

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 3, 2010
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: Minutes of the regular council meeting, April 5, 2010; Minutes of the committee meeting, April 20, 2010; and Minutes of the committee meeting, April 22, 2010. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

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

Council Member Kourajian moved to approve the following consent items:

- A. Resolution to approve the request from Blast Ventures, LLC, dba Grizzly's Grill N' Saloon for a Class D alcoholic beverage license to dispense alcoholic beverages at Grizzly's Grill N' Saloon, for the period ending June 30, 2010.
- B. Resolution to approve the request of Steve & Joan Kropp (2013 4th Avenue SW) to keep a horse within City Limits.
- C. Resolution to approve the job descriptions for Wastewater Maintenance Operator IV, Water/Wastewater Operator IV and Wastewater Operator IV positions.
- D. Resolution to establish a sub-committee to be chaired by Nygaard to develop a scope of work to select a provider for the development of a new city web-site design and maintenance.
- E. Resolution to approve the request for a gaming site authorization for the period June 1, 2010 - June 30, 2010, from Knights of Columbus for the Corner Bar.
- F. Resolution to approve the request for a gaming site authorization for June 9, 2010, from the North Dakota Buffalo Association for the Civic Center.
- G. Resolution to approve the requests for gaming site authorizations for the period July 1, 2010 - June 30, 2011, for the following: North Dakota Buffalo Foundation for the Vet's Club and JMSSAK Investments, Inc; Knights of Columbus for the Wonder Bar, K of C Club and Corner Bar; Progress Enterprises for Office Bar, Shady's, Buffalo Bar & Lounge and IDK Bar & Grill; St James Basilica for St James Basilica; James River Aerie #2337 FOE for Frontier Fort Bar & Grill.
- H. Resolution to award the bids for the following: 2010 Sidewalk, Curb & Gutter District #10-11 to Schumacher Construction, in the amount of \$69,359.50; New Motor Grader for the Street Department to RDO Equipment Company, in the amount of \$205,750.00, with a \$127,000 guaranteed buyback; and a New 4WD Skid Steer Loader and Accessories for the Sanitation Department to Butler Machinery Company, in the amount of \$43,866.00.
- I. Resolution to accept the petition and authorize the replacement of curb and installation of a curb driveway section for Dwight Herr, 1306 3rd Avenue NW, as part of the 2010 Sidewalk, Curb & Gutter District #10-11.

- J. Resolution to authorize entering into a Supplemental Contract Modification with Interstate Engineering, Inc., related to the downtown parking lots and quiet zone.
- K. Resolution to authorize entering into engineering agreements with Interstate Engineering, Inc., for the following: To open Inert Landfill Cells #5 and #6; and to open Sanitary Landfill Cell #3B.
- L. Resolution to authorize engaging Safety-Kleen for waste spill clean-up at the Water Treatment Plant.
- M. Resolution to approve the performance bond from Central Specialties, Inc., for construction on Seal Coat, Patching Construction and Reconstruction District #10-41, in the amount of \$1,029,728.70.
- N. Resolution to approve Estimate No. 4, to Northern Excavating Co., Inc., for construction on Utility & Street Improvement District #09-51 (McElroy Addition), in the amount of \$32,808.60.
- O. Resolution to approve Payment No. 19 (Inv No. 3805) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$372.00.
- P. Resolution to approve Payment No. 2 (Inv No. 3807), to Interstate Engineering, Inc., for engineering services on City Wide Storm Sewer Study, in the amount of \$18,074.40.
- Q. Resolution to approve Payment No. 2 (Inv No. 3585), to Interstate Engineering, Inc., for engineering services on Emergency Repair for 4th Street NW Pavement, Project No. CER-2-987(034)038, in the amount of \$1,062.06.
- R. Resolution to approve Payment No. 2 (Inv No. 3586), to Interstate Engineering, Inc., for engineering services on Emergency Repair for 17th Street SE and 27th Avenue SE Pavement between US 52 and 27th Avenue SE Country Club Avenue, Project CER-2-987(037)041, in the amount of \$1,396.23.
- S. Resolution to approve Payment No. 6, (Inv No. 3797) to Interstate Engineering, Inc., for preliminary engineering services on Viaduct Utilities and Pavement Replacement, STM-SU-2-987(032)036, in the amount of \$873.06.
- T. Resolution to approve Payment No. 7 (Inv No. 3806), to Interstate Engineering, Inc., for engineering services on Flood Related Consultation, Surveying and Mapping, in the amount of \$12,455.10.
- U. Resolution to approve Payment No. 19, 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 \$67,288.06.
- V. 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.
- W. Resolution to allow the April indebtedness in the amount of \$3,478,680.85 consisting of \$444,072.91 payroll and \$3,034,607.94 general obligations.

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

Mayor Liechty moved a Resolution to not authorize the submission of an application to the NDDOT for boring under the I-94 highway for a city water line to serve the Jamestown

Medical Center area. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 1 aye(Liechty), 4 nays, 0 absent. NOT CARRIED.

Council Member Parisien moved a Resolution to authorize the submission of an application to the NDDOT for boring under the I-94 highway for a city water line to serve the Jamestown Medical Center area. Seconded by Council Member Nygaard.

Mayor Liechty moved to amend the motion to add "and at no cost to the City of Jamestown and all costs paid by Jamestown Medical Center". Seconded by Council Member Parisien.

After discussion, Mayor Liechty and Council Member Parisien withdrew their amendment.

Roll Call No. 3 on the original motion showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

Mayor Liechty declared a conflict of interest with the request of Kitchen Solvers of SCND.

Council Member Nygaard moved to not allow Mayor Liechty to discuss or vote on the request of Kitchen Solvers of SCND. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Council Member Nygaard moved a Resolution to approve the request from Kitchen Solvers of SCND for a Renaissance Zone project for major improvements of the property located on the South Half of Lot 2 & All Lot 3, Block 39, Original Addition (209 1st Avenue South), and to provide for a five (5) year property tax exemption and to recommend the State grant a five (5) year ND State Income Tax exemption. Seconded by Council Member Schulz. Roll Call No. 4 showed: 4 ayes, 0 nays, 0 absent, 1 Conflict of Interest (Liechty). Carried.

Mayor Liechty moved to deny adoption of a Resolution of Support for the Chamber of Commerce Recycling Committee Task Force efforts in drafting a proposal for a city wide recycling program and to request the City Administrator work with the committee in their endeavor. Motion died for lack of a second.

Council Member Nygaard moved to adopt a Resolution of Support for the Chamber of Commerce Recycling Committee Task Force efforts in drafting a proposal for a city wide recycling program and to request the City Administrator work with the committee in their endeavor. Seconded by Council Member Parisien. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved to deny approval of the selection of AE2S, Interstate Engineering, Inc., and Ulteig Engineering for providing "On-Call" Engineering Services to the City of Jamestown for 2010 and 2011. Motion died for lack of a second.

Council Member Parisien moved a Resolution to approve the selection of AE2S, Interstate Engineering, Inc., and Ulteig Engineering for providing "On-Call" Engineering Services to the City of Jamestown for 2010 and 2011. Seconded by Council Member Nygaard. Roll Call No. 6 showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

A public hearing was held concerning the special assessments on the 2009 Sidewalk, Curb & Gutter District #09-11. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Parisien moved a Resolution to approve the special assessments on the 2009 Sidewalk, Curb & Gutter District #09-11, in the total amount of \$211,137.48, with the City Share at \$31,565.81, and benefited properties to be assessed in the amount of \$179,571.67. Seconded by Council Member Schulz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty declared a conflict of interest with the 2009 claims for flood related damages.

Council Member Parisien moved to not allow Mayor Liechty to discuss or vote on the 2009 claims for flood related damages. Seconded by Council Member Nygaard. Unanimous aye vote. Carried.

Council Member Schulz moved a Resolution to authorize payment of 2009 claims for flood related damages on private property due to dike construction and removal as follows:

1. For claims under \$10,000, the property owner is required to:

- a. Notify City in writing no later than June 30, 2010, of intent to file claim.
- b. Provide proof of claim submittal to the property owner's insurance carrier with a corresponding acceptance or rejection letter.
- c. Submit paid receipts no later than December 31, 2010, for damage repairs claimed for reimbursement.

2. For claims \$10,000 and over, the City shall engage an independent adjustor to evaluate and recommend to the City Council amounts to be reimbursed.

Seconded by Council Member Parisien. Roll Call No. 8 showed: 4 ayes, 0 nays, 0 absent, 1 Conflict of Interest. Carried.

Mayor Liechty stated the following appointments would be delayed until May 17, 2010:

1. A member of the Planning Commission for a five (5) year term to expire August 2014.
2. A member of the Planning Commission for a five (5) year term to expire August 2014.
3. A member of the Planning Commission for a five (5) year term to expire August 2014.
4. Members of the Renaissance Zone Authority for three (3) year terms to expire August 2012.
5. Members of the Fire Code Board of Appeals for three (3) year terms to expire November 2012.
6. A member of the Jamestown Regional Airport Authority for a five (5) year term to expire December 2014.
7. A member of the Civil Service Commission for a five (5) year term to expire January 2015.
8. Members of the Board of Adjustment for three (3) year terms to expire January 2013.
9. Members of the Buffalo City Tourism Foundation for three (3) year terms to expire February 2013.
10. A member of the Joint Library Board for three (3) year term to expire March 2013.
11. The City Council representative and the City employee representative on the Pension Committee for terms of one (1) year to expire March 2011.
12. Members of the Shade Tree Committee for three (3) year terms to expire April 2013.
13. A member of the Compliance Committee for the Americans with Disability Act of 1990 to fill the vacancy of Yvonne Hanzal.

Council Member Kourajian brought forth three names for the Law Enforcement Center Governing Board appointment (James Nygaard, Steve Cichos and Beth Dewald).

Council Member Nygaard requested to abstain from participation in the appointment to the Law Enforcement Center Governing Board.

Mayor Liechty moved to allow Council Member Nygaard to abstain from participating in the appointment to the Law Enforcement Center Governing Board. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint James Nygaard to serve as a member of the Law Enforcement Center Governing Board to fill the unexpired term of Yvonne Hanzal (December 2010). Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Schulz moved a Resolution to approve the request from Jamestown College for gaming site authorizations for the period July 1, 2010 - June 30, 2011, for the Jamestown College and the Jamestown Civic Center. Seconded by Council Member Parisien. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to approve Payment No. 1 (Inv No. 3825), to Interstate Engineering, Inc., for construction engineering services on Mill Hill (US 281 from 17th Street SW to 4th Avenue SW) Dowel Bar Retrofit, Grinding & CPR; Project STM-S-NHU-2-281(036)067, in the amount of \$3,712.55. Seconded by Council Member Nygaard. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to approve Payment No. 1 (Inv No. 3818), to Interstate Engineering, Inc., for construction engineering services on Phase II, Water Plant Improvements, Water Treatment Plant Improvements, DWSRF Project No. 4700498-03, in the amount of \$37,012.04. Seconded by Council Member Schulz. Roll Call No. 11 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

