

CITY OF CASSELTON
Monday, October 6, 2014
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Charlie Francis, Kent Buss and Ed McConnell. Also present: Matt Thompson, Tiffany Melton, Scott Bledsoe, City Auditor Sheila Klevgard, Deputy Joe Hedin, Brandon Oye, Kevin Mayer and City Attorney Del Losing.

Minutes, Consent Agenda, Bills and Financial Report

Councilman McConnell made a motion, seconded by Councilman Buss to approve the minutes of September 1 and 15, City Attorney's Report, Municipal Judge's Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. Councilman McConnell made a motion, seconded by Councilman Carvell to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

3D Specialties	\$742.96
Accent Signs	\$150.00
Aflac	\$235.24
Ameripride	\$333.90
Avesis Vision	\$100.40
Jesse Barbot	\$21.86
Blue Cross Blue Shield	\$4,809.34
Business Essentials	\$31.99
Butler Machinery	\$663.61
Bill Carlson	\$91.49
Cass County Electric	\$534.87
Cass County Heating	\$150.00
Cass County Reporter	\$583.12
Cass County Treasurer	\$11,040.50
Cass Rural Water Users	\$31,500.32
Casselton Drug	\$40.00
Casselton Fire Dept	\$4,000.00
Casselton Lumber	\$714.57
City of Fargo	\$4,936.28
D.J.'s Plumbing	\$138.00
Fargo Water Equip	\$2,423.91
Gordy's Inc.	\$9.00
Grand International	\$71.00
Guardian	\$794.05
Hardware Hank	\$365.87
H & S Painting	\$397.00

Kellie Jacobson	\$100.00
Johnson Pest Control	\$55.00
Ken's Heating & AC	\$2,332.10
King Farms Trucking	\$250.00
Joni & Jerrod Lematta	\$40.93
Lucken's Inc	\$220.00
Mac's	\$32.26
Midnight Solutions	\$240.00
North Dakota One Call	\$40.70
ND Sewage Pump	\$793.00
NorthStar Safety	\$157.74
Ohnstad Twichell	\$1,500.00
OK Tire	\$5,385.00
Orbitcom	\$560.38
Ottertail Power	\$3,930.68
Paul Bunyan	\$1,791.78
Petro Serve USA	\$8,999.63
S & S Landscaping	\$59.25
Sam's Club	\$103.82
Sig Olson & Sons	\$2,730.00
Starion Bond Service	\$93,679.25
Sturdevant's	\$503.41
Heidi & Tyron Terry	\$81.84
Universal Services	\$88.00
Verizon Wireless	\$149.35
Xcel	\$60.48

Financial Statement

Councilman Buss made a motion, seconded by Councilman Carvell to approve the financial statement. General Fund \$13,959.77; Special Revenue Funds \$666,963.96; Debt Service Funds \$1,239,943.34; Construction Funds \$(133,865.03); Special Assessment Funds \$833,891.07; Enterprise Funds \$393,772.66; Trust and Agency Funds \$14,808.90; total \$3,029,474.67. All voted aye on roll call vote; **motion passed**.

Correspondence

Lake Aggasiz Regional Council is asking for votes for city representative. The two candidates are Fred Wangler of Casselton and Carol Siegert of Hunter. Councilman McConnell made a motion, seconded by Councilman Francis to

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vote for Fred Wangler. All voted aye on voice vote; **motion passed.**

Police Report

There were 74 calls for service this month several of which were for theft and vandalism from unlocked vehicles and homes. There was also a false report of a stabbing.

Public Consumption of Alcohol Ordinance

This amendment more accurately defines the prohibited area for open container and changed the waiver provision from three to four consecutive days; this second reading puts the wording back in "any property maintained by the city". Councilman Buss made a motion, seconded by Councilman Francis to approve the second reading of the amended ordinance. All voted aye on voice vote; **motion passed.**

Junk Cars Ordinance

The proposed amendment is to allow storage of vehicles on business property beyond the 60 day limit if located within an approved fence. Businesses present at the committee meeting felt they could put up fences to comply. Councilman McConnell made a motion, seconded by Councilman Carvell to approve the second reading of the amended ordinance. All voted aye on voice vote; **motion passed.**

E-cigarettes Ordinance

This ordinance prohibits sales to and possession by minors of e-cigarette as well as other tobacco products. Councilman Carvell made a motion, seconded by Councilman Buss to approve the second reading of the e-cigarette ordinance. All voted aye on voice vote; **motion passed.**

