

JAMESTOWN CITY COUNCIL
REGULAR MEETING, SEPTEMBER 7, 2010
OFFICIAL MINUTES

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

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Andersen, Council Members Gumke, Kourajian, Nygaard and Schulz, City Attorney Dalsted, City Engineer Schwartzkopf and Deputy City Auditor Sveum. Absent: City Administrator Fuchs.

Mayor Andersen moved to approve the minutes of the following meetings: Regular council meeting, August 2, 2010, and committee meeting, August 26, 2010. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Schulz moved to approve the following consent items:

- A. Resolution to approve reimbursement to Chamco Properties based upon Border Area Adjustment's report on damage to private property for the flood event of 2009 in the amount of \$15,484.21.
- B. Resolution to approve reimbursement to Jon & Peg Schlenker based upon Border Area Adjustment's report on damage to private property for the flood event of 2009 in the amount of \$4,996.90.
- C. Resolution to approve reimbursement to Miles Mickelson, 1205 2nd Ave NW, as a result of a broken city sewer main on March 9, 2010, in the amount of \$12,651.15.
- D. Resolution to authorize reimbursement to the JSDC for the 2009 special assessments paid on the I-94 Business Park, in the amount of \$4,942.87, from the City Sales Tax Fund.
- E. Resolution to approve the request from the JSDC for approval of a policy & procedure change pertaining to mandatory publications.
- F. Resolution to approve the request from FARRMS for a \$5,000 jobs grant from Economic Development Funds with the County Share to be 100%.
- G. Resolution to approve the JSDC 2011 budget request to be paid from Economic Development Funds with the City Share to be \$295,000 and paid from the City Sales Tax Fund.
- H. Resolution to approve a policy for the general purchasing of materials, equipment supplies and services.
- I. Resolution to set a public hearing to be held on October 4, 2010, concerning the recommendations of the Renaissance Zone Committee to amend the boundaries of the Renaissance Zone.
- J. Resolution to recognize the Ava Marie Village Day Dream Team as an other public spirited organization and to authorize the issuance of a raffle permit with the drawing to be held December 10, 2010.
- K. Resolution to approve the request of Dean & Cindy Schlaht to move a house from Cleveland, ND, to 1805 8th Avenue NW.
- L. Resolution to authorize entering into the following easements for development of the Jamestown Regional Medical Center:
 - 1) For water main construction: Liechty Associates LLP & John A. and Brenda J. Corell
 - 2) For sewer main construction: Liechty Associates LLP & John A. and Brenda J. Corell

- 3) For right of way purposes: Kelly Rott and Cynthia Rott; Jon Pierre Weist A.K.A J.P. Wiest and Judith M. Weist A.K.A Judith Weist & John A. and Brenda J. Corell
- M. Resolution to approve the adoption of a Civic Center Alcohol Sale, Distribution and Consumption Policy.
- N. Resolution to reject the bid received for construction of a new cell at the Municipal Waste Landfill and to re-bid the project in conjunction with the bid to construct a new cell at the Inert Landfill Site.
- O. Resolution to approve the naming of the one block street that intersects Evergreen Drive NW to Evergreen Circle NW.
- P. Resolution to approve the request from Todd Krebsbach, 1620 2nd Street SW, for the City to allow Stutsman Rural Water District to provide water service to his property.
- Q. Resolution to approve the request from Double M Sanitation to open a charge account at the Solid Waste Facility.
- R. Resolution to approve Payment No. 1 & Final (Inv No. 971452), to the ND Department of Transportation for the City's 10% share of upgrading the automatic electronic grade crossing signal system at 3rd Street SE, Project RPS-9999(205), in the amount of \$1,232.82.
- S. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on Downtown Railroad Parking Lots & Streets Improvement District #07-43, Transportation Enhancement Project TEU-2-987(028)032, in the amount of \$99,964.48.
- T. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, as follows: 1) PW-04460(0) SW Quadrant, in the amount of \$59,517.38 ; 2) PW-04294(0) SW Quadrant, in the amount of \$7,528.09; 3) PW-04454(0) NW Quadrant, in the amount of \$90,632.61; and 4) PW-04214(0) SE Quadrant, in the amount of \$23,754.43.
- U. Resolution to approve Estimate No. 2, to Riley Bros. Construction, for construction on Force Main Replacement (Master Lift Station to the Wastewater Treatment Plant), CWSRF Project No. 380943-01, in the amount of \$603,721.75.
- V. Resolution to approve Estimate No. 3, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-02867(0), in the amount of \$37,456.93.
- W. Resolution to approve Estimate No. 3, to Schumacher Construction, Inc., for construction on 2010 Sidewalk, Curb & Gutter District #10-11, in the amount of \$828.02.
- X. Resolution to approve Estimate No. 4, to Central Specialties, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #10-41, in the amount of \$419,304.71.
- Y. Resolution to approve Payment No. 4, to Ulteig Engineers, for engineering services on the Sanitary Sewer Collection System Study, in the amount of \$51,587.82.
- Z. Resolution to approve Estimate No. 4, to PKG Contracting, Inc., for construction on Phase II, Water Plant Improvements, Water Treatment Plant Improvements, DWSRF Project No. 4700498-03, in the amount of \$362,223.64.
- AA. Resolution to approve Payment No. 23, 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 \$27,498.42.

- BB. Resolution to approve Payment No. 1 (Inv No. 4810), to Interstate Engineering, Inc., for engineering services on the Quiet Zone, in the amount of \$3,291.40.
- CC. Resolution to approve Payment No. 1 (Inv No. 4809), to Interstate Engineering, Inc., for construction engineering services on Downtown Railroad Parking Lots & Streets Improvement District #07-43, Transportation Enhancement Project, Project No. TEU-2-987(028)032, in the amount of \$20,411.16.
- DD. Resolution to approve Payment No. 3 (Inv No. 4803Final), to Interstate Engineering, Inc., for engineering services on Emergency Repair for 2nd Street SW, Pavement, Project CER-2-987(035)039, in the amount of \$29.18.
- EE. Resolution to approve Payment No. 3 (Inv No. 4804Final), to Interstate Engineering, Inc., for engineering services on Emergency Repair for 1st Street West Pavement, Project CER-2-987(036)040, in the amount of \$152.35.
- FF. Resolution to approve Payment No. 3 (Inv No. 4808), to Interstate Engineering, Inc., for engineering services for Force Main Replacement, (Master Lift Station to the Wastewater Treatment Plant), CWSRF Project No. 380943-01, in the amount of \$21,783.76.
- GG. Resolution to approve Payment No. 4 (Inv No. 4799), to Interstate Engineering, Inc., for engineering services on FEMA Pavement Repairs at the Jamestown Civic Center, in the amount of \$26,635.80.
- HH. Resolution to approve Payment No. 4 (Inv No. 4801), to Interstate Engineering, Inc., for construction engineering services on Phase II, Water System Improvements, Water Treatment Plant Improvements, DWSRF Project No. 4700498-03, in the amount of \$20,583.45.
- II. Resolution to approve Payment No. 4 (Inv No. 4798Final), 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 \$529.16.
- JJ. Resolution to approve Payment No. 4 (Inv No. 4806Final), 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 \$684.74.
- KK. Resolution to approve Payment No. 4 (Inv No. 4807), 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 \$2,274.24.
- LL. Resolution to approve Payment No. 7, (Inv No. 4802) to Interstate Engineering, Inc., for preliminary engineering services on Viaduct Utilities and Pavement Replacement, STM-SU-2-987(032)036, in the amount of \$2,936.54.
- MM. Resolution to approve Payment No. 23 (Inv No. 4800) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$1,040.50.
- NN. 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.
- OO. Resolution to allow the August indebtedness in the amount of \$4,337,370.05 consisting of \$413,176.00 payroll and \$3,924,194.05 general obligations.

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

Council Member Kourajian moved a Resolution to approve reimbursement to Reuben & Clarice Liechty based upon Border Area Adjustment's report on damage to private property for the flood event of 2009 in the amount of \$14,074.00. Seconded by Mayor Andersen.

Council Member Kourajian moved to amend the motion to request that Reuben & Clarice Liechty obtain three cost estimates according to the latest diagram submitted and upon completion of the work, the City will reimburse the cost of the lowest bid. Seconded by Council Member Schulz. Voice vote: 4 ayes, 1 nay (Nygaard). Carried.

Roll Call No. 2 on the Resolution, as amended, showed: 4 ayes, 1 nay (Nygaard), 0 absent. Carried.

Mayor Andersen moved a Resolution to authorize entering into a Cost Participation and Maintenance Agreement with the North Dakota Department of Transportation for the Jamestown Business Loop East from 12th Street Southeast to I-94 Project. Seconded by Council Member Gumke. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the application and proposed use of 2010 Byrne Justice Assistance Grant Program funds, in the amount of \$14,117.00. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Kourajian moved a Resolution to approve the application and proposed use of 2010 Byrne Justice Assistance Grant (JAG) Program funds, in the amount of \$14,117.00, as follows: Jamestown Police Department – \$12,000.00 (Equipment and Safety Enhancement); Stutsman County Sheriff's Office - \$2,117.00 (Equipment). Seconded by Council Member Nygaard. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of the E.75' of Lots 4, 5 and 6, Block 61, Klaus 2nd Addition, 110-118 6th Street SW, from R-2-A (One to Twelve Family Residential District) to O-S-P (Off-Street Parking District).

Council Member Schulz moved to introduce the first reading of an ordinance to amend and re-enact Section 2-6 of the City Code pertaining to competitive bidding on certain contracts.

Council Member Gumke moved to introduce the first reading of an ordinance pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2011, through December 31, 2011.

Council Member Nygaard moved to introduce the first reading of an ordinance pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2011, through December 31, 2011.

Ordinance No. 1366, introduced by Council Member Gumke, to amend and re-enact Section 5-32.1 of the City Code pertaining to alcoholic beverage general license restriction; responsibility of licensee, right of search, and compliance checks, had its second reading. Seconded by Mayor Andersen. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1367, introduced by Council Member Gumke, to enact Section 22-7.4 of the City Code pertaining to urinating in public, had its second reading. Seconded by Council Member Schulz. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to accept the affidavit from Treven Iverson that Check No. 5670 (Wells Fargo Bank-Municipal Court), dated January 12, 2007, in the amount of \$175.00, has been lost or destroyed and authorize the issuance of a duplicate. Seconded by Council Member Schulz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to approve and accept the proposal from AE2S to perform a Planning Study of Jamestown's Public Water Distribution Storage System. Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve and accept the alternative proposal from RTS Shearing for Repairs to the Buffalo Scenic Road, in the amount of \$16,700.00. Seconded by Council Member Gumke. Roll Call No. 9 showed: 4 ayes, 1 nay (Andersen), 0 absent. Carried.

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

ATTEST:

APPROVED:

JAY SVEUM
Deputy City Auditor

KATIE ANDERSEN
Mayor