

Wahpeton City Council
October 16, 2017
5:00 p.m.

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

Absent: None

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

CALL TO ORDER

Meeting called to order by Mayor Dale.

PUBLIC HEARING/CITIZENS CONCERNS/ETC.

Joint Public Hearing with Wahpeton Planning Commission – Proposed Ordinance No. 983 Amending B-1 Central Zoning and Ordinance No. 984 Amending B-3 Highway Zoning ó This public hearing was held jointly with the Planning Commission. Planning Commission Chair DeVillers reconvened the Planning Commission meeting, and Lies was referred to for explanation. Lies said there are two different Ordinances that are subject to possible zoning changes with the first reading held at the last Council meeting. He said the first Ordinance No. 983 would amend the ordinances permitting by special exception the automobile sales in a B-1 District. Lies asked if there were any written or oral correspondence received of which Huwe answered there were no written inquiries or oppositions either written or otherwise. Dale then asked if there was anyone present who wished to address the proposed ordinance change and there was none. Discussion was then held regarding if the ordinance was permanent on this site, and the terms and conditions regarding the vehicles being parked there. DeVillers then asked the Planning Commission for their recommendation. **Motion by Jensen, seconded by Pithey, to recommend to the City Council to approve the proposed Ordinance No. 983 Amending B-1 Central Zoning to allow Automobile Sales by Special Exception. Motion carried with all voting ‘aye’.**

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

ORDINANCE NO. 983
AN ORDINANCE AMENDING SECTION 46-167
ZONING – BUSINESS B-1 CENTRAL
SPECIAL EXCEPTION FOR AUTOMOBILE SALES

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

Lies explained the second hearing was regarding Ordinance No. 984 which is an ordinance that would allow for the sale of chicks in B-3 Highway Business-Zoned area by special exception. He said conditions can be added and included in a special exception permit. Lies asked if there were any written or oral protests received of which Huwe answered there were no written inquiries or oppositions either written or otherwise. Dale then asked if there was anyone present who wished to address the proposed ordinance change and there was none. Discussion was then held regarding the City's ordinance prohibiting poultry within City limits, and steps that are being taken to prevent it from happening. **Motion by McCann, seconded by Bohn, to recommend to the City Council to approve the proposed Ordinance No. 984 Amending B-3 Highway Zoning to allow for the Sale of Chicks by Special Exception. Motion carried with all voting ‘aye’.**

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

ORDINANCE NO. 984
AN ORDINANCE AMENDING SECTION 46-169
ZONING – BUSINESS B-3 HIGHWAY
SPECIAL EXCEPTION FOR SALE OF CHICKS

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

Motion by Jensen, seconded by Pithey, to adjourn the Planning Commission meeting at 5:11 p.m. Motion carried with all voting ‘aye’.

Public Hearing – Certification of Special Assessments Resolution No. 3656 ó Lies explained this Public Hearing’s purpose is to determine if there is any protest, and if any it can be heard by the Council who can take it into consideration, make any changes it deems appropriate, and then confirm the list as amended or as proposed by the Special Assessment Commission. Dale asked if there was anyone present that wished to appeal the decision of the Special Assessment Commission. Attorney Amy Clark, representing Jerry and Sandra Meide, addressed the Council explaining the Meide’s own a home on 16th Avenue and also some property being sold Contract for Deed and they protest the street portion of special assessments for Tier 1 as proposed by the Special Assessment Commission as they felt it was inequitable. Dale then asked if there were any other written or oral protests received of which Huwe answered there were no other written inquiries or oppositions other than Miss Clark’s clients. Rogahn then reviewed a presentation summarizing the construction aspects of the 16th Avenue North Reconstruction Project, including the project area limits, project costs, assessment district, and rationale for the proposed assessments. Discussion held regarding how the special assessments were spread. Further protest was heard from Attorney Clark. Council options were then reviewed.

Council member Lambrecht offered the following and moved its adoption:

RESOLUTION NO. 3656
RESOLUTION CONFIRMING SPECIAL ASSESSMENT LIST
FOR
ASSESSMENT DISTRICT 12-02-06
16TH AVENUE NORTH RECONSTRUCTION
ND 210 to 11th Street – Project No. ST12-187
IMPROVEMENT DISTRICT 12-02-06
AND
ASSESSMENT DISTRICT 04-01-16
WESTDALE 2ND ADDITION
Project No. ST16-226
IMPROVEMENT DISTRICT NO. 04-01-16

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Wateland. Discussion held regarding a timeline. Motion carried with a roll call vote 5-1, with Lambrecht, Bertsch, Bajumpaa, Wateland, and Schmidt voting ‘aye’ and Miller voting ‘nay’

CONSENT AGENDA ITEMS (presented by the Mayor) ó
Approval of minutes of regular meeting held October 2, 2017
Games of Chance Licenses, Site Authorizations & Special Permits
Raffle Permit ó Humane Society of Richland Wilkin Counties

Raffle Permit ó Carter Casey Scholarship Memorial
Raffle Permit ó Wahpeton Public Schools Band & Choir
Raffle Permit ó Bobcat Company United Way Fundraiser
Raffle Permit ó VFW Auxiliary #4324
Other Games of Chance and/or special permits:
Raffle Permit ó Make A Wish
Raffle Permit ó Wahpeton Breckenridge Area Chamber of Commerce
Raffle Permit ó BW Blades Youth Hockey Association

Presentation/Approval of Reports

September 2017 Financial Reports
September 2017 Bill Pay Report \$2,447,644.48 ó see below
US Postal Service Letter Re: Centralized Mail Delivery
Transportation Alternatives Program

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

REPORTS FROM CITY OFFICERS AND STAFF
FINANCE DIRECTOR

Request appointment of Sgt. Matthew Anderson Interim Police Chief ó Huwe explained Police Chief Thorsteinson had a scheduled medical procedure that would have required some recovery time, however it is no longer necessary so no action is required at this time.

Moody’s Investor Service Credit Opinion Oct. 6, 2017 ó Huwe said Moody’s Investor Service provided the City’s credit rating for the upcoming bond sale scheduled for November 6th. She reviewed some of the highlights, explaining how Council actions have enabled the City to maintain its A1 bond rating which gives the City a favorable interest rate when going to market with bank qualified bonds. She said any future questions could be directed to her. Discussion held regarding how Wahpeton compares to other cities in ND of similar size.

Resolution No. 3657 Authorizing Bank of North Dakota Definitive Improvement Warrant Series 2017 \$286,000 for East Side Sanitary Sewer District 13-02-02 Phase A 1st St. N. ó Huwe explained this is a small portion of the East Side Sanitary Sewer District 13-02-02 Phase A for 1st Street North. She said Rogahn worked with the Bank of ND and also wrote some lengthy loan applications to the State Revolving Fund for Clean Water and Drinking Water in addition to the Bank of ND and has been able to attain a permanent financing package for 1st Street North and a portion of the 3rd Avenue North Project.

Council member Miller offered the following and moved its adoption:

RESOLUTION NO. 3657
RESOLUTION AUTHORIZING THE ISSUANCE OF
\$286,000 DEFINITIVE IMPROVEMENT WARRANT, SERIES 2017 PRESCRIBING THE TERMS
AND COVENANTS THEREOF, AND CREATING A FUND FOR THE PAYMENT THEREOF

FOR THE EAST SIDE SANITARY SEWER IMPROVEMENT DISTRICT 13-02-02 PHASE A
(First Street North from Dakota Ave. to Fifth Avenue Proj. No. ST17-231)

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

ATTORNEY

3rd Ave. N. Reconstruction Project Resolutions ó Lies explained the following resolutions relate to the 3rd Avenue North Reconstruction Project.

Council member Bajumpaa offered the following and moved its adoption:

RESOLUTION NO. 3658

**RESOLUTION RECEIVING AND APPROVING
ENGINEER'S REPORT IN 3RD AVENUE NORTH RECONSTRUCTION
IMPROVEMENT DISTRICT 11-01-06
(STREET AND UTILITIES)**

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

Council member Bajumpaa offered the following and moved its adoption:

RESOLUTION NO. 3659

**RESOLUTION DIRECTING PREPARATION OF PLANS
AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE
IMPROVEMENT IN 3RD AVENUE NORTH RECONSTRUCTION
IMPROVEMENT DISTRICT 11-01-06
(STREET AND UTILITIES)**

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

Council member Bajumpaa offered the following and moved its adoption:

RESOLUTION NO. 3660

**RESOLUTION OF THE CITY OF WAHPETON RELATING TO
THE ISSUANCE OF BONDS AND THE REIMBURSEMENT OF CERTAIN
EXPENDITURES FOR 3RD AVENUE NORTH RECONSTRUCTION
IMPROVEMENT DISTRICT 11-01-06
(STREET AND UTILITIES)**

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

Council member Bertsch offered the following and moved its adoption:

RESOLUTION NO. 3661

**RESOLUTION DECLARING WORK NECESSARY FOR AN IMPROVEMENT
IN 3RD AVENUE NORTH RECONSTRUCTION
IMPROVEMENT DISTRICT 11-01-06
(STREET AND UTILITIES)**

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

COMMUNITY DEVELOPMENT DIRECTOR

Economic Development Commission Report & Recommendations

Recommend motion to approve \$10,000 grant to WB Chamber for Holiday Promotion ó

DeVries said at the Economic Development Commission met on October 11th and heard a request from the Wahpeton-Breckenridge Area Chamber of Commerce for a \$10,000 grant from the Sales Tax for Economic Development for the annual Shop Local Holiday Promotion. The funding would be for advertising, printing, turkeys to give away, and an appearance by Santa. The promotion runs from November 6 to December 17, 2017. The total estimated project cost is \$17,000, with \$10,000 from the City of Wahpeton, \$2,000 from the Breckenridge Port Authority, and \$5,000 from the Chamber itself. The EDC recommends the City Council approve a grant of up to \$10,000 from the Sales Tax for Economic Development for the Wahpeton-Breckenridge Area Chamber of Commerce Shop Local Holiday Promotion. **Motion by Wateland, seconded by Schmidt, to approve a grant of up to \$10,000 from the Sales Tax for Economic Development for the Wahpeton-Breckenridge Area Chamber of Commerce Shop Local Holiday Promotion. Motion carried with a roll call vote of 6-0.**

Recommend motion to approve WCCO Flex PACE interest repayment of \$18,442 ó

DeVries said the Wahpeton City Council previously approved a Flex PACE loan application from WCCO Belting for a capital improvement project. The estimated cost was \$1,000,000, approximately 42% for equipment and 58% for real property improvements. Bremer Bank originated a Bank of North Dakota Flex PACE interest buydown. The local community share is \$44,939.54. Typically, local participation in BND interest rate buy downs for equipment are repaid to the city, and buy downs related to real property are typically grants. At that time, the EDC requested time to consider repayment scenarios. After discussion at the October 11 meeting, the consensus of the committee was to follow the recommendation of the EDC office and require payback of the 42% attributed to equipment. Forty-two percent of the community share is \$18,442 and could be paid over three years. Payback would start in September of 2022 at \$6,147.26. The EDC recommends the City Council approve requiring payback of the Flex PACE interest buy down attributed to equipment for WCCO Belting of \$18,442. **Motion by Lambrecht, seconded by Bajumpaa, to approve requiring payback of the Flex PACE interest buy down attributed to equipment for WCCO Belting of \$18,442. Motion carried with a roll call vote of 6-0.**

Recommend motion to approve Golden Rule Flex PACE interest buy down of \$14,033 ó

DeVries said the Economic Development Commission received a request from The Golden Rule. Bell Bank originated a \$300,000 BND Flex PACE loan with the local community share of the interest buy down estimated at \$14,033. The total estimated project cost is \$500,000. The Golden Rule is opening a clothing/footwear store in the center three buildings of the former JC Penney location. The local share is not for real property improvement and will be paid back by The Golden Rule. A repayment schedule has not yet been set by the BND. The EDC recommends the City Council approve a Flex PACE interest buy down of \$14,033.00 local share from Sales Tax for Economic Development for The Golden Rule. **Motion by Miller, seconded by Schmidt, to approve a Flex PACE interest buy down of \$14,033.00 local share from Sales Tax for Economic Development for The Golden Rule. Motion carried with a roll call vote of 6-0.**

DeVries said the Planning Commission met just prior to this Council meeting and reviewed a rezone application from I-1 to R-3 for Tangen Construction who is looking at selling their building and the new owner would like to construct LED light bulbs and would also like to maintain a residence in that building. DeVries felt the consensus was positive from the Planning Commission who would like to request a joint public hearing be set for November 6th at 5:00p.m. with the City Council. **Motion by Bajumpaa, seconded by Bertsch, to approve scheduling a Joint Public**

Hearing of the City Council and Planning Commission for November 6th, 2017 at 5:00 p.m. regarding the rezone request from I-1 to R-3. Motion carried with all voting ‘aye’.

DeVries said the Planning Commission also discussed a substation by special exception in the ETZ by Central States Power which was tabled as more information is needed.

LIBRARY REPORT

Library Report ó Bakken thanked the public and anyone who attended Chocolate Chocolate Day and Book Sale which was very successful. She said a haunted library will be held this Saturday from 10 a.m. to 1:00 p.m. They will be partnering with the Red Door Art Gallery who will be doing painted pumpkins in their classroom as part of this event. Outreach story time to area daycares has started for the season with service to 7 daycares, the largest number to date. Bakken reported the library has had a good response to their computer classes and their Pinterest classes. The next Pinterest class is a glass etching class scheduled for October 24th, with preregistration available.

PUBLIC WORKS DIRECTOR

Miranowski requested referral to Public Works Committee **of the Award of Bids for the Water Treatment Plant Phase I Improvements**. City Council President Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski gave a reminder to property owners that as the leaves fall residents should be aware that blowing/raking leaves into the street is prohibited by ordinance. They are asked to take leaves to the composite site located on 23rd Avenue North.

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report (No meeting held October 9th)

Public Works & Public Safety Committee Report (No meeting held October 10th)

Council Committee of the Whole Meeting October 10th, 2017

East Side Sanitary Sewer Project Contract Change Order No. 1 – motion to recommend approval of extension of completion date and deduct of \$12,415.10 ó **Motion by Bajumpaa, seconded by Schmidt, to approve the East Side Sanitary Sewer Project Contract Change Order No. 1 with a decrease of \$12,415.10. Motion carried with a roll call vote of 6-0.**

2017 Alley Improvement Project Contract Change Order No. 1 ó motion to recommend approval of additional \$1,954 ó **Motion by Bajumpaa, seconded by Lambrecht, to approve 2017 Alley Improvement Project Contract Change Order No. 1 with an increase of \$1,954.00. Motion carried with a roll call vote of 6-0.**

3rd Ave. N. Reconstruction Project ó motion to recommend to proceed to schedule public informational meetings ó **Motion by Bajumpaa, seconded by Schmidt, to approve to proceed to schedule public informational meetings for the 3rd Avenue North Reconstruction Project special assessments. Motion carried with all voting ‘aye’.**

Committee Consolidation Considerations ó discussion ó Wateland provided an overview.

Changes in Council Size & Configuration ó discussion ó Wateland provided an overview.

The next steps for the open City Council seats were then discussed.

September 2017 Bill Pay Report

DISBURSEMENTS FUND	ACCOUNTS PAYABLE	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$353,643.43	\$52,637.58	\$406,281.01
201 WATER OPERATING FUND	\$94,923.12	\$41,778.99	\$136,702.11
202 SANITARY SEWER OPERATING FUND	\$17,451.64	\$26,120.08	\$43,571.72
203 WASTE REMOVAL OPERATING FUND	\$23,197.35	\$924.90	\$24,122.25
204 WASTE REDUCTION FUND	\$636.56		\$636.56
205 VECTOR CONTROL FUND	\$6,664.08	\$2,989.97	\$9,654.05
206 STREET LIGHTING	\$9,895.02		\$9,895.02
209 LIBRARY LEVY FUND	\$11,739.83	\$12,503.72	\$24,243.55
216 AIRPORT 4-MILL LEVY FUND		\$494.96	\$494.96
226 EMPLOYEE SAFETY COMMITTEE	\$438.16		\$438.16
227 ANNUAL RESERVE WH FUND		-\$2,540.00	-\$2,540.00
229 CAPITAL IMPROVEMENTS FUND	\$37,727.82		\$37,727.82
233 REAL ESTATE LEVY FUND	\$23.00		\$23.00
234 SPECIAL STREET MAINT FUND	\$9,182.05		\$9,182.05
236 LEVEE MAINTENANCE	\$7,580.38	\$8,691.49	\$16,271.87
240 SPECIAL TRANSPORTATION FUNDING	\$4,957.00		\$4,957.00
271 ECONOMIC DEVEL DEPT FUND	\$6,144.78	\$6,485.58	\$12,630.36
315 TAX INCREMENT FUND	\$3,761.50		\$3,761.50
317 JOB DEVELOPMENT LEVY FUND	\$18,252.89		\$18,252.89
318 WEED MAINT LEVY FUND	\$1,426.98		\$1,426.98
319 LODGING TAX FUND	\$1,064.55		\$1,064.55
320 SALES TAX OPERATING FUND	\$227,280.76		\$227,280.76
324 SALES TAX MINI MATCH RSRV FUND	\$24,915.00		\$24,915.00
325 SALES TAX H.E.L.P. HOUSING FUND	\$120.00		\$120.00
326 REVOLVING LOAN FUND	\$8,850.00		\$8,850.00
365 PD SPEC EQUIP SINKING FUND	\$2,380.60		\$2,380.60
393 1% RESTAURANT TAX FUND	\$2,499.75		\$2,499.75
454 R/I #10809 REF1 5 ISSUES	\$364,900.97		\$364,900.97
572 SALES TAX FOR FLOOD FUND	\$42,660.45		\$42,660.45
574 5-2-97 (FLOOD PHASE II)	\$10,441.03		\$10,441.03
622 3RD AVE N. RECON PROJ	\$8,024.00		\$8,024.00
639 E. SANITARY SEWER 13-02-02	\$173,688.65		\$173,688.65
643 LIBRARY ROOF, WALLS & DOOR	\$19,892.50		\$19,892.50
649 WTP LIME SILO & SLAKER	\$342.50		\$342.50
651 WESTDALE 2ND ADDITION	\$799,949.86		\$799,949.86
653 ALLEY RECONSTRUCT ST17-232	\$161.00		\$161.00
657 CULVERT REPLACEMENT 16TH AVE N	\$2,740.00		\$2,740.00
TOTAL	\$2,297,557.21	\$150,087.27	\$2,447,644.48

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Cmt. October 23rd, 12:00 Noon (Although there were no other agenda items, Dale referred a review of the draft policy for the restaurant tax to Finance Cmt.)
- b. Public Works Cmt. October 24th, 12:00 Noon

ADJOURNMENT

Motion by Bertsch, seconded by Bajumpaa, to adjourn at 6:40 p.m. Motion carried with all voting ‘aye’.

Mayor Dale

Lynelle Amos, Finance Assistant