

JAMESTOWN CITY COUNCIL
SPECIAL MEETING, FEBRUARY 21, 2023
OFFICIAL MINUTES
City Hall, 102 3rd Ave SE, Jamestown, ND 58401

The special meeting of the City Council was called to order by Mayor Heinrich at 4:00 P.M.

The Pledge of Allegiance to the flag was recited.

Roll Call showed the following members present: Mayor Heinrich, Council Members Kamlitz, Schloegel, Steele, City Attorney Ryan, Deputy Auditor Sveum, and City Administrator Hellekson. Absent: Buchanan.

Mayor Heinrich stated that the Civil Service Commission has set a hearing date and a former employee has retained counsel. Mayor Heinrich stated the former employee's attorney has made some statements indicating further adjudicative proceedings beyond this appeal. The Mayor stated the City Council may desire to obtain advice from the city attorney regarding actions the City may take in light of this situation.

Council Member Steele moved a resolution to convene in executive session rather than in an open meeting to consult with legal counsel and seek attorney advice regarding a pending or reasonably predictable lawsuit regarding a public entity, and possible subsequent proceedings. Seconded by Council Member Schloegel. Roll Call No. 1: 4 ayes, 0 nays, 1 absent.

Mayor Heinrich stated the purpose of the executive session is for the City Council to consult with legal counsel and seek attorney advice regarding a pending or reasonably predictable lawsuit regarding a public entity. Mayor Heinrich stated that the legal authority for closing this portion of the meeting is N.D.C.C. Sec. 44-04-19.1 and 19.2. Mayor Heinrich stated the executive session will be recorded as required by N.D.C.C. §44-04-19.2 subsection 5, by electronic, audio or video means and retained for a minimum of six months after this date, and will not be available to the public.

Mayor Heinrich reminded Council members to limit the discussion during the executive session to the announced topic. He stated any collective decision, collective commitment, or other final action by the City Council must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session. Mayor Heinrich stated because this executive session is closed under N.D.C.C. §44-04-19.1, the prohibition on taking final action during the executive session does not apply to providing guidance or instructions to the city attorney.

The City Council convened the executive session at 4:05 P.M. in a separate room. The executive session was adjourned at 4:19 P.M. and the public was invited to return to the City Council meeting in open session.

Council Member Steele moved a resolution to retain Scott Porsborg and his firm as outside counsel to represent the City of Jamestown and the Police Department in the Civil Service Commission Appeal. Seconded by Council Member Kamlitz. Roll Call No. 2: 4 ayes, 0 nays, 1 absent.

Council Member Kamlitz moved to adjourn at 4:20 p.m. Seconded by Council Member Schloegel. Unanimous aye vote. Carried.

ATTEST:
SARAH HELLEKSON, City Administrator

APPROVED:
DWAINE HEINRICH, Mayor