

JAMESTOWN CITY COUNCIL
REGULAR MEETING, JULY 6, 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 Engineer Schwartzkopf and City Administrator Fuchs. Absent: Council Member Parisien and City Attorney Dalsted.

Council Member Schulz moved to approve the minutes of the following meetings, as printed: Minutes of the regular council meeting, June 1, 2009; Minutes of the committee meeting, June 23, 2009; Minutes of the committee meeting, June 25, 2009. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Kourajian moved to approve the following consent items:

A. Resolution to re-affirm pledges of deposit as follows:

First Community Credit Union	\$ 2,985,966.00
Unison Bank	\$11,873,116.80
Wells Fargo Bank	\$ 7,852,233.94
USBank Jamestown	\$ 1,111,699.78

B. Resolution to de-obligate Economic Development Funds to Spirit Ethanol, LLC, in the amount of \$1,350,000, as the project will not be built.

C. Resolution to establish monthly rates for the City of Jamestown Group Health Insurance Plan, effective for the September 1, 2009, Plan Year as follows:

	<u>City Share</u>	<u>Employee Share</u>	<u>Total</u>
Single Plan	\$328.53	-0-	\$328.53
Single plus Dependant	\$362.05	\$195.90	\$557.95
Family Plan	\$387.38	\$431.00	\$818.38

D. Resolution to approve the proposal relative to the City of Jamestown Employee Retirement Plan that would change the actuarial calculations to determine the recommended annual contribution to the plan by instituting the following:

- 1) An Actuarial Value of Assets based on a five-year smoothing of gains and losses, and
- 2) An increased amortization period for the plans unfunded liability from 10 years to 30 years.

E. Resolution to deny the request from Last Leg Taxi to receive 50% of the grant subsidy currently being provided to Jamestown Taxi Service.

F. Resolution to award the bid to Heiman Fire Equipment for the purchase of a New 1500 GPM Fire Pumper, in the amount of \$347,136.00.

G. Resolution to approve Change Order No. 1, to Border States Paving, Inc., for Seal Coat, Patching, Construction and Reconstruction District #09-41, for a net increase in the contract price of \$78,817.37.

H. Resolution to authorize entering into an agreement with Interstate Engineering, Inc., for engineering services relating to expansion of the existing Sanitary Landfill and adjacent 80 acres.

I. Resolution to authorize entering into an agreement with Interstate Engineering, Inc., for engineering services relating to expansion of the existing Inert Landfill.

- J. To (approve-disapprove) Estimate No. 2, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #09-41, in the amount of \$803,045.21.
- K. Resolution to approve Payment No. 15, 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 \$5,489.83.
- L. Resolution to approve Payment No. 4 (Inv No. 1623 Final), to Interstate Engineering, Inc., for preliminary engineering services on 3rd Street Mill and Overlay, STM-SU-2-987(031)035, in the amount of \$1,184.02.
- M. Resolution to approve Payment No. 4 (Inv No. 1624), 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 \$1,469.84.
- N. Resolution to approve Payment No. 6 (Inv No. 1626), to Interstate Engineering, Inc., for engineering services on Downtown Railroad Parking Lots & Streets Improvement District #07-43, in the amount of \$943.41.
- O. Resolution to approve Payment No. 16 (Inv No. 1622) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$180.00.
- P. 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.
- Q. Resolution to allow the June indebtedness in the amount of \$2,115,064.96 consisting of \$391,817.95 payroll and \$1,723,247.01 general obligations.

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

Mayor Liechty moved a Resolution to approve the request of Martinizing Dry Cleaning, LLC, for a Flex PACE matching fund loan, in an amount not to exceed \$31,000.00, from Economic Development Funds, with the City Share to be \$31,000.00 and paid from the City Sales Tax Fund. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

City Attorney Dalsted seated himself.

Council Member Schulz moved a Resolution to approve the letter of intent from Allen Enterprises to purchase Lots 7 & 8, Block 4, I-94 Business Park Addition, to construct facilities for Buffalo City Diesel. Seconded by Council Member Nygaard. Roll Call No. 3 showed: 3 ayes (Schulz, Nygaard and Kourajian), 1 nay (Liechty), 1 absent. Carried.

