

**Wahpeton City Council**  
**December 2, 2019**  
**5:00 p.m.**

**Present:** Miller, Bohn, Bajumpaa, McCann, Dale, Lambrecht, Wateland, and McNary

**Absent:** None

**Also Present:** Huwe, Lies, Miranowski, Thorsteinson, Broadland, DeVries, Bakken, Amos, and O'Meara

**CALL TO ORDER**

Meeting called to order by Mayor Dale.

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

**Oath of Office – Police Officer Anthony Gallegos** ó Police Chief Thorsteinson administered Oath of Office to recently hired Wahpeton Police Officer Anthony Gallegos who was congratulated and welcomed by a round of applause.

**CONSENT AGENDA ITEMS (presented by the Mayor) ó**

**Approval of minutes of regular meeting held November 18, 2019**

**Games of Chance Licenses, Site Authorizations & Special Permits: None**

**Presentation/Approval of Reports**

Main Street Initiative 2019 Conference Report, Council Member Miller

2020 Council Meeting Schedule

Census 2020 ó Quickfacts

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

**Motion by Lambrecht, seconded by McNary, to approve the Consent Agenda items as presented.**

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

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**2020 City License Applications** ó Huwe said the Council Agenda materials include a listing of each of the 2020 City business license applicants. There are five Class A (on sale and off sale) liquor license applicants, two Class B (off sale only) applicants, four Class C-1 (restaurants), and one Class C-5 club/lodge license. There is a total of 14 liquor license applications received. The Eagles Club did not file for renewal and the seasonal golf course license application is typically submitted in March. Class 2 cabaret licenses allow general entertainment including music, karaoke, trivia, and/or speakers. Five of the liquor license applicants have also applied to renew a Class 2 cabaret license. Additional licenses include waste removal, tobacco, amusement devices, house movers, second hand goods dealer and taxi cab licenses. Auditor's Assistant Cheryl O'Meara has collected the information for each of the applicants that have been submitted for renewal. Additional verification of eligibility is still outstanding for several of the applicants, and several current license holders have not submitted renewal applications, so if they choose to renew for 2020 the applications will be included on the December 16<sup>th</sup> Council Agenda. Huwe requested a motion from the Council approving the 2020 business licenses contingent upon satisfaction of all licensing requirements by all applicants. **Motion by McCann, seconded by Bohn, to approve the 2020 City Business Licenses contingent upon satisfaction of all licensing requirements by all applicants. Motion carried with all voting ‘aye’.**

**Summary of 2019 Tax Levies** ó Huwe explained the Richland County Auditor provides an abstract of all taxes that are levied upon residents in the City of Wahpeton, and typically these numbers are summarized and presented to the Council at the first meeting in December. In the City of Wahpeton, the property taxing jurisdictions include the State of North Dakota, Richland County, the Wahpeton School District, Wahpeton Park Board and the City of Wahpeton. We also have a Vector Control District that overlays our City boundaries, however they have not levied taxes for several years. The total amount of dollars levied by the State/County, School District, City and Park Board is \$17,644,516 up \$781,217 or 4.6% from this year's \$16,863,299. Each political subdivision increased the dollars levied except the City of Wahpeton which levied \$193 less than last year. The City has decreased the dollars levied for 6 consecutive years and decreased the number of mills levied for 11 consecutive years. Wahpeton property owners will pay \$6,754,619 or just over 38% of all the taxes levied. The City of Wahpeton levied \$1,761,215 of the \$6,754,619 or 26% of the property taxes billed which are attributed to providing city services. The City of Wahpeton's overall tax rate is currently 365.61, a decrease from the previous levy of 370.26 mills. The percentage allocations for how much each taxing jurisdiction is responsible for on your property tax bill, 26% is to provide municipal services, 27% is to provide State and County services, 10% provides public recreation/park services, and 37% is funding for public education. The summary includes trends from 2015-2019 reflecting a decrease in mills for City services from 112.19 mills in 2015 to 95.33 in 2019 a decrease of 15%. The value of a mill in the city increased from \$17,824.40 to \$18,474.93, an increase of 3.6%. Huwe requested a motion to acknowledge receipt of the 2019 Tax Levy Summary. **Motion by Wateland, seconded by Lambrecht, to approve acknowledging receipt of the 2019 Tax Levy Summary. Motion carried with all voting 'aye'.**

**NRG Technology Services – 2020 Service Agreement Renewal** ó Huwe said the City has contracted for with NRG Technology Services for PC and server support since 2008. Each year we are presented with a service agreement renewal based on the number of PCs and users connected to the server. NRG also manages network security, server backup, network expansions, user access and PC replacement. The services received are timely and well-coordinated with other software and hardware providers. City Hall, the Street Shop and the Police department all use the same server, and the Police Department also coordinates with ND Information and Technology for additional database services which are not part of the NRG contract. The 2019 contract cost is \$24,342 and the proposed renewal amount is \$23,118. Huwe requested a motion to approve the NRG network management agreements as presented. **Motion by Bohn, seconded by McCann, to approve the NRG Technology Services 2020 network management agreements as presented. Discussion held. Motion carried with a roll call vote of 7-0.**

**Cell Tower Lease – Request to Expedite Co-location Agreement** ó Huwe explained the City has leased land on 23<sup>rd</sup> Avenue North since 1996 for a cell phone tower. The current agreement with Crown Castle was renewed in 2014 for 4 additional 5-year terms. The current lease generates \$15,054 annually into the Real Estate Levy Fund and will increase to \$18,065 in September 2021. The current contract states the landlord shall approve any and all plans prior to construction, with such approval not to be unreasonably withheld, conditioned or delayed. The tenant is requesting an expedition agreement to allow co-location on the tower by other wireless carriers without the City's written consent. Crown Castle is offering a \$500 expedition fee if the City is amenable to the proposed amendment. Huwe requested a motion to approve the Crown Castle request upon review and approval of the City Attorney. Discussion held. **Motion by Lambrecht, seconded by Bajumpaa, to approve the Crown Castle Cell Tower Lease request to Expedite a Co-location Agreement upon review and approval of the City Attorney. Further discussion held. Motion carried with all voting 'aye'.**

## ATTORNEY

**Flowage Easement Status Resolution** ó City Attorney Lies explained proposed Resolution #3736 which is one that would allow the City to commence eminent domain proceedings to get the last flowage easement needed to complete the legal part of the City's flood mitigation project that started in 1997.

Council member Bohn offered the following and moved its adoption:

### **RESOLUTION NO. 3736** **RESOLUTION OFFERING TO PURCHASE LAND AND** **AUTHORIZING USE OF EMINENT DOMAIN AUTHORITY**

The motion for the adoption of the foregoing Resolution was duly seconded by Council member McNary. Motion carried with a roll call vote 6-0, with Miller abstaining.

Lies explained he received information today and would like to discuss the possibility of going into an option to purchase potential test well sites and easements for water lines. **Motion by Wateland, seconded by Lambrecht, to approve suspending the rules to discuss an item not on the agenda. Motion carried with all voting 'aye'.** Lies said the agreement is with Lorin and Maureen Styf where for \$1,000 the City would have up to 5 years to decide whether it wants to proceed with first drilling a 5 inch test well on their land that has been surveyed and initial work done on it by the State Water Commission and from there if it produces the water that they expect to see the City can purchase up to 5 well sites along the south side of the section water lines and bring it into town on a route for \$12,500 an acre for each 2 ½ acre site and provides for a dollar per lineal foot for the easement lines. **Motion by Bajumpaa, seconded by McCann, to approve the land option agreement for the construction of test wells and the transmission line at the cost of \$1,000. Motion carried with a roll call vote of 7-0.**

## COMMUNITY DEVELOPMENT DIRECTOR

**Community Development Report** ó DeVries said Jane Priebe, who chairs the 150<sup>th</sup> Steering Committee, previously provided a list of proposed city symbols as part of the 150<sup>th</sup> celebration and they are being presented again by the Wahpeton 150<sup>th</sup> Steering Committee for formal resolution/adoption. Council members were asked to review them prior to being voted on at the next meeting.

DeVries then provided a recap of the last week's events. The tree lighting on November 26<sup>th</sup> and the start of Holiday Lane both went very well. A thanks went out to Heritage Insurance for providing Santa and goodies at the tree lighting. On Friday night free carousel rides were sponsored by Lies, Bullis & Hatting and Farmers Union Insurance. The Holiday Lights Parade through Chahinkapa Park had about a dozen entries, with treats that followed sponsored by Ag Country Farm Credit Services. It was a good turnout and DeVries said he would like for it to continue annually and grow. A great fireworks display by Little Unnies ended the evening. The 150<sup>th</sup> reception scheduled for Saturday night was postponed due to the weather with a future date to be determined.

## LIBRARY DIRECTOR

**Library Report** ó Bakken reported this week was the beginning of the conversion to the new circulation system, Polaris. It is slated to go live next week, December 11<sup>th</sup>. All patrons are asked to bring their library cards as they will not be able to look them up, and to have patience with staff as they migrate to the new system. It was noted they will also be short staffed during this time. Storytime will be held tomorrow morning at 10 a.m. On Saturday, December 14<sup>th</sup>, a holiday craft program will be held from 10 a.m. to 1 p.m. for children and their families. Bakken also announced Sock Tree donations will be taken until December 31<sup>st</sup>.

## **PUBLIC WORKS DIRECTOR**

### **PW Report**

Miranowski requested referral to Public Works Committee of **Contracts with Northern Improvement for the Wheatland Road Shared Use Path**. Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee of **Dietz Farmland Ground Water Concern**. Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski reported the water main break on 4<sup>th</sup> Street has been fixed and it has to be decided what to do with the sidewalk through the winter. The compost bins will be removed. He also noted when temperatures warm they will be doing street cleaning to try to clean up some of the snow.

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

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

McCann said the Finance, Personnel & Economic Development Committee met at 5 p.m. on November 25<sup>th</sup>.

**Bull Bash Fundraiser Recap – motion** to approve \$7,500 distribution to Wahpeton Fire Dept. Relief Fund. **Motion** to approve distribution & retainage of funds and the 2020 Bull Bash contract with deposit. **Motion** to approve to increase the Fire Insurance Premium Distribution from \$1,000 to \$1,200 for 45 firefighters ó **Motion by McCann, seconded by Wateland, to approve \$7,500 to be distributed to the Wahpeton Fire Department Relief Association Fund, \$10,000 to be returned to the Sales Tax for Economic Development Fund, and \$20,033.55 to remain in the Bull Bash Event Fund**. Discussion held. **Motion carried with a roll call vote of 7-0.**

**Motion by McCann, seconded by McNary, to approve the 2020 Contract for the Bull Bash Event and \$1,000 deposit**. **Motion carried with a roll call vote of 7-0.**

**Motion by McCann, seconded by Bajampaa, to approve allocating up to \$54,000 (\$1,200 each for up to 45 names on the roster) of the Insurance Premium Revenue to be distributed to the Fire Department Retirement Fund in 2019**. Discussion held. **Motion carried with a roll call vote of 6-0, with Lambrecht abstaining.**

**Request for Proposals on Office Equipment Leases & Mtc. Agreements – motion** to approve the Liberty Business Systems copier lease proposal. **Motion** to approve the Dakota Business Solutions postage machine lease proposal. **Motion by McCann, seconded by Miller, to approve proceeding to negotiate a 60 month copier lease with Liberty Business Systems with the conditions provided in their response to the Request For Proposals**. **Motion carried with all voting ‘aye’.**

**Motion by Wateland, seconded by Bohn, to approve proceeding to negotiate a 60 month postage meter lease with Dakota Business Inc. with the conditions provided in their response to the Request For Proposals**. **Motion carried with all voting ‘aye’.**

**Audit Services Proposals - tabled**

**Housing Incentive Program – motion** to approve the purchase of 12 lots from Paces Lodging for \$10,000 each with funding from the Housing Development Reserve Fund ó **Motion by McCann, seconded by McNary, to approve the purchase of 12 lots on 19<sup>th</sup> Street North for \$10,000 each from Paces Lodging with funding from the Sales Tax Housing Development Set Aside Fund, and to pay**

**the Special Assessments from the Sales Tax Housing Development Set Aside Fund. Motion carried with a roll call vote of 7-0.**

### **Flex PACE Project Funding Inquiry**

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

Bohn said the Public Works & Public Safety Committee met at noon on November 26<sup>th</sup>.

**Final Pay Application for Duinink Construction for 3<sup>rd</sup> Ave. N. Project – tabled**

**Contract Change Order #1 Scott's Electric Flashing Beacon Warning System – motion to approve \$1,181 ó Motion by Bohn, seconded by Bajumpaa, to approve Change Order #1 with Scott's Electric for the Flashing Beacon Warning System Project at 9<sup>th</sup> Street North and Hwy 210 at the cost of \$1,181. Motion carried with a roll call vote of 7-0.**

**Volunteer Park Slide Correction**

**Traffic Control Box Art Work**

**Waste Water Ponds Best Management Practices/Pond Operations & Mtc.**

**Off Highway Vehicle Regulations Article XII, Ch. 4**

**Storm Water Utility**

**Yard Junk/Clutter Updates - discussion**

**Building Official Updates - discussion**

**Cargill Domestic Waste Water Treatment Agreement**

**Referrals:** Contracts with Northern Improvement for the Wheatland Road Shared Use Path  
Dietz Land South of Water Plant (Bajumpaa will follow up with farmer prior to next meeting)  
Get Costs to Fly the City for a New Photo

Discussion led by Miller regarding vehicles parked on the street during snow removal operations.

### **SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Committee December 9<sup>th</sup>, 5:00 PM
- b. Public Works Committee December 10<sup>th</sup>, 12:00 Noon

#### **Adjournment**

**Motion by Bohn, seconded by McCann, to adjourn at 5:47 p.m. Motion carried.**

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Mayor Steve Dale

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Lynelle Amos, Finance Assistant