

JAMESTOWN CITY COUNCIL
SPECIAL MEETING, FEBRUARY 18, 2021
OFFICIAL MINUTES

The regular meeting of the City Council was called to order by Mayor Heinrich at 3:00 P.M.

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Heinrich, Council Members Buchanan, Kamlitz, Steele, Assistant City Attorney Geroux, and City Administrator Hellekson. Absent: Council Member Schloegel.

A hearing was held concerning the Notice of Alcohol Violation and the liquor license for Middles, LLC (a.k.a. Fred's Den). This is a second violation in an 18-month period. The first violation occurred November 8, 2019.

Assistant City Attorney Geroux summarized the facts that occurred the Saturday evening of December 12, 2020, and early hours of December 13, 2020. Officer Davis provided facts and responded to questions from Council Members. The officer stated he observed people inside past closing time and was denied entry.

Lucas Dockter, 415 6th Ave NW, and Casey Willman, 8420 30th St SE, co-owners of Fred's Den, stated that Fred's Den was closed from December 8, 2020 to December 17, 2020. Council Member Steele stated that it bothers him that those inside did not admit Officer Davis. Mayor Heinrich stated that serving after hours and not admitting police officers are both violations. Geroux stated that the City combined the two violations in this instance. Geroux stated that based on the City Code, the licensed establishment is required to allow officers to enter, even when closed for business, and must abide by all local and state regulations, including executive orders.

Council Member Buchanan said he will abstain because this is his neighbor. City Administrator Hellekson said the City Council must vote whether a council member may abstain. Mayor Heinrich stated that he can only abstain if he declares a conflict of interest and the Council votes to allow the abstention. No motion. Failed.

Council Member Steele moved a Resolution that a violation occurred by Fred's Den on December 12 and 13, 2020. Seconded by Mayor Heinrich. Roll Call No. 1 showed: 3 ayes, 1 nay (Buchanan), 1 absent. Carried.

Council Member Steele expressed concern that although an officer identified himself, whomever closed the window blind would have seen Officer Davis and known he was a police officer, and still no one acknowledged the officer. Council Member Kamlitz agreed and stated that the police officer was visible in a uniform, and someone should at least have opened the door to see what was happening. Co-owner Dockter disagreed.

Geroux stated that as a second violation, the penalty set in the ordinance is \$1,000 and a 24-hour suspension. The City Council has the discretion to choose the 24-hour period the establishment must close. Mayor Heinrich asked Dockter to choose a date. Co-owner Dockter chose Monday, March 1, 2021, as Fred's Den is closed Mondays.

Council Member Kamlitz moved a Resolution to approve the suspension of license for Fred's Den for one 24-hour period beginning at 10:00 a.m. March 1, 2021, and ending at 10:00 a.m. March 2, 2021, and a \$1,000 fine, payable to the City of Jamestown. Seconded by Council Member Steele. Roll Call No. 2 showed: 3 ayes, 1 nay (Buchanan), 1 absent. Carried.

Co-owner Dockter protested the fine and the suspension, saying the City was not supportive of his establishment like other cities.

A public hearing was held concerning the proposed Special Assessment Policy for the City of Jamestown. No one appeared to object, and no written protests were received. The hearing was closed.

Council Member Steele moved a Resolution to approve the Special Assessment Policy, dated December 17, 2020, for the City of Jamestown. Seconded by Council Member Buchanan. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning Seal Coat, Patching, Construction and Reconstruction District #21-41 protests and the sufficiency thereof. No one appeared to object, and no written protests were received. The hearing was closed.

Council Member Steele moved a Resolution that the protests have been found to be insufficient to bar proceeding with Seal Coat, Patching, Construction and Reconstruction District #21-41. Seconded by Council Member Kamlitz. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Steele moved a Resolution to authorize the City Engineer to develop detailed plans, specifications and estimates for Seal Coat, Patching, Construction and Reconstruction District #21-41. Seconded by Council Member Kamlitz. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kamlitz moved a Resolution to approve the request from Mule Deer Foundation, for a site authorization to conduct gaming at the Knights of Columbus on February 27, 2021. Seconded by Council Member Steele. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Steele moved a Resolution to approve and authorize the emergency purchase of a replacement motive pump, necessary operating equipment at the City Wastewater Treatment Facility which has these pumps proprietary to Flygt, to be purchased from Electric Pump at a cost of \$107,500 to be paid from the Sewer Fund. Seconded by Council Member Buchanan. City Engineer Dillman explained the purpose of the pump in the SBR digester and the nature of the emergency. Hellekson explained that the cost to replace the pump does not include shipping and installation and staff will provide those costs to City Council. Hournbuckle explained that in absence of this pump, a crane will be used to move pumps from one location to keep the process stable. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Kamlitz moved to adjourn at 4:06 PM. Seconded by Council Member Steele. Unanimous aye vote. Carried.

ATTEST:
SARAH HELLEKSON, City Administrator

APPROVED:
DWAINE HEINRICH, Mayor