

JAMESTOWN CITY COUNCIL
REGULAR MEETING, OCTOBER 7, 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, September 3, 2013; minutes of the special council meeting, September 24, 2013; and minutes of the committee meetings, September 24 & 26, 2013. Seconded by Council Member Buchanan. 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 Reister Meats for Economic Development Funds to provide for up to \$10,000 in FLEX P.A.C.E funding with all of the funds being paid from the County Economic Development Funds and for the approval to sunset one year from the date of final approval.
- B. Resolution to approve the request from JSDC for Economic Development Funds to provide for \$9,551.98 in reimbursement for special assessments and property taxes paid, with the City Share to be \$7,641.58, and paid from the City Sales Tax Fund.
- C. Resolution to approve the request from JSDC for Economic Development Funds to provide for \$3,500.00, in the event that a grant is not received, to provide for the update of the JSDC Strategic Plan, with the City Share to be \$2,800.00, and paid from the City Sales Tax Fund.
- D. Resolution to reject all bids received for the replacement of the City Hall Cooling Tower and to consider re-bidding at a later date due to the receipt of only one combined construction bid, which is considerably over budget.
- E. Resolution to approve the Land Use Plan Amendment for Block 2 of the proposed Lindberg Addition, a replat of Lots 11, 12 & 32 and portions of Lots 7-10 and 33, Block 9, Kelly & Fuller's Second Addition, from low density residential to commercial.
- F. Resolution to approve the request of the American Red Cross to enter into an agreement with the City for the use of the Jamestown Civic Center as an emergency shelter in the event of a disaster.
- G. Resolution authorizing police jurisdiction to enforce traffic ordinances at the University of Jamestown pursuant to Jamestown City Code Section 21-06-04.
- H. Resolution to authorize the architect for the Main Fire Hall Roof Replacement Project to obtain costs to provide for external drainage of the roof and to replace the existing chimney with two new flues for the furnace and hot water heater.
- I. Resolution to request the City Engineer to obtain a proposal to determine the cost of upgrading the traffic signals on 10th St SE at 1st Avenue, 4th Avenue and 7th Avenue and also on a number of signals on 1st Avenue to sufficiently obtain enough parts to maintain the balance of the remaining signals.

- J. Resolution to approve a Change Order to remove the pipe bursting of the line 2nd St SW from the sewer improvement project based on the recommendation from Interstate Engineering, Inc.
- K. Resolution to accept the affidavit from the Jamestown United Way that Check No. 58635 (Unison Bank), dated August 31, 2011, in the amount of \$116.50, has been lost or destroyed and authorize the issuance of a duplicate.
- L. Resolution to approve Payment No. 1, to Swanberg Construction, Inc., for Wastewater Lift Station and Force Main Improvements Project, Phase 1, Lift Station Replacement, District 12-32, in the amount of \$788,400.00.
- M. Resolution to approve Payment No. 2, to Naastad Brothers, Inc., for construction on Phase II, New Watermains, 2012 Water Tower & Distribution System Improvements, in the amount of \$539,803.47.
- N. Resolution to approve Payment No. 2, 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 \$745,941.14.
- O. Resolution to approve Payment No. 3 (Inv No. 39421), to Ulteig Engineers, for engineering services on Jamestown East Business Loop Landscaping Project No. TEU-2-987(038)042, in the amount of \$1,826.00.
- P. Resolution to approve Payment No. 4 (Inv No. 35581), to AE2S, for On Call engineering services, in the amount of \$4,149.75.
- Q. Resolution to approve Payment No. 4, to CB & I, Inc. (Inv No. 183297-04), for construction on Elevated Welded Steel Tank Water Storage Reservoir, DWSRF Project No. 4700498-04, in the amount of \$776,440.00.
- R. Resolution to approve Payment No. 7 (Inv No. 35580), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$6,935.50.
- S. Resolution to approve Payment No. 1 (Inv No. 15420), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 13-31, in the amount of \$22,202.62.
- T. Resolution to approve Payment No. 2 (Inv No. 15421), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 13-32, in the amount of \$9,665.60.
- U. Resolution to approve Payment No. 4 (Inv No. 15419), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$128,806.42.
- V. Resolution to approve Payment No. 6 (Inv No. 15436), to Interstate Engineering, Inc., for engineering services on the Sanitary Landfill Expansion, in the amount of \$19,900.00.
- W. Resolution to approve Payment No. 10 (Inv No. 15388), to Interstate Engineering, Inc., for Water & Sewer District 12-61 & 12-31 (Titan Addition), in the amount of \$13,361.98.
- X. Resolution to approve Payment No. 11 (Inv No. 15423), to Interstate Engineering, Inc., for 2012 Water Tower & Distribution System Improvements, in the amount of \$33,193.01.
- Y. 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.

Z. Resolution to allow the September indebtedness in the amount of \$3,359,959.95 consisting of \$428,766.02 payroll and \$2,931,193.93 general obligations.

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

Council Member Gumke moved a Resolution to enter into an agreement with a consulting engineering firm to obtain an estimated cost of extending sanitary sewer service to the property owned by Duane Enzminger northwest of the Airport. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request for vacation of a roadway adjacent to Lot 4, Block 2, and Lot 1, Block 3, Replat of Joos First Subdivision, a portion of NE ¼ of SE ¼ and SE ¼ of NE ¼ Section 13-140-64, Midway Township, Stutsman County, North Dakota.

Duane Enzminger, owner of property to the west, stated any future development of the area may need an ingress/egress and requested the vacation be denied.

Steve Bossert, 3253 Hwy 20 SE, stated his opposition to the vacation at this time and asked the City Council to review all future development possibilities in this area.

Norman & Jo Trendera, 3239 Hwy 20 SE, spoke in support of the vacation and concerns with traffic in the area and proximity to current homes.

Jessica Tripp and Brenda Munson, petitioners, supported the vacation to avoid roadway being utilized for traffic.

The hearing was closed.

Council Member Gumke moved to table the request for vacation of a roadway adjacent to Lot 4, Block 2, and Lot 1, Block 3, Replat of Joos First Subdivision, a portion of NE ¼ of SE ¼ and SE ¼ of NE ¼ Section 13-140-64, Midway Township, Stutsman County, North Dakota, for further review. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Buchanan moved to table the request of Casey Willman and Lucas Dockter for approval of a Renaissance Zone Project on the N1/2 of Lot 13, less the East 40', Block 32, Original Addition (113 1st Ave. South). Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Gumke 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 Block 2 of the proposed Lindberg Addition, a replat of Lots 11, 12 & 32 and portions of Lots 7-10 and 33, Block 9, Kelley & Fuller's 2nd Addition, from R-3 (General Multiple Dwelling District) to C-1 (Local Commercial District).

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 1-14, and Outlot A, Block 1, of the proposed Lindberg Addition, a replat of Lots 1-6 and 34-44 and portions of Lots 7-10 and 33, Block 9, Kelley & Fuller's 2nd Addition, from R-3 (General Multiple Dwelling District) to R-4 (Planned Residence District).

Council Member Kourajian 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 the West Half of the East Half of the Southeast Quarter of the Northeast Quarter, the West Half of the Southeast Quarter of the Northeast Quarter, the West Half of the East Half of the Northeast Quarter of the Southeast Quarter, the West Half of the Northeast Quarter of the Southeast Quarter, the West 60 feet of the East Half of the East

Half of the Southeast Quarter of the Northeast Quarter and the West 60 feet of the East Half of the East Half of the Northeast Quarter of the Southeast Quarter of Section 13, Township 140, Range 64, Stutsman County, North Dakota, from A-1 (Agricultural District) and P-O-C (Public, Open Development and Conservation District) to R-1 (One Family Residential District).

Ordinance No. 1397, introduced by Council Member Gumke, 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, had its second reading. Seconded by Council Member Brubakken.

Randy Jaspers, 404 16th Street NW, spoke in support of the ordinance and thanked the City Council for efforts in research on the matter.

Susan Roemmich, 3349 82nd Avenue SE, stated she would like to see the distance increased from 300 feet to 1200 feet in heavy industrial zone areas.

Roll Call No. 3, on Ordinance No. 1397, showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1418, introduced by Council Member Gumke, to amend and re-enact Section 21-02-10 of the City Code pertaining to classification and disposition of traffic offenses, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1419, introduced by Council Member Brubakken, to amend and re-enact Section 22-44.2 of the City Code pertaining to penalties regarding the offense of theft, had its second reading. Seconded by Council Member Gumke.

Council Member Gumke excused himself.

Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Gumke seated himself.

Council Member Buchanan moved to table Ordinance No. 1420, to enact Section 6.5 of the City Code pertaining to beekeeping in the City of Jamestown, for further review. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Ordinance No. 1421, introduced by Council Member Kourajian, 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, had its second reading. Seconded by Council Member Gumke. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1422, introduced by Council Member Gumke, to amend and re-enact Chapter 1, Section 1-10, of the City Code pertaining to regulations regarding court fees, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held at 6:00 PM concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2014, through December 31, 2014. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1416, introduced by Council Member Gumke, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2014, through December 31, 2014, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1417, introduced by Council Member Kourajian, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2014, through December 31, 2014, had its second reading. Seconded by Council Member Gumke. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution 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 Kourajian. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to direct the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2014, through December 31, 2014. Seconded by Council Member Brubakken. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Patricia Martin, 1303 15 ½ Avenue SW, appeared on behalf of the Ladies Individuals Motorcycle Club request for a Charity Local Permit for October 13, 2013, at Tapps Lounge (Quality Inn).

Council Member Gumke moved a Resolution to recognize the Ladies Individuals Motorcycle Club as an other public spirited organization and to authorize the issuance of a Charity Local Permit for October 13, 2013, at Tapps Lounge (Quality Inn). Seconded by Council Member Kourajian. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to authorize advertising for the construction of Jamestown Water Treatment Plant Backwash Pond Pump Station and Force Main Project. Seconded by Council Member Brubakken. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved to table action on entering into an agreement between the City of Jamestown, Great River Energy and Stutsman Rural Water District for the City to provide process water to the proposed Dakota Spirit AgEnergy Biorefinery. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Buchanan moved a Resolution to authorize negotiating with Interstate Engineering, Inc., for engineering services for updates to the Water Treatment System for Great River Energy. Seconded by Council Member Brubakken. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to accept and approve the 2012 City Audit, as prepared by Schauer & Associates, PC. Seconded by Council Member Kourajian. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve and accept the proposal from Pierce Roofing regarding water drainage at the Jamestown Fire Station. Seconded by Council Member Kourajian. Roll Call No. 16 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve and authorize proceeding with Requests for Proposals regarding the chimney at the Jamestown Fire Station. Seconded by Council Member Buchanan. Roll Call No. 17 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to allow Payment No. 2 & Final to Manitou Construction, Inc., for construction on Sewer & Water District #12-31 & 12-61 (Titan Addition), in the amount of \$395,368.00. Seconded by Council Member Kourajian. Roll Call No. 18 showed: 5 ayes, 0 nays, 0 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