

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, MAY 4, 2020  
OFFICIAL MINUTES

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

Due to health concerns during the COVID-19 pandemic, some members attended via phone conference. Public access to the meeting was provided by phone at 877-885-3221, Conference Code 7774850# and audio was available through Cable Services, Inc., Channel 67.

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

Council Member Phillips moved to approve the minutes of the regular council meeting April 6, 2020; minutes of the Board of Equalization meeting, April 14, 2020; minutes of the special council meeting, April 23, 2020; and minutes of the committee meeting April 23, 2020. Seconded by Council Member Steele. Unanimous aye vote. Carried.

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

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

- A. Resolution to approve the requests for gaming site authorizations for the period July 1, 2019 – June 30, 2020, for the following:
  - 1) **James River Aerie #2337 FOE** for Frontier Fort Bar & Grill;
  - 2) **Knights of Columbus** for the Wonder Bar Sports Bar, Knights of Columbus, Corner Bar, Fred's Den, Tapps Lounge;
  - 3) **North Dakota Buffalo Foundation, Inc.** for the Elks Club;
  - 4) **Progress Enterprises** for Office Bar, Shady's, Buffalo Bar & Lounge and IDK Bar & Grill;
  - 5) **Vet's Club, Inc.**, for the All Vets Club
- B. Resolution to approve the request from Jamestown Hockey Booster Club for a site authorization to conduct a raffle at the Gladstone Inn on February 5, 2021.
- C. Resolution to approve the loan application under the Clean Water Act to fund the Bio-Gas Project at the Waste Water Treatment Plant and authorize the City Administrator to execute and file the application with the ND Department of Environmental Quality on behalf of the City.
- D. Resolution to approve Payment No. 1, to Braun Intertec Corporation, on Jamestown Sanitary Landfill SW-213, Tier 2 Sampling Project, Title V Air Quality Permit, (CWSRF Project No. 380808-08), in the amount of \$1,887.86.
- E. Resolution to approve Payment No. 3 (Inv 08387.06-3), to SRF Consulting Group, Inc., for 2020 Jamestown Planning and Zoning Technical Services, in the amount of \$4,549.94.
- F. Resolution to approve Payment No. 68 (Inv 67728), to AE2S, for On Call engineering services, in the amount of \$800.60.
- G. Resolution to approve Payment No. 1 (Inv 40479), to Interstate Engineering, Inc., for engineering services on 2020 State Hospital Water Line District 20-62, in the amount of \$89,836.55.

- H. Resolution to approve Payment No. 3 (Inv 40480), to Interstate Engineering, Inc., for engineering services on Wastewater Treatment Facility Valve Replacement, New Phase Energy, Gas Monitoring, in the amount of \$1,127.50.
- I. Resolution to approve Payment No. 3 (Inv 40482), to Interstate Engineering, Inc., for engineering services on 2020 Flood Mitigation, in the amount of \$2,934.00.
- J. Resolution to approve Payment No. 9 (Inv 40478), to Interstate Engineering, Inc., for engineering services on the 2019 Watermain Replacement Project, in the amount of \$15,113.70.
- K. Resolution to approve Payment No. 13 (Inv 40477), to Interstate Engineering, Inc., for preliminary design and surveying on the James River Bank Stabilization Project, Phase 3, in the amount of \$4,142.50.
- L. Resolution to approve Payment No. 293 (Inv 40481), in the amount of \$17,567.50, to Interstate Engineering, Inc., for engineering services on the following:
  - 1) City Department consultations (General), in the amount of \$7,866.00
  - 2) City Department consultations (Streets), in the amount of \$5,358.00
  - 3) City Department consultations (Sewer), in the amount of \$2,370.00
  - 4) City Department consultations (Water), in the amount of \$1,583.50
  - 5) City Department consultations (Storm Water), in the amount of \$390.00
- M. 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.
- N. Resolution to allow the April indebtedness in the amount of \$3,392,990.47 consisting of \$490,998.97 payroll and \$2,901,991.50 general obligations.

Seconded by Council Member Phillips. Consent Roll Call No. 1 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to award the bid for the 2020 Watermain Improvements District 20-61, to Scherbenske, Inc., in the amount of \$1,596,678.12 contingent upon approval by the ND Department of Environmental Quality. Seconded by Council Member Steele. City Engineer Dillman explained the four factors upon which the City Engineer, Interstate Engineering staff, Water Superintendent Joe Rowell and Scherbenske's staff agreed upon to reduce the original bid by \$233,931.88 and maintain the integrity of the project. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

City Engineer Dillman explained that Lift Station No. 20 is used solely by Cavendish. City Administrator Hellekson explained that as the sole user, the City can assess Cavendish or service the debt through payments from Cavendish under an agreement. Council Member Phillips moved to table the bid award for the Sanitary Sewer Lift Station No. 20 Improvement Project until Cavendish is ready for the bid to be awarded. Seconded by Council Member Steele. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Steele moved to approve a Resolution authorizing the issuance and sale of \$2,123,000 Water Treatment Assessment Warrant, Series 2020. Seconded by Council Member Phillips. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Ordinance No. 1530, introduced by Council Member Buchanan, to amend and re-enact Section 2-5.9 of the City Code pertaining to residency qualification for employees, had its second reading. Seconded by Council Member Steele. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Ordinance No. 1531, introduced by Council Member Steele, to AMEND AND RE-ENACT Section 3, Appendix B, and to ENACT Section 5.1, Appendix B, of the City Code pertaining to subdivision definitions and authority to authorize lot combinations, had its second reading. Seconded by Council Member Phillips. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Phillips moved a Resolution to approve the request from the Jamestown Fine Arts Association, Inc., d/b/a/ The Arts Center, for a street closing on 2<sup>nd</sup> St SW from 1<sup>st</sup> Ave to the alley, every Thursday in June, July and August from 4:00 PM to 9:00 PM, for the weekly Downtown Arts Market and grant the requested waiver of the street closing fees, and require the organization follow the ND and local Department of Public Health recommended physical distancing guidelines to minimize the spread of COVID-19. Seconded by Council Member Steele. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Phillips moved a Resolution to approve and authorize entering into the NDDOT Agreement to Permit Use Of Highway Right-Of-Way for Temporary Sidewalk Extensions, pending review by the City Attorney. Seconded by Council Member Steele. City Inspector Blackmore and City Attorney Ryan provided information. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Phillips moved a Resolution to approve a temporary permit due to the COVID-19 pandemic for outdoor dining and merchandising and an encroachment agreement, pending reviews by the City Attorney. Seconded by Council Member Brubakken. City Attorney Ryan stated that if temporary, language will need to be added to the emergency declaration powers to allow the sale of alcohol in these areas. Jim Boyd, Sabir's Buffalo Grill Owner and GM, and Lynn Lambrecht, JDA, President provided information. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to approve the request to extend the moratorium as to the enforcement within the jurisdictional limits of the City of Jamestown of Section 5-11(a) of the City of Jamestown Municipal Code through May 21, 2020, due to the COVID-19 pandemic. Seconded by Council Member Steele. Jacob Neimeier, bartender, addressed the City Council regarding the ND DoH 50% recommended seating capacity to slow the COVID-19 spread, which also limits profits and tips. He requested the moratorium be extended. Steele stated that no one knows what will happen by May 21 so should extend and determine then. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Phillips moved to adjourn at 6:40 PM. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

ATTEST:  
SARAH HELLEKSON, City Administrator

APPROVED:  
DWAINE HEINRICH, Mayor