

JAMESTOWN CITY COUNCIL
REGULAR MEETING, AUGUST 2, 2010
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 Gumke, Kourajian, and Nygaard, City Engineer Schwartzkopf and City Administrator Fuchs. Absent: Council Member Schulz and City Attorney Dalsted.

Council Member Gumke moved to approve the minutes of the following meetings: Minutes of the regular council meeting, July 6, 2010; Minutes of the committee meeting, July 20, 2010; and Minutes of the committee meeting, July 22, 2010. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Gumke moved to approve the following consent items:

- A. Resolution to approve City of Jamestown Employee Group Health Insurance rates for the plan year September 1, 2010, to August 31, 2011, as follows:

	<u>City Share</u>	<u>Employee Share</u>	<u>Total</u>
Single Plan	\$360.84	-0-	\$360.84
Single Plus Dependent Plan	\$394.37	\$220.42	\$614.79
Family Plan	\$419.70	\$482.66	\$902.36

- B. Resolution to approve and authorize reimbursement for the property loss to Miles Mickelson, 1205 2nd Avenue NW, as a result of a broken city sewer main on January 19, 2010.
- C. Resolution to approve the concept plan for renovations of the Police Department Shooting Range as presented by the Shooting Range Committee and to allow the range committee to proceed with plans for securing private donors to assist in financing the project.
- D. Resolution to set a public hearing, to be held September 7, 2010, relative to the proposed use of 2010 Justice Assistance Program Grant funds.
- E. Resolution to approve a Resolution concurring with maintaining a posted speed limit of 35 mph on the East Business Loop following completion of the East Business Loop Reconstruction Project #SU-2-987(029)033.
- F. Resolution to authorize the removal and replacement of approximately 1,262 square feet of sidewalk, concrete pad at the buffalo monument site as part of the 2010 Sidewalk, Curb & Gutter District #10-11.
- G. Resolution to authorize engaging an engineering firm to conduct an engineering study of the City Water Utility Distribution and Storage System.
- H. Resolution to authorize the payment of up to \$60,000 to increase the size of the water mains to be constructed for the new Jamestown Regional Medical Center.
- I. Resolution to authorize the payment of up to \$60,000 to increase the size of the water mains to be constructed for the State Hospital.

- J. Resolution to authorize the repair of the farm hydrant in the 100 block of 18th Avenue NE and to request the Water Department provide each of the council members with a list of the various farm hydrant locations throughout the city in order that a determination may be made at the August Public Works Committee as to whether any of the hydrants should be discontinued.
- K. Resolution to approve Payment No. 1, to Arteka, Inc., for construction documents on the Jamestown Civic Center Renovation Project, in the amount of \$9,343.25.
- L. Resolution to approve Estimate No. 1, to Riley Bros. Construction, Inc., for construction on Force Main Replacement (Master Lift Station to the Wastewater Treatment Plant), CWSRF Project No. C380943-01, in the amount of \$55,800.00.
- M. Resolution to approve Estimate No. 2, to Schumacher Construction, Inc., for construction on 2010 Sidewalk, Curb & Gutter District #10-11, in the amount of \$4,438.07.
- N. Resolution to approve Estimate No. 3, to Central Specialties, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #10-41, in the amount of \$485,068.51.
- O. Resolution to approve Estimate No. 3, to PKG Contracting, Inc., for construction on Phase II, Water Plant Improvements, Water Treatment Plant Improvements, DWSRF Project No. 4700498-03, in the amount of \$294,628.63.
- P. Resolution to approve Payment No. 22, 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 \$71,790.71.
- Q. Resolution to approve Payment No. 2 (Inv No. 4526), to Interstate Engineering, Inc., for preliminary engineering services on the expansion of the existing Inert Landfill, in the amount of \$2,625.00.
- R. Resolution to approve Payment No. 2 (Inv No. 4356), to Interstate Engineering, Inc., for engineering services on Emergency Repair for 2nd Street SW, Pavement, Project CER-2-987(035)039, in the amount of \$66.61.
- S. Resolution to approve Payment No. 2 (Inv No. 4541), to Interstate Engineering, Inc., for engineering services on Emergency Repair for 1st Street West Pavement, Project CER-2-987(036)040, in the amount of \$60.92.
- T. Resolution to approve Payment No. 2 (Inv No. 4471), to Interstate Engineering, Inc., for Observation Assistance for COE Dike Removal, in the amount of \$3,903.80.
- U. Resolution to approve Payment No. 2 (Inv No. 4539), to Interstate Engineering, Inc., for engineering services for Force Main Replacement, (Master Lift Station to the Wastewater Treatment Plant), CWSRF Project No. 380943-01, in the amount of \$11,092.90.
- V. Resolution to approve Payment No. 3 (Inv No. 4537), to Interstate Engineering, Inc., for engineering services on FEMA Pavement Repairs at the Jamestown Civic Center, in the amount of \$7,757.30.
- W. Resolution to approve Payment No. 3 (Inv No. 4536), to Interstate Engineering, Inc., for construction engineering services on Phase II, Water Plant Improvements, Water Treatment Plant Improvements, DWSRF Project No. 4700498-03, in the amount of \$20,124.05.

- X. Resolution to approve Payment No. 3 (Inv No. 4542), to Interstate Engineering, Inc., for engineering services on Emergency Repair for 4th Street NW Pavement, Project No. CER-2-987(034)038, in the amount of \$1,814.95.
- Y. Resolution to approve Payment No. 3 (Inv No. 4540), to Interstate Engineering, Inc., for engineering services on Emergency Repair for 17th Street SE and 27th Avenue SE Pavement between US 52 and 27th Avenue SE Country Club Avenue, Project CER-2-987(037)041, in the amount of \$1,807.57.
- Z. Resolution to approve Payment No. 3 (Inv No. 4357), to Interstate Engineering, Inc., for construction engineering services on Mill Hill (US 281 from 17th Street SW to 4th Avenue SW) Dowel Bar Retrofit, Grinding & CPR; Project STM-S-NHU-2-281(036)067, in the amount of \$31,812.46.
- AA. Resolution to approve Payment No. 4 (Inv No. 4538), to Interstate Engineering, Inc., for engineering services on City Wide Storm Sewer Study, in the amount of \$9,213.90.
- BB. Resolution to approve Payment No. 22 (Inv No. 4511) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$1,369.60.
- CC. 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.
- DD. Resolution to allow the July indebtedness in the amount of \$2,616,839.75 consisting of \$427,103.64 payroll and \$2,189,736.11 general obligations.

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

City Attorney Dalsted seated himself.

Council Member Nygaard moved a Resolution to authorize city staff to utilize service groups to collect windblown litter and trash at the City Landfills with a payment of minimum wage per hour per volunteer. Seconded by Mayor Andersen. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kourajian moved a Resolution to approve Payment No. 3, to Ulteig Engineers, for engineering services on the Sanitary Sewer Collection System Study, in the amount of \$43,826.43. Seconded by Council Member Gumke. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Gumke moved to introduce the first reading of an ordinance to amend and re-enact Section 5-32.1 of the City Code pertaining to alcoholic beverage general license restriction; responsibility of licensee, right to search, and compliance checks.

Council Member Gumke moved to introduce the first reading of an ordinance to amend and re-enact Section 22-7 of the City Code pertaining to disorderly conduct.

Ordinance No. 1363, introduced by Council Member Nygaard, to amend and re-enact Section 21-19-02 of the City Code pertaining to operation of all terrain vehicles and snowmobiles, had its second reading. Seconded by Council Member Gumke. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning an ordinance to change the zoning of the North 243' of Lot 1, Forrest Addition, from R-M (Residential Mobile Home District) to R-1 (One Family Residential District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1364, introduced by Council Member Schulz, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of the North 243' of Lot 1, Forrest Addition, from R-M (Residential Mobile Home District) to R-1 (One Family Residential District), had its second reading. Seconded by Council Member Gumke. Roll Call No. 5 showed: 3 ayes, 1 nay, 1 absent. Carried.

A public hearing was held concerning an ordinance to change the zoning of Lots 1-3, Block 15 – Replat of Block 15, Curtin's Addition, from C-1 (Limited Commercial District) to C-2 (General Commercial District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1365, introduced by Council Member Schulz, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lots 1-3, Block 15 – Replat of Block 15, Curtin's Addition, from C-1 (Limited Commercial District) to C-2 (General Commercial District), had its second reading. Seconded by Council Member Kourajian. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Nygaard moved to appoint Mayor Andersen to serve on the Jamestown/Stutsman Development Corporation Board. Seconded by Council Member Gumke. Unanimous aye vote. Carried.

Council Member Nygaard moved a Resolution to approve Change Order No. 2, to Northern Excavating Co., Inc., for construction on Utility & Street Improvement District #09-51 (McElroy Addition), for an increase in the contract price of \$3,060.00. Seconded by Council Member Gumke. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved a Resolution to approve Estimate No. 6 & Final, to Northern Excavating Co., Inc., for construction on Utility & Street Improvement District #09-51 (McElroy Addition), in the amount of \$10,460.00. Seconded by Council Member Gumke. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved a Resolution to award the bid, contingent on NDDOT approval, for ER Projects CER-2-987(034)038, CER-2-987(035)039, CER-2-987(036)040, and CER-2-987(037)041, to Border States Paving, Inc., in the amount of \$393,544.52, with the City Share estimated to be \$93,913.79. Seconded by Council Member Gumke. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved a Resolution to approve and authorize entering into a construction engineering agreement for ER Projects CER-2-987(034)038, CER-2-987(035)039, CER-2-987(036)040, and CER-2-987(037)041, between the City of Jamestown, Interstate Engineering, Inc., and the ND Department of Transportation. Seconded by Council Member Gumke. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved a Resolution to approve the request from ND Buffalo Foundation, Inc., for a gaming site authorization at Tapp's Lounge for the period ending June 30, 2011. Seconded by Council Member Nygaard. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Andersen moved a Resolution to approve the request for a special use permit to allow a veterinary clinic on Block 13, Curtin's Addition. Seconded by Council Member Gumke. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Nygaard moved a Resolution to approve the request from the Jamestown Regional Medical Center to allow Stutsman Rural Water District to provide a backup water supply water main to the facility. Seconded by Council Member Kourajian.

Council Member Nygaard moved to amend the motion to add 'upon acceptance and approval of agreements between Stutsman Rural Water District, Jamestown Regional Medical Center and the City of Jamestown'. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Roll Call No. 13 on the Resolution, as amended, showed: 4 ayes, 0 nays, 1 absent. Carried.

Consensus of the City Council was to allow staff to proceed and work with RTS Shearing, LLC, on appropriate repairs to the Buffalo Scenic Road.

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

ATTEST:

JEFF FUCHS
City Administrator

APPROVED:

KATIE ANDERSEN
Mayor