

CITY OF CASSELTON
Monday, September 6, 2016
REGULAR MEETING 7:00 P.M.
Council Chambers

Present: Mayor Lee Anderson, Councilmen Joan Carvell, Mike Eberhardt, Charlie Francis, Char Gust, Kent Buss and Fred Wangler. Also present: Brian Oowski-AMKO Advisors, Michelle Moyano-AMKO Advisors, Ed McConnell, Lynn Spoerl, Angela Kolden, Evan Anderson, Dana Casey-Moore Eng., Administrative Assistant Becky Dunker, Public Works Director Kevin Mayer, Deputy Mathew King, City Attorney Del Losing and City Engineer Brandon Oye.

Minutes, Consent Agenda, Bills and Financial Report

Councilman Wangler made a motion, seconded by Councilman Eberhardt to amend the agenda by adding Property Tax for Home Improvements. All voted aye on voice vote; **motion passed**. Councilman Wangler made a motion, seconded by Councilman Carvell to approve the amended agenda. Councilman Wangler made a motion, seconded by Councilman Buss to approve the minutes of August 1 and August 23, City Attorney’s Report, Municipal Judge’s Report, Police Report and the delinquent utilities list. All voted aye on voice vote; **motion passed**. Councilman Eberhardt made a motion, seconded by Councilman Francis to approve the following bills and refunds. All voted aye on roll call vote; **motion passed**.

Aflac	\$7.88
Ameripride	\$375.88
Avesis Vision	\$103.07
Baldwin Cooke	\$340.33
Birch Communications	\$608.96
Bob Christiansen Trkg	\$125.00
Border States Electric	\$27.78
Business Essentials	\$32.64
Cass County Electric	\$595.24
Cass County Reporter	\$561.69
Cass County Treasurer	\$11,261.33
Cass Rural Water Users	\$32,304.92
Casselton Cemetery Assn	\$67.00
City of Fargo	\$4,866.42
Colonial Life	\$80.92
CUSIP Global Services	\$119.00
Dakota Supply Group	\$482.51
Days Inn Bismarck	\$140.45
Fargo Tractor	\$77.70
Guardian	\$755.66
Hardware Hank	\$38.49
Hawkins Chemical	\$1,325.95
Interstate Powersystems	\$630.00

John Deere Financial	\$13.00
Johnson Pest Control	\$55.00
Medica	\$3,265.85
Midnight Solutions	\$240.00
Mid-States Wireless	\$42.40
NDLC	\$60.00
North Dakota One Call	\$57.55
ND Sewage Pump	\$3,200.00
Ohnstad Twichell	\$8,700.00
OK Tire	\$330.00
Ottertail Power	\$4,028.04
Petro Serve USA	\$4,611.86
Productivity Plus Account	\$2,437.49
RDO Equipment	\$29.48
Sam's Club	\$55.44
Clifford South	\$100.00
Sturdevant's	\$1,680.90
Swanston Equipment	\$4,508.06
Sweeney Controls	\$239.26
Tricorne Audio	\$758.75
Verizon Wireless	\$151.38
Xcel	\$91.80

Financial Statement

Councilman Wangler made a motion, seconded by Councilman Carvell to approve the financial statement. General Fund \$53,833.30; Special Revenue Funds \$777,823.12; Debt Service Funds \$1,596,561.72; Construction Funds \$5,370.88; Special Assessment Funds \$1,189,827.71; Enterprise Funds \$463,496.57; Trust and Agency Funds \$16,458.77; total \$4,103,372.07. All voted aye on roll call vote; **motion passed**.

Correspondence

Cass County Sheriff’s office sent thank you for the city’s donation of 200 bags of chips for 2016 Night to Unite event.

Old Business

Second reading of the feral cat ordinance in which an amendment to the cat and dog ordinance #272 was presented which would make it unlawful for any person to feed or continue to feed stray or feral cats and make it punishable by a fine of \$100.00. Adding dogs to the ordinance was discussed. Councilman Buss made a motion, seconded by Councilman Francis to approve a second reading of the ordinance, with the language to include prohibiting the

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feeding of stray dogs in addition to stray cats. All voted aye on voice vote; **motion passed.**

Refinancing Bond

Brian Osowski with AMKO Advisors handed out information on refinancing the 2013 B issue and 2011 issue bond with the lowest bid received. The 2008 bond was paid off in May so there are some differences from original presentation. With the bond bid presented there would be a little over \$180,000 net savings over 12 years. There are twelve years left on B bonds and three years left on the 2011. The average interest rate offered by the lowest bidder is 1.77%. Call date on 2013 b bonds is May 1, 2018. If city waits for call date and interest rates go above 1.82%, the decision to accept would be better at this time instead of waiting. AMKO recommends that we accept the bids at 1.77% until the next call date May 2022. The interest rate locked in now is locked in for May 2022 unless interest rates are lower and city wants to accept bids. Fees involved are \$171,762.50 included in the new bond so savings aren't seen until the back end of the twelve years. Mayor Anderson wants to turn this information over to the finance committee and City Auditor to look at closer before any action is taken. Osowski clarified that these amounts will probably change. 2013 bond was for street and sewer project and 2011 was for Maple River Grain TIF. Ed McConnell added there is a good interest rate on the TIF's so refinancing would not be good decision. Councilman Wangler asked why all the bonds weren't bid if there is such a savings. Osowski replied that the call dates and the interest rates wouldn't make sense to refinance. Savings would be about \$15,000 a year, but the cost is \$56,000 up front. Councilman Eberhardt made a motion, seconded by Councilman Buss to table the decision on accepting the bid from AMKO. Councilman Char asked if finance committee and auditor would meet with AMKO to discuss before the next council meeting. AMKO will eliminate 2011 with the TIF from the bidding process. All voted aye on voice vote; **motion passed.**

Sales Tax Request

Sales Tax Request from Parks and Rec for \$10,000 for improvements for the #1 tee box and some other issues on the golf course for a \$53,000 project. The city has committed \$10,000 for walking path already this year, but it has not been paid out yet because of unexpected costs (Engineers called in for ND Parks grant and some issues were found on the south side). Councilman Carvell made a motion, seconded by Wangler to approve the Parks and Rec \$10,000 sales tax request. Councilman Buss, Gust, Carvell, and Wangler voted aye; Councilman Francis and Eberhardt voted nay; **motion passed.**

Raffle Permits

Raffle permits were submitted by Central Cass Post Prom Committee 2017, St Leo's Catholic Church, and Central Cass Dollars for Scholars. Councilman Wangler made a motion, seconded by Gust to approve the raffle permits. All voted aye on voice vote; **motion passed.**

Skunks

Skunk update from Dunker was that calls were received on sightings of more skunks. The trapper was called and he placed traps in various areas for a week and didn't catch anything so trapping ceased. Charges were \$50 a week as an introductory rate for two weeks and then the trapper raised the price to \$100 a week to continue. Bill submitted so far has been \$100. The trapper asked if he could be paid when bill is submitted instead of once a month. Council needs to approve bills. Rod Brekken submitted a bill for skunk trapping June 16, 2016 for \$118.20 to be reimbursed. Councilman Eberhardt made a motion, seconded by Councilman Buss to approve paying bill. Councilman Eberhardt amended motion, seconded by Buss to note that no other bills will be paid for trapping unless approved first. Councilman Buss, Francis, Eberhardt and Wangler voted aye; Councilman Gust and Carvell voted nay; **motion passed.**

Action on Feral or Stray Cats

Dunker reported that the auditor made some calls and found one option with MinnKota Paaws. They spay/neuter, give rabies and distemper shots for a \$20 fee. They also cut a notch in the left ear and release back in area to ward off other feral cats from invading their territory. The other option was Valley Vet (who does the city impounding) not keeping feral cats if brought in. Deputy King raised concerns with how many cats Cass County Sheriff's would be

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hauling in, who would be paying the bill and if that would interfere with the other duties of the deputy if the number was unusually high. Francis will contact Casselton Vet Clinic and Valley Vet to see what their services would cost if the council decides to consider a feral cat program.

Councilman Buss asked what the city will be doing about the feeding of the cats now that the ordinance has been passed. It will be difficult to prove, but if someone has a suspicion it's happening then the city has an ordinance to enforce.

Sewer/Water Ordinance

There is rate setting in the ordinance which needs to be changed and the ordinance needs significant changes throughout. Nothing to act on the Sewer/Water Ordinance at this meeting.

Just for Kix Rental Agreement

Evan Anderson was in attendance to clarify the time changes because of school closing time. Rate will stay at \$275 a month for rental of the city auditorium. Councilman Francis made a motion, seconded by Buss to approve agreement. All voted aye on voice vote; **motion passed**.

Developer Agreement

Attorney Losing gave a review of the agreement. This agreement is in regards to Ken Johnson properties on the north side of Casselton. Three lots have been platted and two right of ways. There will be future subdividing and more developer agreements in the future. For example right now the city is not requiring anything be dedicated park property, but in the future the city can add that when development continues. Councilman Francis asked for clarification about a curb and gutter completion date of November 30, 2018 for 5th Ave N & 6th St N. Water and sewer have to be put in by that date or the city can do it and special assess Johnson properties. Attorney Losing highlighted a major issue being that sewer and water need to be brought across Hwy 10 from the south. With Hwy 10 project starting next year, bringing the water across Hwy 10 will be bid out with Moore Engineering estimating \$47,000 plus engineering costs. Attorney Losing wants to propose a change the amount to the drafted agreement of \$60,000, the developer to deposit money in city, the project gets bid out, and then city pays as bills come in. The approach has not been discussed and there could be a cost share. Stremick/Johnson are very detailed on what they will and won't pay so the city needs to get it clarified. Part of the bid package does include the approach. Councilman Buss suggested getting a deposit from developer for the approach similar to how the curb and gutter is working. The project is bid as a whole and specific parts can have change orders put in for what the city decides not to do (for ex. no approach, just a curb). The \$60,000 amount is not adequate if you add the approach costs in. Oye gave a rough guess of up to \$40,000 for the approach if no cost share. Developer wanted to have verbiage in agreement that the Johnson property be taxed as agriculture. Under Century Code 57-02-01 the land can be considered agricultural until four of seven factors are met. No dirt moved on daycare yet because no plat signed until a title opinion is finished. Councilman Eberhardt made motion, seconded by Councilman Francis to approve agreement as written with addition of approach to be paid by developer and changing the deposit amount to be finalized by Engineer Oye, Mayor Anderson and Attorney Losing. All voted aye on voice vote; **motion passed**.

Property Tax for Home Improvements

The Property and Ordinance Committee recommended a resolution to offer up to 5 year improvements of 25 year old or older if state law criteria for home improvements are met. The city can decide to make the time frame for anything less than state. No home improvement dollar amount needs to be put in resolution as long as a building permit is part of criteria met. The property tax exemption needs to be applied for before the project is started. The tax break is on the increased amount of valuation. Councilman Wangler made a motion, seconded by Francis to set a resolution to adopt the property tax exemption set forth by the tax commission with a 5 year limit for residential or commercial properties 25 years old or older. All voted aye on voice vote; **motion passed**.

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Engineer's Agenda

Engineer Oye introduced Dana Casey a new project manager's assistant.

State Highway 18/2nd Street N – Close out items done on project...core done on street, verify depth and do traction test. Close out documents will be submitted to DOT.

State Highway 18/5th Street N – There was a plan review meeting held on July 21. Attended a PSE (Planned Spec Estimate) meeting with DOT on August 16. Received a response back on wetlands which are labeled non jurisdictional so nothing has to be done. Submitted final plans on September 1. There were some changes from comments received so those will be changed before bidding process. Wrapped up hydraulic report for the storm sewer which is verifying the size for DOT. Findings were with no connection to the 5th Ave N extension, have to upsize from a 30 to 36 inch. The city won't be utilizing the 36 inch capacity for awhile but will simplify things in the future. At this time it provides some storage and reduces impact of water coming above ground. Oye guesses 300' for \$7500 more. Councilman Buss made a motion, seconded by Councilman Francis to agree to increase storm sewer size to 36". All voted aye on voice vote; **motion passed**. Councilman Francis made a motion, seconded by Buss to pay Moore's invoice 13521 for \$24,060. All voted aye on roll call vote; **motion passed**.

Industrial Park Storm Sewer Improvements – Century Link line was relocated, power wasn't located and phone line was hit. Now a Cass Rural Water line marked incorrectly by 50'. They will relocate for an estimated cost of \$6 a foot which is less than a contractors cost, but they might ask for city's assistance to pay. City is planning to special assess this project, but not knowing final numbers means might not be able to do that this fall. So city is financing this. Oye will go back to Cass County Flood Tax and let them know about issues that came up and ask for 50%. Change order for granular pack fill on the two crossings used by Maple River Grain and a fan added to a pipe for Cass Rural Water line. Councilman Carvell made a motion, seconded by Eberhart to approve change order #1 for \$12,389.25. All voted aye on roll call vote; **motion passed**. Councilman Buss made a motion, seconded by Buss make payment #2 to Adelman Contracting for \$84,755.93. All voted aye on roll call vote; **motion passed**. Councilman Wangler made a motion, seconded by Francis to pay Moore's invoice 13297 for \$11,677.80 and invoice 13505 for \$3,221.45. All voted aye on roll call vote; **motion passed**.

Water Tower Improvements – Moore meeting again with Kevin and Cass Rural Water after doing some final checks on impact of one connection on the south end. Preliminary plans coming along. On the funding update, waiting on finalized information before sending to MR&I. No disagreements on only having one color for the new water tower. Councilman Wangler made a motion, seconded by Councilman Francis to pay Moore's invoice 13516 for \$19,985.00. All voted aye on roll call vote; **motion passed**.

DOT's response on the light pole for 5th Ave N approach was to take down and don't put up until project done if city approves.

Councilman Wangler made a motion to adjourn.

Next regular meeting October 3, 2016 at 7:00pm.

Respectfully Submitted,

Becky Dunker
City of Casselton Administrative Assistant