

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 1, 2017
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, April 3, 2017; Board of Equalization meeting, April 11, 2017, and committee meetings, April 18 & 20, 2017. 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 approve the requests for gaming site authorizations for the period July 1, 2017 – June 30, 2018, for the following:
 - 1) **James River Aerie #2337 FOE** for Frontier Fort Bar & Grill;
 - 2) **Knights of Columbus** for the Wonder Bar Sports Bar, Knights of Columbus, Vet's Club and Corner Bar, Fred's Den, Tapps Lounge;
 - 3) **North Dakota Buffalo Foundation, Inc.** for the Elks Club;
 - 4) **Progress Enterprises** for Office Bar, Shady's, Buffalo Bar & Lounge and IDK Bar & Grill;
- B. Resolution to approve the request for a gaming site authorization for the ND Buffalo Foundation Inc., at the Civic Center on June 14, 2017.
- C. Resolution to approve the request from JSDC for possible Economic Development Funds for ND Soy Processors, in the amount of \$282,137, with the City Share to be \$253,923 and paid for from the City Sales Tax Fund.
- D. Resolution to approve the request from JSDC for Economic Development Funds for Train ND, in the amount of \$45,000, with the City share to be \$36,000 and paid from the City Sales Tax Fund.
- E. Resolution to approve the request from JSDC for approval of a "Project Legal Expense Policy", in an amount not to exceed \$2,500 per project.
- F. Resolution to deny the request from W2005/Fargo Hotels(Pool C) Realty, LP for a reduction in the 2016 True & Full Value from \$1,516,300 to \$556,900 on Lot 2, Block 1, a replat of Block 8 Except the W160', Southwood 2nd Addition (Jamestown Comfort Inn).
- G. Resolution to purchase Lot 6, Block 1, Homestead Addition, from Stutsman County.
- H. Resolution to approve the Land Use Plan Amendment for a portion of Lot 1 within the NE ¼ of Section 26, Township 140N, Range 64W, lying and being north of a line extended from the intersection of the south boundary line of 9th Street with the east boundary line of said lot westward to the middle of the James River at right angles with the east boundary line of said lot, Lands in Jamestown, consisting of 8.4 acres, from Park/Open Space/Recreation to Low Density Residential. The property is located at 901 4th Ave NW.

- I. Resolution to approve the request from Craig Dewald to acquire used lime from the Jamestown Water Treatment Plant which is stockpiled at the Inert Landfill, subject to a hold harmless agreement provided on behalf of the City satisfactory to the City Attorney.
- J. Resolution to authorize moving forward with Rehrig Pacific as the supplier for furnishing of PAYT garbage carts and related equipment and services.
- K. Resolution to allow the disposal of yard waste within the PAYT City furnished refuse containers, and to disallow any other type of container or refuse to be set out for pick up.
- L. Resolution to approve Payment No. 3-Final, to Scherbenske Inc., for construction on Sewer & Water District #16-31 & 16-61 (200 Blk/3rd St NW), in the amount of \$3,326.12.
- M. Resolution to approve Payment No. 8 (Inv 52562), to AE2S, for engineering services on Jamestown Stormwater Utility Implementation, in the amount of \$6,232.60.
- N. Resolution to approve Payment No. 3 (Inv 08387.03-3), to SRF Consulting Group, Inc., for 2017 Jamestown Planning and Zoning Technical Services, in the amount of \$5,396.56.
- O. Resolution to approve Payment No. 38 (Inv 52515), to AE2S, for engineering services on the Infrastructure I&C Support, in the amount of \$270.00.
- P. Resolution to approve Payment No. 1 (Inv 30688), to Interstate Engineering, Inc., for engineering services on NW Water Main Replacement Project District 17-61 (11Blocks), in the amount of \$3,329.50.
- Q. Resolution to approve Payment No. 1 (Inv 30694), to Interstate Engineering, Inc., for engineering services on Sanitary Landfill Cell 4A Development, in the amount of \$243,000.00.
- R. Resolution to approve Payment No. 5 (Inv 30693), to Interstate Engineering, Inc., for engineering services on the Jamestown Sanitary Sewer Raker Facility Screening Report and Construction, in the amount of \$4,797.00.
- S. Resolution to approve Payment No. 9 (Inv 30686-Final), to Interstate Engineering, Inc., for engineering services on 5th Street NE (12th Ave to 27th Ave NE), Sanitary Sewer, Storm Sewer and Water Improvements District #16-42, in the amount of \$210.00.
- T. Resolution to approve Payment No. 12 (Inv 30685), to Interstate Engineering, Inc., for engineering services on SW Water Main Replacement District #16-62 (10 Blk area), in the amount of \$1,430.00.
- U. Resolution to approve Payment No. 157 (Inv 30695), to Interstate Engineering, Inc., for Special Services for Compliance to Health Department Permit for Landfill, in the amount of \$18,513.92.
- V. Resolution to approve Payment No. 158 (Inv 30689), to Interstate Engineering, Inc., for engineering services on various City Department consultations (General), in the amount of \$3,243.00.
- W. Resolution to approve Payment No. 159 (Inv 30690), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Streets), in the amount of \$6,314.00.
- X. Resolution to approve Payment No. 160 (Inv 30692), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Water), in the amount of \$1,059.00.

- Y. Resolution to approve Payment No. 161 (Inv 30691), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Sewer), in the amount of \$662.00.
- Z. Resolution to approve Payment No. 162 (Inv 30425), to Interstate Engineering, Inc., for engineering services on various City Department consultations (SolidWaste), in the amount of \$464.00.
- AA. 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.
- BB. Resolution to allow the April indebtedness in the amount of \$1,912,149.73 consisting of \$493,565.05 payroll and \$1,418,584.68 general obligations.

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

Council Member Brubakken moved a Resolution to approve the plat of Jamestown Southwest Addition. Seconded by Council Member Buchanan. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Beth Dewald, from Freedom Resource Center, introduced University of Jamestown students Caleb Gwerder, Trevor Huebschwerlen and Michael Hust who presented a survey report conducted on behalf of the Mayor's Committee on Disabilities identifying positive and negative experiences of the citizens with disabilities including transportation and how citizens with disabilities are viewed as potential employees by employers within Jamestown business community.

Council Member Brubakken moved to approve a Resolution authorizing the issuance and sale of \$4,800,000 Solid Waste Disposal Revenue Bond, Series 2017. Seconded by Council Member Buchanan. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to award the bid for construction of 20th St SW roadway – JRMC to Menards as follows: General Construction (Sections 1, 2 & 3) to Border States Paving, Inc., in the amount of \$1,956,851.30; and Electrical Construction (Section 4) to Strata Corporation, in the amount of \$157,373.00. Seconded by Council Member Gumke. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to award the bid for construction of 5th St NE (12th to 27th Ave) Paving Improvements District 16-42, to Border States Paving, Inc., in the amount of \$1,795,498.37. Seconded by Council Member Buchanan. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved a Resolution to award the bid for Cell 4A Liner and Phase 2/3 Partial Final Cover Project at the Jamestown MSW Landfill to Burski Excavation Inc., in the amount of \$2,358,208.64, contingent upon the approval of the ND Department of Health. Seconded by Council Member Brubakken. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to award the bid for the 2017 Seal Coat, Patching, Construction & Reconstruction District #17-41 to Border States Paving, Inc., in the amount of \$1,980,021.52. Seconded by Council Member Phillips. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to award the bid for a New Single Axle Truck (Cab & Chassis) for the Street Department to Westlie Truck Center, in the amount of \$70,671.00, less \$4,500.00 on the trade-in unit of 1998 GMC 3.5 Ton C7 Cab & Chassis with spreader body (SN:1GDL7H1M8WJ506277)

for a net bid price of \$66,171.00. Seconded by Council Member Brubakken. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to award the bid for the 2017 Sidewalk, Curb & Gutter District #17-11 to LD Concrete, in the amount of \$52,555.00. Seconded by Council Member Phillips. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

A bid received from Northern Truck Equipment for a New Extra Heavy Duty, Hopper-Type, Self-Unloading Spreader Box for the Street Department remained unopened as the bid bond signature was not notarized.

After further information from the City Attorney, Council Member Brubakken moved to open the bid received from Northern Truck Equipment Corp. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

The bid from Northern Truck Equipment Corp. for the above equipment was opened and read in the amount of \$38,240.00.

Council Member Gumke moved a Resolution to award the bid for a New Extra Heavy Duty, Hopper-Type, Self-Unloading Spreader Box for the Street Department to Northern Truck Equipment, in the amount of \$38,240.00, subject to meeting specifications for the bid. Seconded by Council Member Brubakken. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

A bid received from Northern Truck Equipment Corp for a Two (2) Stage Snow Blower for the Street Department remained unopened as the bid bond signature was not notarized.

After further information from the City Attorney, Council Member Brubakken moved to open the bid received from Northern Truck Equipment Corp. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

The bid from Northern Truck Equipment Corp for the above equipment was opened and read in the amount of \$100,325.00 less 5,000.00 on the trade-in unit, for a net bid price of \$95,325.00.

After discussion, Council Member Buchanan moved to table the bid for a Two (2) Stage Snow Blower for the Street Department and refer to the May committee meeting for further review. Seconded by Council Member Phillips. Unanimous aye vote. Carried.

Council Member Brubakken moved Resolution to approve the request from Ascendum Machinery to withdraw their bid on the new loader awarded to them by the City Council due to their misinterpretation of the bid specifications, to take no action against their bid bond; to rescind the April 3, 2017, City Council Resolution M; to reject all bids received on this equipment; and to re-bid the item. Seconded by Council Member Phillips. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of a portion of Lot 1 within the NE ¼ of Section 26, Township 140N, Range 64W, lying and being north of a line extended from the intersection of the south boundary line of 9th Street with the east boundary line of said lot westward to the middle of the James River at right angles with the east boundary line of said lot, Lands in Jamestown, consisting of 8.4 acres, from P-O-C (Park/Open Space/Recreation District) to R-1A (Single Family or Duplex Residential District). The property is located at 901 4th Ave NW.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 329 of the City Code to change the zoning of a portion of the NW¼ and NE¼ of Section 3, T139N, R64W from C-2 (General Commercial District) and A-1 (Agricultural District) to C-2 (General Commercial District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1493, introduced by Council Member Gumke, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of a portion of the NW¼ and NE¼ of Section 3, T139N, R64W from C-2 (General Commercial District) and A-1 (Agricultural District) to C-2 (General Commercial District), had its second reading. Seconded by Council Member Buchanan. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Greg Spenningsby appeared before the City Council to discuss the variance for a garage in Island Park Estates and requested the building permit be denied. The item was referred to the May committee meeting.

Mayor Andersen reported the resignation of a Regional Airport Authority member. The City will advertise for this position.

Council Member Brubakken moved a Resolution to approve the request from the Corner Bar for a permit to conduct a street dance on 2nd Street SW, on Saturday, June 10, 2017; and a special permit for the outdoor sale and consumption of alcoholic beverages on 2nd Street SW on Friday, June 16, 2017. Seconded by Council Member Phillips. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to rescind the Resolution of April 3, 2017, to sell Lot 4, Block 1, I-94 Business Park Addition, to Allen Enterprises, and to approve the sale of Lot 4, Block 1, I-94 Business Park Addition, to JK Holding, LLC, in the amount of \$68,389.00, contingent upon a tenant signing a business lease. Seconded by Council Member Phillips. Roll Call No. 14 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