

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 4, 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, Parisien and Schulz, City Attorney Dalsted, City Engineer Schwartzkopf and City Administrator Fuchs.

Council Member Nygaard moved to approve the minutes of the following meetings, as printed: Minutes of the regular council meeting, April 6, 2009; Minutes of the special council meeting, April 10, 2009; Minutes of the special council meeting, April 27, 2009; Minutes of the committee meeting, April 21, 2009; and Minutes of the committee meeting, April 23, 2009, and Minutes of the Board of Equalization, April 14 & 21, 2009. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Mayor Liechty moved to amend the April 7, 2009, City Council minutes, to insert the paragraph as follows: Mayor Liechty said that she has not seen evidence of "significant community support" for a new hospital as she has received several letters, emails, phone calls, and personal contracts from those who oppose the move and only two people have contacted her who are in favor of the new hospital. Seconded by Council Member Nygaard. Unanimous aye vote. Carried.

Council Member Kourajian moved to approve the following consent items:

- A. Resolution to approve the request from GRE for a \$300,000 Jobs Incentive Grant from Economic Development Funds with the City Share to be \$240,000 and paid from the City Sales Tax Fund.
- B. Resolution to approve the request from the City of Jamestown for \$42,000 in Economic Development Funds to assist in the cost of engineering fees for the 3rd Street SE to the Food Processing Industrial Park Stimulus Milling and Structural Overlay Project with the City Share to be \$42,000 and paid from the City Sales Tax Fund.
- C. Resolution to approve requests for gaming site authorizations to conduct gaming as follows: Progress Enterprises at the Office Bar; Shady's; TBR, Inc.; IDK Bar & Grill; and Buffalo Lanes; James River Aerie 2337 at Frontier Fort Bar & Grill; St James Basilica of Jamestown at the Basilica; Knights of Columbus at K of C Club
- D. Resolution to approve the request from Buffalo Lanes to conduct a street dance in the alley and parking lot behind the business on June 6, 2009.
- E. Resolution to award the bid for the purchase of a new Three Wheel High Dump Sweeper for the Street Department to Sanitation Products, Inc., in the amount of \$94,705.00.
- F. Resolution to award the bid for the construction of Sidewalk, Curb & Gutter District # 09-11 to Lindberg Brothers, Inc., in the amount of \$182,122.00.
- G. Resolution to approve the request from Jamestown College to place banners on the street light poles along 5th Avenue NE, contingent on approval from the NDDOT and the College reimbursing the City for any fees associated to the installation of the banners.
- H. Resolution to approve the request from the First Congregational United Church of Christ to install a new water service curb box, farm hydrant and water meter on Lot 13 and the N1/2 of Lot 14, Block 31, Original Addition.
- I. Resolution to authorize entering into a NDDOT Cost Participation, Construction, and Maintenance Agreement, Urban Federal Aid Project No. STM-SU-2-987(031)035, 3rd Street East from BNSF Tracks to 87th Avenue.
- J. Resolution to approve the performance bond of Border States Paving, Inc., for construction on the Seal Coat, Patching, Construction and Reconstruction District #09-41, in the amount of \$1,655,636.43.
- K. Resolution to approve Payment No. 13, 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 \$6,842.78.
- L. Resolution to approve Payment No. 14 to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$980.00.
- M. 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.

N. Resolution to allow the April indebtedness in the amount of \$3,285,809.53 consisting of \$422,262.83 payroll and \$2,863,546.70 general obligations.

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

Council Member Parisian moved a Resolution to approve the recommendation from JSDC relative to the purchase of 551.8 acres in the Spiritwood Industrial Park from the Newman Group, and the re-sale of 451.8 acres of the same property to GRE. Seconded by Mayor Liechty. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Nygaard moved a Resolution to accept and award the bid for the New 4 CY 4-Wheel Drive Loader for the Street Department to RDO Equipment Company for a new John Deere Loader, Model 644K, at the bid price of \$227,000.00 less \$85,000.00 on the trade-in unit of a 2001 John Deere 644H Loader, for a net bid of \$142,000.00, and with a guaranteed buyback in the amount of \$110,000.00, and a guaranteed maximum repairs 7500 hours or 5 years. Seconded by Council Member Schulz. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to approve Payment No. 2 (Inv No. 1231), to Interstate Engineering, Inc., for Flood Related Consultations, in the amount of \$115,524.88. Seconded by Council Member Parisien. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning special assessments for Seal Coat, Patching, Construction & Reconstruction District #08-41. No one appeared to object and no written protests were received.

Council Member Schulz moved a Resolution to accept and approve the special assessments for Seal Coat, Patching, Construction & Reconstruction District #08-41, as submitted by the Special Assessment Commission, in the amount of \$1,777,023.32, with the City Share to be \$174,566.09, and with a balance to assess against benefited properties in the amount of \$1,602,457.23. Seconded by Council Member Nygaard. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning Ordinance No. 1348 pertaining to the annexation of property with the N½ of Section 3 and the NE¼ of Section 4, Township 139 North, Range 64 West, Woodbury Township, Auditor's Lots 3-2 & 3-3, Stutsman County, ND.

Bill Kennedy, Marketing Director at Jamestown Hospital, read three letters in support of the annexation from the following: Jackie Mangnall (Jamestown College Nursing Program); Gary Riffe (Hi-Acres Manor); and Laurie McGuire (James River Senior Center and James River Transit).

The following appeared before the City Council in support of the annexation: Duane Enzminger (Chairman of Jamestown Hospital Foundation); Tim Burchill (Ave Maria Village and Heritage Centre); Harley Trefz and John Corell.

Dr. Larry Johnson stated that he was not opposed to a new hospital, but did opposed the proposed location.

Steve Aldinger and Daren Peterka, representatives from Interstate Engineering, Inc., answered questions from the City Council on road design for accessibility and also sewer and water main concerns relative to the proposed new hospital.

The public hearing was closed.

Mayor Liechty moved to table the second reading of Ordinance No. 1348 until all signatures are obtained on the annexation document. Motion died for lack of a second.

Council Member Parisien moved a Resolution to table the second reading of Ordinance No. 1348 to the May 19, 2009, Special City Council Meeting. Seconded by Council Member Kourajian. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve the request from Gilby, Inc., d/b/a Wonder Bar Sports Bar for permits to conduct street dances on Saturday, June 27, 2009, and Friday, August 28, 2009, on 2nd Street SE from 7:00 PM to 2:00 A.M. Seconded by Council Member Parisien. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor