

CITY OF CASSELTON
Monday, October 21, 2013
SPECIAL ASSESSMENT MEETING 7:00 P.M.
Council Chambers

Present: Council President Lee Anderson, Councilmen Kent Buss, Fred Wangler, Joan Carvell and Mike Eberhardt. Also present: Dean Johnson, City Auditor Sheila Klevgard, City Engineer Brandon Oye, Cavin Berube, and City Attorney Del Losing.

Appeal Hearing to Special Assessment

According to the Century Code the aggregate amount of all assessments may not be changed. Losing recommended that each appeal be addressed separately. Assessments were based on total front footage of the city using the short side of a lot and only one side of a corner lot. The calculation for cul-de-sac lots used an average of neighboring property since the front footage is small with very large footage in the back. Currently the rate is \$39.69 per front foot.

Stan Turchin

Turchin asserts that the lot is only 50 feet wide. The true legal property line on this corner lot is 68.5 feet on the front as it was originally platted and has a unique shape with the front wider than the back. The property owner could dedicate a portion of the lot to the city right-of-way, since currently there is inadequate right-of-way. However, tonight's decision cannot be contingent on whether they give the 18.5 feet to the city. It is possible to charge the assessment based on the 68.5 feet and discuss the possibility of a purchase price on the 18.5 feet if he agrees to sell it to the city. The change would require a replat and there would be an expected \$1,000 cost for a survey crew plus research fees. Councilman Carvell made a motion, seconded by Councilman Eberhardt to deny the protest. All voted aye on roll call vote; **motion passed.**

George & Marilyn Loegering

Loegerings assert that they are receiving no benefit from the project and the added cost will render the properties unsalable and worthless. Although these properties do not have sewer or water, the project does include a seal coat on Turkey Road. Oye informed the council that the assessment commission felt strongly that the street side properties benefited the same as any other property in the city and therefore assessed them, but did not assess the back properties since there is no road access. Councilman Eberhardt made a motion, seconded by Councilman Buss to deny the protest. All voted aye on roll call vote; **motion passed.**

Karisa & Roger Frith

The Friths also own property along Turkey Road and feel they are not receiving benefits equal to the amount of the assessment. They propose an assessment allocation for 50 feet of frontage. Council felt this property is also receiving the same benefit as all other property in town. Councilman Eberhardt made a motion, seconded by Councilman Wangler to deny the protest. All voted aye on roll call vote; **motion passed.**

Dean Johnson

Johnson presented pictures of the street and his driveway prior to repairs. Initially the committee agreed that in order to fix the drainage situation only two feet of the driveway would need to be replaced. A letter was sent asking Johnson if he wanted to replace the remainder of his driveway beyond the two feet planned to be fixed by the city at a cost of \$2,000. Johnson agreed to have the remainder replaced and the cost added to his special assessment for this project. Several other driveways were replaced on his street in varying portions due to sewer service lines underneath the driveway, request and payment by landowner and difficulty to tie in to broken driveway concrete. Johnson stated that actual work varied from the estimate and Oye agreed that the charge should be adjusted accordingly. Assuming measurements made by Johnson are correct and less than the estimate, Oye estimated an adjustment should be made between \$300 and \$1800. Councilman Wangler made a motion, seconded by Councilman Buss to partially grant the request by reducing his bill by \$1,000. All voted aye on roll call vote; **motion passed.**

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Casselton Lumber

Anderson recused himself so vice president Wangler took control of the meeting. Wildhorse Holding, LLC requested a correction to use the 56 feet of frontage on Langer Avenue rather than the 300 feet of frontage along 1st Street South. This property touches a street on three sides so the city can charge on both ends of 50 feet. Other similar lots are First State Bank, the grain elevator and the gas station along the railroad tracks. Councilman Eberhardt made a motion, seconded by Councilman Buss to adjust the assessment footage for Wildhorse Holding, First State Bank and Valley Grain to include frontage from both short sides of the lots. Anderson abstained while all others voted aye on roll call vote; **motion passed**. Wangler passed control of the meeting back to Anderson.

City of Casselton

All of 13th Street North, a section of 10th Avenue North, the street/lot west of the school and the dike east of Martins Addition are all improperly listed as parcels on the assessment list. Councilman Wangler made a motion, seconded by Councilman Carvell to remove the listed parcels from the assessment list. All voted aye on roll call vote; **motion passed**.

Martins Lutheran Church

A request was received to remove the water retention pond in Martins Addition from the assessment list. This parcel is in the process of being deeded to the city and is inappropriately billed. Councilman Buss made a motion, seconded by Councilman Wangler to remove the parcel from the assessment list. All voted aye on roll call vote; **motion passed**.

Resolution Confirming Assessments

Councilman Wangler made a motion, seconded by Councilman Eberhardt to confirm the assessment list with the following changes: removing city lots as requested and Martins retention pond, adjustments to Wildhorse Holding, First State Bank and Valley Grain, reducing Dean Johnson's bill \$1,000 and the remaining lots being adjusted prorata for the difference. All voted aye on roll call vote; **motion passed**.

City Share of Specials

It is estimated that city share of specials from this project will be somewhere around \$89,000. Councilman Buss made a motion, seconded by Councilman Carvell to approve payment of up to \$100,000 for the city share of specials. All voted aye on roll call vote; **motion passed**.

There was general conversation and discussion of how the project is progressing.

Next regular meeting November 4, 2013 at 7:00pm.

Councilman Wangler made a motion to adjourn at 8:42pm.

Respectfully Submitted,

Sheila K Klevgard
City Auditor