

CITY OF CASSELTON
Monday, March 7, 2016
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Ed McConnell and Kent Buss. Also present: Cory Oberlander, Jonathan Warrey, Marie Koenig, Tim McLean, Char Gust, Steven Stremick, Evan Anderson, Angela Kolden, Alex Richard, Marty, Johnson, City Auditor Sheila Klevgard, Public Works Director Kevin Mayer, Deputy Nate Boerboom, City Engineer Kyle Meyer and City Attorney Del Losing.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the agenda. All voted aye on voice vote; **motion passed**. Councilman Buss made a motion, seconded by Councilman Eberhardt to approve the minutes of February 1, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. Councilman McConnell made a motion, seconded by Councilman Carvell to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Advantage Computer	\$370.00
Aflac	\$135.12
Ameripride	\$824.83
Avesis Vision	\$123.01
Birch Communications	\$302.60
Blue Cross Blue Shield	\$3,520.02
Border States Electric	\$353.61
Business Essentials	\$319.00
Cass County Electric	\$837.00
Cass County Reporter	\$666.00
Cass County Treasurer	\$11,261.33
Cass Rural Water Users	\$21,026.08
Casselton Cold Storage	\$100.00
City of Fargo	\$4,176.92
Colonial Life	\$123.10
D.J.'s Plumbing	\$98.00
Dakota Supply Group	\$690.40
Fargo Freightliner	\$269.14
The Forum	\$145.80
Gateway GM Parts	\$2,091.15
Gordy's Service Center	\$18.00
Guardian	\$840.53
Hardware Hank	\$54.56
Hawkins Chemical	\$2,073.86
Jerry's Excavating	\$2,316.50

Johnson Pest Control	\$113.00
Mac's	\$46.61
Mid America Meter	\$810.75
Midnight Solutions	\$240.00
Municipal Govt Academy	\$200.00
North Dakota One Call	\$6.55
Mike Nelson	\$720.00
New Horizons Electric	\$1,780.29
Northern States Supply	\$71.51
NorthStar Safety	\$162.91
Ohnstad Twichell	\$1,700.00
Ottertall Power	\$4,356.06
Petro Serve USA	\$1,538.23
Productivity Plus Account	\$108.03
Sam's Club	\$34.34
Sanford Health Occ Med Clinic	\$30.00
Statewide Services, Inc.	\$28,522.00
Sturdevant's	\$2,567.59
Summit Group	\$58.00
Sweeney Controls	\$6,418.93
Universal Services	\$44.00
Verizon Wireless	\$150.36
Workforce Safety	\$7,430.10
Xcel	\$315.68

Financial Statement

Councilman McConnell made a motion, seconded by Councilman Carvell to approve the financial statement. General Fund \$84,697.90; Special Revenue Funds \$988,187.18; Debt Service Funds \$1,629,105.36; Construction Funds \$205,025.58; Special Assessment Funds \$1,205,618.64; Enterprise Funds \$457,934.32; Trust and Agency Funds \$42,090.14; total \$4,612,659.12. All voted aye on roll call vote; **motion passed**. The auditor presented a list of current and potential future projects with proposed funding options including self-funding as an investment. The current Industrial Park TIF bond with a call date of May 1, 2016 was also presented with options for refinancing at a lower interest rate or buying them back as an investment. Councilman McConnell made a motion, seconded by Councilman Francis to buy the TIF bonds as an investment. All voted aye on roll call vote; **motion passed**. Councilman McConnell made a motion, seconded by Councilman Buss to approve year-end transfers as follows. All

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voted aye on voice vote; **motion passed.**

<u>Transfer From</u>	<u>Transfer To</u>	<u>Purpose</u>	<u>Amount</u>
Social Security Fund	General Fund	Close Fund	\$ 8,021.60
Employee Retirement Fund	General Fund	Close Fund	\$ 2,861.87
Utility Cap Improv Fund	SRF 2012 Debt Service	Apply \$10 fee for Bond Pymts	\$ 94,000.00
City Maintenance-Sewer	Lagoon Land Purch 97-1	Cover Bond Payments	\$ 80,589.60
City Maintenance-Water	Water Tower Reserve	Cover Bond Payments	\$ 69,771.75
Tower Rent Fund	General Fund	Close Fund	\$ 7,878.60
City Maintenance Fund	Levee Improv 2013	Expense City Portion	\$ 2,954.70
City Maintenance Fund	Major Projects	Save for Future Projects	\$ 209,793.70

The Major Projects Fund will be renamed Capital Improvement Fund.

Correspondence

Cass Rural Water Users will be holding their annual meeting on Monday, March 21 at 7:00pm at Governors' Inn. The city has six votes for the election on Board of Directors. A council member is asked to attend to represent the city.

