

**Wahpeton City Council**  
**November 20, 2017**  
**5:00 p.m.**

**Present:** Schmidt, Lambrecht, Bertsch, Bajumpaa, Dale, Miller, and Wateland

**Absent:** None

**Also Present:** Huwe, Hatting, Miranowski, Broadland, DeVries, Bakken, Amos, and Cain

**CALL TO ORDER**

Meeting called to order by Mayor Dale.

**PUBLIC HEARING/CITIZENS CONCERNS/ETC.**

**Proclamation “Small Business Saturday – Nov. 25<sup>th</sup>, 2017** ó Bajumpaa read a Proclamation proclaiming öNovember 25, 2017 as Small Business Saturdayö, urging residents to support small businesses and merchants on this day and throughout the year.

**Proclamation “Giving Tuesday – Nov. 28<sup>th</sup>, 2017” Support Marketplace for Kids** ó Schmidt read a proclamation proclaiming öNovember 28, 2017 as Giving Tuesday ö Support NDSCS Marketplace for Kidsö, asking citizens to consider making a contribution to continue encouraging the special role youth play in improving the economic future of our community. Bob Heitkamp was present to accept the proclamation and further explain the program.

**Proclamation “REALTOR Ring Day – Dec. 1, 2017”** ó Dale read a Proclamation proclaiming öDecember 1, 2017 as Realtor Ring Dayö, urging citizens to contribute to the Red Kettle Campaign.

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

**Approval of minutes of regular meeting held November 6, 2017**

**Approval of minutes of Committee of the Whole meeting held November 14, 2017**

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

Raffle Permit ó Memories Are Forever

Bingo & Raffle Permit ó Circle of Nations School

Raffle Permit ó NDSCS Auto Tech

**Presentation/Approval of Reports**

October 2017 Financial Reports

October 2017 Bill Pay Report \$1,194,029.19 ó see below

Golden Rule Grand Opening December 2<sup>nd</sup> 11:00 a.m.

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

**Motion by Bertsch, seconded by Schmidt, to approve the Consent Agenda items as presented.**

**Motion carried with all voting ‘aye’.**

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**City Budget Benchmarking & Year End Projections – request referral to Finance Cmt.** ó Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**Cabaret License Inquiry – request referral to Finance Cmt.** ó Pending further information, Huwe said this item would not be referred at this time.

**Wahpeton Community Center Joint Powers Agreement – request referral to PW Cmt.** ó Mayor Dale will refer this item to the Public Works & Public Safety Committee.

**City Hall Closed Thursday and Friday November 23<sup>rd</sup> – 24<sup>th</sup> for Thanksgiving**

**ASSESSOR/BUILDING CODES**

**Application for Abatement – Wal-Mart Real Estate Trust** ó City Assessor Broadland said an Application For Abatement Or Refund Of Taxes #2015-81 for the 2015 tax year made by Kendric Olson of Paradigm Tax Group, representing Wal-Mart Real Estate Business Trust was received and a copy was provided. The application is for the Wal-Mart Store located at 1625 Commerce Street, requesting a reduction in value from \$7,396,300 to \$4,485,100. Following further review and explanation of the request, Broadland said the applicant provided no appraisal or indication of exactly how their requested value was arrived at other than stating on the application form “An appraisal of the property has been ordered, and will be submitted upon completion.” The applicant has provided no evidence or proof that the assessment is in error or that the assessment is invalid, inequitable or unjust, therefore the Assessor recommendation is to retain the value as certified for 2015 at \$7,396,300 and to reject the application of abatement for 2015. **Motion by Wateland, seconded by Bertsch, to deny the Application for Abatement Or Refund of Taxes #2015-81 on 1625 Commerce Street for the 2015 tax year.** Discussion held. **Motion carried with all voting ‘aye’.**

**ATTORNEY**

**Ordinance No. 986 Adopting Restrictions and Penalties for Distracted Driving** ó Hatting explained this ordinance is in line with a new law that was adopted by the State Legislature effective August 1<sup>st</sup>. The language is essentially identical, with the only difference being in subsection 4 bringing in another section of the Century Code making it easier for citizens to figure out what the penalty for a violation of the section would be.

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

**ORDINANCE NO. 986**  
**AN ORDINANCE ADOPTING**  
**RESTRICTIONS AND PENALTIES**  
**FOR DISTRACTED DRIVING**

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

**COMMUNITY DEVELOPMENT DIRECTOR**

**Policy for Music/Use of the Dakota Ave. Sound System** ó DeVries reviewed a draft of the Music Policy for the Downtown Music System, which provided information for Authorized Users, rules for Christmas Music and Event Music, and what the City License permits. **Motion by Wateland, seconded by Bertsch, to approve the Music Policy for the Downtown Music System as presented. Motion carried with all voting ‘aye’.**

**LIBRARY REPORT**

**Library Report** ó Bakken reported Leach Library was awarded a 20/20 Library Vision Grant of \$1,720 from the ND State Library and the ND Library Coordinating Council for the creation of a maker-space collection with Leach Library’s portion being 10%, or \$172. Leach Library also received a \$1,000 donation from Don Nelson of Indianapolis, IN who requested the money be used to update the genealogical area in the library. Bakken announced the new boiler has been installed but the electrical area and pressure-testing still needs to be completed prior to using it. A Pinterest Class on holiday wreath making will take place on Tuesday, November 28<sup>th</sup> at 5:30 p.m. Books are available for Leach Reads Book Club who will meet next on January 17<sup>th</sup> at 1:30 p.m. to discuss the book. Story time for

children is this Tuesday at 10:00 a.m. The next pre-school fun day is Wednesday, December 6<sup>th</sup>. The Magic Treehouse Book Club will meet at 3:30 p.m. on Tuesday, December 5<sup>th</sup>. The Teen Anime Club will meet December 4<sup>th</sup> at 4:30 p.m. The library will be closed for Thanksgiving this Thursday and Friday but will be open Saturday.

### **PUBLIC WORKS DIRECTOR**

Miranowski requested referral to Public Works Committee **of Engineering Services for the Elm Court Subdivision Overlay Project**. Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of Engineering Services with Interstate Engineering for the 16<sup>th</sup> Avenue North Overlay Project**. Mayor Dale will refer this item to the Public Works & Public Safety Committee.

### **Request Approval of Contracts for Water Treatment Plant Improvement Project No. W16-225**

Miranowski explained these were contracts for the Water Treatment Plant Project, which includes upgrades and maintenance. **Motion by Lambrecht, seconded by Bajumpaa, to approve the Agreement with Swanberg Construction in the amount of \$856,000 for the Water Treatment Improvement Project No. W16-225, contingent upon the Bureau of Reclamation giving concurrence on award of the contract. Motion carried with a roll call vote of 6-0.**

**Motion by Bajumpaa, seconded by Lambrecht, to approve the Agreement with Grotberg Electric, Inc. in the amount of \$215,236 for the Water Treatment Improvement Project No. W16-225, contingent upon the Bureau of Reclamation giving concurrence on award of the contract. Motion carried with a roll call vote of 6-0.**

### **COMMUNICATIONS FROM THE MAYOR & COUNCIL**

**Mayor's Report – Committee of the Whole Nov. 14, 2017 Report on the Policy for the Administration of the 1% Restaurant Tax** ó Dale provided a summary of the Committee of the Whole meeting held regarding the Policy for the Administration of the 1% Restaurant Tax. The original draft policy along with a new policy for consideration were provided for review and will be discussed at a future meeting as well as the existing ordinance.

### **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 November 13<sup>th</sup>.

**Network Administration Contract for Services Renewal – motion to recommend renewal of Network Administration Contracts for 2018 the PD at \$7,659 and City Hall at \$16,686 - Motion by Wateland, seconded by Schmidt, to approve renewal of the Contracts with Network Administration with North Dakota Association of Counties Resource Group for 2018 for the Wahpeton Police Department in the amount of \$7,659 and Wahpeton City Hall in the amount of \$16,686. Motion carried with a roll call vote of 6-0.**

**Joint Powers Agreement for Southern Valley Economic Development Authority – motion to recommend approval with amendments as noted. Motion to recommend Board Representatives ó Motion by Wateland, seconded by Miller, to approve the Joint Powers Agreement for Southern Valley Economic Development Authority with the two changes as suggested (Page 9 section 10 *Employees* strike “withholding tax”, and Page 9 section 12 *Conflict of Interest* add “ownership” between “personal” and “interest”). Motion carried with a roll call vote of 6-0.**

**Motion by Wateland, seconded by Miller, to approve appointing Steve Dale and Brad Pauly as Board Representatives for the City of Wahpeton on the Southern Valley Economic Development Authority. Motion carried with all voting ‘aye’.**

**Public Works & Public Safety Committee Report (No meeting held November 14<sup>th</sup>)**

**NEW BUSINESS**

**Council Vacancies Ward 1 & At-Large – Committee Chairs’ motions to recommend appointments**

Bajumpaa stated the City Council advertised the vacancies created by the resignation of the former mayor and council member DeVriesøtransition from elected to staff. The Ward 1 and At-Large Council positions have remained vacant for fifteen days pursuant to state law. Inquiries were received from five eligible applicants, three submitted letters of interest: two for the At-Large vacancy and one for the Ward 1 vacancy. All three were interviewed by the Mayor, Committee Chairs and City Auditor on November 15<sup>th</sup>. Each applicant exhibited a history of volunteerism and community engagement. Bajumpaa nominated Rory McCann to fulfill the unexpired term ending June 2018 of Council Member Ward 1. Mayor Dale called for other nominations 3 times. **Wateland offered a motion for nominations to cease and Rory McCann be appointed to the Ward 1 vacancy. Motion carried with all voting ‘aye’.** Wateland nominated Tiana Bohn to fulfill the unexpired term ending June 2018 of Council Member At-Large. Mayor Dale called for other nominations 3 times. **Bajumpaa offered a motion for nominations to cease and Tiana Bohn be appointed to the At-Large vacancy. Motion carried with all voting ‘aye’.** Assistant City Attorney Brittany Hatting stepped to the podium to administer the Oath of Office to Rory McCann. Mayor Dale announced the committee assignments of the newly appointed, with Rory McCann appointed to the Finance Committee and Tiana Bohn appointed to the Public Works Committee.

October 2017 Bill Pay Report

<b>DISBURSEMENTS FUND</b>	<b>ACCOUNTS PAYABLE</b>	<b>PAYROLL &amp; GL</b>	<b>TOTAL</b>
101 GENERAL FUND	\$285,375.95	\$22,994.68	\$308,370.63
201 WATER OPERATING FUND	\$19,902.22	\$41,641.62	\$61,543.84
202 SANITARY SEWER OPERATING FUND	\$47,878.71	\$25,607.54	\$73,486.25
203 WASTE REMOVAL OPERATING FUND	\$23,196.84	\$924.90	\$24,121.74
204 WASTE REDUCTION FUND	\$1,497.14		\$1,497.14
205 VECTOR CONTROL FUND	\$204.67	\$1,925.08	\$2,129.75
206 STREET LIGHTING	\$10,330.48		\$10,330.48
209 LIBRARY LEVY FUND	\$5,150.34	\$12,512.06	\$17,662.40
216 AIRPORT 4-MILL LEVY FUND		\$494.96	\$494.96
233 REAL ESTATE LEVY FUND	\$149.50		\$149.50
234 SPECIAL STREET MAINT FUND	\$61,486.48		\$61,486.48
236 LEVEE MAINTENANCE	\$7,420.78	\$9,183.60	\$16,604.38
253 METER DEPOSITS TRUST FUND	\$41.68		\$41.68
271 ECONOMIC DEVEL DEPT FUND	\$2,738.51	\$9,841.32	\$12,579.83
318 WEED MAINT LEVY FUND	\$668.33		\$668.33
319 LODGING TAX FUND	\$324.02		\$324.02
320 SALES TAX OPERATING FUND	\$171,654.25		\$171,654.25
321 SALES TAX RESERVE FUND	\$10,000.00		\$10,000.00
325 SALES TAX H.E.L.P. HOUSING FUND	\$5,080.00		\$5,080.00
326 REVOLVING LOAN FUND	\$10,000.00		\$10,000.00
365 PD SPEC EQUIP SINKING FUND	\$464.99		\$464.99
393 1% RESTAURANT TAX FUND	\$4,142.84		\$4,142.84
453 R/I #10708 WESTSIDE TIF	\$13,096.00		\$13,096.00
456 R/I #11011 SERIES 2011	\$3,744.00		\$3,744.00
457 R/I #11111 SERIES B 2011	\$19,909.25		\$19,909.25
458 R/I #11212 SERIES A 2012	\$6,080.50		\$6,080.50
459 R/I #11314 SERIES 2014	\$13,771.50		\$13,771.50
461 R/I #11516 SERIES 2016	\$27,933.50		\$27,933.50
574 5-2-97 (FLOOD PHASE II)	\$4,972.95		\$4,972.95
622 3RD AVE N. RECON PROJ	\$19,715.00		\$19,715.00
636 16TH AVE. 11TH ST TO HWY 210	\$1,621.93		\$1,621.93
639 E. SANITARY SEWER 13-02-02	\$207,129.93		\$207,129.93
649 WTP LIME SILO & SLAKER	\$1,500.92		\$1,500.92
651 WESTDALE 2ND ADDITION	\$239.04		\$239.04
652 DANGEROUS BLDG 120 6TH ST N	\$382.17		\$382.17
653 ALLEY RECONSTRUCT ST17-232	\$44,621.00		\$44,621.00
655 WESTSIDE MASTER PLAN 2017	\$19,615.24		\$19,615.24
657 CULVERT REPLACEMENT 16TH AVE N	\$16,862.77		\$16,862.77
<b>TOTAL</b>	<b>\$1,068,903.43</b>	<b>\$125,125.76</b>	<b>\$1,194,029.19</b>

## **SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Cmt. November 27<sup>th</sup>, 12:00 Noon
- b. Public Works Cmt. November 28<sup>th</sup>, 12:00 Noon

## **ADJOURNMENT**

**Motion by Lambrecht, seconded by Bertsch, to adjourn at 5:42 p.m. Motion carried with all voting 'aye'.**

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Mayor Dale

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Lynelle Amos, Finance Assistant