

**CITY OF GRAFTON
CITY COUNCIL MINUTES
MEETING OF JANUARY 14, 2019**

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, January 14, 2019.

Mayor Chris West presided. Members present: Dave Fellman, Don Hutson, Chris Lipsh, Phil Ray, Brian Sieben, Mary Stark, and Greg Young. Member absent: Shane Mohn. Others present: Nick Ziegelmann, Nick Hall, Tony Dumas, Kevin Sevigny, Rock Desautel, Russ Geddes, Scott Boura, Lisa Chapman, Jillian Skjoldal, Brad Wingerter, Genevieve Wingerter, Alicia Granados, and Todd Morgan.

OPEN PETITIONS

Brad Wingerter, former police officer with the Grafton Police Department, was present to address the City Council. He stated that on November 7, 2018 he was told by Police Chief Tony Dumas to resign from his position or he would be terminated. Mr. Wingerter stated he did resign and upon reviewing his personnel file he found there was false information contained in the records. He met with City Administrator Nick Ziegelmann and requested a public hearing to appeal his dismissal and reprimands and that request was denied by Mr. Ziegelmann as the City of Grafton personnel policy does not allow for appeal when an individual resigns from their position. Mr. Wingerter discussed in detail his experiences and reprimands received while employed by the Grafton Police Department and while he admitted he was not perfect and did make mistakes he believes he always made an effort to learn from those mistakes and he asked that his record be changed to accurately reflect his character and the type of person he truly is. Mr. Hutson requested a copy of Mr. Wingerter's speech be provided to the City Council. Genevieve Wingerter, Brad's wife, read aloud some character references Brad had received. She repeated their goal in bringing this information to the City Council is to have his record cleared to accurately reflect the person he is.

PUBLIC HEARING

The public hearing regarding the order to demolish the structure at 333 West 5th Street owned by Gerald and Karen Mell contract for deed with Jeff and Lisa Skjoldal was continued. Mayor West reported the deed has been transferred to Jillian Skjoldal. Ms. Skjoldal and Lisa Chapman presented a three-phase improvement plan to make the structure habitable. Ms. Skjoldal said she has contacted two contractors and is waiting for bids from them. She will be contacting Steamatic this week to begin cleanup and mold remediation. Mr. Boura expressed some concern regarding the egress issues. She said she will add in any other required items as recommended by the Building Official. Ms. Skjoldal stated she was mistaken when she said the taxes were paid in full at the last meeting as she thought they were; however, since that time they have been paid up to date. It was moved by Mr. Hutson to accept the three-phase improvement plan as submitted by Ms. Skjoldal with the addition of door landings and replacement of doors with Phase III work, that they update the Building Official so he can report to the City Council with each phase, and that they return to the May City Council meeting to review the progress. Mr. Sieben seconded the motion. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Mohn. Mayor West declared the motion carried.

A public hearing was held to consider the Building Official's order to demolish the mobile home at 205 Elm Drive owned by Alicia Granados/Aaron Brown. Ms. Granados was present and stated she was the legal owner of the mobile home but sold it to Aaron Brown in March, 2018 for \$550. She and her boyfriend, Juan Martinez, had put money into the home to try fixing it up but they realized it was not worth the money needed to remodel the mobile home. She signed over the title to Aaron but did not get Aaron Brown's signature. Notices regarding this hearing were also mailed to Mr. Brown and a notice was posted on the structure. The Building Official reported the notice had been removed from the structure. Ms. Granados reported she paid the taxes last year. City Attorney Nick Hall advised if the structure is ordered to be demolished, the owner of the home as well as the owner of the mobile home court are both charged with the demolition expense. He said Ms. Granados is officially the recorded title owner because no other name has been registered. If the City Council finds Ms. Granados to be sufficiently persuasive that she is not the owner, but rather Aaron Brown is because he is holding the title, the City Council could then dictate that the charges be spread between Mr. Brown and the mobile home park owner. Building Official Boura reported that Mr. Brown came into City Hall last year and said he had purchased the mobile home and wanted to open a utility account. The utilities were not reconnected at that time because the Building Official knew the condition of the mobile home. Mr. Boura believes Mr. Brown was living there for some time without utilities. It was also found that an extension cord had been used to obtain power from the neighboring mobile home without permission. The City Attorney reported correspondence sent to the lot owner, Mark Spanier, Oak Arbor, LLC, was returned unclaimed. It was moved by Mr. Lipsh and seconded by Ms. Stark to accept the statement by Alicia Granados that she sold the mobile home to Aaron Brown. Mr. Hall indicated that if the Council is to order demolition the resolution should include the following Findings of Fact: 1) Accepts the repair estimate of \$10,000; 2) Assessed value is \$1,000; 3) the property is not fit for habitation; 4) the property does not meet code standards; 5) does not include the necessary amenities for residential use; 6) the cost of the repairs exceed 50% of the value of the structure and the resolution should order the structure be demolished under the supervision of the Building Official. Mr. Lipsh stated he wanted to amend his motion to include all the terms identified by the City Attorney. Ms. Stark seconded that amended motion. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: 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. As no one did, it was moved by Mr. Young and seconded by Mr. Hutson to approve the Consent Agenda as follows:

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council regular meeting of December 10, 2018.
- b) Ways and Means Committee regular meeting of January 7, 2019.
- c) Public Utilities Committee regular meeting of January 7, 2019.

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) #977 – Life Skills and Transition Center

On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Mohn. Mayor West declared the motion carried.

BILLS, CLAIMS AND ACCOUNTS

It was moved by Mr. Fellman and seconded by Mr. Lipsh 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. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Mohn. Mayor West declared the motion carried.

REPORTS OF STANDING COMMITTEES

On recommendation of the Ways and Means Committee, it was moved by Mr. Fellman and seconded by Mr. Hutson to accept the donation of the vacant lot at 729 Noben Avenue, Lot 7, Block 3, Johnson's Addition from James and Tamra Weal. The Weal's have to leave town to tend to an ailing parent, they said they have kept the taxes current on the property, and the City agreed to accept the parcel including the cost of transferring the deed. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Mohn. Mayor West declared the motion carried.

On recommendation of the Ways and Means Committee, Mr. Hutson introduced Resolution No. 1746 entitled, "RESOLUTION AUTHORIZING PUBLIC SALE OF REAL PROPERTY SITUATED IN AND OWNED BY THE CITY OF GRAFTON, NORTH DAKOTA" including the property at 729 Noben Avenue which was donated to the City and moved its adoption. Mr. Fellman seconded the motion. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Mohn. Mayor West declared the motion carried and Resolution No. 1746 duly adopted.

On recommendation of the Ways and Means Committee, Mr. Hutson introduced Resolution No. 1747 entitled, "A RESOLUTION ORDERING THE DESTRUCTION OF OBSOLETE DOCUMENTS, RECORDS, FILES, PAPERS AND MATERIALS, AND PROVIDING FOR THE MANNER OF SUCH DESTRUCTION" and moved its adoption. Mr. Fellman seconded the motion. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member

absent: Mr. Mohn. Mayor West declared the motion carried and Resolution No. 1747 duly adopted.

On recommendation of the Ways and Means Committee it was moved by Mr. Hutson and seconded by Mr. Fellman 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 10-2 AND SECTION 10-66; PROVIDING FOR FLOOD PREVENTION AND CONTROL." On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Mohn. Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, 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 22-147; PROVIDING FOR PUBLIC PARKING LOTS" was presented. It was moved by Ms. Stark and seconded by Mr. Ray to approve first reading of the ordinance as submitted. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Mohn. Mayor West declared the motion carried.

UNFINISHED BUSINESS

A written Construction Status Report dated January 10, 2019 for the Grafton Flood Risk Reduction project was provided. Mayor West said the contractors have returned after the holidays and are working. City Administrator Ziegelmann said their main objective was to get the riprap down in what they call the wet area so when spring comes, they have that in place. They will keep working on the channel and they are just about to the shoofly on Hwy 81. There will be another construction meeting tomorrow but depending on how cold it gets, they will likely be done for a while. The CLOMR is still going back and forth with the Federal government. They just got some counts on the interior drainage and there was nothing too significant so they will be putting that to bid probably February or March. There are no major problems, it is just a time-consuming process.

NEW BUSINESS

A list of the 2018-2016 donated City utilities report was provided to the Council. Mr. Lipsh questioned if the street lighting donation is down so much because of the LED's and Power Superintendent Russ Geddes confirmed that it is and that is with only part of the project complete. Mr. Hutson questioned if the City was under contractual agreement to donate utilities to Fair Oaks Golf Course. It was stated it was in the agreement but it could be looked at for future contracts.

Administrator Ziegelmann reported that Brady Martz submitted a letter of engagement for the 2018 Audit at a cost of \$16,150, which is \$750 more than last year. That quote is assuming the federal compliance reporting is not required, which we don't anticipate since we didn't receive any federal grants last year. The cost would be an additional \$2,650 if the federal compliance reporting is required.

CORRESPONDENCE AND ANNOUNCEMENTS

A thank you was received from the Unity Medical Foundation and the family of Ken Barta, former Council Member, for the memorial when he passed away.

Mr. Lipsh reported the legislators have tentatively scheduled Celebrate Cities Day on March 1st at the State Capitol.

ADJOURNMENT

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

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Chris West, Mayor

Connie A. Johnson, City Auditor