

**CITY OF CASSELTON**  
**Monday, May 5, 2014**  
**REGULAR MEETING 7:00 P.M.**  
**Council Chambers**

Present: Mayor Edward McConnell, Councilmen Lee Anderson, Joan Carvell, Paul Spooner, Fred Wangler, Kent Buss and Mike Eberhardt. Also present: Aaron Nudell, Jeff Scheer, Wayne Kramlich, Nancy Kramlich, Rachel Stanislawski, Terry Johnson, Alex Richard, City Auditor Sheila Klevgard, Deputy Keenan Zundel, City Engineer Brandon Oye, 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 April 7, 8 and 9, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on roll call vote; **motion passed**. Councilman Buss made a motion, seconded by Councilman Anderson to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Aflac	\$135.52
Ameripride	\$158.13
Avesis Vision	\$100.40
Blue Cross Blue Shield	\$4,809.34
Bremer Insurance	\$148.00
Business Essentials	\$32.99
Cass County Electric	\$538.56
Cass County Reporter	\$565.88
Cass County Treasurer	\$11,040.50
Cass Rural Water Users	\$28,408.76
Casselton Lumber	\$2,109.87
Casselton Parks & Rec	\$13,735.08
City of Fargo	\$3,600.76
Curt's Lock and Key Service	\$130.00
Becky Dunker	\$28.74
Earl's Repair	\$818.61
Econo Signs	\$1,371.04
Expressway Suites	\$359.80
Fargo Water Equip	\$2,409.27
First State Bank	\$529,969.24
Fleetpride	\$92.65
Gordy's Inc.	\$233.90
Guardian	\$794.05
Hardware Hank	\$260.11
Haugen Cleaning	\$450.00

H & S Painting	\$788.00
Jerry's Excavating	\$15,808.22
Johnson Pest Control	\$55.00
Mac's	\$2,493.00
Massage Inspirations	\$60.00
Kevin Mayer	\$130.75
Midnight Solutions	\$120.00
MJ Dalsin	\$346.78
Moore Engineering	\$1,012.30
ND Sewage Pump	\$8,100.00
Northwest Visual	\$227.89
Ohnstad Twichell	\$1,500.00
Orbitcom	\$278.90
Ottertail Power	\$4,478.95
Powerplan	\$1.71
Railroad Mgmt Co III	\$146.16
Ramkota Hotel	\$149.40
Rush River Construction	\$3,000.00
Sanford Health Occ Med Clinic	\$30.00
Scheels Home & Hardware	\$33.98
John Siverson	\$42.27
Sturdevant's	\$279.69
Titan Access Account	\$120.69
Verizon Wireless	\$147.00
Xcel	\$183.91

**Financial Statement**

Councilman Anderson made a motion, seconded by Councilman Eberhardt to approve the financial statement. General Fund \$130,825.82; Special Revenue Funds \$773,754.65; Debt Service Funds \$1,177,573.32; Construction Funds \$1,277,011.18; Special Assessment Funds \$1,024,733.10; Enterprise Funds \$422,832.27; Trust and Agency Funds \$6,428.86; total \$4,813,159.20. All voted aye on roll call vote; **motion passed**.

**Police Report**

Both Deputy Hedin and Zundel are training this month, so they are not as available as usual. Total calls were down

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from last month as were traffic citations, the barking dog has been adopted out and there were four crashes with no injuries. A vehicle tried crossing the golf course bridge causing an estimated \$20,000.00 in damage. The sheriff's department is asking the public for assistance in identifying the person responsible. They are also asking for help identifying dirt bikes riding in town and on the dikes; they have already cited several but they need to be stopped right away before it becomes a major issue.

**Parking Ordinance**

The proposed ordinance includes restricting parking for placarded trailers and has been changed to include restricting parking on any street for all vehicle including cars, campers, RV's and trailers to 72 hours. Larger towns limit to 72 hour parking or change which roads can be parked on. It was recommended to put signs on major entrances to town to inform residents and visitors. Councilman Buss made a motion, seconded by Councilman Carvell to approve the new first reading of the ordinance. All voted aye on roll call vote except for Councilman Anderson; **motion passed.**

**Maple River Grain Tax Exemption**

All businesses are eligible for a five year tax exemption; however a project that produces or manufactures a product from agricultural commodities is allowed an additional five year exemption. Maple River Grain is building a grain storage building which does not seem to qualify for the additional five year exemption. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve a five year 100% exemption. All voted aye on roll call vote; **motion passed.**

**Complaint Regarding Central Sales**

Nudell had several complaints about Central Sales regarding removable gooseneck trailers that are dollied down in the street to load and unload equipment and on the opposite side of the road from their building which at times has blocked his driveway, they have pushed their snow onto the neighboring residential yards, have backed up onto his grass and they use the street east of their building for farmers to test drive equipment. Nudell pointed out that there is a sign when coming into town that says no trucks on residential streets. He believes the street has already been ruined and would like the corporate office to be informed of what is going on. The city will look at the street and if it needs to be repaired will charge the cost of the repairs to Central Sales. Another neighbor is concerned that when the trucks are backing up they may not see the small children who ride bike in the street due to the fact that there isn't any sidewalk. Although it seems they should be able to unload in the alley or on their lot across the street, Nudell wondered if there is any recourse if they don't do so. Losing indicated that there is state law regarding intentional damage to the streets, but he was not sure if there is anything in city ordinance. The mayor will ask them to come to a council meeting to address what can be done.

**Liquor Permit and Conditional Use Permit**

Kramlich would like to make renovations and improvements to the old Kuzzins building but doesn't want to stick a lot of money into it just to find out that his business won't be approved. The building is for sale but he wants to rent for now. His intention is to have a bar with a pizza oven; maybe bring in B-Dubs one day or have happy hour with hors d'oeuvres. His hope is to eventually have restaurant food but it would be too much to take on right away. Council agreed it would be good to get the building improved and occupied however their main concern is fights and possible illegal transactions. Although Kramlich was one of the original owners of Wild Knights, he left the business and was not part of it when there was trouble there. If all regulatory requirements are met it appears he should be fine to open. He and the business will need to prove themselves and will be scrutinized for a while.

**Vacate Portion of 1<sup>st</sup> Avenue North**

Clint Sletten would like to vacate the north half of 1<sup>st</sup> Avenue north adjacent to his property located at 131 and 141

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1<sup>st</sup> Street North. Councilman Eberhardt made a motion, seconded by Councilman Buss to file the petition and publish notice in the newspaper. All voted aye on roll call vote; **motion passed**. The city is required to publish notice four times and cannot hold the meeting within 30 days of the first publication, so this item will not be addressed until the July meeting. The track along there is mostly used for equipment storage now and even if the railroad vacated the track they would likely not remove the dirt and it would remain as a dike.

**Gaming Site Authorization**

Councilman Wangler made a motion, seconded by Councilman Spooner to approve the Gaming Site Authorization to Plains Art Museum for a pull tab machine at Governors Pub. All voted aye on roll call vote; **motion passed**.

**BNSF Right-of-Way**

Harness Trailer Court asked if anything could be done with the soft areas in the BNSF right of way and the frost boil in the alley which the garbage truck crossed through to collect the garbage. The city can't do anything with the right of way since it belongs to BNSF and the frost boil will fix itself although the city did smooth it out and moved the dumpster to resolve the truck driving across it.

**Gordy's**

There have been complaints about the quantity and the appearance of junk cars behind Gordy's as people come off the interstate. Some of the junk cars are pending insurance settlement and others will get moved as soon as they can. Insurance claims are usually settled within 90 days and some of the vehicles have been there for 5 years. A list could be requested showing when vehicles were received and when they are expected to be dispatched. Ordinance says no unlicensed vehicles sitting around so maybe they should be addressed the same as other residential junk vehicles. It takes about 45 days to get vehicles moved, although the letter says 30 days. If a letter is sent to Gordy's one should also be sent to Car Doctor and Casselrock. The deputies are working on a list of junk cars in town.

**Official City Newspaper**

Councilman Wangler made a motion, seconded by Councilman Carvell to designate the Cass County Reporter as the official city newspaper. All voted aye on roll call vote; **motion passed**.

**PTO**

Auditor requested an addition to the personnel policy indicating PTO hours will accrue on a prorated basis when full-time employees are on unpaid leave or working limited hours. Example – in a regular pay period an employee works 80 hours and earns 4 hours of PTO; if he worked only 8 hours in a pay period he would accrue .4 hours of PTO. Councilman Carvell made a motion, seconded by Councilman Spooner to adopt the above language. All voted aye on voice vote; **motion passed**.

**Fireworks Ordinance**

Committee wished to amend the ordinance to limit days and hours to July 3 to 5 and December 31 to January 1 for retail fireworks displays with no permit required. Professional displays or retail displays on other days would require a permit to be approved by the fire chief and a significant fee. Fees could be set by council outside of the ordinance. Eberhardt voiced an objection to allowing fireworks on New Year's Eve. The original ordinance was to prevent unsafe use of fireworks. Councilman Wangler made a motion, seconded by Councilman Buss to approve the first reading as proposed by committee other than to add that council would also approve the permits. Councilman Buss, Wangler, Anderson and Spooner voted aye on roll call vote, Eberhardt and Carvell voted nay; **motion passed**.

**Sales Tax Grants**

Finance committee recommends disbanding the sales tax committee and having the finance committee review all

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applications. The application deadline will still be set with semi-annual meetings using the same guidelines as currently in use. Councilman Eberhardt made a motion, seconded by Councilman Spooner to approve the recommendation with meetings in the spring and fall. All voted aye on roll call vote; **motion passed.**

**Investment Funds**

The proposal is to purchase bonds as an investment to create a perpetual investment fund which will increase interest income. The auditor recommended purchasing the following bonds:

Lender	Years Remaining	Interest Rate	Purchase Amount
First State Bank	5	4.40%	\$ 253,533.84
First State Bank	10	4.37%	\$ 276,435.40
Bank of ND	3	2.50%	\$290,000.00
Bank of ND	4	2.50%	\$ 30,000.00

Councilman Buss made a motion, seconded by Councilman Wangler to create the perpetual fund and pay the banks as shown above. All voted aye on roll call vote; **motion passed.**

**Shermans Meeting Request**

The attorney for Shermans sent a letter indicating that Shermans would like to meet with the city to resolve the disputed bill. Any negotiation would need to come back to council for final approval. The invoice was not detailed with dates and hours of use for each piece of equipment and labor. Councilman Eberhardt made a motion, seconded by Councilman Buss to have Ed McConnell, Kevin Mayer, one council member and counsel, if necessary, to attend a meeting in Casselton to discuss the bill. All voted aye on roll call vote; **motion passed.**

**Engineer's Agenda**

*Industrial park drainage*

Maple River Grain is looking at what can be done to improve drainage on their portion of land on the west side of the tracks. There is the possibility to improve the drainage in the entire industrial park if they can move some of the water to the north. Moore Engineering quoted Maple River Grain \$5,100 to profile the major ditches west of their land with the possibility of splitting the drainage by moving water south of their building to the south and north of the building to the north. Oye does not anticipate any cooperation from the DOT in improving their system through the underpass. The water board may have to get involved but if it can be shown as a flood protection measure the city could apply for a flood control grant. With only three to four feet of elevation drop over two-thirds of a mile, it would be a slow moving ditch. Maple River Grain is asking the city to help pay for the initial research. Councilman Carvell made a motion, seconded by Councilman Buss to split the cost of investigating the drainage for a total of \$2,550.00. All voted aye on roll call vote; **motion passed.** The mayor noted that once the ditch block is removed, water should be able to be moved east. Fletschock will remove it as soon as the ground is dry enough.

*Sewer & Street Improvement District #25 –*

Concrete patching started today on Langer and 8<sup>th</sup> Avenue. Next week crack sealing will start as well as manhole rehabs. They will start work in front of city hall the week of the 12<sup>th</sup> as well as the 600 block on 1<sup>st</sup> Street North and 2<sup>nd</sup> Street South. Inspector will be checking for defective work of which there are several locations where the asphalt is crumbling. Oye presented preliminary change order number 5 for concrete spot repairs on 8<sup>th</sup> Avenue N, the intersection of 8<sup>th</sup> Avenue and 2<sup>nd</sup> Street N as well as diagonal parking on both sides of the street on the city hall block. Oye will calculate how many parking spots will be gained with the expanded parking. Unit pricing is expected to remain as listed although they are not fixed and additional engineering costs will occur due to the extra work requested. Councilman Eberhardt made a motion, seconded by Councilman Wangler to pay engineering invoice

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7648 for \$332.50. All voted aye on roll call vote; **motion passed.**

*Levee Improvements –*

Oye presented a sample of the right of way markers to be installed this summer at the 37 identified locations. They will be bolted to u-channel posts at an estimated total cost of \$3,640.00. The purpose of the markers is to help the Corp know where the city levee right-of-way is located, especially where city doesn't have the 15 feet expected. Councilman Buss made a motion, seconded by Councilman Carvell to order and put up the signs. All voted aye on roll call vote; **motion passed.** Councilman Wangler made a motion, seconded by Councilman Anderson to pay engineering invoice 7647 for \$679.80. All voted aye on roll call vote; **motion passed.**

Clean up week costs the city around \$8-10,000. There will be no change in Saturday if the landfill is wet. McConnell volunteered to make an attempt at fixing the alleys, but noted that it will take time.

Councilman Anderson made a motion to adjourn at 9:19pm.

Next regular meeting June 2, 2014 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard  
City Auditor