

**CITY OF GRAFTON  
CITY COUNCIL MINUTES  
MEETING OF DECEMBER 8, 2014**

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, December 8, 2014.

Mayor West presided. Members present: David Fellman, Don Hutson, Chris Lipsh, Shane Mohn, Brian Sieben, Mary Stark, Len Wysocki, and Greg Young. Others present: Nick Ziegelmann, Scott Boura, Tony Dumas, Ken Miskavige, Stacie Sevigny, Lori Estad, Todd Morgan, Dale Nelson, Jon Markusen, Ryan Johnston, and Todd Kjelland.

**PUBLIC HEARINGS**

Dale Nelson, representing MarKit Landfill, said the City has a Solid Waste Disposal Agreement with MarKit Landfill through December, 2015 at a rate of \$45 per ton. MarKit is offering to renew the agreement for 10 years beginning January, 2016 at a guaranteed rate of \$50 per ton with a minimum 2,100 tons per year. The offer will be considered in Committee.

Building Official Scott Boura reported he inspected the Randy Franco property at 644 Stephen Avenue approximately 2 weeks ago and determined renovations to the house were finished to the level that the family could occupy the structure. He did not issue a Certificate of Occupancy, however and advised Mr. Franco the repairs must be 100% completed before he will issue that certificate. They have finish work on trim, light fixtures, etc. to complete. Mr. Boura advised the Franco's he will be completing a monthly inspection until all work is complete.

Mr. Boura also addressed the complaints that have been received about junk on properties located on 2<sup>nd</sup> Street. He stated one of the homes has removed the garbage that had been accumulating but the other called and requested an extension until today to get the property cleared. He checked on that property today and none of the cleanup has been done so he will be contacting Refuse Disposal to have them collect it. Mr. Boura said a variance was granted by the Board of Adjustments for the deck on the property at 134 West 2<sup>nd</sup> Street and that variance will be cancelled as the deck was never completed to include safety railings. The Building Official will consult with the City Attorney whether the City should require that the deck be removed or if there should be some type of fine for non-compliance. Mr. Boura reported there is no one living in the residence at this time.

**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 Mr. Young to approve the Consent Agenda as follows:

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council regular meeting of October 13, 2014 and November 10, 2014.

- b) Ways and Means Committee regular meeting of December 1, 2014.
- c) Public Utilities Committee regular meeting of November 3, 2014.

#### 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

#### 4.2 Game of Chance Applications:

- a) #883 – Dakota Jammers Motorcycle Club

#### 4.3 Retail Fireworks License Applications:

- a) Memory Fireworks at 86 East 6<sup>th</sup> Street
- b) Cole Neset d/b/a Big Top Fireworks at Leonard Motel Parking Lot

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

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

The City Auditor explained the list of bills includes year-end transfers; the majority of the transfers have already been authorized by the City Council, but the formal procedure is that the transfers be approved with the List of Bills. She further explained the proposed transfer of \$2,500 from the General Fund (Miscellaneous) to the Western Avenue Construction Fund is to cover the costs incurred with the original Western Avenue 12<sup>th</sup> to 16<sup>th</sup> Street Project that was petitioned out. The proposed transfer of \$232,000 from the General Fund to the Flood Control Project Fund is to cover the local cost share of the Army Corps of Engineers contract. It was moved by Mr. Young and seconded by Mr. Fellman 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, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

The City Auditor recommended closing finalized debt service funds for 2005-A Refunding Bond Fund to the General Fund, Lessard Housing Development Fund to the Water Fund, Paving, Curb and Gutter District #27 Fund to the Electric Fund, and Paving, Curb and Gutter District #28 to the Electric Fund. All outstanding debt in each of these construction projects has been paid in full. It was moved by Mr. Mohn and seconded by Mr. Lipsh to approve close out of finalized debt service funds 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, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

## REPORTS OF STANDING COMMITTEES

On recommendation of the Public Utilities Committee, it was moved by Mr. Lipsh and seconded by Mr. Sieben to approve the design engineering contract with Kadrmas, Lee & Jackson, Inc. for a new lift station to replace the Alco and Lessard lift stations. The contract is in the amount of \$46,770. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Sieben and seconded by Mr. Lipsh to accept the bid from Butler Machinery Company in the amount of \$245,017 for the Water Plant engine generator contingent upon receiving the Hazard Mitigation grant award. No other bids were received. City Administrator Ziegelmann reported he, the Mayor and Jon Markusen of KLJ met with the North Dakota Department of Emergency Services last week to discuss their notice of no HMGP grant funds until the levee on Western Avenue and 3<sup>rd</sup> Street is removed as the levee is built partially on HMGP property. The City Administrator and Mayor explained the levee has been in place for at least 17 years and it is critical to the safety and protection of the citizens and property during the almost annual floods. NDDes policy is to inspect the temporary levees every 2 to 3 years and they did not determine this levee was to be removed until 17 years later. Mr. Ziegelmann stated they came to a resolution at the meeting allowing the City 3 years to remove the levee located on the floodway as they know Grafton is working to construct a flood control project. The grant will be retained for Grafton, but the funds will not be released until the levee is removed. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Lipsh and seconded by Mr. Sieben to approve the contract for administrative services with Red River Regional Council in the amount of \$7,950 to administer the grant for the Water Plant engine generator contingent upon receiving the grant award. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Sieben and seconded by Mr. Lipsh to approve the application from the Grafton Area Chamber of Commerce/KC Pro West for a Permit for Public Property Closure for a mini-snow cat race for kids on Saturday, January 3<sup>rd</sup> from 8:00 a.m. to 5:00 p.m. on City-owned property west of First United Bank. Approval is contingent upon sufficient insurance coverage for the City. All members were present and voted in favor thereof; Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Lipsh and seconded by Mr. Sieben to approve the application from Grafton Area Chamber of Commerce/US Cross Country Snowmobile Racing to stage the snowmobile race at the City-owned Greenbelt Area and race out of the City limits on Saturday, January 17<sup>th</sup> from 9:00 a.m. to 3:00 p.m. Approval is contingent upon sufficient insurance coverage for the City. All members were present and voted in favor thereof; Mayor West declared the motion carried.

On recommendation of the Ways and Means Committee, it was moved by Mr. Hutson and seconded by Ms. Stark to approve the purchase of five parcels from Walsh County owned by the County due to unpaid taxes. The parcels are identified as 10005, 10011, 10110, 10186, and 10276. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

On recommendation of the Ways and Means Committee, it was moved by Mr. Fellman and seconded by Ms. Stark to approve Resolution No. 1694 entitled, "A RESOLUTION TO CANCEL OUTSTANDING ABANDONED CHECKS AND METER DEPOSITS PURSUANT TO SECTION 40-16-13, 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, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried and Resolution No. 1694 duly adopted.

On recommendation of the Ways and Means Committee, it was moved by Mr. Hutson and seconded by Mr. Fellman to approve the applications for 2015 alcoholic beverage licenses as submitted, with contingencies that any unpaid taxes and utility bills be paid:

Maher El-Sarraf, LLC – d/b/a Last Chance Bar and Grill  
Polly's Lounge, Inc. – d/b/a Polly's  
Grafton Company – d/b/a Extra End  
Gail Martinson – d/b/a Shananigan's Family Restaurant  
Rosie's Place Too, Inc. - d/b/a Rosie's Place Too  
Grafton Curlers, Inc.– d/b/a Grafton Curling Club  
TayDer, Inc. – d/b/a Marketplace on 8<sup>th</sup>  
Valley Liquors, Inc. – d/b/a Hugo's Wine and Spirits  
Pop's Bottle Shop, Inc. – d/b/a Pop's Bottle Shop  
Lee's Restaurant, Inc. – d/b/a Lee's Restaurant  
12<sup>th</sup> Street Bowl, LLP - d/b/a 12<sup>th</sup> Street Bowl  
Grafton Golfers, Inc. – d/b/a Fair Oaks Golf Course  
Hart Management, Inc. – d/b/a Pizza Hut of Grafton  
Grafton Hospitality, LLC –d/b/a AmericInn Motel & Suites  
Plains Liquor, LLC – d/b/a Cenex Zip Trip #61

Kober and Kober, LLP d/b/a Generations and Azteca Restaurant Group, LLC d/b/a Azteca Mexican Grill did not renew their liquor licenses for 2015. All members were present and voted in favor thereof; Mayor West declared the motion carried.

## **REPORTS OF SPECIAL COMMITTEES**

Mayor West announced an Economic Development Committee workshop will be held in January with a date to be determined.

Stacie Sevigny and Lori Estad representing Red River Regional Council presented a status report on the Grafton Housing Rehab Project. A total of 29 homes will be rehabilitated as part of this housing rehab project. She said there is approximately \$43,000 remaining and three homes are yet to be completed. If there are not enough funds to complete all the repairs, priority must be

given to any lead based paint or code issues. Ms. Sevigny thanked the City of Grafton on behalf of the homeowners for sponsoring the project.

### **UNFINISHED BUSINESS**

Mayor West reported he and the City Administrator and Jon Markusen from KLJ met with State Water Commission representatives last week and were able to secure the \$1.75 million towards engineering for the Flood Risk Reduction project. The next Citizens Advisory Committee meeting will be held in January.

Mr. Ziegelmann reported that Minnkota intends to raise wholesale power rates by 5% for 2015 and 2% for 2016. After obtaining that information he revised the proposed utility ordinances to adjust the rate increases over 2 years. Mr. Ziegelmann also provided the City Council with comparison rates from other cities in the area.

Mr. Ziegelmann proposed amending the ordinance adjusting the water rates to reflect a base charge of \$14.07 with no water consumption, plus \$5.67 per thousand gallons effective 2015. In 2016 the base charge would be increased to \$16.50 per month. It was moved by Mr. Sieben and seconded by Mr. Young that Ordinance No. 291 entitled, "AN ORDINANCE OF THE CITY OF GRAFTON, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF GRAFTON, NORTH DAKOTA, BE AMENDED AND REENACTED BY REVISING SECTION 24-136 WATER RATES" as amended be placed on second reading and adopted. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

Mr. Ziegelmann proposed amending the ordinance adjusting the wastewater rates to increase the customer base charge to \$7.00 per month and \$2.25 per thousand gallons for 2015. In 2016 the customer base charge would increase to \$9.50 per month. It was moved by Mr. Fellman and seconded by Mr. Young that Ordinance No. 292 entitled, "AN ORDINANCE OF THE CITY OF GRAFTON, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF GRAFTON, NORTH DAKOTA, BE AMENDED AND REENACTED BY REVISING ARTICLE VIII SEWER SECTION 24-232 WASTEWATER RATES" as amended be placed on second reading and adopted. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

Mr. Ziegelmann proposed amending the ordinance adjusting the electric rate. It was moved by Ms. Stark and seconded by Mr. Fellman that Ordinance No. 293 entitled, "AN ORDINANCE OF THE CITY OF GRAFTON, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF GRAFTON, NORTH DAKOTA, BE AMENDED AND REENACTED BY REVISING SECTION 24-201 ELECTRICAL RATE SCHEDULES AND CONDITIONS" as amended be placed on second reading and adopted. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: Mr. Lipsh. Mayor West declared the motion carried. Mr. Lipsh explained he voted no because he believes the costs are too high and the City should not be funding the internal operation so much from the electric revenue.

### **NEW BUSINESS**

It was moved by Mr. Lipsh and seconded by Mr. Wysocki to approve the Mayor's appointments of Shane Mohn and Greg Young to the Walsh County Planning and Zoning Commission. All members were present and voted in favor thereof; Mayor West declared the motion carried.

Mr. Young introduced Resolution No. 1695 entitled, "A RESOLUTION DECLARING THE RESULTS OF 2014 GENERAL ELECTION OF NOVEMBER 4, 2014 GRAFTON CITY ORDINANCE NO. 288" and moved its adoption. Mr. Mohn seconded the motion. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried and Resolution 1695 to be duly adopted.

Mr. Fellman introduced Resolution No. 1696 entitled, "A RESOLUTION DECLARING THE RESULTS OF 2014 GENERAL ELECTION OF NOVEMBER 4, 2014 GRAFTON CITY QUESTION NO. 1" and moved its adoption. Ms. Stark seconded the motion. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried and Resolution No. 1696 to be duly adopted.

It was moved by Ms. Stark and seconded by Mr. Wysocki to approve the list of 2014 Budget amendments as presented. All members were present and voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Lipsh and seconded by Mr. Young to approve the 2014 Budget Expenditures Reserve List as presented. All members were present and voted in favor thereof; Mayor West declared the motion carried.

State bids have been released for a new police vehicle, a 2015 Chevy Tahoe for \$31,897 and a Ford Expedition for \$29,663. He stated that Hanson's Auto were unable to match the State bid price, although Hanson's will be able to service the vehicle locally. The Police Chief was asked if he feels one vehicle meets the Department's needs better than the other. Chief Dumas said he is concerned with the history of the Chevy Impalas that were purchased on State bid as they have been very costly to maintain, but the Ford Expedition purchased 2 years ago has not had any problems. It was moved by Mr. Mohn and seconded by Mr. Fellman to approve purchasing a 2015 Ford Expedition from the State bid of \$29,663. All members were present and voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Lipsh and seconded by Mr. Mohn to approve the application submitted by the Grafton Area Chamber of Commerce for the Pink Ribbon Riders snowmobile event at City-owned Golf Course on January 9 and 10, 2015 contingent upon receipt of a Certificate of Insurance as proof of proper insurance coverage. All members were present and voted in favor thereof; Mayor West declared the motion carried.

## **CORRESPONDENCE AND ANNOUNCEMENTS**

The City Administrator reported he met with HB Light & Sound for an assessment of the Council Chambers as we will look into making some upgrades with the speaker system.

## **ADJOURNMENT**

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

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Chris West, Mayor

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Connie A. Johnson, City Auditor-Treasurer