

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, JANUARY 7, 2008  
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, and City Administrator Fuchs.

Council Member Heinrich moved to approve the minutes of the following meetings, as printed:

- A. Minutes of the regular council meeting, December 3, 2007
- B. Minutes of the special council meeting, December 18, 2007
- C. Minutes of the committee meeting, December 18, 2007

Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Grabinger moved to approve the following consent items:

- A. Resolution to re-affirm pledges of deposit as follows: First Community Credit Union-\$2,977,990.00; Unison Bank-\$5,050,175.15; Wells Fargo Bank-\$6,481,053.73; USBank Jamestown-\$1,191,045.36;
- B. Resolution to approve the request from Buffalo City Tourism Foundation for a \$75,000.00 grant to be used for tourism related projects, from Economic Development Funds for 2008, with the City Share to be \$60,000.00 and paid for from the City Sales Tax Fund.
- C. Resolution to approve the request from the South Central Dakota Regional Council for a \$7,000.00 grant from Economic Development Funds, to be used to match a \$300,000.00 USDA Intermediary Relending Program, with the City Share to be \$5,600.00 and paid from the City Sales Tax Fund.
- D. Resolution to approve the request from Flags Across America to be allowed to use the \$2,039.05 balance allotted them for 2007, from the Visitors Promotion Capital Construction Fund, toward the cost of a Veteran's Wall at Fort Seward.
- E. Resolution to request the NDDOT to participate in the funding to provide for an update of the City Land Use and Transportation Plan.
- F. Resolution to approve the continuance of a Non-Profit Concessions Program based on the current information provided by the Civic Center Director.
- G. Resolution to authorize the City Administrator and Fire Chief to sell fire damaged items such as the burned generators, western Snow Plow, Goose Neck Haz-Mat Trailer, etc., on a competitive bid basis.
- H. To approve the following Resolutions pertaining to Seal Coat, Patching, Construction & Reconstruction District #08-41:
  - 1) To set up and establish the district.
  - 2) To direct the City Engineer to prepare a report of the general nature, purpose and feasibility, and an estimate of costs for the district.
  - 3) To direct the City Engineer to prepare plans and specifications for the construction of the district.
  - 4) To accept and approve the plans and specifications, as prepared by the City Engineer, for the construction of the District.
  - 5) To declare it necessary to construct the district and to direct the City Administrator to publish notice of a public hearing concerning the district.
  - 6) To direct the City Administrator to advertise for bids for the construction of the district.
- I. Resolution to approve the request from Jamestown Public Schools for various construction/repair items to be included in the City's 2008 annual street maintenance project, District #08-41 and in the Sidewalk, Curb & Gutter District #08-11.
- J. Resolution to deny the request, at this time, from Jamestown Public Schools for a traffic study to determine the need for a traffic signal at the intersection of 12th Ave. NE and 10th Street.
- K. Resolution to proceed with a Transportation Enhancement Project for the US 281 South corridor and to authorize entering into an Engineering Agreement with Interstate Engineering, Inc., for the proposed project.

- L. Resolution to approve Estimate No. 11 & Final, to Interstate Engineering, Inc., for engineering services on the Southwest Sanitary Sewer Rehabilitation, Sanitary Sewer District #06-31, in the amount of \$4,627.91.
- M. Resolution to approve Estimate No. 17, to Advanced Engineering and Environmental Services, Inc., for services on the Wastewater Cost of Service and Rate Design Study, in the amount of \$2,113.36.
- N. Resolution to approve payment to ND Department of Transportation for the Grading, Surfacing, Water, Sewer, Storm Sewer, Signing, Marking, Lighting and Incidentals of Paving District #03-42 (3rd Street SE Reconstruction from 1st Avenue to 8th Avenue SE) NDDOT Project No. SU-2-987(024)028, in the amount of \$4,166.17.
- O. 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.
- P. Resolution to allow the December indebtedness in the amount of \$2,193,008.59 consisting of \$346,416.42 payroll and \$1,846,592.17 general obligations.

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

Mayor Liechty moved a Resolution to deny the request for de-obligating the remaining \$22,883.00 balance for the COPS FLOW Committee grant funds from the Economic Development Funding List, as recommended by the JSDC. Motion failed for lack of a second.

Council Member Heinrich moved a Resolution to de-obligate the remaining \$22,883.00 balance for the COPS FLOW Committee grant funds from the Economic Development Funding List, as recommended by the JSDC. Seconded by Council Member Schulz. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve the request from Duane Goehring that he be allowed to continue storing items at the Railroad Drive property owned by the City through April 30, 2008, and to request the City Attorney prepare a lease for Council consideration. Seconded by Council Member Schulz. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the proposed issuance of Revenue Bonds under Chapter 40-57 of the North Dakota Century Code by Cass County on behalf of Innovis Health LLC. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Heinrich moved a Resolution to approve the issuance of bonds by Cass County on behalf of Innovis Health, LLC, under the Municipal Industrial Development Act. Seconded by Council Member Parisien. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved to place on the agenda the Joint Powers Agreement with Cass County, and the cities of Wahpeton and Valley City, ND, relative to the issuance of MIDA bonds. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

Council Member Heinrich moved a Resolution to authorize entering into a Joint Powers Agreement with Cass County, and the cities of Wahpeton and Valley City, North Dakota, relative to the issuance of MIDA bonds, subject to review by the City Attorney. Seconded by Council Member Grabinger. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lots 1 - 6, Block 1, Meidinger 4th Addition, from R-M-I-A (Residential Mobile Independent Alternate District) to R-2-A (One to Twelve Family Residential District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1331, introduced by Council Member Parisien, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lots 1 - 6, Block 1, Meidinger 4th Addition, from R-M-I-A (Residential Mobile Independent Alternate District) to R-2-A (One to Twelve Family Residential District), had its second reading. Seconded by Council Member Schulz. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lots 18 thru 41, Witzig's 2nd Addition, Lots 18 thru 41, Dement's Addition, Lot 2, Block 5, Lots 3 & 4, Block 4, and Lots 3 & 4, Block 3, Diamond Acres 2nd Addition, from C-2 (General Commercial District) to M-1 (Limited Industrial and Manufacturing District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1332, 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 18 thru 41, Witzig's 2nd Addition, Lots 18 thru 41, Dement's Addition, Lot 2, Block 5, Lots 3 & 4, Block 4, and Lots 3 & 4, Block 3, Diamond Acres 2nd Addition, from C-2

(General Commercial District) to M-1 (Limited Industrial and Manufacturing District, had its second reading. Seconded by Council Member Parisien. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1333, introduced by Council Member Grabinger, to amend and re-enact Sections 9-40 and 9-41 of the City Code pertaining to the housing codes, had its second reading. Seconded by Council Member Heinrich. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1334, introduced by Council Member Grabinger, to amend and re-enact Section 14-1 of the City Code pertaining to the electrical code, had its second reading. Seconded by Council Member Schulz. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1335, introduced by Council Member Parisien, to amend and re-enact Section 25-10 of the City Code pertaining to snow and ice removal from city sidewalks, had its second reading. Seconded by Council Member Grabinger. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1336, introduced by Council Member Schulz, to amend and re-enact Section 25-10.1 of the City Code pertaining to depositing of snow on streets and alleys, had its second reading. Seconded by Council Member Parisien. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of a strip of land 380 feet in depth along and adjacent to the east side of the Hwy 281 Bypass R/W from the north side of the BNSF Railroad R/W north to the current C-2 zoning on the west side of Hwy 281 north, from A-G (Agricultural District) to C-2 (General Commercial District); and a strip of land 380 feet deep on the west side of the Hwy 281 Bypass R/W from the Railroad R/W on the north side of the BNSF Railroad, north to the current C-2 zoning on the west side and adjacent to Hwy 281 North from A-G (Agricultural District) to C-2 (General Commercial District) except and not including the Perleberg First Subdivision.

Harley Trefz, Chairman of Jamestown Planning Commission, answered questions from the City Council relative to the proposed zone change to property along and adjacent to the US281 Bypass on both sides north of the BNSF Railroad right-of-way and expressed concerns with future development under the current zoning.

Denise Steele addressed the Council relative to the Planning Commission minutes and concerns with zoning along the US281 Bypass.

Susan Roemmich, property owner near the US281 Bypass, indicated to the Council she does not feel the Planning Commission meetings have been friendly and prefers her property to remain agriculture.

Mayor Liechty moved to appoint Kirk Heim and Kelly Krein to serve as members of the Renaissance Zone Authority for three (3) year terms to expire August 2010. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Council Member Heinrich moved a Resolution to approve the request from Prairie Paws Rescue to be recognized as an other public spirited organization, and to issue a permit to conduct a raffle on February 15, 2008. Seconded by Council Member Parisien. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve entering into an Engineering Services Agreement with Interstate Engineering, Inc., to provide basic engineering services to the City in the absence of a Staff City Engineer. Seconded by Council Member Schulz. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve the request from the North Dakota Buffalo Foundation for a site authorization to conduct gaming at the Quality Inn and Suites for the period ending June 30, 2008. Seconded by Council Member Parisien. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor