

Wahpeton City Council
October 21, 2024
5:00 p.m.

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

Absent: Kelly McNary

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, Engineering Project Manager Kyle Rogahn, Finance Assistant Lynelle Amos, Auditor's Assistant Cheryl O'Meara, and Public Works Assistant Lindsay Louters

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 Resolution No. 3902 – Mayor Lambrecht referred to Finance Director Huwe who said in reference to the resolution and public hearing on the 2024 certification of special assessments she has not received any written or other opposition to the proposed assessment other than from Superintendent of Circle of Nation School, Trevor Gourneau, who was not contesting the special assessment amount or process as much as the applicability to a federal land. She believed it would not impact the certification process. The City would continue through the certification process and continue to communicate/negotiate with Circle of Nation School and their perspective on the special assessments. Gourneau commented that they are tax free federal lands and was not familiar with assessments in the past or being charged with them. Communications will continue regarding this matter.

Council member Goltz offered the following and moved its adoption:

RESOLUTION NO. 3902
**RESOLUTION CONFIRMING SPECIAL ASSESSMENTS AND DIRECTING
CERTIFICATION AND LEVY FOR**

**STREET AND UTILITIES IMPROVEMENT DISTRICT
8TH AVE. N. RECONSTRUCTION**

PROJECT NO. ST19-248

and

**STREET AND UTILITIES IMPROVEMENT DISTRICT
DOWNTOWN SIDE STREETS PHASE I**

PROJECT NO. ST20-255

and

**STREET AND UTILITIES IMPROVEMENT DISTRICT
DOWNTOWN SIDE STREETS PHASE II**

PROJECT NO. ST21-259

and

**STREET AND UTILITIES IMPROVEMENT DISTRICT
ROSEWOOD 3RD ADDITION**

PROJECT NO. ST22-269

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

Proclamation – Extra Mile Day Nov. 1, 2024 – Community Development Director DeVries read a proclamation proclaiming November 1, 2024 to be Extra Mile Day.

(Those attending remotely lost connection due to phone issues)

CONSENT AGENDA ITEMS (presented by the Mayor) –

Approval of minutes of regular meeting held October 7, 2024

Games of Chance Licenses, Site Authorizations & Special Permits:

Other Games of Chance and/or Special Permits

NDSOS Foundation Cat Backers Letterwinner Club – Game Site Authorization

Presentation/Approval of Reports

September 2024 Bill Pay Report \$4,658,440.36 (see below)

September 2024 Financial Statements

NDSU 2024 Legislative Update October 24, 5:30 PM (virtual Zoom meeting)

Moody’s Credit Opinion October 9, 2024

Mayor Lambrecht asked if there were any items to be removed from the consent agenda and there were none. **Motion by Woods, 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

Refunding Improvement Bond Series 2024 – John Lundby, SVP Colliers Securities – Huwe said Colliers Securities conducted a public sale this morning to permanently finance the 8th Avenue North and Downtown Side Streets Phase 1 and Phase 2 Projects. This is the 131st bond issue of the City of Wahpeton. The bonds are classified as tax exempt refunding improvement bonds and not considered debt for purposes of the North Dakota constitutional debt. John Lundby of Colliers Securities then presented a summary of the sale. He said the sale went very well with a true and winning bid with a true interest cost of 4.02% with a 25 year maturity and the bonds are callable in 9 years or 2033. The final amount issued was \$3,680,000. There were four bids from across the country this morning. A credit opinion from Moody’s reaffirmed the City’s existing debt rating at A-1. He felt this was something of which the Council and City should be very proud. The bond counsel prepared a resolution and with approval moving forward finalizing all documentation for a closing on November 4th. Appreciation was shown for the efforts made by Huwe to achieve the A-1 rating and a successful bond sale through a round of applause. Huwe thanked Colliers for their work finding the bidders and obtaining a good rate.

Res. 3903 Creating the Funds of Improvement Districts, Providing for and Appropriating Special Assessments & Authorizing Issuance of Improvements Warrants

– Regarding the bond sale, Huwe requested a motion to offer Res. 3903 Creating the Fund of An Improvement District and Authorizing the Issuance of Improvement Warrants.

Council member Fobb offered the following and moved its adoption:

RESOLUTION NO. 3903

**RESOLUTION CREATING THE FUND OF AN IMPROVEMENT DISTRICT
AND AUTHORIZING THE ISSUANCE OF IMPROVEMENT WARRANT**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Goltz. Motion carried with a roll call vote 5-0.

Res. 3904 Authorizing the Issuance of Refunding Improvement Bonds Series 2024 – To complete and finalize the bond sale and subsequent debt sinking fund, Huwe requested a motion to offer Res. 3904 Authorizing the Issuance of \$3,680,000 Refunding Improvement Bonds Series 2024.

Council member Woods offered the following and moved its adoption:

RESOLUTION NO. 3904
RESOLUTION AUTHORIZING THE ISSUANCE OF
\$3,680,000 REFUNDING IMPROVEMENT BONDS, SERIES 2024

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember Schillinger. Motion carried with a roll call vote 5-0.

BND Definitive Improvement Warrant Series 2024 \$961,000 – Huwe said at the October 7th meeting a motion to approve Resolution No. 3901 Providing for the Sale of Definitive Improvement Warrant Series 2024 with a 15 year repayment in the amount of \$961,000 was adopted. She requested approval of the accompanying documents including the loan agreement, closing certificate, and mayor's signature upon the warrant. **Motion by Unruh, seconded by Fobb, to approve the accompanying documents to Resolution No. 3901 Providing for the Sale of Definitive Improvement Warrant Series 2024 \$961,000, including the Loan Agreement, Closing Certificate, and Mayor's Signature upon the Warrant. Motion carried with a roll call vote of 5-0.** Huwe then explained the differences between the two debt issues: the bonds are sold in \$5,000 denominations, are assigned a unique CUSIP identifier, and may be traded among investors. The definitive warrants will be more like a loan between the City and the Bank of North Dakota. The Moody's credit report necessary for the public bond sale was included in the council correspondence part of the agenda.

ATTORNEY

Taxi License Suspensions – Assistant City Attorney Budke provided an update saying the City currently has two taxi cab licensees. As part of the licensing process, taxi cab licensees must also register the names and additional information about individuals that work as taxi cab drivers. On October 9, 2024, a Provisional Order was issued by the City Licensing Officer, suspending the privileges of two taxi cab drivers, one from each licensee, for a period of 30 days due to violations of the ordinances regarding taxi cab licenses. The Provisional Order became the Final Order on October 15th, 2024. The appeal period has lapsed and no council action is necessary. Any questions or concerns can be directed to the City Attorney or the City Licensing Officer.

COMMUNITY DEVELOPMENT DIRECTOR

Community Development Report – DeVries requested referral of the Bois de Sioux resurfacing of golf cart paths be referred to the Finance Committee. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

DeVries explained the outfield fence at John Randall Field is in need of replacement and there have been some favorable bids and other help that has been received and they are looking to finish the project. Parks and Recreation will provide some funding and the Wahpeton Convention & Visitors Bureau is providing \$15,000. DeVries requested approval of \$15,000 from sales tax for recreation to assist with finishing the outfield fence project. DeVries noted John Randall Field has received a lot of assistance and volunteer work for improvements and was recently given a donation for the lights which Parks & Recreation Director Brad Edwardson noted was about a \$455,000 project. With the completion of the lights and fence it was felt the field should be pretty solid. DeVries also noted that baseball tournaments are good for economic development creating overnight stays and utilizing the restaurants. **Motion by Unruh, seconded by Schillinger, to approve \$15,000 from Sales Tax for Recreation for the John Randall Field Outfield Fence Project.** Discussion held regarding available funding. **Motion carried with a roll call vote of 5-0.**

DeVries reported the Fall Festival was a success despite having to cancel the Spooktacular 5K due to low registration. The haunted house had about 500 people go through it. There were lots of fun activities in the park on Saturday with the pumpkin patch, face painting, horse and carriage rides, petting zoo, and games for the children. He thanked volunteers, which included Auditor's Assistant O'Meara and a student from NDSCS, for all of their help with activities. He also noted that the DECA Club assisted with putting up some lights on Holiday Lane last week.

LIBRARY DIRECTOR

Library Report – Bakken reported the Friends of the Library and library staff would like to thank all who took part in the annual Chocolate Chocolate Day and Used Book Sale, making it a huge success. The Friends of the Library will do a final wrap up of numbers for the event at their next meeting November 20th. Activities scheduled at the library include story time, a Library Board meeting on Thursday, and a Children's Haunted Library event on Saturday. There are 10 days left to access the survey to help complete a strategic plan for the library for the next 5 years. All are encouraged to complete either a paper survey or by going to the library's website and complete it online.

POLICE CHIEF

Police Dept. Report – Police Chief Anderson reported the police department was awarded a \$1,837 bullet-proof vest grant through the federal government which is a 50/50 cost share for bullet proof vests for officers. Every five years officers receive a new vest to stay current. The police department has also applied for grants to update the cameras and door fobs at the police department building. They will be working Occupant Protection November 1st through December 12th as part of national seat belt saturation through a NDDOT grant. Officer Miller will be leaving the department as he has accepted a position in Stearns County. Officer Anthony Gallegos who has been working part-time has accepted to return to full-time duty for the police department.

PUBLIC WORKS DIRECTOR

Public Works Report –

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.

REPORTS FROM THE CITY COUNCIL COMMITTEES

Woods said the Public Works & Public Safety Committee met on October 14th at 4:00 p.m.

Warning Sirens – motion to approve Minn-Kota Comm. Proposal \$28,244 – Motion by Woods, seconded by Goltz, to approve estimate #3279 from Minn-Kota Communications for \$28,244 with funding from Capital Improvements Fund 229 to replace the Warning Siren on 21st Avenue North. Discussion held. Motion carried with a roll call vote of 5-0.

Contract Change Order (Final) with Central Specialties E. Side Streets Mill & Overlay Proj. ST23-277 & ST23-278 - discussion

Contract Change Order (Final) with Astech Corp. 2024 Seal Coat Proj. ST24-282 – motion to approve \$83,632.01 – Motion by Woods, seconded by Fobb, to approve the Astech Corp. 2024 Seal Coat Project ST24-282 Contract Change Order deduction of \$3,174 and the Final Contract Price of \$83,632.01. Motion carried with a roll call vote of 5-0.

Contract Change Order (Final) with Comstock Construction Rosewood 3rd Proj. ST22-269 – motion to approve \$1,376,664.84 – Motion by Woods, seconded by Goltz, to approve the Comstock Construction, Inc. Rosewood 3rd Project ST22-269 Contract Change Order deduction of \$1,742.67 and the Final Contract Price of \$1,376,664.84. Motion carried with a roll call vote of 5-0.

ND DOT Annual Urban Road Maintenance Agreement – motion to approve – Motion by Woods, seconded by Unruh, to approve the ND DOT Annual Urban Road Maintenance Agreement. Motion carried with a roll call vote of 5-0.

Disposition of FD 1988 GMC Equip. Truck – motion to sell or auction 1975 Chevrolet and reassign 1988 GMC – Motion by Woods, seconded by Fobb, to approve proceeding to sell or auction Fire Department Unit #9757 (1975 Chevrolet) and to reassign Fire Department Unit #9758 (1988 GMC) to the Wahpeton/Richland Dive Rescue Team. Motion carried with a roll call vote of 5-0.

Building Official Updates

Finance, Personnel & Economic Development Committee Report

Goltz said the Finance, Personnel & Economic Development Committee met October 14th at 5:00 p.m. **Ord. 1069 Smoking in Public Places & Tobacco Retailer Licenses – discussion – Mayor Lambrecht said he has received concerns from tobacco license holders regarding the ordinance changes still pending with the first reading of Ordinance 1069 and requested the motion be rescinded. It was noted changes can still be made in the future if necessary. Motion by Fobb, seconded by Unruh, to rescind the motion for first reading of Ordinance 1069 An Ordinance Amending Chapter 22 Procedures for Licenses, Permits and Miscellaneous Businesses. Discussion held. Motion carried with all voting ‘aye’.**

Industrial Park Land Purchase Inquiry – motion to approve purchase agreement \$39,600 – Motion by Goltz, seconded by Schillinger, to approve the preliminary Purchase Agreement with Wallner Excavating, LLC for approximately 5.5 acres for \$39,600 in the Northside Industrial Park as presented. Motion carried with a roll call vote of 5-0.

701 Dakota Ave. Land Inquiry – motion to rescind previous appropriation and RFP the vacant lots – Motion by Goltz, seconded by Schillinger, to approve Rescinding the Appropriation of \$170,000 for Keeble Commons development/green space improvements at 701 Dakota Avenue, and approve executing a Request For Proposals for the Vacant Lots at 701 Dakota Avenue (former M & H Site). Discussion held. Motion carried with a roll call vote of 5-0.

Back the Blue Grant Proceeds – motion to disburse remaining \$11,796.19 – Motion by Goltz, seconded by Fobb, to approve disbursement of the remaining balance of the ‘Back the Blue’ Grant funds totaling \$11,796.19 to the 18 sworn Peace Officers for retention. Motion carried with a roll call vote of 5-0.

MuniCode Online Ordinance Service – motion to approve the update proposal \$20,010 – Motion by Goltz, seconded by Woods, to approve the agreement with CivicPlus for MuniCode Online Ordinance Service in the amount of \$17,035 for 2024 and \$2,575 plus a \$400 code online fee for 2025, for a total of \$20,010 from the Capital Improvements Fund. Motion carried with a roll call vote of 5-0.

City Website Content – discussion

September 2024 Bill Pay Report

| DISBURSEMENTS FUND | ACCOUNTS PAYABLE | PAYROLL & GL | TOTAL |
|-----------------------------------|-------------------------|-------------------------|--------------|
| 101 GENERAL FUND | \$320,651.29 | \$83,196.48 | \$403,847.77 |
| 201 WATER OPERATING FUND | \$54,199.07 | \$51,196.93 | \$105,396.00 |
| 202 SANITARY SEWER OPERATING FUND | \$88,351.95 | \$39,306.21 | \$127,658.16 |
| 203 WASTE REMOVAL OPERATING FUND | \$36,093.40 | \$2,687.50 | \$38,780.90 |
| 204 WASTE REDUCTION FUND | \$2,906.10 | | \$2,906.10 |
| 205 VECTOR CONTROL FUND | \$1,201.24 | \$4,264.79 | \$5,466.03 |
| 206 STREET LIGHTING | \$14,991.30 | | \$14,991.30 |
| 207 STORM WATER UTILITY | \$7,568.09 | | \$7,568.09 |

| | | | |
|--|-----------------------|---------------------|-----------------------|
| 209 LIBRARY LEVY FUND | \$19,339.04 | \$18,465.08 | \$37,804.12 |
| 216 AIRPORT 4-MILL LEVY FUND | | \$1,076.32 | \$1,076.32 |
| 229 CAPITAL IMPROVEMENTS FUND | \$3,291.70 | | \$3,291.70 |
| 234 SPECIAL STREET MAINT FUND | \$9,959.06 | | \$9,959.06 |
| 236 LEVEE MAINTENANCE | \$1,740.71 | \$12,023.46 | \$13,764.17 |
| 253 METER DEPOSITS TRUST FUND | \$869.70 | | \$869.70 |
| 271 ECONOMIC DEVEL DEPT FUND | \$5,598.58 | \$14,074.30 | \$19,672.88 |
| 303 MISCELLANEOUS FUND | \$115.79 | | \$115.79 |
| 315 TAX INCREMENT FUND | \$1,250.00 | | \$1,250.00 |
| 318 WEED MAINT LEVY FUND | \$475.00 | | \$475.00 |
| 319 LODGING TAX FUND | \$16,659.21 | | \$16,659.21 |
| 320 SALES TAX OPERATING FUND | \$95,464.03 | | \$95,464.03 |
| 325 SALES TAX H.E.L.P. HOUSING FUND | \$295.00 | | \$295.00 |
| 326 REVOLVING LOAN FUND | \$416.67 | | \$416.67 |
| 329 BULL RIDING EVENT | \$31,738.27 | | \$31,738.27 |
| 331 FALL FESTIVAL | \$1,962.45 | | \$1,962.45 |
| 365 PD SPEC EQUIP SINKING FUND | \$725.00 | | \$725.00 |
| 393 1% RESTAURANT TAX FUND | \$7,953.90 | | \$7,953.90 |
| 401 BDSGC CART SUBLEASE | \$6,488.00 | | \$6,488.00 |
| 463 R/I #11716 BND LOAN 2016 | \$46,686.65 | | \$46,686.65 |
| 570 SALES TAX FOR INFRASTRUCTURE | \$3,342,255.57 | | \$3,342,255.57 |
| 572 SALES TAX FOR FLOOD FUND | \$54,677.96 | | \$54,677.96 |
| 659 RIVER POINTE ACRES | \$242.00 | | \$242.00 |
| 672 8TH AVE. N PROJ. ST19-248 | \$177,028.78 | | \$177,028.78 |
| 675 WELL FIELD RECLO PROJ W19-251 | \$4,940.82 | | \$4,940.82 |
| 676 DOWNTOWN S. STREETS ST20-255 | \$124.20 | | \$124.20 |
| 679 W.WATER FACILITY PLAN | \$530.00 | | \$530.00 |
| 681 HOMESTEAD DEVELOPMENT ST21-263 | \$2,924.86 | | \$2,924.86 |
| 686 DOWNTOWN S STREETS2 ST21-259 | \$124.20 | | \$124.20 |
| 688 ROSEWOOD 3RD ADDTN ST22-269 | \$21,764.32 | | \$21,764.32 |
| 692 2ND & 4TH ST IMP PROJ ST23-277 | \$8,750.00 | | \$8,750.00 |
| 693 EAST CENTRAL & SE ST PROJ ST23-278 | \$39,217.88 | | \$39,217.88 |
| 698 4TH ST & 4TH AVE S ST24-284 | \$2,577.50 | | \$2,577.50 |
| TOTAL | \$4,432,149.29 | \$226,291.07 | \$4,658,440.36 |

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Public Works Committee October 28, 2024, 4:00 p.m.
- b. Finance Committee October 28, 2024, 5:00 p.m.

Motion by Fobb, seconded by Goltz, to adjourn at 5:56 p.m. Motion carried.

Mayor Brett Lambrecht

Lynelle Amos, Finance Assistant