

**CITY OF GRAFTON
CITY COUNCIL MINUTES
MEETING OF AUGUST 10, 2020**

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, August 10, 2020.

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 Hall, Nick Ziegelmann, Tony Dumas, Rock Desautel, Tom Dusek, Scott Boura, Jon Markusen, Tammy Burns, Kande Koehmstedt, Shirley Burns, Larry Gunderson, Phyllis Gunderson, Kris Molde, and Todd Morgan.

OPEN PETITIONS

Several neighbors were present to express concerns over a fence that was recently installed at 1483 Edgewood Avenue owned by Greg D. Martinson. They presented a petition citing concern for pedestrians, especially school children walking along the sidewalk, as the fence is solid and too high, and stating the fence has interrupted the beautiful sightline of the neighborhood therefore requesting Martinson remove the panels on the front portion of the property. The Building Official reported a permit was issued but there was some miscommunication or misunderstanding of the fence regulations as the height of the fence does not comply with City ordinance. The fence along the side of the property is above the 6'3" maximum height, the fence along the front side of the property is above the 3'4" maximum height, and the transition panel is too close to the front of the property. The Building Official has issued a repair order to Martinsons to bring the fence into compliance by August 30, 2020. Mr. Lipsh reported the day Dakota Fence was installing the fence he spoke to them and asked if they had a copy of the City ordinance and if they had a survey of property lines. Dakota Fence did present a copy of a survey and said they were told by the owner what the ordinance was. Attorney Nick Hall noted Martinsons are not present to speak for themselves and they have until the end of August to make the fence comply. Since the ordinance does not provide for the City to go on the property and correct violations, he suggested holding a special City Council meeting August 24 to allow Martinsons to show cause why the fence should not be taken down. Mr. Hall said he believes the City would need to apply to the Court for an order due to health and safety concerns, but he is unsure how that applies. Following further discussion, it was moved by Mr. Sieben that the furthest east three panels on both sides of the house be removed as they are deemed unsafe for pedestrian traffic including children and the rest of the fence must be lowered to be brought into compliance with the ordinance. He added any appeal must be filed by August 30th. Mr. Lipsh seconded the motion. 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.

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. Hutson to approve the Consent Agenda as follows:

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council regular meeting of July 13, 2020 and Special City Council meeting of August 3, 2020.
- b) Ways and Means Committee regular meeting of August 3, 2020 cancelled.
- c) Public Utilities Committee regular meeting of August 3, 2020 cancelled.

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:

#1003 – Walsh County Gun Club

4.4 Site Authorization applications:

- a) Grafton Volunteer Fire Department at Centennial Center (04/02/2021 to 04/04/2021)

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. Young 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. 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. Hutson and seconded by Mr. Mohn to approve the list of abandoned and obsolete vehicles and equipment with a minimum \$150 bid for each item except the canal gates, which should be advertised through the League of Cities, the bore rig, which can be sold by negotiated sale, and the vehicles, which the proposed minimum bids on the list will be accepted. City Administrator Ziegelmann requested to remove the minimum bid from the new tire and rim for International A tractor, removing the Perkins pump from the list, clarify that the Allis Chalmers generator is an Allis Chalmers motor, and add a 2013 Ford Expedition with a minimum bid of \$500. It was moved by

Mr. Lipsh and seconded by Mr. Young to approve the list of abandoned and obsolete vehicles and equipment as amended. 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 Mr. Young and seconded by Ms. Stark to approve the application for special event alcohol license submitted by The Grafton Co. d/b/a Extra End to sell alcohol at the Strand Twin Theater for a fundraiser on August 20th from 5:00 p.m. – 11:00 p.m. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: Mr. Hutson. Member absent: Mr. Mohn. Mr. Hutson explained he voted in opposition to the motion due to COVID. Mayor West declared the motion carried.

On recommendation of the Public Utilities Committee, it was moved by Mr. Sieben and seconded by Mr. Young to approve the application submitted by Alan Collette Farming Assn to close 8th Street from the railroad tracks east of Frosty Fox to Stephen Avenue for harvest from September 8th to October 1st from 7:00 a.m. to 7:00 p.m. 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. Ray to approve the application to sell alcohol at a special event submitted by Last Chance Bar & Grill for the Corn Hole tournament in Leistikow Park on September 19th from Noon – 9:00 p.m. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Lipsh, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: Don Hutson. Member absent: Mr. Mohn. Mayor West declared the motion carried.

UNFINISHED BUSINESS

Jon Markusen of KLJ Engineering provided an update on the Flood Risk Reduction Project and Storm Sewer and Lift Station Project. August 1st the Contractor finished building all the levees; they are currently finishing topsoil application. The contractor has a punch list of items to clean up before the project is complete. Mr. Markusen presented Change Order #10 in the amount of \$826,724.60, most of the change order is for additional dirt. Construction costs are approximately \$26.9 million which is about 7% over the estimate. Mr. Markusen reminded the Council the first year the City saw the railroad savings of \$750,000 to \$1 million but that does not show up in this Change Order as that agreement was with Burlington Northern Santa Fe (BNSF) Railroad rather than Gladen Construction. Mr. Markusen explained if the additional dirt was removed from these estimates, the project costs would be about \$1 to \$1.5 million below estimate. The Change Order also adjusts the completion date to October 1, 2020. The completion date was previously extended to July 1 but that was basically left open ended pending the weather being favorable, however there have been a lot of rain days. Mayor West said Gladen Construction has been great in our community and very good to work with. It was moved by Mr. Sieben and seconded by Mr. Fellman to approve Change Order #10 for

\$826,724.60 and adjust the completion date until October 1, 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.

Scott Boura reviewed the Building Official Code Enforcement Report.

Mayor West reported he, Administrator Ziegelmann, Police Chief Dumas, and Council member Fellman met with Sheriff Jurgins, Commissioner Anderson and Emergency Manager Nelson last week to discuss the relocation of the Grafton Police Department from the Law Enforcement Center while maintaining safety for all citizens.

Mr. Lipsh thanked the Mayor, Mr. Fellman, City Administrator Ziegelmann, and Chief Dumas for serving on the Committee that was communicating with Walsh County throughout the process of renegotiating the Law Enforcement Center building lease. He added the City Administrator spoke on behalf of what was best for the people of Grafton who live within Walsh County. The annual cost to the County was \$150,000 to \$180,000 or 3 mills. The SORN 20/20 project for the Police and Fire Department will cost approximately \$200,000. Mr. Lipsh said this is responsible budgeting on behalf of the City. Mayor West stressed that first and foremost is the safety of the citizens and we will continue to have a good working relationship with the Walsh County Sheriff's Department.

It was moved by Mr. Lipsh and seconded by Mr. Young to approve first reading of an ordinance changing electronic and paper pull tab gaming to stop at 1:45 a.m. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Ray, Mr. Sieben, and Mr. Young. Those opposed: None. Member recused: Ms. Stark. Member absent: Mr. Mohn. Mayor West declared the motion carried.

NEW BUSINESS

Valley Ambulance and Rescue Service, Inc. requested to trade in the 2002 Ford ambulance. The City of Grafton owns the ambulances and leases them for use to VARS. It was moved by Mr. Hutson and seconded by Mr. Ray to approve trade in of the 2002 Ford ambulance. 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.

CORRESPONDENCE AND ANNOUNCEMENTS

Register for the 2020 North Dakota League of Cities Annual Virtual Conference by Tuesday, September 15th.

Kids & Kops will be held Thursday, August 20.

The City Auction will be held Monday, August 24.

City Cleanup is scheduled for Tuesday, August 25 and Wednesday, August 26.

There will be no Committee meetings in September due to Labor Day.

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