

**Wahpeton City Council**  
**July 1, 2019**  
**5:00 p.m.**

**Present:** Miller, Bohn, Bajumpaa, McCann, Dale, Lambrecht, Bertsch, 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.**

**Joint Public Hearing with Planning Commission –**

**Request to Rezone Oakwood Minor Replat No. 2 (Adoption of Ord. 992)** – Dale called to order this public hearing which was held jointly with the Planning Commission. Miranowski reviewed a map of the area owned by Jerry Meide which he is requesting to be rezoned and if the Council approves will move on to the final plat. It is presently zoned R-1B which only allows for single family homes and is requesting it be rezoned to R-2 which would allow two-family (twin) homes. Planning Commission Chair DeVillers reconvened the Planning Commission meeting. DeVillers then asked the Planning Commission for their recommendation. **Motion by Jensen, seconded by Smith, to recommend to the City Council to approve the Request to Rezone Oakwood Addition from R-1B to R-2 Minor Replat No. 2.** DeVillers asked if there was anyone present with comments regarding this rezone, of which there was none. He then asked Huwe if there were any written or verbal communications, which she said there was one inquiry from an adjacent property owner from Oakwood Addition who felt it was a good idea after having it explained. **Motion carried with all voting 'aye'.**

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

**ORDINANCE NO. 992**  
**AN ORDINANCE REZONING FROM**  
**RESIDENCE R-1B SINGLE-FAMILY TO RESIDENCE R-2 TWO-FAMILY**  
**(Lots 1, 2, 4, 5 and 6 of Block 1, Oakwood Addition Minor Replat No. 2)**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Bajumpaa. Motion carried with a roll call vote 8-0.

**Request Approval of Final Plat of Edgewood Park (Resolution No. 3721)** – Miranowski then presented consideration of the final plat. There are a total of 10 lots, with Meide's existing home located on Lot 3. The Planning Commission discussed how sewer and water is going to be configured which Miranowski explained. The right-of-way is 52' wide with an additional 10' for small utilities or for a future sidewalk, and 15' between Lots 4 and 5. Sidewalks were discussed but are not required. The width of the lots has to be 70' at the building setback line. Approval of the plat would be contingent upon verifying that all lot frontages are 70' and the easement between Lots 4 & 5 would be 15'. Discussion held. DeVillers asked if there was anyone present with comments on this final plat, of which there was none. When asked, Huwe said there has been no public input in regard to this plat. **Motion by Pithey, seconded by Dockter, to recommend to the City Council to approve the Final Plat of Edgewood Park contingent upon the two requirements discussed being met. Motion carried with all voting 'aye'.** Lies commented the developer was present at the Planning Commission and agreed to the 15' extension for the easement.

Council member Bertsch offered the following and moved its adoption:

**RESOLUTION NO. 3721**  
**RESOLUTION APPROVING THE**  
**PLAT OF EDGEWOOD PARK**  
**AND REQUESTING THAT IT BE RECORDED WITHOUT**  
**AUDITOR'S CERTIFICATE**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Wateland. Motion carried with a roll call vote 8-0. This Public Hearing was then concluded.

**Motion by Smith, seconded by Dockter, to adjourn the Planning Commission meeting at 5:14 p.m. Motion carried with all voting 'aye'.**

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

**Approval of minutes of regular meeting held June 17, 2019**

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

Raffle Permit – Kiwanis of Wahpeton Breckenridge

Raffle Permit – Relay for Life Scramble for a Cure

**Other Games of Chance and/or Special Permits:**

Raffle Permit – Wahpeton Legion Post 20

Raffle Permit – Wahpeton Harmony Senior Center

**Presentation/Approval of Reports**

A Practitioner's Field Guide to Guessing in the Dark - NDSWC

ND DOT – Special Road Fund Project Applications

Census 2020 – Invitation to Everyone to Respond

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

**Motion by Bajumpaa, seconded by McCann, to approve the Consent Agenda items as presented.**

**Motion carried with all voting 'aye'.**

Some residents in attendance were then given the chance to address the Council although they were not on the agenda. Darby Casper questioned why council committee meetings are not broadcast. No action was taken.

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**ND State Dept. of Environmental Quality Contract for Laboratory Services 2019-2021** – Huwe explained the City has a recurring contract with the ND State Department of Environmental Quality Chemistry Laboratory for routine services for testing of both drinking water and clean water. The City averages about \$1,600 per year with the ND State Department of Health. They have provided a contract to continue those services. They provided notification that they have had no rate increase since 2008 so will be looking at a price adjustment of 12.5% effective August 1, 2019. **Motion by McCann, seconded by Bohn, to approve the City renewing the Contract with ND State Department of Environmental Quality Chemistry Laboratories for Services 2019-2021. Motion carried with a roll call vote of 8-0.**

**2020 Budget Preparation Update – request referral to Finance Cmt.** – Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**City Hall Closed Thursday, July 4<sup>th</sup>** – Huwe gave a reminder City Hall will be closed this Thursday in observance of Independence Day.

