

**CITY OF GRAFTON  
CITY COUNCIL MINUTES  
MEETING OF NOVEMBER 9, 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 6:00 p.m. on Monday, November 9, 2015.

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, Ken Miskavige, Tony Dumas, Ed Sevigny, Keith Lund, Stacie Sevigny, Mary Kay Burns, Josephine Lopez, Jon Markusen, and Todd Kjelland.

**OPEN PETITIONS**

Stacie Sevigny of the Red River Regional Council presented the final report of the Housing Rehab Project in which 28 homes in Grafton qualified for rehabilitation. One of the funding sources used for the project was the Affordable Housing Program through Federal Home Loan Bank and part of that grant resulted in 20 homes being rehabilitated with an average of \$8,600 in federal funds invested in each home. Ms. Sevigny provided a list of the different funding sources. The total Rehabilitation project cost was \$499,000 which averaged out to \$17,000-\$18,000 per home, as part of the program the market value of the homes increased an average of \$8,000. Ms. Sevigny said they have received inquiries from other interested homeowners and the Regional Council will keep a list in case the City of Grafton desires to do a project like this in the future.

Ms. Sevigny stated the Housing Rehab Project has received a lot of recognition across the State and the Red River Regional Council wants to congratulate the City of Grafton for proactively addressing the housing needs of the City. A homeowner benefitted by the housing project nominated the City of Grafton for the Determination Award which was part of the Red River Regional Council's Ideas to Actions Summit, and a certificate was presented for that award.

Keith Lund, past President of the Economic Development Association of North Dakota announced that Red River Regional Council nominated the City of Grafton Housing Rehabilitation Project for the Community Development Award and the City was chosen to receive the award. He said the fact that the City of Grafton contributed \$120,000 towards the project was strongly recognized by the Committee.

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

**IV. CONSENT AGENDA**

**4.1 Approval of Minutes:**

- a) City Council special meeting of October 5, 2015 and regular meeting of October 12, 2015.
- b) Ways and Means Committee regular meetings of October 5, 2015 and November 2, 2015.

- c) Public Utilities Committee regular meetings of October 5, 2015 and November 2, 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) 902 – Knights of Columbus
- b) 903 – Our Saviours Lutheran WELCA

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, 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 Change Order No. 1 with Swanberg Construction, Inc. for the Water Treatment Plant Phase III Project in the amount of a net increase of \$40,151. 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. Mohn to approve the application submitted by the Grafton Chamber of Commerce to close 5<sup>th</sup> Street from School Road to Hill Avenue and Hill Avenue from 5<sup>th</sup> Street to 11<sup>th</sup> Street for Winterfest Lights Parade on Saturday, December, 19<sup>th</sup> from 4:00 p.m. to 7:00 p.m. contingent upon approval from the ND Department of Transportation. The alternate route of 5<sup>th</sup> Street to Griggs Avenue will be used if approval is not granted. 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. Mohn and seconded by Mr. Lipsh to approve first reading of an ordinance entitled, "AN ORDINANCE TO AMEND DIVISION 3, ARTICLE V., CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF GRAFTON, NORTH DAKOTA RELATING TO PEST CONTROL IN CITY LIMITS." The

ordinance would adjust the pest control rate from \$3 per month to \$5 per month. 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. Wysocki and seconded by Mr. Young to approve first reading of an ordinance entitled, "AN ORDINANCE OF THE CITY OF GRAFTON, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF GRAFTON, NORTH DAKOTA, BE AMENDED BY REVISING SECTION 11-8; PROVIDING FOR GARBAGE FEES." The ordinance would adjust the garbage and rubbish rate from \$15.89 per month to \$18.00 per month. 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. Mohn and seconded by Mr. Lipsh to approve the Solid Waste Disposal Agreement with MAR-KIT Landfill Joint Powers Board for 10 years at \$50 per ton for a minimum tonnage of 2,100 tons per year. 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. Hutson and seconded by Mr. Young to renew the contract with the Walsh County Nutrition Program for Armory kitchen and dining room rental with no changes to the terms; they pay \$500 per month. 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. Hutson and seconded by Mr. Young to renew the contract with the Grafton Senior Citizens to rent the Armory community room with no changes to the terms except to add Wednesday from 9:30 to 4:30 for their use; they pay \$100 per month. 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 renew the 2016 Municipal Prosecutor contract with Robert Fleming for \$1,650 per month. 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. Hutson and seconded by Mr. Fellman to approve the bid submitted by The Insulation Place for \$71,790 to reroof the Armory flat roof in the spring of 2016. In addition to the roofing contract there will be about \$5,000 to Wayne's Heating and Cooling to remove the old HVAC units and ductwork from the roof and to temporarily move the new HVAC units to facilitate a thorough roofing project. Costs for the Armory roofing project are budgeted in the Building Fund. Other roofing bids were received from Skinner Roofing for \$89,400 and Tecta American for \$93,250. 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 Mr. Young to approve the revisions to the purchasing policy purchasing limits to purchases and services valued at 1) less than \$5,000 increased to \$10,000; 2) between \$5,000 and \$10,000 increased to between \$10,000 and \$25,000; 3) between \$10,000 and \$100,000 increased to between \$25,000 and \$100,000; and 4) more than \$100,000 done in accordance with North Dakota Century Code 48-01.2-04. 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. Young and seconded by Ms. Stark to approve the proposal from Brady Martz & Associates to conduct the 2015 audit for \$14,500, which is the amount of the previous contact, plus \$1,000 to conduct the new pension reporting and an additional \$1,500 if the federal funds received by the City exceed \$750,000, requiring an A-133 Audit. 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 SPECIAL COMMITTEES**

Mr. Lipsh reported the Grafton Regional Library Board met in October. The Library Director is completing employee evaluations. The Library Director is very thankful for the Self Help grant funds approved by the City. Mr. Lipsh said the Director is very frugal and has been able to save money by getting used books from Ferguson's Book Store in Grand Forks.

### **UNFINISHED BUSINESS**

Jon Markusen of Kadrmas, Lee & Jackson provided a Flood Risk Reduction project update. He attended a meeting with the State Water Commission and the Water Topics & Water Coalition where there was discussion on the cost share policy that the State Water Commission has in place; nothing was decided at the meeting and he will continue to follow the discussion. Mr. Markusen reported KLJ is working to develop a wetland mitigation plan for the project; they are looking at having to mitigate up to 28 acres. KLJ has met with a few more landowners that are adjacent to the project; they are working on how to design the rural and urban drainage (interior and exterior) and will determine what size culverts will be necessary and yet be economical. Mr. Markusen said he hopes to meet with the NDDOT to discuss the bridge and other highway issues. KLJ has submitted information to Burlington Northern Santa Fe (BNSF) and it has been returned with requests for some different requirements; those adjustments have been made and it has been resubmitted to BNSF. They will continue to work on the utilities; and for the right-of-ways, they have pulled title certificates along the channel and part of the levee up to Hwy 17. They have developed preliminary plats along with the right-of way. Mr. Markusen said with regard to the geotechnical side they are having some issues with soil stability which will result in further testing. He reported they completed 30% of the design plan in September and projected activities will be to work with BNSF and NDDOT on future requirements for maintenance of structures. The next target is to complete 60% of the design plan for review.

### **NEW BUSINESS**

It was moved by Mr. Lipsh and seconded by Mr. Young to approve the application submitted by the Grafton Chamber of Commerce for a wine walk on Thursday, December 3<sup>rd</sup> from 5:00 p.m. to 9:00 p.m. A list of participating businesses was included with the application. 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. Mohn and seconded by Mr. Wysocki to adopt Resolution No. 1710 entitled, "RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$150,000 CITY OF GRAFTON, NORTH DAKOTA SEWER REVENUE BONDS, SERIES 2015 AND RELATED MATTERS." The Auditor explained this is a Capital Financing Loan from the State of North Dakota the City is using to finance renovation of the Mobile Lift Station and the North Industrial Lift Station. The loan will be paid in full in 5 years at 2.5% interest. 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. 1710 duly adopted.

It was moved by Mr. Young and seconded by Mr. Sieben to approve the Capital Financing Program Loan Agreement between the ND Public Finance Authority and the City of Grafton. This is for the Mobile Lift Station and North Industrial Lift Station renovation project. 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. Mohn and seconded by Mr. Wysocki to approve the construction engineering contract with Kadrmas, Lee & Jackson, Inc. for the Lessard Lift Station Relocation Project for \$49,800, contingent upon the City Attorney's approval. 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.

A petition to rezone Lots 7 and 8, Block 6, West Side Addition (1127 Lavergne Avenue) from R-2 One and Two Family District to B-1 Neighborhood Business District was submitted by property owners David and Josephine Lopez. The property will be purchased by Petro Serve contingent upon the rezoning to facilitate expansion of their facilities. It was moved by Mr. Mohn and seconded by Mr. Hutson to accept the petition, to refer the petition to Planning and Zoning Commission for recommendation, and to approve first reading of an ordinance entitled, "AN ORDINANCE AMENDING THE ZONING MAP ACCOMPANYING APPENDIX A (ZONING ORDINANCE) OF THE CITY OF GRAFTON CODE OF ORDINANCES TO REZONE PROPERTY IN WEST SIDE ADDITION." 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. Lipsh and seconded by Mr. Sieben to schedule a public hearing for Monday, December 14, 2015 at 6:00 p.m. to consider any protests to the request to rezone. All members were present and voted in favor thereof; Mayor West declared the motion carried.

A petition to rezone the north 12.5 feet of Lots 14, 15, and 16 and the south 62.5 feet of Lots 17, 18, and 19, Block 6, West Side Addition (635 West 12th Street) from R-2 One and Two Family District to B-1 Neighborhood Business District was submitted by property owners David and Josephine Lopez. The property will be purchased by Petro Serve contingent upon the rezoning to facilitate expansion of their facilities. It was moved by Mr. Mohn and seconded by Mr. Hutson to accept the

petition, to refer the petition to Planning and Zoning Commission for recommendation, and to approve first reading of an ordinance entitled, "AN ORDINANCE AMENDING THE ZONING MAP ACCOMPANYING APPENDIX A (ZONING ORDINANCE) OF THE CITY OF GRAFTON CODE OF ORDINANCES TO REZONE PROPERTY IN WEST SIDE ADDITION." 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. Lipsh and seconded by Mr. Wysocki to schedule a public hearing for Monday, December 14, 2015 at 6:00 p.m. to consider any protests to the request to rezone. All members were present and voted in favor thereof; Mayor West declared the motion carried.

### **CORRESPONDENCE AND ANNOUNCEMENTS**

Veterans Day is Wednesday, November 11<sup>th</sup> and City Hall will be closed. Mayor West encouraged the Council Members to attend the Veterans Day ceremony at Marketplace on 8<sup>th</sup>.

The Chamber of Commerce Annual Banquet is Monday, November 23<sup>rd</sup>. Let Lori know if you plan to attend.

### **ADJOURNMENT**

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

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Chris West, Mayor

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Connie A. Johnson, City Auditor