

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, DECEMBER 2, 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, and City Administrator Fuchs. Absent: City Engineer Schwartzkopf and City Attorney Dalsted.

Council Member Buchanan moved to approve the minutes of the regular council meeting, November 4, 2013; minutes of the special council meeting, November 19, 2013; and minutes of the committee meetings, November 19 & 25, 2013. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

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

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

- A. Resolution to approve the request from the North Dakota Trade Office for \$25,000 in Economic Development Funds to match dues from local companies with the City Share to be \$20,000 and paid from the City Sales Tax Fund.
- B. Resolution to accept the offer from Kost Materials, LLC, to purchase Lots 1-3 in the JSDC Ag Food Processing Industrial Park, in the amount of \$262,500.
- C. Resolution to accept the offer from Kevin Thoele, Buffalo City Diesel, to purchase Lot 6, Block 4, in the I-94 Business Park, in the amount of \$69,260.
- D. Resolution to accept the offer from Shaw Development Group to purchase Lot 8, Block 1, in the I-94 Business Park, in the amount of \$68,171.
- E. Resolution to approve the sale of the Jamestown/Stutsman Development Corporation Condos No. 2 & No. 3 in the amounts of \$150,000 and \$145,000, respectively.
- F. Resolution to accept the offer of Ray Hammer to purchase, subject to North Dakota Historical Society approval, the East 95 feet of the South 50 feet of Lot 12, Block 1, Homestead III Addition, in the amount of \$3,000.
- G. Resolution to approve Water, Sewer, Sanitation and Solid Waste rates effective January 1, 2014, per the 2014 Budget.
- H. Resolution to approve and authorize the extension of the agreement to Jointly Operate the Stutsman County Communications Center.
- I. Resolution to approve and authorize the issuance and sale of \$1,000,000 Wastewater Treatment Assessment Warrants, Series 2013B (Gravity Sewer Mains).
- J. Resolution to approve and authorize the issuance and sale of \$10,350,000 Wastewater Treatment Revenue Warrants, Series 2013D (Sewer Lift Station Replacements & Force Main).
- K. Resolution to approve and authorize the issuance and sale of \$3,812,000 Water Treatment Revenue Warrants, Series 2013C (Water Tower & Water Mains).

- L. Resolution to approve the request from City Forester Wiles, and authorize the creation of a Partners in Planting Program to encourage the planting of appropriate trees on boulevards.
- M. Resolution to deny the request from Metro Plains for the City Council to consider the inclusion of Block 41, Original Addition, into the City of Jamestown Renaissance Zone.
- N. Resolution to approve the re-alignment of upcoming terms for the Planning Commission to fit the original intended structure of appointments in order to maintain continuity of the board.
- O. Resolution to approve additional architectural fees, in the amount of \$7,693.00, to Joseph P Larrivee, Architects, P.C., based on additional scope of work requested for the Main Fire Hall Roof Replacement.
- P. Resolution to approve, due to public safety concerns, the request from JRMC for the placement of an ER directional sign on the south side of 20<sup>th</sup> St. SW.
- Q. Resolution to accept and approve the sidewalk repair petition from Dernel Denning, 715 4<sup>th</sup> Ave SE, for the work to be completed as part of the Sidewalk, Curb & Gutter District #13-11.
- R. Resolution to authorize entering into an engineering agreement with CPS for the 2013 Annual Municipal Solid Waste Landfill Groundwater Monitoring Report.
- S. Resolution to approve a Change Order to SRF Consulting, in the amount of \$13,839.00, for performing out of scope services and to authorize the use of Economic Development Funds with the City Share to be \$11,071.20 and paid from the City Sales Tax Fund.
- T. Resolution to approve Change Order No. 6, 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 a decrease in the contract price of \$171,658.75.
- U. Resolution to approve Change Order No. 7, 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 \$44,011.36.
- V. Resolution to approve Payment No. 1, to Sellin Brothers, Inc., for construction on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$43,695.00.
- W. Resolution to approve Payment No. 1, to RTS Shearing, LLC, for Paving, Water & Sewer District #13-42, 13-63 & 13-33, (3<sup>rd</sup> St NE Improvements--25<sup>th</sup> to 27<sup>th</sup> Ave), in the amount of \$136,957.19.
- X. Resolution to approve Payment No. 1 (Inv No. 1219.01-1), to Artekta, Inc., for engineering services on Jamestown Civic Center Plaza Renovation (Patio), in the amount of \$1,149.55.
- Y. Resolution to approve Payment No. 3, 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 \$597,352.50.
- Z. Resolution to approve Payment No. 4, to Naastad Brothers, Inc., for construction on Phase II, New Watermains, 2012 Water Tower & Distribution System Improvements, in the amount of \$53,430.00.

- AA. Resolution to approve Payment No. 4, 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 \$1,178,541.41.
- BB. Resolution to approve Payment No. 4, to Lindberg Brothers, Inc., for construction on 2013 Sidewalk, Curb & Gutter District #13-11, in the amount of \$1,183.31.
- CC. Resolution to approve Payment No. 4 (Inv No. 2156), to Apex Engineering Group, Inc., for engineering services on the Jamestown WWTF for Reclaimed Water Supply, in the amount of \$11,155.00.
- DD. Resolution to approve Payment No. 6 (Inv No. 183297-06), to CB & I, Inc., for construction on Elevated Welded Steel Tank Water Storage Reservoir, DWSRF Project No. 4700498-04, in the amount of \$232,560.00.
- EE. Resolution to approve Payment No. 2 (Inv No. 16166), to Interstate Engineering, Inc., for engineering services on (3<sup>rd</sup> St NE) Paving, Water & Sewer District #13-42, 13-63 & 13-33, in the amount of \$15,738.26.
- FF. Resolution to approve Payment No. 3 (Inv No. 16165), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 13-31, in the amount of \$3,901.26.
- GG. Resolution to approve Payment No. 6 (Inv No. 16164), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$123,670.94.
- HH. Resolution to approve Payment No. 7 (Inv No. 16163), to Interstate Engineering, Inc., for engineering services on the Sanitary Landfill Expansion, in the amount of \$9,950.00.
- II. Resolution to approve Payment No. 13 (Inv No. 16167), to Interstate Engineering, Inc., for 2012 Water Tower & Distribution System Improvements, in the amount of \$8,533.63.
- JJ. Resolution to approve Payment No. 47 (Inv No. 16158), to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$3,697.00.
- KK. 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.
- LL. Resolution to allow the November indebtedness in the amount of \$3,552,814.04 consisting of \$439,480.97 payroll and \$3,113,333.07 general obligations.

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

City Attorney Dalsted seated himself.

Dale Marks, board member of the James River Valley Library, appeared before the City Council to request delaying action on the request from Metro Plains to include Block 42, Original Addition, into the Renaissance Zone.

Council Member Gumke moved a Resolution to set a public hearing, to be held January 6, 2014, on the request from Metro Plains for the City Council to include Block 42, Original Addition to the City of Jamestown, into the Renaissance Zone. Seconded by Council Member Brubakken. Roll Call No. 2 showed: 4 ayes, 1 nay (Kourajian), 0 absent. Carried.

Norman Aldinger, 232 13<sup>th</sup> Avenue NE, representing property owner at 113 12<sup>th</sup> Avenue NE, read a statement to the Council on the concerns with a structure at 113 2<sup>nd</sup> Avenue NE placed by Otter Tail Power Company.

Charles Krebs, Operations Manager for Otter Tail Power Company, requested delaying Council action to allow time for attorneys of involved parties to review the matter.

Council Member Gumke moved to table to January 6, 2014, the request of Norm Aldinger for the City to direct Otter Tail Power Company to remove the structure at 113 12<sup>th</sup> Avenue NE based on language in the city franchise ordinance. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Gumke moved a Resolution to approve the request from the Planning Commission for the City to fund formal planning and development services for calendar year 2014 either by contract or position for at least what was budgeted through JSDC for 2013, which was \$35,000.00. Seconded by Council Member Brubakken. Roll Call No. 3 showed: 5 ayes, 0 absent, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve entering into an 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 Gumke. Roll Call No. 4 showed: 5 ayes, 0 absent, 0 absent. Carried.

Council Member Gumke moved to table to the December committee meeting, consideration of a plan to place a Bus Shelter in the City parking lot on 2<sup>nd</sup> Avenue SW, south of the former Eagles Club. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Brubakken moved a Resolution to approve re-establishing an Assistant Police Chief position and the update of the organizational structure for the Police Department. Seconded by Council Member Gumke. Roll Call No. 5 showed: 5 ayes, 0 absent, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the offer from Ambassador Steel Corporation to purchase Lot 4 in the JSDC Ag Food Processing Industrial Park, in the amount of \$81,375.00. Seconded by Council Member Brubakken. Roll Call No. 6 showed: 5 ayes, 0 absent, 0 absent. Carried.

Council Member Brubakken moved to introduce the first reading of an ordinance to amend and re-enact Section 26 of the City Code pertaining to taxicab licenses and taxicab driver's licenses.

Council Member Buchanan moved to introduce the first reading of an ordinance to amend and re-enact Sections 6.1 and 6.2 of Appendix B, of the City Code pertaining to simple lot splits and boundary line adjustments.

Ordinance No. 1426, introduced by Council Member Brubakken, 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, had its second reading. Seconded by Council Member Gumke. Roll Call No. 7 showed: 5 ayes, 0 absent, 0 absent. Carried.

Ordinance No. 1427, introduced by Council Member Kourajian, to amend and re-enact Articles III and VI, Chapter 15, of the City Code pertaining to the Fire Protection Code, had its second reading. Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 absent, 0 absent. Carried.

Council Member Brubakken moved a Resolution to reject the bid received from Hoffman & McNamara Nursery & Landscape for construction on Jamestown East Business Loop Landscaping Project TEU-2-987(038)042, and to rebid the project for a fall planting. Seconded by Council Member Gumke. Roll Call No. 9 showed: 5 ayes, 0 absent, 0 absent. Carried.

A request was received from Shawn Syverson to store and work on the restoration of the Burlington Northern Santa Fe model train in a city building located on railroad property.

City council members and City staff stated concerns with usage, access and liability issues for the City.

Council Member Gumke moved a Resolution to direct the City Attorney to work with Mr. Syverson and the Frontier Village Association for a lease agreement. Seconded by Council Member Kourajian. Roll Call No. 10 showed: 5 ayes, 0 absent, 0 absent. Carried.

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

ATTEST:  
JEFF FUCHS, City Administrator

APPROVED:  
KATIE ANDERSEN, Mayor