

# Wahpeton City Council

August 2, 2021

5:00 p.m.

**Present:** Lambrecht, Goltz, Wateland, Dale, Bohn, Woods II (remotely), Fobb (remotely), and McNary

**Absent:** Carlson

**Also Present:** Huwe, Hatting, Miranowski, Broadland, DeVries, Bakken, Anderson, O'Meara, and Amos

## **CALL TO ORDER**

Meeting called to order by Mayor Dale.

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

**Approval of minutes of regular meeting held July 19, 2021**

**Approval of minutes of special meeting held July 26, 2021**

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

St. John's School – Raffle Permit

**Presentation/Approval of Reports**

Q2 2021 Restaurant Tax Report

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

**Motion by Goltz, seconded by Wateland, to approve the Consent Agenda items as presented. Motion carried with all voting 'aye'.**

## **REPORTS FROM CITY OFFICERS AND STAFF**

### **FINANCE DIRECTOR**

**Development Agreement for Prairie Flats – request referral to Finance Cmt.** – Huwe said the Prairie Flats subdivision has worked through the development process quickly including annexation, platting, and zoning. The City has been working with the developer under a draft development agreement while several key details were resolved. She requested the development agreement be referred to the Finance Committee for final review. Mayor Dale will refer this item to the Finance, Personnel & Economic Development Committee.

**2022 Preliminary Budget – request referral to Finance Cmt. & PW Cmt.** – Huwe said the 2022 preliminary budget was reviewed by the Council on July 26<sup>th</sup>, and first reading is planned for September 7<sup>th</sup>. Budget will remain on the agendas for both committees. Huwe can be contacted with questions or comments.

**Street Closure Request Operation Zero – Dakota Ave. 2<sup>nd</sup> St. to 4<sup>th</sup> St. Saturday, Aug. 21<sup>st</sup> 11am to Midnight** – Huwe said Objective Zero is a national veteran and servicemen suicide awareness program. The Firehouse Pub is sponsoring an event to support this national effort on Saturday, August 21<sup>st</sup>. The Pub is requesting Dakota Avenue between 2<sup>nd</sup> Street and 4<sup>th</sup> Street be closed to traffic from 11:00 a.m. to midnight. This has been done in the past with no issues. **Motion by Bohn, seconded by McNary, to approve the Street Closure of Dakota Avenue between 2<sup>nd</sup> Street and 4<sup>th</sup> Street on August 21<sup>st</sup>, 2021 from 11:00 a.m. to midnight as requested by Firehouse Pub for the Operation Zero event.** Discussion held regarding the street being open by midnight. **Motion carried with all voting 'aye'.**

**Request Special Meeting with the Wahpeton Park Board and the Recreation Center Committee on August 11<sup>th</sup> at 5:30 p.m.** – Huwe said the Mayor's ad-hoc committee on a community recreation center is preparing for the next steps in the project planning process. She requested a special meeting of the Council, the Wahpeton Park Board, and the ad-hoc committee on the recreation center be scheduled for August 11<sup>th</sup> at 5:30 p.m. at City Hall. The Mayor approved the request to schedule the special meeting.

Huwe requested a suspension of the rules to discuss an item not on the agenda. **Motion by Bohn, seconded by McNary, to suspend the rules to discuss an item not on the agenda. Motion carried with all voting ‘aye’.** Huwe said she was contacted today by Police Chief Scott Thorsteinson who will be away from the office for several days and is requesting Council approval of the alternate appointment of Sergeant Matthew Anderson to fill in as the Chief of Police if necessary. She requested a motion to approve this appointment. **Motion by Wateland, seconded by Lambrecht, to approve the Alternate Appointment of Sergeant Matthew Anderson to fill in for Police Chief Thorsteinson if necessary during his anticipated medical leave. Motion carried with all voting ‘aye’.**

### **ASSESSOR/BUILDING CODES**

#### **State Board of Equalization August 10<sup>th</sup>**

Broadland gave a reminder the State Board of Equalization will meet on Tuesday, August 10<sup>th</sup> at 8:30 a.m. in Bismarck. She did not think Wahpeton would have anyone in attendance but Richland County may. She noted Wahpeton’s ratios are coming in at 92 for commercial and 93 for residential so are in compliance with the state.

### **ATTORNEY**

**Ord. 1021 Business Licensing – second reading** – Hatting provided an overview of major changes implemented with Ordinance 1021. She explained Ordinance 1021 was drafted as a repeal and replace ordinance to update regulations pertaining to business licensing and the sale of tobacco. The 67<sup>th</sup> Legislative Session also implemented changes expanding the hours for liquor sales on Sundays, allowing minors in bar/restaurants until 10:00 p.m., and clarifying the rules for local government on special event permits. Key points impacted by State Legislation: 1) Class C liquor license holders may allow an individual under 21 to remain in a restaurant where alcoholic beverages are being sold if the restaurant area is separated from the designated area where alcoholic beverages are opened or mixed as long as they are accompanied by an adult or guardian, they are not seated within three feet of the bar counter, and they do not remain in the designated area after 10 p.m.; 2) Hours of operations on Sundays for all liquor license holders changes from 12:00 Noon to 8 a.m.; 3) Special event liquor licenses for off-site liquor sales include a clarification allowing persons under 21 to attend the event but may not consume or possess alcoholic beverages. Current regulations require an area be segregated for liquor sales that would prohibit access by persons under 21; 4) The penalties for persons under 21 being in possession of alcohol or on the premises of a licensed premises (at all or after 10 p.m.) are changed from a Class B misdemeanor to an infraction; 5) Implementation of Tobacco 21, the Chapter 26 Ordinances have been repealed and replaced with a reference to the state law and penalties for the sale, purchase and possession of tobacco and or electronic smoking products by minors. The coinciding federal law was effective December 20, 2019. Other local business licensing updates include: 1) Clarified language in contractor licensing regarding contractors required to have a state license and or a professional license; 2) Updated compliance bond and liability insurance requirements for all contractors; 3) Revised the requirements for businesses performing tree trimming/tree surgeon services to include verification of licensure as an arborist. (Ord. Sec. 22-665) Adoption of Ordinance 1021 is intended to coincide with the August 1<sup>st</sup> effective date of changes in the state law. Additional changes to Chapter 22 are currently being considered for cable television franchises. When we have worked through those issues a re-codification update with MuniCode will be ordered. She requested a motion to offer second reading and adoption of Ordinance 1021.

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

**ORDINANCE NO. 1021**  
**AN ORDINANCE AMENDING**  
**CHAPTER 22 PROCEDURES FOR LICENSES, PERMITS AND MISCELLANEOUS**  
**BUSINESSES AND CHAPTER 26 SECTION 13 AND SECTION 282 REGARDING SMOKING**  
**IN PUBLIC PLACES AND THE PROHIBITIONS ON THE PURCHASE AND USE OF**  
**TOBACCO**

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

**Ord. 1022 Licensing House Movers & Waste Haulers – second reading** – Hatting provided an overview of major changes implemented with Ordinance 1022. She explained Ordinance 1022 was drafted as a repeal and replace ordinance to update regulations pertaining to business licensing and updated insurance requirements for house movers and waste haulers. The performance bond requirement from each chapter was removed as the minimum insurance coverage was inserted. She requested a motion to offer second reading and adoption of Ordinance 1022.

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

**ORDINANCE NO. 1022**  
**AN ORDINANCE AMENDING**  
**SECTIONS 8-342 AND 8-343 PROCEDURE FOR LICENSING OF HOUSEMOVERS**  
**AND**  
**SECTION 34-54 PROCEDURE FOR LICENSING WASTE HAULERS**

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

**Ord. 1028 Cable Television Franchise and Systems** – Hatting explained Ordinance 1028 was drafted as a repeal and replace ordinance to update regulations pertaining to Cable Television Franchises. Red River Communications approached the City several months ago to request a cable television franchise agreement, and during the process it was learned it is time to update the City’s ordinance regulating cable television franchises and time is of the essence. She requested the Mayor designate a Franchise Committee as outlined in City Ordinance 2-134, and requested a Council motion to confirm the appointments of the Franchise Committee as presented. Mayor Dale appointed himself, Public Works Committee Chair Bohn, and Finance Committee Chair Wateland to the Franchise Committee. **Motion by Goltz, seconded by Lambrecht, to approve the appointment of Mayor Dale, Public Works Committee Chair Bohn, and Finance, Personnel & Economic Development Committee Chair Wateland to the Franchise Committee. Motion carried with all voting ‘aye’.**

Hatting said the Council approved a motion to enter into a contract with River Oaks Communications to review the 2004 cable franchise agreement with Midcontinent Communications, review the current cable television franchise ordinance and to draft a franchise agreement between the City and Red River Communications. First reading of the draft ordinance was offered July 26<sup>th</sup>, and the franchise committee will discuss ordinance changes and the proposed agreement and make a recommendation to the Council. She requested a motion to set a public hearing on Ordinance 1028 and the proposed cable television franchise agreement at 5:00 p.m. on August 16<sup>th</sup>. **Motion by McNary, seconded by Bohn, to approve scheduling a Public Hearing on August 16<sup>th</sup> at 5:00 p.m. on Ordinance 1028 and the proposed cable television franchise agreement. Motion carried with all voting ‘aye’.**

**Joint Powers Agmt. with Wahpeton Park Board for Zoo Improvement Grant – request referral to Finance Cmt.** – Hatting said the joint powers agreement with the Wahpeton Park Board for the grant for Chahinkapa Zoo Improvements has been prepared, and requested the JPA be referred to the Finance Cmt. Mayor Dale will refer this item to the Finance, Personnel & Economic Development Committee.

**Sales Tax Special Election – request referral to Finance Cmt. & PW Cmt.** – Hatting said the Mayor’s ad-hoc committee on a community recreation center is preparing for the next steps in the project planning process, a sales tax special election. She requested the proposed ballot and special election be referred to both the Finance and Public Works Committees. Mayor Dale will refer this item to the Finance, Personnel & Economic Development Committee and the Public Works & Public Safety Committee.

**COMMUNITY DEVELOPMENT DIRECTOR**

**Win Column** – This issue featured thanks and appreciation to those who helped with the Headwaters Music Festival event, and to all those work behind the scenes to make Wahpeton a better place.

**Community Director Report** – DeVries reported the Headwaters Music Festival was a successful event, and he is putting together a video of the festival. Regarding the M & H lots, the owner has agreed to sell the lots to the City and a purchase agreement is currently being drafted. This is an effort to improve the downtown area and will be a nice venue. Providing an up on City programs, DeVries said the Home Improvement Partnership Program done in partnership with Gate City Bank hasn't had a lot of applications this year but is still on going. The City's Housing Rehabilitation Program has received 3 applications that will be reviewed by the PW Committee next week. The Mini-Match+ Grant continues to be utilized, and 3 requests are currently in the works. Holiday lighting received a lot of feedback last year so a Request For Proposals will be sent out with response due by the end of the month, then will come back with a request once the proposals are reviewed. Chahinkapa Sculpture Garden anticipates an iconic piece dedicated to Parks & Recreation Director Wayne Beyer with an artist being considered for an approximately 25' tree sculpture. The Wahpeton Convention and Visitors Bureau is in the process of updating some of their materials. Welcome baskets for newcomers to Wahpeton are being worked on. The Comprehensive Plan continues to be in the works. The 1<sup>st</sup> Annual Fall Festival, which will be held September 16-18, 2021, in conjunction with the 2<sup>nd</sup> Annual Bull Bash has many events planned that include a car show, movie in the park, and city-wide garage sale. DeVries requested street closure of Dakota Avenue for the car show on Thursday, September 16<sup>th</sup> from 3:30-7:00 p.m. during this event. **Motion by Lambrecht, seconded by Goltz, to approve the Street Closure of Dakota Avenue from 4<sup>th</sup> Street to 6<sup>th</sup> Street on Thursday, September 16<sup>th</sup> from 3:30 p.m. to 7:00 p.m. for the Car Show to be held during the Fall Festival. Motion carried with all voting 'aye'.**

### **LIBRARY DIRECTOR**

**Library Report** – Bakken reported last Friday was the last day of the Summer Reading Program. 118 patrons were signed up with 39 completing the program and qualifying for prizes. This month Children's Librarian Kercher will hold two in-person story times, and a back-to-school craft day will be held, as well as a back-to-school movie.

### **PUBLIC WORKS DIRECTOR**

#### **Public Works Report** –

**Lime Removal at WTP Review of Bids – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

**Special Assessment Spreads Loy Ave. & 12<sup>th</sup> St. N. Proj. ST19-249 – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

**Special Assessment Spreads Dakota Ave. S. Streets Proj. ST20-255 – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

**Storm Water Ditch at Center St. & 11<sup>th</sup> Ave. S. – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

**Storm Water Ditch at Chahinkapa Zoo – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

**Housing Rehabilitation Program Applications – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of Change Order #1 for Homestead Development Additional Soil Borings.** Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of Change Order for John Randall Field Project to include reconstruct of shared use path south of golf club house, additional path from**

**restroom to concession stand, and add storm sewer to eliminate ditch east side of Hughes Drive.** Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of Contract Extension with Ti-Zack Construction.** Mayor Dale will refer this item to the Public Works & Public Safety Committee.

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

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

### **Finance, Personnel & Economic Development Committee Report (No meeting held July 26<sup>th</sup>)**

#### **Public Works & Public Safety Committee Report**

Bohn said the Public Works & Public Safety Committee met at 5:00 p.m. on July 27<sup>th</sup>.

**603 1<sup>st</sup> St. S. ROW License – motion to approve – Motion by Bohn, seconded by Lambrecht, to approve proceeding with issuing a Right-Of-Way license for Matt Oland at 603 1<sup>st</sup> Street South to allow for a fence and seeding. Motion carried with all voting ‘aye’.**

**101 11<sup>th</sup> St. N. ROW License – motion to approve – Motion by Bohn, seconded by McNary, to approve proceeding with issuing a Right-Of-Way license to Smith Motors at 101 11<sup>th</sup> Street North. Motion carried with all voting ‘aye’.**

**Pond Operations & Maintenance Manual – discussion**

**Agreement with Richland County Water Resource District for SW Drain #2**

**Catex Document Submittals for Dakota Ave. S. Streets Proj. ST20-255 – motion to approve – Motion by Bohn, seconded by Wateland, to approve the Project Concepts as proposed for the Downtown Side Streets Project Phase I, to include the use of hot bituminous on 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup> and 9<sup>th</sup> streets with a concrete surface on 11<sup>th</sup> street, and the use of traditional diagonal parking on 3<sup>rd</sup>, 6<sup>th</sup> and 9<sup>th</sup> streets. Motion carried with all voting ‘aye’.**

**Team Lab Proposal for Chahinkapa Park Storm Water Ponds – motion to approve up to \$8,310 – Motion by Bohn, seconded by McNary, to approve up to \$8,310 for Team Lab to add Mega Bugs to the three storm ponds in Chahinkapa Park to reduce the sludge. Motion carried with a roll call vote of 7-0.**

**Consulting Engineer Pool Selection Procedures – discussion**

**Rental Property Inspection Program**

**5G & Small Wireless Facilities Ord. No. 1027 – discussion**

**Request for 5<sup>th</sup> Ave. N. Ditch Alternative – discussion**

**Request for Drive-thru Lane at 530 11<sup>th</sup> St. N. – discussion**

**Yard Junk/Clutter Updates - discussion**

**Building Official Updates – discussion**

**Referrals – see PW Director Report**

## **UNFINISHED BUSINESS**

On behalf of the Headwaters Music Festival committee, DeVries extended a 'Thank You' to the City for all the help provided during this event, including the purchase of the trailer, providing the police officers, and the Street crew for taking care of the street closures.

### **NEW BUSINESS**

**Mayor's Minute Update** – Dale provided a review of recent happenings in Wahpeton he has participated in which included attending an open house at Minn-Dak Cooperative where an update on operations was provided, attending a forestry meeting of which it was noted Wayne Beyer wrote \$10,000 grants for tree removal and planting of new boulevard trees, and the exciting announcement by MDU of the extension of natural gas to Wahpeton. Dale then referred the potential development of the new well field to the Public Works Committee.

### **SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Committee August 9<sup>th</sup>, 5:00 PM
- b. Public Works Committee August 10<sup>th</sup>, 5:00 PM

### **Adjournment**

**Motion by Wateland, seconded by Lambrecht, to adjourn at 5:52 p.m. Motion carried.**

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Mayor Steve Dale

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Lynelle Amos, Finance Assistant