

Wahpeton City Council
January 17, 2023
5:00 p.m.

Present: Schillinger, Perdue, Woods, Goltz, Lambrecht, Bohn, McNary, and Unruh

Absent: Fobb

Also Present: Huwe, Hatting, Budke, Miranowski, DeVries, Anderson, Appell, Amos, and O'Meara

CALL TO ORDER

Meeting called to order by Mayor Lambrecht. The pledge of allegiance was then recited.

Police Chief Anderson was then asked to provide an update on an event that took place the previous evening. Anderson explained that initial information received by the Police Department led them to believe it was an active shooter and public buildings in the vicinity were put on lockdown. After gathering more information it was found to be what appeared as an isolated incident. Members of the public were evacuated from the buildings safely. This is an ongoing investigation but it is not believed that there is any threat to the public. Law enforcement was commended for their response to the incident. Citizens were urged to sign up for Everbridge to receive alerts on critical events.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

**A Joint Public Hearing will be held with the Planning Commission to consider the following:
Cul-de-Sac Lengths as Amended Second Reading of Ordinance 1042 –**

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

ORDINANCE NO. 1042
AN ORDINANCE REPEALING AND REPLACE SECTION 38-145
SUBDIVISION DESIGN STANDARDS - STREETS

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Unruh. Motion carried with all roll call vote of 7-0.

Plat of Rosewood Third Addition Resolution No. 3847

DeVillers said the Planning Commission was reconvened and referred to Miranowski who explained the final plat for Rosewood Third for consideration. It was asked if there was anyone present to speak about the final plat and there was none. When asked, Huwe said the only inquiries were in reference to the ordinance amendment that was adopted regarding cul de sac lengths. The Planning Commission was asked for their recommendation. **Motion by Dockter, seconded by Sedler, to recommend to the City Council to approve the Final Plat of Rosewood Third Addition Resolution No. 3847. Motion carried with all voting 'aye'.**

Council member Bohn offered the following and moved its adoption contingent on receiving a clear title opinion and contingent upon the notice of enactment for the cul de sac ordinance:

RESOLUTION NO. 3847
RESOLUTION APPROVING
THE PLAT OF ROSEWOOD THIRD ADDITION
AND REQUESTING THAT IT BE RECORDED
WITHOUT AUDITOR'S CERTIFICATE

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

Zoning Change Rosewood Third Addition from R3 to B3 Second Reading Ordinance 1041 –

Miranowski explained the new owner’s request to change the zoning back to what it initially was from R3 to B3 for out lots 10 through 12 of Block 3 in the replat of a part of Block 2 Valley 1st Addition, currently referred to as Outlot B. It was asked if there was anyone present to speak about the final plat and an observation was made that the Exhibit A map provided with the agenda material did not match what was published in the paper. It was acknowledged that the one in the paper was correct. When asked, Huwe said there were no inquiries regarding the proposed zoning change. The Planning Commission was asked for their recommendation. **Motion by Sedler, seconded by Wolfgram, to recommend to the City Council to approve the Zoning Change for Rosewood Third Addition from R3 to B3 Ordinance No. 1041. Motion carried with all voting ‘aye’.**

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

ORDINANCE NO. 1041
AN ORDINANCE REZONING FROM RESIDENTIAL R-3 MULTIPLE-FAMILY TO
BUSINESS B-3 HIGHWAY
(Portions of Valley First Addition)

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Goltz. Motion carried with all roll call vote of 7-0. The Public Hearing was then concluded.

Motion by Dockter, seconded by Sedler, to adjourn the Planning Commission meeting at 5:15 p.m. Motion carried with all voting ‘aye’.

CONSENT AGENDA ITEMS (presented by the Mayor) –

Approval of minutes of regular meeting held January 3, 2023

Games of Chance Licenses, Site Authorizations & Special Permits:

Richland Wilkin Ladies Ag Night – Raffle Permit

Presentation/Approval of Reports

Garrison Diversion Matching Recreation Grant Program

Discovering & Developing Missing Middle Housing

Public Meeting Downtown Side Street Project Phase B on January 24th, 2023, 4:30 to 6:00 p.m. at City Hall

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

REPORTS FROM CITY OFFICERS AND STAFF

FINANCE DIRECTOR

SVEDA Board Appointments – Huwe explained the Southern Valley Economic Development Authority is a joint powers board composed of eight members; two representing Wahpeton, Richland County, Breckenridge and Wilkin County. Brad Pauly and Perry Miller were previously appointed to represent Wahpeton, and both have submitted their resignations. She requested the Council consider confirmation of appointments for new representatives. Lambrecht said some Council members questioned the appointment of Amanda Miller Fisher to the SVEDA board at the previous meeting. City Attorney Hatting had sent out a memo regarding SVEDA Board Member appointments along with a copy of the joint powers agreement. Lambrecht said the Council may choose to stay with the appointment confirmed by the Council at the previous meeting or rescind the motion of the appointment due to new information received to consider other individuals for appointment at the next Council meeting. Discussion held. Goltz expressed concern, as noted in the joint powers agreement, for equal

representation for each political subdivision, specifically mentioning residency. He felt this appointment would set a precedence, and the majority of the board could be made up of one of the political subdivisions and that representation could be skewed to that political subdivision. **Motion by Goltz, seconded by Bohn, to rescind the previous motion appointing Amanda Miller Fisher to the Southern Valley Economic Development Authority and create a vacancy for a City of Wahpeton Representative on the board.** Discussion held regarding how the vacancies are advertised and appointments made. **Motion carried with a roll call vote of 7-0.** Bohn requested that the Council formally entertain gathering interest from the community for the SVEDA positions for consideration at the next Council meeting.

Planning Commission Secretary Appointment – Huwe said Community Development Director Chris DeVries has been performing the duties of the Planning Commission Secretary since October 2017. Technically Cheryl O’Meara is still appointed as the Planning Commission secretary. She requested DeVries be formally appointed as secretary. **Motion by Unruh, seconded by Bohn, to approve appointing Community Development Director Chris DeVries as the Planning Commission Secretary. Motion carried with all voting ‘aye’.**

Pledge of Assets & Designation of Depositories – Huwe explained North Dakota Century Code requires a listing of the depositories, deposits and pledged assets by each financial institution designated for deposit of City funds.

The Total Pledges and Requested Designated Depositories as of December 31, 2022 are:

<u>Designated Depository</u>	General Ledger		Federal Government			
	Funds on Deposits	FDIC/NCUA	Letter of Credit	Securities or Qualified Sweep	Additional Pledged Collaterals	Collateralized Total
American Federal Bank	none	n/a	n/a	n/a	n/a	n/a
Banc West Investment Services	-	n/a	n/a	-	n/a	-
Bell State Bank & Trust	none	n/a	n/a	n/a	n/a	n/a
Bremer Bank	8,293,988	250,000	n/a	12,980,612	n/a	12,980,612
Bremer Bank CDs	3,004,157	n/a	n/a	3,304,573	n/a	3,304,573
Bremer Investment Trust	3,380,053	n/a	n/a	3,380,053	n/a	3,380,053
First Community Credit Union	none	n/a	n/a	n/a	n/a	n/a
Gate City Fed Savings Bank	none	n/a	n/a	n/a	n/a	n/a
Peoples State Bank	none	n/a	n/a	n/a	n/a	n/a
U.S. Bank	none	n/a	n/a	n/a	n/a	n/a
Wells Fargo Bank	4,148,265	250,000	n/a	4,148,265	n/a	4,398,265
	18,826,463	500,000	-	23,813,503	-	24,063,503

The total funds on deposit as of 12/31/22 were \$18,826,463 reflecting an increase in cash on hand of \$1,866,436 over the same time last year primarily attributed to the October bond sale of \$4.7 million. The pledges of assets from each of the depositories adequately covers the cash deposits on hand.

Motion by Goltz, seconded by Woods, to approve the Designation of Depositories and Pledges of Assets as presented. Motion carried with a roll call vote of 7-0.

2023 Taxicab License – A taxicab license application was submitted by Caroline Wangui to operate A & B Taxi. **Motion by Bohn, seconded by McNary, to approve the 2023 Taxicab License for A & B Taxi contingent upon satisfaction of all licensing requirements. Motion carried with all voting ‘aye’.**

Westdale 3 Bank of ND Loan Agreement Financing Res. 3849 – Huwe said the Council approved a development agreement with H & S Investments for the development of Westdale 3rd Addition on March 11, 2022. The Engineering Project Manager Rogahn submitted an application which was approved for funding from the BND Infrastructure Loan Program for up to \$1,503,655 to finance the project. She requested a motion to offer Resolution No. 3849 approving the loan agreement and 2% financing.

Council member Goltz offered the following and moved its adoption:

RESOLUTION NO. 3849
\$1,503,655
STREET AND UTILITIES IMPROVEMENT DISTRICT
(Westdale 3rd Addition Assessment District ST21-264)
DEFINITIVE IMPROVEMENT WARRANT, SERIES 2023

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

Rosewood 3rd Addition Development Agreement – request referral to Finance Cmt. – Huwe said the developer has requested consideration from the Council to assign the existing development agreement to a subsequent purchaser. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

Homestead Development Update – request referral to Finance Cmt. – Huwe said the developer working with the Wahpeton Community Development Corporation on Homestead Development has requested consideration from the Council to assign the existing development agreement to a subsequent purchaser. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

68th Legislative Session Information – Huwe reported the Legislative Assembly just finished its second week and has completed seven legislative days. So far, there are 376 House Bills and 262 Senate Bills introduced. There are also six House Concurrent Resolutions and six Senate Concurrent Resolutions introduced so far. The bill limits and deadlines have started. From January 11 to January 16, Representatives can only introduce 5 bills. From January 16 to January 23, Senators can only introduce 3 bills. In other words, by January 23rd all of the bills should be introduced that will be heard during the session. We will continue to monitor relevant legislation and forward concerns to the Council.

COMMUNITY DEVELOPMENT DIRECTOR

Community Development Report –

BND Flex PACE Loan for the Wahpeton Eagles Club \$35,015.24 – DeVries presented a BND Flex PACE interest buydown application from the Wahpeton Aerie No. 2749 Fraternal Order of Eagles at 219 Dakota Avenue, the former Vets building. There are a number of improvements they are looking to make to the building. The principal for the loan is \$305,000. The total interest buydown through the Bank of North Dakota is \$133,989.60, of which the community buydown amount would be \$40,196.86. This would be a 10 year note and payback would be requested starting in 5 years. Discussion held. **Motion by Woods, seconded by Goltz, to approve the BND Flex PACE Interest Buydown Application for Wahpeton Aerie No. 2749 Fraternal Order of Eagles located at 219 Dakota Avenue for the Community Buydown amount of up to \$40,196.86 with repayment to begin in 5 years. Motion carried with a roll call vote of 7-0.**

Win Column – This issue featured information on the Winter Wonderland event taking place in February. He noted the Border Battle games are scheduled this weekend at the Blikre Activity Center.

PUBLIC WORKS DIRECTOR

PW Report –

Emergency Declaration Res. 3848 – Miranowski explained after a recent significant snowfall event in western and central North Dakota the Governor declared an emergency declaration over the entire state and it was felt this emergency declaration resolution should be in place in case State funding becomes available.

Council member McNary offered the following and moved its adoption:

RESOLUTION NO. 3848
EMERGENCY DECLARATION
OF
JANUARY 17, 2023

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

Wastewater Treatment Facility Plan – request referral to PW Cmt. – Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Miranowski then provided an update on operational items that the Public Works Department is currently working on or have completed in the past two weeks.

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report

Bohn said the Finance, Personnel & Economic Development Committee met at 5:00 p.m. on January 9th. **2022 Budget Amendments – motion** to approve \$12,825,400 – **Motion by Bohn, seconded by Goltz, to approve the 2022 Expense Budget Amendments in the amount of \$12,825,400. Motion carried with a roll call vote of 7-0.**

2022 Updated Fiscal Year End Transfers – motion to approve \$920,999.21 – **Motion by Bohn, seconded by McNary, to approve the 2022 fiscal year end transfers in the amount of \$920,999.21. Motion carried with a roll call vote of 7-0.**

Public Works Administrative Assistant Position Description – discussion

Referrals – See Community Development Director Report

Public Works & Public Safety Committee Report

McNary said the Public Works & Public Safety Committee met at 4:00 p.m. on January 9th. **City Hall Fleet Vehicles Replacements – motion** to approve low bids – **Motion by McNary, seconded by Woods, to approve award of the low bids as presented (Smith Motors for a pickup at \$44,616 and Vision Ford for an SUV at \$36,095). Discussion held. Motion carried with a roll call vote of 7-0.**

Ordinance Changes for Design Standards & Engineering Standards – motion to offer first reading of Ord. 1043, 1044, 1045, 1046, 1047, 1048, and 1049 –

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

ORDINANCE NO. 1043
TO REPEAL AND REPLACE SECTION 36-42
MINIMUM STANDARDS FOR STREETS

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

ORDINANCE NO. 1044
TO REPEAL AND REPLACE SECTION 36-69
MINIMUM STANDARDS FOR SIDEWALKS

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

ORDINANCE NO. 1045
TO REPEAL AND REPLACE SECTION 36-162
BOND REQUIRED FOR UTILITY EXCAVATION

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

ORDINANCE NO. 1046
TO REPEAL AND REPLACE SECTION 36-163
DUTY TO RESTORE AND MAINTAIN FOLLOWING UTILITY EXCAVATION

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

ORDINANCE NO. 1047
TO REPEAL AND REPLACE SECTION 38-77
PLAT PREAPPLICATION REQUIREMENTS

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

ORDINANCE NO. 1048
TO REPEAL AND REPLACE SECTION 38-101
PRELIMINARY PLAT REQUIREMENTS

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

ORDINANCE NO. 1049
TO REPEAL AND REPLACE SECTION 44-26
PROPERTY OWNER RESPONSIBLE FOR SERVICE LINE REPAIRS

Engineering Design Standards & Development Standards – motion to approve – Motion by McNary, seconded by Woods, to approve the Engineering Design Standards and Development Standards policy documents contingent upon adoption of the ordinances and publication of enactment of the ordinances. Motion carried with all voting ‘aye’.

Building Official Updates – discussion

Motion by McNary, seconded by Bohn, to approve adoption of the 2023 State Building Code. Discussion held. Motion carried with all voting ‘aye.’

Referrals – see Public Works Director Report

COMMUNICATIONS FROM THE MAYOR & COUNCIL

McNary commended the Wahpeton Police Department for their handling of the event the previous evening.

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Committee January 23rd, 5:00 PM
- b. Public Works Committee January 23rd, 4:00 PM
- c. Council Retreat February 4th, 8:00 AM

ADJOURNMENT

Motion by Woods, seconded by Goltz, to adjourn at 6:14 p.m. Motion carried.

Mayor Brett Lambrecht

Lynelle Amos, Finance Assistant