

**CITY OF CASSELTON**  
**Monday, December 1, 2014**  
**REGULAR MEETING 7:00 P.M.**  
**Council Chambers**

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Charlie Francis, Kent Buss, Mike Eberhardt and Ed McConnell. Also present: Matt Thompson, Lorne Sterner, David Fischer, City Auditor Sheila Klevgard, Deputy Eric Swenson, City Engineer Kyle Meyer, Public Works Supervisor Kevin Mayer and City Attorney Del Losing.

**Minutes, Consent Agenda, Bills and Financial Report**

Councilman Buss made a motion, seconded by Councilman Francis to approve the minutes of November 3, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. Councilman McConnell made a motion, seconded by Councilman Eberhardt to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**. Sales tax funds will be transferred to cover the cost of the Christmas decorations.

|                           |             |
|---------------------------|-------------|
| Aflac                     | \$235.24    |
| Aggregate Industries      | \$18,200.00 |
| Ameripride                | \$166.95    |
| Avesis Vision             | \$100.40    |
| Blue Cross Blue Shield    | \$4,809.34  |
| Belling Tree Service      | \$2,650.00  |
| Border States Electric    | \$332.22    |
| Cass County Electric      | \$597.77    |
| Cass County Treasurer     | \$11,040.50 |
| Cass Rural Water Users    | \$25,050.40 |
| Casselton Ambulance Assoc | \$1,200.00  |
| Casselton Drug            | \$2.99      |
| Casselton Lumber          | \$35.15     |
| Casselton Parks & Rec     | \$5,000.00  |
| Casselton Public Library  | \$5,000.00  |
| City of Fargo             | \$3,776.86  |
| Display Sales             | \$5,976.00  |
| Grainger                  | \$100.90    |
| Guardian                  | \$794.05    |
| John Deere Financial      | \$3,740.33  |
| Johnson Pest Control      | \$143.00    |

|                            |            |
|----------------------------|------------|
| J.P. Cooke                 | \$95.50    |
| Kaufman Construction       | \$914.00   |
| Ken's Heating & AC         | \$120.00   |
| Midnight Solutions         | \$120.00   |
| MJ Dalsin                  | \$274.16   |
| ND DOT                     | \$1,532.58 |
| North Dakota One Call      | \$40.70    |
| ND Water & Pollution Cntrl | \$190.00   |
| New Horizons Electric      | \$1,741.88 |
| NorthStar Safety           | \$52.00    |
| Ohnstad Twichell           | \$1,500.00 |
| Orbitcom                   | \$281.40   |
| Ottertall Power            | \$4,006.81 |
| Petro Serve USA            | \$1,713.42 |
| Sam's Club                 | \$25.23    |
| Sanitation Products        | \$1,052.11 |
| Clint Sletten              | \$300.00   |
| Sturdevant's               | \$696.39   |
| Verizon Wireless           | \$148.26   |
| Xcel                       | \$107.68   |

**Financial Statement**

Councilman McConnell made a motion, seconded by Councilman Buss to approve the financial statement. General Fund \$92,411.65; Special Revenue Funds \$703,556.71; Debt Service Funds \$1,270,931.76; Construction Funds \$(159,474.11); Special Assessment Funds \$876,948.16; Enterprise Funds \$381,058.29; Trust and Agency Funds \$16,076.43; total \$3,181,508.89. All voted aye on roll call vote; **motion passed**. Councilman Carvell made a motion, seconded by Councilman Francis to allow the auditor to make transfers now and in the future as needed on investments. An annual report will be presented to the council regarding these transfers. All voted aye on voice vote; **motion passed**.

**Correspondence**

The city received an invitation to Moore Engineering's annual customer appreciation open house on Wednesday, December 17<sup>th</sup> from 4pm to 7pm. A letter was also received from Midcontinent informing the city that they will be bringing gigabit internet to Casselton by the end of 2017.

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**Planning & Zoning Commission**

Verizon Wireless has submitted a request to install an antenna on the water tower in the industrial park and to place an equipment shelter building on the lot as well. The only concern brought up at the commission meeting was whether other businesses could put up antennas on the water tower as well. Verizon would not prevent that option as long as other antennas are on a different plane than their antenna; therefore Planning & Zoning gave a unanimous recommendation to approve the permit. Councilman McConnell made a motion, seconded by Councilman Buss to approve the conditional use permit for Verizon to install an antenna on the water tower contingent upon an approved lease. All voted aye on voice vote; **motion passed**. One item questioned in the lease agreement was the right of first refusal, which is to prevent others from buying out the lease and causing Verizon to not have control over the lease payments. The lease agreement is for an initial 5 year term with 4 renewals for a total of 25 years. A few changes have been made including the rental price of \$17,000 for the first year plus a 2% increase each year. The tower at the fairgrounds in West Fargo is for a 10 year lease which is not their norm or desired term. Due to the large investment they want to make sure the lease is set for long term. Predictions of the future cannot be made that far out including whether technology changes will cause rental costs to increase at a higher rate. Fischer, of Buell Consulting, will see if Verizon can change the escalator to 2.75% or see if they would agree to a 10 year agreement; however he is sure they would prefer the long term contract. There's also the possibility that at some point Verizon may not need the tower and the city will have no income. Per contract access to telephone service is allowed with installation at Verizon expense. Wording will need to be added to the contract stating that during maintenance to the water tower, such as painting, Verizon would need a portable site set up to allow the tower antenna to be shut down at no cost to the city but rather just working with the city to get it done. Councilman Buss made a motion, seconded by Councilman McConnell to approve the 25 year lease subject to counsel review and approval of any changes and with a 2.8% annual rental increase. All voted aye on roll call vote; **motion passed**.

**Airport Authority Appointment**

Councilman McConnell made a motion, seconded by Councilman Eberhardt to appoint Bernie Sinner and Bob Miller to an additional 5 year term ending in 2019. All voted aye on voice vote; **motion passed**.

**Fireworks Permit**

A request for a permit to display fireworks on New Year's Eve from 11pm to 12:30am New Year's day. In discussion it was suggested that this may be a good test to see how many complaints are received for dates outside of the 4<sup>th</sup> of July. Councilman Buss made a motion, seconded by Councilman Carvell to approve the one permit to display fireworks on New Year's Eve. Francis and Eberhardt voted nay on voice vote, McConnell abstained and Carvell, Buss and Anderson voted aye; **motion passed**.

**Change to Retirement Plan**

MassMutual has recommended language changes to the plan. The plan will allow "deemed severance distributions" for employees absent due to qualified military service for more than 30 days. The plan will no longer allow "qualified reservist distributions". These changes will bring the plan back into compliance. Councilman McConnell made a motion, seconded by Councilman Buss to approve the language changes as recommended. All voted aye on voice vote; **motion passed**.

**Floodplain Administrator**

The ND State Water Commission wants each city to designate a floodplain administrator who would verify that any new developments won't cause additional upstream or downstream flooding in other areas. Although the work is done by the city engineers most cities have assigned this position to the city auditor. Councilman McConnell made a motion, seconded by Councilman Eberhardt to assign the position of floodplain administrator to the city auditor. All voted aye on voice vote; **motion passed**.

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**Garbage Rate**

Sanitation committee recommends an increase in rates of \$0.50 per residential tote and \$10 per month per weekly pick up on commercial dumpsters. This increase is needed since Fargo's disposal rate increase last year was absorbed by the city. An additional trip with the old truck is required to pick up the extra large furniture since it cannot be picked up by the curb tender truck; therefore the city will start charging \$10.00 for mattress/box springs and couches and \$15.00 for carpet. Fargo's landfill entrance fee is \$35 plus the weight charge to dispose of residential garbage. The plan is to also change the collection route to pick up only two days per week. Although this will reduce the man hours in the truck, more recycling is occurring which keeps the men busy. If the city switches to commercial totes the available sizes will compare to the yard and a half and the two yard dumpsters. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the new garbage rates as recommended. All voted aye on voice vote; **motion passed.**

**Alternate for Metro COG**

After further review of the participation request it appears that Metro COG would like a total of four city representatives for their Policy Board and Transportation Technical Committee. Councilman Francis has volunteered to serve on the Policy Board but other volunteers will be requested to serve from the JDA and Planning & Zoning Commission.

**Drinking Water Emergency Response Plan**

Rural Development came and helped design an emergency response plan for the city. The state is starting to require it so they helped at no charge. This plan needs to be approved by council and signed by the mayor, city auditor and public works supervisor. The information in the plan was already available but now it's all in one place. Councilman Carvell made a motion, seconded by Councilman Francis to approve the drinking water emergency response plan. All voted aye on voice vote; **motion passed.**

**Annual Review of Water Break Responsibility**

Councilman Eberhardt made a motion, seconded by Councilman McConnell to keep resident responsibility costs at \$2,000 for the next year. All voted aye on voice vote; **motion passed.**

**Salaries**

McConnell recommended a salary review to see where the city stands in comparison to other cities. NDLC has a statewide study but the city should compare salaries with local municipalities such as West Fargo since Casselton competes with them for labor. Finance committee will take the lead. Councilman Francis made a motion, seconded by Councilman McConnell to give employees a 2.5% salary increase. All voted aye on roll call vote; **motion passed.** 2015 salaries are as follows: Auditor \$38,255.63; Administrative Assistant \$12.15 per hour; Public Works Supervisor \$51,780.30; Assistant Public Works Supervisor \$19.75 per hour; Laborer 1 \$16.29 per hour; Laborer 2 \$15.76 per hour; Laborer 3 \$19.22 per hour; Laborer 4 \$14.45 per hour; Assessor \$3,991.00 plus building permit fees; Clerk of Court \$1,334.44.

**Sheriff's Contract**

The county ordinance regarding Authorization of Sheriff to Police Public Events was changed to limit coverage to rodeos and car shows. Councilman McConnell made a motion, seconded by Councilman Eberhardt to renew the sheriff's contract for 2015 at \$11,261.33 per month. All voted aye on roll call vote; **motion passed.**

**Liquor Licenses**

The Udder Bar has not had any deputy calls recently. Some of the patrons who caused problems lived above the bar and no longer live there. As allowed in the city open container ordinance, the Vets Club has requested to have their

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patios included in the licensed area. The ordinance allows open container on the private property as long as it's not on public property. Councilman Buss made a motion, seconded by Councilman Carvell to approved 2015 liquor licenses to The Udder Bar, Red Baron, Dusty's Tavern, Vet's Club, Maple River Winery, Maple River Distillery, Spare Time Lanes and Country Kitchen/Governor's Pub. All voted aye on voice vote; **motion passed.**

**Engineer's Agenda**

*Sewer & Street Improvement District #25* – There are still several items on the punch list which will not be completed this year since they include grading. The city can discuss what damages are and whether KPH is going to complete the punch list or if remaining items will be hired out by the city and deducted from the contract. Otherwise the contract can't be finalized until the punch list is completed. at this point liquidated damages under contract is \$431,000. A meeting has been scheduled between Eric Merhiy, Ed McConnell and Del Losing. It will then go to committee before it comes back to council for a final decision.

*Levee Improvements* – Moore has sent a letter to the Corps requesting to incorporate the new levee segment into their inspection program although they still need an easement from the Water Resource District. Moore will attend their next meeting to make the request. Under the current rules the power poles on the west side are minimally acceptable and will not prevent the city from remaining in the inspection program. Councilman Carvell made a motion, seconded by Councilman Buss to pay engineering invoice 9100 for \$1,497.50. All voted aye on roll call vote; **motion passed**

*State Highway 18/2<sup>nd</sup> Street N* – The bid was opened by NDDOT on November 14. Opp Construction was low bid at \$437,000 while the original estimate was \$309,000. There is a cement shortage which brings the price up and other items that DOT wanted such as replacement of a manhole which has just been rehabbed. Mobilization is significantly higher due to concern over smoothness requirements by DOT. Moore recommends rejecting the bids, putting together a different package with a redesign and a new bid opening later this winter. Councilman McConnell made a motion, seconded by Councilman Eberhardt to reject the bid. All voted aye on voice vote; **motion passed.**

*State Highway 18/County Highway 10 Improvements* – Approval to go forward with the feasibility study will be on the County's next meeting agenda. The study will give expected costs of the project.

*Clean Water State Revolving Fund Loan* – Moore is resubmitting the questionnaire to keep the industrial park storm water detention pond on the priority list. Councilman McConnell made a motion, seconded by Councilman Carvell to authorize the mayor to sign the updated questionnaire. All voted aye on voice vote; **motion passed.**

*Cottonwood Estates – Side Yard Storm Sewer Pipes* – Easements have been signed and installation of the pipe completed. Other easements in the area are being pursued.

**Police Report**

There were 51 calls this month, most notable were the near drowning at Days Inn and the train derailment. Deputy Matt King will be taking over for Deputy Joe Hedin as a city-assign deputy at the end of December.

**Future Train Derailment**

Question arose as to what the city can do to protect itself if a derailment would occur in town. The thought was to require the railroad to be bonded or insured to protect against bankruptcy such as what happened in Quebec where the train company went bankrupt and couldn't help with the cost of recovery for the city. Francis will compose a letter to the state requesting that the railroad provide information as to what they are planning to do in Casselton to keep us safe and forward it to Losing for final editing. BNSF has assured the city that they will be upgrading the grade, doubling inspections and replacing seven miles of rail around Casselton. On a side note, the emergency siren

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has been used for training on anhydrous ammonia train derailments and Cass County Emergency Management does send out customized phone calls to the area selected when requested.

**Landlord and Renting Practices**

It was suggested that council come up with rules or guidelines for landlords to require background checks and regular inspections and resident managers since some owners are still renting out to people with histories of domestic violence and abusive. There have been times when these people have actually just walked into the neighbor's house. Moorhead and West Fargo have some sort of voluntary program in place so the ordinance committee will look into these programs.

Councilman Eberhardt made a motion to adjourn at 9:14 pm.

Next regular meeting January 5, 2015 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard  
City Auditor