

**CITY OF GRAFTON
CITY COUNCIL MINUTES
MEETING OF NOVEMBER 12, 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 Tuesday, November 12, 2019. Monday was Veterans Day.

Mayor Chris West presided. Members present: Dave Fellman, Chris Lipsh, Shane Mohn, Phil Ray, Brian Sieben, Mary Stark, and Greg Young. Member absent: Don Hutson. Others present: Nick Ziegelmann, Nick Hall, Tony Dumas, Russ Geddes, Kevin Sevigny, Gene Loftsgard, Scott Boura, Jon Markusen, Peggy Jo Archer, Margie Romo, Claribel Almonte, Arlen Dolney, 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. Young to approve the Consent Agenda as follows:

IV. CONSENT AGENDA

4.1 Approval of Minutes:

- a) City Council regular meeting of October 14, 2019
- b) Ways and Means Committee regular meeting of November 4, 2019
- c) Public Utilities Committee regular meeting of November 4, 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

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: None. Absent: Mr. Hutson. Mayor West declared the motion carried.

BILLS, CLAIMS AND ACCOUNTS

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

REPORTS OF STANDING COMMITTEES

On recommendation of the Ways and Means Committee, it was moved by Mr. Lipsh and seconded by Mr. Mohn to accept the application from the Angel of Hope Memorial Committee for the City's share of the 2019 Walsh County Self-Help grant. 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: None. Member absent: Mr. Hutson. Mayor West declared the motion carried.

On recommendation of the Ways and Means Committee, it was moved by Mr. Lipsh and seconded by Mr. Mohn to renew the annual lease for the Armory kitchen and dining room with the Walsh County Nutrition Program, all terms to remain the same. 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: None. Member absent: Mr. Hutson. Mayor West declared the motion carried.

On recommendation of the Ways and Means Committee, it was moved by Mr. Mohn and seconded by Mr. Lipsh to renew the annual lease for the Armory community room with the Grafton Senior Club with a rental rate adjustment to \$125.00 per month. 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: None. Member absent: Mr. Hutson. Mayor West declared the motion carried.

The application for On-Sale Beer and On-Sale Wine license submitted by Mike1Hospitality, d/b/a AmericInn was tabled by the Ways and Means Committee to allow time for the City Attorney to review the City ordinance, which requires liquor license applicants to be US citizens. The applicant reported he is a citizen of India. City Attorney Hall recommended the City ordinance be updated that an applicant must be a United States citizen or legal resident and with that, the applicant has been contacted to furnish proof he is a legal resident of the United States. It was moved by Mr. Lipsh and seconded by Mr. Young to approve the application for On-Sale Beer and On-Sale Wine license submitted by Mike1Hospitality, d/b/a AmericInn effective November 15, 2019 through December 31, 2019, contingent upon receipt of proof the applicant is a legal resident of the United States. The ordinance amendment will be prepared for Council consideration next month. 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: None. Member absent: Mr. Hutson. 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 accept the bid from The Insulation Place for \$76,970 to fix the Maintenance building flat roof in 2020. Bids received were: Tecta America \$131,930 with a 15-year warranty, CL Linfoot \$95,900 with a 15-year warranty, Skinner Roofing \$109,350 with a 10-year warranty, and The Insulation Place \$76,970 with a 10-year warranty. 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: None. Member absent: Mr. Hutson. 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 submit a North Dakota Department of Transportation - Transportation

Alternative Program (TAP) grant application to repair and overlay the bikepath along Noben Avenue from 5th Street to Highway 17. 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: None. Member absent: Mr. Hutson. 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 submitted by the Chamber of Commerce for possession and consumption of wine in public areas for a Wine Walk event Thursday, December 5th from 5:00 – 9:00 p.m. All members present voted in favor thereof: Mayor West declared the motion carried.

UNFINISHED BUSINESS

Jon Markusen of Kadrmas, Lee & Jackson provided a brief update on the Flood Risk Reduction project reporting the contractor continues to excavate from the channel; there are 2 locations left to finish - between Hwy 81 and County Road 10 and by the west railroad bridge – so the channel will be finished this fall. They continue to haul topsoil to some locations; they had 30 trucks hauling today. Mr. Markusen believes there will be 10 days of hauling to finish the work. They hope to finish hauling before Thanksgiving. The rip rap should all be placed also. Next spring, they will mainly have left removing levees in the places that were not finished and building them permanently and seeding. They have done a lot of clean up on temporary roads and added gravel to roads, so they are ready for winter. Mr. Markusen reported pay estimate number 35 was just provided to the City; that brings the total project cost to approximately \$23.3 million. There will be another 1 or 2 pay estimates yet this year to finish excavation, then the project will be on hold until spring. Mr. Mohn asked if easements will be paid again due to the extension of the completion date. Mr. Markusen said easements were for 3 years, so this would be the third year. Each year easements are reevaluated and reduced if not needed. Mr. Young asked if the road conditions are supporting the truck traffic; Mr. Markusen said they appear to be.

Mr. Markusen reported the storm sewer pipe is in the ground for the Storm Sewer Lift Station Project, all the pours are complete for the lift station, and they have backfilled the pipe. Next, they will install the contents of the lift station and connect it to power. The generator will be delivered after Thanksgiving. There will be some finishing work on that project next year. The lift station will be operational next spring. Mr. Markusen presented Change Order No. 2 explaining they planned for a 72” manhole but it had to be upsized to a 96” manhole to allow for pipe configuration. They also had to add a couple of inlets to the storm sewer pipe across 15th Street and on the west side of Lavergne to get some grade issues to work out. They also had to modify a couple of inlets before they poured the curb to assure everything flowed properly. After it was paved, they sprayed a fog seal, which is a light coat of oil, over the road. The total of Change Order #2 is an increase of \$17,762.70. It was moved by Mr. Mohn and seconded by Mr. Fellman to approve Change Order #2 in the amount of \$17,762.70 for the Storm Sewer Lift Station project. 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: None. Member absent: Mr. Hutson. Mayor West declared the motion carried.

Building Official Scott Boura reviewed his monthly report. Walsh County had acquired one of the mobile homes at Corner Court for back taxes.; the home had been gutted and was empty for at least 2 years. The County removed the structure but the County Commissioners decided to

take the structure and skirting only and left a shed and an attached porch in place. This will require the City to take action against the lot owner to have that junk removed.

Mr. Boura has received complaints about all the visible salvage at Russ's Auto & Scrap. Mr. Boura is reviewing the permit and will be meeting with Mr. Holten to discuss how to address this.

Mr. Boura has received complaints about the junk and vehicles at 12th Street Bowl. He has been monitoring the situation in hopes the junk would be removed but the number of vehicles continues to grow. There is no motor vehicle dealer license or junk yard license for the property. Arlen Dolney, owner of 12th Street Bowl, explained the vehicles belong to him or his family and Janousek's. Mr. Janousek mows their lawns for free in exchange for free parking for his yard care trucks. Mr. Dolney said most of the vehicles on the property are being used for parts to fix other vehicles. The problem is lack of time and money. All the money they make goes right into the bowling alley. He said they have been storing the vehicles on their property which is private property and has no public access. Mayor West suggested Mr. Janousek move his vehicles back to his farm for the winter. Police Chief Dumas reported paperwork for 11 junk or abandoned vehicles has been served to Mr. Dolney; they can be impounded within 48 hours. There was also a trailer, boat trailers and a semi-trailer that were not written up. It was the consensus of the City Council that the Police and the Building Official have been handling the issue appropriately. Mr. Lipsh suggested the Economic Development Director contact 12th Street Bowl regarding resources available to them with a small business loan or business planning. Mr. Lipsh also questioned there being a storage rental facility south of NAPA and he requested the Building Official check into that further because it would be an improper use for that area.

NEW BUSINESS

Mayor West reported a petition was received from some residents of a County development known as Westwood Addition, which is west of the Grafton city limits on 5th Street extended, to open Westwood Drive. City Administrator Ziegelmann explained this petition is for the Council's information as it is from residents outside the city limits. He said an access or culvert along 5th Street and planned Westwood Drive was removed by the City. There are 20 houses in that development that used that as a secondary or main access, and they are requesting that it be reopened. Mr. Ziegelmann explained at this time there is no benefit to the City or City residents to replace the culvert.

Peggy Archer, 2020 Census specialist, reviewed the importance of an accurate population count to the City of Grafton. She suggested different activities to obtain an accurate count such as creating a Complete Count Committee, which could involve people from the schools, grocery stores, etc. For each resident that is not counted, it results in a loss of \$19,000 and for each missed household \$44,000. Ms. Archer said there are many job openings with the Census also. The address canvassing is taking place at this time to confirm there is a home at the address. On April 1st the Census will begin collection and December 31st the count is delivered to the President. She explained the goal with this census year is self-response, so this is the first-year people can respond online. If people don't respond online, then census workers will knock on doors. She stressed the importance of getting the word out how important it is that people respond accurately to the Census.

A proposal received from Wisdeth, Smith & Nolting to provide AMI services was provided to the City Council for review. Administrator Ziegelmann reported no action is needed at this time as the matter will be brought before the Public Utilities Committee next month.

An offer has been made by Thomas Knubel to gift the City his 10-unit apartment complex located at Hwy 81 and 14th Street. Mayor West reported he and the Building Official went to look at the property and suggested tabling the matter at this time. He said in its present condition he does not feel it is in the City's best interest to accept that property. Mayor West spoke with the property manager and was told they are vacating the property for the winter months and will be looking at some updates to the property over the winter and into spring. It was moved by Mr. Fellman and seconded by Mr. Young to table this offer until spring. All members present voted in favor thereof; Mayor West declared the motion carried.

The City has received an offer from the owner of the former Hardee's building to gift the property to the City. Mayor West said in his opinion, this property is a good structure and could serve as a nice tool to be used by the Economic Development Committee. Mr. Sieben stated he is against accepting the offer. Ms. Stark agreed noting the City took a beating when it owned the former bank building. It was moved by Mr. Lipsh and seconded by Mr. Mohn to table the matter until the next meeting. All members present voted in favor thereof; Mayor West declared the motion carried.

CORRESPONDENCE AND ANNOUNCEMENTS

A Public Utilities Committee meeting will be held immediately following the Council meeting to discuss street maintenance funding.

The Grafton Municipal Airport invites the public to comment on its Master Plan at an open house Tuesday, November 19th at 4:00 p.m.

The Chamber of Commerce Annual Awards Banquet will be held Monday, November 25, 2019.

City Hall will be closed the day after Thanksgiving; staff will take vacation time.

Mr. Young asked the Power Superintendent about the recent power outage. Mr. Geddes explained they are still working on the issue as there were two breaks of the power lines.

ADJOURNMENT

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

* * * * *

Chris West, Mayor

Connie A. Johnson, City Auditor