Mayor Liechty moved a Resolution to table any change in the City telephone services until such time as information is received from other vendors. Seconded by Council Member Schulz. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Discussion was held relative to denying the issuance of a key to the Wastewater Treatment Plant Facility gate to the Rental Store and to amend current City policy to not allow access to the site after hours by private contractors.

Tom Merrick, Attorney representative for the owner of The Rental Store, appeared before the City Council to request allowing The Rental Store access to the Wastewater Treatment Plant Facility site after hours, on weekends and holidays.

Bob Lulay, owner of Lulay Enterprises, stated the facility has been used for 45 years by private contractors and that he understood the City concerns with security to the facility.

Council Member Schulz moved to amend current City policy to not allow access to the Wastewater Treatment Plant Facility after hours by private contractors and to not allow keys to the gate to private contractors. Motion died for lack of a second.

Council Member Nygaard moved a Resolution to amend current City policy to not allow access to the Wastewater Treatment Plant Facility after hours by private contractors. Seconded by Council Member Schulz.

Further discussion was held.

Council Member Schulz moved to call for the previous question. Seconded by Council Member Nygaard.

Roll Call No. 5 on the Resolution showed: 2 ayes (Schulz and Nygaard), 2 nays (Liechty and Kourajian), 1 absent. NOT CARRIED.

Mayor Liechty moved a Resolution to approve the plans and specifications for the McElroy Addition development project in NW Jamestown and to authorize the advertisement for bids. Seconded by Council Member Schulz. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to approve requesting the State of North Dakota to sponsor a long range study of the James River. Seconded by Council Member Nygaard. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to authorize the addition of mill and overlay of the parking lot across from the Gladstone Inn to the approved Downtown Parking Lots & Streets Improvement Project #07-43. Seconded by Council Member Kourajian. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to approve Payment No. 4 (Inv No. 1621), to Interstate Engineering, Inc., for Flood Related Consultations, in the amount of \$24,798.30. Seconded by Council Member Nygaard. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to approve Payment No. 4 (Inv No. 1634), 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 \$1,495.00. Seconded by Council Member Kourajian. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning the application for 2009 Byrne Justice Assistance Grant (JAG) Program funds, in the amount of \$89,854.00, and the proposed use of said funds as follows: Jamestown Police Department (\$77,641.00 - Equipment, Training, Technology & Investigations); Stutsman County Sheriff's Office (\$12,213.00 - Equipment). No one appeared to object and no written protests were received. The hearing was closed.

Mayor Liechty moved a Resolution to approve the application and the proposed use of 2009 Byrne Justice Assistance Grant (JAG) Program funds, in the amount of \$89,854.00, as follows: Jamestown Police Department - \$77,641.00 (Equipment, Training, Technology & Investigations); Stutsman County Sheriff's Office - \$12,213.00 (Equipment). Seconded by Council Member Schulz. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to approve the continuation of property tax exemptions for the construction of new residential housing based on the newly enacted legislation contained in Senate Bills No. 2239 and 2247 as follows:

1. Any new single-family residential property, exclusive of the land on which it is situated, is exempt from assessment for the taxable year in which construction began and the next two taxable years, if the property remains owned by the builder, remains unoccupied, and special assessments and taxes on the property upon which the residence is situated are not delinquent. A builder is eligible for exemption of

no more than ten properties in a taxable year. For purposes of this exemption, “builder” includes an individual who builds that individual’s own residence.

2. Up to one hundred fifty thousand dollars (\$150,000.00) of the true and full value of all new single-family and condominium and townhouse residential property, exclusive of the land on which it is situated, is exempt from taxation for one year after the taxable year in which construction is completed and a Certificate of Occupancy is issued and the residence is owned and occupied for the first time and special assessments and taxes on the property upon which the residence is situated are not delinquent. For purposes of this exemption, commencement of construction shall mean the building or erecting of any improvements other than site preparation or excavation.

Seconded by Council Member Nygaard. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved to table to the August City Council meeting the appointments to the Local Advisory Study Committee. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor