

JAMESTOWN CITY COUNCIL
REGULAR MEETING, APRIL 5, 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, Assistant City Attorney Geroux, and City Administrator Hellekson.

Fire Chief Reuther reminded people to be careful in town and around the county with fires and to always fully extinguish and properly discard smoking materials.

Council Member Buchanan moved to approve the minutes of the regular council meeting March 1, 2021; and minutes of the committee meetings March 23 and 25, 2021. Seconded by Council Member Steele. Unanimous aye vote. Carried.

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

- A. Resolution to approve the request from Jamestown Gymnastics Club for a site authorization to conduct gaming at the Gladstone Inn & Suites, in the Conference Room on June 14, 2021.
- B. Resolution to approve the request from the JSDC for reimbursement for 2020 JSDC Real Estate & Special Assessment costs from Economic Development Funds, in the amount \$1,362.73, with the City Share to be \$1,118.41 and paid from the City Sales Tax Fund.
- C. Resolution to approve the request from the JSDC to approve the JSDC 2022 Budget.
- D. Resolution to approve the request from the JSDC for Economic Development Funds for an Internship Program, in the amount of \$105,000, with the City Share to be \$84,000.00 and paid from the City Sales Tax Fund.
- E. Resolution to approve the request from the JSDC for reimbursement of Center for Economic Development (CED) building loss for 2020 from Economic Development Funds, in the amount of \$9,078.64, with the City Share to be \$8,170.78 (90%) and paid from the City Sales Tax Fund.
- F. Resolution to approve the requests for street closings and/or permits to allow alcoholic beverages in fenced areas for the St. Patrick's Day event, Running of the Green, on April 17, 2021, for the following: All Vets Club; Buffalo Lanes, Inc.; Corner Bar; Jamestown Country Club d/b/a Elks Lodge; Middles LLC d.b.a. Fred's Den; Frontier Fort Bar & Grill; Jonny B's Brickhouse; Knights of Columbus; Office Bar & Lounge; and Blazer, Inc. d/b/a. Shady's.
- G. Resolution to approve extending the Airborne Vector Control agreement for two years through November 1, 2023.
- H. Resolution to approve the 2021 to December 31, 2022, Frontier Village two-year lease with the ability to renew and requiring City Council approval of any rate change and authorize the Mayor and the City Administrator to sign.
- I. Resolution to approve the request from Newman Signs, Inc., to amend the original location lease of October 20th, 2011, with the City of Jamestown, pending review by the City Attorney.

- J. Resolution to approve the Minor Subdivision, Preliminary Plat of McCandy's Land Subdivision, Replat of Lots 2, 3 and the west 35' of Lot 4 of Buchholtz Subdivision within the Northeast Quarter of Section 10, T139N, R64W, Extraterritorial Jurisdiction of the City of Jamestown, Homer Township, Stutsman County, North Dakota. The property is located at 8780 37th St SE.
- K. Resolution to approve the request from Greg Carlson to hold a Roughrider Rodeo inside the Civic Center in 2021.
- L. Resolution to award the bid for Seal Coat, Patching, Construction & Reconstruction District 21-41 to Border States Paving, Inc., in the amount of \$1,448,012.25, below the engineer's estimate of \$1,960,240.00.
- M. Resolution award the bid for Sidewalk, Curb & Gutter District 21-11 to LD Concrete, in the amount of \$55,002.50, below the engineer's estimate of \$57,718.75.
- N. Resolution to approve Change Order No. 4 to Scherbenske, Inc., for construction on 2020 State Hospital Water Line District 20-62, for a net increase in the contract price of \$27,590.09.
- O. Resolution to approve Payment No. 2 & Final, to A & R Roofing Co., Inc., for construction on 2020 Roof Repairs, Area C, at the Jamestown Civic Center, in the amount of \$15,894.70.
- P. Resolution to approve Payment No. 2 (Inv 08387.07-2), to SRF Consulting Group, Inc., for 2021 Jamestown Planning and Zoning Technical Services, in the amount of \$3,855.19.
- Q. Resolution to approve Payment No. 12 (Inv 08387.06-12), to SRF Consulting Group, Inc., for 2020 Jamestown Planning and Zoning Technical Services, in the amount of \$2,510.05.
- R. Resolution to approve Payment No. 4, to Park Construction Company, for construction on the James River Bank Stabilization Project, Phase 3, in the amount of \$78,610.94.
- S. Resolution to approve Payment No. 7 (Inv 73105), to AE2S, LLC, for I&C Needs Assessments, in the amount of \$302.50.
- T. Resolution to approve Payment No. 77 (Inv 73104), to AE2S, LLC, for On Call engineering services, I&C Water & Wastewater, in the amount of \$2,969.00.
- U. Resolution to approve Payment No. 1 (Inv 43399), to Interstate Engineering, Inc., for engineering services on 2021 Watermain Improvements District 21-61, in the amount of \$114,269.52.
- V. Resolution to approve Payment No. 1 (Inv 43401), to Interstate Engineering, Inc., for engineering services on 2021 University of Jamestown Storm Sewer Improvement District 21-71, in the amount of \$45,673.84.
- W. Resolution to approve Payment No. 3 (Inv 43402), to Interstate Engineering, Inc., for engineering services on Civic Center Roof Removal and Replacement of NW Quarter, Area A, in the amount of \$2,157.32.
- X. Resolution to approve Payment No. 3 (Inv 43398), to Interstate Engineering, Inc., for engineering services on Wastewater Treatment Plant Facility Issues, in the amount of \$228.00.
- Y. Resolution to approve Payment No. 4 (Inv 43400), to Interstate Engineering, Inc., for engineering services on Industrial Pretreatment Program Development, Ordinances and Program Scope, in the amount of \$4,600.00.

- Z. Resolution to approve Payment No. 9 & Final (Inv 43397), to Interstate Engineering, Inc., for engineering services on 2020 Roof Repairs, Area C, at the Jamestown Civic Center, in the amount of \$332.90.
- AA. Resolution to approve Payment No. 12 (Inv 43396), to Interstate Engineering, Inc., for engineering services on 2020 State Hospital Water Line District 20-62, in the amount of \$4,803.48.
- BB. Resolution to approve Payment No. 15 (Inv 43394), 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 \$2,587.76.
- CC. Resolution to approve Payment No. 16 (Inv 43395), to Interstate Engineering, Inc., for engineering services on 2019-2020 Safe Routes to School District 20-21, in the amount of \$6,754.50.
- DD. Resolution to approve Payment No. 24 (Inv 43392), to Interstate Engineering, Inc., for preliminary design and surveying on the James River Bank Stabilization Project, Phase 3, in the amount of \$14,305.36.
- EE. Resolution to approve Payment No. 30 (Inv 43393), to Interstate Engineering, Inc., for engineering services on the Title V Air Quality Permit for Sanitary Landfill, in the amount of \$3,949.50.
- FF. Resolution to approve Payment No. 37 (Inv 43391), to Interstate Engineering, Inc., for engineering services on Sanitary Landfill Cell 4A Development, in the amount of \$932.00.
- GG. Resolution to approve Payment No. 306 (Inv 43403), in the amount of \$16,159.70, to Interstate Engineering, Inc., for engineering services on various city department consultations as follows:
 - (General), in the amount of \$7,771.22;
 - (Streets), in the amount of \$2,396.32;
 - (Sewer), in the amount of \$1,254.00;
 - (Water), in the amount of \$2,053.16;
 - (Solid Waste), in the amount of \$1,596.00;
 - (Storm Water), in the amount of \$1,089.00.
- HH. 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.
- II. Resolution to allow the March indebtedness in the amount of \$6,109,129.31 consisting of \$533,824.07 payroll and \$5,575,305.24 general obligations.

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

Council Member Schloegel moved to place on the Civic Center and Promotions Committee April agenda, as suggested by Civic Center Manager Fosse, the request from Coca-Cola Bottling Company High Country for a one-year extension to the 2016 Beverage Agreement, and request from Coca-Cola Bottling Company to reduce payments to the Civic Center, both actions requested due to the unforeseen Covid-19 interruptions in operations. Seconded by Council Member Steele. Unanimous aye vote. Carried.

Council Member Schloegel moved a Resolution to approve a bulk pickup pilot program beginning June 1, 2021, at a cost of \$5 per item for residents and property owners. Seconded by Council Member Buchanan. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve the Minor Subdivision, Preliminary Plat of Super 8 Addition, Replat of all of Lot 3 and the Northerly 25 feet of Lot 4, Block 1, Lowry's Subdivision of part of the SE1/4, Section 2, T139, R64W of the 5th Principal Meridian, Stutsman County, North Dakota described as follows: Beginning at the Northeasterly corner of Lot 3, Block 5, Lowry's Subdivision, thence S. 18°02' E., a distance of 125 feet; thence N. 89°10' E., a distance of 303.71 feet; thence N. 0°50'W., a distance of 119.14 feet; thence S. 89°10'W., a distance of 341.54 feet to the point of beginning; according to the plat of Lowry's Subdivision recorded in the Register of Deeds Office in Book B of Plats at pages 117-118. And the South 75 feet of Lot 4, and all of Lot 5, Block 5, Lowry's Subdivision in part of the SE1/4, Section 2, T139N, R64W of the 5th Principal Meridian, Stutsman County, North Dakota more particularly described as follows: Beginning at a point that N. 0°50'E., along the East line of the SE1/4 of Section 2, a distance of 921.45 feet and S. 89°10'W., a distance of 33 feet from the Southeast corner of SE1/4; thence from this point of beginning N. 0°50'E., 166.8 feet; thence S. 89°10'W., a distance of 370.71 feet to the Easterly line of said Block 5; thence S. 18°02'E., a distance of 175 feet to the Southeasterly corner of Lot 5, Block 5; thence N. 89°10'E., a distance of 317.75 feet to the point of beginning. The property is located at 2613 & 2623 HWY 281 S. Seconded by Council Member Steele. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to establish a standard rental rate of \$8.00 per square foot for the 2021 through December 31, 2022 Frontier Village lease. Seconded by Council Member Schloegel. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Heinrich stated that the original intent of the citywide cleanup was to pick up debris around the community and eventually reduce the amount of debris being collected which did not happen.

Deputy Auditor Sveum noted that since the event was held in 2019, the City has eliminated four positions in Sanitation and currently short two people in the Street Department. Sveum stated that because the City currently lacks the staff to work a curbside collection, if one is held, it would have to be stretched over a longer period than a week.

Council Member Buchanan stated that this event is only for houses, which then limits it to a certain population.

Council Member Schloegel suggested budgeting for it in 2022 to give the pilot program a chance to work, and let the city residents try the 500 pounds free monthly that currently may not be fully utilized. Schloegel suggested holding an event during the summer of 2022 to give people time to prepare, but not in May which is graduation month.

Council Member Steele said the public needs to understand what is accepted and not accepted. Steele agreed waiting another year is best, and said the council members must closely monitor, regulate and educate the public so it isn't just the city crew dealing with all the problems. Steele stated people have contacted him when things are stolen from their front yard during the clean up week.

Council Member Steele moved to place on the Public Works Committee April agenda, the discussion of a citywide cleanup versus extending hours at the City Baler Facility. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

Assistant City Attorney Geroux stated that the new PUD ordinance has an approval requirement for the Development Plan, which comes as part of the zoning process. Geroux stated that the Development Plan contains documents showing the use and purpose of the project and must be reviewed by the City Council after it was approved by the Planning Commission. Geroux stated that the Council could approve the Development Plan now and add language regarding the serving of alcohol to the documents post-approval, such as a scheduled special council meeting. Geroux stated that the approval of the Development Plan is

part of the PUD process and the Development Plan must be approved before or at the same time as the zone change. Geroux stated that because this matter has been brought to the Planning Commission and the City Council several times, the Council has had opportunity to review the plans thoroughly, and ensure it is consistent with the Comprehensive Plan.

City Building Inspector Blackmore stated that there have been no changes other than the hours of operation, and that SRF, the planning consultant; the Planning Commission; and the Building, Planning & Zoning Committee have each reviewed the Development Plan.

Council Member Steele moved a Resolution to approve the developer's **statement of intent for Hidden River Acres** as a Development Plan and adding line seven that alcohol sales are limited to legal hours until midnight. Seconded by Council Member Kamlitz. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1543, introduced by Council Member Kamlitz, 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), had its second reading. The property is located at 901 4th Ave NW. (Proposed Hidden River Acres). Seconded by Council Member Buchanan. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved to appoint Dennis Gransee and John Zvirovski to serve as members of the Forestry Committee for three year terms to expire April 2024. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Schloegel moved to re-appoint John Grabinger to serve as a member of the Special Assessment Commission for a six year term to expire April 2027. Seconded by Council Member Steele. Unanimous aye vote. Carried.

Council Member Steele moved to re-appoint the City Council to serve as members of the Storm Water Committee for a two year term to expire April 2023. Seconded by Council Member Kamlitz. Unanimous aye vote. Carried.

Council Member Kamlitz moved to re-appoint the City Engineer, City Administrator, City Building Inspector, Engineering Technician II, Public Works Chairperson, Street Foreman and Street Equipment Operator III to serve as members of the Storm Water Sub-Committee for a two year term to expire April 2023. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

City Engineer Dillman stated that the engineer's estimate for Lift Station Improvement Project 20-31, Main Lift and Lift Station 11, is \$800,000; the City received two bids and both bids were under that estimate. Dillman noted that CC Steele, LLC, is still finishing the previous project, but all went well.

Council Member Steele moved a Resolution to award the bid for Lift Station Improvement Project 20-31, Main Lift and Lift Station 11, IE Project J19-00-039.01, CWSRF No 380808-10, to CC Steel, LLC, in the amount of \$721,000.00, award contingent upon ND Department of Environmental Quality approval. Seconded by Council Member Kamlitz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved to adjourn at 6:11 PM. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

ATTEST:
SARAH HELLEKSON, City Administrator

APPROVED:
DWAINE HEINRICH, Mayor