

JAMESTOWN CITY COUNCIL
REGULAR MEETING, JUNE 3, 2013
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, Brubakken and Buchanan, City Attorney Dalsted and City Administrator Fuchs. Absent: City Engineer Schwartzkopf.

Council Member Gumke moved to approve the minutes of the regular council meeting, May 6, 2013; minutes of the special council meetings, May 6, 7, 20, 28 & 30, 2013; and minutes of the committee meeting, May 23, 2013. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

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

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

- A. Resolution to approve the request from JSDC for Economic Development funds in the amount of \$25,000.00 for the continuation of services from SRF Consulting to provide technical assistance to the City, County and JSDC, with the City Share to be \$20,000.00 and paid from the City Sales Tax Fund.
- B. Resolution to approve the request from Ben Maulding for an animal permit to pasture and keep horses at 605 10th Avenue NW in the City, subject to a 90 day termination notice clause.
- C. Resolution to approve the plat of Glenmac First Addition.
- D. Resolution to direct the City Engineer to proceed with plans for the restoration of the statutory roadway right-of-way and maintenance along the north/south drive adjacent to Aggregate Industries in the southeast area of the city.
- E. Resolution to proceed with the proposed landscape enhancement project on Business Loop East using the available NDDOT Transportation Enhancement Grant.
- F. Resolution to accept the cost proposal from Ulteig Engineers, Inc., to provide engineering and landscape architecture services for the Jamestown East Business Loop Landscape Enhancement Project, TEU-2-987(038)042.
- G. Resolution to accept the affidavit from Jeremy Christopher Cole, that Check No. 6990 (Wells Fargo Bank-Municipal Court), dated July 2, 2012, in the amount of \$150.00, has been lost or destroyed and authorize the issuance of a duplicate.
- H. Resolution to approve the performance bond from Lindberg Brothers, Inc., for construction on 2013 Sidewalk, Curb & Gutter District #13-11, in the amount of \$70,672.50.
- I. Resolution to approve Payment No. 2 (Inv No. 13-92), to Schumacher Construction, Inc., for construction on Cold Storage Building--Sanitation Department and Cold Storage Building--Street Department, in the amount of \$40,000.00.
- J. Resolution to approve Payment No. 3 (Inv No. 34161), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$660.00.

- K. Resolution to approve Payment No. 3 (Inv No. 34162), to AE2S, for engineering services on Infrastructure I&C Support, in the amount of \$165.00.
- L. Resolution to approve Payment No. 11 (Inv No. 13701Final), to Interstate Engineering, Inc., for the Plant Influent Piping at Wastewater Treatment Plant, in the amount of \$728.10.
- M. Resolution to approve Payment No. 7 (Inv No. 13879), to Interstate Engineering, Inc., for 2012 Water Tower & Distribution System Improvements, in the amount of \$14,640.50.
- N. Resolution to approve Payment No. 7 (Inv No. 13878), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, in the amount of \$52,459.10.
- O. Resolution to approve Payment No. 43 (Inv No. 13880), to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$2,275.00.
- P. 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.
- Q. Resolution to allow the May indebtedness in the amount of \$2,046,234.72 consisting of \$431,167.10 payroll and \$1,615,067.62 general obligations.

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

Council Member Gumke moved a Resolution to approve and authorize the issuance of improvement warrants and exchanging them for \$2,210,000.00 Refunding Improvement Bonds of 2013, Series V and awarding the sale of \$2,210,000.00 Refunding Improvement Bonds to R. W. Baird for the purchase price of \$2,320,640.60 at an average annual net interest rate of 1.860483% with the bond closing on June 19, 2013. Seconded by Council Member Brubakken. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to award the bid to Naastad Brothers, Inc., for construction on New Watermains, Phase II, 2012 Water Tower & Distribution System Improvements, DWSRF No. 4700498-04, in the amount of \$1,065,061.00, contingent upon approval by the ND Health Department. Seconded by Council Member Gumke. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to award the bid to Swanberg Construction, Inc., for construction on Phase I, Lift Station Replacement, 2012 Sanitary Sewer Improvement Project, in the total amount of \$4,836,850.00 (Base Bid-\$4,601,850.00; Alternate No. 1-\$110,000.00; and Alternate No. 2-\$125,000.00), contingent upon approval by the ND Health Department. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to award the bid to Sellin Brothers, for construction on Phase II, Force Main & Gravity Sewer, 2012 Sanitary Sewer Improvement Project, in the total amount of \$4,736,547.00 (Base Bid--\$3,936,547.00; Alternate No. 2--\$13,195.00; Gravity Sewer District #13-31--\$392,065.00; and Gravity Sewer District #13-32--\$394,740.00), contingent upon approval by the ND Health Department. Seconded by Council Member Kourajian. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve and authorize the City Attorney to retain Municipal Code Corporation for the revision and recodifying of the City Code of Ordinances. Seconded by Council Member Gumke. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the request from North Dakota 5, LLC and Marjo Incorporated for the annexation of the remaining undeveloped land located within the Marjo First Addition and located within the NE1/4, Section 30, T140N, R63W, Stutsman County and for the City to contact the current owner of Lot 14, Block 4, to ascertain whether they would support the annexation of that property into the City. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to deny 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 2, Block 1, Meadowlark Lane Addition, from R-1 (Single Family Residential District) to R-3 (General Multiple Dwelling District). Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved to introduce the first reading of an ordinance to amend and re-enact Section 5 of the City Code pertaining to alcoholic beverages to provide for the furnishing of complimentary alcoholic beverages in a designated area of hotels.

Council Member Gumke moved to introduce the first reading of an ordinance to create and enact a new Chapter 27 of the City Code pertaining to the regulation of sexually oriented businesses of adult cabarets and escort services; and to incorporate a 1250' distance for any such establishment from a church or school and a similar distance restriction from any licensed alcoholic beverage establishment.

Tom Tracy, Jamestown resident, spoke in support of implementing a strict ordinance regarding sexually oriented businesses.

Council Member Brubakken moved to introduce the first reading of an ordinance to repeal and re-enact Section 26 of the City Code pertaining to regulations and requirements for taxicab licenses and taxicab driver's licenses in the City of Jamestown.

Council Member Buchanan moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lots 1-12 and Lots 32-44, Block 9, Kelley & Fuller's 2nd Addition, from M-1(Limited Industrial & Manufacturing) to R-3 (General Multiple Dwelling District).

A public hearing was held concerning annexation of Auditor's Lot 30-2 into the City of Jamestown. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1391, introduced by Council Member Gumke, to annex Auditor's Lot 30-2 within the NE1/4 Section 30, T140, R63W, Bloom Township, into the City of Jamestown, Stutsman County, ND, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning annexation of Auditor's Lot 30-1 into the City of Jamestown. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1392, introduced by Council Member Brubakken, to annex Auditor's Lot 30-1 within the NE1/4 Section 30, T140, R63W, Bloom Township, into the City of Jamestown, Stutsman County, ND, had its second reading. Seconded by Council Member Gumke. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1393, introduced by Council Member Gumke, to amend and re-enact Section 8.8 and Section 9 of Appendix C, pertaining to building requirements within zoning districts, had its second reading. Seconded by Council Member Buchanan. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning an ordinance to change the zoning of the S.55' of the W.130' of Lot 7, Auditor's Plat No. 3, from R-2-A to C-2. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1394, introduced by Council Member Buchanan, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of the S.55' of the W.130' of Lot 7, Auditor's Plat No. 3, from R-2-A (One to Twelve Family Residential District) to C-2 (General Commercial District), had its second reading. Seconded by Council Member Brubakken. Roll Call No. 12 showed: 4 ayes, 1 nay (Andersen), 0 absent. Carried.

Reuben Gums, 524 5th Street NE, appeared before the City Council regarding inter-City bus service.

Mayor Andersen moved to appoint Scott Hare to serve as a member of the Special Assessment Commission for a term to expire April 2019. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

No action was taken on the appointment of a member of the Special Assessment Commission to fill the unexpired term of Ross Stark, April 2017.

Mayor Andersen moved a Resolution to approve the request from the Wonder Bar Sports Bar for a street dance permit to close the west end of 100 Block/2nd St SW from 8PM to 2AM on the following dates: June 21, July 19, and August 2, 2013. Seconded by Council Member Kourajian. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve the request from the Corner Bar for a street dance permit to close the east end of 100 Block/2nd St SW from 6PM to 2AM on August 3, 2013. Seconded by Council Member Gumke. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to deny the request from the ND Buffalo Foundation and National Buffalo Museum for a waiver on the rental fee for the Civic Center on June 12, 2013, for the fundraiser banquet. Seconded by Council Member Brubakken. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve Change Order No. 2, to Manitou Construction, Inc., for construction on Sewer & Water District 12-31 & 12-61, for a net increase in the contract price of \$27,875.00. Seconded by Council Member Gumke. Roll Call No. 16 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to approve the Letter of Intent—Water Purchase Agreement between City of Jamestown and Great River Energy for Process Water Supply to a Biorefinery owned by Dakota Spirit AgEnergy, LLC, contingent upon City Attorney review. Seconded by Council Member Gumke. Roll Call No. 17 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve the recommendation of the City Forester Selection Committee and offer the position to Douglas Wiles, at Range 35, Step 1, and a \$1,000.00 moving allowance. Seconded by Council Member Kourajian. Roll Call No. 18 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:
JEFF FUCHS, City Administrator

APPROVED:
KATIE ANDERSEN, Mayor