

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, MARCH 2, 2020  
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, Assistant City Attorney Geroux, and City Administrator Hellekson.

Mr. Tom Tracy, 818 17<sup>th</sup> St NE, Jamestown, asked the City Council to amend or create an ordinance to regulate sexually oriented business and events.

Mr. Cary Bosie, 1001 9<sup>th</sup> St SW, Jamestown, asked the City Council to consider a community reuse and exchange week to be held during the cleanup week.

Pastor Tom Eckstein, 902 9<sup>th</sup> Ave NE, Jamestown, expressed concern about an event held in a downtown bar and encouraged the City Council to enact a stringent ordinance to eliminate such events.

Council Member Buchanan moved to approve the minutes of the regular council meeting February 3, 2020; and minutes of the committee meetings February 18 & 20, 2020. Seconded by Council Member Steele. Unanimous aye vote. Carried.

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

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

- A. Resolution to approve the leases with Frontier Village tenants.
- B. Resolution to approve the Frontier Village stagecoach agreement.
- C. Resolution to approve the request from RMEF Mindak Inc. for a site authorization to conduct gaming at the Gladstone Inn (Ballroom) on March 14, 2020.
- D. Resolution to approve the 2020 Jamestown Standard Specifications as prepared by the City Engineer.
- E. Resolution to approve the following for 2020 Sidewalk, Curb & Gutter District #20-11:
  - 1) To set up and establish the district;
  - 2) To direct the City Engineer to prepare plans & specifications for the construction of the district;
  - 3) To accept and approve the plans and specifications, as prepared by the City Engineer, for the construction of the district; and
  - 4) To direct the City Administrator to advertise for bids for the construction of the district.
- F. Resolution to approve the plans and specifications and authorize the advertisement for bids for the 2020 City of Jamestown Watermain Improvement Project 20-61.
- G. Resolution to approve the plans and specifications and authorize the advertisement for bids for the North Dakota State Hospital (NDSH) Watermain Improvement Project 20-62.
- H. Resolution to approve the plans and specifications and authorize the advertisement for bids for the Generator Project for the Master Lift Station.

- I. Resolution to approve the plans and specifications and authorize the advertisement for bids for Lift Station No. 20 Replacement Project.
- J. Resolution to approve changing the 2020 Citywide Residential Curbside Clean Up to a Residential Drop Off at the Baler Facility.
- K. Resolution to approve the request from Rodney Pettys, 916 2<sup>nd</sup> Ave NW, to extend the February 20, 2020, removal date for a floodway encroaching structure to February 28, 2021.
- L. Resolution to approve Payment No. 1 (Inv 08387.06-1), to SRF Consulting Group, Inc., for 2020 Jamestown Planning and Zoning Technical Services, in the amount of \$4,009.34.
- M. Resolution to approve Payment No. 66 (Inv 67094), to AE2S, for On Call engineering services, in the amount of \$3,120.75.
- N. Resolution to approve Payment No. 1 & Final, to D-Win Excavation, LLC, for Demolition of LeFevre Building, in the amount of 22,350.00.
- O. Resolution to approve Payment No. 1 (Inv 40097), to Interstate Engineering, Inc., for engineering services on Wastewater Treatment Facility Valve Replacement, New Phase Energy, Gas Monitoring, in the amount of \$1,344.00.
- P. Resolution to approve Payment No. 1 (Inv 40100), to Interstate Engineering, Inc., for engineering services on 2020 Flood Mitigation, in the amount of \$5,169.40.
- Q. Resolution to approve Payment No. 2 (Inv 40096), to Interstate Engineering, Inc., for engineering services on 2020 Roof Repairs at the Jamestown Civic Center, in the amount of \$1,194.00.
- R. Resolution to approve Payment No. 4 (Inv 40098-Final), to Interstate Engineering, Inc., for engineering services on Demolition of LeFevre Building, in the amount of \$1,114.62.
- S. Resolution to approve Payment No. 11 (Inv 40094), to Interstate Engineering, Inc., for preliminary design and surveying on the James River Bank Stabilization Project, Phase 3, in the amount of \$1,587.50.
- T. Resolution to approve Payment No. 19 (Inv 40095), to Interstate Engineering, Inc., for engineering services on the Title V Air Quality Permit for Sanitary Landfill, in the amount of \$3,939.50.
- U. Resolution to approve Payment No. 291 (Inv 40099), in the amount of \$15,477.00, to Interstate Engineering, Inc., for engineering services on the following:
  - 1) City Department consultations (General), in the amount of \$5,175.00
  - 2) City Department consultations (Streets), in the amount of \$1,986.00
  - 3) City Department consultations (Sewer), in the amount of \$1,413.00
  - 4) City Department consultations (Water), in the amount of \$6,698.00
  - 5) City Department consultations (Solid Waste), in the amount of \$205.00
- 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 February indebtedness in the amount of \$2,360,852.53 consisting of \$523,329.62 payroll and \$1,837,522.91 general obligations.

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

Council Member Phillips moved a Resolution to approve in principle the action plan to replace the State of North Dakota ladder truck at the Jamestown Fire Department. Seconded by Council Member Steele. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved a Resolution to approve and authorize the issuance of improvement warrants and exchange them for \$2,750,000.00 Refunding Improvement Bonds of 2020, Series AC, and award the sale of \$2,750,000.00 Refunding Improvement Bonds to First Bankers' Banc Securities Inc., for the purchase price of \$2,881,930.55 at an average annual net interest rate of 1.329808%. Seconded by Council Member Brubakken. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning Seal Coat, Patching, Construction and Reconstruction District #20-41 protests and the sufficiency thereof. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Steele moved a Resolution that the protests have been found to be insufficient to bar proceeding with Seal Coat, Patching, Construction and Reconstruction District #20-41. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to authorize the City Engineer to develop detailed plans, specifications and estimates for Seal Coat, Patching, Construction and Reconstruction District #20-41. Seconded by Council Member Phillips. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the failure to comply with the notice of dangerous building condition at 202 Business Loop West.

City Building Inspector Blackmore stated that the City has no permits or drawings for this location prior to 1960 and this structure was built in 1957. Blackmore stated that an engineering report showed the roof would hold 13 pounds per square foot, which is substandard. Blackmore explained that the City is addressing the east side and not the west side.

Russ Melland, Melland Company, owner, stated that repairing the east side is cost prohibitive. Melland is concerned for the welfare of occupants on the west side as well.

Jamestown Salvation Army Major Judy Lowder stated that the organization is actively seeking a suitable site for the Thrift Store.

The hearing was closed.

Council Member Steele moved a Resolution to take such action as deemed necessary on the property at 202 Business Loop West. Seconded by Council Member Phillips. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution determining that the property at 202 Business Loop West be demolished and ordering Melland Company to demolish the east side of the property by May 1, 2020. Seconded by Council Member Phillips. Assistant City Attorney Geroux provided information. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to place the emergency protection policy for the City of Jamestown on the March Public Works Committee agenda. Seconded by Council Member Buchanan. Stutsman County Emergency Manager Bergquist clarified the reimbursement process and the requirement to have this policy. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Assistant City Attorney Geroux and City Engineer Dillman explained that two bids were opened previously in the week for the Jamestown Civic Center Roofing Removal and Replacement, 'Area C', Project. Geroux recommended opening a third as the manager for an LLC is authorized to sign the bid bond. Two other bids were not opened.

Council Member Phillips moved to approve opening the third bid from Pierce Lee as recommended by Assistant City Attorney Geroux. Seconded by Council Member Steele. Unanimous aye vote. Carried.

Council Member Phillips moved to approve opening the bids from Tekta and Fargo Roofing. This motion failed for lack of a second.

Council Member Brubakken moved a Resolution to award the bid for the Jamestown Civic Center Roofing Removal and Replacement, 'Area C', Project to A & R Roofing, in the amount of \$118,267.00. Seconded by Council Member Phillips. City Engineer Dillman answered questions. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approve the request from ND Buffalo Foundation for a site authorization to conduct gaming at the Jamestown Civic Center on June 17, 2020. Seconded by Council Member Phillips. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved to introduce the first reading of the following ordinances:

- 1) An ordinance to amend and re-enact Section 21-02-10 of the City Code pertaining to Classification and Disposition of Traffic Offenses; Fees; Duties of halting officer.
- 2) An ordinance to amend and re-enact Section 21-04-06 of the City Code pertaining to Persons Under the Influence of Intoxicating Liquor or Any Other Drugs or Substances Not to Operate Vehicle; Penalty.
- 3) An ordinance to amend and re-enact Section 21-08-01 of the City Code pertaining to Immediate Notice of Accident; Penalty.
- 4) An ordinance to repeal Section 21-10-01 of the City Code pertaining to Leaving Motor Vehicles Unattended.
- 5) An ordinance to amend and re-enact Section 22-15.1 of the City Code pertaining to Firearms Loaded in Vehicle.
- 6) An ordinance to enact Section 22-53 of the City Code pertaining to Service Animal – Misrepresentation; Penalty.

Ordinance No. 1523, introduced by Council Member Steele, to amend and re-enact Sections 9-12, 9-13, and 23-38 of the City Code pertaining to the Building Code and Plumbing Code, had its second reading. Seconded by Council Member Phillips. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved to appoint Brian Kilzer to serve as a member of the Board of Adjustment for a three year term to January 2023. Seconded by Council Member Phillips. Unanimous aye vote. Carried.

Council Member Brubakken moved to appoint Emaline Roorda to serve as a City member of the James River Valley Library System Board for a three year term to March 2023. Seconded by Council Member Phillips. Unanimous aye vote. Carried.

Council Member Steele moved to appoint Leroy Gross to serve as the City employee representative and Dan Buchanan as the City Council representative on the Pension Committee for one year terms to March 2021. Seconded by Council Member Phillips. Unanimous aye vote. Carried.

Council Member Brubakken moved a Resolution to approve street closings and/or permits to allow alcoholic beverages in fenced areas for the St. Patrick's Day Run, on March 21, 2020, for the following: All Vets Club; Buffalo Lanes, Inc.; Corner Bar; Cork and Barrel, Inc.(Elk's location); Middles LLC d/b/a Fred's Den; Frontier Fort Bar & Grill; Jonny B's Brickhouse; Knights of Columbus; Office Bar & Lounge; Shady's; and Wonder Bar Sports Bar. Seconded by Council Member Phillips. Mayor Heinrich stated that he should abstain as he is on the Elk's Club Board. Roll Call No. 12 showed: 4 ayes, 0 nays, 0 absent, 1 abstention. Carried.

Council Member Phillips moved a Resolution to recognize the Stutsman County Wildlife Federation as an other public spirited organization and authorize the issuance of a raffle permit. Seconded by Council Member Steele. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Heinrich stated that he is a Lions past district chair which may be construed as a conflict of interest.

Council Member Brubakken moved to allow Mayor Heinrich to vote. Seconded by Council Member Steele. Unanimous aye vote. Carried.

Council Member Brubakken moved a Resolution to recognize the District 5NE Lions as an other public spirited organization and authorize the issuance of a raffle permit. Seconded by Council Member Phillips. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Heinrich stated that he is an Elks Club trustee which may be construed as a conflict of interest.

Council Member Brubakken moved to allow Mayor Heinrich to vote. Seconded by Council Member Steele. Unanimous aye vote. Carried.

Council Member Brubakken moved a Resolution to approve the request from Jamestown Country Club dba Elks Lodge for an On-Sale alcoholic beverage license at 324 2<sup>nd</sup> Ave SW, Jamestown, ND, for the period April 1, 2020, through June 30, 2020. Seconded by Council Member Buchanan. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved to adjourn at 7:01 PM. Seconded by Council Member Steele. Unanimous aye vote. Carried.

ATTEST:  
SARAH HELLEKSON, City Administrator

APPROVED:  
DWAINE HEINRICH, Mayor