

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, JUNE 2, 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: Minutes of the regular council meeting, May 5, 2008; minutes of the committee meeting, May 20, 2008; and minutes of the committee meeting, May 22, 2008. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

No bids were received for the sale of impounded and abandoned vehicles.

Council Member Grabinger moved to approve the following consent items:

- A. Resolution to approve the request from Champ Industries USA for additional PACE Interest buy down funds in the amount of \$2,355.00 and an additional \$15,365.00 in New Jobs Training Funds Loan from Economic Development Funds with the City Share to be \$14,176.00 and paid from the City Sales Tax Fund.
- B. Resolution to approve issuing a Quit Claim Deed to Stephen J. Senger for a portion of Lot 32, Riverview Second Addition.
- C. Resolution to approve the request of M & J Properties for Renaissance Zone incentives on a commercial property to include a five (5) year property tax exemption and a recommended five (5) year North Dakota State income tax exemption for the property on the N. 1/2 of Lot 14, Block 32, Original Addition (117 1st Avenue South).
- D. Resolution to approve authorizing City Attorney Dalsted to pursue legal action against Richard V. Anderson d/b/a Better For Less Construction and/or Phil Van Erem to recover \$8,246.37 in refuse hauling fees for the demolition work at the Ranch House Motel property.
- E. Resolution to recognize the Jamestown Elk's 995 as an other public spirited organization and to authorize the issuance of a raffle permit with the drawing to be held June 27, 2008.
- F. Resolution to draft a policy pertaining to the mailing of notice requirements to area property owners regarding proposed zoning amendments be provided for the next Planning Commission for recommendation to the City Council.
- G. Resolution to approve the request from Sandy Brown to move a garage from 1014 10th Avenue SE to 802 3rd Avenue NW.
- H. Resolution to approve the request from Bernie Satrom to move a 16' x 24' garage from 1305 3rd Avenue NW to 417 8th Avenue SE.
- I. Resolution to approve the request from Mainstreet Downtown to place plaques on the decorative light poles on 1st Avenue to identify sponsors of the downtown hanging flower pots.
- J. Resolution to approve the request from Frontier Village Association for the Street Department to blade and spread sterilized black dirt on 2nd Ave SE between 18th and 19th Street.
- K. Resolution to approve the proposal from MVTL for 2008 Groundwater Quality Assessment for the Jamestown Sanitary Landfill, in the amount of \$10,170.00.
- L. Resolution to approve the proposal from CPS, Ltd., for the 2008 Annual Groundwater Monitoring Report for the Jamestown Sanitary Landfill, in the amount of \$13,700.00.
- M. Resolution to approve the request from Jamestown College to close 1st Avenue South from 1st Street to 3rd Street and from alley to alley on 2nd Street South on August 25, 2008, from 3:00 PM to 9:00 PM, for a College Community Connection.
- N. Resolution to deny the request from GATR of Sauk Rapids, Inc., for an adjustment based upon the condition of the trade-in on the bid for the purchase of a 2008 GMC Top Kick C7500 for the Street Department.
- O. Resolution to approve the performance bond of Strata Corporation, for construction on the Sidewalk, Curb & Gutter District #08-11,

in the amount of \$69,630.00.

- P. Resolution to approve Estimate No. 1, to Schumacher Construction, Inc., for the 2008 Fire & Police Department's Cold Storage Building and Removal of Existing Fire Damaged Cold Storage Building, in the amount of \$73,552.15.
- Q. Resolution to approve Payment No. 1, to Interstate Engineering, Inc., for engineering services on Transportation Enhancement for US Highway 281, Project No. S-TNU-2-281(033)066, in the amount of \$1,944.47.
- R. Resolution to allow Estimate No. 1, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #08-41, in the amount of \$56,983.52.
- S. Resolution to approve Payment No. 2, to Ulteig Engineers, for engineering services on the Project Concept Report and Preliminary Design for the East Business Loop Reconstruction Project No. SU-2-987(029)033, in the amount of \$28,018.70.
- T. Resolution to approve Payment No. 5, to Interstate Engineering, Inc., for engineering services on various city department consultations, in the amount of \$3,777.00.
- U. 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.
- V. Resolution to allow the May indebtedness in the amount of \$1,166,691.88 consisting of \$357,497.37 payroll and \$809,194.51 general obligations.

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

Council Member Schulz moved to table to the July Council meeting the request from Buffalo City Tourism Foundation for continuation of grant funding for the years 2009-2012, in the total amount of \$797,400.00 from Economic Development Funds with the City Share to be \$637,920.00 and paid from the City Sales Tax and that any requests for grant funding from the BCTF in excess of \$2,000.00 must have City Council approval. Seconded by Council Member Heinrich. Voice vote showed: 2 ayes (Schulz and Heinrich), 3 nays (Grabinger, Liechty and Parisien), 0 absent. Not Carried.

Council Member Grabinger moved a Resolution to approve the request from Buffalo City Tourism Foundation for continuation of grant funding for the years 2009-2012, in the total amount of \$797,400.00 from Economic Development Funds with the City Share to be \$637,920.00 and paid from the City Sales Tax and that any requests for grant funding from the BCTF in excess of \$2,000.00 must have City Council approval. Seconded by Council Member Parisien. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning special assessments for Seal Coat, Patching, Construction & Reconstruction District #07-41. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Parisien moved a Resolution to accept and approve the special assessments for Seal Coat, Patching, Construction & Reconstruction District #07-41, as submitted by the Special Assessment Commission, in the amount of \$1,875,325.65, with the City Share to be \$187,210.32, and with a balance to assess against benefited properties in the amount of \$1,688,110.33. Seconded by Council Member Grabinger. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty declared a conflict of interest with the request from Jamestown College for Municipal Industrial Development Bonds.

Council Member Heinrich moved to allow Mayor Liechty to vote on the motion. Seconded by Council Member Parisien. Voice vote showed: 4 ayes (Heinrich, Liechty, Parisien and Schulz), 1 nay (Grabinger), 0 absent. Carried.

Council Member Schulz moved a Resolution to grant preliminary approval, subject to a public hearing, to the request from Jamestown College for the City of Jamestown to authorize the issuance of not to exceed \$1,200,000.00 in Municipal Industrial Development Bonds. Seconded by Council Member Grabinger. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve establishing a storm sewer district to improve storm water drainage on 9th Street SW to alleviate flooding to the residence at 1010 9th Street SW. Seconded by Council Member Schulz. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve and authorize entering into an Engineering Services Agreement with Interstate Engineering, Inc., for the Southwest Storm Sewer Improvements Project (9th Street SW). Seconded by Council Member Parisien. Roll Call No. 6 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 Block 72, Klaus Third Addition (James House), from R-2-A (One to Twelve Family Residential District) to R-3 (General Multiple Dwelling District).

Ordinance No. 1339, introduced by Council Member Schulz, to amend and re-enact Section 5-27 of the City Code pertaining to alcoholic beverages, had its second reading. Seconded by Council Member Parisien. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning an ordinance to change the zoning of Lot 1 except the South 12 ½ feet and Lots 8-14, Block 48, Klaus Addition, from R-2-A (One to Twelve Family Residential District) to C-1 (Local Commercial District).

An email was received from Bonnie Smith, 225 3rd Avenue SW, protesting the zone change.

The hearing was closed.

Ordinance No. 1340, 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 Lot 1 except the South 12 ½ feet and Lots 8-14, Block 48, Klaus Addition, from R-2-A (One to Twelve Family Residential District) to C-1 (Local Commercial District), had its second reading. Seconded by Council Member Heinrich. Roll Call No. 8 showed: 3 ayes (Heinrich, Parisien and Schulz), 2 nays (Grabinger and Liechty), 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve submitting a grant application to the ND Department of Transportation for a Traffic Safety Contract and to authorize entering into a Traffic Safety Contract (SAFE COMMUNITIES PROGRAM) with the North Dakota Department of Transportation for the period 10/1/08 - 9/30/09, and to enter into an agreement with Bruce Judd to serve as Safe Communities Coordinator for the same period. Seconded by Council Member Schulz. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve submitting a grant application to the ND Department of Transportation for a Traffic Safety Contract and to authorize entering into a Traffic Safety Contract (SERVER TRAINING PROGRAM) with the ND Department of Transportation for the period ending September 30, 2009. Seconded by Council Member Parisien. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve the request from CSI - Historic Franklin for a permit to conduct a Polka Spotlight Event in the Historic Franklin parking lot on Sunday, June 29, 2008, from 3:00 PM to 7:00 PM. Seconded by Council Member Schulz. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Parisien moved a Resolution to approve the request from the Jamestown Eagles for a site authorization to conduct gaming at the Frontier Fort Bar & Grill for the period July 1, 2008, through June 30, 2009. Seconded by Council Member Heinrich. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Grabinger moved a Resolution to approve the request from Main Street Downtown Association to close 1st Avenue South from 1st Street to 3rd Street and from alley to alley on 2nd Street South from 12:00 Midnight, Thursday, July 17, 2008, to 6:00 PM, Friday, July 18, 2008, for Crazy Days. Seconded by Council Member Schulz. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Heinrich moved a Resolution to approve the request from the Main Street Downtown Association to close various downtown streets/avenues/alleys (see attached diagram of area) for the 125th Anniversary Celebration Street Festival from 12:00 Midnight, Friday, July 4, 2008, to 8:00 PM, Saturday, July 5, 2008. Seconded by Council Member Schulz. 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