

# Wahpeton City Council

August 7, 2017

5:00 p.m.

**Present:** Schmidt, Lambrecht, Bertsch, Bajumpaa, DeVries, Dale, Miller, and Wateland

**Absent:** Hansey

**Also Present:** Huwe, Lies, Miranowski, Thorsteinson, Bakken, Amos and Cain

## **CALL TO ORDER**

Meeting called to order by City Council President Dale.

## **PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.**

**Air Quality Concerns – Doug Hockert** ó Hockert started out by talking about the many positive amenities that make Wahpeton a great place to live, work and visit, but felt that the quality of air in Wahpeton is an economic deterrent. He then gave some examples of times when the air quality in Wahpeton has caused a negative portrayal of the community. Hockert said in an effort to do something about improving the air quality in Wahpeton he contacted the US EPA who provided him with some guidelines to start following. The first was to contact the North Dakota Department of Health who conducted some investigation into the odors. The next was to contact the local government as they have the power to create and enforce ordinances. He felt the City should identify the problem and attack it to the best of their ability. Kurt Wickstrom, President and CEO of Minn-Dak Farmers Cooperative, then spoke acknowledging the company's contribution to the odors in Wahpeton. He explained they have done some investigating and have found some possible sources of the odors being emitted from their business, which were their waste water ponds, lime pile and mud pile. Wickstrom also talked about some steps that they have taken to try to reduce the odors which were to reduce planted acres of sugar beets, create another pond, and investing in their facility to try to fix the issues that caused the problems and prevent sugar from getting into the waste water facilities. He said they are taking the issue seriously and appreciate the concerns. Their goal is to remain an upstanding member of the community and to try to address these issues the best they can. He noted there is likely no quick fix to the situation, however over time felt they can make substantial improvements. Dale commented that the City recognizes that it has its own issues with their ponds and in the last year have come a long way on mitigating odors, but there is a lot of work left to do which the City will continue to work on. Paul Fry, Vice President of Operations for Minn-Dak, then further explained how they are addressing the odor emission issues. He noted that the company needs time to get from where they are to where they need to be with odor control. Discussion held. Dave Glatt, ND Department of Health ó Environmental Health, was present to provide some comments. He was glad to hear the company was taking ownership of the issue and looking at a path forward. He said they will continue to work with the company by looking at what the appropriate plans are moving forward. He encouraged continued communications between the entities involved.

## **BIDS/OFFERS/QUOTES**

**4<sup>th</sup> Ave. S. Manhole Repair Project – Request to Award Contract** ó Miranowski requested to award the 4<sup>th</sup> Avenue South Manhole Repair Project to Agassiz Underground LLC. Bids were received August 1<sup>st</sup> and they were the low bidder at \$38,823.80.

Council member Bajumpaa offered the following and moved its adoption:

**RESOLUTION NO. 3650**  
**RESOLUTION AWARDING CONTRACT**  
**TO MAKE MANHOLE REPAIRS**  
**(Manhole Repairs – 4<sup>th</sup> Ave. S.)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schmidt. Motion carried with a roll call vote 8-0. Discussion held.

**CONSENT AGENDA ITEMS (presented by the City Council President) ó**

**Approval of minutes of regular meeting held July 17, 2017**

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

Three Rivers Gymnastics ó Site Authorization

Wahpeton Baseball ó Games of Chance Raffle Permit

Wahpeton Breckenridge Rotary ó Games of Chance Sports Pool Permit

**Other Games of Chance and/or special permits:**

Red Door Art Gallery ó Games of Chance Raffle Permit

**Presentation/Approval of Reports**

Convention & Visitors Bureau Q2 Report

Lake Agassiz Regional Council Community Economic Development Strategy 2018-2022 Draft  
Plan for Public Comment

WSI Training Record Q2

ND Dept. of Health Phase II Investigation Report at former City Hall Site

Council President Dale asked if there were any items to be removed from the consent agenda and there were none. **Motion by Wateland, seconded by Lambrecht, to approve the Consent Agenda items as presented. Motion carried with all voting ‘aye’.**

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**Request for Special Council Meeting Monday August 14<sup>th</sup> at 12:00 Noon – request motion to reschedule public hearing for the PILOT Application submitted by Paces Lodging ó Motion by Bajumpaa, seconded by Wateland, to reschedule the Public Hearing for the PILOT Application submitted by Paces Lodging to the Special City Council Meeting scheduled for Monday, August 14<sup>th</sup> at 12:00 Noon. Motion carried with all voting ‘aye’.**

**Development Agreement with Zach Construction Inc. for infrastructure improvements via special assessment in the Evergreen West Addition – request motion to approve the development agreement and create a special assessment district** ó This item to be covered under the Finance Committee report.

**2018 Preliminary Budget – request referral to Special Council Meeting Aug. 14<sup>th</sup>** ó City Council President Dale will refer this item to the Special City Council Meeting on August 14<sup>th</sup>.

**Agent of Record for NDIRF & FirePak Policies – request referral to Finance Cmt.** ó City Council President Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**Liquor License Fee Review – request referral to Finance Cmt.** ó City Council President Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**16<sup>th</sup> Ave. N. Shared Use Path Match Funding – request referral to Finance Cmt.** ó City Council President Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**Buxton Partnership – request referral to Finance Cmt.** ó City Council President Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**Economic Development Report** ó A written Economic Development activity report was provided that had been prepared by Priebe prior to her retirement on Friday. Huwe reviewed some of the highlights, including the S400BI Committee meeting, the Tour of Empty Spaces, and a recommendation to allow Revolving Loan Funds to finance a small infrastructure project. It was also noted the CEO Committee met and approved replacing the hanging baskets which fits within their current year budget.

Huwe reported the Planning Commission acting as the Renaissance Zone Authority reviewed an application from Myron and Kathleen Coppin for their project at 82 3<sup>rd</sup> Avenue North. The project is rehabbing their home with roofing, siding, windows, and other general remodeling. A certificate of good standing has not been received yet. They are eligible for a 5-year 100% property tax exemption on the improvements only and a 5-year personal income tax credit of up to \$10,000. The RZA recommends approval of the application contingent upon receiving the Certificate of Good Standing from the State. **Motion by DeVries, seconded by Bertsch, to approve the Renaissance Zone application for a Residential Project at 82 3<sup>rd</sup> Avenue North from Myron and Kathleen Coppin contingent upon receiving a Certificate of Good Standing from the State. The application process will be forwarded to the State Office for approval of a 5 year property tax exemption on improvements only and a 5 year 100% state income tax exemption up to \$10,000 as presented. Motion carried with all voting ‘aye’.**

#### **ATTORNEY**

**Planning Commission recommendation to amend Ordinance Ch. 46 to allow electrical substations by special exception. Offer 1<sup>st</sup> Reading of Ordinance No. 979** ó Lies explained there has been a request to put in a substation north of Schmidt Addition which is in the ETZ. City ordinances do not permit for that to take place in any district other than the city districts so Ordinance 979 is being proposed and has been discussed by the Planning Commission and, pending the Joint Public Hearing with the City Council scheduled for August 21<sup>st</sup>, suggests to allow for utility power stations in any district within the city zoning authority but itø to be approved as a special exception.

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

### **ORDINANCE NO. 979** **AN ORDINANCE AMENDING CHAPTER 46 ZONING**

#### **LIBRARY DIRECTOR**

**Library Report** ó Bakken reported the library wrapped up a very successful Summer Reading Program. On Monday, July 31<sup>st</sup> there was a final party for the finishers of the childrenø program with pizza, games and fun. The Teens SRP held their party Wednesday, August 2<sup>nd</sup> with video gaming and prizes. The Adult SRP also came to a close. The total number of readers for the program was about 117, with an outstanding teen attendance. Bakken thanked all the sponsors and volunteers of the SRP and their help in building a better world. Food For Fines ended July 28<sup>th</sup> taking in a total of 68 items donated to the Food Pantry, amounting to \$136 in fines being forgiven. The final day for the Summer Lunch Program will be Friday, August 11<sup>th</sup>. Bakken felt it was a very good program which was well-received. Thursday, August 10<sup>th</sup> a Back-to-School Craft Session will be held for the school-age children. On August 21<sup>st</sup> a summer eclipse viewing party will be held beginning at 11:00 a.m. with eclipse glasses provided. Bakken announced the library will be closing early Tuesday, August 15<sup>th</sup> at 5:00 p.m. due to staffing issues. The Friends of the Library met with former President Rhonda Weeda stepping down and Bonnie MacIver was chosen as the new President.

#### **PUBLIC WORKS DIRECTOR**

**Review Proposal from Dr. Lin of NDSU for a study of wastewater Pond #1 – request referral to PW Cmt.** ó City Council President Dale will refer this item to the Public Works & Public Safety Committee.

(Wateland exit at 5:42 pm)

Miranowski announced a Flood Committee meeting will be held August 15<sup>th</sup> at 11:30 a.m. prior to the Public Works meeting to consider the final change order for the Zoo Encroachment Project.

**COMMUNICATIONS FROM THE MAYOR & COUNCIL**

**Community Development Director Position – Finance Cmt. Chair DeVries** ó DeVries requested the Community Development Director position be referred back to the Finance Committee to discuss timing of the position after concerns were heard from the Economic Development Direction committee. City Council President Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS**

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

DeVries said the Finance, Personnel & Economic Development Committee met July 24<sup>th</sup> at noon.

**Revolving Loan Fund Inquiry** – Proposed Development Agreement **motion** to approve the development agreement; **motion** to recommend approval of the dedication of RLF Funds up to \$60,000 for permanent Financing; **motion** to recommend approval of Resolutions to create a special assessment district ó

Council member DeVries offered the following and moved its adoption:

**RESOLUTION NO. 3651**  
**RESOLUTION CREATING STREET, SANITARY SEWER AND WATER  
IMPROVEMENT DISTRICT  
EVERGREEN WEST PROJECT NO. STW17-234**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Bertsch. Motion carried with a roll call vote 7-0.

Council member DeVries offered the following and moved its adoption:

**RESOLUTION NO. 3652**  
**RESOLUTION RELATING TO THE REIMBURSEMENT OF CERTAIN  
EXPENDITURES FOR STREET, SANITARY SEWER AND WATER  
IMPROVEMENT DISTRICT  
EVERGREEN WEST PROJECT NO. STW17-234**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schmidt. Motion carried with a roll call vote 7-0.

**Motion by DeVries, seconded by Lambrecht, to approve the Development Agreement between the City of Wahpeton and Zach Construction, Inc. Motion carried with a roll call vote of 7-0.**

**Purchasing Ordinance Amendment** – **motion** to recommend approval of the proposed amendments to Ord. 2-483 & 2-484 increasing the threshold for bidding from \$25,000 to \$100,000. Offer 1<sup>st</sup> Reading of Ordinance No. 980 ó

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

**ORDINANCE NO. 980**  
**AN ORDINANCE AMENDING SECTION 2-483  
PROCEDURE FOR COMPETITIVE BIDS  
AND**

**SECTION 2-284  
OPEN MARKET PURCHASING PROCEDURE  
AND  
SECTION 2-485  
BIDDING PROCEDURES IN ALTERING, REPAIRING OR CONSTRUCTING  
BUILDINGS BELONGING TO THE CITY COVERED BY STATE LAW**

**Public Works Public Safety Committee Report**

Bajumpaa said the Public Works & Public Safety Committee met at noon on July 25<sup>th</sup>.  
Property Concerns 3<sup>rd</sup> Ave. N.

**Residential Waste Hauling Contract Renewal**

**Library HVAC**

**Position Descriptions**

**Volunteer Park Slide Update & Recommendations**

**ROW Consideration Adjacent to Bank of the West**

**NDSCS Easements for City Water & Sewer Mains**

**Purchasing Threshold Ordinance**

**Pond #1 Dissolved Oxygen Levels**

**Building Official Updates**

**SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Special City Council Meeting August 14<sup>th</sup>, 12:00 Noon
- b. Public Works Committee August 15<sup>th</sup>, 12:00 Noon
- c. Finance Committee August 16<sup>th</sup>, 12:00 Noon (Note the change of date)
- d. Planning Commission August 21<sup>st</sup>, 5:00 PM (Joint Public Hearing for proposed Zoning Ordinance Amendment/Adoption)

**Adjournment**

**Motion by Bertsch, seconded by DeVries, to adjourn at 5:58 p.m. Motion carried.**

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City Council President Dale

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Lynelle Amos, Finance Assistant