

CITY OF CASSELTON
Tuesday, September 4, 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, City Auditor Sheila Klevgard, City Engineer Brandon Oye, Lorne Sterner, Tim Berg, Blake Strehlow, Clark Baumgarten, John Jensen and City Attorney Del Losing.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Anderson made a motion, seconded by Councilman Wangler to approve the minutes of July 16 and 24, August 6 and Public Works Committee minutes of August 27, 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 Eberhardt made a motion, seconded by Councilman Anderson to approve the following bills and refunds for the month of September. All voted aye on roll call vote; **motion passed.**

Aflac	\$115.50
Ameripride	\$214.62
Avesis Vision	\$74.09
Baldwin Cooke	\$242.68
Bank of North Dakota	\$4,583.40
BNSF	\$2,673.27
Seth Carlson	\$48.14
Cass County Heating	\$688.00
Cass County Reporter	\$618.26
Cass County Treasurer	\$10,675.00
Cass County Electric	\$445.26
Casselton Lumber	\$758.48
Cass Rural Water Users	\$35,570.37
City of Fargo	\$3,207.05
Fargo Water Equip	\$76.19
Jeff Grommesh	\$200.00
Guardian	\$671.08
Hardware Hank	\$155.94
Haugen Cleaning	\$840.00
Hubert Oye & Sons	\$37,765.00
Jet-Way Multiple Services	\$788.00
John Deere Financial	\$129.23

Johnson Pest Control	\$135.00
Mac's	\$31.10
McNeilus Steel	\$206.87
Moore Engineering	\$12,084.35
Municipal Govt Academy	\$45.00
ND Sewage Pump	\$2,272.00
ND Solid Waste & Recycling	\$60.00
ND State Fire & Tornado	\$30.36
New Horizons Electric	\$910.00
NorthStar Safety	\$162.60
ODB Company	\$1,348.87
Ohnstad Twichell	\$1,450.00
Orbitcom	\$306.37
Ottertail Power	\$3,637.31
Powerplan	\$761.67
Sam's Club	\$47.92
Sturdevant's	\$324.83
Team Laboratory	\$7,745.00
Titan Access Account	\$12.45
Verizon Wireless	\$147.19
Xcel	\$61.20

Financial Statement

Councilman Carvell made a motion, seconded by Councilman Eberhardt to approve the financial statement. General Fund \$125,623.48; Special Revenue Funds \$749,488.48; Debt Service Funds \$669,419.70; Construction Funds \$(199,139.59); Special Assessment Funds \$197,251.75; Enterprise Funds \$354,493.41; Trust and Agency Funds \$7,651.23; total \$1,904,788.46. All voted aye on roll call vote; **motion passed.**

BNSF’s portion of the Quiet Zone project is under budget by approximately \$400,000.

Public Works

The contractor called and won’t be working on Front Street until Friday or Monday. **Not overlapping projects.** The contractor’s detour plan has not been submitted yet. It will be reviewed and comments offered to make sure it looks good before being approved. Public Works has been doing the yearly service on lift stations and mowing the bottoms of ditches.

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Planning & Zoning

- *Parking for Cass County Housing* - several residents attended the committee meeting with valid concerns. Blake Strehlow of Cass County Housing Authority was present and asked that this issue be tabled until better options or a best solution can be determined. Councilman Link made a motion, seconded by Councilman Spooner to table discussion. All voted aye on roll call vote; **motion passed.**
- *Heartland 3rd Addition* – a plat was presented to finalize the change in ownership that has already occurred. Councilman Link made a motion, seconded by Councilman Eberhardt to approve the plat. All voted aye on roll call vote; **motion passed.** Lee Anderson resigned from the Planning & Zoning committee; therefore, Mr. Sterner requested council to tell anyone who may be interested that the position is available.

Raffle Permit

Councilman Wangler made a motion, seconded by Councilman Link to approve the application from St. Leo's Church as long as everything is in order. All voted aye on roll call vote; **motion passed.**

Cass Rural Water Rate Increase

A water rate increase of \$0.25 per thousand gallons is effective January 1, 2013. Councilman Anderson made a motion, seconded by Councilman Eberhardt to pass on the increase to the residents. All voted aye on roll call vote; **motion passed.**

Water Bill Special Assessments

Councilman Link made a motion, seconded by Councilman Anderson to special assess the following properties if payment is not received by September 17, 2012: 121 5th Ave N, 112 6th Ave N, 102 2nd Ave S. All voted aye on roll call vote; **motion passed.**

Collection Options for Ron Lutt Account

The balance owing was outstanding when the property was sold to Mark Wurzer. In his experience, Councilman Link feels that new owners don't follow due diligence to see if any utility bills are outstanding. Without having assessed or placed a lien against the property, they wouldn't know about it at closing. Since Mr. Lutt does not live locally, it could be costly to attempt collection through small claims court. Therefore, the other option to assessing the property is to send the account to a collection agency with the hope of collecting at least half of the bill. Councilman Anderson made a motion, seconded by Councilman Eberhardt to send the account to a debt collection agency. All voted aye on roll call vote; **motion passed.**

Discussion followed regarding the inability of Cottonwood Golf Course to pay the 5-year undercharge billed for \$15,703.60. All other undercharged customers have paid, or are making payments, except for an individual who has not responded on a \$300 bill.

Final budget

Several special funds have money in them, with the question as to whether it is an excess of what is needed or desired to carry forward to next year. Councilman Wangler made a motion, seconded by Councilman Carvell to adjust the mills to the same as last year and adopt the 2013 budget. All voted aye on roll call vote; **motion passed.**

Engineers Agenda

Sanitary Sewer Improvement District #24

Delayed start date possibly starting at the end of the week. Sewer relining should start within the next couple weeks followed by manhole rehabilitation. Different companies do each portion of the project. Weekly meetings are planned to help keep the public updated as to when work will be in their neighborhood and the need to limit water usage. Councilman Wangler made a motion, seconded by Councilman Eberhardt to approve engineering invoice 3888 for \$10,129.45 for payment. All voted aye on roll call vote; **motion passed.**

Industrial Park I-94 Drainage

Grade is available to have proper flow after removal of the ditch block. Jetway televised the culvert at the agreed price of \$788. The concrete culvert is pulled off on the end joints and should be repaired and tied so they do not come off again. The water resource district permit fee is \$500. Oye will check with the water resource department to get a timeline and cost estimate prior to the next meeting. Diane Spoerl is concerned that water will sit in the ditch rather than flow on down the trail. Oye stated that

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the grade is only one tenth of a percent which is a two foot drop in elevation to the end of the ½ mile survey. This is pretty flat and when the weather is wet it will have water in it. The location of the block is 700 feet to the east of the intersection. As long as construction will be under \$100,000.00, the city can just get a quote rather than bids. This project will be paid out of the General Fund although if it is put into an assessment district, it would be considered a sewer project which can be assessed without protest. Councilman Spooner made a motion, seconded by Councilman Anderson to apply for the permit from the Water Resource District. All voted aye on roll call vote; **motion passed**. Councilman Wangler made a motion, seconded by Councilman Anderson to approve engineering invoice 3889 for \$1,954.90 for payment. All voted aye on roll call vote; **motion passed**.

Ken Johnson Assessment Relief

John Jensen, attorney representing Ken Johnson who owns farmland on the north side within Casselton city limits, requested the city to please consider prospective relief on his Flood 2008 special assessment even though the time to protest has past. Property tax on this 90 acre parcel is \$1,300 per year and the assessment is \$21,500. At \$239 per acre per year, it is his opinion that this assessment essentially renders this property marketless. The assessment is based on square footage and the property is included because it is within the dike. Losing stated that the city would have discretion to fix mistakes after the fact but not just because the city *wants* to change it. Jensen quoted Chapter 40-26-01, which is a provision that deals specifically with agricultural land whereby a court re-determines benefits and special assessments imposed. He questions whether it negates the necessity for protest. Del will check statutes and report back to council.

Next regular meeting is October 1, 2012 at 7:00pm.

Councilman Link made a motion to adjourn at 8:23pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor