

Wahpeton City Council

October 19, 2015

5:00 p.m.

Present: Schmidt, Lambrecht, Bertsch, Mitskog, Hansey, DeVries, Dale, Bajumpaa, and Wateland (via skype)

Absent: None

Also Present: Huwe, Lies, Miranowski, Thorsteinson, Broadland, Priebe, Guck, Amos, and Cain

Meeting called to order by Mayor Hansey.

PUBLIC HEARINGS/ETC.

Extra Mile Proclamation – Bertsch read a proclamation by Mayor Hansey declaring “Extra Mile Day – November 1, 2015”. Individuals in the community are urged to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Life Saver Awards – Police Chief Thorsteinson said he was pleased to be here today to present several awards to members of his staff as well as to one of the Communications staff. He read a letter sent by the ND Peace Officers Association in relation to an incident that occurred April 13, 2015. He said at approximately 1837 hours on that date Office Brittany Marohl and Sergeant Matthew Anderson responded to Chahinkapa Park in regard to a report of a 34 year old female who had collapsed and was not breathing nor did she have a heartbeat. Upon their arrival of the scene the officers found the husband of the female as well as a citizen performing CPR that was being instructed to them by Communications Specialist Patrick Brejcha. The officers took over CPR and administered a defibrillator shocking the young woman twice. She was transported to the hospital and made a full recovery. Thorsteinson noted the officers took time to enlist a passerby to take the victim’s two young children behind the police car so they did not have to be exposed to the things happening to their mother. Thorsteinson presented the American Heart Association Heart Saver Hero Award to dispatcher Patrick Brejcha for his instructing the two original citizens on how to start and commence with CPR. He then presented the American Heart Association Heart Saver Hero Award to Officer Brittany Marohl and Sergeant Matthew Anderson, who were also awarded the ND Peace Officers Association Lifesaving Award. Each recipient was recognized through a round of applause. Hansey commented this shows the quality of people employed by the City of Wahpeton, and how training is very essential.

MDI Zoning Order Appeal Hearing – Immediately following City Council meeting

CONSENT AGENDA ITEMS (presented by the Mayor) –

Approval of minutes of regular meeting held October 5, 2015

Games of Chance Licenses, Site Authorizations & Special Permits

Other Games of Chance and/or special permits:

March of Dimes Bowls for Babies – Games of Chance Raffle Permit

Chahinkapa Zoo – Games of Chance Raffle Permit

Presentation/Approval of Reports

September 2015 Financials

September 2015 Bill Pay Report \$1,010,686.36 – see below

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

REPORTS FROM CITY OFFICERS AND STAFF

FINANCE DIRECTOR

Huwe asked for suspension of the rules for consideration of an item not on the agenda. **Motion by Bajumpaa, seconded by DeVries, to suspend the rules. Motion carried with all voting ‘aye’.** Huwe said a request for a retail tobacco license was received. There is a transition in ownership currently in progress of the Northside Tesoro station who will transition in ownership from Northside Tesoro to Superpumper #42 Tesoro. The closing of the transition is to take place October 29th so they have requested approval of a local retail tobacco license application at that site in the new name. Huwe said their application is in order and is pending review of their State Tobacco License. As soon as that is received, Huwe said she would like to be able to issue them a valid local tobacco retail license and requested a motion for its approval. **Motion by Lambrecht, seconded by Mitskog, to approve the local tobacco retail license application for Superpumper #42 Tesoro, contingent upon receipt of their State Tobacco License. Motion carried with all voting ‘aye’.**

City Council Retreat – request referral to Finance Cmt. – Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

ASSESSOR/BUILDING CODES

Building Official Request Regarding Storage Facility in B1 Zoning – Building Official Johnson explained that he received a building permit application from Rick Defries, owner of Three Rivers Decorating, who is proposing to build a 144 x 24 storage unit facility adjacent to his building, to the northeast (a map of the location and sketches of the proposed facility were provided). Johnson said it is a permitted use in the B-1 zoning, he reviewed the plans and zoning requirements and felt everything should fit there, however upon City ordinance it requires City Council action to approve a storage facility in B-1 zoning. Johnson recommended that the building be constructed there as he did not see any problems with it but would need Council approval to issue the building permit. **Motion by Bajumpaa, seconded by Dale, to approve allowing a storage facility in B-1 Zoning and to approve the Building Official issue a building permit to Rick Defries to build a Storage Facility in B-1 Zoning.** Discussion held regarding specifics of the structure as well as access. **Motion carried with all voting ‘aye’.**

