

CITY OF CASSELTON
Monday, February 6, 2017
REGULAR MEETING 7:00 P.M.
City Auditorium

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Char Gust and Kent Buss. Also present: Ed McConnell, Angela Kolden, Becky Dunker, Dan Zimmerman, Deputy Nate Boerboom, Deputy Jacob Longlet, Jan Mevold, Morgan Forness, Kevin Mayer, Troy Roesler, Kendall Radke, Pam Utt, Captain Mitch Burris, Captain Jesse Jahner, Kyle Boeder, Evan Anderson, Steve Link, City Auditor Sheila Klevgard, City Attorney Del Losing and City Engineer Brandon Oye.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the agenda. All voted aye on voice vote; **motion passed**. Councilman Buss made a motion, seconded by Councilman Gust to approve the minutes of January 3 and 17, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. Deputies addressed the 2016 annual report also noting that the school has had issues with their alarms and several troublesome people have moved out of town helping to reduce the number of calls. Captain Mitch Burris is in charge of investigations and Captain Jesse Jahner is in charge of the school resource deputies. They are addressing several ways to reduce drugs in town including a list of people-of-interest to determine who is supplying drugs to the school children. The public can inform the city-assigned deputies anonymously or people can be informants, but once in court their name would be available to the accused so usually they use surveillance which takes much longer. If the public is not seeing anything happening, it means the deputies are doing a good job blending in and working under cover. The school and other groups are working on a proactive approach to get people involved to determine strategies to help the children. Several parents believe if our children party in town we know they are safe; this is condoning the activity and is wrong. Violators are released to their parents but are arrested and sent to juvenile court. The problem is beyond alcohol, they are dealing with drugs that can kill with just touching the residue. What is suspicious: short term visitors or people living outside their means. How to report: call dispatch, 911 or talk with the local deputies. Councilman Francis made a motion, seconded by Councilman Eberhardt to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Advantage Computer	\$370.00
Aflac	\$19.80
Ameripride	\$199.80
Avesis Vision	\$121.13
Bank of North Dakota	\$68,940.50
Birch Communications	\$221.58
Cass County Electric	\$532.42
Cass County Reporter	\$345.69
Cass County Treasurer	\$12,451.50
Cass Rural Water Users	\$27,505.48
Casselton Drug	\$41.70
Casselton Fire Dept	\$1,000.00
Casselton Parks & Rec	\$9,251.17
City of Fargo	\$4,449.24
Colonial Life	\$80.92
Becky Dunker	\$196.83
Earl's Repair	\$83.65
Guardian	\$891.66
Hardware Hank	\$56.80
Hawkins Chemical	\$1,134.65
Independent Delivery Serv	\$200.00
Joan Carvell	\$55.00
Johnson Pest Control	\$113.00
Mac's	\$161.43

Medica	\$3,055.89
Midnight Solutions	\$240.00
ND DOT	\$2,604.00
ND Municipal Judges' Assn	\$25.00
North Dakota One Call	\$9.00
New Horizons Electric	\$716.73
NorthStar Safety	\$50.00
Office of the State Auditor	\$165.00
Ohnstad Twichell	\$2,796.00
OK Tire	\$1,878.34
Ottertail Power	\$4,948.04
Petro Serve USA	\$11,004.26
Powerplan	\$16.92
Productivity Plus Account	\$326.91
RDO Truck Center	\$82.41
S & S Landscaping	\$273.74
Sam's Club	\$60.48
Sturdevant's	\$774.28
Team Laboratory	\$1,642.50
Verizon Wireless	\$151.24
Veterans Inc	\$1,012.00
Workforce Safety	\$3,829.92
Xcel	\$524.84

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Financial Statement

Councilman Gust made a motion, seconded by Councilman Carvell to modify the 2016 yearend transfer of \$200,000 to be used as an extra payment on the current water tower bond to reduce overall total interest. All voted aye on roll call vote; **motion passed**. Councilman Francis made a motion, seconded by Councilman Buss to approve the financial statement. General Fund \$55,000.33; Special Revenue Funds \$821,885.99; Debt Service Funds \$1,877,416.03; Construction Funds \$663,130.08; Special Assessment Funds \$1,389,290.40; Enterprise Funds \$539,367.07; Trust and Agency Funds \$38,459.96; total \$5,384,549.86. All voted aye on voice vote; **motion passed**.

Correspondence

ND Insurance Reserve Fund has stated there will be no conferment this year.

Public Works

- The City of Amenia has requested a contract to have Casselton collect their garbage. A contract has been drawn up and approved by their council already. There will be some profit with the rate \$1.50 higher than city rate and only 1 ½ hours of work per week with only 31 residential and three business locations. Councilman Eberhardt made a motion, seconded by Councilman Carvell to approve the garbage collection agreement with the City of Amenia. All voted aye on roll call vote; **motion passed**.
- Recommendation is to approve a water tower cleaning contract renewal for both interior and exterior cleaning once every two years through 2022. Councilman Eberhardt made a motion, seconded by Councilman Buss to approve the water tower cleaning contract with H&H Coatings. All voted aye on voice vote; **motion passed**.

Planning & Zoning

Jan Mevold has a design for a master plan that the commission reviewed; no approval request at this time. the design includes a request to reduce traffic speed on Highway 18 to 25 mph all the way from the north end so can have two access points in the curve. Design includes 42 twin home lots and 4-plex or 6-plex apartments although phase one would be only single family homes. An east-west walkway half way through the development will help children get to school safely. The plan is to have a preliminary plat next month with phase 1 and final plat the following month.

Verizon Rental Revenues

Councilman Gust made a motion, seconded by Councilman Eberhardt to place the tower rent revenues to the general fund. All voted aye on voice vote; **motion passed**.

Tractor Bids

The purchase was budgeted at \$70,000 and the low bidder was RDO Equipment at \$55,320. The tractor meets all requested specifications so Mayer recommends acceptance. Councilman Eberhardt made a motion, seconded by Councilman Gust to accept the bid from RDO Equipment for \$55,320. All voted aye on roll call vote; **motion passed**.

JDA Appointments

Councilman Buss made a motion, seconded by Councilman Francis to appoint Kathy Nelson to December 2017 and reappoint Bill Hejl, Del Losing and Jesse Hagen to December 2019. All voted aye on voice vote; **motion passed**.

City Lot

Losing had initially thought it would be acceptable to gift the lot west of the school to the school. However due to the expected value of the property being more than \$2,500 the ordinance must be followed which allows for sale by auction or sealed bids or through real estate agents under a nonexclusive listing agreement. Losing will look into the options of a possible lease for 99 years or a land swap for the lift station and retention pond. The school is hoping to break ground in that area in May.

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Voter Education on Sales Tax Vote

The vote has been scheduled for March 21, 2017. Legally, the city cannot use city property to support or oppose the vote but can provide city funds for facts. Including both JPA drafts would be helpful. A community meeting will be held in March with a mailing sent out prior; timing is still to be determined based on when the information on joint powers agreements is available. The intent at this time is to bond \$2.5 million over 20 years with \$500,000 repaid to the city by Parks & Recreation. Sales tax can be used toward the wellness center portion of the community center which will be owned by the park district. The school is planning an alternate bid for the wellness center portion of the project which will not be built if the \$2.5 million isn't raised. The school/parks agreement is for use of the whole school to the public and school use of the wellness center. Forness stated that the city should be unapologetic about giving benefit to the public for improved health and celebrate reduced obesity.

Gas Tax

Francis initiated this topic to see if council would be in favor of looking at a gas tax to help pay for infrastructure and reduce property taxes. City of Glen Ullin discovered that cities can use gas tax under a home rule charter although the state legislature is attempting to strike it. No cities in North Dakota are currently collecting it and no mechanism is in place for its collection or distribution to cities. Century code states that gas tax revenues must be used for highway maintenance. Losing is skeptical whether it would work and suggests waiting to see how it works for Glen Ullin. Council consensus was to let it go.

LOMR

The auditor has collected \$16,050 of the \$20,000 needed for the project. The question was asked whether the council wants to continue to hold on the project or move forward with the worst case scenario of the city being stuck with paying \$4,000. Councilman Carvell made a motion, seconded by Councilman Gust to move forward with the LOMR. All voted aye on voice vote; **motion passed**.

Legal Fees for KPH Lawsuit

Oye gave a verbal commitment from Moore for a \$10,000 reimbursement for the legal fees. He also stated that type of error would not recur because they have changed their process in which they used to facilitate the process of getting the contractor paid by creating the payment request and now they require the contractor to create the document and Moore Engineering reviews it prior to presentation to the city.

Eastview Addition

When this addition was last looked at the water and sewer line needed to come from the north because council didn't want to charge the other land owners to the south who did not want to participate in the cost. Link has since purchased the Frith property and would like to move forward with installation of water and sewer from the south. He would also like the city to install the infrastructure and special assess the properties due to the fact that the city has access to 2% funding. The Frith land is zoned mixed use residential so he could put in condos or a housing association. Councilman Francis made a motion, seconded by Councilman Carvell to adopt a resolution to create Sewer and Water Improvement District No. 2017-2. All voted aye on voice vote; **motion passed**.

Engineer's Agenda

State Highway 18/2nd Street N – Working on the DOT closeout.

State Highway 18/5th Street N – Councilman Carvell made a motion, seconded by Councilman Buss to approve the NDDOT agreement and sump pump specifications. All voted aye on voice vote; **motion passed**. Councilman Buss made a motion, seconded by Councilman Eberhardt to approve Moore invoice 14726 for \$3,632.50. All voted aye on roll call vote; **motion passed**.

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Industrial Park Storm Sewer Improvements – There are still some punch list and clean up items to be taken care of. Some of the subcontractors have not been paid so Moore will request lien waivers from the subs next time the contractor requests payment. Councilman Eberhardt made a motion, seconded by Councilman Carvell to approve Moore's invoice 14743 for \$3,154.15. All voted aye on roll call vote; **motion passed**.

Water Tower Improvements – Bureau of Reclamation is close to final approval. Substantial Completion date will be set for October 21, 2017 and Ready for Final Payment date of November 11, 2017. These dates can be changed if needed. Liquidated damages calculation was presented with the intent that any delay after the substantial completion date will cause additional fees from Moore Engineering of \$1540 per day. If there are just punch list items, Moore will have much less involvement so there would be a lower charge. This information will be in the contract with the contractor. This project should be able to be bid within one month of MR&I approval. Councilman Carvell made a motion, seconded by Councilman Eberhardt to approve Moore's invoice 14742 for \$2,232.07. All voted aye on roll call vote; **motion passed**.

Storm Sewer Lift Station and Pond – A meeting was held with the school regarding the intent of having the city take over this project and charge it to the properties through special assessments. No protest is allowed on storm sewer projects so the city can move ahead with creating the improvement district which will include Casselton Farms and school property. The plan is to award the project in May with completion in September. Preliminary assessment numbers will be presented next month. Councilman Buss made a motion, seconded by Councilman Francis to adopt a resolution to create Storm Sewer Improvement District No. 2017-1. All voted aye on voice vote; **motion passed**.

Cass County Highway 10 – School Improvements – School is working with county to reconstruct 5th St N from Langer to 9th Ave as an alternate in the school plan. The county has agreed to pay for the road from curb and gutter to curb and gutter and 50% of the estimated \$120,000 cost of storm sewer work with the work being completed by the school's contractor; approaches to the school would be paid by the school. This would be a 2018 project. The city should request to have Moore and Mayer be given the opportunity to review the street plans and inspect the storm sewer and request the county to do their own inspection of the street.

Casselton Farms – At this time they seem to be leaning toward special assessing the infrastructure improvements.

Councilman Francis made a motion to adjourn at 9:11 pm.

Next regular meeting March 6, 2017 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor