

**CITY OF GRAFTON
CITY COUNCIL MINUTES
MEETING OF MARCH 11, 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, March 11, 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, Brian Erovick, Kevin Sevigny, Rock Desautel, Russ Geddes, Scott Boura, Jeff Daley, Jon Markusen, and Shirley Burns.

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 February 11, 2019.
- b) Ways and Means Committee regular meeting of March 4, 2019.
- c) Public Utilities Committee regular meeting of March 4, 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 Change applications:

- a) 978 – Craig Ferguson Benefit
- b) 979 – Grafton School District #3

4.4 Site Authorization applications:

- a) Grafton Volunteer Fire Department at Fair Oaks Golf Course July 1-September 30, 2019 and April 1-June 30, 2020.

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. 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. 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. Lipsh and seconded by Mr. Fellman to accept the bid of \$300 submitted by Ann Oihus McCann for Lots 13 and 14, Block 15, Askelsons Addition. 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, it was moved by Mr. Lipsh and seconded by Mr. Fellman to accept the bid of \$250 submitted by Elaine Broker for S 37' of Lot 1, Block 2, Mohagen's Second Addition. 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, it was moved by Mr. Fellman and seconded by Mr. Lipsh to adopt the City Investment Goals and Objectives (Policy) with revisions as presented. 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, it was moved by Mr. Fellman and seconded by Mr. Lipsh to approve the request of Grafton Golfers Club, Inc. d/b/a Fair Oaks Golf Club to add the month of March to the Club Short-Term Alcohol License with the pro-rated license fee. The current Grafton Golfers Club Short-Term Alcohol License is from April to October. 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, it was moved by Mr. Lipsh and seconded by Mr. Fellman to approve the application from Gannett Peak, LLC d/b/a LaCantina, 115 West 5th Street for an On and Off Sale Alcohol License from July 1 through December 31, 2019. 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, it was moved by Ms. Stark and seconded by Mr. Young to approve the purchase of a mini excavator (8000 lbs. class) from Dakota Equipment for \$44,250. Bids received were: Dakota Equipment – 2019 Yanmar V1035, 2 week

delivery \$44,250; John Deere – 2019 JD-35G, must be ordered \$50,060; RDO – 2019 Hitachi 35U, must be ordered \$46,345.90. The Power Department budgeted for replacement of the trencher/skid loader, but decided purchasing a mini excavator would be more useful. 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, it was moved by Ms. Stark and seconded by Mr. Young to accept the bid from Rock's Electric for a new wireless SCADA system for the lift stations upon receiving clarification about the frequency the system would use, licensed or unlicensed, as the unlicensed frequency is very congested. Proposals considered were: Stone's Mobile Radio, Inc. 13 lift stations \$152,978.04; Integrated Process Solutions, Inc 13 lift stations \$50,700, plus three options for Master lift station controls ranging from \$14,800 to \$23,085, plus the cost of an electrician to complete the work; Rock's Electric Construction, Inc. 8 lift stations and new computer setup at Maintenance Building \$55,000, new controls \$7,700, and \$4,400 per lift station for the last 5 that will be done as the budget permits. City Administrator Ziegelmann reported the frequency to be used has not been clarified yet, therefore he recommended tabling action for the time being. It was moved by Mr. Lipsh and seconded by Mr. Ray to table the matter until next month. All members present voted in favor thereof; Mayor West declared the motion carried.

Mr. Young reported bids were received from Lindell Mowing of Park River for \$6,000 and Keith's Stump Removal for \$8,650 for the cemetery caretaker for 2019-2020. The Cemetery Sub-Committee recommends accepting the bid from Lindell's based on the bid amount, references and equipment. It was moved by Mr. Lipsh and seconded by Ms. Stark to accept the bid for cemetery caretaker from Lindell Mowing for \$6,000 per year for 2019-2020. All members present voted in favor thereof; Mayor West declared the motion carried.

REPORT OF SPECIAL COMMITTEES

The Economic Development Committee recommended approving the request from Mark Petri/Wyoming Flats for a Flex PACE interest buydown loan to setup LaCantina restaurant at 115 West 5th Street. Mr. Petri will have a loan at Alerus with a 15-year amortization. The local present-value share of the buydown is \$16,005.57. Mr. Ziegelmann explained he will see if Walsh County Job Development Authority wants to split the local share of the buydown, but he requested approval of the entire amount just in case they do not. It was moved by Ms. Stark and seconded by Mr. Ray to approve the Flex PACE interest buydown loan for Mark Petri/Wyoming Flats in the amount of \$16,005.57 but hope that amount will be split with Walsh County Job Development Authority. The City's loan will be interest free until the principal is paid in full, then 3% interest will be charged. 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

Jon Markusen introduced Jeff Daley from Kadrmas, Lee & Jackson who may attend City Council meetings in Jon's absence. Mr. Markusen reported on the Flood Risk Reduction project. It is 1.5 weeks since the rail line that goes towards Nash was finished. They dug out some

unsuitable material between the pilings and finished welding some cross grates. They are hoping to return in April, depending on the weather. Northern Plains may come in and complete the rail on the track going to Nash. Mr. Markusen reported everything for CLOMAR was resubmitted to FEMA a couple weeks ago; this is about the 5th revision. The 90-day comment period closes the end of this month; Mayor West will contact FEMA to followup.

Mr. Markusen said he has heard from others that with the Flood Risk Reduction project there is no need to worry about flooding this spring; but he cautioned the project is not operational yet. Mayor West asked what concerns he has if there is some flooding within the river channel north of town. Mr. Markusen said he believes the water should enter town the same as always, on the east side of town the channel will fill and empty, on the south end the McLeod Drain has been enhanced and culverts are still in place to that drain to go as it did in the past. Mr. Lipsh asked if the contractor for the Flood Risk Reduction Project, Gladen Construction, could be a bidder for any necessary flood-fighting efforts. That would depend on whether the City contracts through the Corps or works independently. There is ample clay north of the Roney building and with the local excavator company we could potentially construct some temporary clay dikes quickly.

Mr. Markusen reported work continues on the interior drainage design for the Flood Risk Reduction Project. Currently they are completing design of the storm pump station for the south end, which they hope to bid in April. Mr. Ziegelmann explained the plan is to replace pipe on 15th Street from the corner of 747 W 15th Street to about 425 West 15th Street and then back to Lavergne Avenue to try capture some of that water surface that causes issues at the beginning of that pipe, then run it south through the new storm pipe eventually to the south end storm pump station. Mr. Markusen explained then the water on 15th Street could go either direction. With a 100-year rain event there will still be standing water in the streets, but the goal is to keep the ponding in the street only. The school and recreation complex will also drain into the system. Property east of Lavergne Avenue and along 17th Street where there have been drainage problems in the past, will all be addressed with this work also. Future developments south of 17th Street have been included in the design of the storm sewer station. There will be a 48" pipe from the lift station to the football field/track area and the pump station will be on the corner of School Road and 68th Street.

The monthly Building Official Code Enforcement Report was reviewed by Scott Boura. Jillian Skjoldal, owner of 333 West 5th Street, has not reported to him concerning any progress made on renovation of the structure and there has been no activity at the property. The 90 days which was granted by the City Council will be up next month.

Mayor West reported he received a letter from FEMA accepting the floodplain ordinance that was recently adopted by the City Council.

It was moved by Mr. Lipsh and seconded by Mr. Young that Ordinance No. 326 entitled, "AN ORDINANCE TO AMEND SECTION 12-1 OF ARTICLE I, CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF GRAFTON, NORTH DAKOTA RELATING TO DEFINITIONS OF HEALTH AND SANITATION" be placed on second reading and adopted. 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.

Mr. Sieben reported he and Mr. Young met with Andy Petersen, Doug McCann and David Hoenke from the Grafton Golfers to discuss the golf course lease. They received an update of what the golf course plans on doing to improve the course over the next 1 to 5 years. Mr. Lipsh stated he was not able to attend the meeting but he did receive a copy of their Form 990 filing which states they are a 501c7, not for profit organization. That designation allows them to be exempt from income taxes. The golf course had a net profit of \$31,608 in 2017 and \$12,254 in 2016. They are using the money to invest in the following year. Mr. Lipsh believes the current contract with the Grafton Golfers is generous. Mr. Sieben stated during the meeting Andy Petersen made a comment that as we look past our post diversion time period one of the things people always look at in Grafton is, are there enough things to do? He said we have a golf course that is becoming a destination golf course north of Grand Forks. There are a lot of people coming to town because of the condition of the course. When they come to use the course, they will also spend money within the community. Mr. Hutson believes the Grafton Golfers can prioritize their spending and either buy less or raise rates; the City Council needs to be responsible for the citizens of Grafton. Mr. Young stated during the meeting he asked about the possibility of charging a different rate for the individuals who have electric carts versus the gas carts. Their response was they were not able to control who had what type of cart so they would not be able to bill those people properly. Mr. Lipsh stated Park River has been charging extra to people with electric carts for 20 years. Mayor West stated he would personally be in favor of leaving the contract unchanged with the Grafton Golfers being made aware that at the end of the contract their subsidy will be gone. It was moved by Mr. Sieben to approve a 5 year agreement with the Grafton Golfers with 50% of the utilities donated with no cap. Mr. Lipsh seconded the motion. On roll call vote the following voted in favor thereof: Mr. Lipsh and Mr. Sieben. Those opposed: Mr. Fellman, Mr. Hutson, Mr. Ray, Ms. Stark, and Mr. Young. Member absent: Mr. Mohn. Mayor West declared the motion failed. It was then moved by Mr. Young to approve a 5-year contract with 50 percent donated utilities and a cap of \$4,500 per year. Ms. Stark seconded the motion. Mr. Hutson stated he is opposed to extending a 5 year contract and said he would be in favor of entering into a 1 year contract so they can make plans to cover it after that. Mr. Lipsh said he thinks a 3 year contract would be fair notice to the Golfers for budgeting purposes. On roll call vote the following voted in favor thereof: Mr. Lipsh, Ms. Stark, and Mr. Young. Those opposed: Mr. Fellman, Mr. Hutson, Mr. Ray, and Mr. Sieben. Member absent: Mr. Mohn. Mayor West declared the motion failed. Mr. Sieben suggested a one-year contract with the matter to be reconsidered at that time; it was the consensus of the Council that one year was not long enough. Mr. Young moved to enter into a 3 year contract, with 50% of the utilities donated and a \$4,500 cap per year. Mr. Lipsh seconded the motion. On roll call vote the following voted in favor thereof: Mr. Lipsh, Mr. Ray, Ms. Stark, Mr. Young, and Mr. Fellman. Those opposed: Mr. Sieben and Mr. Hutson. Member absent: Mr. Mohn. Mayor West declared the motion carried.

NEW BUSINESS

Bids were received from Agassiz Excavating, Inc. and Michael Kilmer Construction, Inc. to demolish the mobile home at 205 Elm Drive. Both bids were for \$1,800. Scott Boura, Building Official, stated that Agassiz Excavating, Inc. doesn't generally bid on home demolition projects because he doesn't have the capability of disconnecting the water and sewer lines. This is a mobile home which will require just capping the sewer line. It was moved by Mr. Hutson and seconded by Mr. Lipsh to accept the bid from Agassiz Excavating, Inc. for \$1,800 to demolish

the mobile home at 205 Elm Drive. All members present voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Lipsh and seconded by Mr. Hutson to approve the application for a special permit for alcohol beverages submitted by Grafton Co. d/b/a Extra End at the Centennial Center Saturday, April 6th from 3 pm to 12 am for the Firemen's Fundraiser. 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.

It was moved by Mr. Hutson and seconded by Mr. Fellman to approve the application from Grafton Co. d/b/a Extra End for a special permit for alcohol beverages at Luscious Boutique Friday, April 12th from 4 pm to 12 am for Dueling Pianos. 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.

It was moved by Ms. Stark and seconded by Mr. Young to accept with regret the resignation of Dan Gorder from the Grafton Airport Authority effective March 7, 2019. All members present voted in favor thereof; Mayor West declared the motion carried.

Valley Ambulance and Rescue Service, Inc. requested to trade the 1995 Ford ambulance for an ambulance they plan to purchase. It was moved by Mr. Hutson and seconded by Mr. Lipsh to authorize the City Auditor sign the title for the Valley Ambulance so they can trade the 1995 Ford ambulance and purchase a new one. All members present voted in favor thereof: Mayor West declared the motion carried.

CORRESPONDENCE AND ANNOUNCEMENTS

Contact the office if you wish to attend North Dakota League of Cities March Madness March 26-27.

Mayor West presented a plaque announcing that Wanda Ensruide has completed the Auditor Certification Program with the North Dakota League of Cities.

Mayor West announced service awards were given to Connie Johnson – 40 years, Cory Burns – 10 years and Sheena Schmeets – 10 years at the annual Employee Appreciation Party.

ADJOURNMENT

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

* * * * *

Chris West, Mayor

Connie A. Johnson, City Auditor