

**CITY OF CASSELTON**  
**Tuesday, September 8, 2015**  
**REGULAR MEETING 7:00 P.M.**  
**Council Chambers**

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Charlie Francis, Fred Wangler, Ed McConnell, Kent Buss and Mike Eberhardt. Also present: Ina Kempel, Bev Ehlers, Amy McLeod, Joyce Montgomery, Jackie Wruck, Phyllis Petersen, Mike Utt, Marv Haugen, Steve Pederson, Jerry Jordan, Robert Volk, Rebecca Hodgson, Bob Miller, Hank Weber, Beverly Mitchell, Sharon Toop, Scott Mensing, Arik Wruck, Lois Badger, Bud Badger, Jayne Meyer, Loree Leitheiser, Donna Samuelson, Earl Samuelson, Jessica Heuer, Dan Triller, Jan Brekken, Steven Stremick, Rich Hawkins, Julie Nelson, Joni Price, Alan Breske, City Auditor Sheila Klevgard, Deputy Mathew King, Deputy Nate Boerboom, City Engineer Brandon Oye, Public Works Supervisor Kevin Mayer and City Attorney Del Losing.

Councilman Wangler made a motion, seconded by Councilman Carvell to approve the order and content of the agenda. All voted aye on voice vote; **motion passed.**

**Minutes, Consent Agenda, Bills and Financial Report**

There was a good turnout for Nite to Unite, there were no exceptional calls during the month and Casselton has a new night deputy, Nate Boerboom. Councilman Wangler made a motion, seconded by Councilman Buss to approve the minutes of August 3, 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 Eberhardt to approve the following bills and refunds. All voted aye on roll call vote; **motion passed.**

Aflac	\$180.24
Ameripride	\$397.45
Avesis Vision	\$100.40
Baldwin Cooke	\$337.24
Birch Communications	\$595.84
Blue Cross Blue Shield	\$4,980.90
Cass County Electric	\$574.58
Cass County Reporter	\$792.46
Cass County Treasurer	\$11,261.33
Cass Rural Water Users	\$30,388.20
Casselton Parks & Rec	\$4,000.00
City of Fargo	\$4,933.80
Colonial Life	\$165.88
CUSIP Global Services	\$120.00
Dakota Supply Group	\$273.16
Ditch Witch of ND	\$1,200.00
Gordy's Inc.	\$35.26
Guardian	\$852.73
Hardware Hank	\$68.41

Johnson Pest Control	\$55.00
Midnight Solutions	\$240.00
Mid-States Wireless	\$264.00
North Dakota One Call	\$84.15
ND Sewage Pump	\$2,454.00
Ohnstad Twichell	\$1,500.00
OK Tire	\$165.00
Ottertail Power	\$4,099.40
Petro Serve USA	\$6,563.33
Sanford Health Occ Med Clinic	\$130.00
Brent Siverson	\$100.00
Sturdevant's	\$289.22
Summit Group	\$29.00
Sweeney Controls	\$81.76
Team Laboratory	\$8,313.00
US Postal Service	\$225.00
Verizon Wireless	\$149.58
Xcel	\$92.32

**Financial Statement**

Councilman Buss made a motion, seconded by Councilman Wangler to transfer \$10,200 from the General Fund to Major Projects to match the CPA's audit report. All voted aye on voice vote; **motion passed.** Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the financial statement. General Fund \$50,786.76; Special Revenue Funds \$794,269.18; Debt Service Funds \$1,403,761.54; Construction Funds \$156,819.73; Special Assessment Funds \$1,131,611.55; Enterprise Funds \$463,887.32; Trust and Agency Funds \$13,782.06; total \$4,014,918.14. All voted aye on roll call vote; **motion passed.**

**Correspondence**

The Sheriff's Department thanks the city for the donation of chips for Nite to Unite. The county will hold their budget

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meeting on Monday, September 21, 2015 at 3:30pm.

**Industrial Boulevard Street Repair**

The public works committee discussed repair of Industrial Boulevard in two locations where the manholes are rising or the street is sinking. They recommend fixing the one by Governors Inn this year at a cost of \$7,015 and the second one by the water tower later at an estimated cost of \$15,000. The repair will be concrete work and will be paid using the street department road repairs line item. Councilman Eberhardt made a motion, seconded by Councilman McConnell to approve the road repair for \$7,015. All voted aye on roll call vote; **motion passed.**

**Casselwood Trees**

Casselwood residents held a meeting over concerns with snow removal, heating costs and leaving the tree piles for two years. They are moving forward with putting up a fence to help with the wind. Johnson's attorney stated that the trees will be removed when it is safe to do so. The city can take action if it is proven to be a nuisance. If there are rats, notify the city and action can be taken. Stremick, Johnson's representative, stated that if others want to pay for the tree removal, they are welcome to do so. North Dakota has strong property rights and the owner can use the property the way they want as long as it isn't a hazard to others.

**Band in Alley**

Mensing requested that a band be allowed on Friday night in the alley behind his bar with access from the bar only and a snow fence to prevent access by minors. Councilman Eberhardt made a motion, seconded by Councilman Francis to allow the alley to be blocked off, waive the open container law and allow beer sales in that area from 9pm to 12:30am. All voted aye on voice vote; **motion passed.**

**Planning & Zoning**

Although they didn't have a quorum, the commission reviewed a site plan for Marv Haugen Enterprises. The area is zoned light industrial and wouldn't need to change for a cold warehouse built adjacent to the current building. Design is for it to be the same color and height as the current building and in line with the front edge. They will add concrete between the buildings so they can run the forklift between them without going into the street. Councilman Wangler made a motion, seconded by Councilman Buss to approve the site plan as presented. All voted aye on voice vote; **motion passed.**

**Bell on City Hall**

The fire department would like to take the old curfew bell off the city hall roof and display it in front of the firehall. Councilman McConnell made a motion, seconded by Councilman Francis to allow the bell to be removed as long as the fire department patches the roof once it is removed. All voted aye on voice vote; **motion passed.**

**Raffle Permits**

Councilman Eberhardt made a motion, seconded by Councilman Carvell to approve raffle permits for ND Farm Bureau Foundation, St. Leo's Church, Casselton Business Association and Central Cass Dollars for Scholars. All voted aye on voice vote; **motion passed.**

**Final Budget**

There was much discussion with the public explaining that the county increased property values by ten percent due to the obvious undervaluation of property evident by the sales ratios and that property will be reassessed on an individual basis in 2017. The basis of the levy by fund was also explained. Councilman McConnell made a motion, seconded by Councilman Francis to approve the final budget. All voted aye on roll call vote; **motion passed.** Councilman McConnell made a motion, seconded by Councilman Buss to approve the levy. All voted aye on voice vote; **motion passed.**

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**Assessor**

With the resignation of the city assessor several choices were presented to council for replacement: a new local assessor, assessor for hire or the county assessor. Due to the new state certification rules which will require 80 hours of training to become certified and an uncertified assessor to be supervised by a certified assessor, therefore costing the city twice, it was decided that a local assessor may not be appropriate at this time. Councilman Wangler made a motion, seconded by Councilman Buss to appoint the county assessor. All voted aye on roll call vote; **motion passed.**

**Just for Kix**

Councilman McConnell made a motion, seconded by Councilman Francis to approve the rental agreement for \$275 per month. All voted aye on voice vote; **motion passed.**

**Business Cleanup**

Several other businesses in town need to clean up their property. Cars, piles of pallets, weeds as tall as buildings and buildings that are falling down are items that need to be addressed.

**Feral Cats**

Councilman Francis made a motion, seconded by Councilman Eberhardt to amend the agenda to add feral cats. All voted aye on voice vote; **motion passed.** Feral cats in the northwest corner of town are being fed by a resident and feeding feral cats is not a good idea as they haven't been spayed, neutered nor had shots. This could also lead to feeding unintended animals such as skunks. Losing will look into ordinances that may pertain to this issue.

**City Planning**

Metro COG would charge \$150,000-\$200,000 to create a twenty year master plan. The former West Fargo planner could help planning & zoning look at options to bring back to council for consideration. The current comprehensive plan is over ten years old.

**Engineer's Agenda**

*Sewer & Street Improvement District #25* – KPH's attorney sent a letter proposing that they pay half of the overpayment and Moore should pay the other half. They have not approached Moore Engineering. It appears they want to reopen liquidated damages. Suing them is the next step with a motion for summary judgment or possibly pursuing the performance bond with the argument that they have received more money than agreed to in the contract. A performance bond is designed for workmanship and incomplete work so it may be futile to pursue it. Councilman Francis made a motion, seconded by Councilman Eberhardt to pursue the bond. All voted aye on voice vote; **motion passed.**

*State Highway 18/2<sup>nd</sup> Street N* – November 13, 2015 is the rebid date.

*State Highway 18/5<sup>th</sup> Street N* – Environmental documents and comments are still being processed.

*Industrial Park Storm Sewer Improvements* – Two options were discussed at the public works meeting for ditching west of Maple River Grain going to the north. The first option stops at the culvert for \$215,000 and option two requires major digging and takes the water all the way to the diversion for \$485,000. Maple River Water Resource District did not like option 1 but was favorable to option 2. Oye will need to speak with the Cass County sales tax committee to see if this can be included in the 50% grant. McConnell requests another meeting with the land owners before proceeding. Councilman Francis made a motion, seconded by Councilman McConnell to have the auditor set a meeting date with the land owners. All voted aye on voice vote; **motion passed.** Councilman Wangler made a motion, seconded by Councilman Eberhardt to pay invoice 10990 for \$3,886.20. All voted aye on roll call vote; **motion passed.**

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*Water Tower Improvements* – The state water commission updated the priority list. All projects are included with 60% grants and \$60 million in grant funds available. The increase is due to leftover rural water funds and others that haven't been used. Applications are reviewed quarterly.

*Cottonwood estates* – Oye sent out the second round of requests for signed easements. In the scenario where easements are not on the plat there is a process to obtain them. Moore will pay Ohnstad for the preparation of easement documents.

Councilman McConnell made a motion to adjourn at 9:29 pm.

Next regular meeting October 5, 2015 at 7:00pm.

Respectfully Submitted,

Sheila K Klevgard  
City Auditor