

JAMESTOWN CITY COUNCIL
REGULAR MEETING, JULY 6, 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 Ryan, City Engineer Schwartzkopf and City Administrator Fuchs.

Council Member Buchanan moved to approve the minutes of the regular council meeting, June 1, 2015; minutes of the special council meetings, June 8 and 23, 2015; minutes of the committee meetings, June 23 & 25, 2015; minutes of the Special Assessment Commission, June 4, 2015. Seconded by Council Member Gumke. Unanimous aye. Carried.

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

- A. Resolution to authorize the City to accept the transfer from JSDC of the remaining unsold lots in the I-94 Business Park, subject to continued oversight by the JSDC Real Estate Committee.
- B. Resolution to approve the sale of Lots 1, 2 and 3, Block 1, in the I-94 Business Park Addition, to JEDS LLC, building on behalf of Magnum LTL, Inc., at a price of \$1/square foot or \$221,721.
- C. Resolution to approve and authorize entering into a five (5) year lease renewal with the Frontier Village Association.
- D. Resolution to approve the request from the Jamestown Hockey Booster Club, Inc., for a gaming site authorization in Banquet Rooms 1, 2 and 3 at Shady's at Gladstone Inn & Suites Conference Center on February 17, 2016.
- E. Resolution to approve and authorize entering into an engineering agreement with AE2S for the Jamestown Stormwater Utility Feasibility Study.
- F. Resolution to establish the monthly premium rates for the City of Jamestown Employee Group Health Insurance Plan for the fiscal year September 1, 2015 – August 31, 2016, as follows:

	<u>City Share</u>	<u>Employee Share</u>	<u>Total</u>
Single Plan	\$529.12	-0-	\$529.12
Single Plus Dependent	\$619.36	\$280.24	\$899.60
Family Plan	\$704.80	\$611.54	\$1,316.34

- G. Resolution to approve the revised job descriptions for the following positions in the Police Department: 1) Assistant Chief of Police; 2) Police Captain (Investigation); 3) Police Lieutenant.
- H. Resolution to approve the final plat of Dakota Acres First Subdivision, a replat of Lots 1-4, Block 1; Lots 1-4, Block 2; and Lots 1-3, Block 3, Joos' First Subdivision and an unplatted portion of the East ½ of Section 13, Township 140N, Range 64W.
- I. Resolution to authorize the removal of the 1st Street and 1st Avenue traffic controller from the Traffic Controller RFP due to BNSF Safety Project Implications.

- J. Resolution to authorize the City Attorney and City Engineer to hold discussion with Bloom Township officials and private property owner(s) relative to a proposed roadway easement adjacent to Scherbenske Industrial Addition (27th Avenue SE).
- K. Resolution to deny Jefferson Bus Lines access across and through the City Hall parking lot (west side).
- L. Resolution to award the bid to Scherbenske, Inc., for the construction of Sanitary Landfill Cell 3BW at the Municipal Solid Waste Landfill, in the amount of \$317,115.00, contingent on approval from the ND State Health Department.
- M. Resolution to approve Change Order No. 1, to the Energy Services Agreement at the Civic Center to reduce the excess contingency Fund, in the amount of \$65,350.00.
- N. Resolution to approve Change Order No. 3 & Final to Swanberg Construction, Inc., for construction on the Pump Station Improvements Project, DWSRF Project No. 4700498-05, for a net increase in the contract price of \$15,680.29.
- O. Resolution to approve Payment No. 1 (Inv 1594356), to ND Department of Transportation, for Jamestown East Business Loop Landscaping Project No. TEU-2987(038)042, in the amount of \$24,270.22.
- P. Resolution to approve Payment No. 1 (Inv 005090), to Wells Concrete, for services on the Jamestown Baler Facility Repair Project, in the amount of \$5,700.00.
- Q. Resolution to approve Payment No. 1 (Inv 1) to WSB & Associates, Inc., for engineering services on the 1.5MG Elevated Water Tower Rehabilitation, in the amount of \$3,164.50.
- R. Resolution to approve Payment No. 2 (Inv 2) to WSB & Associates, Inc., for engineering services on the 1.5MG Elevated Water Tower Rehabilitation, in the amount of \$3,289.88.
- S. Resolution to approve Payment No. 4 (Inv 08387.01-4), to SRF Consulting Group, Inc., for Jamestown Planning and Zoning Technical Services, Amendment No. 2, in the amount of \$8,961.05.
- T. Resolution to approve Payment No. 9 (Inv 1594353), to ND Department of Transportation, for Jamestown Land Use & Transportation Plan, Project SPR-P032(002), in the amount of \$13,868.64.
- U. Resolution to approve Payment No. 12 (Inv No. 5233105494R), to Energy Services Group, LLC, for the Jamestown Civic Center Energy Services Agreement, in the amount of \$109,623.00.
- V. Resolution to approve Payment No. 18 (Inv No. 43571), to AE2S, for engineering services on the Infrastructure I&C Support, in the amount of \$135.00.
- W. Resolution to approve Payment No. 18 (Inv No. 43572), to AE2S, for On Call engineering services, in the amount of \$1,172.85.
- X. Resolution to approve Payment No. 13 (Inv 23711), to Interstate Engineering, Inc., for engineering services on the Sanitary Landfill Expansion, in the amount of \$1,990.00.
- Y. Resolution to approve Payment No. 70 (Inv 23712), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Sanitary Sewer), in the amount of \$740.00.

- Z. Resolution to approve Payment No. 71 (Inv 23713), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Solid Waste), in the amount of \$868.91.
- AA. Resolution to approve Payment No. 10 (Inv 1596510), to ND Department of Transportation, for Jamestown Land Use & Transportation Plan, Project SPR-P032(002), in the amount of \$7,571.09.
- BB. Resolution to approve the request from Elks 995 for a dance permit to conduct a street dance on July 16, 2015, on 4th Street SW/2nd Ave west to alley and the Elks Parking Lot.
- CC. Resolution to approve the request from Elks 995 for a dance permit on July 24, 2015, in the Elks Parking Lot adjacent to building.
- DD. Resolution to approve the request from Corner Bar for a dance permit on July 25, 2015, on 2nd Street SW/1st Ave west to alley.
- EE. 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.
- FF. Resolution to allow the June indebtedness in the amount of \$1,560,232.07 consisting of \$477,121.24 payroll and \$1,083,110.83 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 proposed project and the issuance of University Facilities Revenue Bonds under the Municipal Industrial Development Act of 1955, Chapter 40-57, NDCC, in order to finance the cost of a project for the University of Jamestown. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Gumke moved a Resolution to approve the following, subject to bond counsel review:

- A. To authorize the issuance of University Facilities Revenue Bonds (University of Jamestown Project) Series 2015, in an amount not exceeding 2,000,000.00, under the Municipal Industrial Development Act of 1955, Chapter 40-57, NDCC, to finance the acquisition of a building located at 4190 26th Avenue South, Fargo, ND, by the University of Jamestown, providing classrooms, library, conference room, offices and functionally related and subordinate facilities;
- B. To approve and authorize entering into a Joint Powers Agreement with Cass County, North Dakota, relating to the \$1,820,000 University Facilities Revenue Bonds (University of Jamestown Project), Series 2015A;
- C. To approve the Loan Agreement between the City of Jamestown and the University of Jamestown, relating to the \$1,820,000 University Facilities Revenue Bonds (University of Jamestown Project), Series 2015A; and
- D. To approve the Assignment of Loan Agreement by the City of Jamestown, ND, to Bremer Bank, National Association for the University Facilities Revenue Bonds (University of Jamestown Project), Series 2015A.

Seconded by Council Member Brubakken. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the special assessment list for Seal Coat, Patching, Construction and Reconstruction District #14-41. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Gumke moved a Resolution to approve the special assessments for Seal Coat, Patching, Construction and Reconstruction District #14-41, in the total amount of \$1,953,814.49, with the City Share to be \$471,682.62, with the balance of \$1,482,131.87 to be assessed to benefited properties within the district. Seconded by Council Member Brubakken. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the special assessment list for McElroy Addition, Phase II, Paving, Water & Sewer District #14-42. 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 for McElroy Addition, Phase II, Paving, Water & Sewer District #14-42, in the total amount of \$256,290.07, with the Developer's Fee to be \$69,359.00, with the balance of \$186,931.07 to be assessed to benefited properties within the district. Seconded by Council Member Gumke. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the Final Draft of the Land Use and Transportation Plan. Marty Shukert, consultant with RDG, gave presentation and summary of the draft of the Land Use and Transportation to date.

Council Member Buchanan expressed concerns with 12th Ave NE and SE traffic impacting the residential area from Highway 20 and stated the objective is to get Highway 20 traffic located around the city.

Clarice Liechty, 511 8th St SW, questioned whether Stutsman County Commission approval of the plan was needed; and suggested east bound and west bound exit-only lanes on I-94 for traffic to and from the Jamestown Regional Medical Center.

K.C. DeBoer, Jamestown Regional Medical Center, indicated his support for the 20th Street connection to the JRMC to 25th St SW.

Jim Boyd, Chairman of Jamestown Regional Airport Authority, stated the Plan should have its own Project Manager to oversee the implementation progress.

The hearing was closed.

Council Member Brubakken moved a Resolution to approve and direct RDG/KLJ (consultants) to incorporate additional comments deemed appropriate from the Planning Commission, the City Council and the public and to proceed with finalizing of the Land Use and Transportation Plan. Seconded by Council Member Gumke. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to declare an emergency and approve a new contract for the proposal from Scherbenske, Inc., dealing with storm sewer and sanitary sewer repairs. Seconded by Council Member Buchanan. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved to table 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 Gumke. Unanimous aye vote. Carried.

Council Member Gumke moved to table the following items:

- A. Establish the sales price of a 60' X 240' parcel of city owned property near the South Side Fire Station; and
- B. The request of Pine Ridge Builders to purchase a 60' X 240' parcel of city owned property near the South Side Fire Station.

Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Gumke moved to introduce the first reading of an ordinance to enact Article V of Section 25.5 of the City Code pertaining to a City Sales Tax for the construction of the Two Rivers Activity Center.

Council Member Brubakken moved to introduce the first reading of an ordinance to amend and re-enact Section 6 of Appendix B of the City Code pertaining to filing fees for preliminary plats.

Council Member Gumke moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 of the City Code to amend the District Map to change the zoning of the proposed Lots 1-5, Block 1, and Lots 1-4, Block 2, Dakota Acres First Subdivision, from A-1 and R-1 to R-1 and for the proposed Lots 1-3, Block 3, Dakota Acres First Subdivision from P-O-C and R-1 to R-1.

Council Member Buchanan moved to introduce the first reading of an ordinance to amend the zoning ordinance for a revision of the definitions, allowed uses, and parking requirements for senior housing developments per the recommendations of SRF Consulting Group, Inc.

Council Member Kourajian moved to introduce the first reading of an ordinance to amend and re-enact Section 15-42 pertaining to group day care facilities.

Council Member Brubakken moved to introduce the first reading of an ordinance to amend Appendix C of the City Code to remove the authority granted to the Board of Adjustments under Section 10. (E.) 4 pertaining to varying the requirement of parking spacing required under Section 7, and that the authority be granted to the Planning Commission.

Ordinance No. 1459, introduced by Council Member Gumke, to amend and re-enact Section 5-25 of the City Code pertaining to restriction of licenses allowed to sell alcoholic beverages within 275 feet of any building used for religious worship services, public, private, or parochial school building or playground, or any child care facility as defined by Section 15-42, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1460, introduced by Council Member Brubakken, to amend and re-enact Section 11-15(6) of the City Code, pertaining to Civil Service, had its second reading. Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to recognize the Help for Hope and Healing (HHH) as an other public spirited organization and to authorize the issuance of a Raffle Permit on September 16, 2015, at the Knights of Columbus Hall. Seconded by Council Member Kourajian. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Casey Bradley, Stutsman County Auditor/CEO, submitted a letter and financial charts concerning the Stutsman County Correctional Center finances.

Council Member Brubakken moved to appoint Mayor Andersen and Council Member Gumke to serve as the City Council representatives on an Exploration Committee to proceed with developing solutions for the financial concerns of the Stutsman County Correctional Center and report back to County Commission and City Council with recommendations. Seconded by Council Member Buchanan. Unanimous aye vote. 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