

JAMESTOWN CITY COUNCIL  
REGULAR MEETING, DECEMBER 5, 2022  
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, Buchanan, Steele and Schloegel, City Attorney Ryan, and City Administrator Hellekson.

Ann Hoggarth of Buchanan, and Tom Tracy of Jamestown, appeared before the City Council.

Council Member Schloegel moved to approve the minutes of the November 7, 2022, regular council meeting, and the November 22, 2022, all committees meeting. Seconded by Council Member Kamlitz. Unanimous aye vote. Carried.

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

- A. Resolution to approve the updated agreement between the City of Jamestown and Aqua-Pure, beginning January 1, 2023, and ending December 31, 2023, with the option to extend annually.
- B. Resolution to approve the 2023 license and permit fees with no changes effective January 1, 2023.
- C. Resolution to approve the 2022 abatement application for a property located at 306 18<sup>th</sup> St SW, 58401.
- D. Resolution to approve the request from Jamestown Gymnastics Club for a site authorization to conduct gaming at the Jamestown Gymnastics Club Board Room on June 12, 2023.
- E. Resolution to approve the request from Buffalo Grill, LLC for an On-Off Sale Class C alcoholic beverage license at 103 1<sup>st</sup> Ave S, for the period ending June 30, 2023.
- F. Resolution to award the quote for 2023 Chemicals for the City of Jamestown water treatment and wastewater collection and treatment as highlighted on the November 10, 2022, Quotation Tabulation.
- G. Resolution to approve the 2023 Seal Coat, Patching, Construction and Reconstruction District No. 23-41:
  - a. To approve the preliminary engineering report on the district.
  - b. To declare it necessary to construct the district and direct the City Administrator to publish notice of a public hearing concerning the district.
- H. Resolution to approve the engineering agreement with Interstate Engineering to design and bid the replacement of the lime press machines at the water treatment plant.
- I. Resolution to approve the Change Order No. 2 for consideration to Advantage Electric for Mechanical and Electrical Improvements at Jamestown Water Treatment Plant Project (J21-014-106.01) for a net increase of \$3,941.65.
- J. Resolution to approve the Change Order No. 2 for consideration to A & R Roofing for Jamestown Civic Center Roof Removal and Replacement Area B & D Project (J21-00-149) for a net decrease of \$10,760.00.
- K. Resolution to approve the Cost Participation and Maintenance Agreement with the NDDOT on Interstate 94 Interchange – Exits 256, 257, and 260 Project No. H-2-094(192)256 PCN 23532,

NDDOT Contract # 38221320, and authorizing the City Auditor, City Attorney and Mayor to sign the agreement and the NDDOT authorization.

- L. Resolution to approve the Preliminary Engineering Reimbursement Agreement with the NDDOT on US Highway 52 from 17<sup>th</sup> Street to Interstate 94 Interchange –Project No. NHU-2-052(051)267 PCN 23745, NDDOT Contract # 38221505, and authorizing the City Auditor, City Attorney and Mayor to sign the agreement and the NDDOT authorization.
- M. Resolution to approve the Preliminary Engineering Reimbursement Agreement with the NDDOT on US Highway 281 from 37<sup>th</sup> Street to Interstate 94 -Project No. NHU-2-281(049)066 PCN 23744, NDDOT Contract # 38221504, and authorizing the City Auditor, City Attorney and Mayor to sign the agreement and the NDDOT authorization.
- N. Resolution to approve Preliminary Engineering Reimbursement Agreement with the NDDOT on US Highway 52 from 7<sup>th</sup> Ave NW to 9<sup>th</sup> St.-Project No. NHU-2-052(052)264 PCN 23746, NDDOT Contract # 38221503, and authorizing the City Auditor, City Attorney and Mayor to sign the agreement and the NDDOT authorization.
- O. Resolution to approve Payment No. 3 to A & R Roofing Co Inv., for Civic Center Roof Removal and Replacement, Area B & D, in the amount of \$37,417.00.
- P. Resolution to approve Payment No. 4 to LD Concrete for Construction on 2022 Sidewalk and Curb & Gutter District 22-11, in the amount of \$2,714.03.
- Q. Resolution to approve Payment No. 4 to Hillerud Construction, for Suspended Ceiling Removal and Replacement Water Treatment Plant Project, in the amount of \$49,056.04.
- R. Resolution to approve Payment No. 6 to Border States Paving Inc., for construction on 2022 Seal Coat, Patching, Construction and Reconstruction District 22-41, in the amount of \$56,172.36.
- S. Resolution to approve Payment No. 8 (Inv 83766), to AE2S, LLC, for Cyber Security Improvements for a total of \$237.50.
- T. Resolution to approve Payment No. 10 (Inv 08387.08-10), to SRF Consulting Group, Inc., for 2022 Jamestown Planning and Zoning Technical Services, in the amount of \$4,035.44.
- U. Resolution to approve Payment No. 96 (Inv 83756), to AE2S, LLC, for On Call engineering services (I&C Water) for a total amount of \$3,694.56.
- V. Resolution to approve Payment No. 9 (Inv 49269), to Interstate Engineering, Inc., for engineering services on North West Booster Station, in the amount of \$1,896.00.
- W. Resolution to approve Payment No. 12 (Inv 49272), to Interstate Engineering, Inc., for engineering services on Water Treatment Building Ceiling Removal and Replacement, in the amount of \$1,664.76.
- X. Resolution to approve Payment No. 12 (Inv 49271), to Interstate Engineering, Inc., for engineering services on Civic Center Roof Removal and Replacement, Area B & D, in the amount of \$1,009.50.
- Y. Resolution to approve Payment No. 13 (Inv 49270), to Interstate Engineering, Inc., for engineering services on 2021 University of Jamestown Storm Sewer Improvement District 21-71, in the amount of \$1,617.16.
- Z. Resolution to approve Payment No. 327 (Inv 49268), in the amount of \$15,526.00, to Interstate Engineering, Inc., for engineering services on various city department consultations as follows:
  - a. (General), in the amount of \$5,800.00;
  - b. (Streets), in the amount of \$2,889.00;
  - c. (Sewer), in the amount of \$2,202.00;
  - d. (Water), in the amount of \$2,668.00;

- e. (Solid Waste), in the amount of \$1,736.00;
- f. (Storm Water), in the amount of \$231.00.

AA. Resolution to allow the November indebtedness in the amount of \$3,189,428.16 consisting of \$552,011.55 payroll and \$2,637,416.61 general obligations.

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

Council Member Kamlitz moved to introduce the first reading of an ordinance to amend and re-enact Sections 9-12, 9-13, and 23-38 of the City Code pertaining to the Building Code and Plumbing Code.

A public hearing was held concerning an ordinance to amend and re-enact Ordinance No. 1556 of the City Code by amending the District Map to change the zoning of Lot 1, Block 1 of Hope Apostolic Addition, being within the City of Jamestown, Midway Township, Stutsman County, North Dakota from R-3 (General Multiple Dwelling District) to C-1 (Local Commercial District), with the exception there is no access available on 4<sup>th</sup> Ave NE, Lot 1, Block 1 of Hope Apostolic Addition. The property is located at 424 4<sup>th</sup> Ave NE, Jamestown, North Dakota. Mayor Heinrich stated that access and egress is approved by city staff. Tyler Oliver of Colby Capital representing Dollar General commented that the company's proposed access from 5<sup>th</sup> St and 4<sup>th</sup> Ave was denied by the Planning Commission. Oliver said traffic is expected to be fewer than ten vehicles per hour. Olivia Johnson and Diane Hanson, both of Jamestown, spoke in opposition. Council Member Steele spoke regarding vehicle counts and commented that the property owner of the subject lot doesn't clear the perimeter sidewalk, so pedestrians use the street. A written protest was received from Dr. Rob Lech, Jamestown Public School District Superintendent. The hearing was closed.

