

CITY OF CASSELTON
Monday, March 2, 2015
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Charlie Francis, Kent Buss, Fred Wangler and Mike Eberhardt. Also present: Matt Thompson, Char Gust, Lorne Sterner, Kayla and Evan Anderson, Steve Link, Rich Hawkins, City Auditor Sheila Klevgard, Deputy Eric Swenson, Deputy Mathew King, City Engineer Brandon Oye, Jeremy Dewald, Stu Romsdal, Wayne Kramlich, Karen Otteson, Dave Scheer, Travis Jorissen, Public Works Supervisor Kevin Mayer and City Attorney Del Losing.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve the minutes of February 2, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. There was discussion regarding renewing the maintenance contract on the old copier or to purchase a newer model with a lower maintenance fee. Councilman Wangler made a motion, seconded by Councilman Francis to purchase the refurbished Canon for \$2,500.00. All voted aye on roll call vote; **motion passed**. Councilman Buss made a motion, seconded by Councilman Carvell to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Advanced Business Methods	\$195.27
Advantage Computer	\$405.00
Aflac	\$235.24
Ag Spray Equipment	\$65.54
Ameripride	\$177.50
Avesis Vision	\$100.40
Erin Baumgarten	\$100.00
Blue Cross Blue Shield	\$4,809.34
Border States Electric	\$246.86
Braun Intertec	\$558.00
Bremer Insurance	\$193.00
Cass County Electric	\$684.68
Cass County Reporter	\$346.89
Cass County Treasurer	\$11,482.16
Cass Rural Water Users	\$25,308.68
Casselton Lumber	\$9.98
Casselton Parks & Rec	\$4,000.00
Channing Bete	\$140.99
City of Fargo	\$3,288.28
Dakota Supply Group	\$26.02
Fargo Freightliner	\$38.52
Guardian	\$794.05

Hardware Hank	\$135.50
Hawkins Chemical	\$1,004.00
Jerry's Excavating	\$6,328.00
John Deere Financial	\$430.43
Johnson Pest Control	\$143.00
Mid America Meter	\$418.99
Midnight Solutions	\$120.00
ND Dept of Commerce	\$9,352.89
ND State Fire & Tornado	\$139.45
Ohnstad Twichell	\$6,722.50
Orbitcom	\$282.66
Ottertail Power	\$5,160.10
Petro Serve USA	\$1,368.33
Productivity Plus Account	\$108.00
Sam's Club	\$19.12
St Paul Stamp Works	\$22.22
Sturdevant's	\$1,243.74
Summit Group	\$101.50
Swanston Equipment	\$116.41
Verizon Wireless	\$149.52
Workforce Safety	\$5,436.15
Xcel	\$372.00

Financial Statement

Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve the financial statement. General Fund \$104,266.61; Special Revenue Funds \$713,174.30; Debt Service Funds \$1,426,075.49; Construction Funds \$(649,859.89); Special Assessment Funds \$1,204,097.79; Enterprise Funds \$373,255.29; Trust and Agency Funds \$38,301.82; total \$3,209,311.41. All voted aye on roll call vote; **motion passed**.

Correspondence

Generations Connecting is holding a community meeting on March 17th in the city auditorium for a presentation regarding underage alcohol use. All are welcome to attend.

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Night Parking in Central Business District

The definition of Central Business District for the night parking rules is being changed to add 1st Avenue North from Langer Avenue to 8th Avenue. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the second reading of this ordinance change. All voted aye on voice vote; **motion passed.**

Loegering Annexation

The city received a petition from the land owners, George and Marilyn Loegering, to annex five acres along Highway 18 just north of RDO Equipment. An ordinance is used for annexations with two readings and public notice. Councilman Buss made a motion, seconded by Councilman Wangler to approve the first reading to annex this property. All voted aye on voice vote; **motion passed.**

Planning & Zoning

- The commission approved James Williams' request to consider 4 lots as one in Cottonwood Estates Addition. Since the exterior lot lines do not change, this request does not require council approval.
- The commission recommends approval of Steve Link's preliminary plat of East View First Addition, originally Loegering's Addition, on the east side of town. The plat includes a city right-of-way for a potential future one-way frontage road with immediate plans to have all driveways going directly out to Turkey Road. Although the lots go all the way to the west side of the drain, the usable depth is approximately 250 feet. Discussed in The public works committee's concern was to be sure that the buyers are aware of the plans for a frontage road and setbacks are established. Easements have already been filed for the drain. The plan is to build the properties up rather than establish a dike in the back. Once the city gives preliminary approval, the plat will be taken to the Maple River and Rush River Water Resource Districts for approval since it will affect both drain systems. Water and sewer would be brought over from the Martins development. Councilman Wangler made a motion, seconded by Councilman Francis to approve the preliminary plat. All voted aye on voice vote; **motion passed.**
- The request from Evan & Kayla Anderson to operate a commercial daycare center at 201 8th Avenue South has been recommended for denial. The commission was concerned with the variances that would be needed to make the daycare fit on the property including building up to the property line and using the boulevard for parking. There were, however, several people concerned about the children's safety with the current traffic in the area as well as the added traffic which would be caused by the daycare. Anderson pointed out that when the children are outside they would be within the fence and if they were going elsewhere they would be escorted. The only other time would be when they were going from the car to the building and drop off and pick up would be before and after regular business hours. State regulations require the children to be dropped off by a bus or parent so they would not be walking or riding their bike to or from the daycare. The current bus drop off is one block directly north of their location but would be changed to their front door. He also noted that the apartment next door is up to the property line and the parking is the same as they have planned. The council indicated that their main concern was the traffic issues. Councilman Eberhardt made a motion, seconded by Councilman Buss to deny the request for a daycare at this location. All voted aye on voice vote; **motion passed.**

Planning & Zoning Appointments

Councilman Eberhardt made a motion, seconded by Councilman Francis to appoint Char Gust and Jan Irby to another five year term. All voted aye on voice vote; **motion passed.**

Udder Bar

Wayne Kramlich, owner of The Udder Bar, inquired whether his liquor license would transfer if the bar moved to another location in Casselton. The response was that a new license would be issued for the new address but at no extra cost. It was noted, however, that a conditional use permit would be needed.

Financing on Sewer & Street #25

The auditor requested a determination by the council as to how the remaining items from the project are to be

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funded. Mayer expects the cost of the items that were not completed by KPH, which include a manhole casting adjustment, erosion control on 1st Avenue and cleaning out a gate valve box, to be less than \$10,000. Mayer expects that he can handle the remainder of the project so Moore can finalize the project on their end. Final amounts should be known by next month to close out the financing.

Tote Purchases

Public works would like to use money from the Tower Rent Fund to purchase large totes which will replace dumpsters. Mayer expects the cost, including freight, to be approximately \$9,000. These totes are comparable in size to traditional dumpsters but are actually cheaper. Dumpsters will be replaced with totes only as needed, which means the dumpster will be thrown out for metal recycling. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve \$9,000 from the Tower Rent Fund to purchase the totes. All voted aye on roll call vote; **motion passed.**

Year End Transfers

Councilman Carvell made a motion, seconded by Councilman Buss to approve the following transfers for 2014. All voted aye on roll call vote; **motion passed.**

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Purpose</u>
\$75,704.26	City Maintenance/Sewer	Lagoon Land Purchase 97-1	Bond payments
\$5,949.09	City Maintenance/Sewer	Dike 98-1	Bond payments/Close fund
\$30,000.00	Investment (Sewer)	Dike 98-1	Expense Dike 98-1 investment
\$71,281.48	City Maintenance/Water	Water Tower Reserve	Bond payments
\$10,000.00	City Maintenance/Sanitation	Major Equipment	Grant reimbursement on garbage truck
\$223,704.51	Major Equipment	City Maintenance/Sanitation	Purchase garbage truck & semi trailer
\$115,704.51	General Fund	Major Equipment	Replenish to \$300,000

Bond Call Date

One of the bonds has a call date of May 1, 2015 which allows the city to either refinance it or buy it down as an investment. With enough cash available in checking the city has the option to buy this investment or hold off and self finance a future project. Through discussion it was decided to hold off on doing anything with the bond at this time.

Engineer's Agenda

Sewer & Street Improvement District #25 – Record drawings will be forwarded to Mayer for review and approval. Councilman Wangler made a motion, seconded by Councilman Francis to approve payment of invoice 9678 for \$2,937.50. All voted aye on roll call vote; **motion passed.**

Levee Improvements – MRWRD has not met to approve the attorney conflict issue. Councilman Carvell made a motion, seconded by Councilman Francis to approve invoice 9676 for \$115.00. All voted aye on roll call vote; **motion passed.**

East View 1st Addition – Sewer & Water Improvement District No. 2015-1 – Council reviewed the plat which extends sanitary sewer and water from Highway 10 and 13th Avenue North. The cost of the project is estimated at \$280,000 at \$35,000 for each of the eight lots. The other option is that the water and sewer could be brought in from the south and cost could be shared with the landowners to the south. The proposed improvement district would include all the property along 15th avenue from Front Street up to 5th Street North although they would not necessarily need to be charged. Property owners cannot protest to prevent the sewer and water project but they can protest the amount of the assessment. Cost impact of going under the drain? Councilman Buss made a motion, seconded by Councilman Eberhardt to create the improvement district including all the property along 15th avenue from Front Street up to 5th Street North. All voted aye on voice vote; **motion passed.** Councilman Wangler made a motion, seconded by Councilman Carvell to direct the engineer to prepare the Engineer's Report. All voted aye on voice vote; **motion**

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passed. Councilman Buss made a motion, seconded by Councilman Francis to approve the Engineer's Report. All voted aye on voice vote; **motion passed.** An improvement district agreement which requires a promissory note to back the payment of the specials on the properties was recommended by Losing. Collection on a promissory note requires the city to bring a lawsuit against the developer. The obligation would remain in effect for a lot until a house would be built on the property. In the past the city has required a Letter of Credit which can be costly to the developer; however, the size of this project does not warrant a Letter of Credit. The method of protection the city will require on future projects will be up to the council to choose at that time. Councilman Wangler made a motion, seconded by Councilman Carvell to approve the Improvement District Agreement. All voted aye on voice vote; **motion passed.** Councilman Buss made a motion, seconded by Councilman Eberhardt to direct the engineer to prepare detailed plans and specifications. All voted aye on voice vote; **motion passed.**

State Highway 18/2nd Street N – The rebid is set for March 13, 2015.

State Highway 18/County Highway 10 Improvements – Moore visited with the county about access issues to the school and will also need to meet with the new superintendent. The current project costs are under the county.

Industrial Park Storm Sewer Improvements – The county sales tax fund is available for flood protection projects with a 50% cost share. The current detention pond was designed to serve only a small section of Industrial Boulevard but now it is serving almost a ¼ section of land plus drainage from the land west of town. During overland flooding the lift station pump can't keep up and overflows the detention pond which causes flooding of the street and adjacent properties. The city's cost of the project to increase the pump size and add another detention pond of four to five feet deep covering about four and a half acres would be assessed to the benefiting land. The current estimate from 2012 is \$5,210.00 per acre. Councilman Buss made a motion, seconded by Councilman Francis to have the engineer create an update cost estimate for the project and present it to the county sales tax committee for \$4,500. All voted aye on roll call vote; **motion passed.**

Building Permit Process

The building permits department is redoing their agreements with cities and would like to set up a meeting with members of the city government to make sure everyone understands what the inspectors are doing as part of their role and what is done just to be nice. Requested attendees are the mayor, one council member, planning and zoning chairman and one member, the auditor and public works supervisor. Oye will work to set a date.

Noise Ordinance

The ordinance committee had decided not to move forward on this issue believing there isn't a real need and due to the difficulty in enforcing an ordinance. It was indicated that there are several neighborhoods where noise is an issue. Councilman Eberhardt made a motion, seconded by Councilman Carvell to send it back to the ordinance committee to come forward with a proposed ordinance. Upon roll call vote Eberhardt, Carvell and Francis voted aye; Wangler and Buss voted nay; **motion passed.**

Councilman Wangler made a motion to adjourn at 9:26 pm.

Next regular meeting April 6, 2015 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor