

CITY OF CASSELTON
Monday, December 3, 2012
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Edward McConnell, Councilmen Steve Link, Mike Eberhardt, Lee Anderson, Paul Spooner and Joan Carvell. Also present: Lin Smithwick, City Auditor Sheila Klevgard, Deputy Keenan Zundel, City Engineer Brandon Oye, Tim McLean, Holly Scott, Lee Samson, Denise Hanson, Lowell Gunderson, Karen Breiner, Diane Spoerl, Rich Hawkins and City Attorney Del Losing.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Anderson made a motion, seconded by Councilman Link to approve the minutes of November 5, 12 and 29, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on roll call vote; **motion passed.**

Councilman Eberhardt made a motion, seconded by Councilman Spooner to approve the following bills and refunds for the month of November. All voted aye on roll call vote; **motion passed.**

Aaction Truck & Trailer	\$225.53	Jet-Way Multiple Services	\$646.50
Ameripride	\$1,121.85	Johnson Pest Control	\$105.00
Avesis Vision	\$87.35	King Farms Trucking	\$250.00
Blue Cross Blue Shield	\$4,583.40	Midnight Solutions	\$120.00
Cass County Reporter	\$464.07	Moore Engineering	\$5,468.80
Cass County Treasurer	\$10,675.00	ND Secretary of State	\$36.00
Cass County Electric	\$369.07	ND Sewage Pump	\$1,097.50
Casselton Ambulance Assoc	\$1,200.00	Northern States Supply	\$5.51
Casselton Lumber	\$173.54	Ohnstad Twichell	\$1,450.00
Casselton Parks & Rec	\$20,162.52	Orbitcom	\$296.81
Cass Rural Water Users	\$24,274.09	Ottertall Power	\$3,895.94
City of Fargo	\$3,131.45	Petro Serve USA	\$1,216.00
Essentia Health	\$44.00	Sanford Health Occ Med Clinic	\$60.00
Fleetpride	\$858.71	St Paul Stamp Works	\$107.91
Guardian	\$737.28	Sweeney Controls	\$11,981.76
Hardware Hank	\$33.53	Titan Access Account	\$32.94
Haugen Cleaning	\$435.00	Verizon Wireless	\$153.92
Hawkins Chemical	\$1,334.90	Xcel	\$92.06

Financial Statement

Councilman Link made a motion, seconded by Councilman Anderson to approve the financial statement. General Fund \$126,314.65; Special Revenue Funds \$772,587.38; Debt Service Funds \$667,340.45; Construction Funds \$(182,702.42); Special Assessment Funds \$239,424.27; Enterprise Funds \$368,446.79; Trust and Agency Funds \$9,525.59; total \$2,000,936.71. All voted aye on roll call vote; **motion passed.**

Dog Ordinance

An amendment to ordinance 163 limiting the number of dogs and cats in a residence to 3, giving a definition of incessant barking, making the penalty a non-criminal offense similar to a traffic ticket, as well as some minor typographical errors. Councilman Anderson made a motion, seconded by Councilman Eberhardt to accept the 1st reading. All voted aye on roll call vote; **motion passed.**

Liquor Ordinance

An amended liquor ordinance was presented which corrects typos and other corrections including allowing a prorated refund of the license fee in the case of a business closing mid-year, in addition to the Hours of Sale amendment which makes our ordinance match state law. The dollar value of the bond requirement will be changed to \$5,000 effective for 2014. Councilman Anderson made a motion, seconded by Councilman Eberhardt to accept the 1st reading of this ordinance. All voted aye on roll call vote; **motion passed.**

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Gaming Site Authorization

Plains Art Museum requests a gaming site authorization for a 21 table at Governors' Pub. Councilman Eberhardt made a motion, seconded by Councilman Spooner to approve the request. All voted aye on roll call vote; **motion passed.**

Raffle permit

Central Cass Post Prom Committee has submitted an application for a raffle permit. Councilman Link made a motion, seconded by Councilman Eberhardt to approve the request. All voted aye on roll call vote; **motion passed.**

Fire Department Annual Report

Fire Chief, Tim McLean, stated that they have had 73 calls this year, including 17 accidents, four house fires, three commercial fires, 16 grass fires, nine farm machinery and vehicle fires and two hazmat calls. Upcoming projects include fixing the leaky roof for approximately \$50,000. In the next two to three years they are planning on getting another new engine to keep updated. A larger first response unit is no longer in the plans since supplies can be moved to the new truck. The annual township officer meeting is in February and the council is invited to attend. There are always lessons to be learned during a disaster training session. Mclean wishes it had been a dress rehearsal with the actual event the following day to implement what they had learned.

