

**CITY OF CASSELTON**  
**Monday, January 7, 2013**  
**REGULAR MEETING 7:00 P.M.**  
**Council Chambers**

Present: Mayor Edward McConnell, Councilmen Mike Eberhardt, Lee Anderson, Fred Wangler, Paul Spooner and Joan Carvell. Also present: Lin Smithwick, City Auditor Sheila Klevgard, Deputy Keenan Zundel, City Engineer Brandon Oye, Holly Scott, Char Gust, Scott Wolff, Carrie Hagen, Jesse Hagen, Kent Buss, Public Works Supervisor Kevin Mayer, Diane Spoerl, Rich Hawkins and City Attorney Del Losing.

**Appoint Councilmember**

Charlene Gust, Mike Utt and Kent Buss have put their names in to fill Steve Link's position. Gust and Buss spoke and presented their reasons for wanting to be on the council. Mayor Ed McConnell recommended Kent Buss to fill this position. Councilman Anderson made a motion, seconded by Councilman Eberhardt to fill the position with Kent Buss as recommended. All voted aye on roll call vote; **motion passed.**

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

Councilman Wangler made a motion, seconded by Councilman Anderson to approve the minutes of December 3, 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 Anderson made a motion, seconded by Councilman Eberhardt to approve the following bills and refunds for the month of December. All voted aye on roll call vote; **motion passed.**

Aaction Truck & Trailer	\$1,618.21	JDP Electric Inc	\$1,333.91
American Welding	\$110.00	Jerry's Excavating	\$15,861.73
Ameripride	\$129.40	Johnson Pest Control	\$85.00
Avesis Vision	\$87.35	King Farms Trucking	\$250.00
Blue Cross Blue Shield	\$4,583.40	Midnight Solutions	\$120.00
Business Essentials	\$20.10	Moore Engineering	\$1,700.35
Cass County Reporter	\$437.95	Municipal Govt Academy	\$55.00
Cass County Treasurer	\$76,535.93	NDLC	\$1,642.00
Casselton Drug	\$5.98	ND Dept of Commerce	\$9,117.50
Cass County Electric	\$515.61	ND DOT	\$685.23
Cass Rural Water Users	\$23,564.00	North Dakota One Call	\$35.00
Casselton Bus Assn	\$25.00	ND Rural Water Systems	\$390.00
Casselton Fire Dept	\$4,000.00	ND Sewage Pump	\$290.00
Casselton Lumber	\$746.27	ND Water Users Assn	\$200.00
City of Fargo	\$3,804.15	Ohnstad Twichell	\$1,450.00
Fargo Water Equip	\$12,015.80	OK Tire	\$82.83
Ferguson Waterworks	\$1,171.77	Orbitcom	\$629.45
Fleetpride	\$717.98	Ottertail Power	\$4,087.22
Gordy's Inc.	\$128.66	Petro Serve USA	\$8,899.25
Guardian	\$737.28	Sam's Club	\$74.72
Hardware Hank	\$141.10	Silver Threads	\$240.00
Haugen Cleaning	\$465.00	Sturdevant's	\$141.63
Hintz Fire Equip	\$254.00	Swanston Equipment	\$130.55
Todd Hochstetler	\$50.00	Wangler Foods	\$10.71
Horvick Manufacturing	\$22.25	Xcel	\$178.66

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**Financial Statement**

Councilman Spooner made a motion, seconded by Councilman Anderson to approve the financial statement. General Fund \$126,574.46; Special Revenue Funds \$665,404.98; Debt Service Funds \$652,345.79; Construction Funds \$(221,005.89); Special Assessment Funds \$336,707.07; Enterprise Funds \$438,803.68; Trust and Agency Funds \$9,550.19; total \$2,008,380.28. All voted aye on roll call vote; **motion passed.**

**Police report**

Deputy Joe Hedin ruptured his Achilles tendon, so Deputy Tim Briggeman will be on day shift and Zundel will remain on night shift. There were 59 calls for service in December, five were crashes of which one was a drunk driver on the interstate and nine were traffic citations. Most of the calls involved medical assists. A couple minors were arrested and there was one citation for speeding at 106 in the 30 zone. Zundel issued one parking ticket on Front Street; residents seem to understand the parking rules. Total calls for the year were down 5% from the previous year, warnings and citations were up. 2011 had a lot of burglaries and juvenile complaints where 2012 has been quieter with positive interaction between the kids and the deputies.

**Public Works Report**

Annual water usage was up but due to the dry year the lagoon discharge was way down. A lot of odd projects got done. The mayor has received many compliments on the crew and the appearance of the city and wants to pass that message on to the workers. The snow is removed from the railroad mazes by hand by the city workers since the machinery won't fit.

**Home Occupation Definition Change**

Language was added to the definition of home occupation to include use of accessory buildings with a required conditional use permit. Councilman Eberhardt made a motion, seconded by Councilman Anderson to approve the 2<sup>nd</sup> reading of the change to the definition of home occupation in the land use ordinance. All voted aye on roll call vote; **motion passed.**

**Pet Ordinance**

An amendment to ordinance 163 limiting the number of dogs and cats in a residence to 3 while grandfathering those pets licensed prior to today, 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 Spooner made a motion, seconded by Councilman Carvell to approve the 2<sup>nd</sup> reading of this ordinance. 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 also be changed to \$5,000 effective for 2014. Councilman Anderson made a motion, seconded by Councilman Eberhardt to accept the 2<sup>nd</sup> reading of this ordinance. All voted aye on roll call vote; **motion passed.**

**Smoking Ordinance**

Attorney Losing requests that the council table this topic until he has had a chance to discuss it with some other people and review it more thoroughly. Councilman Wangler made a motion, seconded by Councilman Spooner to table this ordinance. All voted aye on roll call vote; **motion passed.**

**Liquor License Application**

Sparetime Lanes submitted their beer and wine only liquor license renewal application for 2013. Councilman Anderson made a motion, seconded by Councilman Wangler to approve the application if all paperwork is in order. All voted aye on roll call vote; **motion passed.**

**Franchise Agreement**

Councilman Anderson made a motion, seconded by Councilman Wangler to approve a first reading of the ordinance to extend the franchise agreement to Cass County Electric for another 20 years. It will include indemnification language as before. All voted aye on roll call vote; **motion passed.**

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**Planning & Zoning**

A request has been received from Jesse Hagen for a conditional use permit to build a dental clinic at 102 Langer Ave N which is currently zoned Central Business District. Dan Weber of Weber Insurance and Joe Vanlaere, who has interest in the adjacent house, attended the planning & zoning meeting. Weber wanted to be sure diagonal parking was available on 1<sup>st</sup> Street and Vanlaere had some questions; however, there were no objections to the plan. The current residence will be removed. Councilman Wangler made a motion, seconded by Councilman Spooner to approve the conditional use permit. All voted aye on roll call vote; **motion passed.**

**Safety Committee Program**

ND Workforce Safety has discounts available for entities that implement safety programs. The Safety Committee Program provides a 5% discount in the premium, as does the Safe Lift Program. The two programs can be run concurrently with one committee which would meet monthly during working hours. The question whether the program should be implemented since the committee would include a council member and several employees who would be paid for their time although it would be a loss of productive time. Councilman Eberhardt made a motion, seconded by Councilman Wangler to set up a Safety Committee Program. All voted aye on roll call vote; **motion passed.**

**Designate Depositories of Public Funds Which Meet the Pledge of Security Requirements**

Councilman Wangler made a motion, seconded by Councilman Eberhardt to designate Bremer Bank, First State Bank and Wells Fargo Bank as depositories. All voted aye on roll call vote; **motion passed.**

**Maintenance Agreement with NDDOT**

The city is participating in the NDSTREETS program for repair on Langer Avenue at the intersection by St Leo's Church which provides for a 10% cost share by the city. This project was applied for in 2010 and construction is planned for 2014. This agreement lays out the responsibilities of the city and state in construction and maintenance of this project. Councilman Wangler made a motion, seconded by Councilman Spooner to approve the agreement. All voted aye on roll call vote; **motion passed.**

**Salaries**

Anderson presented the committee recommendation of basing raises on the annual performance review. Using the scale of one through five, three would be average and therefore an employee with a rating less than three would have a ½% lower raise than the average and above employee, but would retain their job. They recommend a reduction of ½% based on that. The mayor recommends a 2% raise. Councilman Anderson made a motion, seconded by Councilman Eberhardt to approve a 2% salary increase with a ½% reduction for those employees with an evaluation rating below an average of 3. All voted aye on roll call vote; **motion passed.** 2013 salaries are as follows: Auditor \$36,235.50; Administrative Assistant \$11.50 per hour; Public Works Supervisor \$49,045.99; Assistant Public Works Supervisor \$17.74 per hour; Laborer 1 \$14.94 per hour; Laborer 2 \$13.50 per hour; Laborer 3 \$14.45 per hour; Laborer 4 \$17.23 per hour; Assessor \$3,780.25 plus building permit fees; Clerk of Court \$1,263.97.

**Bailer**

The recycling bailer is 12 years old and becoming unsafe. The door blew open when it was running and it was lucky no one was in front of it at the time. Quotes were received from DMH Companies for \$10,250.00 for a similar bailer and from Sanitation Products for \$9,948.00 for one the same as the one currently in use. The Public Works committee recommends purchasing from Sanitation Products. The old bailer will be repaired and kept for bailing aluminum cans and steel cans since they do not require same torque as cardboard. Councilman Anderson made a motion, seconded by Councilman Spooner to approve the purchase of a new bailer from Sanitation Products. All voted aye on roll call vote; **motion passed.**

**Engineer's Agenda**

*Sanitary Sewer Improvement District #24* – One of the air release valves was defective from the manufacturer. It was replaced and is working well. Councilman Wangler made a motion, seconded by Councilman Spooner to approve engineering invoice 4766 for \$1,700.35. All voted aye on roll call vote; **motion passed.**

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*Sewer and Street Improvement District #25* – Councilman Wangler made a motion, seconded by Councilman Carvell for a resolution to create the improvement district which excludes the Johnson property on the north, the strip southwest of the Cottonwood Addition and the Industrial Park on the south. All voted aye on roll call vote; **motion passed.** Councilman Anderson made a motion, seconded by Councilman Wangler for a resolution to officially direct the engineer to prepare the Engineer’s Report. All voted aye on roll call vote; **motion passed.** Oye presented the Engineer’s Report and corresponding maps showing which sewer lines will be replaced and relined as well as streets to be chip sealed, milled and overlaid and those being completely replaced. Oye recommends reviewing the scope of the project in Public Works committee meetings rather than with the full council to make sure it is fully reviewed but also to keep the council meetings from getting too long. The probable cost of this project is \$6,150,000.00. The sewer portion of the cost can be financed with SRF low interest loan. Councilman Anderson made a motion, seconded by Councilman Eberhardt for a resolution to approve the Engineers Report. All voted aye on roll call vote; **motion passed.** Councilman Wangler made a motion, seconded by Councilman Carvell to adopt a Resolution of Necessity for this project. All voted aye on roll call vote; **motion passed.** The Protest Hearing will be held on Tuesday, February 19, 2013 in the auditorium at 7:00pm. The plan is to open bids in April and award at the May council meeting so work can start in the middle of May. It is expected that the project would be completed by the end of November. Chip sealing should be done every seven years. The expected life span on cured-in-place sewer pipe is expected to be 50 years. SRF loans are 20 years and street loans are usually over 15 years.

*Levee Improvements* – The estimated cost to survey the levee right-of-way is \$15,000. The plan is to submit a grant application to the Cass County Flood Sales Tax to fund 50% of the repairs. Mayer is contacting Ottetail about moving poles and Jerry’s Excavating about removing trees to calculate the costs of actual repairs. The survey is needed first to see if all the trees currently listed as unacceptable items need to be removed. Councilman Wangler made a motion, seconded by Councilman Anderson to have Moore Engineering complete that survey of the levee system. All voted aye on roll call vote; **motion passed.**

*Ditch Block Removal* – No update, still waiting on approval of the State Drainage Permit.

The mayor commented that he felt the Highway 18 and 10 improvement plan is not a good one, but he didn’t have any suggestions. He also thought maybe the Park Board could get a park grant to improve the road east of Tinta Tawa Park.

Next regular meeting is February 4, 2013 at 7:00pm.

Councilman Anderson made a motion to adjourn at 9:20pm.

Respectfully Submitted,

Sheila K Klevgard  
City Auditor