

JAMESTOWN CITY COUNCIL
REGULAR MEETING, OCTOBER 4, 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 City Administrator Fuchs.

Mayor Andersen moved to approve the minutes of the following meetings: Regular council meeting, September 7, 2010; Special council meeting, September 13, 2010; Special council meeting, September 23, 2010; Committee meeting, September 21, 2010; and the committee meeting, September 23, 2010. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

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

Council Member Schulz moved to approve the following consent items:

- A. Resolution to accept the offer from Dean & Cynthia Schlaht to purchase Lot 3, Block 4, Northwest 5th Addition for \$3,500.00.
- B. Resolution to accept a Warranty Deed on a portion of Lot 5, Block 3, Auditor's Plat No. 1, to be used as permanent right-of-way, at a purchase price of \$1,350.00, and to approve entering into temporary right-of-way easements for construction purposes, on portions of Lot 18 & 21, Block 3, and Lot 17 & 19, Block 4, Strutz Addition, on the East Business Loop Reconstruction Project.
- C. Resolution to award the bid for the as-is sale of a 1974 American LaFrance fire truck to the Pingree Fire Department, in the amount of \$1,500.00.
- D. Resolution to approve the issuance of a special permit to allow the use of pyrotechnics at the Hairball Concert, to be held at the Jamestown Civic Center, on October 9, 2010.
- E. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on ER Project CER-2-987(034)038, in the amount of \$71,897.24.
- F. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on ER Project CER-2-987(035)039, in the amount of \$12,730.93.
- G. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on ER Project CER-2-987(036)040, in the amount of \$6,660.29.
- H. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-04219(0) Civic Center Parking Lot, in the amount of \$511,824.37.
- I. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-05229(0) Baler Road, in the amount of \$74,607.21.
- J. Resolution to approve Estimate No. 2, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-04454(0) NW Quadrant, in the amount of \$83.63.

- K. Resolution to approve Estimate No. 2, 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 \$292,025.12.
- L. Resolution to approve Estimate No. 3, 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 \$263,276.00.
- M. Resolution to approve Estimate No. 4 & Final, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-02867(0), in the amount of \$34,986.85.
- N. Resolution to approve Payment No. 5, to Ulteig Engineers, for engineering services on the Sanitary Sewer Collection System Study, in the amount of \$77,262.72.
- O. Resolution to approve Estimate No. 5, 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 \$209,222.63.
- P. Resolution to approve Payment No. 24, 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 \$40,932.22.
- Q. Resolution to approve Payment No. 1 (Inv No. 5067), to Interstate Engineering, Inc., for engineering services to Re-Permit Existing Inert Waste Landfill, in the amount of \$4,535.00.
- R. Resolution to approve Payment No. 2 (Inv No. 5066), to Interstate Engineering, Inc., for construction engineering services on Transportation Enhancement for US Highway 281, Project No. S-TNU-2-281(033)066, in the amount of \$214.38.
- S. Resolution to approve Payment No. 2 (Inv No. 5071), to Interstate Engineering, Inc., for construction engineering services on Downtown Railroad Parking Lots & Streets Improvement District #07-43, Transportation Enhancement Project, in the amount of \$8,350.32.
- T. Resolution to approve Payment No. 4 (Inv No. 5070), 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 \$8,929.74.
- U. Resolution to approve Payment No. 5 (Inv No. 5068), to Interstate Engineering, Inc., for engineering services on FEMA Pavement Repairs at the Jamestown Civic Center, in the amount of \$17,746.30.
- V. Resolution to approve Payment No. 5 (Inv No. 5069), 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 \$12,348.71.
- W. 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.
- X. Resolution to allow the September indebtedness in the amount of \$3,531,019.83 consisting of \$404,590.11 payroll and \$3,126,429.72 general obligations.

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

Mayor Andersen moved a Resolution to accept the Jamestown City Local Government Advisory Study report and to thank the members for serving on the committee and for their excellent work in support of city government. Seconded by Council Member Schulz.

Mayor Andersen moved to amend the motion by adding an additional meeting per month from January through June 2011 for future planning. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Roll Call No. 2 on the Resolution, as amended, showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Nygaard moved a Resolution to adjust the 2011 City budget to include \$10,000 for Fire Department equipment, \$5,000 for Fine Arts, \$5,000 to the Community Service Program and \$5,000 to the Chamber City Beautification Committee and to reduce the subsidy to Renaissance Recycling by \$25,000 and to transfer this amount to the General Fund. Seconded by Council Member Kourajian. Roll Call No. 3 showed: 4 ayes, 1 nay (Andersen), 0 absent. Carried.

Council Member Schulz moved a Resolution to request city staff to prepare a report on the mechanics of a residential curbside recycling program for the city with a city collection option and a third party vendor option, to be completed by January 1, 2011, with a proposed implementation date of April 1, 2011. Seconded by Council Member Nygaard.

Joan Morris appeared before the Council in support of the curbside recycling program.

Council Member Nygaard moved to amend the Resolution to include the pay-as-you-throw provision and with an implementation date of May 1, 2011. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Roll Call No. 4 on the Resolution, as amended, showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the application and request from Brown Bear Properties, LLP, for a property tax exemption on a project to construct a 35 unit assisted living apartment at 1221 5th Street NE, (W.1/2 of S. 442' of Lot 2, Block 1, Garden Hills 2nd Addition, except a portion in the SW corner of Lot 2).

Clarice Liechty, 511 8th Street SW, appeared before the City Council to speak in opposition to the Brown Bear Properties, LLP, request for a property tax exemption and also submitted a letter of opposition.

Marvin Brown, Brown Bear Properties, LLP, spoke before the Council in support of the property tax exemption and stated the former Mayor used her authority to deny him access to the exemption and that the request was before the City Council prior to construction outlining the plans. He also stated Eventide would be providing management services and a CNA would be on staff at the facility.

Nancy Williams, manager of Marvin Brown's properties, summarized the steps taken thus far in the process of requesting the property tax exemption.

The public hearing was closed.

Council Member Schulz moved a Resolution to approve the request from Brown Bear Properties, LLP, for a property tax exemption on a project to construct a 35 unit assisted living apartment at 1221 5th Street NE, (W.1/2 of S. 442' of Lot 2, Block 1, Garden Hills 2nd Addition, except a portion in the SW corner of Lot 2), using the same formula which was applied to the Heritage Centre, Phase 3 Project. Seconded by Council Member Kourajian.

Mayor Andersen moved to table the request to the October 19th Finance and Legal Committee meeting to allow the City Attorney to research the matter. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Mayor Andersen declared a conflict of interest relative to the zone change request of Lot 1, Block 61, Klaus 2nd Addition, from R-2-A (One to Twelve Family Residential District) to C-2 (General Commercial), as her parents own property within the 150' radius area.

Council Member Schulz declared a conflict of interest relative to the zone change of Lot 1, Block 61, Klaus 2nd Addition, from R-2-A (One to Twelve Family Residential District) to C-2 (General Commercial), as he owns property within the 150' radius area.

Council Member Nygaard moved to allow Mayor Andersen and Council Member Schulz to discuss and vote on the zone change request. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Nygaard 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 Lot 1, Block 61, Klaus 2nd Addition, from R-2-A (One to Twelve Family Residential District) to C-2 (General Commercial).

A public hearing was held concerning Ordinance No. 1368, 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). No one appeared to object and no written protests were received. The public hearing was closed.

Ordinance No. 1368, introduced by Council Member Schulz, 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), had its second reading. Seconded by Council Member Gumke. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1369, introduced by Council Member Schulz, to amend and re-enact Section 2-6 of the City Code pertaining to competitive bidding on certain contracts, had its second reading. Seconded by Council Member Kourajian. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2011, through December 31, 2011. No one appeared to object and no written protests were received. The public hearing was closed.

Ordinance No. 1370, introduced by Council Member Gumke, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2011, through December 31, 2011, had its second reading. Seconded by Council Member Schulz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1371, introduced by Council Member Nygaard, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2011, through December 31, 2011, had its second reading. Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to award the bids for the construction on the Civic Center Restroom Renovations Project as follows:

Bid Package 1 – (General) to Nill Construction, Inc., in the amount of \$34,761.00;
Bid Packages 2 & 7 – (Mechanical & Supply Auto Sensors) to Manning Mechanical, in the amount of \$60,600.00;
Bid Package 3 – (Electrical) to Curtis Electric, in the amount of \$21,787.00;
Bid Package 4 – (Painting) to Decorating By Charlie, in the amount of \$10,750.00;
Bid Package 5 – (Supply Hand Dryers) to Nill Construction, Inc., in the amount of \$7,657.00;
Bid Package 6 – (Supply Toilet Partitions) to Structural Materials, Inc., in the amount of \$13,940.00; and
Bid Package 8 – (Supply Mirrors) to American General Construction, in the amount of \$1,400.00;

Seconded by Council Member Gumke. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Floyd Curtis, Curtis Electric, appeared before the City Council to express support for the City to retain the City Electrical Inspector position.

Council Member Nygaard 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 Mayor Andersen. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to direct the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2011, through December 31, 2011. Seconded by Council Member Gumke. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to authorize the City Administrator to submit an application to the ND State Health Department for funding of the Force Main Replacement Project (CWSRF No. 380943-01), to sign all necessary documents, and on behalf of the City, to accept loan offer and receive payment of loan funds. Seconded by Council Member Nygaard. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve gaming site authorizations for the RMEF MinnDak, Inc.--Jamestown Chapter, to conduct gaming on December 2, 2010 and March 12, 2011, at the Gladstone Inn. Seconded by Council Member Kourajian. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to approve the City of Jamestown participating in the Stutsman County Multi-Hazard Mitigation Plan. Seconded by Council Member Gumke. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to accept the affidavit from K-Mart that Check No. 355006 (Unison Bank), dated July 30, 2010, in the amount of \$75.46, has been lost or destroyed and authorize the issuance of a duplicate. Seconded by Council Member Gumke. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to approve the second amended Resolution authorizing the issuance and sale of \$2,996,823 Water Treatment Revenue Bond, Series 2010. Seconded by Council Member Gumke. Roll Call No. 16 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to approve the second amended Resolution authorizing the issuance and sale of \$2,653,177 Water Treatment Revenue Bond of 2010, Series B. Seconded by Council Member Gumke. Roll Call No. 17 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

JEFF FUCHS
City Administrator

APPROVED:

KATIE ANDERSEN
Mayor