

CITY OF CASSELTON
Monday, October 1, 2012
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Edward McConnell, Councilmen Steve Link, Lee Anderson, Mike Eberhardt, Fred Wangler, Joan Carvell and Paul Spooner. Also present: Public Works Supervisor Kevin Mayer, Lin Smithwick, City Auditor Sheila Klevgard, Deputy Keenan Zundel, Corporal Dean Haaland, Diane Spoerl, Rich Hawkins, Tom Stadler, Char Gust, Mike Brown, City Engineer Brandon Oye and City Attorney Del Losing.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Wangler made a motion, seconded by Councilman Spooner to approve the minutes of August 14 and September 4, 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 Anderson made a motion, seconded by Councilman Link to approve the following bills and refunds for the month of September. All voted aye on roll call vote; **motion passed.**

Aflac	\$115.50
Alzheimer's Assn of ND	\$25.00
Avesis Vision	\$87.35
Blue Cross Blue Shield	\$4,583.40
Cass County Reporter	\$549.24
Cass County Electric	\$381.78
Casselton Fire Dept	\$4,000.00
Casselton Lumber	\$51.24
Casselton Parks & Rec	\$13,531.85
Cass Rural Water Users	\$32,827.84
City of Fargo	\$3,334.45
Becky Dunker	\$61.81
First State Bank	\$42,189.88
Gordy's Inc.	\$22.13
Guardian	\$935.88
Hardware Hank	\$326.33
Haugen Cleaning	\$465.00
Horvick Manufacturing	\$252.00
John Deere Financial	\$6.98
Johnson Pest Control	\$55.00
Kindred Plumbing & Htg	\$206,660.25
John Meyer	\$100.00
Midnight Solutions	\$120.00

Moore Engineering	\$15,184.90
North Dakota One Call	\$82.50
ND Sewage Pump	\$4,201.00
New Horizons Electric	\$1,056.42
Ohnstad Twichell	\$1,450.00
OK Tire	\$1,138.31
Orbitcom	\$307.39
Ottertail Power	\$3,722.22
Paul Bunyan	\$472.70
Petro Serve USA	\$715.72
S & S Landscaping	\$559.97
Sanitation Products	\$520.00
Scheels Home & Hardware	\$124.98
Sheyenne Gardens	\$475.00
Starion Bond Service	\$71,676.00
Sturdevant's	\$249.20
Titan Access Account	\$2.19
TrueNorth Steel	\$36.40
Verizon Wireless	\$147.19
Weber Insurance Agency	\$18.00
Wisnewski's Top Cut	\$650.00
Xcel	\$122.40

Financial Statement

Councilman Eberhardt made a motion, seconded by Councilman Wangler to approve the financial statement. General Fund \$126,103.77; Special Revenue Funds \$718,884.64; Debt Service Funds \$669,419.70; Construction Funds \$(172,706.88); Special Assessment Funds \$198,661.69; Enterprise Funds \$368,188.41; Trust and Agency Funds \$7,988.93; total \$1,916,540.26. All voted aye on roll call vote; **motion passed.**

Request to Remove Sidewalk Requirement

Char Gust requested council to remove the requirement to install sidewalk at 141 4th St S and refund her sidewalk fee which was paid with the building permit. Councilman Wangler made a motion, seconded by Councilman Link to approve a waiver of the requirement with the stipulation that the city could require a sidewalk to be put in if a sidewalk project is done in the area. All voted aye on roll call vote; **motion passed.**

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ADM Railroad Spur

Tom Stadler with ADM was told that their railroad spur needs to get raised three to four inches so that it is no longer a low spot where water eats away at the wood and the road. Raising the tracks that much would also require the asphalt to be raised and tapered back to meet the road level. Since ADM is within city limits, Stadler requested the city to share in the cost of the asphalt. He received a cost estimate of \$12,500 not including the cost of the asphalt. The question arose as to who is responsible for the maintenance of the spur. Both Bill Radermacher and BNSF told Mayer it is ADM's private spur and they are responsible for its maintenance. It is believed that ADM would be responsible from their property through the road and BNSF would maintain the portion south of Front Street. The auditor will search city records to see if an agreement can be found. It is estimated that it was built in the range of 1975-1978 and that the road may have been a county road at that time. Councilman Link made a motion, seconded by Councilman Carvell to have the Public Works Committee look into and decide on how much the city will assist in the ADM repair cost. All voted aye on roll call vote; **motion passed.**

Planning & Zoning – Home Occupation

Accessory structures are not currently included in home occupation. They are planning an additional meeting on October 15th to make more thorough changes to the home occupation language.

Raffle Permit Applications

Central Cass Dollars for Scholars submitted a raffle permit application and Knights of Columbus submitted a bingo permit application. Councilman Wangler made a motion, seconded by Councilman Link to approve the applications as long as all paperwork is in order. All voted aye on roll call vote; **motion passed.**

Sheriff's Contract

The new contract for 2013 is for \$131,175 which is a 2.4% increase from the 2012 contract. The sheriff's department is averaging 200 hours per month in Casselton. Deputies Zundel and Hedin are assigned to Casselton through December 2013 although other deputies fill in when they have the day off, on vacation or attending classes. The deputies are getting to know the kids and are actually receiving texts from the kids; in fact they are calling the deputies to report on other kids. The mayor stated his concern that having many different officers in town correlated with times there has been trouble with kids. He is please that more officers are getting out and visiting with businesses. Zundel noted that he leaves his business card periodically when doing door checks at businesses. Councilman Eberhardt made a motion, seconded by Councilman Link to approve the sheriff's contract. All voted aye on roll call vote; **motion passed.**

Parking on South Side of Governor's Park

Rich Hawkins has tenants in the Knight Block building that work out west all week and the 72 hour limit causes a problem for them. They have their personal vehicles parked out there but they drive business vehicles during the week. He is wondering if there is another parking location available. He has five parking spots behind the building, but with the café using three that only leaves two available for tenants. In years past people only had one vehicle and they drove it every day, but that isn't the case anymore. It was stated that BNSF has property west of Car Doctor that people use for parking. Because the city doesn't want to set any precedence to allow parking indefinitely, the 72 hour limit parking signs are posted and the deputies will ticket and impound vehicles accordingly. Since most parking enforcement is done at night, it will be monitored with the day crew.

Unpaid Bill Special Assessments

Mike Brown appeared before council to contest his curb stop repair charge. He stated that his house was connected to the city sewer before the main and his curb stop were replaced. It was not blocked to prevent shifting and now the connection was leaking on the city side of the curb stop. He believes that Fletschock should have put in additional pipe, but only cleaned up and reconnected it. He paid for the original connection to the curb stop and does not feel he should have to pay for any repairs since it was not blocked properly. There was no city employee present to verify the work was done properly. The city has no recourse against the original contractor who replaced the main 15 years ago. Contractor limit is usually one year unless obvious issues in how it was installed. City ordinance it is the consumer's responsibility to maintain the service line from the main all the way to the property. Brown will work with the auditor to make a payment plan to pay off the repair. Councilman Wangler made a motion, seconded by Councilman Eberhardt to special assess the following properties for unpaid repair bills if payment is not received by October 15, 2012: 421 Langer Ave S, 31 Langer Ave N, 312 8th Ave N, 221 9th Ave N. All voted aye on roll call vote; **motion passed.** Councilman Link made a motion, seconded by Councilman Spooner to correct the 2008 Flood Control

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assessment to Jerome and Gloria Fletschock, parcel # 03-1600-00676-045 if payment is not received by October 15, 2012. All voted aye on roll call vote; **motion passed.**

Account Write-Offs

Councilman Link made a motion, seconded by Councilman Anderson to write off two accounts with small balances. All voted aye on roll call vote; **motion passed.** One landfill charge has been uncollectable to this point. The mayor will stop at the business office to collect. In the future the homeowner should be noted on the charge slip when the contractor brings construction material into the landfill so the city has recourse. Councilman Link made a motion, seconded by Councilman Wangler to have the sanitation committee look into the contractor dumping policy. All voted aye on roll call vote; **motion passed.** A joint committee meeting should be scheduled before November to go over evaluations, wages, health insurance and other items.

Water Rate Structure

There have been 13 customers each using over 40 units of water during the summer water restrictions. Argusville just adopted new policy increasing the rate at 18 units. Public Works Committee thought an increase of \$5 per thousand gallons for usage over 18 units would discourage watering lawns. The mayor feels that if a mechanism is needed to limit usage it should be through enforcement. A ban affects everyone rather than the few that are using the most water, however price hasn't stopped them now. Ron Radermacher was billed for 14 units of water rather than the usual usage of 4 units and does not feel obligated to pay the overage. His meter has been tested at 99% accuracy.

Skunks

The deputies have been told to avoid skunks; they are calling game and fish. Denny Kasowski or Clifford South should be asked to trap them. There are no new signs of badgers in the dike; looks like it was feeding on the striped gophers. Repairs are needed south of the tracks by the low income housing. Since Drain 64 was raised to flood elevation, Moore will pull the as-built drawings to submit to the corps so that section of the dike can be removed.

Engineers Agenda

Sanitary Sewer Improvement District #24

The relining will be completed tonight with the last segment on Front St from 6th to 8th Ave and asphalt will be installed this week on Front Street. Topsoil and seeding will still need to be done on the edge of the road where services were dug up. Improvements on the force main have been completed and the pig was successfully launched all the way to the lagoon. One of the gate valves was corroded and restricted flow down to three inches. SCADA upgrades on the lift stations will be the only item left by the end of the week and that should be done within one month. The relined pipes have been televised as well as the two blocks of new pipe including the service lines on Front Street. Councilman Wangler made a motion, seconded by Councilman Link to approve partial payment #1 to KPH for \$206,660.25. All voted aye on roll call vote; **motion passed.** Oye noted that the project looks like it should come in under budget due to savings such as not having to cut as much pavement and being able to put the pig in without a launching unit. Engineering costs were high on this project due to the excess studies which were requested by council for a couple years ahead of the actual start of the project. Councilman Wangler made a motion, seconded by Councilman Carvell to approve Moore Engineering invoice 4198 for \$14,929.90. All voted aye on roll call vote; **motion passed.** The next phase of relining should have less Studies and Report cost due to already having done the preliminary work.

Industrial Park I-94 Drainage

Another permit is required from the state if changing drainage for more than 80 acres of land. Moore completed the application since the drainage is for the entire industrial park. Maple River Resource District meets this week. Moore will submit both applications at same time. Councilman Wangler made a motion, seconded by Councilman Spooner to approve Moore Engineering invoice 4197 for \$255.00. All voted aye on roll call vote; **motion passed.**

Oye will update the Drinking Water SRF priority list to include the water tower again.

Next regular meeting is November 5, 2012 at 7:00pm.

Councilman Wangler made a motion to adjourn at 9:16pm.

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Respectfully Submitted,

Sheila K Klevgard
City Auditor