

JAMESTOWN CITY COUNCIL
REGULAR MEETING, OCTOBER 1, 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 following meetings, as printed:

- A. Minutes of the regular council meeting, September 4, 2007
- B. Minutes of the committee meeting, September 18, 2007
- C. Minutes of the committee meeting, September 20, 2007

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

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

Council Member Parisien moved to approve the following consent items:

- A. Resolution to approve the recommendation from the Jamestown/Stutsman Development Corporation to write-off the Emter Family Dinner Theatre, Inc., loan, in the amount of \$30,643.00.
- B. Resolution to approve the Jamestown/Stutsman Development Corporation's recommendation to allocate \$150,000.00 from Economic Development Funds to be used for the enhancement portions of the project for the Downtown Parking Lots & Streets Improvement District #07-43.
- C. Resolution to approve and authorize the submission of the Maintenance Certification for Urban Federal Aid Projects to the ND Department of Transportation.
- D. Resolution to approve Change Order No. 1, to Border States Paving, Inc., relating to the Seal Coat, Patching, Construction and Reconstruction District #07-41 for a net increase in the contract price of \$7,151.03.
- E. Resolution to approve Change Order No. 2 & Final, to Classic Protective Coating, Inc., relating to the 500,000 Gallon Elevated Tank Coating Project, for a net decrease in the contract price of \$1,675.00.
- F. Resolution to approve Estimate No. 1, to SRF Consulting Group, Inc., for professional services on the Jamestown Quiet Zone Assessment, in the amount of \$1,856.75.
- G. Resolution to approve Estimate No. 3 & Final, to Classic Protective Coatings, Inc., for construction on the 500,000 Gallon Elevated Water Tank Coating, in the amount of \$34,542.45.
- H. Resolution to approve Estimate No. 5, to Lindberg Brothers, Inc., for construction on 2007 Sidewalk and Curb & Gutter District #07-11, in the amount of \$2,570.90.
- I. Resolution to approve Estimate No. 5, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #07-41, in the amount of \$22,433.44.
- J. Resolution to approve Estimate No. 8, to L.T.P. Enterprises, Inc., for construction on Phase I, Part A, Water Well Replacement, DWSRF No. 4700498-02, in the amount of \$92,504.01.
- K. Resolution to approve Estimate No. 14, to Advanced Engineering and Environmental Services, Inc., for services on the Wastewater Cost of Service and Rate Design Study, in the amount of \$5,045.25.
- L. Resolution to approve Payment No. 4, to Interstate Engineering, Inc., for engineering services on the Plan Phase for the Downtown Railroad Parking Lots & Streets Improvement District #07-43, in the amount of \$38,503.36.
- M. Resolution to approve Estimate No. 5, to Interstate Engineering, Inc., for engineering services on the 500,000 Gallon Elevated Water Tank Coating, in the amount of \$21,054.35.
- N. Resolution to approve Estimate No. 7, to Interstate Engineering, Inc., for engineering services on Phase I, Part B, Water Well Replacement, Project No. 4700498-02, in the amount of \$3,124.86.
- O. Resolution to approve Estimate No. 9, to Interstate Engineering,

Inc., for engineering services on Phase I, Part A, Water Well Replacement, Project No. 4700498-02, in the amount of \$2,108.31.

- P. Resolution to approve Estimate No. 10, to Interstate Engineering, Inc., for engineering services on the Southwest Sanitary Sewer Rehabilitation, Sanitary Sewer District #06-31, in the amount of \$3,912.93.
- Q. Resolution to approve Estimate No. 27 & Final, to Interstate Engineering, Inc., for engineering services on the Elevated Water Storage and Distribution System Improvements, PWS No. 4700498, in the amount of \$5,113.73.
- R. 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, Jamestown Safe Community Task Force, and financial status.
- S. Resolution to allow the September indebtedness in the amount of \$3,360,759.98 consisting of \$335,975.39 payroll and \$3,294,784.59 general obligations.

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

Council Member Heinrich moved a Resolution to affirm that the City of Jamestown has at no time accepted the donation or ownership of the Pre or Post 1997 First Street West Bridge from Stutsman County as approved by motion of the Stutsman County Commission on February 18, 1997. Seconded by Council Member Parisien. Roll Call No. 2 showed: 4 ayes (Heinrich, Schulz, Grabinger and Parisien), 1 nay (Liechty), 0 absent. Carried.

Council Member Schulz moved a Resolution to direct the City Administrator to notify the County that the City of Jamestown should be exempt from the County Library Levy as the City maintains its own library. Seconded by Council Member Grabinger. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to direct the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2008, through December 31, 2008. Seconded by Council Member Heinrich. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve and authorize the disposition of two 2004 Ford Explorers from the Police Department through Tri-State Auction Company, Inc., to include the one-time registration fee of \$50.00. Seconded by Council Member Schulz. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning ordinance to annex certain right-of-ways in Marjo First Addition, all within Section 30-143-63, Stutsman County, North Dakota. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1324, introduced by Council Member Schulz, to annex certain right-of-ways in Marjo First Addition, all within Section 30-143-63, Stutsman County, North Dakota, had its second reading. Seconded by Council Member Parisien. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1325, introduced by Council Member Grabinger, to amend and re-enact Sections 5-2.2 and 5-6 and to enact Sections 5-6.1 and 5-11.1 of the Code of the City of Jamestown, North Dakota, all pertaining to alcoholic beverages, had its second reading. Seconded by Council Member Schulz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No 1326, introduced by Council Member Grabinger, to amend and re-enact Sections 21-03-16, 21-04-17, 21-09-02, 21-10-31, 21-10-42 and 21-16-14, and to enact Section 21-03-16.1 of the Code of the City of Jamestown, North Dakota, all pertaining to motor vehicles and traffic, had its second reading. Seconded by Council Member Parisien. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1327, introduced by Council Member Grabinger, to enact Sections 22-7.1, 22-7.2 and 22-7.3 and to amend and re-enact Section 22-46 of the Code of the City of Jamestown, North Dakota, all pertaining to offenses - miscellaneous, had its second reading. Seconded by Council Member Schulz. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2008, through December 31, 2008. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1328, introduced by Council Member Heinrich, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2008, through December 31, 2008, had its second reading. Seconded by Council Member Schulz. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1329, introduced by Council Member Heinrich, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2008,

through December 31, 2008, had its second reading. Seconded by Council Member Schulz. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Jim Weight, City Building Official, updated the City Council on the Ranch House Motel matter and that a legal complaint would be filed.

Council Member Grabinger moved a Resolution to accept the affidavit from United Building Centers that Check No. 347005 (Unison Bank Jamestown), dated June 29, 2007, in the amount of \$40.20, has been lost or destroyed and authorize the issuance of a duplicate. Seconded by Council Member Parisien. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve authorizing the City to enter into an agreement to allow Stutsman Rural Water District to provide water service to the Tulliah Hills Addition within northwest Jamestown city limits. Seconded by Council Member Heinrich.

Discussion was held on the possibility of City water service to this area and the availability of water for fire safety.

Council Members Schulz and Heinrich withdrew their motions.

Council Member Grabinger moved to place this item on the October Building, Planning & Zoning Committee agenda. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Council Member Schulz moved to grant the request from Progress Enterprises, Inc., for a gaming site authorization at the Civic Center on October 12 & 13, 2007. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Council Member Grabinger moved to approve the request from the Buffalo City Tourism Foundation for a letter of support for the Louis L'Amour Interpretive Center and to authorize the Mayor, on behalf of the City, to submit said letter of support to Governor Hoeven. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor