

**CITY OF GRAFTON
CITY COUNCIL MINUTES
MEETING OF MAY 11, 2020**

The regular meeting of the City Council of the City of Grafton, North Dakota was held at 6:00 p.m. on Monday, May 11, 2020. To accommodate social distancing required by COVID-19, the meeting was held over the meeting application Zoom.

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 Hall, Nick Ziegelmann, Tony Dumas, Tom Dusek, Shirley Burns, Jon Markusen, 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. Young to approve the Consent Agenda as follows:

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council regular meeting of April 13, 2020.
- b) Ways and Means Committee regular meeting of May 4, 2020. (cancelled)
- c) Public Utilities Committee regular meeting of May 4, 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

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

REPORTS OF STANDING COMMITTEES

Administrator Ziegelmann presented a list of frost boils saying frost boils continue to develop. Street Superintendent Desautel will work with KLJ Engineering to address some of the larger frost boils. Knife River is in town for a mill and overlay of Highway 81 North so Mr. Desautel will obtain an estimate to repair frost boils from them. The smaller frost boils will probably just be dug out, filled with gravel and patched as much as possible. Eleventh Street between Manvel and Hill Avenue had to be closed off for repair as old storm sewer lines must be removed before fixing the asphalt. Administrator Mr. Ziegelmann said the Street Department will start working on some of the smaller frost boils this week.

City Administrator Ziegelmann reported the City of Drayton decided to choose the proposal for water from Walsh Rural Water District, although he believes Grafton had a better cost per 1,000 gallons. Their decision may have been due to the State cost share, which is 75% for rural water systems and 65% for City projects. There was some thought that Grafton's project could have been funded at the 75% level as it would have been a regional system from Grafton to Drayton. There was concerns about AE2S being involved with all three parties and inconsistencies were found with projections that were provided to Drayton. The RFP included a certain minimum flow and Walsh Rural Water was not able to meet that, but Drayton chose their proposal. Mayor West said we wish Drayton the best of luck and we hope they get their project completed. Since Drayton is changing their water source, they will need an election. If the question passes, they need approval from the State Water Commission.

REPORTS OF SPECIAL COMMITTEES

Administrator Ziegelmann reported that after the City Council approved the Flex PACE loan for Brad and Denise Moe and Marvin and Angela Longtin for a new car wash, an error was found within their spreadsheet which would change the City's share of the loan from approximately \$13,000 to \$17,000. The community present value should be \$33,555 and the City of Grafton's share is approximately \$17,000; the Walsh County Job Development Authority will pay the other half. It was moved by Mr. Hutson and seconded by Mr. Young to approve the correction and amend the original motion to set the total community present value of the loan at \$33,555 the City's share of the Flex PACE loan is in the amount not to exceed \$17,000 and Walsh County Job Development Authority will pay the remaining half. 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 from KLJ Engineering reviewed Flood Risk Reduction Project Gladen Construction Change Order #8 which included an additional \$321,378.31 for extra dirt work, erosion control, contract bond, mobilization, all due to the extra dirt work and time needed to complete the project. Mr. Markusen said the contractor was at about \$360,000 and KLJ was at \$320,000 so they worked with the contractor to finalize the change order. Mr. Markusen reported between the Flood Risk Reduction Project and the Storm Sewer and Lift Station Project, the Gladen contracts are just about \$28 million and with Change Order #8 and one more change order he is anticipating, he projects the contracts will total around \$29 million. Administrator Ziegelmann reported that in 2017 there was \$4 million in the budget for contingencies, part of that had to be used for the interior storm water project, which came in higher than anticipated. He said if his estimates are correct, we should still be around that \$38.5 million which is \$1.5

million under budget. It was moved by Mr. Hutson and seconded by Mr. Fellman to approve Change Order #8 for Gladen Construction's contract for 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.

Mr. Markusen provided an update on the Flood Risk Reduction Project and Storm Sewer and Lift Station Project. He anticipates bringing the final change order to the City Council in June. They are seeing a little settlement at the control structure, in the sheet pile. The Geotech is running some calculations to determine if anything needs to be done with that. Mr. Markusen reported the project has been going well so far this year. There is one area by the control structure that is extremely soft and very wet, and they are trying to figure out what can be done with that; they have already passed approximately 30 tests on the density. They have a lot of finishing work at stretches of levee along Hwy 17 east and west. They have a lot of finishing work to complete along Highway 81 North, the buffalo crossing, and by the control structure. Overall the dirt work has been going well; topsoil has been put back in place, seeded and straw mulched.

Mr. Markusen reported the contractor is conducting site cleanup at the Storm Sewer and Lift Station Project. They will landscape and seed around the structure. They are working with the farmers to give back as much of the field as possible. The contractor has been working to remove topsoil piles from the fields so the farmers can plant crops. A three-hour meeting was held with FEMA last week and another is scheduled this week to obtain approval on the CLOMR. Mayor West reported he has contacted Senator Hoeven's office for his assistance.

The Code Enforcement Report from the Building Official was reviewed. It was discussed the bowling alley property cleanup is on hold awaiting the ground to dry up.

NEW BUSINESS

City Administrator Ziegelmann provided a background of the Law Enforcement Center contract which has been in effect for 22 years and is expiring. The contract requires the City to pay 1/3 of the LEC costs and the County 2/3 of the costs including the building and the dispatch services. The 2020 Budget for the LEC is \$562,000 and the City's share is \$187,000. A City resident pays City mills, County mills and 911 fees. He believes E911 fees would total approximately \$75,000 to \$90,000 annually. In addition, the City pays \$187,000 through the contract. Mr. Ziegelmann reported the LEC Committee met 3 times to discuss these issues and he attended a County Commission meeting last week where the Commissioners asked how much the City wanted to pay for the 911 dispatch services. He had not discussed that matter with the full City Council, but his position was the City wanted to pay zero dollars for dispatch services because no other community pays above and beyond the County mills as well as the 911 fees. He did tell the Commission he was willing to negotiate on the building 1/3 share. Mr. Ziegelmann asked the City Council for guidance if they thought otherwise. Mr. Hutson said he understood the 911 fees were intended for dispatch services and asked how much money is earned through that tax. Mr. Ziegelmann has been told approximately \$200,000 county-wide annually, but he has not had it broken out per municipality.

Mr. Lipsh questioned what a constituent from Grafton pays for 911 services. The County says it takes 10 mills to operate the LEC and dispatch. Mr. Lipsh said he believes the building fees and 911 fees need to be separated and asked if there was conversation about that. Mr. Ziegelmann said he has stressed that to County Commissioners as well as the LEC Board as he has no problem supporting the agreement for the building but does have an issue about being charged for the dispatching fees when no other city is. He said he cannot guarantee that they are willing to separate them out.

Mayor West said a recommendation from the City Council is necessary to move forward. He would recommend no longer paying for the dispatching fees and to negotiate 1/3 of the building costs. He would like to pursue some ownership in the building, so the City is not just paying rent or if we continue to pay rent, that it be less costly.

Mr. Lipsh asked if any other city collects the 911 fees for deposit to the City Auditor to be used for 911 bills. Police Chief Dumas talked with the City of Williston; they collect their own 911 fees and the County collects theirs to offset the cost of communications. He said according to Century Code 911 fees do not have to go towards dispatch. 911 fees must be used for the infrastructure communications so they could be used to offset the City's costs of dispatch or to switch over to the SORN 20/20 project.

Mr. Hutson questioned if the County was responsible for the jail of city prisoners. Chief Dumas said those costs are an additional line item in his budget that is not inclusive in the \$187,000.

Chief Dumas said this is an ideal time to discuss this because the County is on the brink of a SORN 20/20 project which is very expensive. The County does have the option of maintaining its current equipment or switching to the new, very expensive program and the State would help with those costs.

Mr. Ziegelmann said after he told the LEC Committee that he didn't want the City to pay for dispatching, Brent Nelson, Emergency Manager for Walsh County came back with a counteroffer of \$155,000 for 2021 with an increase of \$2,500 per year for a 5-year contract. Mr. Nelson justified the amount by presenting spreadsheets that indicate the dispatchers answer 19,300 calls per year of which 4,600 are City calls.

The City's options are: 1) move out, 2) lease on building and no dispatch, or 3) do nothing. The County was not interested in discussing anything less than the current contract.

Chief Dumas said a spreadsheet provided by the County shows the cost of doing business in dispatch is 10 mills which is 7 mills from the County and 3 mills from the City. They are only using portions of the 911 fees they are collecting to pay for dispatch. The County is using 911 fees to purchase equipment and technology.

After considerable discussion, it was moved by Mr. Young and seconded by Mr. Sieben to confirm the City Administrator's recommendation and contribute nothing toward the Law Enforcement dispatching expenses as the citizens of Grafton are already contributing to the costs through the E-911 fees on their telephones and cellphones collected by the County, and to extend the current Law Enforcement building lease with the same terms through December 31, 2020 to allow the Grafton Police Department to operate from the Law Enforcement building until a new lease can be negotiated. It was moved by Mr. Young and seconded by Mr. Sieben to amend the

motion and include if the County and City cannot agree on a mutually acceptable building lease, the Grafton Police Department will permanently remove themselves and their belongings from the Law Enforcement Center starting October 1, 2020. On roll call vote the following voted in favor of the amendment: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: (None) Mayor West declared the amendment carried. On roll call vote the following voted in favor of the motion as amended: Mr. Fellman, Mr. Hutson, Mr. Lipsh, Mr. Mohn, Mr. Ray, Mr. Sieben, Ms. Stark, and Mr. Young. Those opposed: None. Mayor West declared the amended motion carried. He continued by stating the City's goal is not to leave the LEC, but rather to work hand in hand with the County.

CORRESPONDENCE AND ANNOUNCEMENTS

The City and Primary Election will be held Tuesday, June 9, 2020.

The Chamber of Commerce Board will hold a special meeting next week to make a final determination on whether to hold Summerfest related to COVID 19.

Mayor West has not decided about when to reopen City Hall to the public. He said we will wait to see what the virus numbers do before we open. There also will be some safety improvements installed at the reception desk before opening.

Word has been received that Westside Drive-In is permanently closing.

ADJOURNMENT

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

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Chris West, Mayor

Connie A. Johnson, City Auditor