

**CITY OF GRAFTON  
CITY COUNCIL MINUTES  
MEETING OF MAY 13, 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, May 13, 2019.

Mayor Chris West presided. Members present: Dave Fellman, Don Hutson, Shane Mohn, Phil Ray, Brian Sieben, Mary Stark, and Greg Young. Member absent: Chris Lipsh. Others present: Nick Ziegelmann, Nick Hall, Brian Erovick, Kevin Sevigny, Scott Boura, Jon Markusen, Shirley Burns, Lisa Chapman, and Todd Morgan.

**PUBLIC HEARING**

A public hearing was held to consider the Building Official's Condemnation Order for 333 West 5<sup>th</sup> Street owned by Jillian Skjoldal. This Order was considered at the December 2018 regular City Council meeting and the January 2019 regular City Council meeting where the City Council agreed to the property owner's proposed plan and timeline to repair the building. The repair work was to have been completed by April 15, 2019; the Building Official reported no work has been done at the residence and he was not contacted by the property owner even though she said she would update the Building Official monthly. Lisa Chapman, Ms. Skjoldal's mother, was present and reported that Jillian was sick with the flu and unable to attend the Council meeting, therefore Jillian sent an unsigned letter for the Council's consideration. The letter requests an extension of time to complete the repair work and referenced an invoice from Samson Electric hired to check the main electrical wiring and Steamatic to conduct a visual mold inspection. Ms. Skjoldal's letter went on to state that Steamatic will be hired after MDU installs a furnace and water heater, which will be done as soon as the electrical issues are repaired. The Building Official said this letter, handed out at the meeting, was the first correspondence he has seen from Ms. Skjoldal since the repair order and timeline was approved in January. He recommended the City Council move forward with the condemnation. Ms. Chapman reported her daughter has been back and forth to the house many times; there was a time when the snow had drifted in so high they could not get in; her daughter wants to rehabilitate the house; she has paid to obtain estimates for repairs. Mr. Mohn pointed out it has been several months and she didn't even call. Ms. Chapman replied they didn't know who to call. Mr. Young said Ms. Skjoldal was provided correspondence and a timeline for completing work which stated she was to contact the Building Official. When the City Attorney questioned what funds are available to complete the work, Ms. Chapman stated her daughter has the funds to complete the work and she did not feel it was necessary to elaborate. Mr. Hutson said the correspondence provided by Ms. Skjoldal says she has scheduled MDU to install a furnace; Mr. Hutson said MDU stopped installing and servicing furnaces years ago. Ms. Chapman said there is so much they could not do without power. Mr. Hutson stated the City Council accepted Ms. Skjoldal's plan to renovate the home in good faith and nothing has gotten done. Mr. Sieben said he feels the City Council was very generous to give her 3 months and when he sees no progress has been made, he has a hard time supporting it any further. Mr. Young said due to the lack of progress and lack of reporting he moved to accept the Findings of Fact, which includes 1) accepts the repair estimates of \$19,500; 2) assessed value is \$15,100; 3) the actual value is not greater than \$10,000; 4) the property is not fit for habitation; 5) the property does not meet code standards; 6) does not include the necessary amenities for residential use; 7) constitutes a blight on the neighborhood; 8) costs of repairs exceed 50% of the value of the structure and the residence should be demolished. Mr. Sieben seconded the motion. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr.

Lipsh. Mayor West declared the motion carried. Ms. Skjoldal will receive notice that she has 30 days to have the property demolished or to appeal this Order to District Court.

## **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 Ms. Stark to approve the Consent Agenda as follows:

### **IV. CONSENT AGENDA**

#### **4.1 Approval of Minutes:**

- a) City Council regular meeting of April 8, 2019
- b) Ways and Means Committee regular meeting of May 6, 2019
- c) Public Utilities Committee regular meeting of May 6, 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

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

## **BILLS, CLAIMS AND ACCOUNTS**

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

## **REPORTS OF STANDING COMMITTEES**

On recommendation of the Ways and Means Committee, it was moved by Mr. Young and seconded by Mr. Hutson to transfer the uncollectible bankruptcy account of \$6,081.51 for Shopko to the bad debt account. 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 Mr. Hutson and seconded by Mr. Fellman to approve the Summerfest events as submitted contingent upon completion of all supporting paperwork such as Certificate of Insurance, permission to use properties, etc. All members present voted in favor thereof; Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Young and seconded by Ms. Stark to obtain bids for an engineer to conduct a feasibility study for an Automated Metering Infrastructure system. Mr. Ziegelmann estimates the cost for the feasibility study would be \$50,000-\$70,000. Purchase of an AMI system and installation would be about \$1.5 million. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Lipsh. 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 application for possession and consumption of alcohol in a public place submitted by Becky Schnellbach for a family Thanksgiving at the Armory all day November 28, 2019. All members present voted in favor thereof; 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 application for possession and consumption of alcohol in a public place submitted by Kristen and Brandi Auen for a wedding reception at the Heritage Village on Saturday, May 25<sup>th</sup> from 3:00 p.m. to 1:00 a.m. All members present voted in favor thereof; Mayor West declared the motion carried.

### **REPORTS OF SPECIAL COMMITTEES**

The Economic Development Committee recommended approval of selling the south 100' of Lot 9, Block 2, Replat of Blocks 2, 3 and 4 of the Replat of Dakota Addition to the City of Grafton, North Dakota to Hefty Seed for a watering station. Mr. Sieben abstained from voting as he is employed by Hefty Seed. Lots are sold for \$10,000 per acre in the Industrial Park so they will purchase 100' x 100' for \$2,296. The City will keep ownership of the remaining 100' of that lot for the lift station already there and for future water and sewer to Lot 8. It was moved by Mr. Hutson and seconded by Ms. Stark to approve the sale of the south 100' of Lot 9, Block 2, Replat of Blocks 2, 3 and 4 of the Replat of Dakota Addition to the City of Grafton, North Dakota. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Mohn, Mr. Ray, Ms. Stark, and Mr. Young. Those opposed: None. Recused: Mr. Sieben. Member absent: Mr. Lipsh. Mayor West declared the motion carried.

Mayor West reported the Economic Development Committee approved a Storefront Improvement grant of 50% not to exceed \$10,000 for Mark Petri at LaCantina, 115 West 5<sup>th</sup> Street. Mr. Petri plans to add two garage doors, two new entrance doors, exterior awnings, etc.

### **UNFINISHED BUSINESS**

Jon Markusen, Kadrmas, Lee & Jackson, Inc, reported the contractors for the Flood Risk Reduction Project have returned to Grafton last week after the winter break. While they wait for the frost to leave the ground, they have spread topsoil and removed a temporary road, prepared for installation of some culverts and ditching for drainage north of the Business Park. They have been going around to different locations installing culverts. He said they will be seeding where topsoil is in place. As farmers haven't planted their fields, they have been working with them to reduce the temporary easements so more can be planted to help reduce the weeds that will need to be maintained throughout the year. Mr. Markusen reported the project is at Pay Estimate #22 and the City has paid about \$18.3 million through March 30<sup>th</sup>. He said the projected activity for the next period will be to start building levees right away once the frost is out and then the

remaining excavation between Hwy 81 and County Road 10. They have been addressing muddy roads as soon as issues arise by adding gravel where necessary. He anticipates substantial completion by September. He also stated nothing has been heard from FEMA about the CLOMR.

Mr. Markusen reported advertisement for bids, plans and specifications are available for the Storm Sewer and Lift Station Project (interior drainage for the Flood Risk Reduction Project); 6 contractors have pulled plans on the project so far. The bid opening is scheduled for May 23<sup>rd</sup> at 10:00 a.m. A special City Council meeting will be held at 5:30 p.m. Thursday, May 23<sup>rd</sup> to consider the bids.

Building Official Scott Boura reviewed his monthly report and an Inspection Report for 803 Cooper Avenue; he is ready to proceed with condemnation of the structure at 803 Cooper Avenue. Discussion was held whether there is a time limit on building permits and what enforcement can be done after that time limit has expired. Mr. Boura said if a project is started within a year and continued progress is made, the permit is continued. If the work never gets completed then a letter is sent giving them a timeline to finish or they could be fined.

### **NEW BUSINESS**

It was moved by Mr. Mohn and seconded by Mr. Young that it be resolved by the City Council of the City of Grafton, North Dakota pursuant to Section 3 of the Power Sales Agreement between Northern Municipal Power Agency and the City of Grafton, North Dakota that Nick Ziegelmann be appointed as the City's representative on the N.M.P.A. Advisory Council and Chris West be appointed as the City's member on the N.M.P.A. Board of Directors for the term expiring April 30, 2020. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: (None). Member absent: Mr. Lipsh. Mayor West declared the motion carried.

### **CORRESPONDENCE AND ANNOUNCEMENTS**

The proposed bike path overlay project was prioritized but not funded by the ND Department of Transportation - Transportation Alternatives Funding (TAP) grant.

Arbor Day and City Cleanup will be held Wednesday, May 15th.

### **ADJOURNMENT**

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

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Chris West, Mayor

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Connie A. Johnson, City Auditor