

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, OCTOBER 4, 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 Kamlitz, Steele, Buchanan and Schloegel (joined during the Executive Session), City Attorney Ryan, Assistant City Attorney Geroux, and City Administrator Hellekson.

Mayor Heinrich stated an attorney consultation and discussion of risks and negotiating strategy by the City Council in a legal matter, which discussion in public would have an adverse fiscal effect on the City's litigation position, would be discussed in an executive session and that the legal authority for closing this portion of the meeting was North Dakota Century Code Sections 44-04-19.1 and 44-04-19.2.

Mayor Heinrich stated that the executive session would be recorded as required by North Dakota Century Code 44-04-19.2 subsection 5, by electronic, audio or video means and retained for a minimum of six months after this date, and would not be available to the public.

Mayor Heinrich stated that the members present at the executive session would include Council Members Kamlitz, Steele, Buchanan, Schloegel, Mayor Heinrich, Assistant City Attorney Geroux, City Attorney Ryan, Legal Counsel Scott Porsborg, City Administrator Hellekson, Deputy City Auditor Sveum, Police Chief Edinger, and for technical assistance Building Official Blackmore.

Council Member Buchanan moved a Resolution to convene the executive session to consult and discuss risks and negotiating strategy in a legal matter with legal counsel, which discussion in public would have an adverse fiscal effect on the City's litigation position. Seconded by Council Member Steele. Roll Call No. 1A showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Heinrich convened the meeting of the City Council as an executive session under North Dakota Century Code 44-04-19.1 and 19.2 at 5:06 P.M. on October 4, 2021, at which time Council Member Schloegel joined the meeting.

The executive session concluded at 5:48 P.M. The public was invited to return to the meeting in open session at 5:48 P.M.

Council Member Steele moved a Resolution to direct Legal Counsel Porsborg, to proceed as discussed during the executive session. Seconded by Council Member Schloegel. Roll Call No. 1B showed: 5 ayes, 0 nays, 0 absent. Carried.

During the Hearing from the Audience, Mr. Josh Mead expressed concern regarding the proposed Bison World project and the possible increase in visitors.

Council Member Steele moved to approve the minutes of the regular council meeting September 7, 2021; minutes of the special council meeting, September 10, 2021; minutes of the Special Assessment Commission, September 28, 2021; minutes of the committee meetings September 21 & 23, 2021. Seconded by Council Member Kamlitz. Unanimous aye vote. Carried.

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

- A. Resolution to release the ownership relative to Lots 1, 2, and 3, Block 1 of the Liechty Homes Second Addition, and direct Ohnstad & Twichell, Attorney for Liechty Homes Inc., to prepare a quit claim deed to clear title to the property.
- B. Resolution to approve the request from District 12 Republicans to be recognized as an other public spirited organization and to authorize the issuance of a raffle permit.
- C. Resolution to approve the request from Jamestown Crusaders/Ypsilanti Community Club to be recognized as an other public spirited organization and to authorize the issuance of a raffle permit.
- D. Resolution to approve the request from BKV2 LLC d/b/a Hampton Inn & Suites, for a Class H, On-Sale Beer, Wine & Sparkling Wine License, for the period ending December 31, 2021.
- E. Resolution to approve the request from JSDC to de-obligate \$100,000 approved for the Career Builders Program and to approve \$105,200 from Economic Development Funds for the James Valley Career and Technology Center to use as matching funds to facilitate an expansion of the campus and program updates, to be paid from the City Sales Tax Fund.
- F. Resolution to approve the request from JSDC for up to \$50,000 from Economic Development Funds for a Residential Infrastructure Study, to be paid from the City Sales Tax Fund.
- G. Resolution to approve the request from JSDC for up to \$144,000 from Economic Development Funds for Professional Fees for the Spiritwood Energy Park Association (SEPA) projects-capital contribution, to be paid from the City Sales Tax Fund.
- H. Resolution to approve Payment No. 1, to Brandt Contracting, Inc., for construction on 2021 City Hall Roof Replacement, in the amount of \$84,912.33.
- I. Resolution to approve Payment No. 2, to Brandt Contracting, Inc., for construction on 2021 City Hall Roof Replacement, in the amount of \$35,380.14.
- J. Resolution to approve Payment No. 2, to CC Steele, LLC, for construction on Sanitary Sewer Lift Station Improvements District 20-32 (Main and Lift Station No. 11), in the amount of \$247,298.40.
- K. Resolution to approve Payment No. 2, to LD Concrete, for construction on 2021 Sidewalk, Curb & Gutter District 21-11, in the amount of \$26,372.87.
- L. Resolution to approve Payment No. 5, to Basaraba Excavating & Dirtworks LLC, for construction on 2021 Water Main Improvements, District 21-61, in the amount of \$181,174.92.
- M. Resolution to approve Payment No. 8 (Inv 2199564), 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 8<sup>th</sup> Ave NW to 8<sup>th</sup> St S, in the amount of \$47,049.12.
- N. Resolution to approve Payment No. 8 (Inv 08387.07-8), to SRF Consulting Group, Inc., for 2021 Jamestown Planning and Zoning Technical Services, in the amount of \$4,374.18.
- O. Resolution to approve Payment No. 82 (Inv 76564), to AE2S, LLC, for On Call engineering services, I&C Water (3,738.84) and Wastewater (1,511.00), for a total amount of \$5,249.84.
- P. Resolution to approve Payment No. 1 (Inv 44900), to Interstate Engineering, Inc., for engineering services on Location and/or Pin South Line of Block 1, Strutz Addition, in the amount of \$647.48.

- Q. Resolution to approve Payment No. 1 (Inv 44899), to Interstate Engineering, Inc., for engineering services on Emergency Water Line Improvements District 21-62, Crosstown Supply Line River Crossing and 4<sup>th</sup> Ave SW/13<sup>th</sup> St SW to 15<sup>th</sup> St SW, in the amount of \$23,399.34.
- R. Resolution to approve Payment No. 5 (Inv 44893), to Interstate Engineering, Inc., for engineering services on Solid Waste Landfill, SW-213, Cell 3B Final Cover, in the amount of \$6,513.00.
- S. Resolution to approve Payment No. 6 (Inv 44902) to Interstate Engineering, Inc., for engineering services on 2021 University of Jamestown Storm Sewer Improvement District 21-71, in the amount of \$3,102.44.
- T. Resolution to approve Payment No. 7 (Inv 44898), to Interstate Engineering, Inc., for engineering services on Civic Center Roof Removal and Replacement of NW Quarter, Area A, in the amount of \$1,052.96.
- U. Resolution to approve Payment No. 7 (Inv 44894), to Interstate Engineering, Inc., for engineering services on Sanitary Sewer Lift Station Improvements District 20-32 (Lift Station No. 11 and 1 Design), in the amount of \$2,669.20.
- V. Resolution to approve Payment No. 7 (Inv 44897), to Interstate Engineering, Inc., for engineering services on 2021 Watermain Improvements District 21-61, in the amount of \$24,095.72.
- W. Resolution to approve Payment No. 9 (Inv 44896), to Interstate Engineering, Inc., for engineering services on Wastewater Treatment Plant Facility Issues, in the amount of \$230.00.
- X. Resolution to approve Payment No. 18 (Inv 44895), to Interstate Engineering, Inc., for engineering services on 2020 State Hospital Water Line District 20-62, in the amount of \$1,723.00.
- Y. Resolution to approve Payment No. 312 (Inv 44901), in the amount of \$9,836.32, to Interstate Engineering, Inc., for engineering services on various city department consultations as follows:
  - (General), in the amount of \$6,498.00;
  - (Streets), in the amount of \$1,710.00;
  - (Sewer), in the amount of \$228.00;
  - (Water), in the amount of \$1,058.32;
  - (Solid Waste), in the amount of \$342.00.
- Z. 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.
- AA. Resolution to allow the September indebtedness in the amount of \$3,785,695.05 consisting of \$522,195.60 payroll and \$3,263,499.45 general obligations.

Seconded by Council Member Schloegel. Consent Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to award the bid to Northwest Scale for the Truck Scale at the City Transfer (Baler) Facility, in the amount of \$138,000.00. Seconded by Council Member Kamlitz. Sanitation Foreman O'Neill provided information about the budget and scale. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held concerning the proposed budget for City General and Special Funds for the fiscal period January 1, 2022, through December 31, 2022. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1548, introduced by Council Member Steele, pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2022, through December 31, 2022, had its second reading. Seconded by Council Member Kamlitz. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1549, introduced by Mayor Heinrich, pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2022, through December 31, 2022, had its second reading. Seconded by Council Member Steele. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schloegel moved a Resolution directing the City Administrator to notify the County that the City of Jamestown should be exempt from the County Library Levy as the City maintains its own library levy. Seconded by Council Member Steele. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved a Resolution directing the City Administrator to certify the tax levies to the County for the fiscal period January 1, 2022, through December 31, 2022. Seconded by Council Member Kamlitz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve the request from North Dakota Buffalo Foundation, Inc., for a site authorization to conduct gaming at the Quality Inn & Suites, Conference / Banquet Rooms, on December 10 & 11, 2021. Seconded by Council Member Steele. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to award the 18” Emergency Watermain Replacement Project, District 21-62, to Naastad Brothers, Inc., in the amount of \$574,456.00. Seconded by Council Member Schloegel. Darrell Hournbuckle, Interstate Engineering, Inc., provided project information. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved to adjourn at 6:18 PM. Seconded by Council Member Steele. Unanimous aye vote. Carried.

ATTEST:  
SARAH HELLEKSON, City Administrator

APPROVED:  
DWAINE HEINRICH, Mayor