

Wahpeton City Council

March 17, 2014

5:00 p.m.

Present: Schmidt (via skype), Hansey, Bertsch, Mitskog, Sturdevant, DeVries, Dale, Bajumpaa, and Bohn

Absent: None

Also Present: Huwe, Lies, Miranowski, Thorsteinson, Broadland, Priebe, Guck, Rogahn, Amos, and Johannessen

Meeting called to order by Mayor Sturdevant.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

Best Tasting Water Award ó Andy McDonald of North Dakota Rural Water Systems Association presented the 1st Place Award for the 2014 Annual Water Taste Contest to the City of Wahpeton and gave some brief background information regarding the award. Mayor Sturdevant accepted the award on behalf of the City of Wahpeton and then presented it to Water Plant Superintendent Leo Murr along with the other water plant employees, Al Weiland, Gary Hasbargen, and Eric Seibold. Appreciation was shown through a round of applause.

Mayor Sturdevant then read a proclamation declaring "JC Penney Day Celebrating 100 Years in Downtown Wahpeton April 1, 2014". He said Wahpeton recently renovated and revitalized its Downtown District including the string of buildings known as the JCPenney Block. He said the city recognizes the JCPenney store as a strong anchor for its downtown businesses and economic development efforts which support the City's mission and vision. Sturdevant said JCPenney will continue to contribute to the city sales tax collections that in turn provide for retail promotions, recreational opportunities, infrastructure projects, flood protection and development of primary sector industries, and continues to provide employment to area residents who provide quality service to attract shoppers in the region and have been for 100 years. Sturdevant then declared April 1st as JCPenney Day in celebration of the 100th Anniversary of the store's location and congratulated the managers, employees, and corporation that has been the backbone of Wahpeton's central business district.

CONSENT AGENDA ITEMS (presented by the Mayor) Mayor Sturdevant asked if there were any items to be removed from the consent agenda and there were none.

Approval of minutes of regular meeting held March 3, 2014

Games of Chance Licenses, Site Authorizations & Special Permits

Richland Wilkin Ladies Night ó Raffle Permit

Other Games of chance and/or special permits:

Gilles Girls Relay for Life ó Raffle Permit

Presentation/Approval of Reports

February 2014 Bill Pay Report (\$673,160.69 ó see below)

February 2014 Financial Statements

Dilapidated Properties Report

ND Dept. of Health Compliance Statement with Safe Drinking Water Act

March 2014 Chamber Newsletter

Motion by Hansey, seconded by Mitskog, to approve the Consent Agenda items as presented. Motion carried with all voting 'aye'.

ITEMS REQUESTED MOVED FROM THE CONSENT AGENDA None.

REPORTS FROM CITY OFFICERS AND STAFF

FINANCE DIRECTOR

2013 Transportation Funding Report ó Huwe explained that this is an annual report required by the State Tax Commissioner's Office, which started in 2010 as an effort to track the use of State funds disbursed to political subdivisions for the purpose of transportation maintenance. The history from 2010 through 2013 was provided along with the estimated cost per capita. Huwe explained that one of the big differences between 2012 and 2013 was that the City didn't issue any debt in 2013, but will have a bond issue this year so in 2014 will see a significant increase. She then reviewed some of the numbers provided. She explained that receipts from Federal and State government increased, with the city of Wahpeton receiving a bonus payment of \$366,270 which is being reserved in Fund 240 until decision is made on how it should be expended. Huwe said the overall transportation expenditures are up which is mostly indicative of the street reconstruction/improvement projects in 2013. Huwe further reviewed some of the detailed items. She said she will file this report with the State the following day, and that any questions could be directed to her. **Motion by Bohn, seconded by DeVries, to approve the 2013 Transportation Funding Report as presented. Motion carried with all voting 'aye'.**

Request to Close Inactive Bank Account ó Huwe explained that the City has had a bank account at Bank of the West since the early 90's, and because of interest rates, deposits and other money market accounts the balance in this account is approximately \$3,300. She said because there has been no activity on this account for an extensive period of time they have started to assess the City a \$4.00 per month cash management charge. She said she would like to close the account and move those funds in the City's Wells Fargo general checking account. **Motion by Bajumpaa, seconded by Bohn, to approve the Request to Close the Inactive Bank Account at Bank of the West and move the funds into the City's Wells Fargo general checking account. Motion carried with all voting 'aye'.**

Election Filing Deadline April 7, 2014 at 4:00 p.m. ó Huwe gave a reminder that for anyone interested in public office in local government the filing deadline is April 7th at 4:00p.m. She said there has been one change as it has been requested that the drawing for ballot order be done that day so that candidates' names can be forwarded to the County Auditor that same day to give them more time to get the electronic ballots prepared. Huwe said information is posted on the City's website and packets are also available at City Hall for anyone interested in running for either Park Board or City Council.

ASSESSOR/BUILDING CODES

Reminder of Equalization Meeting Tuesday, April 8th, 2014 at 5:00 p.m. ó Broadland gave a reminder that the City Equalization meeting will be held on Tuesday, April 8th starting at 5:00 p.m., and requested that any Council members who are not available let her know as a quorum is needed. She said if residents receive a letter of increase and they have questions to contact her office. Broadland said most of the letters will be going out on Friday, March 21st, with some commercial going out on Monday, March 24th. When asked about the percentage, she said it was 10% and \$3,000.

ATTORNEY

Second Reading of Ord. No. 958 Ban of Smoking in Public Places ó Lies explained the ordinance up for second reading is amending the ordinances related to e-cigarettes and smoking in public places. He said the City basically patterned after the State for public places but went more strongly on e-cigarettes than the State as they do not have a ban on the sale to minors yet. The City's ordinance also requires that e-cigarettes be behind the counter if they are in establishments where people under the age of 18 are permitted.

Council member Mitskog offered the second reading of the following Ordinance:

ORDINANCE NO. 958
**AN ORDINANCE ENACTING A BAN ON SMOKING IN PUBLIC PLACES
AND PLACES OF EMPLOYMENT AND REPEALING AND
REENACTING SECTIONS 22-504, 22-508, AND 26-282.**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Hansey. Discussion held regarding educational services being provided to local vendors with tobacco licenses/e-cigarette retailers. Motion carried with a roll call vote 8-0.

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Commission Recommendation ó Priebe said the EDC met March 12th, and Ron Rowland and Kathy Diekman presented a request on behalf of the Chamber and Chahinkapa Zoo for Blue Goose Days. She said Roland reviewed the schedule of events. She said Diekman reported that the Zoo has conducted Blue Goose Days for 13 years and this year organizers want it to become more of a destination event not just a Zoo event. Diekman said 70% of the Zoo's annual attendance is tourists and she feels overnight stays would result if this event were promoted more effectively. The Zoo and Chamber will also team up to approach the Wahpeton CVB and Breckenridge Port Authority for sponsorship. Rowland said there will be \$5,600 in-kind dollars from the Chamber and Zoo as well as \$7,000 in matching advertising dollars from various sponsors. After reviewing the information, the EDC recommended the City Council approve \$10,000 in grant funds from Sales Tax for Economic Development for Blue Goose Days 2014 event. **Motion by Mitskog, seconded by Hansey, to approve \$10,000 in grant funds from Sales Tax for Economic Development for Blue Goose Days 2014 event. Motion carried with a Roll Call vote of 8-0.**

Priebe stated the Economic Development office received a request from Wayne Beyer to re-direct \$5,000 of the remaining TRAC grant proceeds to use on roof repairs to the Red Door Art Gallery building. Priebe explained that the grant can be amended by motion of the EDC and approval by the City Council as called for in Section 13 of the agreement. She noted this is not an additional funding request. She said the EDC recommends the City Council approve an amendment to the Grant Agreement between the City of Wahpeton and TRAC approving an added expense line to the project scope of \$5,000 toward roof repairs. **Motion by Bertsch, seconded by Mitskog, to approve an Amendment to the Grant Agreement between the City of Wahpeton and Three Rivers Arts Council approving an added expense line to the project scope of \$5,000 toward roof repairs. Motion carried with a Roll Call vote of 8-0.**

Economic Development Report ó Priebe provided and reviewed a map of North Dakota County unemployment rates, along with the top Richland County businesses. She then distributed a brochure from the North Dakota Department of Commerce regarding a Technology-Based Entrepreneurship Program. She also reported that her assistant, Shari Hetland, is working with the advisory leadership team for Market Place for Kids which will be held May 19th at NDSCS, and reviewed some of the classes that will be available to them.

LIBRARY DIRECTOR

Pinterest at the Library ó Guck said the Leach Public Library is now on Pinterest which is a social website that provides fashion ideas, recipes, home improvement ideas, etc., and the Library is hosting a free event Thursday, March 20th, called "Pinterest Fanatics U-Night" starting at 6:30 p.m. at the Library. She said those interested should call the Library to register.

PUBLIC WORKS DIRECTOR

Miranowski requested referral to PW/PS Committee of **Mandated Rule Changes from the State of North Dakota Health Department as it Relates to Coliform Levels in Water Systems.** Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

Miranowski gave an update on the flood forecast received which he said is very low. He said to be prepared, just in case, the street department is checking pumps this week. He said the street department will also start sweeping streets this week to remove some of the sand, weather permitting. Miranowski also reported that with the warmer weather and melting there has been some water build-up on the streets but as of last Friday they have steamed all the City storm sewer catch basins so should all be open.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Mayor Sturdevant said the Task Force for Old City Hall has considered moving the Police Department from the Law Enforcement Center into Old City Hall and are preparing to advertise for Requests for Proposals for Professional Service for Architect Fees for the Renovation of Old City Hall to the Police Station. He said a motion was made by the Task Force Committee to move forward with this and asked for a motion from Council for its approval. **Motion by Hansey, seconded by Bertsch, to approve proceeding with advertising for Request for Proposals for Professional Service for Architect Fees for the Renovation of the Former City Hall to the Police Station.** Sturdevant noted that proposals were to be due back May 6th. **Motion carried with all voting ‘aye’.**

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report

Bohn said the Finance, Personnel & Economic Development Committee met at noon on March 10th. **Pay Study – motion to recommend advertising request for proposals ó Motion by Bohn, seconded by Bajumpaa, to approve proceeding with advertising for Request for Proposals for a Pay Study. Motion carried with all voting ‘aye’.**

400 Block Development Agreement – Update on Real Estate Closing

Public Works & Public Safety Committee Report

Hansey said the Public Works Public Safety Committee met at noon on March 11th.

Dilapidated Properties Update

Change Order on Briarwood Levy Project – motion to recommend approval of CCO#2 contract deduct of \$78,456.27 ó Motion by Hansey, seconded by Schmidt, to approve Change Order #2 (Final) deduct of \$78,456.27 for the Briarwood Flood Protection Levy Project. Motion carried with a Roll Call Vote of 8-0.

Supplemental Professional Services Agreement with Interstate Engineering for Professional Services in Street and Utilities Improvement District 12-02-06 (16th Ave. N. Reconstruction, ND 210 to 11th St., Project ST12-187) – motion to recommend approval of \$49,206 *this action is tabled pending additional information* - Hansey requested that this item be referred back to the PW/PS Committee. Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

400 Block Development Agreement – discussion

Update on Tower #2 LED Lights – discussion complete

Snow Pusher #2 for Volvo Loader – discussion complete

Inquiry on Accessory Structure at 516 2nd St. S. – motion to recommend amendment of Accessory Structure Ordinance ó Council member Hansey offered the first reading of the following Ordinance:

ORDINANCE NO. 959
AN ORDINANCE AMENDING SECTION 46-29
NONCONFORMING USES AND STRUCTURES (3) RESTORATION

Discussion held. Schmidt expressed concern for amending the ordinance and said he was against it. Sturdevant explained that there are several residents with side yard garages and felt they should be able to rebuild due to destruction of the current structure but would not be allowed any new structures. **Motion by Hansey, seconded by Mitskog, to approve scheduling a hearing for Ordinance No. 959 on April 21st at 5:00 p.m. Motion carried with all voting ‘aye’.**

February 2014 Bill Pay Report

DISBURSEMENTS FUND	ACCOUNTS PAYABLE	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$194,854.94	\$30,650.52	\$225,505.46
201 WATER OPERATING FUND	\$67,020.58	\$34,235.03	\$101,255.61
202 SANITARY SEWER OPERATING FUND	\$16,879.97	\$21,659.95	\$38,539.92
203 WASTE REMOVAL OPERATING FUND	\$20,088.91	\$750.30	\$20,839.21
205 VECTOR CONTROL FUND	\$13.97	\$1,473.64	\$1,487.61
206 STREET LIGHTING	\$11,650.66		\$11,650.66
209 LIBRARY LEVY FUND	\$7,742.96	\$13,979.35	\$21,722.31
213 ADVERTISING LEVY FUND	\$501.28		\$501.28
216 AIRPORT 4-MILL LEVY FUND		\$449.98	\$449.98
217 PLANN COMMISSION LEVY FUND	\$564.00	\$581.54	\$1,145.54
219 BAND LEVY FUND	\$6,210.83		\$6,210.83
226 EMPLOYEE SAFETY COMMITTEE	\$237.86		\$237.86
227 ANNUAL RESERVE WH FUND		-\$2,839.00	-\$2,839.00
231 FD BLDG & EQUIP LEVY FUND	\$45,000.00		\$45,000.00
233 REAL ESTATE LEVY FUND	\$161.92		\$161.92
235 SNOW/FLOOD EMERG LEVY FUND	\$1,675.50		\$1,675.50
236 LEVEE MAINTENANCE	\$4,218.04	\$7,111.67	\$11,329.71
237 CITY SHARE OF SPECIALS FUND	\$57,223.13		\$57,223.13
253 METER DEPOSITS TRUST FUND	\$69.76		\$69.76
271 ECONOMIC DEVEL DEPT FUND	\$935.39	\$11,658.78	\$12,594.17
303 MISCELLANEOUS FUND	\$120.96		\$120.96
317 JOB DEVELOPMENT LEVY FUND	\$12,286.00		\$12,286.00
318 WEED MAINT LEVY FUND	\$20,041.25		\$20,041.25
319 LODGING TAX FUND	\$14,264.07		\$14,264.07
320 SALES TAX OPERATING FUND	\$25,168.58		\$25,168.58
324 SALES TAX MINI MATCH RSRV FUND	\$361.12		\$361.12
326 REVOLVING LOAN FUND	\$22,450.00		\$22,450.00
361 GASOLINE,OIL,ETC	\$14,800.00	-\$4,420.70	\$10,379.30
363 SAFE COMMUNITIES COALITION	\$110.00		\$110.00
393 DOWNTOWN CARE & MTC FUND	\$3,084.30		\$3,084.30
574 5-2-97 (FLOOD PHASE II)	\$2,377.50		\$2,377.50
630 WESTSIDE NATURAL DRAIN PROJ.	\$57.50		\$57.50
631 11TH ST. N. AVE B TO 16TH AVE	\$1,817.50		\$1,817.50
634 COMMERCIAL STREET REHAB	\$1,306.15		\$1,306.15
639 E. SANITARY SEWER 13-02-02	\$4,575.00		\$4,575.00
TOTAL	\$557,869.63	\$115,291.06	\$673,160.69

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Planning Commission March 20th, 4:00 P.M.
- b. Finance Cmt. March 24th, 12:00 Noon (Meeting cancelled due to lack of agenda items)
- c. PW/PS Committee March 25th, 5:00 P.M.

Motion by Mitskog, seconded by Bertsch, to adjourn at 5:45 p.m.

Mayor Sturdevant

Lynelle Amos, Finance Assistant