

Finance & Legal Committee
Building, Planning & Zoning Committee
Civic Center & Promotion Committee
Police and Fire Committee
Public Works Committee

November 24, 2009 (As Corrected per 12-7-09 City Council)

Present: Liechty, Parisien, Schulz, Nygaard, Kourajian, Schwartzkopf, Reuther, Suko, Wollan, Donegan, Sveum and Fuchs.

Schulz moved to recommend the City Council approve the recommendation from JSDC to reimburse the City Sewer Utility from Economic Development Funds to provide \$113,571 in partial payment of the repairs to replace elbows and joints on the sewer main from the I-94 Food Processing Industrial Park to the WWTP, with the City Share to be 100% and paid from the City Sales Tax Fund. Seconded by Parisien. Voice vote showed: 4 ayes, 1 nay (Liechty). Carried.

Nygaard moved to recommend the City Council approve the request from JSDC for \$50,000 from Economic Development Funds for JSDC building repairs, with the City Share to be \$40,000 and paid from the City Sales Tax Fund. Seconded by Kourajian. Unanimous aye vote. Carried.

Schulz moved to recommend the City Council approve the recommendation from JSDC for \$29,273 from Economic Development Funds for South Central Dakota Regional Council dues and funding SBDC, with the City Share to be \$18,442 and paid from the City Sales Tax Fund. Seconded by Parisien. Unanimous aye vote. Carried.

Nygaard moved to recommend the City Council recommend that Stutsman County approve the request for abatement received from Richard and Donna LeFevre for a reduction in the 2008 property valuation on Lot 5, Block 9, McGinnis Addition, by reducing the valuation from \$93,100 to \$77,200. Motion died for lack of a second.

Schulz moved to recommend the City Council recommend that Stutsman County deny the request for abatement received from Richard and Donna LeFevre for a reduction in the 2008 property valuation on Lot 5, Block 19, McGinnis Addition, by reducing the valuation from \$93,100 to \$77,200. Seconded by Liechty. Unanimous aye vote. Carried.

Dale Marks, Stutsman County Commissioner, appeared before the committee to request consideration of the City Council to endorse a possible proposal for a 1% County Sales Tax with ½ of the proceeds to be earmarked for the maintenance of county roads and ½ to be earmarked for repair of the city sanitary sewer and storm water system.

Kourajian moved to table consideration of the request for the City Council to endorse a possible proposal for a 1% County Sales Tax with ½ of the proceeds to be earmarked for the maintenance of county roads and ½ to be earmarked for repair of the city sanitary sewer and storm water system until the December Finance & Legal Committee meeting. Seconded by Nygaard. Voice vote showed: 4 ayes, 1 nay (Liechty). Carried.

City Attorney Dalsted seated himself.

Schulz moved to recommend the City Council approve the adjustment of water, sewer sanitation collection and solid waste disposal fees effective January 1, 2010, as recommended in the approval of the 2010 budgets for City Utilities as follows:

- Water Utility Rates – 5% Increase
- Sewer Utility Rates – Domestic 3%
- Sanitation Collection Rates – 5%
- Solid Waste Disposal Rates – 10%

Seconded by Parisien. Voice vote showed: 4 ayes, 1 nay (Liechty). Carried.

Schulz requested that the City Council's January 2010 agenda include the consideration of using procedures followed in the development of the community COPS Plan be used for development of a City Comprehensive Plan and that the City adopt the COPS Plan as the interim City Comprehensive Plan until such time as the City has completed its own city plan.

The second reading of Ordinance No. 1353 granting a franchise to Daktel Communications, LLC, dba Dakota Central Telecommunications is scheduled for the December 7, 2009, City Council meeting.

The second reading of Ordinance No. 1357 to amend and re-enact Sections 25-59, 25-60 and 25-61 pertaining to temporary prohibition of parking on Emergency Routes during a declared snow emergency is scheduled for the December 7, 2009, City Council meeting.

Parisien moved the second reading of Ordinance No. 1354 to amend and re-enact Section 21-16-15 pertaining to parking restrictions scheduled for the December 7, 2009, City Council meeting, be revised to include the language "subject to the provisions of Sections 25-59 and 25-60". Seconded by Liechty. Unanimous aye vote. Carried.

The second reading of Ordinance No. 1355 to enact Section 22-19.2 pertaining to the prohibition of sexually expressive images is scheduled for the December 7, 2009, City Council meeting.

The second reading of Ordinance No. 1356 to enact Section 22-5.1 pertaining to compulsory school attendance is scheduled for the December 7, 2009, City Council meeting.

The second reading of Ordinance No. 1358 to enact Section 21-04-06.2 pertaining to chemical test of driver in serious bodily injury or fatal crashes is scheduled for the December 7, 2009, City Council meeting.

Liechty moved the second reading of Ordinance No. 1359 to enact Section 22-49.1 pertaining to possession of a firearm at a public gathering scheduled for the December 7, 2009, City Council meeting, be revised to delete the language "and individuals in publicly owned parks" and replace it with the language "and individuals in public owned parks carrying a firearm outside their vehicle". Motion died for the lack of a second.

Liechty moved the second reading of Ordinance No. 1359 to enact Section 22-49.1 pertaining to possession of a firearm at a public gathering scheduled for the December 7, 2009, City Council meeting, be revised to delete paragraph (3). Seconded by Schulz. Unanimous aye vote. Carried.

The second reading of Ordinance No. 1360 to enact Section 18-9.1 pertaining to purchase of beer kegs is scheduled for the December 7, 2009, City Council meeting.

Paul Benning, Local Government Engineer from the NDDOT, appeared before the committee to explain and discuss the NDDOT's position and concerns relative to the East Business Loop Reconstruction Project. He explained the process used in determining the scheduling of projects by the NDDOT, the timeframe for the development of projects and the funding mechanisms used to pay for the projects. He answered a number of questions from the committee members. Following discussion with Mr. Benning, the committee received

additional input from the property owners (**Richard Seekins, Gary Pearson, Dale Redinger and Darrell Patzer**), City staff, and Steve Windish relative to the status of the project. A number of property owners expressed their continued concerns relative to the project, its related costs to the property owners and opposition to the project as proposed without some revisions to the possible assessment costs.

Nygaard moved to proceed with project and design development of the East Business Loop Reconstruction Project, while the City and property owners seek additional options to reduce the possible scope of the utility work currently scheduled for the project and alternate funding options for the assessment of costs to property owners for the mainline and frontage road construction phases of the reconstruction project. Seconded by Schulz. Unanimous aye vote. Carried.

Kourajian and Dalsted excused themselves.

Claudine Flowers, Josh Kramer and Gloria Wentz, property owners who experienced sewage backup into their homes on April 18, 2009, appeared before the committee to discuss their frustrations as a result of the damage, clean-up and repair expenses incurred for seven (7) home owners on 5th Avenue NW and the city insurance carrier's denial of their claims for reimbursement. The incident occurred as a result of city staff opening a plugged sewer main in the Evergreen Heights area.

Liechty moved to recommend the City Council approve City reimbursement to the seven property owners for the cost of repairs to their property to include insurance deductibles, minus any reimbursement received from their private homeowners insurance coverage, and to include in the authorization for payment that the City is not admitting any negligence on the part of the City or its employees as a result of the incident. Seconded by Nygaard. Unanimous aye vote. Carried.

City Engineer Schwartzkopf updated the committee relative to the anticipated FEMA reimbursements to the city as a result of the 2009 flooding events. His report indicated that the City continues to submit in the neighborhood of \$3.52 million in FEMA emergency and recovery claims and approximately \$680,000 in NDDOT Federal Road System emergency repairs. FEMA Post-Disaster Mitigation claims for home "buy-out" options and other repair options could not meet the federal cost/benefit ratio guidelines for consideration.

City Engineer Schwartzkopf informed the committee that he will be assisting the Frontier Village Association as time allows in seeking possible solutions to the roadway slumping problem and repair to the roadway that runs in front of the amphitheatre area at the village.

The committee held discussion relative to the current terms of the existing agreement between the City of Jamestown and Stutsman Rural Water for the sale of water by the City to the District.

Harold Newman appeared before the committee to discuss his concerns relative to the City purchase of signs and sign posts for marking the City's "Emergency Snow Routes". He informed the committee that his firm was not given the opportunity to provide a cost proposal for the purchase and as a result the city paid more for the materials than had they purchased them from his firm. He indicated that he wanted to know who was at fault for not allowing his firm to submit a proposal. City Administrator Fuchs and City Engineer Schwartzkopf both indicated that they had investigated Mr. Newman's concerns at the time it was brought to their attention, and as he had been informed previously, they found that the internal acknowledged policy by city staff to seek multiple proposals for large purchases was not followed; certain city staff had erred; proper verbal warnings had been issued; apologies to Mr. Newman have been previously made; and the Administrator and Engineer again accept full responsibility for improper procedures being followed.

Jeff Fuchs
City Administrator