

JAMESTOWN CITY COUNCIL
REGULAR MEETING, AUGUST 6, 2018
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 was recited.

Roll Call showed the following members present: Mayor Heinrich, Council Members Steele, Phillips, Brubakken and Buchanan, Assistant City Attorney Geroux, and City Administrator Hellekson.

Council Member Brubakken provided a statement regarding city finances for previous years and comparisons to State of North Dakota and regional data for similar periods.

Council Member Brubakken moved to amend the July 24 committee meeting minutes to refer to the review of the budget as Draft 3 of the 2019 Preliminary Budget. Seconded by Council Member Steele.

Unanimous aye vote. Carried.

Council Member Buchanan moved to approve the minutes of the regular city council meeting, July 2, 2018; minutes of the special city council meeting, July 26, 2018; minutes of the committee meeting, July 24, 2018, as amended; and minutes of the committee meeting, July 26, 2018. Seconded by Council Member Steele. Unanimous aye vote. Carried.

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

- A. Resolution to approve the State of North Dakota Office of State Court Administrator's request to approve the Amended Contract for Transfer of Municipal Court Cases to District Court – Transfer for Jury Trial Only.
- B. Resolution to authorize the sale and conveyance of Lots 6 & 7, Block 1, I-94 Business Park Addition to Jamestown, to BT OH, LLC of Atlanta, GA for \$137,650.00 and authorize the Mayor and City Administrator to execute all necessary instruments regarding the sale and conveyance including the Sales Agreement and Business Incentive Agreement between the City, UPS, Inc., and BT OH, LLC.
- C. Resolution to accept the Urban Grant Program Award for FY 2020 as described in the July 10, 2018, letter from the NDDOT, approve the 10% project matching funds up to \$275,978 and remaining project completion costs to be paid from bonds and appropriate funds, and direct staff to proceed on the project planning.
- D. Resolution to approve 6th Street SE as a one-way from west to east in direction, between 2nd and 3rd Avenue SE, with diagonal parking on both sides of 6th Street SE on that same block, and bump outs on the east side of that block on the north and south corners to establish 6th Street as a one-way street.
- E. Resolution to award the bid for One (1) New Tandem Axle Truck (Cab & Chassis), Water Department, to Westlie Crossroads, in the amount of \$86,087.00, less \$8,900.00 on trade-in unit (2002 Sterling, VIN 05776), and less \$257.00 Federal Excise Tax, for a net bid of \$76,930.00.
- F. Resolution to accept the estimate for the liner on the New Tandem Axle Truck, Water Department, from Dan Poland Machine Inc., in the amount of \$15,380.00.
- G. Resolution to approve the plans and specifications and authorize the advertisement for bids for the Inert Landfill.

- H. Resolution to approve the request from Cory Kunerth, XLT Taxi, LLC, to install signage for a dedication of approximately 50' of parking in front of 218 1st Ave South for bus parking only between 11:00 PM and 4:00 AM daily.
- I. Resolution to approve the request to place a memorial monument on City right-of-way in the center of the cul-de-sac at the end of 17th Street SE, not to be maintained nor insured by the City of Jamestown, nor to become the City's responsibility nor placed in the City's inventory, provided that property owners submit a hold harmless agreement to the City.
- J. Resolution to approve the request from the property owner at 1538 5th Ave NE to plant grass after the removal of the sidewalk in front of the home.
- K. Resolution to approve Change Order No. 3, Final Balancing, to Border States Paving, Inc., for construction on 20th St SW roadway from Menards to Jamestown Regional Medical Center, District #16-43, for a net decrease in the contract price of \$182,787.62.
- L. Resolution to approve Payment No. 2, to C L Linfoot, for construction on the Water Treatment Plant Roofing, in the amount of \$121,038.50.
- M. Resolution to approve Payment No. 3, to Border States Paving, Inc., for construction on Seal Coat, Patching, Construction & Reconstruction District #18-41, in the amount of \$141,390.82.
- N. Resolution to approve Payment No. 2, to LD Concrete, for construction on 2018 Sidewalk, Curb & Gutter District #18-11, in the amount of \$4,033.57.
- O. Resolution to approve Payment No. 6 (Inv 08387.04-06), to SRF Consulting Group, Inc., for 2018 Jamestown Planning and Zoning Technical Services, in the amount of \$3,021.23.
- P. Resolution to approve Payment No. 6, to Scherbenske, Inc., for construction on NW Water Main Replacement Project District 17-61 (11Blocks), in the amount of \$306,108.83.
- Q. Resolution to approve Payment No. 7, to Burski Excavating, Inc., for construction on Cell 4 Liner and Cell 2/3 Partial Final Cover, in the amount of \$205,761.00.
- R. Resolution to approve Payment No. 8 (Final), to Border States Paving, Inc., for construction on 20th St SW roadway from Menards to Jamestown Regional Medical Center, District #16-43, in the amount of \$39,247.78.
- S. Resolution to approve Payment No. 9, to Border States Paving, Inc., for construction on 5th Street NE (12th Ave to 27th Ave NE), Paving Improvements District #16-42, in the amount of \$3,331.28.
- T. Resolution to approve Payment No. 17 (Inv 58908), to AE2S, for engineering services on Jamestown Stormwater Utility Implementation, in the amount of \$840.65.
- U. Resolution to approve Payment No. 50 (Inv 58755), to AE2S, for On Call engineering services, in the amount of \$3,706.76.
- V. Resolution to approve Payment No. 52 (Inv 58754), to AE2S, for engineering services on the Infrastructure I&C Support, in the amount of \$135.00.

- W. Resolution to approve Payment No. 3 (Inv 35274), to Interstate Engineering, Inc., for engineering services on the James River Tree Snagging Project, in the amount of \$3,591.80.
- X. Resolution to approve Payment No. 4 (Inv 35276), to Interstate Engineering, Inc., for engineering services on the Title V Air Quality Permit for Sanitary Landfill, in the amount of \$2,964.00.
- Y. Resolution to approve Payment No. 6 (Inv 35273), to Interstate Engineering, Inc., for engineering services on the 2018 Safe Routes to School Sidewalk District 18-21, in the amount of \$1,305.00.
- Z. Resolution to approve Payment No. 8 (Inv 35272), to Interstate Engineering, Inc., for engineering services on the Water Treatment Plant Roofing, in the amount of \$1,081.46.
- AA. Resolution to approve Payment No. 12 (Inv 35271), to Interstate Engineering, Inc., for engineering services on NW Water Main Replacement Project District 17-61 (11Blocks), in the amount of \$40,466.46.
- BB. Resolution to approve Payment No. 14 (Inv 35270), to Interstate Engineering, Inc., for engineering services on Sanitary Landfill Cell 4A Development, in the amount of \$24,259.28.
- CC. Resolution to approve Payment No. 17 (Inv 35267), 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 \$2,520.36.
- DD. Resolution to approve Payment No. 17 (Inv 35268), to Interstate Engineering, Inc., for engineering services for construction of road from Menards to Jamestown Regional Medical Center, in the amount of \$3,075.50.
- EE. Resolution to approve Payment No. 18 (Inv 35269), to Interstate Engineering, Inc., for engineering services on the Jamestown Sanitary Sewer Raker Facility Screening Report and Construction, in the amount of \$205.00.
- FF. Resolution to approve Payment No. 251 (Inv 35275) in the amount of \$25,755.50, to Interstate Engineering, Inc., for engineering services on the following:
 - City Department consultations (General), in the amount of \$9,739.50
 - City Department consultations (Streets), in the amount of \$3,534.00
 - City Department consultations (Sewer), in the amount of \$649.50
 - City Department consultations (Water), in the amount of \$9,800.00
 - City Department consultations (Solid Waste), in the amount of \$307.50
 - City Department consultations (Storm Water), in the amount of \$1,725.00
- GG. 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.
- HH. Resolution to allow the July indebtedness in the amount of \$3,049,917.37 consisting of \$500,257.24 payroll and \$2,549,660.13 general obligations.

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

Council Member Steele moved a Resolution to approve the Special Use Permit application and the \$4,000 fee for Compassion Care Centers operating as Dispensaries and/or Manufacturing facilities. Seconded by

Council Member Phillips. Council Member Buchanan stated opposition based upon the fee being too low considering the city resources and the intense administrative process anticipated. City Assessor Veil addressed the City Council responding to questions regarding costs. Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held to consider authorization of a City Certification of Significant Community Support for Jamestown Rural Fire District.

Brian Paulson, Jamestown Rural Fire Department Firefighter, appeared to speak in support of the project.

Bob Lulay, representing Jamestown Rural Fire District as the District Representative for Bloom Township, appeared to speak in support of the project.

No one appeared to object and no written protests were received. The hearing was closed.

Council Member Phillips moved a Resolution to approve and authorize a City Certification of Significant Community Support for the submission of a Community Facilities application on behalf of the Jamestown Rural Fire District to the USDA-Rural Development for construction of a New Fire Hall. Seconded by Council Member Brubakken. Jamestown Rural Fire District representatives expressed support for a north-south overpass to support emergency vehicle traffic. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved a Resolution to consider curbside collection of solid waste in residential areas except in locations where approved by the City Administrator or designee for safety reasons, and refer consideration to the Public Works Committee for discussion and recommendation. Council members cited safety, access, snow, and general program change as concerns. Sanitation Foreman Roger Mayhew stated that 20% of alleys are not a problem. Mayhew stated that Sanitation will still plow alleys for emergency service access purposes. Recycling Center of ND, Inc., owner, Ralph Friebe stated that they have to drive both curbs and alleys in the same block, which is not cost effective. Mayhew stated that operations needs direction before snowfall. Seconded by Council Member Brubakken. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

The City Council removed from the agenda the item pertaining to the agreement with Nexus Planning & Consulting, LLC, to write the \$190,360 federal grant for the main lift station generator, and to accept the \$190,360 FEMA grant for the main lift station generator at a total estimated project cost of \$253,814, with the City paying the remaining costs. This is covered in an existing agreement dated November, 2017.

Council Member Buchanan moved to introduce an ordinance pertaining to the appropriation of the General and Special Funds for the fiscal year January 1, 2019, through December 31, 2019, with the addition of 24 mills to the General Fund Revenue.

Council Member Phillips moved to introduce an ordinance pertaining to the appropriation of the Revenue and Special Funds for the fiscal year January 1, 2019, through December 31, 2019.

Council Member Brubakken moved to appoint Delores Rath to serve as a member of the Planning Commission for a five-year term to expire August 2023. Seconded by Council Member Steele. Unanimous aye vote. Carried.

Council Member Phillips moved to set a public hearing for the City of Jamestown 2019 Budget on October 1, 2018. Seconded by Council Member Buchanan. Unanimous aye vote. Carried.

Council Member Brubakken moved a Resolution to approve and authorize the City Administrator and the Mayor to negotiate a contract and authorize the sale of Lot 5, Block 1, I-94 Business Park Addition, to UPS at \$1 per square foot as recommended by the JSDC Board of Directors. Seconded by Council Member Steele. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Brubakken moved a Resolution to approved and authorize the City Administrator and the Mayor to negotiate a contract and authorize the sale and conveyance of Lot 5, Block 1, I-94 Business Park Addition, to BT OH, LLC of Atlanta, GA for \$68,607.00 and authorize the Mayor and City Administrator to execute all necessary instruments regarding the sale and conveyance including the Sales Agreement and Business Incentive Agreement between the City, UPS, Inc., and BT OH, LLC. Seconded by Council Member Steele. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

ATTEST:

SARAH HELLEKSON, City Administrator

APPROVED:

DWAINE HEINRICH, Mayor