

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, AUGUST 6, 2012  
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, Brubakken and Buchanan, City Attorney Dalsted and City Administrator Fuchs. Absent: Council Member Gumke and City Engineer Schwartzkopf.

Council Member Brubakken moved to approve the minutes of the following meetings: Council meetings, July 2, 2012, Committee meetings, July 24 and 26, 2012. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Kourajian moved to approve the following consent agenda items:

- A. Resolution to re-affirm pledges of deposit as follows: First Community Credit Union - \$2,122,000; Unison Bank - \$15,269,834; Wells Fargo Bank - \$14,210,986.
- B. Resolution to approve the performance bond from Titan Machinery, Inc., for the Near New 4CY, 4 Wheel Drive Loader for the Solid Waste Department, in the amount of \$216,000.00.
- C. Resolution to approve the performance bond from RDO Equipment Company, for the 2012 John Deere 770G Motor Grader for the Street Department, in the amount of \$214,000.00, and guaranteed buyback bond, with guaranteed maximum repairs 3000 hours or 6 years from the date of delivery, whichever occurs first, in the amount of \$131,000.00.
- D. Resolution to approve the performance bond from VideoRay, LLC, for the Remote Operated Vehicle-Submersible & Training Class for the Fire Department, in the amount of \$86,859.00.
- E. Resolution to approve the request from JSDC for \$320,000 in Economic Development funds to provide for operating expenses for the 2013 budget, with the City Share to be \$320,000 and paid from the City Sales Tax Fund.
- F. Resolution to recognize the Don Schwind Benefit as an other spirited organization and to grant the issuance of a raffle permit with the drawing to be held September 15, 2012, at the Corner Bar.
- G. Resolution to authorize the issuance of a gaming site authorization to the Jamestown Hockey Booster Club, Inc., for February 13, 2013, at the Gladstone Inn & Suites.
- H. Resolution to approve the request from Alpha Opportunities to conduct a Chalk Talk/Chalk Walk on the new sidewalk on Business Loop East.
- I. Resolution to approve the plat of Urdahl Addition, a Replat of Lots 11, 12, 13 and 14, Block 2, Mill Hill Second Addition.
- J. Resolution to authorize engaging Joseph P. Larrivee Architects PC, to provide architectural services necessary for re-roofing the Fire Hall.
- K. Resolution to adjust the fee to \$30.50 per hour as the Airport Rescue Fire Fighting hourly wage for providing firefighters.
- L. Resolution to approve and establish out of County Response Fees for Services at \$500.00 per unit per

day plus mileage, lodging and food rates per state rates and any usable goods per replacement cost.

- M. Resolution to award the bid for the Wastewater Treatment Plant Piping Replacement project to PKG Contracting, in the amount of \$729,000.
- N. Resolution to approve the request from Rebecca Partlow of 619 2<sup>nd</sup> Ave NE to include sidewalk and incidental work to the City 2012 Sidewalk, Curb & Gutter District #12-11.
- O. Resolution to authorize engaging Baker Engineering, LLC, for Phase I of Traffic Engineering Services Study.
- P. Resolution to approve Payment No. 1, to Lindberg Brothers, Inc., for construction on 2012 Sidewalk, Curb & Gutter District #12-11, in the amount of \$8,002.51.
- Q. Resolution to approve Payment No. 1 (Inv No. 658), to Apex Engineering Group, Inc., for engineering services on the Jamestown Industrial Pretreatment Program, in the amount of \$10,018.11.
- R. Resolution to approve Payment No. 2 (Inv No. 31138), to AE2S, for engineering services on Jamestown City Wide I&C Systems Upgrade, in the amount of \$14,000.00.
- S. Resolution to approve Payment No. 2 (Inv No.742), to Apex Engineering Group, Inc., for engineering services on the Jamestown Industrial Pretreatment Program, in the amount of \$1,012.89.
- T. Resolution to approve Payment No. 3, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction & Reconstruction District #12-41, in the amount of \$490,525.53.
- U. Resolution to approve Payment No. 4 (Inv No. 659), to Apex Engineering Group, Inc., for On Call engineering services, in the amount of \$2,999.05.
- V. Resolution to approve Payment No. 5 (Inv No. 743), to Apex Engineering Group, Inc., for On Call engineering services, in the amount of \$3,001.00.
- W. Resolution to approve Payment No. 9, 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 \$369,179.49.
- X. Resolution to approve Payment No. 10 (Inv No. 657), to Apex Engineering Group, Inc., for engineering services on Jamestown WWTF LRAT Cover Replacement, in the amount of \$4,017.25.
- Y. Resolution to approve Payment No. 11 (Inv No. 741), to Apex Engineering Group, Inc., for engineering services on Jamestown WWTF LRAT Cover Replacement, in the amount of \$3,186.84.
- Z. Resolution to approve Payment No. 1 (Inv No. 10907), to Interstate Engineering, Inc., for engineering services on Phase I of Sanitary Sewer Improvements Project (Lift Station and Sewer System Improvements), in the amount of \$23,700.00.
- AA. Resolution to approve Payment No. 5(Inv No. 10908), to Interstate Engineering, Inc., for engineering services on the Plant Influent Piping at Wastewater Treatment Plant, in the amount of \$2,529.80.
- BB. 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.

CC. Resolution to allow the July indebtedness in the amount of \$2,602,886.98 consisting of \$420,145.55 payroll and \$2,182,741.43 general obligations.

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

Mayor Andersen moved to table to the September 4th City Council meeting the request from Cherry Berry for up to \$54,000 in Economic Development funds to provide for a Flex-PACE Interest buy down, to open a Cherry Berry plus a sandwich and coffee shop, which will be located in the former Master Bakery building, with the City Share to be \$43,200 and paid from the City Sales Tax Fund. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Tim Dabill appeared before the City Council on his request to purchase several city lots and indicated he was unsure as to the plan for the lots at this time.

Council Member Buchanan moved to refer the property purchase offer from Tim Dabill back to the Finance & Legal Committee. Seconded by Council Member Brubakken. Unanimous aye vote. Carried. (Purchase offer for Lots 1 & 2, Block 2, Beverly Hills 6<sup>th</sup> Addition, and Lots 18 & 19, Beverly Hills 3<sup>rd</sup> Addition, in the amount of \$6,000, subject to the buyer paying for all costs of surveying and approval of a re-plat prior to deed transfer).

A public hearing was held concerning the request to vacate the S.16' of 7<sup>th</sup> Street NE right-of-way adjacent to the N. 45' of Lot 12, Block 12, Lloyd's Addition.

Andrew Schatz and Chelsey Hagel, 621 3<sup>rd</sup> Avenue NE, appeared before the City Council to explain their plans to place a fence on said right-of-way.

No written protests were received. The hearing was closed.

Council Member Brubakken moved a Resolution to disapprove the request to vacate the S.16' of 7<sup>th</sup> Street NE right-of-way adjacent to the N. 45' of Lot 12, Block 12, Lloyd's Addition, to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Buchanan moved a Resolution to authorize entering into a license agreement with the property owner at 621 3<sup>rd</sup> Avenue NE, pertaining to the fence. Seconded by Council Member Brubakken. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning the special assessment list for the Quiet Zone and Downtown Railroad Parking Lots Reconstruction District #07-43. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Kourajian moved a Resolution to approve the special assessments for the Quiet Zone and Downtown Railroad Parking Lots Reconstruction District #07-43, in the total amount of \$1,714,957.22, less the grant funds received of \$670,000.00 and the City Share of \$260,729.65, with the balance of \$784,227.57 to be assessed to benefited properties within the district. Seconded by Council Member Buchanan. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved a Resolution to approve the plat of Titan Addition. Seconded by Council Member Brubakken.

Mayor Andersen moved to amend the motion to include a variance regarding a frontage road and that the NDDOT letter is to be recorded with plat. Seconded by Council Member Brubakken. Roll Call No. 5 on the motion, as amended, showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved to introduce the first reading of an ordinance pertaining to the annexation of Lot 2, Titan Addition, to the City of Jamestown, Stutsman County, ND.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lot 13 & Lot 14, Block 1, Prairie Park Addition, from C-1 (Local Commercial District) to R-2-A (One to Twelve Family Residential District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1382, introduced by Council Member Kourajian, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lot 13 & Lot 14, Block 1, Prairie Park Addition, from C-1 (Local Commercial District) to R-2-A (One to Twelve Family Residential District), had its second reading. Seconded by Council Member Brubakken. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lot 1, RTS First Addition, from A-1 (Agricultural District) to M-1 (Limited Industrial and Manufacturing District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1383, introduced by Council Member Gumke, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lot 1, RTS First Addition, from A-1 (Agricultural District) to M-1 (Limited Industrial and Manufacturing District), had its second reading. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved to appoint Mary Jensen to serve as Assistant City Attorney/Assistant City Prosecutor for a term to expire June 2014. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

The following upcoming meetings and events were noted:

- August 14, 2012, 4:00 PM—Special city council meeting regarding bond sale, City Hall
- August 15, 2012, 1:00 PM to 5:00 PM—Finance Committee meeting regarding 2013 City Budget, City Hall
- August 21, 2012, 4:00 PM—Public input meeting regarding Section 8 of Appendix B, City Hall
- August 30, 2012, 5:00 PM to 8:00 PM—Downtown Community Block Party

Council Member Buchanan moved to approve a Resolution of Intent to establish special assessment districts to provide for the construction of water and sewer mains and related equipment to provide city utility services to the proposed Titan Addition and areas east of 81<sup>st</sup> Avenue SE and south of I-94. Seconded by Mayor Andersen. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved a Resolution to authorize entering into an engineering services agreement with Interstate Engineering, Inc., to prepare plans & specifications for the construction of water and sewer mains and related equipment to provide city utility services to the proposed Titan Addition. Seconded by Council Member Kourajian. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved to adjourn. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

ATTEST:  
JEFF FUCHS, City Administrator

APPROVED:  
KATIE ANDERSEN, Mayor