

JAMESTOWN CITY COUNCIL
REGULAR MEETING, AUGUST 4, 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 and City Administrator Fuchs. Absent: City Engineer Schwartzkopf.

Council Member Buchanan moved to approve the minutes of the regular council meeting, July 7, 2014; minutes of the special council meeting, July 24, 2014; and minutes of the committee meetings, July 22 and 24, 2014. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

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

- A. Resolution to re-affirm pledges of deposit as follows: Unison Bank - \$13,577,064.61; Wells Fargo Bank - \$7,656,157.49.
- B. Resolution to approve the request from JSDC to provide Jamestown Row Homes with a \$43,000 Flex PACE interest buy-down from the Economic Development Fund with the City Share to be \$34,400 and paid from the City Sales Tax Fund.
- C. Resolution to approve the request from the JSDC for \$25,000 matching funds from the Economic Development Fund for a ND Department of Commerce Partners in Marketing grant with \$15,000 used for Workforce Recruiting and \$10,000 used for a marketing campaign for the JSDC South Park in Spiritwood Township, with the City Share to be \$22,500 and paid from the City Sales Tax Fund.
- D. Resolution to approve the 2014-2016 JSDC Strategic Plan.
- E. Resolution to approve the request from the Jamestown Hockey Booster Club, Inc., for a gaming site authorization for an event to be held at the Gladstone Inn, February 4th, 2015.
- F. Resolution to approve the request from the Buffalo City Rotisserie Grill to conduct a street dance on 1st Street East from 1st Ave South east to the entrance of the parking lot, on September 20, 2014.
- G. Resolution to approve various amended clerical job descriptions and the associated salary range consolidations of Secretary I, Secretary II, Secretary III and Administrative Assistant.
- H. Resolution to establish the monthly premium rates for the City of Jamestown Employee Group Health Plan for the fiscal year September 1, 2014 – August 31, 2015, as follows:

	<u>City Share</u>	<u>Employee Share</u>	<u>Total</u>
Single Plan	\$504.47	-0-	\$504.47
Single Plus Dependent	\$575.95	\$280.24	\$856.19
Family Plan	\$640.70	\$611.54	\$1,252.24
- I. Resolution to approve the plat of Jamestown Court Rowhomes Addition, a replat of Jamestown Original Addition, Lot 9, Block 41, and Lots 3-5 and Lots 7,8, and the South 50' of Lot 9, Block 42, contingent on the Quiet Title action being satisfied.
- J. Resolution to approve the plat of Witzig's 5th Subdivision.

- K. Resolution to award the bid for the East Business Loop Landscaping Project TEU-2-987(038)042 to Hoffman & McNamara Company, in the amount of \$104,495.00, with the local share of \$20,880.70 to be paid by \$5,000.00 from the City Beautification Committee and \$15,880.70 from the City General Fund.
- L. Resolution to approve a change order to Seal Coat, Patching, Construction & Reconstruction District #14-41, and accepting a petition to pave the alley in the 800 block between 2nd & 3rd Ave SE, Block 82, Klaus 3rd Addition.
- M. Resolution to authorize advertising for bids relating to hydrological drilling for the Jamestown Sanitary Landfill Expansion Project.
- N. Resolution to waive the assessment of liquidated damages against Swanberg Construction, Inc., on the Wastewater Lift Station Replacement & Force Main Improvements Project, Phase 1, District 12-32.
- O. Resolution to approve Change Order No. 4, to Swanberg Construction, Inc., for Wastewater Lift Station Replacement & Force Main Improvements Project, Phase 1, District 12-32, for an increase in the contract price of \$15,018.46.
- P. Resolution to approve Change Order No. 5, to Swanberg Construction, Inc., for Wastewater Lift Station Replacement & Force Main Improvements Project, Phase 1, District 12-32, for an increase in the contract price of \$8,542.71.
- Q. Resolution to approve Payment No. 1 (Inv No. 1416.01-1), to Artekta, Inc., for engineering services on Jamestown Civic Center Seating Replacement Project, in the amount of \$5,594.41.
- R. Resolution to approve Payment No. 3, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction & Reconstruction District #14-41, in the amount of \$428,550.98.
- S. Resolution to approve Payment No. 3 (Inv 1491652), to ND Department of Transportation, for Jamestown Land Use & Transportation Plan, Project SPR-P032(002), in the amount of \$31,921.02.
- T. Resolution to approve Payment No. 4, 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 \$22,427.69.
- U. Resolution to approve Payment No. 6 (Inv No. 08387.00-6), to SRF Consulting Group, Inc., for Jamestown Planning and Zoning Technical Services, in the amount of \$4,801.31.
- V. Resolution to approve Payment No. 7 (Inv No. 7), to Joseph P. Larrivee, for engineering services on Jamestown Fire Station Re-roofing Project, in the amount of \$7,096.72.
- W. Resolution to approve Payment No. 8 (Inv No. 5229821600R), to Energy Services Group, LLC, for the Jamestown Civic Center Energy Services Agreement, in the amount of \$129,745.00.
- X. Resolution to approve Payment No. 8 (Inv No.39100), to AE2S, for engineering services on Infrastructure I&C Support, in the amount of \$12,890.10.
- Y. Resolution to approve Payment No. 10, 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 \$207,701.27.

- Z. Resolution to approve Payment No. 10 (Inv No. 39101), to AE2S, for On Call engineering services (Water Utility), in the amount of \$6,993.04.
- AA. Resolution to approve Payment No. 16 (Inv No. 39099), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$641.25.
- BB. Resolution to approve Payment No. 5 (Inv No. 19225), to Interstate Engineering, Inc., for engineering services on Water System Improvements to serve City Water to GRE, in the amount of \$4,137.00.
- CC. Resolution to approve Payment No. 14 (Inv No. 19223), to Interstate Engineering, Inc., for engineering services on 2012 Lift Station and Sewer System Improvements, District 12-32, in the amount of \$4,880.64.
- DD. Resolution to approve Payment No. 16 (Inv No. 19224R), to Interstate Engineering, Inc., for engineering services on 2012 Water Tower & Distribution System Improvements, in the amount of \$31,110.63.
- EE. Resolution to approve Payment No. 53 (Inv No. 19226), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Sewer Dept), in the amount of \$172.50.
- FF. Resolution to approve Payment No. 54 (Inv No. 19227), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Solid Waste Dept), in the amount of \$6,877.44.
- GG. 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.
- HH. Resolution to allow the July indebtedness in the amount of \$3,566,893.84 consisting of \$461,432.25 payroll and \$3,105,461.59 general obligations.

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

Council Member Buchanan moved to adopt a Resolution of recognition and condolences for the passing of Deputy Fire Chief Gerald (Jerry) Kainz. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved to adopt a Resolution of recognition and condolences for the passing of Water Treatment Plant Operator Randy Sarbaum. Seconded by Council Member Brubakken. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the application of Buffalo Holdings, LLC, for property tax relief for a hotel project to be located at 2400 10th Avenue SW.

Darren Trudeau, Pace Lodgings representative, appeared before the City Council to summarize the proposed development in SW Jamestown, a Marriott franchise--108 unit Fairfield Inn & Suites.

Clarice Liechty, 511 8th St SW, spoke in support of the property tax exemption for Buffalo Holdings, LLC.

Letters of opposition were received from Gladstone Inn & Suites and Quality Inn & Suites.

J.R. Lang, Two Rivers Inn, appeared before the City Council to state his opposition to the property tax exemption for Buffalo Holdings, LLC.

The hearing was closed.

