

**Wahpeton City Council**  
**March 5, 2018**  
**5:00 p.m.**

**Present:** Schmidt (via skype), Lambrecht, Bertsch, Bajumpaa, Dale, Bohn, McCann, Miller, and Wateland

**Absent:** None

**Also Present:** Huwe, Lies, Thorsteinson, Broadland, DeVries, Amos, and Cain

**CALL TO ORDER**

Meeting called to order by Mayor Dale.

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

**Municipal Court Annual Report – Judge Don Krassin** ó Judge Don Krassin thanked the City for allowing him to serve as the Municipal Judge, and also for providing an excellent Clerk of Court. He provided and reviewed the Wahpeton Municipal Court Annual Report for 2017, which he explained contains graphs depicting the types of cases they handle and their frequency. Krassin noted the City Attorney's office prosecutes the cases and they work well together. He hoped the Municipal Court provides fair, unbiased justice for those that appear in court. **Motion by Lambrecht, seconded by McCann, to acknowledge receipt of the Wahpeton Municipal Court 2017 Annual Report. Motion carried with all voting 'aye'.**

**Proclamation Declaring March as Aviation Month** ó Council member Bertsch read a Proclamation Recognizing Aviation Month ó March 2018.

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

**Approval of minutes of regular meeting held February 20, 2018**

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

NDSCS Alumni Foundation ó Raffle Permit

Head of the Red Youth Activities ó Site Authorization

**Other Games of Chance and/or special permits:**

Valley Lake Boys Home ó Raffle Permit

NDSCS Machinist Club ó Raffle Permit

**Presentation/Approval of Reports**

Wahpeton Fire Dept. Fish Fry March 9<sup>th</sup> ó Eagles Club 11 AM ó 8 PM

Convention & Visitors Bureau 2017 Annual Report

Mayors Committee on Employment of People with Disabilities 2017 Annual Report

Sesquicentennial ó 150<sup>th</sup> Anniversary Major Events

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

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

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**ND Laboratory Service Contract – request approval to renew** ó Huwe said the City has an ongoing contract with the ND Department of Health to provide testing services under the Safe Drinking Water Act and Clean Water Act. They are currently offering 18 months instead of 12 months, matching up to the State biennium. She said typical fees are approximately \$12 per test but the City has not used the

Department of Health real frequently for water or waste water testing as we are able to acquire those services from the City of Fargo. Huwe requested approval of the proposed contract renewal with the ND Department of Health which will terminate July 1, 2019, and she noted the dollar value of the contract is strictly as needed. **Motion by McCann, seconded by Schmidt, to approve the Renewal of the Contract with the ND Department of Health Laboratory Services which will terminate July 1, 2019 as Proposed. Motion carried with a roll call vote of 8-0.**

**Riverpoint (former West Briarwood) – request approval to create a project fund** ó Huwe explained the City is in the preliminary planning stages for River Pointe Addition (formerly West Briarwood). She requested permission from the Council to create a project fund and if it should come to fruition would be able to offset some of the development costs from the sales of the lots. **Motion by Wateland, seconded by McCann, to approve Creating a Project Fund for River Pointe Addition. Motion carried with a roll call vote of 8-0.**

**Capital Improvements Plan Review of New Projects – request referral to both Cmts.** ó Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee, and also to the Public Works & Public Safety Committee.

**City Election Reminder** ó Huwe said a legal publication noting the filing deadlines has been publicized if you are interested in running for City Office or the Park Board. Candidacy filing paperwork is due in City Hall by 4:00 p.m. on April 9<sup>th</sup>, 2018 to be included on the ballot. She said those with questions can contact City Hall.

#### **ASSESSOR/BUILDING CODES**

**Building Permit Fee Schedule Revision – request referral to Finance Cmt.** ó Broadland requested referral to the Finance Committee of the Building Permit Fee Schedule which has not been changed since the 1990s. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

#### **COMMUNITY DEVELOPMENT DIRECTOR**

**Community Development Report** ó DeVries explained for the past three years the City has entered into a cash rent farm lease with K-2 Farms to farm the 32 acres north of ComDel/Bobcat. That lease has ended and are looking to extend the lease for 3 years (2018, 2019 & 2020 seasons) which K-2 Farms is agreeable to extending the lease. The rent is \$3,000 per year, K-2 agrees to mow and maintain the ditches, and if the City sells those acres we would reimburse the input cost to K-2 Farms. DeVries requested approval of the cash rent farm lease with K-2 Farms for the next three years. **Motion by Bajumpaa, seconded by Lambrecht, to approve the Cash Rent Farm Lease with K-2 Farms for three years (2018, 2019 & 2020) for the 32 acres north of ComDel/Bobcat. Motion carried with all voting ‘aye’.**

**Planning Commission Recommendations** ó DeVries then reported on three recommendations from the Planning Commission meeting held just prior to this Council meeting. He explained River Pointe (formerly West Briarwood) had been considered for co-op housing which encountered a number of challenges and was stalled for a few years. DeVries said some parties have approached the City to create another area like Hobby Time Acres west of Walmart, which houses hobby shops, man caves, etc. City staff has put together a Planned Unit Development (PUD) zoning for what is being called River Pointe Acres. He reviewed some of the standards that would be set under the PUD as far as the size of the buildings, colors of the buildings, setbacks, hook ups to City water and sewer, no living quarters, etc. DeVries said the recommendation from the Planning Commission was to set a joint public hearing with the Council for Monday, April 16<sup>th</sup> at 5:00 p.m. for the River Pointe Acres PUD and the final plat of the West Briarwood Addition. **Motion by Lambrecht, seconded by McCann, to approve the preliminary Re-Plat of the West Briarwood Addition (River Pointe Acres). Motion carried with all voting ‘aye’.**

**Motion by Lambrecht, seconded by McCann, to approve scheduling a Joint Public Hearing with the Planning Commission on Monday, April 16<sup>th</sup> at 5:00 p.m. for the River Pointe Acres PUD Zoning and the Final Plat of the River Pointe Acres Addition. Motion carried with all voting ‘aye’.**

DeVries reported a dollar store has purchased land north of First Community Credit Union in the Westgate Commons First Addition (formerly Valley First Addition) and are looking for a final plat and some street vacations in order to get a building in the area north of FCCU. DeVries said the recommendation from the Planning Commission was to set a joint public hearing with the Council for Monday, April 16<sup>th</sup> at 5:00 p.m. for the final plat and street vacations of West Gate Commons First Addition. **Motion by McCann, seconded by Bajumpaa, to approve scheduling a Joint Public Hearing with the Planning Commission on Monday, April 16<sup>th</sup> at 5:00 p.m. for the Final Plat and Right of Way Vacations of West Gate Commons First Addition. Motion carried with all voting ‘aye’.**

DeVries then shared a ðWins For Wahpetonö, saying the BW Blades Pee Wee B Level Team attended the State Tournament in Minot and won the tournament of 28 teams. He said because of their accomplishment the Wahpeton name was all over the complex/tournament and it put the City in a good light.

### **POLICE CHIEF**

**Revised SIRN MOU – request approval as amended** ó Thorsteinson explained the Statewide Interoperability Radio Network (SIRN) MOU allows the Police Dept. the ability to potentially share some public safety channels with State Radio. City Attorney Lies had suggested some language changes which have been made, and Thorsteinson requested approval to enter into the MOU. **Motion by Bajumpaa, seconded by Lambrecht, to approve entering into the SIRN (Statewide Interoperability Radio Network) Memorandum of Understanding as amended. Discussion held. Motion carried with all voting ‘aye’.**

### **PUBLIC WORKS DIRECTOR**

#### **PW Report**

**Replat of Valley First Addition – request Public Hearing for April 2<sup>nd</sup> at 5:00 PM** ó Addressed earlier.

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

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

Wateland said the Finance, Personnel & Economic Development Committee met at noon on February 26<sup>th</sup>. **Cabaret I License Ordinance Amendment No. 988 – discussion**

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

**ORDINANCE NO. 988**  
**AN ORDINANCE REPEALING AND REPLACING SECTION 22-105(c)**  
**CABARET LICENSES**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember McCann. Lies explained that it takes a majority or five affirmative votes of the Council to adopt an Ordinance change. Discussion held regarding Pauschø liquor license at the beginning of 2018, and also regarding the reason for the retroactivity request in the ordinance. Bajumpaa then reiterated a question he asked at the previous Council meeting, questioning Pausch as to how committed they are as a business to revamping and remodeling their business to do something different. Matthew Pausch said he has met with Justin Neppel of the SBA, who provided him with forms he is currently working on completing. Dale asked for any other comments of which there were none. Motion carried with a roll call vote of 6-2, with Bohn, McCann, Miller, Wateland, Lambrecht and Bajumpaa voting -ayeø and Schmidt and Bertsch voting -nayø

**Alcohol Licensing Updates Ordinance Amendment No. 989 – motion** to recommend proceeding to offer first reading

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

**ORDINANCE NO. 989**  
**AN ORDINANCE REPEALING AND REPLACING SECTION 22-81**  
**RETAILERS – GENERAL RULES OF OPERATION**  
**AND SECTION 22-106 – LICENSES AND PERMITS**

**2% Sales Tax Policy & Ordinance Amendment No. 987 – discussion**

**Motion by Bohn, seconded by McCann, to suspend the rules to discuss an item not on the agenda. Motion carried with all voting ‘aye’.** Bohn asked Huwe if there was a Cabaret One License application ready for presentation to the Council, which Huwe answered there was. McCann then asked if the applicants were in compliance for all the requirements for that license, which Huwe answered they were.  
**Motion by Bohn, seconded by McCann, to approve Reinstating the Cabaret One License for Pausch Stores, Inc./The Oasis Bar. Motion carried with a roll call vote of 6-2, with Bohn, McCann, Miller, Wateland, Lambrecht and Bajumpaa voting ‘aye’; and Schmidt and Bertsch voting ‘nay’.**

**Public Works Public Safety Committee Report**

Bajumpaa said the Public Works & Public Safety Committee met at noon on February 27<sup>th</sup>.

**2018 Seal Coat Proj. Approve Plans & Specs, Authorize for Bids – motion** to recommend approval ó  
**Motion by Bajumpaa, seconded by Lambrecht, to approve 2018 Seal Coat Project Plans & Specifications and Authorize Advertisement for Receipt of Bids. Motion carried with all voting ‘aye’.**

**Traffic Signal Revision Proj. 9<sup>th</sup> St. N. – motion** to recommend approval ó **Motion by Bajumpaa, seconded by Schmidt, to approve entering into Agreement for the Traffic Signal Revision Project 9<sup>th</sup> Street North & ND Hwy 210. Discussion held. Motion carried with all voting ‘aye’.**

**Swanston Equipment Rental Contract for 2018 Crack Sealing – motion** to recommend approval ó  
**Motion by Bajumpaa, seconded by Bohn, to approve the Rental Contract with Swanston Equipment for a Melter Machine for 2018 Crack Sealing. Motion carried with a roll call vote of 8-0.**

**Waste Management Waste Removal Contract Renewal – discussion**

**Cost Share Agreement with Richland County to 2018 Seal Coat Proj. – motion** to recommend approval ó  
**Motion by Bajumpaa, seconded by Schmidt, to approve authorizing the Mayor of Wahpeton to sign a Cost Share Agreement with Richland County for 2018 Seal Coat Project. Motion carried with a roll call vote of 8-0.**

**Building Official Updates**

**Wahpeton Community Center Joint Powers Agreement – motion** to recommend approval ó **Motion by Bajumpaa, seconded by Bohn, to approve the Wahpeton Community Center Joint Powers Agreement with the Wahpeton Park Board. Motion carried with a roll call vote of 8-0.**

Bajumpaa then talked about residents who park their vehicles on their yards/sodded areas in the winter months while parking on the street is prohibited that with the melting conditions and ground cover thawing they should try to avoid parking on yards where they could track mud and other debris onto City streets. Wateland then expressed appreciation to the Street Dept. for their efforts in opening up the street drains.

## **SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Committee March 12<sup>th</sup>, 12:00 Noon
- b. Public Works Committee March 13<sup>th</sup>, 12:00 Noon

### **Adjournment**

**Motion by Wateland, seconded by McCann, to adjourn at 5:41 p.m. Motion carried.**

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Mayor Steve Dale

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Lynelle Amos, Finance Assistant