

CITY OF CASSELTON
Monday, April 6, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Charlie Francis, Kent Buss, Fred Wangler, Ed McConnell and Mike Eberhardt. Also present: Matt Thompson, Steve Link, Jerry Jordan, L Parrco-Hawkins, Jonathan Warrey, Wayne Kramlich, Nancy Kramlich, Tim Schneider, Dan Weber, Carol Weber, Bernie Sinner, Gary Gunderson, Shannon Radcliffe Bueche, Tim McLean, City Auditor Sheila Klevgard, Deputy Mathew King, City Engineer Brandon Oye, Public Works Supervisor Kevin Mayer and City Attorney Del Losing.

Amend Agenda

Councilman Eberhardt made a motion, seconded by Councilman Francis to add the conditional use permit and liquor license transfer to the agenda for The Udder Bar. All voted aye on voice vote; **motion passed**

Correspondence

North Dakota Insurance Reserve Fund has their annual meeting on Wednesday, May 6, at 10:30am at the Ramkota Inn in Bismarck. All are invited to attend and to vote for a representative Board Member.

Minutes, Consent Agenda, Bills and Financial Report

The deputies had an average number of calls last month and wrote up 38 citations within city limits. Councilman Wangler made a motion, seconded by Councilman Buss to approve the minutes of March 2, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. The auditor asked the council whether the copier should be paid for from the General Fund or from Major Equipment. Councilman Wangler made a motion, seconded by Councilman Carvell to pay it from the Major Equipment Fund. All voted aye on roll call vote; **motion passed**. Councilman Buss made a motion, seconded by Councilman Eberhardt to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

A1 Radiator Sales	\$709.47
Advanced Business Methods	\$112.15
Adapco	\$2,304.30
Aflac	\$235.24
Ag Spray Equipment	\$306.43
James Albrecht	\$51.25
Ameripride	\$177.50
Avesis Vision	\$100.40
Blue Cross Blue Shield	\$4,809.34
Bremer Bank	\$26,922.00
Business Essentials	\$31.99
Cass County Electric	\$715.55
Cass County Reporter	\$438.32
Cass County Treasurer	\$11,261.33
Cass Rural Water Users	\$24,132.96
Casselton Cemetery Assn	\$12,500.00
Casselton Drug	\$2.59
Casselton Fire Dept	\$27,500.00
Casselton Lumber	\$12.94
Casselton Parks & Rec	\$200.00
Casselton Public Library	\$36,707.00
City of Fargo	\$3,822.30
Essentia Health	\$32.00

King Farms Trucking	\$250.00
Richard Kjonaas	\$54.93
Mac's	\$171.60
Jim Markey	\$65.08
Midnight Solutions	\$120.00
Moore Engineering	\$8,692.25
Motion Industries	\$58.06
Municipal Govt Academy	\$100.00
ND Dept of Health	\$18.83
North Dakota One Call	\$9.35
ND Insurance Dept	\$1.16
ODB Company	\$2,515.06
Ohnstad Twichell	\$1,500.00
Ojibwe	\$141.67
Orbitcom	\$283.38
Ottertail Power	\$5,188.87
Overhead Door Co	\$828.20
Petro Serve USA	\$1,140.62
Powerplan	\$907.63
Radisson Hotel Bismarck	\$94.70
RDO Equipment	\$6,000.00
Reardon Office Equipment	\$2,909.00
Sam's Club	\$17.86

CITY OF CASSELTON
Monday, April 6, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

Expressway Suites	\$329.30
Gordy's Inc.	\$18.00
Guardian	\$852.73
Hardware Hank	\$189.04
Hawkins Chemical	\$532.50
Jerry's Excavating	\$3,429.50
Job Authority	\$10,000.00
Johnson Pest Control	\$55.00

Sanitation Products	\$344.05
Sanford Health Occ Med Clinic	\$60.00
Starion Bond Service	\$674,354.25
Sturdevant's	\$316.96
Swanston Equipment	\$974.76
Sweeney Controls	\$599.76
Team Laboratory	\$2,089.00
Verizon Wireless	\$149.52
Xcel	\$453.16

Financial Statement

Councilman McConnell made a motion, seconded by Councilman Wangler to approve the financial statement. General Fund \$77,814.78; Special Revenue Funds \$670,957.16; Debt Service Funds \$1,761,829.56; Construction Funds \$(672,209.03); Special Assessment Funds \$1,500,406.25; Enterprise Funds \$499,391.72; Trust and Agency Funds \$57,070.37; total \$3,895,260.81. All voted aye on roll call vote; **motion passed.**

2nd Reading of Loegering Annexation

This is an annexation of 5.36 acres owned by George and Marilyn Loegering just north of RDO. Typically Planning & Zoning gives a recommendation, but they didn't have a quorum at their meeting and those in attendance didn't object to approving the annexation. The plan is to put a building on the land which would house Steve Loegering's business. Councilman Wangler made a motion, seconded by Councilman McConnell to approve the annexation. All voted aye on voice vote; **motion passed.**

Liquor License

Casselton Golf Course Inc is seeking a beer and wine license to serve beer at the golf course. Nancy Sweep will be managing the course. Councilman McConnell made a motion, seconded by Councilman Eberhardt to approve the beer and wine license. All voted aye on voice vote; **motion passed.** Wayne Kramlich is requesting a conditional use permit to move The Udder Bar to the old Dairy Queen location next to the Law Enforcement Center. He indicated his intent to constantly improvement the building and exterior, changing it to a sit down restaurant with a separate bar. The outside patio will have a barricade to protect his customers from traffic in the alley. He will be leasing the building with the option to buy and has no concerns with being so close to the Law Enforcement Center since he has had no fights in his bar and wants to keep it that way. Councilman Eberhardt made a motion, seconded by Councilman Wangler to approve the conditional use permit. All voted aye on voice vote; **motion passed.** Councilman Carvell made a motion, seconded by Councilman Buss to approve the transfer of the liquor license. All voted aye on voice vote; **motion passed.**

Fire Department Raffle Permit & Update

The driveway to the planned concrete parking lot will be moved farther north to keep it away from the building and make it safer to enter and exit. This will also make the entrance more centrally located if the lot next door is purchased in the future. A 125th anniversary open house and picnic hog roast, with a presentation, is planned for Thursday, June 25th. Also in celebration they plan to raffle an anniversary edition rifle on opening day of deer season. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve the raffle permit. All voted aye on voice vote; **motion passed.**

Renaissance Zone

The renaissance zone has been in place for 15 years and will expire unless a five year extension is filed by May 15th. A formal extension includes an update to the development plan, updated property descriptions, written support from

CITY OF CASSELTON
Monday, April 6, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

the county and school and formal council approval at the May meeting. To date nine projects have been approved, one was withdrawn and one is in progress. The purpose of the zone is to encourage and enhance renovation or construction in the core sector of the city. A project must create a 50% increase in property value to qualify for the renaissance zone incentive of five years of local property tax abatement on the increased value and at the state level, a five year income tax credit. A proposed project is reviewed by the local Renaissance Zone Authority, recommended for approval to the city council with the anticipated tax benefits and once approved by council is then forwarded to the state. A block containing exempt property, i.e. city-owned property, is considered exempt and only counts as ½ block in the 20 block zone limit. Privately owned property in an exempt block is still eligible for incentives; only the municipal property is exempt. There appears to be a continued appetite for improvements and Sinner hasn't had any negative feedback in the last 15 years. Sinner will move forward with the renewal process.

Summerfest

Bueche had questions on a few items.

- Swanks Car Club has an idea for a future year to have a drag race at the airport; Jamestown is one location that has had one in the past. A cackle fest is planned for this year involving vintage nitro cars and a jet powered one. She suggested the location where the recycling bins are on Front Street because it could be easily roped off and is out of the way. They would turn on the cars and rev them up several times for short bursts and would be completed by 8pm. There were no objections from council. They are also expecting 400+ cars on Thursday night so they would like additional space for parking. She suggested using the Medical Building parking spaces and the green space east of the recycling bins and the Catholic parking lot as a last resort has been approved by the church. Council was concerned that customer parking still be available to the businesses on Front Street. Her thought was to put up signage to discourage show parking until after 4pm. It was also suggested to put a sign on the door for the downtown apartments a few days earlier to notify them of what hours they can't park on Front Street and 6th Avenue during Summerfest.
- Go Kart races were a big hit last year and Red River Racing plans to come out again. There's no real good place to set up other than on 6th Avenue since it's very wide; the problem is that the road is not smooth so it's hard to run the karts since they are so close to the ground. She is looking for ideas to make it better for the kids driving them. The school parking lot was suggested as a possible location.
- Daniel Rugroden was contacted for a farmers market on Friday from 2-6pm in Governors Park. Although Thursday evenings and Saturday mornings are usually the better times, they would not fit in the current schedule. Bueche hopes to make this a kickoff day to continue the farmers market after Summerfest. There will be no charge to the vendors this year in order to get it off the ground.
- The city has donated \$10,000 to Summerfest ever since the inception of the event. Costs are going up as they attempt to make it grow so she requested council to consider an increase to \$12,000. The band selected for next year is 32 Below and although they are charging a reduced rate it is still significantly higher than previously hired bands. The performance will be free to the public. Councilman Buss made a motion, seconded by Councilman Francis to give an additional \$2,000 to Summerfest 2015 from the Tower Rent Fund. All voted aye on roll call vote; **motion passed.**

House Property

The transfer to the city has been finalized and keys received. State law and city ordinance require that any city real estate property valued over \$2,500 be sold via auction or sealed bid accepted by the city as sufficient or can be sold under non-exclusive listing agreements where the city can decline any offer. A sealed bid could give the bidder the ability to sit in on the bid opening and the opportunity to increase their offer. Councilman Carvell made a motion, seconded by Councilman Buss to request bids for the property with the opportunity to increase at bid opening. All voted aye on voice vote; **motion passed.** It must be advertised for two weeks and ten days prior to the bid opening on the evening of the next regular council meeting.

CITY OF CASSELTON
Monday, April 6, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

Water Tower Cleaning

Moss is growing on the lower portion of the bowl due to condensation. If it doesn't get cleaned it could affect the paint and cause the city to need to paint it at a higher cost. The contract price from H&H Coatings has always been lower than others; he's local and does all of Fargo's towers also. A cleaning solution pressure wash costs \$16,500. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve the cleaning for that price. All voted aye on roll call vote; **motion passed.**

Special Assessment Appointment

Councilman Wangler made a motion, seconded by Councilman Carvell to appoint Dan Madsen to another 2 year term. All voted aye on voice vote; **motion passed.**

Wildlife Club Display Case

The club requests permission to install a four foot by eight foot oak display cabinet on the south wall of the auditorium for awards and other wildlife memorabilia. It will be similar in color and design as the coat rack since it will also be made by Bill Radermacher. Councilman Buss made a motion, seconded by Councilman Francis to approve the installation of the cabinet. All voted aye on voice vote; **motion passed.**

Noise Ordinance

As currently written the ordinance would prohibit noisy parties if they can be heard from 50 feet or more and includes some general prohibitions and other factors as well as designated quiet hours. Exemptions are also listed and the penalty would be a non-criminal infraction. Although some other cities list decibels, the committee was not interested in getting that specific. Councilman Wangler made a motion, seconded by Councilman Francis to approve the first reading of this ordinance. All voted aye on voice vote; **motion passed.**

Gordy's Cars

Last fall a new ordinance on junk vehicles was approved allowing commercial properties to keep junk vehicles for 60 days and if they were kept any longer the junk cars must be put behind an approved fence. A letter was sent a few weeks ago to Gordy's reminding them of this ordinance. Gunderson asked if it would suffice to move the cars behind the trees east of the truck parking lot where they would not be seen without putting up a fence. Council seemed agreeable since they were under the impression last fall that he was going to move the cars. Anything he could do to improve the view coming off the interstate would be appreciated. It was noted that the city should address the other car lots also.

BNSF Right-of-Way

Dan Weber purchased the lot adjacent to his residence plus an additional 20 feet from BNSF which includes property the city has shown as 1st Avenue North. The railroad claimed ownership of the property based on an 1893 publication that shows the city vacated the street but this vacation is not recorded with the county. The railroad is willing to sell 27,400 square feet of their property for \$34,150 plus \$2,000 processing fee or for more property which includes parcels owned by BNSF for \$117,000. Purchase of the land is not necessary because easements have already been established for anything the city owns in the area. Weber requested a guarantee that the city will maintain the street even though it will become a dead-end street once the Highway 18 radial T, which will tie in at the fertilizer plant, is completed. Council could not give that guarantee since they don't intend to purchase the land, but indicated that they plan to continue snow removal. Councilman Eberhardt made a motion, seconded by Councilman Buss to concede that the street has been vacated and Weber purchased the land from BNSF. All voted aye on voice vote; **motion passed.**

CITY OF CASSELTON
Monday, April 6, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

Commercial Property Valuation

Frank Klein, county assessor, would like Casselton's commercial properties to be reassessed. There was a recent sale in Casselton that was valued at \$107,000 and sold for \$377,000. Assessed values should be 90-110% of actual value, so with Casselton representing 80% of the rural Cass commercial property, the total county values are skewed. City assessor, Tim Schneider, stated there aren't many commercial sales to help one get a good feel for value unless one does this kind of assessment regularly. Both assessors suggest that Vanguard Appraisals be hired to assess these properties and the county would cover half of the fees. They expect the valuation to occur for the 2017 tax year and the cost to the city to be \$20,000. There are 97 commercial properties plus two elevators and one large industrial parcel (fertilizer plant) with different fees for each parcel type. The county already uses Vanguard's software so the property cards would be available online and the city would have access to the county's software to make updates. The last citywide assessment was 35 years ago and they estimate it would cost \$113,000 to assess the entire city. Councilman Carvell made a motion, seconded by Councilman Francis to have Vanguard assess the commercial properties. Carvell, Francis, Buss and Eberhardt voted aye on roll call vote, Wangler and McConnell voted nay; **motion passed**. Legislation requiring 180 hours of training for assessors failed the house; had it passed, the county assessors would have most likely have taken over assessing most townships and cities.

Highway 10 East of Langer

The county presented a street design they would like to use for the traffic in front of the school as a result of the feasibility study. There would be a median between the traveled roadway and the parking area. The parking area access would be one-way traffic heading west with one entrance at the east end. The school was not happy with the design and there is the issue as to how the cars would reenter the street traffic. If the city opts out of the improvement, the county would only put in a two inch overlay and leave it at that. Oye will see if it could be redesigned so that the median could be put in at a future date when traffic warrants the need.

Engineer's Agenda

Sewer & Street Improvement District #25 – When the final payment request with SRF was being reviewed it was discovered that an overpayment was made to KPH in the amount of \$116,000. The total of previous payments listed on pay request #9 was an incorrect number. It is an obvious error that it should be repaid; however there was concern that if the city has trouble collecting, will Moore be responsible. Record drawings are being completed and city utility maps will be updated. There will be another bill anticipated at \$15,000 for updating the drawings and maps. Councilman Carvell made a motion, seconded by Councilman Buss to approve payment of invoice 9869 for \$4,500. All voted aye on roll call vote; **motion passed**.

Levee Improvements – The corps of engineers reviewed the risk factors of our levee system and received soil boring reports from Moore Engineering as requested. Councilman Wangler made a motion, seconded by Councilman Francis to approve invoice 9872 for \$1,325.00. All voted aye on roll call vote; **motion passed**.

East View 1st Addition – Sewer & Water Improvement District No. 2015-1 – Link spoke with Dan Madsen of the special assessment commission and the mayor to come up with cost options. If brought in from the north, the sewer main would be too shallow to add more lots to this line so he also brought in cost options for a connection to Front Street instead. As a water and sewer project the residents cannot stop the project but can protest the amount they are being assessed. Since this is going to be a self-funded project, council could allow payment of specials to be delayed, such as until built on or a two year deferment whichever comes first. The assessment could also include the deferred interest for the delayed payments of two years. Any future self-funded projects could also be considered for this type of treatment on a case by case basis. The engineer's report and plans and specifications will be presented at the next meeting. A letter to land owners will be sent out so they can protest at that meeting.

State Highway 18/2nd Street N – New bids were received for the adjusted project design and Dakota Underground

CITY OF CASSELTON
Monday, April 6, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

submitted the low bid. The city is responsible for all of the preliminary and design engineering costs and 10% of construction and construction engineering costs if the engineer is selected following the Brooks Act. Councilman Carvell made a motion, seconded by Councilman Eberhardt to award the contract to Dakota Underground for \$338,266.55. All voted aye on roll call vote; **motion passed**. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the amendment to the construction and maintenance agreement. All voted aye on roll call vote; **motion passed**.

State Highway 18/County Highway 10 Improvements – Moore visited with the county about access issues to the school and will also need to meet with the new superintendant. The current feasibility study costs are being paid by the county.

Industrial Park Storm Sewer Improvements – The request for funds was sent to the county commission although not addressed at the meeting today so they will meet April 20th at 1:00 pm. Councilman Buss made a motion, seconded by Councilman Wangler to pay invoice 9873 for \$2,867.25. All voted aye on roll call vote; **motion passed**.

Cottonwood Estates – Back Yard Storm Sewer Pipes – Moore remitted reimbursement for the Randall's Excavating invoice to redesign and install new storm sewer.

Municipal Rural and Industrial Water Supply Program – Oye will submit information for the water tower project for potential 75% funding. They are only requesting information at this time; applications are sent later.

Councilman Buss made a motion to adjourn at 10:27 pm.

Board of Equalization meeting April 14, 2015 at 7:00pm.
Next regular meeting May 4, 2015 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor