

JAMESTOWN CITY COUNCIL
REGULAR MEETING, DECEMBER 6, 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, City Attorney Ryan, Assistant City Attorney Geroux, Deputy City Auditor Sveum, and City Administrator Hellekson.

Mayor Heinrich stated that the legal authority for closing the next portion of the meeting is N.D.C.C. Sec. 44-04-19.1 and 19.2.

Council Member Steele moved a Resolution to convene in executive session rather than in an open meeting to consult and discuss risks and negotiating strategy in the legal matter with legal counsel, which discussion in public would have an adverse fiscal effect on the City's litigation position with the Middles, LLC. Seconded by Council Member Buchanan. Roll Call No.1 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Heinrich stated that executive session would be recorded and retained for a minimum of six months after this date and not made available to the public. Mayor Heinrich reminded council members to limit the discussion to the announced topic.

The executive session began at 5:05 p.m. on December 6, 2021. The following attended the executive session: Mayor Heinrich, Council Members Kamlitz, Steele, Buchanan, Schloegel, Deputy Auditor Sveum, Assistant City Attorney Geroux, City Attorney Ryan, Legal Counsel Scott Porsborg, Police Chief Edinger, and City Administrator Hellekson.

The executive session concluded at 5:15 p.m.

Council Member Kamlitz moved a Resolution to accept the Release as signed by Middles LLC, and authorize Legal Counsel Scott Porsborg to take necessary action to dispose of the matter. Seconded by Council Member Schloegel. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

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

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

- A. Resolution to follow the recommendation of the City Assessor and retain the original valuation of \$636,942 for the property located at 2613 HWY 281 S, 58401, on the abatement request filed by MBS Storage LLC.
- B. Resolution to award the quote for 2022 Chemicals for the City of Jamestown water treatment and wastewater collection and treatment.
- C. Resolution to award the quote for 2022 Hydrocarbons for the City of Jamestown Operational Programs and Jamestown Park District Operational Programs to Vining Oil Company.

- D. Resolution to approve the 2022-2025 NDDOT Urban Roads and Urban Regional State Transportation Improvement Program (STIP) list.
- E. Resolution to approve the plans and specifications for the Jamestown Civic Center Roof Removal and Replacement Project, Area B & D.
- F. Resolution to approve Payment No. 3 & Final, to CC Steele, LLC, for construction on Sanitary Sewer Lift Station Improvements 20-32 (Main and Lift Station No. 11), in the amount of \$335,525.10.
- G. Resolution to approve Payment No. 3 & Final, to A & R Roofing Co., Inc., for construction on Civic Center Roof Removal & Replacement, Area A, in the amount of \$16,448.00.
- H. Resolution to approve Payment No. 4, to LD Concrete, for construction on 2021 Sidewalk, Curb & Gutter District 21-11, in the amount of \$4,053.56.
- I. Resolution to approve Payment No. 7, to Basaraba Excavating & Dirtworks LLC, for construction on 2021 Water Main Improvements, District 21-61, in the amount of \$86,150.00.
- J. Resolution to approve Payment No. 8 & Final, to Park Construction Company, for construction on the James River Bank Stabilization Project, Phase 3, in the amount of \$49,508.54.
- K. Resolution to approve Payment No. 9 (Inv 2210130), 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 \$6,373.52.
- L. Resolution to approve Payment No. 10 (Inv 08387.07-10), to SRF Consulting Group, Inc., for 2021 Jamestown Planning and Zoning Technical Services, in the amount of \$8,613.88.
- M. Resolution to approve Payment No. 84 (Inv 77387), to AE2S, LLC, for On Call engineering services (I&C Water) for a total amount of \$1,989.21.
- N. Resolution to approve Payment No. 3 (Inv 45440), to Interstate Engineering, Inc., for engineering services on Emergency Water Line Improvements District 21-62, Crosstown Supply Line River Crossing and 4th Ave SW/13th St SW to 15th St SW, in the amount of \$22,190.58.
- O. Resolution to approve Payment No. 7 (Inv 45435), to Interstate Engineering, Inc., for engineering services on Solid Waste Landfill, SW-213, Cell 3B Final Cover, in the amount of \$3,855.50.
- P. Resolution to approve Payment No. 7 (Inv 45439), to Interstate Engineering, Inc., for engineering services on 2021 University of Jamestown Storm Sewer Improvement District 21-71, in the amount of \$2,277.44.
- Q. Resolution to approve Payment No. 9 (Inv 45437), 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 \$10,149.24.
- R. Resolution to approve Payment No. 9 (Inv 45438), to Interstate Engineering, Inc., for engineering services on 2021 Watermain Improvements District 21-61, in the amount of \$11,063.48.
- S. Resolution to approve Payment No. 29 (Inv 45436), to Interstate Engineering, Inc., for preliminary design and surveying on the James River Bank Stabilization Project, Phase 3, in the amount of \$1,472.54.

- T. Resolution to approve Payment No. 314 (Inv 45441), in the amount of \$18,603.76, to Interstate Engineering, Inc., for engineering services on various city department consultations as follows:
(General), in the amount of \$9,476.00;
(Streets), in the amount of \$6,295.76;
(Sewer), in the amount of \$456.00;
(Water), in the amount of \$1,368.00;
(Solid Waste), in the amount of \$228.00;
(Storm Water), in the amount of \$780.00.
- U. 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.
- V. Resolution to allow the November indebtedness in the amount of \$3,410,884.55 consisting of \$543,768.31 payroll and 2,867,116.24 general obligations.

Seconded by Council Member Steele. Consent Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried

Council Member Kamlitz moved a Resolution to approve the S&R Truck Plaza agreement as presented earlier with no changes and signed. Seconded by Council Member Steele. Roll Call No. 4 showed: 4 ayes, 1 nay (Buchanan), 0 absent. Carried

Council Member Buchanan moved to introduce the first reading of an ordinance for the franchise agreement for a proposed non-exclusive franchise in the city with **Midcontinent Communications** for the right to construct, maintain, and operate within and upon, in and under, the streets, alleys, and public grounds of the city, a telecommunication system for public and private use in the city.

Council Member Schloegel moved to introduce the first reading of an ordinance for the franchise agreement for a proposed non-exclusive franchise in the city with **Daktel Communications LLC** for the right to construct, maintain, and operate within and upon, in and under, the streets, alleys, and public grounds of the city, a telecommunication system for public and private use in the city.

Council Member Steele moved to introduce the first reading of an ordinance for the franchise agreement for a proposed non-exclusive franchise in the city with **Cable Services Inc.** for the right to construct, maintain, and operate within and upon, in and under, the streets, alleys, and public grounds of the city, a telecommunication system for public and private use in the city.

Council Member Steele moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of the South One-Half (S ½) of the Southwest Quarter of the Southwest Quarter of Section 12, Township 139 North, Range 64 West of the Fifth P.M., except that portion thereof presently existing as highway right of way, City of Jamestown, Stutsman County, North Dakota from C-2 & Ag (General Commercial District & Agricultural District) to M-1 (Limited Industrial and Manufacturing District). The property is located at 3790 Hwy 281 SE.

Council Member Kamlitz moved to introduce the first reading of an ordinance to repeal the current Appendix C and to enact the reformatted Appendix C of the City Code of the City of Jamestown, North Dakota, pertaining to Zoning Regulations.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lubeck's Addition, Lots 5, 6, 10 & 11, City of Jamestown, Stutsman County, North Dakota from C-1 (Local Commercial District) to C-2 (General

Commercial District). The property is located at 1512 Business Loop East (Unit A & B) and 1602 Business Loop East. No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1551, introduced by Council Member Kamlitz, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of Lubeck's Addition, Lots 5, 6, 10 & 11, City of Jamestown, Stutsman County, North Dakota from C-1 (Local Commercial District) to C-2 (General Commercial District), had its second reading. The property is located at 1512 Business Loop East (Unit A & B) and 1602 Business Loop East. Seconded by Council Member Steele. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried

Council Member Steele moved to appoint Heidi Heim Larson to serve as a member of the Central Valley Health District to fill the unexpired term of Laurel Haroldson, July 2023. Seconded by Council Member Kamlitz. Unanimous aye vote. Carried.

Council Member Steele moved to appoint Robert Hoekstra to serve as a member of the James River Valley Library System Board to fill the unexpired term of Carolgene Wolf, March 2024. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

Council Member Schloegel moved to appoint David Steele to serve as the City Council representative on the Jamestown Regional Airport Authority for a five year term to expire December 2026. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Buchanan moved to approve a Resolution of the City of Jamestown adopting the Stutsman County, ND, Multi-Jurisdictional Multi-Hazard Mitigation Plan, 2021. Seconded by Council Member Schloegel. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried

Council Member Steele moved a Resolution to approve a stormwater easement agreement on University of Jamestown property next to the football stadium. Seconded by Council Member Kamlitz. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried

Council Member Buchanan moved a Resolution to approve the additional one-year renewal option to December 31, 2022 (Section 5) of the Volunteer Reintegration Agreement and Waiver for JRCC volunteers on City projects. Seconded by Council Member Schloegel Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried

Council Member Kamlitz moved to adjourn at 5:53 PM. Seconded by Council Member Steele. Unanimous aye vote. Carried.

ATTEST:
SARAH HELLEKSON, City Administrator

APPROVED:
DWAINE HEINRICH, Mayor