

Wahpeton City Council
November 19, 2012
5:00 p.m.

Present: Bertsch, Hansey, Schmidt, Mitskog, Sturdevant, DeVries, Dale, and Bohn

Absent: Bajumpaa

Also Present: Huwe, Meagan Kummer, Nelson, Thorsteinson, Broadland, Priebe, MacIver, Amos, and Gutzmer

Meeting called to order by Mayor Sturdevant.

PUBLIC HEARINGS/ETC.

Jennifer Mauch Richland County Tobacco Prevention Coordinator – ND Smoke Free Law

Jennifer Mauch, Richland County Tobacco Prevention Coordinator with Richland County Health Department, said on November 6th North Dakota citizens voted to make ND a smoke-free state which includes any places which weren't currently covered under the law, such as bars, truck stops, and motels. She said it also brought into effect the 20 foot rule so there can be no smoking within 20 feet of a building, a public entrance, an airway, a window, etc. She said this also prohibits the use of electronic cigarettes in all places where smoking is not allowed under the law. Some discussion was held regarding how this law will affect local businesses. It was noted the law will go into effect on December 6, 2012. Discussion was then held regarding educating the affected businesses and also regarding enforcement of the law. When asked, Mauch said they are encouraging cities to pass a local ordinance to match the State law to avoid amendments made to the State law. Sturdevant referred this subject to the Public Works Committee to review and visit with the City Attorney to draft an ordinance. Mauch then said that within the State law a business can rebut the 20 foot rule and can apply to their local public health department if they can prove this is harming their business, and she would like the City to give some consideration to removing that language to give all businesses a level playing field and avoid waivers being granted.

BIDS / OFFERS / QUOTES

Regarding the 6th Street South Shared Use Path, TEU-8-991(030)027 Project No. SW12-185, Nelson said the NDDOT let the project on November 16, 2012, and there were 4 bidders: Paras Contracting, Inc. - \$238,320.83; Ti-Zack Concrete, Inc. - \$261,191.00; Adelman Concrete & Excavating, Inc. - \$297,887.35; and Interstate Improvement, Inc. - \$434,399.62. Nelson said the bids were reviewed, Interstate Engineer is the project designer, and the recommendation is to award the contract in the amount of \$238,320.83 to Paras Contracting, Inc. contingent upon concurrence by the ND Department of Transportation. **Motion by Hansey, seconded by Dale, to Award the Total Bid for the 6th Street South Shared Use Path, TEU-8-991(030)027 Project No. SW12-185 to Paras Contracting, Inc. in the amount of \$238,320.83 contingent upon concurrence by the ND Department of Transportation.** Discussion held. **Roll call vote 7-0. Motion Carried.**

CONSENT AGENDA ITEMS (presented by the Mayor) Mayor Sturdevant asked if there were any items to be removed from the consent agenda and there were none.

Approval of minutes of regular meeting held November 5, 2012

Games of Chance Licenses, Site Authorizations & Special Permits

Raffle Permit – Home Builders Association Club NDSCS

Raffle Permit – Sons of the American Legion

Site Authorization – Rocky Mountain Elk Foundation MinnDak Inc.-Wahpeton Chapter

Other Games of Chance and/or Special Permits

Presentation/Approval of Reports

October 2012 Financials

October 2012 Bill Pay Report (\$1, 071,562.56 – see below)

Wells Capital Management Perspective

Smoke Free Law – Breathe ND

**Motion by DeVries, seconded by Bohn, to approve the Consent Agenda items as presented.
Motion Carried.**

ITEMS REQUESTED MOVED FROM THE CONSENT AGENDA None.

REPORTS

FINANCE DIRECTOR/AUDITOR

City License Renewals Huwe gave a reminder that all city licenses are due for the first Council meeting in December, so on December 3rd information will be provided regarding each of the licensed applicants, the license that they are applying for, and a request for approval. She noted that the licenses that are presented at that meeting are still contingent upon background checks before those licenses will be issued effective for January 1, 2013. Huwe then thanked Jennifer Mauch for presenting at tonight's meeting, and said part of the reason she felt it was important to invite her was because of the liquor license renewal process and the new no smoking law, and making sure when issuing liquor licenses that the recipients understand what the City's expectations are regarding this new law.

Capital Improvements Cmt. Meeting Huwe said a Capital Improvements Committee meeting has been scheduled for Thursday, December 13th at noon.

Legislative Review Meeting November 27th Huwe said this Legislative Review meeting will be held on Tuesday, November 27th at 6:30 p.m. at City Hall with mayors and council members from area small towns invited to attend.

City Hall Closed November 22-23 for Thanksgiving

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Report – Priebe announced that a meeting of the Wahpeton Community Development Corporation Board of Directors will be held Wednesday, November 21st at noon, and the next CDC Board meeting will be held jointly with the Economic Development Commission, which is an annual event, and will be held Wednesday, December 12th at noon at a location yet to be determined.

Priebe then shared good news that the Sales Tax collections in November exceeded any previous amounts that the City has had prior to and including when the 2% tax was added, and will likely surpass \$2 million dollars collections for 2012, which would be a 9% increase over 2011.

Priebe then gave an update on the holiday decorations project for the City entrances. She said in the next few days a 30 foot metal tree constructed by the NDSCS welding students will be erected near the volunteer park pad. She said they have already completed 5 smaller trees that will be placed on the Library lawn as the displays used there previously are getting old and worn. She said new bows have also been placed on the wreaths on 2nd Avenue North. She said they continue to update the

decorations and present new ideas. Priebe said a metal “Merry Christmas” sign will be displayed prior to the Holiday Parade as well as decorations for the Town Centre Square plaza.

POLICE CHIEF

Holiday Parade Request Police Chief Thorsteinson said he had a request from the Wahpeton/Breckenridge Area Chamber of Commerce Twin Towns Business Partners Committee who would like to host a Holiday Parade on Saturday, December 8th starting at 5:00 p.m. He said they originally wanted to start in Breckenridge and proceed to McDonald’s but because there was some concerns regarding the safety of closing down 11th Street and Dakota and transitioning traffic coming into town it was decided it would be better to end the parade at 9th Street North which is what he is requesting the Council grant permission for. **Motion by Bertsch, seconded by Mitskog, to grant permission to the Wahpeton/Breckenridge Area Chamber of Commerce Twin Towns Business Partners Committee to hold a Holiday Parade on Saturday, December 8th, 2012 at 5:00 p.m. to start in Breckenridge and proceed to 9th Street North in Wahpeton. Motion Carried.**

PUBLIC WORKS DIRECTOR NELSON

PW Report – Change Order No. 3 for Leach Library Basement Waterproofing & Grounds Improvements Proj. No. L10-176 Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

Professional Services Agreement for Westside Future Land Use & Major Street Plan Nelson said this project entails a zoning district amendment and a major street plan in the area west of Highway 210, south of 16th Avenue, east of the railroad tracks, and north of the interchange of Highway 13 on the south end. Nelson said proposals were requested from 2 consulting firms: Land Elements which is a local area firm; and Hoisington Koegler Group, Inc. (HKGI) which was the same firm that did the City’s Comprehensive Plan. Nelson said staff has reviewed the proposals with assistance from Councilmen Dale who brought forward a recommendation. **Motion by Dale, seconded by Mitskog, to enter into an agreement with Land Elements in an amount not to exceed \$11,000.** Discussion held regarding the timeline for this project, which Nelson anticipated would be completed by January 31st. Mitskog requested that the Housing Committee be brought in to share their opinions and expertise. Nelson pointed out that the project is limited in scope to the major street plans and the zoning boundaries between commercial and residential within this planning area and would not necessarily go into a great deal of detail on the specific subdivision layouts within that planning district but ultimately it will lead to that, so the Housing Committee would be well involved if they were to participate in that process. **Roll call vote 7-0. Motion Carried.**

Professional Services Agreement for Town Centre Square Plaza Rehabilitation Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

11 St. N. Reconstruction Funding Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

Nelson requested referral to PW Committee for **Maintenance Certification for Urban Federal Aid Projects.** Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

Nelson requested referral to PW Committee for **Change Order #1 for Briarwood Flood Protection Levee**. Mayor Sturdevant will refer this item to the Public Works & Public Safety Committee.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Additional Appointments to Capital Improvements Committee Mayor Sturdevant said the Capital Improvements Committee is being expanded, which currently includes the chair of the Finance Committee, the chair of the Public Works Committee, and the Mayor, and would like to add two members, one from each of those committees, to this committee. Mayor asked for approval of appointment of Don Bajumpaa from the Finance Committee and Steve Dale from the Public Works Committee. **Motion by Schmidt, seconded by Mitskog, to approve the appointment of Don Bajumpaa and Steve Dale to the Capital Improvements Committee. Motion Carried.**

REPORTS FROM THE CITY COUNCIL COMMITTEES

Finance, Personnel & Economic Development Committee Report

Bohn said the Finance, Personnel & Economic Development Committee met at noon on November 13th.

Capital Lease Alternatives – pending additional information – Bohn asked Nelson to share the information he recently received regarding the 1 year interest only lease proposal that was being considered and Nelson explained that it was found that the additional hours needed did not make this option feasible, and that the equipment cost itself was more favorable. His recommendation was for a 4 year capital lease from US Bank. **Motion by Bohn, seconded by Hansey, for the City to enter into a capital lease with US Bank at the rate of 1.75% for a term of 48 months with \$1 buyout. Roll call vote 7-0. Motion Carried.**

Review of alternatives for PW Operations Manager – discussion

Monthly Loans Receivable – Update

Public Works & Public Safety Committee Report

Hansey said the Public Works Public Safety Committee met at noon and 5:00 pm on November 14th.

Change Order No. 2 Leach Library Basement Waterproofing & Grounds Improvements Proj. No. L10-176 – motion to recommend approval \$1,570.00 – Motion by Hansey, seconded by Schmidt, to approve Change Order No. 2 Leach Library Basement Waterproofing & Grounds Improvements Proj. No. L10-176 in the amount of \$1,570.00. Roll call vote 7-0. Motion Carried.

Permission to advertise Lift Station No. 5 Rehabilitation Proj. No. SS12-192 – motion to recommend approval – Motion by Hansey, seconded by Dale, to approve Permission to advertise Lift Station No. 5 Rehabilitation Proj. No. SS12-192. Motion Carried.

Request for establishment of Railroad Quiet Zone - discussion

Professional Services Agreement for Preliminary Design of 16th Ave. N. Reconstruction from ND Hwy 210 to 11th St. N. – motion to recommend agreement with Interstate Engineering for \$178,568 – Motion by Hansey, seconded by Schmidt, to approve Professional Services Agreement with Interstate Engineering in the amount of \$178,568 for Preliminary Design of 16th Ave. N. Reconstruction from ND Hwy 210 to 11th St. N. Roll call vote 7-0. Motion Carried.

Review of alternatives for PW Operations Manager

October 2012 Bill Pay Report

DISBURSEMENT FUND	ACCOUNTS PAYABLE	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$257,427.77	\$27,458.48	\$284,886.25
201 WATER OPERATING FUND	\$64,696.59	\$31,159.27	\$95,855.86
202 SANITARY SEWER OPERATING FUND	\$43,531.73	\$19,569.51	\$63,101.24
203 WASTE REMOVAL OPERATING FUND	\$19,913.53	\$692.52	\$20,606.05
204 WASTE REDUCTION FUND	\$181.02		\$181.02
205 VECTOR CONTROL FUND	\$15.81	\$1,278.24	\$1,294.05
206 STREET LIGHTING	\$8,837.40		\$8,837.40
209 LIBRARY LEVY FUND	\$145,116.68	\$13,407.48	\$158,524.16
213 ADVERTISING LEVY FUND	\$5,473.28		\$5,473.28
216 AIRPORT 4-MILL LEVY FUND		\$449.98	\$449.98
217 PLANN COMMISSION LEVY FUND	\$300.00	\$992.76	\$1,292.76
227 ANNUAL RESERVE WH FUND		\$1,841.00	\$1,841.00
229 CAPITAL IMPROVEMENTS FUND	\$2,728.09		\$2,728.09
231 FD BLDG & EQUIP LEVY FUND	\$29,590.18		\$29,590.18
233 REAL ESTATE LEVY FUND	\$643.50		\$643.50
234 SPECIAL STREET MAINT FUND	\$64,434.23		\$64,434.23
236 LEVEE MAINTENANCE	\$15,611.45	\$5,941.49	\$21,552.94
253 METER DEPOSITS TRUST FUND	\$63.57		\$63.57
271 ECONOMIC DEVEL DEPT FUND	\$5,185.15	\$10,880.42	\$16,065.57
303 MISCELLANEOUS FUND	\$120.96		\$120.96
317 JOB DEVELOPMENT LEVY FUND	\$56,000.00		\$56,000.00
318 WEED MAINT LEVY FUND	\$1,010.00		\$1,010.00
319 LODGING TAX FUND	\$1,042.81		\$1,042.81
320 SALES TAX OPERATING FUND	\$19,412.56	-\$9,697.35	\$9,715.21
321 SALES TAX RESERVE FUND	\$28,417.84		\$28,417.84
323 SALES TAX DEVELOPERS AGMNT RES		\$9,697.35	\$9,697.35
325 SALES TAX H.E.L.P. HOUSING FUND	\$25.00		\$25.00
326 REVOLVING LOAN FUND	\$460.00		\$460.00
361 GASOLINE,OIL,ETC		-\$4,713.65	-\$4,713.65
390 CLUBHOUSE MAINTENANCE	\$225.00		\$225.00
393 DOWNTOWN CARE & MTC FUND	\$430.95		\$430.95
453 R/I #10708 WESTSIDE TIF	\$30,268.50		\$30,268.50
454 R/I #10809 REFI 5 ISSUES	\$23,425.00		\$23,425.00
455 R/I #10910 SERIES 2010	\$64,187.87		\$64,187.87
456 R/I #11011 SERIES 2011	\$8,266.50		\$8,266.50
457 R/I #11111 SERIES B 2011	\$26,381.75		\$26,381.75
458 R/I #11212 SERIES A 2012	\$11,067.80		\$11,067.80
572 1/2 SALES TAX FUND			\$0.00
574 5-2-97 (FLOOD PHASE II)	\$15,176.04		\$15,176.04
605 8-1-06 DAKOTA AVE	\$1,435.00		\$1,435.00
615 CUL DE SAC IMPROVEMENTS	\$11,087.50		\$11,087.50
630 WESTSIDE NATURAL DRAIN PROJ.	\$230.00		\$230.00
631 11TH ST. N. AVE B TO 16TH AVE	\$184.00		\$184.00
TOTAL	\$962,605.06	\$108,957.50	\$1,071,562.56

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- Finance Committee November 26th, 12:00 Noon
- PW/PS Committee November 27th, 5:00 P.M. (Moved to Noon)
- Legislative Preview November 27th, 6:30 P.M. – City Hall
- Planning Commission December 3rd, 4:00 P.M.

Hansey suggested PW/PS Committee be held at noon on November 27th instead of 5:00 p.m. so as not to conflict with the Legislative Review meeting to be held at 6:30 p.m. on the same night.

Motion by Mitskog, seconded by Bertsch, to adjourn at 5:46pm.

Mayor Sturdevant

Lynelle Amos, Finance Assistant