Council Member Buchanan moved to table, to a later date pending negotiation, the request of Buffalo Holdings, LLC, for property tax relief for a hotel project to be located on a portion of Block 6, Buffalo Mall Subdivision, 2400 10th Avenue SW. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Kourajian moved a Resolution to approve Change Order No. 1, to Swanberg Construction, Inc., for the Pump Stations Improvement Project, for an increase in the contract price of \$8,825.60. Seconded by Council Member Buchanan. Roll Call No. 4 showed: 4 ayes, 1 nay (Andersen), 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve Payment No. 1, to Swanberg Construction, Inc., for construction on Pump Station Improvements, DWSRF Project No. 4700498-05, in the amount of \$449,100.00. Seconded by Council Member Gumke. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved to table the 7/24/2014 Council meeting item concerning any decisions pending providing additional clay materials, beyond those which may be exchanged for topsoil, pending information from the City Attorney relative to sale of city commodities and determination of market rates for clay. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Gumke moved to waive the irregularity of George Abell Construction bid received for the Jamestown Civic Center Seating Replacement Project and to open the bid. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

The bid from George Abell Construction was opened and read, in the amount of \$439,205.00, for the Jamestown Civic Center Seating Replacement Project. One other bid, opened earlier at bid opening, was from Tutt Construction Inc., in the amount of \$466,490.00.

Council Member Brubakken moved to table action on the bids received for the Jamestown Civic Center Seating Replacement Project, pending review by the architect for the project. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Ordinance No. 1431, introduced by Council Member Kourajian, to enact Section 5-39 of the City Code pertaining to temporary special alcohol permits, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 6 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 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). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1444, introduced by Council Member Buchanan, 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), had its second reading. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Representatives from the Buffalo City Rotisserie Grill appeared to update the City Council on the upcoming event scheduled for September 20, 2014, relative to Item F of the consent agenda items approved earlier.

Mayor Andersen moved to approve the appointment of Donald Frye and Michael Rhinehart to serve as members of the Planning Commission for five (5) year terms, to expire August 2019. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

One open seat remains on the Planning Commission and will be advertised with upcoming openings on various committees.

Council Member Brubakken moved a Resolution to approve the request from ND 125th Celebration for a street dance permit to be held at the Frontier Village, on August 9, 2014, from 7:00 PM to 11:00 PM. Seconded by Council Member Kourajian. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve the request from Paul & Janel Monson for a permit to pasture three (3) horses at 1900 3rd Avenue SE, Lots 1 – 6, Block 11, and All Block 20, plus vacated alleys & 20th St adjacent to Blocks 11 and 20, Atkinson & Pannell Addition, subject to 90 day termination notice. Seconded by Council Member Gumke. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve Payment No. 1 & Final (Inv 201402.2), to Nill Construction, Inc., for construction on Jamestown Civic Center Exterior Concrete Steps-Platform, in the amount of \$40,210.00. Seconded by Council Member Kourajian. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to allow the placement of a life size firefighter statue at the Main Fire Station, 209 2nd Avenue NW, with no cost to the City. Seconded by Council Member Gumke. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved to allow discussion of the fireworks ordinance. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Buchanan moved a Resolution to introduce an ordinance to amend and re-enact Section 15-33 to limit detonation of fireworks on July 1st through 5th, from 12:00 Noon to 11:00 PM, with the exception on July 4 from 12:00 Noon to 1:00 AM on July 5th. Seconded by Council Member Kourajian. Roll Call No. 12 showed: 2 ayes, 3 nays (Brubakken, Andersen, & Gumke). NOT CARRIED.

Council Member Gumke moved a Resolution to allow the sale and detonation of fireworks on July 1st through 5th, from 12:00 Noon to 11:00 PM, with the exception on July 4 from 12:00 Noon to 1:00 AM on July 5th, and to place the question on the ballot for voters. Seconded by Council Member Brubakken.

Council Member Gumke moved to amend the motion to allow the sale and detonation of fireworks on July 1st through 5th, from 12:00 Noon to 11:00 PM, with the exception on July 4th from 12:00 Noon to 1:00 AM on July 5th; and to hold further discussion on the ballot initiative at a special city council meeting, August 19, 2014. Seconded by Council Member Brubakken. Roll Call No. 13 on the motion, as amended, showed: 5 ayes, 0 nays, 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