

CITY OF CASSELTON
Monday, December 5, 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: Pam Utt, Scott Wolff, Doug Moderow, Ed McConnell, Mike Lee, Mike Sander, Loren Orke, Kendall Radke, Morgan Forness, Angela Kolden, Steve Link, Deputy Nate Boerboom, Brian Berg, Jonathan Warrey, Alex Richard, City Auditor Sheila Klevgard, Public Works Director Kevin Mayer, City Attorney Del Losing and City Engineer Brandon Oye.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Eberhardt made a motion, seconded by Councilman Gust to add a presentation from the school to the agenda. All voted aye on voice vote; **motion passed.** Deputy King is out west again and will be done with his two year assignment to Casselton in December. Deputy Jake Longlet will be taking over King’s position in January. Deputy Boerboom will be starting military leave in February for one year. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve the minutes of November 7, City Attorney’s Report, Municipal Judge’s Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed.** Councilman Wangler made a motion, seconded by Councilman Buss to approve the following bills and refunds. All voted aye on roll call vote; **motion passed.**

Advantage Computer	\$1,035.00
Aflac	\$19.80
Ameripride	\$199.80
Avesis Vision	\$130.16
Birch Communications	\$304.62
Butler Machinery	\$35.60
Cass County Electric	\$445.17
Cass County Treasurer	\$11,261.34
Cass Rural Water Users	\$27,257.40
Casselton Ambulance Assoc	\$1,200.00
Casselton Bus Assn	\$30.00
Casselton Parks & Rec	\$5,000.00
City of Fargo	\$4,325.80
Colonial Life	\$121.38
Guardian	\$949.94
Hardware Hank	\$80.29
Hawkins Chemical	\$1,894.66
John Deere Financial	\$121.92

Johnson Pest Control	\$55.00
Kaufman Construction	\$1,950.00
Little Falls Machine	\$102.81
Medica	\$3,055.89
Midnight Solutions	\$120.00
North Dakota One Call	\$26.00
Ohnstad Twichell	\$1,700.00
Ottertail Power	\$3,776.59
Petro Serve USA	\$1,719.53
Sam's Club	\$54.20
Sanford Health Occ Med Clinic	\$30.00
Sanitation Products	\$575.00
Starion Bond Service	\$13,370.00
Sturdevant's	\$314.18
Swanston Equipment	\$96.35
Tricorne Audio	\$2,696.25
Verizon Wireless	\$151.30
Xcel	\$104.96

Financial Statement

Councilman Gust made a motion, seconded by Councilman Wangler to approve the financial statement. General Fund \$54,540.83; Special Revenue Funds \$832,427.69; Debt Service Funds \$1,648,986.29; Construction Funds \$602,889.29; Special Assessment Funds \$1,061,012.64; Enterprise Funds \$464,746.57; Trust and Agency Funds \$18,170.97; total \$4,682,774.28. All voted aye on roll call vote; **motion passed.**

Second Reading of Ordinance Regarding Water & Sewer Rates

This ordinance will establish that water and sewer rates are to be set by resolution, set the dates of April 1 to October 31 when storm water cannot be discharged into the sanitary sewer system and deem it a nuisance for any discharge of storm water that doesn’t drain or is discharged onto Park District property. Councilman Buss made a motion, seconded by Councilman Carvell to approve the second reading of the ordinance. All voted aye on voice vote; **motion passed.**

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Presentation from School

Plan is to start construction in May 2017 through August 2018 with two active construction sites, one on the east and one on the west, during the school year. They visited with both the county and the city regarding the impact of construction on storm water. Water currently flows east across the playground and parking area behind the school. The hope is to get some water to go north and some to the south. They would like to extend the storm sewer from the end of the 2017 city project at Langer Avenue all the way east in front of the school as part of the school's project. The plan adds 137 parking spaces on the south side of the building in phase 1 to replace lost spaces on the east side of the building during construction. A storm water retention pond is to be placed at the far north of the school to accommodate water from the school and the new development to the west.

Alley Behind Granada Court

The apartment dumpster has been moved out of the water to a spot that is blocking a tenant's parking spot. The alley was bladed last summer and John Meyer, the owner of the apartments, was planning to mud jack the concrete of the garage apron. There's too much material there which needs to be scraped down and hauled away so it can drain to the street. Council recommended the landlord spend the money to get it fixed.

Fireworks Permit

One application was received to have fireworks on New Year's Eve at 221 3rd Ave N. The request was for smoke bombs and sparklers only. Councilman Wangler made a motion, seconded by Councilman Gust to approve the permit. All voted aye on voice vote; **motion passed**.

Raffle Permit

Casselton Lions Club requested a raffle permit benefiting WDAY Honor Flight. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the permit. All voted aye on voice vote; **motion passed**.

2017 Meeting Schedule

Councilman Wangler made a motion, seconded by Councilman Buss to approve the regular meeting dates as presented. All voted aye on voice vote; **motion passed**.

New Checking Account

The auditor requested a new checking account to be used solely for acceptance of debit/credit cards and online payments. No checks will be ordered for this account; transfers will be made to the regular checking account. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve the resolution for the new account. All voted aye on voice vote; **motion passed**.

Property Tax Exemption

Councilman Carvell made a motion, seconded by Councilman Buss to continue the \$75,000 property tax exemption for first owners of residential property. All voted aye on voice vote; **motion passed**.

2017 Liquor Licenses

Renewal applications were received from Maple River Distillery, Maple River Winery, Casselton Golf Course, Red Baron Lounge, Dusty's Tavern, Governors Pub/Country Kitchen, Vets Club and The Udder Bar. The Golf Course applied for a club beer and wine license rather than the full fee beer and wine license. Losing will verify that it is applicable, and if not, the increased fees will be collected. Councilman Wangler made a motion, seconded by Councilman Francis to approve the licenses. All voted aye on voice vote; **motion passed**.

2017 Salaries

With the US Department of Labor's proposed change in the minimum wage for exemption from overtime caused the auditor to question the position's exempt status. It was decided that based on the job description it is a qualified

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exempt position. The auditor was requested to send copies of the annual performance reviews to council to help them consider wage rates for next year. Councilman Wangler made a motion, seconded by Councilman Francis to wait until the January meeting to decide on 2017 wages. All voted aye on voice vote; **motion passed.**

Sales tax for school expansion

Losing recommended requesting an attorney general's opinion on whether the city can use a bond to assist with funding of the school expansion and make the bond payments using sales tax. If this method of assistance is not approved by the attorney general, another entity should own the property in order to use sales tax funds. Fargo hasn't used sales tax dollars when they have worked with the schools. Councilman Gust made a motion, seconded by Councilman Eberhardt to authorize Losing to request an attorney general's opinion. All voted aye on voice vote; **motion passed.** The school has limited bonding authority without a vote of the people; they can only bond \$4 million in lease revenue bonds to be paid using pledged donations. They need the funds to be available at the start of the project rather than over several years so the idea is that the city would bond for \$2.5 million to cover the Park District's \$500,000 donation to be paid back to the city over several years and the \$2 million that council plans to take to the people on a sales tax vote. The remaining \$1.5 million needed by the school would be collected through fund raising. Council was asked to decide how much to bond for so the school could have all the finances up front to cover construction costs. At this point the plan was that maintenance would be covered by the Park District in the joint powers agreement and the city would cover the upfront costs. The idea was introduced that a Wellness Center Authority could also be created to operate it. The park district had anticipated payments of \$30,000-35,000 per year. Interest rate on a sales tax bond is significantly higher than a special assessment bond. Councilman Wangler made a motion, seconded by Councilman Francis to ask the local banks for bond proposals on \$1.5, \$2 and \$2.5 million over 20 years to review in two weeks. All voted aye on voice vote; **motion passed.** Losing suggested that as long as a revision of the Sales Tax Ordinance is going to be proposed that the language for sales tax uses be more strictly defined. The mayor had concern about muddying the waters with multiple changes and indicated he would prefer a language change be voted on at a later date.

LOMR

A public input meeting was held on Wednesday with 30 attendees. Oye presented issues with the effective map not representing current floodway and flood plain locations. FEMA has suggested the city use the hydraulics they have created for the preliminary map to get a LOMR finalized quicker than they will get the new map finalized. Cost for the FEMA application is \$8,000 based on using updated hydrology and drain relocation. It was presented to the public that without the ability to special assess the expected cost to the land owners it would be on a volunteer basis that they would pay the \$20,000 to the city to get the LOMR submitted. Stremick offered to pay \$10,000 and others as a group have already offered \$4,000 leaving \$6,000 for the remaining property owners to share. Link was confident that they can get the remainder raised and requested that the city start now with moving forward on getting it done. Councilman Wangler made a motion, seconded by Councilman Eberhardt to pursue the LOMR. All voted aye on voice vote; **motion passed.**

Engineer's Agenda

State Highway 18/2nd Street N – Moore is finishing up on NDDOT close out and should be completed this month.

State Highway 18/5th Street N – Oye, Mayer and NDDOT had a conference call regarding the temporary pump. It may be a non-issue depending on whether the storm sewer is extended with the school development. Invoice is due to double checking utility locations. Councilman Wangler made a motion, seconded by Councilman Francis to approve Moore's invoice 14345 for \$1,186.65. All voted aye on roll call vote; **motion passed.**

Industrial Park Storm Sewer Improvements – The main channel has been changed but the drainage culverts from Maple River Grain that drain into the main channel have not been extended and berms have been left leaving the culverts nowhere to drain. Two 15" culverts should be extended, 25 feet and 60 feet on the other as well as the south

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one will need to be buried. Whether work can get done this year may be an issue so council can wait for an official price or approve rough number in the hope it can be completed this month. The culverts were not on the plans because they were unnoticed in cattails. Councilman Eberhardt made a motion, seconded by Councilman Buss to pay up to \$5,000 for culverts. All voted aye on voice vote; **motion passed**. Councilman Francis made a motion, seconded by Councilman Carvell to approve Moore's invoice 14349 for \$3,836.00. All voted aye on roll call vote; **motion passed**.

Water Tower Improvements – An updated logo with white tower and adjusted font for “Casselton” will be put in the plans. Bid opening will be in February. MR&I had a meeting regarding an explanation of items needed. The DWSRF application is ready to be sent in with the dollar amount updated once bids are received. Councilman Carvell made a motion, seconded by Councilman Buss to submit the DWSRF application. All voted aye on voice vote; **motion passed**. Councilman Wangler made a motion, seconded by Councilman Buss to approve Moore's invoice 14375 for \$20,410.00. All voted aye on roll call vote except Eberhardt who voted nay; **motion passed**.

Cass County Highway 10 – School Improvements – City and county will coordinate on design with at least a 36 inch storm sewer pipe as part of the school project.

Casselton Farms – Infrastructure will be a city project with the school and developer paying through special assessments

Councilman Wangler made a motion to adjourn at 9:17 pm.

Next regular meeting January 3, 2017 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor