

CITY OF CASSELTON
Monday, August 1, 2016
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Char Gust, Kent Buss and Fred Wangler. Also present: Terry Lende, Ed McConnell, Jerry Jordan, Angela Kolden, Steve Rust, Dave Ratchenski, Jeff Sauer, Alex Richard, Shannon Bueche, Randy Myhre, Lorne Sterner, City Auditor Sheila Klevgard, Public Works Director Kevin Mayer, Deputy Nate Boerboom, City Attorney Del Losing and City Engineer Brandon Oye.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Eberhardt made a motion, seconded by Councilman Wangler to amend the agenda by adding lights at the water tower to the public works section. All voted aye on voice vote; **motion passed**. Councilman Eberhardt made a motion, seconded by Councilman Francis to amend the agenda by adding Verizon Wireless. All voted aye on voice vote; **motion passed**. There were 67 calls for service although nothing notable. The deputy would like to see the city amend the fireworks ordinance to allow for displays over the weekend; next year the 4th will be on Tuesday meaning the current ordinance will only allow fireworks displays on weeknights in 2017. He also requested the city to buy chips for National Night Out which starts at 5pm tomorrow. There will be a cook off for pulled pork with a traveling trophy for the winner. Councilman Buss made a motion, seconded by Councilman Wangler to approve the minutes of June 28 and July 5, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. Councilman Carvell made a motion, seconded by Councilman Francis to approve paying for the chips. All voted aye on roll call vote; **motion passed**. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Ag Spray Equipment	\$180.73
Ameripride	\$299.63
Avesis Vision	\$121.13
Belling Tree Service	\$4,250.00
Border States Electric	\$12.78
Bud's Electric	\$104.00
Camas Sand & Gravel	\$2,782.65
Carlson McCain, Inc	\$2,800.00
Cass County Electric	\$523.96
Cass County Reporter	\$1,314.16
Cass County Treasurer	\$11,261.33
Cass Rural Water Users	\$33,557.96
Casselton Cemetery Assn	\$100.00
Casselton Lumber	\$30.00
Casselton Parks & Rec	\$9,354.19
City of Fargo	\$3,995.32
Colonial Life	\$80.92
Corey & Brandi Enger	\$48.65
Electric Pump	\$484.56
Gary Marier	\$100.00
Guardian	\$889.41
Hardware Hank	\$183.10
Hawkins Chemical	\$1,075.26
Interstate Powersystems	\$275.08
Jet-Way Multiple Services	\$726.00
Joan Carvell	\$201.88

Johnson Pest Control	\$55.00
Medica	\$4,440.50
Midnight Solutions	\$120.00
Mid-States Wireless	\$510.00
Mike Nelson	\$480.00
MJ Dalsin	\$6,423.00
Motion Industries	\$53.85
ND Dept of Health	\$5.00
ND DOT	\$27,511.52
ND Sewage Pump	\$1,275.00
ND Solid Waste & Recycling	\$75.00
ND Insurance Dept	\$3,926.96
New Horizons Electric	\$459.42
Ohnstad Twichell	\$1,700.00
Ottetail Power	\$3,817.22
Paul Bunyan	\$338.30
Petro Serve USA	\$723.76
Productivity Plus Account	\$2,131.03
Red River Title Services	\$600.00
Sam's Club	\$72.43
Statewide Services, Inc.	\$380.00
Summit Group	\$800.00
US Postal Service	\$215.00
Verizon Wireless	\$151.38
Wisniewski's Top Cut	\$1,000.00
Xcel	\$92.19

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Financial Statement

Councilman Wangler made a motion, seconded by Councilman Francis to approve the financial statement. General Fund \$53,615.15; Special Revenue Funds \$766,585.27; Debt Service Funds \$1,770,590.47; Construction Funds \$305,764.17; Special Assessment Funds \$1,295,438.71; Enterprise Funds \$527,606.07; Trust and Agency Funds \$16,531.14; total \$4,736,130.98. All voted aye on roll call vote; **motion passed.**

Public Works

They are working on snow equipment now and will start servicing lift stations soon. There are four 1500 watt lights at the water tower of which one or two are replaced each year. Mayer proposes switching to 300 watt LED lights with a 20 year life cycle and five year warranty which can be attached to the current poles. They will cost \$8,813.24, but with an energy savings of \$1,800 per year and reduced repairs of \$1,000 the payoff to switch is just over three years. Councilman Carvell made a motion, seconded by Councilman Francis to purchase the LED lights using the water fund repairs and maintenance line item. All voted aye on roll call vote; **motion passed.**

Planning & Zoning Conditional Use Permit

Terry Lende requested a conditional use permit to open a thrift store at 610 Front Street. The Planning & Zoning Commission made a unanimous recommendation to approve the permit. Councilman Eberhardt made a motion, seconded by Councilman Gust to approve the conditional use permit. All voted aye on voice vote; **motion passed.**

Summerfest Recap

Complete numbers have not been received yet. To the public eye all events went off well including the largest dance yet. Car show attendance was a little lower due to the heat. The additional entertainment on Saturday seemed to help keep people downtown during the day. Moving events away from the school also seemed to improve attendance for all events and brought people into the businesses. She will recommend using the school only as a backup location for future years. They kept everything free to the public and reduced sponsorships from businesses this year. The date for next year is July 27 to July 30 and next year's band has already been booked. The large wooden spools are still downtown and will be used for National Night Out. They were donated by Jerry's Excavating but he doesn't want them back so they are available if anyone wants them.

Street Closure Request

Becky Dunker requested to have 4th Street North closed from 8th to 9th Avenue on August 18th from 5:00 to 9:30pm for a block party. Councilman Wangler made a motion, seconded by Councilman Eberhart to close the street. All voted aye on voice vote; **motion passed.**

Planning & Zoning Appointment

Current ordinance states that there are to be nine members on the Planning & Zoning Commission and that Board of Adjustments is to consist of Planning & Zoning members. Therefore Doug Moderow and Mike Rieniets, both current members of Board of Adjustments, have been asked and agreed to serve on Planning & Zoning. Councilman Buss made a motion, seconded by Councilman Francis to appoint both to the Planning & Zoning Commission. All voted aye on voice vote; **motion passed.**

Gaming Site Authorization

Horse Race ND has a gaming site authorization at Dusty's for a pull tab dispensing device; however, they would like to add a prize board dispensing device. Councilman Wangler made a motion, seconded by Councilman Francis to approve the change to their gaming site authorization. All voted aye on voice vote; **motion passed.**

Skunks

Many skunks have been seen in town and they are digging under buildings preparing for winter. Dave Ratchenski has hired Randy Myhre and he has already trapped two skunks at a cost of \$501.00. It was decided that the city would

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take on the cost of trapping the skunks. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve spending up to \$2,000 for trapping. All voted aye on roll call vote; **motion passed**. Myhre was not all that interested in continuing to trap and others were identified that could be contacted to trap for the city. The auditor had already been in contact with Clifford South who indicated he would be willing to trap. The question remained whether to reimburse Ratchenski for the trapping he had already paid for. Councilman Eberhardt made a motion, seconded by Councilman Francis to reimburse \$501.00 to Ratchenski. Councilman Buss, Eberhardt, Francis and Wangler voted aye; Councilman Carvell and Gust voted nay; **motion passed**.

Feeding Feral or Stray Cats

It appears that the skunks are feeding at homes where cat food is left outside for stray cats to eat. Myhre indicated that to eliminate the skunk problem, the feeding must stop. An amendment to the cat and dog ordinance was presented which would make it unlawful for any person to feed or continue to feed stray or feral cats and make it punishable by a fine of \$100.00. Councilman Carvell made a motion, seconded by Councilman Eberhardt to approve the first reading of the ordinance. All voted aye on voice vote; **motion passed**.

Metro COG

They are able to bring down the expected \$30,000 cost for a comprehensive plan due to an 80% grant from the Department of Transportation. Councilman Wangler made a motion, seconded by Councilman Buss to send a letter requesting their services and including that it be expedited to advance the school addition. All voted aye on roll call vote; **motion passed**.

Tree City Sign vs ND Cares Sign

The auditor brought up that the signs must be placed on a ND DOT city sign and only one recognition/award sign is allowed on those posts. The city currently has Tree City USA signs on the posts, so the question was whether to replace both Tree City signs with ND Care signs. Although the city was under the impression that the county had done everything needed under the ND Cares Community Program to allow sign placement, it has been found that the city will need a local steering committee and hold local events. General consensus was that the Vets Club already does most of those things so the Tree City USA signs will be left in both locations. Councilman Carvell made a motion, seconded by Councilman Francis to leave the Tree City signs up and pass on ND Cares. All voted aye on voice vote; **motion passed**.

NDLC Workshop

Carvell attended the workshop for council members and mayors where they covered properly run meetings, stressed having a gavel to help maintain order for public input and setting ground rules before the meeting starts and especially if agenda items may create a lot of discussion making shortened rules available for the public indicating items such as limited time allowed for speaking and if several people are in attendance for the same purpose they must designate a spokesperson. She said that after hearing from other cities, she really appreciates what Casselton has. It was also noted that public notice must be given if council appoints two or more members to attend a meeting for fact finding and they have authority to act. She also reminded everyone to be careful on email to not share opinions, have discussions or reply all.

Verizon Wireless

The site development agent for Verizon requested to extend the conditional use permit and approve the drawings and he will do everything possible to push Verizon to start construction in 2016 so they can start paying rent under the terms of the lease agreement. Council indicated they had no interest in holding the tower space indefinitely for them. Councilman Carvell made a motion, seconded by Councilman Gust to stay with the same decision to only extend the conditional use permit one year if they pay rent starting July 1, 2016 and approve the platform pending building permit approval. All voted aye on voice vote; **motion passed**. Any new offers must be presented to council.

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KPH Lawsuit

Councilman Eberhardt made a motion, seconded by Councilman Gust to hold an executive session to discuss the lawsuit with KPH by the authority of NDCC 44-04-19.1(2), (5) and (9). All voted aye on voice vote; **motion passed**. Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Char Gust, Fred Wangler and Kent Buss. Also present: City Auditor Sheila Klevgard, Administrative Assistant Becky Dunker, Public Works Supervisor Kevin Mayer and City Attorney Del Losing. Executive session was called to order at 8:33pm; Losing presented the legal document Answers to Defendant's Interrogatories to Plaintiff. Councilman Carvell made a motion, seconded by Councilman Buss to exit executive session. All voted aye on voice vote; **motion passed**. The executive session adjourned at 8:45pm. Councilman Eberhardt made a motion, seconded by Councilman Carvell to approve the Answers to Interrogatories with the change as discussed. All voted aye on voice vote; **motion passed**.

Engineer's Agenda

State Highway 18/2nd Street N – It was anticipated that grinding would be required however a deduct can be accepted; contractor is offering a deduct of \$1,100.00. They did some grinding by Rory Petersen's house to adjust the flow on 2nd Street; not sure yet if it made a difference. Councilman Carvell made a motion, seconded by Councilman Francis to accept the \$1,100.00 deduct. All voted aye on roll call vote; **motion passed**. Change order #5 was for removing striping for a school zone which should not have been in the design. Councilman Gust made a motion, seconded by Councilman Eberhardt to approve Change Order No. 5 for a decrease of \$5,999.29. All voted aye on voice vote; **motion passed**. Councilman Francis made a motion, seconded by Councilman Wangler to approve Moore invoice 13276 for \$62,750.00. All voted aye on roll call vote; **motion passed**.

State Highway 18/5th Street N – Mayer and Oye reviewed the plans on July 21. Mayer will attend a DOT meeting on August 16th to review DOT planned projects. Preliminary plans have been submitted to the DOT and they will review to see that they meet their standards; September 1 is the final submittal date. DOT wants to make sure the city understands the potential for ponding of two tenths of a foot of water in the ditch west of Casselwood with the temporary pump which is calculated to clear the water in twelve minutes. Councilman Buss made a motion, seconded by Councilman Wangler to approve the concept of the storm sewer and the potential for ponding. All voted aye on voice vote; **motion passed**. Moore still anticipates construction cost to be an estimated \$1.7 million. Councilman Francis made a motion, seconded by Councilman Gust to approve the plans and specifications. All voted aye on voice vote; **motion passed**. Invoice 13298 is for design cost which is not part of the cost share with the state; however, construction cost is shared. Councilman Carvell made a motion, seconded by Councilman Eberhardt to pay Moore's invoice 13298 for \$169,470.00. All voted aye on roll call vote; **motion passed**.

Industrial Park Storm Sewer Improvements – A conflict was found with CenturyLink lines on the north end of the project and the lines will need to be moved prior to continuation of the project. CenturyLink will also need to get a permit from Red River Valley & Western which will determine the timing to get it completed. The field engineer and McConnell plan to meet with the contractor this week to discuss what work can be done while waiting for CenturyLink. Richard complained that the road was closed for three weeks because break tests failed, the road has a bad spot in it and the area has not been cleaned up. Oye stated grinding will be discussed and a core sample will be needed to test depth to determine if the section will need to be replaced. Weekly meetings shouldn't have been needed and therefore haven't been planned. Councilman Wangler made a motion, seconded by Councilman Eberhardt to wait on approval of Moore's invoice 13297 for \$11,677.80 until some of these issues get straightened out. All voted aye on voice vote; **motion passed**. Councilman Francis made a motion, seconded by Councilman Buss to approve the CenturyLink relocation agreement for \$12,984.27. All voted aye on voice vote; **motion passed**.

Water Tower Improvements – There was a design review meeting with Cass Rural Water discussing how hook up to their system will work. The dynamics of the system will change with their request that one hundred percent of city water be brought in from the south. Moore is still working with MR&I on the cost analysis; their process is not clear and none of the projects presented to them have been approved as of yet. Councilman Wangler made a motion,

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seconded by Councilman Francis to approve Moore's invoice 13292 for \$24,377.50. All voted aye on roll call vote;
motion passed.

Councilman Francis made a motion to adjourn at 9:38 pm.

Next regular meeting September 6, 2016 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor