

Wahpeton City Council

May 2, 2022

5:00 p.m.

Present: Lambrecht, Carlson, Goltz, Wateland, Dale, Bohn, and McNary

Absent: Fobb and Woods II

Also Present: Huwe, Budke, Miranowski, DeVries, Bakken, Thorsteinson, and O'Meara

CALL TO ORDER

Meeting called to order by Mayor Dale. He then asked for a moment of silence for City Attorney Hatting and her family in the passing of her brother.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

Arbor Day Proclamation – Mayor Dale read a proclamation recognizing Arbor Day on May 6, 2022 in the City of Wahpeton.

Citizen Request Melissa Miller – RE: 2022 Retail Fireworks License – Melissa Miller addressed the Council regarding her request for a retail fireworks license which was previously denied. She had inquired about a license but her location had fallen through so she did not have a site at the time applications were due on April 1st. She was told the property site she was initially going to use on her application was being sold to another party who then backed out of the deal so she is once again being offered the property and wanted the Council to once again consider her fireworks application. The building they are purchasing would be a retail store in the front and fireworks in the back, which she provided prospective plans for. The fireworks sales would help support their building renovations. **Motion by Carlson, seconded by McNary, to approve the 2022 Retail Fireworks License for Melissa Miller.** Jim Sturdevant spoke about the City ordinance that requires license applicants to have their fees in by April 1st. He did not feel the community was underserved with the 5 current fireworks license holders, and talked about how two local non-profits benefit from fireworks sales. He felt since the application did not meet the ordinance guidelines it should not be approved. **Motion failed with a roll call vote of 2-4; with Carlson and McNary voting ‘aye’, and Goltz, Wateland, Bohn, and Lambrecht, voting ‘nay’.**

CONSENT AGENDA ITEMS (presented by the Mayor) –

Approval of minutes of regular meeting held April 18, 2022

Games of Chance Licenses, Site Authorizations & Special Permits:

Relay for Life of Richland & Wilkin Counties – Raffle Permit

Other Games of Chance and/or Special Permits:

South East Fraternal Order of Police – Raffle Permit

Presentation/Approval of Reports

Request for Comments ND DOT State Hwy LED Lighting Project

Arbor Day Foundation Tree City USA Recognition

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

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

REPORTS FROM CITY OFFICERS AND STAFF

FINANCE DIRECTOR

Election 2022 – Huwe said the City election is June 14, 2022. North Dakota Century Code designates counties as the election officials for primary and city elections, including the designation of polling locations. Typically, Wahpeton would have a polling place designated in each Ward. This year all Wards will vote at the Wahpeton Event Center located at 995 21st Avenue North. Voters can vote early by absentee ballot by

visiting the ND Secretary of State's website and completing an absentee/mail ballot application, then taking the application to the courthouse to vote in person or by mailing it to the County Auditor to receive a ballot in the mail. Additionally, a ballot drop box will be available at the Richland County Courthouse for 24-hour ballot drop off between May 5th and June 13th. Pre-Primary Election Campaign Disclosure Statements are due May 13th for any campaign fund raising done between January 1st and May 5th.

Huwe requested a suspension of the rules to address a time sensitive item not on the agenda regarding a sick leave request for an employee with a catastrophic illness. **Motion by Wateland, seconded by Lambrecht, to approve suspending the rules to address a time sensitive item not on the agenda regarding a sick leave request for an employee with a catastrophic illness. Motion carried with all voting 'aye'.** Huwe explained the City has a 22-year-old employee that has been with the City for less than 6 months that was recently diagnosed with a catastrophic illness. Due to HIPAA Privacy Rules the employee's name was not shared at this time. The illness is survivable but will require up to 4 months off from work for treatment. The employee has a positive prognosis for recovery with timely treatment. Currently the Employee Policy Manual addresses leaves of absence up to 12 weeks under the Family Medical Leave Act. The adopted policy states an employee's job is preserved and their health insurance maintained for a qualifying event up to 3 months. Employees are required to use any vacation and sick leave they have accrued during this 12-week period. Intermittent leave is allowable. New employees with little leave time accrued are in a difficult position when facing a catastrophic illness. An email was sent out this morning asking for sick leave donations for this un-named employee and within three hours there were enough signed donation forms to cover the 693.36 hours of sick leave needed to pay this employee during a four month leave of absence. She requested a motion to approve up to four months of paid sick leave (donated by other employees) for this employee. **Motion by Bohn, seconded by McNary, to approve up to four months of paid sick leave (donated by other City employees) for a City employee with a catastrophic illness. Motion carried with all voting 'aye'.**

COMMUNITY DEVELOPMENT DIRECTOR

Community Development Report – BND Pace Loan Participation Request for Vaderstad Expansion – req. referral to Finance Cmt. – Mayor Dale will refer these items to the Finance, Personnel & Economic Development Committee.

DeVries requested referral to Finance Committee of the Vacant Lot at 719 3rd Avenue North. Mayor Dale will refer these items to the Finance, Personnel & Economic Development Committee.

Win Column – This issue featured information about Project YES (Youth Empowered for Success).

LIBRARY DIRECTOR

Library Report – Bakken reported spring story time ends this week. Over the next few weeks Children's Librarian Kercher will be visiting local schools to promote the Summer Reading Program themed 'Oceans of Possibilities'. Participants can sign up online or in person at the library on or after June 6th. The Women's Literary Club of Wahpeton was thanked for the book reading dragon statues that were placed on the west side of the library. She also thanked the Street Department for securing the statues.

PUBLIC WORKS DIRECTOR

Public Works Report –

Referral to PW Committee – Miranowski requested referral to Public Works Committee of the **Replacement of the Salt Storage Building at the Street Department.** Mayor Dale will refer this item to the Public Works & Public Safety Committee.

East Side Sanitary Sewer Phase B, Part 2 Proj. SS18-246 Electrical Rebid – Award Recommendation – Miranowski said on April 27th three bids were received for the electrical for the East Side Sanitary Sewer Phase B, Summerville Electric, Scott's Electric, and John's Refrigeration & Electric, with the low bidder being Summerville Electric at \$347,220. He recommended awarding the bid to Summerville Electric in the amount of \$347,220. Assistant City Attorney Budke presented Resolution 3829 for award of contract.

Council member Bohn offered the following and moved its adoption:

RESOLUTION NO. 3829
RESOLUTION AWARDING CONTRACT
FOR PART 5 OF CONSTRUCTION OF AN IMPROVEMENT IN
PHASE B, PART 2 OF EASTSIDE SANITARY SEWER
IMPROVEMENT DISTRICT 13-02-02
(Eastside Sanitary Sewer Improvement Project, Phase B, Proj. No. SS18-243)

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

Miranowski reported on the Public Works/Street Department tasks/activities in the past few weeks that have been completed or that are being worked on.

Dale referred review of Storm Water Utility Fund activity/expenditures in 2021 to the Public Works & Public Safety Committee.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Arborist Licensing Program Update – Council Member Jason Goltz – Goltz said after the recent update to the licensing ordinance the City now has an arborist license, which will help to ensure industry best practices are used for safely removing or properly pruning or planting trees. He worked with the City of Bismarck forester, NDSU Extension Forester, and Wayne Beyer and put together a program. The first class was held with 12 attendees who took the exam and all passed.

Local Tree Removal & Planting Grants – Mayor Steve Dale – Dale provided an update on the forestry grants saying the City will coordinate efforts with a single tree cutting contractor that would be responsible to cut the trees, clean up, grind the stump, place black dirt and seed grass. Grant funding would be used to pay for 50% of the cost up to \$500. Tree planting priority would go to people who had trees removed and would cover 50% up to \$200. Bids were received for the removal part of the project with the low bidder being Dean Beyer at \$14,750. **Motion by McNary, seconded by Bohn, to approve accepting the bid from Dean Beyer for the Removal of Diseased and Dangerous Boulevard Trees in the amount of \$14,750. Motion carried with a roll call vote of 6-0.**

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 April 25th.
Capital Improvements Plan Review and Adoption Process – discussion

MuniCode Codification Update Quote – motion to proceed \$12,000 from Cap. Imp. Fund – Motion by Wateland, seconded by Goltz, to approve up to \$12,000 for the MuniCode Codification Update with funding from Capital Improvements Fund 229. Discussion held. Motion carried with a roll call vote of 6-0.

Development Agreement for Rosewood 3rd Addition & Valley 2nd Addition – discussion

Development Agreement Westdale – Burchill Construction – motion to approve – Motion by Wateland, seconded by Lambrecht, to approve the Development Agreement between the City and Burchill Construction, LLC for Westdale 2022 Single Family Housing Project. Motion carried with a roll call vote of 6-0.

Development Agreement Former Central School Property – motion to approve – Motion by Wateland, seconded by Goltz, to approve up to \$88,800 in the form of a grant for construction financing as part of the Development Agreement with 4 C & H, LLC for the former Central School Property Development Project. Discussion held. Motion carried with a roll call vote of 6-0.

Purchase Agreement Revisions – Valley Fiber Processing – motion to approve – Motion by Wateland, seconded by Goltz, to approve the Purchase Agreement with suggested revisions as presented, pending approval by Valley Fiber Processing Inc. Motion carried with a roll call vote of 6-0.

Development Plan for Former M & H Lot – discussion

Bank of ND PACE Interest Buydown Tuck-It-Away Storage Bldg. B. – motion to approve up to \$19,234.37 with payback – Motion by Wateland, seconded by Lambrecht, to approve the BND Flex PACE Interest Buydown Application for Tuck It Away Storage LLC/Jason Filbert – Building B located at 512 6th Street South for the City’s share of up to \$19,234.37 with repayment being after 5 years. Motion carried with a roll call vote of 6-0.

Public Works & Public Safety Committee Report

Bohn said the Public Works & Public Safety Committee met at 5:00 p.m. on April 26th.

Engineering Contract with Interstate Engineering for New Well Field Design Construction Engineering Proj. – pending

Approve Plans and Specifications for Homestead Development and Authorize Receipt of Bids – pending

Ordinance Regarding Violations for the Tree and Yard Waste Disposal Site – discussion

Ordinance Regarding Parking of Trucks, Buses, Trailers, Etc. on Streets - discussion

Review Engineering Design Standards – discussion

Review Development Standards – discussion

Review Shared Use Path Mater Plan – discussion

Official Tree List – discussion

Yard Junk/Clutter Updates – discussion

Building Official Updates – discussion

Covid Sampling with State of ND-Informational Update – motion to discontinue participation – Motion by Bohn, seconded by Carlson, to discontinue COVID Sampling with State of ND when sample boxes are used up. Motion carried with all voting ‘aye’.

Referrals – See PW Director’s Report

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Committee May 9th, 5:00 PM
- b. Public Works Committee May 10th, 5:00 PM

Adjournment

Motion by Wateland, seconded by Lambrecht, to adjourn at 6:03 p.m. Motion carried.

Mayor Steve Dale

Lynelle Amos, Finance Assistant