

**CITY OF CASSELTON**  
**Tuesday, July 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: John Irby, Dan Triller, Scott Mensing, Terry Lende, Justice Steele, Evan Anderson, Ed McConnell, Brian Osowski, Brent Everson, Jerry Jordan, Angela Kolden, Morgan Forness, Steve Link, City Auditor Sheila Klevgard, Public Works Director Kevin Mayer, Deputy Mathew King, City Attorney Del Losing and City Engineer Brandon Oye.

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

Councilman Gust made a motion, seconded by Councilman Wangler to approve the agenda. All voted aye on voice vote; **motion passed**. There were 53 calls for service and two burglaries not related to unlocked doors. Citations were down but some citations went to district court due to arrests. Fireworks have been an issue, 3 calls from the 1<sup>st</sup> thru today. Councilman Buss made a motion, seconded by Councilman Eberhardt to approve the minutes of June 6, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. \$680 of the bill from Steve's Heating was due to the roofing project so Councilman Buss made a motion, seconded by Councilman Wangler to approve paying that portion from the Sales Tax Fund. All voted aye on roll call vote; **motion passed**. Councilman Wangler made a motion, seconded by Councilman Francis to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Aflac	\$51.52
Ameripride	\$187.94
Aveis Vision	\$251.29
Belling Tree Service	\$4,500.00
Birch Communications	\$301.39
Braun Intertec	\$2,599.75
Bud's Electric	\$195.07
Business Essentials	\$3.59
Butler Machinery	\$12.16
Cass County Electric	\$632.47
Cass County Treasurer	\$11,261.33
Cass Rural Water Users	\$30,648.16
Casselton Cold Storage	\$800.00
Casselton Fire Dept	\$4,000.00
Central Sales Inc	\$231.00
City of Fargo	\$3,792.66
Colonial Life	\$121.38
Earl's Repair	\$156.77
Electric Pump	\$709.40
Fargo Freightliner	\$642.36
Fargo Tractor	\$200.62
Gordy's Service Center	\$29.22
Guardian	\$889.41
Hardware Hank	\$74.13
JobsHQ	\$399.00
Johnson Pest Control	\$85.00
Kaufman Construction	\$1,495.00
Ken's Heating & AC	\$135.00

Jen Linnard	\$200.00
Medica	\$4,058.48
Midnight Solutions	\$120.00
MJ Dalsin	\$43,500.00
Moore Engineering	\$29.82
Motion Industries	\$81.68
ND Dept of Health	\$85.00
ND DOT	\$7,733.13
North Dakota One Call	\$42.55
Ohnstad Twichell	\$1,700.00
Ottertail Power	\$3,859.25
Paul Bunyan	\$1,650.68
Powerplan	\$23,472.71
Productivity Plus Account	\$16.28
RDO Truck Center	\$278.89
S & S Landscaping	\$396.72
Sam's Club	\$14.67
Sanford Health Occ Med Clinic	\$30.00
Sheyenne Gardens	\$210.00
SJ Machine	\$75.00
Steve's Heating & A/C	\$865.00
Sturdevant's	\$278.78
Team Laboratory	\$2,250.00
TrueNorth Steel	\$140.36
Van Diest Supply Co	\$4,926.00
Verizon Wireless	\$152.75
Xcel	\$92.54

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**Financial Statement**

Councilman Wangler made a motion, seconded by Councilman Carvell to approve the financial statement. General Fund \$53,389.54; Special Revenue Funds \$751,778.41; Debt Service Funds \$1,731,052.40; Construction Funds \$445,511.85; Special Assessment Funds \$1,292,739.21; Enterprise Funds \$527,856.07; Trust and Agency Funds \$14,277.94; total \$4,816,605.42. All voted aye on roll call vote; **motion passed.**

**Correspondence**

NDLC is holding a one-day workshop designed for newly elected and re-elected city officials on Wednesday, July 27 in Bismarck.

**Public Works**

Shaft and impeller broke on the Industrial Park sewer pump. Mayer will order a new one if the cost to repair it is two thirds or more of the new cost because they give a five year warranty. Eighteen nozzles were replaced on fire hydrants for a safety recall; the manufacturer supplied the nozzles.

**Partial Vacation of 4<sup>th</sup> Street S Right-of-Way**

A request must be received and filed with the city and notice must be published in the paper four times before approval by council. Planning & Zoning reviewed the request and recommends vacating the south 30 feet of the right-of-way immediately adjacent to the north of Lot 6, Block 1 of Langer's Second Addition. Although any easement for utilities should be retained, Mayer and Losing believe there aren't any at this location. Councilman Wangler made a motion, seconded by Councilman Buss to vacate the right of way as requested. All voted aye on voice vote; **motion passed.**

**Conditional Use for Temporary Business**

The request was received too late for a public notice as needed for Planning & Zoning to address. Terry Lende would like to open a thrift store during Summerfest from 8am-5pm on Thursday through Saturday at 610 Front Street, the old Udder Bar location. He has already sent paperwork to the state for the business taxes. He would like to give a percentage of the income to the local food bank. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the three day temporary conditional use permit. All voted aye on voice vote; **motion passed.**

**Beer Keg Wagon**

Organizers for Summerfest are expecting 2,500-3,000 people for the band on Saturday night. Mensing would like to relieve some of the congestion in front of the bars to assist with entering and leaving the bars and for safety purposes by having a beer keg wagon in the park across the street. An off-site permit would be needed as well as Park District approval since it is their park. Councilman Wangler made a motion, seconded by Councilman Gust to allow Dusty's and Red Baron to get an off-site permit to sell beer in Governors Park pending Park District approval. All voted aye on voice vote except Carvell who voted nay; **motion passed.**

**Amko Advisors**

Brian Osowski is the president and senior advisor of this independent advising firm. They are registered with the Securities and Exchange Commission to give financial advice to political subdivisions. 70% of their work is with bonds and assisting with filing continuing disclosures. His company is not part of any underwriting firm, so they represent the best interest of the client. He competitively get bids, the same as a city gets bids on construction. A call date on bonds is to protect the investor ensuring that they will receive a certain gain on investment prior to that date. A city is allowed to pay off the bond to get a better interest rate on a new bond. There is a cost only when moving forward to accept a bid and the city can reject all bids and continue with no obligation or fees. Councilman Wangler made a motion, seconded by Councilman Francis to request Amko to bring bids to the August meeting. All voted aye on voice vote; **motion passed.**

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**School Expansion**

The school has been working on a master plan and has received a demographics report which indicates that they are in dire need of expansion. There will be an increase of 40 students next year and over 200 in the next --- years. As part of the master plan process they had input from businesses, organizations, and the community to identify issues. One thing they found is that the community views the school as a community center that should be available to the public at any time. There are repairs that need to be made at a cost in the millions that would still not add classroom space. The school would like to add a new building for early elementary grades which will open classrooms for the middle school and replace the current south gym with a community center addition with its own entrance. The concern is that the cost will probably prevent the referendum from being approved so they are asking the city, park district and private funding sources to help with the cost of the community center. The city will consider the request when looking at the preliminary budget.

**Verizon Wireless**

Over a year ago a conditional use permit was approved for equipment on the water tower and a building to house their equipment. No construction has been done to date so Verizon would like to extend the permit and put the equipment on a platform instead of in a building. Councilman Buss made a motion, seconded by Councilman Wangler to extend the conditional use permit one year and approve the platform pending building permit approval. All voted nay on roll call vote; **motion failed**. Councilman Carvell made a motion, seconded by Councilman Wangler to extend the conditional use permit one year with the condition that rental payments start July 1, 2016 and approve the structure pending building permit approval. All voted aye on voice vote; **motion passed**.

**Sale of City Owned Land**

The city can sell land using a nonexclusive listing agreement or sealed bids which can be accepted or declined. The land in question is located on Block 3, Lots 8-14 College Place Addition which is currently shown in the flood plain and therefore non-buildable. Councilman Eberhardt made a motion, seconded by Councilman Buss to table the topic until the FEMA map is finalized. All voted aye on voice vote; **motion passed**.

**Farm Equipment in Residential Areas**

Current ordinance doesn't prohibit farm equipment on private property and council wasn't interested in changing that.

**Engineer's Agenda**

*State Highway 18/2<sup>nd</sup> Street N* – There is a small bump in the northbound lane that will be ground out and some seeding is not taking. Councilman Francis made a motion, seconded by Councilman Eberhardt to approve Intermediate Progressive Estimate #3 for \$24,927.43. All voted aye on voice vote; **motion passed**. This Engineering Agreement is for civil engineering which has already been done. Councilman Carvell made a motion, seconded by Councilman Buss to approve the Engineering Agreement. All voted aye on voice vote; **motion passed**.

*State Highway 18/5<sup>th</sup> Street N* – A public works committee meeting is scheduled for July 21 at 11:30am to review the plans. The east end of the storm sewer will need a small well for a temporary pump until sometime in the future when the sewer is lowered in front of the school. The pump size will be chosen by public works. The engineering agreement has a separate section for dealing with the approach into the new development. This agreement deals with the design through the bidding process; construction engineering will be in a separate agreement. Councilman Wangler made a motion, seconded by Councilman Buss to approve the Engineering Agreement. All voted aye on voice vote; **motion passed**.

*Industrial Park Storm Sewer Improvements* – Some utilities were not marked when One Call was originally called during the design phase. A CenturyLink line is in the middle of the channel on the north end and will have to be moved. Oye has asked them to put together information to get it relocated; not sure who will pay for it. Cass Rural

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Water didn't continue locating to the south for their one inch line to Maple River Grain so an adjustment to the culvert will have to be made. The contractor had a machine breakdown when they were paving. The pavement is not smooth so they may have to grind the surface later. The engineer's intent was to have as little inspection time as possible, but there has been a lot more up front due to Maple River Grain calling all the time. At this point they will only send an inspector when requested during digging but they will be there for the boring. It was noted that Oye will not be as up to speed on the progress without the daily inspections. Councilman Wangler made a motion, seconded by Councilman Francis to pay Adelman's Application for Payment #1 for \$70,569.00. All voted aye on roll call vote; **motion passed**. Councilman Francis made a motion, seconded by Councilman Buss to approve Moore's invoice 13004 for \$14,175.50. All voted aye on roll call vote; **motion passed**.

*Water Tower Improvements* – They are working on design and will need to schedule a meeting with Cass Rural Water and Mayer to look at how the connections will work at the site. Oye is working with the State Water Commission on the MR&I federal cost analysis which is a detailed breakdown of their opinion of probable cost. DWSRF loan paperwork been started. Councilman Francis made a motion, seconded by Councilman Eberhardt to approve Moore's invoice 12762 for \$41,685.30 and invoice 13012 for \$3,185.00. All voted aye on roll call vote; **motion passed**. Councilman Francis made a motion, seconded by Councilman Wangler to approve Engineering Agreement Amendment 1 for design and bidding. All voted aye on voice vote; **motion passed**.

**Casselton Farms First Addition**

A request for a meeting has been sent to the land owner to get a Developers Agreement for this addition.

Councilman Wangler made a motion to adjourn at 9:18 pm.

Next regular meeting August 1, 2016 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard  
City Auditor