

# Wahpeton City Council

May 3, 2021

5:00 p.m.

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

**Absent:** Carlson, Woods II, and Fobb

**Also Present:** Huwe, Hatting, Miranowski, Thorsteinson, Broadland, DeVries, Bakken, and O'Meara

## **CALL TO ORDER**

Meeting called to order by Mayor Dale.

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

**Joint Public Hearing with Planning Commission on Annexation Ord. 1024** – DeVillers said the Planning Commission was reconvened and referred to Hatting who explained the proposed annexation of approximately 39.95 acres of land currently located in Center Township, known as Prairie Flats Addition, to the City. She said notices were provided as required by law. DeVillers asked if there was anyone present to speak about the annexation of which there was none. When asked, Huwe said there have been no inquiries or protests, either written or in person, on the proposed annexation. The Planning Commission was asked for their recommendation. **Motion by Bohn, seconded by Cook, to recommend to the City Council to approve the proposed Land Annexation to the City of Wahpeton Ordinance 1024. Motion carried with all voting 'aye'.**

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

**ORDINANCE NO. 1024**  
**AN ORDINANCE ANNEXING LANDS**  
**TO THE CITY OF WAHPETON, NORTH DAKOTA**  
**(Part of the NE ¼ and the E ½ of the NW ¼ of Section 7,**  
**Township 132 N, Range 47, West of the 5<sup>th</sup> Principal Meridian)**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Wateland. Motion carried with all roll call vote of 5-0. The Public Hearing was then concluded.

**Motion by Cook, seconded by Bohn, to adjourn the Planning Commission meeting at 5:05 p.m. Motion carried with all voting 'aye'.**

**Oath of Office – Police Officer Chris Huard** – Police Chief Thorsteinson conducted an introduction and City Attorney Hatting administered Oath of Office to recently hired Wahpeton Police Officer Chris Huard who was congratulated and welcomed by a round of applause.

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

### **Approval of minutes of regular meeting held April 19, 2021**

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

Wahpeton Hockey Association – Site Authorization at Firehouse Pub

Wahpeton Hockey Association – Site Authorization at Sportsman's Lounge

Wahpeton Baseball Association – Raffle Permit

Wahpeton Senior Center – Bingo Permit

Humane Society 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**

Spring Clean-Up Week May 17-21

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

## **REPORTS FROM CITY OFFICERS AND STAFF**

### **FINANCE DIRECTOR**

**2022-2026 Capital Improvements Plan Review** – Huwe said the Capital Improvements Plan draft has been assembled and is now available for review on the City web site under the Community Development Tab. The web page link was emailed earlier this afternoon. She asked that Council members review the document, and contact her with any questions or suggestions. She will provide a review of the highlights at the Finance Committee meeting on Monday, May 10<sup>th</sup>, and encouraged any interested Council member to attend. It is tentatively planned to have a public hearing and adoption of the plan at the May 17<sup>th</sup> Council meeting. She requested referral of the 2022-2026 Capital Improvements Plan to the Finance Committee. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**NDLC Regional Virtual Meeting May 13<sup>th</sup>, 5:30 p.m.** – Huwe explained the North Dakota League of Cities conducts regional meetings following the legislative session to review adopted legislation and implementation timelines. Wahpeton is located in the SE region and its meeting is scheduled to be conducted via Microsoft Teams on Thursday, May 13<sup>th</sup> at 5:30 pm. Anyone interested in participating should contact Huwe to get registered.

**400 Block Update – request referral to Finance Cmt.** – Huwe said additional information on the status of the 400 Block disposition has been shared by Assistant City Attorney Steve Lies. She requested the 400 Block Request for Proposals be referred to the Finance Committee. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**67<sup>th</sup> Legislative Session Update** – Huwe reported the legislature adjourned on Thursday, April 29<sup>th</sup>, Legislative Day 76. Lawmakers decided to reserve 4 days to reconvene prior to the 2023 session to discuss redistricting associated with the decennial census and to discuss any potential large federal aid packages disbursed to the state. 495 bills were sent to the Governor to be signed into law, 4 bills were vetoed, and two of the vetoes were over-ridden by the legislature. HB 1298 was vetoed and ultimately rejected, regulating participation in athletic events exclusively for males or females. HB 1323 was vetoed and reinstated by the legislature preventing the Governor or state health officer from issuing a statewide mask mandate. SB 2290 was vetoed and re-instated by the legislature to allow emergency commission section approval to accept and disburse federal and/or other funds. HB 1378 was vetoed and ultimately rejected relating to the authority for the legislative assembly to conduct business in December of even numbered years. Also, SB 2046, a hoghoused bill pertaining to the NDPERS Retirement Plan and the Highway Tax Distribution Fund, failed on the Senate Floor at 9:13 p.m. on April 29<sup>th</sup>.

### **ATTORNEY**

**Request Ratification of Appointment of the Mayor to Council Committees in the Absence of a Quorum** – Hatting explained Ordinance 2-133 allows for the mayor to appoint himself as an alternate voting member of a Council Committee in the absence of a quorum of Council members, subject to ratification by the Council. The Mayor filled in as a voting member at a recent Public Works meeting. **Motion by Bohn, seconded by McNary, to approve the Ratification of Appointment of the Mayor to Council Committees in the Absence of a Quorum.** Discussion held. **Motion carried with all voting ‘aye’.**

### **COMMUNITY DEVELOPMENT DIRECTOR**

**Community Director Report – Win Column** – This issue featured the concept of ‘Community’.

**Rec Center Cmt. Consultant Recommendation** – DeVries presented a request from the Mayor’s Ad-Hoc Recreation Center Committee. He said they would like to hire a consultant to put together an operational plan to provide solid number moving forward. Two consultants are being considered at similar price points. The request was for up to \$15,000 from Sales Tax for Recreation. Discussion held. **Motion by Lambrecht, seconded by Bohn, to approve up to \$15,000 from Sales Tax for Recreation to hire a Consultant to put together an Operational Plan for the proposed Recreation Center.** Discussion held regarding the use of public funding/City sales tax dollars for this proposed project. **Motion carried with a roll call vote of 3-2, with Lambrecht, Bohn, and McNary voting ‘aye’; and Goltz and Wateland voting ‘nay’.**

### **LIBRARY DIRECTOR**

**Library Report** – Bakken reported Kercher is conducting ZOOM visits with school librarians on classes this week. The Summer Reading Program pre-registration begins June 4<sup>th</sup> with the program running June 7<sup>th</sup> to July 30<sup>th</sup>. There will also be programming for teens and adults. Federal tax forms and instruction booklets are still available at the library for those in need of them.

### **PUBLIC WORKS DIRECTOR**

#### **Public Works Report** –

**Central School Site Proj. ST20-256 Bid Award – request referral to PW Cmt.** – Miranowski explained four bids were received on this project on April 28<sup>th</sup> and Comstock Construction was the low bidder at \$341,400. Comstock would like to get started with the project this week due to time constraints. Contracts are currently being worked on. Miranowski requested award of the contract to Comstock Construction in the amount of \$341,400, Resolution 3791.

Council member McNary offered the following and moved its adoption:

**RESOLUTION NO. 3791**  
**RESOLUTION AWARDING CONTRACT**  
**FOR CONSTRUCTION OF AN IMPROVEMENT IN**  
**STREET IMPROVEMENT DISTRICT PROJ. NO. ST20-256**  
**(Central School Site Redevelopment)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Bohn. Motion carried with a roll call vote 5-0.

**John Randall Field Parking Lot & RJ Hughes & Laura Hughes Dr. Proj. ST19-245 Bid Award – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

**Library Roof Repairs – request referral to PW Cmt.** – Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of Change Order for Additions to Seal Coat Project.** Mayor Dale will refer this item to the Public Works & Public Safety Committee.

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

### **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 26<sup>th</sup>.

**Land Purchase Inquiry T&G Sanitation – motion** to approve sale of 5 acres of \$36,000 – Due to the lack a super majority of the Council this item was tabled.

**400 Block Request for Proposals – motion** to request proposals from commercial realtors – **Motion by Wateland, seconded by Goltz, to approve soliciting proposals from commercial realtors JBC and NAI to list the 400 Block Property. Motion carried with all voting ‘aye’.**

**Red River Communications Request for Franchise Agreement – continue discussion**

**Ord. 1021 Business Licensing – discussion**

**Public Works & Public Safety Committee Report**

Bohn said the Public Works & Public Safety Committee met at 5:00 p.m. on April 27<sup>th</sup>.

**Front Yard Parking Request at 526 3<sup>rd</sup> St. S.**

**Request for Drive-Thru Lane at 530 11<sup>th</sup> St. N.**

**Safe Routes to School 11<sup>th</sup> St. N. Proj. No. ST19-252 – motion** to award construction contract to Ti-Zak Concrete, Inc. \$248,178.06 – **Motion by Bohn, seconded by McNary, to approve awarding the bid for Safe Routes to School 11<sup>th</sup> Street North Project No. ST19-252 to Ti-Zack Concrete, Inc. for \$248,178.06. Discussion held. Motion carried with a roll call vote of 5-0.**

**Dakota Ave. Sidewalk Repairs David’s Concrete Final Pay Estimate and Balancing Change Order – motion** to approve \$21,967 – **Motion by Bohn, seconded by McNary, to approve the Final Pay Estimate and Balancing Change Order of \$21,967 to David’s Concrete for the Dakota Avenue Sidewalk Repairs. Motion carried with a roll call vote of 5-0.**

**Dakota Ave. Electric Junction Box Replacements Nordick Electric Final Pay Estimate and Balancing Change Order – motion** to approve \$16,904.49 – **Motion by Bohn, seconded by McNary, to approve the Final Pay Estimate and Balancing Change Order of \$16,904.49 to Nordick Electric for the Dakota Avenue Electric Junction Box Replacements. Motion carried with a roll call vote of 5-0.**

**Engineering Agmt. with Interstate Eng. for Homestead Addition Imp. Proj. No. ST21-263 – discussion**

**Engineering Agmt. with Lowry Eng. for Homestead Addition Imp. Proj. No. ST21-263 – discussion**

**Geotechnical Engineering Proposals Homestead Addition – discussion**

**Bois de Sioux Golf Club House Repairs**

**Small Cell 5 G Ordinance – motion** to contract with River Oaks Comm. Corp. to draft ordinance \$4,925 – **Motion by Bohn, seconded by McNary, to approve to contract with River Oaks Communications Corporation to draft the 5G Small Wireless Facilities Ordinance for a contract price of \$4,925.** It was noted funding would be from the General Fund as that is where franchise fees are deposited into. **Motion carried with a roll call vote of 5-0.**

**Clearing of Trees West Side of Pond #1 – motion** to approve estimate from Carr’s Tree Service \$3,500 – **Motion by Bohn, seconded by McNary, to approve accepting Carr’s Tree Service cost estimate for tree removal of \$3,500. Motion carried with a roll call vote of 5-0.**

## **Wastewater Operations Manual**

### **Yard Junk/Clutter Updates**

### **Building Official Updates – discussion**

### **Referrals – see PW Director Report**

**Eastside Sanitary Sewer Ph. B. Proj. SS18-243 Contract Change Order – motion to approve epoxy coating seven additional manholes \$27,124.51 – Motion by Bohn, seconded by McNary, to approve the Sellin Bros. contract Change Order No. 1 of \$27,124.51 for the Eastside Sanitary Sewer Phase B Project SS18-246. Motion carried with a roll call vote of 5-0.**

### **NEW BUSINESS**

**Mayor's Minute Update** – Mayor Dale provided a brief update on SVEDA happenings, saying a new type of ag processor is considering locating to the area. The housing program being pitched for the diversion funds is being monitored. For anyone who would like to be involved in City government, there is an opening on the Board of Adjustments. It was noted it has been since 2006 that an annexation has taken place in Wahpeton. Dale commended the Pauly's for stepping up and offering this type of lot that has never been available in the City before.

### **SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Committee May 10<sup>th</sup>, 5:00 PM
- b. Public Works Committee May 11<sup>th</sup>, 5:00 PM

### **Adjournment**

**Motion by Wateland, seconded by Lambrecht, to adjourn at 6:01 p.m. Motion carried.**

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Mayor Steve Dale

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Lynelle Amos, Finance Assistant