Liquor license applications

Councilman Anderson made a motion, seconded by Councilman Link to approve 2013 liquor licenses for Vets Club, Governors' Pub, Red Baron, Dusty's Tavern, Maple River Winery and Maple River Distillery. All voted aye on roll call vote; **motion passed.**

Smoking Advisory Vote

69% of the city residents voted to become smoke free. Fargo Cass Public Health recommends putting the smoke free law into the city law to protect the city in case the state law were to be challenged and to give the city local control. What passed statewide is actually more stringent than the proposed city law. When a complaint is filed with Fargo Cass Public Health, they contact the bar owner while still keeping the complainant anonymous. The State's Attorney is listed in the law as the enforcer, although obviously local law enforcement would also get involved. Captain Mitch Burriss has been made aware of the new law. The full language of the law is being sent to those who were exempt from the 2005 law while others will get a postcard reminder. ND Quits gives out free material to help smokers quit. Councilman Anderson made a motion, seconded by Councilman Carvell to adopt the state non-smoking law as it is effective December 6, 2012. This is a first reading of the amendment. All voted aye on roll call vote; **motion passed.**

Cemetery Appointment

Councilman Link made a motion, seconded by Councilman Anderson to appoint Ralph Johnson Jr to the cemetery board for an additional five year term. All voted aye on roll call vote; **motion passed.**

Tourism Appointments

Councilman Link made a motion, seconded by Councilman Anderson to appoint Tom Sinner to complete Steve Link's term through 2016 and appoint Brandy Pyle to an additional five year term on the tourism committee. All voted aye on roll call vote; **motion passed.**

Sales Tax Committee

Councilman Link made a motion, seconded by Councilman Anderson to appoint Jessica Toop, Rory Peterson, Paul Spooner and Brent Everson to additional two year terms on the sales tax committee. All voted aye on roll call vote; **motion passed.**

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Year-End Transfers

Councilman Link made a motion, seconded by Councilman Eberhardt to approve the year-end transfers as listed below. All voted aye on roll call vote; **motion passed.**

\$53,972.16	from Major Projects	to Sales Tax Fund	reimburse for City Hall grant funds not received
(\$24,854.66)	from MRG&A Const #2	to TIF Maple River Ag & Agron	consolidate funds
\$89,800.00	from City Maintenance	to Lagoon Land Purchase 97-1	bond payments
\$6,400.00	from City Maintenance	to Dike 98-1	bond payments
\$70,100.00	from City Maintenance	to Water Tower Reserve	bond payments
\$36,300.00	from Major Projects	to City Maintenance Street Dept	street repairs over budget
\$11,900.00	from Major Projects	to City Maintenance Sewer Dept	SCADA system upgrade

Salaries

The mayor recommends sticking with a 2% raise due to the fact that it is hard to gauge what the health insurance renewal will be since it is not until May. A self-appraisal form was given to the public works employees intended to be completed prior to their annual review; however the Public Works Supervisor used them during the review. It was discovered that the employee's opinion of their performance did not coincide with how the supervisor viewed their performance. Councilman Anderson made a motion, seconded by Councilman Carvell to table any decision on raises until next meeting so a recommendation can be brought to council on how to handle weekend on-call pay, longevity, and performance/merit increases. All voted aye on roll call vote; **motion passed.**

Engineers Agenda

• *Sanitary Sewer #24*

They are troubleshooting one of the air release valves to make sure it is operating properly as the last item in the project. Councilman Spooner made a motion, seconded by Councilman Link to approve engineering invoice 4643 \$5,266.30 for the remaining inspection. All voted aye on roll call vote; **motion passed.**

• *Street & Sewer Project*

Oye couldn't get all the information pulled together for the engineer's report on this project although he should have it shortly. Keep him in mind if a special meeting is called prior to the January meeting. The street survey is completed and remaining manholes have been inspected.

• *Dike Levy*

The boundary survey should be able to be completed this year if no significant snow is received. A stake with a small sign will be used to mark the boundaries of the right-of-way. The mayor is not afraid to be removed from the CORP program; although if there is an easy solution with reasonable cost, the fix should be done. Benefits of the program include thorough inspections that public works wouldn't need to perform, the CORP repairs the levy and pays 80% of the cost if it is damaged by flood and all areas of the levy are identified and on file for them. The likelihood of levy failure is much lower than if it was a river. The mayor requested an estimated cost before proceeding further than the boundary survey.

• *Ditch Block*

Oye has had correspondence with the attorney for the water resource district. DOT Fargo District says the Maple River Water Resource District needs to order them to remove the ditch block. This should be approved once the state permit is received. Councilman Anderson made a motion, seconded by Councilman Carvell to approve engineering invoice 4642 for \$202.50. All voted aye on roll call vote; **motion passed.**

Police Report

There were 64 calls for service; a lot of medical and several calls at Days Inn on the same person who later was fired. The deputies will chalk tires in the 72 hour parking area. They will tow the vehicle with MN plates which expired in 2011 in Governors' Park parking area.

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Ball Park at Reservoir

The Park District, boosters and school are looking at updating the parking lot, ball diamond #1, fence and trees removal. A grant has been written to fund, as well as suggestion to go to the sales tax committee for additional funding. Estimated cost is \$40,000-\$50,000.

Council Resignation

Councilman Steve Link moved out of city limits and therefore submitted his resignation. The mayor will have names available to fill Link's position at the January meeting.

Next regular meeting is January 7, 2013 at 7:00pm.

Councilman Link made a motion to adjourn at 8:18pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor