

Wahpeton City Council

August 5, 2024

5:00 p.m.

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

Absent: None

Also Present: Finance Director Darcie Huwe, City Attorney Brittany Hatting, Public Works Director Dennis Miranowski, City Assessor Carla Broadland, Community Development Director Chris DeVries, Library Director Melissa Bakken, Police Chief Matthew Anderson, Finance Assistant Lynelle Amos, and Auditor's Assistant Cheryl O'Meara

CALL TO ORDER – PLEDGE OF ALLEGIANCE

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

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

Proclamation – Wahpeton 9U Baseball Team State Champions – Council member Bohn read a proclamation congratulating the Wahpeton 9U Baseball Team on earning the title of Champions at the National Invitational Tournament, and declaring August 5, 2024 to be Wahpeton Baseball Champions Day. Coach Frolek introduced the team and assistant coaches and spoke about the team's winning season noting the respect and good sportsmanship shown by the team. Congratulations was shown through a standing ovation.

Pierce Dilapidated Properties Administrative Hearing – continued to Aug. 19 immediately following Council mtg.

CONSENT AGENDA ITEMS (presented by the Mayor) –

Approval of minutes of regular meeting held July 15, 2024

Games of Chance Licenses, Site Authorizations & Special Permits:

Tri-State Safety Association – Raffle Permit

Other Games of Chance and/or Special Permits:

NDSCS Athletics – Raffle Permit

Terry Materi Gun Raffle – Raffle Permit

Operation Zero/Bikes & Brews – Raffle Permit

Presentation/Approval of Reports

NDSCS Opening Week Block Party August 25th

NDLC 2024 Annual Conference

Mayor Lambrecht asked if there were any items to be removed from the consent agenda and there were none. **Motion by Goltz, 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

2025 Preliminary Budget – Refer to Finance Cmt. – Huwe said the 2025 preliminary budget will be available at the Finance Cmt. meeting on August 12th. The tax levy certification will be discussed later during the Finance Cmt. report. Any questions, suggestions or input can directed to Huwe. It was requested this item remain on both committee agendas until adoption. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee, and also to the Public Works & Public Safety Committee.

Fireworks Wholesaler License Request – Refer to Finance Cmt. – Huwe said the current City ordinances regarding fireworks are primarily an adoption of the ND Century Code Chapter 23-15. An inquiry has been received from a current retail fireworks license holder about the availability of a city wholesale license. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

NDLC Webinar – Second Look at the Property Tax Elimination Measure Aug. 15th – Huwe said the North Dakota Secretary of State has approved the petition and ballot language for the 2024 General Election Initiated Measure 4 to add a new article to the North Dakota Constitution related to prohibiting all political subdivisions from levying any tax on real property except for bonded indebtedness until paid. The ND League of Cities is hosting a free webinar on August 15th at 10 a.m. to provide an overview of the measure, the fiscal impact, and additional legislation that would be required for implementation should it be approved by the voters. The November 5th General Election is 99 days from today. Anyone interested in listening to the webinar was asked to contact Huwe.

ND League of Cities Annual Conference Sept. 18-20, 2024 – Huwe said the ND League of Cities annual conference will be held Wednesday, September 18th through Friday, September 20th in Grand Forks at the Alerus Center. The agenda includes over 30 educational sessions on topics ranging from cybersecurity, pavement management, first amendment audits grant funding, to the basics of carbon capture. Anyone interested in attending should contact Huwe by August 23rd.

ASSESSOR/BUILDING CODES

City Assessor Broadland announced the State Equalization is scheduled for Tuesday, August 13th at 8:30 a.m. in Bismarck. She was not aware of any residents of Wahpeton attending but wanted the council to be aware of the date.

ATTORNEY

Municipal Court – Request Appointment of Alternate Indigent Defense Counsel and Motion to Accept Resignation of Charlie Scheeley – City Attorney Hatting explained she received correspondence from Charlie Scheeley who has acted as the City’s Alternate Indigent Defense Attorney since 2020 that he will have to tender his resignation as he has accepted a position with the Federal court system and will no longer be able to continue in that capacity. **Motion by Bohn, seconded by McNary, to approve accepting the resignation of Charlie Scheeley as Alternate Indigent Defense Attorney. Motion carried with all voting ‘aye’.**

Hatting said Scheeley recommended Attorney Tanya Johnson Martinez as his replacement and Hatting felt that with her experience she would be a good candidate. **Motion by Bohn, seconded by Fobb, to approve entering into negotiations with Tanya Johnson Martinez for the Alternate Indigent Defense Attorney contract. Motion carried with all voting ‘aye’.**

Ordinance Consideration for Smoking in Public Places and Tobacco Retail Licenses – Refer to Finance Cmt. – Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

COMMUNITY DEVELOPMENT DIRECTOR

Community Development Report – Planning Commission Recommendation – Zoning Approval Request – Community Development Director DeVries presented a recommendation from the Planning Commission for a special exception for storage buildings abutting the Red River Valley and Western Railroad under Ordinance 1037 for special exceptions in Business B-2 Heavy Zoning Classifications. The Commission took right-of-way into consideration, and the applicant, Sam Storo, made adjustments to the size and placement of the buildings, with both reaching a good compromise. **Motion by Bohn, seconded by Schillinger, to approve the Special Exception for Sam Storo’s proposed Storage Buildings abutting the Red River Valley and Western Railroad near Fargo Avenue (behind Taco John’s). Motion carried with all voting ‘aye’.**

DeVries reported he received two bids for Dakota Avenue tree decorating. One from Finley on the Roof of Fargo with an estimated cost of about \$40,000 taking 7-10 days to complete. The other was from Dakota Designs, who has provided the service the past couple of years, with a cost of \$31,550. They would be installed by November 19th and removed by March 1st and it would be a two-year agreement. The lights would stay on the trees through the summer as was done a year ago bringing down the cost in the second year. The breakdown would be for year one the larger trees between 4th and 6th Street would cost \$12,250, 1st through 3rd and 7th through 12th Streets would cost \$7,500, and the Rosewood entrance would cost \$950, for a year one total of \$20,700. In year two the cost would be \$10,850. Funding would be from the Restaurant Tax. **Motion by McNary, seconded by Goltz, to approve the contract with Dakota Designs for Dakota Avenue Tree Decorating at the cost of \$31,500 for 2 years with funding from the Restaurant Tax. Motion carried with a roll call vote of 8-0.**

DeVries announced the Classy and Classic Car Show will be Thursday, September 12th from 4-7 p.m. and asked for volunteers to help, especially with staging the cars. Anyone interested can contact him.

LIBRARY DIRECTOR

Library Report – Library Director Bakken reported they had the final wrap up for this year’s Summer Reading Program which saw increases in the number of participants, the number of finishers, and the number of “College Save” certificates issued. A total of 249 reading logs were turned in for a total of 2,490 days’ worth of reading or 6.8 years. There were 15 grand prize winners from all reading levels. Although program attendance was down, actual reading time increased overall. The most popular program was the “Mixed Nuts” duo in late June, which was made possible by a donation from the Friends of the Library. Casey’s General Store was also thanked for their donation of cookie cards for the children. Children’s Librarian Kercher has created an online survey regarding the Summer Reading Program and all were encouraged to participate on the library’s website. Bakken announced their last day of hosting the summer food program will be Friday, August 9th. A couple of “Back to School” programs are scheduled at the library, included a craft session for school agers to decorated their notebooks and folders, and a family movie with popcorn. Upcoming fall programming includes Leach Reads Book Club and children’s story time. All programming can be found on the library’s website calendar. The library will be open Saturdays starting September 7th from 9 a.m. to 1 p.m.

POLICE CHIEF REPORT

Police Dept. Report – Police Chief Anderson reported on August 17th Dakota Avenue will be closed to traffic from noon to midnight for the Operation Zero event. Tomorrow is National Night Out at the OxCart Trail Park in Breckenridge from 5-7 p.m. The Police Department is currently working speed enforcement through August 15th. August 16th through Labor Day they will take part in the impaired driving campaign “Drive Sober or Get Pulled Over”.

PUBLIC WORKS DIRECTOR

Public Works Report –

Referrals to PW Cmt.:

Professional Service Agmnt. Amendment with Interstate Engineering Proj. ST21-263 – Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Contract Change Order with Sellin Bros. Inc. Proj. SS23-276 – Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Professional Services Agmnt. Addendum with Interstate Engineering for Water Facility Plan – Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Professional Services Agmnt. Addendum with Interstate Engineering for Wastewater Facility Plan – Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Miranowski 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

It was announced that Wahpeton Post 20 had just won the State Championship. McNary said some congratulatory words regarding the team and Coach Kappes.

REPORTS FROM THE CITY COUNCIL COMMITTEES

Public Works & Public Safety Committee Report

McNary said the Public Works & Public Safety Committee met on July 29 at 4:00 p.m.

Fireworks Hours of Use – Wahpeton residents Neil Braun of 500 4th Ave. S. and Simone Sandberg of 204 8th St. N. voiced their concerns regarding loud fireworks and those discharged past the allotted time constraints and felt any decisions regarding fireworks should be decided by a vote of the people. They did not want to restrict the sales of fireworks just when they can be discharged. City Attorney Hatting presented a ballot for an advisory vote, which would not be binding on the city council but would allow them to take the results of that vote into consideration. Two options were presented for consideration. Council member Unruh commented that some people like fireworks and haven't been represented during these discussions, and he felt fireworks are patriotic and a celebration of freedom. Consensus was the straw poll advisory ballot would be best which gave the options of how many days fireworks should be allowed to be discharged in the city ranging from July 4th only up to the current of 9 days. Hatting noted the council is not obligated to put anything on the ballot or to make any changes regarding to the responses. **Motion by Goltz, seconded by Schillinger, to approve the Advisory Vote to be included on the Official Ballot for the November 5, 2024 Election asking "For how many days should fireworks be allowed to be discharged within the City of Wahpeton" with responses ranging from the current 9 days to July 4th only. Motion carried with all voting 'aye'.**

Wellfield Relocation Proj. W19-251 Supplemental Agmnt. No. 1 with Interstate Engineering – motion to approve \$19,500 – Motion by McNary, second by Woods, to approve the Supplemental Agreement for Engineering Services with Interstate Engineering in the amount of \$19,500 for the Wahpeton Wells, Booster Pump Station, and Transmission Line project. Motion carried with a roll call vote of 8-0.

Forestry Ordinance Review – discussion

Alarm Systems Ordinance Review

2025 Preliminary Budget

Bois de Sioux Golf Clubhouse AC Repair – motion to approve \$1,580.30 – Motion by McNary, seconded by Fobb, to approve the invoice from Schmitt's Plumbing, Heating, & Sheet Metal for the Bois de Sioux Golf Clubhouse AC Repair in the amount of \$1,580.30. Motion carried with a roll call vote of 8-0.

Building Official Updates

Yard Junk & Clutter

Referrals (see PW Director Report)

Finance, Personnel & Economic Development Committee Report

Goltz said the Finance, Personnel & Economic Development Committee met on July 29 at 5:00 p.m.

BND PACE Interest Buydown Program Policy Review – motion to approve – Motion by Goltz, seconded by Bohn, to approve the BND PACE Interest Buydown Program Guidelines and Scoring Matrix as amended. Motion carried with all voting ‘aye’.

HELP Assistance Program Review – motion to approve – Motion by Goltz, seconded by Schillinger, to approve amendment of the HELP Program to the Housing Assistance and Redevelopment Program as presented. Motion carried with a roll call vote of 8-0.

Workforce Housing Redevelopment Request for Proposals – motion to deadline – Motion by Goltz, seconded by Woods, to approve to extend the deadline for proposals for the Workforce Housing Redevelopment Request for Proposals to August 19th. Motion carried with all voting ‘aye’.

Employee Retirement Plan Changes – discussion

2025 Preliminary Budget – motion to approve 2025 Preliminary Tax Levy – Motion by Goltz, seconded by McNary, to approve the Preliminary Tax Levy for the 2025 Budget of \$2,285,034. Motion carried with a roll call vote of 8-0.

Referrals – To consider ordinance amendments related to Chapter 26-13 Smoking in Public Places and Places of Employment and Chapter 22-503 to 22-551 Tobacco Dealers to address current trends in e-cigarettes and vaping.

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Public Works Committee August 12th, 2024 4:00 p.m.
- b. Finance Committee August 12th, 2024 5:00 p.m.

Motion by Goltz, seconded by Schillinger, to adjourn at 6:05 p.m. Motion carried.

Mayor Brett Lambrecht

Lynelle Amos, Finance Assistant