

**CITY OF GRAFTON  
CITY COUNCIL MINUTES  
MEETING OF OCTOBER 13, 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, October 13, 2014.

Mayor West presided. Members present: David Fellman, Don Hutson, Shane Mohn, Brian Sieben, Mary Stark, Len Wysocki, and Greg Young. Member absent: Chris Lipsh. Others present: Nick Ziegelmann, Nick Hall, Pete Miley, Scott Boura, Todd Morgan, Randy Franco, Tim Burns, Mark Kay Burns, Bob Oihus, Jr., and Mike Steinfeldt.

**OPEN PETITIONS**

Mary Kay and Tim Burns were present to express their concerns regarding drainage in front of their home and along the 400 block of Summit Avenue. Ms. Burns explained there have been drainage problems for many years and although she has contacted City personnel numerous times and attended several meetings regarding this issue, nothing has been done to correct the situation. She reported the City staff now blades the street so that it bows in the middle in an attempt to get the water to drain along both sides of the street. Ms. Burns is concerned that any water on the east side of the road is going to flow to the east and flood three properties. Ms. Burns reported she has video that shows how the water flows and she believes something needs to be done before spring. City Administrator Ziegelmann requested that Ms. Burns attend the November Public Utilities Committee and bring the information she wants to share with the Committee members. Mr. Ziegelmann advised the City Council that Jon Markusen of KLJ, Street Superintendent Rock Desautel, and he met and determined the City should address drainage along the road and the best solution was to put a small trench on the east side of the road. Mr. Ziegelmann explained the City does not want to be involved in the drainage on the personal properties as that is a civil issue versus a public issue.

Officer Pete Miley, filling in for Police Chief Dumas, reported the canine unit, Tugger, has officially been retired due to the injuries he suffered during his training accident. Tugger will live the rest of his life as a family animal. Officer Miley explained the Grafton Police Department and Walsh and Pembina County Sheriff Departments are working to acquire a new canine unit at a cost of \$3,200.

**PUBLIC HEARINGS**

Building Official Scott Boura provided Council members with pictures he took today of the home owned by Randy Franco located at 644 Stephen Avenue. Mr. Boura explained Mr. Franco was not able to get Kieley Electric to complete the electrical work as he had originally reported to the Council, but he was able to obtain an agreement with Rock's Electric to get the work done within the next 3 to 4 weeks; however Mr. Franco may need to remove some of the sheetrock to check the interior wiring. Mr. Boura reported a heating unit has been installed, the foundation work has not been completed, and there is still a considerable amount of finish work that has to be completed before this home is habitable. There was considerable discussion regarding the

fact that Mr. Franco's deadline has been extended numerous times and he was told last time that if he did not meet the requirements and schedule the City Council would proceed with enforcement of the condemnation order. The value of the home before the fire was assessed at \$24,800, after the fire the value was approximately \$5,000, and with the electrical repair estimate from Rock's Electric, Mr. Boura estimated the value of the home after repairs to be \$20,500. Randy Franco reported he has 2 people working full time and 3 other people working part time on the home, as soon as they receive approval from Rock's Electric they will get the work done, the windows have been sealed, and he believes he has a sufficient heating system and also has supplemental electric heating. Mr. Franco's aunt addressed the Council stating the family has looked for other electricians prior to securing Rock's Electric, but they were all busy and none were available to complete the work in the time line needed. Mayor West said he could somewhat understand the problem with the electrician but there is other work that could have been completed inside the home. Mr. Franco said he was counting on his father to complete some of the work and he has had health issues this summer. He has been holding off on doing work like installing the counters, etc. to allow for easier access for the electrician; the work can be done very quickly once the electrician gives them the go ahead. The foundation work is nearly complete. Mr. Boura said the curb stop on the property also needs to be replaced and some inside plumbing needs to be completed. Mr. Franco said almost all of the interior plumbing is complete but they need to connect underneath the home. Bob Oihus, Jr., 632 Cooper Avenue, located across the alley was present and reported he has been watching the home since the fire. He saw local scavengers rip out all the wiring and plumbing. He said there are 3 or 4 different colored shingles on the roof and he can't imagine why anyone would want to put that much money into the home to make it habitable. Mr. Mohn expressed frustration that this condemnation procedure has been going on way too long and he believes the City should move forward with the condemnation of the home. Mr. Wysocki said part of the problem with the Franco's putting so much money into a home that isn't worth anything is partly the City's fault because we didn't condemn the home from the start and gave them a chance to fix it up. Mr. Hutson stated he believes the Franco's are trying and a lot of the delay was due to the electrician. Mr. Young said at the last meeting they were told that if the work wasn't done by this meeting then they would not be given another extension. It was moved by Mr. Hutson and seconded by Mr. Sieben to give Mr. Franco another 30 days to have Rock's Electric complete the electrical interior and exterior work by the next Council meeting. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Sieben, Ms. Stark, and Mr. Wysocki. Those opposed: Mr. Mohn and Mr. Young. Member absent: Mr. Lipsh. Mayor West declared the motion carried. Mr. Ziegelmann requested that Mr. Franco provide a letter to City Hall tomorrow from Rock's Electric acknowledging the 30 day deadline.

## **CONSENT AGENDA**

Mayor West reported the Ways and Means Committee meeting minutes of October 6<sup>th</sup> will be removed from the Consent Agenda. Mayor West asked if any Council member wanted to remove any item from the Consent Agenda. It was moved by Mr. Young and seconded by Mr. Fellman to approve the Consent Agenda as follows:

### **IV. CONSENT AGENDA**

#### 4.1 Approval of Minutes:

- a) City Council special meeting of August 25, 2014 and the regular meeting of September 8, 2014.
- b) Public Utilities Committee regular meetings of August 4, and September 2, 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:

#### 4.3 Site Authorization:

- a) Unity Medical Center Foundation at Marketplace on 8<sup>th</sup> November 15, 2014.

All members present 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. Mohn, Mr. Sieben, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: (None). Member absent: Mr. Lipsh. Mayor West declared the motion carried.

### **REPORTS OF STANDING COMMITTEES**

On recommendation of the Public Utilities Committee, it was moved by Mr. Sieben and seconded by Mr. Mohn to approve an application submitted by the Chamber of Commerce for a Wine Walk on November 20, 2014 from 5:00-9:00 p.m. A list of the participating businesses was included with the application. 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 Ms. Stark and seconded by Mr. Hutson to approve the application for Abatement and Settlement of Taxes for a disabled veteran 100% reduction in taxable value of Rodney Ebertowski's structures at 621 Cooper Avenue up to a maximum reduction of \$6,750 for the 2014 year. This will reduce his total taxable value from \$1,935 to \$265; the value of the land is not eligible. 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: (None). Member absent: Mr. Lipsh. Mayor West declared the motion carried.

## **REPORTS OF SPECIAL COMMITTEES**

On recommendation of the Economic Development Committee, it was moved by Mr. Hutson and seconded by Mr. Wysocki to grant a 100%, 5 year property tax exemption for Grafton True Value and Lumber at 85 4<sup>th</sup> Street East. Mr. DeMars currently owns True Value Hardware and will be relocating the hardware store to 85 4<sup>th</sup> Street East and opening a lumber store at that location as well. The estimated value of the building is \$500,000, the land value is not eligible for exemption and Mr. DeMars is applying for a 100%, five-year property tax exemption on the building. Grafton True Value currently employs 6 people, he proposes hiring 3 more employees when the lumberyard opens, and possibly 2 additional employees by spring. Based on the 2013 mill rate the total taxes on the building would be \$11,217 with the City share being \$3,154. Mr. Sieben proposed a graduated tax exemption for the lumberyard only as there are other stores in Grafton who sell hardware items besides True Value. Discussion continued as to the critical need for a lumberyard in Grafton. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Mohn, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: Mr. Sieben. Member absent: Mr. Lipsh. Mayor West declared the motion carried. Mr. Sieben explained he voted no because of his concern for other businesses selling hardware items.

On recommendation of the Economic Development Committee, it was moved by Mr. Hutson and seconded by Mr. Wysocki to authorize the City Administrator to negotiate purchase of the old Grabanski property located behind CPS, Highway 17 west for future development. The parcel is about 4 acres. All members present voted in favor thereof; Mayor West declared the motion carried.

Mayor West reported the Economic Development Committee approved an application for a Storefront Improvement Grant for the Ultimate Gym, 336 Griggs Avenue, owned by Scott and Heather Robideaux for 50% of the cost to install a new door with locking system which uses fobs for members to enter the building, for blinds for the windows facing Griggs Avenue, and for new signage on the Griggs Avenue side; projects are estimated to cost \$9,309.03 and 50% is \$4,654.52. A North Dakota Sales and Use Tax Permit was provided by Lee's TaeKwon Do of Grafton as proof of meeting the sales tax collection requirement of this grant.

The Grafton Regional Library Board has expressed thanks to the City for the extra help on projects such as paving the parking lot, fixing the ramp railing, and replacing the south exterior door.

## **UNFINISHED BUSINESS**

City Administrator Ziegelmann presented the Preliminary Engineering contract (Task Order No. 2) with Kadrmas, Lee & Jackson, Inc. for the Flood Risk Reduction Project. At the August 11, 2014 Council meeting the City Council approved some initial work such as the hydrology and hydraulic model, some environmental items, some agency coordination, and some planning for

field work to be completed before winter for a total of \$120,000; this projected work was to be completed by September 15<sup>th</sup> at which time the State Water Commission was scheduled to consider the City's request for project cost share. That meeting has since been rescheduled until December, 2014 and to continue working on the project the entire Preliminary Engineering contract with KLJ in the amount of \$1,068,000 is before the Council for consideration. By approving the entire contract at this time, the City does not know whether the SWC will contribute towards the cost of engineering, but it is anticipated they will. It was moved by Mr. Wysocki and seconded by Mr. Sieben to approve the entire Preliminary Engineering Contract with Kadrmas, Lee & Jackson, Inc. for Task 2 in the amount of \$1,068,000, which includes the \$120,000 previously approved. 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: None. Member absent: Mr. Lipsh. Mayor West declared the motion carried.

Mr. Fellman introduced Resolution No. 1688 entitled, "RESOLUTION OF THE CITY OF GRAFTON, NORTH DAKOTA RELATING TO THE ISSUANCE OF BONDS AND THE REIMBURSEMENT OF CERTAIN EXPENDITURES" and moved its adoption. Mr. Young seconded the motion. Mr. Ziegelmann explained the resolution authorizes reimbursement of Flood Risk Reduction Project costs from the debt service fund once the bonds are sold. 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: None. Member absent: Mr. Lipsh. Mayor West declared the motion carried and Resolution No. 1688 duly adopted.

It was moved by Mr. Fellman and seconded by Mr. Young that Ordinance No. 290 entitled, "AN ORDINANCE OF THE CITY OF GRAFTON, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF GRAFTON, NORTH DAKOTA BE AMENDED BY REPEALING SECTION 24-304 AND REVISING SECTION 24-256, PROVIDING FOR CLEAR WATER/STORM WATER CONNECTIONS – LIMITATIONS, PENALTY" be placed on second reading and adopted. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Mohn, Ms. Stark, Mr. Wysocki, and Mr. Young. Those opposed: Mr. Sieben. Member absent: Mr. Lipsh. Mayor West declared the motion carried.

### **CORRESPONDENCE AND ANNOUNCEMENTS**

The General Election is Tuesday, November 4, 2014.

City Offices will be closed November 27 and 28, 2014 for Thanksgiving, employees will take vacation or compensatory time for the 28th.

### **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-Treasurer