

AMENDED
FINANCE & LEGAL COMMITTEE
BUILDING, PLANNING & ZONING COMMITTEE
CIVIC CENTER & PROMOTION COMMITTEE
FEBRUARY 20, 2007

Present: Liechty, Schulz, Heinrich, Grabinger and Parisien, Dalsted, Horgan, Weight, Wollan, Anderson, Snyder, Sveum and Fuchs.

Don Sterhan, President of Mountain Plains Equity Group, appeared to discuss the property valuation for the Garden Hills Living Center, currently under construction. He also presented a proposal for a payment in lieu of taxes as an alternative to establishing an acceptable valuation. Neal Ericksmoen, an appraiser with Appraisal Services, Inc., also appeared to answer questions relative to the appraisal he did on behalf of the project.

Liechty declared a conflict of interest as she currently owns several rental properties within the city.

Parisien moved to allow Liechty to take part in the discussion and to vote on the matter. Seconded by Schulz. Unanimous aye vote.

Allen Lindberg appeared to oppose any type of incentives or credits being given to the project relative to the property valuation.

Reuben Liechty appeared to oppose any type of tax breaks for the project.

Following discussion by the committee, Liechty moved to have the City Assessor make available to the committee the following:

- 1) Property valuations for the project without the benefit of federal tax credits,
- 2) Property valuations for the project with the benefit of federal tax credits, and
- 3) Property valuations based on the cost approach.

The motion died for the lack of a second.

Parisien moved to recommend that the City Council approve the property valuation of \$1,240,000 for the Garden Hills Living Center as established by the City Assessor. Seconded by Schulz. Voice vote showed: 3 ayes (Schulz, Heinrich and Parisien), 2 nays (Grabinger & Liechty). Carried.

Lowell Stavy, co-manager and Bruce Gibbons, attorney for Northern Plains Electric, appeared to support the request for a limited franchise to provide electricity to the proposed Walmart project.

Jerry Kittleson, attorney representing Otter Tail Power, appeared to oppose the granting of a limited franchise to Northern Plains Electric.

Schulz moved to recommend that the City Council deny the request of Northern Plains Electric for a limited franchise to provide electricity to the proposed Walmart project. Seconded by Heinrich. Voice vote showed: 4 ayes (Schulz, Heinrich, Liechty and Parisien), 1 nay (Grabinger). Carried.

Liechty moved to recommend that the City Council approve the request from DuraTech Industries, Inc., for Economic Development Funds to provide \$125,000 in PACE match funding and \$60,000 in a New Jobs Training Fund Loan, with the City Share to be \$92,500, and paid from the City Sales Tax Fund. Seconded by Parisien. Unanimous aye vote. Carried.

Liechty moved to recommend that the City Council approve the request of Stutsman County for Economic Development Funds in the amount of \$26,612, to fund the annual dues for the South Central Dakota Regional Council, with the City Share to be \$16,765.56, and paid from the City Sales Tax Fund. Seconded by Grabinger. Unanimous aye vote. Carried.

Grabinger moved to recommend that the City Council de-obligate \$20,000 in Economic Development Funds for Jamestown Marble, with the City Share to be \$18,000. Seconded by Parisien. Unanimous aye vote. Carried.

Liechty moved to place on the City Council agenda, without recommendation, the request of the Homeless Coalition relative to the study of homelessness within the city. Seconded by Heinrich. Unanimous aye vote. Carried.

Grabinger moved to approve a letter of support from the Finance & Legal Committee, in support of a grant proposal submission by Flags Across America to the ND Tourism Department. Seconded by Parisien. Unanimous aye vote. Carried.

Liechty moved to table discussion relative to City Attorney Dalsted's letter to Connie Ova, JSDC, concerning the tax exempt status of JSDC property in the area of real estate taxes. Seconded by Grabinger. Unanimous aye vote. Carried.

Parisien moved to recommend that the City Council deny the request for abatement from T. R. Trowbridge on Lots 20 & 21, Block 24, McGinnis 2nd Addition (517 3rd St. SE), for a reduction in True & Full Value, for the year 2005, from \$42,600 to \$20,000. Seconded by Grabinger. Unanimous aye vote. Carried.

Grabinger moved to recommend that the City Council deny the request for abatement from Bernard & Mary Walicski on Unit # 204, Hillcrest Condominiums, Solien & DeNault Hi-Acres 5th Addition (1511 3rd St SE), for a reduction in True & Full Value, for years 2005 & 2006 as follows:

- 1) 2005 Reduction from \$145,000 to \$142,000; and
- 2) 2006 Reduction from \$154,000 to \$151,500.

Seconded by Parisien. Voice vote showed: 4 ayes (Schulz, Heinrich, Grabinger and Parisien), 1 nay (Liechty). Carried.

Grabinger moved to recommend that the City Council reject the offer from Jordahl Custom Homes to purchase Lot 2, Leonard's Addition (1918 11th Ave. NE), in the amount of \$2,500. Seconded by Schulz. Unanimous aye vote. Carried.

Grabinger moved to recommend that the City Council approve the request from the Rocky Mountain Elk Foundation Minn-Dak, Inc., for a gaming site authorization at the Knights of Columbus on March 31, 2007. Seconded by Parisien. Unanimous aye vote. Carried.

Liechty moved to recommend the City Council approve the request from Kirk Rosin and to waive the city fee for mowing on property he owns at 520 3rd Ave SW. Seconded by Parisien. Unanimous aye vote. Carried.

Heinrich moved to recommend that the City Council approve the application of Brian A. & Barbara A. Lunde for Renaissance Zone incentives on a new condominium unit to include a five (5) year property tax exemption and a five (5) year North Dakota State income tax exemption for the property on the N. 80' of Lots 9 -12, Block 32, Original Addition, (103 1st Avenue South, Unit # 1), subject to the filing with the

City of an affidavit from the applicant which states that this property is intended to be the primary residence of the applicant. Seconded by Grabinger. Unanimous aye vote. Carried.

Heinrich moved to recommend that the City Council approve the application of Eric T. Kehr for Renaissance Zone incentives on a new condominium unit to include a five (5) year property tax exemption and a five (5) year North Dakota State income tax exemption for the property on the N. 80' of Lots 9 -12, Block 32, Original Addition (103 1st Avenue South, Unit # 4), subject to the filing with the City of an affidavit from the applicant which states that this property is intended to be the primary residence of the applicant. Seconded by Grabinger. Unanimous aye vote. Carried.

Schulz moved to recommend that the City Council approve the application from the Buffalo City Grille, L.L.C., for a Class D alcoholic beverage license at 101 1st Ave. South. Seconded by Grabinger. Unanimous aye vote. Carried.

Liechty moved to table discussion relative to the ownership status of the 1st Street Bridge, until the March Finance & Legal Committee, and requested a historical narrative prepared relative to same. Seconded by Heinrich. Voice vote showed: 4 ayes (Schulz, Heinrich, Liechty and Parisien), 1 nay (Grabinger). Carried.

Parisien moved to place on the City Council agenda, without recommendation, the request of Bart Davis for the City to deed back to him an approximate 40' by 202' strip of land which he had previously deeded to the City for use as a roadway on 10th Avenue SW between 25th and 28th Street. Seconded by Liechty. Unanimous aye vote. Carried.

Roy Shepard, CSI, appeared to request that his firm be allowed to install a permanent camera in the City Council Chambers at City Hall for the purpose of televising city meetings. The committee consensus was to allow the installation and for the City Administrator to work with CSI regarding possible recording of meetings for City purposes.

Liechty moved to recess the Finance & Legal Committee meeting until 4:30 P.M., Wednesday, February 21, 2007. Seconded by Schulz. Unanimous aye vote. Carried.

Informational:

1. Monthly Departmental & financial reports.
2. The City Council will act on the approval and confirmation of special assessments for Seal Coat, Patching, Construction, and Reconstruction District #06-41.
3. The City Council will act on the approval and confirmation of special assessments for Sidewalk, Curb & Gutter District #06-11.
4. Minutes of the Planning Commission meeting, February 12, 2007.
5. The City Council agenda will include the revised proposed plat for Glinz Commerce Addition (The name of the plat is expected to change)
6. The City Council agenda will include a public hearing on the proposed annexation and Second Reading of an ordinance to annex certain property for the proposed Walmart Project.
7. The City Council agenda will include a public hearing and Second Reading of an ordinance concerning a change in zoning of certain property for the proposed Walmart Project.

Jeff Fuchs, City Administrator