

CITY OF CASSELTON
Monday, February 2, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Charlie Francis, Kent Buss, Fred Wangler, Mike Eberhardt and Ed McConnell. Also present: Matt Thompson, Dan & Carol Weber, Shannon Radcliffe Beuche, Harold Rotunda, City Auditor Sheila Klevgard, Sergeant Dean Haaland, Deputy Eric Swenson, Deputy Mathew King, City Engineer Brandon Oye, Braden Korwin, Public Works Supervisor Kevin Mayer, Steve Link and City Attorney Del Losing.

Amend the Agenda

Councilman Eberhardt made a motion, seconded by Councilman Wangler to add House Bill 1322 to the agenda. All voted aye on voice vote; **motion passed.**

Minutes, Consent Agenda, Bills and Financial Report

Councilman McConnell made a motion, seconded by Councilman Eberhardt to approve the minutes of January 5, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed.** The total number of calls is down from 72 last January to 32 this month. Citations are up at 19 compared to 7 last year at this time. The deputies are working on setting up e-citations rather than using the handwritten ones which will make it easier for other deputies to write tickets for Casselton municipal court. Councilman Buss made a motion, seconded by Councilman Wangler to approve the following bills and refunds. All voted aye on roll call vote; **motion passed.**

Advantage Computer	\$575.00	Johnson Pest Control	\$55.00
Aflac	\$235.24	Ken's Heating & AC	\$642.45
American Welding	\$332.40	Mac's	\$123.36
Ameripride	\$177.50	Kevin Mayer	\$833.02
Avesis Vision	\$100.40	Midnight Solutions	\$1,595.20
Bank of North Dakota	\$61,895.23	Moore Engineering	\$59,872.50
Blue Cross Blue Shield	\$4,809.34	ND DOT	\$766.29
Cass County Electric	\$669.71	North Dakota One Call	\$2.75
Cass County Reporter	\$282.74	Northern States Supply	\$266.72
Cass County Treasurer	\$11,040.50	Ohnstad Twichell	\$1,500.00
Cass Rural Water Users	\$23,832.40	Orbitcom	\$283.13
Casselton Drug	\$58.41	Ottertail Power	\$4,746.31
Casselton Fire Dept	\$4,000.00	Petro Serve USA	\$13,336.60
Casselton Parks & Rec	\$17,815.94	Powerplan	\$133.28
City of Fargo	\$2,990.22	Randall's Excavating	\$13,600.00
Dakota Supply Group	\$1,868.16	Sam's Club	\$86.02
Becky Dunker	\$172.04	Sanitation Products	\$39.43
Essentia Health	\$143.45	John Siverson	\$92.00
Fargo Freightliner	\$16.86	Summit Group	\$145.00
Fargo Hose Company	\$219.61	Sweeney Controls	\$1,548.00
Gordy's Inc.	\$26.16	Verizon Wireless	\$149.52
Guardian	\$794.05	Veterans Inc	\$729.00
Hawkins Chemical	\$906.00	Wallwork Truck Center	\$102.99
John Deere Financial	\$273.05	Xcel	\$448.38

Financial Statement

Councilman McConnell made a motion, seconded by Councilman Francis to approve the financial statement. General Fund \$104,004.76; Special Revenue Funds \$721,465.24; Debt Service Funds \$1,373,924.84; Construction Funds \$(180,200.96); Special Assessment Funds \$1,076,591.12; Enterprise Funds \$383,080.29; Trust and Agency Funds \$29,974.71; total \$3,508,840.00. All voted aye on voice vote; **motion passed.**

CITY OF CASSELTON
Monday, February 2, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

Correspondence

Generations Connecting submitted their annual report to keep the city informed of their activities.

CPA Annual Overview

The city started the year with one million dollars in cash available from the bond on the unfinished street project and ended the year with about the same in total cash. The city has options available with the opportunity to self fund future projects rather than bonding or to pay off old specials. He stated that counties get more money from the state than cities do and will probably be hit next by the state if they attempt to reduce property taxes. Next time he comes he will discuss debt structure, project structure and the city's wish list.

House Bill 1322

This proposed bill states that if over \$1000 is left in a special assessment fund after the bonds have been paid off, the balance must be returned to the owners of the property which were assessed. Back when the city was broke the purchase of maintenance equipment to maintain a project was rolled into the specials. Under this bill the purchase of a mower, engineering fees and environmental assessments would not qualify for special assessments. Cities also wouldn't be able to use specials to pay for a mill and overlay. The hearing is Thursday on this so the mayor will send an email to the legislators. McConnell noted that a conference call is held on Fridays at 2:00 pm as an overview of what bills came up during the week and what's coming up the following week.

