

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, OCTOBER 6, 2014  
OFFICIAL MINUTES

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

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Andersen, Council Members Kourajian, Brubakken and Buchanan, City Attorney Dalsted, City Engineer Schwartzkopf and City Administrator Fuchs. Absent: Council Member Gumke.

Council Member Brubakken moved to approve the minutes of the regular council meeting, September 2, 2014; minutes of the special council meetings, September 12 & 24, 2014; and minutes of the committee meeting, September 23, 2014. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

No bids were received for the sale of impounded/abandoned vehicles.

Council Member Brubakken moved to approve the following consent agenda items:

- A. Resolution to request a letter from Jamestown School District to discontinue the 1% City Sales Tax for the repayment of School District bonded indebtedness effective December 31, 2014, as it appears the district will have sufficient revenues to retire the bonds.
- B. Resolution to approve the sale of Lot 5, Block 1, Homestead III Addition, to the two adjacent property owners on a pro rata basis for a total of \$10,000; subject to the purchasers obtaining an approved re-plat of the affected lots with the inclusion of the existing covenants prior to closing.
- C. Resolution to authorize the issuance of a quit claim deed to Albert L. & Alice Boeckel for the West 10' of the vacated alley adjacent to the S. 120' of the E. 158.39' of Lot 1, Alana Addition, to the City of Jamestown.
- D. Resolution to approve amending the Resolution approved June 2, 2014, which authorized \$150,000 in Economic Development Funds for an addition to the SEPA Rail Spur, with the City Share paid from the Sales Tax Fund to be 90% and not 80% as approved in the June 2, 2014 Resolution.
- E. Resolution to authorize the Civic Center to begin solicitation of sponsorship fees for the replacement basketball floor and portable backstops at the Civic Center.
- F. Resolution to authorize entering into an engineering services agreement with Interstate Engineering, Inc., for construction engineering on Phase II of the McElroy Addition Development Project.
- G. Resolution to accept the proposal of Midwest Testing Laboratories/Terracon to perform the hydrogeological investigation for the Municipal Waste Landfill Expansion, in the amount of \$58,419.00.
- H. Resolution to approve repairs to the Baler Building, as recommended by AE2S and Wells Concrete, and accept the proposal from Wells Concrete to proceed with repairs and instruct AE2S to field verify and certify the repair work.
- I. Resolution to approve Change Order No. 2, to Sellin Brothers, Inc., for the WTP Backwash Pond Pump Station Project, for a net decrease in the contract price of \$8,025.00.

- J. Resolution to approve Contingency Change Order No. 9, to ESG Services Group, relating to mechanical work done at the Civic Center, in the amount of \$5,520.00.
- K. Resolution to approve Payment No. 1&Final (Inv No. 1714), to Scherbenske, Inc., for construction on Water Line Extension to Aggregate Industries, in the amount of \$44,550.00.
- L. Resolution to approve Payment No. 1, to Northern Excavating, Inc., for construction on Phase II, McElroy Addition Development Project, in the amount of \$104,696.78.
- M. Resolution to approve Payment No. 1 (Inv No. 39853), to AE2S, for engineering services on Baler Facility Repair and Assessment, in the amount of \$1,975.00.
- N. Resolution to approve Payment No. 2 (Inv No. 1416.01-2), to Artekta, Inc., for engineering services on Jamestown Civic Center Seating Replacement Project, in the amount of \$370.00.
- O. Resolution to approve Payment No. 3, to Strata Corporation, for construction on 2014 Sidewalk, Curb & Gutter District #14-11, in the amount of \$14,061.38.
- P. Resolution to approve Payment No. 5, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction & Reconstruction District #14-41, in the amount of \$648,353.65.
- Q. Resolution to approve Payment No. 8 (Inv No. 08387.00-8), to SRF Consulting Group, Inc., for Jamestown Planning and Zoning Technical Services, in the amount of \$2,209.97.
- R. Resolution to approve Payment No. 10 (Inv No. 5230489124R), to Energy Services Group, LLC, for the Jamestown Civic Center Energy Services Agreement, in the amount of \$254,214.00.
- S. Resolution to approve Payment No. 10 (Inv No. 39757), to AE2S, for engineering services on Infrastructure I&C Support, in the amount of \$7,208.50.
- T. Resolution to approve Payment No. 12 (Inv No. 39758), to AE2S, for On Call engineering services (MiscReqServ), in the amount of \$2,179.40.
- U. Resolution to approve Payment No. 18 (Inv No. 39756), to AE2S, for engineering services on Jamestown Water Treatment Plant Backwash Discharge, in the amount of \$256.50.
- V. Resolution to approve Payment No. 1 (Inv No. 20279), to Interstate Engineering, Inc., for engineering services on Phase II, McElroy Addition Development Project, in the amount of \$18,871.00.
- W. Resolution to approve Payment No. 6 (Inv No. 20282-Final), to Interstate Engineering, Inc., for engineering services on (3<sup>rd</sup> St NE) Paving, Water & Sewer District #13-42, 13-63 & 13-33, in the amount of \$1,865.90.
- X. Resolution to approve Payment No. 7 (Inv No. 20285), to Interstate Engineering, Inc., for engineering services on Water System Improvements to serve City Water to GRE, in the amount of \$12,070.41.
- Y. Resolution to approve Payment No. 18 (Inv No. 20284), to Interstate Engineering, Inc., for engineering services on 2012 Water Tower & Distribution System Improvements, in the amount of \$12,701.04.
- Z. 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.

AA. Resolution to allow the September indebtedness in the amount of \$3,676,562.31 consisting of \$476,270.07 payroll and \$3,200,292.24 general obligations.

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

Council Member Kourajian moved a Resolution to approve the request from the JSDC to act as a facilitator for CHS Fertilizer, for a new jobs training program and a 20 year agreement to provide \$4,700,000 over 20 years (\$235,000 annually) from the Economic Development Fund as an incentive grant to CHS Fertilizer, with the City Share to be \$470,000 (\$23,500 annually) and paid from the City Sales Tax Fund. Seconded by Council Member Brubakken. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Gumke seated himself.

Council Member Brubakken moved a Resolution to approve establishing the definition for affordable housing in the city to participate in the PACE Affordable Housing Program, to be equal to 80% of the median household income based on the 2010 census for Jamestown times 30% divided by 12, for a 2 bedroom apartment rental and utilities; with a 1 bedroom apartment rental to be \$100 less and a 3 bedroom to be \$100 more; subject to annual adjustment. Seconded by Council Member Gumke. Roll Call No. 3 showed: 3 ayes, 2 nays (Kourajian, Buchanan), 0 absent. Carried.

Council Member Gumke moved a Resolution to deny the request for \$16,000 to fund the construction of a Bus Shelter in the City parking lot west of the Post House. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 4 ayes, 1 nay (Kourajian), 0 absent. Carried.

Council Member Buchanan moved a Resolution to acknowledge the findings of the City Attorney relative to responses received to the questionnaire pursuant to NDCC 40-57.1-03(5) regarding tax exemptions previously granted for Prairie Hills and the Heritage Centre relative to their assisted living services as meeting the terms of the approved tax exemptions. Seconded by Council Member Gumke. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve Change Order No. 1, to Hoffman & McNamara Company, for the East Business Loop Transportation Enhancement Project (TEU-2-987(038)042), for a net increase in the contract price of \$25,464.00. Seconded by Council Member Gumke. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to approve Payment No. 1, to E & A Consulting Group, Inc., per the Developer Agreement dated August 8, 2013, in the amount of \$4,000.00. Seconded by Council Member Buchanan. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the special assessment list for Paving, Water & Sewer Improvement District #13-42, #13-63 & #13-33. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Brubakken moved a Resolution to approve the special assessments for Paving, Water & Sewer Improvement District #13-42, #13-63 & #13-33, in the total amount of \$356,326.86, less the City Share of \$33,532.90, less the Developer Fee of \$58,000.00, with the balance of \$264,793.96 to be assessed to benefited properties within the district. Seconded by Council Member Gumke. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the special assessment list for Sanitary Sewer District #13-31 & #13-32. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Gumke moved a Resolution to approve the special assessments for Sanitary Sewer District #13-31, in the total amount of \$458,087.32, less the City Share of \$114,521.83, with the balance of \$343,565.49 to be assessed to benefited properties within the district; and also Sanitary Sewer District #13-32, in the total amount of \$597,342.95, less the amended City Share of \$162,102.78, with the balance of \$435,240.17 to be assessed to benefited properties within the district. Seconded by Council Member Brubakken. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the special assessment list for East Business Loop Reconstruction District #11-42, Project No. SU-2-987(029)033.

Jerry D'Amour appeared before the Council to inquire why the Farmers Union property was not being assessed in the district.

City Administrator Fuchs recalled that initially it was included in the district, but based on further review of costs involved to cross the river with a service line to the Farmers Union property, it was determined not to be feasible and the property was not included in the district.

No written protests were received. The hearing was closed.

Council Member Gumke moved a Resolution to approve the special assessments for East Business Loop Reconstruction District #11-42, Project No. SU-2-987(029)033, in the total amount of \$2,825,529.96, less the City Share of \$2,186,864.56, with the balance of \$638,665.40 to be assessed to benefited properties within the district. Seconded by Council Member Brubakken. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to disapprove the request from Arctic Electric for a Special Use Permit to allow temporary sleeping rooms for employees on Lots 9-14, Block 7, Mill Hill 2<sup>nd</sup> Addition (Former Titan Building), which is currently zoned M-1 (Manufacturing District). Seconded by Council Member Brubakken. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved to introduce the first reading of an ordinance to amend Ordinance No. 329 by amending the District Map to change the zoning of Lots 1-7, Block 1, Scherbenske Third Estates Subdivision, from R-1 (One-Family Residential District) and A-1 (Agricultural District) to R-1(One-Family Residential District) and Lot 8, Block 1, Scherbenske Third Estates Subdivision, from R-1 (One-Family Residential District) and A-1 (Agricultural District) to A-1 (Agricultural District).

Council Member Kourajian moved to introduce the first reading of an ordinance to extend the City Sales Tax for economic development and city infrastructure fifteen (15) years to coincide with the Menard's Tax Increment Financing District.

Council Member Kourajian moved to introduce the first reading of an ordinance to repeal Article IV of Chapter 25.5 pertaining to City Sales & Use Tax for school bond issue effective March 31, 2015.

Mayor Andersen moved to appoint Council Member Brubakken to serve as the City Council representative on the South Central Dakota Regional Council with a term to expire September 2016. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

At 6:00 PM, a public hearing was held concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2015, through December 31, 2015.

Jerry D'Amour appeared before the City Council to inquire if the 2015 budget included funding for new equipment (motor graders for snow removal) and funding for curbside recycling.

Mayor Andersen stated funding was not included in the 2015 budget for additional motor graders or curbside recycling.

No written protests were received. The hearing was closed.

Ordinance No. 1445, introduced by Council Member Brubakken, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2015, through December 31, 2015, had its second reading. Seconded by Council Member Gumke. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1446, introduced by Council Member Brubakken, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2015, through December 31, 2015, had its second reading. Seconded by Council Member Gumke. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to direct the City Administrator to notify the County that the City of Jamestown should be exempt from the County Library Levy as the City maintains its own library levy. Seconded by Council Member Buchanan. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to direct the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2015, through December 31, 2015. Seconded by Council Member Brubakken. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Gumke moved a Resolution to accept and approve the 2013 City Audit, as prepared by Schauer & Associates, PC. Seconded by Council Member Buchanan. Roll Call No. 16 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian excused himself.

Council Member Gumke moved a Resolution to approve awarding the bid for the Jamestown Civic Center Upper Concourse Seating Replacement to School Products – George Abell Construction, in the amount of \$439,205.00. Seconded by Council Member Brubakken. Roll Call No. 17 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Gumke moved a Resolution to accept the offer from Quality Service & Repair to purchase the damaged 1994 GMC Semi-tractor and tank trailer, as is, in the amount of \$3,302.70. Seconded by Council Member Brubakken. Roll Call No. 18 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to authorize the purchase of a 1976 Timte Tri-axle 45' tanker trailer with a Roper pump from Wallwork Truck Center, in the amount of \$10,000. Seconded by Council Member Gumke. Roll Call No. 19 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen noted that the City Council would be meeting in special session at the Alfred Dickey Public Library on Tuesday, October 7, 2014, at 3:30 PM, to meet with the library architect and tour the library facility.

Mayor Andersen stated there would be a dedication ceremony of the firefighter statue at the Main Fire Station on Wednesday, October 8, 2014, at 5:30 PM.

Council Member Gumke moved to adjourn. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

ATTEST:  
JEFF FUCHS, City Administrator

APPROVED:  
KATIE ANDERSEN, Mayor