

JAMESTOWN CITY COUNCIL  
SPECIAL MEETING, MAY 1, 2007  
OFFICIAL MINUTES

The special meeting of the City Council was called to order by Mayor Liechty at 12:00 Noon.

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 Heinrich indicated a possible conflict of interest relative to the Downtown Railroad Parking Lot Project funding as he is on the Jamestown/Stutsman Development Corporation Board and an owner of a piece of downtown property.

Mayor Liechty indicated the two items to be discussed related to use of Jamestown/Stutsman Development Corporation loan repayment funds and a request for reconsideration of the City Council Resolution of April 2, 2007, relating to the 10%-90% cost share for the reconstruction of the downtown railroad parking lots.

Council Member Schulz stated that he objected to the item for reconsideration being discussed at this meeting as it was his understanding that today's meeting was to take action relative to possible Jamestown/Stutsman Development Corporation funds being used to assist with the cost of reconstruction of the parking lots and that the reconsideration of the April 2, 2007, Resolution was to occur at the May 7, 2007, City Council meeting. City Attorney Dalsted indicated that the Mayor's decision to discuss the reconsideration was appropriate at this time.

Council Member Schulz moved to allow Council Member Heinrich to take part in discussion and voting on the Railroad Parking Lot matters. The motion died for the lack of a second.

Council Member Heinrich stated that he felt that Council Member Grabinger may have a conflict of interest relative to funding of the Railroad Parking Lots as his position on the issue may have a significant financial impact on his primary business competitor.

Council Member Grabinger declared a possible conflict of interest.

Mayor Liechty moved to allow Council Member Grabinger to discuss and vote on the parking lot issues. Seconded by Council Member Parisien. Roll Call No. 1 showed: 5 ayes, 0, nays. Carried.

Council Member Heinrich requested a point of order, to question, as to whether his being determined to have a conflict of interest, for owning property in downtown Jamestown, would also present a conflict of interest for all Council Members who own property within the City, as the discussion concerns a city wide special assessment district.

City Attorney Dalsted indicated that matters relating to conflicts of interest needed to be determined by the Council Members themselves.

Mayor Liechty moved a Resolution to use the proceeds received from the repayment of the Jamestown/Stutsman Development Corporation's loan to Brian Lunde, to include the interest, beginning in 2008 until the City sales tax sunsets in 2012, to reduce the amount to be assessed to city properties for the reconstruction of the Downtown Railroad Parking Lots and Adjacent Streets Project. Seconded by Council Member Grabinger.

Council Member Grabinger moved to amend the motion to state that the repayment funds from the loan would be used to offset the city wide portion of the parking lots only. Seconded by Council Member Parisien. Roll Call No. 2 on the amendment showed: 3 ayes (Liechty, Grabinger and Parisien), 1 nay (Schulz), 1 abstention (Heinrich). Carried.

Council Member Parisien moved to table the motion, as amended, to the next Finance and Legal Committee meeting. The motion to table died for lack of a second.

Harvey Huber, a member of the Jamestown/Stutsman Development Corporation Board, spoke in support of the motion to table to allow the City Attorney to review the Policies and Procedures for the Jamestown/Stutsman Development Corporation, as approved by the City Council and the County Commission.

Dick Geigle, a member of the Jamestown/Stutsman Development Corporation and former downtown property owner, appeared to state his opposition to the intended City Council action and his overall dissatisfaction relative to the City Council's indecisiveness.

Council Member Parisien moved to amend the motion on the floor to add that the action of this motion can proceed only based upon a favorable ruling from the City Attorney that the proposed action is legal. Seconded by Council Member Schulz. Roll Call No. 3 on the proposed amendment showed: 3 ayes (Schulz, Grabinger and Parisien), 1 nay (Liechty), 1 abstention (Heinrich). Carried.

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

Mayor Liechty moved to reconsider the Resolution passed on April 2, 2007, relating to the percentage breakdown for special assessing the Downtown Railroad Parking Lots Project. Seconded by Council Member Parisien. Roll Call No. 5 showed: 3 ayes (Liechty, Grabinger and Parisien), 1 nay (Schulz), 1 abstention (Heinrich). Carried.

Mayor Liechty moved a Resolution to assess 25% of the parking lot reconstruction to the properties from 3<sup>rd</sup> Street North to 2<sup>nd</sup> Street South between 2<sup>nd</sup> Avenue East and 2<sup>nd</sup> Avenue West, with 75%, less the Jamestown/Stutsman Development Corporation amount from the Lunde loan repayment, to the balance of properties within the City. Seconded by Council Member Grabinger.

Dan Buchanan appeared to express his concerns relative to the City Council's decision making abilities, and his opinion that the parking lots are City owned and therefore should be assessed 100% city wide.

Dick Geigle stated that the parking lots were purchased and previously maintained by the City and to now expect the downtown property owners to pay 25% of the reconstruction costs, in his opinion, was not reasonable.

JoDee Rasmussen, Jamestown Area Chamber of Commerce executive, stated that not long ago downtown businesses were almost non-existent and to now assess 25% of the parking lots as well as the adjacent streets and sidewalks to downtown businesses, many of which are just in the process of start-up, is asking a bit much and could impact their survival.

Council Member Parisien suggested Council Members need to be cautious of continued variation in dollar figures that are given to the public relative to city matters as it creates a lot of confusion for the public.

Roll Call No. 6 on the Resolution showed: 2 ayes (Liechty and Grabinger), 2 nays (Parisien and Schulz), 1 abstention (Heinrich). Motion failed.

Mayor Liechty moved to have the City Council enter into executive session pursuant to Section 44-04-19.1(5) and Section 44-04-19.2, NDCC, for consultation with the City Attorney relative to the Charles Stankowski vs. City of Jamestown lawsuit. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

The Council entered executive session at 1:09 P.M. with the following present: Mayor Liechty, Council Members Schulz, Heinrich, Grabinger, and Parisien, City Attorney Dalsted and City Administrator Fuchs.

Council Member Heinrich moved to return to regular session at 1:25 P.M. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

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

ATTEST:

JEFF FUCHS, City Administrator

APPROVED:

CLARICE LIECHTY, Mayor