

JUNE 21, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on June 21, 1999 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, Economic Development Director, Finance Programs Director, Attorney, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Mathiason, seconded by Loberg, to approve the minutes of the regular meeting held June 7, 1999. Motion carried.

The City Auditor presented an affidavit showing the advertisement of bids, to be opened at 10:00 a.m. on the 21st day of June 1999, for the construction of the improvement proposed to be made in **STREET IMPROVEMENT DISTRICT NO. 2-1-99 (Southside Streets)**

Upon motion duly made by Councilmember Hauck, seconded by Councilmember Sturdevant, and carried, the affidavit was approved and directed to be placed on file in the office of the City Auditor. The Public Works Director reported sealed bids 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:

	Mark Sand & Gravel	Camas Minn-Dak
Central Specialties	<u>Fergus Falls, Minnesota</u>	<u>Wahpeton, N Dakota</u>
	<u>Alexandria, Minnesota</u>	
	\$516,318.10	\$616,161.10
\$761,642.74		

Upon motion duly made by Councilmember Mathiason, 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.

Upon motion duly made by Councilmember Meyer, 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 City Auditor presented an affidavit showing publication in the official newspaper of the City of Resolution No. 2961 adopted May 3, 1999, entitled "**RESOLUTION DECLARING NECESSITY OF AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 2-1-99 (Southside Streets)**" 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 13th day of May 1999, 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 were 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 attended in opposition.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2985
RESOLUTION DETERMINING INSUFFICIENCY OF PROTEST
AGAINST STREET IMPROVEMENT DISTRICT 2-1-99
(Southside Streets)

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, 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 to by the City Auditor.

The Council then re-examined the bids received for construction of the improvement in **STREET IMPROVEMENT DISTRICT NO. 2-1-99 (Southside Streets)** which bids were received on the 21st day of June, 1999, 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. Engineer Lein stated his Department's original estimate was \$647,383.00 and excellent bids were received. He recommended the contract be awarded to **Mark Sand & Gravel** for its low bid of **\$516,318.10**. After examination of the report of the Engineer and consideration of the bids, Councilmember Meyer then introduced the following Resolution and moved its adoption:

RESOLUTION NO. 2986
RESOLUTION AWARING CONTRACT FOR CONSTRUCTION
OF AN IMPROVEMENT IN
STREET IMPROVEMENT DISTRICT 2-1-99
(Southside Streets)

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, 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 to by the City Auditor.

The City Auditor presented an affidavit showing publication in the official newspaper of the City of Resolution No. 2966 adopted May 3, 1999, entitled **“RESOLUTION DECLARING NECESSITY OF AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 2-1-00 (Fourth Street North)”** 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 13th day of May 1999, 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 were 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 attended in opposition.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2987
RESOLUTION DETERMINING INSUFFICIENCY OF PROTEST
AGAINST STREET IMPROVEMENT DISTRICT 2-1-00
(Fourth Street North)

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, 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 to by the City Auditor.

Carmen Plummer, an owner of Chuck's Off Sale, attended along with Realtor Bob Veland. Mr. Veland reported there will be new ownership and a new manager of Chuck's Off Sale. He said the business will continue at the same location and a Liquor License Transfer is being requested. Mr. Plummer and Mr. Veland reported the new owner will be Bonessa, Incorporated, whose manager will be Bruce Ehlers. The Police Chief said he had been contacted to perform a background check of Mr. Ehlers and would not hesitate to approve him as manager. The City Auditor reported he had been informed that that the transaction was in limbo when the item was placed on the agenda and required applications hadn't been requested. He observed several application forms plus fees have to be received and approved before a new Liquor License may be issued. He said he's not suggesting it, but, the Council could approve the transfer of License to the new owners but the City wouldn't issue the License until after all forms are completed and information is verified. Mr. Veland said he's hoping for a July 1st closing and would appreciate a motion of sorts.

Motion by Meyer, seconded by Schmidt, to approve transfer of the Chuck's Off Sale Class B Liquor License to Bonessa, Incorporated, subject to receipt and approval of applications and fees. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

Councilmember Hauck reported for the Planning Commission. He said the Commission held a public hearing today to act on the request to replat the east portion of Lot 3, Block 3, Schuett Addition as West Briarwood Addition; no objections had been received. He said the property is being purchased from the City by Richard L. Pierce, Ltd., in order to provide an area to locate manufactured homes and all actions are subject to completion of the sale. Mr. Hauck stated the Planning Commission recommends approval of the West Briarwood Plat and that it be zoned Mobile Home Park.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2988
**RESOLUTION APPROVING THE PLAT OF
WEST BRIARWOOD 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 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 attested to by the City Auditor.

Councilmember Hauck offered first reading of the following Ordinance:

ORDINANCE NO. 801
**AN ORDINANCE ZONING WEST BRIARWOOD ADDITION
(Mobile Home Park)**

Motion by Sturdevant, seconded by Schmidt, that the City Council resolve itself as a canvassing board to canvass the Special City Election held June 15, 1999. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

The Election had been held to ask the citizens of Wahpeton to determine how to pay for permanent flood control debt; if a positive vote, it would be by an additional ½ Sales Tax to cease after payment of all costs; if a negative vote, the costs would be paid for by an increased tax on property. The sealed ballot envelopes and poll books were presented for Council review. The totals were verified.

Motion by Hauck, seconded by Hansey, to declare the following canvassed votes as official:

<i>Additional one-half cent Sales Tax for payment of Permanent Flood Control Debt</i>					
<i>1st & 2nd Wards</i>	<i>Yes</i>	<i>542</i>	<i>93.45%</i>	<i>No</i>	<i>38</i>
					<i>6.55%</i>
<i>3rd & 4th Wards</i>	<i>Yes</i>	<i><u>450</u></i>	<i>95.74%</i>	<i>No</i>	<i><u>20</u></i>
					<i>4.26%</i>

TOTALS

992 94.48%

58

5.52%

Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

The City Auditor presented an off-site Special Event Liquor Permit Application. He said all forms, site drawings, and proof of insurance certificates have been received and verified. Councilmember Sturdevant said the application is for Gagelin Shelter on July 17th for the 20th Anniversary Celebration of Red River Human Services Foundation.

Motion by Sturdevant, seconded by Hauck, to approve an off-site Special Event Liquor Permit to Pausch Stores, Inc., at Gagelin Shelter on July 17, 1999 for the purpose indicated in the application. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

Auditor Anderson reported on the cost of supplying firemen for mandated emergency standby duty during the air show held as part of the Carousel Days celebration. The Auditor said 5 firemen worked 5 ½ hours each for a total cost to the City of \$355.25. Mayor Schmitz asked the Finance & Economic Development to review the item and recommend whether or not to bill for the cost.

The City Auditor reported the State Tax Department has strongly recommended collection of the additional ½ cent sales tax begin at the start of a calendar quarter. Therefore, the Auditor said, collection of the additional sales tax will begin on October 1, 1999 which will give the State time to prepare and distribute charts & forms and will permit the City to provide local announcements allowing merchants time to make necessary software changes.

Director Lein reported on the procession of hearings and documentation regarding the 4th Street North Reconstruction Project 2-1-00 scheduled for next year. He reviewed the May 27th public hearing with citizens. The Director said many attended and lots of comments were received. Mr. Lein said the Public Works Committee then met with North Dakota Department of Transportation officials to review the comments and other project items on June 16th. He said the next step in the process is for approval of two documents which he had distributed to the City Council.

Motion by Schmidt, seconded by Mathiason, approving the following two documents concerning the 4th Street North Reconstruction Project 2-1-00: **1) Summation of Public Hearing and Project Decisions, 2) Executive Summary and Decisions Document;** to authorize the Mayor and Public Works Director to sign and forward the documents to officials of the NDDOT. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

The Public Works Director reported on an item not on the agenda. He said the 4th Avenue South Storm Sewer and Pumping Station Project 1-1-98 has an EDA-Completion Date of July 1, 1999. He said the project is final and all equipment has been checked out except for the one generator which is in the process of being purchased. Because of the completion date requirement, he recommended the City approve the project subject to receipt of a generator. Mr. Lein said about \$69,000.00 has been retained from the total project cost of \$870,710.60.

Motion by Meyer, seconded by Loberg, to suspend the rules and allow action on a motion to approve the final estimate

Of the 1-1-98 Improvement Project, a matter which does not appear on the agenda. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

Motion by Meyer, seconded by Loberg, to approve the final estimate for Kindred Plumbing & Heating providing a final project cost of \$870,710.60 for 4th Avenue South Storm Sewer Improvement District 1-1-98 subject to retainage of approximately \$69,000.00 until the required generator is received. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Loberg, Hansey; voting nay: None.

The Finance Programs Director reported on a letter she provided to Urban Renewal appointees notifying them of the dissolution of the Urban Renewal Agency and the Council's assuming the responsibilities of urban renewal procedures. Ms. Priebe said two applications have been received for screening by the Finance & Economic Development Committee at its next meeting date.

Director Priebe reported the Downtown Development Corporation has scheduled a meeting for July 8th at 7:30 p.m. in Towne Centre Square to discuss possible dissolution of the Corporation and distribution of assets. She noted that the City Attorney is reviewing the make-up of the Economic Development Commission regarding URA representation and he may also have to review consequences should the DDC dissolve itself.

The Finance Programs Director noted a letter has been received from Lake Agassiz Regional Development Corporation requesting a meeting with the Finance Committee to discuss sponsorship of a Senior Congregate 32 plex in Wahpeton.

Ms. Priebe ended her report by stating a letter of resignation has been received from Economic Development Department Administrative Assistant Lorraine Slotten. The letter stated the resignation will become effective July 2nd.

The City Attorney reported on the status of the Meide judgement regarding T.I.F. delinquencies. He said the date to contest the City's action runs out tomorrow and Attorney Lies expects a judgement to be entered in the City's favor this week. He reported Meide has reduced some of the delinquent amount which now stands at \$123,878.15.

Attorney Lies discussed the makeup of the Economic Development Commission. He said City Ordinance requires the following membership:

1

Urban Renewal Agency

Downtown Development Corporation	1
Community Development Corporation	1
Wahpeton City Council	2
“At Large” Members	2

Attorney Lies observed URA has been dissolved and DDC may be. He said the Ordinance needs to be amended by reducing the number of members on the Commission or by authorizing

representation by other organizations. Mayor Schmitz assigned the review to the Finance and Economic Development Committee.

The City Attorney requested committee review of the City's fee structures for various non-criminal violations such as care required, defective mufflers, and stop light infractions. He said Fargo's and Breckenridge's fees are about double of those assessed by Wahpeton. He said there are 2 pages of fees which should be reviewed by Committee, himself, the Police Chief, and Municipal Judge. Mayor Schmitz assigned the review to the Personnel & Public Safety Committee.

A letter was received from the North Dakota Insurance Reserve Fund regarding a survey report conducted on April 9, 1999. Some possible minor hazards such as cracked sidewalks, fencing needs, etc were listed. The report is under review by the Public Works Department.

Mayor Schmitz announced his appreciation of the volunteers willing to serve on the various boards, authorities, and commissions of the City. He made the following appointments, beginning July 1, 1999 and ending as noted, subject to Council confirmation:

PLANNING 6/30/2004	<u>Richard Loberg</u>
COMMISSION 6/30/2004	<u>Allen Larson</u>
AIRPORT AUTHORITY 6/30/2004	<u>Lawrence Merbach</u>
LIBRARY 6/30/2002	<u>Charles Lindberg</u>
BOARD 6/30/2002	<u>Judy McDaniel</u>
SPL ASSESSMENT COMM 6/30/2005	<u>Morris W. Stromberg</u>
BOARD OF 6/30/2001	<u>Dr. James Halvorson</u>
HEALTH 6/30/2001	<u>Dr. Delray Mathiason</u>
6/30/2001	<u>James P. Sturdevant</u>
	<u>Tim Schmidt</u>
	6/30/2001

Meryl T. Hansey
6/30/2001

Motion by Hauck, seconded by Meyer, to confirm the Mayor's appointments as listed. . 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 the Committee met with Municipal Judge Sam Johnson regarding a possible change in the contract for Municipal Court Clerk services. He said the Committee will continue to review options regarding the proposal.

Mr. Meyer reported the Committee is continuing to study the proposal for property tax incentives to encourage economic development.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He distributed a memo proposing a benefit pay-out for a percentage of unused sick leave of retiring employees based upon longevity. Mr. Hauck asked the members to review the proposal which will be submitted for approval at a future Council meeting.

Councilmember Christensen, Chairman of the Public Works Committee, was not present. There was no report regarding agenda-listed Committee Assignments.

As a result of the positive vote for an additional ½ cent Sales Tax to fund permanent flood protection costs, the City Attorney stated, Ordinance No. 798 is ready for second reading and adoption. Mr. Lies said the Ordinance received first reading on May 3rd and the final version being presented refers to the October 1st implementation date.

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

ORDINANCE NO. 798

**AN ORDINANCE ESTABLISHING ONE-HALF PERCENT SALES TAX AND
USE TAX DEDICATED TO COSTS OF FLOOD MITIGATION DISTRICT 5-1-97**

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 Councilmen 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 attested to by the City Auditor.

The City Attorney then reviewed proposed Ordinance No. 799 regarding the number of positive votes required for purchase of real property. He noted that the Mayor had observed City Ordinances concerning purchase of real property only require a majority vote by the members representing a quorum while sale of property requires a super majority of two-thirds (6 or more members) of the entire Council regardless of the number present at any meeting. Attorney Lies said the proposed Ordinance amendment will apply the same provisions whether the City Council is buying or selling real property.

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

ORDINANCE NO. 799
**AN ORDINANCE AMENDING SECTION 12-202 TO
REQUIRE TWO-THIRDS MAJORITY VOTE OF THE ENTIRE
CITY COUNCIL TO APPROVE PURCHASE OF REAL PROPERTY**

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 Hansey, and upon vote being taken thereon, the following Councilmen 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 attested to by the City Auditor.

City Attorney Lies reviewed the Personnel & Public Safety Committee's recommendation to adopt Ordinance No. 800 allowing sale and detonation of fireworks between December 27, 1999 and January 1, 2000. He said there is a license fee of \$250.00 and applicants are limited to those who are currently licensed to sell fireworks.

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

ORDINANCE NO. 800
**AN ORDINANCE RELATING TO SALE AND USE OF FIREWORKS
DECEMBER 27, 1999—JANUARY 1, 2000**

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 Schmidt, and upon vote being taken thereon, the following Councilmen 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 attested to by the City Auditor.

The following Committee meetings were scheduled:

	FLOOD MITIGATION	7:30 am	06/22/99	
	PERS & PUBLIC SAFETY	12:30 pm	06/30/99	
	FINANCE & ECON DEV	Noon	07/01/99	
		PUBLIC WORKS		Not
Scheduled				

An item appeared on the agenda allowing for a possible closed session with the City Attorney to discuss lawsuit matters. Attorney Lies reported the City's answer to the Jones-Van Tassel lawsuit was filed in Federal District Court today. He said there are no new matters to discuss and a closed session is not necessary.

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

Mayor
ATTEST:

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

JULY 6, 1999

Pursuant to due call and notice thereof, a regular meeting was scheduled to be held at City Hall on July 6, 1999 at 5:00 p.m.

The following members were present: Councilmembers Charles B. Christensen, Richard A. Loberg.

The following were absent: Mayor Duane M. Schmitz, Councilmembers Richard A. Hauck, James P. Sturdevant, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer, Meryl T. Hansey.

Officers present: Auditor.

Councilmember Christensen presided.



Councilmember Christensen noted there was a lack of a quorum and ordered all agenda items forwarded to the next scheduled meeting on July 19, 1999.

City of Wahpeton Minutes

JULY 19, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on July 19, 1999 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, Charles B. Christensen.

The following was absent: Councilmember Meryl T. Hansey.

Officers present: Public Works Director, Police Chief, Finance Programs Director, Assessor, Attorney, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Christensen, seconded by Loberg, to approve the minutes of the regular meeting held June 21, 1999. Motion carried.

Due to the lack of a quorum, the meeting scheduled for July 6th was not held. Agenda items were continued to tonight's meeting.

Motion by Christensen, seconded by Loberg, to open bids received for a new Street Department **2-stage Snowblower**. Motion carried. The following bids were received:

NAME & ADDRESS OF BIDDER

AMOUNT OF BID

Sanitation Products – Fargo, N Dakota \$57,681.00

A.B.M. Equipment – Hopkins, Minnesota 44,800.00

Upon recommendation of the Public Works Director, Mayor Schmitz turned the bids over to the Public Works Committee for review and recommendation.

A public hearing was held on the proposed rezoning of part of Lot 3, Block 3, Schuett Addition (also known as West Briarwood Addition). The proposal was to rezone from Highway Business (B-3) to Residential (R-3) Mobile Home in order to allow development of the property for location of double-wide manufactured homes. No one attended in opposition and no written protests had been received. Councilmember Loberg reported the Planning Commission had held its public hearing earlier in the day and voted to recommend the rezoning be approved.

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

ORDINANCE NO. 801
AN ORDINANCE REZONING
PART OF LOT 3, BLOCK 3, SCHUETT ADDITION,
CITY OF WAHPETON

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

Attorney Fred Strege displayed a map and presented petitions from **Land Resources Corporation** (Robert Comstock, President) and **Dakota Hospitality, LLP & Richland Motel Company** (Thomas C. Wold, Partner & Secretary) for proposed street vacations in Valley First Addition. Mr. Strege explained that **Farm Credit Services** will be constructing a new building in the area subject to vacation of the eastern portion of Western Road. He said Dakota Hospitality had petitioned for vacation of the western portion of Western Road and the northern portion of 18th Avenue a few years ago (in 1995) but the City Council denied the request following receipt of objections by Robert Comstock and E. W. Oliver. Attorney Strege said neither of the former objectors are opposed to the new petition from Dakota Hospitality which requests identical vacation and its expansion to include the northern half of 19th Avenue. Because of the time requirements for publication (4 times in 4 weeks), Attorney Strege noted the earliest date for the public hearing would be August 23rd. He pleaded for a special Council meeting on that date so that Farm Credit's construction may begin as early as possible.

Councilmember Loberg reported the Planning Commission had also received the proposal earlier in the day and discussed its merits at length. He reported the Commission reviewed information on the property needed for Farm Credit's building and parking requirements and also discussed the earlier vacation submitted by the Wold's in 1995. The Planning Commission President said the Commission has no problem endorsing the vacation proposal providing proper zoning is provided and sufficient land is provided to construct required cul-de-sacs. He said E. W. Oliver had expressed misgivings of removing dedicated rights-of-way but withdrew his objection upon the Commission's directive to require dedication of private property to provide land necessary to construct cul-de-sacs at the termini of 18th and 19th Avenues. E. W. Oliver said he now would like the Council to vacate the remaining portions of 18th and 19th Avenues abutting his property. Mr. Loberg said adding those portions would not be in concert with the motion adopted by the Planning Commission and will have to be submitted at a later date.

Motion by Hauck, seconded by Loberg, to authorize publication for public hearing at a Special City Council Meeting to be held at 5:00 p.m. on Monday, August 23, 1999 for the proposed vacation of Western Road and the northern portions of 18th Avenue and 19th Avenue; all located in Valley First Addition to the City of Wahpeton. Motion carried 6-1. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Loberg; voting nay: Meyer.

The City Auditor reported on the request for transfer of Chuck's Off Sale Class B Liquor License to BONESSA, Inc. He noted that there is enough of a question about the possibility of multiple ownership that he was unable to issue the license as proposed. He observed that a letter from the Police Chief echoed the reservation. The Auditor stated he had sent all information to the Mayor & Council. He proposed that the application and reports be reviewed by committee. Mayor Schmitz instructed the Personnel & Public Safety Committee to meet, review the circumstances and make recommendation to the City Council.

Auditor Anderson passed around the proposed contract with the North Dakota State Tax Commissioner for collection of the City's 1 ½ cent Sales Tax. The Auditor stated there is an administration fee of 2% which will be paid in monthly payments of \$945.00 over the term of the 24-month contract.

Motion by Sturdevant, seconded by Loberg, to approve the “**Contract for Collection of City Sales and Use Taxes**” with the North Dakota State Tax Commissioner. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

The Auditor reported four applications for games of chance license had been received since the Agenda was prepared and suggested the Council act on them. Motion by Sturdevant, seconded by Hauck, to suspend the rules and allow action on Games of Chance Resolutions, an item not appearing on the agenda. Motion carried 7-0.

Councilmember Loberg offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 530
ST. CATHERINE'S LIVING CENTER

Councilmember Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 532
40 ET 8 WAHPETON VOITURE 250

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 533
ST. JOHN'S CATHOLIC CHURCH GROUP

Councilmember Mathiason offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 534
ST. JOHN'S CATHOLIC SCHOOL GROUP

The motion for the adoption of the foregoing Resolutions No. 530, 532, 533, and 534 were duly seconded, and upon vote being taken thereon, the following voted in favor thereof: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; and the following voted against the same: None. Whereupon said Resolutions were declared duly passed and adopted, were signed by the Mayor and attested to by the City Auditor.

The Auditor reported year-to-date budget information is being prepared and blank request forms for the 2000 City Budget will be supplied to Department Heads this week. Councilman Meyer asked that the Auditor require return of the requests within two weeks of delivery.

The City Assessor reported an application for Abatement of Taxes has been received and must be reviewed by Committee. The Mayor turned the responsibility over to the Finance & Economic Development Committee.

The Public Works Director reported two Contractor's Bonds have been received and are in order. The first is with Mark Sand & Gravel for Project 2-1-99 in the amount of \$516,318.10 and the second Bond of \$108,759.50 is with Camas MinnDak, Inc. for Area A of Project 2-2-99. He said the Bonds are approved by Resolution.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2989
RESOLUTION APPROVING CONTRACTOR'S BOND IN REGARD
TO AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-1-99
(Southside Streets)

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

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2990
RESOLUTION APPROVING CONTRACTOR'S BOND IN REGARD
TO AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 2-2-99
(Property Area A – Ninth 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, Mathiason, Schmidt, 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 attested to by the City Auditor.

Director Lein reported the Dwight Fire Department is asking the City of Wahpeton to supply water when equipment is called to the Wahpeton area. Mayor Schmitz observed the matter should be addressed by the Public Works Committee and assigned the responsibility forthwith.

The Finance Programs Director relayed two recommendations from the Economic Development Commission for Sales Tax Fund expenditures. She reported the first is a proposal to buy down the interest of **Industrial Plating's** \$1.3 Million PACE (Partnership in Assisting Community Expansion) Loan. Ms. Priebe said Industrial Plating will add a 23,000 sq. ft. addition to its existing building and will add another zinc electroplating rack line. She said the interest buy down will be in the \$56,000-\$60,000 range payable over 5 years. Director Priebe reported the second

recommendation is for the City to pay half of the over-run cost of the Labor Study completed in 1998. She said Richland County Job Development paid for half of the original outlay and will be required to fund 50% of the additional cost as well.

Motion by Sturdevant, seconded by Loberg, to approve the recommendation of the Economic Development Commission and expend a maximum of \$60,000.00 of Sales Tax Funds for interest buy down of Industrial Plating's PACE Loan. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

Motion by Loberg, seconded by Schmidt, to approve the recommendation of the Economic Development Commission and expend \$1,000.00 of Sales Tax Funds to match Richland County Job Development Authority's payment for over-run costs of the 1998 Labor Study. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

Director Priebe reported the Economic Development Commission discussed the desired number of Commissioners now that the DDC (Downtown Development Corporation) and URA (Urban Renewal Agency) have dissolved. She said the consensus was to keep the number at 7. Currently the Board consists of members appointed as follows:

Urban Renewal Agency	1
Downtown Development Corporation	1
Community Development Corporation	1
Wahpeton City Council	2
"At Large" Members	2

The Finance Programs Director concluded her report by asking for a meeting with Committee to discuss some Revolving Loan Fund loan delinquencies. Mayor Schmitz directed the matter to be added to the agenda of the Finance & Economic Development Committee.

The City Attorney reported the judgement regarding Meide's T.I.F. delinquencies was entered on July 9th. He said the delinquent balance now stands at \$118,781.37 which is down from the original amount of \$202,545.01. The City Attorney said a letter has gone out to Mr. Meide's lawyer regarding creation of a payment schedule.

Attorney Lies reported payment has been completed for purchase of the 3 railroad tracts in the downtown area and the deed from the railroad has been recorded. He said the legal documents are prepared for resale-hopefully this week-of 2 tracts to Red River Human Services Foundation and Sturdevant Properties.

Motion by Hauck, seconded by Schmidt, to approve the NDSCS Homecoming Parade Permit for October 9, 1999, as recommended by the Police Chief. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

A letter was introduced from the Richland County Auditor in which it was stated that Richland County will allow dissolution of the *Clerk of Court Services Contract* by mutual agreement as of July 31, 1999.

A letter was received from Pentecostal Church requesting a zoning change for a 1-acre parcel of land abutting 11th Street North and Plummer Addition. (The land is owned by Perry Miller and the Auditor has asked for a petition from the owner. A land survey of the tract has been completed and was received this date) The proposed zoning change is from B-3 to R-3 in order to allow construction of a church building. No action will be taken until a petition is received from the land owner.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee is still working on the items regarding Water Plant Shifts and Unused Sick Leave but are ready to recommend a job title change.

Motion by Hauck, seconded by Sturdevant, to change the job title of Street Foreman to "Public Works Supervisor." Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

Committeemember Sturdevant said the Committee has met with the City Attorney and has agreed to amended amounts for non-criminal fees and fines in City Ordinances. He said copies of the revisions will be supplied to everyone.

Motion by Sturdevant, seconded by Hauck, to instruct the City Attorney to prepare necessary Ordinance changes to adopt the new non-criminal fee & fine structure. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Finance Programs Director has found the proposed tax reduction incentives won't work and the item will be dropped.

Mr. Meyer said a meeting had been held with Lake Agassiz Regional Development Corporation representatives regarding a proposal for construction of a 31-plex Senior Congregate Housing Building. He said the proposal requires certain property tax concessions to make it feasible. The Committee Chairman said representatives of St. Catherine's and St. Francis also attended and revealed plans they have underway for similar housing. Mr. Meyer said the Committee feels the only way to determine if tax incentives for the 31-plex proposal will be of benefit to the City is to authorize a public hearing to consider the proposal.

Motion by Meyer, seconded by Sturdevant, to authorize publication for public hearing at 5:00 p.m. on August 16, 1999 for consideration of proposed property tax incentives to allow Lake Agassiz Regional Development Corporation to construct a **31-plex Senior Congregate Housing Building**. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

Chairman Meyer said the Committee reviewed three applications for tax abatements, recommended preparation of development agreements, and to approved scheduling for the necessary public hearings.

Motion by Meyer, seconded by Christensen, to authorize preparation of development agreements and set public hearings at 5:00 p.m. on August 16, 1999, for proposed tax abatements relating to the **Uhlich Convenience Store** project, the **Hinsverk Car Wash** project, and the **Marohl Apartment** project. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

Mr. Meyer said the Committee discussed the proposal to dissolve the Clerk of Municipal Court Contract with Richland County and to then contract with Judge Sam Johnson for the Clerking service. He said the current contract calls for a payment of \$13,000 per year with the County Commission while the proposed contract would be for \$10,000. He said the Committee recommends dissolving the current contract with Richland County and approval of a new contract with Judge Johnson.

Motion by Meyer, seconded by Christensen, to dissolve the Municipal Court Clerk Contract with Richland County effective July 31, 1999, and to contract through December 31, 2000, with Municipal Judge Sam Johnson for Municipal Clerk services in the amount of \$10,000 annually.

Attorney Don Krassin attended and discussed the Clerk of Municipal Court operation. He said the Clerk, Connie Raguse, does a good job working under County control in the Law Enforcement Center. Mr. Krassin said collection of fines requires diligence and he is concerned that working in a private attorney's office may cause the Clerk to be assigned additional duties which will not allow collecting fines as vigorously as she does now. If the contract is approved, Attorney Krassin said, he would suggest it be for a short term and reviewed periodically.

Both Councilmember Meyer and City Attorney Lies observed that concerns raised by Mr. Krassin were discussed by the Committee. Mr. Meyer said Richland County may not be continuing the position now filled by Ms. Raguse and a change could be necessary anyway. Attorney Lies and Mr. Meyer agreed that the contract with Judge Johnson will contain a 30-day provision allowing cancellation if the situation is not working out satisfactorily.

Upon vote being taken on the motion to approve the Municipal Court Clerk Contract with Sam Johnson, the following voted in favor: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; and the following voted against: None. Motion carried 7-0.

Motion by Meyer, seconded by Schmidt, to approve payment of bills presented in the amount of \$327,694.37 and that warrants be drawn upon their respective funds. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

Motion by Sturdevant, seconded by Mathiason, to approve the following reports: JUN Wahpeton Water Works, JUN Police Department, MAY Municipal Court, 2ND QTR Vacation & Sick Leave. Motion carried 7-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg; voting nay: None.

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY	Noon	07/21/99
PUBLIC WORKS	Noon	07/22/99

PERS & PUBLIC SAFETY
FINANCE & ECON DEV

12:30 pm
Noon

07/26/99
08/02/99

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

ATTEST:

Mayor

Arden C. Anderson, City Auditor

Duane M. Schmitz,

City of Wahpeton Minutes

AUGUST 2, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on August 2, 1999 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, Finance Programs Director, Assessor, Deputy Attorney Bullis, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Mathiason, seconded by Loberg, to approve the minutes of the regular meeting held July 19, 1999. Motion carried.

The Public Works Director reported the Public Works Committee has reviewed the bids for a new Street Department 2-stage Snowblower. He said the Committee recommends award to the low bidder along with a few options.

Motion by Christensen, seconded by Schmidt, to award the contract for purchase of the Street Department **Snowblower** to **A.B.M. Equipment** of Hopkins, Minnesota in the amount of **\$46,685.00**; the total representing the company's low bid of \$44,800.00 plus the following options: Hydraulic chute extension \$1,165.00; Extra blade \$100.00; Extra shoes \$195.00; Residential muffler \$425.00. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Attorney Fred Strege attended to reinforce the Golf Club's written application for amending its Club Liquor License. He said the Club's Board of Directors has terminated its contract with J & J Weiland, Inc., due to various reasons. He presented printed copies of the Board's explanation and asked that it be distributed to the Mayor and Council. Attorney Strege said the application submitted is to list the Golf Club, only, as the license holder and to name Golf Pro, Jeff Bass, as manager.

Motion by Christensen, seconded by Meyer, to amend **On-sale Club/Lodge C-5 Liquor License No. 1012** by listing the **Bois de Sioux Golf Club** as license holder and **Jeff Bass** as manager.

Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Attorney Strege presented petitions and displayed a map of 10 lots proposed for rezoning from R-3 to B-2 in Valley First Addition. He said the requests-submitted by Land Resources and Dakota Hospitality-are part of the requirements of the Planning Commission relating to the proposal for street vacation discussed at the Commission and Council meetings of July 19. The Attorney said vacation of Western Road and the north portions of 18th & 19th Avenues necessitates business zoning of lots cut off from street access. Mr. Strege further stated that Dakota Hospitality has agreed to donation of land for cul-de-sacs as required by the Planning Commission's endorsement for street vacation. Planning Commission President, Richard Loberg, reported the Commission reviewed the rezoning requests earlier in the day and voted to approve a joint public hearing with the City Council on August 23rd the same special date as the public hearing for proposed street vacation.

Motion by Loberg, seconded by Sturdevant, to approve joint public hearings with the Planning Commission at 5:00 p.m. on Monday, August 23, 1999, for the following proposed rezoning from Multi-Family R-3 to Business-Heavy B-2: **a) Land Resources Corporation property > Lots 10 and 11, Block 5, Valley First Addition.** **b) Dakota Hospitality, Inc., property > Lots 7, 8, 9, 10, and 11, Block 4 and Lots 7, 8, and 9, Block 5, Valley First Addition.** Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Attorney Strege then presented a petition and displayed a drawing of property south of 6th Avenue in Hubbard & Tyler's Addition proposed for rezoning to Heavy Industrial I-2. Mr. Strege said the land is presently zoned either Business Highway B-3 or Light Industrial I-1. Mr. Strege noted that the petition is from Land Resources Corporation which is asking for public hearings in order to zone the property, mainly composed of Block A, Block E, and Block 14, for compatible use as provided to adjoining property. Councilmember Loberg reported the Planning Commission had reviewed the request and voted to hold a public hearing at 4:00 p.m. on Tuesday, September 7th.

Motion by Loberg, seconded by Hauck, to approve publication of notice for a public hearing before the City Council at 5:00 p.m. on Tuesday, September 7, 1999, for proposed I-2 zoning of the following-described property:

“All of Block E, All of Block 14, All of the 30 foot wide alley lying between said Block E and Block 14, All of Block A, Except the East 300 feet thereof, together with part of N1/2-SW1/4 of Section 8, Township 132 North, Range 47 West of the 5th Principal Meridian, Richland County North Dakota, all within Hubbard & Tyler's Addition to Wahpeton, Richland County, North Dakota, combined, and more particularly described as follows:

Commencing at the southeast corner of said Block A, Hubbard & Tyler's Addition, thence West along the south line of said Block A, a distance of 300.00 feet to the point of beginning; thence continue West along the south line of Block A, a distance of 732 feet to the southwest corner of Block A; thence North, along the west line of Block A, a distance of 199 feet, more or less, to a point that is 200 feet south of the south right of

way line of 6th Avenue South (formerly Main Street); thence West parallel with and 200 feet south of the said south right of way line of 6th Avenue South, a distance of 80 feet to a point on the east line of said Block E; thence South along the east line of said Block E and Block 14, a distance of 199 feet, more or less, to the southeast corner of said Block 14; thence West, along the south line of said Block 14, a distance of 300 feet to the southwest corner of said Block 14; thence north along the west line of said Block 14 and Block E a distance of 299 feet the northwest corner of said Block E; thence East, along the north line of said Block E a distance of 380 feet to the northwest corner of said Block A; thence North a distance of 35 feet, more or less, to a point that is 65 feet south of the south right of way line of 6th Avenue South; thence East, parallel with and 65 feet south of the said south right-of-way line of 6th Avenue South, a distance of 380 feet to its intersection with the southerly extension of the west line of Block 9 of said Hubbard & Tyler's Addition; thence North, a distance of 65 feet, more or less, to the south right of way line of 6th Avenue South; thence East, along the said south right-of-way line of 6th Avenue South, a distance of 352 feet, ore or less to a point on a line that is 300 feet west of and parallel with the east line of Block A; thence South, parallel with and 300 feet west of the east line of said Block A, a distance of 394 feet, more or less, to the point of beginning, according to the plat of Hubbard & Tyler's Addition filed for record at the Office of the Register of Deeds in and for said County and State."

Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Auditor displayed a drawing of a 1-acre tract bordering Plummer Addition on 11th Street North. He explained it is the property for which Wahpeton United Pentecostal Church had petitioned (in June) for rezoning from Business Highway B-3 to Multi-Family R-3 in order to construct a church building. Auditor Anderson said a petition has now been received from the land owners, Perry & Larry Miller, endorsing the proposal to rezone from B-3 to R-3. The Auditor said the area is directly opposite the NorthPark residential development and City Officers believe a church building would be excellent usage of the property. Councilmember Loberg reported the Planning Commission voted to hold a rezoning public hearing at 4:00 p.m. on September 7th.

Motion by Loberg, seconded by Schmidt, to approve publication of notice for a public hearing before the City Council at 5:00 p.m. on Tuesday, September 7, 1999, for proposed R-3 zoning of the following-described property:

"All that part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 133 North, Range 47 West of the 5th Principal Meridian, City of Wahpeton, Richland County, North Dakota described as follows:

Commencing at the iron monument marking the Southeast Corner of Lot 1, Block 3, NorthPark Addition to the City of Wahpeton, North Dakota; thence North 88 degrees 25 minutes 47 seconds East a distance of 100.04 feet to a point on the east right of way line of 11th Street North, said point being 1000.23 feet northerly of the Southeast Corner of the plat of said NorthPark Addition, and to the POINT OF BEGINNING; thence North 00 degrees 01 minutes 45 seconds East, along the said east right of way line of 11th St. North, a distance of 280.65 feet; thence South 89 degrees 58 minutes 15 seconds East a distance of 253.41 feet to a point on the westerly boundary line of Plummer Addition to

the City of Wahpeton; thence on and along the said westerly boundary line of Plummer Addition, southwesterly, along a 904.93 foot radius curve concave to the southeast, said curve having a central angle of 20 degrees 58 minutes 51 seconds, a radius of 904.93 feet, an arc length of 331.37 feet, a chord bearing of South 31 degrees 37 minutes 57 seconds West, and a chord distance of 329.52 feet; thence North 89 degrees 58 minutes 15 seconds West a distance of 80.73 feet to the point of beginning, containing 1.00 acres, more or less."

Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The City Auditor noted Pastor David Tuthill of Wahpeton Assembly of God Church was in the audience. Auditor Anderson reported on a letter received from Pastor Tuthill on July 27th. The letter, which had been mailed with agendas, revealed that the Church is considering purchase of the Industrially-zoned (I-1) Red River Jobbing property located on the corner of 11th Street and the 210 By-pass. The Auditor said there were several unique questions posed in the letter dealing with rezoning, zoning implementation, building usage, tax exemptions and the like. He said these are questions which need to be addressed by Committee and the City Attorney. As the Planning Commission had agreed it will accept the review assignment, Mayor Schmitz instructed the Auditor to add the item to the Commission's meeting agenda of August 16th.

The Public Works Director reported there is a need for adopting a written policy to guide Law Center personnel in determining when to sound civil defense sirens as a warning to citizens during periods of severe weather. He said there has been input by the Fire Department, Mayor, Police Chief, County Emergency Director, and County Auditor to prepare a workable plan. He distributed a draft of a proposed Policy. The draft stated procedures would begin when the National Weather Service issues a report of a tornado or if Fire Department or Police Department personnel report a tornado within a 10-mile radius of Wahpeton. Upon receipt of such a report or reports, Law Center personnel will cause the sounding of City warning sirens plus police personnel will provide notification to campers and mobile home court residents directly.

Answering a question from Fireman Roger Freden, Director Lein said he agrees that an additional siren should be located on North 9th Street in the WCCO Belting/Interstate Tire area. The Director said funds are currently being sought to provide for the additional warning device. Jim Aldrich said additional volunteer fire personnel are severe weather spotters in the County and wondered about receiving reports from beyond the 10 mile radius. Director Lein said reports from any trained observer will be gladly accepted if the 10 miles is proposed as a distance which is workable to provide adequate warning for Wahpeton's citizens. He added that a plan is being worked out for all of Richland County but he would want consideration for adopting Wahpeton's policy beforehand. Councilmember Meyer said it is storm season now and felt the initial draft of the warning policy should be adopted without delay and amendments could be considered as they are approved.

Motion by Meyer, seconded by Sturdevant, to approve the **City of Wahpeton's Weather Warning Policy** as presented. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Upon recommendation from the Public Works Committee, Mayor Schmitz instructed the Public Works Committee and City Attorney to review the *Highway 210 Cost Participation Maintenance Agreement from the North Dakota Highway Department*.

The Finance Programs Director presented a report on the need to amend building foundation height covenants in NorthPark Addition because of the depth of 11th Street sanitary sewers. Ms. Priebe said covenants may be altered by permission of 2/3 of the property owners and the City represents more than that percentage. She recommended the covenants be amended by Resolution to provide for building foundation elevations as covered by building code enforcement..

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2991
**RESOLUTION DIRECTING AMENDMENT TO DECLARATION OF
RESIDENTIAL COVENANTS, CONDITIONS AND RESTRICTIONS
(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 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 attested to by the City Auditor.

Director Priebe reported Lake Agassiz Regional Development Corporation delayed publishing public notice of a public hearing for the proposed tax incentives to allow construction of a 31-plex Senior Congregate Housing Building. Therefore, Ms. Priebe said, Lake Agassiz is requesting the public hearing be rescheduled to September 7th.

Motion by Meyer, seconded by Sturdevant, to reschedule the public hearing from August 16th to 5:00 p.m. on September 7, 1999, for consideration of proposed property tax incentives to allow Lake Agassiz Regional Development Corporation to construct a 31-plex Senior Congregate Housing Building. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Deputy Attorney John Bullis reported the listing of proposed adjusted non-criminal fees and fines is complete and will be supplied to the Mayor and Councilmembers. It was suggested the required Ordinance amendment process begin.

Councilmember Sturdevant offered first reading of the following Ordinance:

ORDINANCE NO. 802
**AN ORDINANCE AMENDING AND
ESTABLISHING NON-CRIMINAL FEES**

Attorney Bullis reported steps are moving along for resale of downtown railroad tracts recently obtained by the City. He said one property transfer should close tomorrow.

A letter was received from Attorney R.E.T. Smith requesting appointment of Timothy Reiff as Manager of the BONESSA, Inc., Class B Liquor License. It was noted that action will be delayed

until Ordinance 803 is adopted.

A Resolution was received from Richland County in which the Commission expressed its appreciation of economic development endeavors within the County and requested continuation of cooperative development efforts.

It was reported that the Community Development Corporation has submitted a letter requesting participation in the process for filling Economic Development positions.

There was a letter in correspondence from BlueCross BlueShield regarding expansion consideration. The item has been turned over to the Economic Development Department for review.

The final missive in the correspondence packet was from PACE Development proposing a get together for discussion of possible development proposals. The Mayor said a meeting is being arranged.

Mayor Schmitz reported he has received a letter from Ed Moore, manager of Prairie Spirits. In the letter Mr. Moore states he has no objection to multiple ownership of liquor licenses but only when City Ordinances are properly amended. The Mayor also noted that the North Dakota League of Cities supports the Rural Unity Day in Minot August 10th and City personnel are encouraged to attend the event if possible.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said agenda items (8) 1, 2, & 3 will be skipped for the present time. He noted the Committee will be discussing staffing alternatives in the Economic Development Department which will cancel the search for replacing the Director as such.

Motion by Hauck, seconded by Loberg, to discontinue the search for a new Economic Development Director at this time and to instruct the City Auditor to notify all applicants to that effect. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Sturdevant reported the Public Safety Committee has completed its meetings with attorneys and concerned parties regarding the City Ordinance limitation forbidding one party to be directly or indirectly associated with more than one Liquor License. He said the Committee reviewed alternatives and recommends the Ordinance be changed by removing the restriction of multiple ownership of Liquor Licenses.

Councilmember Sturdevant offered first reading of the following Ordinance:

ORDINANCE NO. 803
AN ORDINANCE AMENDING SECTION 22-203
QUALIFICATIONS FOR LIQUOR LICENSE

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee had met with Assessor Stromberg and agreed to her recommendations on two abatement requests.

Motion by Meyer, seconded by Schmidt, to recommend to the County Commission that the valuation of Ms. Lethie Meyer's property at 1604 4th St. North be reduced from \$167,200 to \$154,400. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Motion by Meyer, seconded by Hansey, to accept the report of Darlene Prochnow's physician stating she is "permanently & totally disabled," therefore declaring her eligible for Property Tax Credit for Senior Citizens and Disabled Persons for the 1999 tax year as defined by the North Dakota Century Code. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

Councilmember Meyer said the Finance Committee has completed its review of the makeup of the Economic Development Commission. He said the Committee recommends the number of Commissioners remain at 7 members, but, be changed to: **1 from Community Development Corporation, 2 from the Wahpeton City Council, and 4 members "At Large;" all members to be appointed by the City Council.**

Councilmember Meyer offered first reading of the following Ordinance:

ORDINANCE NO. 804
AN ORDINANCE AMENDING ORDINANCE NO. 645
(AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT
COMMISSION)

Motion by Christensen, seconded by Schmidt, to approve the recommendation of the Public Works Committee and allow Dwight Fire Department to utilize City of Wahpeton hydrant water during emergencies; that an appropriate fee may be charged. 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	Noon	08/03/99
PERS & PUBLIC SAFETY	12:30 pm	08/04/99
PUBLIC WORKS	Noon	08/05/99
FINANCE & ECON DEV	To be determined	

Motion by Meyer, seconded by Loberg, to recess and enter into closed session for discussion of lawsuit matters with Deputy City Attorney John Bullis. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

The closed session was then conducted and recorded on audio tape as required by State Law.

Motion by Meyer, seconded by Loberg, to end the closed session and reconvene the regular meeting. Motion carried 8-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Meyer, Christensen, Loberg, Hansey; voting nay: None.

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

Mayor
ATTEST:

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

AUGUST 16, 1999

Pursuant to due call and notice thereof, a regular meeting was duly held at City Hall on August 16, 1999 at 5:00 p.m.

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

The following were absent: Councilmembers Tim Schmidt, Richard A. Loberg..

Officers present: Public Works Director, Finance Programs Director, Assessor, Attorney, Auditor.

Mayor Schmitz presided at the meeting.



Mayor Schmitz welcomed everyone to the initial meeting in the newly-remodeled Council Room.

Upon request of the Mayor, Water Plant Superintendent Lyle Mitzel came forward. Mayor Schmitz presented Mr. Mitzel with a plaque from the Department of Commerce of the United State of America. The Mayor noted that the plaque acknowledges Lyle's 35 years of service recording and reporting weather statistics. Mr. Mitzel received a round of applause from those present.

Motion by Hauck, seconded by Christensen, to approve the minutes of the regular meeting held August 2, 1999. Motion carried.

Three public hearings, following published legal notice, were held pursuant to North Dakota Century Code Chapter 40-58 regarding proposed tax exemptions for the following projects:

DBS, Inc. (Hinsverk Touchless Car Wash on Dakota Avenue/Parts of Block 3, Original Townsite)
\$16,000.00

Uhlich Investments (Gas Station & Convenience Store on Dakota Avenue/Part of Block B Fargo Addition) \$30,000.00

SIMJIM, Inc. (Marohl 8-plex Apartment on 2nd Avenue North/Parts of Block L Fargo Addition)
\$12,000.00

The Finance Programs Director said the requested exemptions would follow the rebate route in which the increased value would not be added to the property. Rather, Ms. Priebe stated, her office would compute the real estate taxes not levied and would deduct the amount from the exempted amounts. Once the total exemption for each is reached, the full value of the property will be added to the tax roles. She said the DBS and Uhlich projects will run for about 5 to 6 years while the SIMJIM project will mature in 2 years.

Director Priebe reported all competitors had received direct notice of the exemption proposals by mail and no written protests had been received for the DBS and Uhlich projects.

Ms. Priebe distributed a letter received from Ann Springer, Trust Officer of US Bank's Real Estate Management Division. Ms. Springer's letter stated her company is agent of property at 909 & 911 Western Road and is trustee for the property at 903 Western Road. The letter further alleged that allowing SIMJIM a tax exemption would create an unfair advantage in the competitive rental market in Wahpeton. Ms. Priebe said she had received phone calls from Prairewood Apartments and Hendricks, Inc. but both determined that the apartments were in a different market.

Mayor Schmitz asked if anyone in the audience wished to testify on the three tax exemption proposals. There were no comments made on the DBS and Uhlich projects.

Dorothy Eckert testified that she is the owner of four apartment buildings in Wahpeton and she paid \$28,654.00 in property taxes last year plus \$8,000.00 for sewer & water. She said she has been paying taxes for 20 some years, supplies nice affordable living units, and has never asked for anything from the City. Ms. Eckert said she feels the new SIMJIM apartments are in direct conflict with her business and shouldn't receive the incentive. She said there has been so much subsidized housing constructed that even subsidized apartments are hurting now.

Jim Marohl said there were extra costs involved in construction of the 8-plex and the abatement would help defray those. He said there was an extra \$3,000.00 cost to supply sewer & water service for the property. Mr. Marohl also stated he feels needs to provide incentives in order to encourage new construction and improvements. He concluded his remarks by saying the City doesn't lose any current taxes under the abatement procedure.

Councilmember Sturdevant wondered about the availability of a report on apartment vacancies. Ms. Eckert said there aren't many vacancies when college students rent in September but there is attrition during the year.

Councilmember Meyer observed that the public hearings are held to allow citizen input and the Finance & Economic Development Committee should review the comments now and make a recommendation to the Council at the meeting on September 7th. Mayor Schmitz agreed and ordered the reviews to proceed.

A "Petition for Rezoning" request was received from **Wahpeton Assembly of God Church and Red River Jobbing** requesting rezoning of all lots in Block 1 of NorthPark Addition from Light Industrial I-1 to Multiple-Family R-3. The Red River Jobbing business has ceased to operate and it is proposed to remodel the property into a church building with a parking lot. Councilmember Hauck reported the Planning Commission had reviewed the request earlier in the day and agreed to hold a public hearing at 4:00 p.m. on September 7th.

Motion by Hauck, seconded by Sturdevant, to authorize publication for public hearing at 5:00 p.m. on Tuesday, September 7, 1999 for the proposed rezoning of Block 1, NorthPark Addition from I-

1 to R-3. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

Councilmember Hansey offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 535
RED RIVER AREA SPORTSMEN'S CLUB

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 536
WAHPETON BOYS BASKETBALL PROGRAM

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 537
THE LEACH HOME

The motions for the adoption of the foregoing Resolutions No. 535, 536, and 537 were duly seconded, and upon vote being taken thereon, the following voted in favor thereof: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; and the following voted against the same: None. Whereupon said Resolutions were declared duly passed and adopted, were signed by the Mayor and attested to by the City Auditor.

The City Auditor presented two applications for special fireworks sale permits for the period December 26, 1999 through January 1, 2000. He said there is at least one more application pending. He suggested approval of these two.

Motion by Sturdevant, seconded by Meyer, to approve the following Special Fireworks Sale Licenses:

<u>APPLICANT</u>	<u>BUSINESS/ADDRESS</u>
<u>SALE/ADDRESS</u>	
1. LARRY THIELE	Ben Franklin Store
Ben Franklin Store	406 Dakota
Ave.	406 Dakota Ave.
2. PERRY MILLER	Millerø True Value
Richland Co. Vo-Tec	403 Dakota
Avenue	2101 9th St. North
	(FFA Alumni Chapter)

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

The City Auditor distributed a listing of the øPledge of Assetsö by each financial institution in which the City has funds on deposit as of June 30, 1999. He also presented a brochure 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. The report read:

<u>Designated Depository</u>	<u>Funds on Deposit</u>	<u>FDIC/NCUA</u>	<u>Additional</u>
<u>Total Pledged</u>			
Community First Bank	\$3,791,746.42	\$100,000.00	\$5,157,379.17
\$5,257,379.17			
US Bank	214,000.00	100,000.00	206,531.31
306,531.31			
Norwest Bank	680,000.00	100,000.00	639,445.71
739,445.71			
American Federal Bank	670,000.00	100,000.00	2,213,409.96
2,313,409.96			
First Community Credit Union	100,000.00	100,000.00	none
100,000.00			
Gate City Federal Savings Bank	none	n/a	n/a
n/a			
First American Bank	none	n/a	n/a
n/a			

Motion by Meyer, seconded by Hauck, to approve the Pledge of Assets Report. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

The City Auditor noted that the Richland County Commission had hosted a problem-solving session with the City Council last fall and, at that time, the Council had agreed to be the host in 1999. He suggested the members may wish to begin plans for compiling topics and proposing a date for the meeting.

The Public Works Director reported he has received a petition from property owners requesting street paving plus installation of storm sewer, sanitary sewer, and water services for 6th Avenue South between 6th and 8th Streets. Director Lein said the petitioners are asking that the work be done this year, and, in order to do that, the Public Works Committee will have to meet this week to assemble plans & specifications plus the Council's indulgence will be required in order to offer and approve the necessary Resolutions at next Monday's special meeting. He said the project will receive the designation of **Special Improvement Project 2-3-99**.

Motion by Meyer, seconded by Christensen, to accept the petition requesting street paving, storm sewer, sanitary sewer, and water services for 6th Avenue South between 6th and 8th Streets designated as Special Improvement District 2-3-99. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None. Mayor Schmitz instructed the Public Works Committee to meet with the Public Works Director for preparation of the necessary documentation for presentation to the City Council. The Mayor further ordered that the matter be placed upon the Agenda for the Special City Council Meeting scheduled for 5:00 p.m. on August 23, 1999.

The Finance Programs Director reported on a letter received from Director James Kappel of the Region V Community Development Corporation in which the RVCDC expresses interest in obtaining an option through September 30th to purchase Lots 1-6, Block 2, NorthPark Addition for the purpose of erecting six single-family, low & moderate income homes. Director Priebe said the RVCDC had planned construction in the south side Bois de Sioux Village Addition but that is currently not possible because the area is not flood-protected at this time. Upon the Director's suggestion, Mayor Schmitz turned the request over to the Finance & Economic Development Committee for review and recommendation.

Director Priebe said the Economic Development Commission will be holding a special meeting on Thursday regarding the \$310,000 PrimeBoard Note. She said PrimeBoard is asking that the Note be satisfied due to the company's expansion project and, if the Commission agrees, the recommendation will be submitted to the City Council at its Special meeting on August 23rd.

Ms. Priebe concluded her report by noting there remains an "At-large" vacancy on 7-member Economic Development Commission Board and invited recommendations from the general public to be relayed to City Hall Officers.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee has created a Sr. Street Worker Position as Grade L, recommends its adoption by the City Council, and further recommends that Rick Berndt be appointed to the position. It was determined that the Job Description has been approved but the Classification has not. Chairman Hauck said the Committee further recommends approval of amended job descriptions for certain positions and to allow payment of a percentage of unused sick leave upon retirement beginning with payments in 2001.

Motion by Hauck, seconded by Meyer, to approve the recommendation of the Personnel & Public Safety Committee and adopt the **Sr. Street Worker Job Classification** as **Grade K**. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

Motion by Hauck, seconded by Hansey, to approve the recommendation of the Personnel & Public Safety Committee and install Rick Berndt into the position of Sr. Street Worker and change his classification from L-7 to K-6. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

Motion by Hauck, seconded by Meyer, to approve the recommendation of the Personnel & Public Safety Committee and approve the amended Job Descriptions for Public Works Director, Public Works Supervisor, and Sewer & Water Foreman. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; nay: None.

Motion by Hauck, seconded by Sturdevant, to approve the recommendation of the Personnel & Public Safety Committee and adopt the following amendment, to the Employee Policy Manual:

"Benefit Pay-Out to Retiring Employee – It is the policy of the City of Wahpeton that upon retirement from the City, full-time employees shall be eligible for the payment of accrued sick leave at the employee's hourly wage at the time of retirement based upon the following scale:

Years of Service

% of Accrued Sick Leave Paid

<i>5 years & under</i>	<i>0%</i>
<i>Completion of 5 years</i>	<i>5%</i>
<i>Completion of 10 years</i>	<i>10%</i>
<i>Completion of 15 years</i>	<i>15%</i>
<i>Completion of 20 years</i>	<i>20%</i>
<i>Completion of 25 years or more</i>	<i>25%</i>

“To be eligible, an employee planning to retire must inform the Council by the 1st day of July of the year prior to retirement date;” that the first payments of the benefit be authorized for employees retiring in budget year 2001. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said budget requests for 2000 have been received and the Committee will now determine dates to meet with Department Heads. Mr. Meyer said the first will be the City Auditor at Noon on Thursday, August 19th.

Councilmember Hansey reported on North Dakota Department of Transportation daily traffic counts for 9th Street North between By-pass 210 and 16th Avenue. He said the count was 3,150 at 16th Avenue and 2,730 at the 210 interchange. Mr. Hansey said he feels that means an awful lot of vehicles are going to locations on 9th Street. He also offered additional counts along 16th Avenue. Mr. Hansey said he believes the figures show a higher-than-average count for 9th Street and he continues to believe that the City should contribute an amount towards the 9th Street resurfacing project. Councilmember Meyer observed that an adopted criteria has been utilized to determine if the City participates in the cost of street projects and the Council has to be prepared to honor all requests if the criteria is changed. Mr. Hansey said he feels the heavy-duty (north) part of the 9th Street surfacing is in anticipation of armory traffic and he asked if there was money available from the Armory Construction Reserve Fund. The Auditor said the Fund was created as a result of a special election to provide money for the local cost of providing for a new armory. He said he feels the voters would have to approve utilization of the money for something other than direct costs for supplying land and providing construction. After additional discussion, Mayor Schmitz instructed the Public Work Committee to continue its review and bring the matter back when a Committee recommendation is determined.

Motion by Christensen, seconded by Hansey, to approve the Highway 210 Cost Participation Agreement with the North Dakota Department of Transportation. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

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

ORDINANCE NO. 802
AN ORDINANCE AMENDING AND
ESTABLISHING NON-CRIMINAL FEES

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 voted in favor thereof: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; 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 offered second reading of the following Ordinance and moved its adoption:

ORDINANCE NO. 803
AN ORDINANCE AMENDING SECTION 22-203
QUALIFICATIONS FOR LIQUOR LICENSE

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: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; 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 Meyer, to approve transfer of the Chuckø Off Sale Class B Liquor License to BONESSA, Inc., and to approve Timothy Reiff as Manager. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

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

ORDINANCE NO. 804
AN ORDINANCE AMENDING ORDINANCE NO. 645
(AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT
COMMISSION)

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 voted in favor thereof: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; 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 Meyer, seconded by Sturdevant, to appoint the following Commissioners of the Economic Development Commission:

Term ending

<i>City Council Member</i>	Richard Loberg	6/30/2002
<i>Comm. Dev. Corp. Member</i>	Russell Denault	6/30/2001

At Large Member (formerly DDC) **Ed Uhlich** 6/30/2000

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

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 2992
RESOLUTION COMMENDING MARK C. KRAUSENECK
AS THE GREATER NORTH DAKOTA ASSOCIATION'S
ND COMMUNITY LEADERSHIP AWARD RECIPIENT

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: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; and the following voted against the same: None.

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

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY 12:30 pm 08/17/99 <> PUBLIC WORKS Noon
08/18/99

FINANCE & ECON DEV Noon 08/19/99 <> FLOOD MITIGATION Noon
08/24/99

Motion by Hauck, seconded by Mathiason, to recess and enter into closed session for discussion of lawsuit matters with City Attorney Steve Lies. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

The closed session was then conducted and recorded on audio tape as required by State Law.

Motion by Meyer, seconded by Mathiason, to end the closed session and reconvene the regular meeting. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Mathiason, Sturdevant; voting nay: None.

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

ATTEST:
Mayor

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

AUGUST 23, 1999

Pursuant to due call and notice thereof, a special joint meeting of the Wahpeton City Council and Wahpeton Planning Commission was duly held at City Hall on the 23rd day of August, 1999 beginning at 5:00 p.m.

The following members of the **Wahpeton City Council** were present: Mayor Duane M. Schmitz, Councilmembers Richard A. Hauck, Dr. Delray Mathiason, Tim Schmidt, Warren D. Meyer.

The following Councilmembers were absent: Richard A. Loberg, James P. Sturdevant, Charles B. Christensen, Meryl T. Hansey.

The following members of the **Wahpeton Planning Commission** were present: Commissioners Arvid Christenson, John Bang, Donna Keogh, Allen Larson, Michael Grogan, Roger Slotten.

The following Commissioner was absent: Richard A. Loberg.

Officers present: Public Works Director, Finance Programs Director, Assessor, Attorney, Auditor.

Others present: Attorney Fred Strege, E.W. Oliver, Tom Wold.

Mayor Schmitz and Planning Commission Vice President Hauck presided at the meeting.



Mayor Schmitz and Planning Commission Vice President Hauck called the meeting to order.

Public hearings, following publication of legal notices, were held before the City Council and Planning Commission regarding proposed Street Vacations and Rezoning in Valley First Addition. A map was projected showing the inter-related proposals. The Street Vacations proposed were shown to be all of Western Road and the northern portion of 18th and 19th Avenues. The R-3 to B-2 rezoning proposals displayed were for Lots 7, 8, 9, 10 & 11, Block 4, and Lots 7, 8, 9, 10 & 11, Block 5.

The City Auditor reported no written protests had been received.

Attorney Fred Strege observed there have been several questions raised about the proposals and a meeting was held earlier in the day between landowners E. W. Oliver of Valley Enterprises and Tom Wold of Dakota Hospitality. The Attorney said a lot of the questions were resolved but not

all. He said all agree that the necessary street vacation and rezoning should be approved in order to allow the Farm Credit Services project to continue (on Lots 13 & 14, Block 3 and Lots 10 & 11, Block 5). Attorney Strege reported he had received word from City Hall that it would be permissible to extend to the west the Land Resources street vacation request if Dakota Hospitality (the abutting property owner) agrees to allowing vacation of Western Road to 19th Avenue. The Attorney said Mr. Wold has agreed to the proposal while Mr. Oliver and Mr. Wold are working out the rest of the particulars.

A map was displayed delineating the portion of Western Road for vacation between 3M Drive and 19th Avenue. It was pointed out that street vacation to the intersection with 19th Avenue would eliminate any need for a cul-de-sac and it would provide progress towards allowing Farm Credit Services to locate on the property along 3M Drive.

E. W. Oliver reported he supports the Farm Credit Services project and has no objection to rezoning of its lots and the vacation of Western Road to 19th Avenue as suggested. He said he is very opposed to the proposed cul-de-sacs on 18th & 19th Avenues. Mr. Oliver said he is proposing that all of 18th and 19th Avenues be vacated and that the area be replatted. He said he had supplied a drawing to the Commissioners and Councilmembers proposing the changes and asked for some additional time to continue his discussions with Mr. Wold.

Tom Wold also expressed his approval of vacating the additional portion of Western Road to 19th Avenue in order to allow the Farm Credit Services project to proceed. He noted that he had submitted a street vacation proposal in 1995, which was denied, and the new request will allow flexible planning for development on Dakota Hospitality's property. Mr. Wold said he also dislikes cul-de-sacs but was willing to accept them if necessary to effect the vacation and rezoning. He reported that he is not opposed to Mr. Oliver's desire to vacate all of the streets and replate the area. Mr. Wold joined in asking the Commission and Council for some additional time to prepare and submit the documentation.

Motion by Larson, seconded by Slotten, for the Planning Commission to recommend that the City Council vacate Western Road between 3M Drive and 19th Avenue; that rezoning from R-3 to B-2 be approved for the Lots described in Blocks 4 and 5 of Valley First Addition upon assurance that proposed replatting will be accomplished. Motion carried 7-0. Voting aye: Christenson, Keogh, Larson, Bang, Grogan, Slotten, Hauck; voting nay: None.

Motion by Slotten, seconded by Keogh, to adjourn the Planning Commission meeting. Motion carried.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2993
A RESOLUTION VACATING WESTERN ROAD
BETWEEN 3M DRIVE AND 19TH AVENUE NORTH

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: Meyer, Hauck, Schmidt, Mathiason; and the following voted against the same: None. Whereupon said Resolution

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

The City Council discussed the rezoning proposals. It was decided that two Ordinances should be provided. The first to rezone the Farm Credit Services Lots so that the project may proceed. The second Ordinance will be offered with the recommendation to refrain from further action until Mr. Oliver and Mr. Wold return with a proposed replat of the property that is acceptable to the Planning Commission and City Council.

Councilmember Meyer offered first reading of the following Ordinance:

ORDINANCE NO. 805
AN ORDINANCE REZONING FROM R-3 TO B-2
(Lots 10 & 11, Block 5 - Valley First Addition)

Councilmember Meyer offered first reading of the following Ordinance:

ORDINANCE NO. 806
AN ORDINANCE REZONING FROM R-3 TO B-2
(Lots 7, 8, 9, 10 & 11, Block 4 and
Lots 7, 8 & 9, Block 5 - Valley First Addition)

As granted through the Mayor's directive during the August 16th Council meeting, the Public Works Director presented a report of proposed improvements for 6th Avenue South between 6th and 8th Streets. He said the project, which is designated as **Special Improvement Project 2-3-99**, may now begin with the adoption of the required Resolutions. The Director also recommended a motion be adopted to employ Interstate Engineers to prepare plans and specifications.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2994
RESOLUTION CREATING SANITARY SEWER, STORM SEWER,
WATER AND STREET IMPROVEMENT DISTRICT 2-3-99
(Sixth 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: Meyer, Hauck, Schmidt, Mathiason; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2995
RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR THE IMPROVEMENT IN SANITARY SEWER, STORM SEWER,
WATER AND STREET IMPROVEMENT DISTRICT 2-3-99
(Sixth Avenue South)

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: Meyer, Hauck, Schmidt, Mathiason; and the following voted against the same: None. Whereupon said Resolution

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

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 2996
**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT
FOR THE IMPROVEMENT IN SANITARY SEWER, STORM SEWER,
WATER AND STREET IMPROVEMENT DISTRICT 2-3-99
(Sixth 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: Meyer, Hauck, Schmidt, Mathiason; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Councilmember Schmidt offered the following Resolution and moved its adoption:

RESOLUTION NO. 2997
**RESOLUTION DETERMINING WRITTEN PETITION FOR IMPROVEMENT
SIGNED BY A MAJORITY OF PROPERTY OWNERS RECEIVED REQUESTING
WAIVER OF PUBLIC HEARING OF NECESSITY OF THE IMPROVEMENT IN
SANITARY SEWER, STORM SEWER, WATER AND STREET IMPROVEMENT
DISTRICT 2-3-99
(Sixth 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: Meyer, Hauck, Schmidt, Mathiason; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2998
**RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT IN SANITARY SEWER,
STORM SEWER, WATER AND STREET IMPROVEMENT DISTRICT 2-3-99
(Sixth 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: Meyer, Hauck, Schmidt, Mathiason; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Motion by Hauck, seconded by Schmidt, to authorize execution of a contract with Interstate Engineers for preparation of Plans and Specifications for the 2-3-99 Special Improvement Project. Motion carried 4-0. Voting aye: Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

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

WAHPETON CITY COUNCIL

ATTEST:
Schmitz, Mayor

Duane M.

Arden C. Anderson, City Auditor

WAHPETON PLANNING COMMISSION

ATTEST:
Vice President

Richard A. Hauck,

Arden C. Anderson, Secretary

City of Wahpeton Minutes

SEPTEMBER 7, 1999

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at City Hall on the 7TH day of September, 1999 beginning 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, Charles B. Christensen, Meryl T. Hansey.

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

Officers present: Public Works Director, Finance Programs Director, Assessor, Attorney, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Schmidt, to approve the minutes of the regular meeting held August 16, 1999. Motion carried.

Motion by Hauck, seconded by Schmidt, to approve the minutes of the special meeting held August 23, 1999. Motion carried.

A public hearing, following publication of legal notice, was held regarding proposed rezoning of a 1 acre parcel along 11th Street North bordering Plummer Addition from Business Highway B-3 to Multi-Family R-3. The purpose of the new zoning is to allow construction of a church building and parking lot. No one attended in opposition and no written protests had been received. Planning Commission Vice President, Richard Hauck, reported the Planning Commission had held its public hearing at 4:00 p.m. and had voted to recommend approval of the new zoning.

Councilmember Hauck offered first reading of the following Ordinance:

ORDINANCE NO. 807
AN ORDINANCE REZONING
PART OF SE¹/₄SE¹/₄ OF SECTION 32,
TOWNSHIP 133 NORTH, RANGE 47 WEST

A public hearing, following publication of legal notice, was held regarding proposed rezoning of all 6 Lots in Block 1, NorthPark Addition, from Light Industrial I-1 to Multi-Family R-3. The purpose of the new zoning is to allow remodeling of the structure on Lots 1 & 6 as a church building and to provide for a parking lot. No one attended in opposition and no written protests had been received. The City Auditor reported 2 letters of support had been received from area property owners (Bob Comstock of Land Resources Corporation and Perry Miller of Super 8

Motel) supporting the proposed rezoning for church purposes. Planning Commission Vice President, Richard Hauck, reported the Planning Commission had held its public hearing at 4:00 p.m. and voted to recommend approval of the new zoning.

Councilmember Hauck offered first reading of the following Ordinance:

ORDINANCE NO. 808
AN ORDINANCE REZONING
LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 1
NORTH PARK ADDITION

Councilmember Sturdevant stated he had concerns and wondered about zoning code restrictions as they relate to churches. The City Attorney and Public Works Director said there are some. Attorney Lies said one of the codes requires liquor establishments to be at least 150 feet away from church property. Director Lein said the current zoning requires a 25-foot side yard and the proposed zoning would add an additional 10 feet of side yard.

Councilmember Christensen asked the City Attorney if he felt the change would get the City involved in "spot zoning." Attorney Lies said there are varying court interpretations as to what constitutes "spot zoning" so he couldn't give a definite answer. He said the Block is mostly bordered by commercially-zoned lots but he also observed that Block 1's southern lots along Wheatland Road are right across the street from residentially-zoned property in Block 2.

Reverend David Tuthill and several Assembly of God Church members were in attendance. Rev. Tuthill reported the property in Block 1 provides the church with three times the space it currently occupies on the City's south side. He noted two adjoining property owners have filed letters of support for the proposed new usage of the building and land. He said the church intends to be a good neighbor there. Answering a question from Councilmember Sturdevant, Rev. Tuthill said the Assembly of God Church owns Lots 1 & 6 and has an option to purchase Lots 2, 3, 4 & 5 once the new zoning is accomplished.

A public hearing, following publication of legal notice, was held regarding proposed rezoning of several parcels in Hubbard & Tyler's Addition from B-3 and Light Industrial I-1 to Heavy Industrial I-2. The property (Block A, Block E, Block 14, and some adjoining, oddly-shaped parcels) is located between 6th and 7th Avenues South. The purpose of the

new zoning is to allow qualified industrial development. No one attended in opposition and no written protests had been received. Planning Commission Vice President, Richard Hauck, reported the Planning Commission had held its public hearing at 4:00 p.m. and, after discussions with the Public Works Director and the petitioner's attorney Fred Strege, voted to recommend approval of I-1 Zoning for all of the parcels.

Councilmember Hauck offered first reading of the following Ordinance:

ORDINANCE NO. 809
AN ORDINANCE REZONING FROM B-3 TO I-1
(Blocks A, E and 14 & adjoining parcels – Hubbard & Tyler's Addition)

Attorney Strege reiterated the discussions and interpretations from the Planning Commission meeting. He said it had been stated industrial use similar to Industrial Plating, Crystal Creek Bottling, RoBanks Manufacturing, and Northwestern Sheet & Iron would be allowable usage under I-1 zoning although there would be restrictions on outside storage. Attorney Strege said he had contacted his client, Bob Comstock, between meetings and Mr. Comstock has no objection to I-1 zoning under the interpretation of usage agreed upon. He also noted that it had been agreed there will be additional investigation into I-1 & I-2 differences and, if it is determined that there are any potential problems, he will want to address the City Council prior to second reading of Ordinance 809.

A public hearing, following publication of legal notice, was held regarding the proposal of Lake Agassiz Regional Development Corporation for a 20-year tax exemption for the purpose of constructing a 31-plex Senior Congregate Housing Complex west of 5th Street South between 3rd & 4th Avenues. The proposal is to pay in lieu of taxes in 5-year increments as follows:

First 5 years	\$	0
Years 6-10		10,000
Years 11-15		15,000
Years 15-20		20,000

The City Auditor reported no written protests had been received. He presented a letter from Jerry L. Meide which expressed neither support nor objection. Rather, the letter related Mr. Meide's intention to file for similar tax abatements for apartments he plans to construct next year.

Irv Rustad of LARDC attended and reported the decision whether or not to construct the facility depends upon the tax exemptions. He said the large amount of common area increases the construction and fixed debt financing costs, and, with the exemption the project will be able to provide rents comparable to similar units in near-by communities.

Wahpeton School Superintendent Mike Connell attended and presented documentation about the loss of tax revenue should the exemption be granted. His report noted that, at current mill levies, the complex would generate about \$52,000 of annual property taxes of which approximately \$23,000 would be designated for the school district. Mr. Connell's chart revealed that over the course of the 20-year in lieu of taxes formula, income to the school would be reduced by about \$361,000. He said the amount would be of concern to the school district.

Mr. Rustad observed that there is only minimal taxes on the property's bare lot now so no one would be losing anything which already exists. He added that there could be a benefit to the school census because in-town residents who would move to the independent living units would free up houses for sale to families wishing to move to Wahpeton.

Superintendent Connell asked if the City hadn't been denying requests for exemptions. Finance Programs Director Priebe said 100% exemptions have all been denied. She said partial exemptions have been granted for projects in Urban Renewal Areas. Assessor Stromberg said she agrees there are very little taxes on the property now and there wouldn't be a loss of what already exists.

However, she said, the Council should be aware that there will be additional requests which could possibly have an impact.

It was then pointed out that State Law requires school representation when deciding upon tax exemptions of this sort. Therefore, Mayor Schmitz instructed the Finance Committee to determine a date for a committee meeting with Mr. Connell and Mr. Rustad present.

E. W. Oliver attended and reported he had submitted a petition to the City Auditor requesting vacation of the remaining portions of 18th and 19th Avenues in Valley First Addition. The Auditor reported the petition contains authorized signatures of all adjoining property owners: Thomas Wold of Dakota Hospitality, E. W. Oliver of Valley Enterprises, and Robert Comstock of Land Resources Corporation. A map of the proposal was revealed. Auditor Anderson said the Planning Commission recommends the vacation be allowed.

Motion by Hauck, seconded by Schmidt, to authorize publication of notice for public hearing at 5:00 p.m. on October 18, 1999 for the proposed vacation of the remainder of 18th and 19th Avenues in Valley First Addition. Motion carried 6-0. Voting aye: Christensen, Hansey, Hauck, Mathiason, Schmidt, Sturdevant; voting nay: None.

The Council took up the question of rezoning proposals in Valley First Addition. It was decided that Ordinance No. 805 should be approved as it rezones the Farm Credit Services property including the vacated portion of Western Road. It was also decided that Ordinance No. 806, rezoning property along the remaining portion of Western Road and 18th & 19th Avenues, will be delayed until after the Street Vacation Public Hearing on October 18th.

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

ORDINANCE NO. 805
AN ORDINANCE REZONING FROM R-3 TO B-2
(Lots 10 & 11, Block 5 - Valley First Addition)

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Sturdevant, and upon vote being taken thereon, the following voted in favor thereof: Christensen, Hansey, Hauck, Mathiason, Schmidt, Sturdevant; 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 the City Auditor.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 538
WAHPETON ROTARY CLUB

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, Sturdevant, Mathiason, Schmidt, 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 to by the City Auditor.

Motion by Schmidt, seconded Mathiason, to approve a Games of Chance Site Authorization for Head of the Red Youth Activities Association at Giuliana's/Mexican Village, 995 21st Avenue North, for the period September 8, 1999 through June 30, 2000. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey; voting nay: None.

The City Auditor reported he had received an application, dated August 31, 1999, for a C-1 Restaurant On-Sale Liquor License in the name of **Giuliana's & Mexican Village at the Super 8 Motel** annex at 995 21st Avenue North. He said the applicant is under a corporation entitled, WoHaNyLu, Inc., of Staples, Minnesota and Patty Hentges of Great Bend, North Dakota has been named General Manager. He said all fees have been deposited and the license could be issued with approval by the Chief of Police following background checks of owners and Managers.

Chief of Police Lotzer said he has completed his background check of the corporation's Officers & General Manager and finds no problems. He said Vicki R. Drennan has been proposed as Manager of the Liquor License. The Chief reported he is just finishing up his investigation of Ms. Drennan and will recommend her approval as Liquor License Manager.

Motion by Christensen, seconded by Hansey, to approve the following 1999 Liquor License:
ON SALE (CLASS C-1 : LIQUOR, BEER & WINE - RESTAURANT OF 150 SEATS OR MORE)

Fee: \$2,219.00 plus \$2,219.00 application fee

<u>LICENSE HOLDER</u>	<u>BUSINESS NAME</u>	<u>MANAGER</u>	<u>LOT / BLOCK / ADDN</u>
WoHaNyLu, Inc. 1 Cenex	GIULIANA'S/MEXICAN VILLAGE	Vicki R. Drennan	2

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

The Public Works Director presented Improvement District 2-3-99 Plans & Specifications which had been completed by Interstate Engineers as authorized by the Council's motion on August 23rd. He recommended the plans be adopted and bids be called for to be opened at 1:15 p.m. on October 1, 1999.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 2999
RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ESTIMATE OF COST FOR THE IMPROVEMENT IN SANITARY SEWER,
STORM SEWER, WATER AND STREET IMPROVEMENT DISTRICT 2-3-99
(Sixth Avenue South)

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: Christensen, Hansey, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: None.

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

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 3000
**RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT
FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT IN SANITARY SEWER,
STORM SEWER, WATER AND STREET IMPROVEMENT DISTRICT 2-3-99
(Sixth Avenue South)**

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

Director Lein reported he has received a petition from the owner of West Briarwood Addition requesting installation of streets, water, sanitary sewer, & storm sewer service under ongoing improvement projects. The Public Works Director said the owner has put up a letter of credit in the amount of 50% of the total improvements due to the uniqueness of the requests. In light of the petition and receipt of the letter of credit, Director Lein recommended approval to supply streets and services for West Briarwood Addition as requested.

Councilmember Hauck offered the following Resolution and moved its adoption:

RESOLUTION NO. 3001
**RESOLUTION TO ENLARGE SANITARY SEWER, WATER AND STORM SEWER
IMPROVEMENT DISTRICT 1-4-98 TO ADD PROPERTY AREA "WB"
(WEST BRIARWOOD 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: Christensen, Hansey, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Councilmember Schmidt offered the following Resolution and moved its adoption:

RESOLUTION NO. 3002
**RESOLUTION TO ENLARGE STREET
IMPROVEMENT DISTRICT 2-2-99 TO ADD PROPERTY AREA "WB"
(WEST BRIARWOOD 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: Christensen, Hansey, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Senior Engineer Technician Jim Azure presented a copy of the "Consumer Confidence Drinking Water Report." He said the Environmental Protection Agency and State Health Department

require the report under the Federal and State Safe Drinking Water Act. Mr. Azure said the City of Wahpeton meets or exceeds all standards and the report will be in the newspaper plus included on Wahpeton's Web page.

The Finance Programs Director reported on recommendations of the Economic Development Commission from its meeting held August 30, 1999: 1) That the \$310,000 interest debt of the PrimeBoard Promissory Note (between the City and Wahpeton Community Development Corporation) be forgiven as PrimeBoard has expended \$443,761 to expand its operation. The principal of the \$1 million stock redemption was received by the City in June of 1998. 2) That NDSCS's Jerry Migler, Workforce Training Director for Southeast North Dakota, be appointed to the Board of the Economic Development Commission to fill the "At Large" vacancy.

Motion by Sturdevant, seconded by Schmidt, to approve the recommendation of the Economic Development Commission and forgive the \$310,000 PrimeBoard Interest Debt by recognizing its expenditures for expansion. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey; voting nay: None.

Motion by Hauck, seconded by Sturdevant, to appoint the following Commissioner of the Economic Development Commission: **At Large Member - Jerry Migler – Term ending 6/30/2002.**

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

A letter had been received from Linda Liebert-Hall of North Dakota Small Business Development Center offering free individual counseling to small business owners. The letter will be kept on file for reference.

A letter of resignation had been received from Meter Reader Travis Carufel effective September 11, 1999. Mr. Carufel has been offered a position in Bismarck.

A letter was received from Sewer & Water Foreman Vernon Krause stating his intent to retire as of January 3, 2001.

A letter had been received from Water Plant Superintendent Lyle Mitzel requesting an exception to the partial pay for unused sick leave policy so that he may benefit if he leaves employment before 2001.

Mayor Schmitz read a Proclamation recognizing the good work of the Veterans of Foreign Wars during the 100th Anniversary of the Organization.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He reported the Committee had sent out proposed job descriptions for the positions of City Administrator and Economic Development Specialist. He asked the Council to approve the descriptions.

Motion by Hauck, seconded by Sturdevant, to approve the **City Administrator Job Description**. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey; voting nay: None.

Motion by Hauck, seconded by Sturdevant, to approve the **Economic Development Specialist Job Description**. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey; voting nay: None.

Councilmember Sturdevant reported for the Finance & Economic Development Committee. He said the Committee had reviewed the **3 Urban Renewal Tax Abatements** and makes the following recommendations:

1. **DBS, Inc. (Steve Hinsverk) Car Wash** ó Approve a 50% urban renewal abatement on qualified expenses for a maximum term of 5 years. This will amount to \$1,925.00 per year for five years beginning with tax year 2000 and ending with the tax bill due February 2005. Total exemption: \$9,629.21 (based upon current mill rate).
2. **Uhlich Investments (Ed Uhlich) Convenience Store** ó Approve a 50% urban renewal abatement on qualified expenses for a maximum term of 5 years. This will amount to \$1,980.53 per year for five years beginning with tax year 2000 and ending with the tax bill due February 2005. Total exemption: \$9,902.66 (based upon current mill rate).
3. **SIMJIM, Inc (Jim Marohl) Apartments** ó One written protest had been received. One verbal protest was received at the Council meeting on August 16th. The Committee recommended at first to deny the application, however, further information was provided to committee members on the unexpected utility costs to the developer, and the committee now recommends a one-time \$3,148.75 abatement for tax year 2000.

Councilmember Hauck wondered how the recommended abatements differ from the proposal submitted for the 31-plex Senior Congregate Housing Complex òin lieu of taxesö exemption proposal. The City Attorney explained that the three recommended partial exemptions are under Urban Renewal laws which encourage removal of detrimental buildings and construction of new buildings in Urban Renewal Districts.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 3003

RESOLUTION APPROVING PARTIAL TAX EXEMPTION TO DBS, INC.

AND AUTHORIZING MAYOR AND CITY AUDITOR TO EXECUTE AGREEMENT

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

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 3004
**RESOLUTION APPROVING PARTIAL TAX EXEMPTION TO UHLICH
INVESTMENTS.**

AND AUTHORIZING MAYOR AND CITY AUDITOR TO EXECUTE AGREEMENT

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

Councilmember Sturdevant offered the following Resolution and moved its adoption:

RESOLUTION NO. 3005

RESOLUTION APPROVING PARTIAL TAX EXEMPTION TO SIMJIM, INC.

AND AUTHORIZING MAYOR AND CITY AUDITOR TO EXECUTE AGREEMENT

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

Councilmember Sturdevant further reported that the Finance & Economic Development Committee reviewed the proposal of the Region V Community Development Corporation for options, through September 30, 1999, on Lots 1-6 Block 2, NorthPark Addition for the purpose of erecting six single-family, low & moderate income homes. He said the Committee recommends approval of an option for sales at \$7,500 per lot via a \$4,500 option fee.

Motion by Sturdevant, seconded by Hansey, to approve the recommendation of the Finance & Economic Development Committee for option of the 6 NorthPark Lots to RVCDC through September 30, 1999. Motion carried 6-0. Voting aye: Hauck, Sturdevant, Mathiason, Schmidt, Christensen, Hansey; voting nay: None.

Mr. Sturdevant concluded by reporting the Finance/Budget Committee has met with Department Heads and reviewed requests for next year's expenditures. He said the Committee has held additional meetings to review income sources and adjust proposed expenses where appropriate. Mr. Sturdevant said the Committee has basically balanced the Capital Improvements Fund and General Fund Budgets for the Year 2000. He said the Committee will again be meeting at Noon on September 10th to fine tune income and expense items in order to offer a balanced budget proposal to the City Council at its next meeting.

Councilmember Sturdevant offered first reading of the following Ordinance:

ORDINANCE NO. 810

**AN ORDINANCE MAKING AN APPROPRIATION FOR THE CITY OF
WAHPETON, NORTH DAKOTA FOR THE YEAR 2000**

Councilmember Hansey noted that a house on 5th Avenue South, obtained by the City for levee construction purposes, had been sold through bids and it was his understanding it was supposed to

be removed by the bidder. Mr. Hansey said the house has been stripped but it appears the bidder has no intention of moving the house off the lot. He wondered if that isn't a violation of the sale agreement. The Public Works Director said the bidder had the option of salvage or removal of the house. He said the deadline for removal has passed so the City has taken the property back and will see to its removal from the lot.

The Finance Programs Director asked to meet with the Finance & Economic Development Committee to discuss possible phasing out of Tax Increment Financing Abatements in Urban Renewal Districts.

Motion by Sturdevant, seconded by Mathiason, to approve payment of bills presented in the amount of \$351,256.78 and that warrants be drawn upon their respective funds. Motion carried 6-0. Voting aye: Christensen, Hansey, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Motion by Hauck, seconded by Schmidt, to approve the following reports: JUL Wahpeton Water Works, JUL Municipal Court, AUG Police Department, 3rd QTR Economic Development Commission. Motion carried 6-0. Voting aye: Christensen, Hansey, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The following Committee meetings were scheduled:

FINANCE & ECON DEV	Noon	9/8/99
FLOOD MITIGATION	11:30 am	9/9/99
PERS & PUBLIC SAFETY	12:30 pm	9/9/99
PUBLIC WORKS		no assignments

Motion by Hauck, seconded by Schmidt, to recess and enter into closed session for discussion of lawsuit matters with City Attorney Steven Lies. Motion carried 6-0. Voting aye: Christensen, Hansey, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The closed session was then conducted and recorded on audio tape as required by State Law.

Motion by Sturdevant, seconded by Mathiason, to end the closed session and reconvene the regular meeting. Motion carried 6-0. Voting aye: Christensen, Hansey, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

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

Duane M. Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

SEPTEMBER 20, 1999

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at City Hall on the 20TH day of September, 1999 beginning at 5:00 p.m.

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

The following Councilmembers were absent: None.

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

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Schmidt, to approve the minutes of the regular meeting held September 7, 1999. Motion carried.

Woody Caspers, Director of the North Dakota State College of Science Alumni Foundation, attended and reported Wahpeton native Fritz Scholder has selected the Stern Cultural Center on the NDSCS Campus as the home for several of his paintings. Mr. Caspers said the world-famous artistô known for depicting the contemporary images of Native Americansô has art works displayed in galleries around the world. He said Mr. Scholder will be lecturing at the dedication in the Cultural Center on October 19th and he invited the Mayor and Council to attend. Mayor Schmitz said he plans to attend and steps are already underway to present Mr. Scholder with the Key to the City of Wahpeton.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 539
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 voted in favor thereof: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

The City Assessor reported she has received Applications for Abatement and Settlement of Taxes. Honoring Ms. Stromberg's request, Mayor Schmitz asked the Finance & Economic Committee to make a review of the petitions.

The Public Works Director reported on the nation-wide **Project Impact** grant program funded partially by Federal Funds and partially by local input. He said the North Dakota Emergency Management Agency will receive requests for the Federal grants and applications for projects must be submitted by this coming Wednesday. Director Lein said the grant program is to encourage Cities to complete hazard-resistant projects and he feels Wahpeton's plans would qualify for a grant. If approved, he reported, the grant would total \$300,000 and the City would be obligated to inject \$100,000 as its 25% local share.

Motion by Christensen, seconded by Hansey, to authorize the Public Works Director to make application to the North Dakota Division of Emergency Management for FEMA's \$300,000 **Project Impact** grant and provide the required local 25% share of the total project cost. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Mayor Schmitz reported on resignations and recommendations for members of boards and commissions. He also noted that the Visitors Committee has expanded by two members. He then made the following appointments, subject to Council confirmation:

AIRPORT AUTHORITY 6/30/2000	<u>James Aldrich</u>	Term ends
LIBRARY BOARD 6/30/2002	<u>Jean Freden</u>	Term ends
VISITORS 6/30/2003	<u>Brent Jenson</u>	Term ends
COMMITTEE 6/30/2003	<u>Matt Richter</u>	Term ends

Motion by Hauck, seconded by Meyer, to confirm the Mayor's appointments as listed. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Councilmember Sturdevant reported Police Chief Lotzer attended and successfully completed the Leadership and Ethics Course at the Northwest Region Training Center in Bismarck.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee met with Irv Rustad of Lake Agassiz Regional Development Corporation and Wahpeton School District Superintendent Mike Connell to review LARDC's proposal for a tax exemption to construct a 31-plex Senior Congregate Housing Complex. *(The proposal, documented in the Council's September 7th minutes, is for LARDC to pay set yearly amounts "in lieu of taxes" over a 20-year period. There would be no money paid for the first 5 years)* Mr. Meyer said the Committee is deadlocked 2-2 and cannot offer a recommendation to the City Council. He said 2 Committeemembers feel the project should be market-driven and there should

not be any tax incentives provided in any amount while the other 2 members feel the original proposal asks for too much of an incentive (and should be rejected) but the door should be left open to receive revised proposals. Mr. Meyer said Superintendent Connell stated the School District will not endorse the proposed tax exemption unless provisions are made for the School to receive an amount equaling 100% (\$23,000) of its anticipated yearly property tax under the ðin lieu of taxesö program.

Councilmember Sturdevant reported he is one of the 2 members of the Finance Committee who voted to deny LARDC's original proposal but to leave the door open. He said he feels the project has a lot of merit and deserves some more deliberation should an alternate proposal be received which may be more acceptable to the taxing districts.

Irv Rustad of LARDC stated the Committee meeting was a good one and the concerns of the members and Mr. Connell were clearly pointed out. He said his group is looking at putting together a revised proposal which will hopefully address enough of the concerns to warrant a favorable recommendation to the City Council. Mr. Rustad said he continues to feel that because the proposed project has enough merit for Wahpeton, the Council should delay final action until a new proposal can be offered and discussed.

Mayor Schmitz said he understands the arguments of both factions of the Committee. He said he also feels that the type of housing proposed would be good for Wahpeton and he would like to see an alternate proposal submitted to the Finance & Economic Development Committee for consideration.

Councilmember Meyer said there is no question but that a congregate housing facility is a good plan but continues to feel the decision whether or not to build should be market-driven. He noted the rent proposed for the units would be beyond the affordability of persons on Social Security, and, he said, he believes it's not proper to grant tax incentives for projects which aren't available for all citizens. Mr. Meyer added that he wouldn't be opposed to reviewing an alternate proposal.

Mr. Meyer then submitted the Finance Committee's proposed final draft of the City Budget for the year 2000. He observed that the income contains anticipated revenues from electrical and natural gas franchise fees (totaling \$196,500). He said before acting on the budget, the Council will have to consider extension of those franchise fees for an additional 12 months.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 3006
**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 Christensen, and upon vote being taken thereon, the following voted in favor thereof: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 3007
**RESOLUTION AMENDING RESOLUTION NO. 2810, EXTENDING
ACTIVATION OF GREAT PLAINS NATIONAL GAS CO. FRANCHIS 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: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

The Finance/Budget Chairman reported the final preliminary Budgets for the year 2000 had been mailed to the Mayor and each Councilmember with Agendas. He complimented City Departments on the orderly manner of presenting requests and following up with meetings with the Committee to adjust final totals leading up to a balanced budget.

Mr. Meyer then presented documentation and commented on some of the items contained in the final City Budget submitted for approval: All Mill Levies remain at 1999 levels except General Fund reduced by .69 Mill. Each Mill is estimated to be worth about \$100 more than in 1999. Mills levied are 128.65 as compared to 129.34 last year. The General Fund Expense Budget is 1.63% higher. Total Expenditure for all Funds is 1.51% higher. A 2% cost-of-living adjustment was made to the Salary Schedule. A \$17,000 item for possible Administrator is included as General Fund's share. The City shares in the cost for an extra employee at the Communications Center. All Jail's expenditures have been assumed by Richland County. The extra Patrol Officer (added for Pro Gold, etc, construction) has been dropped. Prisoner Meals' line item is eliminated as a direct City expense and is being paid for through local taxes to Richland County. General Fund transfer for Capital Improvements was reduced \$23,000. State Revenue Sharing is defunct one calendar quarter of payments was received in 1999. State Aid Distribution will increase because all 4 quarters will be received. All other income sources remain basically the same.

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

ORDINANCE NO. 810
**AN ORDINANCE MAKING AN APPROPRIATION FOR THE CITY OF
WAHPETON, NORTH DAKOTA FOR THE YEAR 2000**

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.

Finance/Budget Committee member Hansey said he disagreed with inclusion of the General Fund's \$17,000 contribution as its share for a City Administrator. He said he feels an Administrator will be required in time, however, he felt the position is not financially feasible in 2000 as too many equipment requests were denied to provide for the salary's line item.

Mr. Meyer noted that the General Fund's \$17,000 for Administrator would be 1/3 of the total salary which is on par with other senior officers. He added that the amount included is for budget purposes, only, and the Council would have to adopt a later motion to approve creation of the position and advertise for applicants. Councilmember Meyer said he disagrees that equipment

needs were cut in order to supply the Administrator line item. He said the major items cut were: A second police vehicle as it was determined one would be sufficient following usage changes; A staff car. Mileage will continue to be paid; An LCD projector. The item would enhance presentations at Council meetings but would be a luxury. Mr. Meyer said he feels the demands of City government are such that Wahpeton needs an Administrator to supervise its over-all operation.

Councilmember Hauck said the Personnel Committee has been reviewing the position of Administrator for several months and is unanimous in its opinion that the position is needed now.

Mayor Schmitz then called for a vote regarding proposed passage of **ORDINANCE NO. 810**. The following voted in favor: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: Hansey. Whereupon Mayor Schmitz declared said Ordinance duly passed and adopted on a vote of 7 in favor and 1 opposed. The Ordinance was then signed by the Mayor and attested to the City Auditor.

Second reading was scheduled for the Ordinance to rezone a 1 acre parcel along 11th Street North bordering Plummer Addition from Business Highway B-3 to Multi-Family R-3. The purpose of the new zoning is to allow construction of a church building and parking lot. Mayor Schmitz asked for comments. There were none.

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

ORDINANCE NO. 807
AN ORDINANCE REZONING
PART OF SE¼SE¼ OF SECTION 32,
TOWNSHIP 133 NORTH, RANGE 47 WEST

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

Second reading was scheduled for the Ordinance to rezone all 6 Lots in Block 1, NorthPark Addition, from Light Industrial I-1 to Multi-Family R-3. The purpose of the new zoning is to allow remodeling of the structure on Lots 1 & 6 as a church building and to provide for a parking lot. Additional letters of support were provided to each Council member. Mayor Schmitz asked that second reading of the Ordinance be laid on the table prior to comments.

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

ORDINANCE NO. 808
AN ORDINANCE REZONING
LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 1

NORTH PARK ADDITION

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

Councilmember Hansey stated that although he believes the church will be a good neighbor, he isn't sure there wouldn't be future problems, and he continues to have concerns about placing a church building adjacent to commercial zones. But, mainly because adjoining property owners have submitted letters of support, Mr. Hansey said, he will put his personal beliefs aside and will vote in favor of the rezoning.

Councilmember Meyer agreed that proper zoning wouldn't typically allow a church building in the neighborhood of an industrial zone. He noted there would be some location restrictions of certain businesses adjoining the church property. On the other hand, Mr. Meyer said, the members of the church also have to be aware that a supper club with liquor license could be located on an adjoining lot if footage restrictions are adhered to.

Reverend David Tuthill and several Assembly of God Church members were in attendance. Rev. Tuthill reported he has had conversations with the entire church council to review some of the concerns relayed from members of the City Council. He said all nearby property owners have been approached and all are in favor of the church as a neighbor. The Planning Commission made its review and recommended approval. Pastor Tuthill reviewed the drawings presented showing remodeling plans. He said there will be about \$400,000 to \$500,000 spent to make the new usage attractive and usable for its new purpose. He said 3 of the lots will be utilized immediately for the existing building and parking; the remaining 3 lots will be reserved for expansion purposes. Pastor Tuthill also addressed the concern of removing property from the tax rolls by stating there are some preliminary discussions with Red River Human Services and the Chamber of Commerce to place the existing south side church building back on the tax rolls by utilizing it as a day care center. Addressing the supper club/liquor license issue, Pastor Tuthill said he has no objections, is in favor of additional eating establishments in Wahpeton, and knows a lot of his parishioners would be pleased to have a restaurant located on the next lot.

There were some additional questions about zoning and location restrictions. Attorney Lies answered that zoning classifications can't be altered to accommodate restrictions in a given area. Rather, he said, the regulations must be "universal" and treat all areas of the City equally. It was also pointed out that most restrictions concern a "traveled route," and, as the Public Works Director reported, there are no plans to extend the entrance road into the Block 1 from 11th Street North. He said blocks to the west will be served initially by 3M Drive.

There being no further comments, Mayor Schmitz then called for a vote regarding proposed passage of **ORDINANCE NO. 808**. The following voted in favor: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: None. Whereupon Mayor Schmitz declared said Ordinance duly passed and adopted on a vote of 8 in

favor and none opposed. The Ordinance was then signed by the Mayor and attested to the City Auditor.

Second reading was scheduled for the Ordinance to rezone Blocks E and 14 in Hubbard & Tyler's Addition from B-3 to I-1 in order to allow for qualified industrial development. Mayor Schmitz asked for comments. The City Attorney noted the original petition was for a larger area and that the zoning be I-2. However, after review by the Planning Commission, the petitioner's attorney, Fred Strege, and City officials, the request was amended to provide I-1 zoning for the entire tract and, as Block A and adjoining parcels are already zoned I-1, only Blocks E and 14 are affected.

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

ORDINANCE NO. 809
AN ORDINANCE REZONING FROM B-3 TO I-1
(Blocks E and 14 – Hubbard & Tyler's Addition)

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

Motion by Loberg, seconded by Hansey, to approve the following reports: AUG Police Department, 3rd QTR Economic Development Commission. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Hauck, Meyer, Schmidt, Mathiason, Sturdevant; voting nay: None.

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY	12:30 pm	9/22/99
FINANCE & ECON DEV	Noon	9/27/99
FLOOD MITIGATION	Noon	9/28/99
PUBLIC WORKS	no assignments	

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

Duane M. Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

OCTOBER 4, 1999

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at City Hall on the 4TH day of October, 1999 beginning at 5:00 p.m.

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

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

Officers present: Public Works Director, Police Chief, Finance Programs Director, Attorney, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Schmidt, to approve the minutes of the regular meeting held September 20, 1999. 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, STORM SEWER AND STREET IMPROVEMENT DISTRICT NO. 2-3-99 (6th Avenue South)**.

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Hansey, 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 at 1:15 p.m. on October 1, 1999, 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:

Name & Address of Bidder

Estimated Contract Price

Riley Bros. Construction - Morris, Minnesota

\$169,240.80

Geo. E. Haggart, Inc – Fargo, North Dakota

217,066.00

Comstock Construction – Wahpeton, North Dakota

231,617.25

Upon motion duly made by Councilmember Christensen, seconded by Councilmember Hansey, 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, STORM SEWER AND STREET IMPROVEMENT DISTRICT NO. 2-3-99 (6th Avenue South)**, which bids were received on the 1st day of October, 1999, 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 Public Works Director stated he and Interstate Engineers recommend the contract to be awarded to Riley Bros. Construction for its low bid of \$169,240.80. 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. 3008
**RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF AN
IMPROVEMENT IN SANITARY SEWER, WATER, STORM SEWER
AND STREET IMPROVEMENT DISTRICT NO. 2-3-99
(6th Avenue South)**

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: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; 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 agenda listed a request by the Wahpeton Park Board to discuss a possible Joint Powers Agreement for special assessments of road improvements. It was reported that a second letter had been received withdrawing the request.

Dan Rood Jr., of 518 Western Road attended and asked for Ordinance enforcement in order to clean up a next door lot. He presented photographs showing a ridge of dirt overgrown with weeds. Mr. Rood said the condition has existed for two years, is an eyesore, and causes draining problems.

It was noted that a letter had been received on October 1st from the property owner stating the owner has a signed agreement to construct a home on the property. The letter said the dirt will be spread over the lot once a down payment is received. Further discussion revealed that after obtaining a building permit Ordinances allow 180 days for lot preparation but there has not been application for a building permit. The Public Works Director discussed the Ordinances which could be employed. Mayor Schmitz stated he had viewed the lot personally and agrees with Mr. Rood's assessments. He instructed the Public Works Director and Police Chief to take steps necessary for solution.

Councilmember Hansey offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 531
DUCKS UNLIMITED

Councilmember Schmidt offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 540

WAHPETON HIGH SCHOOL “CLOSE UP”

Councilmember Mathiason offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 541

UNITED CHURCH OF CHRIST

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

Motion by Hauck, seconded by Schmidt, to approve the following Licenses:

<u>LICENSEE NAME</u>	<u>BUSINESS NAME</u>	<u>CABARET</u>
<u>AMUSEMENT DEVICES</u>		

<i>WoHaNyLu, Inc.</i>	<i>Giuliana’s/Mexican Village</i>	<i>Class 2</i>
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Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

The Public Works Director reported there has been discussion regarding the need for extending sewer and water service to land currently west of the City Limits. He said several options are available and a feasibility study should be launched. If authorized, Director Lein said, the study could be completed over the winter months. Mayor Schmitz instructed the Public Works Committee to review the request and make recommendation at a later Council meeting.

Director Lein then presented the latest in a long line of agreements for 4th Street North Construction scheduled to take place next year as Project No. 2-1-00. He said it is a standard agreement with the North Dakota Department of Transportation and it states that Federal funds obligated for the project shall not exceed 80.93% of the total eligible project cost up to a max of \$2,400,000. Mr. Lein said Atty Lies has reviewed the document and finds all is in order.

Motion by Christensen, seconded by Mathiason, to authorize the Mayor, City Auditor, and City Attorney to execute the **“Cost Participation, Construction, and Maintenance Agreement—Urban Federal Aid Project”** Agreement with the North Dakota Department of Transportation. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

The Finance Programs Director presented 3 recommendations received from the Economic Development Commission.. **No. 1—Mini-Match Program:** Director Priebe said the new Program will encourage new businesses to locate in Wahpeton and will promote general clean-up of existing properties. The program will receive a \$10,000 input of Sales Tax Funds in 1999 and \$20,000 per year thereafter. Each approved request will be allowed an òp-to-ò \$2,000 matching one-time grant for new business rent subsidy, new or improved signage, or demolition and clean-up projects. Ms. Priebe said her office will receive applications, will determine if the project qualifies, and will release funds.

Motion by Schmidt, seconded by Mathiason, to approve the *Mini-Match Program* as recommended by the Economic Development Commission, to finance the new Program by authorizing a transfer of \$10,000 of Sales Tax Funds in 1999, and to authorize a \$20,000 annual transfer of Sales Tax Funds beginning in 2000. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

No. 2—Kaves Bridal & Tux: The Director said the proposal will provide for a matching lease buyout of \$900 to allow the business to locate at 504 Dakota Avenue. The business will create 3 new jobs in Wahpeton— 2 full-time and 1 part-time.

Motion by Hansey, seconded by Hauck, to approve the *Kaves Bridal & Tux Matching Lease Buyout* as recommended by the Economic Development Commission and to authorize expenditure of \$900 of Sales Tax Funds for that purpose. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

No. 3—SpaceAge Equity to Debt: Ms. Priebe reported steps had been taken earlier in the year to convert two separate stock equity awards to SpaceAge Synthetics as requested by the owner. Rather than receive annual dividend payment, a debt schedule was worked out to receive monthly principal and interest checks at 7% on \$77,500 to balloon in 2004; and annual payments at 3% interest on \$22,500 also to balloon in 2004.

Motion by Meyer, seconded by Schmidt, to approve the recommendation of the Economic Development Commission and concur with the actions taken to *Convert Equity to Debt for SpaceAge Synthetics* effective July 1, 1999. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

Wahpeton Public School District Superintendent, Mike Connell, attended and reported he has submitted a letter to the Council requesting, under NDCC 40-57.1-03, that if the Council agrees to the tax exemption proposed by Lake Agassiz Regional Development Corporation, an annual \$23,000 be paid to the School District in lieu of taxes.

Mayor Schmidt reported the “*Mayor’s Committee on Employment of People with Disabilities*” has an on-going program for educating the public regarding employing local residents with disabilities. He said the Committee will be hosting a recognition Awards Breakfast next April. The Mayor expressed his appreciation of the Committee’s efforts and read a Proclamation declaring the week of October 18, 1999 as: **WAHPETON DISABILITY EMPLOYMENT AWARENESS WEEK.**

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee again met with Irv Rustad of Lake Agassiz Regional Development Corporation and Wahpeton School District Superintendent Mike Connell to review LARDC’s proposal for a tax exemption to construct a 31-plex Senior Congregate Housing Complex. Mr. Meyer said the consensus of the Committee is that the proposal as presented will not receive a favorable recommendation, however, Mr. Rustad was invited to submit alternate proposals.

The Finance Committee Chairman reported on review of two *Abatement of Taxes requests*. He said the first, from *Richland County Vo-Tech*, concerned an oversight in filing a deed for Elm Court Addition land transferred in 1996. He said the City Assessor received the information after the 1998 assessment role has been certified and a County Tax Statement had been received by the tax-exempt organization. In order to tidy up records, Mr. Meyer reported, an abatement for 1998 is required. The second appeal, from *Joel & Ellen Horn*, requested an adjustment in valuation following an August appraisal and subsequent review by the City Assessor. Chairman Meyer said the Finance Committee agreed with the recommendation of the City Assessor and asks the City Council to coincide with reducing the value by \$14,500.

Motion by Meyer, seconded by Christensen, to approve a 100% Abatement of Taxes for the year 1998 as petitioned by *Richland County Vo-Tech* and recommended by the City Assessor. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

Motion by Meyer, seconded by Hansey, to approve an adjusted valuation of \$46,400 as recommended by the City Assessor for the property at *419 1st Street North* as requested by the Abatement of Taxes petition received from *Joel & Ellen Horn*. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; nay: None.

During the process of adopting the revised Liquor License Ordinance in 1997, the City Council had charged the Finance Committee with the responsibility of reviewing Liquor License fees every year for recommendation of annual adjustments rather than resorting to large, unpopular, catch-up changes as had been the policy in years past. During the preparation of the City's Budget for 2000, the Finance Committee had recommended a 2% increase for Liquor and Cabaret License Fees.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 3009
RESOLUTION ESTABLISHING 2000
LIQUOR AND CABARET LICENSE FEES

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hansey.

Councilmember Mathiason asked how Wahpeton's Liquor License Fees compare to fees in other North Dakota Cities. The Auditor said they would be higher than most of the smaller communities. However, he said, they are near the average of the 10 largest Cities. Councilmember Meyer observed that most larger Cities charge a substantial fee for new licenses and for transfers of licenses. He said Wahpeton's is quite modest in comparison.

Upon vote being taken for the motion to adopt Resolution No. 3008, the following voted in favor thereof: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; 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 to by the City Auditor.

Motion by Meyer, seconded by Hauck, to approve payment of bills submitted in the amount of \$353,865.61 and that warrants be drawn upon their respective Funds. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

Motion by Christensen, seconded by Hansey, to approve the following reports: SEP Police Department, AUG Municipal Court, AUG Wahpeton Water Works. Motion carried 6-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY	12:30 pm	10/06/99
FINANCE & ECON DEV	Noon	10/07/99
PUBLIC WORKS	Noon	10/08/99
FLOOD MITIGATION	no assignments	

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

Duane M. Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

OCTOBER 18, 1999

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at City Hall on the 18TH day of October, 1999 beginning at 5:00 p.m.

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

The following member was absent: Councilmember Meryl T. Hansey.

Officers present: Public Works Director, Police Chief, Finance Programs Director, Assessor, Attorney, Auditor.

Mayor Schmitz presided at the meeting.



Mayor Schmitz introduced **Fritz Scholder** to the Council and audience. Mr. Scholder, a native of Wahpeton, is known world-wide for his artistic accomplishments in painting, sculpting, lithographs, and the like. The artist has returned to the City to dedicate 10 additional art works for permanent display at the North Dakota State College of Science Cultural Center tomorrow evening. On behalf of the Citizens of Wahpeton, Mayor Schmitz welcomed Fritz Scholder back to his roots and presented him with a **“Key to City of Wahpeton.”**

Fritz Scholder received the Key and remarked he was very proud to return and accept the gift from the Mayor. He said he continues to cherish his fond remembrances of his home city of Wahpeton including the fact he began painting while in school and recalled the time he sold his first art work to a classmate.

Motion by Meyer, seconded by Hauck, to approve the minutes of the regular meeting held October 4, 1999. Motion carried.

A public hearing, following publication of legal notice, was held regarding proposed **Street Vacation in Valley First Addition**. An oft-used map of the Addition was projected showing the proposals to vacate the **southern portions of 18th and 19th Avenues** plus earlier vacation and rezoning requests. The Auditor reported no written protests had been received opposing the street vacations currently before the City Council. Mayor Schmitz asked if there were any protests among those present. There were none offered. E. W. Oliver and Attorney Fred Strege were in attendance to offer silent encouragement for the street vacations.

Referring to the projected map, the Auditor noted that the City Council had held a public hearing on August 23, 1999 for proposed vacation of the northern portions of 18th and 19th Avenues plus

all of Western Road. The Auditor reminded the Council that it had approved vacation on that date for the easterly portion of Western Road and had approved rezoning of 2 Lots in order to allow for timely construction of the Farm Credit Services building. He reported the City Council had decided to delay further vacating action on the remaining portions of Western Road and the two Avenues until completion of tonight's public hearing. The City Attorney stated it will be required to adopt Resolutions for each of the two petitions but that the effect will be vacation of all of the dedicated interior roadways in Valley First Addition.

Councilmember Hauck offered the following Resolution (vacating northern portions) and moved its adoption:

RESOLUTION NO. 3010
RESOLUTION VACATING STREET
(Part of Western Road and part of 18th Avenue North
and Part of 19th Avenue North – North of Wheatland Road)

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: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; 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 (vacating southern portions) and moved its adoption:

RESOLUTION NO. 3011
RESOLUTION VACATING STREET
(18th Avenue North and 19th Avenue North – North of Wheatland Road)

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: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; 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 then pointed out **8 Valley First Addition Lots** on the projected map for which first reading of an Ordinance (No. 806) had been offered on August 23rd **for rezoning from R-3 to B-2**. He said the City Council had ruled second reading would be delayed until the entire Street Vacation matter was completed. The City Attorney said the above Resolutions satisfy the requirement and final action on the rezoning Ordinance is now in order.

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

ORDINANCE NO. 806
AN ORDINANCE REZONING FROM R-3 TO B-2
(Lots 7, 8, 9, 10 & 11, Block 4 and
Lots 7, 8 & 9, Block 5 – Valley First Addition)

The Ordinance was then read in full for the second time. Following second reading, the motion for adoption of the foregoing Ordinance was duly seconded by Councilmember Christensen, and upon vote being taken thereon, the following voted in favor thereof: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; 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 City Council concurred with the City Auditor's suggestion to cut off applications on November 1, 1999 for special Year-end Fireworks Licenses.

The Auditor reported the Special Assessment Commission held public hearings on October 7th at which time the Commission reviewed and approved special assessments for the following Improvement Projects: 4-1-96 (Downtown Christmas Lighting); 2-1-98 Area A & Area A-1 (Northside Seal Coast & Court House Parking Lot); and 2-1-98 Area B (Westmore Avenue Seal Coat). He said the Commission has submitted written notice to the City Council recommending approval of the assessment amounts. The Auditor said the next step in the procedure is for the City Council to hold its public hearings for final approval and that legal notice is being published for that purpose.

Motion by Sturdevant, seconded by Schmidt, to hold a public hearing at 5:00 p.m. on November 1, 1999 for the purpose of acting on **final special assessments** for the following Improvement Projects: **4-1-96 (Downtown Christmas Lighting); 2-1-98 Area A & Area A-1 (Northside Seal Coast & Court House Parking Lot); 2-1-98 Area B (Westmore Avenue Seal Coat).** Motion carried, all voting aye.

The Finance Programs Director reported the position on the Visitors Committee formerly occupied by Matt Richter is vacant. Upon Ms. Priebe's recommendation, Mayor Schmitz appointed **LaRae Fenske to the Visitors Committee** for the term ending 2003. Motion by Schmidt, seconded by Mathiason, confirm the Mayor's appointment. Motion carried, all voting aye.

The Police Chief reported he has received a letter from the Wahpeton Area Chamber of Commerce requesting approval to conduct a parade on Dakota Avenue and 2nd Avenue North during the Holiday Shopping Kick-off event on November 26th. He recommended approval.

Motion by Loberg, seconded by Christensen, to approve a Parade Permit for the Chamber of Commerce on November 26, 1999. Motion carried, all voting aye.

The Public Works Director reported on a letter received from the Wahpeton Area Chamber of Commerce requesting all downtown 2 and 4-hour parking signs to be changed to 3-hour signs. Mr. Lein said he and the Police Chief had met with Chamber representatives and have no problem with the proposal. However, he said, the replacement requires about a \$500 expenditure for the new signs and he feels the Council may want to concur with the decision.

Motion by Meyer, seconded by Loberg, to approve expenditure of approximately \$500 for 3-hour parking signs to replace downtown 2 and 4-hour parking signs. Motion carried 7-0. Voting aye: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee has determined that the Finance Programs Director has assumed Economic Development Director duties and recommends a \$5,000 out of pay grade salary adjustment to be paid on December 31, 1999.

Motion by Hauck, seconded by Sturdevant, to approve the Committee's recommendation and authorize a \$5,000 out of pay grade salary adjustment for Finance Programs Director Jane Priebe to be paid on December 31, 1999. . Motion carried 7-0. Voting aye: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee reviewed Meryl Hansey's Abatement of Taxes Request submitted for the building formerly located on Lots 16 & 17, Block 2, Hubbard & Tyler's Addition. He said the Assessor had inspected the property prior to its demolition this summer and found it to be uninhabitable. The Assessor couldn't verify its condition for the years 1997 and 1998 but, Mr. Meyer reported, she had suggested a value of \$5,000 be assigned for the 3-year period. The Committee Chairman said the compromise was agreeable to Mr. Hansey and the Committee recommends approval.

Motion by Meyer, seconded by Schmidt, to approve the Committee's recommendation to approve Meryl Hansey's Abatement of Taxes Request by assigning a 1997, 1998, and 1999 value of \$5,000 for the building formerly located on Lots 16 & 17, Block 2, Hubbard & Tyler's Addition. Motion carried 7-0. Voting aye: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Councilmember Christensen reported for the Public Works Committee. He said the Committee met on October 7th and agreed that a feasibility study is required to determine methods to extend water and sewer services across the by-pass west of the City Limits. Mr. Christensen said a part of the study would also address alteration of some of the sanitary sewer routes through the 7th Street Lift Station which would eliminate the odor problem in that area. He said there are a couple of other items which would be included in the study and the Committee voted unanimously to recommend a contract with Interstate Engineers to conduct the feasibility study. Councilmember Sturdevant asked if a contract amount has been determined. Mr. Christensen said it hasn't been at this time.

Motion by Christensen, seconded by Mathiason, to approve contracting with Interstate Engineers for preparation of a Feasibility Study to address the City's Sanitary Sewer needs for expansion, rerouting pumping procedures, and possible relocation of Lift Stations; to determine the estimated cost and identify funding sources. Motion carried 7-0. Voting aye: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The following Committee meetings were scheduled:

FLOOD MITIGATION	Noon	10/19/99
PERS & PUBLIC SAFETY	12:30 pm	10/20/99
FINANCE & ECON DEV	no assignments	
PUBLIC WORKS	no assignments	

Motion by Meyer, seconded by Hauck, to recess and enter into closed session for discussion of lawsuit matters with City Attorney Steven Lies. Motion carried 7-0. Voting aye: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The closed session was then held and recorded on audio tape as required by State Law.

Motion by Christensen, seconded by Meyer, to end the closed session and reconvene the regular meeting. Motion carried 7-0. Voting aye: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

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

Duane M. Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

NOVEMBER 1, 1999

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at City Hall on the 1st day of November, 1999 beginning at 5:00 p.m.

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

The following member was absent: Councilmember James P. Sturdevant.

Officers present: Public Works Director, Attorney, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Christensen, seconded by Meyer, to approve the minutes of the regular meeting held October 18, 1999. Motion carried.

Public hearings, following publication of legal notice, were held regarding proposed Confirmation of Special Assessment Lists. Documentation of the assessments were provided and an overhead projection was provided detailing the boundaries of each of the special improvement districts. Mayor Schmitz announced that the assessments had been approved by the Special Assessment Commission (on October 13, 1999) and had been forwarded to the City Council for final approval. The first public hearing, **Areas A and A-1 of Project 2-1-98**, involved seal coating of streets and avenues on the north side area. The Court House parking lot was also a part of the project. Total assessments were listed as \$175,766.69 with \$70,608.68 to be paid from the City's Special Street Maintenance Fund. The second hearing was for **Area B of 2-1-98** which provided seal coating of Westmore Avenue at a total cost of \$8,514.13. Lastly, the Council reviewed the recommended distribution of \$95,190.19 of special assessments for Downtown Christmas Lighting **Project 4-1-96** which had been completed in 1997.

No one attended in opposition during any of the three public hearings. The City Auditor reported no written protests had been received.

The Auditor explained that a Special Street Maintenance Fund had been established a few years ago to provide a reserve to pay for annual curb, alley, and street repairs. He said about \$90-\$100,000 is injected into the Fund each year by a \$50,000 transfer from the General Fund, 3 mills under Home Rule provisions, and a 3-year special improvement levy. The Auditor noted that \$70,608.68 of the total assessments levied for Area A of 2-1-98 will be paid through a transfer from the City's Special Street Maintenance Fund.

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 3012

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
STREET IMPROVEMENT DISTRICT 2-1-98 AREA A AND AREA A-1
(Northside Seal Coat and Court House Parking Lot)**

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: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; 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 to by the City Auditor.

Councilmember Mathiason offered the following Resolution and moved its adoption:

RESOLUTION NO. 3013

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
STREET IMPROVEMENT DISTRICT 2-1-98 AREA B
(Westmore Avenue Seal Coat)**

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: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; 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 to by the City Auditor.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 3014

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST FOR
STREET LIGHTING IMPROVEMENT DISTRICT 4-1-96
(Downtown Christmas Lighting)**

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: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; 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 to by the City Auditor.

Reporting for the City Assessor, the City Auditor reported that property owners may elect to pay assessments in full, without interest, until November 12th and that notices to that effect are being publicized in the paper and on radio.

The City Auditor reported 3 members of the Wahpeton American Legion Baseball Team have been invited to play on a USA team touring Australia. He said he has received an application to hold a raffle to raise money to defray the players' expenses. The Auditor said raffles for personal expenses usually aren't a qualified usage under Games of Chance laws but, if the City Council would consider the trip to be an educational experience, he would recommend the permit be granted. Answering a question from the Council, City Attorney Lies said schools promote participation in sports activities and therefore, in his opinion, the purpose would qualify for a raffle permit.

Councilmember Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. GC-542
LEGION BASEBALL TEAM USA BENEFIT

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: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; 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 to by the City Auditor.

The Public Works Director suggested changing Section 19-1005 of City Ordinances to reduce from three months to 60 days the time allowed to pay City Utilities bills before terminating water service. He said the total bill sometimes exceeds the meter deposit after a three-month period.

Councilmember Christensen offered first reading of the following Ordinance:

ORDINANCE NO. 811
AN ORDINANCE AMENDING SECTION 19-1005
PAYMENT OF THE WATER USERS SERVICE CHARGE AND PENALTIES

Director Lein reported on property to be obtained for flood prevention purposes. He said the negotiations have been completed for purchasing the Kevin McKay and Julie Nisja property at 90 2nd Avenue South for \$38,000. Mr. Lein said the negotiated amount was authorized by the Flood Committee and he is now asking the City Council for its approval in order to complete the purchase.

Motion by Meyer, seconded by Christensen, to suspend the rules and allow action on a motion to approve purchase of flood control property; a matter which does not appear on the agenda. Motion carried 7-0.

Motion by Meyer, seconded by Christensen, to ratify the **“Purchase Agreement”** with Kevin Mckay and Julie Nisja in the amount of \$38,000 to secure flood prevention property described as: *“The East Half (E½) of Lot numbered Nine (9); and all of Lot numbered Ten (10), EXCEPTING THEREFROM the following described tract: Beginning at the Northeast corner of Lot Ten (10); thence West 40 feet; thence South 45 feet; thence East 40 feet; thence North 45 feet, to the point of beginning; ALL in Block numbered four (4) of the original Townsite of the City of Wahpeton, Richland County, North Dakota, according to the plat thereof recorded in the Register of Deeds’ Office, as Plat #3.”* Motion carried 7-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

The Public Works Director report all City Hall remodeling items have now been completed, including water and sewer services for the Fire Department’s portion of the facility.

Mayor Bud Schmitz proclaimed the week of October 31-November 6 as **“Free Enterprise Week”** and presented a copy of the Proclamation to representatives of Richland County Vo-Tech.

Councilmember Hauck reported for the Personnel & Public Safety Committee. He said the Committee is recommending three items: 1) A retroactive pay raise to maximum for the Public

Works Director, 2) Revision of the Organizational Chart to include the City Administrator position, 3) Approval to advertise for City Administrator applications.

Motion by Hauck, seconded by Meyer, to approve the Committee's recommendation and grant a retroactive pay raise to maximum for the Public Works Director. Motion carried 7-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

Motion by Hauck, seconded by Meyer, to approve the Committee's recommendation to create the position of City Administrator and advertise for applications. Motion carried 7-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

Motion by Hauck, seconded by Meyer, to approve the Committee's recommendation and adopt the revised City Organizational Chart incorporating the position of City Administrator. Motion carried 7-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

Councilmember Meyer reported the City is paying a \$345,966.29 bill to Mark Sand & Gravel for work on Southside Street Project 2-1-99. He observed that during construction of the various improvement projects, the City Auditor needs authorization to sell temporary construction warrants up to the amount of contracts as bid in order to obtain the necessary funds to pay the contractors. Mr. Meyer said all of the warrants are then redeemed by the City when bond sale proceeds or other sources of income are secured. He said the warrant sales, if necessary, will be to Community First National Bank at an interest rate of 5.35%.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 3015
**RESOLUTION RELATING TO \$500,000.00 TEMPORARY
IMPROVEMENT WARRANTS; AUTHORIZING, SELLING AND
ESTABLISHING THE TERMS AND PROVIDING FOR
THE PAYMENT THEREOF**
(Southside Street Improvement District No. 2-1-99)

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: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; 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 to by the City Auditor.

Motion by Meyer, seconded by Christensen, to approve payment of bills presented in the amount of \$646,886.29 and that warrants be drawn upon their respective funds. Motion carried 7-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

Motion by Schmidt, seconded by Hauck, to approve the following reports: SEP Wahpeton Water Works; SEP Municipal Court. Motion carried 7-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason; voting nay: None.

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY
FINANCE & ECON DEV
PUBLIC WORKS
FLOOD MITIGATION

12:30 pm 11/10/99
no assignments
no assignments
no assignments

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

Duane M. Schmitz, Mayor

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

NOVEMBER 15, 1999

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at City Hall on the 15th day of November, 1999 beginning at 5:00 p.m.

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

The following member were absent: Councilmembers Charles B. Christensen, Richard A. Hauck, Tim Schmidt.

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

Mayor Schmitz presided at the meeting.



Motion by Hansey, seconded by Mathiason, to approve the minutes of the regular meeting held November 1, 1999. Motion carried.

Councilmember Hansey stated he would like to reopen discussions regarding the City's Snow Removal Policy. He said although he had been told last year that the procedures have been in place for 25 years and are working properly, he feels there are some problems which could be ironed out. He noted that according to the Council's rules, new items are to be brought before the Council and then assigned to Committee for review. Mayor Schmitz assigned the review to the Public Works Committee.

The City Auditor reported the State Attorney General's Office will be holding an "Open Meetings and Open Records" seminar at the Law Center beginning at 6:30 p.m. on November 30th. He said it is very important for the City to follow open meeting rules and invited the Council to attend if members have interest.

The Auditor suggested resurrecting the discussions for determining the future of old City Hall. He volunteered to be on a review committee and recommended the City Attorney also be a member so that the legal options are identified and followed. Mayor Schmitz agreed that discussion should continue and asked the Loan Administrator to be involved as well.

The City Assessor reported she has received a couple of Abatement & Settlement of Taxes requests. Mayor Schmitz instructed the Finance Committee to review the applications and make recommendation to the City Council.

The Public Works Director observed that the 2-year contract for Codes Administration expires at the end of the year and renewal terms need to be reviewed. Mayor Schmitz assigned the matter to the Public Works Committee.

Director Lein stated the North Dakota Department of Transportation requires designation of street priorities for the next three-year period. Upon the Director's recommendation, this matter was also assigned to the Public Works Committee.

The Loan Administrator reported on a recommendation from the Economic Development Commission. She said Imation plans to expand its operation, purchase equipment, and add employees. Administrator Priebe stated Imation is making plans to obtain a \$3 million PACE Loan through the Bank of North Dakota contingent upon the City contributing Sales Tax Funds to buy down the interest payments. She said the EDC recommends participation in the PACE Loan through a \$135,000 grant which will effectively reduce the Loan's interest rate from 8% to 3%.

Motion by Loberg, seconded by Meyer, to confirm the recommendation of the EDC and authorize expenditure up to \$135,000 of Sales Tax Funds to buy down interest of Imation's \$3,000,000 PACE Loan. Motion carried 5-0. Voting aye: Hansey, Loberg, Meyer, Mathiason, Sturdevant; voting nay: None.

Director Priebe said the next meeting of the Economic Development Commission is tentatively scheduled for Monday, December 13th.

As recommended by the Loan Administrator, Mayor Schmitz instructed the Finance & Economic Development to review NorthPark Addition Covenants and make recommendation on proposed adjustments.

Councilmember Sturdevant reported for the Personnel & Public Safety Committee. Mr. Sturdevant said the Committee recommends approval of 4 items.

1) Because the Water Plant is now supervised by the Public Works Department, the position of Water Plant

Superintendent along with its job description should be eliminated.

2) A new position & job description Water Plant Operator II should be adopted at Pay Grade J.

3) Because the City will employ a City Administrator, the Committee wishes to rescind the job description and

(unfilled) position of Economic Development Specialist. He said those duties will be returned to the Loan

Administrator.

4) The Loan Administrator has assumed duties of the Economic Development Director and is to receive an out-of-grade

pay adjustment effective January 1, 2000 until the City Administrator determines a permanent Grade and Step

for the Loan Administrator's responsibilities.

Motion by Sturdevant, seconded by Meyer to **eliminate** the job description and position of **Water Plant Superintendent**. Motion carried 5-0. Voting aye: Hansey, Loberg, Meyer, Mathiason, Sturdevant; voting nay: None.

Motion by Sturdevant, seconded by Meyer, to **approve** the position and job description of **Water Plant Operator II** and assign the position **Pay Grade J**. Motion carried 5-0. Voting aye: Hansey, Loberg, Meyer, Mathiason, Sturdevant; voting nay: None.

Motion by Sturdevant, seconded by Meyer, to **eliminate** the job description and position of **Economic Development Specialist** and to reassign the duties to the Loan Administrator. Motion carried 5-0. Voting aye: Hansey, Loberg, Meyer, Mathiason, Sturdevant; voting nay: None.

Motion by Sturdevant, seconded by Loberg, to assign an **out-of-grade pay adjustment** for the position of **Loan Administrator** from current Grade I to **Grade D, Step 1** effective January 1, 2000, and until such time as the City Administrator/City Council determines the Loan Administrator's scope of duties.

Councilmember Hansey asked what the current pay was and what the new pay will be. Mr. Sturdevant said he believes it will be between \$5,000 and \$6,000 additionally per year.

Councilmember Hansey said he felt the Finance Committee should discuss the increased cost. Committeemember Meyer said the Personnel Manual allows out-of-grade adjustments for extra duties. He said the proposal is basically a temporary change until the City Administrator determines the scope of the Loan Administrator's position.

Mr. Hansey asked if the budget could handle the increased pay. Mr. Meyer said it could. He said there is an amount budgeted for the City Administrator so there will be dollars available. The City Attorney said the Loan Administrator's salary is paid through the Economic Development Department budget so it would not affect the General Fund budget.

Councilmember Hansey said he has a concern about revising a salary because once it's allowed it's very hard to take it away. Councilmember Meyer said the adjustment isn't permanent it's for taking over additional economic development duties until the City Administrator is on board and assumes some of the duties. Mr. Sturdevant agreed. He said the Personnel Committee has determined the Loan Administrator has taken on extra economic development duties since the Economic Development Director left and that the extra pay will not be permanent.

Upon vote being taken on the motion to assign an out-of-grade pay adjustment of Grade D, Step 1 effective January 1, 2000 for the Loan Administrator position, the following voted in favor: Loberg, Meyer, Mathiason, Sturdevant; and the following voted against: Hansey. Mayor Schmitz declared the motion approved on a vote of 4 in favor and 1 opposed.

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

ORDINANCE NO. 811

AN ORDINANCE AMENDING SECTION 19-1005

PAYMENT OF THE WATER USERS SERVICE CHARGE AND PENALTIES

The Ordinance was then read in full for the second time. Following second reading, the motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Mathiason, and upon vote being taken thereon, the following voted in favor thereof: Hansey, Loberg, Meyer, Mathiason, Sturdevant; 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 Mathiason, to approve the OCT Police Department Report which had been surreptitiously placed into the reports folder prior to the meeting. Motion carried 5-0. Voting aye: Hansey, Loberg, Meyer, Mathiason, Sturdevant; voting nay: None.

The following Committee meetings were scheduled:

FINANCE & ECON DEV	Noon	11/22/99
FLOOD MITIGATION	Noon	11/29/99
PERS & PUBLIC SAFETY	Time & Date to be determined	
PUBLIC WORKS	Time & Date to be determined	

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

ATTEST:
Mayor

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

DECEMBER 6, 1999

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at City Hall on the 6th day of December, 1999 beginning at 5:00 p.m.

The following members were present at the beginning of the meeting: Mayor Duane M. Schmitz, Councilmembers Charles B. Christensen, Meryl T. Hansey, Warren D. Meyer, Richard A. Hauck, Tim Schmidt, Dr. Delray Mathiason, James P. Sturdevant.

The following member was absent (but joined while the meeting was in progress): Councilmember Richard A. Loberg.

Officers present: Public Works Director, Police Chief, Deputy Attorney Bullis, Auditor.

Mayor Schmitz presided at the meeting.



Motion by Hauck, seconded by Hansey, to approve the minutes of the regular meeting held November 15, 1999. Motion carried.

Councilmember Sturdevant offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 543
NDSCLS ATHLETIC BOOSTER CLUB

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

Motion by Sturdevant, seconded by Mathiason, to approve a Games of Chance Site Authorization for Rocky Mountain Elk Foundation at the Eagles Club for the period ending February 5, 2000. Motion carried 7-0. Voting aye: Christensen, Hansey, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The City Auditor presented a listing of City License applications for the year 2000. He said all liquor-related applications and required fees have been received. He explained 3 Class A Liquor License applicants have elected to remain closed on Sundays and have applied for continuation of license under the City Ordinance's "grandfather" classification. The Auditor observed that Chuck's Off Sale changed ownership which, by ordinance, eliminated its "grandfather" option. He said most current license holders are listed but others, such as itinerant merchants, may be received from time to time. He recommended approval of all of the listed applications received.

Councilmember Loberg joined the meeting during the Auditor's presentation.

Motion by Christensen, seconded by Hansey, to approve the following City Licenses for the year 2000:

<u>LICENSE HOLDER</u>	<u>BUSINESS NAME</u>	<u>MANAGER</u>		
<u>LOT/BLOCK/ADDN</u>	<u>CABARET</u>			
ON & OFF SALE				
<u>(CLASS A : LIQUOR, BEER & WINE – 7 DAYS PER WEEK – FEE : \$3,183.00</u>				
Teddy's Inc.	Teddy's Sports Bar	Ted Bellmore	10-11	17
O.T.	CLASS 1			
F.O. Eagles	Eagle's Club	Perl D. Keys	12	7
O.T.	CLASS 2			
Poet's, Inc.	Poet's Warehouse Liquors	Kip A. Christensen	1- 5	C
Fargo				
<u>(CLASS A : LIQUOR, BEER & WINE – 6 DAYS PER WEEK "Grandfathered" – FEE : \$2,600.00</u>				
Mohs, Mary Ann	Driftwood Lounge	Mary Ann Mohs	8	17
O.T.				
Pausch Stores, Inc.	Oasis Bar	Barry Pausch	9	37
O.T.	CLASS 1			
Johnson, Gary L.	Sportsman's Bar	Gary L. Johnson	14	17
O.T.				
OFF SALE				
<u>(CLASS B : LIQUOR, BEER & WINE – 7 DAYS PER WEEK – FEE: \$2,221.00</u>				
Bacchus, Inc.	Prairie Spirits	Ed Moore	16-18	B
Fargo				
Bonessa, Inc.	Chuck's Off Sale	Timothy Reiff	1	1
Plummer				
ON SALE				
<u>(CLASS C-1 : LIQUOR, BEER & WINE – RESTAURANT OF 150 SEATS OR MORE – FEE: \$2,263.00</u>				
Prante's, Inc.	Prante's	Jerry & DoeRae Prante	2	2
Berg	CLASS 2			
WoHaNyLu, Inc.	Giuliana's/Mexican Village	Vicki R. Drennan	1- 2	1
Cenex	CLASS 2			
<u>(CLASS C-2 : BEER & WINE – RESTAURANT OF 50 SEATS OR MORE – FEE: \$676.00</u>				
Hastings Dev. Corp.	Godfather's Pizza	Matt Kalinowski	6	B
Fargo				
<u>(CLASS C-5 : LIQUOR, BEER & WINE – CLUB/LODGE OF 200 MEMBERS OR MORE – FEE: \$806.00</u>				
Wahpeton Veterans	Vet's Club	Michael Close	5	13
O.T.	CLASS 2			

Bois de Sioux G.C.
47

Golf Club Grill Room

Jeff Bass

Sec. 5, 132-

AMUSEMENT DEVICES - \$15.00 FEE PER DEVICE

<u>APPLICANT</u>	<u>BUSINESS NAME</u>	<u>LOCATION</u>	<u>NUMBER</u>
<u>FEE</u>			
Bellmore, Ted \$90.00	Teddyø Sports Bar	314 Dakota Avenue	6
Hastings Dev. Corp. 45.00	Godfatherø Pizza	809 Dakota Avenue	3
Hentges, Patty 75.00	Giulianaø	995 21 st Ave. North	5
Johnson, Gary 75.00	Sportsmanø Bar	304 Dakota Avenue	5
Keys, Perl 60.00	B.P.O. Eagles	112 Dakota Avenue	4
Mohs, Mary Ann 60.00	Driftwood Lounge	326 Dakota Avenue	4
Pausch, Barry 60.00	Oasis Bar	512 Dakota Avenue	4
Wahp Hockey Assn 15.00	Sportsmanø Bar	304 Dakota Avenue	1
Wahp Hockey Assn 15.00	Pranteø	1605 11 th St. North	1

APPLICANT
ADDRESS

BUSINESS NAME

BUSINESS

SOLID WASTE HAULING - \$300.00 FEE

Lutz, James C. Wahpeton, N Dak	Northern Waste Systems	1016 11 th Av S.
Meide, Sandra Wahpeton, N Dak	Interstate Property Management	602 Dakota Ave.

PAWNBROKERS/SECOND HAND GOODS - \$200.00 FEE

Olson, Judith Wahpeton, N Dak	OK Pawnbrokers	100 4 th St. South
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ITINERANT MERCHANT - \$100.00 FEE

Schwanø Sales Enterprises, Inc. Marshall, MN	Schwanø	115 West College Dr.
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HOUSE MOVING - \$10.00 FEE

Schmit, Nicholas & Anthony Wyndmere, N Dak	Schmit, Inc.	P.O. Box 227
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Johnson, Dale
Wahpeton, N Dak

Johnson Moving Co.

7830 177th Av SE

TAXICAB - \$50.00 FEE

Taylor, Donald
Wahpeton, N Dak

Twin Town Taxi

224 2nd Av. North

Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The Auditor reported he had attended the **“Open Meetings and Open Records”** seminar at the Law Center on November 30th. He said the state official stressed the requirement for posting meeting agendas and a bulletin board will be installed for that purpose.

The Public Works Director reported Interstate Engineers has submitted a proposed agreement for engineering services to conduct an engineering study, entitled **“Wastewater Collection Facilities,”** and prepare a report necessary for the City’s development needs west of the 210 bypass south of 16th Avenue. Director Lein said the agreement includes provisions for addressing methods to alleviate Lift Station odor problems in the Zoo Area and at 16th Avenue North. The Director said the Council had earlier approved hiring the engineering firm subject to approval of the written agreement. He reported the contract calls for an hourly rate with the total not to exceed \$22,400.00. Mr. Lein said the Public Works Committee reviewed the document earlier in the day and recommended its approval by the City Council.

Motion by Christensen, seconded by Schmidt, to authorize the Mayor and Auditor to execute the **“AGREEMENT FOR ENGINEERING SERVICES”** dated December 6, 1999, with Interstate Engineers for the project entitled, **“Wastewater Collection Facilities.”** Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Director Lein then discussed a proposed amendment to the Agreement with the NDDOT for the State’s Highway 210 reconstruction project scheduled for 2000. He said storm water stands in the 210 ditch now and it could be eliminated through pumping and subsequent gravity flow along the area’s legal drain. The Director reported NDDOT will add installation of a lift station to its project at no initial cost to the City although future maintenance expense is a local requirement. He noted that the Public Works Committee had also discussed the matter and recommends approval.

Motion by Christensen, seconded by Mathiason, to approve the amendment to the Highway 210 reconstruction project for **installation of a lift station** to remove standing storm water from ditches in the right of way. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The Police Chief reported the force is losing 2 Patrol Officers: **Elroy Schmidt** has accepted a position in East Grand Forks and December first was his last day of work; **Todd Pearson** will be leaving for West Fargo and his resignation is effective January 2, 2000. The Chief said he will begin the process for filling the positions.

Chief Lotzer reported it is time to advertise for a replacement patrol vehicle as the current unit will be at 130,000 miles by the time a new car is received. The Chief and Councilmembers noted the item is budgeted so ads may be placed without further motion.

There were three letters in the correspondence folder.

- 1) A notice from the North Dakota Department of Labor stating a "Charge of Discrimination" has been filed by Jewel Van Tassel. Mayor Schmitz said the matter has been referred to the City's legal department.
- 2) A letter and attachments from Police Patrolman Derek Cruff constituting an **appeal through the grievance process** regarding the Police Chief's order for every patrolman to be "on call" New Year's Eve as a precaution to counteract possible difficulties which may arise from computer-caused Y2K problems. The Mayor observed that the next step is review by the Personnel Committee and he assigned the responsibility accordingly.
- 3) A note from Irvin Rustad, Executive Director of Lake Agassiz Regional Development Corporation, requesting a meeting to present an amended **Senior Congregate Housing proposal**. The Finance Committee agreed to meet with Mr. Rustad at noon, Monday, December 13th. School Superintendent Mike Connell will also be invited.

Mayor Schmitz asked Councilmember Christensen to stand. The Mayor presented Mr. Christensen with a "Certificate of Appreciation" for his 15 years of service to the citizens of Wahpeton. All in attendance expressed their approval through a round of applause.

Councilmember Hauck reported for the Personnel Committee. He said the Committee has received a recommendation from the Public Works Director for appointment of Allen Weiland to the newly-created position of *Water Plant Operator II* and the Committee concurs with the request. Mayor Schmitz said he understood the recommendation for appointment followed Mr. Weiland's successful passing of the appropriate State test.

Motion by Hauck, seconded by Meyer, to appoint Allen Weiland to the position of *Water Plant Operator II, Grade J, Step 5*, effective January 1, 2000. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Councilman Meyer reported for the Finance & Economic Development Committee. He said the Committee met with City Assessor Stromberg regarding two Abatement requests, discussed her inspection of properties in question, and agreed with her recommendations. The first item, regarding Roger Mund's filing, will lower the value of his garage to \$1,000 (from \$9,600) for the years 1998 and 1999. The second review, concerning Bruce Christianson's home, will lower the building's value from \$22,800 to \$13,500 while keeping the land value at \$5,600. With concurrence by the Council, Mr. Meyer said, the abatements will be forwarded to the County Commission for further action.

Motion by Meyer, seconded by Loberg, to recommend approval of the Abatement of Taxes request submitted by **Roger Mund** by placing a \$1,000 value for 1998 and 1999 on Mr. Mund's garage

on the property described as: S22øE85øLot 4, and N13øE85øLot 5, Block 6, Parkside Addition. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Motion by Meyer, seconded by Sturdevant, to recommend approval of the Abatement of Taxes request submitted by **Bruce Christianson** and place a \$19,200 value on Mr. Christianson's property at S33½ø of Lot 12, Block 14, Rootø Addition. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Councilmember Meyer reported the Committee also met with the Loan Administrator, reviewed and recommended adoption of proposed amendments of the NorthPark Addition Covenants. He said the Committee agreed that some of the original provisions were too restrictive for an area which is designed for entry level property owners. As an example, Mr. Meyer said, the relaxed regulations will allow boats to be parked in driveways.

Councilmember Meyer offered the following Resolution and moved its adoption:

RESOLUTION NO. 3016
**RESOLUTION DIRECTING SECOND AMENDMENT TO DECLARATION
OF RESIDENTIAL COVENANTS, CONDITIONS AND RESTRICTIONS
(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 voted in favor thereof: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted against the same: None. Whereupon said Resolution was declared duly passed and adopted, was signed by the Mayor and attested to by the City Auditor.

Councilmember Christensen reported for the Public Works Committee. He said the Committee reviewed the operation of codes administration and building inspection performed by Robert L. Brungardt and the Committee has voted to recommend renewal of the 2-year contract for the service under the existing fees and conditions.

Motion by Christensen, seconded by Schmidt, to approve renewal of the **CONTRACT FOR INSPECTION SERVICES** with ***RLB Inspection and Code Enforcement*** for the term January 1, 2000 through December 31, 2001. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Mr. Christensen said the Committee met with the Public Works Director and reviewed reconstruction proposals for 16th Avenue North between 4th and 11th Streets and to include the project as a part of the 3-year Urban Roads Program with the NDDOT. ***(16th Avenue North is part of the Richland County Highway System and the reconstruction project was one of the items discussed during the supper meeting with the County Commission on November 1st. The proposal discussed was to submit an application to the NDDOT, and, if approved, the State will pay 80% of the cost. The City invited the County to consider payment of the local cost)*** Mr. Christensen said the reconstruction project will eliminate the ditches and create an urban section road with curb & gutter. The work would also include installation of storm sewer, paving, lighting,

and a recreation trail. In order to receive consideration to add the project to the State's 3-year Program, Mr. Christensen reported, the City has to submit the application by Resolution.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 3017
**RESOLUTION REGARDING NORTH DAKOTA DEPARTMENT
OF TRANSPORTATION URBAN PROGRAM**

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

Councilmember Christensen reported the Public Works Committee also discussed the assignment about reviewing the City's current snow removal policy. He said the procedures were reviewed with the Public Works Director and Street Crew Foreman. Mr. Christensen reported the Committee offered no recommendation for change. He then asked if any others wanted to comment.

Councilmember Hansey said he had been approached by a street crew employee who apparently interpreted his remarks of last meeting as being critical of the street crew. He said he wanted it known that that wasn't the case. Rather, Mr. Hansey said, his remarks were directed towards the Public Works Director as he wanted the Committee to discuss the possibility for changing snow removal practices. He stated he had suggested a change last year and had offered his compliments when there was a change but, he said, the procedures then went downhill. Mr. Hansey said he has offered his services to run some equipment if that would be legal plus he has suggested that the supervisors watch the weather forecasts and use split crews when it is appropriate. He said he still feels the procedures need examination for possible change. Answering a question from Councilmember Hauck for more clarification, Mr. Hansey said he perceives the need for changing snow removal procedures, only, in order to make the City's streets cleaner and safer.

Mayor Schmitz said he had attended the Committee meeting and had expressed his observation that he traveled quite a bit and feels Wahpeton is better at snow removal than most cities. Councilmember Meyer said changes may create the need for more equipment or hours worked. He asked the Public Works Committee to keep cost benefits in mind if procedures are proposed for change. Mr. Meyer said he hasn't received complaints personally and added that his observations are that Wahpeton cleans its streets quicker and to a better degree than cities of like size or even larger. Mr. Hansey said he isn't suggesting increasing costs but that maybe manpower could be better utilized.

Motion by Sturdevant, seconded by Hauck, to approve the following Reports: NOV Police Department; OCT Municipal Court. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Motion by Meyer, seconded by Hansey, to approve payment of bills presented in the amount of \$128,634.37 and that warrants be drawn upon their respective funds. Motion carried 8-0. Voting

aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The following Committee meetings were scheduled:

PERS & PUBLIC SAFETY	12:30pm	12/09/99
FINANCE & ECON DEV	Noon	12/13/99
FLOOD MITIGATION scheduled	No	Assignments/Not
PUBLIC WORKS scheduled	No	Assignments/Not

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

ATTEST:
Mayor

Duane M. Schmitz,

Arden C. Anderson, City Auditor

City of Wahpeton Minutes

DECEMBER 20, 1999

Pursuant to due call and notice thereof, a regular meeting of the Wahpeton City Council was duly held at City Hall on the 20th day of December, 1999 beginning at 5:00 p.m.

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

The following members were absent: None.

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

Mayor Schmitz presided at the meeting.

Motion by Mathiason, seconded by Hauck, to approve the minutes of the regular meeting held December 6, 1999. Motion carried.

Councilmember Christensen offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 544
NDSCS AUTOMOTIVE TECHNOLOGY CLUB

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

Councilmember Hauck offered the following Resolution and moved its adoption:

GAMES OF CHANCE RESOLUTION NO. 545
NORTH DAKOTA STATE COLLEGE OF SCIENCE FOUNDATION

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

Motion by Sturdevant, seconded by Schmidt, to approve the following City License for the year 2000:

AMUSEMENT DEVICES - \$15.00 FEE PER DE VICE

<u>APPLICANT</u>	<u>BUSINESS NAME</u>	<u>LOCATION</u>	<u>NUMBER</u>
<u>FEE</u> Twidwell, Dean 1	Wahpeton Video		614DakotaAvenue
\$15.00			

Motion carried, all voting aye.

The Public Works Director reported on a requirement of the **Corps of Engineers** for an arrangement with the Bonestroo Engineering Firm regarding **Interior Flood Control Work**. He noted the Corps has given its approval and the City has to supply an endorsement as well. The Director reported the work is required as a part of the over-all process for supplying flood protection. Director Lein said the cost will be \$26,170 and will be split 50-50 between the City and the Corps of Engineers. He stated one-half of the local cost will qualify for refund from the State Water Commission's Flood Cost Reimbursement Fund authorized by the State Legislature's Senate Bill No. 2188.

Motion by Meyer, seconded by Loberg, to approve the 10-page, "*Wahpeton, North Dakota Interior Flood Control Design Scope of Work*" **document compelling Bonestroo, Rosene, Anderlic & Associates** to compile described engineering data and supply the same to the Corps of Engineers; total engineering fees to be \$26,170 with the City sharing the cost 50-50 with the Corps of Engineers." Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

The Loan Administrator reported on recommendations forwarded by the Economic Development Commission's meeting of December 13th. The first is a proposed \$20,000 grant to **North Dakota State College of Science to be used for student recruitment** through promotional ads on TV, radio, high school newspapers and, possibly, billboards. She said the original request was for \$40,000 over a 2-year period but the Commission recommended a one-time grant for half the amount. The Administrator noted two NDSCS representatives were present to answer questions: Alumni Foundation Director Woody Caspers and Keath Borchert, Director of Admissions. Ms. Priebe said the second EDC item concerns the 2000 budget of the Economic Development Department. She said the total recommended is \$ 150,000 which is a 21% reduction...mainly due to staffing changes.

Motion by Hauck, seconded by Sturdevant, to approve the recommendation of the Economic Development Commission and authorize a one-time expenditure of \$20,000 of Sales Tax Funds to aid NDSCS in student recruitment; the funds to be released incrementally as qualified expenses are documented.

Councilmember Hansey said he has received several phone calls regarding NDSCS's rental fee policies. He said he wasn't sure Mr. Caspers is the one to address the concerns but said he did feel the Council should delay action on the motion while the questions about fee policies are reviewed.

Woody Caspers acknowledged NDSCS has a rental fee policy and that he had a short conversation with Mr. Hansey about the fees prior to the meeting. Mr. Caspers said the proposal before the Council has no effect on rental fees.

Councilmember Hauck observed that fees are charged to help take care of extra maintenance costs and feels the charges are not excessive. However, Mr. Hauck said, he didn't think the charges have anything to do with the motion that is before the Council.

Keath Borchert reported he couldn't address the fee policy either. He said the proposal offered to the EDC was for a grant to allow NDSCS to compete for students graduating from high school. Mr. Borchert said State money cannot be used for that purpose. He observed that the cities of Fargo, Grand Forks, and Minot all contribute considerable sums to their colleges to be used for recruitment. Mr. Borchert said it is vital to be competitive in recruitment efforts of the area's dwindling high school populations. He said estimates are at a 50% reduction of high school graduates by 2008.

Mr. Hansey said his desire to delay a vote is to enable the Council to review the comments he has received and he didn't mean to insinuate he is against the request for funds to aid in recruitment.

Answering a question from Councilmember Loberg, Mr. Borchert said the funds will be used strictly for direct advertising costs...no travel, no scholarships. The City Auditor observed that the EDC recommendation and City Council motion requires NDSCS to submit invoices before release of grant increments.

Councilmember Sturdevant observed that he serves on the Board of the NDSCS Foundation and, because it could appear that his position constitutes a conflict of interest, he feels he must withdraw his second of the motion to approve the \$20,000 grant.

Councilmember Christensen then seconded the motion in Mr. Sturdevant's stead.

A question was asked whether Mr. Sturdevant's position on the NDSCS Alumni Foundation Board would prohibit him from voting on the question. The City Attorney said the decision is by discretion of the Council and may be determined by a majority of the members.

Motion by Christensen, seconded by Hauck, to allow Councilmember Sturdevant to vote on the question. Upon completion of an oral ballot, Mayor Schmitz observed there were no dissenting votes, the proposal had been agreed to, and Mr. Sturdevant is authorized to vote on the question before the Council.

Upon vote taken on the motion to approve the recommendation of the Economic Development Commission and authorize a **one-time expenditure of \$20,000 of Sales Tax Funds to aid NDSCS in student recruitment** the funds to be released incrementally as qualified expenses are documented the following voted aye: Christensen, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; and the following voted nay: Hansey. Whereupon Mayor Schmitz declared to motion adopted on a vote of 7 in favor and 1 opposed.

Councilmember Hansey explained his dissenting vote was because of the unanswered questions regarding fees.

Motion by Loberg, seconded by Mathiason, to accept the recommendation of the Economic Development Commission and approve the \$150,000.00, year **2000 budget for the Economic Development Department** as presented. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Attorney Lies reported on a request to assign the City's Cable TV franchise which is currently held by WestMarc Cable Holding, Inc., of St. Cloud, Minnesota. He said the proposal, to assign the franchise to Midcontinent Communications, is for the purpose of allowing competition with phone and satellite television systems. The City Attorney said he has investigated Midcontinent's operation and finds all to be order.

Councilmember Christensen offered the following Resolution and moved its adoption:

RESOLUTION NO. 3018
**RESOLUTION OF THE CITY OF WAHPETON APPROVING AN ASSIGNMENT OF
THE CABLE TELEVISION FRANCHISE FROM WESTMARC CABLE HOLDINGS, INC.
TO MIDCONTINENT COMMUNICATIONS**

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

The City Attorney said there is another item not on the agenda dealing with an agreement with the State of North Dakota, through the Adjutant General, for leasing land and providing for construction of a new Armory facility. He asked permission to discuss the proposal and to allow for consideration by the City Council.

Motion by Sturdevant, seconded by Loberg, to suspend the rules and allow action on a motion concerning an agreement with the State of North Dakota, a matter which does not appear on the agenda. Motion carried, all voting aye.

Attorney Lies reported on discussions and proposals concerning **Armory** matters. He said the new Armory facility will consist of National Guard and Marine Corps Reserve units, the City will supply the land, and the State of North Dakota will pay all costs of construction. The City Attorney said the State proposes to enter into a 50-year lease with the City for site; the lease to contain a 49-year extension option. Mr. Lies said that, should the Guard/Marines elect to vacate the facility, the State will agree to returning the land to its former condition...or transfer the building to the City of Wahpeton...if the City agrees to accept it. He reported the Guard will want to negotiate special assessments for 9th Street and 4th Street Improvement Projects...some of the costs could be included in budget proposals to the State Legislature beginning in 2001.

Considerable discussion followed. It was pointed out that the original proposal was for a new Armory complex serving a National Guard unit, only, and that the City would supply the land plus pay for 25% of construction costs of a basic building. The land and building would be owned by the City and leased to the National Guard in the same manner as the current Armory. Maintenance and insurance would have been a City responsibility. All Special Assessments on the property would be a City responsibility. Community use was also planned. By vote, the citizens of Wahpeton had pledged \$1 million of Sales Tax Funds to pay the local share.

Now, because the Marine Corps Reserve will share the facility, the State of North Dakota proposes to construct a larger building, pay 100% of the construction cost, staff the facility and provide all maintenance. All construction will be subject to City codes. The State will sublease the building to the Federal Government. The City will be held harmless from lawsuits, etc. The City will not have a voice on the management or usage of the facility. Payment of future special assessments will be negotiated.

A question was asked about land and costs to date. The Auditor reported 15.67 acres have been secured between 4th and 9th Streets. The cost was \$62,307.07. Attorney Lies observed that the City is in the final stages of negotiation with Otter Tail Power Company to complete purchase of the remaining 2.49 acres along 4th Street.

Public Works Director Lein said some of the Attorney's statements were new to him. But, he said, State ownership of the building (rather than Federal) and the termination conditions appears to be a better deal for the City. Some members of the Council noted they had also believed the building would be built and owned by Federal agencies. The members agreed that the City's interests are better served through State ownership under the conditions stated.

Councilmember Loberg offered the following Resolution and moved its adoption:

RESOLUTION NO. 3019
RESOLUTION APPROVING LEASE
OF REAL PROPERTY TO STATE OF NORTH DAKOTA
THROUGH THE ADJUTANT GENERAL FOR ARMORY PURPOSES

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

Motion by Hauck, seconded by Meyer, to suspend the rules and allow action on a motion to provide tuition, a matter which does not appear on the agenda. Motion carried, all voting aye.

Motion by Hauck, seconded by Meyer, to pay a \$50.34 math class tuition fee for Water Plant Operator Tom Duerr. Motion carried 8-0.

Councilmember Sturdevant reported the Personnel Committee reviewed the **grievance appeal of Police Patrolman Derek Cruffô** regarding the Police Chief's order for every patrolman to be "on call" New Year's Eve as a precaution to counteract possible difficulties which may arise from computer-caused Y2K problems. He said it was determined that the Chief had properly utilized the "on call" procedure of the Employee Policy Manual and the appeal was denied.

Councilmember Meyer reported for the Finance & Economic Development Committee. He said the Committee had met with the City Assessor and reviewed an Abatement of Taxes Request submitted by the new owners of the Starlite Motel. Mr. Meyer said the Assessor had investigated and agreed the former owners had neglected the property and there should be a reduction in value while the new owners pay for repairs to rectify the deficiencies.

Motion by Meyer, seconded by Schmidt, to approve the Abatement of Taxes Request submitted by Starlite Motel owners, Randolph & Bonnie Knutson, by lowering the appraised value of the property from \$175,900 to \$130,000. Motion carried 8-0.

Mr. Meyer reported the Committee, on December 13th, had held another meeting concerning an amended request for **Property Tax Exemption with Payments in Lieu of Taxes** submitted by Lake Agassiz Regional Development Corporation for **Senior Congregate Housing** Apartment Units. He said Irv Rustad of LARDC and School Superintendent Mike Connell had attended the Committee meeting and were also in tonight's audience. A copy of the Committee's minutes had been supplied to each Councilmember. Mr. Meyer said none of the Committee's members would offer a motion to support LARDC's amended request and the Committee appears to remain deadlocked on a recommendation whether or not the Council should even allow presentation of additional amendments. To determine the Council's position, he reported, the Committee voted 3-1 to offer a motion asking the City Council whether or not it will continue to accept property tax exemption applications. Mr. Meyer said this will allow each of the Committee members to lay out his arguments for final decision by the City Council

Motion by Meyer, seconded by Christensen, ***to make it a policy not to accept applications for Property Tax Exemptions with Payment in Lieu of Taxes for any types of development.***

Mr. Meyer said he remains opposed to any property tax exemptions. He said Wahpeton has a high property tax rate and exemptions will obligate taxpayers to come up with the additional cost for services. Mr. Meyer noted a report on per-student education costs had been submitted by Superintendent Connell which shows State Financial Aid receipts have been rather flat since 1981-82, are not keeping pace with education costs, and that means the difference is paid through property taxes. He said he feels the City Sales Tax vote was for the purpose of supplying development funding without placing the burden on property tax.

Councilmember Sturdevant said he is opposed to disallowing applications. He said LARDC's application is the first one for exemption with payments in lieu of taxes. Mr. Sturdevant noted the City has utilized exemption programs in the past and doesn't believe the Council should close the door to the incentive programs...but should be selective on each based upon merit. He said he is afraid the motion, if approved, will send a message to developers that the City will no longer consider any types of incentives for any new construction or expansions. Mr. Sturdevant said the incentives allowed for improvements on Dakota Avenue are examples of benefits to the City as the downtown's appearance and taxable valuation is higher than that it was prior to approval of the incentives. He said incentive programs are a valuable tool for the Economic Development Department to discuss with developers and each proposal should be considered on its worth to the City of Wahpeton.

Answering a question from Councilmember Mathiason, Mr. Meyer said he feels it is poor fiscal policy to create the need for more services without the increased tax base to pay the costs. He said there are bound to be more applications which could add to the current burden on property taxes.

Councilmember Christensen agreed. He said he feels taxpayers shouldn't be burdened with more property taxes and that it (granting of exemptions) wouldn't be a good policy for the School system. He said he knows there are plans for another application for the same type of exemption which will cause more costs for services without income. Mr. Meyer said there are lots of types of developments which would qualify under the "in lieu" program.

Councilmember Hansey said he wasn't sure if he understood the argument for more service needs. He wondered if the cost to plow snow on a given block wouldn't be the same whether or not there is structure there. Mr. Hansey said he felt the development would provide more income through the sale of water.

Mr. Meyer gave an example of the need for more revenue from 5 mills of property taxes each year to keep up with inflation for purchasing fire equipment. He said it may take about 5 years of income to pay for a truck now...it may take 7 years if mill values remain constant. Commenting on Mr. Hansey's observation about additional water sale revenues, Mr. Meyer said water & sewer income is used for designated purposes and he understands there's been a heavy demand on the sewer funds which may cause the Council to consider a rate increase.

Councilmember Hauck asked if there are many requests from the community to supply the type of (congregate) housing proposed by LARDC. Mr. Meyer said he didn't want to discuss that aspect any more...his position is that he doesn't feel the exemption route is a valid development tool at the present time...but if the Council feels it is, then the Council will consider each on its merit.

Mr. Sturdevant again stated he feels the Economic Development Department needs to have the opportunity to use the tools available to bring in more residents. He said he feels it is the Council's responsibility to look at the programs that are available, and that the City should continue to have the opportunity to utilize them.

Upon vote on the motion for the City Council to ***make it a policy not to accept applications for Property Tax Exemptions with Payment in Lieu of Taxes for any types of development,*** the following voted in favor: Christensen, Loberg, Meyer, Hauck, Schmidt; and the following voted against: Hansey, Mathiason, Sturdevant. Whereupon Mayor Schmitz declared the motion adopted on a vote of 5 in favor and 3 opposed.

Motion by Meyer, seconded by Christensen, to approve the recommendation of the Finance & Economic Development Committee for a 31-cents-per-mile personal vehicle reimbursement rate for City employees when usage

of a City vehicle is not available. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Motion by Meyer, seconded by Mathiason, to approve payment of additional bills presented in the amount of \$155,096.86 and that warrants be drawn upon their respective funds. Motion carried 8-0. Voting aye: Christensen, Hansey, Loberg, Meyer, Hauck, Schmidt, Mathiason, Sturdevant; voting nay: None.

Due to the lack of assignments, scheduling of Committee meetings was not necessary.

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

ATTEST:

Duane M. Schmitz, Mayor

Arden C. Anderson, City Auditor