

**CITY OF CASSELTON**  
**Monday, June 5, 2017**  
**REGULAR MEETING 7:00 P.M.**  
**Council Chambers**

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Char Gust, Fred Wangler and Kent Buss. Also present: Deputy Jacob Longlet, Deputy Keegan Murphy, Public Works Supervisor Kevin Mayer, David Piper, Tim McLean, Morgan Forness, Kayla Mueller, Bob Miller, Bruce Jorgenson, Angela Kolden, 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 Buss to add two items to the engineer's agenda and approve the amended agenda. All voted aye on voice vote; **motion passed**. Calls are up mostly due to medical calls, Deputy Keegan Murphy is the city assigned deputy on night shift. Councilman Wangler made a motion, seconded by Councilman Carvell to approve the minutes of April 3 and May 1, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. Mayer will wait to purchase a pickup until next fall's auctions as there are no vehicles of interest at the Bismarck sale. Councilman Wangler made a motion, seconded by Councilman Buss to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Adapco	\$5,318.90
Aflac	\$19.80
Ag Spray Equipment	\$10.72
Ameripride	\$156.58
Avesis Vision	\$112.10
Jill Berg	\$46.73
Birch Communications	\$403.10
Butler Machinery	\$68.30
Cass County Electric	\$450.71
Cass County Treasurer	\$12,451.50
Cass Rural Water Users	\$28,675.52
Casselton Lumber	\$606.61
Casselton Parks & Rec	\$5,000.00
City of Fargo	\$7,395.24
Cougar Tree Care	\$5,945.50
Dakota Supply Group	\$641.40
The Forum	\$75.33
Guardian	\$637.06
Hardware Hank	\$67.40
Hawkins Chemical	\$1,018.55
HR Collaborative	\$50.00
Jerry's Excavating	\$5,755.16

Johnson Pest Control	\$113.00
J.P. Cooke	\$59.80
Mac's	\$5.42
Medica	\$3,250.06
Mid America Meter	\$117.62
Midnight Solutions	\$120.00
ND Dept of Health	\$393.10
North Dakota One Call	\$136.10
ND State Plumbing Board	\$25.00
Ohnstad Twichell	\$1,700.00
Ottertail Power	\$3,996.89
Paul Bunyan	\$4,391.30
Petro Serve USA	\$5,810.38
Powerplan	\$218.48
Productivity Plus Account	\$347.88
John Siverson	\$85.60
Statewide Services, Inc.	\$29.00
Sturdevant's	\$151.56
Sweeney Controls	\$869.44
Universal Services	\$44.00
US Postal Service	\$116.00
Verizon Wireless	\$124.06
Xcel	\$130.32

**Financial Statement**

Councilman Wangler made a motion, seconded by Councilman Buss to approve the financial statement. General Fund \$57,389.99; Special Revenue Funds \$1,113,740.42; Debt Service Funds \$1,970,659.10; Construction Funds \$536,659.43; Special Assessment Funds \$1,403,802.74; Enterprise Funds \$329,759.74; Trust and Agency Funds \$8,221.69; total \$5,420,233.11. All voted aye on roll call vote; **motion passed**.

**Second Reading of Annexation**

Councilman Eberhardt made a motion, seconded by Councilman Carvell to approve annexation of the triangular parcel north of the school. All voted aye on voice vote; **motion passed**.

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**Junk Vehicles**

Approximately forty letters went out last month giving people 30 days to comply. The deputies will go back out on June 15<sup>th</sup> to see what junk and junk vehicles have not been removed or licensed. Losing requested that they take photos of those still not in compliance including the license plate. Citations into municipal court are usually only done with a written complaint. Gust recommended citing the owners immediately if upon review they are still not in compliance. Losing noted that they must be given due process before towing a vehicle away; they must be given their day in court. Council will wait until the next meeting to decide what to do with those still not in compliance. In the meantime the auditor will email the list to council.

**Planning & Zoning**

Dollar General backed out of the project claiming that moving the driveway in their site plan was not acceptable. The Planning and Zoning Commission approved the site plan contingent on Country Kitchen moving their driveway to line up. David Piper said it may be too late but they will bring it up to Dollar General to see if they will reconsider bringing the business to town. Councilman Eberhardt made a motion, seconded by Councilman Gust to approve the plat and site plan as recommended. All voted aye on voice vote; **motion passed.**

**School Demo**

The school requested to dispose of 200 to 300 cubic yards of demo in the city landfill. Mayer stated that the life of the landfill would be reduced three to five years with that volume added to the regular annual intake. It is anticipated that there is only ten years left at the current approved level. Mayer is working with the state health department to raise the level of the landfill but hasn't received that approval yet. It is harder to find a new landfill location now because the state health department, county and township all have to give approval. Forness said an assumption was made in the bids that they could use the local landfill for disposal. The brick and metal will be recycled from the southeast portion of the building but the roofing material is what they expect would need to be disposed. Disposal of the superintendent's house will also be needed. Councilman Eberhardt made a motion, seconded by Councilman Gust to deny the request to use the landfill for school demo. All voted aye on voice vote; **motion passed.**

**Fire Department**

The firemen have been doing training in the superintendent's house, will be doing some small fire training and would like to do a live burn training of the whole house if weather permits. Planned burning of homes has been done in town before with consequences of the city paying to have paint polished on cars due to soot and complaints of lack of notice by neighbors. After the last burn it was decided that homes would no longer be allowed to be burned in town. Anderson indicated that if any home would be more qualified for an exemption, it would be this one due to the distance between it and any other structures. Councilman Wangler made a motion, seconded by Councilman Buss to allow the house to be burned with a south wind as long as written permission is received from Casselwood and the neighbors across the street two houses deep. All voted aye on voice vote except for Eberhardt who voted nay; **motion passed.** Councilman Buss made a motion, seconded by Councilman Eberhardt to allow the house, once burned, to be hauled to the landfill. All voted aye on voice vote; **motion passed.** The old 1964 city fire truck is not used other than for Halloween and is titled to City of Casselton Fire Department so Fire Chief McLean asked for permission to sell it. The truck takes a lot of maintenance to use it once a year but they will keep it for one more Halloween. Councilman Buss made a motion, seconded by Councilman Wangler to sell the fire truck. All voted aye on voice vote; **motion passed.**

**Gaming Site Authorization**

Councilman Wangler made a motion, seconded by Councilman Buss to authorize a gaming site for pull tab and prize board dispensing devices at Dusty's Tavern operated by Horse Race North Dakota. All voted aye on voice vote; **motion passed.**

**Gaming Permits**

Councilman Gust made a motion, seconded by Councilman Eberhardt to authorize a raffle permit to ND Farm Bureau again this year. All voted aye on voice vote; **motion passed.**

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**Sales Tax Contract**

A two year contract with the state to collect and disburse city sales tax is due for July 1, 2017 with a monthly fee retained by the state of \$239.00 per month. This is an increase of \$9.00 per month from the last contract. Councilman Buss made a motion, seconded by Councilman Eberhardt to approve the sales tax contract. All voted aye on roll call vote; **motion passed.**

**Auditor Bond**

Per century code the city auditor's bond is set at the June meeting every year and was set at \$2,000,000 last year. Councilman Carvell made a motion, seconded by Councilman Buss to set the bond at \$2,000,000 again this year. All voted aye on voice vote; **motion passed.**

**Records Retention and Disposal**

The report of records disposed in the last year was presented to council. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve the disposal report. All voted aye on voice vote; **motion passed.**

**Summerfest**

Kayla Mueller, as the new Summerfest coordinator, was present to request 1) waiver of the open container ordinance on Thursday for the Swanks car show and Saturday to Sunday morning for the street dance during Summerfest; 2) closing streets for the car show and parade and 3) a donation of \$12,000. Due to road construction the parade route is being moved to start by ADM along Front Street and up 8<sup>th</sup> Avenue to 5<sup>th</sup> Street and exiting the parade to the east. The race route for Saturday has not yet been determined. Councilman Wangler made a motion, seconded by Councilman Eberhardt to waive open container during the requested events. All voted aye on voice vote except Carvell who voted nay; **motion passed.** Councilman Wangler made a motion, seconded by Councilman Eberhardt to have the Summerfest committee work with Mayer to close streets as needed for the events. All voted aye on voice vote; **motion passed.** Councilman Eberhardt made a motion, seconded by Councilman Buss to give the \$12,000 contribution to Summerfest. All voted aye on roll call vote; **motion passed.** The city's contribution is  $\frac{1}{3}$  to  $\frac{1}{2}$  of the total budget depending on registrations from the race, vendors and Little Miss pageant. Mueller will work with Mayer regarding removal of recycling bins across from the Vets Club.

**JPA With Park District**

About the only change is an exhibit that will contain the interest rate of the bond. The city will have two separate bonds, one for \$2 million and one for \$500,000 which the Park District will pay direct. That will allow for either party to make accelerated payments without a need for recalculation of interest due by each party. Councilman Buss made a motion, seconded by Councilman Carvell to approve the Joint Powers Agreement with the interest rate to be filled in later. All voted aye on voice vote; **motion passed.**

**Sales Tax Bond**

Bremer and First State Bank presented comparable options with the interest rate being slightly better from First State Bank. The bonds will be for 20 years, semi-annual payments with additional payments acceptable, interest rate would be fixed for five years and then adjusted every 5 years after. Councilman Wangler made a motion, seconded by Councilman Eberhardt to authorize the city auditor and bond counsel to move forward with the sale of the bonds with terms and conditions to be set forth in a future resolution. All voted aye on voice vote; **motion passed.**

**Engineer's Agenda**

*State Highway 18/2<sup>nd</sup> Street N* – Bismarck gave approval to close out the project. Moore completed the one year correction period inspection and the punch list has been sent to the contractor. There will be no additional fees from the engineer on this project.

*State Highway 18/5<sup>th</sup> Street N* – Preconstruction meeting was held today. They will put out construction signs on the 12<sup>th</sup> and construction will start on June 19<sup>th</sup>. Josh Olson from Apex will come to the council meetings starting in July. The start date was pushed back due to the supplier being a week behind with materials. Substantial completion date is mid August

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with the final completion date in early September. The invoice is for finalizing contracts, coordination with other engineers on design files, and addressing RFI on electrical. Councilman Carvell made a motion, seconded by Councilman Gust to pay Moore invoice 15687 for \$5,377.30. All voted aye on roll call vote; **motion passed**. Oye requested an increase in the contract total not-to-exceed from \$7,500 to \$15,000 as the total has already been reached. It was suggested that Mayer act as the first contact for the engineer and Moore only be contacted if Mayer decides their assistance is needed. Apex has gone through the prints quite thoroughly and talked with Moore about changing some panel layouts, but if the contractor wants to change something in the design, Moore would be involved as engineer of record. Councilman Eberhardt made a motion, seconded by Councilman Buss to increase the contract to \$15,000. All voted aye on roll call vote; **motion passed**.

*Industrial Park Storm Sewer Improvements* – Oye presented a certificate of substantial completion with date of May 10 which is when the berm was completed but does not recommend final payment until grass is growing. Councilman Buss made a motion, seconded by Councilman Wangler to accept the certificate of substantial completion. All voted aye on voice vote; **motion passed**. The city can pursue liquidated damages for the engineer's time, but can't adjust for it until a request for final payment is made. Alex Richard complained of a drainage issue being caused by the project however LiDAR data shows that the project has always drained to the southeast. Richard is trying to get IBI to grade and improve the flow. The engineering invoice covers staking the berm and follow-up final inspection. Work remaining on the project is to address final payment, the special assessment process and at the end of this year to do a one year correction period inspection. Councilman Francis made a motion, seconded by Councilman Eberhardt to approve Moore's invoice 15685 for \$6,063.80. All voted aye on roll call vote; **motion passed**.

*East View Sewer & Water 2017-2* – The plan is to create a loop in the water main by connecting from 15<sup>th</sup> Avenue along 5<sup>th</sup> Street North to the corner by Haugen. There are some fiber lines that will be relocated so they are holding off on completing this portion until the fall. Certificates of occupancy will still be able to be issued for the properties prior to completing the loop. Link is purchasing the Eracker and Muscha property and will add sewer and water services to these lots as well. All sewer lines are installed except for the deepest section connecting the lift station to the first manhole. No water mains have been installed yet but they should be completed by the end of the month. Maple River Water Resource District requests an additional 15 feet on the east side of the drain which is outlined in an easement agreement between them, Steve Link and the city. Councilman Eberhardt made a motion, seconded by Councilman Buss to approve the easement agreement. All voted aye on voice vote; **motion passed**. Councilman Carvell made a motion, seconded by Councilman Eberhardt to self-finance this project as an investment and special assess for 15 years at 3.5% interest. All voted aye on roll call vote; **motion passed**. Invoiced engineering fees include right of way coordination, final plat and re-staking that was needed because the contractor destroyed the previous staking. Councilman Buss made a motion, seconded by Councilman Wangler to pay Moore invoice 15688 for \$46,758.01 and withhold the charges for re-staking from the contractor. All voted aye on roll call vote; **motion passed**.

*Storm Sewer Lift Station and Pond* – Bid opening was on May 31 with a low bid received from R.J. Zavoral & Sons of East Grand Forks for \$474,812.45 including the alternate to plant trees around the ponds. The bid had three parts with a main bid, alternate to add trees around the ponds and a separate electrical bid which came in from Grant's Mechanical for \$59,838.00. \$775,000 is the engineer's estimated cost of the project. Councilman Wangler made a motion, seconded by Councilman Carvell to award the main contract with alternate to Zavoral & Sons for \$474,812.45. All voted aye on roll call vote; **motion passed**. Councilman Eberhardt made a motion, seconded by Councilman Buss to award the electrical contract to Grants Mechanical. All voted aye on roll call vote; **motion passed**. KPH also submitted a bid for this project which wasn't opened but returned to them. Not only does Casselton have the District 25 experience but there's indication that of the last 36 projects KPH had, one quarter of them had time delay issues. Councilman Eberhardt made a motion, seconded by Councilman Carvell to direct the city attorney and engineer to not open bids from KPH because they are not considered a responsible bidder. All voted aye on voice vote; **motion passed**. Councilman Wangler made a motion, seconded by Councilman Buss to approve the resolution authorizing issuance of the Bank of ND loan. All voted aye on roll call vote; **motion passed**. Councilman Eberhardt made a motion, seconded by Councilman Wangler to pay Moore invoice 15673 for \$19,855.00. All voted aye on roll call vote; **motion passed**.

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*Water Tower Improvements* – No timeline was given from Bureau of Reclamation other than they are still working on approval of the project for bidding and agency agreements.

*Cass County Highway 10 – School Improvements & NE Quadrant Drainage* – Oye will be meeting with Mayer and NDDOT on Monday at 3:30 to go over the preliminary storm sewer design and northeast quadrant improvements.

*Casselton Farms* – They plan to put in water and sewer this year and streets next year. Moore is billing for services to-date going back for the past year. Councilman Eberhardt made a motion, seconded by Councilman Wangler to pay Moore invoice 15686 for \$5,319.60. All voted aye on roll call vote; **motion passed**.

*LOMR* – The state and Barb Fitzpatrick of FEMA are helping to answer questions that have been asked by the contracted review company.

*Levee* – Once the plats are finalized and filed for Casselton Farms 2<sup>nd</sup> Addition and Central Cass, the right-of-way signs can be installed.

*Cottonwood Estates* – There has been no indication about Stremick's plans.

**Beer Sales Outside During Summerfest**

Randy Buntrock had requested to sell beer behind Agveris during Summerfest but did not appear at the meeting to answer questions. Councilman Eberhardt made a motion, seconded by Councilman Wangler to table the request until next month. All voted aye on roll call vote; **motion passed**.

**Agenda Detail**

Councilman Gust requested that in the future the agenda will show who requested the agenda item, description of the topic and what action is needed whether it is discussion only or a motion.

Councilman Wangler made a motion to adjourn at 8:56 pm.

Next regular meeting July 3, 2017 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard  
City Auditor