

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 2, 2011
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 Kourajian, Nygaard and Schulz, City Engineer Schwartzkopf and City Administrator Fuchs. Absent: Council Member Gumke and City Attorney Dalsted.

Council Member Schulz moved to approve the minutes of the following meetings: Council meetings, April 4 and 7, 2011; and Committee meetings, April 19, 20 and 21, 2011. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

A bid was received for the sale of an abandoned and impounded vehicle from Darrel Wegner.

Council Member Kourajian moved to approve the following consent items:

- A. Resolution to approve the request for the JSDC to provide \$75,000 in Economic Development Funds for a match to an APUC grant for a feasibility study regarding a Controlled Environmental Agriculture leaf lettuce production facility with the City Share to be \$15,000 and paid from the City Sales Tax Fund.
- B. Resolution to approve the request from Gavilon for \$117,500 in Economic Development Funds to provide for \$55,000 in New Jobs Training Funds and \$62,500 in a Job Incentive Grant with the City Share to be \$23,500 and paid from the City Sales Tax Fund.
- C. Resolution to deny the request for abatement from Harry M. Cox for real property taxes for 2010 on the E ½ of Lot 9 and all Lots 10 & 11, Block 3, Kelly and Fuller's 2nd Addition by reducing the true and full value from \$20,300 to \$3,500.
- D. Resolution to authorize funding the City Share of the 281 South Transportation Enhancement Project, in the amount of \$87,161.33, from the City Share of Specials Fund.
- E. Resolution to award the bid for the 2011 Sidewalk, Curb & Gutter District #11-11 to Lindberg Brothers, Inc., in the amount of \$75,415.00.
- F. Resolution to award the bid for a New One Ton 4x4 Cab & Chassis - Street Department to R.M. Stoudt, Inc., in the amount of \$31,701.00 less \$7,500.00 on the trade-in vehicle, for a net bid of \$24,201.00.
- G. Resolution to award the bid for a New 2 CY Box & Hoist for the Street Department to Sanitation Products, Inc., in the amount of \$7,853.45.
- H. Resolution to award the bid for a New 4 WD Backhoe/Loader for the Street Department to Titan Machinery for \$79,000 with a guaranteed buy-back of \$40,500 and with guaranteed maximum repairs 4500 hrs or 6 years.
- I. Resolution to approve the request from Jamestown Middle School Omega House relating to the annual storm drain stenciling project and to authorize the request for funds of up to \$500.00.

- J. Resolution to approve Payment No. 2 (Inv No. 20993), to Ulteig Engineering, for construction engineering services on the East Business Loop Reconstruction Project No. SU-2-098(029)033, Project #11-42 (12th Street SE to I-94), in the amount of \$18,018.30.
- K. Resolution to approve Payment No. 7 (Inv No. 27360), to AE2S for engineering services on the Water Distribution and Storage System Study, in the amount of \$15,640.33.
- L. Resolution to approve Payment No. 11 (Inv No. 21023), to Ulteig Engineers, for engineering services on the Sanitary Sewer Collection System Study, in the amount of \$2,088.00.
- M. Resolution to approve Estimate No. 12, 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 \$262,159.10.
- N. Resolution to approve Payment No. 1 (Inv No. 6434), to Interstate Engineering, Inc., for engineering services on the Plant Influent Piping at Wastewater Treatment Plant, in the amount of \$17,362.00.
- O. Resolution to approve Payment No. 2 (Inv No. 6436), to Interstate Engineering, Inc., for engineering services on the Solid Waste Baling Facility Modifications and Baler Equipment Replacement, in the amount of \$8,942.50.
- P. Resolution to approve Payment No. 3 (Inv No. 6438), to Interstate Engineering, Inc., for engineering services on the Quiet Zone, in the amount of \$7,271.10.
- Q. Resolution to approve Payment No. 3 (Inv No. 6435), to Interstate Engineering, Inc., for engineering services on the Mill Hill Inlet Monitoring & Replacement, in the amount of \$1,052.90.
- R. Resolution to approve Payment No. 6 (Inv No. 6437), to Interstate Engineering, Inc., for construction engineering services on Downtown Railroad Parking Lots & Streets Improvement District #07-43, Transportation Enhancement Project TEU-2-987(028)032, in the amount of \$1,850.07.
- S. Resolution to approve Payment No. 7 & Final (Inv No. 6432Final), to Interstate Engineering, Inc., for engineering services on City Wide Storm Sewer Study, in the amount of \$4,280.55.
- T. Resolution to approve Payment No. 8 (Inv No. 6439), 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 \$2,464.89.
- U. Resolution to approve Payment No. 10 (Inv No. 6440), 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 \$26,361.88.
- V. Resolution to approve Payment No. 29 (Inv No. 6433) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$5,304.80.
- 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 April indebtedness in the amount of \$4,336,002.28 consisting of \$414,704.84 payroll and \$3,921,297.44 general obligations.

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

A public hearing was held concerning awarding a contract for curbside recycling service at a proposed fee of \$4.80 per month per household.

Mary Kuhn questioned what provisions are available for the disabled individuals who wish to participate and also stated she supports the recycling concept.

Michelle Solensky stated she strongly supports recycling and asked if the drop off site would still be available.

Darrell Schultz commented he would rather bring any recyclables to the Recycling Center and asked if he would then have to pay the monthly fee.

Steven Reed stated he supports recycling and had concerns with organic waste (grass, leaves, branches). He stated he also favors the pay as you throw system.

City Engineer Schwartzkopf stated more yard waste than recyclables goes to the landfill and that a bag system could be used.

Sally Benjamin stated she supports the recycling concept.

Robert Moran, 1409 Skyline Drive, supports recycling, but was not in favor of paying a fee as he hauls his own.

Joel Traiser, 1321 2nd St SE, supports recycling and questioned how multiple dwellings would be charged.

Bob Martin, spoke in favor of recycling, but opposed curbside. He stated 60% of homes in Jamestown have alleys and are not equipped for curbside and that the City of Dickinson, ND, uses automated equipment in the alleys and thus keeps the containers off the streets.

John Brauner, 2115 2nd Place NE, questioned if residing outside of city limits, would recycling be available; and prefers the City to maintain the drop off site.

Robert Carlson, 705 17th Street SE, supports recycling and stated the \$4.80 fee would be acceptable.

Barb Lang spoke in favor of recycling and the \$4.80 fee was acceptable, but stated senior citizens may have difficulty with the fee. She suggested the pay as you throw system should be considered before final decisions are made.

Christi Jarland, 1305 4th Ave NW, member of the recycling committee, stated she is pleased the City Council is being pro-active.

The public hearing was closed.

Council consensus was to research the issue further before making a decision on the proposal submitted by Renaissance Recycling.

City Attorney Dalsted seat himself.

Mayor Andersen moved a Resolution to disapprove the request from Sharri Besednik (Doepke) for an on-sale beer, wine and sparkling wine license, at 2619 8th Avenue SW, Suite # 109, (Lots 5 & 6, Block 10, Lowry's Subdivision). Seconded by Council Member Schulz. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to reject all bids received for the following items and to rebid:

- New Roll-Off Truck (Cab, Chassis & Hoist) for the Solid Waste Department;

- o New 4 CY - 4 WD Loader for the Solid Waste Department;
- o New Single Axle Truck Cab & Chassis for the Street Department;
- o New Gravel Body & Hoist for the Street Department;
- o New 3 CY - 4 WD Loader for the Street Department.

Seconded by Council Member Kourajian. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved to introduce the first reading of an ordinance to amend and re-enact Section 32-3.2 of the City code pertaining to the Flood Damage Prevention Code.

Council Member Schulz moved a Resolution to award the bid for the sale of an impounded/abandoned 1995 Ford Escort, VIN 3FASP13J8SR165706 to Darrel Wegner, in the amount of \$405.00. Seconded by Council Member Kourajian. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to approve the performance bond from Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #11-41, in the amount of \$1,188,622.75. Seconded by Council Member Nygaard. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to approve the request for a gaming site authorization for June 8, 2011, from the North Dakota Buffalo Foundation, Inc., for the Jamestown Civic Center. Seconded by Council Member Kourajian. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved a Resolution to approve the requests for gaming site authorizations for the period July 1, 2011 – June 30, 2012, for the following: **Jamestown College** for Jamestown Civic Center and Jamestown College; **James River Aerie #2337 FOE** for Frontier Fort Bar & Grill; **Knights of Columbus** for the Wonder Bar Sports Bar, Knights of Columbus and Corner Bar; **North Dakota Buffalo Foundation, Inc.**, for the Vet’s Club, Trax and Tapps Lounge; **Progress Enterprises** for Office Bar, Shady’s, Buffalo Bar & Lounge and IDK Bar & Grill; **St James Basilica** for St James Basilica. Seconded by Council Member Schulz. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to reject the bids received from Brian Heinle, Merlygo Construction, Inc., and Jerry’s Tree Service, for the “As-Is” Direct Sale of a 1998 GMC Sierra One Ton Truck – Street Department, as it was a trade-in on the purchase of new truck. Seconded by Council Member Kourajian. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to approve and authorize the City of Jamestown to act as the sponsoring unit of government to make application, to the North Dakota Division of Community Services, for a Community Development Block Grant loan, in the amount of \$300,000.00, for the BCG Jamestown, LLC project. Seconded by Council Member Nygaard. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved a Resolution to approve the request from Dawn Entzminger for a curb cut variance for property located at 1202 12th Avenue SE, pending acceptance of a license agreement with the City. Seconded by Council Member Kourajian. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Nellie Degen appeared before the City Council to invite the members to a ribbon cutting ceremony for the Parent Awareness/Prevention Center, to be held at 6:00 PM, on May 23, 2011, at the Middle School.

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

ATTEST:

JEFF FUCHS
City Administrator

APPROVED:

KATIE ANDERSEN
Mayor