

JAMESTOWN CITY COUNCIL
REGULAR MEETING, JANUARY 5, 2015
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, Gumke, 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, December 1, 2014, as printed. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Buchanan indicated a correction for the committee minutes of December 18, 2014, that the raffle permit motion should be seconded by Council Member Kourajian.

Council Member Gumke moved to approve the minutes of the committee meeting, December 18, 2014, with the correction. Seconded by Council Member Brubakken. 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 re-affirm pledges of deposit as follows:
Unison Bank - \$16,256,829.81; Wells Fargo Bank - \$12,607,375.76.
- B. Resolution to approve the following pertaining to Seal Coat, Patching, Construction & Reconstruction District #15-41:
 - 1) To set up and establish the district.
 - 2) To direct the City Engineer to prepare a report of the general nature, purpose and feasibility, and an estimate of costs for the district.
 - 3) To direct the City Engineer to prepare plans and specifications for construction of the district.
 - 4) To accept and approve the plans and specifications, as prepared by the City Engineer, for construction of the District.
 - 5) To declare it necessary to construct the district and to direct the City Administrator to publish notice of a public hearing concerning the district.
 - 6) To direct the City Administrator to advertise for bids for construction of the district.
- C. Resolution to approve the request from Ben Pesek Properties, LLC for a Flex PACE Interest Buy-down of up to \$43,000 in Economic Development Funds with the City Share to be up to \$34,400, and paid from the City Sales Tax Fund.
- D. Resolution to approve the request from Tanata Enterprises, Inc., dba Frontier Fort Bar & Grill, to switch from a Class D On-Sale alcoholic beverage license to a Class C On/Off Sale alcoholic beverage license.
- E. Resolution to approve the Water, Sewer, Sanitation and Solid Waste Utility rates schedules, to be effective January 1, 2015.
- F. Resolution to authorize entering into a Memorandum of Understanding with Cavendish Farms relative to Wastewater Rates to be charged for 2015.
- G. Resolution to approve the request from Relay for Life to place a ribbon around the Buffalo Sculpture the first week in June prior to the Relay for Life Event subject to completion of an indemnification agreement.

- H. Resolution to recognize the RSVP+ND as an other public spirited organization and to authorize the issuance of a raffle permit retroactive to December 5, 2014.
- I. Resolution to approve the final plat of Dabill Addition, a replat of Lot 19, Beverly Hills 3rd Addition and Lots 1 and 2, Block 2, Beverly Hills 6th Addition. (701 and 703 12th St SW and 1210 7th Ave SW).
- J. Resolution to direct the City Attorney to develop a draft ordinance requiring traffic impact studies for certain proposed developments within the City of Jamestown.
- K. Resolution to authorize advertising for bids for a new Portable Basketball Floor and Back Stops for the Civic Center.
- L. Resolution to authorize the solicitation of Requests for Qualifications for engineering services for a Sand Filter Bay Reconstruction Project in the Water Treatment Plant.
- M. Resolution to authorize the solicitation of Requests for Qualifications for engineering services for the Cavendish Water Tank Interior Coating Repair.
- N. Resolution to authorize entering into a Planned Maintenance Proposal Agreement with Cummins NPower LLC for maintenance on the new generator for Lift Station No. 9 in the Business Center Parking Lot.
- O. Resolution to authorize the execution of the following documents:
 - 1) An Initiation of Operation document related to Wastewater & Lift Station Replacement & Force Main Improvements Project Phase 1 – Lift Station Replacement; and
 - 2) An Acceptance & Certification document relating to Wastewater & Lift Station Replacement & Force Main Improvements Project Phase 1 – Lift Station Replacement.
- P. Resolution to authorize the execution of the Final Completion Certificate with Sellin Bros. relating to the WTP Backwash Pond Pump Station & Force Main Improvement.
- Q. Resolution to authorize proceeding with engaging Jamestown Plumbing, Heating & A/C, Inc., for new area heating improvements at the City Street Shop based on their Proposal No. 2318, in the amount of \$17,054.86.
- R. Resolution to approve the request from the James River Joint Water Resource District for up to an additional \$1,500 for closing out the Corps of Engineers James River Study and to remit the \$7,000 originally agreed upon.
- S. Resolution to approve Change Order No. 3, to Sellin Bros., for the WTP Backwash Pond Pump Station & Force Main Improvements Project, for a net decrease in the contract price of \$1,200.00.
- T. Resolution to approve Payment No. 1, to George Abell Construction, for the Jamestown Civic Center Seating Replacement Project, in the amount of \$216,289.66.
- U. Resolution to approve Payment No. 2 (Inv 41157), to AE2S, for engineering services on Baler Facility Repair and Assessment, in the amount of \$3,555.00.
- V. Resolution to approve Payment No. 2 (Inv T590762), to Midwest Testing Laboratory, Inc., for Jamestown Sanitary Landfill SW-213 Borings and Monitoring Well Installation, in the amount of \$20,497.75.

- W. Resolution to approve Payment No. 4 & Final, to Sellin Bros., for the WTP Backwash Pond Pump Station & Force Main Improvements, in the amount of \$27,942.55.
- X. Resolution to approve Payment No. 4 (Inv 3375), to Apex Engineering Group, Inc., for Jamestown Wastewater Consulting Services (CHS), in the amount of \$4,372.00.
- Y. Resolution to approve Payment No. 5 (Inv 1534656), to ND Department of Transportation, for Jamestown Land Use & Transportation Plan, Project SPR-P032(002), in the amount of \$11,348.21.
- Z. Resolution to approve Payment No. 11 (Inv 08387.00-11), to SRF Consulting Group, Inc., for Jamestown Planning and Zoning Technical Services, in the amount of \$3,478.16.
- AA. Resolution to approve Payment No. 13 (Inv 41140), to AE2S, for engineering services on Infrastructure I&C Support, in the amount of \$1,003.50.
- BB. Resolution to approve Payment No. 14 (Inv No. 41141), to AE2S, for On Call engineering services (MiscReqServ), in the amount of \$2,409.10.
- CC. Resolution to approve Payment No. 21 (Inv 41139), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$1,111.50.
- DD. 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.
- EE. Resolution to allow the December indebtedness in the amount of \$1,952,327.88 consisting of \$472,289.21 payroll and \$1,480,038.67 general obligations.

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

Council Member Gumke moved a Resolution to direct the City Attorney to review State statutes relative to joint powers agreements and special assessment districts within townships and to direct the City Administrator to prepare a report regarding potential funding opportunities in order to provide for a Storm Water Master Plan Study in the immediate vicinity of the City of Jamestown. Seconded by Council Member Buchanan. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request to vacate 13th Avenue NE from 4th Street NE to 5th Street NE, adjacent to Block 1, Solien & Denault Hi-Acres Addition, and Lots 1 & 2, Meadowlark Addition, to the City of Jamestown, Stutsman County, North Dakota.

A letter, dated 1/5/2015, was received from the Seventh-Day Adventist Church in support of the vacation of 13th Avenue NE/400 Block.

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

Council Member Buchanan moved a Resolution to approve the request to vacate 13th Avenue NE from 4th Street NE to 5th Street NE, adjacent to Block 1, Solien & Denault Hi-Acres Addition, and Lots 1 & 2, Meadowlark Addition, to the City of Jamestown, Stutsman County, North Dakota, subject to utility easements. Seconded by Council Member Kourajian. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request to vacate 11th Avenue NE/1400 Block, adjacent to Lot 6, Block 4, Leapaldt Addition, Replat of Block 4; Part of Lots 7 & 8 Less N.102.5' of W.233' & S.72.75' of N.175.25' of W.200', Replat of Lots 7 & 8, Block 4, Leapaldt Addition, Replat of Block 4; and Lot 1, Block 1, Leapaldt 2nd Addition, to the City of Jamestown, Stutsman County, North Dakota. No one appeared to object and no written protests were received. The hearing was closed.

Discussion was held regarding access concerns to future development in this area.

Council Member Brubakken moved to table, to the February 2, 2015, Council meeting, the request to vacate 11th Avenue NE/1400 Block, adjacent to Lot 6, Block 4, Leapaldt Addition, Replat of Block 4; Part of Lots 7 & 8 Less N.102.5' of W.233' & S.72.75' of N.175.25' of W.200', Replat of Lots 7 & 8, Block 4, Leapaldt Addition, Replat of Block 4; and Lot 1, Block 1, Leapaldt 2nd Addition, to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Gumke moved to table, to the January committee meeting, the request from Newman Signs to lease space for two (2) sign structures on Outlots A & B, Menards Addition. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Brubakken moved to table, to the January committee meeting, the request to enter into a CORS Host Agreement with Butler Machinery Company d/b/a MidStates VRS to attach a CORS Station at the Water Treatment Plant. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Brubakken moved to table, to the January committee meeting, the revised Catering Agreement for Alcohol Beverage Sales at the Jamestown Civic Center to include a revision of the fees. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Gumke moved a Resolution to approve payment of Invoice No. 120814, to Joseph P. Larrivee, Architects, P.C., for work related to the water damage at the Fire Hall, in the amount of \$1,908.00. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 329 by amending the District Map to change the zoning of Lot 1, Block 61, Klaus Second Addition, (503 2nd Ave SW) from R-2-A (One to Six Family Residential District) to C-2 (General Commercial District).

A letter, dated 12/18/2014, was received from Laurie Julian in opposition to the zone change of Lot 1, Block 61, Klaus Second Addition.

The hearing was closed.

Ordinance No. 1451, introduced by Council Member Buchanan, to amend and re-enact Ordinance No. 329 by amending the District Map to change the zoning of Lot 1, Block 61, Klaus Second Addition, (503 2nd Ave SW) from R-2-A (One to Six Family Residential District) to C-2 (General Commercial District), had its second reading. Seconded by Council Member Gumke. Roll Call No. 5 showed: 4 ayes, 1 nay (Andersen), 0 absent. Carried.

Nellie Degen submitted a letter from the ND Fraternal Order of Police James/Valley Regional Lodge #4 which introduced her as the official liaison for the organization.

Mayor Andersen moved to appoint Harvey Schuh to serve as a member of the **Board of Adjustment** for a three (3) year term to expire January 2018. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Mayor Andersen moved to appoint Trent Hillerud to serve as a member of the **Fire Code Board of Appeals** for a three (3) year term to expire November 2017. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Mayor Andersen moved to appoint Calvin Dupree to serve as a city representative member of the **Law Enforcement Center Governing Board** for a four (4) year term to expire December 2018. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Mayor Andersen moved to appoint Trent Sletto to serve as a member of the **Regional Airport Authority** for a five (5) year term to expire December 2019. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Buchanan moved to table, to the January committee meeting, the sale of the current portable basketball floor and backstops to Tom Tracy, in the amount of \$18,000.00 (\$12,000 floor and \$6,000 backstops). Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Gumke moved a Resolution to approve the NDDOT Project Submittal List, as prepared by the City Engineer, for FY 2015-2020, with the condition that the Council can choose to amend the Approved Project List after submittal and approval of the City's Land Use and Transportation Plan, tentatively scheduled for March/April of 2015. Seconded by Council Member Buchanan. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to reject the bid received for Storm Drain Cleaning and re-advertise the project. Seconded by Council Member Buchanan.

Discussion was held on the timeline for the project and the option of waiting until 2016.

Roll Call No. 7 on the motion showed: 2 ayes, 3 nays (Gumke, Kourajian, and Andersen), 0 absent. Not Carried.

Council Member Gumke moved a Resolution to award the bid for the Storm Drain Cleaning Project to Scherbenske, Inc., in the amount of \$190,800.00. Seconded by Council Member Kourajian. Roll Call No. 8 showed: 3 ayes, 2 nays (Brubakken and Buchanan), 0 absent. Carried.

Council Member Gumke moved a Resolution to approve the request from KSSG3, LLC, for an On Sale Beer, Wine and Sparkling Wine license at 2403 Highway 281 South, for the period ending December 31, 2015. Seconded by Council Member Kourajian. Roll Call No. 9 showed: 4 ayes, 1 nay (Buchanan), 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

KATIE ANDERSEN, Mayor