

CITY OF CASSELTON
Monday, August 1, 2011
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Vice Council President Craig Tillisch; Councilmen Phil Spooner, Paul Spooner, and Steve Link.

Also Present: City Attorney Del Losing, Public Works Supervisor Kevin Mayer, City Engineer Brandon Oye, Tom Klabunde, Auditor Brandy Pyle, Richard Hawkins, Annie Kelly, Sallie Vance, Jackie Anderson, Sheila Klevgard, George Blank, Michele Rieniets, Diane Spoerl, John Taylor, John Reps, Tom Roden, Mike Nelson. Tracey Frank, Tristin Frank, Caitlin Frank, Lin Smithwick, Cass County Deputy Jeff Arth.

Not Present: Mayor Ed McConnell, and Councilman Pete Silbernagel

Minutes, Consent Agenda, Bills and Financial Reports

Councilman Phil Spooner made a motion seconded by Councilman Link to approve the minutes of July 5, City Attorney's Report, Police Report, Municipal Judge's Report, and the delinquent utilities list. All voted aye on roll call vote; **motion passed.**

Police Report-

Deputy Arth reported that it was pretty quiet around town. Night to Unite will be tomorrow August 2 5:30-8 for food and demonstrations in the Governor's Park. This is the last city council meeting for Deputy Arth as he it will be deployed to Kuwait later this month. The Council wished him luck and a safe return.

Councilman Link made a motion, seconded by Councilman Phil Spooner to approve the following bills, refunds and salaries for the month of August. All voted aye on roll call vote; **motion carried.**

38190	Aflac	\$115.50	38216	King Gravel	1700
38191	Ameripride	\$122.47	38217	Kindred Plumbing & Heating	\$24,709.50
38192	Anita Hovland	\$64.73	38218	Mac's Inc.	\$48.04
38193	Avesis Vision	\$62.27	38219	Medica	\$2,650.74
38194	The Bank of North Dakota	\$286,420.04	38220	Midnight Solutions	\$120.00
38195	Cass County Reporter	\$384.73	38221	Moore Engineering Inc.	\$10,209.87
38196	Cass Co. Treasurer	\$10,164.67	38222	NDLC	\$45.00
38197	Casselton Drug	\$62.77	38223	North Dakota One Call	\$46.80
38198	Cass CO Electric	\$610.09	38224	NorthStar Safety Inc.	\$1,190.00
38199	Casselton Lumber	\$3.16	38225	Ohnstad Twichell	\$1,450.00
38200	Cass Rural Water Users	\$24,127.43	38226	Orbitcom	\$305.98
38201	Central Sales	\$258.55	38227	Ottertail Power	\$4,386.32
38202	City of Fargo	\$3,815.40	38228	Otto's Welding & Machine Shop	\$712.81
38203	Culinex	\$35.29	38229	Casselton Parks & Rec	\$9,498.78
38204	Earl's Repair	\$554.30	38230	Powerplan	\$2,309.36
38205	Econo Signs LLC	\$508.28	38231	Petro Serve USA	\$8,006.93

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38206	Gordy's Inc.	\$7.00	38232	Sensus Metering System	\$1,452.00
38207	Guardian	\$527.04	38233	S&S Landscaping	\$8.29
38208	Hardware Hank	\$208.78	38234	Sturdevant's Inc.	\$296.72
38209	Haugen Cleaning	382.5	38235	Titan Access Account	\$815.01
38210	Hawkins Chemical Inc.	1023.25	38236	USPS	\$190.00
38211	H & S Painting	\$1,351.00	38237	Verizon Wireless	\$139.23
38212	Jory Iwen	\$136.19	38238	Wangler Foods	\$50.84
38213	John Deer Financial	\$489.35	38239	Water Conservation Service	\$4,700.00
38214	Johnson Pest Control	\$110.00	38240	Xcel	\$61.20
38215	Ken's Heating & AC	\$73.50	38241	Xtreme Printing	\$114.90

Financial Statement

Councilman Steve Link made a motion seconded by Councilman Phil Spooner to approve the financial statement for July. General fund \$123,676.90; Special Revenue Fund \$767,035.88; Debt Service Fund \$590,756.03; Construction Funds \$(197,199.45); Special Assessments \$379,960.57; Enterprise Funds \$424,172.79; Trust and Agency Fund \$10,268.17; total \$2,098,670.89. All voted aye on roll call vote; **motion passed**. All voted aye on roll call vote; **motion passed**.

Correspondence

A letter from NDDOT was received regarding the grant approval for the NDSTREET project. City Engineer Oye noted that the application identified some areas on Langer Avenue and 2nd street north. These areas hold water after rains. The Council discussed the cost of the project. Construction will be scheduled for 2015.

Public Works Report

Public Works Supervisor Kevin Mayer reported that Ottertail Power Company lost power in the NW corner of town during a recent rain storm. It took a while for it to be repaired and affected the electricity to the lift stations. The lift stations in that area work off a 3 phase system. Losing power causes stress on the sewer systems as the pumps have a hard time keeping up. The Public Works department set up portable pumps to help until the lift came back on line.

Garbage Totes

Michele Rienets approached the Council with questions about the new volume based garbage collection. She is concerned about a location to put her totes as her garage access is off the alley and doesn't have a spot on the road to put the tote. She was also concerned with the snow in the winter. If the City damages the totes during snow removal, then they would replace the tote. George Blank from Martin's Lutheran Church said that the Church would like to keep its dumpsters as they do not have full time staff to put the totes out. Representatives from Westminster Presbyterian Church also noted that they would like to keep their dumpster. The intent of moving to a tote system is to help keep the garbage truck out of the alleys as it tends to rut them up. The Council discussed the dumpsters located around town. Councilman Steve Link made a motion, seconded by Councilman Phil Spooner to table the garbage tote decision for Michele Rienets until the next Council meeting. All voted aye on roll call vote; **motion passed**.

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This will allow time for the Council to look at dumpsters around town.

Request to Change the Ordinance Regarding Prohibited animals

Caitlin Frank approached the Council and read a request to amend the ordinance that prohibits chickens in the City of Casselton so she could raise 2 hens for a 4-H club. City Attorney Del Losing explained the current city ordinance. If there were to be an amendment, it would take 2 readings. Tristin Frank explained that he would like to have 2 hens that would live in the garage and a small cage outside. He explained that hens do not make noise like rooster. Neighbors of the Franks were present and were not opposed to the hens. The Council discussed a variety of ideas to accommodate the request such as a pet license, or a permit approved by City Council. Councilman Phil Spooner made a motion, seconded by Paul Spooner to have the City attorney put a proposal together for the next council meeting. All voted aye on roll call vote; **motion passed.**

Sewer Backup issues

Sallie Vance, 321 Langer Avenue South approached the City Council with questions regarding the sewer system. She has had 2 sewer backups in her house within the past 4 months. Annie Kelly 251 Langer Avenue address also had sewer back up in July right after a 3 inch rain. It was explained that when the power went out, the sewer lift stations had a hard time keeping up. Portable generators were set up on lifts 2 and 4 to assist the lift stations during the heavy rain. During the rain event the system was working at full capacity. Unfortunately, this area of town has their sewer service lines at the same height as the main and sewers back up. The homeowners did not have back flow preventers on their service line.

Engineer Brandon Oye explained how ground water leaches into the sanitary system and can add more water to the flow. The system has also been recently televised identify areas that need to be repaired or relined. The new developments do not appear to adversely affect the system. The Auditor will collect the names and addresses of those that had back up and submit a claim to NDIRF.

The Council and audience then reviewed some video from the sewer televising. Oye showed areas that were good and would only need to be relined. He also showed areas that will need to be completely replaced. The area of Langer Avenue between 2nd and 3rd streets was found clear. If the water in the pipes appears to be 4 inches then he recommends replacing the pipe. The relining/replacement project will begin next summer in a 2-3 phase project. New pumps may also be added as part of the scope of the project. The engineers will review the video this fall and put together plans and specifications for an early spring bid letting.

Garbage Totes order

Councilman Link made a motion, seconded by Councilman Paul Spooner to approve the order for garbage totes from Sanitation Products in the amount of \$55,9407.50. All voted aye on roll call vote; **motion passed.** 1100 totes will be ordered and delivery scheduled for November.

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Hazard Mitigation Grant

FEMA has opportunities to for hazardous mitigation grants. The money could hopefully be used for projects like bigger pumps in the sanitary sewer system, or the industrial park area. Councilman Link made a motion, seconded by Councilman Phil Spooner to authorize Moore Engineering to prepare applications for the FEMA hazardous mitigation grant that is due August 26. All voted aye on roll call vote; **motion passed.**

Auditor Appointed

Councilman Link made a motion, seconded by Councilman Phil Spooner to appoint Sheila Klevgard as auditor. All voted aye on roll call **vote; motion passed.**

Engineer updates

City Engineer Brandon Oye asked to meet with the Public Works Committee to finalize the plans for the Quiet Zone. Once the committee approves the plans the project will be bid out.

He then updated the Council on Improvement District #23 (Heartland Ave street extension). Councilman Paul Spooner made a motion, seconded by Councilman Link to approve partial payment #1 to KPH in the amount of \$24,709.50. All voted aye on roll call vote; **motion passed.** Councilman Link made a motion, seconded by Councilman Paul Spooner to approve the engineers invoice in the amount of \$2,941.35. All voted aye on roll call vote; **motion passed.**

Oye then presented a preliminary engineering invoice for Street & sewer improvement project #24.

Improvement District # 23(Heartland Avenue extension)

Councilman Link made a motion, seconded by Councilman Phil Spooner to approve contract and performance bond for improvement district #23. All voted aye on roll call vote; **motion passed.**

Councilman Phil Spooner made a motion, seconded by Councilman Link to direct special assessments to be levied for the payment of the costs of Improvement District #23, and to certify to the chairman of the special assessment commission the total cost thereof, as estimated as nearly as practicable, to be \$390,000. All voted aye on roll call vote; **motion passed.**

Casseltap Lounge after hours

There was an issue that Casseltap Lounge was serving after hours on one of the nights of Summerfest. Casselton Ordinance prohibits serving or consuming alcohol after 1 am on a liquor license premise. A police report was filed. Bar owner John Taylor was present. He noted that he wasn't aware of the law and it was his employees in the bar, not patrons. The City must send a letter 5 days in advance of scheduled hearing to address the violation. The Council agreed to hold the hearing at the regular September Council meeting. The officer who wrote the report, and other officers who have addressed other incidents in this bar will be asked to be present. Richard Hawkins, the building owner, is concerned with the recent rumors going around town

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regarding the bar.

The Council set Monday August 15 as the preliminary budget hearing and September 6 as the regular Council meeting and Final budget hearing.

The Council was encouraged to attend the NDLC annual conference on September 23-24 in Fargo.

Motion to adjourn by Phil Spooner, seconded by Steve Link at 9:09 p.m.

Respectfully Submitted,

Brandy L. Pyle
City Auditor