

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

Council Member Brubakken moved to approve the minutes of the regular council meeting, August 5, 2013; minutes of the special council meetings, August 7, 8 & 13, 2013; and minutes of the committee meetings, August 20 & 22, 2013. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

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

- A. Resolution to accept the offer from Joseph Errett to purchase Lot 4, Tahran's Addition, 1509 4<sup>th</sup> Ave NW (Currently held by Stutsman County) for \$5,000.
- B. Resolution to approve the request from Julie Lende to move a single stall garage from 407 4<sup>th</sup> St SE to 201 5<sup>th</sup> Avenue NE (S.65' of Lots 4, 5 & 6, Block 28, Jamestown Original), contingent upon required improvements as specified by the Building Inspector being made to the structure.
- C. Resolution to approve the request from Victory Lutheran Brethren Church to move a 24' X 48' building from the former Temple Baptist Church, 1545 4th Avenue NW (Lots 10-14, Tahran's Addition to 510 9<sup>th</sup> Ave SW (Lots 4-12, Block 5, Replat of Blocks 3, 4 & 5, Homestead Addition), contingent upon required improvements as specified by the Building Inspector being made to the structure.
- D. Resolution to direct the City Administrator to seek a proposal from Springsted Incorporated to perform a compensation study for City of Jamestown employment positions similar to the study used to review LEC staff.
- E. Resolution to approve the modifications and upgrades as proposed by Jamestown Communications, at an approximate cost of \$11,000.00, to improve the performance of the Police and Fire Department Radio Repeater installations.
- F. Resolution to authorize the City Engineer to visit with BNSF relative to a possible easement across railroad property at 12<sup>th</sup> Avenue SE & 3<sup>rd</sup> Street intersection in order to look at relocating a segment of 12<sup>th</sup> Avenue SE.
- G. Resolution to authorize entering into an agreement with AE2S on the Backwash Pond Lift Station & Foremain Project.
- H. Resolution to request a change order be prepared for providing additional paving repairs relating to the Sanitary Sewer District #13-31 and #13-32 projects based on information contained in the preliminary field notes prepared by Interstate Engineering, Inc.
- I. Resolution to authorize the rental of grass seeding equipment from Greer & Son for seeding at the various city facilities.

- J. Resolution to accept the affidavit from Manitou Construction, Inc., that Check No. 244 (Unison Bank), dated August 9, 2013, in the amount of \$14,391.00, has been lost or destroyed and authorize the issuance of a duplicate.
- K. Resolution to approve the performance bond from RDO Equipment Company, in the amount of \$211,500.00, for the 2013 John Deere 770G Motor Grader---Street Department.
- L. Resolution to approve the performance bond from RDO Equipment Company, in the amount of \$136,750.00 for the guaranteed buyback of the 2013 John Deere 770G Motor Grader, 3000 hours or 5 years from the date of delivery, whichever occurs first---Street Department.
- M. Resolution to approve Payment No. 1, (Inv 3637) to Prairie Engineering, P.C., for engineering services on Jamestown City Hall Cooling Tower Replacement, in the amount of \$6,442.50.
- N. Resolution to approve Payment No. 1, to Naastad Brothers, Inc., for construction on Phase II, New Watermains, 2012 Water Tower & Distribution System Improvements, in the amount of \$91,170.23.
- O. Resolution to approve Payment No. 1, to Sellin Brothers, Inc., for construction on 2012 Wastewater Lift Station Replacement & Force Main Project, Phase II, Forcemain & Gravity Sewer & Sewer Districts 13-31 & 13-32, in the amount of \$979,653.21.
- P. Resolution to approve Payment No. 2 (Inv No. 38840), to Ulteig Engineers, for engineering services on Jamestown East Business Loop Landscaping Project No. TEU-2-987(038)042, in the amount of \$642.20.
- Q. Resolution to approve Payment No. 3 (Inv No. 35184), to AE2S, for On Call engineering services, in the amount of \$660.00.
- R. Resolution to approve Payment No. 3, to CB & I, Inc. (Inv No. 183297-03), for construction on Elevated Welded Steel Tank Water Storage Reservoir, DWSRF Project No. 4700498-04, in the amount of \$181,440.00.
- S. Resolution to approve Payment No. 3 (Inv No. 1839), to Apex Engineering Group, Inc., for engineering services on the Jamestown WWTF for Reclaimed Water Supply, in the amount of \$11,953.00.
- T. Resolution to approve Payment No. 6 (Inv No. 35183), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$5,096.00.
- U. Resolution to approve Estimate No. 24 & Final, to PKG Contracting, Inc., for construction on Phase II, Water Systems Improvements, Water Treatment Plant Improvements, DWSRF Project No. 4700498-03, in the amount of \$46,189.14.
- V. Resolution to approve Payment No. 1 (Inv No. 14932), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 13-32, in the amount of \$53,613.10.
- W. Resolution to approve Payment No. 3 (Inv No. 14933), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$41,664.90.
- X. Resolution to approve Payment No. 5 (Inv No. 14930), to Interstate Engineering, Inc., for engineering services on the Sanitary Landfill Expansion, in the amount of \$19,900.00.
- Y. Resolution to approve Payment No. 9 (Inv No. 14929), to Interstate Engineering, Inc., for Water & Sewer District 12-61 & 12-31 (Titan Addition), in the amount of \$16,954.40.

- Z. Resolution to approve Payment No. 10 (Inv No. 14928), to Interstate Engineering, Inc., for 2012 Water Tower & Distribution System Improvements, in the amount of \$47,301.75.
- AA. Resolution to approve Payment No. 10 (Inv No. 14931), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, in the amount of \$677.08.
- BB. Resolution to approve Payment No. 45 (Inv No. 14541), to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$4,013.00.
- CC. 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.
- DD. Resolution to allow the August indebtedness in the amount of \$3,966,088.54 consisting of \$434,288.36 payroll and \$3,531,800.18 general obligations.

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

A public hearing was held concerning a Guaranteed Energy/Utility Savings Project at the Jamestown Civic Center with Energy Services Group. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Brubakken moved a Resolution to authorize proceeding with Scenario II as outlined in the Comprehensive Energy & Facility Analysis Report review relating to a Guaranteed Savings Project at the Jamestown Civic Center and enter into a Guaranteed Energy/Utility Savings Contract with Energy Services Group. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve and authorize entering into an Equipment Lease/Purchase Agreement with Banc of America Public Capital Corporation to fulfill the scope of work included in the Energy Services Agreement for the Jamestown Civic Center. Seconded by Council Member Brubakken. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to disapprove entering into engineering agreements with Moore Engineering for Sanitary Sewer Force Main & Manhole Rehabilitation; and College Hill Booster Pump Station Removal & associated Water Main Replacement/Modification. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to award the bid to Wrigley Mechanical, Inc., for the Replacement of Existing Burnham 4F-563A Boiler at the Wastewater Treatment Facility, in the amount of \$139,250.00. Seconded by Council Member Brubakken. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved to table awarding the bid for the construction of Paving, Water & Sewer Improvement District #13-42; #13-63 and #13-33 (3<sup>rd</sup> Street NE from 25<sup>th</sup> Ave to 27<sup>th</sup> Ave). Motion died for lack of a second.

Council Member Brubakken moved a Resolution to award the bid to RTS Shearing LLC for the construction of Paving, Water & Sewer Improvement District #13-42; #13-63 and #13-33 (3<sup>rd</sup> Street NE from 25<sup>th</sup> Ave to 27<sup>th</sup> Ave) in the amount of \$313,873.00. Seconded by Council Member Kourajian. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved to introduce the first reading of an ordinance pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2014, through December 31, 2014.

Council Member Kourajian moved to introduce the first reading of an ordinance pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2014, through December 31, 2014.

The City Council delayed the first reading of an ordinance to amend and re-enact Section 3 and enact Sections 6.1 and 6.2, Appendix B, of the City Code pertaining to simple lot splits and boundary line adjustments.

Council Member Gumke moved to introduce the first reading of an ordinance to amend and re-enact Section 21-02-10 of the City Code pertaining to classification and disposition of traffic offenses.

Council Member Brubakken moved to introduce the first reading of an ordinance to amend and re-enact Section 22-44.2 of the City Code pertaining to penalties regarding the offense of theft.

Council Member Buchanan moved to introduce the first reading of an ordinance to enact Section 6.5 of the City Code pertaining to beekeeping in the City of Jamestown.

Council Member Kourajian moved to introduce the first reading of an ordinance to amend Chapter 22 of the Code of the City of Jamestown, North Dakota, by repealing and re-enacting Section 22-2 which sets forth regulations concerning begging and panhandling.

Council Member Buchanan moved to table Ordinance No. 1397 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. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Clarice Liechty, 511 8<sup>th</sup> St SW, appeared to request clarification on why her request at the August 20<sup>th</sup> Finance & Legal Committee for the City to reconsider the property tax exemptions granted previously for Prairie Apartments was not placed on the September 3, 2013, City Council agenda.

It was noted that the Finance & Legal Committee requested the City Attorney to do an analysis on House Bill 1046 and provide the council with an opinion on what actions the City may pursue relative to the request of Mrs. Liechty.

Bob Musil, representative from Jefferson Bus Lines, appeared to request using the shelter in the City Parking Lot adjacent to railroad tracks as a short term solution for a bus stop.

Council Member Gumke moved a Resolution to allow Jefferson Bus Lines to use the shelter in the City Parking Lot adjacent to the railroad tracks as a bus stop (drop off/pickup only) on a temporary basis. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved to appoint Tom Olson to serve as a member of the County Weed Board to fill the unexpired term of Ray Albrecht (December 2016). Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Gumke moved a Resolution to approve the request from Manuel Vera Leon d/b/a Los Molcajetes for an On-Sale, alcoholic beverage license at 110 2<sup>nd</sup> Street NW, for the period ending June 30, 2014, subject to a background check. Seconded by Council Member Kourajian. 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 Chapter 1, Section 1-10, of the City Code pertaining to regulations regarding court fees.

Council Member Gumke moved a Resolution to approve entering into a compensation analysis to include benefits for City employees with Springsted, Inc. for an amount not to exceed \$9,500.00. Seconded by Council Member Buchanan. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve a Supplemental Resolution authorizing the acceptance of \$381,617.00 in ARRA principal forgiveness on the \$2,653,117 Clean Water SRF Revenue Bond, Series 2010B. Seconded by Council Member Gumke. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve Change Order No. 2 to Sellin Brothers, Inc. on 2012 Wastewater Lift Station Replacement & Force Main Project, Phase II, Forcemain & Gravity Sewer & Sewer Districts 13-31 & 13-32, CWSRF No. 380808-06, for an increase in the contract price of \$25,342.16. Seconded by Council Member Kourajian. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve Change Order No. 3 Sellin Brothers, Inc. on 2012 Wastewater Lift Station Replacement & Force Main Project, Phase II, Forcemain & Gravity Sewer & Sewer Districts 13-31 & 13-32, CWSRF No. 380808-06, for an increase in the contract price of \$67,332.07. Seconded by Council Member Brubakken. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to authorize entering into an engineering agreement with Interstate Engineering, Inc. for construction engineering on Paving, Water & Sewer Improvement District #13-42; #13-63 and #13-33 (3<sup>rd</sup> Street NE from 25<sup>th</sup> Ave to 27<sup>th</sup> Ave). Seconded by Council Member Kourajian. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:  
JEFF FUCHS, City Administrator

APPROVED:  
KATIE ANDERSEN, Mayor