

JAMESTOWN CITY COUNCIL
REGULAR MEETING, FEBRUARY 4, 2008
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, and City Administrator Fuchs.

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

- A. Minutes of the regular council meeting, January 7, 2008
- B. Minutes of the committee meeting, January 23, 2008, as corrected.
(Paragraph 6, 2 nay votes: Liechty and Heinrich)
- C. Minutes of the committee meeting, January 24, 2008

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

Council Member Grabinger moved to approve the following consent items:

- A. Resolution to approve the request from Jamestown/Stutsman Development Corporation for a \$3,000.00 grant, from Economic Development Funds to conduct a Community Labor Availability Study Update, with the City Share to be \$2,700.00 and paid from the City Sales Tax Fund.
- B. Resolution to approve the request from Stutsman County for a \$26,612.00 grant from Economic Development Funds to be used for funding the annual County dues for the South Central Dakota Regional Council and Small Business Development Center with the City Share to be \$16,765.56 and paid from the City Sales Tax Fund.
- C. Resolution to re-establish the selling prices for City owned properties offered for sale to the public.
- D. Resolution to accept the offer from Gary & Jill Riffe to purchase Lot 21, Hi-Acres Second Addition, in the amount of \$500.00.
- E. Resolution to approve the request from Ridin' Free FMC to be allowed to hang yellow ribbons on public right-of-way from April 5 - July 15, 2008, in support of our troops.
- F. Resolution to approve the request from Jamestown Regional Airport to have 13th Street NE from the curve on 5th Avenue NE to the airport entrance road re-named RICK HIEB BLVD.
- G. Resolution to enter into a Joint Powers Agreement with Jamestown Public Schools for the administration of a Safe Routes to Schools Grant through the ND Department of Transportation.
- H. Resolution to authorize the City Administrator to negotiate an Engineering Agreement with Interstate Engineering, Inc., to determine alternative remedies relative to surface water issues and a sewer line easement on the Railroad Drive property owned by the City.
- I. Resolution to approve the plans and specifications and to authorize advertising for bids for the Fire Department Cold Storage Building.
- J. Resolution to approve and authorize entering into an agreement with the North Dakota Forestry Service to provide for a Community Transportation Enhancement Grant.
- K. Resolution to approve and authorize the purchase of a Knaphiede 7108J service body, for the Sewer Department, under a Minnesota State bid from Bert's Truck Equipment, in the amount of \$8,647.00.
- L. Resolution to approve and authorize the purchase of a Sreco Jet Camera for the Sewer Utility from Flexible Pipe Tool Co. in the amount of \$16,694.00.
- M. Resolution to approve the performance bond of Central Sales Inc., for a New GT75A Agco 2WD Tractor for the Street Department, in the amount of \$34,000.00.
- N. Resolution to approve Payment No. 1, to Interstate Engineering, Inc., for engineering services on various city department consultations, in the amount of \$1,776.50.
- O. Resolution to approve Payment No. 1, to Interstate Engineering, Inc., for engineering services on the Solid Waste Permit Renewal #0213, Municipal Solid Waste Landfill, in the amount of \$1,374.00.
- P. Resolution to approve Payment No. 1, to Interstate Engineering,

Inc., for engineering services on the Solid Waste Permit Renewal #0035, Transfer Station Facility, in the amount of \$3,863.00.

- Q. Resolution to approve Payment No. 3, to SRF Consulting Group, Inc., for professional services on the Jamestown Quiet Zone Assessment, in the amount of \$4,366.80.
- R. Resolution to approve Estimate No. 9, to Interstate Engineering, Inc., for engineering services on Phase I, Part B, Water Well Replacement, Project No. 4700498-02, in the amount of \$5,962.29.
- S. Resolution to approve Estimate No. 11, to Interstate Engineering, Inc., for engineering services on Phase I, Part A, Water Well Replacement, Project No. 4700498-02, in the amount of \$5,458.41.
- 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, Jamestown Safe Community Task Force, and financial status.
- U. Resolution to allow the January indebtedness in the amount of \$1,458,734.84 consisting of \$336,634.18 payroll and \$1,122,100.66 general obligations.

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

Council Member Grabinger moved a Resolution to direct the City Administrator and City Attorney to prepare a draft contract for City Council consideration, defining the relationship among the parties and to define the tax status of the JSDC for real estate tax purposes, and to complete the draft document within sixty (60) days. Seconded by Council Member Parisien. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to not propose to Stutsman County and the Jamestown/Stutsman Development Corporation an amendment to the Policies and Procedures Statement for the Economic Development Fund to clarify that the City Council and the Stutsman County Commission may modify the nature of the approval provided by JSDC for any proposed project to include the amount of funds to be provided. Seconded by Council Member Schulz. Roll Call No. 3 showed: 3 ayes, 2 nays (Grabinger & Parisien), 0 absent. Carried.

Council Member Heinrich moved a Resolution to not propose to Stutsman County and the Jamestown/Stutsman Development Corporation an amendment to the Policies and Procedures Statement for the Economic Development Fund to allow an applicant the ability to appeal a rejected application, that has been reconsidered by the JSDC, to the City Council allowing the City Council to consider whether the requested funds are appropriate. Motion died for lack of a second.

Council Member Grabinger moved a Resolution to propose to Stutsman County and the Jamestown/Stutsman Development Corporation an amendment to the Policies and Procedures Statement for the Economic Development Fund to allow an applicant the ability to appeal a rejected application, that has been reconsidered by the JSDC, to the City Council allowing the City Council to consider whether the requested funds are appropriate. Seconded by Council Member Parisien.

Council Member Grabinger moved to amend the motion to add, "and Stutsman County Commission" after the words City Council. Seconded by Parisien. Unanimous aye vote. Carried.

Roll Call No. 4 on the Resolution, as amended, showed: 4 ayes, 1 nay (Heinrich), 0 absent. Carried.

Council Member Heinrich moved a Resolution to not propose to the Jamestown/Stutsman Development Corporation an amendment to the JSDC By-Laws to eliminate City and County At-Large positions. Seconded by Council Member Schulz. Roll Call No. 5 showed: 2 ayes, 3 nays (Liechty, Grabinger and Parisien), 0 absent. Not Carried.

Council Member Grabinger moved a Resolution to propose to the Jamestown/Stutsman Development Corporation an amendment to the JSDC By-Laws to eliminate City and County At-Large positions. Seconded by Council Member Parisien. Roll Call No. 6 showed: 3 ayes, 2 nays (Heinrich and Schulz), 0 absent. Carried.

Council Member Heinrich moved a Resolution to not propose to Stutsman County and the Jamestown/Stutsman Development Corporation an amendment to the Policies and Procedures Statement for the Economic Development Fund to provide that where only Stutsman County funds are being expended, only the Stutsman County Commission would need to approve the request, and similarly, where only City funds are to be expended, only the City Council would need to approve the request. Motion died for lack of a second.

Council Member Parisien moved a Resolution to propose to Stutsman County and the Jamestown/Stutsman Development Corporation an amendment to the Policies and Procedures Statement for the Economic Development Fund to provide that where only Stutsman County funds are being expended, only the Stutsman County Commission would need to approve the request, and similarly, where only City funds are to be expended, only the

City Council would need to approve the request. Seconded by Council Member Grabinger. Roll Call No. 7 showed: 4 ayes, 1 nay (Heinrich), 0 absent. Carried.

Council Member Schulz moved to table, for thirty (30) days, authorizing the City Administrator to enter into negotiation of an Engineering Services Agreement with Ulteig Engineers, Inc., for the development of a Project Concept Report, Plans and Specifications, and the 2011 Construction of the East Business Loop Reconstruction Project SU-2-987(029)033. Seconded by Council Member Heinrich. Voice vote: 2 ayes, 3 nays (Liechty, Grabinger and Parisien), 0 absent. Not Carried.

Council Member Grabinger moved a Resolution to authorize the City Administrator to enter into negotiation of an Engineering Services Agreement with Ulteig Engineers, Inc., for the development of a Project Concept Report, Plans and Specifications, and the 2011 Construction of the East Business Loop Reconstruction Project SU-2-987(029)033. Seconded by Council Member Parisien. Roll Call No. 8 showed: 3 ayes, 2 nays (Schulz and Heinrich), 0 absent. Carried.

Council Member Schulz moved a Resolution to direct SRF Consulting Group, Inc., to prepare a final report on the Quiet Zone Assessment which would consider the closure of the 3rd Avenue West railroad crossing and include the incorporation of pedestrian mazes at the 2nd Avenue West, 1st Avenue, and 2nd Avenue East railroad crossings. Seconded by Council Member Heinrich.

Jim Reimers, co-owner of elevator on 3rd Avenue West, appeared before the Council to ask questions on the proposed closure of 3rd Avenue West railroad crossing.

Roll Call No. 9 on the Resolution showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the special assessments on the 2007 Sidewalk, Curb & Gutter District #07-11. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Heinrich moved a Resolution to approve the special assessments on the 2007 Sidewalk, Curb & Gutter District #07-11, in the amount of \$59,287.87. Seconded by Council Member Parisien. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of certain property along the 281 Bypass. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1337, introduced by Council Member **Heinrich**, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of a strip of land 380 feet in depth along and adjacent to the east side of the Hwy 281 Bypass R/W from the north side of the BNSF Railroad R/W north to the current C-2 zoning on the west side of Hwy 281 north, from A-G (Agricultural District) to C-2 (General Commercial District); and a strip of land 380 feet deep on the west side of the Hwy 281 Bypass R/W from the Railroad R/W on the north side of the BNSF Railroad, north to the current C-2 zoning on the west side and adjacent to Hwy 281 North from A-G (Agricultural District) to C-2 (General Commercial District) except and not including the Perleberg First Subdivision, had its second reading. Seconded by Council Member Parisien. Roll Call No. 11 showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

Council Member Schulz moved to appoint Donna Zimmerman, Jon Lillejord, Charlie Tanata, and Phyllis Thompson to serve as members of the Buffalo City Tourism Foundation for three (3) year terms to expire February 2011. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Council Member Grabinger moved a Resolution to accept the affidavit from Jordan Morin that Check No. 5853 (Wells Fargo Bank-Municipal Court), dated November 9, 2007, in the amount of \$150.00, has been lost or destroyed and authorize the issuance of a duplicate. Seconded by Council Member Schulz. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to award the bid for a one (1) ton 4 x 4 single rear wheel cab & chassis for the Sewer Department to R. M. Stoudt, Inc., in the amount of \$30,160.00, less \$13,525.00 on the trade-in unit of a 1999 Dodge, with open service body, Serial No. 3B6MF3656XM560282, for a net bid price of \$16,635.00. Seconded by Council Member Parisien. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to award the bid for one (1) 4x4 full-size 1/2 ton pickup for the Sewer Department to R. M. Stoudt, Inc., in the amount of \$28,295.00, less \$11,508.00 on the trade-in unit of a 1998 Dodge, 1/2 Ton, Serial No. 1B7HF16Y6WS727774, for a net bid price of \$16,787.00. Seconded by Council Member Heinrich. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve the request from the Rocky Mountain Elk Foundation for a gaming site authorization at the Knights of Columbus on April 5, 2008. Seconded by Council Member Parisien. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. 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