

**CITY OF GRAFTON
CITY COUNCIL MINUTES
MEETING OF SEPTEMBER 9, 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, September 9, 2019.

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, Tony Dumas, Rock Desautel, Russ Geddes, Scott Boura, Jon Markusen, and Todd Morgan.

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, 2020 and ending December 31, 2020. No one was present to address the City Council regarding the proposed budget. It was moved by Mr. Young and seconded by Mr. Hutson to approve the 2020 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. Young and seconded by Mr. Hutson that Ordinance No. 328 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, 2020 AND ENDING DECEMBER 31, 2020” 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.

The public hearing to consider the Building Official’s Condemnation Order of a mobile home at 404 Noben Avenue owned by Ed and Lisa Garza and located on property owned by Jeff and Rebecca Poolman was held. Garza’s and Poolman’s did not attend the meeting or provide any written or verbal appeal to the Condemnation Order. The structure was gutted and left, therefore, to rehabilitate the structure would require compliance with the building codes rather than the HUD codes. The owners of the mobile home have moved and are unavailable, but the lot owner, Jeff Poolman, has been made aware of the situation. City Attorney Hall reported the mobile homeowners and the mobile home court owners have been served notice of the appeal opportunity; Poolmans received their notice but Garzas did not. Their notice was mailed to their last known address. The City Attorney recommended that if the Council was considering a motion for demolition that it include the following findings: 1) The Council accepts the repair estimates set out by the Building Official, necessitated by the Building Code and other regulations, in order for this structure to be in compliance with City Ordinances. Said repairs are in excess of \$20,400. 2) The true and full value of the structure, on the City records is \$500. The

actual value of the structure is not greater than \$500. 3) 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. 4) Under Code Section 5-350, the cost of necessary repairs exceeds 50% of the value of the structure. It was moved by Mr. Mohn and seconded by Ms. Stark to approve the Findings of Fact as proposed by the City Attorney and the Building Official's Condemnation Order to demolish the mobile home located at 404 Noben Avenue owned by Ed and Lisa Garza. 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. Fellman and seconded by Mr. Lipsh to approve the Consent Agenda as follows:

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council special meeting of August 5, 2019 and regular meeting of August 12, 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) #990 – Walsh County Gun Club

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. Young and seconded by Mr. Hutson 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. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the motion carried.

REPORTS OF SPECIAL COMMITTEES

On recommendation of the Planning and Zoning Commission, it was moved by Mr. Mohn and seconded by Mr. Hutson to approve first reading of an ordinance entitled, “AN ORDINANCE AMENDING THE ZONING MAP ACCOMPANYING APPENDIX A (ZONING ORDINANCE) OF THE CITY OF GRAFTON CODE OF ORDINANCES TO REZONE PROPERTY IN PARKVIEW ADDITION AND ADJOINING PARCEL”, to schedule a public hearing Monday, October 14th at 6:00 pm., and to consider second reading of the ordinance at that time. The proposed ordinance would rezone Parkview Addition and an adjoining parcel from R-5 Mobile Home Residence District to R-2 One Family and Two-Family Residence District. 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.

UNFINISHED BUSINESS

Jon Markusen of Kadrmas, Lee & Jackson provided an update on the Storm Sewer Lift Station Project. The contractor is pouring curb and gutter and getting ready to pour sidewalk. The plan is to pave 15th Street and Lavergne north and south on Wednesday and Thursday of this week if the weather permits. They have a couple watermains to the south to lower. They have a concrete pour scheduled for tomorrow for the lift station on the corner. There is one change order with a net increase of \$11,120.21. They found the forcemain that crosses 15th Street and Dogwood Avenue and everything was within inches of each other so instead of having a concrete pipe they went to a C900 pipe so they could adjust grades without having to dig into the forcemain. It was moved by Mr. Lipsh and seconded by Mr. Hutson to approve Change Order No. 1 for the Storm Sewer and Lift Station Project. 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.

Mr. Markusen reported progress on the Flood Risk Reduction Project has been slow due to weather. The contractor is continuing to place topsoil where they can. The excavation in the channel is still ongoing. Some inspection trenches were done on the south end. The railroad structures, Highway 81 bridge, and control structures are complete. Pay Estimate No. 30 is complete, \$21 million has been paid, and there are no new change orders at this time. The projected activity is levee building. The project had a substantial completion date of August 3rd and a final completion date of October 26th. He said there was a 30-day extension on the substantial completion date because of the more than anticipated black dirt that had to be replaced. He said it appears there will end up being about 200,000 yards of additional fill material needed and an additional 45 workdays to complete that work. Mr. Markusen said with the additional materials needed it added 45 days of additional time to the project along with some extra work which added 20 days. Therefore those 65 days bring the substantial completion date to October 6th. He recommends extending the substantial completion date and setting the final

completion date to July 1, 2020. The State Water Commission permit expires December of this year so an extension was requested; staff have been told it will be granted. Work continues with FEMA on the CLOMR and LOMR. KLJ has started the O&M Manual. Throughout most of the winter they would be working on getting the final certifications completed. After some discussion, it was moved by Mr. Lipsh and seconded by Mr. Young to extend the final completion deadline to July 1, 2020. 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. When asked if the structure will be useable next spring Mr. Markusen stated all structures are operational and all levees are at least at the 100-year flood levels.

Building Official Scott Boura reviewed his monthly report. Discussion was held on the need for enforcement when work is done without a building permit.

NEW BUSINESS

It was moved by Ms. Stark and seconded by Mr. Hutson to approve the application from Last Chance Bar & Grill for a permit to sell alcohol at Leistikow Park Corn Maze for a Bag Toss Tournament on Saturday, September 14th from Noon to 6:00 p.m. All members were present and voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Hutson and seconded by Mr. Young to approve the application from Last Chance Bar & Grill for a permit to sell alcohol at the Strand Theatre for Take a Chance Event Thursday, September 26th from 5:00 – 10:00 p.m. All members were present and voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Hutson and seconded by Mr. Fellman to approve the application from Scare Oaks Haunted Woods for haunted woods charity event at golf course Fridays and Saturdays, October 4th through October 26th from 8:00 p.m. to 12:00 a.m. All members were present and voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Fellman and seconded by Mr. Young to approve the application from Thrive Community Church to close 6th Street east of Hill Avenue to the gravel railroad right-of-way for Trunk or Treat, Thursday, October 31st from 12:00 p.m. to 9:00 p.m. All members were present and voted in favor thereof; Mayor West declared the motion carried.

It was moved by Mr. Young and seconded by Mr. Hutson to special assess uncollectible nuisance and utility bills included on the list provided for 1 year with 5.50% 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.

It was moved by Mr. Lipsh and seconded by Mr. Fellman to approve first reading of an ordinance entitled, “AN ORDINANCE TO AMEND AND REENACT CHAPTER 14.1 MARIJUANA OF THE CODE OF ORDINANCES OF THE CITY OF GRAFTON, PROVIDING FOR POSSESSION OF MARIJUANA IS UNLAWFUL, MEDICAL

MARIJUANA DEFENSE.” 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

Mr. Ziegelmann reported the Fire Department has been requested to not sound the sirens for every fire. The Fire Chief is not in favor of this, but each member of the Department has several different ways to receive notice of a fire, so it is not necessary to sound the siren. There is confusion by citizens whether a siren is an emergency weather situation or a fire call.

The City Auction will be held on Tuesday, September 17th from Noon-6:00 p.m.

The North Dakota League of Cities Conference will be held at the Bismarck Events Center September 19-21.

ADJOURNMENT

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

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Chris West, Mayor

Connie A. Johnson, City Auditor