ECONOMIC DEVELOPMENT DIRECTOR

Economic Development Report Including Recommendations from the Planning Commission, Renaissance Zone Authority & Economic Development Commission – Priebe requested referral to the Finance Committee of a PILOT (Payment in Lieu of Taxes) application from Darren Trudeau for the Wahpeton Apartment Homes LLC project north of WalMart. Mayor Hansey will refer this item to Finance, Economic Development & Personnel Committee.

Priebe then provided a detailed report of Economic Development Office activity from October 5-19, along with a recap of a conference call in regard to River Pointe Cooperative (formerly West Briarwood). She said in light of the fact that there is a hearing to follow the Council meeting tonight she provided this information for Council to review at their leisure, and asked that any questions on the information provided be directed to her.

LIBRARY DIRECTOR

Library Report – Guck reported that Chocolate Chocolate Day & Night held last Thursday was very successful. A Book Sale was also held Thursday-Saturday. She said she is waiting on final numbers but felt they did very well. She noted this is a Friends of the Library Fundraiser so all money raised supports the library.

Guck said next Saturday, October 31st there will be a Children’s Program of the Haunted Library from 10am to 1pm with games, crafts, food, and some scary stories, and all are invited to attend. She also announced that said she had it on good authority that the Cat in the Hat, along with two blue-haired friends, will be at Trunk or Treating, sponsored by St. Catherine’s, tomorrow in the NDSCS Activity Center parking lot.

PUBLIC WORKS DIRECTOR

PW Report – Miranowski requested referral to Public Works Committee of **Discussion of Establishing No Parking Zones on 8th Avenue North and on 2nd Street South**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee of **Consideration of Membership Dues to Lake Agassiz Water Authority**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee of a **Letter of Request from the School District Superintendent to Reconsider the Decision Made Not to Accept the One Way Road West of 11th Street as a Public Right-Of-Way**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee to **Review NDDOT Urban Road Program Funding from 2016 to 2019**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski requested referral to Public Works Committee of **Replacement of a Fence and Landscaping Located at 1431 4th Street North as a result of a recent water main break**. Mayor Hansey will refer this item to the Public Works & Public Safety Committee.

Miranowski then reported that Pond #1 in City lagoons has been drained down so there may be some odor from the ponds for about a week and a half.

Mitskog commended the Public Works Department/Josh Meyer for the excellent job on vector control this year and for the professional service provided to the community. Dale then asked about a pipe at Cell #1 diffusers that is going to be worked on, and some discussion was held regarding replacing the membranes.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Recommendation from Council Committee of the Whole regarding Hay Compensation Study – Motion by Dale, seconded by Lambrecht, to approve Year 1 of the Proposed Hay Compensation Study with the Following Amendments: The Public Works Superintendent is moved from Grade 16 to Grade 15, the Water/Sewer Foreman is moved from Grade 16 to Grade 14 and the Engineering Project Manager is moved from Grade 16 to Grade 17 with exempt status. Discussion held regarding the amendments. Motion by Bertsch, seconded by Mitskog, to Amend the motion to approve Year 1 of the Proposed Hay Compensation Study with the following amendments: The Public Works Superintendent is kept at Grade 16, the Water/Sewer Foreman is moved from Grade 16 to Grade 15, and the Engineering Project Manager is moved from Grade 16 to Grade 17 with exempt status. Further discussion held.

DeVries made a couple of points of clarification regarding advertisements that appeared in the local newspaper about this topic. He said there was a statement that the pay increases were going to go up by 40%, and DeVries clarified that if recommendations were implemented in 1 year it would be a 15% total increase (for 1 time implementation in 2016). The proposed implementation would be over a 4 year period (with the first year being an 8% total increase) and if approved tonight that would be the only amount approved. The next 3 years would be if funds are available, and if the Council continues to take action to move forward after those 4 years the total increase would be \$864,739, which is a 30% increase.

DeVries said the advertisement in the local paper also stated that Wahpeton has the 2nd highest property tax in the State. He said one point of clarification is the Wahpeton City Council only

controls mills levied for City services, and there are other entities: the County, the Park Board, the School District, that levy mills that are a part of our total mill rate. The current mill rate for the City of Wahpeton is 118.64. There are currently 32 other ND cities that levy more. He noted the City is just part of that puzzle.

Regarding the assignment of grades, Hansey felt the City Council gets active in that and he did not feel that was correct. He felt the assignment of grades in the pay scale should come from the supervisors of each particular function of the City, such as Miranowski, Thorsteinson and Huwe. Those that work with the employees on a daily basis. Mitskog added that regarding her vote last week (for the recommendation that came of the Committee of the Whole meeting), that after some thought she believes that the City has to treat positions in a like and equitable manner and look at their job descriptions. When looking at moving a superintendent to a different grade when that superintendent has supervisory duties, she felt it was risky and a path she didn't feel comfortable going down and didn't hear good enough reasons why that change should occur so tonight she will support the amendment in moving the superintendent into pay grade 16. She noted the superintendents have co-existed in pay grade 9 with the Sergeants for a number of years and for the City to be changing this right now without any good reason she was concerned by that. She then addressed some of the public concerns, saying the 14 meetings held demonstrate the Council's due diligence. The Council has not taken this issue lightly and have put a lot of time into it, and have learned from the process. Mitskog said the City has not gone down this road in recent years which is probably one of the problems. It has been something that has been deferred, and in speaking with staff and former elected officials this should have been done years ago. And in fairness to the City employees that are dedicated and loyal to the organization, but also more importantly to our citizens that have to pay their wages, she felt they have done their due diligence. In looking at other political subdivisions that have gone down this process and they haven't been scrutinized as much as the City Council, she felt that was because of the number of meetings held. This has been discussed at length, and they have been thorough. Mitskog said there are some big numbers here but pointed out the Wahpeton City Staff and the Council took on the task of legislative Senate Bill 2144 which urged communities to lower property taxes, and she commended City staff and leaders as mills have dropped in Wahpeton. The City did not have a notice in the paper that were going to increase taxation as other political subdivisions did, for the valuation of the mill. The City lowered their mills, tightened our belts, and still addressed a deferred issue that needed to be addressed for years with the compensation. She said she would like to support the amendment offered and move forward. Mitskog felt the City has a good organization who are continually reminded that we need to lower property taxes in Wahpeton and looking at the 2016 budget you can see that. She said when preparing budgets each year the goal is to at least maintain or lower mills in Wahpeton as you can see demonstrated in the 2016 budget, so for the record, Mitskog wanted citizens to know that they take it very seriously. It was noted property taxes only make up 15% of the City's budget.

Bajumpaa said the City employees deserve their wages. He said he can support the amendment as well, knowing that as we move forward we are taking this piece by piece. He said one of the things discussed at the Committee of the Whole meeting last week was there are unique value points associated with every position and he suggested and encouraged fellow Council members that as we move forward with implementing a plan for City staff, that they take into consideration the value points associated with every position in the City. Those value points are dictated and assigned in accordance with the responsibilities and in comparison with all the other people within the workforce of the City. As we move forward he felt it was one of the fairest, most equitable ways in which they can determine future compensation for staff within the City. If can fine tune adjustments, Bajumpaa felt the Hay Study, as it's been presented, lumps several positions within the same category or schedule and within that particular line item there may be differences between the value points associated with those positions. He was glad the discussion has been held that as we move forward it be taken into consideration with regard to future compensation for staff. He believed that pay be determined on those value points and as we also move forward that we

implement as a local Council and rely heavily on the supervisors, as the Mayor said, on merit-based compensation. Bajumpaa said it is his understanding, and that he was disappointed as a Council person, that the City has not often issued merit increases for staff. The rule of thumb has, in general, been a cost of living adjustment, which he did not consider an increase in compensation. He felt we need a system of merit-based compensation in place in the City as we move forward so we can more equitably compensate our staff.

Dale expressed concern that there was a 7-0 vote last week at the Committee of the Whole and now people are changing their minds, which was fine, but felt we talk about grades too much and this is a compensation study. He felt if can forget about the grade assignments and look at the compensation it would be easier. He provided some materials he reviewed with the Council. The first page was a Hay Study Job Evaluation Matrix where the Sergeants were at grade 15, and the Sewer/Water Foreman and Public Works Superintendent at 14. At this point, Dale believed the Hay Group had recommended that the PD have their own pay scale of P75 but the Chief and City Finance Director didn't want to deal with another pay scale so it was suggested that the Sergeants move up to grade 16 to get the compensation that they are deserving of. The second page was dated 8/12/15 and shows two spots different between the PW Superintendent and Sewer/Water Distribution Superintendent. Then by 9/14/15 that's when everything had been lumped together and he believed Hay was done with their work by 8/12/15. Dale said in history there has been a grade separation between the PW Superintendent at 9 and the Sewer & Water Foreman at 10. He felt some of the elements of the Hay Group Study don't seem to jive with information that's out there in the public, so he looked to Valley City because they are in approximate same distance from Fargo as Wahpeton, the approximate same population, and had a pay study done by Fox Lawson in 2014 and implemented this year. Dale said Valley City's highest person in the Public Works side is the Operations Superintendent, who reports to the City Administrator, and Dale believed this position would be similar to the work that Miranowski does here. The following page had some class grades and salaries, and also shows the Water Treatment Superintendent in the same grade as the Operations Superintendent, with the Water/Sewer Street Foreman being down some steps from that. On the last page he highlighted positions being talked about and compared them to what Valley City has currently implemented, and he felt it seems if we do not go with the motion as it was amended out of the Committee of the Whole meeting then we may be overpaying 2 positions and if we move forward with value points and find that we have overpaid these there's no doubt we cannot take them back again. Dale said his first recommendation as it came out of the Committee of the Whole he needs to stand by, and if we need to amend those positions next year after more information he would be open to it. DeVries made a clarification that when the original study came out and there was talk about the PD having a separate pay scale he did not think it was City staff saying they didn't want to deal with it, he felt it was because we didn't want to separate different departments within the City. It was to keep everybody in the same pay scale as to not cause strife within the departments of the City.

Huwe asked for a point of clarification on the motion and the amendment on the table. She said the original motion that was offered was to make 3 amendments, which were to move the Public Works Superintendent from Grade 16 to Grade 15, to move the Water/Sewer Foreman from Grade 16 to Grade 14, and the Engineering Project Manager from Grade 16 to Grade 17 with exempt status. The amendment that was offered, as she had it recorded, was to leave the Public Works Superintendent in Grade 16, to move the Water/Sewer Foreman to Grade 15, and to leave the Engineering Project Manager in Grade 17 with exempt status. Huwe asked Bertsch if that was correct and Bertsch answered it was. Mitskog asked Dale to address her concerns regarding the job descriptions and the supervisory duties, and if that's her understanding then some of the basis for a position being in a grade. She commented that she was not in HR so did not have that background. Dale said there was more information he was going to make copies of but ran out of time. He noted that in Valley City they added a Street Foreman/Heavy Equipment Operator position toward the end of the Fox Lawson study and didn't get a job description created for that position. He talked to the

City Administrator to verify this information who said the only difference between the heavy equipment operator job description and the new added one is the added supervisory duties so the Street Foreman/Heavy Equipment Operator will have supervisory responsibilities when you compare on the Valley City pay range. Hansey asked for any other questions then called for the vote on the motion for the amendment of the original motion made by Bertsch. **Motion carried with a roll call vote of 6-2: with Bertsch, Mitskog, DeVries, Bajumpaa, Schmidt and Lambrecht voting ‘aye’; and Dale and Wateland voting ‘nay’.** Hansey then called for the vote on the original motion as amended. **Motion carried with a roll call vote of 7-1: with Bajumpaa, Schmidt, Lambrecht, Bertsch, Mitskog, DeVries, and Wateland voting ‘aye’; and Dale voting ‘nay’.**

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Finance, Personnel & Economic Development Committee Report

DeVries said the Finance, Personnel & Economic Development Committee met at noon on October 12th. **Bank of ND Infrastructure Loan Fund – discussion** – Pending new information received there will be follow up regarding this item at this time.

Contract Authority Ordinance Review – discussion

PILOT Application - discussion

Public Works & Public Safety Committee Report (No meeting held October 13th)

Bajumpaa said the Public Works & Public Safety Committee did not meet on October 13th.

September 2015 Bill Pay Report

DISBURSEMENTS FUND	ACCOUNTS PAYABLE	PAYROLL & GL	TOTAL
101 GENERAL FUND	\$226,467.74	\$53,569.27	\$280,037.01
201 WATER OPERATING FUND	\$119,508.82	\$35,207.03	\$154,715.85
202 SANITARY SEWER OPERATING FUND	\$23,689.88	\$24,165.39	\$47,855.27
203 WASTE REMOVAL OPERATING FUND	\$21,958.13	\$781.38	\$22,739.51
204 WASTE REDUCTION FUND			\$0.00
205 VECTOR CONTROL FUND	\$187.12	\$1,607.08	\$1,794.20
206 STREET LIGHTING	\$12,360.16		\$12,360.16
209 LIBRARY LEVY FUND	\$7,888.53	\$15,571.65	\$23,460.18
213 ADVERTISING LEVY FUND	\$1,165.95		\$1,165.95
216 AIRPORT 4-MILL LEVY FUND		\$449.98	\$449.98
217 PLANN COMMISSION LEVY FUND	\$1,093.39	\$605.22	\$1,698.61
222 SOCIAL SECURITY LEVY FUND	\$27,026.41		\$27,026.41
224 RETIREMENT FUND	\$31,953.78		\$31,953.78
226 EMPLOYEE SAFETY COMMITTEE	\$446.20		\$446.20
227 ANNUAL RESERVE WH FUND		-\$2,944.00	-\$2,944.00
229 CAPITAL IMPROVEMENTS FUND	\$37,727.82		\$37,727.82
233 REAL ESTATE LEVY FUND	\$1,002.91		\$1,002.91
234 SPECIAL STREET MAINT FUND	\$8,772.65		\$8,772.65
236 LEVEE MAINTENANCE	\$5,292.57	\$8,276.72	\$13,569.29
240 SPECIAL TRANSPORTATION FUNDING	\$41,866.50		\$41,866.50
253 METER DEPOSITS TRUST FUND	\$128.80		\$128.80
271 ECONOMIC DEVEL DEPT FUND	\$1,588.86	\$12,009.64	\$13,598.50
305 VECTOR CONTROL DIST LEVY FUND		\$105.94	\$105.94
315 TAX INCREMENT FUND	\$3,750.00		\$3,750.00
316 1% LODGING TAX (ADDTL 1/1/08)	\$10,760.00		\$10,760.00
317 JOB DEVELOPMENT LEVY FUND	\$643.20		\$643.20
318 WEED MAINT LEVY FUND	\$5,663.33		\$5,663.33
319 LODGING TAX FUND	\$1,137.98		\$1,137.98
320 SALES TAX OPERATING FUND	\$137,996.87		\$137,996.87
321 SALES TAX RESERVE FUND	\$5,497.70		\$5,497.70
324 SALES TAX MINI MATCH RSRV FUND	\$2,606.00		\$2,606.00
325 SALES TAX H.E.L.P. HOUSING FUND	\$195.00		\$195.00
326 REVOLVING LOAN FUND	\$1,319.00		\$1,319.00
365 PD SPEC EQUIP SINKING FUND	\$3,697.99		\$3,697.99
393 DOWNTOWN CARE & MTC FUND	\$1,948.20		\$1,948.20
572 SALES TAX FOR FLOOD FUND	\$43,337.11		\$43,337.11
574 5-2-97 (FLOOD PHASE II)	\$220.00		\$220.00
622 3RD AVE N. RECON PROJ	\$1,265.00		\$1,265.00
631 11TH ST. N. AVE B TO 16TH AVE	\$150.00		\$150.00
636 16TH AVE. 11TH ST TO HWY 210	\$39,758.30		\$39,758.30
640 WELL #3 RISER REPAIRS/WELLHSE	\$29,660.71		\$29,660.71
644 LIFT STATION #1 MANHOLE REPAIR	\$1,548.45		\$1,548.45
TOTAL	\$861,281.06	\$149,405.30	\$1,010,686.36

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Finance Cmt. October 26th, 12:00 Noon
- b. Public Works Cmt. October 27th, 5:00 P.M.
- c. Planning Commission November 2nd, 4:00 P.M.

Motion by Mitskog, seconded by Schmidt, to adjourn at 5:52 p.m.

Mayor Hansey

Lynelle Amos, Finance Assistant