

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, NOVEMBER 6, 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, and City Administrator Fuchs. Absent: City Attorney Dalsted and City Engineer Horgan.

Mayor Liechty moved to amend the minutes of the regular meeting, October 2, 2006, after the words, tabled item relative to the downtown city parking lots which died for lack of a second, to insert the words 'Mayor Liechty presented to the council a rough draft drawing plan of her own for the railroad parking lots, and reported on the changes the downtown property owners suggested to her plan'. Seconded by Council Member Schulz.

Council Member Grabinger moved to call for the question. Seconded by Council Member Parisien. Roll Call No. 1 showed: 4 ayes (Schulz, Heinrich, Grabinger and Parisien), 1 nay (Liechty). Carried.

Roll Call No. 2 on the motion to amend the regular minutes, October 2, 2006, showed: 2 ayes (Liechty and Schulz), 3 nays (Heinrich, Grabinger and Parisien). Not Carried.

Council Member Heinrich moved to amend the minutes of the regular meeting, October 2, 2006, in regard to the July 4 Fireworks to delete the word 'felt' and insert the word 'said'. Seconded by Parisien. Unanimous aye vote. Carried.

Council Member Grabinger moved to approve the minutes of the regular meeting, October 2, 2006, as amended, and the special meeting, November 1, 2006, as printed. Seconded by Council Member Heinrich. Roll Call No. 3 showed: 4 ayes (Schulz, Heinrich, Grabinger and Parisien), 1 nay (Liechty). Carried.

City Attorney Dalsted seated himself.

Council Member Heinrich moved to approve the following consent items:

- A. Resolution to approve and authorize entering into a proposed settlement agreement with Unison Bank relative to the bank's proceedings against the State of North Dakota.
- B. Resolution to approve the request for a five (5) year 100% property tax exemption for commercial improvements on property owned by Jack McDonald and leased to Precision Results, Inc., at 210 17th Street SW (Lots 1-12, Block 4, Atkinson & Pannell Addition).
- C. Resolution to notify the ND Department of Commerce to recommend the State not enter into an agreement with Roger and Renee Emter on the delinquent CDBG loan and to allow the mortgage foreclosure to proceed.
- D. Resolution to accept the offer from Dwight Herr and Bonita C. Herr to purchase Lot 7, Block 2, Residence Park Addition, from the City for \$1,800.00; and from Merle Lura or Audrey Lura to purchase Lot 8, Block 2, Residence Park Addition, from the City for \$1,800.00, with the stipulation that no rebate be allowed and the City acquires the lots from the County.
- E. Resolution to approve the request of Merrill Lewis to open the alley, as platted, located to the east of Lot 36, Block 6, Klaus & Hager's Park Addition, with a plan approved by the City Engineer and all expenses for such being paid for by Mr. Lewis.
- F. Resolution to approve and authorize request for qualifications for the East Business Loop Reconstruction Project No. SU-2-987(029)033.
- G. Resolution to accept the petition for alley hard surfacing and related items for the E70' of Lot 1 and Lots 2 thru 22, Williams Addition, and Lots 319 thru 324, Jones & Vennum Addition, and to include the work under the annual paving project in 2007.
- H. Resolution to award the bid for a New Pavement Marking Machine - Street Department to Swanston Equipment Corporation, in the amount of \$38,700.00, less \$3,000.00 on trade-in of a 1998 Trantex Model CH200, for a net bid of \$35,700.00.
- I. Resolution to approve and authorize the purchase of a Gator ATV for the Vector Control Department from Jamestown Implement Co., in the amount of \$8,537.00, and paid from the 2006 Budget.
- J. Resolution to approve the performance bond of Schumacher Construction, Inc., for the new animal control building to be

constructed at the Baler Facility, in the amount of \$59,990.00.

- K. Resolution to approve Change Order No. 1 to Swanberg Construction, Inc., for the Water Well Replacement, DWSRF No. 4700498-02, Phase 1, Part B, Raw Water Transmission Line, for a decrease in the contract price of \$45,850.00.
- L. Resolution to approve Change Order No. 1 to Gary Morlock Construction for Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, for a net increase in the contract price of \$7,500.00.
- M. Resolution to approve Change Order No. 3, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #06-41, balancing quantities, for a decrease in the contract price of \$187,448.33.
- N. Resolution to allow Payment No. 1, to Compass Facility Management, Inc., for consulting services, Phase I, at the Jamestown Civic Center, in the amount of \$5,866.00.
- O. Resolution to allow Payment No. 1, to Schumacher Construction, for construction on the Animal Control Building - Police Department, in the amount of \$9,000.00.
- P. Resolution to allow Payment No. 3, to Advanced Engineering and Environmental Services, Inc., for services on the Wastewater Cost of Service and Rate Design Study, in the amount of \$9,275.50.
- Q. Resolution to approve Estimate No. 3, 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 \$517,820.18.
- R. Resolution to allow Estimate No. 3, to Gary Morlock Construction, for construction on Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, in the amount of \$300,870.23.
- S. Resolution to allow Estimate No. 5, to Lindberg Brothers, Inc., for construction on Sidewalk and Curb & Gutter District #06-11, in the amount of \$16,997.19.
- T. Resolution to allow Estimate No. 1, to Interstate Engineering, Inc., for engineering services on Water Well Replacement, Phase I, Part B, DWSRF Project No. 4700498-02, in the amount of \$54,283.01.
- U. Resolution to allow Estimate No. 4, to Interstate Engineering, Inc., for engineering services on Jamestown Sanitary Landfill, Cell 3A Development and Cell 1 Closure, in the amount of \$8,376.50.
- V. Resolution to allow Estimate No. 5, to Interstate Engineering, Inc., for engineering services on the Southwest Sanitary Sewer Rehabilitation, Sanitary Sewer District #06-31, in the amount of \$32,388.19.
- W. Resolution to allow Estimate No. 21, to Interstate Engineering, Inc., for engineering services on the Elevated Water Storage and Distribution System Improvements, PWS No. 4700498, in the amount of \$4,464.24.
- X. 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 Parisien. Consent Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve the recommendations from the Site Advisory Committee relative to proposed expenditures from the V. P. Capital Construction Fund for budget year 2007, in the amount of \$48,122.00. Seconded by Council Member Schulz. Roll Call No. 5 showed: 4 ayes (Schulz, Heinrich, Liechty and Parisien), 1 nay (Grabinger), 0 absent. Carried.

Mayor Liechty moved a Resolution to allow Estimate No. 5 & Final, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #06-41, in the amount of \$76,438.00. Seconded by Council Member Parisien. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to allow Estimate No. 12, to CB&I Constructors, Inc., for construction on Section II, Elevated Water Storage & Distribution System Improvements, PWS No. 4700498, in the amount of \$60,926.08. Seconded by Council Member Grabinger.

Mayor Liechty requested an update on the status of the completion of the project and whether the retainage amount of \$99,821.82 was sufficient.

It was reported the elevated water tower has been filled, with some telemetry work to be completed, an altitude adjustment valve was yet to be installed at the checkered tower, and the retainage being held was per contract requirements.

Council Member Heinrich moved to call for the question. Seconded by Council Member Schulz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Roll Call No. 8 on the original Resolution showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to allow Estimate No. 20, 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 \$6,362.40. Seconded by Council Member Grabinger. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to allow the October indebtedness in the amount of \$1,776,621.02 consisting of \$333,990.40 payroll and \$1,442,630.62 general obligations. Seconded by Council Member Parisien. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

Dean Hafner, representing Allen Enterprises/Pro-Am Transportation, responded to questions from Council Member Grabinger relative to the new employee numbers originally submitted on the application.

No one appeared to object and no written protests were received. The hearing was closed.

Mayor Liechty moved a Resolution to approve the request of Allen Enterprises/Pro-Am Transportation for reconsideration of a property tax exemption on the construction of a new commercial building to be used for the operation of a trucking and transportation office. Seconded by Council Member Grabinger.

After discussion relative to adoption of a reporting policy for property tax exemptions as prepared by City Attorney Dalsted, Mayor Liechty and Council Member Grabinger withdrew their motion.

Council Member Grabinger moved a Resolution to adopt a reporting policy for property tax exemptions, as prepared by City Attorney Dalsted, relative to the proposed number of jobs created during the approved tax exemption period. Seconded by Council Member Heinrich. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve the request of Allen Enterprises/Pro-Am Transportation for reconsideration of a property tax exemption on the construction of a new commercial building to be used for the operation of a trucking and transportation office, and authorize a five (5) year property tax exemption as follows: 100% for Year 2007, 80% for Year 2008, 60% for Year 2009, 40% for Year 2010, 20% for Year 2011, and that the business be required to abide by City Council guidelines on job reporting accountability in order to be eligible for the tax exemption. Seconded by Council Member Parisien. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request to vacate certain portions of the alley ways in and adjacent to Block 6, Klaus & Hager's Park Addition, to the City of Jamestown, Stutsman County, North Dakota.

No one appeared to object and no written protests were received. The hearing was closed.

Council Member Grabinger moved a Resolution to approve the request to vacate that alley immediately to the North of the West 18' of Lot 14 and all of Lots 15 thru 18 and South of Lots 31 thru 34, and the West 18' of Lot 35, Block 6, Klaus and Hager's Park Addition; and the alley located to the West of Lot 31, Block 6, Klaus and Hager's Park Addition, and East of Lot 10, River Bend Addition; all to the City of Jamestown, Stutsman County, North Dakota. Seconded by Council Member Schulz. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to disapprove the request from Jamestown Auto Center (Casey Stoudt, President) for continuation of the property tax exemptions on Lots 17, 18, 19, 20 & 21, Block 3, Strutz Addition, as previously approved through the current term. Seconded by Council Member Parisien. Roll Call No. 14 showed: 2 ayes (Grabinger and Parisien), 3 nays (Schulz, Heinrich & Liechty), 0 absent. Not Carried.

Council Member Heinrich moved a Resolution to approve the request from Jamestown Auto Center (Casey Stoudt, President) for continuation of the property tax exemption on Lot 21, Block 3, Strutz Addition, as previously approved through the current term, based on job accountability. Seconded by Council Member Schulz. Roll Call No. 15 showed: 3 ayes (Schulz, Heinrich & Liechty), 2 nays (Grabinger and Parisien), 0 absent. Carried.

Council Member Schulz moved a Resolution to award the proposal for the Mechanical Maintenance of various City buildings to Central Dakota Mechanical, Inc. Seconded by Council Member Grabinger.

Wayne Riddle (Branch Manager) and John King (Service Manager) from Johnson Controls, Inc., reviewed the company's basic proposal and indicated it did not include an increase in monthly maintenance, but only a small increase in hourly repair. They also indicated the company would not support Central Dakota Mechanical, Inc., on the Metasys Software.

Scott Swangler, Central Dakota Mechanical, Inc., stated to the City Council he had a written agreement with Johnson Controls, Inc., for computer assistance for inspection only on an as needed basis.

Roll Call No. 16 on the Resolution showed: 4 ayes (Schulz, Heinrich, Grabinger & Parisien), 1 nay (Liechty), 0 absent. Carried.

Council Member Grabinger moved to introduce the first reading of an ordinance to enact Section 5-33 of the Code of the City of Jamestown pertaining to suspension and revocation of liquor licenses.

A public hearing was held concerning Ordinance No. 1312 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). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1312, introduced by Council Member Heinrich, 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), had its second reading. Seconded by Council Member Parisien.

Council Members Schulz, Grabinger and Parisien declared a possible conflict of interest.

Council Member Heinrich moved to allow Council Members Schulz, Grabinger and Parisien to vote on Ordinance No. 1312. Seconded by Mayor Liechty. Unanimous aye vote. Carried.

Roll Call No. 17 on Ordinance No. 1312 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning Ordinance No. 1313 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 (Limited Multiple Residential One to Twelve Plex).

David Fisher, 232 5th Avenue SE, appeared before the City Council in opposition to the zone change.

No written protests were received. The hearing was closed.

Ordinance No. 1313, 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 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 (Limited Multiple Residential One to Twelve Plex), had its second reading. Seconded by Council Member Parisien. Roll Call No. 18 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved to appoint Clyde Schmautz and Blaine (Pat) Stockert to serve as members of the Fire Code Board of Appeals with terms to expire November 2009. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

The appointments to the Buffalo City Tourism Foundation will be delayed until March 2007.

Council Member Schulz moved a Resolution to approve the City entering into a preliminary engineering agreement with Interstate Engineering, Inc., relative to the Parking Lot Improvement Project. Seconded by Council Member Heinrich. Roll Call No. 19 showed: 4 ayes (Schulz, Heinrich, Grabinger and Parisien), 1 nay (Liechty), 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve and authorize the request from Ducks Unlimited, Inc., for a gaming site authorization at the Gladstone Inn on May 18 & 19, 2007. Seconded by Council Member Parisien. Roll Call No. 20 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve and authorize the request from Jamestown College for a gaming site authorization at the Jamestown Civic Center for the period ending June 30, 2007. Seconded by Council Member Grabinger. Roll Call No. 21 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor