

Wahpeton City Council
October 2, 2017
5:00 p.m.

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

Absent: None

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

CALL TO ORDER

Meeting called to order by City Council President Dale.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

Proclamation – Manufacturing Day October 4, 2017 ó Council member Bertsch read a Proclamation Declaring “Manufacturing Day in the City of Wahpeton” October 4, 2017. Wahpeton Economic Development and the local Job Service have partnered with NDSCS, Bobcat, Giants Snacks, WCCO Belting, and ComDel Innovation to organize tours for high school seniors in Richland County in an effort to develop a positive perception of local manufacturing jobs as a career choice.

CONSENT AGENDA ITEMS (presented by the City Council President) ó

Approval of minutes of regular meeting held September 18, 2017

Games of Chance Licenses, Site Authorizations & Special Permits: None

Presentation/Approval of Reports

Midco Gigabit Community Event

NDSCS Homecoming Week Schedule of Events

Clean Up Week October 9th ó 13th

Council President 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

C-1 Liquor License & Class II Cabaret License Applications for Brew 2 Inc. ó Huwe requested approval of a C-1 Liquor License and Class II Cabaret License for the Brew 2 Inc. contingent upon all conditions being met, including their State liquor license. They are looking at a mid-November opening, and the City Building Official still needs to do a site inspection once they get to that point. **Motion by Miller, seconded by DeVries, to approve C-1 Liquor License and Class II Cabaret License Applications for Brew 2 Inc. contingent upon all conditions being met. Motion carried with all voting ‘aye’.**

Amusement Device License Application for Hart’s Hub ó Huwe said a City license application was received from Hart’s Hub who has added some amusement devices, including a juke box, dart board, and video game, to provide some on-site entertainment for their patrons. They have made an application to license those devices at \$15 each. **Motion by Wateland, seconded by Miller, to approve an Amusement Device License Application for Hart’s Hub. Motion carried with all voting ‘aye’.**

Update on Legislative Changes – request referral to Finance Cmt. ó Huwe said information has been received on new legislation that has been enacted, specifically the consolidated tax statements and the changes in the budget process. In learning more about how that will be implemented, Huwe felt it should be talked about closer to the budget cycle. In generality, she said rather than having preliminary budget discussions in August they will be held in July so will start the process a month earlier and will have a preliminary budget adopted one month earlier than we do right now. Huwe said she did not need to refer this item to committee at this time, and instead of having a Finance Committee meeting she requested amending the meeting schedule for next week to hold a Committee of the Whole meeting from 4:00 p.m. ó 6:00 p.m. on October 10th to address 3 topics.

Planning Commission – Request Amend Ord. to Allow Auto Sales in B-1 Zoning request motion to offer 1st reading of Ord. 983 and set a public hearing for October 16th ó Huwe explained the Planning Commission listened to an application from a newcomer to the community looking at utilizing an existing space potentially for the sale of used cars. The Planning Commission would like to request Council consideration to amend the Planning and Zoning Ordinances to allow auto sales in B-1 Zoning. She requested first reading of Ordinance No. 983 and to schedule a public hearing for Monday, October 16th. Council member Miller offered the first reading of the following Ordinance:

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

Motion by Bajumpaa, seconded by Lambrecht, to schedule a Public Hearing regarding amendments to Ordinance No. 983 and Ordinance No. 984 for October 16th at 5:00 p.m. Motion carried with all voting ‘aye’.

Community Development Director – start date October 11th ó Huwe provided an update regarding the Community Development Director position saying there were 11 applicants with 4 chosen for interview and 3 that went through the interview process. There were 2 very strong finalists with two very different skill sets. A scoring matrix was used and input from five people that participated in the interviews. The position was offered to Chris DeVries who has accepted that position and will be employed as the City of Wahpeton’s new Community Development Director on October 11th. A round of applause followed.

ASSESSOR/BUILDING CODES

Update on Special Assessment Commission Process – Public Hearing to Certify Special Assessments October 16th at 5:00 PM ó Broadland gave a reminder that the Westdale 2nd Addition and 16th Avenue North Reconstruction Public Hearing to Certify Special Assessments will be held on October 16th at 5:00 p.m. Residents that have any questions in reference to the special assessments notices they would have received can contact Broadland. They will have time to prepay prior to October 20th. Broadland asked that any Council members let her know if they are not able to attend the Public Hearing as a quorum is required.

ATTORNEY

Amended Liability Insurance Required – First Reading Ord. 982 refer to PW Cmt. ó Lies explained he was requesting 2nd reading and adoption of Ordinance No. 982 which was discussed at the last meeting, relating to amending the City’s requirement that there be liability insurance on all vehicles and reducing it down from a misdemeanor to an infraction for first offense to be compliant with State Law. Second offense will remain a misdemeanor.

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

ORDINANCE NO. 982
AN ORDINANCE AMENDING SECTION 42-204
LIABILITY INSURANCE REQUIRED

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Schmidt. Motion carried with a roll call vote of 8-0.

LIBRARY DIRECTOR

Library Report ó Bakken reported the library has a new Anime Club for Teens meeting for the first time tonight. This Thursday the next Computer Class, navigating the internet, will be held. Tuesday, October 10th, the after school STEM group will be making marshmallow towers. Chocolate Chocolate Day and Book Sale will be held Thursday, October 12th from 1:00 ó 6:00 p.m.

PUBLIC WORKS DIRECTOR

Miranowski requested referral to Public Works Committee **to consider a Change Order to extend the project completion for the East Side Sanitary Sewer Project Phase A to June 2018.** City Council President Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **to consider a petition from residents of Elm Court Additional to do a mill and overlay on their streets.** City Council President Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **for a balancing Change Order and pay application for the 2017 Alley Improvement Project.** City Council President Dale will refer this item to the Public Works & Public Safety Committee.

Discussion held regarding how the timing of the funding for the East Side Sanitary Sewer project, the contractor, and weather conditions have affected the start date and progress of the project. Town Centre Square parking lot improvements were also discussed.

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report

DeVries said the Finance, Personnel & Economic Development Committee met September 25th at noon.

Assistance to Firefighters Grant Update – discussion

CDC Request for Loan Modification – motion to recommend approval of 5 year extension ó **Motion by DeVries, seconded by Miller, to approve the Extension Agreement between the City of Wahpeton and Wahpeton Community Development Corporation as presented.** Discussion held regarding the loan being at zero interest. **Motion carried with all voting ‘aye’.**

NDIRF General Liability Insurance New Limits – discussion

Draft Joint Powers Agreement to create the Southern Valley Economic Development Authority – motion to recommend approval of draft proposal ó City Attorney Lies said the agreement is now being circulated amongst the attorneys from the other political subdivisions so recommended to defer voting on this until there is a final draft of the agreement. No action taken.

Referrals ó Form of Government.

Public Works Public Safety Committee Report

Bajumpaa said the Public Works & Public Safety Committee met at noon on September 26th.

Sale of chickens in city limits – motion to offer 1st reading of ordinance No. 984 to amend B-3 Zoning to allow with conditions ó

Council member Bajumpaa offered the first 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

Assistance to Firefighters Grant Update – discussion

Amended Liability Insurance Required – motion to offer 2nd Reading Ord. 982 ó addressed earlier in the meeting

School Resource Officer Position Description & Memorandum of Understanding – motion to recommend approval of MOA and position description ó **Motion by Bajumpaa, seconded by Schmidt, to approve the School Resource Officer Position Description and Memorandum of Understanding between the City of Wahpeton Police Department and Wahpeton Public Schools District. Motion carried with a roll call vote of 8-0.**

Contract with NDSU for Study of Pond #1 – motion to recommend approval ó **Motion by Bajumpaa, seconded by Bertsch, to approve the Contract with NDSU/Dr. Wei Lin for the Study of Pond #1.** Discussion held regarding the timeframe. **Motion carried with a roll call vote of 8-0.**

4th St. & 2nd Ave. N. Intersection sight distance

Residential Waste Hauling Contract Renewal – motion to recommend negotiation of a 3 year extension of the existing contract with Waste Management ó **Motion by Bajumpaa, seconded by Schmidt, to approve negotiating a 3 year extension of the existing Residential Waste Hauling Contract with Waste Management.** Discussion held. **Motion carried with a roll call vote of 8-0.**

Building Official Updates

ROW Consideration Adjacent to Bank of the West

NDSU Easements for City Water & Sewer Mains

NEW BUSINESS

Council Vote on Mayor, Council President & Vice President

Dale said the vacancy in the Office of the Mayor has surpassed the 15 day period to allow the public to petition for a special election. He called for nominations for the Office of Mayor from the current Council members. Bertsch nominated Steve Dale as Mayor and Wateland seconded the nomination. Hearing no more nominations after being called for three times nominations ceased and Steve Dale was voted for as Mayor with a roll call vote of 8-0. Nominations to designate a new City Council President were called for. Bertsch nominated Don Bajumpaa as City Council President and Wateland seconded the nomination. Hearing no more nominations after being call for three times nominations ceased and Don Bajumpaa was voted for as City Council President with a roll call vote of 8-0. Nominations for City Council Vice-President were called for. Wateland nominated Renelle Bertsch

as City Council Vice-President. Hearing no more nominations after being call for three times nominations ceased and Renelle Bertsch was voted for as City Council Vice-President with a roll call vote of 8-0. New Mayor Steve Dale was then sworn in by City Attorney Lies, which was followed by a round of applause.

Lies explained there was now a vacancy in Ward 1, and thereø a 15 day period in which the citizens have a right to file a petition to call for a special election or the Council can call for a special election tonight, or wait the 15 days and after that time if no petition is received from the public then it would be an appointment by the Council. Likewise, DeVriesø At-large position will become vacant due to incompatibility of office effective October 11th. DeVries does not need to tender a resignation because if he takes the Community Development Director position he becomes incompatible with holding a City Council seat. That vacancy will be the same situation with a 15 day waiting period and appointment by Council if thereø no petition received or unless the City Council chooses to hold a special election. Discussion held. Miller wondered if the vacancies needed to be filled or if they could continue with the two vacant seats until the election next June knowing possible reduction of the Council is being discussed, which Lies answered that it was the Councilø decision but would be possible. The Mayorø seat needs to be filled but the Council membersø seats could remain vacant. There is still a quorum existing. It would potentially make it tougher to get a 2/3 vote of the members of the Council if needed. It was noted a change in the size of the Council would need to be voted on by the people. The Council could come up with a form of government they would propose to the public. It was noted nothing can be done until after the 15 day period, and if there is a request for special election it cannot be conducted for 46 days after itø been requested to ensure we make a prevision for absentee ballots. And a special election cannot be requested 6 months prior to a regularly scheduled election. Dale felt it was the consensus of the Council that they would not like to call for a special election and the clock starts for the 15 days tonight for Daleø seat and October 11th for DeVriesø seat. Dale encouraged anyone interested in the vacant Council seats, that doesnøt necessarily want to do the petition, to contact himself or any other Council member for consideration of potential appointment to the Council as an alternative to the special election, versus leaving the spots empty. Huwe then talked about Committee re-assignments.

DeVries was then thanked for his years of service on the City Council, which he noted is just short of 10 years, and appreciation was shown through a round of applause.

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Committee October 9th, 12:00 Noon (Committee of the Whole meeting to be held instead October 10th from 4-6PM)
- b. Public Works Committee October 10th, 12:00 Noon

Adjournment

Motion by Wateland, seconded by Bertsch, to adjourn at 5:51 p.m. Motion carried.

Mayor Steve Dale

Lynelle Amos, Finance Assistant