

Wahpeton City Council
September 5, 2023
5:00 p.m.

Present: Mayor Brett Lambrecht, Council Members Shannon Schillinger, Chad Perdue, David Woods II, Jason Goltz, Tiana Bohn, Kelly McNary, and Cory Unruh

Absent: Council Member Renata Fobb

Also Present: Finance Director Darcie Huwe, City Attorney Brittany Hatting, Public Works Director Dennis Miranowski, City Assessor Carla Broadland, Community Development Director Chris DeVries, Library Director Melissa Bakken, Police Chief Anderson, 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 then recited.

PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.

A Joint Public Hearing will be held with the Planning Commission on the following items:

Wash Way Street Vacation Request Res. 3874 – DeVillers said the Planning Commission was reconvened and referred to Miranowski who explained the Wash Way vacation. The petitioner is the owner of the property located on the east side of 11th Street North and north of People's State Bank. Wash Way, also known as 20th Avenue North, encroaches onto their property and continues to 9th Street North, and they are requesting the portion on their property be vacated. They plan to plat the property for residential use. Miranowski did not foresee Wash Way ever continuing through so did not see any purpose for it and did not see any problem with the vacation. DeVillers asked if there was anyone present to speak about the street vacation. Woods asked about the specifics of what it means to vacate property which was explained by Miranowski and Hatting. When asked, Huwe said she had not received any written or verbal opposition to the street vacation, only inquiries. The Planning Commission was asked for their recommendation. **Motion by Sedler, seconded by Dockter, to recommend to the City Council to approve the Wash Way Street Vacation Request. Motion carried with all voting 'aye'.**

Council member Bohn offered the following and moved its adoption:

RESOLUTION NO. 3874
RESOLUTION VACATING RIGHT OF WAY
(A PART OF WASH WAY IN CENEX ADDITION)

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

North Loop Addition Plat Res. 3875 – DeVillers asked for a motion from the Planning Commission to continue this public hearing to September 18th due to a publication error. **Motion by Wolfgram, seconded by Hickel, to continue the North Loop Addition Plat Joint Public Hearing to September 18th. Motion carried with all voting 'aye'.**

Motion by Bohn, seconded by Schillinger, to approve continuing the North Loop Addition Plat Joint Public Hearing to September 18th at 5:00 pm. Motion carried with a roll call vote of 7-0.

The Public Hearing was then concluded. **Motion by Dockter, seconded by Wolfgram, to adjourn the Planning Commission meeting at 5:10 p.m. Motion carried with all voting 'aye'.**

CONSENT AGENDA ITEMS (presented by the Mayor) –

Approval of minutes of regular meeting held August 21, 2023

Games of Chance Licenses, Site Authorizations & Special Permits:

Other Games of Chance and/or Special Permits:

Red River Area Sportsmen’s Club – Raffle Permit

Presentation/Approval of Reports

Q2 2023 Restaurant Tax Report

Initiated Measure to Eliminate Property Taxes

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

Request for Property Tax Exemption by T & G Sanitation – refer to Finance Cmt. – Huwe said T & G Sanitation is in the process of constructing a waste hauling transfer center in the North Industrial Park. They have submitted an application for tax incentives for new or expanding businesses. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

North Loop Development Agreement – refer to Finance Cmt. – Huwe said Troy and Darla Thimjon have reviewed the development agreement for the 20-unit twin home development on 11th Street North. They have requested changes to the proposed agreement. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

Preliminary Budget – Huwe reported the 2024 preliminary budget hearing is scheduled for 5:00 pm September 18th. The budget is available for review on the City website. The tax levy was certified to the County Auditor on August 2nd. Any questions, suggestions or input can be communicated to Huwe. This item will remain on the Finance, Personnel & Economic Development Committee, and the Public Works & Public Safety Committee agendas until adoption.

ATTORNEY

Hatting requested a suspension of the rules to discuss items not on the agenda. **Motion by Goltz, seconded by Perdue, to approve suspending the rules to discuss items not on the agenda. Motion carried with all voting ‘aye’.**

Hatting presented a resolution to amend the Rosewood 3rd assessment district to include another lot in the neighboring Valley First subdivision. The developer of Rosewood 3rd has acquired that property, Valley First 2-A. The developer would like to amend the district to include that lot so that it can be developed as part of his subdivision. A petition from the owner for waiving into that special assessment district has been received. Hatting requested approval of Resolution No. 3876.

Council member McNary offered the following and moved its adoption:

RESOLUTION NO. 3876

RESOLUTION MODIFYING

ROSEWOOD 3RD ADDITION PROJECT NO. ST22-269 WATER, STREETS, STREET LIGHTS, STORM/SANITARY SEWER IMPROVEMENT DISTRICT

(also known as Rosewood 3rd Addition Improvement District Project No. ST22-269)

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

Hatting requested Rosewood 3rd Development Agreement be referred back to the Finance Committee. Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

Hatting requested first reading of Ordinance 1061, which is an ordinance rezoning a few pieces of property in the Rosewood Development. The owner has requested the lot being added to the Rosewood 3rd Development, Lot 2-A Valley First Addition, be rezoned from B-3 to R-3 to conform with the rest of the subdivision. There is also a request to rezone Lots 9 and 10, the outlying lots that abut Woodland Drive to the north of the dental office. The owner has a purchase agreement in place with the buyer who owns the dental office, and part of the contingency to the purchase agreement is to rezone it from R-3 to RB-4. These items would be included in the first reading of the ordinance.

Council member Bohn offered the first reading of the following Ordinance:

ORDINANCE NO. 1061

AN ORDINANCE REZONING PORTIONS OF VALLEY FIRST ADDITION (a Portion of Lot 2-A, Block 2) AND ROSEWOOD THIRD ADDITION (Lots 9 & 10, Block 2)

Motion by Schilling, seconded by Unruh, to schedule a Public Hearing on the Rezoning Requests for Valley First Addition (Lot 2-A, Block 2) and Rosewood 3rd Addition (Lots 9 & 10, Block 2) for October 2nd at 5:00 pm. Motion carried with all voting ‘aye’.

COMMUNITY DEVELOPMENT DIRECTOR

Community Development Report – This issue of the Win Column featured a new construction as well as information on upcoming events.

Planning Commission Report – DeVries said these items were covered earlier in the meeting.

Chamber “Keep the Cheer Here” Promotion Funding Request – DeVries presented a funding request from the Chamber of Commerce to keep spending in town during the holidays. Events planned for the 2023 holiday shopping season include Keep the Cheer Here Campaign, Small Business Saturday, and Holiday Cookie Crawl. The amount requested is \$10,000 which would come from sales tax for economic development. The money would be used for promoting these holiday events. This has been done for a couple of years with much success. **Motion by Woods, seconded by McNary, to approve \$10,000 from Sales Tax for Economic Development for the Wahpeton Breckenridge Chamber of Commerce “Keep the Cheer Here” Campaign. Motion carried with a roll call vote of 7-0.**

Park Board Request for Funding – refer to Finance Cmt. – Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

BND Pace Interest Buydown Request – refer to Finance Cmt. – Mayor Lambrecht will refer this item to the Finance, Personnel & Economic Development Committee.

DeVries mentioned some of the upcoming events which included the Bull Bash on September 16th, Classy & Classic Car Show on October 5th in conjunction with NDSCS Homecoming week, Fall Festival October 12-14, and a possible Holiday Home Tour.

LIBRARY DIRECTOR

Library Report – Bakken reported September is sign up for library card month. The library will begin its fall and winter hours this weekend with the library open Saturdays from 9am to 1pm. Programming

includes story time, kids' craft sessions, and a family movie. Friends of the Library meet September 13th, and they will holding their Chocolate Chocolate Day and book sale event October 12th.

POLICE CHIEF

Police Dept. Report – Street Closure Request for Dakota Ave. Oct. 5th – Police Chief Anderson presented a request for the street closure of the 400 to 500 Blocks of Dakota Avenue on October 5th from 3 pm to 7 pm for the Classy & Classic Car Show. **Motion by Schillinger, seconded by Goltz, to approve the Street Closure of the 400 to 500 Blocks of Dakota Avenue on October 5th from 3:00 pm to 7:00 pm for the Classy & Classic Car Show.** Discussion held. **Motion carried with all voting 'aye'.**

Lambrech expressed gratitude to the Wahpeton Police Department for their professional handling of a recent protest.

PUBLIC WORKS DIRECTOR

Public Works Report – City Hall Flat Roof Replacement Bid Summary – Recommendation to Award – Miranowski said bids were received on August 29th and presented the bid sheet. He noted the lowest bidder was Pierce Lee Roofing at \$69,524, however they did not meet the warranty specifications. A 15 year manufacturer's warranty was required and they provided a 20 year contractor warranty which he did not feel sufficed. The next lowest responsible bidder was MJ Dalsin at \$78,800, and Miranowski recommended the project be awarded to Dalsin. **Motion by McNary, seconded by Perdue, to approve awarding the bid for the City Hall Flat Roof Replacement to MJ Dalsin Roofing in the amount of \$78,800.** Discussion held. **Motion carried with a roll call vote of 7-0.**

Miranowski requested referral to Public Works Committee **of the Review of the Assessment Spreads for Projects on Loy Avenue, East Side Sanitary Sewer Phase II Part B, and Westdale 3rd Addition.** 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.

COMMUNICATIONS FROM THE MAYOR & COUNCIL

Bohn announced ComDel Innovation will be hosting an open house on Saturday, September 16th from 1-4pm. Guided tours of the manufacturing floor will be provided along with refreshments.

REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS

Public Works & Public Safety Committee Report

McNary said the Public Works & Public Safety Committee met on August 28 at 4:00 p.m. **2022 Lime Lagoon Dredging Proj. W21-260 Contract Change Order #1 Comstock Construction – motion to approve \$22,008.50. Motion to approve final pay application \$137,408.50 – Motion by McNary, seconded by Woods, to approve Contract Change Order #1 for \$22,008.50 with Comstock Construction on the 2022 Lime Lagoon Dredging Project W21-260. Motion carried with a roll call vote of 7-0.**

Motion by McNary, second by Woods, to approve the final pay application from Comstock Construction on the 2022 Lime Lagoon Dredging Project W21-260 in the amount of \$137,408.50. Motion carried with a roll call vote of 7-0.

Repeal and Replace of Traffic Code Ord. 42-125 and 42-126 – motion to offer first reading of Ord. 1058 –

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

ORDINANCE NO. 1058

AN ORDINANCE REPEALING AND REPLACING SECTIONS 42-125 – OFFENSES EXCEPTED; AND 42-126 – NONCRIMINAL VIOLATIONS; EXCEPTIONS.

ND DOT Road Response – discussion

Grass Maintenance After Construction – discussion

Traffic Control Box Artwork – discussion

School Resource Officer Contract – discussion

2024 Preliminary Budget – discussion

Resolution Approving City Jurisdictional Boundary ND DOT – discussion

Water Supply Agreement for Lallemand Yeast Co. – discussion

Fire Works Ordinance – motion to offer first reading of Ord. 1059 changing the time fireworks may be used –

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

ORDINANCE NO. 1059

AN ORDINANCE REPEALING AND REPLACING SECTION 14-115– RESTRICTIONS ON USE OF FIREWORKS.

Building Official Updates

Yard Junk/Clutter Updates – discussion

Referrals

Finance, Personnel & Economic Development Committee Report

Bohn said Finance, Personal & Economic Development met on August 28 at 5:00 p.m.

North Loop Development Agreement - discussion

Liquor License Ordinance Addition – motion to offer first reading Ord. 1060 –

Council member Bohn offered the first reading of the following Ordinance:

ORDINANCE NO. 1060

AN ORDINANCE ADOPTING SPECIAL EXCEPTION FOR DRY DOCK ACTIVITIES FOR CLASS A LIQUOR LICENSE HOLDERS

Sales Tax Ballot & Ordinance - discussion

Preliminary Budget – discussion

Position Description Updates - discussion

Referrals

SCHEDULING OF COMMITTEE MEETINGS

The following Committee Meetings were then scheduled:

- a. Public Works Committee September 11th 4:00 p.m.
- b. Finance Committee September 11th 5:00 p.m.

Motion by Goltz, seconded by Schillinger, to adjourn at 5:58 p.m. Motion carried.

Mayor Brett Lambrecht

Lynelle Amos, Finance Assistant