

# Wahpeton City Council

November 20, 2023

5:00 p.m.

**Present:** Mayor Brett Lambrecht, Council Members Shannon Schillinger, Chad Perdue, Jason Goltz, Tiana Bohn, Kelly McNary, Renata Fobb (remotely), and Cory Unruh

**Absent:** David Woods II

**Also Present:** Finance Director Darcie Huwe, Assistant City Attorney Will Budke, Public Works Director Dennis Miranowski, City Assessor Carla Broadland, Community Development Director Chris DeVries, Library Director Melissa Bakken, Police Chief Matthew Anderson, Deputy Police Chief Tim Appell, Finance Assistant Lynelle Amos, and Auditor's Assistant Cheryl O'Meara

## **CALL TO ORDER – PLEDGE OF ALLEGIANCE**

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

## **PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.**

**Renaissance Zone Development Plan Amendment and Extension – Res. 3880** – City Auditor's Assistant Cheryl O'Meara presented proposed changes to the City's current Renaissance Zone Program and an extension for an additional 10 years. She noted that over the past 20 years 61 Renaissance Zone projects have been completed or are in the process. They include new construction, rehabilitation, and lease projects. During this time \$468,650 has been exempted and property values have increased by \$11 million by these RZ projects. Changes to the RZ map/boundaries were then reviewed. Blocks 38, 39, and south half of 40 are proposed to be added and Block 16 is proposed to be removed. Another proposed change is to the length of the exemption. Currently rehab projects receive a 5-year income tax exemption and 5-year property tax exemption on the value created by the project. To be an approved rehab project, applicants need to invest at least 50% of the current property valuation. With legislative changes this year there is an option to add a second tier where rehab projects can receive an 8-year exemption with 75% of the current value invested in improvements to the property. It was noted letters of support have been received from Richland County and the Wahpeton School District in extending the Renaissance Zone Program another 10 years. DeVillers reconvened the Planning Commission at 5:06 pm, and asked for the commission's recommendation. **Motion by Hickel, seconded by Dockter, to approve the addition of Blocks 38, 39, and south half of Block 40, and the removal of Block 16 in the Renaissance Zone, to extend the City's current Renaissance Zone Program for an additional 10 years, and to add an 8-year exemption option on a 75% investment on rehabilitation renaissance zone projects. Motion carried with all voting 'aye'.**

Council member Bohn offered the following and moved its adoption:

### **RESOLUTION NO. 3880** **RESOLUTION APPROVING AMENDMENT TO THE RENAISSANCE ZONE DEVELOPMENT PLAN AND RENAISSANCE ZONE DISTRICT**

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

**Motion by Sedler, seconded by Dockter, to adjourn the Planning Commission meeting at 5:08 pm. Motion carried with all voting 'aye'.**

**Canvassing Board – November 7<sup>th</sup> Special City Election Ord. 1052** – Lambrecht said the North Dakota Century Code 40-21-16 explains the canvassing board for any city election NOT held in conjunction with a county election shall include a city canvassing board to include the city auditor, city attorney, mayor and two members of the council or appointed replacements for a total of five members. In accordance with the Wahpeton Home Rule Charter the City Council shall be the final judge of the election.

Special Election Results November 7, 2023 - Extension of the 2% Local sales Tax: Ward 1: 79 yes, 10 no, 89 total votes cast; Ward 2: 90 yes, 20 no, 110 total votes cast; Ward 3: 107 yes, 14 no, 121 total votes cast; Ward 4: 156 yes, 17 no, 173 total votes cast. Total All Wards: 432 yes (88%) and 61 no (12%). Lambrecht said he, the auditor, and assistant attorney, have observed the verification of the ballot counts by the election board at the conclusion of the special election and hereby certify the results and recommend second reading and adoption of Ordinance No. 1052 to extend the 2% local sales tax.

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

**ORDINANCE NO. 1052**  
**AN ORDINANCE ENACTING A SALES, USE & GROSS RECEIPTS TAX PURSUANT  
TO THE HOME RULE CHARTER OF THE CITY OF WAHPETON**

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

**CONSENT AGENDA ITEMS (presented by the Mayor) –**

**Approval of minutes of regular meeting held November 6, 2023**

**Games of Chance Licenses, Site Authorizations & Special Permits:**

**Other Games of Chance and/or Special Permits:**

St. John's Church – Raffle Permit

**Presentation/Approval of Reports**

October 2023 Bill Pay Report \$1,627,463.48 (see below)

October 2023 Financial Statements

Child Care is a Workforce Strategy that Works – NDLC Webinar

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

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR –**

**Special Election Nov. 7<sup>th</sup>, 2023** – Huwe said Wahpeton voters approved the continuation of the 2% local sales tax on November 7<sup>th</sup>. Ordinance No. 1052 adopts ordinance language consistent with the Streamline Sales Tax Governing Board that includes 23 states committed to simplifying and modernizing sales and use tax administration to reduce the burden of tax compliance for sellers. The ordinance removes the two mandatory sunset dates, the transaction limit of \$50 of local tax applicable per sale, and a 3% compensation credit with a max of \$37.50 per month for return filers. The sales tax may be modified by subsequent ballot measures.

There have been 6 ballot questions presented to Wahpeton voters to increase or extend the local sales tax. Four of the special elections had 975 or more voters, and 2 of the elections had less than 500 voters. Five of the six ballot questions were approved by voters, with the question to increase the tax from 2% to 2 ¾% opposed by voters in November 2021.

Sales tax revenue is dedicated to four eligible uses: flood mitigation, infrastructure, economic development, and recreation. The current 2% tax is budgeted to generate \$2,800,000 representing 20% of all city revenues in the 2024 budget and is an integral part of the capital improvements plan including the city council goal to lessen the dependency on property taxes.

**Tobacco License – Dollar General Store** – Huwe said Dollar General has opened at 824 Dakota Avenue. They are in possession of a ND Tobacco Retail License and have requested approval of a city issued license to sell tobacco. She requested a motion to approve the 2023 and 2024 tobacco licenses for Dollar General Store No. 30109. **Motion by Bohn, seconded by McNary, to approve the 2023 and 2024 Tobacco Licenses for Dollar General Store No. 30109. Motion carried with all voting 'aye'.**

**Clerk of Court Position Description – request referral to Finance Cmt.** – Huwe said Municipal Clerk of Court Diane Poppen has worked for the City since October 2013 and has provided notice of her intent to retire at the end of the year. Huwe requested the Finance Committee review the position description as the process of hiring a new clerk begins. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

**City Hall Closed on Thursday, November 23<sup>rd</sup> and Friday, November 24<sup>th</sup>** – Huwe said employees will be required to use vacation for Friday the 24<sup>th</sup> if they choose not to work that day.

### **COMMUNITY DEVELOPMENT DIRECTOR**

**Community Development Report – Mini-Match Grant Program Recapitalization** – DeVries explained the Mini-Match+ Grant Program allows for an up to \$15,000 matching grant for new signage, exterior improvements, and demolition/clean-up of business properties. The current balance of the program fund is \$15,000. One application has been received with two or more businesses expressing interest in the program. DeVries requested \$100,000 from sales tax for economic development be allocated to the program. **Motion by McNary, seconded by Unruh, to approve allocating \$100,000 from Sales Tax for Economic Development for the recapitalization of the Mini-Match+ Grant Program. Motion carried with a roll call vote of 7-0.**

DeVries then gave a reminder of the Tree Lighting event tomorrow night at Heritage Square. There will be food and prizes given away at the event. All were encouraged to attend. Holiday Lane will also be opening that evening.

### **LIBRARY DIRECTOR**

**Library Report** – Bakken reported the library still has ‘Take & Make’ kits available for children and adults. Story time will be held this week. The library is accepting donations for the 7<sup>th</sup> Annual Sock Tree, themed “Lets Undie the Sock Tree”. New socks and ‘new with tags’ or unopened packages of underwear of all sizes and genders can be donated to benefit the Three Rivers Crisis Center. Donations will be accepted November 27 through December 31. The Library Board will meet November 30<sup>th</sup>. The library will be closed Thursday and Friday for the Thanksgiving holiday with regular hours to resume on Saturday.

### **POLICE CHIEF**

**Police Dept. Report** – Anderson reported the police department was notified by the federal government that it was denied the body camera grant but will resubmit an application after the first of the year.

**Back the Blue Grant Award – request referral to Finance Cmt.** – Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

### **PUBLIC WORKS DIRECTOR**

#### **Public Works Report** –

Miranowski requested referral to Public Works Committee **of the Annual NDDOT Urban Roads Maintenance Agreement**. Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

**Asset Management Software – refer to PW Cmt.** – Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Miranowski reported on the Public Works/Street Department tasks/activities in the past few weeks that have been completed or that are being worked on.

Bohn requested referral to Public Works Committee **of the Annual Review of the Snow Removal Policy**. Perdue also had received some concerns regarding winter parking on the boulevards. Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

## **COMMUNICATIONS FROM THE MAYOR & COUNCIL**

**Extra Mile Proclamation** – Perdue read a proclamation recognizing “Small Business Saturday” November 25, 2023, urging residents of our community to support small businesses.

McNary announced he would be conducting a winter baseball camp for any interested youth ages 8 to 18.

## **REPORTS FROM THE CITY COUNCIL COMMITTEES**

### **Public Works & Public Safety Committee Report**

McNary said the Public Works & Public Safety Committee met on November 13 at 4:00 p.m.

**Downtown Side Streets Ph I Contract Change Order #3 ST20-255 Ti-Zak Concrete Inc – motion to approve \$17,532.64 – Motion by McNary, seconded by Goltz, to approve Contract Change Order #3 for \$17,532.64 with Ti-Zack Concrete Inc. on the Downtown Side Streets Phase I Project ST20-255. Motion carried with a roll call vote of 7-0.**

**8<sup>th</sup> Avenue North Reconstruction Project Contract Change Order #4 ST19-248 Sellin Brothers Inc – motion to approve \$18,117.06 – Motion by McNary, seconded by Unruh, to approve Contract Change Order #4 for \$18,117.06 with Sellin Brothers Inc. on the 8<sup>th</sup> Avenue North Reconstruction Project ST19-248. Motion carried with a roll call vote of 7-0.**

**8<sup>th</sup> Avenue North Reconstruction Project Contract Change Order #5 ST19-248 Sellin Brothers Inc – motion to approve contract completion date extension of 10 days – Motion by McNary, seconded by Schillinger, to approve Contract Change Order #5 for a 10-calendar day extension for Sellin Brothers Inc. on the 8<sup>th</sup> Avenue North Reconstruction Project ST19-248. Motion carried with all voting ‘aye’.**

**2024 Mastic Melter Agreement Midstates Equip. & Supply – motion to approve agreement at \$7,495 per month – Motion by McNary, seconded by Perdue, to approve the 2024 one-month contract with Midstates Equipment & Supply for rental of a Cimline 230 Melter at a cost of \$7,495 per month. Discussion held. Motion carried with a roll call vote of 7-0.**

**Heritage Square Christmas Tree – discussion**

**Golf Course Pedestrian Bridge Inspection – discussion**

**Traffic Control Box Artwork/Policy for Art in Public Spaces - discussion**

**Building Official Updates**

**Referrals**

### **Finance, Personnel & Economic Development Committee Report**

Bohn said Finance, Personal & Economic Development met on November 13 at 5:00 p.m.

**Wahpeton Fire Dept. Insurance Commissioner Disbursement Request – motion to approve disbursement of \$88,000 – Motion by Bohn, seconded by Unruh, to approve disbursement of \$88,000 of the 2023 Fire Department Insurance Premium into the Fire Department Retirement/Reserve Fund with the remainder of the balance going to the Fire Department Equipment Levy Fund. Motion carried with a roll call vote of 7-0.**

**Golf Club House Restroom Renovation Project and Furnace – motion to approve up to \$18,500 from Sales Tax for Recreation – Motion by Bohn, seconded by Unruh, to approve up to \$18,500 for the Bois de Sioux Golf Club House Restroom Renovation Project from Sales Tax for Recreation. Motion carried with a roll call vote of 7-0.**

**Position Description Updates – motion to approve – Motion by Bohn, seconded by Schillinger, to approve the Position Description Updates as presented contingent on final review. Motion carried with all voting ‘aye’.**

**Referrals**

October 2023 Bill Pay Report

<b>DISBURSEMENTS FUND</b>	<b>ACCOUNTS PAYABLE</b>	<b>PAYROLL &amp; GL</b>	<b>TOTAL</b>
101 GENERAL FUND	\$320,322.25	\$37,380.30	\$357,702.55
201 WATER OPERATING FUND	\$55,789.60	\$54,047.69	\$109,837.29
202 SANITARY SEWER OPERATING FUND	\$34,948.86	\$35,861.08	\$70,809.94
203 WASTE REMOVAL OPERATING FUND	\$33,942.50	\$2,251.17	\$36,193.67
204 WASTE REDUCTION FUND	\$1,248.75		\$1,248.75
205 VECTOR CONTROL FUND	\$63.92	\$1,554.28	\$1,618.20
206 STREET LIGHTING	\$13,711.66		\$13,711.66
207 STORM WATER UTILITY	\$155.28		\$155.28
209 LIBRARY LEVY FUND	\$24,544.78	\$16,964.41	\$41,509.19
216 AIRPORT 4-MILL LEVY FUND		\$1,076.50	\$1,076.50
226 EMPLOYEE SAFETY COMMITTEE	\$139.88		\$139.88
229 CAPITAL IMPROVEMENTS FUND	\$59,497.22		\$59,497.22
233 REAL ESTATE LEVY FUND	\$340.00		\$340.00
234 SPECIAL STREET MAINT FUND	\$2,007.18		\$2,007.18
236 LEVEE MAINTENANCE	\$1,796.63	\$10,532.26	\$12,328.89
253 METER DEPOSITS TRUST FUND	\$315.16		\$315.16
271 ECONOMIC DEVEL DEPT FUND	\$2,433.17	\$13,189.10	\$15,622.27
303 MISCELLANEOUS FUND	\$60.54		\$60.54
315 TAX INCREMENT FUND	\$1,250.00		\$1,250.00
316 1% LODGING TAX (ADDTL 1/1/08)	\$450.00		\$450.00
318 WEED MAINT LEVY FUND	\$1,500.00		\$1,500.00
319 LODGING TAX FUND	\$538.74		\$538.74
320 SALES TAX OPERATING FUND	\$28,071.17		\$28,071.17
321 SALES TAX RESERVE FUND	\$10,000.00		\$10,000.00
324 SALES TAX MINI MATCH RSRV FUND	\$15,000.00		\$15,000.00
325 SALES TAX H.E.L.P. HOUSING FUND	\$50.00		50.00
326 REVOLVING LOAN FUND	\$416.67		\$416.67
329 BULL RIDING EVENT	\$2,921.94		\$2,921.94
331 FALL FESTIVAL	\$1,692.73		\$1,692.73
365 PD SPEC EQUIP SINKING FUND	\$580.10		\$580.10
393 1% RESTAURANT TAX FUND	\$1,626.45		\$1,626.45
401 BDSGC CART SUBLEASE	\$2,203.00		\$2,203.00
457 R/I #11111 SERIES 2011B	\$6,190.00		\$6,190.00
459 R/I #11314 SERIES 2014	\$8,590.00		\$8,590.00
461 R/I #11516 SERIES 2016	\$5,567.50		\$5,567.50
462 R/I #11617 SERIES 2017	\$29,070.00		\$29,070.00
467 R/I# 12118 SERIES 2018E	\$1,509.20		\$1,509.20
473 R/I# 12722 SERIES 2022	\$99,947.50		\$99,947.50
659 RIVER POINTE ACRES	\$225.00		\$225.00
666 E.SIDE SANITARY PART B PH II	\$26,090.21		\$26,090.21
673 LOY AVE & 12TH ST PROJ ST19-249	\$23,874.10		\$23,874.10
676 DOWNTOWN S. STREETS ST20-255	\$1,861.30		\$1,861.30
681 HOMESTEAD DEVELOPMENT ST21-263	\$740.00		\$740.00
684 WESTDALE 3 ADDITION ST21-264	\$18,235.50		\$18,235.50
686 DOWNTOWN S STREETS2 ST21-259	\$543.50		\$543.50
688 ROSEWOOD 3RD ADDTN ST22-269	\$614,484.70		\$614,484.70
689 PRAIRIE FLATS TWINHOMES	\$60.00		\$60.00
<b>TOTAL</b>	<b>\$1,454,606.69</b>	<b>\$172,856.79</b>	<b>\$1,627,463.48</b>

**SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Public Works Committee November 27<sup>th</sup> 4:00 p.m.
- b. Finance Committee November 27<sup>th</sup> 5:00 p.m.

**Motion by Goltz, seconded by Schillinger, to adjourn at 5:47 p.m. Motion carried.**

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Mayor Brett Lambrecht

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Lynelle Amos, Finance Assistant