

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 3, 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 led by Jamestown BSA Troop 163 under Scout Masters Aaron Motter, Elsie Motter and Jeff Lorenz, and Troop 5555 led by Scout Master Doreen Eckman. The Scout Masters provided information about the Boy Scouts of America (BSA) in Jamestown and introduced the members present.

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.

Clint Otto, NE Jamestown, requested the city's mosquito management plan, criteria for mosquito management and whether he has a say in application to his property. Otto asked whether the Council would consider adopting vector control best management practices and posting that and education to reduce or limit the mosquito population and thus limit spraying.

Council Member Kamlitz moved to approve the minutes of the regular council meeting April 5, 2021; minutes of the Board of Equalization meeting, April 13, 2021; and minutes of the committee meetings April 19 and 22, 2021. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

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

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

- A. Resolution to approve the requests for gaming site authorizations for the period July 1, 2021 – June 30, 2022, for the following:
 - 1) **James River Aerie #2337 FOE** for Frontier Fort Bar & Grill;
 - 2) **Knights of Columbus** for the Knights of Columbus, Corner Bar, Fred's Den, Tapps Lounge and Jonny B's Brickhouse;
 - 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 2019 & 2020 abatement applications for 909 8th Ave NE, 58401, by reducing the true and full value for 2019 from \$113,900 to \$105,000 and reducing the true and full value for 2020 from \$115,300 to \$105,000.
- C. Resolution to approve the request from The Arts Center to act as the government grantee applicant for a community art project funded by this grant.
- D. Resolution to approve the allocation of State of ND CARES Act reimbursements in the amount of \$25,000 toward infrastructure and building repairs and improvements at the city-owned Frontier Village site to be paid from the Frontier Village Fund.
- E. Resolution to approve scheduling a public hearing to be held at the June 7, 2021, regular City Council meeting, at the Library Board's request to establish a James River Valley Library Building Fund for the purpose of construction, addition, alteration, purchasing land or purchasing a building to be used as a public library according to the policies as established by the Library Board of Directors.

- F. Resolution to approve the request from JSDC to move forward on the pathway to success for Buffalo City Park by providing up to \$600,000 from Economic Development Funds, with the City Share to be \$480,000 and paid from the City Sales Tax Fund.
- G. Resolution to approve the Major Subdivision, **Preliminary Plat of St. James Second Addition** to Calvary Cemetery, a portion of Block 16 of Southwood Second Addition, City of Jamestown, North Dakota. The property is located at 1513 17th St SW.
- H. Resolution to approve the Minor Subdivision, **Preliminary Plat of Lux Addition**, Replat of Lot 4, Block 1 of Trillium First Addition and a Metes and Bounds Parcel of Vacated Block 21 of McGinnis' Second Addition and Second Street SE within the Southeast Quarter of Section 25, T140N, R64W, City of Jamestown, Stutsman County, North Dakota. The property is located at 907 2nd St SE.
- I. Resolution to approve the Future Land Use Plan Amendment for **Auditor's Lot 27-11, Midway Township (Part of Proposed Country Ready Mix Subdivision)**, within the Northwest Quarter and Northeast Quarter of Section 27, T140N, R64W, City of Jamestown, Stutsman County, North Dakota from Agricultural District to Industrial.
- J. Resolution to approve the Minor Subdivision, **Preliminary/Final Plat of Country Ready Mix Subdivision**, replat of Country Grain Cooperative Subdivision & Auditor's Lot 27-11, Midway Township, within the Northwest Quarter and Northeast Quarter of Section 27, T140N, R64W, City of Jamestown, Stutsman County, North Dakota. The property is located at 8144 34th St SE.
- K. Resolution to approve the Future Land Use Plan Amendment for **Part of the Southwest Quarter and part of the Southeast Quarter of Section 27 (Proposed Loose Bypass Subdivision)**, Township 140N, R64W of the Fifth Principal Meridian, Midway Township, Stutsman County, North Dakota, Extraterritorial Lands of the City of Jamestown, from Agricultural/Rural Open Space District to Community & Regional Commercial and Rural Residential.
- Rural Residential
Proposed Loose Bypass Subdivision
Block 3, Lots 3, 4, 6, 7, 8 & 9
Block 4, Lots 6 & 8
- Community & Regional Commercial
Proposed Loose Bypass Subdivision
Block 1, Lot 1
Block 2, Lots 1 & 2
Block 3, Lots 1, 2 & 5
Block 4, Lots 1, 2, 3, 4, 5 & 7
Block 5, Lots 1, 2, 3 & 4
- L. Resolution to approve the request from Coca-Cola Bottling Company High Country for a one-year extension to the 2016 Beverage Agreement and reduction in payments to the Civic Center due to the unforeseen COVID-19 interruptions in operations.
- M. Resolution to approve the purchase of automatic locks at both Fire Stations to be paid from the Public Building Fund.
- N. Resolution to approve \$1,427,500 to be assessed to the North Dakota State Hospital Water Line Project District 20-62, as appropriated and as directed by the sixty-fifth legislative assembly before June 30, 2021.

- O. Resolution to approve the plans and specifications for Sanitary Landfill Cell 3B Final Cover Construction, CWSRF 380808-08, and to authorize the advertisement for bids.
- P. Resolution to approve an RFP process to select a design consulting engineer through the NDDOT process for the 12th Ave SE improvements for 2022 construction, the local share of 19% or approximately \$260,000 to be paid by the City's COVID relief funds.
- Q. Resolution to approve the bid award for One (1) New Compact Track Loader, Street Department, to RDO Equipment, in the amount of \$49,475.00
- R. Resolution to approve Payment No. 3 (Inv 08387.07-3), to SRF Consulting Group, Inc., for 2021 Jamestown Planning and Zoning Technical Services, in the amount of \$5,912.91.
- S. Resolution to approve Payment No. 3 (Inv 2155759), 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 \$1,868.37.
- T. Resolution to approve Payment No. 5, to Park Construction Company, for construction on the James River Bank Stabilization Project, Phase 3, in the amount of \$5,528.91.
- U. Resolution to approve Payment No. 78 (Inv 73613), to AE2S, LLC, for On Call engineering services, I&C Water (\$200.00) & I&C Wastewater-LS11 (\$240.00), for a total amount of \$440.00.
- V. Resolution to approve Payment No. 2 (Inv 43571), to Interstate Engineering, Inc., for engineering services on Sanitary Sewer Lift Station Improvements District 20-31 (Lift Station No. 11 and 1 Design), in the amount of \$63,436.46.
- W. Resolution to approve Payment No. 2 (Inv 43575), to Interstate Engineering, Inc., for engineering services on 2021 Watermain Improvements District 21-61, in the amount of \$3,504.44.
- X. Resolution to approve Payment No. 2 (Inv 43577), to Interstate Engineering, Inc., for engineering services on 2021 University of Jamestown Storm Sewer Improvement District 21-71, in the amount of \$11,816.30.
- Y. Resolution to approve Payment No. 4 (Inv 43574), to Interstate Engineering, Inc., for engineering services on Wastewater Treatment Plant Facility Issues, in the amount of \$684.00.
- Z. Resolution to approve Payment No. 5 (Inv 43576), to Interstate Engineering, Inc., for engineering services on Industrial Pretreatment Program Development, Ordinances and Program Scope, in the amount of \$4,600.00.
- AA. Resolution to approve Payment No. 10 (Inv 43572), to Interstate Engineering, Inc., for engineering services on 2020 Water Main Improvement District 20-61 (Approximately 11 Blocks), in the amount of \$2,440.12.
- BB. Resolution to approve Payment No. 13 (Inv 43573), to Interstate Engineering, Inc., for engineering services on 2020 State Hospital Water Line District 20-62, in the amount of \$2,556.96.
- CC. Resolution to approve Payment No. 16 (Inv 43570), 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 \$2,636.92.

- DD. Resolution to approve Payment No. 25 (Inv 43568), to Interstate Engineering, Inc., for preliminary design and surveying on the James River Bank Stabilization Project, Phase 3, in the amount of \$5,070.00.
- EE. Resolution to approve Payment No. 31 (Inv 43569), to Interstate Engineering, Inc., for engineering services on the Title V Air Quality Permit for Sanitary Landfill, in the amount of \$228.00.
- FF. Resolution to approve Payment No. 38 (Inv 43567), to Interstate Engineering, Inc., for engineering services on Sanitary Landfill Cell 4A Development, in the amount of \$570.00.
- GG. Resolution to approve Payment No. 307 (Inv 43578), in the amount of \$13,828.88, to Interstate Engineering, Inc., for engineering services on various city department consultations as follows:
 - (General), in the amount of \$6,558.50;
 - (Streets), in the amount of \$2,052.00;
 - (Sewer), in the amount of \$1,710.00;
 - (Water), in the amount of \$456.00;
 - (Solid Waste), in the amount of \$2,401.38;
 - (Storm Water), in the amount of \$651.00.
- 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 April indebtedness in the amount of \$2,569,193.68 consisting of \$535,137.35 payroll and \$2,034,056.33 general obligations.

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

Council Member Steele moved a Resolution to approve the request from the Bank of North Dakota in connection with the loan made to Eagle Flats Apartments LLC by First Community Credit Union with an in-kind Commitment by the City of \$214,285.17 and approve the Mayor, City Administrator, and City Attorney to sign the Escrow Agreement, the Interest Buydown Agreement and the Opinion of Counsel upon review by the City Attorney. Seconded by Council Member Schloegel. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to terminate the City Employee COVID-19 Leave Policy on June 30, 2021. Seconded by Council Member Schloegel. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Deputy Auditor Sveum stated that he has been unable to find temporary help for the citywide cleanup event if held next week. Sanitation Foreman O'Neill stated that if approved, the event information will be available tomorrow on the City website and in a media release.

Council Member Steele moved a Resolution to approve holding a citywide cleanup May 10 through 14, 2021. Seconded by Council Member Schloegel. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Heinrich stated that the dozer advertisement for bids is a five-year lease with a guaranteed buyout and unlikely to be the full amount budgeted. Mayor Heinrich stated that \$245,000 was budgeted to be spent by the Solid Waste Department through the Equipment Replacement Fund and through the Solid Waste Fund, and \$255,000 budgeted for this dozer in the Water Utility Fund.

Council Member Buchanan moved a Resolution to approve the specifications and to authorize the advertisement for bids for the Solid Waste Department dozer as budgeted. Seconded by Council Member Kamlitz. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Heinrich stated he would work on the right-of-way ordinances with Council Member Steele, the City Attorney's Office, and City Administrator Hellekson prior to the special council meeting next week.

Council Member Steele moved to introduce the first reading of an ordinance to amend and re-enact Section 5, Article II of the City Code pertaining to the sale and possession of alcohol on a public right-of-way directly adjacent to the location of an on-sale license holder within the city limits of Jamestown, North Dakota.

Council Member Buchanan moved to introduce the first reading of an ordinance to create Article VIII of Chapter 25 of the Code of the City of Jamestown, North Dakota, concerning outdoor seating in the City of Jamestown.

Council Member Kamlitz moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 by amending the District Map to change the zoning of **Auditor's Lot 27-11, Midway Township (Part of Proposed Country Ready Mix Subdivision)**, within the Northwest Quarter and Northeast Quarter of Section 27, T140N, R64W, City of Jamestown, Stutsman County, North Dakota, from Ag (Agriculture) to M-2 (General Industrial & Manufacturing District). The property is located at 8144 34th St SE.

Council Member Kamlitz moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 by amending the District Map to change the zoning of **Part of the Southwest Quarter and part of the Southeast Quarter of Section 27 (Proposed Loose Bypass Subdivision)**, Township 140N, R64W of the Fifth Principal Meridian, Midway Township, Stutsman County, North Dakota, Extraterritorial Lands of the City of Jamestown, from A-1 (Agricultural/Rural Open Space) & C-2 (General Commercial) to C-2 (General Commercial) and from A-1 (Agricultural/Rural Open Space) to A-1 (Agricultural/Rural Open Space). The property is located at 81st Ave & 35th St SE.

From A-1 (Agricultural District) & C-2 (General Commercial) to C-2 (General Commercial)

Proposed Loose Bypass Subdivision

Block 1, Lot 1

Block 2, Lots 1 & 2

Block 3, Lots 1, 2 & 5

Block 4, Lots 1, 2, 3, 4, 5 & 7

Block 5, Lots 1, 2, 3 & 4

From A-1 (Agricultural District) to A-1 (Agricultural District)

Proposed Loose Bypass Subdivision

Block 3, Lots 3, 4, 6, 7, 8 & 9

Block 4, Lots 6 & 8

Council Member Steele 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 2nd St SW from 1st Ave to the alley, every Thursday starting June 24 through August 26, from 4:00 PM to 9:00 PM, for the weekly Downtown Arts Market and request a waiver of the street closing fees. Seconded by Council Member Buchanan. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz 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 2nd St SW from 1st Ave to the alley, on Friday and Saturday, June 25 and 26, from 10:00 AM to 7:00 PM, for the Chalkfest and request a waiver of the street closing fees. Seconded by Council Member Schloegel. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution to approve Change Order No. 1, to Park Construction Company, for the James River Phase 3 Riverbank Restoration Project, for a net increase in the contract price of \$7,912.50. Seconded by Council Member Steele. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Fire Chief Reuther stated that the 60-year-old generator at the Main Fire Station is insufficient to power the bay doors. Chief Reuther stated that the City is responsible for 10% of the project cost through a grant program.

Council Member Steele moved a Resolution to approve and authorize entering into a Memorandum of Understanding between ND Department of Emergency Services and the City of Jamestown Fire Department for the purchase and installation of a permanent emergency backup generator under the HMGP DR-4444-6R (Hazard Mitigation Grant Program for Disaster Recovery 4444, Project 6-R). Seconded by Council Member Kamlitz. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent.

Council Member Buchanan moved to adjourn at 6:01 PM. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

ATTEST:
SARAH HELLEKSON, City Administrator

APPROVED:
DWAINE HEINRICH, Mayor