

Council Chambers June 6, 2011 6:30 p.m.

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Council Chambers**

Present: Councilmen Phil Spooner, Fred Wangler, and Steve Link.
Also Present: Mayor Ed McConnell, City Auditor Brandy Pyle, Cass County Sheriff Seargent Mitch Burris and Bob Miller

Cop Shop

The Committee reviewed the options for office space for the Cass County Sheriff.s Department that are assigned to Casselton. The first option was renting space in the Car Doctor. The second option was to fix up the current facility, and the third option was to move the office into the City hall into a spare office. Mayor McConnell reported that he spoke to the owners of the Cold Storage and said that they were not interested in the building. The lease for the land did not specify if the building had to be torn down at the end of the lease. The city attorney will be instructed to look into it. Cass County Sheriff Sergeant Mitch Burris noted that his patrolmen would be fine with whichever location was chosen. The committee agreed that fixing up the existing location would be the best option.

Link made a motion, seconded by Spooner to instruct the auditor to get 3 bids to fix up the cop shop. All voted aye in unison; motion passed.

Veterans Memorial Auditorium and Rental Agreement

The committee felt that the fees presented were good. They discussed allowing alcohol and security in the auditorium for public and private events. Spooner made a motion, seconded by Link to require security for all events where alcohol is present and minors are present and to approve the fee schedule. All voted aye in unison; motion passed.

Cass County Wildlife Display Case

The committee discussed the request to put a display case of the Wildlife.s accomplishments. Link made a motion, seconded by Spooner to allow the Wildlife to put a display case in the auditorium. All voted aye in unison; motion passed.

Motion to adjourn at 6:59 p.m.

Respectfully submitted,

Brandy L. Pyle
City Auditor

**Regular Meeting
City of Casselton
Council Chambers
June 6, 2011 7 p.m. Council Chambers**

Present: Mayor Ed McConnell; Councilmen Fred Wangler, Phil Spooner, Paul Spooner, Steve Link, and Craig Tillisch. Absent: Pete Silbernagel Also Present: Public Works Supervisor Kevin Mayer, City Engineer Brandon Oye, Auditor Brandy Pyle, Diane Spoerl, Cass County Deputy Sergeant Mitch Burris, Corporal Dean Haaland, Deputy Zundel, Lin Smithwick, Robert Miller, DeAnn Grommesh, Lisa Metzger, Maletta Meyer, and Nancy Sweep.

Minutes, Consent Agenda, Bills and Financial Reports

Councilman Wangler made a motion seconded by Councilman Link to approve the minutes of May 2, City Attorney's Report, Police Report, Municipal Judge's Report, and the delinquent utilities list. All voted aye on roll call vote; motion passed.

Councilman Link made a motion, seconded by Councilman Phil Spooner to approve the following bills, refunds and salaries for the month of June except for Gast Construction and Lightowler Johnson and Associates bills. All voted aye on roll call vote; motion carried.

3D Specialties	\$1,850.00	Ken's Heating and AC	\$17.26
Adapco Inc	\$452.48	King Farms Trucking	\$250.00
Aflac	\$115.50	Medica	\$7,297.16
Ameripride	\$110.65	Medcenter one	\$30.00
Avesis	\$82.02	Kevin Meier	\$100.00
Business Essentials	\$492.81	Midnight Solutions	\$802.50
Camas Sand & Gravel	\$612.00	Moore Engineering	17492.27
Cass County Reporter	\$300.62	North Dakota One Call	\$30.70
Cass County Treasurer	\$10,164.67	ND Sewage Pump	\$1,930.80
Cass County Electric	\$921.34	Soil Testing Lab	\$48.75
Cass Rural Water	\$22,425.76	NW Tire	\$394.39
City of Fargo	\$5,477.55	Ohnstad Twichell	\$1,450.00
Culinex	\$428.67	Orbitcom	\$307.13
Expressway Suites	\$169.90	Ottertail Power	\$4,663.17
Fargo Water Equip.	\$1,772.74	Casselton Parks & Rec	\$250.00
Farm Plan	\$383.36	Paul Bunyan	\$1,168.65
		ND State Plumbing	
Farm Plan	\$21.65	Board	\$25.00
Sheyenne Gardens	\$147.00	Powerplan	\$2,215.59
Gary Marier	\$74.51	Sam's Club	\$31.44
Guardian	511.43	Scheels	\$21.99
Hardware Hank	344.18	Petro Serve USA	\$975.24
Haugen Cleaning	\$427.50	SS Landscaping	\$2,265.67
Hawkins Chemical	\$823.11	Sturdevant's Inc	\$726.72
		Cass County	
Holt Landscape	\$540.00	Summerfest	\$10,000.00
Innovis health	\$44.00	Sweeney Controls	\$969.00
Jayhawk Software	\$425.00	Darrell Sweep	\$20.00
Jerry's Excavating	\$8,398.50	Team Laboratory	\$1,400.00
John Siverson	\$32.65	USPS	\$100.00
Johnson Pest Control	\$190.00	City of Valley City	\$90.00
Kaufman Construction	\$2,438.49	Xcel	\$8.73
Choice Financial	\$170.12		

Councilman Link made a motion, seconded by Councilman Paul Spooner to approve the financial reports for April. General fund \$123,676.90; Special Revenue Fund \$695,943.31; Debt Service Fund \$566,347.21; Construction Funds \$(268,342.83); Special Assessments \$363,497.73; Enterprise Funds \$424,064.91; Trust and Agency Fund \$26,285.65; total \$1,931,472.88. All voted aye on roll call vote; motion passed.

PUBLIC WORKS

Public Works Supervisor Kevin Mayer noted that the landfill is dry and is open. Public Works employees have been working on pothole patching. The water tower in the industrial park is due for its inspection. It will be drained later this week. Public Works Supervisor Kevin is working on list for streets that need to be patched, but the contractors are not returning phone calls.

The contractor is finishing up the videoing the sewer mains; however the jet truck broke down. The contractor should be done with the project soon.

Engineer Updates

City Engineer Brandon Oye has conference call scheduled for Wednesday at 9 a.m. with BNSF to discuss final agreements for the project. Councilman Silbernagel will be contacted to participate in the phone call. Oye then presented a bill for Moore design bill. It is for 85% of the design work and 100% of the CTC bill-the consultant for the timing on the gates for 15th Avenue. Oye would like to finalize the plans and bid out the project. Councilman Wangler made a motion, seconded by Councilman Link to approve the Moore Engineering bill for the amount of \$17,492.27. All voted aye on roll call vote; motion passed. The BNSF should be done this fall.

Street & Sewer Improvement Project #23 was the next item of discussion. Wangler made a motion, seconded by Tillisch to approve the plans and specifications as recommended by the Public Works Committee for Improvement District #23. All voted aye on roll call vote; motion passed. The main change that the Public Works Committee made at their meeting was regarding the mountable curb. The committee recommended addressing the storm water drainage for the entire 1/2 section as a whole, and not as property develops. The project is estimated at \$345,000. It will be assessed as special assessments but the TIF payments will cover what it can. Completion set for this project is September 1, 2011. The Council will award a bid at the next council meeting.

Councilman Link made a motion seconded by Councilman Tillisch to direct City Auditor to advertize for bids for Street & Sewer Improvement project #23. All voted aye on roll call vote; motion passed.

Sewer main televising was discussed once more. The contractor will be done tomorrow. Only the protruding service taps that the company had to remove to do its work were removed. The others that were found will be removed as part of the project next year. Oye presented a draft invoice showing the Council the work that has been done on the project thus far. Once the videos are reviewed, it will give Moore a better idea which areas have to be redone, and which ones can be lined.

The Council discussed the drainage issues at 102 2nd Avenue North. The neighbors to the east have filled in the ditch and since then property owner, Nancy Sweep, has had significant water in her ditch. She is asking for assistance to install a storm sewer on her property to alleviate the stagnate water. Oye recommended adding the pipe as an alternate to the sewer project scheduled for next year. There would be a little water storage area lost, as the area is gravity fed currently. It was assumed that it would only take a couple of inlets structures and some pipe to fix the issue. Sweep was not opposed to paying for the improvement with special assessments. The alternate should not add too much to the project.

Oye reported that there is still some ditching work to finish for the Safe Routes to School Project. Mayor McConnell asked Oye to check on the backfilling along the sidewalks as well. It appears that it has settled and some areas need to be reseeded.

Region V Community Development Corporation

Jim Kappel from the Region V Community Development Corporation presented a project to take a piece of land and construct a 25 affordable housing apartment complex. The group began its quest about three years ago and finally received the tax credits from the State needed to do the project. He was asking for a Payment in Lieu of Taxes payment (PILOT). The City has a similar agreement with the Cass County Housing Authority. Rent would be based on personal income as explained in the executive summary presented. The apartment building is targeted to those individuals that are on social security, not interested in owning their own home or single parents. Kappel proposed that the rent would not be subsidized; background and credit checks would be done for potential renters. He reported that the market study shows that the complex could be filled within 4 months and not impact other apartment dwellings.

He reported the success of other projects that have been done across the region- Northwood, Gwinner, Lisbon, and West Fargo. He noted that the organization builds affordable housing as they see the need in the area for it. The PILOT payment would pay \$3,200.00 annually for 15 years and then go onto the regular tax roll for the City. If the apartments were not filled, it would be the corporation's responsibility. Special assessments for infrastructure projects like the upcoming sewer project could be assessed to the property owner. Council wondered if local contractors were used in construction. Kappel said that they try to use the local lumberyard. If approved they plan to start construction in September and build through the winter and be ready to rent in the spring of 2012. A common room and elevator are part of the project. Kappel said that the organization sees the City's population growing in the next 3-5 years. There would be no City obligations to this project. No competitors appeared before the Council to protest the PILOT application.

Some members of Council expressed concerns about the apartment project that the size of the apartment units may be small, that it may take renters from other apartment buildings, that it may attract questionable renters, and some would like to see a 55+ requirements rather than opening up to all. Sundance Village, a 55+ apartment complex rents for \$900 a month. No competitors appeared to protest the PILOT application.

Councilman Wangler made a motion, seconded by Councilman Link to approve the PILOT application for Region V Community Development Corporation. Wangler and Link voted aye with Paul Spooner, Craig Tillisch and Phil Spooner voted nay. Motion did not pass; 2:3.

Planning and Zoning recommendations

The Planning and Zoning committee recommended to approve Janelle Stahl's conditional use permit and to approve a 1 year conditional use permit for Ashley Maasjo's daycare and to approve a plat for Arnold's third addition. Planning and Zoning member Maletta Meter questioned the review of Stahl's as she thought it one that had to be reviewed every two years. She and Lorne Sterner were looking into this. Ashley Maasjo was present and read a complaint letter presented at the was at the planning and zoning meeting stating that she was not abiding by all the conditions in the conditional use permit. She questioned the accusations stating that she had not been contacted by the mayor, or church council regarding her daycare and parking situation in the 2 years that she has been open as claimed by the complaint letter. Maletta Meyer lives in the neighborhood and has no complaints. Councilman Phil Spooner made a motion, seconded by Councilman Tillisch to table the planning and zoning table recommendations and have the Planning and zoning review he daycare conditional use permits. All voted aye on roll call vote; motion passed.

Relay for Life group

Lisa Metzger, one of the organizers for Relay for Life, presented information for raising money for cancer June 11 at 6 pm with cancer survivors walk the initial lap. 20 teams are participating and

have raised \$28,000 for their cause.

Summerfest

DeAnn Grommesh, the Cass County Summerfest coordinator was present to request an open container variance and street closings. Changes this year's event include change this year is that the Thursday night car show will be moved toward the Vet's Club, Food Fear Factor, zumba demo, FM derby girls, and older than average baseball. It was noted that beer cannot be sold in tubs on the sidewalks, it must be sold from inside the bar establishments. A letter will be sent to the bars. Councilman Phil Spooner made a motion, seconded by Councilman Paul Spooner to approve the open container variance for July 21-24 and approve the street closings for the Summerfest event. All voted aye on roll call vote; motion passed.

Gaming Site Authorization

Councilman Phil Spooner made a motion, seconded by Councilman Steve Link to approve a gaming site authorization for Prairie Public to conduct a 21 table at T's Shamrock. All voted aye on roll call vote; motion passed.

Sales Tax Collection Contract with the State

Councilman Fred Wangler made a motion, seconded by Councilman Steve Link to approve the Sales Tax Collection Contract with the State. All voted aye on roll call vote; motion passed. This contract is signed every two years we sign a contract with the state to collect the sales tax on the City's behalf.

Updated landfill fees

The Public Works Committee recommended approval of the updated charge fees for dumping at the City landfill. Councilman Phil Spooner made a motion, seconded by Councilman Steve Link to approve the recommended landfill fees. All voted aye on roll call vote; motion passed.

Dirt Requests- (out of town)

Councilman Phil Spooner made a motion, seconded by Councilman Fred Wangler to approve the out of town dirt requests from Crystal Sugar, Chris Buzick and Bruesch Construction. All voted aye on roll call vote; motion passed.

Council agreed not to sell black dirt to people who live outside of City limits.

Personnel Policy update -Texting policy

Councilman Tillisch made a motion, seconded by Councilman Paul Spooner to approve the proposed texting policy to be added to the Casselton personnel policy. All voted aye on roll call vote; motion passed. Council discussed the smoking in city vehicles. It needs to be enforced.

Set Auditor bond- \$1,000,000

Councilman Phil Spooner made a motion, seconded by Councilman Link to approve a resolution setting the auditor bond limit at \$1,000,000.00. All voted aye on roll call vote; motion passed.

Lawn at 221- 9th Avenue North

A complaint was received by the auditor's office regarding 221 9th Avenue North. Neighbors have bats for the second time in 2 years and expressed concerns that the bats may be living in the dead trees at 221 9th Ave North. Public works has been mowing the lawn every year. The owner has been cited into municipal court, paid the fees and promised to keep the yard up, but hasn't. Councilman Paul Spooner made a motion, seconded by Councilman Phil Spooner to instruct the City attorney to work with the County to have the yard taken care of. All voted aye on roll call vote; motion passed. Other lawns where the grass gets over 12 inches long multiple times during the year were also discussed.

Midwest Testing Services Contract

Councilman Steve Link made a motion, seconded by Councilman Phil Spooner to approve the Midwest Testing Services Contract. All voted aye on roll call vote; motion passed.

Police Report

Cass County Corporal Dean Haaland introduced Keenan Zundel to the Council. He will be taking Deputy Jeff Arth's place when he deploys to Kuwait. Council welcomed him to the community.

Water Loss Status

Mayor McConnell feels that we will soon get a handle on the water loss situation. Acceptable loss is 10-14% and the city has seen 20-30% water loss. Questions were raised about water softeners plumbed in before the meter that could be a part of the problem. The only unmetered locations in town are the Governor's Park and the Cemetery. The company first contacted from Montana can get here at the end of July or early August. A company out of Wayzata could be here sooner. They would look at the entire system and present a report summarizing where leaks could be. The quote given was \$4900.00. The Montana company's quote was only for 2 days and cost \$4,000.00. Councilman Phil Spooner made a motion, seconded by Councilman Craig Tillisch to hire the Minnesota Company for \$4900.00. All voted aye on roll call vote; motion passed.

Fargo Diversion

It won't affect Casselton is 35 feet higher. How would this impact the City of Casselton and the work it has done to protect itself

Veterans Memorial Rental agreement

The buildings committee recommended approving the rental agreement for the Veterans Memorial Auditorium to include requiring security if alcohol and minors are present. Councilman Fred Wangler made a motion, seconded by Councilman Paul Spooner to approve the rental agreement for the Veterans Memorial Auditorium to include requiring security if alcohol and minors are present. All voted aye on roll call vote; motion passed.

City Auditor Brandy Pyle submitted her resignation effective July 8, 2011

The next Council meeting was set for July 5, 2011 at 7 p.m.

Motion to adjourn by Councilman Tillisch and seconded by Councilman Paul Spooner.

Respectfully submitted,

Brandy L. Pyle
City Auditor