

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 5, 2008
OFFICIAL MINUTES

The regular meeting of the City Council was called to order by Mayor Liechty at 5:00 P.M.

Roll Call showed the following members present: Mayor Liechty, Council Members Schulz, Heinrich, Grabinger and Parisien, City Attorney Dalsted, and City Administrator Fuchs.

Council Member Heinrich moved to approve the minutes of the following meetings, as printed:

- A. Minutes of the regular council meeting, April 7, 2008
- B. Minutes of the special council meeting, April 25, 2008
- C. Minutes of the Board of Equalization meeting, April 8, 2008
- D. Minutes of the committee meeting, April 22, 2008
- E. Minutes of the committee meeting, April 24, 2008

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

Council Member Grabinger moved a Resolution to approve and authorize the issuance of improvement warrants and exchanging them for \$1,875,000.00 Refunding Improvement Bonds of 2008, Series Q, and awarding the sale of \$1,875,000.00 Refunding Improvement Bonds to Dougherty & Company, LLC., for the purchase price of \$1,816,912.50 at an average annual net interest rate of 3.1347%. Seconded by Council Member Parisien. Roll Call No. 1 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved to approve the following consent items:

- A. Resolution to approve a correction of special assessments on Phase 5, Area 1, of Seal Coat, Patching, Construction and Reconstruction District #06-41.
- B. Resolution to approve the request from Kent Warren for permission to park a 5th wheel camper on city property at 216 4th Avenue NE, subject to being restricted to the period of April 1 through October 31 of each year and the right of the City to terminate the agreement at anytime.
- C. Resolution to award the bid for the 2nd Street SW Tree Planting Project to Pine Country Nursery, Valley City, ND, in the amount of \$13,500.00.
- D. Resolution to award the bid for the 2008 Sidewalk, Curb & Gutter District #08-11 to Strata Corporation, Grand Forks, ND, in the amount of \$69,630.00.
- E. Resolution to award the bid for the purchase of a 4x4 Full Size ½ Ton Pickup for the Street Department to R. M. Stoudt, Inc., in the amount of \$28,855.00, less \$12,170.00 on the trade-in unit, for a net bid price of \$16,685.00.
- F. Resolution to approve the request from the Jamestown Middle School concerning a storm drain stenciling project and request for funds, in the amount of \$240.00.
- G. Resolution to approve the performance bond of Border States Paving, Inc., for construction on the Seal Coat, Patching, Construction and Reconstruction District #08-41, in the amount of \$1,613,881.06.
- H. Resolution to approve the following performance bonds of RDO Equipment Company:
 - 1) For the guaranteed delivery of One (1) New 2008 John Deere, 770D, Motor Grader, for the Street Department, in the amount of \$191,650.00; and
 - 2) For the guaranteed buyback of the motor grader, in the amount of \$132,280.00, after 5 years or 3000 hours, whichever occurs first.
- I. Resolution to approve the following site authorization requests to conduct gaming for the period July 1, 2008, through June 30, 2009:
 - 1) Knights of Columbus for Knight of Columbus, Wonder Bar Sports Bar, and Victory Lanes
 - 2) Progress Enterprises, Inc., for Office Bar & Lounge, Brass Rail, Shady's and Buffalo Bar & Lounge
 - 3) North Dakota Buffalo Foundation, Inc., for Vets Club, Inc., Quality Inn & Suites-Tapps Lounge, and Frontier Fort Bar & Grill
 - 4) St. James Basilica of Jamestown for St. James Basilica
- J. Resolution to approve the request from the ND Buffalo Foundation,

Inc., for a site authorization to conduct gaming at the Jamestown Civic Center on June 18, 2008.

- K. Resolution to approve Payment No. 1, to Ulteig Engineers, for engineering services on the Project Concept Report and Preliminary Design for the East Business Loop Reconstruction Project No. SU-2-987(029)033, in the amount of \$14,442.88.
- L. Resolution to approve Payment No. 4, to SRF Consulting Group, Inc., for professional services on the Jamestown Quiet Zone Assessment, in the amount of \$489.02.
- M. Resolution to approve Payment No. 4, to Interstate Engineering, Inc., for engineering services on various city department consultations, in the amount of \$3,571.00.
- N. Motion to accept the reports of the Municipal Judge, Police Department, Fire Department, Public Works Departments, Inspection Department, Forestry Department, Promotion and Tourism Center, Central Valley Health Unit, Jamestown Safe Community Task Force, and financial status.
- O. Resolution to allow the April indebtedness in the amount of \$2,915,240.97 consisting of \$337,806.50 payroll and \$2,577,434.47 general obligations.

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

Mayor Liechty moved to amend the draft agreement between the City of Jamestown, Stutsman County and the Jamestown/Stutsman Development Corporation by deleting Section 1.02(Y) and substituting Section 1.02(X).

Seconded by Council Member Grabinger. Roll Call No. 3 showed: 3 ayes (Grabinger, Liechty and Parisien), 2 nays (Heinrich and Schulz), 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve the draft agreement, as amended by the City Council, between the City of Jamestown, Stutsman County and the Jamestown/Stutsman Development Corporation. Seconded by Council Member Parisien. Roll Call No. 4 showed: 3 ayes (Grabinger, Liechty and Parisien), 2 nays (Heinrich and Schulz), 0 absent. Carried.

Council Member Heinrich moved a Resolution to authorize the City Administrator and City Engineering Department to attempt dust control on the 3rd Street SE Landfill Road with the intent of doing only the areas adjacent to the residences with a one-time test application of a dust suppressant chemical, at a cost not to exceed \$6,000.00, and to indicate that the City does not consider dust control to be maintenance as specified under the 1995 agreement with Bloom Township. Seconded by Council Member Schulz. Roll Call No. 5 showed: 3 ayes (Heinrich, Liechty and Schulz), 2 nays (Grabinger and Parisien), 0 absent. Carried.

Council Member Schulz moved to table the motion to direct the City Attorney and City Administrator to begin negotiations with Bloom Township to re-negotiate the Stipulation and Agreement for Settlement, dated April 5, 1995, regarding the Landfill Road. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

A public hearing was held concerning the request of Precision Results for the City of Jamestown to act as the sponsoring unit of government to make application for a \$150,000.00 Community Development Block Grant Loan at 2% interest for 10 years for equipment and working capital. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Parisien moved a Resolution to approve the request of Precision Results for the City of Jamestown to act as the sponsoring unit of government to make application for a \$150,000.00 Community Development Block Grant Loan at 2% interest for 10 years for equipment and working capital. Seconded by Council Member Schulz. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request of Champ Industries for the City of Jamestown to act as the sponsoring unit of government to make application for a \$200,000.00 Community Development Block Grant Loan at 2% interest for 7 years for equipment. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Schulz moved to disapprove the request from William Mickelson for permission to sell Italian Tacos at the Civic Center. Seconded by Council Member Heinrich.

After discussion, Council Members Schulz and Heinrich withdrew their motion.

Council Member Schulz moved to table the request from William Mickelson for permission to sell Italian Tacos at the Civic Center, until a draft concession policy is in place. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

Council Member Schulz moved to introduce the first reading of an ordinance to amend and re-enact Section 5-27 of the City Code pertaining to allowing the sale of all alcoholic beverages (instead of only beer and wine) at Hillcrest Golf Course.

Council Member Parisien 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 Lot 1 except the South 12 ½ feet and Lots 8-14, Block 48, Klaus Addition, from R-2-A (One to Twelve Family Residential District) to C-1 (Local Commercial District).

Council Member Grabinger moved a Resolution to approve the request from H. D. Properties, Inc., for an on-off sale Class C alcoholic beverage license for the period July 1, 2008, through June 30, 2009, for Lots 2 & 3, and Lot 4 Less East 24.64 feet, Replat of Block 4, Leapaltd Addition. Seconded by Council Member Heinrich. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve the request from the American Postal Workers Union, Jamestown, ND, to be recognized as an other public spirited organization, and to issue a permit to conduct a raffle on June 21, 2008. Seconded by Council Member Schulz. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to award the bid for the construction of new concrete sidewalk at the Louis L'Amour Elementary School, Safe Routes to School, Project SRU-2-987(030)034, to Lindberg Brothers, Inc., in the amount of \$62,300.29, contingent upon ND Department of Transportation approval. Seconded by Council Member Parisien. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve and grant the request from Wayne and Catherine Huseby, 1221 3rd Street NE, Lot 11, Block 2, Solien & Denault Hi-Acres Addition, for a curb cut variance to place a 24' driveway apron 6' from the alley right-of-way. Seconded by Council Member Parisien. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved to adjourn. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor