

JAMESTOWN CITY COUNCIL
REGULAR MEETING, SEPTEMBER 5, 2006
OFFICIAL MINUTES

The regular meeting of the City Council was called to order by Mayor Liechty at 5:00 P.M.

Roll Call showed the following members present: Mayor Liechty, Council Members Schulz, Heinrich, Grabinger and Parisien, City Attorney Dalsted, City Engineer Horgan, and City Administrator Fuchs.

Council Member Schulz moved to approve the minutes of the regular meeting, August 7, 2006, as printed. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

A bid was received for the sale of an impounded and abandoned vehicle from Kayla Nelson.

Council Member Grabinger moved to approve the following consent items:

- A. Resolution to approve the request from Stutsman County for \$30,000.00 in economic development funds as part of the local match to fund a transportation study with the ND Department of Transportation, with the City Share to be \$3,000.00, and paid from the City Sales Tax Fund.
- B. Resolution to deny the request of the former owners of the Brass Rail for a refund of the half year payment for the 2006-2007 Class D alcoholic beverage license as the business was sold.
- C. Resolution to approve the request from Ducks Unlimited, Inc., for a gaming site authorization at the Civic Center on September 14, 2006.
- D. Resolution to approve the plat of Tulliah Hills Addition.
- E. Resolution to approve the request from The Brass Rail to hold a street dance on October 7, 2006.
- F. Resolution to approve the variances for curb cut as requested by D & J Enterprises, Inc., for Interstate Sinclair, relative to the US 281 Reconstruction, Project No. NHU-2-281(030)066.
- G. Resolution to approve the request from the City Beautification Committee for permission to install electricity on Mill Hill.
- H. Resolution to approve Change Order No. 1, to Swanberg Construction, Inc., for construction on Sanitary Sewer District #06-31, CWSRF No. 380808-03, CDBG No. 1698-CD-0204-PF-S, (additional work involving storm sewer inlets and other storm water matters), for an increase in the contract price of \$22,313.00.
- I. Resolution to approve Estimate No. 1, to Swanberg Construction, Inc., for construction on Sanitary Sewer District #06-31, CWSRF No. 380808-03, CDBG No. 1698-CD-0204-PF-S, in the amount of \$241,561.13.
- J. Resolution to allow Payment No. 1, to Advanced Engineering and Environmental Services, Inc., for services on the Wastewater Cost of Service and Rate Design Study, in the amount of \$4,802.97.
- K. Resolution to allow Estimate No. 1, to Gary Morlock Construction, Inc., for construction on Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, in the amount of \$37,179.00.
- L. Resolution to allow Estimate No. 3, to Lindberg Brothers, Inc., for construction on Sidewalk and Curb & Gutter District #06-11, in the amount of \$26,129.18.
- M. Resolution to allow Estimate No. 4, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #06-41, in the amount of \$634,081.26.
- N. Resolution to allow Estimate No. 10, to CB&I Constructors, Inc., for construction on Section II, Elevated Water Storage & Distribution System Improvements, PWS No. 4700498, in the amount of \$176,962.24.
- O. Resolution to allow Estimate No. 1, to Interstate Engineering, Inc., for engineering services on Phase I, Part A, Water Well Replacement, Project No. 4700498-02, in the amount of \$50,701.29.
- P. Resolution to allow Estimate No. 2, to Interstate Engineering, Inc., for engineering services on Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, in the amount of \$9,791.00.
- Q. Resolution to allow Estimate No. 4, to Interstate Engineering,

Inc., for engineering services on the Southwest Sanitary Sewer Rehabilitation, Sanitary Sewer District #06-31, in the amount of \$5,489.75.

- R. Resolution to allow Estimate No. 18, to Interstate Engineering, Inc., for engineering services on Lift Station Replacement, Phase II, Master Lift Station, Sewer Improvement District #03-31, CWSRF No. 380808, in the amount of \$3,251.50.
- S. Resolution to allow Estimate No. 19, to Interstate Engineering, Inc., for engineering services on the Elevated Water Storage and Distribution System Improvements, PWS No. 4700498, in the amount of \$6,103.31.
- T. Motion to accept the reports of the Municipal Judge, Police Department, Fire Department, Public Works Departments, Inspection Department, Forestry Department, Promotion and Tourism Center, Central Valley Health Unit, and financial status.
- U. Resolution to allow the August indebtedness in the amount of \$3,001,305.42 consisting of \$338,055.83 payroll and \$2,663,249.59 general obligations.

Seconded by Council Member Parisien. Consent Roll Call No. 1 showed: 5 ayes, 0 nays, 0 absent. Carried.

(Inserted paragraph per 10-02-06 City Council Meeting)

Mayor Liechty requested that the Jamestown/Stutsman Development Corporation work on changing the Resource Development Specialist's job description so that less time and emphasis is spent on the COPS agenda, and that the RDS's time be utilized to a greater extent in other areas of development. Resource Development Specialist Christina Wiederrich of Jamestown/Stutsman Development Corporation said that they are already working on changes to her job description.

Council Member Heinrich moved a Resolution to approve the Jamestown/Stutsman Development Corporation 2007 operating budget. Seconded by Council Member Schulz. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve the alternate parking plan concept constructed with concrete and that enhancements such as trees, shrubs, lights and fencing be paid for through the use of grant funds, and to authorize the City Administrator and City Engineer to negotiate an engineering agreement with Interstate Engineering, Inc., on the selected scope of the project. Seconded by Council Member Schulz.

Paul Witthauer (resident at 310 21st Avenue NE, and business owner at 113 1st Street West) appeared before the City Council to report on the meeting that was held earlier on September 5, 2006, with business owners adjacent to the downtown parking lots on both sides of the railroad tracks relative to the proposed improvements.

Joel Onsuraz, property owner at 100 1st Avenue South, appeared before the Council in support of improvements to the downtown parking lot.

(Amended paragraph per 10-02-06 City Council Meeting)

Craig Beedy, 1521 5th Avenue SE, presented a petition to the Council that contained 579 names of people who are in opposition to any property tax special assessments or mill levy increases to pay for any improvements to the city owned parking lots in the downtown area by the railroad tracks.

Dan Buchanan, (resident at 216 15th Avenue NE, and business owner at 110 1st Street East) appeared before the City Council in support of making improvements to the parking lots, but suggested the proposed plan needs further research before moving forward.

Shirley Schultz, 914 2nd Place NE, appeared before the Council with concerns relative to property taxes and the proposed downtown parking lot improvements.

Council Member Heinrich moved to table the matter for thirty (30) days. Seconded by Council Member Parisien. Roll Call No. 3 showed: 4 ayes (Schulz, Heinrich, Grabinger and Parisien), 1 nay (Liechty), 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve a proposed agreement between the City, Merrill Lewis, Francis Lee and Chris Ebertz for the vacation of alleys located in Block 6, Klaus & Hager Park Addition, provided the three other parties involved sign the document. Seconded by Council Member Grabinger.

Merrill Lewis informed the Council that he understood one party will not sign and therefore is requesting that the City open the alley as platted.

Francis Lee informed the Council that his attorney advised him not to sign the agreement.

Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to reject the bid received from Hillerud Construction, Inc., for the new animal control kennel to be constructed at the Baler Facility, in the amount of \$67,585.00, and to re-advertise. Seconded by Council Member Liechty. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to award the bid for Phase 1, Part B, Raw Water Transmission Line, DWSRF Project No. 4700498-02, to Swanberg Construction, Inc., in the amount of \$815,599.00, subject to approval by the ND State Health Department. Seconded by Council Member Grabinger. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved to introduce the first reading of an ordinance to annex Lots 11 thru 20, Block 1, and Lots 1 thru 10, Block 3, Marjo First Addition, as requested by letter, dated August 21, 2006, from Joseph Larson on behalf of Jordahl Custom Homes, Inc.

Council Member Heinrich moved to introduce the first reading of an ordinance pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2007, through December 31, 2007.

Council Member Heinrich moved to introduce the first reading of an ordinance pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2007, through December 31, 2007.

Ordinance No. 1308, introduced by Council Member Schulz, to amend and re-enact various sections of Appendix C of the City Code pertaining to portable toilets, had its second reading. Seconded by Council Member Parisien. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved to appoint James Nyland to serve as a member of the Library Board with a term to expire July 2009. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Heinrich moved to appoint Travis Peterson to serve as Special City Prosecutor for a term of two years to expire June 2008. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Grabinger moved to appoint Clarice Liechty to serve as a Council representative member of the Renaissance Zone Authority to fill the vacant unexpired term which expires August 2008. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Council Member Grabinger moved to appoint Harvey Huber, Letitia Johnson, and Dwaine Heinrich (2nd Council Representative) to serve as members of the Renaissance Zone Authority for terms of three (3) years to expire August 2009. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Parisien moved to appoint Dwight Schmidt to serve as a member of the Planning Commission for a term of five (5) years to expire August 2011. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Council Member Schulz moved to recommend to the Stutsman County Commission that Ray Albrecht serve as a member of the Stutsman County Weed Board to fill the vacant unexpired term which expires December 2008. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Parisien moved to appoint Ken Schulz to serve as a member of the Stutsman County Zoning Board with a four year term to expire June 2010. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Schulz moved a Resolution to award the bid for the sale of abandoned and impounded vehicle (1992 Chevrolet, Lumina, Serial No. 2G1WL54T2N9207675) to Kayla Nelson, in the amount of \$310.00. Seconded by Council Member Heinrich. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

A request was received from the Jamestown Chamber of Commerce (After 5 Group), to close 2nd Street SW/100 Block for an event on September 16, 2006.

Council Member Schulz moved to grant the request of the Jamestown Chamber of Commerce (After 5 Group) for closing 2nd Street SW between 1st and 2nd Avenue SW on September 16, 2006, between 4:00 P.M. and 7:00 P.M., for the Paint Like Pollock Event. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Grabinger moved to re-approve a Joint Resolution with Stutsman County creating a Regional Airport Authority, subject to deletion of language restricting the mayor as a board member in Section 6. Seconded by Council Member Parisien. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

A request was received from Dave Lausch and Melissa Soulis for a license to operate a taxi service in Jamestown.

Discussion was held relative to the current taxi service, Jamestown Taxi Service, which operates with a subsidy. Dave Lausch and Melissa Soulis stated they understood this and were not looking for any subsidy with their request for a taxi license.

Council Member Schulz moved a Resolution to grant the request from Dave Lausch and Melissa Soulis for a license to operate a taxi service without any subsidy. Seconded by Council Member Heinrich. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to modify the current restrictions on outdoor water usage and lift all restrictions except lawn watering. Seconded by Council Member Heinrich. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved to adjourn. Seconded by Council Member Parisien.
Unanimous aye vote. Carried.

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor