

JAMESTOWN CITY COUNCIL
REGULAR MEETING, APRIL 2, 2007
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 Parisien moved to approve the minutes of the regular council meeting, March 5, 2007, as printed. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

Council Member Parisien moved to approve the minutes of the committee meeting, March 20, 2007, as printed. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Council Member Grabinger moved to approve the minutes of the committee meeting, March 22, 2007, as printed. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

Council Member Schulz moved to approve the following consent items:

- A. Resolution to approve the following performance bonds of RDO Equipment Company:
 - 1) For the guaranteed delivery of One (1) New 2007 John Deere, 770D, Motor Grader, for the Street Department, in the amount of \$183,250.00; and
 - 2) For the guaranteed buyback of the motor grader, in the amount of \$119,400.00, after 5 years or 3000 hours, whichever occurs first.
- B. Resolution to approve and authorize the dismissal of the NDC Holdings/David Ripley lawsuit without prejudice.
- C. Resolution to request City Attorney Dalsted to seek an Attorney General's opinion relative to the tax exempt status of the Jamestown/Stutsman Development Corporation regarding property tax status.
- D. Resolution to grant preliminary approval, subject to a public hearing, to the request from Jamestown College for authorization to issue Municipal Industrial Development Bonds, in an amount not to exceed \$2,500,000.00, to finance the construction and equipping of a new wellness center and the construction of an addition to the Larson Sports Center on the Jamestown College campus.
- E. Resolution to approve and authorize the reimbursement to Valley Markets, Inc. (Hugo's), the tax increment amount of \$84,847.89, paid for the tax year 2006.
- F. Resolution to grant the request from the Vet's Club, Inc., for a gaming site authorization to conduct bingo at the Civic Center on April 18, 2007, for the Life's Focus event.
- G. Resolution to approve and authorize entering into an agreement with CGI Communications for the City to participate in a Community Video Showcase Program for the www.jamestownnd.com web site at no cost to the City.
- H. To approve and authorize a Resolution of Support for a Safe Route to School Program Grant to be applied for by the Jamestown Public School District to improve handicapped accessible ramps and sidewalks on the Louis L'Amour property.
- I. Resolution to approve and authorize paying the City's proportionate share of the attorney fees to Stutsman County for the Unison Bank case settlement in the amount of \$2,659.35.
- J. Resolution to award the bid for the 500,000 Gallon Tank Recoating Project to Classic Protective Coatings, Menomonie, WI, in the amount of \$390,793.00.
- K. Resolution to approve and authorize entering into a Supplemental Engineering Agreement with Interstate Engineering, Inc., for the design phase of the Downtown Parking Lot Improvements.
- L. Resolution to approve Estimate No. 3, to L.T.P. Enterprises, Inc., for construction on Phase I, Part A, Water Well Replacement, DWSRF No. 4700498-02, in the amount of \$78,123.78.
- M. Resolution to allow Estimate No. 14, to CB&I Constructors, Inc., for construction on Section II, Elevated Water Storage &

Distribution System Improvements, PWS No. 4700498, in the amount of \$65,293.09.

- N. Resolution to allow Estimate No. 19, 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 \$3,588.92.
- O. Resolution to allow Payment No. 1, to Interstate Engineering, Inc., for Preliminary Engineering and Project Concept Report for the Downtown Railroad Parking Lots, in the amount of \$13,379.65.
- P. Resolution to allow Estimate No. 2, to Interstate Engineering, Inc., for engineering services on Phase I, Part B, Water Well Replacement, Project No. 4700498-02, in the amount of \$9,510.26.
- Q. Resolution to allow Estimate No. 4, to Interstate Engineering, Inc., for engineering services on Phase I, Part A, Water Well Replacement, Project No. 4700498-02, in the amount of \$5,793.49.
- R. Resolution to allow Estimate No. 23, 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 \$1,617.04.
- S. Resolution to allow Estimate No. 24, to Interstate Engineering, Inc., for engineering services on the Elevated Water Storage and Distribution System Improvements, PWS No. 4700498, in the amount of \$4,755.82.
- 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, Jamestown Safe Community Task Force, and financial status.
- U. Resolution to allow the March indebtedness in the amount of \$1,567,047.58 consisting of \$363,713.08 payroll and \$1,203,334.50 general obligations.

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

Council Member Heinrich declared a conflict of interest in the Downtown Railroad Parking Lot Reconstruction Project as he owns property near the improvement area.

Council Member Grabinger moved to allow Council Member Heinrich to discuss and vote on the Downtown Railroad Parking Lots Reconstruction Project. Seconded by Council Member Parisien. Voice vote showed: 3 ayes (Liechty, Grabinger and Parisien), 1 nay (Schulz). Carried.

Council Member Grabinger moved a Resolution to establish a City Wide special assessment district for the Railroad Parking Lot and Adjacent Streets Reconstruction Project with the street costs to be assessed in the normal manner used for streets and the parking lot costs assessed 25% to the properties from 3rd Street North to 2nd Street South between 2nd Ave West and 2nd Avenue East, and 75% to the balance of the properties within the city. Seconded by Council Member Parisien.

Gary Docktor, 241 20th Avenue NE, representing the Main Street Downtown Association, recommended the 50-50% split on the street improvement and 100% city wide for the parking lot reconstruction.

JoDee Rasmusson, Executive Director, Jamestown Chamber of Commerce, reported on their survey results from chamber member businesses: 350 surveys were disbursed with 47 responding and 17 indicated that assessing 25% of the parking lot improvements costs to downtown properties was fair and the other 30 preferred the 100% city wide assessment.

Jim Nowatzki, Officeland, favored 100% city wide assessment and also would like to see a quiet zone tied in with the downtown parking lot improvements.

Rod Monson, 424 3rd Avenue NE, supported paying special assessments on developed lots and not on undeveloped lots.

Barbara Onsurez, Babb's Coffee House, 100 1st Avenue South, supported paying for streets and sidewalks, but felt parking lots should be city wide assessment.

Charlie Kourajian, 210 7th Street NW, stated the Civic Center Parking Lots were assessed city wide.

Gail Martin, 606 4th Avenue SE, questioned the Council as to what the cost difference would be with percentages of 75% versus 100% on the downtown parking lot improvements.

Carter Van Beek, 101 18th Avenue NE, supported the city wide assessment.

Merlin Steele, 1221 4th Avenue NW, opposed the entire project.

Council Member Heinrich moved to amend the motion to change the percentages to 10% adjacent properties and 90% city wide on the downtown parking lot. Seconded by Council Member Schulz. Roll Call No. 2 showed: 4 ayes (Schulz, Heinrich, Liechty and Parisien), 1 nay (Grabinger), 0 absent. Carried.

Roll Call No. 3 on the Resolution, as amended, showed: 4 ayes (Schulz, Heinrich, Liechty and Parisien), 1 nay (Grabinger), 0 absent. Carried.

Council Member Grabinger moved a Resolution for the City to not proceed with the concept of installing sidewalk in the 700 block of 25th Street SW, unless the Wal-Mart project agrees to participate in the cost of construction. Seconded by Council Member Heinrich.

Mayor Liechty stated a sidewalk is necessary for safety concerns.

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

Mayor Liechty moved a Resolution to allow Payment No. 8, to Advanced Engineering and Environmental Services, Inc., for services on the Wastewater Cost of Service and Rate Design Study, in the amount of \$5,164.75. Seconded by Council Member Parisien. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

A five minute recess was taken by the Council.

The request of the Homeless Coalition relative to the study of homelessness within the city was delayed to a later date.

Council Member Parisien moved a Resolution to approve the request from the Relay For Life to allow a DJ to provide music at the College Stadium until 4:00 A.M., on June 9, 2007, subject to the Police Department being able to terminate should complaints arise. Seconded by Council Member Heinrich. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Liechty declared a conflict of interest on the Garden Hills Living Center project property valuation item.

Council Member Grabinger moved to allow Mayor Liechty to participate and vote on the issue. Motion died for lack of a second.

Mayor Liechty requested that President Grabinger conduct the meeting.

Council Member Heinrich moved a Resolution to approve the property valuation of \$1,306,500.00 for the Garden Hills Living Center as established by the City Assessor. Seconded by Council Member Schulz.

Dan Buchanan, 216 15th Avenue NE, said business owners are expected to pay their fair share and questioned why this property which is not intended as low income housing being granted an exemption.

Melody Groninger, IRET property manager, who is to manage the Garden Hills project, appeared before the Council to review and answer questions on the property valuation.

Cheryl Wegner, Stutsman County Housing Authority, stated the Garden Hills is moderate income senior housing.

Roll Call No. 7 on the Resolution showed: 3 ayes (Schulz, Heinrich and Parisien), 1 nay (Grabinger), 0 absent, 1 abstention (Liechty). Carried.

Council Member Grabinger relinquished the meeting back to Mayor Liechty.

Council Member Heinrich moved to introduce the first reading of an ordinance to amend and re-enact Section 2-29.1(b)(3) of the City Code pertaining to appointment of personnel.

Council Member Grabinger moved to introduce the first reading of an ordinance to amend and re-enact Sections 5-1 and 5-10 of the City Code pertaining to the sampling of malt beverages in an off-sale establishment.

Council Member Grabinger moved to introduce the first reading of an ordinance to amend and re-enact Section 5-2.2 of the City Code pertaining to the hours of sale of alcoholic beverages.

Mayor Liechty moved to appoint Sandy Eckelberg and Clarice Liechty to serve as members of the Shade Tree Committee for three year terms to expire April 2010. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint Mike Smyth to serve as a member of the Special Assessment Commission for a six year term to expire April 2013. Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint herself, Council Members Grabinger, Heinrich, Parisien and Schulz to serve as members of the Storm Water Committee for two year terms to expire April 2009. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint the City Administrator, City Engineer, City Building Official, Public Works Chairman, and Engineering Technician II to serve as members of the

Storm Water Sub-Committee for two year terms to expire April 2009. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Mayor Liechty moved to appoint James Boyd to serve as a member of the Regional Airport Authority to fill the unexpired term of George Teller (December 2007). Seconded by Council Member Heinrich. Unanimous aye vote. Carried.

The appointment of a member to the Planning Commission was delayed.

The following items relative to Walmart Stores, Inc., were delayed to a future meeting: (Reimbursement Agreement and Escrow Agreement relative to proposed improvements to the intersection of US 281 and 25th Street SW, Development Agreement relative to various public improvements in the area of the Wal-Mart property, Ordinance No. 1317 and No. 1318 (zoning and annexation) and the plat of Platinum Commerce Addition.

Merlin Steele, 1221 4th Avenue NW, appeared before the Council with concerns of semi-trailers and trucks traveling on 13th Street NW and 4th Avenue NW. He was advised to contact Police Chief Donegan.

Council Member Grabinger moved a Resolution to accept the affidavit from Nicole Dawn Smith that Check No. 5540 (Wells Fargo Bank-Municipal Court), dated May 23, 2006, in the amount of \$175.00, has been lost or destroyed and authorize the issuance of a duplicate. Seconded by Council Member Parisien. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve the request from the Camp Cancer Relay Team, to be recognized as an other public spirited organization, and to issue a permit to conduct a raffle on May 9, 2007. Seconded by Council Member Heinrich. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved to approve the request from Jamestown Eagles Aerie No. 2337, to amend their alcoholic beverage license to restrict the license to the lower level of 217 2nd Avenue SW (Lot 5, Block 38, Original Addition), pending receipt of information from the Eagles that Charlie Tanata has made the request with authority from the Eagles Aerie No. 2337 Board. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Heinrich moved to approve the request from the North Dakota Buffalo Foundation, Inc., for a site authorization to conduct gaming at the Civic Center on June 13, 2007. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Council Member Schulz moved a Resolution to approve the request from the North Dakota Library Association, to be recognized as an other public spirited organization, and to issue a permit to conduct a raffle on September 27, 2007. Seconded by Council Member Grabinger. Roll Call No. 10 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