

**CITY OF GRAFTON  
CITY COUNCIL MINUTES  
MEETING OF MARCH 14, 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, March 14, 2016.

Mayor Chris West presided. Members present: Dave Fellman, Don Hutson, Chris Lipsh, Shane Mohn, Brian Sieben, Mary Stark, and Len Wysocki. Greg Young was out of town and participated via telephone. Others present: Nick Ziegelmann, Nick Hall, Rock Desautel, Russ Geddes, Tony Dumas, Christon Dallas, Scott Boura, Ryan Johnston, and Todd Kjelland.

**PUBLIC HEARING**

Pursuant to duly published Notice of Public Hearing, a public hearing was held to consider a petition from Jerry and Brendan Unruh to rezone N 8' of Lot 18 and all of Lots 19 through 22, Price's Addition (1120 and 1128 Lawler Avenue) from R-2 One Family and Two Family District to B-2 General Business District. No one appeared in opposition and no written protests were filed. Building Official Scott Boura explained these are three parcels north of the existing Valley Brake; two parcels are vacant and the third has a house. Mr. Boura said he has been told by Jerry Unruh, owner of the house, that he has a significant investment into the house so has no intentions of removing it at this time. Mr. Boura reported Violet Nelson called him and expressed opposition to the rezoning; he advised her to submit her protest in writing, but nothing has been received. Mr. Wysocki said he asked Mr. Unruh about the noise and traffic and Mr. Unruh said he believes the traffic will not increase at all and the noise level should actually decrease because all the work will be done inside the building rather than outside in the back alley. Mr. Hutson said he was told by Mr. Unruh that no garage doors would be placed on the north side of the building so that should eliminate a lot of truck traffic on the street. On recommendation of the Planning and Zoning Commission, it was moved by Mr. Fellman and seconded by Mr. Hutson that Ordinance No. 304 entitled, "AN ORDINANCE AMENDING THE ZONING MAP ACCOMPANYING APPENDIX A (ZONING ORDINANCE) OF THE CITY OF GRAFTON CODE OF ORDINANCES TO REZONE PROPERTY IN PRICES ADDITION" 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, Mr. Wysocki and Mr. Young. Those opposed: Ms. Stark. Mayor West declared the motion carried.

**CONSENT AGENDA**

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

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council regular meeting of February 8, 2016.
- b) Ways and Means Committee regular meetings of February 1 and March 7, 2016.
- c) Public Utilities Committee regular meetings of February 1 and March 7, 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 Applications:

- a) 908 – Stepbusters Relay for Life Team
- b) 909 – Experimental Aircraft Association (EAA380)
- c) 910 – Fair Oaks Golf Course

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

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

It was moved by Mr. Fellman and seconded by Mr. Sieben 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. An added bill from Astech Corporation for \$7,740.06 was included for approval. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, Mr. Sieben, 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. Mohn and seconded by Mr. Sieben to approve the purchase of two lagoon pontoons from Aeration Industries for \$24,950 from the Wastewater Department Fund. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, Mr. Sieben, 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. Mohn to approve first reading of an ordinance entitled, "AN ORDINANCE TO AMEND AND REENACT SECTION 23-113 OF ARTICLE VI, CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF GRAFTON, NORTH DAKOTA RELATING TO OPERATION OF SNOWMOBILES/ALL-TERRAIN VEHICLES." Mr. Wysocki asked if this ordinance includes ATV's, UTV's, and golf carts; it includes ATV's. Police Chief Dumas explained he believes UTV's are also included in the ordinance, but golf carts remain illegal by

Century Code and not by ordinance. Golf carts are not to be on city streets except to be driven the shortest route to and from a golf course. The City Auditor stated this ordinance would remove the penalty clause that was in the snowmobile section and makes the general penalty clause of the Code Book the active penalty; the general penalty clause allows for larger penalties than the penalty clause that was originally in place. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, and Mr. Young. Those opposed: Mr. Sieben and Mr. Wysocki. Those in opposition stated their decision is based on the fact the Police Department does not have the equipment to enforce the ordinance. Police Chief Dumas explained the ordinance is giving Municipal Court the discretion to collect for damages plus a higher fine. Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Lipsh and seconded by Mr. Mohn to approve the contract with Airborne Custom Spraying for aerial mosquito spraying at \$2.65 per acre and \$200 ferry fee or an estimated cost of \$5,632.50 for each chemical application in 2016. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, Mr. Sieben, 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 Ms. Stark and seconded by Mr. Fellman to approve first reading of an ordinance entitled, "AN ORDINANCE TO REPEAL SECTIONS 13-13 THROUGH 13-21 OF ARTICLE I, CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF GRAFTON, NORTH DAKOTA AND TO ADD ARTICLE III. GRAFTON PARKS OF THE CODE OF ORDINANCES OF THE CITY OF GRAFTON, NORTH DAKOTA PROVIDING FOR ALCOHOLIC BEVERAGES IN THE PARK." On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, Mr. Sieben, 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 transferring accounts on the bad debt list to the uncollectible account. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, Mr. Sieben, 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 transferring the Diverse Energy utility bills incurred prior to bankruptcy filing in the amount of \$14,002.22 to the uncollectible account. All members were present and voted in favor thereof: Mayor West declared the motion carried. City Administrator Ziegelmann said there is also in excess of \$30,000 outstanding of Diverse Energy's utilities that the office will continue working to collect. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, Mr. Sieben, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

## **NEW BUSINESS**

Proposals were received as follows for a permanent generator at Lessard Lift Station: Cummings - \$22,468, Butler - \$18,013, and TWE Enterprise - \$16,798. City Administrator Ziegelmann and Kadrmas, Lee, and Jackson, Inc. recommend accepting the proposal from TWE Enterprise in the amount of \$16,798. Mr. Ziegelmann explained there will still be change orders with Spruce Valley and MDU for installation of the generator. It was moved by Mr. Hutson and seconded by Mr. Fellman to approve the purchase of a permanent generator for the Lessard Lift Station for \$16,798. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Ms. Stark, Mr. Sieben, Mr. Wysocki, and Mr. Young. Those opposed: (None). Mayor West declared the motion carried.

It was moved by Mr. Hutson and seconded by Mr. Sieben to order filed with the City Auditor petitions from Greg and Leanne Campbell and Morna and Roger Gorder to vacate a portion of dedicated McHugh Avenue south of 17<sup>th</sup> Street, to schedule a public hearing for May 9, 2016 at 6:00 p.m., and to direct the City Auditor to publish notice for public hearing in accordance with N.D.C.C. 40-39-06. Mr. Lipsh asked if the City is limiting its growth potential to the south by vacating a dedicated road. City Administrator Ziegelmann said he did not believe so as when other land is platted the City can plan and make sure another street is dedicated as a through street in that area; City utilities will determine how growth proceeds more than road access. 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.

### **CORRESPONDENCE AND ANNOUNCEMENTS**

Petition/Certificate of Nominations for the City Election may be filed with the City Auditor until 4:00 p.m. on Monday, April 11, 2016. All City Council Ward positions and the Municipal Judge position are up for reelection.

The Board of Equalization will be held Tuesday, April 12, 2016 at 5:30 p.m.

The City/Primary Election is June 14, 2016.

The Grafton Volunteer Fire Department is conducting a building audit needs; they are funding the assessment.

### **ADJOURNMENT**

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

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Chris West, Mayor

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Connie A. Johnson, City Auditor