

FINANCE & LEGAL COMMITTEE  
BUILDING, PLANNING & ZONING COMMITTEE  
CIVIC CENTER & PROMOTION COMMITTEE  
JULY 24, 2007

Present: Mayor Liechty, Council Members Heinrich, Grabinger and Parisien, City Attorney Dalsted, Weight, Wollan, Horgan, Sveum and Fuchs. Absent: Council Member Schulz.

Bruce Gibbons, attorney for Northern Plains Electric Cooperative, appeared relative to the request and application received from the Co-op for a limited franchise to provide electrical service to the newly annexed property to be used for the Wal-Mart Super Center. He indicated that Wal-Mart has requested NPE to provide electrical service to their new store.

He responded to a number of questions from the Committee and the City Attorney and indicated that the City would not be the regulatory entity to determine whether NPE or Otter Tail Power would ultimately serve Wal-Mart; however, it was necessary for the City to grant a limited franchise in order for NPE to be able to provide such service.

Mindy Grieve, from the North Dakota Farmers Union, spoke in support of the request from NPE for a limited franchise.

Jerry Kettleon, attorney for Otter Tail Power Company, appeared to speak in opposition to the request from NPE for a limited franchise. He indicated that OTP has already provided extensive service to the current Wal-Mart property and wishes to retain Wal-Mart as an OTP customer.

He also indicated that OTP was regulated by the Public Service Commission as to its rate structure and that it needed, by law, to provide service to all customers in that rate class at the same rate, while the co-op is not regulated by the PSC and could negotiate rates with individual customers, providing for an unfair competitive advantage. He felt that this dispute may need to be resolved by the District Court, as the PSC only regulates public utilities and not co-ops.

In response to a question as to whether NPE was already doing work within the annexed area without a franchise, Gary Allen from NPE responded that they had been invited to share a trench with Dakota Central Telecommunications (Daktel), and therefore were relocating their existing line to remove it from the proposed construction area of the new Wal-Mart Store, which needs to be done whether NPE or OTP ends up serving the area.

Grabinger moved to introduce the First Reading of an ordinance to provide for a limited franchise to Northern Plains Electric Cooperative to provide electricity within the City of Jamestown. Seconded by Liechty. Voice vote showed: 2 ayes (Liechty and Grabinger), 2 nays (Parisien and Heinrich). Not Carried.

Liechty moved to recommend the City Council make application to the Jamestown/Stutsman Development Corporation for \$500,000.00 in Economic Development Funds to be used for the Railroad Parking Lots Improvement Project #07-43. Seconded by Parisien. Unanimous aye vote. Carried.

Grabinger moved to recommend the City Council approve and authorize use of Convention Promotion Funds to cover rental of the Civic Center by the 125th Anniversary Committee for the period June 28, 2008, through July 5, 2008. Seconded by Parisien. Voice vote: 3 ayes (Heinrich, Grabinger and Parisien), 1 nay (Liechty), 1 absent (Schulz). Carried.

Grabinger moved to recommend the City Council approve the License Agreement between the City of Jamestown and John & Tonya Kukowski to provide for a storm water drain across City property. Seconded by Liechty. Unanimous aye vote. Carried.

Grabinger moved to recommend that the City Council approve the following monthly rates for Blue Cross Blue Shield Employee Group Health Insurance premiums for the period beginning September 1, 2007:

	<u>CITY SHARE</u>	<u>EMPLOYEE SHARE</u>	<u>TOTAL</u>
Single	\$270.63	\$ -0-	\$270.63
Single Plus Dependent	\$304.15	\$152.98	\$457.13
Family	\$329.47	\$340.32	\$669.79

Seconded by Parisien. Unanimous aye vote. Carried.

Parisien moved to recommend that the City Council approve the request from the 125th Anniversary Committee and the Jamestown Regional Airport Authority for the City to sponsor a request to the National Museum of the USAF for a (F)(A)7, F14, as a permanent monument at the airport. Seconded by Grabinger. Unanimous aye vote. Carried.

Parisien moved to recommend that the City Council recognize the following organizations as other public spirited and to authorize the issuance of permits as follows:

1. Raffle Permit to Immanuel Lutheran Church with the drawing to be held December 9, 2007
2. Charity Local Permit to Muscular Dystrophy Association to conduct poker on August 18, 2007
3. Raffle Permit to Frontier Village Wild West Players with the drawing to be held October 1, 2007

Seconded by Grabinger. Unanimous aye vote. Carried.

Grabinger moved to place on the City Council agenda, without recommendation, the request from the Frontier Village Association for a street dance, August 18, 2007, to include a request from Frontier Fort for a permit to dispense alcoholic beverages. Seconded by Liechty. Unanimous aye vote. Carried.

Parisien moved to recommend that the City Council approve the request from Wonder Bar Sports Bar for a street dance on August 31, 2007. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Committee members received a copy of a letter sent by Building Official Jim Weight to the Ranch House Motel relative to their property.

Parisien gave a brief update on interviews being conducted for the Civic Center Manager position.

Nina Sneider, Buffalo City Tourism Foundation Director, gave an update on tourism.

Informational:

1. Monthly financial and departmental reports.
2. Ordinance No. 1323, to annex certain public right-of-ways near Wal-Mart will be on the Council Agenda for second reading.
3. Notice of a public meeting on State Building Code Amendments in Bismarck on August 14 & 15, 2007.

Jeff Fuchs, City Administrator