

Wahpeton City Council
September 6, 2016
5:00 p.m.

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

Absent: Bajumpaa

Also Present: Huwe, Lies, Miranowski, Anderson, Broadland, Priebe, Bakken, Amos, and Cain
Planning Commission Members: DeVillers, Mumm, Keogh, Jensen, Bohn, and Pithey

Meeting called to order by Mayor Hansey.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

Joint Public Hearing with Planning Commission on Amendment of the Renaissance Zone

District ó This public hearing was held jointly with the Planning Commission. Planning Commission Chair DeVillers reconvened the Planning Commission meeting, and Priebe was referred to for explanation. Priebe said in 2015 some blocks were added to the Renaissance Zone District and would now like to add another block, Block 34. She described the location of the block and a map of the area was provided. Its north boundary runs east and west along the Red River Valley & Western Railroad, the west boundary runs north and south along 13th Street South, the south boundary is 4th Avenue South, and the east boundary is 11th Street South. This is a commercial block zoned B-3, and there is an opportunity to fill one of the buildings within the block ó the old Pamida building. If approved, the timeline for this would match up with the previous timeline of 15 years starting in 2003 so will expire in 2018, at which time the Planning Commission/Renaissance Zone Authority can recommend to continue for another 5 years.

Priebe said there is currently a project that has some potential so it is felt adding this block will help improve economic conditions in that area. The Development Plan will see a couple of changes in the description of the District itself and also with the exhibit adding all those parcels within there with their lot descriptions, building conditions, etc. DeVillers asked Priebe if there was any written or oral correspondence received of which there were none. DeVillers then asked the Planning Commission/Renaissance Zone Authority for their recommendation. **Motion by Jensen, seconded by Bohn, to recommend to the City Council to approve the Amendment of the Renaissance Zone District by adding Block 34. Motion carried with all voting ‘aye’.**

Hansey then asked if there was anyone present to protest of which there was none. Hansey asked Huwe if there were any written or oral protests received of which there were none. Council member Schmidt offered the following and moved its adoption:

RESOLUTION NO. 3602
RESOLUTION AMENDING
RENAISSANCE ZONE DISTRICT BOUNDARIES

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Lambrecht. Motion carried with a roll call vote 7-0.

Motion by Mumm, seconded by Keogh, to adjourn the Planning Commission meeting at 5:05 p.m. Motion carried with all voting ‘aye’.

Public Hearing on Application for Property Tax Incentives – Kennedy Park Apts. Payment in Lieu of Taxes Application (PILOT) ó Hansey asked if there was anyone present to protest of which there was none. Hansey then asked Huwe if there were any written or oral protests received of which there were none. Lies explained that the PILOT would be for 5 years and is the same total dollar amount as the declining scale but is being spread evenly over the 5 years at \$26,210 per year.

Council member DeVries offered the following and moved its adoption:

RESOLUTION NO. 3601
**RESOLUTION APPROVING PAYMENTS IN LIEU OF
AD VALOREM TAXES ON BUILDINGS, STRUCTURES,
FIXTURES AND IMPROVEMENTS**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Bertsch. Motion carried with a roll call vote 7-0.

CONSENT AGENDA ITEMS (presented by the Mayor) ó

Approval of minutes of regular meeting held August 16, 2016

Approval of minutes of Committee of the Whole meeting held August 29, 2016

Games of Chance Licenses, Site Authorizations & Special Permits:

Wahpeton All Sports Booster Club ó Raffle Permit

Benefit for Amanda's Children ó Raffle Permit

Red River Area Sportsmen's Club ó Raffle Permit

VFW Auxiliary ó Raffle Permit

NDSCS Allied Dental Club ó Raffle Permit

Bethel Lutheran Church ó Raffle Permit

Other Games of Chance and/or special permits:

NDSCS Welding Club ó Raffle Permit

Powersports Club of NDSCS ó Raffle Permit

Presentation/Approval of Reports

Headlights to Headwaters Car Show Sept. 10th

Tri-State Safety Association Safety Conference Sept. 21, 2016

Midco Channel Changes

Mayor Hansey asked if there were any items to be removed from the consent agenda and there were none. **Motion by Bertsch, 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

Preliminary 2017 Budget – request first reading of Ordinance No. 977 ó Huwe said the Preliminary 2017 Budget has been prepared and discussed by the Council. She requested first reading of Ordinance 977 making an appropriation for 2017 operating expenses.

Council member Wateland offered the first reading of the following Ordinance:

ORDINANCE NO. 977
**AN ORDINANCE MAKING AN APPROPRIATION FOR THE CITY OF
WAHPETON, NORTH DAKOTA FOR THE YEAR 2017**

Huwe noted the Preliminary 2017 Budget is available at City Hall or on the City's website.

Request approval of Consent to Terms of Development Agreement Westdale I & Westdale II Additions ó Huwe said the City Council had been requested to enter into a development agreement with project specific created limited liability corporations that were an extension of PACES Lodging for development north of Walmart. They have subsequently sold a portion of their site and to further extend that development agreement to the new owner, City Attorney Lies has been negotiating with the current owner of the 4 acre parcel known as Kennedy Park Apartments. Lies has drafted a Consent to Terms of Development Agreement that essentially guaranties the same terms but extends them to an additional party. Lies further explained that the project was done by a developer taking it over, it was not a City-bid project. They put in their own infrastructure done to City specs, inspected by the City Engineer, and will be turned over to the City and then will be done as a special assessment project. He said what it is doing is waiving all the special assessment requirements of having plans and specs approved by the City Council so the bonding can proceed. So it's just waiving all the normal requirements and consenting to our levying special assessments as would normally be done pursuant to the City's policy that was adopted earlier this year. **Motion by Lambrecht, seconded by Bertsch, to approve to Consent to Terms of Development Agreement and Assumption of Liabilities for Special Assessments for Westdale I and Westdale II Additions.** Huwe noted that the agreement is currently a draft and Lies will continue to refine it tomorrow but the concept will not change. Discussion held. **Motion carried with all voting 'aye'.**

Financial Recap of Flood Mitigation Project – request referral to Finance Cmt. ó Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

ATTORNEY

Project Resolutions – Flood Mitigation ó Lies presented several resolutions relating to the City's Flood Mitigation District, created June 2, 1997, in order to prepare for bonding and to issue special assessment bonds that would give the city a lower interest rate because there is greater collateral although the intent is it will be paid off with sales tax as has been done previously. The City is now ready to bid on the area of the zoo for relocation. The estimated cost of the project is \$2.3 million.

Council member Lambrecht offered the following and moved its adoption:

RESOLUTION NO. 3603
**RESOLUTION DIRECTING PREPARATION OF
ENGINEER'S REPORT FOR THE IMPROVEMENT IN
FLOOD MITIGATION DISTRICT 5-1-97
PHASE 1 (ZOO ENCROACHMENT, TOE DRAIN,
REIMBURSEMENT AND FLOWAGE EASEMENTS)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember DeVries. Motion carried with a roll call vote 7-0.

Council member Lambrecht offered the following and moved its adoption:

RESOLUTION NO. 3604
**RESOLUTION RECEIVING AND APPROVING
ENGINEER'S REPORT IN FLOOD MITIGATION DISTRICT 5-1-97
PHASE 1 (ZOO ENCROACHMENTS, TOE DRAIN,
REIMBURSEMENT AND FLOWAGE EASEMENTS)**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember DeVries. Motion carried with a roll call vote 7-0.

Council member Lambrecht offered the following and moved its adoption:

RESOLUTION NO. 3605
RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97 PHASE 1 (ZOO ENCROACHMENTS, TOE DRAIN, REIMBURSEMENT AND FLOWAGE EASEMENTS)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember DeVries. Motion carried with a roll call vote 7-0.

Council member Lambrecht offered the following and moved its adoption:

RESOLUTION NO. 3606
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97 PHASE 1 (ZOO ENCROACHMENTS, TOE DRAIN, REIMBURSEMENT AND FLOWAGE EASEMENTS)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember DeVries. Motion carried with a roll call vote 7-0.

Council member Lambrecht offered the following and moved its adoption:

RESOLUTION NO. 3607
RESOLUTION DIRECTING PUBLICATION OF ADVERTISEMENT FOR BIDS FOR CONSTRUCTION OF AN IMPROVEMENT IN FLOOD MITIGATION DISTRICT 5-1-97 PHASE 1 (ZOO ENCROACHMENTS, TOE DRAIN, REIMBURSEMENT AND FLOWAGE EASEMENTS)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember DeVries. Motion carried with a roll call vote 7-0.

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Report ó A printed Economic Development Department Activity Report was provided. Priebe noted that the next CDC meeting will be held Wednesday, September 14th at noon. This Friday, September 9th at noon at City Hall a Lake Agassiz Water Authority (LAWA) meeting involving the CDC Executive Committee, City Council, Richland County JDA and County Commission will be held. She announced the first ever Headlights to Headwaters Car & Truck Show will be held Saturday, September 10th from 10:30 am to 3:00 pm in conjunction with Headwaters Day on the east end of Dakota Avenue. Priebe also announced Manufacturing Day will be held Wednesday, October 12th with about 165 high school seniors from across Richland County touring ComDel, Minn-Dak, Flex TM, Bobcat and NDSCS. The day-long event is supported by the Economic Development Office, NDSCS, the companies, and a \$1,000 Impact Dakota grant.

Planning Commission Report ó Priebe said a Planning Commission meeting was held and some items were presented for Council approval. Miranowski said the first was the minor replat of Westdale Subdivision removing Sub-lot B, leaving Lots 1, 2, 3 and 4 and have new easements, drainage, and utilities around each one of the single family lots and the big lot is for the apartment building. The Planning Commission recommends its approval to the City Council. **Motion by Bertsch, seconded by DeVries, to approve the Westdale Subdivision Minor Replat No. 1. Motion carried with all voting ‘aye’.**

Miranowski said the second was the minor replat of the Cenex Addition. Miranowski said with the addition of Lot 1 to the Cenex Addition where the new daycare will be, he has asked for it to be platted so can get easements over the water and sewer lines so through the platting process will have dedicated easements for all the utilities located there, and will also have drainage and utilities around the lots. It would establish Lot 1 and Lot 2, Block 1. The Planning Commission recommends approval by the City Council. **Motion by Lambrecht, seconded by Bertsch, to approve the Cenex Addition Minor Replat No.1. Discussion held. Motion carried with all voting ‘aye’, with Miller abstaining.**

LIBRARY DIRECTOR

Bakken reported the bid proposal advertisements have been published for the Children’s Library renovations, with bid opening on the 22nd. The Library Fall Programming begins on the 12th with story time beginning that day, then the Book Club on the 14th with a Friends of the Library meeting also being held that day. She announced Chocolate Day will be October 13th. It was noted an Adult Coloring session will be held tonight from 6:00-7:30 pm at Breckenridge Library and at the Leach Library next week.

POLICE CHIEF

Request for Street Closure on Dakota Ave. Sat. Sept. 10th 10:30 AM to 3:00 PM for Headlights to Headwaters Car Show ó Sergeant Anderson requested street closure on Saturday, September 10th for the Headlights to Headwater Car Show for 3rd Street North from Dakota Avenue to 2nd Avenue from 10:00 am to 3:00 pm. **Motion by Lambrecht, seconded by Schmidt, to approve street closure on Saturday, September 10th for the Headlights to Headwater Car Show for 3rd Street North from Dakota Avenue to 2nd Avenue from 10:00 am to 3:00 pm. Motion carried with all voting ‘aye’.**

