

CITY OF CASSELTON
Monday, October 7, 2013
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Edward McConnell, Councilmen Lee Anderson, Kent Buss, Paul Spooner, Fred Wangler, Joan Carvell and Mike Eberhardt. Also present: Char Gust, Carrie Hagen, Galen Heinle, Gerald Heinle, Diane Spoerl, Matt Thompson, Eric Merhiy, Dean Johnson, City Auditor Sheila Klevgard, City Engineer Brandon Oye, Jesse Berg, Deputies Keenan Zundel and Tim Briggeman, Public Works Supervisor Kevin Mayer 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 September 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.**

Police Report

A purse was stolen from an unlocked vehicle. Both unlocked vehicles and garages are being broken into, similar to last year's break-ins.

Councilman Eberhardt made a motion, seconded by Councilman Buss to approve the following bills and refunds. All voted aye on roll call vote; **motion passed.**

Adapco	\$419.00
Aflac	\$135.52
Ameripride	\$213.76
Avesis Vision	\$108.88
Blue Cross Blue Shield	\$4,846.20
Belling Tree Service	\$1,200.00
Bremer Insurance	\$219.00
Butler Machinery	\$555.80
Bill Carlson	\$410.00
Cass County Reporter	\$286.32
Cass County Treasurer	\$10,931.25
Cass County Electric	\$453.30
Cass Rural Water Users	\$42,855.72
Casselton Fire Dept	\$4,000.00
City of Fargo	\$4,581.35
ET Trucking LLC	\$949.12
First State Bank	\$42,189.88
Guardian	\$810.32
Hardware Hank	\$81.34
Haugen Cleaning	\$465.00
Horvick Manufacturing	\$122.50

John Deere Financial	\$3.25
Johnson Pest Control	\$55.00
Sheila Klevgard	\$4.90
Ed McConnell	\$423.38
Midnight Solutions	\$120.00
NDLC	\$120.00
North Dakota One Call	\$71.50
ND State Fire & Tornado	\$35.05
Ohnstad Twichell	\$6,000.00
Orbitcom	\$305.06
Ottertail Power	\$3,652.83
Petro Serve USA	\$2,841.84
Ramkota Hotel	\$207.00
Sam's Club	\$27.96
Sanitation Products	\$2,244.46
Starion Bond Service	\$44,045.65
Sturdevant's	\$287.15
Titan Access Account	\$7.96
Universal Services	\$44.00
Verizon Wireless	\$150.21
Xcel	\$61.20

Financial Statement

Councilman Anderson made a motion, seconded by Councilman Carvell to approve the financial statement. General Fund \$129,265.55; Special Revenue Funds \$757,140.23; Debt Service Funds \$923,620.14; Construction Funds \$2,973,252.12; Special Assessment Funds \$275,469.78; Enterprise Funds \$371,237.83; Trust and Agency Funds \$10,128.66; total \$5,440,114.31. All voted aye on roll call vote; **motion passed.**

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Herb Heinle Water Repair Bill

Galen Heinle, son of Herb Heinle, requested that the city adjust the water line repair bill by \$1,105 for what he feels is a double labor charge. The entire bill was \$4,309.75 to repair the line that is under a concrete street. He felt that it was unfair not to allow the homeowner the opportunity to get bids for a repair prior to giving the job to Fletschock. He also presented the idea that the city should pay for any excess repair cost over a set maximum chargeable to a resident. In response, it was noted that although it would be nice to get bids, it may not be realistic since usually it is a serious problem that needs to get fixed immediately and Jerry can usually get working on the repair within hours. As for the maximum amount chargeable to a resident, the public works committee has already started discussions on what amount would be proper and how the city would fund the overage. Since a policy has not already been established, it would be unfair to other residents that have been denied bill adjustments to retroactively adjust his bill. Councilman Eberhardt made a motion, seconded by Councilman Buss to deny the request to adjust his bill. Eberhardt, Wangler, Buss, Carvell and Spooner voted aye on roll call vote, Anderson voted nay; **motion passed.**

Dean Johnson Driveway

Mr Johnson is disputing his bill for replacing his driveway, although since he agreed to add it to his special assessment it will need to be in writing and discussed at the special assessment meeting. He also requested discussion to relocate the garbage truck shed, the unnecessary need to install concrete on the residential street and maintenance on the alley behind the shed. Anderson responded that the city is not planning to move the shed and although there is no current plan in place, the hope is to clean it up. Also, since the shed will continue to be used at the current location, it had been decided to install concrete to reduce wear of the road due to the garbage truck driving on it. As for the alley, he agreed that it does need repair but is of low priority with only 5 employees available to do all the city work.

Amend City Sales Tax Ordinance

The city has deviated in its usage of sales tax funds in the past. Since the ordinance was voted on by the people, any change should be also voted on. Any suggestion for how the tax proceeds should be used can be referred to Losing for preparation of ballot wording.

Sales Tax Grants

Casselton Park District is requesting \$4,000 to expand the septic system at Tinta Tawa because the size is inadequate and they can't install a drain field and \$2,300 to add to their flower budget which is a real city attraction. They are getting a raise from the state and probably don't realize how much they will receive. They plan for more work at the ball diamonds and have been asked to help with the new gymnasium. The mayor feels they should be weaned from city assistance. Councilman Carvell made a motion, seconded by Councilman Wangler to approve the septic system request. All voted aye on roll call vote; **motion passed.** Councilman Eberhardt made a motion, seconded by Councilman Buss to approve the grant request for flower planters. Carvell, Wangler, Eberhardt, Spooner and Buss voted aye on roll call vote, Anderson voted nay; **motion passed.** Rural Cass Community Theater requested \$7,500 to to finance the process to become an independent 501(c)(3) organization rather than under the Lutheran church. The purpose of the request appears to be outside the bounds of the uses stated in the ordinance which are infrastructure and capital improvements, parks and recreation, job development by business retention, expansion and recruitment and property tax relief. Going forward, grants will need to stay within the criteria of the ordinance. Councilman Anderson made a motion, seconded by Councilman Eberhardt to deny the request made by the Rural Cass Community Theater. All voted aye on roll call vote; **motion passed.**

Sales Tax Committee appointments

Councilman Wangler made a motion, seconded by Councilman Spooner to reappoint Dan Weber and Paul Roster for two year terms and Jaci Sullivan for a three year term. All voted aye on roll call vote; **motion passed.**

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Raffle permit

St. Leo's Church and Casselton Business Association submitted applications for raffle permits. Councilman Wangler made a motion, seconded by Councilman Anderson to approve both raffle permits. All voted aye on roll call vote; **motion passed.**

Board Appointments

Councilman Eberhardt made a motion, seconded by Councilman Wangler to reappoint Jan Brekken to the library board for another three year term. All voted aye on roll call vote; **motion passed.** Councilman Wangler made a motion, seconded by Councilman Buss to reappoint Tom Sinner Jr to the special assessment commission for another six year term. All voted aye on voice vote; **motion passed.** Councilman Anderson made a motion, seconded by Councilman Wangler to reappoint Maletta Meyer to the planning & zoning commission for an additional five year term. All voted aye on voice vote; **motion passed.**

Assessment of Water Bills

There are two accounts that have not paid the balance of their water bills and which the auditor requests to be assessed to the properties for collection. The water has been turned off at both locations and the properties remain empty. Councilman Buss made a motion, seconded by Councilman Wangler to special assess the properties for the balance of the unpaid bills. All voted aye on roll call vote; **motion passed.**

Sheriff's Contract

The sheriff's service contract is up for renewal effective January 1, 2014 for an annual amount of \$132,486.00 prorated on a monthly basis. Councilman Spooner made a motion, seconded by Councilman Eberhardt to approve the new contract. All voted aye on roll call vote; **motion passed.**

Engineers Agenda

Sanitary Sewer Improvement District #24 –

One final inspection has been made by the Department of Health. The SRF loan has been closed.

Sewer & Street Improvement District #25 –

Most underground work has been completed for sewer replacements. 1st Street S sewer has been replaced and they should be doing curb and gutter in the next few days. Asphalt crew took a day and a half off but will be back tomorrow. Oye hopes for good weather to help get the work completed smoothly. The only additional milling work to be done is clean up work with the small machine. A change request to combine 2 sewer lines into one on 10th Ave N between Front and 1st Street N, install storm sewer on 1st Street S between 8th Avenue and 9th Avenue S, repair curb and gutter on Front Street between 12th Avenue and 10th Avenue N, and a couple items for relining has increased the cost of the project by \$45,654.47 and extended the contract by 11 days. Councilman Wangler made a motion, seconded by Councilman Buss to approve the change order. All voted aye on roll call vote; **motion passed.** Work is behind, according to pay requests they are currently only 22% complete, and there were three or four weeks where there seemed to be no activity in town. Although the contractor is technically in control, they are having a hard time getting the subs to commit more crews. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve contractor payment #3 for \$573,074.86. Councilman Eberhardt, Buss, Spooner and Wangler voted aye and Councilman Anderson and Carvell voted nay on roll call vote; 4 to 2 **motion passed.**

Oye explained that the definition of substantial completion is the time at which the work is ready for its intended use. The city contract is a standard used by the engineering community to protect all parties. The contractor has requested an extension of completion date to June 21, 2014 for work on Langer from 1st Street S to Front Street and 1st Street N from 6th Avenue to 8th Avenue. KPH will install the storm sewer on 1st Street N from Langer to 6th Avenue and temporary asphalt the areas disturbed to install the storm sewer. The letter gave no excuses and no incentives for the city to allow the extension. With the latest change order, the new substantial

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completion date is October 30, 2013 and ready for final payment by December 2, 2013 for everything other than chip seal which is set for next spring. Mr Merhiy stated that manhole relining may not get done and all the diamond cutouts may not get completed this fall. The work has not been completed as quickly as expected due to coordination issues with subcontractors. Odds are not good that the weather will be 50 degrees through the end of November. Council did not demonstrate much sympathy because most of the crews have not been working late or on weekends. The worst case scenario if 1st Street North was started now is that it would be a gravel road for winter with no curb, gutter or sidewalk, but it would be graded to drain. After significant discussion the mayor recommended getting extra work from KPH or a reduction in contract price of one percent which is about \$50,000. An old unused lift station at 8th Avenue and 4th Street South needs to be removed before relining can be done at that location and Insituform won't come back to reline one small section.

Councilman Spooner made a motion, seconded by Councilman Eberhardt to deny the extension request. Councilman Eberhardt and Spooner voted aye, Councilman Wangler, Carvell and Anderson voted nay on roll call vote; **motion failed**. Councilman Buss made a motion, seconded by Councilman Anderson to grant the extension as requested with concessions that the lift station be completed at no cost yet this fall and a reduction in the contract price of \$25,000. Councilman Carvell, Buss, Wangler, Anderson and Eberhardt voted aye, Councilman Spooner voted nay on roll call vote; **motion passed**. Councilman Wangler made a motion, seconded by Councilman Buss to approve engineering invoice 6357 for \$49,016.20. All voted aye on roll call vote; **motion passed**.

Levy improvements –

BNSF lease agreements for right of way is complete and still needs to get to Attorney Losing for filing. Councilman Eberhardt made a motion, seconded by Councilman Carvell to approve engineering invoice 6359 for \$472.50. All voted aye on roll call vote; **motion passed**.

Ditch block – Industrial Park I-94 Drainage –

DOT will talk with Maple River Water Resource District. MRWRD attorney says they can't direct the DOT, which is what the DOT wants. The city must sit and wait for them to come to some resolution. Councilman Anderson made a motion, seconded by Councilman Spooner to approve engineering invoice 6354 for \$202.50. All voted aye on roll call vote; **motion passed**.

SB&B Addition – Sewer and Water Improvement

Moore is still waiting to hear from Fletschock to proceed on project design.

Drinking Water State Revolving Fund Loan

Councilman Carvell made a motion, seconded by Councilman Spooner to update the questionnaire to keep a new water tower on their Priority List. All voted aye on roll call vote; **motion passed**.

Next meeting October 21, 2013 at 7:00pm to finalize street project special assessment.

Next regular meeting November 4, 2013 at 7:00pm.

Councilman Buss made a motion to adjourn at 9:40pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor