

JAMESTOWN CITY COUNCIL
REGULAR MEETING, JULY 1, 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, City Engineer Schwartzkopf and City Administrator Fuchs.

Council Member Gumke moved to approve the minutes of the regular council meeting, June 3, 2013; minutes of the special council meeting, June 7, 2013; and minutes of the committee meeting, June 19, 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 the Wonder Bar to include the outdoor courtyard as part of their licensed Class C alcoholic beverage licensed premise.
- B. Resolution to establish the monthly premium rates for the City of Jamestown Employee Group Health Plan for the fiscal year September 1, 2013 – August 31, 2014, as follows:

	<u>City Share</u>	<u>Employee Share</u>	<u>Total</u>
Single Plan	\$454.82	-0-	\$454.82
Single Plus Dependent	\$519.24	\$252.66	\$771.90
Family Plan	\$577.64	\$551.32	\$1,128.96

- C. Resolution to authorize the execution of a release of any interest to what is locally referred to as Bailey Fuller Park, whose legal description is: All that Portion of Lot 1 of Section 26, Township 140, Range 64, lying North of a line extending from the intersection of the South boundary of 9th Street with the East boundary line of said Lot Westward to the middle of the James River at right angles with the East boundary line of said Lot, containing 8.4 acres, more or less.
- D. Resolution to authorize the submission of an application to the North Dakota Health Department and Public Finance Authority for a DWSRF Loan to finance the Southwest Water Tower Construction and Associated Water Mains Project.
- E. Resolution to authorize the submission of an application to the North Dakota Health Department and Public Finance Authority for a CWSRF Loan to finance the Sanitary Sewer Lift Replacements and New Sanitary Sewer Force Main and Gravity Main Replacements Project.
- F. Resolution to approve the plat of Anne Carlsen Center, Lot 1, Block 1 within the NE1/4, Section 3, T139N, R64W, Stutsman County.
- G. Resolution to authorize advertising the Request for Proposals for a Guaranteed Savings Project for the Jamestown Civic Center.
- H. Resolution to approve the proposed revised rates for use of the Jamestown Civic Center as follows:

Arena	\$1,000.00/ 8 Hour Day
Exchequer Room	\$ 400.00/ 8 Hour Day
Hanson Room	\$ 200.00/ 8 Hour Day
Club Room	\$ 200.00/ 8 Hour Day

Nierling Room \$ 100.00/ 8 Hour Day
White Drug Room \$ 100.00/ 8 Hour Day
(Additional Hours for above will incur a \$75.00 per hour charge)

Portable Bars \$ 25.00 Each
2 Door Coolers \$ 25.00 Each
Barrel Coolers \$ 25.00 Each
Stage Setup \$100.00 Each

- I. Resolution to accept the sidewalk petition from the property owner at 416 4th St SW to be included in 2013 Sidewalk, Curb & Gutter District #13-11.
- J. Resolution to accept the proposal from Prairie Soil Consulting, LLC, in the amount of \$8,850.00 to conduct a high density soil survey for the Municipal Waste Landfill site.
- K. Resolution to approve Payment No. 1 & Final, to Jamestown Parks & Recreation, for the City Share of the McElroy Park Road Project, in the amount of \$50,825.80.
- L. Resolution to approve Payment No. 1, to Lindberg Brothers, Inc., for construction on 2013 Sidewalk, Curb & Gutter District #13-11, in the amount of \$33,874.76.
- M. Resolution to approve Payment No. 1 (Inv No. 1616), to Apex Engineering Group, Inc., for engineering services on the Jamestown WWTF for Reclaimed Water Supply, in the amount of \$10,787.59.
- N. Resolution to approve Payment No. 1 (Inv No. 34588, to AE2S, for engineering services on Great River Energy Temp Water Service, in the amount of \$2,136.75.
- O. Resolution to approve Payment No. 1 (Inv No. 34587), to AE2S, for On Call engineering services, (Developer Modeling & Old WTP Filters Evaluation), in the amount of \$3,366.00.
- P. Resolution to approve Payment No. 1 (Inv No. 05-2013-Week 1), to Miovision Technologies, for data collection--Jamestown Signal Timing, Project 136800-1A, in the amount of \$3,864.00.
- Q. Resolution to approve Payment No. 2 (Inv No. 05-2013-Week 2), to Miovision Technologies, for data collection--Jamestown Signal Timing, Project 136800-1B, in the amount of \$3,864.00.
- R. Resolution to approve Payment No. 2 (Inv No. 06-10-2013), to Midwest Traffic Consulting, LLC, for Traffic Engineering Services, Project 136800-1, in the amount of \$7,296.00.
- S. Resolution to approve Payment No. 3 (Inv No. 1711), to Apex Engineering Group, Inc., for engineering services on the Jamestown Wastewater Treatment Facility Capital Improvements Plan, in the amount of \$213.00.
- T. Resolution to approve Payment No. 4 (Inv No. 34585), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$2,036.25.
- U. Resolution to approve Payment No. 4 (Inv No. 34586, to AE2S, for engineering services on Infrastructure I&C Support, in the amount of \$412.50.
- V. Resolution to approve Payment No. 1 (Inv No. 14179), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$585.00.
- W. Resolution to approve Payment No. 7 (Inv No. 14182), to Interstate Engineering, Inc., for Water & Sewer District 12-61 & 12-31 (Titan Addition), in the amount of \$10,729.60.

