

**CITY OF GRAFTON
CITY COUNCIL MINUTES
MEETING OF JUNE 10, 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, June 10, 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, Brian Erovick, Kevin Sevigny, Scott Boura, Jon Markusen, Shirley Burns, and Todd Morgan.

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 May 13, 2019 and special meeting of May 23, 2019.
- b) Ways and Means Committee regular meeting of June 3, 2019.
- c) Public Utilities Committee regular meeting of June 3, 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) Crazy Summer Nights
- b) Angel of Hope

4.4 Site Authorization applications:

- a) Grafton Blueline Club, Inc. @ Polly's
- b) Grafton Blueline Club, Inc. @ Last Chance Bar & Grill
- c) Grafton Blueline Club, Inc. @ Frosty Fox
- d) Grafton Curlers @ The Grafton Co. d/b/a Extra End

4.5 Retail Motor Vehicle Dealer applications:

- a) Valley Brake Service, Inc.
- b) Hansons Auto & Implements, Inc.

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. Lipsh and seconded by Ms. Stark 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 STANDING COMMITTEES

On recommendation of the Public Utilities Committee, it was moved by Mr. Sieben and seconded by Mr. Young to purchase 2 vacuum fault interrupters at a cost of not to exceed \$45,000 each; one is payable from the Power Dept. and the other is payable from the Flood Risk Reduction 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.

On recommendation of the Public Utilities Committee, it was moved by Mr. Young and seconded by Ms. Stark to approve the proposal from Rock's Electric Construction, Inc. for Phase I of the SCADA system in the amount of \$20,000. This includes upgrading the computer currently at the Law Enforcement Center, provide and install new SCADA software and program to function with all lift stations in operation excluding the 5th Street lift station. 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.

On recommendation of the Public Utilities Committee, it was moved by Ms. Stark and seconded by Mr. Young to approve a Resolution of Sponsorship for the City to apply for a Community Development Block Grant (CDBG) for the Wakeman Avenue Lift Station Replacement Project. The project is estimated to cost \$185,150 and if approved, the grant could pay up to 100% of the construction cost. 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.

Bids were received from Dakota Fence - \$13,251, Newman Fences - \$9,685, and Paulson Fence - \$7,664 for installation of a commercial fence on the east and north sides of the compost site. Discussion was held whether cement barriers should be placed in front of the fence to prevent people from dumping branches too close to the fence and damaging it. Street Superintendent Desautel said he can get concrete barriers for about \$300-\$400 each which would cost a total of about \$9,000. Mr. Desautel said the main reason he would like to add the fence is to have a wind break because debris is always blowing into the street. Mr. Sieben moved to accept the low bid from Paulson Fencing. Mr. Desautel pointed out they are requesting \$5,000 down to purchase materials. Discussion was held whether the City should purchase the materials and have someone install it. Mr. Sieben rescinded his motion. Mr. Mohn moved to accept the bid from Newman Fence for \$9,685 with the contingency the fence be installed by July 31st and Mr. Fellman seconded the motion. On roll call vote the following voted in favor thereof: Mr.

Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, and Mr. Young. Those opposed: Ms. Stark. 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 a Special Event Alcoholic Beverage Permit for Last Chance Bar & Grill for a wedding dance at the Armory on Saturday, June 22nd from 6:00 p.m. to 1:00 a.m. Mr. Hutson questioned if this type of application could be approved by the City Auditor rather than going to the City Council. City Attorney Hall said he can research it, but he believes the City Council should be aware of what is happening when it involves retail alcohol sales. 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.

On recommendation of the Public Utilities Committee, it was moved by Mr. Young and seconded by Mr. Sieben to approve a Special Event Alcoholic Beverage Permit for Last Chance Bar and Grill for a dance at Heritage Village event center building on Thursday, July 25th from 7:00 p.m. – 11:00 p.m. 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.

On recommendation of the Public Utilities Committee, it was moved by Mr. Sieben and seconded by Ms. Stark to approve a Special Event Alcoholic Beverage Permit for Last Chance Bar & Grill for bands at Heritage Village grounds Friday and Saturday, July 26 and 27 from 9:00 p.m. - 2:00 a.m. 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.

On recommendation of the Public Utilities Committee, it was moved by Mr. Ray and seconded by Mr. Young to approve a Special Event Alcoholic Beverage Permit for Grafton Co. d/b/a Extra End for bands at Heritage Village grounds Friday and Saturday, July 26 and 27 from 9:00 p.m. – 2:00 a.m. 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 Economic Development Committee, it was moved by Mr. Lipsh and seconded by Mr. Ray to approve a Flex PACE buydown loan for LeBlanc Properties in the amount of \$12,756.78, payable after the term of the loan at 3% interest with the caveat that the Flex PACE loan policy be re-examined for the future. Administrator Ziegelmann reported Brian LeBlanc plans to build a shop for his Agassiz Excavating Company one mile north of Grafton. There was a lot of discussion among the Economic Development Committee regarding what involvement the City should have when the improvement is outside city limits. He said ultimately the Committee did recommend approval but wants to have further conversation to set guidelines for future projects such as this. Mr. Hutson said he has a problem using sales tax money to finance a business that does not charge sales tax and is outside the city limits. Mr. Lipsh reported the Economic Development Committee noted that Mr. LeBlanc does live in the City and has been a reliable customer for Red River Regional Council. Mr. LeBlanc currently employs 4 but may be adding 1 additional job. On roll call vote the following voted in favor thereof: Mr. Fellman, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: Mr. Hutson. Mayor West declared the motion carried.

UNFINISHED BUSINESS

Jon Markusen of Kadrmas, Lee & Jackson provided an update on the Flood Risk Reduction Project. Two weeks ago, the east 1/3 of the control structure wall was poured and Wednesday the west 1/3 will be poured; that will leave the gates on top, which will be completed before the 4th of July. The Drayton rail structure has been sandblasted and painted. The Walhalla rail structure is being prepped for painting. The railroad crew from Fordville was here putting the main line track on and should be done by the end of the week. The Glasston rail structure will be started next week and will hopefully be reopened again by the 4th of July. There is a new drone video available for viewing. They are spraying weeds starting today. Mr. Markusen reported we are on Pay Estimate # 24 which is at \$18.8 million. He presented Change Order #6 for an increase of \$5,966.10 to repair a guardrail at the Hwy 81 bridge that was damaged over the winter. Change Order #7 includes changes to approaches and several miscellaneous items; this will not be acted on today. Mr. Markusen reported engineers and the Mayor and Administrator met with FEMA on June 5th to discuss the CLOMR process and were advised how to proceed. They are also starting the LOMR process at the same time they are finishing the CLOMR process. The City will be calling FEMA every 2 weeks to make sure the CLOMR stays on schedule. Mr. Young asked if the work being done north of the beet pile goes as far west as County Road 6 and Mr. Markusen said it ends at that point. The levee will be higher than the road to help redirect the water and keep it going north to the bypass channel. Mr. Lipsh asked if the levee was extended from 147th all the way to County Road 6 because of the straightening of the river and the river breaking out there during high water time. Mr. Markusen explained it was just a matter of looking at the best fit for the footprint of the project and trying to balance impacts. It was moved by Mr. Young and seconded by Mr. Hutson to approve Change Order #6 for \$5,966.10. 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. Sieben questioned the timelines for the internal drainage project on the south end; Mr. Markusen explained the pre-construction meeting will be in the next couple weeks. After the 4th of July the contractor plans to start installing the storm sewer, which will continue through September. The contractor plans to pave in August before school starts. Lift station construction will start the end of July and go through November with restoration in October and November. There will be interruptions to access off 15th Street from Desautel's to Edgewood Avenue for short periods.

Building Official Scott Boura reviewed his monthly report and an inspection report for 404 Noben Avenue; he is ready to proceed with condemnation of the structure at 404 Noben Avenue. A zoning violation was sent to 103 Eastern Avenue for violation of fence height/setback. The property owner did not obtain a building permit, so he was not aware of the requirements. The building official gave him 30 days to correct the violation, which will be after the 4th of July. Mr. Mohn reported he has received complaints about weeds at the former Colsen property.

NEW BUSINESS

It was moved by Mr. Lipsh and seconded by Mr. Young to approve the Mayor's appointments of Todd Morgan to the Board of Adjustments, Denise Moe to the Planning and Zoning Commission, and Tony Dumas to the Airport Authority. All members were present and voted in favor thereof; Mayor West declared the motion carried.

Terry Estad, 714 Prospect Avenue, and John Adriano, 506 East 7th Street, presented a petition from neighbors in the area of 719 Prospect Avenue where the owner is feeding cats that are running at large. Mr. Estad said he has lived in his home for 45 years and he has never seen so many cats in the neighborhood. He was trapping them, and the Police were good enough to collect them until one sprayed the pants and shoes of an officer. Mr. Adriano said he believes the ammonia smell is a danger to his granddaughter. Mr. Lipsh said he has been told there are issues with feral cats on 6th Street as well. City Attorney Hall proposed amending Section 4-22 to Public Nuisance – Animals at Large to

make feeding and sheltering animals running at large a misdemeanor and requiring appearance at Municipal Court. It was moved by Mr. Mohn and seconded by Mr. Hutson to approve first reading of an ordinance entitled "AN ORDINANCE OF THE CITY OF GRAFTON, PROVIDING THAT THE CODE OF ORDINANCES CITY OF GRAFTON, NORTH DAKOTA BE AMENDED BY REVISING SECTION 4-22 PROVIDING FOR ANIMALS AT LARGE." 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.

Mark Buck, 446 East 8th Street, requested to speak regarding the need for 4-way stop signs at 8th and Prospect Avenue, 4-wheelers with no license plates, speeding along 8th Street, and cars with loud music. He said vehicles have no stop signs all the way from Eastern Avenue to Hill Avenue and he is trying to prevent a tragedy from happening because there are a lot of kids on bikes and vehicle traffic is at least 40 mph at times. Street Superintendent Rock Desautel reported in 1995 a survey was completed with a grant from the North Dakota Department of Transportation and at that time 60 stop signs were removed throughout the City as they were determined to be not necessary. City Attorney Hall said the City's Home Rule Charter gives some extra authority than we would otherwise have, so it is his belief the City can establish its own standards. Police Chief Dumas reported in the past 4 years there has been 1 crash involving property, 1 involving serious injury and 5 traffic violations at the intersection. Mr. Lipsh questioned if there was a need for a traffic study. City Administrator Ziegelmann said signs do not solve all traffic problems. City Attorney Hall said assuming the City has a broad authority it is still necessary that the City Council establish its own standards so stop signs are not installed everywhere; he offered to research the issue before the next meeting. It was suggested talking with the Police and Street Departments regarding high traffic areas where signs may be appropriate. Mr. Hutson stated speed bumps would slow down the traffic, but they are difficult for the Street Department to work around. Mr. Lipsh informed Mr. Buck that ATV's are allowed to be driven on the shortest route in and out of town so that makes enforcement difficult. He also addressed UTV's which are street legal. If the vehicles are not insured, they are impounded. Mayor West said the requests will be taken under advisement.

City Attorney Nick Hall reported that about 5 years ago the City adopted an ordinance so if the City obtained a judgment against any party in the City pertaining to one of their properties, it was a judgment against all their properties. This was done with a judgment on Alan Mattson a few years ago and now it appears that his home is being foreclosed upon by the Small Business Administration. The mortgage was filed in 1998 so it is superior to the City's judgment. The City has received notice as a party defendant since it has an interest in the property by the judgment. The foreclosure documents indicate the balance owed including past due interest on the property is \$45,000. Since the mortgage is superior to the City's judgment, Attorney Hall recommended the City take no action on the matter, do not respond to the foreclosure complaint, and do not take steps to protect its rights because in order to exercise them, the City would have to outbid the mortgagee on the courthouse steps, which would be for more than \$45,000.

CORRESPONDENCE AND ANNOUNCEMENTS

A poster regarding the 2020 Census was distributed. The US Census Bureau is looking for local employees to help conduct the 2020 Census. The hours are very flexible. The Auditor encouraged Council members to invite their constituents to apply for this work as an accurate census count will be a great benefit to the citizens of Grafton.

City Hall will be closed Thursday, July 4th and Friday, July 5th.

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