

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MARCH 7, 2018
OFFICIAL MINUTES

The regular meeting of the City Council was called to order by Mayor Andersen at 5:00 P.M.

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Andersen, Council Members Phillips, Brubakken and Buchanan, City Attorney Ryan, and City Administrator Hellekson. Absent: Council Member Gumke.

Council Member Brubakken moved to approve the minutes of the regular council meeting, February 5, 2018, special council meeting, February 14, 2018; and committee meeting, February 20, 2018. Seconded by Council Member Phillips. Unanimous aye vote. Carried.

No bids were received for an impounded/abandoned vehicle.

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

- A. Resolution to approve the request from the JSDC for \$5,436.32 from the Economic Development Fund to reimburse CED building loss for 2017 with the City Share to be \$5,436.32, and paid from the City Sales Tax Fund.
- B. Resolution to de-obligate the Flex PACE interest buydown for D & B Portables in the amount of \$43,000.
- C. Resolution to notify the ND State Tax Department that the City intends to continue maintaining its own sales ratio study for assessment purposes.
- D. Resolution to approve the plat of WBI Energy Jamestown Border Station Plat, located in the SE¹/₄ / NW¹/₄ of Section 32, Township 140N, Range 63W, of the fifth principal meridian, Stutsman County, North Dakota. The property is located south of 8546 35th St SE, Jamestown, ND.
- E. Resolution to enter into a MOU between the City of Jamestown and the ND Information Technology Department relating to radio frequencies.
- F. Resolution to enter into an engineering services agreement with Interstate Engineering, Inc., for the Inert Landfill Project.
- G. Resolution to approve the 2018 Jamestown Standard Specifications as prepared by the City Engineer.
- H. Resolution to approve the plans, specifications and estimates for Seal Coat, Patching, Construction & Reconstruction District 18-41.
- I. Resolution to direct the City Administrator to advertise for bids for the construction of Seal Coat, Patching, Construction & Reconstruction District 18-41.
- J. Resolution to approve Payment No. 1 (Inv 08387.04-01), to SRF Consulting Group, Inc., for 2018 Jamestown Planning and Zoning Technical Services, in the amount of \$6,221.36.
- K. Resolution to approve Payment No. 4, to Burski Excavating, Inc., for construction on Cell 4 Liner and Cell 2/3 Partial Final Cover, in the amount of \$69,756.30.

- L. Resolution to approve Payment No. 5 (Inv 56850), to AE2S, for services on New City Administrator Search, in the amount of \$618.14.
- M. Resolution to approve Payment No. 7 (Inv 7429), to Apex Engineering Group, for services on Jamestown Wastewater Treatment Facility Capacity Assessment, in the amount of \$825.00.
- N. Resolution to approve Payment No. 1 (Inv 56851), to AE2S, for services on Second City Administrator Search, in the amount of \$3,667.85.
- O. Resolution to approve Payment No. 13 (Inv 56847), to AE2S, for engineering services on Jamestown Stormwater Utility Implementation, in the amount of \$1,542.01.
- P. Resolution to approve Payment No. 45 (Inv 56701), to AE2S, for On Call engineering services, in the amount of \$67.75.
- Q. Resolution to approve Payment No. 47 (Inv 56700), to AE2S, for engineering services on the Infrastructure I&C Support, in the amount of \$270.00.
- R. Resolution to approve Payment No. 2 (Inv 33869), to Interstate Engineering, Inc., for engineering services on the 2018 Safe Routes to School Sidewalk District 18-21, in the amount of \$11,115.00.
- S. Resolution to approve Payment No. 4 (Inv 33868), to Interstate Engineering, Inc., for engineering services on the Water Treatment Plant Roofing, in the amount of \$2,473.00.
- T. Resolution to approve Payment No. 9 (Inv 33867), to Interstate Engineering, Inc., for engineering services on Sanitary Landfill Cell 4A Development, in the amount of \$6,128.24.
- U. Resolution to approve Payment No. 13 (Inv 33866), to Interstate Engineering, Inc., for engineering services on the Jamestown Sanitary Sewer Raker Facility Screening Report and Construction, in the amount of \$1,775.70.
- V. Resolution to approve Payment No. 13 (Inv 33865), to Interstate Engineering, Inc., for engineering services on 5th Street NE (12th Ave to 27th Ave NE), Paving Improvements District #16-42, in the amount of \$1,140.00.
- W. Resolution to approve Payment No. 221 (Inv 33870), to Interstate Engineering, Inc., for engineering services on various City Department consultations (General), in the amount of \$4,588.00.
- X. Resolution to approve Payment No. 222 (Inv 33871), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Streets), in the amount of \$9,199.50.
- Y. Resolution to approve Payment No. 223 (Inv 33872), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Sewer), in the amount of \$7,528.50.
- Z. Resolution to approve Payment No. 224 (Inv 33873), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Water), in the amount of \$12,078.50.
- AA. Resolution to approve Payment No. 225 (Inv 33874), to Interstate Engineering, Inc., for engineering services on various City Department consultations (Solid Waste), in the amount of \$620.00.

BB. 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.

CC. Resolution to allow the February indebtedness in the amount of \$2,405,502.80 consisting of \$496,611.01 payroll and \$1,908,891.79 general obligations.

Seconded by Council Member Phillips. Consent Roll Call No. 1 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Phillips moved a Resolution to approve the sale of Lot 5, Block 4, I-94 Business Park Addition, to Buffalo City Diesel in the amount of \$68,389.20, contingent upon an agreement with business incentive program. Seconded by Council Member Brubakken. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Phillips moved to table entering into an agreement with Jamestown Community Correction Program until further review by both parties. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Brubakken moved a Resolution to approve the request from Jonny B's to be allowed to install an electrical outlet in the public parking lot in the 200 Block of 2nd Ave SE pending the development of an agreement and fee agreement to be drafted by the City Attorney's Office. Seconded by Council Member Phillips. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to set the rate for security fees for police officers at \$35.00 per hour with \$32.00 per hour being paid to the officer and the remaining \$3.00 to cover City payroll expenses. Seconded by Council Member Phillips. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning 2018 Safe Routes to School Sidewalk District #18-21. No one appeared to object and no written protests were received. The hearing was closed.

A letter of concern was received from Marvin Brown, property owner, 1314 5th St NE. It was determined this concern did not relate to the District 18-21 project.

Council Member Phillips moved a Resolution that the protests have been found to be insufficient to bar proceeding with 2018 Safe Routes to School Sidewalk District #18-21. Seconded by Council Member Brubakken. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to authorize the City Engineer to develop detailed plans, specifications and estimates for 2018 Safe Routes to School Sidewalk District #18-21. Seconded by Council Member Phillips. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning the special assessments on the 2017 Sidewalk, Curb & Gutter District #17-11. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Phillips moved a Resolution to approve the special assessments on 2017 Sidewalk, Curb & Gutter District #17-11, in the total amount of \$19,181.86, with the City Share-Departments at \$13,362.77, and benefited properties to be assessed in the amount of \$5,819.59. Seconded by Council Member Brubakken. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Buchanan moved a Resolution to approve entering into an engineering services agreement with Interstate Engineering, Inc., for the River Cleaning Project. Seconded by Council Member Phillips. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

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 All Except the S90' of Lot 1 Replat & Except Parcel A, Block 1, Residence Park 2nd Addition, from R-1 (One Family Residential District) to R-2 (One to Six Families Residential District). No one appeared to object and no written protests were received. The hearing was closed.

Ordinance No. 1504, introduced by Council Member Phillips, to amend and re-enact Ordinance No. 329 of the City Code by amending the District Map to change the zoning of All Except the S90' of Lot 1 Replat & Except Parcel A, Block 1, Residence Park 2nd Addition, from R-1 (One Family Residential District) to R-2 (One to Six Families Residential District), had its second reading. Seconded by Council Member Brubakken.

Council Member Buchanan expressed concerns with the zone change to R-2 and the use definitions.

Jamison Veil, Zoning Administrator addressed the concerns and future land use plan.

Following discussion, Roll Call No. 9 showed: 3 ayes, 1 nay (Buchanan), 1 absent. Carried.

Nellie Degen, 299 E. Lakeside Road, Jamestown, President of Frontier Village Association, appeared before the Council regarding the Frontier Village, the gates on the public access road, and requested the city to change the status of road.

Nichole Mosolf, 614 Holiday Park Village, Jamestown, spoke in support of having the gates closed.

Tom Mueller, 918 2nd Place NE, Jamestown, stated the National Buffalo Museum had a verbal agreement with Frontier Village Association to close the gates, that the road is not part of the lease to the Frontier Village Association and is requesting the City to vacate said street.

Joe Rector, 1119 3rd St NE, Jamestown, Director of James River Valley Library System, spoke relative to two board appointments.

David Schmidt, 318 13th Ave NE, Jamestown, questioned the Council on the 5th St NE sidewalk and the purpose for small red stop signs on the path.

Travis Dillman, Interstate Engineering, Inc., indicated the sidewalk is a Shared Use Path and all users should exercise caution along the path.

Council Member Phillips moved to appoint Darlene Jung to serve as a member of the James River Library Board for a three year term to expire March 2021. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Phillips moved to appoint Charlotte Freeberg to serve as the joint City/County member of the James River Library Board for a three year term to expire March 2021. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Phillips moved to appoint LeRoy Gross to serve as the City employee representative and Dan Buchanan as the City Council representative on the Pension Committee for one year terms to expire March 2019. Seconded by Council Member Brubakken. Unanimous aye vote. Carried.

Council Member Phillips moved a Resolution to approve plans and specifications and authorize the advertisement for bids for the retaining wall at the Frontier Village. Seconded by Council Member Buchanan. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to recognize Ear For Mylee as an other public spirited organization and authorize the issuance of a raffle permit. Seconded by Council Member Phillips. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Buchanan moved a Resolution to approve the requests for street closings and/or permits to allow alcoholic beverages in fenced areas for the St. Patrick's Day Run, on March 17, 2018, for the following: All Vets Club; Buffalo Lanes, Inc.; Corner Bar; Cork and Barrel, Inc.(Elk's location); Middles LLC d/b/a Fred's Den; Frontier Fort Bar & Grill; Jonny B's Brickhouse; Knights of Columbus; Office Bar & Lounge; Shady's; and Wonder Bar Sports Bar. Seconded by Council Member Phillips. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to approve the request from Cory Kunerth d/b/a XLT Taxi for a taxicab license contingent upon passing a background check. Seconded by Council Member Phillips. Roll Call No. 13 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved a Resolution to approve the First Amendment to Services Agreement for the Red River Corridor Fund. Seconded by Council Member Phillips. Roll Call No. 14 showed: 4 ayes 0 nays, 1 absent. Carried.

Council Member Buchanan moved a Resolution to authorize City Administrator Sarah Hellekson to execute and file application on behalf of the City of Jamestown with the ND Department of Health for construction loan and to furnish such information as the ND Department of Health may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of the city, to accept loan offer and receive payment of loan funds. Seconded by Council Member Brubakken. Roll Call No. 15 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Brubakken moved to approve a Supplemental Resolution for Definitive Improvement Warrant, Series 2018, Street Improvement District No. 16-42. Seconded by Council Member Phillips. Roll Call No. 16 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Buchanan moved to adjourn. Seconded by Council Member Phillips. Unanimous aye vote. Carried.

ATTEST:

APPROVED:

SARAH HELLEKSON, City Administrator

KATIE ANDERSEN, Mayor