PUBLIC WORKS DIRECTOR

Request Resolution of Emergency Declaration – Sanitary Sewer Lagoon Cell No. 1 ó Miranowski requested the Council, by Resolution, to approve an Emergency Declaration for the project of membrane replacement at Pond No. 1. He explained that after they got the water drawn down in Pond No. 1 it was discovered there was much more sludge at the bottom of the pond than had ever anticipated which makes it impossible to get into the pond to actually work and get the membranes replaced. The sludge needs to be removed with the proper equipment and the approximate cost is about \$40,000. Miranowski requested approval of Resolution 3608 to be able to move forward with the project as quickly as possible. Council member Dale offered the following and moved its adoption:

RESOLUTION NO. 3608
RESOLUTION DECLARING EMERGENCY
(SANITARY SEWER LAGOON CELL #1)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Wateland. Discussion held regarding the sludge removal. Motion carried with a roll call vote 7-0.

PW Report ó Miranowski requested referral to PW/PS Committee to **Address Combined Storm Sewer with NDSCS**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski reported that the seal coat project was completed last Friday, and the excess gravel will be cleaned up this week. Miller then asked Miranowski about the possibility of aerial mosquito spraying and much discussion was held regarding vector control efforts. It was suggested an article be done in the local newspaper to provide facts to residents regarding vector control.

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report

DeVries said the Finance, Personnel & Economic Development Committee met at noon on August 22nd.

PILOT Application for Kennedy Park Apartments – Motion to recommend approval of 5 year declining balance exemption or level annual payments each alternative results in payments of \$131,050 – This item was addressed earlier in the meeting.

Police Dept. Relocation Project Planning & Financing - discussion

2017 Preliminary Budget Review – discussion

Public Works Public Safety Committee Report

Lambrecht said the Public Works Public Safety Committee met at noon on August 23rd.

Replacement of Pump at Ponds 2 & 3 – motion to recommend approval to proceed – **Motion by Lambrecht, seconded by Schmidt, to approve proceeding with Replacement of Pump at Transfer Lift Station Ponds 2 & 3 with the purchase of a Hydromatic Submersible Pump from Dakota Pump & Control in the amount of \$17,060. Motion carried with a roll call vote of 7-0.**

Library Parking – motion to recommend designation of 2 spots on west side ó **Motion by Lambrecht, seconded by Dale, to approve Designation of Two 10 Minute Parking Spots on the West Side of Leach Library for Library Patrons with One North and One South of the Handicap Spot Clear Zone. Motion carried with all voting ‘aye’.**

Former Industrial Plating Building – discussion

Health Dept. Ammonia Issues – discussion

PD Relocation Project Planning & Financing – discussion

2017 Preliminary Budget Review – discussion

Community Center Sidewalk Replacement – motion withdrawn

Wastewater System Focus Group Update – discussion

Building Official Updates – discussion

FLOOD MITIGATION (AD-HOC)

Approval of Plans & Specifications for Zoo Encroachment and Toe Drain Projects ó This item was addressed earlier in the meeting.

Approval of Supplemental Agreement No. 3 with Interstate Engineering ó Miranowski said with the Zoo encroachment and toe drain project comes the need to supply a construction observation inspection with that project and we have Supplemental Agreement No. 3 with Interstate Engineering to supply those services for Phase 1 and 2. The total cost will be \$194,060, with Phase 1 at \$116,690 and Phase 2 (remodel and renovation of the Jensen Center along with the new zebra building) at \$77,370. **Motion by Dale, seconded by Lambrecht, to approve Supplement Agreement No. 3 with Interstate Engineering. Motion carried with a roll call vote of 7-0.**

Lambrecht asked for an update on the Dwight and Center Township breakout easements which Lies answered he is currently waiting for more information. The timeline for moving the zoo was also discussed. Miranowski said that it is expected to finish Phase 1 yet this fall.

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Planning Commission September 15th, 4:00 P.m.
- b. Finance Committee September 12th, 12:00 Noon
- c. Public Works Committee September 13th, 12:00 Noon

Motion by Bertsch, seconded by DeVries, to adjourn at 6:05 p.m.

Mayor Hansey

Lynelle Amos, Finance Assistant