

JAMESTOWN CITY COUNCIL
REGULAR MEETING, NOVEMBER 1, 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 and City Administrator Fuchs. Absent: City Engineer Schwartzkopf.

Mayor Andersen moved to approve the minutes of the following meetings: Regular council meeting, October 4, 2010; Committee meeting, October 19, 2010; and Committee meeting, October 21, 2010. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

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

Council Member Gumke moved to approve the following consent items:

- A. Resolution to approve the request from the Jamestown Area Chamber of Commerce for an \$18,000 loan from Economic Development Funds with the City Share to be \$16,200 and paid from the City Sales Tax Fund.
- B. Resolution to refer to the Pension Committee the request from Jamestown Police Officers for the City to enroll Police Department officers into the PERS Law Enforcement Retirement Plan.
- C. Resolution to authorize payment relative to the claim for property damages from William and Wanda Scoville due to construction and removal of dikes and levees during the 2009 flood event, in the amount of \$13,880.91.
- D. Resolution to authorize payment relative to the claim for property damages from Craig and Carla Day due to construction and removal of dikes and levees during the 2009 flood event, in the amount of \$18,084.41.
- E. Resolution to authorize advertising for a part-time electrical inspector to work 4 hours per day five days per week.
- F. Resolution to direct the City Attorney to send a letter to Babb's Coffee House to notify them that the City Council directs that the property be in ADA compliance regarding access by December 31, 2010.
- G. Resolution to appoint a committee composed of Mayor Andersen, Council Member Gumke, City Attorney Dalsted and City Administrator Fuchs to meet with appropriate department heads and to prepare a recommendation for the City Council relative to the updates of the Jamestown Municipal Code and preparations relative to placing the City Code on the City of Jamestown web-site.
- H. Resolution to accept the 2009 City of Jamestown Audit Report as prepared by Schauer and Associates, PC.
- I. Resolution to approve the application of JD & AMN LLC (108 First Avenue South) South 75' of Lots 1, 2, 3, 4 & 5, Ex. West 5 ½' of North 25' of South 75', Block 33, Original Addition, for Renaissance Zone incentives to include a five year 100% property tax exemption and to recommend the State of ND grant a five year 100% state income tax exemption.

- J. Resolution to authorize the reimbursement of \$220 to Homer Township for snow removal costs as a onetime exception to City policy relative to shared maintenance costs on periphery roads.
- K. Resolution to authorize engaging Prairie Engineering to prepare the plans & specifications based on Alternate A to include the addition of the replacement of existing fire alarm with an addressable system, as prepared by the City Administrator on the Summary of Electrical Opinion of Probable Construction Costs as presented in the Prairie Engineering Assessment Report for the Civic Center electrical efficiency improvements.
- L. Resolution to approve Payment No. 1, to the North Dakota Transportation Department, on ER Project CER-2-987(034)038, 4th Avenue NW, Pavement, in the amount of \$13,710.80.
- M. Resolution to approve Payment No. 1, to the North Dakota Transportation Department, on ER Project CER-2-987(035)039, 2nd Street SW, Pavement, in the amount of \$2,427.79.
- N. Resolution to approve Payment No. 1, to the North Dakota Transportation Department, on ER Project CER-2-987(036)040, 1st Street West, Pavement, in the amount of \$1,270.12.
- O. Resolution to approve Estimate No. 1, to AE2S for engineering services on the Water Distribution and Storage System Study, in the amount of \$9,299.45.
- P. Resolution to approve Estimate No. 2, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-04219(0) Civic Center Parking Lot, in the amount of \$35,327.94.
- Q. Resolution to approve Estimate No. 2, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-05229(0) Baler Road, in the amount of \$5,735.08.
- R. Resolution to approve Estimate No. 2, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-04460(0) SW Quadrant, in the amount of \$683.44.
- S. Resolution to approve Estimate No. 2, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-04294(0) SW Quadrant, in the amount of \$240.97.
- T. Resolution to approve Estimate No. 2, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-04214(0) SE Quadrant, in the amount of \$1,570.45.
- U. Resolution to approve Estimate No. 3, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, PW-04454(0) NW Quadrant, in the amount of \$7,472.19.
- V. Resolution to approve Estimate No. 3, 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 \$285,504.18.
- W. Resolution to approve Estimate No. 4, 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 \$26,699.70.
- X. Resolution to approve Estimate No. 4, to Schumacher Construction, Inc., for construction on 2010 Sidewalk, Curb & Gutter District #10-11, in the amount of \$16,128.68.
- Y. Resolution to approve Payment No. 6, to Ulteig Engineers, for engineering services on the Sanitary Sewer Collection System Study, in the amount of \$21,800.00.

- Z. Resolution to approve Estimate No. 6, 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 \$289,582.08.
- AA. Resolution to approve Payment No. 1 (Inv No. 5226), to Interstate Engineering, Inc., for construction engineering services on ER Projects as follows:
- 1) 4th Street NW Pavement, Project CER-2-987(034)038, in the amount of \$4,737.93
 - 2) 2nd Street SW, Pavement, Project CER-2-987(035)039, in the amount of \$566.24
 - 3) 1st Street West Pavement, Project CER-2-987(036)040, in the amount of \$450.68
 - 4) 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 \$5,801.08
- BB. Resolution to approve Payment No. 3 (Inv No. 5218), 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 \$12,186.21.
- CC. Resolution to approve Payment No. 5 (Inv No. 5219), 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 \$4,080.78.
- DD. Resolution to approve Payment No. 6 (Inv No. 5216), 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 \$19,029.43.
- EE. Resolution to approve Payment No. 24 (Inv No. 5215) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$136.00.
- FF. 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.
- GG. Resolution to allow the October indebtedness in the amount of \$3,231,897.83 consisting of \$402,162.68 payroll and \$2,829,735.15 general obligations.

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

Mayor Andersen moved a Resolution to approve the request from Pharmakon Solutions, LLC dba Eldermark Software, for a \$120,000 New Jobs Training Fund Loan, a \$300,000 Jobs Incentive Grant and a \$60,000 Lease/Leasehold Improvements Grant from Economic Development Funds with the City Share to be \$384,000 and paid from the City Sales Tax Fund. Seconded by Council Member Gumke. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to approve the request from the JSDC for \$5,000 Economic Development Funds for creation of a Rain Source Capital/Rain Fund Creation Contract with the City Share to be \$4,000 and paid from the City Sales Tax Fund. Seconded by Council Member Gumke. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Andersen moved a Resolution to approve the request from Lunde Properties II to retire the remaining JSDC loan amount outstanding, by transferring the assets of two condominium units to JSDC and to make a direct payment of \$108,746.69, with the JSDC paying CityScapes Development, Inc., up to a \$100,000 commission incurred as a result of marketing the property. Seconded by Council Member Schulz.

Mayor Andersen amended the motion to include accrued interest to date of closing. Seconded by Council Member Schulz.

Teri Iten, 810 17th Street SE, appeared before the City Council stating her opposition to the City paying \$100,000.00 to CityScapes Development, Inc., for commission on the proposed sale.

Craig Patnode, Minneapolis, spoke in support of the proposal and stated the property and restaurant is an asset to the community.

Andrea Huus, 1118 9th Street SE, (Shady's Restaurant), spoke in opposition to the proposal as the business is a competitor of restaurants in the city.

Dean Remboldt, 702 10th Avenue SE, stated many residents in the community are opposed to the proposal.

Jim Nowatzki, owner of Officeland, spoke in support of the proposal as it will benefit the City.

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

Council Member Schulz moved a Resolution to deny the request for property tax exemptions based on the new application concerning Prairie Hills Apartments (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, 1221 5th Street NE). Seconded by Council Member Gumke. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

The City Attorney sent a letter to S & R Truck Plaza stressing that the City Council encourages the business to comply with the requirements placed upon the vacation of public right-of-way and easement conditions placed upon the property by the Resolution dated March 13, 1991.

Bryan Albright, 1618 13th Street SE, requested the City Council take steps to enforce the easement conditions place upon the property by the Resolution dated March 13, 1991.

Dale Redinger, S & R Truck Plaza, stated that roadway access to the area is available.

Jeanette Grabinger, 1622 13th Street SE, spoke before the City Council requesting roadway access to the area and that snow accumulation in this area has created problems.

Mayor Andersen moved a Resolution to have the Mayor, one Council Member, the City Attorney and the Fire Chief meet at a later date and discuss the situation further and report back to the City Council. Seconded by Council Member Schulz. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve Payment No. 6 (Inv No. 5217), to Interstate Engineering, Inc., for engineering services on FEMA Pavement Repairs at the Jamestown Civic Center, in the amount of \$17,973.00. Seconded by Council Member Gumke. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lot 1, Block 61, Klaus 2nd Addition, from R-2-A (One to Twelve Family Residential District) to C-2 (General Commercial District).

City Administrator Fuchs reported that written protests were received from seven of the 21 properties (33%) within the radius area.

Casey Stoudt appeared before the City Council in support of the zone change.

Ron Hemmer, 1712 7th Avenue NE, appeared before the Council in opposition to the zone change.

Council Member Schulz declared a conflict of interest as his residence is within the 150' radius area.

Council Member Nygaard moved to not allow Council Member Schulz to discuss or vote on the zone change. Seconded by Council Member Gumke. Voice vote showed: 4 ayes, 1 nay (Andersen). Carried.

Ordinance No. 1372, introduced by Council Member Nygaard, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lot 1, Block 61, Klaus 2nd Addition, from R-2-A (One to Twelve Family Residential District) to C-2 (General Commercial District). Seconded by Council Member Kourajian. Roll Call No. 8 showed: 1 aye, 3 nays (Andersen, Gumke and Nygaard), 0 absent, 1 Conflict of Interest (Schulz). NOT CARRIED.

Mayor Andersen moved to appoint Corey Bayer, Mark Wolf and Scott Hare to serve as members of the Buffalo City Tourism Foundation for terms to expire February 2013, and Pam Phillips to serve as a member for a term to expire February 2011. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Mayor Andersen moved to appoint Ken Schulz to serve as a member of the County Zoning Board for a term to expire June 2014. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Mayor Andersen moved to appoint Harley Trefz, Mike Bergquist and David Tressler to serve as members of the Planning Commission for terms to expire August 2014, and Paulette Ritter to serve as a member for a term to expire August 2015. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Mayor Andersen moved to appoint Sandy Eckelberg and Charlie Kourajian to serve as members of the Shade Tree Committee for terms to expire April 2013. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Mayor Andersen moved to appoint Ramone Gumke to serve as the City Council representative of the South Central Dakota Regional Council for a term to expire September 2012. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Council Member Schulz moved to appoint Ramone Gumke and Katie Andersen to serve as members of the Storm Water Committee to fill the unexpired terms of Clarice Liechty and Kelani Parisien (April 2011). Seconded by Council Member Nygaard. Unanimous aye vote. Carried.

Clarice Liechty, 511 8th Street SW, requested the City Council return the September 8, 2009, Resolution relative to the Prairie Hills tax exemption to the November Finance & Legal Committee for further review.

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

ATTEST:

JEFF FUCHS
City Administrator

APPROVED:

KATIE ANDERSEN
Mayor