

**Wahpeton City Council
November 21, 2011**

Present: Bertsch, Hansey, Hartman, Mitskog, Sturdevant, DeVries, Dale, Bajumpaa, and Bohn

Absent: None

Also Present: Huwe, Kummer, Nelson, Thorsteinson, Broadland, Priebe, Amos, and Gutzmer

Meeting called to order by Mayor Sturdevant.

PUBLIC HEARINGS/ETC.

Partial Street Vacation Hearing (Part of 3rd Ave. N. 2nd St to 3rd St.) – Rescheduled to January 3, 2012

CONSENT AGENDA ITEMS (presented by the Mayor) Mayor Sturdevant asked if there were any items to be removed from the consent agenda and there were none.

Approval of minutes of regular meeting held November 7, 2011

Games of Chance Licenses, Site Authorizations & Special Permits

Wahpeton Buffalo Club – Game of Chance permit

Zonta Club – Game of Chance permit

Trista Martin Benefit Fund – Game of Chance permit

St. Francis Healthcare & Wellness Foundation – Game of Chance permit

Other Games of Chance and/or special permits

Presentation/Approval of Reports

October 2011 Bill Pay Report (\$919,155.88 – see below)

October 2011 Financials

Dilapidated Properties Report

Bois de Sioux Watershed District Board Meeting Minutes 9-15-11

Motion by Hartman, second by Mitskog, to approve the Consent Agenda items as presented.

Motion Carried.

ITEMS REQUESTED MOVED FROM THE CONSENT AGENDA None.

REPORTS

FINANCE DIRECTOR/AUDITOR

Request approval of addendum to Memorandum of Understanding with Bois de Sioux Golf Club 6/20/2011 (disbursements of MN Golf Course Land Real Estate Easement proceeds) Huwe

introduced Fred Strege who provided an overview of what has been negotiated with Aurora Bank. Strege said the Bois de Sioux Golf Club had 3 bank loans that were taken out in disaster format after the '97 flood. All 3 loans were with the SBA, 2 of which were sold to various banks ending up with Aurora Bank. The Golf Club has been making monthly payments on these loans since '97, and have recently begun negotiations for a reduced payoff. An amicable solution/settlement has been reached and authority given from Aurora Banks representative to present a proposal to pay a 75% lump sum payment of principal and interest in full satisfaction of the 2 loans remaining (the SBA loan was recently paid in full). Strege said in checking with Huwe, money is available through the easement proceeds from Breckenridge. He said an exact payment amount has not yet been communicated. Huwe then explained that there is a Memorandum of Understanding between the City and Bois de

Sioux Golf Club that needs an addendum in order to execute this transaction. She said Attorney Lies has prepared a draft addendum. Approval is being requested tonight of an up-to amount of \$249,000 until the actual amount is obtained. **Motion by Mitskog, second by Bohn, to approve an addendum to Memorandum of Understanding with Bois de Sioux Golf Club 6/20/11 (disbursement of MN Golf Course Land Real Estate Easement proceeds) for an amount of up to \$249,000 from the easement proceeds for repayment of 2 loans with Aurora Bank.** Discussion held. **Roll call vote 8-0. Motion Carried.**

Special Legislative Session Update Huwe gave a brief recap of the ND Special Legislative Session held the first week in November. She said the 4 main topics addressed were flood relief package, Legislative redistricting, State-run health care exchange, and the UND logo. Huwe said she will continue to provide information as it is received.

Ward Boundaries Review – request referral to Finance Cmt. Mayor Sturdevant will refer this item to Finance & Personnel Committee.

City License Renewals Huwe said this time of year any city licenses are due for renewal and the first Council meeting in December the 2012 license applications, including liquor licenses, cabaret licenses, waste haulers licenses, and recycling licenses, will be reviewed.

City Hall Closed for Thanksgiving Nov. 24th-25th

Huwe said she had one item to be addressed that is not on the agenda and asked for suspension of the rules. **Motion by Hansey, second by Bertsch, to suspend the rules. Motion Carried.** Huwe said she received a request from Wayne Beyer, the Wahpeton Parks & Recreation Director, to have the Public Works Committee review the Airport Park Joint Powers Agreement. She said the City Attorney had prepared a draft document but it is slightly dated. Because of grant funding, the Parks need to have that joint powers agreement reviewed and adopted in the near future. Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Report Priebe announced that holiday decorations are starting to go up along Dakota Avenue. She said the large banner poles at the east end of Dakota Avenue would also allow for a street banner for special events and is currently being researched. Priebe then shared pictures of the Volunteer Park and a current local construction project.

Priebe reported on the recent visit from the Department of Commerce, which included Bonnie Malo, Laura Willard, and John Mittleider, along with Tracey Anderson, Mike Gallagher, and Steve Fischer. Tours were conducted at Giants Snacks and Heartland Precision. The group then held a luncheon meeting with the Mayor, President of the Council, and President of the CDC to share their thoughts, and were extremely pleased with the projects and expansions they witnessed. Commerce conducts these outreach visits annually to see first-hand how CDBG, Development Loan Fund loans, and local and regional monies are used and leveraged to enhance a community's economic vitality. The state group then proceeded to Hankinson to tour projects there.

Request approval of Agreement with ND State Water Commission for Water Reuse Feasibility Study Project Priebe said a letter was received from the ND State Water Commission for the Water Reuse Feasibility Study Project confirming the commission's \$2500 share in the study. She said in order to receive the funds, the contract needs to be signed by the Mayor, the project needs to be completed, and then a request made for reimbursement. Committed parties are: EDC - \$3500; RCJDA

- \$3500; Minn-Dak - \$3500; Cargill - \$3000; WCDC - \$4000; and State Water - \$2500. **Motion by Mitskog, second by Bohn, to authorize approval of signing the Agreement with ND State Water Commission for Water Reuse Feasibility Study Project. Motion Carried.**

Economic Development Loans Receivable Aging Report – request referral to Finance Cmt.

Mayor Sturdevant will refer this item to Finance & Personnel Committee.

Priebe noted that the Joint meeting of the EDC/CDC has been rescheduled from December 14, 2011 to January 4, 2012.

PUBLIC WORKS DIRECTOR NELSON

Agreement for Repairs, Replacement, Operation & Maintenance of Water and Sewer Mains on NDSCS Campus – request referral to PW Cmt. Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Amendment No. 1 to Agreement for Engineering Services with Interstate Engineering, Inc. for 6th St S Shared Use Path, TEU-8-999(030)027, Project No. SW12-185 – request referral to PW Cmt. Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Nelson requested referral to PW Cmt. for the **Project Concept Report for the 6th Street South Shared Use Path.** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Nelson requested referral to PW Cmt. for the **Dakota Avenue sidewalk snow removal policy and practices and funding source for this year.** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Nelson requested referral to PW Cmt. for the **Lease fees for antennae space on Water Towers.** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Nelson requested referral to PW Cmt. for **Bids for Lift Station #3 electrical equipment and controls replacement Project SS11-188.** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Nelson requested referral to PW Cmt. for an **Agreement for engineering services with Interstate Engineering for 11th Street North Reconstruction, Avenue B to 16th Avenue, Project No. ST12-187.** Mayor Sturdevant will refer this item to Public Works & Public Safety Committee.

Related to this item, Nelson then briefly presented the Assessment District Boundary discussed at a recent PW Committee meeting that relates to another agenda item on the resolution of necessity and direction of the engineer's report. He shared a picture of the area which showed the district boundaries running on 11th Street beginning at Avenue B continuing to 16th Avenue North. He said the project consists of about 2600 ft. of street reconstruction where the existing rural section will have curb and gutter placed, the grade will be lowered, and extensive drainage improvement made. The storm sewer constructed on 16th Avenue North that currently terminates at the intersection of 16th Avenue and 11th Street will be extended south on 11th Street and provide improved storm sewer and drainage service in the area around Loy Avenue and Concord Court as well as the north side of the hockey arena. Nelson said there is a potential for removing a significant amount of storm water from the existing system where it currently discharges to Drain #1 in the Hwy 210 and 16th Ave area and as a result are proposing an assessment district that could include properties between 11th Street and Hwy 210 if those properties receive benefit from the storm sewer improvement. The project also includes about 2600 lineal ft. of sanitary sewer replacement, a small amount of water mains reconstruction, and sidewalk.

The current estimate of the project is about \$2 million, with about 60% funded through the Urban Roads Fund (State & Federal funding made available for the project), about 10% from the ½ sales tax for infrastructure, approximately 10% from the County, and the remaining 20% assessed. Public input meetings will be held for the project specific features as well as for the funding proposal.

Nelson then reported on the sewer main break yesterday (Sunday). He said a 21" forced main that connects Lift Station #1 to the waste water treatment lagoon pipe broke on 9th St N. It was reported about 7:20 am and crews were at work until about 6 pm making repairs. Nelson said it had been requested that residents reduce their use of the sanitary sewer and good cooperation from the public was received. The cause was then discussed, which Nelson said preliminary investigations indicate there may have been some problems with the installation of that particular piece of pipe.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Appointment of Task Force on Housing Reinvestment & Development Mayor Sturdevant said the goal of this Task Force is to evaluate potential areas of residential development, with the following objectives: Identify target markets; Evaluate feasibility of alternatives; Identify stakeholders; and Set implementation timeline/phasing. He listed the following as Appointees: Alisa Mitskog (Chair Person) – Wahpeton City Council & EDC President, Barbara Bang – Former Housing Study Ad-Hoc Cmt. member & NDSCS Representative, Steve Dale – Wahpeton City Council & Contractor, Steve Diederick – Wahpeton CDC & Realtor, Donna Keogh – Wahpeton Planning Commission & Realtor, Guy Miller – Former Housing Study Ad-Hoc Cmt. member & Realtor, and Becky Snyder – Former Housing Study Ad-Hoc Cmt. member & Real Estate Lender; with Ex Officios: Jim Sturdevant - Mayor, Jane Priebe – Economic Development Director, Darcie Huwe – Finance Director, and Randy Nelson – Public Works Director. **Motion by Hansey, second by Bajumpaa, to approve the appointment of Task Force on Housing Reinvestment & Development as recommended: Appointees – Alisa Mitskog (Chair Person), Barbara Bang, Steve Dale, Steve Diederick, Donna Keogh, Guy Miller, and Becky Snyder; and Ex Officios – Jim Sturdevant, Jane Priebe, Darcie Huwe, and Randy Nelson.** Mayor Sturdevant said the first meeting of the Task Force has been scheduled for November 30th at Noon at City Hall. **Motion Carried.**

Hansey said a letter had been received from Charles Sheely of the Juvenile Court Service regarding the vandalism at Chahinkapa Park and a number of local residences, and wanted to commend and recognize Officer Mehl and the other police officers involved in conducting the investigation and apprehension of those individuals.

REPORTS FROM THE CITY COUNCIL COMMITTEES

Finance, Personnel & Economic Development Committee Report

Bohn said the Finance Committee met at noon on November 14th.

Application for Payment in Lieu of Taxes for St. Catherine's Assisted Living Project – motion to set the public hearing for the PILOT application for 5:00 p.m. Dec. 19, 2011 *MOTION PENDING PER REQUEST OF APPLICANT*

Employee Assistance Program Contract Renewal – motion to recommend approval of 2012-2013 2-yr. contract at \$1,300 annually – Motion by Bohn, second by Bajumpaa, to approve the renewal of a 2-year contract for the Employee Assistance Program through APS Healthcare at the cost of \$1,300/year. Roll call vote 8-0. Motion Carried.

Consolidated Fee Schedule Resolution – discussion

Funding Dakota Ave. Care & Mtc. – referral from EDC ongoing discussion

Funding Wahpeton Community Center Improvements from Sales Tax for Rec Set-Aside – referral from EDC ongoing discussion

Public Works Public Safety Committee Report

DeVries said the Publics Works Public Safety Committee met at noon on November 15th.

Dilapidated Properties Report - discussion

Award of Bid for Fire Chief’s Vehicle – motion to recommend approval of the bid submitted by Smith Motors with additional equipment totaling \$21,558 – **Motion by Hansey, second by Hartman, to approve the purchase of the Fire Chief’s vehicle from Smith Motors for a total cost of \$21,558.** Discussion held. **Roll call vote 8-0. Motion Carried.**

Change Order No. 1 for Dakota Ave. Landscape Enhancement TEU-8-013(048)390, Proj. No. ST11-173 with Hoffman & McNamara Co in the amount of \$1,475.06 – motion to recommend approval – **Motion by Hansey, second by DeVries, to approve Change Order No. 1 for Dakota Avenue Landscape Enhancement, TEU 8-013(048)390, Project No. ST11-173 with Hoffman & McNamara Co. in amount of \$1,475.06. Roll call vote 8-0. Motion Carried.**

Formation of Street Improvement District 12-01-06 11th St. N. Reconstruction from Ave. B to 16th Ave. N. – motion to recommend offering **Resolution No. 3460** to Create the Special Assessment District

Council member Hansey offered the following and moved its adoption:

RESOLUTION NO. 3460
RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT 12-01-06
(11th Street North – Reconstruction)
(Avenue B to 16th Avenue North)
(Project No. ST12-187)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Hartman. Roll call vote 8-0. Motion Carried.

Street Improvement District 12-01-06 11th St. N. – motion to recommend offering **Resolution No. 3461** to Direct Preparation of Engineer’s Report & Cost Estimate

Council member Hansey offered the following and moved its adoption:

RESOLUTION NO. 3461
RESOLUTION DIRECTING PREPARATION OF ENGINEER’S REPORT
FOR THE IMPROVEMENT IN STREET IMPROVEMENT DISTRICT 12-01-06
(11th Street North – Reconstruction)
(Avenue B to 16th Avenue North)
(Project No. ST12-187)

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Dale. Roll call vote 8-0. Motion Carried.

Whistle-Free Quiet Zone for at-grade rail crossings – discussion

Revision of Policy for Design & Placement of Residential Driveways – discussion

Proposed Amendment to City Ordinance Ch. 38, Subdivision Regulations for Minor Replats – second reading of Ord. No. 940 pending

DISBURSEMENTS FUND	ACCOUNTS PAYABLE	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$204,450.35	\$33,423.77	\$237,874.12
201 WATER OPERATING FUND	\$55,268.76	\$31,174.22	\$86,442.98
202 SANITARY SEWER OPERATING FUND	\$16,691.96	\$19,137.25	\$35,829.21
203 WASTE REMOVAL OPERATING FUND	\$19,204.26	\$720.58	\$19,924.84
205 VECTOR CONTROL FUND	\$6.99	\$1,236.20	\$1,243.19
206 STREET LIGHTING	\$7,904.40		\$7,904.40
209 LIBRARY LEVY FUND	\$4,642.91	\$11,813.83	\$16,456.74
213 ADVERTISING LEVY FUND	\$1,888.26		\$1,888.26
216 AIRPORT 4-MILL LEVY FUND		\$449.96	\$449.96
217 PLANN COMMISSION LEVY FUND	\$300.00	\$958.90	\$1,258.90
227 ANNUAL RESERVE WH FUND		-\$2,218.44	-\$2,218.44
229 CAPITAL IMPROVEMENTS FUND	\$2,992.59		\$2,992.59
231 FD BLDG & EQUIP LEVY FUND	\$26,081.03		\$26,081.03
233 REAL ESTATE LEVY FUND	\$4,029.84		\$4,029.84
236 LEVEE MAINTENANCE	\$256.47	\$5,424.27	\$5,680.74
253 METER DEPOSITS TRUST FUND	\$225.92		\$225.92
271 ECONOMIC DEVEL DEPT FUND	\$5,940.53	\$10,286.00	\$16,226.53
303 MISCELLANEOUS FUND	\$742.02		\$742.02
318 WEED MAINT LEVY FUND	\$870.00		\$870.00
319 LODGING TAX FUND	\$26.00		\$26.00
320 SALES TAX OPERATING FUND	\$181,684.08		\$181,684.08
321 SALES TAX RESERVE FUND	\$10,000.00		\$10,000.00
325 SALES TAX H.E.L.P. HOUSING FUND	\$175.00		\$175.00
326 REVOLVING LOAN FUND	\$40,990.02		\$40,990.02
361 GASOLINE,OIL,ETC	\$17,533.60	-\$4,618.56	\$12,915.04
364 WATER RESCUE TEAM	\$750.00		\$750.00
395 CERT	\$921.00		\$921.00
450 R/I 10405 (FLOOD PHI)	\$26,445.50		\$26,445.50
451 R/I #10506 (2-2-03 + 1-1-04)	\$13,435.00		\$13,435.00
452 R/I#10607 (FLOOD MIT. 11/07)	\$30,093.88		\$30,093.88
453 R/I #10708 WESTSIDE TIF	\$33,170.50		\$33,170.50
454 R/I #10809 REFI 5 ISSUES	\$27,522.00		\$27,522.00
455 R/I #10910 SERIES 2010	\$69,263.87		\$69,263.87
456 R/I #11011 SERIES 2011	\$5,691.83		\$5,691.83
574 5-2-97 (FLOOD PHASE II)	\$977.80		\$977.80
605 8-1-06 DAKOTA AVE	\$200.79		\$200.79
608 08-02-03 SSIDE STORM SEWER	\$307.05		\$307.05
612 DAKOTA AVE ALLEYS	\$92.00		\$92.00
616 N CENTRAL AREA ST IMP PROJ	\$126.27		\$126.27
629 66TH ST S SHARED USE PATH	\$108.92		\$108.92
630 WESTSIDE NATURAL DRAIN PROJ.	\$356.50		\$356.50
TOTAL	\$811,367.90	\$107,787.98	\$919,155.88

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- Finance Committee November 28th, 12:00 Noon
- PW/PS Committee November 29th, 5:00 P.M.
- Flood Committee December 2nd, 7:00 A.M.

Regarding the meeting schedule, DeVries requested a change in the time for Flood Committee meetings. It was decided that the committee would meet at Noon on December 2nd.

Motion by Mitskog, seconded by Hartman, to adjourn.

Mayor Sturdevant

Lynelle Amos, Finance Assistant