

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MARCH 1, 2021
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 Buchanan, Kamlitz, Steele and Schloegel, City Attorney Ryan, Assistant City Attorney Geroux, and City Administrator Hellekson.

Council Member Buchanan moved to approve the minutes of the regular council meeting February 1, 2021; minutes of the special council meeting, February 18, 2021; and minutes of the committee meeting February 18, 2021. Seconded by Council Member Steele. Unanimous aye vote. Carried.

City Engineer Dillman stated that of the four bids received for the University of Jamestown Storm Sewer Improvements District 20-71, none were opened due to defects. Assistant City Attorney Geroux provided recommendations regarding whether each defect was waivable.

Council Member Buchanan moved to open the Naastad Brothers bid for the University of Jamestown Storm Sewer Improvements District 20-71, IE Project J20-00-120. Seconded by Council Member Schloegel. Unanimous aye vote. Carried. Geroux publicly opened the Naastad Brothers bid.

City Engineer Dillman stated that of the six bids received for the 2021 Jamestown Water Main Improvements District 21-61, four were opened. Assistant City Attorney Geroux provided recommendations regarding whether each defect was waivable.

Council Member Steele moved to open the Sellen Brothers bid for the 2021 Jamestown Water Main Improvements District 21-61, IE Project J20-00-090, DWSRF No. 4700498-12. Seconded by Council Member Schloegel. Unanimous aye vote. Carried. Geroux publicly opened the Sellen Brothers bid.

City Engineer Dillman stated that three of the four bids received for the 2021 Jamestown Civic Center Roofing Removal & Replacement, Area A, were opened. Assistant City Attorney Geroux stated that the defect in the unopened bid is not waivable under state law and the recommendation is not to open the bid. No action was taken.

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

- A. Resolution to approve the request from Dean and Wanda Albers to exchange their property located at 101 2nd Ave SE, for the city's vacant property located at 1100 Railroad Drive, directing the City Attorney to draft the agreement, and staff to prepare for the land exchange.
- B. Resolution to approve the City Administrator contract.
- C. Resolution to request the City Attorney draft an ordinance for City Permitting Small Cell Facilities in the Right of Ways.
- D. Resolution to approve the request from Izumi Sushi & Hibachi, for an On-Sale Class D liquor license at 2612 8th Ave SW, for the period ending June 30, 2021.
- E. Resolution to approve the request from ND State Hospital Employee Wellness Committee to be recognized as an other public spirited organization and to authorize the issuance of a raffle permit.

- F. Resolution to approve the Jamestown Land Use Transportation Plan Audit as revised and with page two being reworded specifically regarding the 4th Ave underpass.
- G. Resolution to approve the Minor Subdivision, Preliminary Plat of Hidden River Acres, being with that part of Government Lot 1 of Section 26, Township 140 North, Range 64 West of the Fifth Principal Meridian, lying and being North of a line extended from the intersection of the South boundary line of 9th Street with the East boundary line of said Government lot westward of the middle of the James River, City of Jamestown, Stutsman County, North Dakota. The property is located at 901 4th Ave NW.
- H. Resolution to approve the request for a Future Land Use Plan Amendment to a portion of Government Lot 1 within the NE ¼ of Section 26, Township 140N, Range 64W, lying and being North of a line extended from the intersection of the South boundary line of 9th Street with the East boundary of said lot, consisting of 8.4 acres in Stutsman County, North Dakota from Urban Residential – Low Density to Commercial. The property is located at 901 4th Ave NW (Proposed Hidden River Acres).
- I. Resolution to approve the plans and specifications and authorize the advertisement for bids for 2021 Seal Coat, Patching, Construction and Reconstruction District No. 21-41.
- J. Resolution to approve and authorize entering into an engineering agreement with Interstate Engineering, Inc., for radio read water meters.
- K. Resolution to pause the biogas energy project at the Wastewater Plant for six months and review it in July, 2021.
- L. Resolution to approve the plans and specifications and authorize the advertisement for bids for the rehabilitation of the Master Lift Station and coating of Lift Station 11.
- M. Resolution to approve Payment No. 1 (Inv 08387.07-1), to SRF Consulting Group, Inc., for 2021 Jamestown Planning and Zoning Technical Services, in the amount of \$2,887.88.
- N. Resolution to approve Payment No. 1 (Inv 72854), to AE2S, LLC, for On Call engineering services, Lift Station 20 Start-Up, in the amount of \$2,974.95.
- O. Resolution to approve Payment No. 2 (Inv 2114546), to the ND Department of Transportation, for engineering services on US 281 / US 52 Road Diet, NDDOT Project UGP-NHU-2-052(043)264, PCN 22279 — US 52 from 8th Ave NW to 8th St S, in the amount of \$16,217.51.
- P. Resolution to approve Payment No. 3, to Park Construction Company, for construction on the James River Bank Stabilization Project, Phase 3, in the amount of \$292,159.39.
- Q. Resolution to approve Payment No. 3, to CC Steele, LLC, for construction on Sanitary Sewer Lift Station Improvements 20-31 (Lift Station No. 20), in the amount of \$118,850.00.
- R. Resolution to approve Payment No. 6 (Inv 72738), to AE2S, LLC, for I&C Needs Assessments, in the amount of \$445.00.
- S. Resolution to approve Payment No. 76 (Inv 72853), to AE2S, LLC, for On Call engineering services, I&C Water & Wastewater, in the amount of \$2,972.75.
- T. Resolution to approve Payment No. 2 (Inv 43195), to Interstate Engineering, Inc., for engineering services on Civic Center Roof Removal and Replacement of NW Quarter, Area A, in the amount of \$1,203.50.

- U. Resolution to approve Payment No. 2 (Inv 43193), to Interstate Engineering, Inc., for engineering services on Wastewater Treatment Plant Facility Issues, in the amount of \$456.00.
- V. Resolution to approve Payment No. 3 (Inv 43194), to Interstate Engineering, Inc., for engineering services on Industrial Pretreatment Program Development, Ordinances and Program Scope, in the amount of \$2,300.00.
- W. Resolution to approve Payment No. 8 (Inv 43192), to Interstate Engineering, Inc., for engineering services on 2020 Roof Repairs, Area C, at the Jamestown Civic Center, in the amount of \$114.00.
- X. Resolution to approve Payment No. 11 (Inv 43191), to Interstate Engineering, Inc., for engineering services on 2020 State Hospital Water Line District 20-62, in the amount of \$9,998.06.
- Y. Resolution to approve Payment No. 14 (Inv 43189), to Interstate Engineering, Inc., for engineering services on Sanitary Sewer Lift Station Improvements District 20-31 (Main Lift and Lift Station No. 20), in the amount of \$4,278.50.
- Z. Resolution to approve Payment No. 15 (Inv 43190), to Interstate Engineering, Inc., for engineering services on 2019-2020 Safe Routes to School District 20-21, in the amount of \$965.50.
- AA. Resolution to approve Payment No. 23 (Inv 43187), to Interstate Engineering, Inc., for preliminary design and surveying on the James River Bank Stabilization Project, Phase 3, in the amount of \$14,396.56.
- BB. Resolution to approve Payment No. 29 (Inv 43188), to Interstate Engineering, Inc., for engineering services on the Title V Air Quality Permit for Sanitary Landfill, in the amount of \$4,322.50.
- CC. Resolution to approve Payment No. 36 (Inv 43186), to Interstate Engineering, Inc., for engineering services on Sanitary Landfill Cell 4A Development, in the amount of \$798.00.
- DD. Resolution to approve Payment No. 305 (Inv 43196), in the amount of \$15,254.28, to Interstate Engineering, Inc., for engineering services on various city department consultations as follows:
 - (General), in the amount of \$7,524.00;
 - (Streets), in the amount of \$1,482.00;
 - (Sewer), in the amount of \$1,710.00;
 - (Water), in the amount of \$2,133.00;
 - (Solid Waste), in the amount of \$684.00;
 - (Storm Water), in the amount of \$1,721.28.
- EE. 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.
- FF. Resolution to allow the February indebtedness in the amount of \$2,877,718.20 consisting of \$524,118.23 payroll and \$2,353,599.97 general obligations.

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

Council Member Buchanan moved a Resolution to approve granting \$200,000 to the Jamestown Parks and Recreation District to modify parks restroom facilities in the parks to meet ADA compliance, and to approve \$300,000 toward the City's share of the aerial fire truck purchase to be transferred to the Equipment Replacement Fund. Seconded by Council Member Schloegel. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to direct the City Attorney to create an ordinance pertaining to the sale and possession of alcohol on a public right-of-way at the location of an on-sale license holder with a temporary City permit by the on-sale license holder, to protect the public health, safety and welfare, and limit the impact of the pandemic upon the citizens of Jamestown, North Dakota. Seconded by Council Member Steele. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Heinrich stated the temporary moratorium on the enforcement of the Jamestown City Code pertaining to the off-sale, sealed liquor sold with food curbside by on-sale liquor license holders, expired February 5, 2021. No action taken.

Mayor Heinrich stated the current emergency measure requiring prior approval for indoor and outdoor gatherings of 50 or more people and a plan to limit the spread of the virus, began October 30, 2020. No action taken.

Council Member Steele moved a Resolution for the current emergency measure of requiring face coverings for all public-facing retail and service employees including liquor and eating establishments, and employees that may come in contact with the general public, effective October 30, 2020, to extend to 11:59 p.m. on April 5, 2021. Seconded by Mayor Heinrich. Roll Call No. 4 showed: 3 ayes, 2 nays (Kamlitz, Schloegel), 0 absent. Carried.

Mayor Heinrich stated that agenda item 6.E. was void and superseded by the previous orders. City Attorney Ryan asked whether that emergency measure [6.E] has an end date. City Administrator Hellekson stated that [6.E.] both the emergency measure that requires face coverings for every person and the gathering emergency measure have no expiration dates and are current. Mayor Heinrich requested a motion to terminate all previous emergency measures.

Council Member Steele moved a Resolution that the emergency measures passed on March 1, 2021, supersede and terminate all previous pandemic-related emergency measures. Seconded by Mayor Heinrich. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to approve the request to allow chickens to be kept within city limits at 1301 4th St NE. Seconded by Council Member Schloegel. Building Inspector Blackmore stated that the owner met the requirements. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to return Ordinance No. 1393 (Section 8.8, Appendix C of the City Code) to the Planning Commission to work with the Planning and Zoning consultant SRF, to develop a uniform standard and return to the City Council with a recommendation. Seconded by Council Member Steele. Building Inspector Blackmore stated that the City Code Appendix C, Section 8.8 applies only to accessory structures. Blackmore stated that the Planning Commission requested City Council direction regarding corrugated steel and single family dwellings. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve the Special Use Permit application submitted by Scott and Shannon Bintz for the property located at 8382 31 ½ Street SE, Jamestown, ND. Seconded by Council Member Steele. Building Inspector Blackmore stated that SRF Consulting Group (Planning Consultant) recommends allowing the Special Use Permit. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to award the bid for the University of Jamestown Storm Sewer Improvements District 20-71, IE Project J20-00-120, to Naastad Brothers, in the amount of \$430,264.00 (Base Bid). Seconded by Council Member Schloegel. City Engineer Dillman reviewed the bid information. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried. (No action taken on Alternate A.)

Council Member Steele moved a Resolution to award the bid for the 2021 Jamestown Water Main Improvements District 21-61, IE Project J20-00-090, DWSRF No. 4700498-12, to Basaraba Excavating & Dirtworks LLC, in the amount of \$1,508,966.64, award contingent upon ND Department of Environmental Quality approval. Seconded by Council Member Kamlitz. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to award the bid for the 2021 Jamestown Civic Center Roofing Removal & Replacement, Area A, to A & R Roofing, in the amount of \$118,280.00. Seconded by Council Member Kamlitz. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved to introduce an ordinance to amend and re-enact Ordinance No. 329 by amending the District Map to change the zoning of a portion of Government Lot 1 within the NE ¼ of Section 26, Township 140N, Range 64W, laying and being North of a line extended from the intersection of the South boundary line of 9th Street with the East boundary of said lot, consisting of 8.4 acres in Stutsman County, North Dakota from R-1A (One-Family Residential District and Duplex or Two-Family District) to P-U-D (Plan Unit Development). The property is located at 901 4th Ave NW. (Proposed Hidden River Acres).

Council Member Steele moved to appoint Carolgene Wolf to serve as the City member and Charlotte Freeberg to serve as the Joint City/County member of the James River Valley Library System Board for three year terms to March 2024. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

Council Member Schloegel 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 2022. Seconded by Council Member Kamlitz. Unanimous aye vote. Carried.

[Council Member Buchanan left the meeting.]

Council Member Kamlitz moved a Resolution to approve renewal of the Farm Lease Agreement with Ben Busch for the 2021 crop year. Seconded by Council Member Schloegel. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kamlitz moved to adjourn at 6:55 PM. Seconded by Council Member Steele. Unanimous aye vote. Carried.

ATTEST:
SARAH HELLEKSON, City Administrator

APPROVED:
DWAINE HEINRICH, Mayor