Council Member Steele moved to amend the motion for Ordinance No. 1566 to read: To amend and re-enact Ordinance No. 1556 of the City Code by amending the District Map to change the zoning of Lot 1, Block 1 of Hope Apostolic Addition, being within the City of Jamestown, Midway Township, Stutsman County, North Dakota from R-3 (General Multiple Dwelling District) to C-1 (Local Commercial District). The property is located at 424 4<sup>th</sup> Ave NE, Jamestown, North Dakota. Seconded by Mayor Heinrich. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Ordinance No. 1566, introduced by Council Member Kamlitz, to amend and re-enact Ordinance No. 1556 of the City Code by amending the District Map to change the zoning of Lot 1, Block 1 of Hope Apostolic Addition, being within the City of Jamestown, Midway Township, Stutsman County, North Dakota from R-3 (General Multiple Dwelling District) to C-1 (Local Commercial District). The property located at 424 4<sup>th</sup> Ave NE, Jamestown, North Dakota had its second reading. Seconded by Mayor Heinrich. City Attorney Ryan asked the number of lots involved and the other permitted uses in C-1 zoning. Building Inspector Blackmore responded that the church replatted it from multiple lots into one several years ago. Blackmore stated that other permitted uses in a C-1 zone include but are not limited to smaller retail businesses such as a beauty salon, a bakery and others as listed in the City's zoning regulations. Council Member Buchanan expressed concern regarding a commercial establishment located close to an elementary school and surrounded by residential development. Council Member Schloegel stated that most people who contacted him were most concerned about the C-1 zoning and said he did not see the benefit to the neighborhood or city to have the zoning change. Council Member Kamlitz stated that he grew up in the neighborhood and the small grocery stores and many of the houses are no longer there because things change. Mayor Heinrich stated that if approved, it is best to have the 4<sup>th</sup> Ave entrance and a four-way stop. Council Member Steele asked whether the zone change was in the LUTP. Blackmore confirmed that in the Future Land Use Plan it is zoned commercial. Roll Call No. 3 showed: 3 ayes, 2 nays, 0 absent. Carried.

Council Member Schloegel moved to appoint Scott Roemmich to serve as a member of the Fire Code Board of Appeals for an unexpired term to November 2025. Seconded by Council Member Steele. Unanimous aye vote. Carried.

Council Member Steele moved to appoint Gary Staab to serve as a member of the Jamestown Regional Airport Authority for a 5-year term to expire in December 2027. Seconded by Council Member Kamlitz. Unanimous aye vote. Carried.

Council Member Steele moved to appoint John Grabinger to serve as a member of the Law Enforcement Center Governing Board for a 4-year term to expire in December 2026. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

Council Member Buchanan moved a Resolution to approve the adjustments to utility rates effective in 2023. Seconded by Council Member Steele. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve the hiring of part-time licensed police officers with the program to be reviewed in 18 months. Seconded by Council Member Schloegel. Mayor Heinrich requested a regular report with the comparison of expenditures for the part-time officers, the change in overtime, and the number of hours each part-time officer works. Chief Edinger answered questions. City Administrator Hellekson stated that the hiring approval is effective immediately and the comparison of expenditures will be provided at the Police and Fire Committee. Council Member Buchanan stated that a report every three to four months is sufficient. Mayor Heinrich asked that the motion include a review in 18 months. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve the Dollar General East Parking Lot Special Use Permit-Lots 11 and 12, Block 14, Original Jamestown, Jamestown, Stutsman County, North Dakota. The property is located at 409 and 415 5<sup>th</sup> Ave NE, Jamestown, ND. Seconded by Council Member Steele. Roll Call No. 6 showed: 4 ayes, 1 nay, 0 absent. Carried.

Council Member Buchanan moved a Resolution to approve a grant from the Hazard Mitigation Grant Program (HMGP), through the Division of Emergency Services (DES), to look at alternative water transmission routes from the water treatment plant to the valley and NE pressure zones. The Total Cost of the project is estimated at \$36,750, with the local share of 15% or \$5,512.50 and paid from the water utility fund. Seconded by Council Member Schloegel. City Engineer Dillman answered questions. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve the Change Order No. 1 for consideration to Dakota Central for improvements to the video security system at the Civic Center for a net increase of \$5,138.00 for a new total of \$29,762.81. Seconded by Council Member Schloegel. Civic Center Manager Fosse stated that the original quote did not include electrical requirements. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved to adjourn at 6:43 p.m. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

ATTEST:  
SARAH HELLEKSON, City Administrator

APPROVED:  
DWAINE HEINRICH, Mayor