

JAMESTOWN CITY COUNCIL
REGULAR MEETING, JUNE 1, 2009
OFFICIAL MINUTES

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

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Liechty, Council Members Kourajian, Nygaard, Parisien and Schulz, City Attorney Dalsted, City Engineer Schwartzkopf and City Administrator Fuchs.

Council Member Schulz moved to approve the minutes of the following meetings, as printed: Minutes of the regular council meeting, May 4, 2009; Minutes of the special council meeting, May 19, 2009; Minutes of the committee meeting, May 19, 2009. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

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

Council Member Parisien moved to approve the following consent items:

- A. Resolution to authorize submitting a request to the JSDC for reimbursement of the \$227,141.00 cost incurred for the repair of the sanitary sewer line from the Food Processing Industrial Park to the City Wastewater Treatment Plant.
- B. Resolution to approve the plat of the Jamestown Hospital Healthcare Campus Addition.
- C. Resolution to authorize the City Administrator to submit an application for SRF Funding to the ND Dept of Health to be used for the Water Systems Improvement Project.
- D. Resolution to approve the requests from Mainstreet Downtown Association to close certain downtown streets as follows:
Saturday, July 11, 2009, for White Cloud's Birthday Celebration;
Friday, July 17, 2009, for Crazy Days; and Thursday, August 27, 2009, for a Community Block Party.
- E. Resolution to approve the following performance bonds of RDO Equipment Company:
 - 1) For the guaranteed delivery of One (1) New 2009 John Deere, 644K Loader, for the Street Department, in the amount of \$227,000.00; and
 - 2) For the guaranteed buyback of the loader, in the amount of \$110,000.00, after 5 years or 7500 hours, whichever occurs first.
- F. Resolution to approve the performance bond of Sanitation Products, Inc., for the guaranteed delivery of One (1) New Three Wheel High Dump Sweeper for the Street Department, in the amount of \$134,596.00.
- G. Resolution to approve the performance bond of Lindberg Brothers, Inc., for construction on the Sidewalk, Curb & Gutter District #09-11, in the amount of \$182,122.00.
- H. Resolution to approve the proposal from MVTL for 2009 Groundwater Quality Assessment for the Jamestown Sanitary Landfill, in the amount of \$8,340.00.
- I. Resolution to approve the proposal from CPS, Ltd., for the 2009 Annual Groundwater Monitoring Report for the Jamestown Sanitary Landfill, in the amount of \$13,700.00.
- J. Resolution to approve Payment No. 14, to Ulteig Engineers, for engineering services on the Project Concept Report and Preliminary Design for the East Business Loop Reconstruction Project No. SU-2-987(029)033, in the amount of \$3,505.88.
- K. Resolution to approve Payment No. 3 (Inv No. 1303), to Interstate Engineering, Inc., for preliminary engineering services on 3rd Street Mill and Overlay, STM-SU-2-987(031)035, in the amount of \$4,214.50.
- L. Resolution to approve Payment No. 3 (Inv No. 1304), to Interstate Engineering, Inc., for preliminary engineering services on Viaduct Utilities and Pavement Replacement, STM-SU-2-987(032)036, in the amount of \$1,331.39.
- M. Resolution to approve Payment No. 3 (Inv No. 1305), to Interstate

Engineering, Inc., for preliminary engineering services on Mill Hill (US 52) Dowel Bar Retrofit, Grinding & CPR; STM-S-NHU-2-281(036)067, in the amount of \$3,733.27.

- N. Resolution to approve Payment No. 15 (Inv No. 1414) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$2,962.00.
- O. Motion to accept the reports of the Municipal Judge, Police Department, Fire Department, Public Works Departments, Inspection Department, Forestry Department, Civic Center, Central Valley Health Unit, and financial status.
- P. Resolution to allow the May indebtedness in the amount of \$2,108,633.65 consisting of \$391,999.98 payroll and \$1,716,633.67 general obligations.

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

Council Member Schulz moved a Resolution to approve the request from the JSDC for additional marketing funds in the amount of \$50,000.00 from Economic Development Funds with the City Share to be \$40,000.00 and paid from the City Sales Tax Fund. Seconded by Council Member Parisien. Roll Call No. 2 showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

Council Member Schulz moved a Resolution to approve the recommendation from the JSDC relative to participation in the cost of installing drain tile at the Goodrich II building, in an amount not to exceed \$25,000.00, from Economic Development Funds with the City Share to not exceed \$25,000.00 and paid from the City Sales Tax Fund. Seconded by Council Member Nygaard. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Nygaard moved a Resolution to approve entering into a Joint Powers Agreement with the Jamestown School District for a School Resource Officer for the school district. Seconded by Council Member Kourajian. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to approve the request from Evergreen Properties, Inc., for the City to allow the installation of water, sewer, storm sewer, curb & gutter and paving through the use of the special assessment policy of the City adopted April 1, 2002. Seconded by Council Member Schulz.

Mayor Liechty declared a conflict of interest.

Roll Call No. 5 on the Resolution showed: 4 ayes, 0 nays, 0 absent, 1 Conflict of Interest (Liechty). Carried.

Mayor Liechty moved a Resolution to approve Payment No. 3 (Inv No. 1413), to Interstate Engineering, Inc., for Flood Related Consultations, in the amount of \$77,975.95. Seconded by Council Member Parisien. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Discussion was held relative to the request for easements from BNSF and proceeding with the Downtown Parking Lots Reconstruction project as currently proposed or a scaled down version of the project and to combine the project with the Quiet Zone Project. Interstate Engineering, Inc., at the request of the City Engineer and City Administrator, provided information on options available to reduce the cost of the Downtown Parking Lot Reconstruction Project. The following three options all included the installation of new fencing and lighting:

Option 1 would use the existing lots and easements and provide for basically a mill and asphalt overlay with incidental repair on the three of the four lots and no improvements to the adjacent streets, at an approximate cost of \$750,000.00.

Option 2 would be similar to Option 1, however, it would include the use of the additional easements and a mill and overlay of three of the four adjacent streets as well, at an approximate cost of \$900,000.00.

Option 3 would be complete concrete reconstruction of the lots and adjacent streets to include replacement of city utilities, at an approximate cost of \$2,350,000.00.

Mayor Liechty moved to table until Burlington Northern Sante Fe provides documents for the easements. Motion died for lack of a second.

Council Member Nygaard moved a Resolution to proceed with Option 2 which includes easements, milling & asphalt overlay, fencing & lighting for the Downtown Parking Lots

Reconstruction Project and to incorporate any necessary construction for the Quiet Zone Project. Seconded by Mayor Liechty.

Mayor Liechty moved to amend the motion to delete the mill and overlay of streets adjacent to the parking lots. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Council Member Kourajian declared a conflict of interest.

Council Member Nygaard moved to allow Council Member Kourajian to vote. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Roll Call No. 7 on the Resolution, as amended, showed: 5 ayes, 0 nays, 0 absent. Carried.

Linda Barth and Duane Barth, from the Rental Store, appeared before the City Council relative to the City Policy regarding use of the City Wastewater Treatment Plant Facility for the disposal of sewage by private contractors and a request for more than one key for their business.

After discussion, Mayor Liechty moved a Resolution to allow the Rental Store to possess three keys for access to the City Wastewater Treatment Plant Facility for the disposal of sewage after hours. Seconded by Council Member Nygaard. Roll Call No. 8 showed: 1 aye (Liechty), 4 nays (Schulz, Nygaard, Parisien and Kourajian), 0 absent. NOT CARRIED.

Mayor Liechty moved a Resolution to amend the 2009 Jamestown Standard Specifications for Type C Integral Curb & Gutter, as recommended by the City Engineer. Seconded by Council Member Parisien. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to approve the request from Dean Hafner to be allowed the use of rollover curb at 920 10th Street SE (Lots 11 and 12, Block 3, Curtin's Addition). Seconded by Council Member Schulz. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #09-41, in the amount of \$65,887.78. Seconded by Council Member Kourajian. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to approve Estimate No. 1, to Lindberg Brothers, Inc., for construction on Sidewalk and Curb & Gutter District #09-11, in the amount of \$2,647.38. Seconded by Council Member Parisien. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. 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