

JAMESTOWN CITY COUNCIL
REGULAR MEETING, MAY 5, 2025
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, Phillips, Schloegel, Steele, Assistant City Attorney Geroux, and City Administrator Hellekson.

Rebekah Drahosh and Abel Drahosh of Jamestown appeared before the City Council.

Council Member Phillips moved to approve the minutes of the regular council meeting, April 7, 2025, the special city council meeting, April 24, 2025, the Board of Equalization meetings April 8, 2025, and April 24, 2025, and the committee meetings April 22, 2025, and April 24, 2025. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

Assistant City Attorney Geroux informed the Council that there were two bids that were unopened at the May 1, 2025, bid opening for the 2025 Watermain Replacement Project, Section 1 and 2. Both bids from Flatland Enterprises, LLC., and each had a fatal flaw, therefore Assistant City Attorney Geroux did recommend the Council not open the bids.

Council Member Steele moved to not open the bids from Flatland Enterprises, LLC and Flatland Excavating, LLC. Seconded by Council Member Phillips. Roll Call No. 1 showed: 5 ayes, 0 nays, 0 absent. Carried.

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

- A. Resolution to approve the application from Divine Market & Salon, LLC (Savanna Protector) for a Property Tax Exemption for Improvements to a Commercial Building under N.D.C.C. Ch. 57-02.2, which property is located at 110 2nd St NW, (Jamestown, Original, Block 24, Lot 8, parcel number 74-5116150).
- B. Resolution to approve the request from the Jamestown/Stutsman Development Corporation (JSDC) to approve the JSDC 2026 Budget.
- C. Resolution to approve the requests for gaming site authorizations for the period July 1, 2025 through June 30, 2026, for the following:
 - a. **James River Aerie #2337 FOE** for Tanata Enterprises Inc (Frontier Fort Bar & Grill);
 - b. **Knights of Columbus** for the Jamestown Council Knights of Columbus #1883 (Club 1883), Oviatt LLC (Corner Bar), Middles LLC (Fred's Den), Shobha Hospitality LLC (Tapps Lounge), Jonny B's LLC (Jonny B's Brickhouse) and Oviatt LLC (Hidden River Acres);
 - c. **North American Bison Discovery Center** for Jamestown Country Club (Elks Lodge #995);
 - d. **Progress Enterprises** for Blazer Inc (Shady's), Progress Enterprises Inc (Buffalo Bar & Lanes) and Buffalo Grill LLC (Buffalo Grill)
 - e. **Vet's Club, Inc.**, for Vets Club Inc (All Vets Club)
 - f. **Jamestown Hockey Boosters Inc.** for Badlands Mercantile, LLC (The Wooly) and Spirits Bar and Grill, LLC (Spirits Bar and Grill).

- D. Resolution to approve the request from North American Bison Discovery Center, for a site authorization to conduct gaming at Hidden River Acres on Wednesday, June 11, 2025.
- E. Resolution to approve the sale of the old score tables to Jamestown High School and direct the city attorney to draft the agreement.
- F. Resolution to approve Change Order No. 2 to Ferguson Waterworks, in the amount of \$97,500 for the Water Meter Replacement Project #24-61.
- G. Resolution to approve Change Order No. 3 to Ferguson Waterworks, in the amount of \$3,500 for the Water Meter Replacement Project #24-61.
- H. Resolution to approve the quote from Manning Mechanical Inc. for the Pipe Removal and Installation of interior water plant piping project in the amount of \$48,600.
- I. Resolution to approve the functional class NDDOT map with changes, contingent upon NDDOT approval.
- J. Resolution to approve Payment No. 8, to Ferguson Waterworks, for construction on the Water Meter Replacement Program Project #24-61, in the amount of \$57,600.00.
- K. Resolution to approve Payment No. 15 (Inv 101820), to AE2S, LLC, for Water & Sewer Instrument & Control Panel Upgrades Project #24-62, in the amount of \$5,886.37.
- L. Resolution to approve Payment No. 3 (Inv 08387.11-3), to SRF Consulting Group, Inc., for 2025 Jamestown Planning and Zoning Technical Services, in the amount of \$1,697.40.
- M. Resolution to approve Payment No. 124 (Inv 101253), to AE2S, LLC, for On Call engineering services (I&C Water) for a total amount of \$1,004.25.
- N. Resolution to approve Payment No. 1 (Inv 57756), to Interstate Engineering Inc., for engineering services on Replacement of Interior Piping at Water Treatment Plant, in the amount of \$2,442.50.
- O. Resolution to approve Payment No. 2 (Inv 57752), to Interstate Engineering Inc., for engineering services on 4th Ave E Rehabilitation from 10th St SE to 5th St NE, in the amount of \$21,410.99.
- P. Resolution to approve Payment No. 2 (Inv 57754), to Interstate Engineering Inc., for engineering services on MSW Title V Air Permit, in the amount of \$1,630.50.
- Q. Resolution to approve Payment No. 5 (Inv 57751), to Interstate Engineering Inc., for engineering services on New Roof on Southside Fire Station, in the amount of \$1,685.00.
- R. Resolution to approve Payment No. 11 (Inv 57750), to Interstate Engineering Inc., for engineering services on New Inert Landfill Cell, in the amount of \$2,527.50.
- S. Resolution to approve Payment No. 11 (Inv 57749), to Interstate Engineering Inc., for engineering services on Project #24-72 McElroy Sanitary Forcemain Relocation, in the amount of \$461.85.
- T. Resolution to approve Payment No. 16 (Inv 57755), to Interstate Engineering Inc., for engineering services on Project #24-61 Radio Read Water Meters, in the amount of \$11,504.60.
- U. Resolution to approve Payment No. 18 (Inv 57757), to Interstate Engineering Inc., for engineering services on Water Treatment Plant Lime Sludge Filter Press Replacement Procurement and Installation Contracts, in the amount of \$42,272.50.
- V. Resolution to approve Payment No. 18 (Inv 57747), to Interstate Engineering Inc., for engineering

services for 2023 Water Main Improvement District #23-61, in the amount of \$1,776.45.

W. Resolution to approve Payment No. 28 (Inv 57748), to Interstate Engineering Inc., for engineering services on Project #23-62 North West Booster Station, in the amount of \$1,125.00.

X. Resolution to approve Payment No. 359 (Inv 57753), in the amount of \$10,083.90, to Interstate Engineering, Inc., for engineering services on various city department consultations as follows:

- a) (General), in the amount of \$5,753.40;
- b) (Streets), in the amount of \$625.00;
- c) (Sewer), in the amount of \$125.00;
- d) (Water), in the amount of \$1,913.00;
- e) (Solid Waste), in the amount of \$1,182.50
- f) (Storm Water), in the amount of \$485.00.

Y. Resolution to allow the April indebtedness in the amount of \$6,590,732.94 consisting of \$647,207.62 payroll and \$5,943,525.32 general obligations.

Seconded by Council Member Phillips. Consent Roll Call No. 2 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Schloegel moved a Resolution to approve and authorize the issuance of the \$1,618,000 City of Jamestown, Water Treatment Improvement Bond, Series 2025C Lime Press Filter Project, to the North Dakota Public Finance Authority at an annual net interest rate of 1.5%. Seconded by Council Member Phillips. Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to approve filing an application with the North Dakota Department of Environmental Quality for a loan under the Clean Water Act and/or Safe Drinking Water Act to aid in the construction of the 2025 Water Main Improvement District #25-61. Seconded by Council Member Steele. Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved to introduce the first reading of an ordinance to amend and re-enact Ordinance No. 1556, Appendix C-Zoning Regulations:

- a. Section 2.2- Definitions (new definition for Storage Container)
- b. Section 6.4- Zoning and Land Use Table
- c. Section 7.9E- Storage Containers.

A public hearing was held to amend and re-enact Section 32-3.2 of the City Code related to Flood Damage Prevention to meet the FEMA and the National Floodplain Insurance Program (NFIP) requirements. No one appeared to object, and no written protests were received. The hearing was closed.

Council Member Phillips moved a Resolution to approve Ordinance 1591 to amend and re-enact Section 32-3.2 of the City Code related to Flood Damage Prevention to meet the FEMA and the National Floodplain Insurance Program (NFIP) requirements. Seconded by Council Member Steele. Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held to grant Otter Tail Power Company a continued franchise to maintain its system within the City for a ten-year period. No one appeared to object, and no written protests were received. The hearing was closed.

Council Member Steele moved a Resolution to approve Ordinance 1592 to grant Otter Tail Power Company a continued franchise to maintain its system within the City for a ten-year period. Seconded by Council Member Kamlitz. Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held to amend and re-enact Section 1-10 of the City Code to increase Municipal Court fees. No one appeared to object, and no written protests were received. The hearing was closed.

Council Member Kamlitz moved a Resolution to approve Ordinance 1593 to amend and re-enact Section 1-10 of the City Code to increase Municipal Court fees. Seconded by Council Member Phillips. Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held to amend and re-enact Section 17-12 of the City Code relating to the prohibition of junk. No one appeared to object, and no written protests were received. The hearing was closed.

Council Member Phillips moved a Resolution to approve Ordinance 1594 to amend and re-enact Section 17-12 of the City Code relating to the prohibition of junk. Seconded by Council Member Schloegel. Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held to prohibit camping on public property in the City of Jamestown by adding Article LIII of Chapter 22 to the Code of the City of Jamestown. No one appeared to object, and no written protests were received. The hearing was closed.

Council Member Schloegel moved a Resolution to approve Ordinance 1595 to prohibit camping on public property in the City of Jamestown by adding Article LIII of Chapter 22 to the Code of the City of Jamestown. Seconded by Council Member Phillips. Roll Call No. 9 showed: 5 ayes, 0 nays, 0 absent. Carried.

A public hearing was held to amend and re-enact Section 21-16-04.1 of the City Code relating to campers. No one appeared to object, and no written protests were received. The hearing was closed.

Council Member Phillips moved a Resolution to approve Ordinance 1596 to amend and re-enact Section 21-16-04.1 of the City Code relating to campers. 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 the application for Renaissance Zone Incentives for up to five (5) years, one hundred percent (100%) state income tax exemption and one hundred (100%) five (5) year property tax exemption for Matthew Perkins d.b.a Eagles Nest, LLC, (Lot 1, Block 2, Harold P. Bensch Addition) pending approval by the State of North Dakota Department of Commerce, Division of Community Services. Seconded by Council Member Kamlitz. Roll Call No. 11 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved a Resolution to approve the Interest Buydown Agreement PACE Program between the City of Jamestown, the Bank of North Dakota, and J&K LLC, for the purpose of a buy down on the interest for the loan received by J&K LLC from First Community Credit Union, for which the City of Jamestown has agreed to provide an in-kind commitment valued at \$48,275.47 in lieu of cash toward the project and authorize the Mayor to sign the documents. Seconded by Council Member Schloegel. Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved a Resolution to award the bid for the 2025 Watermain Replacement Project #25-61, Section 1, to Scherbenske Inc., in the amount of \$2,495,587.25, contingent upon NDDEQ approval. Seconded by Council Member Kamlitz. City Engineer Dillman provided information. Roll Call No. 13 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved a Resolution to award the bid for the 2025 Watermain Replacement Project #25-61, Section 2, to Crow River Construction, LLC., in the amount of \$1,197,971.32, contingent upon NDDEQ approval. Seconded by Council Member Steele. City Engineer Dillman provided information. Roll Call No. 14 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Kamlitz moved a Resolution to award the bid to Industrial Builders Inc., for the ND DOT Project TAU-2-987(045), PCN 23913-Pedestrian Bridge Replacement Park District #24-21 in the amount of \$2,569,910.59. Seconded by Council Member Schloegel. City Engineer Dillman provided information. Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Phillips moved a Resolution to approve the Letter of Intent to Meet Conditions and Request for Obligation of Funds from USDA Rural Development for the 96-inch diameter Storm Water Disaster Project (City Project #25-71) for up to \$2,357,000 in grant funds and authorize the Mayor to sign the documents. Seconded by Council Member Steele. City Engineer Dillman provided information. Roll Call No. 16 showed: 5 ayes, 0 nays, 0 absent. Carried.

Council Member Steele moved a Resolution to approve Amendment 1 to the Agreement for Cost-Share Reimbursement with the North Dakota State Water Commission for Jamestown Lime Sludge Filter Press & Recycle/Reuse Project for an additional \$574,350 in cost-share and authorize the Mayor to sign the agreement. Seconded by Council Member Schloegel. City Engineer Dillman provided information. Roll Call No. 17 showed: 5 ayes, 0 nays, 0 absent. Carried

Council Member Kamlitz moved to adjourn at 6:05 P.M. Seconded by Council Member Phillips. Unanimous aye vote. Carried.

ATTEST:

SARAH HELLEKSON
City Administrator

APPROVED:

DWAINE HEINRICH
Mayor