

**CITY OF CASSELTON**  
**Monday, May 7, 2012**  
**REGULAR MEETING 7:00 P.M.**  
**Council Chambers**

Present: Mayor Edward McConnell, Councilmen Pete Silbernagel, Phil Spooner, Steve Link, Fred Wangler and Paul Spooner arrived late. Also present: Rocky Schneider, Rob Schmaltz, John Siverson, Jerry Jordan, Ron Stai, Cindy Stai, Matt Stai, Peter Karl, Public Works Supervisor Kevin Mayer, City Engineer Brandon Oye, Lin Smithwick, City Auditor Sheila Klevgard, Deputy Joe Hedin, Dave Penczek, Jan Sinner, Marie Koenig, Dennis Buchholz, Steve Sprecher, Joan Carvell, Scott Mensing, Diane Spoerl, Reese Streit, City Attorney Del Losing and Rich Hawkins.

**Police Report**

The emergency response tornado drill went well. Deputy Hedin has been spending time at the basketball court getting to know the kids to build up a relationship with them. Deputy Zundel has been meeting with the kids up at the school and patrolling the school zone before and after school. Deputy Hedin requests that with kids getting out of school, please call if there is anything out of the ordinary. Deputies will no longer unlock cars; due to technology in the doors they do not want to wreck anyone's vehicle. Basic calls for the month were juvenile complaints, animal complaints and a few reckless drivers.

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

Councilman Fred Wangler made a motion, seconded by Councilman Steve Link to approve the minutes of April 2 and 10, City Attorney's Report, Municipal Judge's Report, and the delinquent utilities list. All voted aye on roll call vote; **motion passed.** (Councilman Paul Spooner arrived.) Councilman Pete Silbernagel made a motion, seconded by Councilman Steve Link to approve the following bills and refunds for the month of May. All voted aye on roll call vote; **motion passed.**

Aflac	\$115.50	Key Contracting	\$227,898.87
James Albrecht	\$39.37	King Farms Trucking	\$250.00
Ameripride	\$161.90	Brian Kujala	\$43.00
Avesis Vision	\$74.09	Jim Markey	\$31.09
Blue Cross Blue Shield	\$4,059.60	Medcenter One	\$180.00
Belling Tree Service	\$150.00	Mid America Meter	\$317.00
BNSF	\$365,924.29	Midnight Solutions	\$240.00
Cass County Reporter	\$429.33	Moore Engineering	\$167,607.74
Cass County Treasurer	\$10,675.00	North Dakota One Call	\$42.50
Casselton Drug	\$45.78	ND Sewage Pump	\$1,340.00
Cass County Electric	\$536.52	New Horizons Electric	\$935.30
Casselton Fire Dept	\$19,000.00	NorthStar Safety	\$28.38
Casselton Lumber	\$97.75	Ohnstad Twichell	\$1,450.00
Casselton Parks & Rec	\$13,201.47	OK Tire	\$398.02
Cass Rural Water Users	\$22,776.04	Orbitcom	\$609.90
City of Fargo	\$3,558.10	Ottertall Power	\$3,961.70
Choice Financial	\$6,000.00	Paul Bunyan	\$93.70
Expressway Suites	\$318.50	Petro Serve USA	\$3,222.46
Fargo Water Equip	\$1,347.19	Powerplan	\$206.08
First State Bank	\$42,189.88	Sabrena Quast	\$60.74
Gateway	\$510.23	Railroad Mgmt Co III	\$120.79
Gordy's Inc.	\$100.62	Sheyenne Gardens	\$470.00
Guardian	\$671.08	Sturdevant's	\$292.78
Hardware Hank	\$7.29	Team Laboratory	\$5,798.00
Jerry's Excavating	\$7,773.64	Titan Access Account	\$3.98
Jet-Way Multiple Services	\$1,089.50	Verizon Wireless	\$147.45
Job Authority	\$8,000.00	Wisnewski's Top Cut	\$1,850.00
John Deere Financial	\$16.30	Xcel	\$76.34

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Johnson Pest Control	\$55.00	Xtreme Printing	\$439.00
Kaufman Construction	\$1,308.98		

**Financial Statement**

The city will be using cash reserves to finance the railroad project until a better idea of the total can be assessed for bonding. Councilman Fred Wangler made a motion, seconded by Councilman Steve Link to approve the financial statement. General Fund \$124,912.36; Special Revenue Funds \$689,858.41; Debt Service Funds \$685,419.70; Construction Funds \$270,431.34; Special Assessment Funds \$393,354.13; Enterprise Funds \$426,065.60; Trust and Agency Funds \$26,016.09; total \$2,616,057.63. All voted aye on roll call vote; **motion passed.**

**Correspondence**

The Arbor Day Foundation congratulates Casselton on being named a Tree City USA community for 2011. Midcontinent will be making rate and package changes effective June 2012. NDDOT is planning on changing the curve on ND18 north of town in 2014. They have surveyed but do not have a final design. The plan is to come off at the mile marker angling down to County Road 10, adding a right turn lane on Highway 18, and the portion of CR 10 east of the new connection would be blocked off and become city street.

**Public Works**

A lead line was replaced from the main to the curb stop for the gun shop. This is the second repair to this line. BNSF has some testing left to do and the 15<sup>th</sup> Avenue crossing arms still need to be put up.

**Rocky Schneider – Candidate for Cass County Commission**

Rocky Schneider is a candidate for Cass County Commissioner in District #1 which represents north Fargo, but since every seat is voted on by the entire county, he wanted to come out and introduce himself. He urged the council and the public to contact him with any issues or concerns. He is interested in public policy and has worked with the Homebuilders Association with the city all the way up to the state level. What he is hearing from people in the rural areas is that with Measure 2 and other property tax issues they do not feel that they are being heard by the current commission.

**Move garage into town**

Dennis Buchholz would like to bring a garage into town to the back side of his rental unit at Prairie Apartments which would be accessible from the alleyway. Kevin still needs to verify the percentage coverage allowed and will need to inspect it upon installation. The building is in good condition with new shingles and wood siding. Councilman Phil Spooner made a motion, seconded by Councilman Paul Spooner to approve moving the garage pending Kevin's final inspection. All voted aye on roll call vote; **motion passed.**

**Block Party Request**

Shawn Bowman requested permission to have 4<sup>th</sup> Street North blocked off from 6 to 12midnight in front of 1002 4<sup>th</sup> St N on July 7<sup>th</sup> from 7-11pm for a surprise party/polka dance. He is estimating 75-100 people in attendance. Councilman Steve Link made a motion, seconded by Councilman Pete Silbernagel to approve the street closure for a block party. All voted aye on roll call vote; **motion passed.**

**Space Transit Planetarium and Science Museum**

Peter Karl proposed expanding education by getting state and federal grants to build a space transit planetarium and science museum. This would produce an anchor for commerce, create new jobs and give students something to look forward to for school projects. He is working with a company to get the grants to start a project, but wants the city to pay the \$200.00 fee to the company to proceed. Councilman Pete Silbernagel made a motion, seconded by Councilman Steve Link to table discussion on the museum. All voted aye on roll call vote; **motion passed.**

**2<sup>nd</sup> Reading Liquor Ordinance Residency Requirement**

Wording was changed in section (c) of the residency requirement from resident 'of Cass County' to 'within 40 miles of the city limits of Casselton'. It also removed the requirement of a managing agent to be an officer and shareholder of a corporation or a member of a limited liability company. It was suggested by counsel that the wording should be consistent in all sections of the

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residency requirement. The requirement is designed to have a person available with a fair response time for law enforcement to contact. Councilman Steve Link made a motion, seconded by Councilman Pete Silbernagel to change sections (a) and (b) to read the same as the revised section (c). All voted aye on roll call vote; **motion passed.**

**Liquor license applications**

Marie Koenig, the applicant for L & L, LLC, is a full-time event coordinator and helps in the restaurant. John Siverson requested that the bar at Country Kitchen be closed because in February 2007 Lowell Gunderson stated the he was not planning on the business being a bar. That statement influenced the vote in 2007. Dave Penczek, general manager for Days Inn, stated that their business model has changed in the last 5 years and closing the Shamrock allowed them four more hotel rooms. Mr. Penczek also stated that they have kept the bar closed off to a certain degree to maintain a family environment in the restaurant and not make patrons uneasy. With a daycare and water park so close to the bar, there are 3 doors between the water park and the bar. Councilman Link feels the council should be business friendly and allow the on/off sale license since there have been no problems with law enforcement at that location. Councilman Paul Spooner's only concern is with the off sale since there are children there. Mayor McConnell pointed out that if issues occur, parents will remove their children from the business and it will work itself out because they will lose business. Councilman Steve Link made a motion, seconded by Councilman Pete Silbernagel to approve the application by L & L, LLC for an on/off sale liquor license. Councilmen Wangler, Phil Spooner and Link voted aye; Paul Spooner voted nay; Silbernagel abstained; **motion passed.**

Matthew Stai, 28 years old, submitted an application for an on/off sale liquor license. He is from West Fargo and wants to open a business as Corner Pub. The application did not indicate the type of license being applied for. Rich Hawkins, president of JLR Inc, is trying to renovate the building without a lot of public money. He realizes they have had poor tenants in the past and is attempting to correct that with this new tenant. There was discussion as to what types and how many liquor licenses are outstanding. Councilman Steve Link made a motion, seconded by Councilman Phil Spooner to approve the on/off sale liquor license contingent on all paperwork being in order. All voted aye on roll call vote; **motion passed.**

**Martin's 3<sup>rd</sup> Edition**

Councilman Steve Link made a motion, seconded by Councilman Phil Spooner to approve the combining of 3 lots into 2 in Martin's 3<sup>rd</sup> Edition. All voted aye on roll call vote; **motion passed.**

**Martin's 2<sup>nd</sup> Edition**

Councilman Steve Link made a motion, seconded by Councilman Phil Spooner to approve the minor change in lot lines for Martin's 2<sup>nd</sup> Edition. All voted aye on roll call vote; **motion passed.**

**Proposed Sale of City Lot**

Steve Sprecher has made an offer on the Habiger property and the adjacent city property. The city will receive \$11,000 less realtor fees, updated abstract fee, and will split other fees with the Habiger estate estimated at \$2,000. Councilman Phil Spooner made a motion, seconded by Councilman Pete Silbernagel to approve the sale of property at Lot 11, Block 12 Original to Casselton, parcel 03-0100-00141-000 with a quitclaim deed. All voted aye on roll call vote; **motion passed.**

**2 Year Tax Exemption of \$75,000**

Councilman Fred Wangler made a motion, seconded by Councilman Steve Link to approve a resolution to continue the 2-year tax exemption. All voted aye on roll call vote; **motion passed.**

**Non-Smoking Ballot Advisory Vote**

Councilman Pete Silbernagel would like to see how the residents feel about a non-smoking ordinance. He requests that it be put on the ballot in November. Due to unknown ballot costs Councilman Pete Silbernagel made a motion, seconded by Councilman Steve Link to table the idea until costs are obtained from the county. All voted aye on roll call vote; **motion passed.**

**Quiet Zone Establishment**

Brandon Oye will contact SRF to see who should be taking care of this. It entails gathering documents showing all improvements are done and submitting paperwork to all jurisdictions involved. Brandon is reviewing the requirements and will keep Sheila up to date.

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**Engineers Agenda**

**Sanitary Sewer Improvement District #24**

- Bid opening for the project will be on Thursday, May 24 at city hall at 11:00am.
- The hazard mitigation grant was not approved, with a recommendation that we reapply for 2011 funds on the next project if we can prove potential damages through a cost-benefit analysis. Replacing two blocks on Front Street was an alternate on the bids so the city can just reline or wait to do that section of the project altogether. The revised application is due by mid June for 2011 funds, so Brandon will re-evaluate whether there is a cost benefit at no cost if no benefit is found.
- Clean Water State Revolving Fund Loan Application – The force main is an old ACP pipe and there may be an issue if the pipe is degraded. SRF requested that the city submit an application that includes replacing the force main. Estimated replacement cost is \$400,000. Brandon reminded council that the loan is only for the amount that is used.
- Engineering invoice presented for \$119,852.50 is not expected to be paid until the city gets financing. This is a corrected amount for the bill already included in approved bills. Councilman Steve Link made a motion, seconded by Councilman Fred Wangler to remove the \$129,695.40 bill to Moore Engineering from approved bills. All voted aye on roll call vote; **motion passed.**

**Quiet Zone Street Improvements**

- BNSF still needs to install 15<sup>th</sup> Avenue gates and do some testing. Dirt work is done; seeding, signs and fencing still need to be completed. Brandon requests a city official to participate in a semi-final inspection with DOT to make a punch list.
- Change order #2 to remove and replace a portion of the median and curb after BNSF adjusted their crossing plates and broke the curb was submitted for approval. Councilman Fred Wangler made a motion, seconded by Councilman Pete Silbernagel to approve the change order for \$8,665.00 to Key Contracting. All voted aye on roll call vote; **motion passed.**
- Councilman Pete Silbernagel made a motion, seconded by Councilman Fred Wangler to approve Partial payment #1 to Key Contracting for \$219,233.87. All voted aye on roll call vote; **motion passed.**
- Councilman Fred Wangler made a motion, seconded by Councilman Steve Link to approve payment of the Quiet Zone engineering invoice for \$19,012.20. All voted aye on roll call vote; **motion passed.**

Councilman Pete Silbernagel made a motion, seconded by Councilman Steve Link to approve payment of the Capital Improvement Plan engineering invoice for \$28,743.04. All voted aye on roll call vote; **motion passed.**

**Miscellaneous Items**

Most small towns have an old car available as a courtesy car. The airport is wondering if there can be an agreement with the city to have the city car out there to be used by them and used by city when needed. Financial risk to the city needs to be assessed.

The siren could not be heard on the north side of town for the tornado drill. The city may want to look into budgeting for one, which is estimated at \$27,000 for a siren on a 50' pole. The fire department will check into getting a grant.

**Water Break at the Gun Shop**

This is the second repair on this service line. The break was farther down the lead line and has now been switched to copper. Ordinance states that the resident is responsible from the curb stop to the property. Councilman Phil Spooner made a motion, seconded by Councilman Pete Silbernagel to approve payment of the Jerry's Excavating bill and to charge Brian Suhr for the repair. All voted aye on roll call vote; **motion passed.**

Next regular meeting is June 4, 2012 at 7:00pm.

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

Respectfully Submitted,

Sheila K Klevgard  
City Auditor