

CITY OF CASSELTON
Monday, May 1, 2017
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Char Gust and Kent Buss. Also present: Cole Neset, Deputy Jacob Longlet, Kevin Mayer, Evan Anderson, Morgan Forness, Tim Schmeets, Michele Rieniets, Greg Kempel, Ken Habiger, Julie Nelson, Angela Kolden, Mike Lee, Alex Richard, Jack Haines, City Auditor Sheila Klevgard, City Attorney Del Losing, Taylor Braaten and City Engineer Brandon Oye.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Gust made a motion, seconded by Councilman Francis to remove approval of the April 3, 2017 minutes and approve the amended agenda. All voted aye on voice vote; **motion passed**. Councilman Buss made a motion, seconded by Councilman Eberhardt to approve the minutes of April 13, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. Councilman Carvell made a motion, seconded by Councilman Buss to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Aflac	\$19.80	Johnson Pest Control	\$55.00
Ameripride	\$297.02	Richard Kjonaas	\$54.33
Avesis Vision	\$103.07	Gary Marier	\$43.89
Birch Communications	\$402.91	Medica	\$3,250.06
Business Essentials	\$31.99	Mid America Meter	\$606.61
Cass County Electric	\$484.42	Midnight Solutions	\$120.00
Cass County Reporter	\$1,042.57	North Dakota One Call	\$24.00
Cass County Treasurer	\$12,451.50	ND Sewage Pump	\$1,000.00
Cass Rural Water Users	\$26,876.94	Ohnstad Twichell	\$1,700.00
Casselton Parks & Rec	\$8,742.17	OK Tire	\$899.97
City of Fargo	\$4,277.75	Chris Olson	\$172.93
Colonial Life	\$80.92	Ottertail Power	\$4,006.39
Dakota Supply Group	\$17,877.45	Petro Serve USA	\$563.59
Expressway Suites	\$497.50	Railroad Mgmt Co III	\$194.55
The Forum	\$174.96	Sam's Club	\$113.56
Guardian	\$624.46	Sturdevant's	\$493.61
Hardware Hank	\$15.96	Team Laboratory	\$6,450.00
Hawkins Chemical	\$839.00	Verizon Wireless	\$94.06
Jerry's Excavating	\$2,565.70	Xcel	\$249.27

Financial Statement

Councilman Eberhardt made a motion, seconded by Councilman Francis to reallocate the sales tax grant from the NDSTREET project into a new fund for shop/warm equipment storage and allocate 75% of future 1% sales tax to the shop fund. All voted aye on roll call vote; **motion passed**. Councilman Francis made a motion, seconded by Councilman Buss to approve the financial statement. General Fund \$57,178.79; Special Revenue Funds \$1,049,242.19; Debt Service Funds \$2,031,517.04; Construction Funds \$675,067.16; Special Assessment Funds \$1,394,357.07; Enterprise Funds \$329,467.07; Trust and Agency Funds \$2,140.58; total \$5,538,969.90. All voted aye on voice vote; **motion passed**.

Public Works

Mayer requested authorization to purchase a mid size pickup to replace the mosquito sprayer pickup at the state auction in Fargo or Bismarck at an estimated cost of \$10,000-\$11,000. The tractor bids came in low so there's still funds available in the budget. Councilman Carvell made a motion, seconded by Councilman Francis to authorize up to \$12,000 for the purchase of a pickup. All voted aye on roll call vote; **motion passed**.

2nd Reading of Heartland 5th Addition Annexation

Councilman Buss made a motion, seconded by Councilman Eberhardt to approve the second reading of the ordinance to annex Heartland 5th Addition. All voted aye on voice vote; **motion passed**.

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Heartland 5th Addition Final Plat

The final plat changes the location of a water main to the north lot line with a 15 foot easement. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the final plat of Heartland 5th Addition. All voted aye on voice vote; **motion passed.**

2nd Reading of Sale/Lease of City Owned Property

This ordinance change allows property to be leased out if desired, on a case by case basis. Councilman Francis made a motion, seconded by Councilman Buss to approve the second reading of the ordinance. All voted aye on voice vote; **motion passed.**

Planning & Zoning

Following the commission's recommendation:

- Councilman Eberhardt made a motion, seconded by Councilman Buss to approve the first reading of an ordinance annexing the triangular parcel north of the school owned by Martins Lutheran Church. All voted aye on voice vote; **motion passed.**
- Councilman Francis made a motion, seconded by Councilman Buss to approve the final plat of Central Cass School Addition which includes an easement for access to the pond and contingent on a title opinion being completed on the property. All voted aye on voice vote; **motion passed.**
- Councilman Carvell made a motion, seconded by Councilman Eberhardt to approve the final plat of Heartland 6th Addition and allow the driveway for Lot 1, Block 1 to line up with the asphalt driveway from the restaurant. All voted aye on voice vote; **motion passed.**

Junk Vehicles

Buss has had communications from some residents about a lot of junk cars that are not licensed or not moving but sitting in people's yards. Gordy's has several although Eberhardt is confident they will get moved when their other lot is not so muddy. Deputy Longlet talked with his sergeant and will create a list so the city can send letters followed by further city action if needed. A vehicle must be licensed in ND within 30 days and if not taken care of municipal court action can be taken. The city may be able to take quicker action if they are ongoing violators. Only the assigned contract deputies enforce city ordinances while the others enforce county laws. Ordinance committee is to meet and discuss a hard surface rule for parking vehicles on private property.

Crime Free Housing

There is an addendum to a lease agreement that if the renter or any people in their rental unit are found to have drugs or convict a felony on the premises they can be evicted. Fargo holds classes once a month for free to help people recognize drugs on a property. Landlords who don't care don't participate. Francis suggested that the only way to require the addendum would be to require a conditional use permit to rent out housing. The conditional use permit could be withdrawn if there are repeated problems in a location. 2000 cities in the USA since 1992 promote crime free housing including Fargo, West Fargo and Moorhead. It was suggested that all property owners may not be aware of the option to include the crime free language in their lease and the city should send letters to the landlords with an example of the addendum. The letter could be sent to all landlords or just those who have problems as well as a meeting where ideas could be exchanged to reduce crime in their rentals. Francis and Losing were tasked with composing a letter for council to review.

Retail Fireworks Permit

Councilman Eberhardt made a motion, seconded by Councilman Gust to approve a permit to Memory Fireworks contingent upon receiving the proper insurance certificate. All voted aye on voice vote; **motion passed.**

Board Appointments

Councilman Eberhardt made a motion, seconded by Councilman Buss to appoint Ed McConnell and Bruce Wheeler to the Board of Adjustments through December 2019 effective after the next board meeting. All voted aye on voice vote; **motion passed.** As the mayor has been given authority to appoint representatives to the Wellness Center Advisory Committee, he announced his appointments to be Charlie Francis and Shannon Ziemer.

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Official City Newspaper

Councilman Francis made a motion, seconded by Councilman Gust to designate Cass County Reporter as the official city newspaper. All voted aye on voice vote; **motion passed.**

Gaming Site Authorization

Councilman Francis made a motion, seconded by Councilman Gust to authorize a gaming site for pull tabs at Governors Pub operated by Plains Art Museum. All voted aye on voice vote; **motion passed.** Councilman Eberhardt made a motion, seconded by Councilman Buss to authorize a new gaming site for pull tabs at Cottonwood Golf Course operated by Veterans Incorporated. All voted aye on voice vote; **motion passed.**

Metro COG

Councilman Francis made a motion, seconded by Councilman Buss to make the commitment with Metro COG for them to complete a Comprehensive and Transportation Plan for the city as drawn up in the agreement for no more than \$24,500. All voted aye on roll call vote; **motion passed.**

Engineer's Agenda

State Highway 18/2nd Street N – The Fargo District office approved closeout and forwarded the documents to Bismarck for acceptance for federal aid.

State Highway 18/5th Street N – Councilman Buss made a motion, seconded by Councilman Francis to approve the construction contract with Gladen Construction. All voted aye on roll call vote; **motion passed.** Councilman Carvell made a motion, seconded by Councilman Francis to approve Moore invoice 15349 for \$2,377.50. All voted aye on roll call vote; **motion passed.** This completes Moore's work for the design and bidding phase on this project; Apex will take over as project engineer for the construction phase.

Industrial Park Storm Sewer Improvements – October 28, 2016 was the substantial completion deadline date and November 11, 2016 for final completion. Ditching has been completed but a section of the berm is not at design height which allowed water to top over the south end of the berm this spring. Adelman responded immediately when they were notified the berm was not stopping water but as of Friday the berm still needs to be completed. There is a difference of opinion regarding what constitutes substantially complete. The original punch list was issued right after October 26, 2016. They will be ready for final payment after completing the punch list. Councilman Carvell made a motion, seconded by Councilman Francis not to approve the certificate of substantial completion due to the berm not being complete. All voted aye on voice vote; **motion passed.** Maple River Grain feel they now have drainage issues for water that is not moving; in their opinion the area used to hold six inches of water but is now a couple feet deep. They requested help to make it move to the south ditch along the county road. Councilman Francis made a motion, seconded by Councilman Eberhardt to approve Moore's invoice 15348 for \$2,417.50. All voted aye on roll call vote; **motion passed.**

East View Sewer & Water 2017-2 – Councilman Eberhardt made a motion, seconded by Councilman Francis to authorize payment of \$50 each for a utility permit and a drainage permit from the county. All voted aye on roll call vote; **motion passed.** Oye presented his liquidated damages calculations that will be used if the project is not completed on time; council had no objections to the amounts. There were ten bidders with the low bid by Fox Underground at \$307,504. The bid from KPH was not opened and will be returned by Del Losing with a letter. Bids ranged up to \$492,000 with the alternate of an earlier completion date of July 14, 2017. Councilman Eberhardt made a motion, seconded by Councilman Buss to award the contract to Fox Underground with a total of base bid and alternate 1 of \$307,504. All voted aye on roll call vote; **motion passed.** In theory it is a twenty day project and Fox Underground did the pipe work on the drain project. The engineer's statement of estimated cost for the project is \$525,000. Moore has been under contract with Steve Link through bidding and the project will now be under an agreement with the city. Councilman Francis made a motion, seconded by Councilman Carvell to approve the engineering agreement. All voted aye on voice vote; **motion passed.** Councilman Gust made a motion, seconded by Councilman Francis to approve Moore's invoice 15145 for \$66,627.75. All voted aye on roll call vote; **motion passed.** A preconstruction meeting will be held soon.

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Storm Sewer Lift Station and Pond – Councilman Carvell made a motion, seconded by Councilman Buss to approve the plans and specifications. All voted aye on voice vote; **motion passed**. Councilman Francis made a motion, seconded by Councilman Buss to authorize and direct the auditor to advertise for bids. All voted aye on voice vote; **motion passed**. Bid opening is tentatively scheduled for May 31 at 10:00am. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the Bank of ND commitment letter for financing the project. All voted aye on voice vote; **motion passed**. A letter has been sent requesting a flood sales tax grant from the county. Councilman Buss made a motion, seconded by Councilman Francis to pay Moore’s invoice 15347 for \$68,591.15. All voted aye on roll call vote; **motion passed**.

Water Tower Improvements – Bureau of Reclamation has personnel issues so the city is still waiting for authorization to advertise for bids.

Cass County Highway 10 – School Improvements – Moore is working with the county to design drainage.

Casselton Farms – The developer is using Lowry Engineering as their engineers. There will be additional cost to the developer for the city engineer to work with Lowry which is laid out in the engineering agreement with fees not to exceed \$15,000. Councilman Francis made a motion, seconded by Councilman Buss to approve the engineering agreement for city engineer services. All voted aye on roll call vote; motion passed. This should also be added to the developer’s agreement.

LOMR – Waiting for a response from FEMA.

Levee – Once the plats are finalized and filed for Casselton Farms and Central Cass, the right-of-way signs can be installed and finish up this project.

NE Quadrant Drainage – This will be discussed after meeting with the public works committee about the drainage study with the county.

Police Report

Children were concerned about all the police cars after the initial four warrants were served so the deputies visited the daycare and spent time with the children. Juveniles entered an unsecured building and were possibly trying to break into the coin operated machines.

Councilman Buss made a motion to adjourn at 8:49 pm.

Next regular meeting June 5, 2017 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor