

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, JUNE 3, 2019  
OFFICIAL MINUTES

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

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Heinrich, Council Members Phillips, Steele, Brubakken, and Buchanan, City Attorney Ryan, and City Administrator Hellekson.

Council Member Brubakken moved to amend the minutes of the May 21, 2019, Building, Planning and Zoning Committee meeting to read “a public hearing will be held regarding the notice of floodway encroachment at 916 2<sup>nd</sup> Ave NW, owned by Rodney and Shari Pettys, at 4:00 PM, Tuesday, June 18, 2019. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Phillips moved to approve the minutes of the regular council meeting, May 6, 2019; and the committee meetings, May 7 and 23, 2019, and the committee meeting May 21, 2019, as amended. Seconded by Council Member Steele. Unanimous aye vote. Carried.

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

City Attorney Ryan provided information regarding communications received from the NDDEQ relative to the bid received for the 2019 Watermain Improvement Project. Council Member Brubakken moved to open the bid received for the 2019 Watermain Improvement Project. Seconded by Steele. Unanimous aye vote. Carried. The bid received was from Scherbenske Inc., in the amount of \$1,685,262 for the total general construction. City staff will review the bid and provide a recommendation to City Council later under Other Business.

Council Member Steele moved to approve the following consent agenda items:

- A. Resolution to approve the request from the JSDC for New Jobs Training Funds from Economic Development Funds to provide a \$75,110 loan to Main Saver, Inc., with the City Share to be \$60,088 and paid from the City Sales Tax Fund.
- B. Resolution to approve the updated plans and policies for the City of Jamestown Title VI Plan, Title VI Non-Discrimination Policy Statement, Title VI Public Participation Plan, Limited Proficiency Plan, Statement of Non-Discrimination Plaque, and Transit Title VI Complaint Form.
- C. Resolution to approve the request from the JSDC for reimbursement for 2018 JSDC Real Estate & Special Assessment costs from Economic Development Funds, in the amount \$976.96, with the City Share to be \$781.57 and paid from the City Sales Tax Fund.
- D. Resolution to approve the request from the JSDC to de-obligate Economic Development Funds for ND Soy Processors, in the amount of \$282,137.
- E. Resolution to approve the final plat of UPS Jamestown Addition, Lot 1, Block 1, a re-plat of Lots 5 – 7, Block 1 of I-94 Business Park Addition, within the SW ¼ Section 1, T139N, R64W, Woodbury Township, City of Jamestown, Stutsman County, North Dakota. The property is located at 2610 & 2702 3rd Ave SW.

- F. Resolution to approve the Minor Subdivision, Preliminary/Final plat Berndt Second Addition, Lot 1, Block 1, a re-plat of Lots 1-7, Block 34 & Block 35 of Russell's Second Addition, within the SW ¼ Section 26, T140N, R64W, City of Jamestown, Stutsman County, North Dakota. The property is located at 401 14th Ave NW.
- G. Resolution to approve the Minor Subdivision, Preliminary/Final plat Green Group Addition, Lot 1, Block 1, a re-plat of Lot 3 and the South half of Lot 4, Block 25 of Lloyd's Second Addition, within the NW ¼ Section 25, T140N, R64W, City of Jamestown, Stutsman County, North Dakota. The property is located at 801 2nd Ave NE.
- H. Resolution to approve the request from Corner Bar for a permit to conduct street dances on 2<sup>nd</sup> Street SW, from 1<sup>st</sup> Avenue westward to alley, on Saturday, June 8, 2019, and Saturday, July 20, 2019.
- I. Resolution to approve Payment No. 1, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction & Reconstruction District #19-41, in the amount of \$114,176.64.
- J. Resolution to approve Payment No. 4 (Inv 08387.05-4), to SRF Consulting Group, Inc., for 2019 Jamestown Planning and Zoning Technical Services, in the amount of \$6,869.38.
- K. Resolution to approve Payment No. 17 (Inv 9149), to Apex Engineering Group, for services on Jamestown Wastewater Treatment Facility Capacity Assessment, in the amount of \$510.00.
- L. Resolution to approve Payment No. 59 (Inv 62953), to AE2S, for On Call engineering services, in the amount of \$1,866.75.
- M. Resolution to approve Payment No. 62 (Inv 62952), to AE2S, for engineering services on the Infrastructure I&C Support, in the amount of \$108.00.
- N. Resolution to approve Payment No. 7&F (Inv 37728-Final), to Interstate Engineering, Inc., for the New Retaining Wall at Frontier Village, in the amount of \$908.00.
- O. Resolution to approve Payment No. 7 (Inv 37729), to Interstate Engineering, Inc., for engineering services on the Inert Landfill Closure Cell 1-4, Section 5-139-63, in the amount of \$1,692.02.
- P. Resolution to approve Payment No. 21&F (Inv 37727-Final), to Interstate Engineering, Inc., for engineering services on NW Water Main Replacement Project District 17-61 (11Blocks), in the amount of \$107.00.
- Q. Resolution to approve Payment No. 22&F (Inv 37724-Final), to Interstate Engineering, Inc., for engineering services on 5th Street NE (12th Ave to 27th Ave NE), Paving Improvements District #16-42, in the amount of \$2,667.00.
- R. Resolution to approve Payment No. 22&F (Inv 37725-Final), to Interstate Engineering, Inc., for engineering services for construction of road from Menards to Jamestown Regional Medical Center, in the amount of \$5,950.06.
- S. Resolution to approve Payment No. 23 (Inv 37726), to Interstate Engineering, Inc., for engineering services on Sanitary Landfill Cell 4A Development, in the amount of \$1,266.00.

- T. Resolution to approve Payment No. 268 (Inv 37733), to Interstate Engineering, Inc., for engineering services on Wastewater Treatment Facility Sludge, Grease Trap & LRATS Issues, in the amount of \$6,207.50.
- U. Resolution to approve Payment No. 269 (Inv 37730), in the amount of \$17,694.00, to Interstate Engineering, Inc., for engineering services on the following:
- 1) City Department consultations (General), in the amount of \$6,384.00
  - 2) City Department consultations (Streets), in the amount of \$2,736.00
  - 3) City Department consultations (Sewer), in the amount of \$4,393.50
  - 4) City Department consultations (Water), in the amount of \$1,140.00
  - 5) City Department consultations (Solid Waste), in the amount of \$469.50
  - 6) City Department consultations (Storm Water), in the amount of \$2,571.00
- 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 May indebtedness in the amount of \$1,906,685.27 consisting of \$511,676.92 payroll and \$1,395,008.35 general obligations.

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

Council Member Buchanan moved a Resolution to uphold the current \$5,000 security deposit required to place an antenna on a city water tower. Seconded by Council Member Steele. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the request to vacate a section of 26<sup>th</sup> Street SW east of 3<sup>rd</sup> Ave SW, adjacent to Lot 1, Block 3, and Lot 8, Block 4, all I-94 Business Park Addition, to the City of Jamestown, Stutsman County, North Dakota. City Engineer Dillman provided information and possible future importance of the roadway and options for improvement to current conditions of roadway. Dean Hafner, 2509 3<sup>rd</sup> Ave S.W., applicant, and Kevin Thoele, 2603 3<sup>rd</sup> Ave S.W., spoke in support of the roadway vacation. Chief Reuther spoke in opposition of the vacation for public safety reasons. No action was taken.

A public hearing was held concerning the notice of floodway encroachment at 916 2<sup>nd</sup> Ave NW. No one appeared and no written comments were received. It was brought to the City Council's attention that City Staff understood the public hearing date would be June 18, 2019 at the committee meeting, and a letter was sent to the homeowner with that date. It was the consensus of the City Council to not take any action currently and continue the public hearing on June 18, 2019.

Council Member Brubakken 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 Jamestown College Subdivision, Block 3, City of Jamestown, Stutsman County, North Dakota, from R-3 (General Multiple Dwelling District) to C-C (Central Core Commercial District). The property is located at 1100 7th St NE.

Council Member Steele moved to introduce the first reading of an ordinance to amend and re-enact Section 22-49 of the Code of the City of Jamestown, pertaining to Weapons—Unlawful Discharge. (To allow Jamestown Regional Airport Employees and agents to mitigate wildlife hazards.)

Council Member Buchanan moved to introduce the first reading of an ordinance enact a chapter of the Code of the City of Jamestown pertaining to Stormwater.

Ordinance No. 1515, introduced by Council Member Buchanan, to amend and re-enact Chapter 2, Article IX, of the City Code pertaining to the Forestry Department, had its second reading. Seconded by Council Member Phillips. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1516, introduced by Council Member Steele, to amend and re-enact Sections 3, 4, 5 and 7, Appendix C, of the City Code pertaining to zoning regulations, had its second reading. Seconded by Council Member Phillips. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved a Resolution to approve the request from Stutsman Harley Davidson to conduct a dance in the dealership parking lot on June 22, 2019. Seconded by Council Member Brubakken. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve awarding the bid for the 2019 Watermain Improvement Project to Scherbenske, Inc., in the amount of \$1,685,262, contingent upon approval by the ND Department of Environmental Quality (NDDEQ). Seconded by Council Member Phillips. Ben Aaseth, Interstate Engineering, presented information. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to schedule a discussion at the June 18, 2019, Finance and Legal Committee meeting to discuss the proposed amendment to Articles 3 and 4 of the existing Agreement dated July 26, 2016 between the City and AE2S for the Stormwater Utility Implementation Project. Seconded by Council Member Phillips. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve and authorize entering into an agreement with SCDRC to provide professional services in connection with the Community Development Block Grant – Downtown Storefront Improvement Project. Seconded by Council Member Phillips. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve the request from Jamestown Gymnastics Club for a site authorization to conduct gaming at the Gladstone Inn & Suites Conference Room on September 9, 2019. Seconded by Council Member Steele. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved to adjourn at 5:40 PM. Seconded by Council Member Phillips. Unanimous aye vote. Carried.

ATTEST:  
SARAH HELLEKSON, City Administrator

APPROVED:  
DWAINE HEINRICH, Mayor