

**CITY OF GRAFTON
CITY COUNCIL MINUTES
MEETING OF MAY 11, 2015**

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 5:30 p.m. on Monday, May 11, 2015. The meeting was held at 5:30 rather than 6:00 due to a schedule conflict later in the evening for some members and staff.

Mayor Chris West presided. Members present: Dave Fellman, Don Hutson, Chris Lipsh, Shane Mohn, Brian Sieben, Mary Stark, Len Wysocki, and Greg Young. Others present: Nick Ziegelmann, Nick Hall, Tony Dumas, Ken Miskavige, Rock Desautel, Russ Geddes, Scott Boura, Todd Morgan, Jon Markusen, Josie Lopez, Mark Tweten, Tammie Vavrovsky, Tanya Otto, Jerry Unruh and son, Ryan Johnston, and Todd Kjelland.

OPEN PETITIONS

Mayor West presented a Proclamation for National Peace Officers Week May10-15. Flags will be flown at half staff on Friday, May 15th in honor of all fallen officers and their families. It was moved by Mr. Fellman and seconded by Ms. Stark to approve the Proclamation for National Peace Officers Week as presented. All members were present and voted in favor thereof; Mayor West declared the motion carried.

PUBLIC HEARING

In accordance with advertised public notice, a public hearing was held to consider the petition submitted by Violet Nelson to rezone the North 8' of Lot 18 and all of Lots 19-22, Price's Addition from R-2 One and Two Family Residential District to B-2 General Business District. Mayor West announced a petition opposing the rezoning was filed today with the City Auditor. The City Auditor explained the zoning ordinance requires that all property owners within 150' of the subject property must be notified of the petition to rezone and the public hearing. The Building Official was instructed by the City Council to notify all property owners within a block radius of the subject property. The Council members were provided with a map which outlined where the petitioners live; one property owner lived within 150' of the subject property. Tammie Vavrovsky read the petition submitted citing concern about increased traffic and recommended the business expand to another location. Mayor West replied he agreed there may be other available commercial buildings but it makes sense to expand in their current location for both convenience and financially. City Attorney Nick Hall said there is nothing in the ordinance that states property owners can stop the City Council from rezoning. It only states that if protesters of property represent 20% or more of the property from the 150' guidelines then it requires a three-quarter Council vote as opposed to majority vote. He said it appears there is not 20% opposition to the rezoning.

Mr. Young stated he talked with Mr. Unruh and he believes he has a good plan for using the property if the rezoning is approved, however, in light of the petition filed and in representation of the ward he would have to vote no at this time.

Mr. Unruh said at this time he plans to paint and repair the home on the property and rent it out. He said he does not know at this time what may change in 10 to 15 years. Mr. Unruh said they

do not run a large business and they are not looking to grow. They just are hoping to streamline their business. Mr. Unruh said he definitely did not wish to upset the neighbors. He said he was planning to expand 2 or 3 stalls in a 60' x 75' shed and he would want it to look nice.

Mr. Lipsh said Lawler Ave is not a truck route so he questioned Mr. Unruh if he planned to park on Lawler Avenue or in the alley and Mr. Unruh said no, they would park on the west side of the shop. There would not be an exit from the building onto Lawler Avenue.

Mr. Hutson said it is important for the Council to have consideration for the people who purchased homes in the area as a residential district. He added he is pleased to hear there will not be an exit onto Lawler Avenue.

Ms. Stark commented she would hate to lose a home in Grafton if the house was eventually demolished.

Diane Otto who resides at 1110 Lavergne Avenue said she has seen traffic from Grafton Square daily and delivery trucks do come use Lavergne Avenue every week. She said it is very noisy and she is concerned about the safety of the kids who live in the neighborhood. It was moved by Mr. Hutson deny the petition to rezone. Mr. Young seconded the motion. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: Mr. Lipsh and Mr. Mohn. 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 Ms. Stark and seconded by Mr. Fellman to approve the Consent Agenda as follows:

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council regular meeting of April 13, 2015.
- b) Ways and Means Committee regular meeting of May 4, 2015.

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) #890 – Altru's Hospice Camp Good Mourning
- b) #891 – Valley Cruisers

- c) #892 – Cancervivor Relay for Life Team
- d) #893 – Save Our Strand
- e) #894 – Grafton Golden Gloves

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. Young 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.

REPORTS OF STANDING COMMITTEES

On recommendation of the Public Utilities Committee, it was moved by Mr. Lipsh and seconded by Mr. Wysocki to approve the purchase of 4/o high voltage wire from Resco at \$2.78 per foot for \$22,935 and 1/o wire from Dakota Supply Group at \$1.99 per foot for \$5,486. 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. Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Wysocki and seconded by Mr. Lipsh to approve the bid submitted from Jerry's Electric for a 500 kVa transformer for \$7,500. 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. Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Sieben and seconded by Mr. Wysocki to approve the contract and local cost share of \$4,950 for the Park River Debris Removal Project with the Red River Regional Council. 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. 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 applications submitted by the Grafton Area Chamber of Commerce for Summerfest events contingent upon all documentation being submitted. 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. Wysocki to approve the application submitted by Maher El-Sarraf, d/b/a Last Chance Bar & Grill for a special permit to serve alcohol at the Armory on June 6, 2015 from 5:00 p.m. to 1:00 a.m. for a Quinceanera contingent upon a security contract being in place with the Grafton Police Department. 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. Fellman and seconded by Mr. Young that the application for Abatement and Settlement of Taxes submitted

by Delores Fugere (Zejdlik), 408 West 10th Street be approved as recommended by the City Assessor. The true and full value of Parcel 10741 will be adjusted to land value \$5,200, structure value at \$22,000 for a total true and full value of \$27,200 for 2014. 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. Mayor West declared the motion carried.

The Council discussed the list of abandoned and obsolete items for sale. The City Administrator reported the 1985 Ford Digger Derrick truck and the 1965 Chevrolet Flat Bed truck were added to the list. Discussion was held that a better price may be obtained by selling unique items on eBay or a similar site. The digger derrick was pulled from the sale list. It was moved by Mr. Young and seconded by Mr. Sieben to accept the list of abandoned and obsolete items for sale with the exception of the digger derrick truck. 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. Fellman and seconded by Mr. Hutson to approve the bid from The Insulation Place for \$18,770 to recoat the Armory barrel roof. 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. Mayor West declared the motion carried.

UNFINISHED BUSINESS

It was moved by Mr. Mohn and seconded by Mr. Young to approve the contract with Kadmas, Lee & Jackson, Inc. for Flood Risk Reduction Task 3 engineering for \$3,580,500. 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.

Mayor West reported he received a phone call from Todd Sando, State Engineer of the North Dakota State Water Commission and he is in support of Grafton's Flood Risk Reduction project. He said they have not only had to provide testimony but also letters of support to sub-committee members who were trying to reduce it to \$15 million. Mayor West said he and Mr. Ziegelmann will go to the State Water Commission in July to ask for \$25 million. He said they did have some conversation about the \$7+ million previously appropriated and he is working on bringing that forward to the State Water Commission to have that included with this most recent appropriation.

NEW BUSINESS

The City Administrator reported Electric Superintendent Russ Geddes and Maintenance Technician Gene Loftsgard have been able to locate a wire trailer with new hydraulics for \$15,000 including shipping and repainting it white. Mr. Ziegelmann explained with that purchase the Electric Department will still be \$14,000 under budget from what was budgeted for the digger derrick purchase. It was moved by Mr. Lipsh and seconded by Mr. Fellman to approve the purchase of a wire trailer for the Power Department. 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.

It was moved by Mr. Young and seconded by Mr. Wysocki to approve the application submitted by the Grafton Chamber of Commerce for a Wine Walk on Thursday, June 25th from 4:00 – 8:00 p.m. A list of participating businesses was also submitted. On roll call vote the following voted in favor thereof; Mayor West declared the motion carried.

City Administrator Ziegelmann said at last week’s Public Utilities meeting there was discussion about reconstructing the Alco, Mobile and North Industrial lift stations for \$500,000. The Committee directed that estimates be obtained to include the Wakeman Avenue and 5th Street lift stations as well, which is \$150,000 for 5th Street and \$90,000 to \$100,000 for Wakeman Avenue lift stations. The City Administrator and the Street/Wastewater Department Superintendent met with representatives of Kadrmas, Lee & Jackson, Inc. regarding the Alco lift and were informed the depth of the lines was not sufficient which will require that a new lift station be constructed at 15th Street to tie into the existing forcemain located at the corner of 15th Street and School Road; this will make the project cost estimate for the Alco lift station \$500,000. The Mobile lift and the North Industrial lift stations will each cost about \$100,000. The City Administrator explained the \$750,000 debt service, at 2% interest for 15 years is about \$60,500 per year, which is manageable with the most recent rate adjustment. Mr. Ziegelmann said the land lease with Casey Dusek for the west side of Lessard Addition will be vacated after this growing season. It was moved by Mr. Sieben and seconded by Mr. Fellman to adopt Resolution No. 1704 entitled, “A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE NORTH DAKOTA DEPARTMENT OF HEALTH FOR A LOAN UNDER THE CLEAN WATER ACT.” The loan would be from the State Revolving Loan Fund in the amount of \$750,000 at 2% for 15 years. 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.

ADJOURNMENT

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

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Chris West, Mayor

Connie A. Johnson, City Auditor-Treasurer