

**Wahpeton City Council**  
**February 21, 2017**  
**5:00 p.m.**

**Present:** Bertsch, Bajumpaa, Hansey, DeVries, Dale, and Miller

**Absent:** Schmidt, Lambrecht and Wateland

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

Meeting called to order by Mayor Hansey.

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

**Approval of minutes of regular meeting held February 6, 2017**

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

Head of the Red Gun & Archery Club ó Raffle Permit

Other Games of Chance and/or special permits:

Humane Society of Richland/Wilkin County ó Charity Raffle Permit

BCTGM 1676 Good & Welfare ó Raffle Permit

**Presentation/Approval of Reports**

January 2017 Bill Pay Report \$815,872.65 ó see below

January 2017 Financial Statements

Celebrate Cities Day at the Capitol ó March 3<sup>rd</sup>

Mayor Hansey asked if there were any items to be removed from the consent agenda and there were none. **Motion by Bajumpaa, seconded by Bertsch, to approve the Consent Agenda items as presented. Motion carried with all voting ‘aye’.**

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**Evaluations of Primary Depository Proposals – request referral to Finance Cmt.** ó Huwe said she has reviewed each of the 5 proposals for primary depository services. She has an evaluation scoring system that she applied to each proposal, and this week she will review each for a second time to create a scoring summary and recommendation to the Finance Committee. She requested review of proposals for depository services be referred to the Finance Committee. Mayor Hansey will refer this item to the Finance, Economic Development & Personnel Committee.

**Fixed Asset Policy Amendments - request referral to Finance Cmt.** ó Huwe said the ND State Auditor's Office has recommended an amendment to the City's Fixed Asset Policy to incorporate changes suggested in Government Accounting Standards Board Statement No. 54 regarding the amortization of infrastructure assets. She requested review of the fixed assets policy be referred to the Finance Committee. Mayor Hansey will refer this item to the Finance, Economic Development & Personnel Committee.

**Legislative Update** ó Huwe reported today is the 34th day of the 65<sup>th</sup> Legislative Session and the deadline for bills to be referred out of committee by the house of origin. The House of Representatives has reviewed 435 House bills and 26 House concurrent resolutions. The Senate has reviewed 344 Senate bills and 12 Senate concurrent resolutions for a total of 779 bills and 38 concurrent resolutions. The ND League of Cities is currently tracking 57 House Bills, 50 Senate Bills and 6 concurrent resolutions that pertain directly to cities, property taxes and/or political subdivisions. House Bill 1361

continues to be a major concern with implications on tax levy authority, and we will continue to watch it closely. Cross over is scheduled for Friday of this week and the intensity of the legislative session will pick up after that.

**Capital Improvements Plan** ó Huwe said the current schedule for preliminary review of the City's 5 year Capital Improvements Plan includes a Committee of the Whole meeting following the March 6<sup>th</sup> City Council meeting, and she would like to try to schedule it for Tuesday, March 7<sup>th</sup> as either a Noon meeting or a 5:00 p.m. meeting. She will send out an email to poll the Council for both times.

Huwe noted **the Finance Committee Meeting Scheduled for Monday, February 27<sup>th</sup>** will be brief to accommodate a Committee of the Whole meeting the same day from 12:15 p.m. to 1:00 p.m. to review the 3<sup>rd</sup> Avenue North project.

### **ECONOMIC DEVELOPMENT DIRECTOR**

**Economic Development Report & Recommendation from EDC** ó A written Economic Development activity report was provided. Regarding the Brew 2, Inc. project, Priebe said there has been much correspondence since the article on the underground storage tank. She was pleased to report that the contractor for the Brew project, Gast Construction, will be getting the building ready for heat tomorrow and has plans to start on the project on Monday, February 27<sup>th</sup>. A deed and other recordable documents will be ready by Friday. Priebe said she visited with Braun Intertech last week to receive a cost estimate on a new Phase I assessment. As reported earlier, the previous assessment from 2014 has expired and SBA requires an update. Priebe explained SBA has part of the financing, not the initial upfront interim construction financing but the Bank does along with the City's \$450,000 for the building envelope. SBA forwarded their indemnification document for the City's review. If the City provides a hold harmless agreement stating they will be responsible for any current or future environmental issues and cleanup and provide that to the borrowers, the lender, SBA and the future owners this will be sufficient to SBA. We are told indemnification agreements are acceptable as a mitigating factor for potential contamination however it must be the SBA standard indemnification agreement. Lies has received that document and has reviewed it but won't act on it tonight as have received word that SBA will not sign off on that or accept it until the Phase I assessment is completed. Regarding asking for a proposal from Braun Intertech to start the Phase I assessment, Priebe said they provided a cost estimate for that as well as a proposal to remove and dispose of the storage tank. Priebe noted they hire out for the excavation portion and she felt they would have Braun Intertech accept quotes from local contractors as well. They have already received 2 quotes from Fargo contractors that they normally use in this process but since this is a local proposal Priebe felt local excavators should be given consideration. As advised by her Braun Intertech contact, Priebe said she was told the best time for the excavation is when the frost is out of the ground. Priebe said she also spoke with the lead bank and they are alright with the City taking responsibility for any future environmental issues that may arise from this parcel so they are good to go, and also Gast Construction is good to go as well on this project, so are moving forward. Priebe noted it will take two weeks for the Phase I assessment once the frost is out of the ground and two weeks for the tank removal, disposal, ground contamination testing, closure with the Dept. of Health, etc. On the 2014 Phase I assessment that has since expired there were 3 REC's (Recognized Environmental Conditions) in that review. Two were minor and one was the spelling out of the possibility of contaminated soil around the tank. It was unsure if other things will surface from this process, but will do as much testing as we can and make sure the property is cleaned up for the new owner and any future owners.

Priebe reported the Planning Commission met and discussed/recommend moving forward on a housing study update. They would like the City of Breckenridge to be contacted to see if they want to be included.

Regarding the City-owned 32 acres north of ComDel and Bobcat facilities, Priebe said the Finance Committee had recommended approval of proceeding with actively selling the parcel but first approach the WCDC with the opportunity to purchase the property. That discussion has been held and the WCDC is not interested in controlling the property at this time. Priebe said she would like to begin actively seeking development proposals for this parcel. A development agreement in addition to a purchase offer will be required. It was noted there is no longer a right of first refusal on the property.

As an update, Priebe said for the Kennedy Apartments just north of Paces Lodging/Westdale Apartments they are starting the drywall so things are moving along with that housing project. Discussion held regarding the occupancy of the two new finished apartments north of Walmart.

An update on Tractor supply was also discussed. A mid-April opening is anticipated and space is still available for rent.

### **LIBRARY REPORT**

**Library Report** ó Bakken reported Kercher is holding computer classes this week. A Library Board meeting will be held this week at 4:00 p.m. The Midwinter Reads Program ends March 3<sup>rd</sup> with participants eligible for a prize. Kercher is offering a Pinterest class on hoop embroidery on February 23<sup>rd</sup> at 5:30 p.m. Regarding the library renovation project, Bakken said carpet and painting is almost complete. Shelving has been shipped to the installer so hope to hear something by the end of the week.

### **PUBLIC WORKS DIRECTOR**

**PW Report** ó Miranowski requested referral to Public Works Committee **of Discussion on Adding Stop Signs In and Around the Middle School, particularly on Loy Avenue and 12<sup>th</sup> Street.** Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of Discussion of Controller Methods for Nuisance Mosquitoes.** Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of Approval of Rental Agreement with Swanston Equipment for the Crack Filling Material Melter.** Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of Review of 2017 Seal Coat Project.** Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski noted last Thursday evening the Street Dept. swept the downtown corridor area ó 2<sup>nd</sup> Street, Dakota Avenue ó and cleaned all of that up to get some of the sand off the streets. They are also out filling potholes. Discussion held regarding the longevity of potholes filled this time of year.

### **COMMUNICATIONS FROM THE MAYOR & COUNCIL**

Mayor Hansey reported Wahpeton was involved in a Town of the Week contest against Devils Lake and Wahpeton won. It will be announced on KVRR news at 9 p.m. tonight.

**150<sup>th</sup> Anniversary Committee – Mayor** ó Mayor Hansey appointed Council Member DeVries as the Chair of the 150<sup>th</sup> Anniversary Committee.

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

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

DeVries said the Finance, Personnel & Economic Development Committee met at noon on February 13<sup>th</sup>.

**BCBS/Noridian Incentive Agreement – motion** to recommend approval with conditions ó **Motion by DeVries, seconded by Miller, to approve the Economic Development Grant Agreement between the City of Wahpeton and Blue Cross Blue Shield of North Dakota contingent upon City Attorney review/approval. Motion carried with a roll call vote of 5-0.**

**Revolving Loan Fund Request for Extension Tiny Tykes Daycare – motion** to recommend approval of loan extension to June 15, 2017 ó **Motion by DeVries, seconded by Miller, to approve waiving the February 14, 2017 due date for Justin Nepl’s Tiny Tykes Daycare Center \$100,000 differed loan and extend that due date to June 15, 2017. Motion carried with all voting ‘aye’.**

**Brew Ales & Eats Update – discussion** ó Upon communication with Priebe, Lies recommended passing a motion that the City agree to the SBA Indemnification Agreement so that it’s out of the way and it may help with the lead bank and their proceeding with the project once they know that’s in place. So the City would indemnify and guaranty cleanup of the site because of the storage tank and anything else that shows up. **Motion by Bertsch, seconded by DeVries, to approve the City Agree to the SBA Indemnity Agreement for the Old City Hall site.** Discussion held regarding any other possible foreseen issues with the site. **Motion carried with all voting ‘aye’.**

**Proposals for Primary Depository – discussion**

**Tax Increment Financing District – discussion**

**Public Works & Public Safety Committee Report**

Bajumpaa said the Public Works & Public Safety Committee met at noon on February 14<sup>th</sup>.

**Otter Tail Power Co. Easement Request Pond #1 – motion** to recommend approval with amendments – **Motion by Bajumpaa, seconded by Dale, to approve the Otter Tail Power Company Easement Request for Pond #1 as amended. Motion carried with a roll call vote of 5-0.**

**Contract Change Order No. 2 Kindred Plumbing & Htg. 16<sup>th</sup> Ave. N. Reconstruction \$4,322.17 – motion** to recommend approval ó **Motion by Bajumpaa, seconded by Bertsch, to approve Contract Change Order No. 2 with Kindred Plumbing & Heating for the 16<sup>th</sup> Avenue North Reconstruction Project in the amount of \$4,322.17.** Discussion held regarding other issues in that project area. **Motion carried with a roll call vote of 5-0.**

**TIF District Update – 16<sup>th</sup> Ave. Culvert Replacement Proj. – motion** to recommend culvert replacements up to \$55,000 ó **Motion by Bajumpaa, seconded by Dale, to approve the 16<sup>th</sup> Avenue North Culvert Replacement Project in an amount not to exceed \$55,000.** Discussion held regarding the location of the culverts which is just south of Walmart east of the railroad tracks. **Motion carried with a roll call vote of 5-0.**

**Vector Control Pickup Replacement – motion** to recommend approval up to \$15,000 ó **Motion by Bajumpaa, seconded by Bertsch, to approve the Vector Control Pickup Replacement in an amount not to exceed \$15,000. Motion carried with a roll call vote of 5-0.**

**Dakota Avenue Flag Protocol – motion** to recommend approval of policy as amended ó **Motion by Bajumpaa, seconded by Miller, to approve the Dakota Avenue Flag Protocol/Operations Policy as amended. Motion carried with all voting ‘aye’.**

**Policy for Consultant Selection – discussion**

**Snow Removal Policy – discussion**

**Building Demolition Adjacent to the Levy – motion** to recommend approval to proceed to advertise for demolition ó Discussion held regarding the location of the building and potential options for it.

**Public Works Operations Review**

**Museum Parking Regulations**

**Marsy’s Law – motion** to recommend approval of implementation/compliance related fees ó **Motion by Bajumpaa, seconded by Bertsch, to approve Implementation/Compliance of Marsy’s Law Related Fees of \$500 for the SAVN Program.** Discussion held regarding the financial impact of this law on the City. **Motion carried with a roll call vote of 5-0.**

**Building Official Updates**

January 2017 Bill Pay Report

<b>DISBURSEMENTS FUND</b>	<b>ACCOUNTS PAYABLE</b>	<b>PAYROLL &amp; GL</b>	<b>TOTAL</b>
101 GENERAL FUND	\$318,894.86	\$33,460.28	\$352,355.14
201 WATER OPERATING FUND	\$46,260.85	\$38,144.43	\$84,405.28
202 SANITARY SEWER OPERATING FUND	\$35,791.43	\$25,050.75	\$60,842.18
203 WASTE REMOVAL OPERATING FUND	\$23,536.27	\$914.10	\$24,450.37
204 WASTE REDUCTION FUND	\$3,075.00		\$3,075.00
205 VECTOR CONTROL FUND	\$15.46	\$1,069.06	\$1,084.52
206 STREET LIGHTING	\$12,017.72		\$12,017.72
209 LIBRARY LEVY FUND	\$5,676.59	\$12,225.85	\$17,902.44
213 ADVERTISING LEVY FUND	\$7,116.03		\$7,116.03
216 AIRPORT 4-MILL LEVY FUND		\$494.96	\$494.96
226 EMPLOYEE SAFETY COMMITTEE	\$89.99		\$89.99
227 ANNUAL RESERVE WH FUND		-\$3,600.00	-\$3,600.00
229 CAPITAL IMPROVEMENTS FUND	\$41,088.67		\$41,088.67
233 REAL ESTATE LEVY FUND	\$291.66		\$291.66
235 SNOW/FLOOD EMERG LEVY FUND	\$9,443.00		\$9,443.00
236 LEVEE MAINTENANCE	\$1,690.93	\$8,012.87	\$9,703.80
237 CITY SHARE OF SPECIALS FUND		\$1,939.71	\$1,939.71
253 METER DEPOSITS TRUST FUND	\$190.64		\$190.64
261 UNEMPLOYMENT COMP RESERVE FUND	\$563.56		\$563.56
271 ECONOMIC DEVEL DEPT FUND	\$974.42	\$14,504.72	\$15,479.14
303 MISCELLANEOUS FUND	\$22.38		\$22.38
316 1% LODGING TAX (ADDTL 1/1/08)	\$500.00		\$500.00
318 WEED MAINT LEVY FUND	\$378.34		\$378.34
319 LODGING TAX FUND	\$2,899.51		\$2,899.51
320 SALES TAX OPERATING FUND	\$18,871.25		\$18,871.25
321 SALES TAX RESERVE FUND	\$10,000.00		\$10,000.00
326 REVOLVING LOAN FUND	\$2,400.00		\$2,400.00
393 DOWNTOWN CARE & MTC FUND	\$1,917.82		\$1,917.82
459 R/I #11314 SERIES 2014		-\$1,939.71	-\$1,939.71
574 5-2-97 (FLOOD PHASE II)	\$66,044.11		\$66,044.11
650 PD RELOCATION	\$75,845.14		\$75,845.14
<b>TOTAL</b>	<b>\$685,595.63</b>	<b>\$130,277.02</b>	<b>\$815,872.65</b>

**SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Cmt. February 27<sup>th</sup>, 12:00 Noon (Committee of the Whole at 12:15 p.m.)
- b. Public Works Cmt. February 28<sup>th</sup>, 12:00 Noon
- c. Planning Commission March 6<sup>th</sup>, 4:00 P.M.
- d. Committee of the Whole March 6<sup>th</sup>, TBD

**Motion by Bertsch, seconded by DeVries, to adjourn at 5:55 p.m. Motion carried with all voting ‘aye’.**

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Mayor Hansey

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Lynelle Amos, Finance Assistant