

JAMESTOWN CITY COUNCIL
REGULAR MEETING, JULY 7, 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 final council meeting, June 24, 2014, and minutes of the organizational council meeting, June 24, 2014. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

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

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

- A. Resolution to approve Payment No. 1, to Strata Corporation, for construction on 2014 Sidewalk, Curb & Gutter District #14-11, in the amount of \$900.22.
- B. Resolution to approve Payment No. 2, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction & Reconstruction District #14-41, in the amount of \$198,803.59.
- C. Resolution to approve Payment No. 2 (Inv 1477965), to ND Department of Transportation, for Jamestown Land Use & Transportation Plan, Project SPR-P032(002), in the amount of \$3,035.03.
- D. Resolution to approve Payment No. 2 (Inv 2807), to Apex Engineering Group, Inc., for Jamestown Wastewater Consulting Services (CHS), in the amount of \$2,076.50.
- E. Resolution to approve Payment No. 2, to Nill Construction, Inc., for construction on Jamestown City Hall Cooling Tower Replacement, in the amount of \$86,999.36.
- F. Resolution to approve Payment No. 3, to RTS Shearing, LLC, for Paving, Water & Sewer District #13-42, 13-63 & 13-33, (3rd St NE Improvements--25th to 27th Ave), in the amount of \$41,131.83.
- G. Resolution to approve Payment No. 4 (Inv No. 4286), to Prairie Engineering, P.C., for Jamestown City Hall Cooling Tower Replacement, in the amount of \$1,847.50.
- H. Resolution to approve Payment No. 5 (Inv No. 08387.00-5), to SRF Consulting Group, Inc., for Jamestown Planning and Zoning Technical Services, in the amount of \$6,051.90.
- I. Resolution to approve Payment No. 7 (Inv No. 5229488106R), to Energy Services Group, LLC, for the Jamestown Civic Center Energy Services Agreement, in the amount of \$163,077.00.
- J. Resolution to approve Payment No. 7 (Inv No. 183297-07), to CB & I, Inc., for construction on Elevated Welded Steel Tank Water Storage Reservoir, DWSRF Project No. 4700498-04, in the amount of \$95,830.00.

- K. Resolution to approve Payment No. 7 (Inv No. 38746), to AE2S, for engineering services on Infrastructure I&C Support, in the amount of \$2,210.50.
- L. Resolution to approve Payment No. 9, 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 \$595,362.75.
- M. Resolution to approve Payment No. 9 (Inv No. 38747), to AE2S, for On Call engineering services (Water Utility), in the amount of \$8,900.16.
- N. Resolution to approve Payment No. 15 (Inv No. 38745), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$85.50.
- O. Resolution to approve Payment No. 4 (Inv No. 18916), to Interstate Engineering, Inc., for engineering services on (3rd St NE) Paving, Water & Sewer District #13-42, 13-63 &13-33, in the amount of \$2,590.54.
- P. Resolution to approve Payment No. 4 (Inv No. 18919), to Interstate Engineering, Inc., for engineering services on Water System Improvements to serve City Water to GRE, in the amount of \$9,741.42.
- Q. Resolution to approve Payment No. 9 (Inv No. 18915), to Interstate Engineering, Inc., for engineering services on the Sanitary Landfill Expansion, in the amount of \$1,990.00.
- R. Resolution to approve Payment No. 13 (Inv No. 18917), to Interstate Engineering, Inc., for engineering services on 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$64,471.56.
- S. Resolution to approve Payment No. 15 (Inv No. 18918), to Interstate Engineering, Inc., for engineering services on 2012 Water Tower & Distribution System Improvements, in the amount of \$34,728.80.
- T. 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.
- U. Resolution to allow the June indebtedness in the amount of \$1,900,665.59 consisting of \$470,983.55 payroll and \$1,429,682.04 general obligations.

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

Council Member Buchanan moved a Resolution to approve Amended Contingency Change Order Request No. 2, to Energy Services Group, in the amount of \$3,427.00, on the Jamestown Civic Center Energy Services Agreement Project. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 4 ayes, 1 nay (Brubakken), 0 absent. Carried.

Council Member Brubakken moved a Resolution to authorize the issuance and sale of \$910,000.00 in Water Treatment Revenue Bonds, Series 2014, for improvements to the Water Treatment Facility. Seconded by Council Member Gumke. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to award the bid for McElroy Addition, Phase II, Utility and Street Improvement District #14-51, to Northern Excavating, in the amount of \$221,948.50. Seconded by Council Member Gumke. Roll Call No. 4 showed: 4 ayes, 1 nay (Brubakken), 0 absent. Carried.

Council Member Buchanan moved to introduce the first reading of an ordinance to amend Ordinance No. 329 by amending the District Map to change the zoning of Lot 2, Block 1, Hammer Addition; Lots 5-11, Block 1, Homestead III Addition; Lots 1 & 2, Block 2, Homestead III and Lots 7, 8, 9, Block 6, Homestead Addition, from R-1 (One Family Residential District) to P-O-C (Public, Open Development and Conservation District).

A public hearing was held concerning an ordinance to amend Ordinance No. 329 by amending the District Map to change the zoning of the East 81 feet of Lots 2 and 4, Block 2, Hi-View Second Addition, from M-1 (Limited Industrial and Manufacturing District) to C-2 (General Commercial District) and an unplatted 18.46 acre tract of land in the Southeast Quarter of Section 23, Township 140N, Range 64W; bordered on the east by Fifth Northwest and Second Northwest Additions, and on the west by Fourth Northwest, First Northwest, Hi-View, and Hi-View 2nd Additions, from R-1 (One Family Residential District) to C-2 (General Commercial District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1440, introduced by Council Member Brubakken, to amend Ordinance No. 329 by amending the District Map to change the zoning of the East 81 feet of Lots 2 and 4, Block 2, Hi-View Second Addition, from M-1 (Limited Industrial and Manufacturing District) to C-2 (General Commercial District) and an unplatted 18.46 acre tract of land in the Southeast Quarter of Section 23, Township 140N, Range 64W; bordered on the east by Fifth Northwest and Second Northwest Additions, and on the west by Fourth Northwest, First Northwest, Hi-View, and Hi-View 2nd Additions, from R-1 (One Family Residential District) to C-2 (General Commercial District), had its second reading. Seconded by Council Member Gumke. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning an ordinance to amend Ordinance No. 329 by amending the District Map to change the zoning of Lots 2-12, Block 3; Lots 7-14, Block 4; Lots 7-14, Block 5; and Lots 7-10, Block 6; All of Country Side Estates Subdivision (A replat of City West Subdivision), from C-2 (General Commercial District) and R-1 (One Family Residential District) to R-2 (One to Six Family Residential District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1441, introduced by Council Member Gumke, to amend Ordinance No. 329 by amending the District Map to change the zoning of Lots 2-12, Block 3; Lots 7-14, Block 4; Lots 7-14, Block 5; and Lots 7-10, Block 6; All of Country Side Estates Subdivision (A replat of City West Subdivision), from C-2 (General Commercial District) and R-1 (One Family Residential District) to R-2 (One to Six Family Residential District), had its second reading. Seconded by Council Member Kourajian. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1442, introduced by Council Member Gumke, to amend and re-enact Section 11-15 of the City Code by removing the position of the Fire Training Officer as an exempt employee for overtime purposes, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1443, introduced by Council Member Kourajian, to amend and re-enact Section 15.26, 15-26.1 and 15-26.3 of the City Code pertaining to the Fire Code, had its second reading. Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Danielle Schmidt, 516 10th St SW, appeared before the City Council to request consideration in reducing the time period in which fireworks are allowed to be set off in city limits. The item will be placed on the July 22, Finance & Legal Committee agenda for further discussion.

Council Member Gumke moved a Resolution to approve Change Order No. 10, to Sellin Brothers, Inc., on the Wastewater and Lift Station Replacement and Force Main Improvements Project, Phase II – Force Main & Gravity Sewer, Districts 13-31 & 13-32 (CWSRF No. 380808-06), balancing quantities and additional surfacing work, for an increase in the contract price of \$38,910.40. Seconded by Council Member Brubakken. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve Payment No. 7 & Final, 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 \$347,723.14. 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 the extension to KLM Engineering proposal for Inspection Services on the New 750,000 Gallon Elevated Water Tower. Seconded by Council Member Buchanan. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Discussion was held concerning proposals received for construction of water service lines to Aggregate Industries and having a contract in place between the City and Aggregate Industries.

Council Member Buchanan moved to table the proposals to a future special city council meeting to be held when contract documents are available. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Kourajian moved a Resolution to approve Payment No. 3 (Inv 2920), to Apex Engineering Group for wastewater consulting on the CHS Project, in the amount of \$2,519.00. Seconded by Council Member Gumke. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to correct the previous Resolution adopted June 24, 2014, to read as follows: To accept the proposal from Midwest Testing to perform soil borings on the current Paving District #14-41 and on 5th Street NE, in the amount of ~~\$4,300.00~~, \$4,900.00 with the costs on the two project areas to be itemized. Seconded by Council Member Gumke. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the request from the All Vets Club for a permit to conduct a street dance on 1st Street East, Saturday, July 26, 2014, from 8:00 PM to 12:00 Midnight. Seconded by Council Member Brubakken. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

The City Council received information relative to the Marvel Homes Flex PACE Loan approved on June 24, 2014, and concerns with compliance of Stormwater Regulations.

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

ATTEST:
JEFF FUCHS, City Administrator

APPROVED:
KATIE ANDERSEN, Mayor