

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, AUGUST 5, 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 Engineer Schwartzkopf and City Administrator Fuchs. Absent: City Attorney Dalsted.

Council Member Gumke moved to approve the minutes of the regular council meeting, July 1, 2013; minutes of the special council meeting, July 26, 2013; and minutes of the committee meeting, July 23 & 25, 2013. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Mayor Andersen introduced City Forester Douglas Wiles to the City Council and audience. His employment with the City began on August 1, 2013.

No bids were received for the sale of an impounded/abandoned 2008 Nissan.

A bid was received for the sale of the As-Is Direct Sale of a 1999 GMC Suburban from Budget Auto Sales & Service, in the amount of \$1,110.00.

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

- A. Resolution to re-affirm pledges of deposit as follows: Unison Bank - \$15,095,861.23; Wells Fargo Bank - \$21,263,017.44.
- B. Resolution to approve the JSDC 2014 draft budget requesting \$332,000 from the City Sales Tax Fund and \$83,000 Stutsman County levy for Economic Development.
- C. Resolution to approve the request from JSDC for \$33,810 from Economic Development Funds to pay the 2014 Stutsman County dues for the South Central Dakota Regional Council with the City Share to be \$21,300 and paid from the City Sales Tax Fund.
- D. Resolution to authorize the acquisition of a utility easement from Farmer's Union for the 2012 Sanitary Sewer Main Construction Project, in the amount of \$10,000 for the Utility Easement and \$3,500 for a temporary construction easement.
- E. Resolution to approve the plat of Walicski's Third Extension.
- F. Resolution to approve a negotiated settlement with Schumacher Construction, Inc., in the amount of a \$5,000 deduct for the construction of the Solid Waste Cold Storage Building.
- G. Resolution to approve the performance bond from Titan Machinery, Inc., for the New 2.5 CY 4 Wheel Drive Loader, in the amount of \$155,727.00, with guaranteed maximum repairs of 7500 hours or 6 years, for the Solid Waste Department.
- H. Resolution to approve Payment No. 1, to Manitou Construction, Inc., for construction on Sewer & Water District #12-31 & 12-61 (Titan Addition), in the amount of \$14,391.00.
- I. Resolution to approve Payment No. 1(Inv No. 38101), to Ulteig Engineers, for engineering services on Jamestown East Business Loop Landscaping Project No. TEU-2-987(038)042, in the amount of \$733.13.

- J. Resolution to approve Payment No. 1, to Pierce Roofing & Sheet Metal, Inc., for construction on Jamestown Fire Station Re-roofing Project, in the amount of \$8,066.45.
- K. Resolution to approve Payment No. 2, to Pierce Roofing & Sheet Metal, Inc., for construction on Jamestown Fire Station Re-roofing Project, in the amount of \$83,215.24.
- L. Resolution to approve Payment No. 2, to Lindberg Brothers, Inc., for construction on 2013 Sidewalk, Curb & Gutter District #13-11, in the amount of \$4,972.99.
- M. Resolution to approve Payment No. 2, to CB&I Constructors, Inc. (Inv No. 183297-02), for construction on Elevated Welded Steel Tank Water Storage Reservoir, DWSRF Project No. 4700498-04, in the amount of \$6,421.50.
- N. Resolution to approve Payment No. 2 (Inv No. 35084), to AE2S, for On Call engineering services, (Developer Modeling), in the amount of \$1,485.00.
- O. Resolution to approve Payment No. 2 (Inv No. 1742), to Apex Engineering Group, Inc., for engineering services on the Jamestown WWTF for Reclaimed Water Supply, in the amount of \$10,558.00.
- P. Resolution to approve Payment No. 3 (Inv No. 3), to Midwest Traffic Consulting, LLC, for Traffic Engineering Services, Project 136800-1, in the amount of \$8,032.83.
- Q. Resolution to approve Payment No. 5 (Inv No. 34892), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$9,268.93.
- R. Resolution to approve Payment No. 11, 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 \$142,001.25.
- S. Resolution to approve Payment No. 18 (Inv No. 1809), to Apex Engineering Group, Inc., for engineering services on Jamestown WWTF LRAT Cover Replacement, in the amount of \$129.00.
- T. Resolution to approve Payment No. 2 (Inv No. 14561), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$32,756.08.
- U. Resolution to approve Payment No. 4 (Inv No. 14559), to Interstate Engineering, Inc., for engineering services on the Sanitary Landfill Expansion, in the amount of \$29,850.00.
- V. Resolution to approve Payment No. 8 (Inv No. 14557), to Interstate Engineering, Inc., for Water & Sewer District 12-61 & 12-31 (Titan Addition), in the amount of \$24,468.50.
- W. Resolution to approve Payment No. 9 (Inv No. 14558), to Interstate Engineering, Inc., for 2012 Water Tower & Distribution System Improvements, in the amount of \$18,915.86.
- X. Resolution to approve Payment No. 9 (Inv No. 14560), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, in the amount of \$6,598.70.
- Y. Resolution to approve Payment No. 44 (Inv No. 14217), to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$782.30.
- Z. 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.

AA. Resolution to allow the July indebtedness in the amount of \$2,048,913.75 consisting of \$446,046.88 payroll and \$1,602,866.87 general obligations.

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

City Attorney Dalsted seated himself.

Jerry DaMier, appeared before the City Council, to inquire on the history and status of the Buffalo City Rotisserie Grill request for FLEX PACE funding.

Council Member Gumke moved a Resolution to authorize reinstatement of the original \$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 Kourajian. Roll Call No. 2 showed: 3 ayes, 2 nays (Buchanan & Brubakken), 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the request from Dean Hafner and Clyde Schmaltz to use the 25%/75% special assessment provisions provided in Section 8 of Appendix B of the City Code relative to the development of 6-10 additional lots in the Meadow's Addition on 3<sup>rd</sup> St NE, and for the City to cover the estimated \$30,000 cost of increasing a portion of the water main to be looped and various ditch and storm water improvements. Seconded by Council Member Kourajian. Roll Call No. 3 showed: 4 ayes, 1 nay (Buchanan), 0 absent. Carried.

A public hearing was held concerning the special assessment list for Seal Coat, Patching, Construction and Reconstruction District #12-41. 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 Seal Coat, Patching, Construction and Reconstruction District #12-41, in the total amount of \$2,178,412.10, with the City Share to be \$512,185.56, with the balance of \$1,666,226.54 to be assessed to benefited properties within the district. Seconded by Council Member Gumke. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request to vacate the unvacated alley portion adjacent to Lots 8, 9, that portion of Lot 10 line perpendicular to the east lot line of Lot 32, and all Lots 32 & 33, Block 9, Kelley & Fuller's 2<sup>nd</sup> Addition, all to the City of Jamestown, Stutsman County, North Dakota.

Council Member Brubakken moved a Resolution to approve the request to vacate the unvacated alley portion adjacent to Lots 8, 9, that portion of Lot 10 line perpendicular to the east lot line of Lot 32, and all Lots 32 & 33, Block 9, Kelley & Fuller's 2<sup>nd</sup> Addition, all to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Gumke. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to award the bid for the as-is direct sale of a 1999 GMC Suburban (VIN: 1GKFK16R7XJ747622) to Budget Auto Sales & Service, in the amount of \$1,110.00. Seconded by Council Member Brubakken. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved to table Ordinance No. 1397 to the August 20<sup>th</sup> committee meeting. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

A public hearing was held concerning 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. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1399, introduced by Council Member Gumke, to annex Lots 1 thru 10, Block 1; Lots 1 thru 10, Block 2; Lots 11 thru 35, Block 3; and Lots 1 thru 28, Block 4, all Marjo First Addition, and all right-of-ways included in and adjacent to said annexation area, Bloom Township, within the NE1/4, Section 30, T140N, R63W, into the City of Jamestown, Stutsman County, ND, had it second reading. Seconded by Council Member Kourajian. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1400, introduced by Council Member Brubakken, to amend and re-enact Section 5.4, Appendix C of the City Code, pertaining to uses permitted in R-3 Districts, had it second reading. Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the request for a gaming site authorization for the Jamestown Hockey Booster Club, Inc., at the Quality Inn & Suites (Executive Room), for February 12, 2014. Seconded by Council Member Kourajian. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve Change Order No. 1, to Sellin Brothers, Inc., for construction on Wastewater Lift Station & Force Main Improvement Project, Phase II, Force Main & Gravity Sewer & District 13-31 & 13-32, CWSRF No. 380808-06, for a net increase in the contract price of \$5,671.32. Seconded by Council Member Kourajian. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to accept the proposal from Energy Services Group for a Guaranteed Savings Project for the Jamestown Civic Center. Seconded by Council Member Buchanan. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to consider entering into a Development Agreement between the City of Jamestown and Anne Carlsen Center, providing for completion of engineering documents required for Anne Carlsen Center Addition. Seconded by Council Member Gumke. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the following Resolutions pertaining to Paving, Water & Sewer District #13-42; #13-63 and #13-33:

- 1) To set up and establish the district.
- 2) To direct Interstate Engineering, Inc., to prepare a report of the general nature, purpose and feasibility, and an estimate of costs for the district.
- 3) To direct Interstate Engineering, Inc., to prepare plans and specifications for the construction of the district.
- 4) To accept and approve the plans and specifications, as prepared by Interstate Engineering, Inc., for the construction of the District.
- 5) To declare it necessary to construct the district and to direct the City Administrator to publish notice of a public hearing concerning the district.
- 6) To direct the City Administrator to advertise for bids for the construction of the district.

Seconded by Council Member Brubakken. Roll Call No. 13 showed: 4 ayes, 1 nay (Buchanan), 0 absent. Carried.

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

ATTEST:  
JEFF FUCHS, City Administrator

APPROVED:  
KATIE ANDERSEN, Mayor