

JAMESTOWN CITY COUNCIL
REGULAR MEETING, NOVEMBER 4, 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 Kourajian, Brubakken and Buchanan, City Attorney Dalsted, City Engineer Schwartzkopf and City Administrator Fuchs. Absent: Council Member Gumke.

Council Member Buchanan moved to approve the minutes of the regular council meeting, October 7, 2013; minutes of the special council meeting, October 9, 2013; and minutes of the committee meetings, October 22 & 24, 2013. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

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

- A. Resolution to approve the request from Buffalo City Diesel for Economic Development Funds to provide for up to \$200,000 in P.A.C.E interest buy down funding with the City Share to be \$160,000 and paid from the City Sales Tax Fund.
- B. Resolution to approve the request from Buffalo City Tourism Foundation for \$75,000 in Economic Development Funds to provide for tourism grant funding, with the City Share to be \$60,000, and paid from the City Sales Tax Fund.
- C. Resolution to approve the request from the Municipal Judge that witness fees paid for testimony in Municipal Court be increased from \$10.00 to \$25.00.
- D. Resolution to approve the request from the ND National Guard for an amendment to the lease agreement with the City to increase the leased area for the maintenance facilities from approximately 3.67 acres to 4.36 acres.
- E. Resolution to approve the plat of Lindberg Addition, a replat of Lots 1 thru 12 and Lots 32-44, Block 9, Kelley & Fuller's Second Addition.
- F. Resolution to approve the request from Bryce and Karen Tahrán to move a house from 1301 2nd Street NE to 907 5th Avenue NE (N.40 feet of Lot 10 and Lot 11, Block 11, College Heights Addition), all Jamestown, ND.
- G. Resolution to approve and authorize the addition/replacement of downspouts needed to provide for the external drainage of the Main Fire Hall Roof.
- H. Resolution to approve participating with the ND Department of Transportation Strategic Highway Safety Plan in an amount up to \$5,000.00.
- I. Resolution to approve and authorize the Street Department to post "No Parking" signs in the north/south portion of the alley way in the 100 block of First Street East.
- J. Resolution to approve Change Order No. 1, to Swanberg Construction, Inc., on Wastewater Lift Station and Force Main Improvements Project, Phase I, Lift Station Replacement, District 12-32, for an increase in the contract price of \$3,814.55.

- K. Resolution to approve Change Order No. 1, to RTS Shearing, Inc., on paving of District No. 13-42, that “all aspects of the project except the final lift of hot bituminous pavement shall be completed by November 1, 2013. The final lift of hot bituminous pavement shall be completed by June 1, 2014.”
- L. Resolution to approve Change Order No. 4, to Sellin Brothers, Inc., on 2012 Wastewater Lift Station Replacement & Force Main Project, Phase II, Forcemain & Gravity Sewer & Sewer Districts 13-31 & 13-32, for an increase in the contract price of \$31,518.45.
- M. Resolution to approve Payment No. 2, 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 \$295,200.00.
- N. Resolution to approve Payment No. 3, to Naastad Brothers, Inc., for construction on Phase II, New Watermains, 2012 Water Tower & Distribution System Improvements, in the amount of \$266,569.95.
- O. Resolution to approve Payment No. 3, 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 \$1,166,387.04.
- P. Resolution to approve Payment No. 3, to Lindberg Brothers, Inc., for construction on 2013 Sidewalk, Curb & Gutter District #13-11, in the amount of \$1,908.29.
- Q. Resolution to approve Payment No. 4 (Inv No. 4), to Midwest Traffic Consulting, LLC, for Traffic Engineering Services, Project 136800-1, in the amount of \$4,670.02.
- R. Resolution to approve Payment No. 5 (Inv No. 5), to Midwest Traffic Consulting, LLC, for Traffic Engineering Services, Project 136800-1, in the amount of \$864.00.
- S. Resolution to approve Payment No. 5, to CB & I, Inc. (Inv No. 183297-05), for construction on Elevated Welded Steel Tank Water Storage Reservoir, DWSRF Project No. 4700498-04, in the amount of \$259,880.00.
- T. Resolution to approve Payment No. 8 (Inv No. 35885), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$13,376.00.
- U. Resolution to approve Payment No. 1 (Inv No. 15753), to Interstate Engineering, Inc., for engineering services on Paving, Water & Sewer District #13-42, 13-63 & 13-33, in the amount of \$10,090.76.
- V. Resolution to approve Payment No. 2 (Inv No. 15764), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 13-31, in the amount of \$4,603.26.
- W. Resolution to approve Payment No. 3 (Inv No. 15765), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 13-32, in the amount of \$180.60.
- X. Resolution to approve Payment No. 5 (Inv No. 15763), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$123,502.46.
- Y. Resolution to approve Payment No. 11& Final (Inv No. 15752Final), to Interstate Engineering, Inc., for Water & Sewer District 12-61 & 12-31 (Titan Addition), in the amount of \$3,240.02.
- Z. Resolution to approve Payment No. 12 (Inv No. 15751), to Interstate Engineering, Inc., for 2012 Water Tower & Distribution System Improvements, in the amount of \$19,526.05.

AA. Resolution to approve Payment No. 46 (Inv No. 15757), to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$10,086.00.

BB. 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.

CC. Resolution to allow the October indebtedness in the amount of \$5,780,765.09 consisting of \$435,989.52 payroll and \$5,344,775.57 general obligations.

Seconded by Council Member Brubakken. Consent Roll Call No. 1 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Buchanan moved to table any action on the agreement with Interstate Engineering, Inc., for engineering services to provide needed improvements to the water distribution system to provide for water sales to Great River Energy. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

A public hearing was held concerning the request for vacation of the Frontage Road area adjacent to Lots 15 and 24, Block 4, Marjo First Addition, Bloom Township, within the NE ¼ of Section 30-140-63, to the City of Jamestown, Stutsman County, North Dakota.

Jane Trautman, 8081 34th St SE, and current Planning Commission member, indicated her concerns with access for emergency vehicles and requested the council deny or table the vacation.

Darren Peterka, Interstate Engineering, Inc., representing the petitioner for the vacation, indicated there would be future modifications for the development to be reviewed by the appropriate city committees/staff.

Fire Chief Reuther stated concerns with adequate access to the area with firefighting equipment.

Council Member Kourajian moved to table the hearing and motion until the end of the meeting. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

A public hearing was held concerning the request for vacation of the Frontage Road area adjacent to Lot 14, Block 4, Marjo First Addition, Bloom Township, within the NE ¼ of Section 30-140-63, to the City of Jamestown, Stutsman County, North Dakota.

Jane Trautman, 8081 34th St SE, stated similar concerns with access for emergency vehicles and requested the council deny or table this vacation also.

Leo Ryan, Pipestem Properties, LLC, petitioner for the vacation, requested consideration for vacation if the above previously tabled vacation request(Frontage road adjacent to Lots 15 & 24) is granted.

Council Member Kourajian moved to table the hearing and motion until the end of the meeting. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

A public hearing was held concerning the request for vacation of a roadway adjacent to Lot 4, Block 1, and South Half of Lot 1, Block 2, 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.

Randy Weatherly, petitioner for requested vacation, stated his concerns with additional traffic and proximity to homes in the area.

Discussion was held relative to future engineering studies to be completed on the sewer utility and the traffic.

The hearing was closed.

Council Member Buchanan moved to table the request for vacation of a roadway adjacent to Lot 4, Block 1, and South Half of Lot 1, Block 2, 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. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Buchanan 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. Seconded by Council Member Brubakken. Unanimous aye vote. Carried. (The public hearing on this item was held October 7, 2013.)

Council Member Brubakken moved to introduce an ordinance to amend and re-enact Sections 9-12, 9-13, and 23-38, of the City Code pertaining to the Building Code and Plumbing Code.

Council Member Kourajian moved to introduce an ordinance to amend and re-enact Articles III and VI, Chapter 15, of the City Code pertaining to the Fire Protection Code.

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 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 R-3 (General Multiple Dwelling District) to C-1 (Local Commercial District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No.1423, introduced by Council Member Gumke, 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, Kelly & Fuller's Second Addition, from R-3 (General Multiple Dwelling District) to C-1 (Local Commercial District), had its second reading. Seconded by Council Member Buchanan. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

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 1-14 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, Kelly & Fuller's Second Addition, from R-3 (General Multiple Dwelling District) to R-4 (Planned Residence District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1424, 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 1-14 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, Kelly & Fuller's Second Addition, from R-3 (General Multiple Dwelling District) to R-4 (Planned Residence District), had its second reading. Seconded by Council Member Brubakken. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

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

SECOND READING: Ordinance No. 1425, introduced by Council Member Kourajian, 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), had its second reading. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Jim Boyd, Chairman of Jamestown Regional Airport Authority, shared information on the passenger boarding totals and requested letters of support from the City Council and community to encourage Skywest to submit a proposal to serve the Jamestown Regional Airport.

Council Member Buchanan moved to send a letter of encouragement to Skywest for submitting a proposal to serve the Jamestown Regional Airport. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Brubakken moved a Resolution to recognizing the Jamestown Regional Medical Center Auxiliary as an other public spirited organization and to authorize the issuance of a raffle permit for November 9, 2013. Seconded by Council Member Kourajian. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajain moved a Resolution to award the bid for Water Treatment Plant Backwash Pond Pump & Force Main Project to Sellin Brothers, Inc., in the amount of \$223,150.00. Seconded by Council Member Brubakken. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

Discussion was held concerning the engineering report on the timeframe for placing the New Southwest Water Tower into service as painting remains to be completed and is anticipated to be done prior to July 2014.

Council Member Buchanan moved a Resolution to accept the engineering report and proceed with placing the New Southwest Water Tower into service and online mid July 2014. Seconded by Council Member Kourajian. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved a Resolution to approve Change Order G-03, to Pierce Roofing, on Fire Station Reroofing Project to extend the completion to July 15, 2014. Seconded by Council Member Brubakken. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Buchanan moved a Resolution to approve Change Order No. 5, to Sellin Brothers, Inc., on 2012 Wastewater Lift Station Replacement & Force Main Project, Phase II, Forcemain & Gravity Sewer & Sewer Districts 13-31 & 13-32, for an increase in the contract price of \$23,702.85. Seconded by Council Member Kourajian. Roll Call No. 9 showed: 3 ayes, 1 nay (Brubakken), 1 absent. Carried.

Council Member Kourajian moved to bring off the table and continue the public hearing for vacation of the Frontage Road area adjacent to Lots 15 and 24, Block 4, Marjo First Addition, Bloom Township, within the NE ¼ of Section 30-140-63, to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

No other individuals addressed the Council at the hearing. The hearing was closed.

Council Member Brubakken moved to table the request for vacation of the Frontage Road area adjacent to Lots 15 and 24, Block 4, Marjo First Addition, Bloom Township, within the NE ¼ of Section 30-140-63, to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Buchanan. Unanimous aye vote. Carried. (Future modifications for the development to be reviewed by the appropriate city committees/staff.)

Council Member Kourajian moved to bring off the table and continue the public hearing for vacation of the Frontage Road area adjacent to Lot 14, Block 4, Marjo First Addition, Bloom Township, within the NE ¼ of Section 30-140-63, to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Brubakken.

No other individuals addressed the Council at the hearing. The hearing was closed.

Council Member Kourajian moved to table the request for vacation of the Frontage Road area adjacent to Lot 14, Block 4, Marjo First Addition, Bloom Township, within the NE ¼ of Section 30-140-63, to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Brubakken. Unanimous aye vote. Carried. (This vacation request is contingent on the vacation request for roadway adjacent to Lots 15 & 24, Block 4, Marjo 1st Addition.)

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

ATTEST:
JEFF FUCHS, City Administrator

APPROVED:
KATIE ANDERSEN, Mayor