

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

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

The Pledge of Allegiance to the flag was recited.

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

Council Member Schulz moved to approve the minutes of the following meetings as printed: Minutes of the regular council meeting, October 5, 2009; Minutes of the committee meeting, October 20, 2009; Minutes of the committee meeting, October 22, 2009. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Nygaard moved to approve the following consent items:

- A. Resolution to approve the request from JSDC for \$3,000 from Economic Development Funds to conduct a Community Labor Availability Study with the City Share to be \$2,400 and paid from the City Sales Tax Fund.
- B. Resolution to approve the application for abatement received from Richard and Jean Seekins for a reduction in the 2009 property valuation on Lots 12 & 13, Lubeck's First Addition, by reducing the valuation from \$73,800 to \$69,500.
- C. Resolution to approve the request from the Jamestown Fine Arts Association to have the City of Jamestown act as the Project Sponsor to make application to the NDDOT for a Transportation Enhancement Grant for development of the Arts Park in downtown.
- D. Resolution to approve pension plan amendments to the City of Jamestown Employees Pension Plan to continue the plan's compliance with the final regulations under Internal Revenue Code Section 415.
- E. Resolution to accept the 2008 City of Jamestown audit report as prepared by Schauer & Associates, PC.
- F. Resolution to apply for an Emergency Relief Grant to the ND Department of Emergency Services for assistance in paying the ND National Guard bill as a result of the 2009 flood event.
- G. Resolution authorizing payment of the remaining \$62,174.60 of the ND National Guard bill.
- H. Resolution to approve Payment No. 1 & Final, to Lindberg Brothers, Inc., for Finish Grading, Seeding, Fertilizing & Mulching for Areas Disturbed During Dike Construction & Removal, in the amount of \$232,319.34.
- I. Resolution to approve Estimate No. 2, to Northern Excavating Co., Inc., for construction on Utility & Street Improvement District #09-51 (McElroy Addition), in the amount of \$31,427.91.
- J. Resolution to approve Estimate No. 4, to Lindberg Brothers, Inc., for construction on 2009 Sidewalk and Curb & Gutter District #09-11, in the amount of \$58,127.10.
- K. 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.

L. Resolution to allow the October indebtedness in the amount of \$1,719,669.31 consisting of \$388,843.33 payroll and \$1,330,825.98 general obligations.

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

City Attorney Dalsted seated himself.

Kevin Klemmer and Troy Nelson, PepsiAmericas, addressed the City Council to request consideration in awarding the soft drink vending contract at the Jamestown Civic Center to PepsiAmericas.

Greg Firestein, district manager, Midwest Coca-Cola Bottling Co., summarized his proposal and answered questions from the City Council.

Council Member Parisien moved a Resolution to approve and authorize entering into a five (5) year agreement with Pepsi Americas for soft drink vending at the Jamestown Civic Center concessions and vending machines and soft drink advertising within the facility. Died for lack of a second.

Further discussion followed.

Council Member Parisien moved a Resolution to approve and authorize entering into a five (5) year agreement with Pepsi Americas for soft drink vending at the Jamestown Civic Center concessions and vending machines and soft drink advertising within the facility. Died for lack of a second.

Council Member Nygaard moved a Resolution to approve and authorize entering into a five (5) year agreement with Midwest Coca Cola Bottling Co. for soft drink vending at the Jamestown Civic Center concessions and vending machines and soft drink advertising within the facility. Died for lack of a second.

Further discussion followed.

Council Member Parisien moved a Resolution to approve and authorize entering into a five (5) year agreement with Pepsi Americas for soft drink vending at the Jamestown Civic Center concessions and vending machines and soft drink advertising within the facility. Died for lack of a second.

Council Member Kourajian moved a Resolution to approve and authorize entering into a five (5) year agreement with Midwest Coca Cola Bottling Co. for soft drink vending at the Jamestown Civic Center concessions and vending machines and soft drink advertising within the facility. Seconded by Council Member Nygaard. Roll Call No. 2 showed: 3 ayes, 1 nay (Parisien), 1 absent. Carried.

A public hearing was held concerning the application for 2009 Byrne Justice Assistance Grant (JAG) Program funds, in the amount of \$14,393.00, and the proposed use of said funds as follows: Jamestown Police Department (\$12,000.00 - Law enforcement, officer & squad car safety equipment); Stutsman County Sheriff's Office (\$2,393.00 - Law enforcement equipment). No one appeared to object and no written protests were received. The hearing was closed.

Council Member Schulz moved a Resolution to approve the application and the proposed use of 2009 Byrne Justice Assistance Grant (JAG) Program funds, in the amount of \$14,393.00, as follows: Jamestown Police Department (\$12,000.00 - Law enforcement, officer & squad car safety equipment); Stutsman County Sheriff's Office (\$2,393.00 - Law enforcement equipment). Seconded by Council Member Parisien. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Parisien moved to introduce an ordinance to renew the telecommunication franchise with Daktel Communications, LLC.

Council Member Kourajian moved to introduce an ordinance to amend and re-enact Sections 25-59, 25-60 and 25-61 of the City Code pertaining to temporary prohibition of parking on emergency routes during a declared snow emergency.

Council Member Schulz moved to introduce an ordinance to amend and re-enact Section 21-16-15 of the City Code pertaining to parking restrictions.

Council Member Nygaard moved to introduce an ordinance to enact Section 22-19.2 of the City Code pertaining to the prohibition of sexually expressive images.

Council Member Parisien moved to introduce an ordinance to enact Section 22-5.1 of the City Code pertaining to compulsory school attendance.

Council Member Kourajian moved to introduce an ordinance to enact Section 21-04-06.2 of the City Code pertaining to chemical test of driver in serious bodily injury or fatal crashes.

Council Member Schulz moved to introduce an ordinance to enact Section 22-49.1 of the City Code pertaining to possession of a firearm at a public gathering.

Council Member Nygaard moved to introduce an ordinance to enact Section 18-9.1 of the City Code pertaining to purchase of beer kegs.

The mayor's request for new chairpersons to the city council committees were accepted as follows: Council Member Kourajian (Finance & Legal Committee); Council Member Schulz (Building, Planning & Zoning Committee); Council Member Parisien (Civic Center & Promotion Committee); Mayor Liechty (Police & Fire Committee); Council Member Nygaard (Public Works Committee).

Council Member Parisien moved a Resolution to approve and authorize proceeding with FEMA approved Emergency Roadway Repair work, based on FEMA Funding authorization secured ONLY for the following four (4) areas of major road repairs and reconstruction, and will be performed in the following order: 1st) 7th Street NW and 7th Street Loop (FEMA Site Location "B"); 2nd) 11th Street NW to 10th Street NW to 1st Avenue N to just beyond 13th Street NW (FEMA Site Location "A"); 3rd) 18th Street SE from Hospital Road west to the end, inclusive of intersection at 9th Avenue SE (FEMA Site Location "D"); and 4th) 7th Street SW in 400 Block (FEMA Site Location "C"). Seconded by Council Member Nygaard. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Nygaard moved a Resolution to approve the request from Medcenter One High Five Club, Jamestown, ND, to be recognized as an other public spirited organization, and to issue a permit to conduct a raffle on December 18, 2009. Seconded by Council Member Parisien. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS
City Administrator

PATRICK NYGAARD
President of the Council