

CITY OF CASSELTON
Tuesday, September 6, 2011
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Ed McConnell, Councilmen Pete Silbernagel, Phil Spooner, Steve Link, Fred Wangler, Craig Tillisch; Paul Spooner arrived late

Also present: Public Works Supervisor Kevin Mayer, City Attorney Del Losing, Auditor Sheila Klevgard, Brandy Pyle, Rich Hawkins, L Parra Hawkins, Michele Rieniets, Lee Anderson, Kathy Nelson, John Siverson, Tom Klabunde, Kyle Meyer, City Engineer Brandon Oye, John Taylor, John Reps, Lin Smithwick, Deputy Keenan Zundel, Deputy Shane Spieker, Bernie Sinner, Caitlyn Frank, Tristin Frank, Dan Leino, Kenny Habiger, Vince Bachmeier, Larry Garbone.

Minutes, Consent Agenda, Bills and Financial Reports

Councilman Fred Wangler made a motion, seconded by Councilman Steve Link to approve the minutes of August 1 and August 15, City Attorney's Report, Police Report, Municipal Judge's Report, and the delinquent utilities list. All voted aye on roll call vote; **motion passed.**

Councilman Pete Silbernagel made a motion, seconded by Councilman Steve Link to approve the following bills, refunds and salaries for the month of September. All voted aye on roll call vote; **motion passed.**

38247	Aflac	\$115.50	38271	Kindred Plumbing & Htg	\$211,310.27
38248	Ameripride	\$226.46	38272	Laney's	\$1,250.00
38249	Arrowhead Transport	\$3,905.44	38273	Medica	\$5,106.89
38250	Avesis Vision	\$62.27	38274	Medcenter One	\$60.00
38251	US Bearings & Drives	\$125.85	38275	Midnight Solutions	\$120.00
38252	Cass County Reporter	\$1,132.76	38296	Moore Engineering	\$22,500.00
38295	Cass County Treasurer	\$10,164.67	38297	NDLC	\$115.00
38254	Cass County Electric	\$635.22	38278	North Dakota One Call	\$71.50
38255	Casselton Lumber	\$7.50	38279	New Horizons Electric	\$692.34
38256	Cass Rural Water Users	\$25,652.37	38280	NorthStar Safety	\$145.36
38257	City of Fargo	\$4,379.80	38281	Ohnstad Twichell	\$1,450.00
38258	SGC Horizon	\$362.25	38282	ND Dept of Commerce	\$3,437.93
38259	Ed McConnell	\$38.89	38283	Orbitcom	\$303.18
38260	Fargo Water Equip	\$1,662.30	38284	Ottertail Power	\$4,786.20
38261	Finnish Construction	\$3,514.57	38285	Sam's Club	\$18.94
38262	Gordy's	\$57.70	38286	Petro Serve	\$2,848.01
38263	Guardian	\$231.43	38287	Valerie Sepp	\$43.54
38264	Hardware Hank	\$14.97	38288	Sturdevant's	\$664.91
38265	Haugen Cleaning	\$382.50	38289	Sweeney Controls	\$1,122.03
38266	Hawkins Chemical	\$56.81	38290	Thurlow Welding	\$323.75
38267	ND State Dept of Health	\$207.13	38291	Titan Access Account	\$4,712.01
38268	John Deere Financial	\$235.15	38292	Verizon Wireless	\$155.45
38269	Johnson Pest Control	\$55.00	38293	Wangler Foods	\$129.65
38270	King Farms Trucking	\$275.00	38294	Xcel	\$61.20

Financial Statement

Councilman Steve Link made a motion, seconded by Councilman Craig Tillisch to approve the financial statement for August. General Fund \$123,676.90; Special Revenue Funds \$752,687.50; Debt Service Funds \$590,756.03; Construction Funds (\$224,805.92); Special Assessment Funds \$167,700.39; Enterprise Funds

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\$363,787.14; Trust and Agency Funds \$10,342.78; total \$1,784,144.82. All voted aye on roll call vote; **motion passed.**

Councilman Pete Silbernagel made a motion, seconded by Councilman Steve Link to send a letter to the governor requesting the status of water commission funds for the Swan Creek project. All voted aye on roll call vote; **motion passed.**

Correspondence

As attendees of the ND League of Cities Annual Conference, personal invitations to each of the councilmen and the mayor were received from Moore Engineering for dinner on September 22, 2011. Councilman Steve Link made a motion, seconded by Councilman Fred Wangler to issue a proclamation in support of the 9-11 National Moment of Remembrance at noon on September 11, 2011 as requested by Senator Kent Conrad. All voted aye on roll call vote; **motion passed.**

Public Works Report

Public Works Supervisor Kevin Mayer reported that there had been a water break in the Swan Creek diversion area that was difficult to find because the water never actually came to the surface. He is not sure how much water was lost. Sewer and hydrant flushes will occur on the nights of September 25th through the 27th. The house north of the fire station will be tore down next week and clay brought in to fill the basement. Eight inch thick concrete will replace the current asphalt for about 200 feet east on 1st Street S and 8th Ave and will be paid for by the elevator. The city will be purchasing another dump truck to haul snow out of the city more quickly. Cost is estimated at \$16,000.00. Also one of the city plow trucks needs repairs to the outer frame. The city may look into other equipment options since the current mower cannot mow farther down in the diversion due to the silt causing equipment to get stuck.

Second reading of Ordinance 265 regarding prohibited animals

The following exception to Banned Animals was proposed: Exception for hens: Residents may apply to the City Council for permission to raise up to two hens. The City Council may approve the request if the resident applicant has written permission from all adjacent property owners and the reason given for raising the hens is found sufficient by the City Council. The City Council may revoke the approval upon petition of one or more adjacent property owners. Councilman Pete Silbernagel made a motion, seconded by Phil Spooner to approve the revision. Councilmen Phil Spooner, Fred Wangler and Pete Silbernagel voted aye. Councilmen Craig Tillisch and Steve Link voted nay; **motion passed 3-2.**

Garbage Pickup in Alley

Michele Rieniets has a problem with garbage not being picked up in the alley. She lives on an emergency snow route street and has no driveway. Most residents are opting for the totes rather than the dumpsters because the totes are free and the cost to replace a dumpster is \$600.00. The churches however want to keep their dumpsters. Mayor Ed McConnell stated a city policy regarding placement of trash containers for pickup will need to be worked out.

Administrative hearing – Taylor Liquor License

Councilman Steve Link made a motion, seconded by Councilman Pete Silbernagel that an administrative hearing be opened regarding the John Taylor liquor license. All voted aye on roll call vote; **motion passed.** Alleged violations are Dispensing liquor after 1:00 a.m. and Lack of Forthrightness with Officer. John Taylor stated that he did not dispense alcohol, however admitted that two employees were consuming alcohol after hours. He then stated that he didn't have the information requested by the officer available to him. Deputy Shane Spieker stated that John admitted that he was not clear on the law. Deputy Spieker did not enter the establishment to get names at that time because he did not feel comfortable without the

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support of other deputies. Mayor Ed McConnell stated that the city is very serious that the bars follow city ordinances. Paul arrived. Councilman Phil Spooner made a motion, seconded by Pete Silbernagel to find a violation of Casselton's ordinance has occurred and to place the liquor license for John Taylor (Casseltap) on probation, such that any further violation of the Casselton's liquor ordinance within the next six months will result in a suspension of the license for 30 days. All voted aye on roll call vote (Councilman Paul Spooner abstained); **motion passed.**

Special assessments

Councilman Steve Link made a motion, seconded by Craig Tillisch to approve the special assessment of the following unpaid bills: Shane Hermanson - \$245.00; Brian Suhr - \$4,090.46; Karlyne Kovar - \$919.16; Gregory Heck - \$577.50. All voted aye on roll call vote; **motion passed.**

Raffle permit

Councilman Steve Link made a motion, seconded by Councilman Phil Spooner to approve the raffle permits submitted by Central Cass School & St. Leo's Catholic Church. All voted aye on roll call vote; **motion passed.**

Appoint city assessor

Councilman Phil Spooner made a motion, seconded by Councilman Steve Link to appoint Woody Gunderson as city assessor. All voted aye on roll call vote; **motion passed.**

Renaissance Zone Project

Bernie Sinner, on behalf of the Renaissance Zone Authority, stated that all paperwork is in order for the exterior renovation and interior remodel of 622 and 626 Front Street (Casselton Drug and the former Red Baron Lounge), and recommends approval of the project as submitted. Councilman Phil Spooner made a motion, seconded by Councilman Steve Link to grant a 5 year abatement of the increase in property tax from the project improvements. All voted aye on roll call vote; **motion passed.**

Request was made to consider old time street lights to create unification of a small piece of the downtown area.

Cement/sidewalk project at St. Leo's

The street has settled in front of the church causing puddles that don't drain. Although the street will be repaired in 2015, the church would like to take care of the water problem now. Since they will be replacing the sidewalk and steps in front of the church this fall, they would like to cut the curb to install a drain and underground pipe under the sidewalk to extend the storm sewer from the corner up to this location. This fix would be temporary until the city repairs the street. They are requesting assistance in the cost of the pipe and inlet. Councilman Pete Silbernagel made a motion, seconded by Councilman Phil Spooner to pay for the pipe, up to \$3,000.00, with council approval of the plans. All voted aye on roll call vote; **motion passed.**

Law Enforcement Center Repairs

The roof has been repaired and sheetrock replaced. The exterior cedar siding should also be painted and sealed to alleviate additional leaks. Councilman Phil Spooner made a motion, seconded by Councilman Paul Spooner to remove the wallpaper, texture and paint the walls in the back room, and to put tyvec and siding on the exterior pending on all the numbers and Sheila's approval. All voted aye on roll call vote; **motion passed.**

Lightowler Johnson

Copies of change order were given to the building committee to review. Councilman Steve Link made a motion, seconded by Councilman Pete Silbernagel to table it for now. All voted aye on roll call vote;

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motion passed.

Photos for website

The Casselton Business Association is requesting photos of the council, mayor and city auditor to be placed on the website along with short bios for each.

Final budget

Councilman Craig Tillisch made a motion, seconded by Councilman Steve Link to approve the budget. All voted aye on roll call vote; **motion passed.**

Engineer Updates

City Engineer Brandon Oye stated that the Quiet Zone bid opening is s September 15 at 1:30. Each contractor will be allowed an alternate bid to have the work done by the end of next year rather than by this fall.

Improvement District #23 (Heartland Avenue extension) project is 90% complete. They will have a walkthrough with Kevin later this week. Councilman Fred Wangler made a motion, seconded by Councilman Paul Spooner to approve partial payment #2 to KPH in the amount of \$211,310.27. All voted aye on roll call vote; **motion passed.**

The FEMA Hazard Mitigation Grant application was submitted for \$257,000.00 on the street & sewer project with a 15% local share. If the grant is awarded, the project would begin next year.

Councilman Phil Spooner asked the city attorney to look into what policy or ordinance Fargo and West Fargo have regarding penalties for establishments that violate liquor and cigarette laws.

Motion to adjourn by Councilman Pete Silbernagel, seconded by Phil Spooner at 9:12pm

Respectfully Submitted,

Sheila K Klevgard
City Auditor