

Wahpeton City Council
February 5, 2018
5:00 p.m.

Present: Schmidt (via skype), Bertsch, Bajumpaa, Dale, Bohn, McCann, Miller, and Wateland

Absent: Lambrecht

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

CALL TO ORDER

Meeting called to order by Mayor Dale.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

Class A Liquor License Request ó Huwe said on January 31st the North Dakota Attorney General's Office notified Wahpeton Police Chief Scott Thorsteinson that Pausch Stores, Inc. d/b/a The Oasis Bar failed to obtain a 2018 retail alcoholic beverage license. A City of Wahpeton liquor license is only valid when the holder also possesses a state license, and alcohol cannot be purchased from a wholesaler without a valid state license. Additionally, a valid City of Wahpeton Class A Liquor License is required to have a Class I Cabaret License. The Cabaret I License is nonrenewable upon lapse per Wahpeton Code of Ordinances 22-105. The license revocation by the State was based on the failure to remit a valid payment for the state liquor license renewal. Letters demanding action were sent by the state licensing official on January, 8th, 10th and 25th without remedy by Pausch Stores, Inc. Mr. Matt Pausch has cooperated fully with the City and surrendered the Class A Liquor License and Class I Cabaret License to the Police Chief. The City received notification from the Attorney General's Office on Thursday, February 1st that a State License dated February 1st had been issued to Pausch Stores d/b/a The Oasis. The Oasis Bar currently meets the conditions of a Class A Liquor License, and Huwe recommended the Council approve reissuance of a Class A License to the Oasis Bar. **Motion by Wateland, seconded by McCann, to approve reissuance of a Class A Liquor License to Pausch Stores, Inc. d/b/a The Oasis Bar. Motion carried with a roll call vote of 7-0.**

With the revocation of their Class I Cabaret License, Huwe then asked for Council consideration of allowing a Class II Cabaret License to be issued to the Oasis Bar. The Class II Cabaret License allows a liquor license holder to have entertainment in their establishment that includes things like karaoke, live music, trivia, etc. **Motion by Wateland, seconded by Miller, to approve the issuance of a Class II Cabaret License to Pausch Stores, Inc. d/b/a The Oasis Bar. Motion carried with a roll call vote of 7-0.** Matthew Pausch then addressed the Council saying he would like for them to reconsider issuing a Class I Cabaret License as his business relies on the dancers. He said that he would no longer pursue the lap dancing at this time if the Council would reconsider the Cabaret I License reinstatement for his business. Dale noted that if the Council would decide to reinstate the Cabaret I License it would be in violation of the City Ordinance. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee, and also to the Public Works & Public Safety Committee. Bertsch expressed concern for the Council to be educated on stripping as it's related to sex trafficking prior to making any decisions. Pausch shared the concern and talked about steps he could take to prevent it but did not feel it was in issue in his establishment. Further discussion held.

CONSENT AGENDA ITEMS (presented by the Mayor) ó

Approval of minutes of regular meeting held January 16, 2018

Games of Chance Licenses, Site Authorizations & Special Permits:

Wahpeton Wrestling Club ó Raffle Permit

Richland Wilkin Relay for Life ó Raffle Permit

Southern Valley Figure Skating Club ó Raffle Permit
Rock Mtn. Elk Foundation ó Site Authorization
Other Games of Chance and/or special permits:
BW Blades

Presentation/Approval of Reports
NDSWC The Current Newsletter
2017 Schedule of Fund Activity

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

REPORTS FROM CITY OFFICERS AND STAFF
FINANCE DIRECTOR

Resolution 3677 – DWSRF Funding for East Side Sanitary Sewer Ph. A ó Huwe said the City of Wahpeton is coordinating the permanent financing for the Eastside Sanitary Sewer Project Phase A. The sources of funding are \$452,000 from the State Drinking Water Revolving Loan Fund, \$1,046,000 from the State Clean Water Revolving Loan Fund, \$286,000 from the Bank of North Dakota and \$456,000 from the City’s Sales Tax for Infrastructure Fund. She requested a motion to adopt Resolution No. 3677 creating a dedicated debt service fund and authorizing the issuance of improvement bonds 2018A via the DWSRF as a component to the permanent financing of the Eastside Sanitary Sewer Project. Council member Bajumpaa offered the following and moved its adoption:

RESOLUTION NO. 3677
RESOLUTION CREATING THE FUND OF
EASTSIDE SANITARY SEWER IMPROVEMENT DISTRICT 13-02-02
PROVIDING FOR AND APPROPRIATING SPECIAL
ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE
OF SAID FUND, AND AUTHORIZING THE ISSUANCE
OF AN IMPROVEMENT BOND THEREON
SERIES 2018A

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

Resolution 3678 – CWSRF Funding for East Side Sanitary Sewer Ph. A ó Additionally, Huwe requested a motion to adopt Resolution No. 3678 creating a dedicated debt service fund and authorizing the issuance of improvement bonds 2018B via the CWSRF as a component to the permanent financing of the Eastside Sanitary Sewer Project. Council member McCann offered the following and moved its adoption:

RESOLUTION NO. 3678
RESOLUTION CREATING THE FUND OF
EAST SIDE SANITARY SEWER IMPROVEMENT DISTRICT 13-02-02
PROVIDING FOR AND APPROPRIATING SPECIAL
ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE
OF SAID FUND, AND AUTHORIZING THE ISSUANCE
OF A REVENUE BOND THEREON
SERIES 2018B

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

Community Enhancement Projects – request referral to Finance Cmt. ó Huwe said she has received several proposed capital improvement projects that are currently eligible for funding from the 1% Restaurant Tax Fund, and requested referral to the Finance Committee for further review. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

Sales Tax Admin. Ordinance 987 – request referral to Finance Cmt. ó Huwe said the Council offered first reading of Ordinance No. 987 on January 2nd. The ordinance reassigns the oversight of sales tax funds from the Economic Development Commission to the Finance Committee. She requested review of the ordinance and proposed sales tax policy be referred to the Finance Committee for further review. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

Update on Fiscal Year End 2017 ó Huwe said the Statement of Fund Activity is a monthly report depicting beginning fund balances, year to date revenues, expenses, proceeds from debt and current fund balances, and it is provided to the Council as required in the ND Century Code. The Century Code also requires the fiscal year end Statement of Fund Activity be published in the official newspaper prior to March 1st, which the City's will be published in the February 13th edition of the Daily News. Huwe requested a motion acknowledging receipt of the 2017 fiscal year end Statement of Fund Activity. **Motion by Wateland, seconded by Bohn, acknowledging receipt of the 2017 Fiscal Year End Statement of Fund Activity. Motion carried with all voting 'aye'.**

Capital Improvements Plan – Calendar ó Huwe said the CIP adoption calendar is included with the council papers, and the current plan is to have new projects ready for review at a Committee of the Whole meeting on Monday, March 12th.

City Election Reminder ó Huwe said the offices of Mayor, Ward 1, Ward 3, and three At-Large positions will be on the June 12th City Election ballot. Candidacy filing paperwork is due in City Hall by 4:00 p.m. on April 9th to be included on the ballot. She said those with questions can contact City Hall.

City Hall Closed for President's Day February 19th ó Huwe noted due to the holiday the next Council meeting will be on Tuesday, February 20th.

ATTORNEY

Resolution 3679 Determining Insufficiency of Protest 3rd Ave. N. Reconstruction Proj. ST-108 ó Attorney Lies explained a resolution needs to be adopted determining the insufficiency of protest for the 3rd Avenue North Reconstruction Project. The notice was published on October 26th and November 2nd so more than 30 days have passed. When asked, Huwe stated one protest was received, which Lies explained was far from the 50% required to bar the project so he asked for adoption of the resolution. Council member Bertsch offered the following and moved its adoption:

RESOLUTION NO. 3679
RESOLUTION DETERMINING INSUFFICIENCY OF PROTEST
AGAINST 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 McCann. Motion carried with a roll call vote 7-0.

COMMUNITY DEVELOPMENT DIRECTOR

CDBG Amendment for Kennedy Park Apts. – request motion to approve ó DeVries explained he received a request from Lake Agassiz Regional Council. The Kennedy Park Apartments received a

Community Development Block Grant that was set to close the end of February. LARC received word from the Division of Community Services requesting that date be extended to the end of June to accommodate any new residents that move in and for LARC to collect more information on those residents that would include income verification. DeVries requested a motion moving the deadline for the CDBG grant from February 28th to June 30th. **Motion by Bohn, seconded by Schmidt, to approve the Community Development Block Grant Amendment for Kennedy Park Apartments extending the deadline date from February 28th to June 30th. Motion carried with all voting ‘aye’.**

Sesquicentennial Budget Approval – request motion to approve ó DeVries said a copy of the Wahpeton Sesquicentennial Steering Committee 2018 Budget was provided. He reviewed some of the line items. **Motion by Wateland, seconded by Miller, to approve the Wahpeton Sesquicentennial Steering Committee 2018 Budget as presented.** Discussion held. **Motion carried with all voting ‘aye’.**

Community Development Report ó DeVries said the Westside Development Plan has been received in final format and will be provided to Council members. He noted that specific business names that were included on the draft were only recommendations from Interstate Engineering who created the draft so it’s only conceptual at this time.

LIBRARY DIRECTOR

Library Report ó Bakken reported one person attended the mini-golf course session at the library on January 22nd. She reviewed some of the library happenings during the next two weeks, which included Storytime, Pre-school craft day, Valentine making, and an after school STEM class. The mid-winters read program is also available for all ages. Bakken announced the library will be closed on Monday, February 19th in observance of PresidentsøDay.

POLICE CHIEF

2018 Patrol Car Bids – request referral to PW Cmt. ó Mayor Dale will refer this item to the Public Works & Public Safety Committee.

MOU for Radio Frequency Sharing – request referral to PW Cmt. ó Mayor Dale will refer this item to the Public Works & Public Safety Committee.

PUBLIC WORKS DIRECTOR

PW Report

Final Pay Request Trench Drain Proj. – request referral to PW Cmt. ó Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Final Pay Request Trench Drain Proj. Ph II – request referral to PW Cmt. ó Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Vector Control GPS Equipment – request referral to PW Cmt. ó Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of a Snow Removal Contract with Dakota Design’s Landscaping for Snow Removal for Nuisance Violations.** Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee **of 2018 Seal Coat Project to Approve Plans and Specs and Authorize Advertisement for Receipt of Bids.** Mayor Dale will refer this item to the Public Works & Public Safety Committee.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Proposed Ordinance to Restructure the City Council – Council Member Miller ó Miller said a list of several ND cities along with the size and type of council and their populations was provided. He is proposing to have put on the election ballot to reduce the size of the City Council by two members and having all elected At-Large including the mayor so the number would go from 9 to 7. Bertsch questioned why Miller felt this change would be better than current practices. Miller explained he felt sometimes a smaller group may be more effective, and he has never been a fan of districts or wards. Following further discussion, Miller said he is just asking to put this on the June ballot and let the people decide on this issue. He explained the key points were that the Mayor would now be a voting member of the Council, it would reduce the Council members from 8 to 6, and all Council members would be At-Large. **Motion by Miller, seconded by Bajumpaa, to approve the Restructure of the Wahpeton City Council as provided in the Proposed Ordinance and to place it on the ballot of the City’s June of 2018 election.** Discussion held regarding standing committee meetings and portfolios. **Motion carried with a roll call vote of 4-3, with Miller, Bajumpaa, Bohn and McCann voting ‘aye’; and Wateland, Bertsch and Schmidt voting ‘nay’.**

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report (No meeting held January 22nd)

Public Works Public Safety Committee Report

Approve Plans & Specs for Seeding & Tree Planting 3rd Ave. N. Reconstruction Proj. ST-108 – motion to recommend approval ó Motion by Bajumpaa, seconded by Bohn, to approve Plans & Specifications for Seeding & Tree Planting for the 3rd Avenue North Reconstruction Project ST-108. Motion carried with all voting ‘aye’.

Authorize Advertisement for Bids for Seeding & Tree Planting 3rd Ave. N. Reconstruction Proj. ST-108 – motion to recommend approval ó Motion by Bajumpaa, seconded by Bohn, to approve Authorizing Advertisement for Bids for Seeding & Tree Planting for 3rd Avenue North Reconstruction Project ST-108. Motion carried with all voting ‘aye’.

Cost Share Agreement with Richland County for Rail Crossing Improvements at 16th Ave. N. – motion to recommend approval \$9,750 ó Motion by Bajumpaa, seconded by Schmidt, to approve the Cost Share Agreement with Richland County for Rail Crossing Improvements at 16th Avenue North in the amount of \$9,750. Motion carried with a roll call vote of 7-0.

Building Official Updates – discussion

Wahpeton Community Center Joint Powers Agreement

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Committee February 12th, 12:00 Noon (Changed to February 14th)
- b. Public Works Committee February 13th, 12:00 Noon (Changed to February 15th)

Adjournment

Motion by Wateland, seconded by Bertsch, to adjourn at 5:52 p.m. Motion carried.

Mayor Steve Dale

Lynelle Amos, Finance Assistant