

**CITY OF GRAFTON  
CITY COUNCIL MINUTES  
MEETING OF SEPTEMBER 10, 2018**

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, September 10, 2018.

Mayor Chris West presided. Members present: Dave Fellman, Don Hutson, Chris Lipsh, Shane Mohn, Phil Ray, Brian Sieben, Mary Stark, and Greg Young. Others present: Nick Ziegelmann, Nick Hall, Brian Erovick, Kevin Sevigny, Todd Forbord, Scott Boura, Jon Markusen, Paul Aaser, Ron Kerner, and Jackie Thompson.

**PUBLIC HEARING**

In accordance with Section 40-40-08, N.D.C.C., a public hearing was held to consider the Preliminary Budget for the fiscal year commencing January 1, 2019 and ending December 31, 2019. No one was present to address the City Council regarding the proposed budget. It was moved by Mr. Fellman and seconded by Mr. Young to approve the 2019 Budget as presented. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

It was moved by Mr. Lipsh and seconded by Ms. Stark that Ordinance No. 321 entitled, “AN ORDINANCE ENTITLED ‘ANNUAL APPROPRIATION BILL’ APPROPRIATING THE SUMS OF MONEY NECESSARY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GRAFTON, NORTH DAKOTA, AND MAKING THE ANNUAL TAX LEVY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019” be placed on second reading and adopted. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

A hearing was held to consider the Building Official’s Notice of Demolition for a mobile home at 15 Prospect Avenue owned by Shane Miller. The mobile park owner is Oak Arbor, LLC. Both parties received notice to the hearing but neither were present. The Building Official estimated repairs necessary to bring the mobile home in compliance with City ordinances to be in excess of \$10,650; the actual value of the structure does not exceed \$3,000; and, the property is not fit for habitation as it does not meet Code standards or include the necessary amenities for residential use. The structure is severely dilapidated and constitutes a serious blight in the neighborhood for other homeowners. City Attorney Hall explained this mobile home will be treated as if it is a building under City ordinance and if the resolution passes the Findings of Fact will be signed by the Mayor as an order that will include Mr. Boura’s estimated repair costs, the estimated current value, the fact that it does not meet code, it is not fit for habitation and that it is a blight on the neighborhood. The order will then be served on Mr. Miller and he will have 30 days to appeal it to District Court before the City can demolish the structure. It was moved by Mr. Mohn and seconded by Mr. Young to approve the Findings of Fact for the mobile home at 15 Prospect Avenue and upon unanimous resolution of the Council on September 10, 2018, the building official be ordered to have the mobile home demolished following the appeals period. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr.

Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. 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 August 13, 2018.

The Ways and Means Committee and the Public Utilities Committee did not meet in September due to the Labor Day holiday.

#### **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) #972 – St. John the Evangelist Catholic Church

#### **4.4 Site Authorization applications:**

- a) Grafton Curlers, Inc. at AmericInn – Grafton Hospitality, LLC

On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. 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 including the added bill from Wayne's Heating and Cooling for \$402.00; 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, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

## **REPORTS OF STANDING COMMITTEES**

It was moved by Mr. Young and seconded by Mr. Hutson to approve the application for abatement and settlement of taxes from Paul and Coleen Aaser, 1144 McHugh Avenue for Disabled Veteran Property Tax Credit as submitted. The application was reviewed and approved by the County Tax Director. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

It was moved by Mr. Lipsh and seconded by Mr. Fellman to special assess uncollectible nuisance and utility bills in accordance with the list presented, for one year at 5.25% interest. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

Water Superintendent Kevin Sevigny reported that at the August Public Utilities Committee meeting the Committee approved to have the 2-million-gallon water plant reservoir cleaned starting the day after the meeting. The estimate to do the work by Midco Diving & Marine Service was \$6,247, which was for 3 inches of sediment in the reservoir and included cleaning the clear well and the south tower. Once Midco Diving & Marine Service entered the reservoir at the Water Treatment Plant and discovered the sediment was in some places as much as 10 inches deep, they immediately stated they would not be able to complete the work with the original estimate. Mr. Sevigny then discussed the matter with the City Administrator and it was determined Midco Diving & Marine Service should be allowed to continue cleaning. They had originally estimated it would take 1 day to clean the reservoir and 1 day to do the clear well and the tower. Mr. Sevigny reported they started August 7<sup>th</sup> and finished August 16<sup>th</sup> with 1 day off. When they hit their original estimate amount they were only about 25% complete. Mr. Sevigny said the reservoir had not been cleaned since it was built in 1954. In those 9 days they spent 70 hours to clean the reservoir which is 13,700 sq. ft. so the total bill ended up at \$24,700. Midco Diving & Marine Service recommended the City start a 3 to 5 year rotation so they could come in and do the work for the original estimate amount. The reservoir is a concrete structure and is 132' in diameter with 20' walls. They did not find anything wrong and said the reservoir is very sound. Cleaning the clear well and south water tower will need to be budgeted in the future.

Mr. Sevigny also reported that while driving by City Hall on August 6<sup>th</sup>, he noticed water coming down the standpipe of the north water tower. On August 9<sup>th</sup> Ryan Eng climbed the tower and discovered the leak was under the insulation about 1.5' below the bowl of the tower. Mr. Sevigny contacted H & H Coatings, which is the company that does most of the City's water tower work and was advised there is an expansion joint there. H & H was able to come to Grafton on August 18<sup>th</sup> and found the top of the expansion joint was broke right through. They had to cut out a 30" diameter all the way around the base of the tower. They installed a dollar ring, replaced 6" of insulation, welded it in place, coated it and a new expansion joint was installed. Mr. Sevigny said H & H also repaired 5 holes in the tower, which was damage done by a woodpecker. They began their work on the 18<sup>th</sup> and finished on the 20<sup>th</sup>, staff disinfected over the weekend and had the north water tower back in service on August 24<sup>th</sup>. He said again with this project he kept the City Administrator and the Mayor involved because he knew the costs would be substantial. The total bill ended up at \$18,225. Mr. Lipsh stated he recalls at one point there was maintenance that needed to be done to the north water tower at a cost of about \$300,000 and he asked if these repairs were part of that estimated cost. Mr. Sevigny said that yes the standpipe would have had to be done.

Mr. Sevigny reported the Water Department also had to deal with a massive water break on the 700 block of Eastern Avenue Saturday, August 18<sup>th</sup>. Eastern Avenue was flooded from the middle of the 800 block to the corner of the 600 block. A 6" AC pipe blew up 36" in the top half of the pipe. The whole street heaved and there was water coming up between the curb and the gutter. They ended up replacing about 15' of pipe. They were fortunate that no residential taps had to be replaced. It took 9 hours to complete the repairs and so far the cost has totaled \$4,167, but that does not include the concrete repair, which will have to be done next summer. Mr. Sevigny thanked the Street Department for their assistance with staff, trucks, and gravel.

Mr. Young questioned if the water line east of town, which is part of Drain 87, has been connected yet; Mr. Sevigny reported it has not as the contractor is waiting for parts. He was told it would possibly be done the 27<sup>th</sup> of September.

The City Council considered 3 bids for the purchase of 8,250 feet of 3 phase high voltage wire to finish a few maintenance projects before winter. Bids received were from Border States Electric for \$2.67/ft. with delivery in 10-12 weeks, Dakota Supply Group for \$2.35/ft. with delivery in 6 weeks, and Resco for \$2.59/ft. in stock. Since Resco had the wire in stock, allowing for projects to be completed this fall, it was moved by Mr. Young and seconded by Mr. Hutson to accept the bid from Resco for 8,250 feet of 3 phase wire at \$2.59/ft or approximately \$21,367.50. Mr. Young added that in the future inventory should be watched closer so last minutes purchases are not necessary. Administrator Ziegelmann explained there were some unplanned outages that required use of the inventory. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

It was moved by Mr. Mohn and seconded by Mr. Young to approve the application for possession and consumption of alcoholic beverages submitted by Chad Ruzicka for a family get together at the Armory on December 31<sup>st</sup> from 2:00 p.m. to January 1<sup>st</sup> at 2:00 a.m. All members present voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Fellman and seconded by Mr. Lipsh to approve the application for a special event alcoholic beverage permit from Last Chance Bar and Grill to sell alcoholic beverages at the Armory for a wedding anniversary celebration on September 15<sup>th</sup> from 7:00 p.m. to 12:00 a.m. All members present voted in favor thereof; Mayor West declared the motion carried. Mr. Lipsh requested that a survey of satisfaction of the Armory be given to individuals who rent the Armory in order to obtain feedback as to improvements needed at the facility.

An application to use public property submitted by Thrive Community Church to close 6<sup>th</sup> Street from Hill Avenue to the railroad right-of-way, the alley behind Thrive Church and the south half of the City-owned parking lot for their Trunk and Treat event Wednesday, October 31<sup>st</sup> from 2:00 p.m. to 9:00 p.m. was considered. It was moved by Mr. Lipsh to approve the application with the stipulation that vehicle traffic be allowed to cross from Manvel Avenue, Sixth Street and the gravel area east of the parking lot. Mayor West also stated the Certificate of Liability Insurance will need to be updated for this event as well. Mr. Fellman seconded the motion. All members voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Mohn and seconded by Mr. Fellman to approve the application from Scare Oaks to use City-owned property for Haunted Woods Charity Fundraiser Fridays and Saturdays,

October 5<sup>th</sup> through October 27<sup>th</sup> from 8:00 p.m. to 12:00 a.m. and October 20<sup>th</sup> from 10:00 a.m. – 4:00 p.m. contingent upon receipt of a Certificate of Insurance. All members present voted in favor thereof. 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. Ray to send a proposal to the North Dakota Department of Commerce for the Partners to Marketing grant and to proceed with the Master Plan proposal submitted by the Praxis Strategy Group contingent upon receipt of that grant. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Ms. Stark, and Mr. Young. Those opposed: Mr. Sieben. Mayor West declared the motion carried. Mr. Sieben explained he is not fond of these types of studies and he sees little value in this group doing this for Grafton. Mayor West stated he isn't usually in favor of studies either but the bigger picture is what it will provide for the community moving forward. Mr. Sieben said he doesn't believe the Praxis group will have the ability to help Grafton, citing what was their accomplishment when it came to the study they did for the Life Skills and Transition Center, adding the first thing they suggested was that we develop a local task group to do the work they were hired to do. Mayor West stated they did do a lot of leg work to develop information and handled the coordination of the local people involved.

### **UNFINISHED BUSINESS**

Jon Markusen of Kadrmas, Lee & Jackson presented Flood Risk Reduction Project Construction Status Report #5. The contractor is removing topsoil and replacing where complete and continuing to dig the inspection trench in areas where there will still be levee work done this year. They are continuing to excavate on the bypass channel at two sites. They have done some work around bridges and have done some excavating on 71<sup>st</sup> Street and County Road 10. They are continuing to build levees at various locations. Culverts are continually being set as work progresses. The deck for the Hwy 81 bridge was poured last week. They are hoping to have that ready for paving the first part of October. The Drayton rail line structure is finished. They are now preparing the Walhalla rail structure for piling. They continue to work on driving piling for the Control Structure and sheet piling across the railroad on the south levee. For erosion control they have seeded areas that are able to be seeded. He said the roadway work at 71<sup>st</sup> Street is about 95% completed. The earthwork along County Road 10 is near completion. He hopes to have a new drone video from September 6<sup>th</sup> available soon. They will continue to work on dirt as long as weather allows.

The Building Official reported the Donovan Schuster warehouse roof work is complete, however it was reported that normally when you replace a roof you go back 1 or 2 trusses and it appears they just started where it was broke, so it is basically 2 separate buildings with 1 roof. Mr. Boura said he will try check into that.

Mr. Boura reported the appeal deadline for the Demolition Order of the house at 520 LaHaise Drive has now passed so he will be scheduling demolition of that structure by the end of the week.

The asbestos report for 612 Stephen Avenue was apparently emailed to Mr. Boura but he did not receive it. He will be getting a copy of that tomorrow and will forward it to the State. That demolition should be done within the next 2 weeks.

Mr. Boura reported there was no Planning and Zoning Commission meeting, however there was a Board of Adjustment meeting. There were two requests received to exceed the allowable fence height in the berm area. One request was on the corner of Western Avenue and 15<sup>th</sup> Street; that one was approved. The second request was for Stephen Avenue and 6<sup>th</sup> Street which was approved from the Planning and Zoning Commission but the Board of Adjustments only approved the request up to the property line on the inside of the sidewalk.

Mr. Ziegelmann reported the pop-up project, which was curb bump-outs at the Lavergne Avenue and 15<sup>th</sup> Street intersection has been removed. It is believed the project did what it was intended to do which was to slow vehicle traffic near the school. Mr. Lipsh reported his immediate neighbors appreciated that it slowed traffic. Mr. Sieben reported he believes there may be some negative feedback if the City looks at making the pop-outs permanent. Administrator Ziegelmann said before it could be permanent, the City would have to check with an engineer regarding the internal drainage. Mr. Sieben said in his personal opinion it was a nice temporary project but that we should scrap it at this time. Mayor West said he only heard one negative complaint but many comments that it was successful at slowing down traffic. Ms. Stark stated she would like to see something done to slow traffic, but she does not know what it will take to accomplish that. Mr. Sieben said a four-way stop sign would be much cheaper than a permanent pop-out project. Mr. Lipsh said when the school addition project was done, citizens were told traffic would be on School Road and not on 15<sup>th</sup> Street, but that is clearly not the case. It was discussed that if the City is going to change the street in any way, a street study would need to be completed.

With regard to the proposed truck routes ordinance, Mayor West reported he has heard from Mr. Gill who lives on Griggs Avenue by the funeral home. Mr. Gill has parked his truck in his back yard for 21 years with no protest so he is upset about this proposed ordinance. It was moved by Mr. Young and seconded by Ms. Stark that Ordinance No. 319 entitled, "AN ORDINANCE OF THE CITY OF GRAFTON, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF GRAFTON, NORTH DAKOTA, BE AMENDED BY REVISING SECTION 23-126 AND 23-127 AND ADDING SECTION 23-127.1; PROVIDING FOR TRUCK ROUTES" be placed on second reading and adopted. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

It was moved by Mr. Young and seconded by Mr. Ray that Ordinance No. 320 entitled, "AN ORDINANCE OF THE CITY OF GRAFTON, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF GRAFTON, NORTH DAKOTA, BE AMENDED BY REVISING SECTION 23-71; PROVIDING FOR FEES FOR TRAFFIC AND MOTOR VEHICLE NONCRIMINAL DISPOSITION" be placed on second reading and adopted. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

## **CORRESPONDENCE AND ANNOUNCEMENTS**

The ND League of Cities Conference in Grand Forks is September 13-15<sup>th</sup>.

**ADJOURNMENT**

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

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Chris West, Mayor

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Connie A. Johnson, City Auditor