

JAMESTOWN CITY COUNCIL
REGULAR MEETING, APRIL 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, Parisien and Schulz, City Attorney Dalsted and City Administrator Fuchs. Absent: City Engineer Schwartzkopf.

Council Member Schulz moved to approve the minutes of the following meetings, as printed: Minutes of the regular council meeting, March 2, 2009; Minutes to the special council meeting, March 24, 2009; Minutes of the special council meeting, March 30, 2009; Minutes of the special council meeting, March 31, 2009; Minutes of the committee meeting, March 24, 2009; and Minutes of the committee meeting, March 26, 2009. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Bids were received for the sale of an impounded and abandoned vehicle from Diana Olson, Isaac Loftsgard and Darrel Wegner.

City Engineer Schwartzkopf seated himself.

Council Member Schulz moved to approve the following consent items:

- A. Resolution to approve the recommendation from the JSDC that the outstanding balance owed by Kensal Community Grocery be written off and the project closed.
- B. Resolution to approve the recommendation from the JSDC that the \$2,000.00 NDSU Business Retention and Expansion Survey funding be de-obligated.
- C. Resolution to approve the request from Ducks Unlimited for a gaming site authorization at the Gladstone Inn & Suites for May 16, 2009.
- D. Resolution to approve the request from the Fort Seward Reconstruction Committee to move a building to the Fort Seward site to be used as a veteran's museum.
- E. Resolution to authorize the reimbursement to Valley Market's, Inc., (Hugo's) for the tax increment amount of \$79,467.98 paid for the tax year 2008.
- F. Resolution to authorize the City Administrator to submit an application to the NDDOT for the 2009 Section 5311 Federal Grant for Transit funding for the Jamestown Taxi Service.
- G. Resolution to authorize the City Administrator to submit an application to the NDDOT for the 2009 State Aid for Transit for the Jamestown Taxi Service.
- H. Resolution to approve the request from the Highland Home Cemetery Association for a special use permit to allow a crematorium within an existing building at Highland Home Cemetery.
- I. Resolution to authorize and pay for the cost of dike and sandbag removal, cleanup and reseeding of sites in which temporary emergency levees are constructed by the Corps or City.
- J. Resolution to authorize the submission of an application for Phase 2 of the US Hwy 52/281 Landscape Enhancement Program.
- K. Resolution to approve the request from the Jamestown Middle School concerning a storm drain stenciling project and to provide funding for supplies up to \$500.00.
- L. Resolution to approve the following performance bonds of RDO Equipment Company:
 - 1) For the guaranteed delivery of One (1) New 2009 John Deere, 770G, Motor Grader, for the Street Department, in the amount of \$200,500.00; and
 - 2) For the guaranteed buyback of the motor grader, in the amount of \$120,000.00, after 6 years or 4500 hours, whichever occurs first.
- M. Resolution to approve the performance bond of Sanitation Products, Inc., for the guaranteed delivery of One (1) New Commercial Type Packer Body for the Sanitation Department, in the amount of \$53,275.00.
- N. Resolution to approve the request from ND Buffalo Foundation, Inc., for a gaming site authorization at the Jamestown Civic Center on June 10, 2009.

- O. Resolution to approve the request from ND Buffalo Foundation, Inc., for a gaming site authorization at the Vet's Club July 1, 2009, through June 30, 2010.
- P. Resolution to approve Payment No. 12, 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 \$17,307.88.
- Q. Resolution to approve Payment No. 2, to Interstate Engineering, Inc., for preliminary engineering services on 3rd Street Mill and Overlay, STM-SU-2-987(031)035, in the amount of \$6,657.33.
- R. Resolution to approve Payment No. 2, to Interstate Engineering, Inc., for preliminary engineering services on Viaduct Utilities and Pavement Replacement, STM-SU-2-987(032)036, in the amount of \$14,190.00.
- S. Resolution to approve Payment No. 2, 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 \$14,929.83.
- T. Resolution to approve Payment No. 13 to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$1,949.80.
- U. Resolution to approve Payment No. 15, to Interstate Engineering, Inc., for engineering services on Phase I, Part A, Water Well Replacement, Project No. 4700498-02, in the amount of \$1,060.38.
- V. Resolution to approve Payment No. 1 (Inv No. 1110), to Interstate Engineering, Inc., for preliminary engineering services on 12th Avenue NE Mill and Overlay, STM-SU-2-987(033)037, in the amount of \$5,867.02.
- W. Resolution to approve Payment No. 1 (Inv No. 1117), to Interstate Engineering, Inc., for Flood Related Consultations, in the amount of \$18,111.40.
- X. Resolution to approve Payment No. 6 (Inv No. 1115), 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 \$2,726.63.
- Y. 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.
- Z. Resolution to allow the March indebtedness in the amount of \$1,880,690.19 consisting of \$389,696.96 payroll and \$1,490,993.23 general obligations.

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

Mayor Liechty moved a Resolution to approve Payment No. 1 (Inv No. 1111), to Interstate Engineering, Inc., for Survey Drainage Area in Lowry's Subdivision and into the NE1/4 Section 11-139-64, in the amount of 2,500.00. Seconded by Council Member Parisien. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Nygaard moved a Resolution to approve the re-drafted license agreement between City of Jamestown and McDonald's and to recommend the inclusion of an annual \$100.00 fee for the license agreement. Seconded by Council Member Schulz. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning Seal Coat, Patching, Construction and Reconstruction District #09-41 protests and the sufficiency thereof. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Parisien moved a Resolution that the protests have been found to be insufficient to bar proceeding with Seal Coat, Patching, Construction and Reconstruction District #09-41. Seconded by Council Member Nygaard. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved to introduce the first reading of an ordinance pertaining to the annexation of property within the N1/2 Section 3 and NE1/4 Section 4, T139N, R64W, Woodbury Township, Auditor's Lots 3-2 & 3-3 (Proposed Hospital Site).

Jon Lillejord, from Medcenter One Clinic, informed the City Council that the clinic is not planning to be part of the proposed Jamestown Hospital medical facility.

Ordinance No. 1346, introduced by Council Member Schulz, to grant a non-exclusive gas distribution system franchise agreement to Montana Dakota Utilities, had its second

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

Ordinance No. 1347, introduced by Council Member Nygaard, to enact Section 15-19 of the City Code pertaining to user fees for deployment of public safety services, had its second reading. Seconded by Council Member Schulz. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to establish a fee of \$500.00 for services performed for deployment of public safety devices as part of Ordinance No. 1347. Seconded by Council Member Nygaard. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to award the bid for the sale of an abandoned and impounded 1980 Toyota, (VIN: TE720005008), to Diana Olson, in the amount of \$215.00. Seconded by Council Member Kourajian. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kourajian moved a Resolution to award the bid to Border States Paving, Inc., for Seal Coat, Patching, Construction and Reconstruction District #09-41, in the amount of \$1,655,636.43. Seconded by Council Member Parisien. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved to appoint Patrick Nygaard to serve as the City Council representative and John Gletne to serve as the City employee representative on the Pension Committee for terms of one (1) year to expire March 2010. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint Bob Martin and Roy Sheppard to serve as members of the Shade Tree Committee for three year terms to expire April 2012. Seconded by Council Member Nygaard. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint John Grabinger to serve as a member of the Special Assessment Commission for a six year term to expire April 2015. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint Clarice Liechty, Charlie Kourajian, Patrick Nygaard, Kelani Parisien and Ken Schulz to serve as members of the Storm Water Committee for two year terms to expire April 2011. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint the City Administrator, City Engineer, City Building Inspector, Engineering Technician II, and Public Works Chairman to serve as members of the Storm Water Sub-Committee for two year terms to expire April 2011. Seconded by Council Member Nygaard. Unanimous aye vote. Carried.

Alan O'Neil, (Vice-President of Finance, Chief Financial Officer) from Jamestown Hospital, appeared before the City Council to seek approval of a Certification of Significant Community Support for Essential Community Facility Projects on behalf of the application submitted to the USDA for a loan to construct a new hospital by Jamestown Hospital.

Martin Richman, CEO-Jamestown Hospital, stated the Certification of Community Support document is one of several requirements of the application process for the USDA loan.

Brian Lunde stated the Jamestown Hospital project is unique and that he has been working in both North Dakota and Washington, DC, on community support for federal funding of the project.

Council Member Schulz moved to place on the agenda for the City to consider the Certification of Significant Community Support. Seconded by Council Member Nygaard. Roll Call No. 10 showed: 4 ayes, 1 nay (Liechty), 0 absent. NOT CARRIED. (Unanimous vote is required to place item on current agenda.)

Council Member Nygaard, Schulz and Parisien stated their desire to have a special city council meeting to consider this request.

Council Member Nygaard moved to hold a special city council meeting on April 7, 2009, at 5:00 P.M., to consider the Certification of Significant Community Support document requested by Jamestown Hospital officials. Seconded by Council Parisien. Voice vote: 4 ayes, 1 nay (Liechty). Carried.

Mayor Liechty thanked the City Staff, County Staff and the many volunteers for their efforts and cooperation in the flood preparation process thus far.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor