

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, OCTOBER 2, 2006  
OFFICIAL MINUTES

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

Roll Call showed the following members present: Mayor Liechty, Council Members Schulz, Heinrich, Grabinger and Parisien, City Attorney Dalsted, City Engineer Horgan, and City Administrator Fuchs.

Council Member Grabinger moved to approve the minutes of the regular meeting, September 5, 2006, with amendments as follows:

Insert paragraph before Roll Call No. 2 Resolution:

Mayor Liechty requested that the Jamestown/Stutsman Development Corporation work on changing the Resource Development Specialist's job description so that less time and emphasis is spent on the COPS agenda, and that the RDS's time be utilized to a greater extent in other areas of development. Resource Development Specialist Christina Wiederrich of Jamestown/Stutsman Development Corporation said that they are already working on changes to her job description.

Amend paragraph after consent agenda relative to Craig Beedy, to read:

Craig Beedy, 1521 5th Avenue SE, presented a petition to the Council that contained 579 names of people who are in opposition to any property tax special assessments or mill levy increases to pay for any improvements to the city owned parking lots in the downtown area by the railroad tracks.

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

Mayor Liechty made a motion to move Other Business, Item H, before Consent Agenda Items. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Mayor Liechty moved to discuss this tabled item relative to the downtown city parking lots to the October 26, Public Works Committee meeting. Motion died for lack of a second.

Mayor Liechty reported on the meeting she attended on September 26, 2006, with downtown property owners relative to downtown parking lot improvements adjacent to the railroad tracks.

Discussion was held regarding the parking being diagonal on the street fronting the businesses and parallel on the parking lot side of First Street and 2nd Street with the exception of the Gladstone Inn block.

Also discussed was the possibility of a concrete fence with metal atop (similar to a bridge railing) between the railroad and parking lots.

Paul Witthauer commented that the consensus was that property owners thought the City Council should determine what is best for parking lot surfacing (asphalt or concrete) based on maintenance considerations.

Council Member Schulz moved a Resolution to direct the City Administrator to negotiate an engineering services contract with Interstate Engineering, Inc., with the basic layout as presented and to provide cost estimates for concrete versus asphalt/seal coat in parking lots to include diagonal parking fronting businesses on Blocks 6, 7 and 9. Seconded by Council Member Heinrich.

Council Member Grabinger called for the question. Seconded by Parisien. Voice vote showed: 4 ayes (Grabinger, Heinrich, Parisien and Schulz), 1 nay (Liechty), 0 absent. Carried.

Roll Call No. 1 on the Resolution showed: 4 ayes (Grabinger, Heinrich, Parisien and Schulz), 1 nay (Liechty), 0 absent. Carried.

Council Member Heinrich moved to approve the following consent items:

- A. Resolution to approve the decision of the JSDC to initiate action on the collection of the loan balance of \$34,381.00 owed to the JSDC on the Emter Family Dinner Theatre.
- B. Resolution to approve the request of the Kensal Community Grocery to extend the agreement for one year allowing them to continue with \$35.00 monthly payments.
- C. Resolution to approve the request from the JSDC for \$20,000.00 from Economic Development Funds for the payment of attorney fees with the City Share to be \$18,000.00 and paid from the City Sales Tax Fund.
- D. Resolution to recommend that the State of North Dakota approve the Renaissance Zone Project of Buffalo City Grille, L.L.C., 103 1st

Avenue South, (N.80' of Lots 9 thru 12, Block 32, Original Addition), for a five (5) year N.D. State Income Tax Exemption.

- E. Resolution to request the N.D. Department of Commerce to write-off the \$250,000.00 Preferred Stock in Water Monitor, Inc., as the company is no longer in existence.
- F. Resolution to recognize the Jimmie Football Parent Boosters as an other public spirited organization and to authorize the issuance of a raffle permit.
- G. Resolution to approve the plat of Strata First Addition.
- H. Resolution to approve the request of Jodie Caldwell to move a house from 1203 S. Riverside Drive to 8381 32nd Street SE, to north of the City to Lot 1, Block 2, Meier Subdivision.
- I. Resolution to approve and authorize the purchase of a 2002 Ford E450 (18 passenger bus) for the Police Department, from R. M. Stoudt, Inc., in the amount of approximately \$20,000.00 (equipped), and paid for from homeland security grant funds.
- J. Resolution to approve and authorize advertising for bids for the direct sale of a 1985 Ford, F350 truck, from the Police Department.
- K. Resolution to approve and authorize the use of concrete for the shared use path as part of US Hwy 281 Reconstruction, 17th Street SW to 29th Street SW, Project No. NHU-2-281(030)066.
- L. Resolution to approve Estimate No. 2, to Swanberg Construction, Inc., for construction on Sanitary Sewer District #06-31, CWSRF No. 380808-03, CDBG No. 1698-CD-0204-PF-S, in the amount of \$344,227.85.
- M. Resolution to allow Estimate No. 2, to Gary Morlock Construction, for construction on Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, in the amount of \$145,009.30.
- N. Resolution to allow Estimate No. 4, to Lindberg Brothers, Inc., for construction on Sidewalk and Curb & Gutter District #06-11, in the amount of \$4,158.80.
- O. Resolution to allow Estimate No. 11 (Partial), to CB&I Constructors, Inc., for construction on Section II, Elevated Water Storage & Distribution System Improvements, PWS No. 4700498, in the amount of \$36,180.00.
- P. Resolution to allow Estimate No. 17, to Magney Construction, Inc., for construction on Lift Station Replacement, Phase II, Master Lift Station, Sewer Improvement District #03-31, CWSRF No. 380808, in the amount of \$40,915.54.
- Q. Resolution to allow Estimate No. 3, to Interstate Engineering, Inc., for engineering services on Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, in the amount of \$8,401.00.
- R. Resolution to allow Estimate No. 19, to Interstate Engineering, Inc., for engineering services on Lift Station Replacement, Phase II, Master Lift Station, Sewer Improvement District #03-31, CWSRF No. 380808, in the amount of \$1,295.13.
- S. Resolution to allow Estimate No. 20, to Interstate Engineering, Inc., for engineering services on the Elevated Water Storage and Distribution System Improvements, PWS No. 4700498, in the amount of \$4,781.00.
- T. Motion to accept the reports of the Municipal Judge, Police Department, Fire Department, Public Works Departments, Inspection Department, Forestry Department, Promotion and Tourism Center, Central Valley Health Unit, and financial status.

Seconded by Council Member Grabinger. Consent Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to award the bid for the new animal control kennel to be constructed at the Baler Facility to Schumacher Construction, Inc., in the amount of \$59,990.00. Seconded by Council Member Grabinger. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to send a letter to the Buffalo City Tourism Foundation to request their consideration in coordinating and funding the cost of the July 4th public fireworks display. Seconded by Council Member Parisien.

Mayor Liechty felt that funding for this event should come from private citizens.

Roll Call No. 4 on the Resolution showed: 4 ayes (Grabinger, Heinrich, Parisien and Schulz), 1 nay (Liechty), 0 absent. Carried.

Council Member Parisien moved a Resolution to allow Payment No. 2, to Advanced Engineering and Environmental Services, Inc., for services on the Wastewater Cost of Service and Rate Design Study, in the amount of \$4,044.71. Seconded by Council Member Heinrich. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to allow the September indebtedness in the amount of \$2,567,381.35 consisting of \$331,462.95 payroll and \$2,235,918.40 general obligations. Seconded by Council Member Parisien. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request of Allen Enterprises/ Pro-Am Transportation for a property tax exemption on the construction of a new commercial building to be used for the operation of a trucking and transportation office.

Dave Tuhy, General Manager-Wiest Truck Line, Inc., appeared before the Council to express his opposition to the tax incentives as it presents an unfair advantage.

Dean Hafner, representing Allen Enterprises/Pro-Am Transportation, spoke in support of the request.

No written protests were received. The hearing was closed.

Council Member Grabinger moved a Resolution to approve the request of Allen Enterprises/Pro-Am Transportation for a three (3) year property tax exemption (100%-1st year, 60%-2nd year, and 30%-3rd year) on the construction of a new commercial building to be used for the operation of a trucking and transportation office. Seconded by Council Member Schulz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve the request of Mayer Truck Line, Inc., for a five (5) year tax exemption on improvements to Lots 2-6, Mayer Subdivision, for years 2007 thru 2011. Seconded by Council Member Schulz. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to direct the City Administrator to notify the County that the City of Jamestown should be exempt from the County Library Levy as the City maintains its own library. Seconded by Council Member Grabinger. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to direct the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2007, through December 31, 2007. Seconded by Council Member Schulz. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lots 1 thru 9 and Lots 21 thru 30, Block 10, Kelly & Fuller's 2nd Addition, from M-1 (Limited Industrial & Manufacturing District) to C-1 (Limited Commercial District).

Council Member Schulz moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of the West 40 feet of Lot 10 & West 40 feet of the South 20 feet of Lot 11, East 100 feet of Lot 10, North 30 feet of Lot 11 and East 100 feet of the South 20 feet of Lot 11 & Lot 12, all in Block 30, Original Addition, from M-1 (Limited Industrial & Manufacturing District) to R-2-A (One to Twelve Family Residential District).

Council Member Schulz moved to introduce the first reading of an ordinance to enact Chapter 31 of the City Code pertaining to Storm Water Management.

A public hearing was held concerning the request of Jordahl Custom Homes for the annexation of Lots 11 thru 20, Block 1, and Lots 1 thru 10, Block 3, Marjo First Addition. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1309, introduced by Council Member Schulz, to annex Lots 11 thru 20, Block 1, and Lots 1 thru 10, Block 3, Marjo First Addition, had its second reading. Seconded by Council Member Heinrich. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2007, through December 31, 2007. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1310, introduced by Council Member Heinrich, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2007, through December 31, 2007, had its second reading. Seconded by Council Member Parisien. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1311, introduced by Council Member Heinrich, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2007, through December 31, 2007, had its second reading. Seconded by Council Member Schulz. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to delay appointments to the Regional Airport Authority until the Stutsman County Commission concurs with the Joint Resolution creating the Regional Airport Authority. Seconded by Council Member Heinrich. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve Change Order No. 2, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #06-41, for an increase in the contract price of \$5,231.80. Seconded by Council Member Grabinger. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to accept the following affidavits:

- A. From Arlene Bitterman, that Check No. 51833 (USBank Jamestown - Payroll), dated October 29, 2004, in the amount of \$75.95, has been lost or destroyed;
- B. From Ashley Kautzman, that Check No. 52351 (USBank Jamestown - Payroll), dated December 31, 2004, in the amount of \$44.37, has been lost or destroyed;
- C. From Paula (Hartman) Petersen, that Check No. 55764 (USBank Jamestown-Payroll), dated January 31, 2006, in the amount of \$73.31, has been lost or destroyed;
- D. From Stacie Shock, that Check No. 5582 (Wells Fargo Bank-Municipal Court), dated August 23, 2006, in the amount of \$150.00, has been lost or destroyed;

and authorize the issuance of duplicates. Seconded by Council Member Parisien. Roll Call No. 16 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve the request from Target Roofing, Inc., Devils Lake, North Dakota, for a charge account at the Solid Waste Disposal Facility. Seconded by Council Member Grabinger. Roll Call No. 17 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve and authorize entering into a Traffic Safety Contract (Safe Communities Program) with the North Dakota Department of Transportation for the period 10/1/06 - 9/30/07, and to enter into an agreement with Bruce Judd to serve as Safe Communities Coordinator for the same period. Seconded by Council Member Parisien. Roll Call No. 18 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve and authorize entering into a Traffic Safety Contract (Alcohol Incentive Program) with the North Dakota Department of Transportation for the period ending September 30, 2007, in an amount not to exceed \$3,400.00. Seconded by Council Member Grabinger. Roll Call No. 19 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor