

**CITY OF GRAFTON  
CITY COUNCIL MINUTES  
MEETING OF APRIL 8, 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, April 8, 2019.

Mayor Chris West presided. Members present: Dave Fellman, Don Hutson, Chris Lipsh, Shane Mohn, Phil Ray, Mary Stark, and Greg Young. Member absent: Brian Sieben. Others present: Nick Ziegelmann, Nick Hall, Tony Dumas, Kevin Sevigny, Rock Desautel, Russ Geddes, Scott Boura, Jon Markusen, Shirley Burns, Cathy Tweten, and John Tweten.

**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. Fellman to approve the Consent Agenda as follows:

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council regular meeting of March 11, 2019
- b) Ways and Means Committee regular meeting of April 1, 2019
- c) Public Utilities Committee regular meeting of April 1, 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) 980 – Northern Lites Archery Club
- b) 981 – Fair Oaks Golf Club
- c) 982 – Grafton Baseball
- d) 983 – Our Saviour’s Lutheran Church

4.4 Site Authorization applications:

- a) Park River Volunteer Fire Department at 12<sup>th</sup> Street Bowl

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: None. Member absent: Mr. Sieben. 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 Kringstad Construction, LLC for \$3,691.48 for gutters on the Roney Power Service Center building; 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, Ms. Stark, and Mr. Young. Those opposed: None. Member absent: Mr. Sieben. Mayor West declared the motion carried.

### **REPORTS OF STANDING COMMITTEES**

On recommendation of the Public Utilities Committee, it was moved by Ms. Stark and seconded by Mr. Young to approve the low bid from Dakota Supply Group, Inc. at \$2.35/ft for 6 rolls of 4/0 wire or approximately \$38,775. 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: None. Member absent: Mr. Sieben. Mayor West declared the motion carried.

The application from Polly's Lounge, Inc. to close Hill Avenue from 5<sup>th</sup> to 6<sup>th</sup> Street June 28 and 29 from 6:00 p.m. to 2:00 a.m. was tabled by the Public Utilities Committee to allow the City Council to address questions and concerns they had to John Tweten. Mr. Young asked Mr. Tweten if there is some way he could prevent minors from coming and going from the street dance as they are bringing in alcohol. Mr. Tweten said there are 2 entrances into the dance and people are stamped "adult" or "minor" and you must have an "adult" stamp to purchase alcohol. He said there are sometimes 2-4 police officers and 4 security guards. He suggested they could prohibit backpacks and large purses. Mr. Tweten proposed placing a security guard/police officer on the north end by Shakti Moon and another on the south end by Shanigans, that should take care of the problem. Police Chief Dumas said the Police Department has not worked at the street dance since Mr. Tweten started hiring security; he added that last year the law enforcement officers present were Walsh County Sheriff Deputies working overtime. Chief Dumas said enforcement prohibiting beverages being brought in from outside should clear things up. Mr. Lipsh said security officers don't enforce laws; they are there to protect Mr. Tweten's interests. He said a letter was received following the street dances last year from the Walsh County Health District expressing concerns about the number of Minor in Possession citations written at the street dances and he questioned what could be done so that law enforcement can properly enforce the laws to prevent that from happening again. Mr. Tweten said most of the citations written last year were not issued at the street dance but other areas of town. He added he is doing his due diligence to prevent minors from drinking at the street dances. He charges \$2.00 per person to gain entrance into the dance area. Ms. Stark said when you attend a concert or sporting event, they check purses; she suggested the same be done at the street dance. Mayor West asked if it would be possible to barricade the street but to allow the sidewalks to remain open for any businesses still open. Mr. Tweten said the street should not be closed off until 6:00 p.m. and all the businesses except Shanigans are closed. Mr. Lipsh said there may not have been a lot of citations written to minors at the street dances but there were videos on Facebook

that clearly identified minors who were drinking at the dances in town during Summerfest. Cathy Tweten believes we all need to work together to try and prevent that activity. It was moved by Ms. Stark and seconded by Mr. Fellman to approve the application from Polly's to close Hill Avenue for street dances June 28 and 29 from 6:00 p.m. to 2:00 a.m. contingent upon receipt of required supporting information. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Ray, Ms. Stark, and Mr. Young. Those opposed: Mr. Lipsh and Mr. Mohn. Member absent: Mr. Sieben. Mayor West declared the motion carried.

It was moved by Ms. Stark and seconded by Mr. Fellman to approve an application for special event alcohol beverage license from Polly's Lounge, Inc. to sell alcohol June 28 and 29 from 6:00 p.m. to 2:00 a.m. at Summerfest street dances on Hill Avenue from 5<sup>th</sup> to 6<sup>th</sup> Street. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Ray, Ms. Stark, and Mr. Young. Those opposed: Mr. Lipsh and Mr. Mohn. Member absent: Mr. Sieben. Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Young and seconded by Mr. Lipsh to approve the application from the Chamber of Commerce to close Summerfest parade route from 6:00 a.m. to 11:30 a.m. or following the parade and provide for detour, Saturday, June 29<sup>th</sup>. 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. Fellman and seconded by Mr. Ray to approve the application for beer and wine license from Country Smokehouse, Inc. d/b/a Tiffany's from May 1 – December 31, 2019. 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: None. Member absent: Mr. Sieben. Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Ms. Stark and seconded by Mr. Hutson to approve a special event alcohol beverage license from Maher El-Sarraf, LLC d/b/a Last Chance Bar and Grill to sell alcohol at the Strand Twin Theater for an Adult Only Take a Chance Movie Night for 21 and over on Monday, April 15<sup>th</sup> from 6:00-9:00 p.m. 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: None. Member absent: Mr. Sieben. Mayor West declared the motion carried.

## **REPORTS OF SPECIAL COMMITTEES**

Mr. Lipsh reported focus groups were held today at 8:00 a.m., Noon, 3:30 p.m., 4:30 p.m. and one going on right now as part of the City's strategic planning process. They have been fairly well attended and hopefully some good feedback will be received at the meetings.

## **UNFINISHED BUSINESS**

Jon Markusen of Kadrmas, Lee & Jackson provided a brief update on the Flood Risk Reduction Project. The CLOMR application has been returned to FEMA with answer to their comments. He will work with the Mayor to draft a letter to FEMA asking questions about the process and the timeline. Mayor West said he wants to know what the process is after the CLOMR is

approved and the project is complete. He will also address some of the discontent with how long the CLOMR approval process has taken. A pre-job meeting for the Flood Risk Reduction project was held today with the contractor; there is a lot ready to go once the weather warms and the frost is out of the ground. Work will likely begin the last week of April or first week of May. Mr. Markusen said the contractor is in town and will pump areas where water is ponding and monitor the roads.

Mr. Markusen reported the next phase including the storm sewer plans should be advertised next week so he should be able to bring bids before the City Council at the May meeting. They did add the additional block from the corner of 15<sup>th</sup> Street and Lavergne Avenue north 1 block that was brought up at the last meeting to the scope of work.

Building Official Scott Boura reported the mobile home at 205 Elm Drive was removed in accordance with the condemnation order. He will be sending another letter to the property owner and tenants at 203 Kittson Avenue reminding them of the April 30<sup>th</sup> deadline to clean up their property. Mr. Boura reported he has not heard from Jillian Skjordal who owns 333 West 5<sup>th</sup> Street and there has been no activity at the property; the deadline she proposed to have the structure repaired was April 15<sup>th</sup>. City Attorney Hall recommended Ms. Skjordal be formally notified of a hearing which will be scheduled for Monday, May 13<sup>th</sup> at which time the City Council will continue the condemnation process and conclude with an order, if appropriate. Mr. Boura reported he has received the updated zoning maps from Kadrmass, Lee & Jackson, Inc.; there are a few housekeeping issues the Planning and Zoning Commission will address. He will soon be inspecting three possible substandard structures located at 803 Cooper, 134 West 2<sup>nd</sup> Street, and 920 Lawler Avenue. Mr. Boura reported a review of the Building Department, its code enforcement procedures and record keeping was completed by a Community Hazard Mitigation Representative from ISO on March 21. The data obtained from the review is used to help provide an insurance rating for the City. Pending submittal of some additional information, a letter rating designation will be received.

## **NEW BUSINESS**

The City was approved for a hazard mitigation grant for four generators; three are 50KW generators for the Mobile, Boeing and Legion lift stations and one 200 KW generator at the Master lift station. The City called for bids last month for purchasing the generators; bids were due by Wednesday at 2:00 p.m. One vendor requested the bid specifications but did not submit a bid by the deadline. That vendor was contacted after the bid opening deadline and then he supplied all the bid information around 4:00 p.m. on Wednesday. The City Auditor reported she contacted the City Attorney for advisement, and he recommended since there was only one vendor who requested the bid specs and bid documents the Council could consider the bid. Also, since this project would be paid with grant funds, she also contacted the Department of Emergency Services for advisement and they agreed with the City Attorney, however they did caution to make sure the City received a good bid as the grant will not be increased. The bid received was from Interstate Power Systems for \$23,800 for each of the 50KW generators and the estimated cost for each of those generators was \$31,000 so the bid was less than estimated. The bid for the 200 KW generator was for \$73,400 and the estimate was \$65,750 so that was very close. The City Auditor said there was not enough time to review the bid to ensure it meets the specs. It was moved by Mr. Lipsh to approve the bid from Interstate Power Systems for \$71,400 for three 50KW generators and \$73,400 for one 200 KW generator, contingent upon

staff review and approval of the bid. Mr. Ray seconded the motion. 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: None. Member absent: Mr. Sieben. Mayor West declared the motion carried.

**CORRESPONDENCE AND ANNOUNCEMENTS**

A thank you note for the memorial to the Lutheran Sunset Home was received from the family of former Council member Richard Larson.

The Board of Equalization meeting will be held Tuesday, April 9<sup>th</sup> at 5:30 p.m.

**ADJOURNMENT**

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

\* \* \* \* \*

---

Chris West, Mayor

---

Connie A. Johnson, City Auditor