

**CITY OF CASSELTON**  
**Wednesday, April 27, 2016**  
**SPECIAL MEETING 7:00 P.M.**  
**Council Chambers**

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Ed McConnell and Kent Buss. Also present: City Auditor Sheila Klevgard, Public Works Director Kevin Mayer, City Engineer Brandon Oye and City Attorney Del Losing.

**Railroad Permit for Drainage Project**

The permit, valid for twenty-five (25) years, covers three culverts, one that crosses beneath the tracks and two parallel to the tracks. It states the city is liable for its own negligence but not responsible for theirs. Councilman McConnell made a motion, seconded by Councilman Eberhardt to approve the culvert permit. All voted aye on voice vote; **motion passed.**

**Highway Right of Way Permit**

This permit is needed to perform work in the State Highway 10 ditch and requires the disturbed areas to be restored to pre-construction condition and reseeded. The work is to be completed by September 30, 2016. Councilman Eberhardt made a motion, seconded by Councilman Carvell to approve the highway right of way permit. All voted aye on voice vote; **motion passed.**

**NDSU Easement**

Southern end of the ditching is on NDSU state land requiring an easement for 99 years which allows for additional maintenance. Councilman Buss made a motion, seconded by Councilman Francis to approve the NDSU right-of-way easement. All voted aye on voice vote; **motion passed.**

Contracts will now get signed as per the March 7<sup>th</sup> council meeting at which the construction contract was awarded pending the NDSU easement. Maple River Grain requests that the contractors start immediately to get the road done prior to the time when trucks needing access to their business. Consensus was that it would be in the best interest of all to wait for signatures on all agreements and contracts before starting.

**Poker Permit**

The application was withdrawn; Community of Care had signed the permit application expecting that they were just the recipient but they don't want the responsibility as applicant.

**KPH Lawsuit**

The KPH lawsuit may be discussed in executive session under the authority of NDCC 44-04-19.1(2), (5) and (9). Topic is litigation and possible negotiation. Councilman Francis made a motion, seconded by Councilman McConnell to enter executive session at 7:17pm. All voted aye on voice vote; **motion passed.** Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Ed McConnell and Kent Buss. Also present: City Auditor Sheila Klevgard and City Attorney Del Losing. Councilman Francis made a motion, seconded by Councilman McConnell to exit executive session at 7:37pm. All voted aye on voice vote; **motion passed.**

Councilman Francis made a motion to adjourn at 7:38 pm.

Next regular meeting May 2, 2016 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard  
City Auditor