

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 7, 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 and Grabinger, City Attorney Dalsted, City Engineer Horgan, and City Administrator Fuchs. Absent: Council Member Parisien.

Council Member Heinrich moved to approve the minutes of the following meetings, as printed:

- A. Minutes of the regular council meeting, April 2, 2007
- B. Minutes of the special council meeting, April 10, 2007
- C. Minutes of the special council meeting, April 18, 2007
- D. Minutes of the special council meeting, April 20, 2007
- E. Minutes of the special council meeting, May 1, 2007
- F. Minutes of the Board of Equalization Meeting, April 10, 2007
- H. Minutes of the committee meeting, April 26, 2007

Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Mayor Liechty moved to amend the minutes of the committee meeting, April 24, 2007, relative to the Homeless Technical Assistance Grant to add that discussion was held with the understanding that if there is no adoption of a plan, the grant payment is subject to 25% holdback by the North Dakota Housing Finance Agency. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

Council Member Heinrich moved to approve the following consent items:

- A. Resolution to approve and authorize the request for \$25,000.00 from Economic Development Funds to assist the N.D. Trade Office in assisting six businesses with exporting opportunities with the City Share to be \$20,000.00 and paid from the City Sales Tax Fund.
- B. Resolution to approve and authorize the Jamestown Community Foundation to act as fiscal agent for the City to administer the \$4,000.00 Homeless Technical Assistance Grant for the South Central Homeless Coalition, Inc., of Jamestown.
- C. Resolution to approve and authorize the submission of a N.D. Drinking Water State Revolving Fund application to finance the construction of the Water Well and Raw Water Transmission Line Project.
- D. Resolution to approve and authorize the submission of a N.D. Clean Clean Water Revolving Fund application to finance the construction of the Southwest Sanitary Sewer Rehabilitation Project.
- E. Resolution to approve and authorize engaging Dougherty & Co. to act as fiscal agent and Ohnstad Twitchell, P.C., to act as bond counsel for the 2007 Series P Bond Issue to finance the Seal Coat, Patching, Construction and Reconstruction Project #06-41, and to set the date of May 14, 2007, for the Bond Sale.
- F. Resolution to approve the application of Scott B. Anderson, Robert J. Ingstad and Todd M. Ingstad for a Class C off-sale alcoholic beverage license on Lot 10, Block 9, Southwood 2nd Addition (Maverick Meat location).
- G. Resolution to approve the application of Dave Lausch, dba Last Leg Taxi for a City Taxi License.
- H. Resolution to approve the request of the Knights of Columbus for a site authorization to conduct gaming at Victory Lanes for the period ending June 30, 2007.
- I. Resolution to approve the request of Ducks Unlimited for a site authorization to conduct gaming at Shady's Restaurant & Lounge on May 9, 2007.
- J. Resolution to recognize the Red Hatters Relay for Life Team as an other public spirited organization and to authorize the issuance of a raffle permit.
- K. Resolution to approve the following site authorization requests to conduct gaming for the period July 1, 2007, through June 30, 2008:
 - 1) Knights of Columbus for Knight of Columbus, Wonder Bar, and Victory Lanes Bar
 - 2) Progress Enterprises for Office Bar & Lounge, Brass Rail, and Buffalo Bar & Lounge
 - 3) St. James Basilica of Jamestown for St. James Basilica
 - 4) Vets Club, Inc., for Vets Club and Shady's

- L. Resolution to approve and appropriate funds up to \$250.00 to the Jamestown Middle School for a storm drain stenciling project.
- M. Resolution to award the bid for 2007 Sidewalk, Curb & Gutter District #07-11 to Lindberg Brothers, Inc., in the amount of \$72,002.50.
- N. Resolution to accept the proposal from MVTL for 2007 Groundwater Quality Assessment for the Jamestown Sanitary Landfill, in the amount of \$8,030.00.
- O. Resolution to accept the proposal from CPS, Ltd., for 2007 Annual Groundwater Monitoring Report for the Jamestown Sanitary Landfill, in the amount of \$14,786.00.
- P. Resolution to approve and authorize entering into a Cost Participation & Maintenance Agreement Amendment from the ND Department of Transportation relating to the Jamestown US 281 Project No. HPU-2-281(030)066.
- Q. Resolution to approve Estimate No. 3, to Swanberg Construction, Inc., for construction on Phase I, Part B, Raw Water Transmission Line, DWSRF No. 4700498-02, in the amount of \$67,839.36.
- R. Resolution to approve Estimate No. 4, to L.T.P. Enterprises, Inc., for construction on Phase I, Part A, Water Well Replacement, DWSRF No. 4700498-02, in the amount of \$141,993.84.
- S. Resolution to allow Payment No. 9, to Advanced Engineering and Environmental Services, Inc., for services on the Wastewater Cost of Service and Rate Design Study, in the amount of \$3,411.50.
- T. Resolution to allow Payment No. 1, to Interstate Engineering, Inc., for engineering services on the 500,000 Gallon Elevated Water Tank Coating, in the amount of \$8,930.50.
- U. Resolution to allow Payment No. 2, to Interstate Engineering, Inc., for Preliminary Engineering and Project Concept Report for the Downtown Railroad Parking Lots, in the amount of \$2,996.33.
- V. Resolution to allow Estimate No. 3, to Interstate Engineering, Inc., for engineering services on Phase I, Part B, Water Well Replacement, Project No. 4700498-02, in the amount of \$2,474.69.
- W. Resolution to allow Estimate No. 5, to Interstate Engineering, Inc., for engineering services on Phase I, Part A, Water Well Replacement, Project No. 4700498-02, in the amount of \$7,382.74.
- X. Resolution to allow Estimate No. 7, to Interstate Engineering, Inc., for engineering services on the Southwest Sanitary Sewer Rehabilitation, Sanitary Sewer District #06-31, in the amount of \$5,430.41.
- Y. Resolution to allow the April indebtedness in the amount of \$3,465,000.64 consisting of \$339,573.98 payroll and \$3,125,426.66 general obligations.

Seconded by Council Member Schulz. Consent Roll Call No. 1 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Heinrich moved a Resolution 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 Schulz. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to allow Payment No. 1, to Interstate Engineering, Inc., for engineering services on the Ice House Dam Location Survey and Drawing, in the amount of \$3,500.00. Seconded by Council Member Grabinger. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning Seal Coat, Patching, Construction and Reconstruction District #07-41 protests and the sufficiency thereof. No one appear to object and no written protests were received. The hearing was closed.

Mayor Liechty moved a Resolution that the protests have been found to be insufficient to bar proceeding with Seal Coat, Patching, Construction and Reconstruction District #07-41. Seconded by Council Member Heinrich. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to award the bid to Border States Paving, Inc., for Seal Coat, Patching, Construction and Reconstruction District #07-41, in the amount of \$1,448,680.60. Seconded by Council Member Schulz. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to proceed with the process required to get the Ice

House Dam repaired as outlined by the ND State Water Commission. Seconded by Council Member Grabinger.

Council Member Heinrich moved to amend the Resolution to proceed with determining what needs to be done and obtain an estimate of the costs prior to the City accepting ownership or commitment. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Roll Call No. 6 on the Resolution, as amended, showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Grabinger moved to table the Adopt-a-Highway Project to the Public Works Committee. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

Council Member Heinrich moved a Resolution to authorize the City Administrator to appoint an acting Water Superintendent for the Water Plant. Seconded by Council Member Grabinger. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Heinrich moved a Resolution to proceed with advertising to fill the position of Civic Center Manager/Convention Director as well as soliciting requests for proposals from various management firms. Seconded by Council Member Schulz. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning the issuance of College Facility Revenue Bonds (Jamestown College Project) under Chapter 40-57 NDCC, not to exceed \$2,500,000.00. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Grabinger moved a Resolution to approve and authorize the issuance of College Facility Revenue Bonds (Jamestown College Project) under Chapter 40-57 NDCC, not to exceed \$2,500,000.00. Seconded by Council Member Heinrich. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 absent. Carried.

Ordinance No. 1319, introduced by Council Member Heinrich, to amend and re-enact Section 2-29.1 of the City Code pertaining to appointment of personnel, had its second reading. Seconded by Council Member Schulz. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Ordinance No. 1320, introduced by Council Member Grabinger, to amend and re-enact Sections 5-1 and 5-10 of the City Code pertaining to the sampling of malt beverages in an off-sale establishment did not have a second reading. It was discovered other sections of the code needed updating in conjunction with Section 5-1 and 5-10. A new ordinance will be introduced.

Council Member Grabinger moved to introduce the first reading of an ordinance to amend and re-enact Sections 5-1, 5-3, 5-9 and 5-10 of the City Code pertaining to the sampling of malt beverages in an off-sale establishment.

Ordinance No. 1321, introduced by Council Member Grabinger, to amend and re-enact Section 5-2.2 of the City Code pertaining to the hours of sale of alcoholic beverages, had its second reading. Seconded by Council Member Heinrich. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

The appointment of a member of the Planning Commission to fill the unexpired term of Carol Schmeichel (August 2009) was delayed.

Mayor Liechty moved a Resolution to award the bid for the sale of abandoned and impounded 1994 Mitsubishi, 2 door, (VIN JA3EAZ1AXRU0Z1593), to Christy Buchmann, in the amount of \$104.00. Seconded by Council Member Heinrich. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Grabinger moved to table to the next Council meeting the following items relative to Walmart Stores, Inc.: (Reimbursement Agreement and Escrow Agreement relative to proposed improvements to the intersection of US 281 and 25th Street SW, Development Agreement relative to various public improvements in the area of the Wal-Mart property, Ordinance No. 1317 and No. 1318 (zoning and annexation) and the plat of Platinum Commerce Addition. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Mayor Liechty moved a Resolution to approve the request from Building for a Cancer Cure, to be recognized as an other public spirited organization, and to issue a permit to conduct a raffle on June 1, 2007. Seconded by Council Member Grabinger. Roll Call No. 13 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to approve the site authorization request from the James River Aerie No. 2337 FOE to conduct gaming at the Eagles Club and Frontier Fort Bar & Grill, for the period July 1, 2007, through June 30, 2008. Seconded by Council Member Schulz. Roll Call No. 14 showed: 4 ayes, 0 nays, 1 absent. Carried.

Steve Senger, Evergreen Properties, appeared before the City Council requesting on behalf of all new home buyers in Jamestown, that watering of new lawns be exempt from the city watering ban.

The Council clarified questions relating to outdoor water restrictions on lawn watering pertaining to newly seeded or sodded lawns. The current policy, which restricts watering of newly seeded or sodded lawns to 15 consecutive days, will remain in effect.

Mayor Liechty moved to refer to committee the proposal from the SRF Consulting Group relative to a Quiet Zone Assessment. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Mayor Liechty moved to have the City Council enter into executive session pursuant to Section 44-04-19.1(5) and Section 44-04-19.2, NDCC, for consultation with the City Attorney relative to the Charles Stankowski vs. City of Jamestown lawsuit. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

The Council entered executive session at 6:42 P.M. with the following present: Mayor Liechty, Council Members Schulz, Heinrich and Grabinger, City Attorney Dalsted, City Engineer Horgan and City Administrator Fuchs.

Mayor Liechty moved to return to regular session at 6:55 P.M. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor