

# Wahpeton City Council

April 17, 2024

(postponed from April 15, 2024)

5:00 p.m.

**Present:** Mayor Brett Lambrecht, Council Members Shannon Schillinger, Chad Perdue (remotely), David Woods II, Tiana Bohn (remotely), Kelly McNary, and Cory Unruh

**Absent:** Jason Goltz and Renata Fobb

**Also Present:** Finance Director Darcie Huwe, City Attorney Brittany Hatting/Assistant City Attorney Will Budke, Engineering Project Manager Kyle Rogahn, City Assessor Carla Broadland, Community Development Director Chris DeVries, Library Director Melissa Bakken, Police Chief Matthew Anderson, Finance Assistant Lynelle Amos, Auditor's Assistant Cheryl O'Meara, and Public Utilities Assistant DeVy Johannessen

## CALL TO ORDER – PLEDGE OF ALLEGIANCE

Meeting called to order by Mayor Lambrecht. The pledge of allegiance was recited.

## PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

**Joint Public Hearing with Planning Commission on Street Vacation Res. 3890** – Planning Commission Chair DeVillers said the Planning Commission was reconvened at 5:02 p.m. and referred to Rogahn to describe the vacation request. Rogahn explained there was a request from the Wahpeton Community Development Corporation (WCDC) to vacate some property on the 210 Bypass across the street from Westmore addition, a map of the area was provided. DeVillers asked if there was anyone present who would like to speak regarding the proposed street vacation request and there was none. DeVillers then asked Huwe if any correspondence has been received regarding the street vacation request. Huwe stated she had one inquiry regarding the location and implications of the street vacation which was quickly resolved but no opposition has been expressed. DeVillers then asked for a recommendation from the Planning Commission. **Motion by Dockter, seconded by Sedler, by the Planning Commission to recommend to the City Council to approve Vacating the Right-of-way (a Part of Westmore Lawn 2<sup>nd</sup> Addition, Prairie Place, and Westmore Avenue) Resolution 3890. Motion carried with all voting ‘aye’.**

Council member Schillinger offered the following and moved its adoption:

### **RESOLUTION NO. 3890** **RESOLUTION VACATING RIGHT OF WAY** **(A PART OF WESTMORE LAWN 2<sup>ND</sup> ADDITION,** **PRAIRIE PLACE & WESTMORE AVENUE)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember McNary. Motion carried with a roll call vote 5-0.

**Motion by Dockter, seconded by Sedler, to adjourn the Planning Commission meeting at 5:05 p.m.**  
**Motion carried with all voting ‘aye’.**

(At 5:07pm Hatting exited and Budke entered the meeting)

## CONSENT AGENDA ITEMS (presented by the Mayor) –

**Approval of minutes of regular meeting held April 1, 2024**

**Games of Chance Licenses, Site Authorizations & Special Permits:**

Head of the Red Youth Activities – Site Authorization at Brew Hall

Head of the Red Youth Activities – Site Authorization at BDSGC Grille Room

Three Rivers Gymnastics – Site Authorization at Prante's Fine Dining

Three Rivers Gymnastics – Site Authorization at Twin Town Tavern

**Other Games of Chance and/or Special Permits:**

- Southern Valley Figure Skating Club – Site Authorization at Driftwood Lounge
- Wahpeton Hockey Association – Site Authorization at Sportsman’s Lounge
- Wahpeton Hockey Association – Site Authorization at Firehouse Pub
- Wahpeton High School Baseball – Raffle Permit
- Wahpeton/Breckenridge Out of the Darkness Walk – Raffle Permit

**Presentation/Approval of Reports**

- Bill Pay Report March 2024 \$1,364,070.44 (see below)
- Financial Report March 2024
- 2023 Annual Report of Wahpeton Community Development Dept.
- Safe Drinking Water Certificate of Achievement
- Spring Cleanup May 13<sup>th</sup>-17<sup>th</sup>

Mayor Lambrecht asked if there were any items to be removed from the consent agenda and there were none.

**Motion by Schillinger, seconded by Woods, to approve the Consent Agenda items as presented.**

**Motion carried with all voting ‘aye’.**

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**Twin Town Tavern Amusement Device License (3) Application** – Huwe said the North Dakota Century Code Chapter 40-5 enables cities to regulate business including amusement devices. Amusement devices include “pay for play” machines such as dart boards, pool tables, and juke boxes. The Twin Town Tavern has submitted an application to license 2 dart boards and one touch tunes amusement device. **Motion by Woods, seconded by Unruh, to approve the Amusement Device License (3) Applications for Twin Town Tavern as submitted. Motion carried with all voting ‘aye’.**

**Sales Tax Projections – refer to Finance Cmt.** – Huwe said sales tax revenue represents approximately 20% of the 2024 adopted budget at \$2,800,000. Sales taxes are dedicated to funding infrastructure, flood mitigation, economic development, and recreation. Sales tax revenue is an integral part of the capital improvements planning and requested sales tax projections be referred to the Finance Committee. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

**2024 Election Update** – Huwe reported candidacy filings were due to City Hall by 4:00 PM on April 8<sup>th</sup>. The City of Wahpeton contests on the June 11<sup>th</sup>, 2024, ballot include 4 elected positions, and filings were received for each office with the at-large council positions having three candidates for two offices. The park board commissioner positions include 4 candidates for three openings. All wards in the City of Wahpeton will vote at the Wahpeton Event Center at 995 21<sup>st</sup> Avenue North. Additionally, absentee ballots may be returned via drop box at the Richland County Courthouse. The ND Secretary of State has voter specific information available on their website at sos.nd.gov.

**COMMUNITY DEVELOPMENT DIRECTOR**

**Community Development Report** – DeVries reported the Planning Commission voted to approve an update of the city zoning map for which a public hearing was scheduled for May 6<sup>th</sup>. He requested first reading of Ordinance 1064, an update of the city zoning map.

Council member Woods offered the first reading of the following Ordinance:

**ORDINANCE NO. 1064**  
**AN ORDINANCE UPDATING AND ADOPTION OF**  
**THE CITY OF WAHPETON ZONING MAP**

**BND PACE Interest Buydown Requests for Participation** – DeVries said he received two applications for BND FLEX PACE Interest Buydowns, one from KJE Com, LLC, and one from Black Powder Fireworks dba Little Unny's, that he would like reviewed by the Finance Committee. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

DeVries requested the City Hall Community Room technology upgrades be referred to the Finance Committee. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

DeVries reported at the Wahpeton Community Development Corporation meeting today the pending closing of the Golden Rule was discussed, and it was noted the WCDC owns the buildings in which it resides. He said there has been some interest in the space and an RFP will be sent out in the next couple of days. He said a business will be locating in the former Wahpeton Drug building. One will also be locating in the building next to the former Cherry Berry building. He announced the Boiler Room is reopening as Twin Town Tavern. He also said he and Kory Kaste visited with a business owner in Detroit Lakes regarding the possibility of them opening a 2<sup>nd</sup> business location in Wahpeton. He felt there were a lot of good things happening downtown.

DeVries then announced summer events being planned include 4<sup>th</sup> of July fireworks with some kind of music that is currently being sought for the event, Chalkfest, and the Music Festival.

(Council member Perdue entered meeting remotely at 5:17pm)

### **LIBRARY DIRECTOR**

**Library Report** – Bakken thanked everyone for their support of the library over the years, reporting the library's 100<sup>th</sup> Anniversary Celebration had a good turnout with the State librarian in attendance along with about 100 patrons. She reported happenings at the library in the next two weeks include story time, Leach Reads Book Club, crafty adult session, preschool fun day, and a Library Board meeting. On April 27<sup>th</sup> local author Phillip Meyer will be at the library for a book signing. The summer reading program, Adventure Begins at your Library, kicks off June 3<sup>rd</sup> with school visits promoting the program in May. It was also announced the library will once again be a site for the summer food/lunch program.

### **POLICE CHIEF**

**Police Dept. Report** – Police Chief Anderson reported the police department is partnering with Avel eCare. Representative Mitskog brought it through the legislature last year and it's a 24/7 mental health crisis care. This company which is used by South Dakota is just starting in North Dakota and the City of Wahpeton is going to take part in it, along with Richland County, Sargent County, Ransom County, Cass County, and Traill County. It gives access to Ipads and phones which they provide at no cost, and if someone is in a mental health crisis it will get them in contact with a mental health professional. They have seen that it has taken those calls for service anywhere from half an hour to an hour and a half down to about 15-20 minutes to get some of that early crisis intervention so it is a good thing for the Police Department. It should be implemented in the next couple of weeks and will see how it goes.

**Parking Ordinance Review – refer to PW Cmt.** – Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

### **PUBLIC WORKS DIRECTOR**

**Public Works Report** –

**Approve Plans & Specs and Authorize Receipt of Bids for Bois de Sioux Golf Course Intake Structure Proj. SS23-276** – City Project Engineer Rogahn said Public Works Director Miranowski, Mayor Lambrecht, and Interstate Engineering have been working with FEMA on this project over the past few months to secure funding. About \$234,000 has been secured to complete this project. Construction plans were provided.

**Motion by Woods, seconded by Unruh, to approve Plans & Specs and Authorize Receipt of Bids for the Bois de Sioux Golf Course Intake Structure Project SS23-276. Motion carried with all voting 'aye'.**

**Public Input Meeting on East Side Mill & Overlay Project Tuesday, April 16<sup>th</sup> at 4:30 p.m.**

**Referrals to PW Cmt.:**

**Prelim Engineering Reimb. Agmnt with ND DOT for Dakota Ave. Repairs** – Mayor Lambrecht will refer this item back to the Public Works & Public Safety Committee.

**Final Pay Application/CCO Sanitary LS No. 8** – Mayor Lambrecht will refer this item back to the Public Works & Public Safety Committee.

**Final Pay Application/CCO VFD's Flood LS Proj.** – Mayor Lambrecht will refer this item back to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of Fire Hydrant Maintenance in the Wahpeton Mobile Home Park and Briarwood Trailer Park.** Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of a Recommendation from CEC Committee to Purchase Lighted Snowflakes for Dakota Avenue Street Lights.** Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of an Agreement with Sweeney Controls to Upgrade the Control System for Flood Lift Stations #1A and #7.** Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Rogahn reported on the Public Works/Street Department tasks/activities in the past few weeks that have been completed or that are being worked on.

**COMMUNICATIONS FROM THE MAYOR & COUNCIL**

Mayor Lambrecht recognized Scout Woods she recently broke some school sports records.

**REPORTS FROM THE CITY COUNCIL COMMITTEES**

**Public Works & Public Safety Committee Report**

McNary said the Public Works & Public Safety Committee met on April 8<sup>th</sup> at 4:00 p.m.

**Motion by McNary, seconded by Unruh, to approve the Ratification of the Appointment of Mayor Lambrecht to the Public Works & Public Safety Committee in the Absence of a Quorum on April 8, 2024. Motion carried with all voting 'aye'.**

**Approve Engineering Agreement with Interstate Engineering Inc. for 4<sup>th</sup> Ave. & 4<sup>th</sup> St. S. Proj. ST24-283 & Assessment District – Motion McNary, second by Unruh, to approve creation of the Assessment District for Projects ST24-283 & ST24-284. Motion carried with all voting 'aye.**

Council member McNary offered the following and moved its adoption:

**RESOLUTION NO. 3891**  
**RESOLUTION CREATING**  
**4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT**  
**(NDDOT URBAN ROAD SEGMENTS PROJ. NO. ST24-283 (PHASE I) and**  
**4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT NON URBAN ROAD SEGMENTS**  
**PROJ. NO. ST24-284 (PHASE II)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schillinger. Motion carried with a roll call vote 6-0.

Council member McNary offered the following and moved its adoption:

**RESOLUTION NO. 3892**  
**RESOLUTION OF THE CITY OF WAHPETON RELATING TO  
THE ISSUANCE OF BONDS AND THE REIMBURSEMENT  
OF CERTAIN EXPENDITURES FOR  
4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT  
(NDDOT URBAN ROAD SEGMENTS PROJ. NO. ST24-283 (PHASE I) and  
4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT NON URBAN ROAD SEGMENTS  
PROJ. NO. ST24-284 (PHASE II))**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schillinger.  
Motion carried with a roll call vote 6-0.

Council member McNary offered the following and moved its adoption:

**RESOLUTION NO. 3893**  
**RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT  
4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT  
(NDDOT URBAN ROAD SEGMENTS PROJ. NO. ST24-283 (PHASE I) and  
4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT NON URBAN ROAD SEGMENTS  
PROJ. NO. ST24-284 (PHASE II))**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schillinger.  
Motion carried with a roll call vote 6-0.

Council member McNary offered the following and moved its adoption:

**RESOLUTION NO. 3894**  
**RESOLUTION RECEIVING AND APPROVING ENGINEER'S REPORT IN  
4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT  
(NDDOT URBAN ROAD SEGMENTS PROJ. NO. ST24-283 (PHASE I) and  
4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT NON URBAN ROAD SEGMENTS  
PROJ. NO. ST24-284 (PHASE II))**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schillinger.  
Motion carried with a roll call vote 6-0.

Council member McNary offered the following and moved its adoption:

**RESOLUTION NO. 3895**  
**RESOLUTION DIRECTING PREPARATION FOR PLANS  
AND SPECIFICATIONS AND ESTIMATE OF COSTS FOR IMPROVEMENT  
IN 4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT  
(NDDOT URBAN ROAD SEGMENTS PROJ. NO. ST24-283 (PHASE I) and  
4<sup>TH</sup> ST. & 4<sup>TH</sup> AVE. S. IMPROVEMENT DISTRICT NON URBAN ROAD SEGMENTS  
PROJ. NO. ST24-284 (PHASE II))**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schillinger.  
Motion carried with a roll call vote 6-0.

**Motion by McNary, second by Unruh, to approve the Engineering Agreement with Interstate Engineering Inc., not to exceed \$198,680, for Design Engineering (est. 8.41% of the project) for Project ST24-283. Motion carried with a roll call vote of 6-0.**

**Approve Engineering Agreement with Interstate Engineering Inc. for 4<sup>th</sup> Ave. & 4<sup>th</sup> St. S. Proj. ST24-284 – motion to approve \$433,635 – Motion by McNary, seconded by Wood, to approve the Engineering Agreement with Interstate Engineering Inc., not to exceed \$433,635, for Project ST24-284. Motion carried with a roll call vote of 6-0.**

**Airborne Vector Control Contract Retainer – discussion**

**Review bids & Award Project for Police Impound Building Repair – motion to award to Krump Construction \$3,420 – Motion by McNary, second by Unruh, to award the Bid for the Police Impound Building West Wall Repair to Krump Construction Inc., in the amount of \$3,420 with funding from Capital Improvement Fund 229. Motion carried with a roll call vote of 6-0.**

**Review Bids & Award Project for Salts Bunker/Salt Storage Building Improvements – motion to award to David’s Concrete, LLC \$13,750 – Motion by McNary, second by Woods, to award the Bid for the Salt Bunker Walls at the Sand & Salt Storage Building Improvements to David’s Concrete LLC., in the amount of \$13,750 with funding from Capital Improvement Fund 229. Motion carried with a roll call vote of 6-0.**

**Wellfield Relocation Proj. W19-251 Option Agreement Extensions – motion to extend – Motion by McNary, seconded by Unruh, to approve the Third Amendment to the Wellfield Relocation Project Option Agreement with the Styf Family, with a payment of \$100 for the extension of the date of the contract to May 1, 2025. Motion carried with a roll call vote of 6-0.**

**Street Addressing Issues Oliver 1<sup>st</sup> Addition**

**Building Official Updates – discussion**

**Referrals (See PW Director Report)**

**Finance, Personnel & Economic Development Committee Report**

Schillinger said Finance, Personnel & Economic Development met on April 8<sup>th</sup> at 5:00 p.m.

**Mayor’s Ad-hoc Cmt. on Recreation Center Update on NDSCS Land Lease – Motion to approve as amended – Motion by Schillinger, seconded by Woods, to approve the Ground Lease and Development Agreement between the State Board of Higher Education DBA North Dakota State College of Science and City of Wahpeton for the proposed Recreation Center as amended. Motion carried with a roll call vote of 6-0.**

**Referrals – None**

March 2024 Bill Pay Report

<b>DISBURSEMENTS FUND</b>	<b>ACCOUNTS PAYABLE</b>	<b>PAYROLL &amp; GL</b>	<b>TOTAL</b>
101 GENERAL FUND	\$378,653.88	\$79,732.85	\$458,386.73
201 WATER OPERATING FUND	\$40,229.15	\$85,063.56	\$125,292.71
202 SANITARY SEWER OPERATING FUND	\$22,715.67	\$61,879.39	\$84,595.06
203 WASTE REMOVAL OPERATING FUND	\$31,362.47	\$4,916.42	\$36,278.89
204 WASTE REDUCTION FUND	\$369.18	\$500.00	\$869.18
205 VECTOR CONTROL FUND	\$34.68	\$4,967.77	\$5,002.45
206 STREET LIGHTING	\$13,561.77		\$13,561.77
207 STORM WATER UTILITY	\$91.42		\$91.42
209 LIBRARY LEVY FUND	\$4,252.23	\$18,266.12	\$22,518.35
216 AIRPORT 4-MILL LEVY FUND		\$1,076.50	\$1,076.50
229 CAPITAL IMPROVEMENTS FUND	\$56,482.00		\$56,482.00
233 REAL ESTATE LEVY FUND	\$40.00		\$40.00
234 SPECIAL STREET MAINT FUND	\$1,102.76		\$1,102.76
235 SNOW/FLOOD EMERG LEVY FUND	\$634.50		\$634.50
236 LEVEE MAINTENANCE	\$4,978.42	\$11,075.05	\$16,053.47
271 ECONOMIC DEVEL DEPT FUND	\$1,264.85	\$14,074.24	\$15,339.09
303 MISCELLANEOUS FUND	\$1,812.42		\$1,812.42

315 TAX INCREMENT FUND		\$1,250.00	\$1,250.00
316 1% LODGING TAX (ADDTL 1/1/08)	\$16,765.00		\$16,765.00
319 LODGING TAX FUND	\$7,755.35		\$7,755.35
320 SALES TAX OPERATING FUND	\$19,989.96	\$17,869.25	\$37,859.21
321 SALES TAX RESERVE FUND	\$1,743.69		\$1,743.69
325 SALES TAX H.E.L.P. HOUSING FUND	\$20,000.00		\$20,000.00
326 REVOLVING LOAN FUND	\$40.00	\$416.67	\$456.67
329 BULL RIDING EVENT	\$26,460.24		\$26,460.24
365 PD SPEC EQUIP SINKING FUND	\$195.98		\$195.98
393 1% RESTAURANT TAX FUND	\$535.95		\$535.95
572 SALES TAX FOR FLOOD FUND		\$44,531.26	\$44,531.26
672 8TH AVE. N PROJ. ST19-248	\$189,416.97		\$189,416.97
675 WELL FIELD RECLO PROJ W19-251	\$14,065.92		\$14,065.92
679 W.WATER FACILITY PLAN	\$250.00		\$250.00
681 HOMESTEAD DEVELOPMENT ST21-263	\$100.00		\$100.00
685 SS LS GENERATORS SS21-265	\$69,514.84		\$69,514.84
686 DOWNTOWN S STREETS2 ST21-259	\$17,758.80		\$17,758.80
687 NON FEDAID DOWNTOWN S ST ST22-266	\$1,033.34		\$1,033.34
693 EAST CENTRAL & SE ST PROJ ST23-278	\$66,279.37		\$66,279.37
695 GOLF COURSE INTAKE SS23-276	\$1,700.00		\$1,700.00
696 GOLF COURSE BRIDGE SW23-280	\$7,260.55		\$7,260.55
<b>TOTAL</b>	<b>\$1,018,451.36</b>	<b>\$345,619.08</b>	<b>\$1,364,070.44</b>

### **SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Public Works Committee April 22, 2024, 4:00 p.m.
- b. Finance Committee April 22, 2024, 5:00 p.m.

**Motion by Unruh, seconded by Schillinger, to adjourn at 5:49 p.m. Motion carried.**

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Mayor Brett Lambrecht

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Lynelle Amos, Finance Assistant