Xcel Energy Franchise

Councilman McConnell made a motion, seconded by Councilman Buss to approve the second reading of the franchise ordinance. All voted aye on voice vote; **motion passed.**

Raffle Permit

Councilman Carvell made a motion, seconded by Councilman Francis to approve a raffle permit to Casselton Business Association for the Winter Wonderland of Lights to be held on December 1, 2014. Funds raised will be used to defray costs of the event. All voted aye on voice vote; **motion passed.**

Rural Cass Community Theatre Funding

Council has recommended that the group operate under the Park District if they desire a grant from the sales tax fund. They currently have the summer Missoula Children's Theatre under parks so they should continue for the remainder of their program. It was also agreed that council would not be interested in financing it from the General Fund.

Planning & Zoning Commission

A conditional use permit request was received from Tiffany Melzer for a dog grooming salon in the Car Doctor building which was approved unanimously by the committee. She will groom five to seven dogs per day between 8am and 5pm Monday through Friday where the barber shop used to be. No animals will be boarded. Councilman McConnell made a motion, seconded by Councilman Francis to approve the conditional use permit. All voted aye on voice vote; **motion passed.**

Renaissance Zone

In June 2013 the council approved construction of a new building under the Renaissance Zone Program to Hagen Dental/HFI, LLC. The state approved the project for HFI, LLC only and requires new paperwork to approve the income

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tax incentive for Hagen Dental. Since it was the original intent of the council to approve both businesses, Councilman Buss made a motion, seconded by Councilman Carvell to approve Hagen Dental for tax benefits under the zone program. All voted aye on voice vote; **motion passed**.

Repair Bill Assessments

One mowing bill and one water line repair bill have remained unpaid after appropriate notices to the landowners. The auditor has requested that these bills be assessed to the properties for collection. Councilman McConnell made a motion, seconded by Councilman Francis to approve assessing these bills to their tax statements. All voted aye on voice vote; **motion passed**.

Cemetery Board Appointments

Councilman McConnell made a motion, seconded by Councilman Francis to appoint Michele Rienets to the cemetery board through 2018 and Lee Anderson through 2019. All voted aye on voice vote; **motion passed**.

Airport Authority Appointment

Councilman Buss made a motion, seconded by Councilman Carvell to appoint Ed McConnell to the Airport Authority for the remainder of a term ending in 2016. All voted aye on voice vote; **motion passed**.

Records Disposal

The auditor requested authorization to dispose of old records totaling 195 ¾ inches. Councilman McConnell made a motion, seconded by Councilman Buss to approve disposal of the listed records. All voted aye on voice vote; **motion passed**.

Public Works Committee Recommendations

- The Corps of Engineers recognizes the dike system in the southeast behind the cemeteries rather than the new dike along drain 64. Since the old dike is redundant and has issues, it was recommended to have Moore do the paperwork to get the new dike recognized by the Corps. Councilman Carvell made a motion, seconded by Councilman Francis to approve the correction of the dike system with the Corps of Engineers. All voted aye on voice vote; **motion passed**.
- In order to help with street sweeping and snow removal and since the area residents all have off-street parking available, Councilman Carvell made a motion, seconded by Councilman Buss to put up No Parking 12 am to 6 am signs on the east side of 6th Ave North between 1st and 2nd Street. All voted aye on voice vote; **motion passed**.
- It was recommended that city representation for discussions with KPH regarding liquidated damages include the mayor, city attorney and one council member. The other option would be to have the public works committee and city attorney meet with him and bring a proposal back to council for approval after negotiations have been made. It was noted that there is still ditch work to be done before final inspection can be scheduled. Councilman Carvell made a motion, seconded by Councilman Francis that the public works committee and city attorney meet with KPH once the project is final. All voted aye on voice vote; **motion passed**. Losing will respond to Merhiy's email with a letter telling him that the meeting will occur once the project is final.
- Recommendation was made to create a city policy stating that the city is not responsible for repair to sprinkler systems installed in the city boulevard. Damage has occurred to some sprinkler heads during snow removal. This would also extend to decorative gardens, grass and mailboxes except by negligence by the city. Losing will write up a policy for future approval.
- Bev Mitchell's sewer repair bill was negotiate down and paid by the city at \$17,500. Since two holes were dug rather than one due to an error in the sewer line map, Councilman Carvell made a motion, seconded by Councilman McConnell to bill Mitchell for only half the bill. All voted aye on voice vote; **motion passed**. Mayer talked with her and suggested that she attempt collecting from her plumber since they told her the problem was

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in the city main, which it was not. The city will attempt to recoup the other half from the relining company who created the map.

- Verizon Wireless would like to use the water tower for an antenna and building for a proposed rental fee of \$940 per month. The committee would like to change it to \$16,000 for the first 5 years, \$19,000 for the next 5 years and modify the contract to clarify language that the city will not pay for relocation of their equipment if the tower would need to be painted and their equipment removed temporarily. Verizon has since revised their proposal to \$17,000 the first year with a 2% annual increase each following year. It was suggested that the agreement would be readdressed in 10 years. Public works will continue to work with Verizon.

Pavement Striping

Pedestrian crosswalks and railroad markings need to be remarked on Langer Avenue, Front Street and in front of the school. Routing of the pavement has already been done; they just need to clean the street and reapply tape and can be done this year. Councilman McConnell made a motion, seconded by Councilman Francis to hire NorthStar Safety to restripe as specified in the bid for \$6,421.00. All voted aye on roll call vote; **motion passed.**

Asphalt Bids

Aggregate Industries has submitted a proposal to overlay the milled area of approximately 20 feet by 110 feet and two inches deep in front of Gordy's with an asphalt wearing course for \$7,400. This area was milled when Gordy's worked on their parking lot this summer. The second area they propose to fix is the Central Sales alley of approximately 18 feet by 120 feet to the property line between Foss Shop and the bank. They will remove the broken and deteriorated asphalt and replace it with a four inch mix plus a two inch asphalt wearing course for \$10,800. If this work is added to the current project as a change order in order to use the bond funds, KPH will receive a 5% markup. Other options are to pay for this work from the remaining highway money or use the street repair budget money. Councilman Carvell made a motion, seconded by Councilman Francis to hire Aggregate to do the work and keep it out of the current contract. All voted aye on roll call vote; **motion passed.**

Engineer's Agenda

Sewer & Street Improvement District #25 –

Moore is waiting to hear from KPH when they are ready for a final inspection. Councilman Buss made a motion, seconded by Councilman Carvell to pay engineering invoice 8820 for construction administration of \$5,899.45. All voted aye on roll call vote; **motion passed.**

Levee Improvements – Moore will talk with the Corps to incorporate the new levee segment into their inspection program. A few properties still need to get easements signed and right of way signs installed. Councilman Carvell made a motion, seconded by Councilman Francis to pay engineering invoice 8821 for \$2,179.10. All voted aye on roll call vote; **motion passed.** Mayer warned that there will be one issue during the next inspection because there is a 10 by 20 shed totally on the easement but the Corps has never flagged it. He also noted that ten to twelve items have been corrected by putting up the right of way signs because the problems are on the property owner's side.

State Highway 18/County Highway 10 Improvements – Oye, McConnell and Mayer met with the school superintendant and county engineer regarding this project. Jason Benson, with the county, suggested a meeting, which is set for tomorrow at 2pm at city hall, with Metro COG to discuss what kind of services will be available through them. The county will pay for costs of a feasibility study to get concepts of the project and eventually get to the amount of the cost share.

Drinking Water State Revolving Fund Loan – Moore will resubmit the questionnaire to keep a new water tower on the priority list. Oye, Mayer, Eberhardt and McConnell attended the State Water Commission meeting in Grand Forks. The commission has put our project down to the low end of the priority list although McConnell thanked them

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for past assistance. With this new program they still need to work on some policy but have quite a bit of money and may change what they distribute in loans and grants.

Cottonwood Estates – Side Yard Storm Sewer Pipes

The plat for this addition didn't show the storm sewer easements in the backyards so the storm sewer had to be cut to put in a house after two lots were combined. The drainage will be rerouted and new sewer line installed to the south of this lot. Moore will pay for the cost of the project but would like to run it through the city since the city will own the sewer lines. There are several additional lots that need easements established for back yard pipes.

Councilman Carvell made a motion, seconded by Councilman Buss to contract with Randall's Excavating to reroute the sewer line and obtain easements from landowners with Moore Engineering reimbursing the cost. All voted aye on roll call vote; **motion passed.**

Moore is hosting a social on October 14th at Fargo Billiards & GastroPub from 5 to 9 pm. They request an RSVP by October 10th.

Kevin Mayer received the Municipal Employee of the Year award from the League of Cities at the annual conference in Minot. He has enjoyed working with council and hopes to continue. Fred Wangler was also voted onto the League board.

Councilman McConnell made a motion to adjourn at 8:36 pm.

Next regular meeting November 3, 2014 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor