

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, APRIL 5, 2010  
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 Attorney Dalsted, City Engineer Schwartzkopf and City Administrator Fuchs. Absent: Council Member Parisien.

Mayor Liechty moved to approve the minutes of the following meetings:

- A. Minutes of the regular council meeting, March 1, 2010
- B. Minutes of the special city council meeting, February 9, 2010
- C. Minutes of the special city council meeting, March 15, 2010
- D. Minutes of the committee meeting, March 23, 2010
- E. Minutes of the committee meeting, March 25, 2010

Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Bids were received for the sale of abandoned and impounded vehicles from Harlan Vining, Terry Froehlich, John C. Awender, Michel's Auto Sales & Parts, Kevin Michel and Steve Williamson.

Council Member Nygaard moved to approve the following consent items:

- A. Resolution to recommend to the ND Department of Commerce that the request from Brian Lunde, Buffalo City Grille, to have the current \$100,000 CDBG loan be restructured and approved as a balloon payment with a maturity of February 1, 2014.
- B. Resolution to authorize the City Administrator to issue a check to Valley Markets, Inc., as a refund on 2009 property taxes paid on tax increment parcel 74-3412660 in the amount of \$72,113.26.
- C. Resolution to request the Mayor to send a letter, on behalf of the City, to state and federal leadership in support of restoring Amtrak passenger service through Jamestown.
- D. Resolution to approve the payment of compensation for city salaried employees who put in more than normal overtime hours during the flood of 2009 at the rate of time and one half based upon the hours documented during the event.
- E. Resolution to authorize the engagement of Artekta, Inc., to provide architectural services to the City for the Civic Center Restrooms Renovation.
- F. Resolution to award the bid for the new 8600 GVRW SUV 4x4 unit for the Fire Department to Don Wilhelm's, Inc., in the amount of \$42,054.00.
- G. Resolution to allow the Fire Department Volunteers to conduct a pancake feed fundraiser and open house at the Fire Hall on July 10, 2010.
- H. Resolution to authorize entering into an engineering agreement with Interstate Engineering, Inc., to design and prepare plans and specifications and for construction engineering services for the replacement of the force main from the Main Sewer Lift Station to the City Wastewater Treatment Plant.

- I. Resolution to approve the request from Jamestown Middle School to be allowed to perform a storm drain stenciling project and to allow the City Engineer or City Administrator to approve their supply expense reimbursement.
- J. Resolution to allow the request from Candace Dempsey to tie into city water and sewer services near 11th St and 4th Ave NW for the construction of new condominiums and to direct the City Attorney to draft the necessary documents for recording to indicate that the system is a private system and the construction and future maintenance is the responsibility of the owner of the property.
- K. Resolution to approve Payment No. 18, 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 \$37,922.38.
- L. Resolution to approve Payment No. 18 (Inv No. 3582) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$658.50.
- M. Resolution to approve Payment No. 1 (Inv No. 3587), to Interstate Engineering, Inc., for engineering services on City Wide Storm Sewer Study, in the amount of \$17,325.96.
- N. Resolution to approve Payment No. 1 (Inv No. 3211), to Interstate Engineering, Inc., for engineering services on FEMA Pavement Repairs at the Jamestown Civic Center, in the amount of \$12,620.85.
- O. Resolution to approve Payment No. 5, (Inv No. 3583) to Interstate Engineering, Inc., for preliminary engineering services on Viaduct Utilities and Pavement Replacement, STM-SU-2-987(032)036, in the amount of \$4,032.58.
- P. Resolution to approve Payment No. 6 (Inv No. 3588), to Interstate Engineering, Inc., for engineering services on Flood Related Consultation, Surveying and Mapping, in the amount of \$24,494.80.
- Q. Resolution to authorize the City Administrator to submit an application to the NDDOT for the 2010 Section 5211 Federal Grant for Transit funding for the Jamestown Taxi Service.
- R. Resolution to authorize the City Administrator to submit an application to the NDDOT for the 2010 State Aid for Transit for the Jamestown Taxi Service.
- S. 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.
- T. Resolution to allow the March indebtedness in the amount of \$2,020,913.80 consisting of \$404,562.98 payroll and \$1,616,350.82 general obligations.

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

Mayor Liechty declared a conflict of interest with the request of Buffalo City Diesel as she holds a mortgage on property with similar business.

Council Member Nygaard moved to allow Mayor Liechty to participate and vote on the request of Buffalo City Diesel. Seconded by Council Member Kourajian. Roll Call No. 2 showed: 3 ayes, 1 nay (Schulz), 1 absent. Carried.

Council Member Schulz moved a Resolution to approve the request from Allen Enterprises Buffalo City Diesel Project for an additional \$27,166 flex interest buydown from Economic Development Funds, with the City Share

to be \$21,732 and paid for from the City Sales Tax Fund. Seconded by Council Member Nygaard. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved to deny the request for proposed plans presented by Ben Lee for an event at the Civic Center on April 24, 2010. The motion died for lack of a second.

Council Member Nygaard moved a Resolution to approve the proposed plans presented by Ben Lee for an event at the Civic Center on April 24, 2010, which he has initiated entitled LeeFest '10 with the following restrictions: Participants must be over 21 years of age and no tattooing booth is allowed. Seconded by Council Member Schulz. Roll Call No. 4 showed: 3 ayes, 1 nay (Liechty), 1 absent. Carried.

A public hearing was held concerning Seal Coat, Patching, Construction and Reconstruction District #10-41 protests and the sufficiency thereof.

A valid protest petition was received for Phase 3, Unit 5, of Seal Coat, Patching, Construction and Reconstruction District #10-41.

The hearing was closed.

Council Member Schulz moved a Resolution that the protests have been found to be insufficient to bar proceeding with Seal Coat, Patching, Construction and Reconstruction District #10-41, with the exception of Phase 3, Unit 5. Seconded by Council Member Kourajian. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Nygaard moved to approve the request from Stutsman Rural Water District to amend the current agreement with the City for the sale of water to Stutsman Rural Water District for a new 20 year term with two 10 year renewals and City Attorney language added. Seconded by Council Member Kourajian.

Mayor Liechty moved to table the request to the next Public Works Committee meeting on April 22 to obtain more information. The motion died for lack of a second.

Council Member Nygaard called for the question. Seconded by Council Member Schulz.

Roll Call No. 6 showed: 3 ayes, 1 nay (Liechty), 1 absent. Carried.

Council Member Kourajian moved a Resolution to award the bid for an abandoned and impounded 1986 Chevy, Camero (VIN:1G1FP87H8G6195198), to Terry Froehlich, in the amount of \$270.00. Seconded by Council Member Schulz. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to award the bid for Seal Coat, Patching, Construction and Reconstruction District #10-41, minus Phase 3, to Central Specialties, Inc., in the amount of \$1,029,728.70. Seconded by Council Member Nygaard. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Ordinance No. 1361, introduced by Mayor Liechty, to amend and re-enact Section 25.5-24 and 25.5-26 of the City Code of the City of Jamestown pertaining to dedication of 1% City Sales Tax proceeds and termination date of 1% City Sales Tax, had its second reading. Seconded by Council Member Nygaard.

Jim Boyd and Harold Newman spoke in opposition to the ordinance.

Katie Anderson stated proponents were using the ordinance for property tax relief.

Joe Schmidt spoke in support of the ordinance.

Roll Call No. 9 on the ordinance showed: 3 ayes, 1 nay (Schulz), 1 absent. Carried.

Ordinance No. 1362, introduced by Mayor Liechty, to amend and re-enact Sections 25-60 and 25-61 of the City Code pertaining to designation of areas and notices for temporary prohibition of parking and violations thereof, had its second reading. Seconded by Council Member Schulz. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved a Resolution to approve the request from First Community Credit Union Relay for Life Team, to be recognized as an other public spirited organization, and to issue a permit to conduct a raffle on May 1, 2010. Seconded by Council Member Schulz. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved to table the request of Steve & Joan Kropp (2013 4th Avenue SW) to keep a horse within City Limits to the April 20th Finance & Legal Committee. Seconded by Council Member Nygaard. Unanimous aye vote. Carried.

Council Member Nygaard moved a Resolution to accept the petition received requesting the City Council adopt an ordinance, or present to the voters of the City at the June 2010 election, to provide for a one-half of one mill levy annually for the support and maintenance of an animal shelter and to authorize the City of Jamestown to enter into a contractual agreement with the James River Humane Society, Inc., relative to the manner in which the funds will be expended and services provided. Seconded by Council Member Kourajian. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to place on the June 8, 2010, City election the question "Shall the City of Jamestown adopt an ordinance to provide for a one-half of one mill levy annually for the support and maintenance of an animal shelter and to authorize the City of Jamestown to enter into a contractual agreement with the James River Humane Society, Inc., relative to the manner in which the funds will be expended and services provided." Seconded by Council Member Nygaard. Roll Call No. 13 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to approve and authorize entering into an engineering agreement with Ulteig Engineers to prepare a Sanitary Sewer Collection System Study by November 18, 2010. Seconded by Council Member Nygaard. Roll Call No. 14 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Nygaard moved a Resolution to approve the recommendation from the City Administrator to fill the Sanitation Foreman position with the City of Jamestown. Seconded by Council Member Kourajian. Roll Call No. 15 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Nygaard moved a Resolution to approve the requests from Ducks Unlimited, Inc. for gaming site authorizations at Shady's Restaurant & Lounge on May 14 and June 9, 2010. Seconded by Council Member Kourajian. Roll Call No. 16 showed: 4 ayes, 0 nays, 1 absent. Carried.

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

ATTEST:

JEFF FUCHS  
City Administrator

APPROVED:

CLARICE LIECHTY  
Mayor