

JAMESTOWN CITY COUNCIL
REGULAR MEETING, DECEMBER 7, 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 Schulz moved to approve the following: Minutes of the regular council meeting, November 2, 2009; Minutes of the special council meeting, November 24, 2009. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Mayor Liechty moved to amend the November 24, 2009, committee minutes to add names of property owners (Richard Seekins, Gary Pearson, Dale Redinger and Darrell Patzer) who appeared regarding the East Business Loop Reconstruction Project. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Council Member Nygaard moved to approve the November 24, 2009, committee minutes, as amended. Seconded by Mayor Liechty. Unanimous aye vote. Carried.

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

Council Member Parisien moved to approve the following consent items:

- A. Resolution to approve the recommendation from JSDC for \$29,273 from Economic Development Funds for South Central Dakota Regional Council dues and funding SBDC, with the City Share to be \$18,442 and paid from the City Sales Tax Fund.
- B. Resolution to recommend that Stutsman County deny the request for abatement received from Richard and Donna LeFevre for a reduction in the 2008 property valuation on Lot 5, Block 9, McGinnis Addition, by reducing the valuation from \$93,100 to \$77,200.
- C. Resolution to approve City reimbursement to the seven property owners for the cost of repairs to their property to include insurance deductibles, minus any reimbursement received from their private homeowners insurance coverage, and to include in the authorization for payment that the City is not admitting any negligence on the part of the City or its employees as a result of the incident.
- D. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, in the amount of \$365,490.42.
- E. Resolution to approve Estimate No. 2 & Final, to Scherbenske & Son, Inc., for construction on Sanitary Sewer District #08-31 (4th Ave SW/100 Block), in the amount of \$3,675.00.
- F. Resolution to approve Estimate No. 3, to Northern Excavating Co., Inc., for construction on Utility & Street Improvement District #09-51 (McElroy Addition), in the amount of \$1,049.94.
- G. Resolution to approve Estimate No. 5, to Lindberg Brothers, Inc., for construction on 2009 Sidewalk and Curb & Gutter District #09-11, in the amount of \$80,211.80.
- H. Resolution to approve Payment No. 2 (Inv No. 2628) to Interstate Engineering, Inc., for engineering services on Facility Planning for Water System Improvements, in the amount of \$5,872.38.
- I. Resolution to approve Payment No. 3 (Inv No. 2706), to Interstate

Engineering, Inc., for construction engineering services on 3rd Street East Mill and Overlay from BNSF tracks to 87th Avenue, STM-SU-2-987(031)035, in the amount of \$5,703.60.

J. Resolution to approve Payment No. 7 & Final (Inv No. 2705 Final), 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 \$727.10.

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 November indebtedness in the amount of \$1,953,318.23 consisting of \$382,941.70 payroll and \$1,570,376.53 general obligations.

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

Mayor Liechty moved a Resolution that the City Council request JSDC to revisit their decision to provide \$113,571 in partial payment of the repairs to replace elbows and joints on the sewer main from the Food Processing Industrial Park to the WWTP and that the City request 100% reimbursement. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 2 ayes, 3 nays (Nygaard, Parisien and Schulz), 0 absent. MOTION FAILED.

Council Member Schulz moved a Resolution to approve the recommendation from JSDC to reimburse the City Sewer Utility from Economic Development Funds to provide \$113,571 in partial payment of the repairs to replace elbows and joints on the sewer main from the Food Processing Industrial Park to the WWTP, with the City Share to be 100% and paid from the City Sales Tax Fund. Seconded by Council Member Parisien. Roll Call No. 3 showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

Council Member Parisien moved a Resolution to approve the request from JSDC for \$50,000 from Economic Development Funds for JSDC building repairs, with the City Share to be \$40,000 and paid from the City Sales Tax Fund. Seconded by Council Member Schulz. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to approve the adjustment of water, sewer sanitation collection and solid waste disposal fees effective January 1, 2010, as recommended in the approval of the 2010 budgets for City Utilities as follows: Water Utility Rates - 5% Increase; Sewer Utility Rates - Domestic 3% Increase; Sanitation Collection Rates - 5% Increase; Solid Waste Disposal Rates - 10% Increase; and to revisit the water and sewer utility fees in February 2010. Died for lack of a second.

Council Member Parisien moved a Resolution to approve the adjustment of water, sewer sanitation collection and solid waste disposal fees effective January 1, 2010, as recommended in the approval of the 2010 budgets for City Utilities as follows: Water Utility Rates - 5% Increase; Sewer Utility Rates - Domestic 3% Increase; Sanitation Collection Rates - 5% Increase; Solid Waste Disposal Rates - 10% Increase. Seconded by Council Member Nygaard. Roll Call No. 5 showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

Ordinance No. 1353, introduced by Council Member Parisien, to renew the telecommunication franchise with Daktel Communications, LLC, had its second reading. Seconded by Council Member Nygaard. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1354, introduced by Council Member Schulz, to amend and re-enact Section 21-16-15 of the City Code pertaining to parking restrictions, had its second reading. Seconded by Council Member Parisien. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1355, introduced by Council Member Nygaard, to enact Section 22-19.2 of the City Code pertaining to prohibition of sexually expressive images, had its second reading. Died for lack of a second.

Ordinance No. 1356, introduced by Council Member Parisien, to enact Section 22-5.1 of the City Code pertaining to compulsory school attendance, had its second reading. Died for lack of a second.

Ordinance No. 1357, introduced by Council Member Kourajian, 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, had its second reading. Seconded by Council Member Schulz. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1358, introduced by Council Member Kourajian, to enact Section 21-04-06.2 of the City Code pertaining to chemical test of driver in serious bodily injury or fatal crashes, had its second reading. Seconded by Council Member Parisien. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1359, introduced by Council Member Schulz, to enact Section 22-49.1 of the City Code pertaining to possession of a firearm at a public gathering, had its second reading. Seconded by Council Member Kourajian. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1360, introduced by Council Member Nygaard, to enact Section 18-9.1 of the City Code pertaining to purchase of beer kegs, had its second reading. Seconded by Council Member Schulz. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved to appoint Liz Schwartz, Alden Kollman, Dan Tweten, and Pam Phillips to serve as members of the Local Government Advisory Study Committee, with terms to expire July 2010. Seconded by Council Member Schulz. Unanimous aye vote. Carried. Council Member Nygaard will nominate an individual for consideration at a later date.

Council Member Schulz moved a Resolution to concur with Stutsman County for the establishment of two (2) voting precincts for the City of Jamestown at the June 8, 2010, Primary Election to be held at the Jamestown Civic Center. Seconded by Council Member Nygaard. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve the request from Bjorn Ringdahl d/b/a Last Leg Taxi for a taxicab license effective January 1, 2010. Seconded by Council Member Kourajian. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Discussion was held on the Corps of Engineers Reconnaissance Study and the responsibility for the Feasibility Study. This matter was referred to the Public Works Committee.

Discussion was held relative to the authority of the Mayor under a modern city council form of government.

Council Member Parisien moved a Resolution to place the job description of the City Administrator on the Finance & Legal Committee agenda. Seconded by Council Member Nygaard. Roll Call No. 14 showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

Council Member Nygaard moved a Resolution to authorize the issuance and sale of \$2,313,000 in Water Treatment Revenue Bonds, Series 2009, for improvements to the Water Treatment Plant Facility. Seconded by Council Member Kourajian. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to authorize the issuance and sale of \$887,000 in Water Treatment Revenue Bonds, Series 2009B, for improvements to the Water Treatment Plant Facility. Seconded by Council Member Schulz. Roll Call No. 16 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS
City Administrator

CLARICE LIECHTY
Mayor