

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, MAY 5, 2014  
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, April 7, 2014, minutes of the Board of Equalization, April 8, 2014, and minutes of the committee meetings, April 22 and 24, 2014. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Two bids were received for the sale of impounded/abandoned vehicles from Budget Auto Sales and Service.

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

- A. Resolution to approve the requests for gaming site authorizations for the period July 1, 2014 – June 30, 2015, for the following:
  1. **James River Aerie #2337 FOE** for Frontier Fort Bar & Grill;
  2. **Knights of Columbus** for the Wonder Bar Sports Bar, Knights of Columbus and Corner Bar;
  3. **Progress Enterprises** for Office Bar, Shady's, Buffalo Bar & Lounge and IDK Bar & Grill;
  4. **St James Basilica** for St James Basilica;
  5. **North Dakota Buffalo Foundation, Inc.** for the Vets Club, Tapp's Lounge and Elks Bar;
- B. Resolution to approve the request for a gaming site authorization for the ND Buffalo Foundation Inc., at the Civic Center on June 11, 2014.
- C. Resolution to approve the request from the JSDC for Economic Development Funds, in the amount of \$40,000, to provide a Flex PACE interest buy down to Custom Contracting Solutions, with the City Share to be \$8,000 and paid from the City Sales Tax Fund.
- D. Resolution to approve the request from the JSDC for Economic Development Funds, in the amount of \$15,000, to provide ACT Stutsman County program funding, with the City Share to be \$12,000 and paid from the City Sales Tax Fund.
- E. Resolution to approve the request from the JSDC for Economic Development Funds, in the amount of \$100,000, as a pledge to the ND State College of Science Manufacturing Training Center to be paid over 4 years and contingent upon local industry support, with the City Share to be \$20,000 per year and paid from the City Sales Tax Fund.
- F. Resolution to authorize the sale of Lot 2, Block 1, I-94 Business Park Addition, to Charlie Ricketts and Ben Pesek, in the amount of \$67,954.
- G. Resolution to approve entering into an Addendum Agreement with Kal Patel to extend the option to purchase Lot 1 and the Southerly 85.82 feet of Lot 2, Block 3, I-94 Business Park Addition, through May 14, 2014.
- H. Resolution to award the bid for the 2014 Sidewalk and Curb & Gutter District #14-11 to Strata Corporation, in the amount of \$90,551.00.

- I. Resolution to approve the request from Jamestown Middle School Omega House relating to the annual storm drain stenciling project.
- J. Resolution to accept the proposal from AE2S for replacement of computers and operating software at the Wastewater Treatment Facility, in the amount of \$34,635.00.
- K. Resolution to authorize the City Forester to submit a grant application for a North Dakota Forestry Service Grant that would provide for the development of a gravel bed nursery in cooperation with the Jamestown Park & Recreation Department.
- L. Resolution to approve Change Order No. 3, to Swanberg Construction, Inc., for Wastewater Lift Station and Force Main Improvement Project, Phase 1, CWSRF No. 380808-06, for an increase in the contract price of \$6,149.00.
- M. Resolution to approve Payment No. 3 (Inv No. 4120), to Prairie Engineering, P.C., for Jamestown City Hall Cooling Tower Replacement, in the amount of \$962.35.
- N. Resolution to approve Payment No. 3 (Inv No. 08387.00-3), to SRF Consulting Group, Inc., for Jamestown Planning and Zoning Technical Services, in the amount of \$4,034.11.
- O. Resolution to approve Payment No. 3 (Inv No. 37904), to AE2S, for engineering services on the RTU Upgrade (LS5), in the amount of \$314.58.
- P. Resolution to approve Payment No. 3 (Inv No. 37905), to AE2S, for engineering services on the RTU Upgrade (LS19), in the amount of \$843.53.
- Q. Resolution to approve Payment No. 5 (Inv No. 522895489R), to Energy Services Group, LLC, for the Jamestown Civic Center energy Services Agreement, in the amount of \$54,958.00.
- R. Resolution to approve Payment No. 7 (Inv No. 37903), to AE2S, for On Call engineering services, in the amount of \$3,629.00.
- S. Resolution to approve Payment No. 8, 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 \$455,600.00.
- T. Resolution to approve Payment No. 14 (Inv No. 37902), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$85.50.
- U. Resolution to approve Payment No. 2 (Inv No. 17983), to Interstate Engineering, Inc., for engineering services on Water System Improvements to serve City Water to GRE, in the amount of \$13,509.50.
- V. Resolution to approve Payment No. 5 (Inv No. 17984), to Interstate Engineering, Inc., for engineering services on the Inert Landfill Expansion Permitting, in the amount of \$1,910.00.
- W. Resolution to approve Payment No. 8 (Inv No. 17985), to Interstate Engineering, Inc., for engineering services on the Sanitary Landfill Expansion Permitting, in the amount of \$9,950.00.
- X. Resolution to approve Payment No. 11 (Inv No. 17986), to Interstate Engineering, Inc., for 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$35,258.70.
- 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 April indebtedness in the amount of \$4,977,831.83 consisting of \$449,926.32 payroll and \$4,527,905.51 general obligations.

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

A public hearing was held concerning the special assessments for the 2013 Sidewalk, Curb & Gutter District #13-11. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Brubakken moved a Resolution to approve the special assessments on 2013 Sidewalk, Curb & Gutter District #13-11, in the total amount of \$45,237.10, with the City Share-Departments at \$44,685.87, and benefited properties to be assessed in the amount of \$551.23. Seconded by Council Member Gumke. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the plat of Country Side Estates, a Replat of City West Subdivision. Seconded by Council Member Brubakken. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the plat of Witzig's Fourth Addition, Lot 1, Block 1, within the NE 1/4 of Section 34, T140N, R64W. Seconded by Council Member Buchanan. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the plat of Hammer Addition. Seconded by Council Member Brubakken. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to approve the addition of 10<sup>th</sup> St NE between 5<sup>th</sup> Ave NE & 12<sup>th</sup> Ave NE to the Snow Emergency Route. Seconded by Council Member Kourajian. Roll Call No. 6 showed: 1 aye, 4 nays (Andersen, Gumke, Brubakken & Kourajian), 0 absent. Not Carried.

Council Member Gumke excused himself.

Council Member Kourajian moved a Resolution to award the bid to Budget Auto Sales & Service for the sale of a 2001 Dodge, Caravan, (VIN 2B4GP44301R341506), in the amount of \$1,271.00. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved a Resolution to award the bid to Budget Auto Sales & Service for the sale of a 2004 Dodge, Intrepid, (VIN 2B3HD46R24H684654), in the amount of \$612.00. Seconded by Council Member Brubakken. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Gumke seated himself.

A public hearing was held concerning an ordinance to amend Ordinance No. 329 by amending the District Map to change the zoning of a tract of land located in the NW Quarter of Section 2, Township 139 North, Range 64 West (Menards Site) from P-O-C (Public Open Development & Conservation District) to C-2 (General Commercial District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1438, introduced by Council Member Gumke, to amend Ordinance No. 329 by amending the District Map to change the zoning of a tract of land located in the NW Quarter of Section 2, Township 139 North, Range 64 West (Menards Site) from P-O-C (Public Open Development & Conservation District) to C-2 (General Commercial District), had its second reading. Seconded by Council Member Brubakken. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1439, introduced by Council Member Brubakken, to amend Appendix C, Section 5.8, of the City Code pertaining to uses permitted, M-1 Districts had its second reading. Seconded by Council Member Gumke. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Tim Burchill, CEO—Ave Maria Village, appeared before the City Council to state concerns with the snow emergency routes and maintenance.

Mayor Andersen moved to appoint Brian Kilzer to serve as a member on the Board of Adjustments for a three year term to expire January 2017. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Gumke moved to appoint Ashley Lies as an Assistant City Attorney. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Gumke moved a Resolution to approve the request from the Wonder Bar Sports Bar for a street dance permit to close the west end of 100 Block/2<sup>nd</sup> St SW on July 25, from 8PM to 2AM, July 26, 2014. Seconded by Council Member Kourajian. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

The City Council recessed at 5:37 PM and reconvened at 5:41 PM.

John Shockley, from the Ohnstad Twichell firm, provided an overview of the procedure and documents involved with the public hearing for a Renewal and Development Plan for the City of Jamestown and a proposed Developer's Agreement with Menard, Inc.

Council Member Gumke moved to open the public hearing for a Renewal and Development Plan for the City of Jamestown and a proposed Developer's Agreement with Menard, Inc. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Dwaine Heinrich, 114 1<sup>st</sup> Ave South, and Clarice Liechty, 511 8<sup>th</sup> Street SW, appeared before the City Council to ask questions relative to the proposed agreements.

Council Member Brubakken moved to close the public hearing. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Gumke moved a Resolution to create Tax Increment District No. 2014-1 of the City of Jamestown. Seconded by Council Member Brubakken. Roll Call No. 12 showed: 4 ayes, 1 nay (Buchanan), 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve the City of Jamestown Renewal and Development Plan of 2014. (Menard, Inc.) Seconded by Council Member Gumke. Roll Call No. 13 showed: 4 ayes, 1 nay (Buchanan), 0 absent. Carried.

Council Member Gumke moved a Resolution to approve a Development Agreement between the City of Jamestown and Menard, Inc. Seconded by Council Member Brubakken. Roll Call No. 14 showed: 3 ayes, 2 nays (Buchanan & Kourajian), 0 absent. Carried.

Council Member Gumke moved a Resolution to approve a Developer's Incentive Agreement between the City of Jamestown and Menard, Inc. Seconded by Council Member Brubakken. Roll Call No. 15 showed: 3 ayes, 2 nays (Buchanan & Kourajian), 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