- X. Resolution to approve Payment No. 8 (Inv No. 14180), to Interstate Engineering, Inc., for 2012 Water Tower & Distribution System Improvements, in the amount of \$11,686.44.
- Y. Resolution to approve Payment No. 8 (Inv No. 14178), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, in the amount of \$51,869.50.
- Z. Resolution to approve Payment No. 26 (Inv No. 14176), to Interstate Engineering, Inc., for Phase II, Water System Improvements, Water Treatment Plant Improvements, DWSRF Project No. 4700498-03, in the amount of \$2,719.92.
- AA. 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.
- BB. Resolution to allow the June indebtedness in the amount of \$1,922,002.30 consisting of \$1,483,753.97 payroll and \$438,248.33 general obligations.

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

Denise Steele, 3573 81st Ave SE, and Judy Harr, 3520 81st Ave SE, appeared before the City Council with concerns on the Growth Management Plan.

Council Member Buchanan moved a Resolution to accept and approve the Growth Management Plan prepared by SRF Consultants and the recommendation from the Planning Commission to change the section of I-94 & Hwy 281 Bypass being changed from Industrial to Commercial Use and to include the Kelley & Fullers 2nd Addition amendment. Seconded by Council Member Gumke. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to approve Payment No. 1, to CB&I Constructors, Inc. (Inv No. 183297-01), for construction on Elevated Welded Steel Tank Water Storage Reservoir, DWSRF Project No. 4700498-04, in the amount of \$93,208.50. Seconded by Council Member Gumke. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to approve Payment No. 12 (Inv No. 14177), to Interstate Engineering, Inc., for preliminary engineering services on Viaduct Utilities and Pavement Replacement, STM-SU-2-987(032)036, in the amount of \$1,325.25. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved to table the request for \$100,000 of Economic Development Funds for FLEX PACE funding for Buffalo City Rotisserie Grill with the City Share to be 100% and paid from the City Sales Tax Fund. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

A public hearing was held concerning the request for the vacation of a portion of 7th Avenue SW, adjacent to Lots 1, 4, 5 & 6, Block 3, Beverly Hills 2nd and a portion of Lot 1, Lot 2 and 17, Block 2, Mill Hill Second Addition. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Brubakken moved a Resolution to approve the request for the vacation of a portion of 7th Avenue SW, adjacent to Lots 1, 4, 5 & 6, Block 3, Beverly Hills 2nd and a portion of Lot 1, Lot 2 and 17, Block 2, Mill Hill Second Addition. Seconded by Council Member Kourajian. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved to introduce the first reading of an ordinance to annex the remaining undeveloped land located with the Marjo First Addition and located within the NE1/4, Section 30, T140N, R63W, into the City of Jamestown, Stutsman County, ND.

Council Member Brubakken moved to introduce the first reading of an ordinance to amend and re-enact Section 5.4, Appendix C of the City Code, pertaining to uses permitted in R-3 Districts.

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 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). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1395, 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 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), had its second reading. Seconded by Council Member Kourajian. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1396, introduced by Council Member Gumke, to amend and re-enact Section 5-27 of the City Code pertaining to alcoholic beverages to provide for the furnishing of complimentary alcoholic beverages in a designated area of hotels by the addition of a Class H, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

The second reading of Ordinance No. 1397 was delayed for further research on M-1 & M-2 zone districts. (Creating and enacting a new Chapter 27 of the City Code pertaining to the regulation of sexually oriented businesses of adult cabarets and escort services.)

Ordinance No. 1398, introduced by Council Member Brubakken, to repeal and re-enact Section 26 of the City Code pertaining to regulations and requirements for taxicabs in the City of Jamestown, had its second reading with amendment to Section 26-29. Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Delno Kleinknecht updated the City Council on the 2013 Fort Seward Wagon Trail Ride. He reported riders represented 18 states as well as Germany and Alaska on the 2013 Trail Ride; and riders indicated they were impressed with North Dakota.

Randy Eckart, 806 11th Ave SE, reported there were honey bee hives on neighboring property. The City currently does not have an ordinance regulating the hives in City limits. The owner of the hives would be required to follow State of North Dakota regulations.

Mayor Andersen moved to appoint Laurel Haroldson to serve as a member of the Central Valley Health District for a term to expire July 2018. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Mayor Andersen reported a workshop would be conducted by the ND League of Cities on Open Records and Open Meetings Laws on July 30, 2013, in the Lower Level Conference Room at City Hall.

Council Member Gumke excused himself.

Council Member Brubakken moved a Resolution to approve the request from ARM Security for a transient merchant license for door to door sales within city limits. Seconded by Council Member Kourajian. Roll Call No. 9 showed: 3 ayes, 1 nay (Buchanan), 1 absent. Carried.

Council Member Brubakken moved a Resolution to authorize the submission of Jamestown's City Project Submittal List to the North Dakota Department of Transportation for the Statewide Transportation Improvement Program for 2014-2017. Seconded by Council Member Kourajian. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to award the bid for the As-Is Direct Sale, 1998 Wildwood Travel Trailer—Fire Dept, to Brian Miller, in the amount of \$1,276.00. Seconded by Council Member Kourajian. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved a Resolution to award the bid for the New 2.5 CY 4 Wheel Drive Loader—Solid Waste Dept, to Titan Machinery, in the amount of \$155,727.48. Seconded by Council Member Brubakken. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved a Resolution to award the bid for a New Motor Grader—Street Dept, to RDO Equipment, in the total amount of \$211,500.00, with guaranteed buyback in the amount of \$136,750.00 and guaranteed maximum repairs 3000 hours or 5 years, for a net bid cost of \$74,750.00. Seconded by Council Member Buchanan. Roll Call No. 13 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to reject the bid received from Nelson International – Nelson Leasing Inc., as it does not meet specifications and is 38% over budget of \$73,000, and authorize RE-BIDDING the following: Single Axle Truck (Cab & Chassis)—Street Dept; the Heavy Duty Hopper, Self-Unloading Spreader Body—Street Dept, and the Direct Sale-1998 GMC 7500 Topkick Single Axle Cab & Chassis with Spreader body mounted. Seconded by Council Member Buchanan. Roll Call No. 14 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved to introduce the first reading of the following ordinances:

- A. To amend and re-enact Section 1-9 of the City Code pertaining to general penalties to increase the maximum fine for a class B misdemeanor to an amount not to exceed one thousand five hundred dollars (\$1,500.00).
- B. To amend and re-enact Section 2-58.1 of the City Code pertaining to mandatory evacuations gives authority to the mayor to order a mandatory evacuation of the city after a proclamation of a civil emergency or local disaster is made.
- C. To amend and re-enact Section 2-59 of the City Code pertaining to the possession, use, carrying, transfer, transportation, storage, or display of firearms during declared emergencies.
- D. To enact Section 2-61 of the City Code pertaining to the possession, use, carrying, transfer, transportation, storage, or display of firearms during declared emergencies.
- E. To amend and re-enact Section 15-33 of the City Code pertaining to the time and place of sale of fireworks to allow additional dates for fireworks to be sold and used on December 26th through January 1st.
- F. To amend and re-enact Section 21-02-10 of the City Code pertaining to the classification and disposition of traffic offenses to increase the fine for overtaking or passing a school bus from fifty dollars (\$50.00) to one hundred dollars (\$100.00) and adds a one hundred dollar (\$100.00) fine for permitting operation of a motor vehicle that overtakes or passes a school bus.
- G. To amend and re-enact Section 21-03-16 of the City Code pertaining to operation of authorized emergency motor vehicles to allow fire trucks and ambulances to display flashing blue lights in cases of a reported emergency involving a possible personal injury, death, or property damage in addition to red and/or white lights.
- H. To amend and re-enact Section 21-04-05 of the City Code pertaining to driving while license is suspended or revoked to allow a charge under this section to be dismissed on the motion of the defendant if his license is reinstated within sixty days of the offense and he provides satisfactory evidence to the court proving the reinstatement.

- I. To amend and re-enact Section 21-04-06 of the City Code pertaining to driving under the influence of intoxicating liquor, drugs or other substances to include additional restrictions on who may not drive or be in actual physical control of any vehicle and to increase the minimum mandatory sentence for a first and second offense under this section and include additional penalties.
- J. To amend and re-enact Section 21-04-17 of the City Code pertaining to driving without liability insurance to allow an individual charged with the offense to provide proof of insurance through written or electronic means. Removes the twenty (20) day time limitation to provide proof of insurance to the officer and now requires that proof be made to the court. Amends the offense from a class B misdemeanor to an infraction and requires that upon a second conviction any impounded motor vehicle plates be delivered to the court, who will then deliver them to the arresting police officer.
- K. To amend and re-enact Section 21-08-01 of the City Code pertaining to immediate notice of accidents to reduce the fine for a violation under this section from one hundred fifty dollars (\$150.00) to fifty dollars (\$50.00) and exempts a driver involved in an accident with an undomesticated animal from the mandatory reporting provision when the only property damage is to the driver's vehicle.
- L. To amend and re-enact Section 21-14-04 of the City Code pertaining to permits for vehicles of excessive size and weight to allow permits issued for vehicles of excessive size and weight travelling on non-permitted city streets to display the permit in printed or electronic format.
- M. To amend and re-enact Section 22-15.1 of the City Code pertaining to carrying loaded firearms in vehicle and allowing individuals with a valid concealed weapons permit to carry a loaded firearm in a vehicle.
- N. To amend and re-enact Section 22-44.2 of the City Code pertaining to the offense of theft to increase the threshold for class B misdemeanor thefts to five hundred dollars (\$500.00).
- O. To amend and re-enact Section 22-49.1 of the City Code pertaining to possession of firearms at public gatherings and now allowing individuals possessing a class 1 concealed weapons license to carry their firearm in a church or place of worship with the approval of the primary religious leader and allowing an instructor, a test administrator, an official, or a participant in educational, training, cultural or competitive events to possess a firearm at a public gathering.

Schumacher Construction, Inc., submitted a request for Payment No. 3 & Final (Inv No. 13-104) for construction on Cold Storage Building—Sanitation Department and Cold Storage Building—Street Department, in the amount of \$60,135.00.

City Engineer Schwartzkopf reported the Cold Storage Building—Sanitation Department was not completed in accordance with bid specifications (Alternate of additional clearance).

Council Member Kourajian moved a Resolution to approve Payment No. 3, in the amount of \$30,000.00, to Schumacher Construction, Inc., for construction on Cold Storage Building—Street Department & Cold Storage Building—Sanitation Department; and directed the City Engineer to contact the contractor and negotiate a solution on the Cold Storage Building-Sanitation Department. Seconded by Council Member Brubakken. Roll Call No. 15 showed: 4 ayes, 0 nays, 1 absent. Carried.

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

ATTEST:
JEFF FUCHS, City Administrator

APPROVED:
KATIE ANDERSEN, Mayor