

Wahpeton City Council
June 15, 2020
5:00 p.m.

Present: Bajumpaa, Wateland, Dale, Bohn, Remily, and Miller (via teleconference)

Absent: McNary

Also Present: Huwe, Lies, Thorsteinson, Broadland, DeVries, Bakken, Amos, O'Meara, Abby Heitkamp, Greg Meide, and Matt Bohn

Also Present via teleconference: Miranowski, Frank Stanko, Renata Fobb, and David Woods

Meeting called to order by Mayor Dale.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

Greg Meide requested to address the Council to provide some additional information on the current status of the 400 Block default. He said throughout the process the owner/developer was collecting lien waivers from him and he assumed they would have final lien waivers from him. Had that happened they would have been arguing 5 years ago rather than now after the lien turned into a judgement. His understanding was they assigned their interest to the bank, and the City subsequently bought the bank's interest. He was turning his lien waivers into the developer and wasn't sure if they were going to the bank or the City. He learned the City had it in their Developer's Agreement but was asked to take it out by the developer so they did, and had that been in there they would have caught this back then and something could have been done with it then rather than 5 years later. He felt the City had some responsibility possibly for this because they assumed Starion Bank's position in the foreclosure. Meide requested reimbursement for the outstanding judgement; the Council will consider the request in executive session later in the meeting. [Meide exited at 5:05pm]

Capital Improvements Plan 2021-2025 Huwe provided some highlights of the 2021-2025 Capital Improvements Plan. The 5 year total equals \$52,756,676 (was \$53,812,501). There are 51 projects over 5 years with an average project value is \$1,034,445. The 9 largest projects greater than \$1,000,000 (by year) account for \$42,633,751 or 79% of the proposed CIP and are: East Side Sanitary Sewer Phase B Proj. 193-2021 at \$6,047,680; Westside Development Proj. 435-2021 at \$3,922,040; Loy Ave. & Concord Court Reconstruction Proj. 191-2022 at \$3,338,874; Downtown Sidestreet Reconstruction Proj. 476-2022 at \$2,270,697; New Well Fields Proj. 461-2022 at \$6,705,210; 8th Ave. N. Reconstruction Proj. 137-2023 at \$5,406,021; Implementation of the Lagoon Study Proj. 426-2023 at \$2,000,000; 15th Ave. N. & 14th St. N. Reconstruction Proj. 176-2024 at \$2,508,756; and WT Plant Process Replacement Imp. Proj. 450-2024 at \$10,434,473. The East Side Sanitary Sewer Phase B project is currently being reviewed in timing scope and phasing. The delay in the availability of Municipal Infrastructure Funds - Prairie Dog's monies has created challenges in project financing. The operating budget projects have a 5 year total of \$4,323,675. There are 64 ongoing projects over 5 years and the average project value is \$67,557. The 8 largest projects greater than \$100,000 (by year) are: Street Mtc. (annually recurring) Proj. 100-2021 at \$212,000; Portable Generators (sanitary sewer) Proj. 132-2021 at \$120,000; Street Sweeper Proj. 388-2021 at \$200,000; Vector Control Chemical Storage Bldg. Proj. 439-2022 at \$190,000; Sanitary Sewer SCADA Imp. Proj. 475-2023 at \$125,000; 1995 Cat Loader Replacement Proj. 494-2023 at \$165,000; 1997 Champion Grader Replacement Proj. 495-2024 at \$275,000; and 1997 JD Backhoe Replacement Proj. 496-2025 at \$145,000. Changes in the most current revenue projections may result in deferral, reprioritization or modification of the operating budget projects. A motion to adopt the 2021-2025 Capital Improvement Plan will be requested later in the meeting during the Public Works Committee report.

CONSENT AGENDA ITEMS (presented by the Mayor) ó

Approval of minutes of regular meeting held June 1, 2020

Games of Chance Licenses, Site Authorizations & Special Permits

St. John's School ó Raffle Permit

Richland County 4-H ó Raffle Permit

Other Games of Chance and/or special permits:

Dollars for Scholars-Wahpeton ó Raffle Permit

Presentation/Approval of Reports

May 2020 Financial Reports

May 2020 Bill Pay Report \$1,021,804.21 ó see below

400 Block Correspondence ó Greg Meide

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

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

REPORTS FROM CITY OFFICERS AND STAFF

FINANCE DIRECTOR

June 9th Election Results ó Huwe said the unofficial results of the June 9, 2020 City election have been reported to the ND Secretary of State and were included with the Council packets. The County Auditor reported the Canvassing Board met today and made several small adjustments in the contest totals affected by what appeared to be 5 additional ballots. There are no changes in the contest winners. The official results should be available on the ND Secretary of State's website later today. The total voter turnout for the City election appears to be 1,209. The total ballots cast were 230 less than the 2016 election, down 19%. The 2018 election had 1,356 ballots recorded, 12% more than the 2020 City election. The Council organizational meeting is scheduled for the fourth Tuesday of June in even numbered years which will be June 23rd at 5:00 p.m. and the agenda will be posted on Thursday of this week.

Class E Liquor License – Boiler Room ó Huwe explained the Council recently approved a revised ordinance allowing the sale of tap beer in growlers. Ordinance 1017 was adopted on June 1st and became effective upon its publication June 14, 2020. The Boiler Room currently holds a Class C-1 license and has submitted an application for a Class E liquor license. She requested a motion to approve granting a Class E license to the Boiler Room. **Motion by Remily, seconded by Bohn, to approve granting a Class E Liquor License to the Boiler Room. Motion carried with all voting 'aye'.**

Appointment to Boards and Commissions ó Huwe said the organizational meeting will include nomination of Council President and Vice President in addition to confirmation of board and commission appointments. Openings are available on the Planning Commission and Zoning Adjustment Board. Anyone interested or having a suggestion should contact Huwe.

2021 Budget Calendar ó Huwe said City departments will prepare their preliminary budgets between June 16th and June 26th. Initially, the plan was to have a preliminary budget for discussion purposes at the committee meetings on July 6th and 7th. The ND League of Cities is working with the State Tax Department and the State Treasurer to provide updated revenue projections the week of July 6th. It has been very difficult to project the impacts of the pandemic and downturn in oil activity on the state revenue shared with cities in the highway distribution and sales tax revenue sharing formulas. Any additional information will be helpful. We may need to delay the budget review to later in July in advance of the targeted August 3rd certification of tax levy to the County Auditor.

Bois de Sioux Golf Club Update – request referral to Finance Cmt. ó Huwe said the City of Wahpeton owns the golf clubhouse and leases it to the Bois de Sioux Golf Club. The building was originally constructed in 1998 following the Flood of 197. In 2019 the golf club and Building Official Todd Johnson collaborated to address several major outstanding maintenance issues to include replacement of the east and west decks, replacement of the carpeting, replacement of two exterior doors, and kitchen equipment. Additionally, the planks on the walk bridge across the Red River were also replaced. The golf club will provide an update on the renovations at the clubhouse and the current operations of the golf course at the next Finance Committee Meeting.

Bajumpaa said the Lake Agassiz Watershed Authority Commission has an individual from the City of Wahpeton that sits on the board as an ex-officio member and he felt it was important to have a voice at the table to be in the know as to what's going on so encouraged the Mayor to appoint someone in that capacity. Huwe took note of the suggestion.

COMMUNITY DEVELOPMENT DIRECTOR

Community Development Report ó DeVries said a reminder of what's going on at John Randall Field was provided in his issue of The Win Column. Matt Bohn, representing the Wahpeton Baseball Committee, provided an update on the John Randal Field Project. He reviewed a summary of expenses and payments made from the City so far on the project. He said footings will be dug for the canopy tomorrow. The poles and netting for the backstop are ordered and scheduled to be delivered by June 29th. In order to have the July 4th baseball game the backstop needs to be up the dugouts need to be completed, and the playing surface will be ready. There are some sprinkler system issues that need to be worked on by Parks but other than that the field will be ready. When asked about other funding sources, Bohn said they have not been successful in obtaining any other funding. [M. Bohn exit at 5:27pm]

Regarding the Hospitality Industry COVID-19 Response Grants, DeVries said he had previously reported there may be some grants he would like to make available for some late applications. The funding was originally for \$100,000 from the 1% Restaurant Tax and covered 11 projects. There were 3 additional inquiries prior to the June 1st cutoff whose projects could amount to up to \$30,000.

Motion by Bohn, seconded by Remily, to approve up to an additional \$30,000 from the 1% Restaurant Tax for the Hospitality Industry COVID-19 Response Grants. Discussion held.

Motion carried with a roll call vote of 5-0. DeVries will provide a report once all the projects are completed.

LIBRARY REPORT

Library Report ó Bakken reported the library is tentatively planning to open to patrons on June 22nd by appointment only. They will accept 8 appointments daily at ½ intervals allowing time to disinfect between appointments. There will be access to adult computers on the top floor but not to children's computers or the play room at this time. COVID-19 numbers will continue to be monitored as the decision to open is being made. It was noted curbside service will also continue. Bakken said the Summer Reading Program is going strong with over 80 children participating via their virtual program. A daily storytime for preschoolers will take place on their Facebook Live page, a daily lunch read at noon, and once a week there will be an online craft for children.

POLICE CHIEF

Disposition of Out-of-Service Patrol Vehicles - request ó Police Chief Thorsteinson requested permission to sell two out-of-service patrol vehicles, a 1998 Ford Expedition and a 2016 Ford Interceptor at auction through Mid-State Auto Auction. Both vehicles were taken out of service last fall. **Motion by Bajumpaa, seconded by Wateland, to approve allowing the Police Department to sell two Out-of-Service Patrol Vehicles, a 1998 Ford Expedition and a 2016 Ford Interceptor, at auction through Mid-State Auto Auction. Motion carried with a roll call vote of 5-0.**

PUBLIC WORKS DIRECTOR

Public Works Director Report ó Miranowski requested referral to Public Works Committee of the **Final Pay Application and the Balance in Change Order for the 2020 Sealcoat Project with Pearson Brothers, Inc.** Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski reported the demolition of the old KC Hall building started today. The Rosewood Shared Use Path also started today. The sealcoat crack filling was completed. The map requested at Public Works was finished and will be sent out with the next agenda. When asked, Miranowski said the next pathway to be considered would be to connect the pathway where it ends by the railroad tracks on the south side and bring that over to 2nd then up to Dakota Avenue.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Mayor Dale presented plaques of appreciation for service and dedication to the citizens of Wahpeton and Wahpeton City Council to outgoing Council Members Jeremy Remily for 2020, Perry Miller from 2016-2020, and Don Bajumpaa from 2008-2020.

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report

Wateland said the Finance, Personnel & Economic Development Committee met at 5:00 p.m. on June 8th.

400 Block Default inquiry from Greg Meide

Review of PILOT Payment Schedule for Living Services Foundation, LLC – motion to discontinue the PILOT and include the parcel on the tax roll ó Motion by Wateland, seconded by Remily, to approve revoking the Payment In Lieu Of Taxes for St. Catherine’s Assisted Living Project for 2020 and 2021 and place the assisted living valuation on the tax roll. Motion carried with a roll call vote of 5-0.

Emergency Declaration Update – motion to extend the declaration an additional 90 days ó Motion by Wateland, seconded by Remily, to approve Extending the Declaration of Local Emergency for an additional 90 days. Motion carried with all voting ‘aye’.

2020 Budget Revenue Forecast and 2021 Budget Preparation - discussion

Revised Capital Improvements Plan 2021-2025 Review - discussion

Public Works & Public Safety Committee Report

Bohn said the Public Works & Public Safety Committee met at 5:00 p.m. on June 9th.

Capital Improvements Plan 2021-2025 – motion to approve ó Motion by Bohn, seconded by Bajumpaa, to approve the Capital Improvements Plan 2021-2025 and move the CIP projects forward into the budget cycle leaving Project 100 at the current estimated amount of \$212,000. Motion carried with a roll call vote of 5-0.

Emergency Declaration Update - discussion

Electric Vehicle Charging Station – motion to approve up to \$3,000 plus monthly electricity fee ó Motion by Bohn, seconded by Bajumpaa, to approve the Electric Vehicle Charging Station Project up to \$3,000 and the monthly electrical expenditure for the charging station from the Restaurant Tax. Discussion held. Motion carried with a roll call vote of 5-0.

Emergency Operations Plan – discussion

Parking Violation Fees

Yard Junk/Clutter Updates – discussion

City Hall HVAC - motion to engage Automatic Heating & Air up to \$3,000 ó Motion by Bohn, seconded by Bajumpaa, to approve engaging Automatic Heating & Air for air conditioning maintenance at City Hall up to \$3,000 out of the Building and Maintenance Fund. Discussion held. Motion carried with a roll call vote of 5-0.

Building Official Updates – discussion

UNFINISHED BUSINESS

Executive Session – 400 Block Foreclosure Proceedings ó Dale said this item must be discussed in an executive session. The legal authority for closing this portion of the meeting is North Dakota Century code section 44-04-19.1. The topic or purpose of this executive session is for attorney consultation on a negotiation NDCC 44-04-19.1. He said at this time we will convene in executive session. The executive session will be recorded and all members of the governing body were reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session. The prohibition on taking final action during the executive session does not apply to providing guidance or instructions to our attorney or negotiator. Dale asked the members of the public who were attending the meeting to leave the room. **Motion was made by Bajumpaa, seconded by Wateland, to close the meeting to go into executive session for attorney consultation on negotiation NDCC 44-04-19.1. Motion carried with all voting ‘aye’. The next agenda item was confidential under NDCC §44-04-19.1 in that the reason for subject is for attorney consultation on negotiations. The minutes will show that the executive session began at 5:50 pm o’clock and will reflect who was present for this executive session: Mayor Steve Dale, Council Members Don Bajumpaa, Tiana Bohn, Lane Wateland, Jeremy Remily, and Perry Miller (via teleconference), Finance Director Darcie Huwe, City Assessor Carla Broadland, Community Development Director Chris DeVries, City Attorney Steve Lies, City Finance Assistant Lynelle Amos, and Auditor’s Assistant Cheryl O’Meara.**

Motion by Wateland, seconded by Bohn, to come out of closed session and re-open the meeting. Motion carried. The minutes will show that the executive session was adjourned and the meeting re-opened at 6:15 p.m. Dale said the meeting was now back in open session.

The motions made in executive session was then restated. **Motion by Wateland, seconded by Miller, to approve the City start foreclosure proceedings with Phoenix Housing II for the second mortgage of \$790,000 with a \$500,000 balance. Motion carried with all voting ‘aye’.**

Motion by Remily, seconded by Miller, to send a letter thanking Greg Meide for the offer extended regarding the 400 Block default and to reject Meide’s offer. Motion carried with all voting ‘aye’.

May 2020 Bill Pay Report

DISBURSEMENTS FUND	ACCOUNTS PAYABLE	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$230,676.46	\$36,801.29	\$267,477.75
201 WATER OPERATING FUND	\$46,621.09	\$44,062.75	\$90,683.84
202 SANITARY SEWER OPERATING FUND	\$68,756.84	\$27,581.96	\$96,338.80
203 WASTE REMOVAL OPERATING FUND	\$26,910.06	\$1,073.56	\$27,983.62
204 WASTE REDUCTION FUND	\$2,277.52		\$2,277.52

205 VECTOR CONTROL FUND	\$2,384.62	\$1,300.84	\$3,685.46
206 STREET LIGHTING	\$14,023.48		\$14,023.48
209 LIBRARY LEVY FUND	\$4,165.05	\$13,027.79	\$17,192.84
216 AIRPORT 4-MILL LEVY FUND	\$73,424.03	\$494.96	\$73,918.99
226 EMPLOYEE SAFETY COMMITTEE	\$618.37		\$618.37
227 ANNUAL RESERVE WH FUND		-\$4,225.74	-\$4,225.74
234 SPECIAL STREET MAINT FUND	\$13,844.95		\$13,844.95
236 LEVEE MAINTENANCE	\$3,243.48	\$8,945.19	\$12,188.67
271 ECONOMIC DEVEL DEPT FUND	\$792.36	\$11,120.72	\$11,913.08
303 MISCELLANEOUS FUND	\$141.51		\$141.51
315 TAX INCREMENT FUND	\$1,250.00		\$1,250.00
316 1% LODGING TAX (ADDTL 1/1/08)	\$5,000.00		\$5,000.00
319 LODGING TAX FUND	\$1,565.37		\$1,565.37
320 SALES TAX OPERATING FUND	\$175,226.25		\$175,226.25
323 SALES TAX DEVELOPERS AGMNT RES	\$3,180.00		\$3,180.00
324 SALES TAX MINI MATCH RSRV FUND	\$16,263.28		\$16,263.28
326 REVOLVING LOAN FUND	\$150,416.67		\$150,416.67
328 150TH ANNIVERSARYRESERVE	\$300.00		\$300.00
393 1% RESTAURANT TAX FUND	\$31,076.10		\$31,076.10
401 BDSGC CART SUBLEASE	\$3,499.00		\$3,499.00
574 5-2-97 (FLOOD PHASE II)	\$1,843.40		\$1,843.40
652 DANGEROUS BLDG 120 6TH ST N	\$220.00		\$220.00
662 GATEWAY SIGNAGE/IMP.	\$3,301.00		\$3,301.00
665 E. SAN. SEWER PH B SS18-243	\$600.00		\$600.00
TOTAL	\$881,620.89	\$140,183.32	\$1,021,804.21

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Committee June 22nd
- b. Public Works Committee June 23rd
- c. City Council Reorganization Meeting June 23rd, 5:00 PM

Motion by Bajumpaa, seconded by Remily, to adjourn at 6:17 p.m. Motion carried with all voting ‘aye’.

Mayor Dale

Lynelle Amos, Finance Assistant