Summerfest

Bueche, as this year's Summerfest coordinator, requested street closures and authorization to sell beer outside of the bars during the event. She has already addressed traffic control with the sheriff's department and will be getting together with the Swanks club at one of their meetings for the Thursday car cruise. Red River Go Karts will be back and would like to have their race on a different street, possibly in front of city hall or on Front Street in front of the Vets Club. She is looking for the water bumpers that were used last year; it was suggested to check with Foss Shop. Councilman Wangler made a motion, seconded by Councilman Francis to waive the open container law and allow the sale of beer on the sidewalk in front of the bars for July 23-26, 2015. Carvell voted nay, all others voted aye on voice vote; **motion passed**. Councilman Eberhardt made a motion, seconded by Councilman Buss to close the streets as necessary for Summerfest. All voted aye on voice vote; **motion passed**.

No Parking Request

There was a request to post No Parking signs on 10th Avenue North from the alley to Front Street which would remove four parking spaces east of the apartment building. The public works committee recommended denying the request since they felt most of the delivery trucks to DJ's Plumbing and Heating are straight trucks and the apartment residents and guests wouldn't have a place to park. Councilman Eberhardt made a motion, seconded by Councilman Francis to deny the no parking request. All voted aye on voice vote; **motion passed**.

Raffle Permits

The Park Board submitted two raffle permit applications to support operations. One is for a calendar raffle and the other for a raffle of donated prizes. Councilman Carvell made a motion, seconded by Councilman Wangler to approve both permits. All voted aye on voice vote; **motion passed**.

Pay Loader Bucket

The recent purchase of a pay loader included forks but no bucket. A quick attach bucket has been found for \$6,000 and will fit on both city-owned pay loaders. Councilman Eberhardt made a motion, seconded by Councilman McConnell to approve the purchase of the pay loader bucket. All voted aye on roll call vote; **motion passed**.

Crime free landlord program

The ordinance committee is looking to establish a crime free zone that would be voluntary by the landlords to include an addendum to their renter's agreement. Moorhead, Fargo and West Fargo have been able to get the landlords onboard. Landlords have to register in Minnesota to get a license in order to rent out property and then required to get the crime free paperwork signed by tenants. A letter is planned to be sent out to city landlords along with the addendum to see what they think. A majority of the police calls are to rental properties. As for limiting where sex offenders can live, if they are keeping up

CITY OF CASSELTON
Monday, February 2, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

with the terms of their probation, they are deemed to have served their sentence. The landlords can deny to rent to them but the city cannot. Haaland also stated he would be happy to attend a meeting with the landlords.

KPH Liquidated Damages

The proposed settlement came to \$160,000 with winter suspension factored in. It was noted again that the liquidated damages are to cover additional costs due to the delayed completion of the project, which includes engineering, legal and other financial impacts to the city which are difficult to calculate. Those additional costs would not be charged to the contractor in addition to the liquidated damages. Councilman Francis stated that he felt the damages should be more since the contractors weren't even working the last couple months of 2013 before winter set in. Councilman Eberhardt stated that he thought a lean settlement is better than a fat lawsuit. If the issue would be taken to court, Losing indicated that the court costs could go into the tens of thousands of dollars. Councilman Eberhardt made a motion, seconded by Councilman Buss to settle for liquidated damages of \$160,000 with attorney approval. Councilmen Buss, Wangler, McConnell and Eberhardt voted aye and Councilmen Francis and Carvell vote nay on roll call vote; **motion passed**. There were some items presented by KPH that the committee felt the city should pay for including casting changes to meet ADA requirements, alley work behind city hall, a manhole rehab and sprinkler repair at Earl's Repair. There was also a deduction of \$10,800 to retrofit for dowel bars that were not installed in the concrete on 1st Street South. Councilman Wangler made a motion, seconded by Councilman Buss to approve the final balancing change order number 9 which included these changes. All voted aye on roll call vote; **motion passed**. Concern was raised as to whether the subcontractors had all been paid. Oye indicated that the payment bond is to cover payment of subcontractors and is on file with Moore. Councilman McConnell made a motion, seconded by Councilman Wangler to approve final payment to KPH of \$462,701.01 contingent on KPH signing the Agreement Regarding Liquidated Damages. All voted aye on roll call vote; **motion passed**.

JDA Appointments

Councilman McConnell made a motion, seconded by Councilman Carvell to appoint Bernie Sinner, Julie Nelson and Brad Morris to another 3 year term. All voted aye on voice vote; **motion passed**.

Night Parking in Central Business District

It was noted that the block of 1st Street North in front of city hall was not included in the definition of Central Business District in Ordinance 277. Councilman Carvell made a motion, seconded by Councilman Eberhardt to approve a first reading of the amendment to include 1st Street North between Langer and 8th Avenue. All voted aye on voice vote; **motion passed**.

Equipment Breakdown Insurance

This coverage is available from the State Fire and Tornado Fund with a \$1,500 deductible for \$346.39 per year. Coverage is for electrical, air conditioning, mechanical and computers & communications. Councilman McConnell made a motion, seconded by Councilman Buss to approve the purchase of this insurance. All voted aye on voice vote; **motion passed**.

Utility Bill for Park District

The park district had previously requested to have the Golf Clubhouse water bill exempt from fees but they meant the entire utility bill. The council agreed to exempt the water only at the November meeting. Councilman McConnell made a motion, seconded by Councilman Wangler to charge no utility fees to the clubhouse for three years starting with the January 2015 bill. All voted aye on roll call vote; **motion passed**.

Attorney Representation for MRWRD Easement

The city needs an easement from Maple River Water Resource District for the dike segment on the east side of town in order to get it approved for the Corps of Engineers inspection program. Attorneys representing both the city and the MRWRD are in the same law firm, Ohnstad Twichell, which creates a technical conflict of interest. They request that both parties consider this and decide if Ohnstad attorneys should represent them for the purpose of considering and approving a draft easement. Councilman McConnell made a motion, seconded by Councilman Eberhardt to waive the attorney conflict on this draft agreement. All voted aye on voice vote; **motion passed**.

Engineer's Agenda

Sewer & Street Improvement District #25 – Record drawings are being completed followed by updated city maps. The invoice for

CITY OF CASSELTON
Monday, February 2, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

record drawings on the project is \$6,567.00. Councilman Wangler made a motion, seconded by Councilman Buss to approve invoice 9504 for payment. All voted aye on roll call vote; **motion passed.**

Levee Improvements – There will be more billed time on this project after the Corps gets back to the city on their approval or disapproval of the new section of dike. Councilman Wangler made a motion, seconded by Councilman Carvell to approve invoice 9505 for \$462.50. All voted aye on roll call vote; **motion passed.**

State Highway 18/2nd Street N – The rebid is set for March 13th. A letter was received from NDDOT stating that they adjusted their cost share policy so they will cover engineering costs if the city sends out a request for proposal followed by interviews and then selecting the most qualified applicant. They then adjusted the awards on our current project for 2015 by \$36,000 and for 2017 by \$269,000. The local share was estimated at \$112,000 on the Langer Avenue project but now it is \$76,000. The original city share was \$700,000 on the project from Langer to the curve, but now it will go down to \$430,000. The NDDOT ride spec of a ¼ inch tolerance has been adjusted in the plans to reduce the cost of the project. The state is okay with the change as long as the city is okay with it. The risk is higher that it may be rougher with a higher tolerance although the cost may go down. Councilman Buss made a motion, seconded by Councilman Wangler to approve the 3/8 inch spec. All voted aye on voice vote; **motion passed.**

State Highway 18/County Highway 10 Improvements – Moore finished the topographic survey and are working on layouts right now. Oye will keep the council updated once that gets finished.

Cottonwood Estates – Side Yard Storm Sewer Pipes – Oye is working with Losing to get the letters and exhibits sent out for signatures on the easements.

Steve Link is working to present a potential final plat for residential lots on the Loegering Addition property and a request to create an improvement district for installation of infrastructure improvements, financed by the city and special assessed. FEMA has a floodway, which cannot be built on, through the area. Oye & Link are working with FEMA to adjust the location of the floodway since the drain was there prior to the last map issuance. Councilman Buss made a motion, seconded by Councilman Carvell to adopt the proposed floodway revision into the city Flood Damage Prevention Ordinance #158 if approved by FEMA. All voted aye on voice vote; **motion passed.**

Councilman Carvell made a motion to adjourn at 9:07 pm.

Next regular meeting March 2, 2015 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor