

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, MARCH 2, 2009  
OFFICIAL MINUTES

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

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Liechty, Council Members Kourajian, Nygaard and Schulz, City Attorney Dalsted, City Engineer Schwartzkopf and City Administrator Fuchs. Absent: Council Member Parisien.

Council Member Schulz moved to approve the minutes of the following meetings, as printed: Minutes of the regular council meeting, February 2, 2009; Minutes to the special council meeting, February 10, 2009; Minutes of the committee meeting, February 17, 2009; and Minutes of the committee meeting, February 19, 2009. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

A bid was received for the sale of an impounded and abandoned vehicle from Jerome J. Schaffer.

Council Member Schulz moved to approve the following consent items:

- A. Resolution to approve the request from the Jamestown/Stutsman Development Corporation for \$11,885.90 from Economic Development Funds for the payment of 2008 special assessments, with the City Share to be \$11,529.32 and paid from the City Sales Tax Fund.
- B. Resolution to approve the request from the Jamestown/Stutsman Development Corporation for \$26,612.00 from Economic Development Funds for the payment of South Central Dakota Regional Council and Small Business Development Center dues, with the City Share to be \$16,765.56 and paid from the City Sales Tax Fund.
- C. Resolution to deny the recommendation of the Jamestown/Stutsman Development Corporation that a sunset date of 12/31/09 be established as a starting date for the Jamestown Downtown Parking Lots Project construction or the \$150,000.00 currently obligated for the project be de-obligated.
- D. Resolution to approve a Supplementary Transit Grant Agreement between the City of Jamestown and Jamestown Taxi Service.
- E. Resolution to approve increasing the fees for the closing of a city street for non-City related purposes to \$75.00.
- F. Resolution to approve the revised draft Memorandum of Understanding between the City of Jamestown and Stutsman County regarding providing joint library services.
- G. Resolution to declare that the used Daktronic scoreboards from the Civic Center to be of no value and to donate same to the Jamestown Public School District in an "as is" condition.
- H. Resolution to approve the proposal from Prairie Engineering, P.C., to perform a mechanical and electrical evaluation for the Jamestown Civic Center.
- I. Resolution to approve and authorize proceeding with electrical updates at the Main Fire Hall as recommended by Prairie Engineering and to forego any changes to the mechanical system at this time.
- J. Resolution to approve and accept the proposal from Heiman Fire Equipment for equipment and training and to authorize the Fire Department to acquire additional equipment as necessary, within grant guidelines, for the 2008 Fire Fighter Assistance Grant.
- K. Resolution to concur with the request from the NDDOT to finalize the US HWY 281 South Reconstruction Project #07-42, NDDOT Project #AC-HPU-NHU-2-281(030)066.
- L. Resolution to award the bid to Fargo Freightliner, in the amount of \$60,046.78, for the New Single Axle Truck (Cab & Chassis) for the Sanitation Department.
- M. Resolution to award the bid to Sanitation Products, in the amount of \$53,275.00, for the New Heavy Duty Commercial Type Packer Body for the Sanitation Department.
- N. Resolution to authorize entering into an agreement with Renaissance Recycling LLC for recycling within the City of Jamestown.
- O. Resolution to approve the 2009 City Standard Specifications, as prepared by the City Engineering Department.

P. Resolution to create 2009 Sidewalk, Curb & Gutter District #09-11 and adopt the following Resolutions:

- 1) To set up and establish the district.
- 2) To direct the City Engineer to prepare plans and specifications for the district.
- 3) To accept and approve the plans and specifications, as prepared by the City Engineer.
- 4) To direct the City Administrator to advertise for bids for the construction of the district.

Q. Resolution to approve Payment No. 11, 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 \$14,883.88.

R. Resolution to approve Payment No. 1, to Interstate Engineering, Inc., for preliminary engineering services on 3rd Street Mill and Overlay, STM-SU-2-987(031)035, in the amount of \$19,368.70.

S. Resolution to approve Payment No. 1, to Interstate Engineering, Inc., for preliminary engineering services on Viaduct Utilities and Pavement Replacement, STM-SU-2-987(032)036, in the amount of \$6,324.94.

T. Resolution to approve Payment No. 1, to Interstate Engineering, Inc., for preliminary engineering services on Mill Hill (US 52) Dowel Bar Retrofit, Grinding & CPR; STM-S-NHU-2-281(036)067, in the amount of \$17,674.92.

U. Resolution to approve Payment No. 1, to Interstate Engineering, Inc., for engineering services on Facility Planning for Water System Improvements, in the amount of \$16,927.62.

V. Resolution to approve Payment No. 5, to Interstate Engineering, Inc., for engineering services on Downtown Railroad Parking Lots & Streets Improvement District #07-43, in the amount of \$3,822.52.

W. Resolution to approve Payment No. 12 to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$1,058.50.

X. 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.

Y. Resolution to allow the February indebtedness in the amount of \$1,628,735.81 consisting of \$377,817.45 payroll and \$1,250,918.36 general obligations.

Seconded by Council Member Nygaard. Consent Roll Call No. 1 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to accept ownership of the Feton Lumber Co. property around the Ice House Dam upon completion and review of the legal documents necessary to accomplish same. Seconded by Council Member Nygaard.

Council Member Parisien seated herself.

Council Member Nygaard stated this item was put on the February Public Works agenda at the last minute and he has not had an opportunity to adequately review the matter and would like to refer this item to the March Finance & Legal Committee for further discussion.

Council Member Schulz stated he would prefer that a representative from the State Water Commission be in attendance at the March Finance & Legal Committee.

Marvin Tokach, 1 Riverview Lane, appeared before the Council in support of the City proceeding with taking ownership of the Ice House Dam.

Patrick Folk, 614 5th Street NW, stated he was not opposed to taking ownership, but had questions relative to the "River Committee"; and that not all property owners along the river are willing to pay for repairs; and what about the Jamestown Park Board, Jamestown School District, and the Anne Carlsen Center; and other concerns with the Oxbow area.

Council Member Parisien had questions as to what programs the State Water Commission has and what can they do for City.

Pamela Phillips, 507 1st Avenue North, former City Council member, stated that it was Mayor Chase, and not the City Council, who wanted to demolish the Ice House Dam at that time and she indicated that taking ownership now would be premature.

Roll Call No. 2 showed: 1 ayes, 4 nays (Kourajian, Schulz, Nygaard, Parisien), 0 absent. MOTION NOT CARRIED.

Council Member Schulz moved to introduce the first reading of an ordinance to grant a non-exclusive gas distribution system franchise agreement to Montana Dakota Utilities.

Council Member Nygaard moved to introduce the first reading of an ordinance pertaining to a program to charge user fees for deployment of public safety services outside the city.

Ordinance No. 1344, introduced by Council Member Kourajian, pertaining to competitive bidding on certain contracts. Seconded by Council Member Parisien. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning Ordinance No. 1345 to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of all the land on the south side of Section 33, T140N, R64W, that is north of and adjacent to the I-94 R/W that is currently zoned C-2 (General Commercial District) including all of Auditor's Lot 33-1 and Lot 6, Glinz 4th Estates, from C-2 (General Commercial District) to C-1 (Local Commercial District), and a strip of land 380' in depth on the west side of the Hwy 281/52 Bypass in Section 33, from the south side of the BNSF R/W to the north line of Auditor's Lot 33-5, from A-1 (Agricultural District) to C-1 (Local Commercial District).

Denise Steele, 3573 81st Ave SE, gave the City Council a presentation of the zone changes that have occurred in this area over the years and was satisfied by the concessions that were made and the ordinance as now presented.

The hearing was closed.

Ordinance No. 1345, introduced by Council Member Nygaard, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of all the land on the south side of Section 33, T140N, R64W, that is north of and adjacent to the I-94 R/W that is currently zoned C-2 (General Commercial District) including all of Auditor's Lot 33-1 and Lot 6, Glinz 4th Estates, from C-2 (General Commercial District) to C-1 (Local Commercial District), and a strip of land 380' in depth on the west side of the Hwy 281/52 Bypass in Section 33, from the south side of the BNSF R/W to the north line of Auditor's Lot 33-5, from A-1 (Agricultural District) to C-1 (Local Commercial District). Seconded by Council Member Schulz. Roll Call No. 4 showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

The City Council recessed at 6:30 P.M. and reconvened at 6:40 P.M.

Council Member Schulz moved a Resolution to award the bid for the sale of an impounded 1988 Lincoln, Town Car (VIN: 1LNBM81F4JY819767), to Jerome J. Schaffer, in the amount of \$175.00. Seconded by Council Member Kourajian. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Harvey Jensen, 1407 5th Avenue NE, appeared before the Council and spoke in opposition to closure of 3rd Avenue West crossing and asked questions regarding the downtown parking lot project.

Mayor Liechty moved to appoint Judy Brueske as the seventh (7th) member on the Joint Library Board, in concurrence with the Stutsman County Commission, with a term to expire March 2012. Seconded by Council Member Parisien. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved to appoint the following to serve as members of the Joint Library Board: Gary Riffe with a one year term to expire March 2010; James Nyland with a two year term to expire March 2011; and Barbara Laraway with a three year term to expire March 2012. Seconded by Council Member Nygaard. Roll Call No. 7 showed: 3 ayes, 2 nays (Schulz and Kourajian), 0 absent. Carried.

Robert Goodroad, 414 3rd Street SE, appeared before the Council to inquire what the City is planning to do on 3rd Street SE when the snow melts and had concerns with water drainage in this area.

Council Member Parisien moved a Resolution to approve the request from FCCU Sweethearts for a Sweet Cure, Jamestown, ND, to be recognized as an other public spirited organization, and to issue a permit to conduct a raffle on June 12, 2009. Seconded by Council Member Kourajian. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Nygaard moved a Resolution to approve the request from Rocky Mountain Elk Foundation MinnDak Inc., Jamestown Chapter, for a site authorization to conduct gaming at the Gladstone Inn & Suites on March 28, 2009. Seconded by Council Member Schulz. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve the request for special permits to allow the outdoor sale and consumption of alcoholic beverages for the St. Patrick's Day Run on March 14, 2009, in approved areas to the following: Frontier Fort Bar & Grill, Office Bar, Shady's, Wonder Bar, Vets Club, Brass Rail, and Buffalo Lanes, Inc. Seconded by Council Member Parisien. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Jerry Berquist, Stutsman County Emergency Manager, updated the City Council with a presentation on the State's Snow Removal Program and information which the City would need to submit by the deadline of March 20, 2009.

Stutsman County Emergency Manager Jerry Berquist and City Engineer Reed Schwartzkopf presented their recommendation to the City Council relative to the potential for higher than normal discharges this spring from the Jamestown Reservoir and Pipestem Dam.

Council Member Kourajian moved to approve the following Resolution as it relates to the potential for higher than normal discharges this spring from the Jamestown Reservoir and the Pipestem Dam:

1. To declare a "Flood Emergency" for the City of Jamestown;
2. To request "Flood Preparedness Assistance" from Stutsman County;
3. To request the technical "Advance Measures Assistance" from the U.S. Army Corps of Engineers in Omaha, Nebraska; and
4. To agree to be the designated "Project Sponsor" for the duration of the event;

Seconded by Council Member Parisien. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution that the City Council not have the City Cleanup Week this spring due to snow and water related issues with the option to consider it at a later time. Seconded by Council Member Nygaard. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

City Engineer Schwartzkopf presented information to the City Council on the available funding from the Federal Stimulus Funding for Transportation Package, in the amount of approximately \$1,265,696.00, and reviewed options available for maximizing use of those funds.

Council Member Nygaard moved a Resolution to select the Third Street Project for the Federal Stimulus Funding for Transportation Package and to allow the City Engineer to proceed with including the 12th Avenue NE improvements as part of the Stimulus Funding also. Seconded by Council Member Parisien. Roll Call No. 13 showed: 3 ayes, 2 nays (Kourajian and Liechty), 0 absent. Carried.

Council Member Schulz moved a Resolution to approve Payment No. 3, to Interstate Engineering, Inc., for engineering services on the Drainage Study & Design for the East Railroad Drive property adjacent to the Railroad, in the amount of \$1,133.65. Seconded by Council Member Nygaard. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve Payment No. 5 to Interstate Engineering, Inc., for engineering services on Transportation Enhancement for US Highway 281, Project No. S-TNU-2-281(033)066, in the amount of \$2,396.11. Seconded by Council Member Kourajian. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve Invoice No. 22407 to Prairie Engineering, P. C., for the Mechanical and Electrical Evaluation on the Main Fire Hall, in the amount of 866.25. Seconded by Council Member Nygaard. Roll Call No. 16 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve the request from the Ducks Unlimited, Inc., for a site authorization to conduct gaming at the Knights of Columbus on April 18, 2009. Seconded by Council Member Nygaard. Roll Call No. 17 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve the request from the N.D. Buffalo Foundation for a site authorization to conduct gaming at the Jamestown Civic Center on April 15, 2009. Seconded by Council Member Kourajian. Roll Call No. 18 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor