

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, SEPTEMBER 6, 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 Gumke, Kourajian, Nygaard and Schulz, City Attorney Dalsted, City Engineer Schwartzkopf and City Administrator Fuchs.

Council Member Schulz moved to approve the minutes of the following meetings: Council meeting, August 1, 2011, and Committee meeting, August 25, 2011. 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 following bonds for city equipment and vehicles:
1. Performance Bond from Sanitation Products, Inc., in the amount of \$129,300.47, for a New 2011 Freightliner/Galbreath, Model M2/U5-HK-200, Roll-Off Truck (Cab, Chassis & Hoist), Solid Waste Department.
  2. Performance Bond from Titan Machinery, Inc., in the amount of \$216,129.00, for a New 2011 Case 821F, 4 CY - 4WD Loader, Solid Waste Department.
  3. Guaranteed Buyback Bond from Titan Machinery, Inc., in the amount of \$120,940.00, for the 2011 Case 821F, 4 CY - 4WD Loader, 7500 hours or 6 years from date of delivery whichever occurs first, Solid Waste Department.
  4. Performance Bond from Butler Machinery Company, in the amount of \$143,100.00, for a New Caterpillar 928HZ - 3 CY- 4WD Loader, Street Department.
  5. Guaranteed Buyback Bond from Butler Machinery Company, in the amount of \$70,000.00, for the Caterpillar 928HZ - 3 CY - 4WD Loader, 7500 hours or 6 years from date of delivery whichever occurs first, Street Department.
  6. Performance Bond from Nelson Auto Center, Inc., in the amount of \$52,971.00, for a New 2011 Ford F750, F7F, Single Axle Truck (Cab & Chassis), Street Department.
  7. Performance Bond from Northern Truck Equipment Corporation, in the amount of \$11,852.00, for a New Crysteel 10' Gravel Body & Hoist (Single Axle Truck Mounted), Street Department.
  8. Performance Bond from Titan Machinery, Inc., in the amount of \$79,000.00, for a New 2011 Case 580 Super N WT Backhoe/Loader, Street Department.
  9. Guaranteed Buyback Bond from Titan Machinery, Inc., in the amount of \$40,500.00, for the 2011 Case 580 Super N WT Backhoe/Loader, 4500 hours or 6 years from date of delivery whichever occurs first, Street Department.
- B. Resolution to approve the request from KSSG, LLC dba Super 8 Motel Jamestown for up to \$85,000 in Economic Development Funds for a Flex PACE Interest buy-down for the addition of 20 motel rooms with the City Share to be \$68,000 and paid for from the City Sales Tax Fund.
- C. Resolution to authorize the Mayor to sign a notice of intent to enter into an economic development initiative with the City of Carrington and the Red River Corridor Fund to make application for a portion of \$13.1 million in federal funding allocated to North Dakota for a small business credit initiative program.
- D. Resolution to approve the ND State recommended mutual aid agreement for political subdivisions.
- E. Resolution to approve Change Order No. 1, to Lindberg Brothers, Inc., for construction of the Quiet Zone Project QZ-SAP-2-052(032)265, for an increase in the contract price of \$12,565.00.
- F. Resolution to approve Change Order No. 1, to Sellin Brothers, Inc., for construction of the East Business Loop Reconstruction Project SU-2-987(029)033, for an increase in the contract price of \$59,265.00.
- G. Resolution to approve Payment No. 1, to Wenck Associates, Inc., for services on the Wastewater Treatment Plant Facility Energy Analysis Report, in the amount of \$14,700.00.

- H. Resolution to approve Payment No. 1, to Meyer Contracting, LLC, for construction on Part B—Solid Waste Baler Foundation and Floor Slab Replacement, in the amount of \$24,075.00.
- I. Resolution to approve Payment No. 3, to Gary Morlock Construction for construction on the Inert Cell 5 and 6, Cell 3B Development, Jamestown Landfills, in the amount of \$193,050.90.
- J. Resolution to approve Payment No. 2, to the ND Department of Transportation, for East Business Loop Reconstruction Project No. SU-2-098(029)033, Project #11-42 (12th Street SE to I-94), in the amount of \$559,758.19.
- K. Resolution to approve Payment No. 2, to Prairie Engineering, P.C., for engineering services on the Jamestown Civic Center Lighting and Fire Alarm Upgrade Project, in the amount of \$2,982.03.
- L. Resolution to approve Estimate No. 2, to Lindberg Bros., Inc., for construction on Downtown Quiet Zone Project QZ-SAP-2-052(032)265, in the amount of \$149,458.06.
- M. Resolution to approve Estimate No. 3, to Lindberg Bros. Inc., for construction on 2011 Sidewalk, Curb & Gutter District #11-11, in the amount of \$6,444.52.
- N. Resolution to approve Estimate No. 4, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #11-41, in the amount of \$535,620.40.
- O. Resolution to approve Payment No. 5 (Inv No. 168), to Apex Engineering Group, Inc., for engineering services on Jamestown WWTF LRAT Cover Replacement, in the amount of \$3,436.48.
- P. Resolution to approve Payment No. 6 (Inv No. 167), to Apex Engineering Group, Inc., for engineering services on Jamestown Wastewater Treatment Consulting, in the amount of \$4,125.00.
- Q. Resolution to approve Payment No. 6 (Inv No. 23627), 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 \$89,122.24.
- R. Resolution to approve Payment No. 9 (Inv No. 28195), to AE2S for engineering services on the Water Distribution and Storage System Study, in the amount of \$3,950.00.
- S. Resolution to approve Estimate No. 16, 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 \$708,896.25.
- T. Resolution to approve Payment No. 2 (Inv No. 7115), to Interstate Engineering, Inc., for Evaluation of Wastewater Treatment Facility Valves and Preparation of Plans for Replacement, in the amount of \$1,854.50.
- U. Resolution to approve Payment No. 4 (Inv No. 7427), to Interstate Engineering, Inc., for engineering services for 2011 Flood Event, in the amount of \$7,829.90.
- V. Resolution to approve Payment No. 4 (Inv No. 7430), to Interstate Engineering, Inc., for construction engineering services on the Sanitary Landfill Cell 3B, in the amount of \$23,320.80.
- W. Resolution to approve Payment No. 4 (Inv No. 7127), to Interstate Engineering, Inc., for construction engineering services on the Inert Landfill Cells 5 & 6, in the amount of \$4,602.90.

- X. Resolution to approve Payment No. 5 (Inv No. 7126), to Interstate Engineering, Inc., for construction engineering services on the Sanitary Landfill Cell 3B, in the amount of \$19,850.50.
- Y. Resolution to approve Payment No. 5 (Inv No. 7429), to Interstate Engineering, Inc., for construction engineering services on the Inert Landfill Cells 5 & 6, in the amount of \$1,210.13.
- Z. Resolution to approve Payment No. 5 (Inv No. 7128), to Interstate Engineering, Inc., for engineering services on the Solid Waste Baling Facility Modifications and Baler Equipment Replacement, in the amount of \$1,844.20.
- AA. Resolution to approve Payment No. 5 (Inv No. 7432), to Interstate Engineering, Inc., for engineering services on the Quiet Zone, in the amount of \$27,348.98.
- BB. Resolution to approve Payment No. 6 (Inv No. 7428), to Interstate Engineering, Inc., for engineering services on the Solid Waste Baling Facility Modifications and Baler Equipment Replacement, in the amount of \$4,141.10.
- CC. Resolution to approve Payment No. 9 (Inv No. 7431), 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 \$1,382.50.
- DD. Resolution to approve Payment No. 14 (Inv No. 7433), 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 \$25,920.48.
- EE. Resolution to approve Payment No. 32 (Inv No. 7114) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$276.00.
- FF. Resolution to approve Payment No. 33 (Inv No. 7426) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$1,919.03.
- GG. 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.
- HH. Resolution to allow the August indebtedness in the amount of \$5,664,079.05 consisting of \$428,952.52 payroll and \$5,235,126.53 general obligations.

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

A public hearing was held concerning the application and request from Kalpesh Patel (KSSG Lodging LLC) for a property tax exemption on a project which the application will use in the operation of 12 to 17 modular motel rooms for lodging at 2623 Hwy 281 South, Jamestown, ND.

J.R. Lang, Two Rivers Inn, appeared before the Council to state his opposition to the tax exemption.

Written letters of opposition to the tax exemption were received from Clarice Liechty and Larry Junker, Buffalo City Motel.

The hearing was closed.

Council Member Gumke moved a Resolution to disapprove the request from Kalpesh Patel (KSSG Lodging LLC) for a property tax exemption on a project which the applicant will use in the operation of 12 to 17

modular motel rooms for lodging at 2623 Hwy 281 South, Jamestown, ND, (Lot 3 & Northerly 25' of Lot 4, Block 5, and Part of Block 1, Part of SE¼ of Section 2-139-64, Lowry's Subdivision). Seconded by Council Member Nygaard. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved to table to the September 20, 2011, Finance & Legal Committee any action deemed appropriate regarding the agreement with S & R Truck Plaza based on the Memo of Opinion from the City Attorney dated August 22, 2011. Seconded by Council Member Gumke. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the request from James Heyer for a Class D License to dispense alcoholic beverages at the BCG Jamestown, LLC, dba Buffalo City Rotisserie Grill for the period ending June 30, 2012. Seconded by Council Member Schulz. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to correct the resolution dated August 1, 2011, regarding the request to vacate 11<sup>th</sup> Avenue NE adjacent to Lot 1, Block 1, Leapaldt 2<sup>nd</sup> Addition, S. 344' of Lot 6, Replat of Block 4, Leapaldt Addition, and Lots 7 & 8, Replat of Lots 7 & 8, Replatted Block 4, Leapaldt Addition, to the City of Jamestown, Stutsman County, North Dakota, which was seconded by Council Member Kourajian with Roll Call No. 4 showing the resolution being approved and should have indicated that the resolution failed because of the lack of a 2/3 majority of all members of the City Council. Seconded by Council Member Nygaard. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Nygaard moved a Resolution authorizing the Mayor to enter into a Participation Agreement with "Today in America" Production Company to jointly collaborate in providing for a five minute segment on its series "Best Cities to Live, Work and Play", at a cost to the City of \$19,800. Seconded by Council Member Gumke. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

JEFF FUCHS  
City Administrator

APPROVED:

KATIE ANDERSEN  
Mayor