

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, SEPTEMBER 8, 2009  
OFFICIAL MINUTES

The regular meeting of the City Council was called to order by Mayor Liechty at 5:00 P.M.

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Liechty, Council Members Kourajian, Nygaard, Parisien and Schulz, and City Administrator Fuchs. Absent: City Attorney Dalsted and City Engineer Schwartzkopf.

Council Member Schulz moved to approve the minutes of the following meetings, as printed: Minutes of the regular council meeting, August 3, 2009; Minutes of the special council meeting, August 7, 2009; Minutes of the special council meeting, September 2, 2009; Minutes of the committee meeting, August 27, 2009. Seconded by Council Member Nygaard. Unanimous aye vote. Carried.

Mayor Liechty moved to correct the minutes of the committee meeting, August 25, 2009, relative to Marvin Brown request, to indicate the tax exemption is based on the assisted living units only and normal tax amounts will apply to the unassisted living units, and to approve the minutes as corrected. Seconded by Council Member Kourajian. Unanimous aye vote. Carried.

Council Member Schulz moved to correct the minutes of the committee meeting, September 3, 2009, paragraph six, the last sentence should read, "He further stated that the sales tax dollars being discussed would not cover our current annual expenditures for street repairs," and to approve the minutes as corrected. Seconded by Council Member Parisien. Unanimous aye vote. Carried.

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

Council Member Parisien moved to approve the following consent items:

- A. Resolution to approve the request from the North Dakota Trade Office for a \$25,000 grant from Economic Development Funds to be used to match dues from local companies with the City Share to be \$20,000 and paid from the City Sales Tax Fund.
- B. Resolution to recommend the Stutsman County Commission approve the following property tax abatements filed as a result of 2009 flood related damage by reducing the 2009 valuations as listed:

Parcel 74-1810280, 934 2nd Ave NW, from \$140,200 to \$130,800  
Parcel 74-2383320, 1710 Elmwood Place, from \$181,000 to \$166,900  
Parcel 74-2383480, 1705 Elmwood Place, from \$209,200 to \$208,200  
Parcel 74-2383560, 1701 Elmwood Place, from \$188,100 to \$183,600  
Parcel 74-3374700, 721 A 2nd St SW, from \$64,400 to \$59,100  
Parcel 74-3460780, 317 5th Ave SW, from \$39,300 to \$34,600  
Parcel 74-3460860, 307 5th Ave SW, from \$43,800 to \$42,300  
Parcel 74-3463160, 306 5th Ave SW, from \$69,200 to \$66,200  
Parcel 74-4155000, 102 13th St SW, from \$41,500 to \$36,300  
Parcel 74-5617700, 102 10th St NW, from \$88,200 to \$86,300  
Parcel 74-5760100, 502 5th St NW, from \$61,800 to \$52,700  
Parcel 74-5761000, 614 5th St NW, from \$60,700 to \$55,100  
Parcel 74-5810200, 413 12th St NW, from \$146,300 to \$141,600  
Parcel 74-5810800, 1120 8th Ave NW, from \$164,100 to \$154,000  
Parcel 74-5861300, 614 7th St Loop NW, from \$250,100 to \$238,800  
Parcel 74-5861400, 608 7th St Loop NW, from \$236,300 to \$233,100  
Parcel 74-5861600, 601 7th St Loop NW, from \$172,000 to \$160,900

- C. Resolution to approve the Identity Theft Prevention Program policy.

- D. Resolution to approve and authorize Joint Library employees to participate in the City of Jamestown Group Health Insurance Program at such time as the Joint Library begins operations.
- E. Resolution to approve the job description for the School Resource Officer.
- F. Resolution to approve and authorize the City Administrator to solicit proposals for a Soft Drink Beverage Vendor for the Jamestown Civic Center concessions and vending machines and soft drink advertising within the facility.
- G. Resolution to approve and authorize the request from Gary Riffe, 220 9th Ave NE, to remove driveway and replace with curb and gutter to be included with the Sidewalk, Curb & Gutter District #09-11.
- H. Resolution to approve and authorize the request from Philip Bleibaum, 802 5th St SE, to remove curb and lengthen driveway to be included with the Sidewalk, Curb & Gutter District #09-11.
- I. Resolution to approve a pipeline easement with Stutsman Rural Water District.
- J. Resolution to approve and authorize the reimbursement of \$23,522.63 to the ND Department of Transportation for costs not eligible for federal reimbursement on the 3rd Street from 1st Ave S to 8th Ave SE (Project No. SU-2987(024)028).
- K. To approve the following Resolutions relative to the Downtown Parking Lot Reconstruction Project #07-43:

**1. To approve the plans and specifications for the project**

**2. To authorize advertising for bids for construction of the project.**

- L. Resolution to approve the request from Dean Hafner to open and gravel the road right-of-way on 26th Street SW from 3rd Ave. SW to the east end of the I-94 Business Park, when a building permit for Lots 7 & 8, Block 4, I-94 Business Park Addition, has been issued.
- M. Resolution to approve the performance bond of Central States Fire Apparatus, LLC, Lyons, SD, for a Central States Pumper Apparatus Body Mounted on a 2010 Freightliner M-2106 Chassis, in the amount of \$347,136.00.
- N. Resolution to approve Estimate No. 3, to Lindberg Brothers, Inc., for construction on 2009 Sidewalk and Curb & Gutter District #09-11, in the amount of \$17,073.56.
- O. To (approve-disapprove) Estimate No. 4, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction and Reconstruction District #09-41, in the amount of \$80,680.30.
- P. Resolution to approve Payment No. 1 (Inv No. 2128), to Interstate Engineering, Inc., for construction engineering services on 3rd Street East Mill and Overlay from BNSF tracks to 87th Avenue, STM-SU-2-987(031)035, in the amount of \$2,771.23.
- Q. Resolution to approve Payment No. 5 & Final (Inv No. 2129 Final), to Interstate Engineering, Inc., for preliminary engineering services on 3rd Street Mill and Overlay, STM-SU-2-987(031)035, in the amount of \$340.30.
- R. Resolution to approve Payment No. 5 (Inv No. 2108), to Interstate

Engineering, Inc., for Flood Related Consultations, in the amount of \$9,700.70.

- S. Resolution to approve Payment No. 5 (Inv No. 2110), to Interstate Engineering, Inc., for preliminary engineering services on Mill Hill (US 52) Dowel Bar Retrofit, Grinding & CPR; STM-S-NHU-2-281(036)067, in the amount of \$3,027.08.
- T. Resolution to approve Payment No. 7 & Final (Inv No. 1625 Final), 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 \$399.61.
- U. Resolution to approve Payment No. 17 (Inv No. 2109) to Interstate Engineering, Inc., for engineering services on various City Department consultations, in the amount of \$2,892.10.
- V. Motion to accept the reports of the Municipal Judge, Police Department, Fire Department, Public Works Departments, Inspection Department, Forestry Department, Civic Center, Central Valley Health Unit, and financial status.
- W. Resolution to allow the August indebtedness in the amount of \$4,457,343.63 consisting of \$379,516.53 payroll and \$4,077,827.10 general obligations.

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

Mayor Liechty asked questions on the financials and lease agreement of the parties concerned in the request of Dean Hafner, dba Allen Enterprises, for a Flex PACE interest buy down from Economic Development Funds in the amount of \$75,000 with the City Share to be \$60,000 and paid from the City Sales Tax Fund.

Connie Ova, JSDC CEO, summarized the policies and procedures process for requests received by the JSDC.

Council Member Schulz moved to approve the request of Dean Hafner, dba Allen Enterprises, for a Flex PACE interest buy down from Economic Development Funds in the amount of \$75,000 with the City Share to be \$60,000 and paid from the City Sales Tax Fund. Seconded by Council Member Nygaard.

Tom Merrick, attorney representing Dean Hafner, presented information to Mayor Liechty which indicated that she may have a conflict of interest and should not be voting on this issue.

Mayor Liechty concurred and declared a conflict of interest.

Crossroads Repair was not listed as a competitor on the Jamestown/Stutsman Development Corporation documents presented to the City Council. (Correction per October 5, 2009, City Council)

Roll Call No. 2 on the Resolution showed: 4 ayes, 0 nays, 0 absent, 1 Conflict of Interest (Liechty). Carried.

Council Member Parisien moved a Resolution to approve the 2010 revised Budget for the JSDC in the amount of \$425,000 with the City Share to be \$295,000 and paid from the City Sales Tax Fund. Seconded by Council Member Kourajian. Roll Call No. 3 showed: 4 ayes, 1 nay (Liechty), 0 absent. Carried.

Mayor Liechty moved a Resolution to approve the revised application of Marvin Brown, Billings, Montana, for property tax incentives under NDCC Chapter 40-57.1-03, on the construction of a three (3) story, thirty-five (35) unit apartment and assisted living facility, at 12th Avenue and 5th Street NE, Jamestown, ND, S.442' of Lot 2 except E. 320', Block 1, Garden Hills 2nd Addition, as follows: A five (5) year 60% property tax exemption based on the assisted living units for Years 2010 through 2014; and a five (5) year payment in lieu of taxes on

the assisted living units in the listed amounts plus the normal tax amount on the unassisted living units: Year 2015 - \$11,400.00; Year 2016 - \$11,970.00; Year 2017 - \$12,570.00; Year 2018 - \$13,200.00; and Year 2019 - \$13,860.00. Seconded by Council Member Parisien. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning an ordinance to change the zoning of Lots 1 & 2, Block 1, Jamestown Hospital Healthcare Campus Addition, from C-1 (Local Commercial District) & A-1 (Agricultural District) to C-2 (General Commercial District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1349, 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 & 2, Block 1, Jamestown Hospital Healthcare Campus Addition, from C-1 (Local Commercial District) & A-1 (Agricultural District) to C-2 (General Commercial District), had its second reading. Seconded by Council Member Kourajian. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1350, introduced by Council Member Kourajian, to amend and re-enact Section 2-32 of the City Code pertaining to the Planning & Zoning Commission, had its second reading. Seconded by Council Member Parisien. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Nygaard moved to introduce an ordinance pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2010, through December 31, 2010.

Council Member Nygaard moved to introduce an ordinance pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2010, through December 31, 2010.

Council Member Nygaard moved a Resolution to approve and authorize entering into an easement agreement with BNSF for parking and driveway construction, maintenance and use. Seconded by Council Member Schulz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to approve and authorize entering into an agreement with BNSF for a Railroad Highway Grade Crossing Closure (3rd Ave West). Seconded by Council Member Nygaard. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve and authorize entering into an engineering agreement with Interstate Engineering, Inc., to provide engineering services for Patching, Curb Replacement and Additional Repairs to Streets Damaged during Dike Construction and Removal Operations on Federal Aid Eligible Streets. Seconded by Council Member Parisien. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Liechty moved a Resolution to approve and authorize entering into a Cost Participation, Construction and Maintenance Agreement with the ND Department of Transportation for the Jamestown - US 281 from 17th Street SW to 4th Ave SW, Project No. STM-S-NHU-2-281(036)067. Seconded by Council Member Parisien. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schulz moved a Resolution to approve the request from Buffalo Lanes, Inc., for a permit to conduct a dance in the adjacent parking lot and alley behind the bar from 8:00 PM to Midnight, on Saturday, September 12, 2009. Seconded by Council Member Parisien. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor