

JAMESTOWN CITY COUNCIL
REGULAR MEETING, OCTOBER 1, 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 Gumke, Kourajian and Buchanan, City Attorney Dalsted, and City Administrator Fuchs. Absent: Council Member Brubakken and City Engineer Schwartzkopf.

Council Member Gumke moved to approve the minutes of the following meetings: Council meetings, September 4 & 18, 2012, and Committee meeting, September 18, 2012. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

No bids were received for the sale of an impounded/abandoned vehicle.

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

- A. Resolution to authorize proceeding with Task 1 of the City Wide Instrumentation and Control System Project, based on the Needs Assessment Report as prepared by AE2S.
- B. Resolution to authorize proceeding with Tasks 1-3 of the Siren Instrumentation and Control System, based on the Needs Assessment Report as prepared by AE2S.
- C. Resolution to modify the Snow Emergency Routes by removing 5th Ave NE from 13th St. NE to 18th St. NE and 8th Ave. NE from 13th St. NE to 19th St. NE; and adding 15th Ave. NE from 3rd St. SE to 4th St. NE, 20th Ave. NE from 2nd St. Place NE to 4th St. NE and 2nd St. Place NE from 15th Ave NE to 20th Ave. NE.
- D. Resolution to authorize the purchase of six (6) trash receptacles from Midwestern Machine and place two (2) receptacles in each of the south Railroad Parking Lots and one (1) receptacle in each of the north Railroad Parking Lots.
- E. Resolution to approve Payment No. 1, to Northern Plains Contracting, Inc., for construction on Jamestown WWTF LRAT Cover Replacement, in the amount of \$12,600.00.
- F. Resolution to approve Payment No. 2, to Northern Plains Contracting, Inc., for construction on Jamestown WWTF LRAT Cover Replacement, in the amount of \$74,700.00.
- G. Resolution to approve Payment No. 2, to PKG Contracting, Inc., for construction on Jamestown Wastewater Treatment Plant System Improvements, in the amount of \$134,450.82.
- H. Resolution to approve Payment No. 3, to Lindberg Brothers, Inc., for construction on 2012 Sidewalk, Curb & Gutter District #12-11, in the amount of \$8,090.51.
- I. Resolution to approve Payment No. 4 (Inv No. 905), to Apex Engineering Group, Inc., for engineering services on the Jamestown Industrial Pretreatment Program, in the amount of \$8,679.83.
- J. Resolution to approve Payment No. 4 (Inv No. 31769), to AE2S, for engineering services on Jamestown City Wide I&C Systems Upgrade, in the amount of \$3,500.00.
- K. Resolution to approve Payment No. 5, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction & Reconstruction District #12-41, in the amount of \$169,242.08.

- L. Resolution to approve Payment No. 13 (Inv No. 904), to Apex Engineering Group, Inc., for engineering services on Jamestown WWTF LRAT Cover Replacement, in the amount of \$6,164.24.
- M. 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.
- N. Resolution to allow the September indebtedness in the amount of \$2,675,295.03 consisting of \$412,770.15 payroll and \$2,262,524.88 general obligations.

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

Council Member Gumke moved to table to the October Finance & Legal Committee the request from Leo and Kari Ness regarding a standstill agreement to purchase city lots in Beverly Hills 6th Addition, pending a legal opinion from the City Attorney concerning previous City Council action regarding an offer from Tim Dabill to purchase Lots 1 & 2, Block 2, Beverly Hills 6th Addition, and Lot 19, Beverly Hills 3rd Addition. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Buchanan moved to refer back to the Building, Planning & Zoning Committee the plat of Berndt's Addition, a portion of Blocks 39, 40 & 47 and a portion of vacated 18th Ave. adjacent to Block 32, together with a portion of those unplatted lands within Government Lot 12 of Section 26, T140N, R64W. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Gumke moved a Resolution to not proceed with participation in a NDDOT Transportation Enhancement Grant for landscaping adjacent to East Business Loop. Seconded by Council Member Buchanan. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved to table indefinitely pursuing a location for the new Southwest City Water Tank. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

A public hearing was held concerning the request for vacation of alley adjacent to the N.29.76' of Lot 6, All Lots 7 thru 15, Tahran's 2nd Addition, and Lot 1, Block 1, Alana Addition, all to the City of Jamestown, Stutsman County, North Dakota.

Nancy Williams spoke in support of the alley vacation and stated she has been maintaining this area adjacent to her property.

Mayor Andersen stated concerns with vacating this alley as any future development on lots to the east would not have alley access.

No written protests were received. The hearing was closed.

Council Member Kourajian moved a Resolution to approve the request for vacation of the portion of north-south alley adjacent to the N.29.76' of Lot 6, All Lots 7 thru 15, Tahran's 2nd Addition, and Lot 1, Block 1, Alana Addition, all to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Gumke. Roll Call No. 3 showed: 3 ayes, 1 nay (Andersen), 1 absent. Carried.

(After further review, it was determined the Vacation Resolution did not pass by the required two-thirds vote of all its members. It was reconsidered at the November 5, 2012, city council meeting.)

Council Member Gumke moved a Resolution to disapprove the request from William Mickelson for a license to operate a taxi service. Seconded by Council Member Buchanan. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried. (The City Council had concerns with information received in the background check.)

Council Member Gumke moved a Resolution to recognize Jamestown Regional Medical Center Foundation as an other public spirited organization and to authorize the issuance of a raffle permit with the drawing to be held November 30, 2012. Seconded by Council Member Kourajian. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Buchanan moved a Resolution to implement the Participating Municipality's Approved Municipal Program. Seconded by Council Member Gumke. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Gumke moved a Resolution to approve the request from Cork & Barrel, Inc., 324 2nd Avenue SW, for a Class C on-sale alcoholic beverage license for the period ending June 30, 2013. Seconded by Council Member Kourajian. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Gumke moved a Resolution to approve the request from the ND Buffalo Foundation, Inc., for a gaming site authorization at 324 2nd Avenue SW for the period ending June 30, 2013. Seconded by Council Member Kourajian. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

The City Council recessed at 5:45 PM and reconvened at 6:00 PM.

A public hearing was held concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2013, through December 31, 2013.

Joseph Krachenbuehl, 1205 5th Ave NW, appeared before the Council to state the City should return any excess funds to the taxpayers.

James Vollrath, 903 9th St SW, appeared before the Council and spoke in favor of tax reduction.

No written protests were received. The hearing was closed.

Ordinance No. 1385, introduced by Council Member Brubakken, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2013, through December 31, 2013, had its second reading. Seconded by Council Member Buchanan. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 absent. Carried.

Ordinance No. 1386, introduced by Council Member Gumke, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2013, through December 31, 2013, had its second reading. Seconded by Council Member Kourajian. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved 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 Council Member Buchanan. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Gumke moved to direct the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2013, through December 31, 2013. Seconded by Council Member Buchanan. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

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

ATTEST:
JEFF FUCHS, City Administrator

APPROVED:
KATIE ANDERSEN, Mayor