

JAMESTOWN CITY COUNCIL
REGULAR MEETING, OCTOBER 5, 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, Parisien and Schulz, City Attorney Dalsted, and City Administrator Fuchs. Absent: Council Member Nygaard and City Engineer Schwartzkopf.

Mayor Liechty moved to amend the minutes of the regular council meeting, September 8, 2009, relative to the Dean Hafner request for Economic Development Funds, and insert "Crossroads Repair was not listed as a competitor on the Jamestown/Stutsman Development Corporation documents presented to the City Council", and to amend the committee meeting minutes of September 22, 2009, relative to discussion on the East Business Loop Reconstruction Project, and insert "Darrell Patzer addressed the committee stating he had not received a response from the City regarding this project". Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Council Member Parisien moved to approve the minutes of the following meetings as amended above: Minutes of the regular council meeting, September 8, 2009; Minutes of the committee meeting, September 22, 2009. Seconded by Council Member Schulz. 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 a special use permit for the construction of a non-farm single family dwelling on Lots 1-4, Block 2, Snow Subdivision.
- B. Resolution to authorize engaging consulting engineering firm(s) to perform infrastructure studies of the sanitary sewer and storm sewer systems.
- C. Resolution to approve Estimate No. 1, to Northern Excavating Co., Inc., for construction on Utility & Street Improvement District #09-51 (McElroy Addition), in the amount of \$64,509.66.
- D. Resolution to approve Change Order No. 2, to Border States Paving, Inc., relating to the Seal Coat, Patching, Construction and Reconstruction District #09-41, for balancing quantities, for a net increase in the contract price of \$175,040.22.
- E. Resolution to approve Estimate No. 5 & Final, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #09-41, in the amount of \$97,398.36.
- F. Resolution to approve Payment No. 2 (Inv No. 2328), to Interstate Engineering, Inc., for construction engineering services on 3rd Street East Mill and Overlay from BNSF tracks to 87th Avenue, STM-SU-2-987(031)035, in the amount of \$16,566.69.
- G. Resolution to approve Payment No. 2 (Inv No. 2331), to Interstate Engineering, Inc., for engineering services on the Solid Waste Permit Renewal #0035, Transfer Station Facility, in the amount of \$910.00.
- H. Resolution to approve Payment No. 4 (Inv No. 2330), to Interstate Engineering, Inc., for engineering services on the Solid Waste Permit Renewal #0213, Municipal Solid Waste Landfill, in the amount of \$1,437.00.

- I. Resolution to approve Payment No. 6 (Inv No. 2327), 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 \$3,437.96.
- J. 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.
- K. Resolution to allow the September indebtedness in the amount of \$1,670,158.10 consisting of \$379,554.42 payroll and \$1,290,603.68 general obligations.

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

Mayor Liechty moved to table to the October 20, 2009, Finance & Legal Committee the establishment of a five (5) member Local Government Advisory Study Committee to be appointed October 5, 2009, with terms to expire and a final study committee report due date of July 1, 2010. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Mayor Liechty moved to table, until such time as a Comprehensive Plan is in place, the development of a five (5) year Strategic Plan for the City for the period January 1, 2010 - December 31, 2014, with the plan to be in place by December 31, 2009. Seconded by Council Member Kourajian. Voice vote: 2 ayes(Liechty & Kourajian), 2 nays(Parisien & Schulz). Motion failed.

Mayor Liechty moved a Resolution to approve a revision in the City Snow Plan which would allow for a "Snow Emergency Parking Ban" on all designated Snow Emergency Routes as necessary for snow removal operations. Seconded by Council Member Parisien. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to not recommend to the NDDOT extending the 25 mph speed limit zone on 5th Ave NE (hospital hill) to 6th Avenue NE. Seconded by Council Member Kourajian. Roll Call No. 3 showed: 2 ayes(Liechty & Kourajian), 2 nays(Parisien and Schulz), 1 absent. Motion failed.

Mayor Liechty moved a Resolution to approve Change Order No. 1, to Northern Excavating Co., Inc., relating to Utility & Street Improvement District #09-51(McElroy Addition), for a net increase in the contract price of \$10,945.00. Seconded by Council Member Parisien. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to develop a five (5) year Strategic Plan for the City for the period January 1, 2010 - December 31, 2014, with the plan to be in place by December 31, 2009. Seconded by Council Member Parisien. Roll Call No. 5 showed: 2 ayes(Schulz & Parisien), 2 nays(Liechty & Kourajian), 1 absent. Motion failed.

Council Member Parisien moved a Resolution to make a recommendation to the NDDOT to extend the 25 mph speed limit zone on 5th Ave NE (hospital hill) to 6th Avenue NE. Seconded by Council Member Schulz. Roll Call No. 6 showed: 2 ayes(Parisien & Schulz), 2 nays(Liechty & Kourajian), 1 absent. Motion failed.

Council Member Schulz moved a Resolution to approve an easement for a planned water/sanitary sewer improvement project near Mayer Truck Line, Inc., on a 30' strip of land located within Lots 3-6, Mayer Subdivision. Seconded by Council Member Parisien. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning special assessments for Storm Sewer Improvement District #08-71. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Parisien moved a Resolution to accept and approve the special assessments for Storm Sewer Improvement District #08-71, as submitted by the Special Assessment Commission, in the amount of \$37,008.82, with the City Share to be \$4,892.22, and with a

balance to assess against benefited properties in the amount of \$32,116.60. Seconded by Council Member Kourajian. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning special assessments for 2008 Sidewalk, Curb & Gutter District #08-11. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Schulz moved a Resolution to accept and approve the special assessments for 2008 Sidewalk, Curb & Gutter District #08-11, in the amount of \$36,951.45, with the City Share to be \$25,391.20, and with a balance to assess against benefited properties, in the amount of \$11,560.25. Seconded by Mayor Liechty. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 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 Kourajian. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to direct the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2010, through December 31, 2010. Seconded by Council Member Parisien. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2010, through December 31, 2010. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1351, introduced by Council Member **Nygaard**, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2010, through December 31, 2010, had its second reading. Seconded by Mayor Liechty. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Ordinance No. 1352, introduced by Council Member **Nygaard**, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2010, through December 31, 2010, had its second reading. Seconded by Council Member Schulz. Roll Call No. 13 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to approve entering into a Memorandum of Understanding between the City of Grand Forks, the Red River Valley SWAT and the Jamestown Special Operations Team for cooperation in the deployment of personnel and equipment, and to specifically provide for joint use of a tactical intervention vehicle. Seconded by Council Member Parisien. Roll Call No. 14 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved a Resolution to recommend the Stutsman County Commission approve the request for a property tax abatement filed as a result of 2009 flood related damage by reducing the 2009 valuation from \$203,500 to \$190,800 on Parcel 74-5703000, Lot 5, River Bend Addition. Seconded by Council Member Parisien. Roll Call No. 15 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to approve an amendment to the Cost Participation, Construction and Maintenance Agreement for 3rd Street East from BNSF Tracks to 87th Ave (Project No. STM SU-2-987(031)035). Seconded by Council Member Parisien. Roll Call No. 16 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to appoint Kara Helgeson to serve as an Assistant City Prosecutor/Assistant City Attorney with a term to expire June 2010. Seconded by Council Member Kourajian. Roll Call No. 17 showed: 4 ayes, 0 nays, 1 absent. Carried.

Dale Redinger (1609 Business Loop East) and Gary Pearson (1305 Business Loop East) appeared before the City Council to request that the East Business Loop Reconstruction Project cease.

The East Business Loop Reconstruction Project will be addressed at the October 22, 2009, Public Works Committee.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor