

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 2, 2022
UNOFFICIAL 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, and Deputy City Auditor Sveum. Absent: City Administrator Hellekson.

Consensus of the City Council was to move the Executive Session to the end of the meeting.

Council Member Buchanan moved to approve the minutes of the regular City Council meeting April 4, 2022, the Board of Equalization meeting April 12, 2022, the special City Council meeting April 26, 2022 and the committee meetings April 19 and 21, 2022. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

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

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

- A. Resolution to approve the requests for gaming site authorizations for the period July 1, 2022 through June 30, 2023, 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, Jonny B's Brickhouse and Hidden River Acres;
 - 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 Minor Subdivision, Preliminary/Final Plat of Otter Tail Power Addition, Within NW 1/4 Section of 32, T140N, R63W, Bloom Township, Stutsman County, North Dakota. This property is located on 3rd St SE, bordering Jamestown Hillcrest Golf Course.
- C. Resolution to approve a hydraulics study by Interstate Engineering for the northeast watershed area and the MGM trailer court at an approximate cost of \$3,000.
- D. Resolution to approve Payment No. 3 (Inv 08387.08-3), to SRF Consulting Group, Inc., for 2022 Jamestown Planning and Zoning Technical Services, in the amount of \$1,089.68.
- E. Resolution to approve Payment No. 4 (Inv 79997), to AE2S, LLC, for Cyber Security Improvements for a total amount of \$3,819.56.
- F. Resolution to approve Payment No. 89 (Inv 79998), to AE2S, LLC, for On Call engineering services (I&C Water) for a total amount of \$548.75.
- G. Resolution to approve Payment No. 2 (Inv 46876), to Interstate Engineering, Inc., for engineering services on Waste Water Treatment Facility Improvements Facility Plan and CWSRF Application, in the amount of \$8,150.00.

- H. Resolution to approve Payment No. 2 (Inv 46878), to Interstate Engineering, Inc., for engineering services on Fire Station Generator Bid, in the amount of \$3,486.00.
- I. Resolution to approve Payment No. 2 (Inv 46879), to Interstate Engineering, Inc., for engineering services on North West Booster Station, in the amount of \$1,021.00.
- J. Resolution to approve Payment No. 3 (Inv 46883), to Interstate Engineering, Inc., for engineering services on Water Treatment Building Ceiling Removal and Replacement, in the amount of \$3,658.08.
- K. Resolution to approve Payment No. 5 (Inv 46882), to Interstate Engineering, Inc., for engineering services on Civic Center Roof Removal and Replacement, Area B & D, in the amount of \$1,485.00.
- L. Resolution to approve Payment No. 7 (Inv 46881), 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 \$4,190.00.
- M. Resolution to approve Payment No. 12 (Inv 46880), 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 \$773.00.
- N. Resolution to approve Payment No. 320 (Inv 46877), in the amount of \$23,362.12, to Interstate Engineering, Inc., for engineering services on various city department consultations as follows:
 - (General), in the amount of \$8,837.54;
 - (Streets), in the amount of \$3,768.00;
 - (Sewer), in the amount of \$3,364.00;
 - (Water), in the amount of \$4,990.58;
 - (Solid Waste), in the amount of \$2,170.00;
 - (Storm Water), in the amount of \$232.00.
- O. 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.
- P. Resolution to allow the April indebtedness in the amount of \$2,684,969.30 consisting of \$573,784.37 payroll and 2,111,184.93 general obligations.

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

A public hearing was held concerning the request to vacate the westerly 311.32' of 11th St SW; adjacent to Lot 1, Block 1 and Lot 1, Block 6 of Country Side Estates, within the One Mile Extraterritorial limits, Stutsman County, North Dakota.

No one appeared to comment, but a telephone request was received at City Hall from Dean Hafner on April 28, 2022, that the property owner wishes to hold the public hearing and the vote at a later date as the property owner has hired an attorney who is not prepared to comment at this time.

Council Member Buchanan moved to schedule the public hearing at the June 6, 2022 City Council meeting. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

Ordinance No. 1560, introduced by Council Member Kamlitz, to amend and re-enact Sections 22-17, 22-17.1 and 22-17.2 pertaining to sale of tobacco products, had its second reading. Seconded by Council Member Schloegel. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1561, introduced by Council Member Schloegel, to amend and re-enact Section 5-6 pertaining to persons under twenty-one years of age prohibited from using alcoholic beverages or entering licensed premises; penalty, had its second reading. Seconded by Council Member Kamlitz. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve and authorize the City Administrator to enter into a Municipal Advisor Agreement with Colliers for the issuance of improvement warrants for \$2,050,000 Refunding Improvement Bonds of 2022 (Paving District 21-41), and to schedule the sale at the August 1, 2022, City Council meeting. Seconded by Council Member Steele. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to approve Amendment #1 and enter into the Grant Agreement with the State of North Dakota for the Jamestown City Hall Lighting Upgrade Project and authorize the Mayor to sign Amendment #1. Seconded by Council Member Schloegel. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to award the bid for the generator at the Main Fire Station to Advantage Electric in the amount of \$82,700.00, and authorize the Mayor and/or City Administrator to sign necessary documents. Seconded by Council Member Kamlitz. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Buchanan moved to place the purchase of radios and communication equipment approved for operation on the statewide SIRN2020 network to the May 26, 2022, Police and Fire Committee. Seconded by Council Member Steele. Unanimous aye vote. Carried.

Council Member Kamlitz moved a Resolution to approve the purchase of a 2024 HV607 SBA Dump Truck for the Street Department as budgeted in 2022, in the amount of \$93,960, including 5-year extended warranty, under State of ND DOT contract #378 (heavy duty single axle option 3 tandem axle spec), \$89,575 to be paid from the Equipment and Replacement Fund, and \$4,385 to be paid from the General Fund, and authorize the Mayor and/or City Administrator to sign necessary documents. Seconded by Council Member Steele. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve the purchase of 15-foot dump body for the 2024 HV607 SBA Dump Truck for the Street Department, in the amount of \$34,447.00, under contract #203644 with the State of MN CPV, to be paid from the General Fund, and authorize the Mayor and/or City Administrator to sign necessary documents. Seconded by Council Member Schloegel. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to approve and enter into Amendment #2 on the Jamestown Downtown Façade Improvement Project (Instrument No. 4455-SL18-MS) with the North Dakota Department of Commerce for an Environmental Review and extend the time line of the award to December 31, 2022, and authorize the Mayor to sign Amendment #2. Seconded by Council Member Buchanan. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schloegel moved a Resolution to approve the 2022 Equipment Rental Rate Schedule. Seconded by Council Member Kamlitz. Roll Call No. 10 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to approve a request from Jamestown Hockey Boosters for a site authorization to conduct gaming at the Wilson Arena located on University of Jamestown campus for November 1, 2022 through February 20, 2023. Seconded by Council Member Kamlitz. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to approve a request from Jamestown Hockey Boosters for a site authorization to conduct gaming at the Gladstone Inn (Conference Rooms) on February 3, 2023. Seconded by Council Member Schloegel. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Mayor Heinrich stated the purpose of the Executive Session is for the City Council to consult and discuss with an attorney, risks and negotiating strategy in a legal matter, which discussion in public would have an adverse fiscal effect on the City's litigation position. The legal authority for closing this portion of the meeting is North Dakota Century Code Sections 44-04-19.1 and 44-04-19.2.

Mayor Heinrich stated the Executive Session is closed to the public under N.D.C.C. Sec. 44-04-19.1 and 44-04-19.2 in pending litigation including Civil No. 47-2022-CV-00209, Scot Nething; Civil No. 47-2022-CV00210, Benjamin J. Nordquist; and Hospital Services, Inc. and 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 will not be available to the public.

Council Member Buchanan moved a Resolution to convene the Executive Session to consult seek advice from legal counsel in pending litigation, which discussion in public would have an adverse effect on the City's position. Seconded by Council Member Steele. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

The Executive Session convened at 6:13 pm, on May 2, 2022 under North Dakota Century Code 44-04-19.1 and 19.2. The following attended the executive session: Council Members Kamlitz, Steele, Buchanan, Schloegel, Heinrich, City Attorney Ryan, Deputy City Auditor Sveum, Police Chief Edinger, Building Inspector Tom Blackmore (by phone), and Engineering Technician Tyler Michel.

The Executive Session concluded at 6:44 pm.

Council Member Kamlitz moved a Resolution to proceed as follows:

1. That legal counsel take no action on Civil No. 47-2022-CV-00209, Scot Nething;
2. That the City Administrator should contact NDIRF to request that NDIRF represent the City of Jamestown in Civil No. 47-2022-CV00210, Benjamin J. Nordquist, and if NDIRF declines, the City Attorney will represent the City of Jamestown; and
3. That City Attorney will handle the Hospital Services, Inc complaint.

Seconded by Council Member Buchanan. Roll Call No.14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schloegel moved to adjourn at 6:50 p.m. Seconded by Council Member Kamlitz. Unanimous aye vote. Carried.

ATTEST:
JAY SVEUM, Deputy City Auditor

APPROVED:
DWAINE HEINRICH, Mayor