

**CITY OF CASSELTON**  
**Monday, January 6, 2014**  
**REGULAR MEETING 7:00 P.M.**  
**Council Chambers**

Present: Mayor Edward McConnell, Councilmen Lee Anderson, Paul Spooner, Fred Wangler, Joan Carvell and Mike Eberhardt. Also present: Matt Thompson, Kurt Sletmoe, Chris Prochnow, Justin Vega, Elizabeth Utley, State Senator Gary Lee, State Legislator Pete Silbernagel, Tim McLean, Public Works Supervisor Kevin Mayer, Clint Sletten, City Auditor Sheila Klevgard, City Engineer Brandon Oye, Deputy Tim Briggeman and City Attorney Del Losing.

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

Councilman Wangler made a motion, seconded by Councilman Spooner to approve the minutes of December 2, 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. All voted aye on roll call vote; **motion passed.**

Aflac	\$135.52
American Welding	\$300.00
Ameripride	\$123.41
Avesis Vision	\$95.62
Blue Cross Blue Shield	\$4,292.40
Cass County Electric	\$577.46
Cass County Reporter	\$1,468.60
Cass County Treasurer	\$108,832.01
Cass Rural Water Users	\$24,980.64
Casselton Bus Assn	\$25.00
Casselton Drug	\$12.90
Casselton Parks & Rec	\$15,969.51
City of Fargo	\$4,171.30
Becky Dunker	\$57.25
Essentia Health	\$150.00
Fargo Freightliner	\$290.72
Fargo Water Equip	\$12,944.30
Guardian	\$596.69
Hardware Hank	\$119.39
Haugen Cleaning	\$435.00
Hawkins Chemical	\$827.50
Holt Landscape	\$765.00
Interstate Powersystems	\$343.83
Jayhawk Software	\$400.00
Jerry's Excavating	\$2,178.23

Johnson Pest Control	\$55.00
J.P. Cooke	\$101.80
King Farms Trucking	\$250.00
Lake Agassiz Water Authority	\$500.00
Midnight Solutions	\$120.00
NDLC	\$1,724.00
ND Dept of Commerce	\$9,231.77
ND Municipal Finance Assn	\$60.00
North Dakota One Call	\$25.30
ND Rural Water Systems	\$550.00
ND Water Users Assn	\$200.00
Ohnstad Twichell	\$1,500.00
Orbitcom	\$277.50
Ottertail Power	\$4,094.88
Petro Serve USA	\$1,500.85
Powerplan	\$58.80
RDO Equipment	\$192.77
Sam's Club	\$27.88
Sanford Health Occ Med Clinic	\$30.00
Sturdevant's	\$544.46
Team Laboratory	\$1,515.00
Titan Access Account	\$15.92
Verizon Wireless	\$146.19
Xcel	\$160.63

**Financial Statement**

Councilman Wangler made a motion, seconded by Councilman Carvell to approve the financial statement. General Fund \$129,729.66; Special Revenue Funds \$576,853.29; Debt Service Funds \$992,717.52; Construction Funds \$1,193,981.54; Special Assessment Funds \$869,304.09; Enterprise Funds \$431,674.27; Trust and Agency Funds \$10,771.54; total \$4,205,031.91. All voted aye on roll call vote; **motion passed.** The balance of Special Highway Distribution funds received in 2013 is \$52,238.47 and must be spent in the 2014 budget year. Councilman Wangler

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made a motion, seconded by Councilman Spooner to allocate this balance to the improvement being made to the 600 block on 1<sup>st</sup> Street North as part of the street and sewer project. All voted aye on roll call vote; **motion passed.** Councilman Wangler made a motion, seconded by Councilman Carvell to transfer the remaining balance of \$198,000.00 from the City Maintenance Fund to the Major Equipment Fund. All voted aye on roll call vote; **motion passed.**

**Train Derailment and Explosion**

Concern was raised that the new safer oil railcars are not being used in this region and that BNSF isn't inspecting the rails like they used to. Apparently the industry owns the cars, which also raises the question of who is responsible for maintenance on them. There have been four derailments in the same general area in the last ten years, most of which were prior to ethanol, oil and propane trains coming through town. Attorney Losing suggested putting in writing what the city expects from the railroad and copy it to all the politicians including governors and legislators. Senator Lee stated that there will be a lot of broad support from others since virtually all the Bakken crude comes through Cass County as these trains are heading to Pennsylvania and Louisiana where the crude is refined. The state legislators are willing to help as requested by the city but they don't have much control over the railroad; that's at the federal level. USDOT needs to push the mandate for the safer oil railcars. In the meantime, until the new railcars can be added to the fleet, the rails need to be made safer. The mayor received assurance from the council that they were agreeable to his push to make sure this type of accident doesn't happen anywhere else. Post collision BNSF reacted and responded quickly and appropriately as did the health department and many others.

**Car Hung up on Railroad Tracks**

Kurt Sletmoe spoke on behalf of his wife who had slid off the road at the 3<sup>rd</sup> Avenue crossing and got stuck on the tracks. The crossing arms came down and she got out, but the car was hit by a train. He could hear the council's commitment to having a safe town and asked what could be done to make the crossing safer. He believes the pad is too short on the east side causing the crossing to be too narrow. He has been in contact with BNSF and their response is they feel there are no issues with the crossing. The city cleans the crossing but the construction design is by BNSF. He feels that the city can't afford to let ice buildup in that location.

**Fire Department Report**

The fire department had a total of 89 runs for service last year including rural service; there have been nine already this year, all vehicle rollovers. It was good that the train derailed where it was rather than in town and the event was a great hands-on training. They did discover that they need a plan for getting more water out there. If it had been in town it would have been more of a rescue/evacuation situation because the radiant heat would have caused the buildings to ignite on fire. All county mutual aid would have been called in and water supply would have been an issue. Fire trucks would have been split up between the north and south side of the tracks. He hasn't heard any complaints from anyone about how the event was handled. Pizza Ranch brought 50 pizzas up to the school without any request for the 20 fireman, 120 deputies, 50 EMTs, Red Cross and Salvation Army. The southwest portion of town was the highest response area to the recommended evacuation. It was estimated that 60-65% of the citizens left town, although only 17 people and 2 dogs stayed in the shelter at Discovery School. The only time the mayor could smell the smoke was around 3:30 am. There was an exodus from town around 10:30 pm and the city asked businesses to stay closed for the morning also.

**Rick Landgraff Excess Water Bill**

The mayor talked to public works employee Marier who said he had left three to four notes requesting to look at the meter. He thought there was a water line on the wall so the meter could have been submerged at one time and the sump pump was gone out of the sump hole. Although there was a small water leak in a pipe there is enough mystery in the cause of the large volume of water usage that the mayor recommends a deal to adjust the bill. Councilman

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Eberhardt made a motion, seconded by Councilman Wangler to divide the bill equally with the customer. This decision will not set a precedent as each situation will still be decided on a case by case basis. All voted aye on roll call vote; **motion passed.**

**BNSF Lease Agreement**

Council was unsure if they wanted to sign a lease agreement for a right-of-way on the levy crossing on the east side of town. Oye knew the city had another agreement in effect for the west section of levy, but it turned out to actually be a license rather than a lease. Moore has verified that BNSF would require a lease, not a license for the east levy. Del recommended having the paperwork in place as protection. Councilman Anderson made a motion, seconded by Councilman Eberhardt to table this decision. All voted aye on voice vote; **motion passed.** Oye will check with BNSF to see if there is an annual fee and get back to the council with their response.

**Depositories of Public Funds**

Councilman Anderson made a motion, seconded by Councilman Wangler to designate all local banks as depositories of public funds which meet the pledge of security requirements. All voted aye on roll call vote; **motion passed.**

**Clint Sletten**

Sletten is disputing the special assessment allocated to one of his lots. It was assessed based on 106 feet as listed on the Cass County GIS and is listed on the city plat as 96 feet. Either Sletten could bring in a survey that has already been done or Moore could conduct a survey to verify measurements, but that could potentially cost more than the difference in specials. It was never brought up during the protest period to be looked at more closely so at this point the council is only authorized to make corrections on assessments if there is a mistake. The original plat from 1908 shows 96 feet but there could have been changes since then. Councilman Eberhardt made a motion, seconded by Councilman Anderson to table this topic until February for further review. All voted aye on voice vote; **motion passed.**

**Maple River-Rush River Joint Water Resource District**

One parcel owned by the Water Resource District was special assessed for Flood Control 2008, which was the diversion project. They are requesting to have the balance of \$1,689.00 removed. The Water Resource District has also doubled their Swan Creek drain maintenance levy to the city by approximately \$30,000. Councilman Eberhardt made a motion, seconded by Councilman Wangler to withhold the excess payment of \$30,000 until the mayor can speak with the drain board and to table their request to adjust the balance of the Flood Control 2008 specials. All voted aye on roll call vote; **motion passed.**

**Employee policy manual**

Councilman Anderson made a motion, seconded by Councilman Spooner to adopt the revised employee policy manual. All voted aye on roll call vote; **motion passed.**

**Engineers Agenda**

*Sewer & Street Improvement District #25 –*

Manhole inverts were worked on early in the month. Some of the concrete pads had to be dug and poured deeper than expected based on how many rings were in each manhole casting. The purpose of the pads is to create a seal to prevent ground water seepage and allows the lids to stay fixed with the concrete so the plow doesn't get caught on the lids. Also, if the manhole casting would need to be replaced then only the diamond, not the street, would need to be replaced. New diamonds were installed if the concrete ring or casting needed to be replaced. Change order number 4 is for extra excavation on the deeper concrete pads. Councilman Wangler made a motion, seconded by Councilman Anderson to approve the change order. All voted aye on roll call vote; **motion passed.** Councilman

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Wangler made a motion, seconded by Councilman Spooner to approve Moore Engineering invoice 7137 for \$15,819.25. All voted aye on roll call vote; **motion passed**. Moore is currently working on record drawings of what has been done in this project to speed up spring finalization.

*State Highway 18/2<sup>nd</sup> Street N –*

This project is planned for construction in 2015 of an area between 1<sup>st</sup> Street and 3<sup>rd</sup> Street North on Langer Avenue including the intersection of 2<sup>nd</sup> Street North. The work consists of replacement of the street, curb and gutter, driveways, some sidewalk and sidewalk ADA ramps. All engineering costs and 10% of construction costs are the responsibility of the city. The other 90% will be funded by the NDSTREET grant up to \$319,373.82.

*State Highway 18/County Highway 10 Improvements –*

The award letter was received for an NDSTREET grant for 90% funding up to \$1,795,500 on the reconstruction of 5<sup>th</sup> Street North from Langer Avenue to 4<sup>th</sup> Street in 2017. Oye hopes to coordinate with the county for road construction east of Langer in front of the school for 2017 also.

Justin Vega is running for District 4 Cass County Commissioner. He asked what he could do for the city regarding roads, drainage or road grading. Everest Township could use gravel; otherwise the county is doing a good job. Farmers didn't get any reduction in taxes unless their assessed value went down. His opinion on the diversion for Fargo was that it should not be at the expense of other communities. He voiced opposition with the staging area and concern for the effects on the river north of the diversion where the smaller towns will have to rely on existing dikes to protect them. The current plan cuts West Fargo out of future growth while still allowing growth opportunities to the south for Fargo. He is, however, pleased that Fargo is building levees within city limits along the river. He believes they should be able to get a better plan that doesn't force Minnesota and those up and downstream to suffer. He wants to have town hall debates where all the information can be presented and the people can be heard and be involved. He hopes that a plan can be created that benefits the entire county.

Next regular meeting February 3, 2014 at 7:00pm.

Councilman Wangler made a motion to adjourn at 9:29pm.

Respectfully Submitted,

Sheila K Klevgard  
City Auditor