Industrial Boulevard Street Repair

Kaufman Construction has agreed to honor last year's quote to repair the section of street which is damaged due to either flooding or the shallow storm sewers causing heaving; either way the problem may recur. Councilman Eberhardt made a motion, seconded by Councilman Francis to have Kaufman repair the road for \$30,344. All voted aye on roll call vote; **motion passed.** Plan is to have it completed by June 15, 2016.

Equipment Purchase

The state will be auctioning plow trucks soon so Councilman Eberhardt made a motion, seconded by Councilman Buss to authorize Mayer to purchase one for up to \$30,000 assuming there is something worth buying. All voted aye on roll call vote; **motion passed.**

Snowmobile & Dirt Bike Ordinance

This ordinance puts into ordinance what has been policy regarding snowmobiles while still banning dirt bikes. Councilman Eberhardt made a motion, seconded by Councilman Buss to approve the second reading of the ordinance. All voted aye on voice vote; **motion passed.**

Truck Parking Ordinance

Councilman Buss made a motion, seconded by Councilman Francis to approve the second reading which prohibits semi-tractor and trailer parking on any public street except in designated semi-trailer parking areas. All voted aye on voice vote; **motion passed.** 6th Avenue North, 8th Avenue North, Front Street, 1st Street South from Langer Avenue to 9th Avenue and 1st Street North from 8th Avenue to 6th Avenue, 5th Street North and Langer Avenue are truck routes.

Marty Johnson for County Commission

Johnson is running for District 5, which is the rural district. Current representation is three seats for Fargo, one seat for West Fargo and one seat for rural. His goal is to change the district lines for rural to get better rural representation on the commission; the line is currently at 52nd Avenue South and the City of Fargo is way past that now. He is setting up Meet and Greets in area small cities.

Planning & Zoning

The commission recommends approval for AGVERIS Incorporated, owned by Cory Oberlander, as office space. Concern was voiced over chemicals going in and out of the location but it will only be office space. Councilman McConnell made a motion, seconded by Councilman Francis to approve the conditional use permit for this business. All voted aye on voice vote; **motion passed.** Following Planning & Zoning's recommendation Councilman McConnell

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made a motion, seconded by Councilman Eberhardt to approve the conditional use permit for a Class B Daycare with no fence requirement to Marie Koenig at 301 10th Avenue North. All voted aye on voice vote; **motion passed.** This permit will be reviewed in two years.

Fire Department

McLean reported on the fire department's 2015 activities which included 93 total calls compared to 2014's 71 calls: 8 residential, 5 gas leaks, 4 hoarder, 23 grass fires, 17 accidents, 14 miscellaneous and 3 mutual aid. They should have the new truck, as an additional truck due to growth of the city, in late summer or early fall. The old city truck is only used for Halloween and the parade because it is not up to NFPA standards. The parking lot would have cost significantly more to concrete all the way back to the alley so they will lay gravel the width of the pad back. They are also adding a light to the parking lot.

Raffle Permit

Councilman Eberhardt made a motion, seconded by Councilman Buss to approve a raffle permit to Swanks Car Club for car show expenses and donations to local charities. All voted aye on voice vote; **motion passed.**

Housing on the South Side

Stremick requested a new zoning category to create a lot where the land is owned by the homeowner's association and the homes with surrounding two feet of land is owned by the individual. They would basically be condos without shared walls; about ten feet between the houses. He expects about 18 units which would be perfect for 60-70 year olds. This area is currently zone agricultural. He requested information on where a box culvert would be designed to go under the dike for drainage to help him make plans. He was also aware of the storm water lift station that is along the railroad track needs to plan how access would continue to that. Councilman McConnell made a motion, seconded by Councilman Buss to send this to Planning & Zoning for recommendation. All voted aye on voice vote; **motion passed.**

50 Foot Lots

The ordinance for lots less than 75 feet and at least 50 feet wide is to allow existing residences which are destroyed or damaged over 50% to be rebuilt if construction is commenced within two years of damage or removal and any vacant 50 foot lot would require a conditional use permit to be built upon. It also includes a requirement that lots about a public right-of-way of no less than 60 feet wide or a private drive approved by the city. Councilman Carvell made a motion, seconded by Councilman Francis to approve the first reading of the ordinance. All voted aye on voice vote; **motion passed.**

Sales Tax Grant

The Casselton Park District requested a \$10,000 sales tax grant to resurface the walking path at Tinta Tawa Park. They have received an 80% grant from Hotel Heritage Fund. Councilman Buss made a motion, seconded by Councilman Francis to approve the grant. All voted aye on roll call vote; **motion passed.**

Cass County Mitigation Plan

Raising the levee on the north side of town is currently listed in the Plan. It would be very costly to raise the levee because one foot in rise would require an additional four feet in width which the city doesn't own. State Water Commission funds go to different entities and cities are cut first. The list of potential projects is needed to keep funds available. Councilman McConnell made a motion, seconded by Councilman Francis to keep raising the levee on the list. All voted aye on voice vote; **motion passed.**

Dental & Vision Insurance

The auditor normally presents the renewals to council for approval but the new rates have not yet been received for the April 1 renewal date. Councilman McConnell made a motion, seconded by Councilman Buss to authorize the

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auditor to renew both plans. All voted aye on voice vote; **motion passed.**

Engineer's Agenda

State Highway 18/2nd Street N – A preconstruction meeting will be set up. An additional cost share request was sent to NDDOT in February and the state responded that no additional funds will be issued.

State Highway 18/5th Avenue N – NDDOT wants a public information meeting which will be preliminarily scheduled for the third week in May.

Industrial Park Storm Sewer Improvements – Bid opening was on February 25th with 14 bidders. Adelman Concrete & Excavating was low bidder at \$340,060. They have done a similar project for the water resource district without incident. Moore recommended award contingent upon approval of the pipeline permit by Red River Valley & Western Railroad Company. Councilman McConnell made a motion, seconded by Councilman Eberhardt to award the contract as recommended. All voted aye on roll call vote; **motion passed.** Councilman Buss made a motion, seconded by Councilman Francis to authorize Moore to submit the application for a utility permit to Maple River Water Resource District. All voted aye on voice vote; **motion passed.** Councilman Buss made a motion, seconded by Councilman Eberhardt to approve Moore invoice 12266 for \$10,117.50. All voted aye on roll call vote; **motion passed.** Additional engineering fees are not being requested at this time although more work has been performed than quoted. Meyer did request that if the project goes under budget council would consider paying the extra fees to Moore. Moore will work with Maple River Grain to make sure they have road access at all times. In regard to Richard's concern with cuts in the road, he was told that the TIF can be extended to pay for any work done in the TIF district.

Water Tower Improvements – Water models have been completed and the proposed locations are: old tower; water bubble or where the old water treatment plant was located just west of the bubble; or up by the school, but their timing is unknown. The public works committee felt that the current location of the water bubble would be the best since there would be less transmission line and no improvement in flows to put it by the school. The old tower location was turned down due to limitation of space and the expensive annual fees to cross the railroad with a larger pipe. The location of the old water plant west of the bubble would also be good since that is so close to the bubble. Braun Intertec can bore the potential sites to evaluate the impact of the geologic conditions on the design and construction of a tower. A new proposal will be requested for only one site west of the bubble. The State Water Commission cost share is anticipated at 60% on the entire project for about \$1.2 million. The application process for a DWSRF loan will take three to four months so the application should be put together in May to June timeframe.

Preliminary FEMA Maps

The closest meeting is set for March 17, 2016 at 6:00pm in Mapleton.

Park Board Update

The golf course had over \$33,000 net income in 2015 compared to a loss in the previous year with an extra 30 days in the season. Randy Buntrock resigned his position on the park board to take the manager position at the golf course. Shawna Bosse has been appointed to his position. He will have personnel responsibility and run the clubhouse. A variety of school teachers will work this summer and Ross Nelson is back again this year. they leased an additional five carts which brings them to a max on storage space of 21. A new volunteer softball/baseball coordinator will help with field space and schedules, leveraging web and texting software. They are participating in master planning with the school for ball fields so the grandstand on field one will be put on hold. Proposals are being received to use the green space to the east of the Willow Bend Park; possibly a kickball field or t-ball field. Grommeshes used to do a track & field program, they now have a new volunteer are planning a mid May meet. The yoga program will continue in the clubhouse. The summer program books will be out in early April. If anyone is willing to start a wheel-based program such as for bikes or skateboards or anything for adults the park board would be open to supporting it.

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Police Report

78 calls which is a jump from last year but mostly public assists so nothing major. Community support of the law enforcement community has been noticed and is appreciated.

Drainage Issue

Amy Nesemeier requested assistance to get her yard to drain. Public works will have Jerry Fletschock look at adding a catch basin to the storm sewer in the alley to drain the yard.

KPH Lawsuit

Councilman Eberhardt made a motion, seconded by Councilman McConnell to hold an executive session to discuss the lawsuit with KPH by the authority of NDCC 44-04-19.1(2), (5) and (9). All voted aye on voice vote; **motion passed**. Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Ed McConnell and Kent Buss. Also present: City Auditor Sheila Klevgard and City Attorney Del Losing. Executive session was called to order at 9:00pm; Losing gave an update on the status of negotiations. Councilman Carvell made a motion, seconded by Councilman Eberhardt to exit executive session. All voted aye on voice vote; **motion passed**. The executive session adjourned at 9:10pm.

The water tower funding is received from SRF they will want to know how we plan to fund payment of the bond. It was suggested that increased water rates and/or sales tax be used. McConnell also recommended that the engineers be held to a lower percentage on their contract. Discussion went to considering looking at a new city engineer with no decisions.

Councilman Francis made a motion to adjourn at 9:28 pm.

Next regular meeting April 4, 2016 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor