

**CITY OF GRAFTON  
CITY COUNCIL MINUTES  
MEETING OF AUGUST 8, 2016**

The regular meeting of the City Council of the City of Grafton, North Dakota was held in the Council Chambers, City Hall, Grafton, North Dakota at 6:00 p.m. on Monday, August 8, 2016.

Mayor Chris West presided. Members present: Dave Fellman, Don Hutson, Chris Lipsh, Shane Mohn, Brian Sieben, Mary Stark, and Greg Young. Member absent: Phil Ray. Others present: Nick Ziegelmann, Russ Geddes, Ken Miskavige, Rock Desautel, Tony Dumas, Scott Boura, Jon Markusen, Todd Kjelland, Jim McGregor, Cheri McGregor, Jeff Hermanson, Jolene Hermanson, Darcy Eszlinger, Ed Miller, Vern Russum, Dorothy Russum, Ron Pich, Charles Thompson, Ken Gebhardt, Wayne Gerszewski, Steve Burian, Wally Olson, Gene Anderson, Jerry McCarty, Karen Blanchard, Len Wysocki, Larry Lindgren, Del Nygard, and Jim Rystedt.

**OPEN PETITIONS**

Jeff Hermanson, Darcy Eszlinger, Jim McGregor, Ed Miller, and Ken Gebhardt addressed their concerns to the City Council regarding storm water management and street flooding in the area of 15<sup>th</sup> Street and Lavergne Avenue. Prior to the meeting a list of questions from the constituents were provided to the City and answers to those questions were provided by Kadrmas, Lee and Jackson; the information is included in these minutes as if herein set out verbatim. Mayor West reported that in November, 2014 the City completed a Storm Sewer Water Management Plan for the entire community of Grafton; the intent of the study was to recommend potential improvements to reduce surface inundation. The unfortunate circumstance is that Grafton has been receiving large amounts of rain in short periods of time this summer and no city has systems designed to withstand that much inflow in such a short amount of time. The options reviewed in the study as a way to fix the inundation is to increase the size of mainlines and collectors, which would mean excavating public streets to replace what is there now. The cost for such a project would be millions of dollars. Some of the more affordable options are to address the size of the inlets into the catch basins. However, it is unknown how effective it would be to change them because the system can only handle so much. Another option under consideration would be to build retention ponds. The City is also considering lift stations as part of the Flood Risk Reduction Project and the McLeod Drain may be redone to make that a better drain as well.

**PUBLIC HEARING**

A public hearing was held to consider the Building Official's condemnation order for a manufactured home at 202 Elm Drive owned by Jose and Sylvia Contreras and located at property owned by Oak Arbor, LLC. Building Official Scott Boura reported this mobile home was constructed in the 1960's; last summer there was a fire inside the structure that did extensive damage throughout the structure. The fire along with the prior deteriorated condition has resulted in the structure being determined as a substandard structure. Attempt was made to contact the owners of the structure to see what their intentions were but no response was received. Mr. Boura explained that because it was built in the 1960's the egress standards, life safety standards and energy standards are all outdated. It was moved by Mr. Mohn and seconded by Mr. Young to approve the findings of fact: 1) The Council accepts the repair estimates set out by Mr. Boura to be in excess of \$4,000, 2) The value of the property in pre-fire condition would be \$2,000 based on its age, 3) The property is not fit for habitation and does not meet code standards, or include the necessary amenities for residential use, 4) The structure constitutes a serious blight in the neighborhood for other homeowners, and 5) Under Code Section 5-350, the cost of necessary repairs exceeds 50% of the original value of the structure; therefore the structure should be

demolished under the supervision of the Building Official. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Ray. Mayor West declared the motion carried. Mr. Boura informed the City Council there will be a 30 day waiting period for the property owner to appeal the condemnation order.

A public hearing was held to consider the Building Official's condemnation order for a manufactured home at 9 Prospect Avenue owned by Oak Arbor, LLC. Building Official Scott Boura reported this structure was most likely constructed in the 1960's, it has been vacant for approximately 10 years, it was used as storage for a short period of time, and there has been no maintenance to the structure for 20 years. Mr. Boura reported the structure has suffered severe deterioration on the interior and exterior and it does not meet life safety or energy standards. He said the mobile home park owner advised him he would like to make some repairs to the mobile home, but Mr. Boura told him that would not be allowed as the structure has deteriorated beyond that point. Mr. Mohn reported he has received some complaints about the structure from other property owners in the area. It was moved by Mr. Mohn and seconded by Mr. Young to approve the findings of fact: 1) The Council accepts the repair estimates set out by Mr. Boura to be in excess of \$6,400, 2) The value of the property in habitable condition would be less than \$1,000, 3) The property is not fit for habitation and does not meet code standards, or include the necessary amenities for residential use, 4) The structure constitutes a serious blight in the neighborhood for other homeowners, and 5) Under Code Section 5-350, the cost of necessary repairs exceeds 50% of the original value of the structure, it is therefore ordered the structure should be demolished under the supervision of the Building Official. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Ray. Mayor West declared the motion carried. Mr. Boura informed the City Council there will be a 30 day waiting period for the property owner to appeal the condemnation order.

## **CONSENT AGENDA**

Mayor West asked if any Council member wanted to remove any item from the Consent Agenda. It was moved by Mr. Fellman and seconded by Ms. Stark to approve the Consent Agenda as follows:

### **IV. CONSENT AGENDA**

#### **4.1 Approval of Minutes:**

- a) City Council regular meeting of July 11, 2016.

#### **4.2 Reports of Officers:**

- a) City Auditor-Treasurer
- b) Municipal Judge
- c) Chief of Police
- d) Building Official
- e) Parks and Recreation
- f) Others, if any

#### **4.3 Game of Chance Application:**

- a) 918 – Grafton Youth Hockey
- b) 919 – Save Our Strand, Inc.

#### 4.4 Site Authorization Applications:

- a) Save Our Strand, Inc. at The Strand Twin Theaters

All members present voted in favor thereof; Mayor West declared the motion carried.

### **BILLS, CLAIMS AND ACCOUNTS**

It was moved by Mr. Young and seconded by Mr. Hutson that the General, Special, Capital Projects, Debt Service, and Enterprise Funds bills be approved for payment in accordance with the listing submitted; said listing to be a part of these minutes as if herein set out verbatim. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, Mr. Sieben, and Mr. Young. Those opposed: (None). Member absent: Phil Ray. Mayor West declared the motion carried.

### **REPORTS OF SPECIAL COMMITTEES**

On recommendation of the Public Utilities Committee, it was moved by Mr. Young and seconded by Mr. Sieben to authorize Mr. Loftsgard to sell the 2000 Elgin Geovac street sweeper and parts inventory for the best price obtainable. All members present voted in favor thereof; Mayor West declared the motion carried.

On recommendation of the Ways and Means Committee it was moved by Mr. Lipsh and seconded by Mr. Fellman to adopt Resolution No. 1723 entitled, "A RESOLUTION APPROVING SECURITIES PLEDGED BY DEPOSITORY BANKS PURSUANT TO SECTION 21-04-11, N.D.C.C." On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Ray. Mayor West declared the motion carried.

### **UNFINISHED BUSINESS**

Jon Markusen from KLJ, Inc. engineers for the Flood Risk Reduction project reported that 95% of the design engineering is final and they met with the agencies on the 404 permits to answer their questions. He hopes to meet with the State Water Commission at the end of the month.

### **NEW BUSINESS**

It was moved by Mr. Young and seconded by Mr. Fellman to approve the Mayor's reappointment of Anthony Dumas as the Emergency Manager. All members present voted in favor thereof; Mayor West declared the motion carried.

Steve Burian of AE2S representing the Garrison Diversion Conservancy District spoke about the Red River Valley Water Supply Project that was initiated because existing water supplies in the Red River Valley will be inadequate during times of drought; in 1934 there was five months of zero flow in the Red River at Fargo; there is a projected 41% maximum annual water shortage during the 1930s-type drought; the expected economic impact is \$20 billion over a 10-year time period (2005 dollars); and industrial demand exceeds current supply. Mr. Burian explained the State legislature provided some funding this biennium to further drought proof the Red River Valley and to find additional water for industrial needs; now it is time to provide some local investment in the project

so the project can continue to develop. There has been quite a bit of work done on the conceptual design engineering of the project, but now the pipeline side of the project needs to be refined. The Lake Agassiz Water Authority provided a Development Agreement for the City's consideration, by signing the agreement the City of Grafton would be a participant in the proposed drought solution with a commitment of an initial investment by October 1, 2016, payable by June 30, 2017. The investment will be calculated based on the City's future water supply needs and represents the capacity the City intends to contract for. Effective June 30, 2017 if the project moves forward, there will be a new Water Purchase Commitment Agreement for the City of Grafton's consideration. Mr. Burian said the cost share for every one cfs that Grafton might want to nominate which is about .67 million gallons per day, would be \$14,000 for a one time investment. Grafton's Agreement of Intent was for Industrial nomination of 3.0 cfs. Council agreed it would consider how many cfs it wants to reserve.

It was moved by Mr. Lipsh and seconded by Mr. Fellman to accept the Resolution of Sponsorship for Community Development Block Grafton proposed by City Administrator Ziegelmann; an application for a Community Development Block Grant will be submitted to partially cover the cost of a lift station renovation for the 2017 construction year. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Ray. Mayor West declared the motion carried.

Power Superintendent Russ Geddes reported the vacuum excavation system has been very unreliable for the last few years. He planned to the rent the equipment this summer and purchase a machine in 2017, however he found the rent is \$3,500 per month and cannot be used toward the purchase price unless the machine is rented for the entire year. Ditch Witch offered the City a 2015 vacuum excavation system with accessories, including trailer, with 200 hours of use, and an extended warranty for \$46,338.55. They would let the City have the machine with \$10,000 down payment, trade-in of the 2000 vacuum excavator for \$7,500, and the balance of \$28,838.55 due January 15, 2017. Power Department Superintendent Geddes explained the Department demoeed five vacuum excavators, but this particular machine works best for their needs. There is \$10,000 budgeted this year and the balance will be included in the 2017 budget. After some discussion, it was moved by Mr. Mohn and seconded by Mr. Sieben to approve the purchase of a 2015 vacuum excavation system with accessories from Ditch Witch for \$46,338.55, which included the extended warranty for \$1,838.55; the 2000 vacuum excavator will be traded in for \$7,500, the net cost will be \$38,838.55. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Ray. Mayor West declared the motion carried.

Street Superintendent Rock Desautel reviewed the bids received for tree debris cleanup: Agassiz Excavating for \$28,700 plus \$143.50 per load over 200 loads, Kilmer Construction for \$50,000 and Lafreniere Construction for \$23,430. Mr. Desautel noted the pile of trees has grown since the bids were obtained, therefore the cost will likely increase. It was moved by Mr. Lipsh and seconded by Mr. Mohn to accept the bid from Lafreniere Construction for the current pile of tree debris to be removed as soon as possible for \$23,430 payable from General Fund Miscellaneous and Contingencies. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Mohn, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Ray. Mayor West declared the motion carried.

## **CORRESPONDENCE AND ANNOUNCEMENTS**

The Annual North Dakota League of Cities Conference is in Bismarck September 15-17, 2016.

## ADJOURNMENT

It was moved by Mr. Young, seconded by Mr. Sieben and carried to adjourn the meeting.

September Committee meetings will be held on Tuesday, September 6, 2016 due to Labor Day on Monday.

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Chris West, Mayor

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Connie A. Johnson, City Auditor