

Wahpeton City Council

October 16, 2023

5:00 p.m.

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

Absent: Tiana Bohn

Also Present: Finance Director Darcie Huwe, City Attorney Brittany Hatting, Engineering Project Manager Kyle Rogahn, 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.

Public Hearing – Certification of Special Assessments 2023 Resolution No. 3878 – Engineering Project Manager Rogahn reviewed the proposed spread of special assessments for the Eastside Sanitary Sewer Phase B Part II Improvement District SS18-243, Loy Avenue & 12th Street North Reconstruction Improvement District ST19-249, and Westdale 3rd Addition Improvement District ST21-264. If approved final assessment letters will be mailed to property owners who will have until October 30th to pay the special assessments in full with no interest, otherwise their first special assessment payment will be due with property taxes in 2024. A Special Assessment Assistance Program is available to assist qualified property owners with assessments. Rogahn then asked for any questions or comments. He then requested approval of the resolution confirming the special assessments as coming forth from the Special Assessment Commission.

Council member Goltz offered the following and moved its adoption:

RESOLUTION NO. 3878
**RESOLUTION CONFIRMING SPECIAL ASSESSMENTS AND DIRECTING
CERTIFICATION AND LEVY FOR
Eastside Sanitary Sewer Phase B Part II
Improvement District SS18-243
\$822,892.01
and
Loy Avenue & 12th Street North Reconstruction
Improvement District ST19-249
\$1,781,081.96
and
Westdale 3rd Addition
Improvement District ST21-264
\$1,431,001.84**

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

Extra Mile Proclamation – Perdue read a proclamation declaring “Extra Mile Day – November 1, 2023”.

CONSENT AGENDA ITEMS (presented by the Mayor) –

Approval of minutes of regular meeting held October 2, 2023

Games of Chance Licenses, Site Authorizations & Special Permits:

Wahpeton VFW Post 4324 – Raffle Permit

Other Games of Chance and/or Special Permits:

Red River Area Sportsmen's Club – Raffle Permit

Presentation/Approval of Reports

September 2023 Bill Pay Report \$1,720,242.55 (see below)

September 2023 Financial Reports

2023 Speakers Series

Main Street ND Summit October 24th-25th

Special Election November 7th

Mayor Lambrecht asked if there were any items to be removed from the consent agenda and there were none.

Motion by Schillinger, seconded by Woods, to approve the Consent Agenda items as presented.

Motion carried with all voting ‘aye’.

Public Hearing – Notice & Order on Substandard Structure at 802 Center St. S. – Mayor Lambrecht called the Public Hearing related to the property located at 802 Center Street South to order which posed the question to the City Council of whether or not the structure in question is a substandard building or structure as defined by Wahpeton Municipal Ordinance 8-411, which was provided. The time was approximately 5:20 p.m. in the Wahpeton City Hall Council Chambers. City Attorney Hatting stated this was the time and place noticed for a public hearing regarding the matter of a substandard structure located at 802 Center Street South. The hearing was recorded, and those present were the Mayor and quorum of City Council as well as other City Staff, including City Zoning and Building Official Todd Johnson. Mr. Fred Johnson was personally present, and Mr. Robert Amos was not present. Hatting explained in this proceeding the Council must act as the judge. The question before this body tonight was whether or not a trailer home which was moved onto the premises at 802 Center Street South is a substandard structure within the meaning of Ordinance 8-411. Hatting admitted and reviewed Exhibits A through M as evidence in this matter. City Building Official Todd Johnson provided his perspective on the structure in question. Fred Johnson then presented testimony on his behalf. Hatting then provided a brief closing argument, clarifying this was not a reflection on Mr. Johnson, just enforcement of the City ordinances. Although she sympathized with Mr. Johnson’s situation, the fact of the matter is the trailer is not allowed by ordinance and it is a hazard, and she felt Mr. Johnson could potentially be worked with to try to find an alternate solution. The property does exist in violation of the City’s zoning ordinances and does not have proper sanitation disposal at this time and it is not capable of being hooked up to City services. The City is requesting an order confirming the Building Officials Order of September 19, 2023 and finding that the home is a nuisance, that all occupants must vacate the premises, and that the home must be removed from the property or otherwise disposed of, and the City requests written findings to that affect. **Motion by Goltz, seconded by Schillinger, to approve sustaining the Building Official’s Order of September 19, 2023 regarding the Substandard Structure located at 802 Center Street South, Wahpeton, ND, and to move forward with abatement of the premises.** Hatting said if approved her office would draft written findings for individual review, and for individual signature of every Council member present. Discussion was then held regarding the timeline for the trailer to be abated. **The motion will include allowing two weeks for vacation, demolition or removal of the trailer home from the premises. Motion carried with all voting ‘aye’.** Hatting said she would draft findings for Council review based on evidence that was presented during the hearing and will circulate to the Council for their signatures, which will then be sent to Mr. Fred Johnson. After it is signed Mr. Fred Johnson will have 30 days to appeal that order to the District Court if he believes appropriate procedures were not followed. This will all be outlined in the order. Hatting thanked Mr. Johnson for his time and encouraged him to contact herself or Building Official Johnson if he had anything further to discuss with the City. The hearing was then concluded at 5:46 p.m.

REPORTS FROM CITY OFFICERS AND STAFF

FINANCE DIRECTOR – Tax Forfeited Property – Huwe said the Richland County Treasurer’s Office has provided notice the property at 719 3rd Avenue North in the City of Wahpeton is three or more years delinquent on property taxes and special assessments payable. The assessed value of the 3,525 sq. foot vacant lot is \$5,300. The minimum sales price established by the Richland County Commission is \$3,500. City Assessor Carla Broadland found the proposed price acceptable. A motion ratifying the certification of minimum sales price for the property subject to tax forfeiture was requested. **Motion by Woods, seconded by McNary, to approve ratifying the Certification of Minimum Sales Price of \$3,500 for the Property subject to Tax Forfeiture at 719 3rd Avenue North.** It was noted this is a vacant lot. **Motion carried with a roll call vote of 7-0.**

Wahpeton Fire Dept. Insurance Commissioner Disbursement Request – request referral to Finance Cmt. – Huwe said the City receives a formulary tax payment from the ND Insurance Department each year based on the gross insurance premium reported in the Wahpeton Volunteer Fire Department District (the City). The 2023 allocation is \$101,626.68. The Fire Department received \$85,513.72 in 2022. The ND Century Code identifies the only eligible uses of the funds are not less than half the proceeds are to be deposited into the Firefighters Relief Association and the remaining funds are to be used to maintain the Fire Department. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

Special Election November 7th, 2023 – Huwe said information about the November 7th special election to continue the current 2% local sales tax is available on the City’s website homepage under public notices. There will be a single polling location here at City Hall. Residents interested in voting absentee can call or visit City Hall.

Request Suspension of the Rules to Discuss a New Agenda Item – Motion by Schillinger, seconded by Goltz, to approve Suspension of the Rules to discuss a new item not on the agenda. Motion carried with all voting ‘aye’.

Petition for the Creation of North Loop Addition Special Assessment District Proj. No. 23-279 - A petition to create a special assessment district encompassing all property in the North Loop Addition Plat was received today from property owners Troy and Darla Thimjon. The development plan for the North Loop area has progressed and may come together quickly in the next few days. Huwe requested a motion to offer Resolution No. 3879 creating the district as requested by the landowner.

Council member McNary offered the following and moved its adoption:

RESOLUTION NO. 3879
RESOLUTION CREATING NORTH LOOP ADDITION
PROJECT NO. ST23-279 WATER, STREETS, STREET LIGHTS,
STORM/SANITARY SEWER IMPROVEMENT 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.

COMMUNITY DEVELOPMENT DIRECTOR

Community Development Report – This issue of the Win Column featured ‘A Fall Full of Fun’ with information on some of the recent fall events in Wahpeton.

LIBRARY DIRECTOR

Library Report – Bakken reported the Friends of the Library had a great Chocolate Chocolate Day and Book Sale. She thanked those who participated in the event. Final numbers are not yet known but she felt the event was very successful. The next two weeks at the library will include normally scheduled programming along with a STEM class and a family movie. The Leach Reads Book Club will meet, three Quilts of Valor will be presented to local veterans, a Library Board meeting will be held, and there will be a Haunted Library event.

POLICE CHIEF

Police Dept. Report – Anderson reported a body camera grant has been applied for but have not yet heard back on it. A signed School Resource Officer contract has been received from the Wahpeton Public Schools and will commence on July 2024 for 3 years. Speed and traffic on the bypass are being monitored.

PUBLIC WORKS DIRECTOR

Public Works Report – Rogahn requested referral to Public Works Committee **of Change Order #3 for 8th Avenue North Reconstruction Project**. Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of Change Order #4 for 8th Avenue North Reconstruction Project**. Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of Tree Removal along the Rosewood Shared Use Path**. Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of the Final Pay Application and Balancing Change Order for the Loy Avenue and 12th Street North Reconstruction Project**. Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of the Final Pay Application and Balancing Change Order for the East Side Sanitary Sewer Phase B Part II Project**. Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of an Update of the Sump Pump Ordinance**. Mayor Lambrecht will refer this item to the Public Works & Public Safety Committee.

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

REPORTS FROM THE CITY COUNCIL COMMITTEES

Public Works & Public Safety Committee Report

McNary said the Public Works & Public Safety Committee met on October 9 at 4:00 p.m.

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

Lead & Copper Rule Progress Update – discussion

Golf Course Irrigation Pump Progress Update - discussion

Building Official Updates - discussion

Referrals

Finance, Personnel & Economic Development Committee Report

Goltz said Finance, Personal & Economic Development met on October 9 at 5:00 p.m.

Westdale 2022 Single Family Housing Project – motion extend 0% construction financing to Dec. 31, 2024 – **Motion by Goltz, seconded by Unruh, to approve an Amendment to the Development Agreement with Burchill Construction, LLC for the Westdale 2022 Single Family Housing Project extending the 0% Construction Financing to December 31, 2024. Motion carried with a roll call vote of 7-0.**

North Loop Development Agreement – motion to approve contingent upon acceptable financial guaranties – **Motion by Goltz, seconded by Schillinger, to approve the North Loop Development Agreement contingent upon receipt of acceptable Financial Guaranties.** Discussion held regarding examples of financial guaranties. **Motion carried with a roll call vote of 7-0.**

Downtown Greenspace – discussion

Bank of ND PACE Interest Loan Buydown Request Farmers Union Oil of Moorhead – motion to approve up to \$85,714.32 – **Motion by Goltz, seconded by Schillinger, to approve the BND Flex PACE Interest Buydown Application for Farmers Union Oil Company of Moorhead, MN dba Petro Serve USA located at 1025 Dakota Avenue for the Community Buydown amount of up to \$85,714.32 with repayment to begin in 10 years. Motion carried with a roll call vote of 7-0.**

Position Description Updates – discussion

Referrals

September 2023 Bill Pay Report

DISBURSEMENTS FUND	ACCOUNTS PAYABLE	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$363,606.85	\$74,587.07	\$438,193.92
201 WATER OPERATING FUND	\$106,408.76	\$52,135.86	\$158,544.62
202 SANITARY SEWER OPERATING FUND	\$53,060.49	\$33,273.91	\$86,334.40
203 WASTE REMOVAL OPERATING FUND	\$33,988.39	\$1,902.83	\$35,891.22
204 WASTE REDUCTION FUND	\$1,768.93		\$1,768.93
205 VECTOR CONTROL FUND	\$1,085.55	\$1,554.28	\$2,639.83
206 STREET LIGHTING	\$15,775.91		\$15,775.91
207 STORM WATER UTILITY	\$42,675.32		\$42,675.32
209 LIBRARY LEVY FUND	\$4,554.70	\$16,641.81	\$21,196.51
216 AIRPORT 4-MILL LEVY FUND	\$1,354.15	\$1,076.50	\$2,430.65
226 EMPLOYEE SAFETY COMMITTEE	\$414.98		\$414.98
229 CAPITAL IMPROVEMENTS FUND	\$6,614.40		\$6,614.40
233 REAL ESTATE LEVY FUND	\$957.70		\$957.70
234 SPECIAL STREET MAINT FUND	\$11,921.77		\$11,921.77
236 LEVEE MAINTENANCE	\$34,391.38	\$11,471.81	\$45,863.19
271 ECONOMIC DEVEL DEPT FUND	\$1,678.71	\$13,189.10	\$14,867.81
303 MISCELLANEOUS FUND	\$17.00		\$17.00
315 TAX INCREMENT FUND	\$1,250.00		\$1,250.00
317 JOB DEVELOPMENT LEVY FUND	\$1,751.47		\$1,751.47
318 WEED MAINT LEVY FUND	\$675.00		\$675.00
319 LODGING TAX FUND	\$124.28		\$124.28
320 SALES TAX OPERATING FUND	\$53,822.10		\$53,822.10
321 SALES TAX RESERVE FUND	\$1,624.98		\$1,624.98
325 SALES TAX H.E.L.P. HOUSING FUND	\$350.00		\$350.00
326 REVOLVING LOAN FUND	\$416.67		\$416.67
329 BULL RIDING EVENT	\$28,318.32		\$28,318.32
365 PD SPEC EQUIP SINKING FUND	\$8,041.59		\$8,041.59
393 1% RESTAURANT TAX FUND	\$8,129.71		\$8,129.71
401 BDSGC CART SUBLEASE	\$6,488.00		\$6,488.00
463 R/I #11716 BND LOAN 2016	\$46,686.65		\$46,686.65
572 SALES TAX FOR FLOOD FUND	\$194,169.57		\$194,169.57
659 RIVER POINTE ACRES	\$260.84		\$260.84
666 E.SIDE SANITARY PART B PH II	\$379,343.28		\$379,343.28
673 LOY AVE & 12TH ST PROJ ST19-249	\$334.80		\$334.80
681 HOMESTEAD DEVELOPMENT ST21-263	\$740.00		\$740.00
686 DOWNTOWN S STREETS2 ST21-259	\$1,020.00		\$1,020.00
688 ROSEWOOD 3RD ADDTN ST22-269	\$88,222.43		\$88,222.43
689 PRAIRIE FLATS TWINHOMES	\$12,364.70		\$12,364.70
TOTAL	\$1,514,409.38	\$205,833.17	\$1,720,242.55

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Public Works Committee October 23rd 4:00 p.m.
- b. Finance Committee October 23rd 5:00 p.m.

Motion by Schillinger, seconded by Goltz, to adjourn at 6:11 p.m. Motion carried.

Mayor Brett Lambrecht

Lynelle Amos, Finance Assistant