**ATTORNEY**

**Special Assessment District Creation – Edgewood Park Project Resolutions**

Lies presented resolutions dealing with the Edgewood Project. The first was creating the district for special assessments.

Council member Lambrecht offered the following and moved its adoption:

**RESOLUTION NO. 3722**  
**RESOLUTION CREATING EDGEWOOD PARK  
PROJECT NO. ST18-239 WATER, STREETS, STREET LIGHTS,  
STORM/SANITARY SEWER IMPROVEMENTS**

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

Lies explained the next resolution was for the City to reimburse itself for any expenses it incurs in the project.

Council member McCann offered the following and moved its adoption:

**RESOLUTION NO. 3723**  
**RESOLUTION OF THE CITY OF WAHPETON RELATING TO  
THE ISSUANCE OF BONDS AND THE REIMBURSEMENT OF CERTAIN EXPENDITURES FOR  
EDGEWOOD PARK PROJECT NO. ST18-239 WATER, STREETS, STREET LIGHTS,  
STORM/SANITARY SEWER IMPROVEMENTS**

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

Lies said the next resolution is directing the preparation of the engineer's report.

Council member Bertsch offered the following and moved its adoption:

**RESOLUTION NO. 3724**  
**RESOLUTION DIRECTING PREPARATION OF ENGINEER'S REPORT  
EDGEWOOD PARK PROJECT NO. ST18-239 WATER, STREETS, STREET LIGHTS,  
STORM/SANITARY SEWER IMPROVEMENTS**

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

**COMMUNITY DEVELOPMENT DIRECTOR**

**Community Development Report**

**Planning Commission Recommendation – Offer First Reading of Ord. 1007 RE: Accessory**

**Structures in the ETZ** – DeVries reported the Planning Commission recommends first reading of Ordinance No. 1007 amending Section 46-236 Zoning residential districts; limiting accessory buildings; special exceptions.

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

**ORDINANCE NO. 1007**  
**AN ORDINANCE AMENDING SECTION 46-236 ZONING  
RESIDENTIAL DISTRICTS; LIMITING ACCESSORY BUILDINGS; SPECIAL  
EXCEPTIONS**

He said the Planning Commission also requests setting a joint public hearing on this amendment for August 5<sup>th</sup> at 5:00 p.m. **Motion by McCann, seconded by Bajumpaa, to approve scheduling a Joint Public Hearing with the Planning Commission on August 5<sup>th</sup>, 2019 at 5:00 p.m. on Ordinance No. 1007 Amending Section 46-236 Zoning Residential Districts; Limiting Accessory Buildings; Special Exceptions. Motion carried with all voting ‘aye’.**

DeVries then requested referral to the Finance Committee of Marketing/Advertising for Housing Developments.

### **LIBRARY DIRECTOR**

**Library Report** – Bakken announced the library will also be closed on Thursday, July 4<sup>th</sup> with regular hours resuming on July 5<sup>th</sup>. She reported that last week over 20 teenagers enjoyed the paint pour activity. They are now halfway through the summer reading program, but if anyone is still interested sign up continues. Upcoming events include Storytime and Book Munch tomorrow and an afternoon space-themed movie will be held on Friday at 1:00 p.m. for children of all ages. Next week on Monday will be an activity of working with today’s new technology of drones at 1:00 p.m. and Tuesday a Star Wars party will be held at 2:00 p.m. for school aged participants. Monday, July 15<sup>th</sup> from 2:00-3:00 p.m. a live webcast will be shown to celebrate the 50<sup>th</sup> anniversary of the Apollo 11 moon landing put on through NASA and Star Net, the Space Science Institutes National Center for Interactive Learning in collaboration with the American Library Association, the Lunar and Planetary Institute and the Afterschool Alliance. Bakken also expressed thanks to the State Library for bringing back Mango Languages.

### **PUBLIC WORKS DIRECTOR**

#### **PW Report**

**Sanitary Sewer Lift Station No. 3 – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski then reported vector control would be conducting a ground spraying this evening and Wednesday evening, weather permitting, and are also conducting barrier spraying. He also said they are working with the contractor on Lift Station #1 and will be gearing up to start up tomorrow. Sweeney Controls will be here along with Northern Contracting to do the start up. He announced 3<sup>rd</sup> Avenue North was paved over this past weekend except for a short area which was completed this morning. There is an issue with 11<sup>th</sup> Street that will be corrected. Discussion held regarding what would trigger an aerial spray for mosquitoes.

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

**Recommendation for Appointment to the Richland County Jobs Development Authority** – Dale explained the City of Wahpeton has a position on the Richland County Jobs Development Authority and recommended appointment of Perry Miller to fill the position and a letter drafted to the County. **Motion by McCann, seconded by Bohn, to approve appointment of Perry Miller to the Richland County Jobs Development Authority and to draft a letter to Richland County. Motion carried with all voting ‘aye’.**

Lambrech then suggested there be a different approach to job evaluations. Dale said this will be taken into consideration in the future.

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

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

McCann said the Finance, Personnel & Economic Development Committee met at noon on June 24<sup>th</sup>.

**Vision Ford Development Project Request for Tax Increment Financing – motion to set a public hearing for July 15<sup>th</sup> on proposed amendment to the 2006-1 TIF Development Plan – Motion by McCann, seconded by Bertsch, to approve requesting the City Attorney’s Office Prepare the Amendment to the Tax Increment Financing Plan as presented. Motion carried with all voting ‘aye’.**

**Motion by McCann, seconded by Bajumpaa, to approve setting a Public Hearing for July 15<sup>th</sup> at 5:00 p.m. for the proposed Tax Increment Financing for the Vision Ford Lincoln Development Project and proposed amendment to the 2006-1 Tax Increment Financing Development Plan. Motion carried with all voting ‘aye’.**

**Draft Development Agreement Edgewood Park – motion to approve – Motion by McCann, seconded by Lambrecht, to approve Edgewood Park Development Agreement with changes as discussed at committee. Meide’s attorney Amy Clark addressed the Council with questions about the agreement regarding the payment bond and its reduction as lots are sold. It currently will be reduced by 1/7 for each lot sold and for each home constructed. After much discussion it was decided the payment bond reduction should be 1/10 for each lot sold. Motion amended by McCann to approve the Edgewood Park Development Agreement to include 1/10 payment bond reduction for each lot sold as discussed, seconded by Wateland. Motion carried with a roll call vote of 8-0.**

**2018 Audit Report Recommendations – motion to approve loans receivable write-offs of \$985,246.89 – Motion by McCann, seconded by McNary, to approve the Economic Development Loans Receivable Write-offs as presented in the amount of \$985,246.89. Discussion held and explanation provided. It was noted if a recovery of funds is made they will be returned to Sales Tax for Economic Development. These write-offs will not happen without further litigation and all lawful remedies will be pursued. Motion carried with a roll call vote of 8-0.**

**Black Dirt Sales – discussion**

**Referrals to Next Committee Agenda (both committees or Committee of the Whole)**

- 1. Proposed Organizational Chart & Review of PW Operations Manager Position**

**Public Works & Public Safety Committee Report**

Bohn said the Public Works & Public Safety Committee met at noon on June 25<sup>th</sup>.

**Waste Disposal Permit Request for Colonial Enterprises – motion to approve permit submittal – Motion by Bohn, seconded by Bajumpaa, to approve allowing Colonial Enterprises to include the City of Wahpeton as a proposed disposal site/wastewater treatment facility on their application to the ND Department of Health Sanitary Pumper Permit Application. Motion carried with all voting ‘aye’.**

**Vector Control Board Update – motion to submit names for appointment – Motion by Bohn, seconded by Bertsch, to approve a request to Richland County, appointment of three members, (the PW Committee excluding the chair) with staggered 5 year-terms, to the Vector Control Board. Motion carried with all voting ‘aye’.**

**Grease Trap at BDSGC Grille Room – table pending additional information**

**IEI Proposal for a Facility Plan for Flood Lift Station Improvements Proj. No. FL19-246 – motion to approve proceeding with Phases II & III \$96,136 – Motion by Bohn, seconded by Lambrecht, to approve proceeding with Phase II & III from the Interstate Engineering Inc. proposal for a Facility Plan for Flood Lift Station Improvements Project No. FL19-246 at the cost of \$96,136 from the Levy Maintenance Fund. Motion carried with a roll call vote of 8-0.**

**BDSGC Improvements Update – discussion**

**RJ Hughes Drive Improvements – discussion**

**Traffic Fines – motion** to offer first reading of Ord. No. 1008 to double the existing fines – Council member Bohn offered the first reading of the following Ordinance:

**ORDINANCE NO. 1008**  
**AN ORDINANCE INCREASING FINES**

**Front Yard Parking Restrictions Proposed Ordinances 1005 & 1006 – discussion**

**Dumpster Ordinance - discussion**

**Revisions to Ordinance Regarding Parking/Licensing of Recreational Vehicles - discussion**

**Yard Junk/Clutter Updates**

**Building Official Updates**

**Review of Waste Water Treatment Agreements for Industrial Users – discussion**

Discussion was held regarding a street light out on 14<sup>th</sup> Avenue that got some attention on social media this past weekend. It was noted the street light is a specialty item that is not in stock and getting it delivered has been a challenge. A cover was placed on the pole today and the wires are now safe.

**SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Committee July 8<sup>th</sup>, 12:00 Noon
- b. Public Works Committee July 9<sup>th</sup>, 12:00 Noon

**Adjournment**

**Motion by Wateland, seconded by McCann, to adjourn at 6:12 p.m. Motion carried.**

---

Mayor Steve Dale

---

Lynelle Amos, Finance Assistant