

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, OCTOBER 3, 2016  
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 Phillips, Gumke, Brubakken and Buchanan, City Attorney Ryan, and City Administrator Fuchs.

Council Member Phillips moved to approve the minutes of the regular council meeting, September 6, 2016; special council meeting, September 30, 2016; committee meeting, September 20, 2016, and the special council meeting, September 27, 2016. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

No bids were received for the impounded/abandon vehicle.

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

- A. Resolution to approve the JSDC request from the South Central Dakota Regional Council request for 2017 dues, in the amount of \$35,869, with the City Share to be \$22,597 and paid for from the City Sales Tax Fund.
- B. Resolution to approve the final billing to RTS Shearing, in the amount of \$1,590.27 for the 2004 New Jobs Training loan.
- C. Resolution to approve the Land Use Plan Amendment for Lots 1 & 2 of Fairview First Subdivision, and the South 400' of the West 1690', less Highway 281 right-of-way, in the SW ¼ of Section 14, Township 140, Range 64 West, from Agricultural and Light Industrial Land Use to Commercial Land Use.
- D. Resolution to approve the request from the Police Department to allow payroll deduction for enrollment in the Professional Law Enforcement Association "Legal Defense Plan Coverage".
- E. Resolution to authorize obtaining an easement from the University of Jamestown and the design and construction of a detention storm water pond as part of the 5<sup>th</sup> Street NE Paving Project with the cost to be covered using the City Share of Specials.
- F. Resolution to approve the request from the Central Valley Health District to place signage promoting walking in the downtown area of the city.
- G. Resolution to begin contract negotiations with Renaissance Recycling, LLC, to provide for curbside and alley pickup of recyclables.
- H. Resolution to approve Payment No. 1 (Inv 49800), to AE2S, for engineering services on Jamestown Stormwater Utility Implementation, in the amount of \$12,003.63.
- I. Resolution to approve Payment No. 2, to Scherbenske Inc., for construction on SW Water Main Replacement District #16-62 (10 Blk area), in the amount of \$142,600.25.
- J. Resolution to approve Estimate No. 5 to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #16-41, in the amount of \$662,816.12.

- K. Resolution to approve Payment No. 8 (Inv 083887.02-8), to SRF Consulting Group, Inc., for Jamestown Planning and Zoning Technical Services, Amendment No. 3, in the amount of \$6,893.85.
- L. Resolution to approve Payment No. 19 (Inv 5503), to Apex Engineering Group, Inc., for Jamestown Wastewater Consulting Services (GRE), in the amount of \$858.00.
- M. Resolution to approve Payment No. 30 (Inv No. 49647), to AE2S, for On Call engineering services, in the amount of \$650.66.
- N. Resolution to approve Payment No. 32 (Inv 49646), to AE2S, for engineering services on the Infrastructure I&C Support, in the amount of \$135.00.
- O. Resolution to approve Payment No. 6 (Inv 28722), to Interstate Engineering, Inc., for engineering services on SW Water Main Replacement District #16-62 (10 Blk area), in the amount of \$27,190.80.
- P. Resolution to approve Payment No. 21 & Final (Inv 28745), to Interstate Engineering, Inc., for engineering services on the Sanitary Landfill Expansion, in the amount of \$6,265.00.
- Q. Resolution to approve Payment No. 121 (Inv 28724), to Interstate Engineering, Inc., for engineering services on various City Department consultations (General), in the amount of \$7,798.28.
- R. Resolution to approve Payment No. 122 (Inv 28725), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Streets), in the amount of \$2,226.60.
- S. Resolution to approve Payment No. 123 (Inv 28726), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Water), in the amount of \$2,790.70.
- T. Resolution to approve Payment No. 124 (Inv 28727), to Interstate Engineering, Inc., for engineering services on various City Department consultations (SolidWaste), in the amount of \$6,089.58.
- U. 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.
- V. Resolution to allow the September indebtedness in the amount of \$2,555,931.50 consisting of \$508,900.05 payroll and \$2,047,031.45 general obligations.
- W. Resolution to approve Payment No. 9 (Inv 9), to WSB & Associates, Inc., for engineering services on the 1.5MG Elevated Water Tower Rehabilitation, in the amount of \$751.00.

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

Council Member Brubakken moved a Resolution to approve Payment No. 3 (Inv 28723), to Interstate Engineering, Inc., for engineering services on 5<sup>th</sup> Street NE (12<sup>th</sup> Ave to 27<sup>th</sup> Ave NE), Sanitary Sewer, Storm Sewer and Water Improvements District #16-42, in the amount of \$33,184.80. Seconded by Council Member Gumke. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to award the bid to Ryan Development Inc., for the 5<sup>th</sup> Street NE (12<sup>th</sup> Ave to 27<sup>th</sup> Ave NE), Sanitary Sewer, Storm Sewer and Water Improvements District #16-42, in the amount of \$466,524.25. Seconded by Council Member Phillips. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips declared a conflict of interest as she currently is a board member of Jamestown Tourism.

Council Member Gumke moved to allow Council Member Phillips to participate in discussion and vote on the tourism agreement. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Gumke moved a Resolution to approve the renewal of the Jamestown Tourism Agreement and the Jamestown Tourism Public Site Lease. Seconded by Council Member Brubakken. Roll Call No.4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved to introduce an ordinance to repeal Section 5-2.2 pertaining to dispensing of alcoholic beverages prohibited on certain days.

Council Member Brubakken moved to introduce an ordinance to amend and re-enact Section 3, Sections 5.2 to 5.6, and Section 7 of Appendix C pertaining to definitions, allowed uses and parking requirements for senior and assisted living uses.

Council Member Buchanan moved to introduce an ordinance to amend and re-enact Ordinance 329 of the City Code by amending the District Map to change the zoning of the West 1,690' of the South 400', less the West 620' of the SW ¼ of Section 14, Township 140, Range 64 West, located within the One Mile Extraterritorial Area of the City of Jamestown, Stutsman County, North Dakota, from C-2 (General Commercial District) and R-1 (One-Family Residential District) to C-1 (Local Commercial District).

Ordinance No. 1482, introduced by Council Member Gumke, to amend and re-enact Section 22-17(d) of the City Code pertaining to allowable fees for violation of a minor in the purchase or possession of tobacco products, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1483, introduced by Council Member Buchanan, to amend and re-enact Section 15-17 of the City Code pertaining to use of fire department equipment outside of the city by changing the wording to authorize the Fire Chief to allow the use upon providing notification to the Mayor and City Administrator, had its second reading. Seconded by Council Member Gumke.

After discussion, Council Member Buchanan moved to amend Ordinance No. 1483 to add language after the words Fire Chief, "upon providing notification to the Mayor and City Administrator". Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Buchanan moved to approve Ordinance No. 1483, as amended. Seconded by Council Member Phillips. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

John and Janelle Kertzman, 305 19<sup>th</sup> Ave NE, appeared before the Council to request that the City move the fire hydrant further away from their driveway or eliminate the hydrant completely. The hydrant was replaced with a new hydrant by the City late July 2016. No action was taken by the City Council.

Brian Hanson, owner of Budget Auto, 1011 10<sup>th</sup> St SE, appeared before the Council to state his concerns with the No Parking Restriction recently implemented by the City Council along 10<sup>th</sup> Street SE.

A public hearing was held at 6:00 PM, concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2017, through December 31, 2017.

Dianne Satrom, 8352 31½ St SE, appeared before the City Council to inquire what percentage of increase would be applied to the real estate taxes for the 2017 City Budget.

Becky Thatcher-Keller, 1115 6<sup>th</sup> Ave SE, appeared before the City Council to inquire on the City Budget's self-clearing fund and its purpose. She questioned if tax assessing is done each year or every few years. She stated there are many non-profit agencies within the City that do not pay taxes.

The hearing was closed.

Ordinance No. 1480, introduced by Council Member Gumke, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2017, through December 31, 2017, had its second reading. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1481, introduced by Council Member Brubakken, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2017, through December 31, 2017, 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 direct the City Administrator to notify the County that the City of Jamestown should be exempt from the County Library Levy as the City maintains its own library levy. Seconded by Council Member Phillips. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to direct the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2017, through December 31, 2017. Seconded by Council Member Gumke. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

KATIE ANDERSEN, Mayor