

JAMESTOWN CITY COUNCIL
REGULAR MEETING, JANUARY 8, 2007
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, December 4, 2006, as printed. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

Council Member Heinrich moved to approve the minutes of the special meeting, December 20, 2006, as printed. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Council Member Grabinger moved to approve the minutes of the monthly committee meeting, December 19, 2006, as printed. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

No bids were received for the sale of impounded and abandoned vehicles.

Council Member Heinrich moved to approve the following consent items:

A. Resolution to re-affirm pledges of deposit as follows:

| | |
|------------------------------|----------------|
| First Community Credit Union | \$6,557,565.00 |
| Unison Bank | \$4,584,759.12 |
| Wells Fargo Bank | \$7,514,488.27 |
| USBank Jamestown | \$ 887,975.60 |

B. Resolution to allow the City Attorney to file the appropriate documents relative to the Unison Bank, Inc., vs. Emter Property to protect the City interest in the property being foreclosed.

C. Resolution to approve and authorize the sale of a portion of City owned property, in the amount of \$3,200.00, which was platted within the plat of Tulliah Hills Addition.

D. Resolution to allow the waiver of bidding for Police Department patrol vehicles and purchase under the North Dakota State bid.

E. Resolution to adopt the National Incident Management System(NIMS).

F. Resolution to award the bid for P-25 Radios, Equipment and Pagers for the Fire Department to Mid States Wireless, Inc., in the amount of \$161,000.00, without trade, and to be paid for through a Federal Fire Act Grant, with the City Share of \$23,250.00 to be paid from the General Fund.

G. To approve the following Resolutions pertaining to Seal Coat, Patching, Construction & Reconstruction District #07-41:

1. To set up and establish the district.
2. To direct the City Engineer to prepare a report of the general nature, purpose and feasibility, and an estimate of costs for the district.
3. To direct the City Engineer to prepare plans and specifications for the construction of the district.
4. To accept and approve the plans and specifications, as prepared by the City Engineer, for the construction of the District.
5. To declare it necessary to construct the district and to direct the City Administrator to publish notice of a public hearing concerning the district.
6. To direct the City Administrator to advertise for bids for the construction of the district.

H. To approve the following Resolutions pertaining to Paving District #07-42, US Hwy 281 South Reconstruction, Project No. HPU-2-281(030)066:

1. To set up and establish the district.
2. To accept and approve the plans and specifications, as prepared by Interstate Engineering, Inc. for the construction of the District.
3. To declare it necessary to construct the district and to direct the City Administrator to publish notice of

a public hearing concerning the district.

- I. Resolution to accept the proposal for surveying services from Interstate Engineering to survey the Ice House Dam location.
- J. Resolution to approve Change Order No. 2, to Swanberg Construction, Inc., for construction on Sanitary Sewer District #06-31, CWSRF No. 380808-03, CDBG No. 16980CD-0204-PF-S, for a net decrease in the contract price of \$11,097.24.
- K. Resolution to approve Change Order No. 2 to Gary Morlock Construction for Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, balancing quantities, for a net decrease in the contract price of \$964.01.
- L. Resolution to approve Estimate No. 1, to L.T.P. Enterprises, Inc., for construction on Phase I, Part A, Water Well Replacement, DWSRF No. 4700498-02, in the amount of \$32,269.50.
- M. Resolution to approve Estimate No. 1, to Swanberg Construction, Inc., for construction on Phase I, Part B, Raw Water Transmission Line, DWSRF No. 4700498-02, in the amount of \$235,620.00.
- N. Resolution to allow Payment No. 3 & Final, to Compass Facility Management, Inc., for consulting services, at the Jamestown Civic Center, in the amount of \$7,800.00.
- O. Resolution to allow Payment No. 3, to Schumacher Construction, for construction on the Animal Control Building - Police Department, in the amount of \$6,000.00.
- P. Resolution to allow Estimate No. 4 & Final, to Gary Morlock Construction, for construction on Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, in the amount of \$58,798.71.
- Q. Resolution to allow Payment No. 5, to Advanced Engineering and Environmental Services, Inc., for services on the Wastewater Cost of Service and Rate Design Study, in the amount of \$568.00.
- R. Resolution to allow Estimate No. 5, to Interstate Engineering, Inc., for engineering services on Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, in the amount of \$3,612.50.
- S. Resolution to allow Estimate No. 13, to CB&I Constructors, Inc., for construction on Section II, Elevated Water Storage & Distribution System Improvements, PWS No. 4700498, in the amount of \$33,000.00.
- T. Resolution to allow Estimate No. 18, to Magney Construction, Inc., for construction on Lift Station Replacement, Phase II, Master Lift Station, Sewer Improvement District #03-31, CWSRF No. 380808, in the amount of \$12,016.46.
- U. Resolution to allow the December indebtedness in the amount of \$965,150.24 consisting of \$332,780.82 payroll and \$632,369.42 general obligations.

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

Council Member Parisien moved a Resolution to approve the request of the Buffalo City Tourism Foundation for a \$75,000.00 grant for tourism related projects with the City share to be \$60,000.00 and paid from the Sales Tax Fund and to encourage the Buffalo City Tourism Foundation to research tax exempt status. Seconded by Council Member Heinrich. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty declared a conflict of interest regarding the Garden Hills Senior Housing Project item on the agenda.

Council Member Heinrich moved to allow Mayor Liechty to discuss the Garden Hills Senior Housing Project item. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Mayor Liechty moved to table to the next Finance & Legal Committee meeting for further discussion on the City Assessor's value of \$1,240,000.00 on the property for tax purposes relative to the Garden Hills Senior Housing Project. Seconded by Council Member Parisien. Voice vote showed: 3 ayes, (Liechty, Grabinger and Parisien), 2 nays (Heinrich and Schulz), 0 absent. Carried.

Council Member Grabinger moved a Resolution to accept the City of Jamestown annual audit report, as prepared by Schauer & Associates, P.C., for the fiscal year 2005. Seconded by Council Member Schulz. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved 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, Jamestown Safe Community Task Force, and financial status. Seconded by Council Member Parisien. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to disapprove the request from Richard Lord, a partner of Arrow Enterprises, L.L.C., d/b/a Northland Estates, to lease a portion of unopened City right-of-way to be used as a storage area for tenant's property. Seconded by Council Member Parisien. Roll Call No. 5 showed: 3 ayes (Heinrich, Grabinger and Parisien), 2 nays (Liechty and Schulz), 0 absent. Carried.

Council Member Heinrich moved to request the City Attorney draft a license agreement with Arrow Enterprises, L.L.C., d/b/a Northland Estates to lease a portion of unopened City right-of-way to be used as a storage area for tenant's property, subject to City Council approval. Seconded by Mayor Liechty. Unanimous aye vote. Carried.

Ordinance No. 1315, introduced by Council Member Grabinger, to enact Sections 5-32.1 and 5-32.2 of the Code of the City of Jamestown, North Dakota, pertaining to revocation and suspension of liquor licenses, had its second reading. Seconded by Council Member Heinrich. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved to appoint Jon Lillejord to serve as a member of the Civil Service Commission for a five (5) year term to expire January 2012. Seconded by Council Member Schulz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve the request from Comforts of Home Employees & Thimbleberries Club to be recognized as an other public spirited organization and to issue a permit to conduct a raffle on June 8, 2007. Seconded by Council Member Parisien. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to allow entering into an agreement with Interstate Engineering, Inc., for engineering services on the 500,000 Gallon Elevated Water Storage Tank Refurbishment Project. Seconded by Council Member Heinrich. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to grant the request from Pierce Roofing & Sheet Metal, Inc., to open a charge account at the Baler Facility. Seconded by Council Member Heinrich. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

The City Council set a meeting on February 5, 2007, 4:00 P.M., to review and discuss the Water Utility Cost of Service and Rate Design Study.

The City Council requested that Council Member Parisien, Lori Anderson (Civic Center/Convention Director) and City Administrator Fuchs review the Civic Center Operation Audit and report back to the City Council.

Mayor Liechty moved to discuss the Tulliah Hills Addition property which was approved under the consent agenda. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Dean Hafner, representing H2S, LLC, owners of said Tulliah Hills Addition property, reviewed for the Council the ownership history of the property and the discovery of City owned property within the plat and the city deeding the property to H2S, LLC, for \$3,200.00, to resolve the matter.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor