

MINUTES
SPECIAL COUNCIL MEETING
January 21, 2000
3:00 P.M.
RUBY RUPNER AUDITORIUM

MEMBERS PRESENT: Mayor Rietz, Council Member-at-Large Chaffee,
Council Members Fedson, Jorgenson, Poppe, Nordin and Lang.

MEMBERS ABSENT: None.

Mayor Rietz called the meeting to order at 3:13 p.m.

Mayor Rietz discussed the need for this special meeting. The vacancy in the 2nd Ward Council Position needs to be filled at this time. The City received six applications to fill the position, with interviews being held on Saturday, January 15 to discuss the position with each applicant.

Because of Council Member Lang's concerns, Mayor Rietz discussed the issue as to whether or not she should vote. In prior appointments, the Mayor has voted on such appointments.

City Attorney David Hoversten discussed the City's charter. Upon review of the charter, Mr. Hoversten noted the charter is very vague in reference to the voting rights of the Mayor. In some sections it appears the Mayor is included as a voting member of the Council, while in other areas it is not referenced as such. Mr. Hoversten has noted that Council Member Lang has reviewed the charter and believes that the Mayor should not vote. Mr. Hoversten further noted that the vote of the Mayor, or the seventh person, would eliminate any potential for a tie vote.

Mayor Rietz asked for the opinions of the other council members. Mayor Rietz noted that if the full City Council did not want her to vote, than she would not vote. Since this was a gray area in the charter, the Mayor asked for the opinions of all regarding the issue.

Mr. Hoversten noted portions of the City Charter. The Charter says that the position (appointed Council Member) should be appointed by the Common Council, of which the Mayor is included in under some sections of the Charter. The Charter is inconsistent, therefore Mr. Hoversten noted he must give his best opinion of the intent. Mr. Hoversten thought the Mayor could vote on this issue. The Mayor also asked for the council to vote on this issue because Mr. Lang did not accept the City Attorney's opinion. Only a court of law will be able to decide if the Mayor should vote, if she is allowed to vote and is challenged.

Council Member Lang quoted several portions of the Charter. Council Member Lang noted the Charter did not specifically state that the Mayor could vote on the appointment. Council Member Lang further noted that this was not his interpretation of the Charter, but what it actually states.

Council Member Nordin noted that Mayor John O'Rourke never voted on appointments.

Mayor Rietz thought that Mr. O'Rourke had voted on past appointments, but she is willing to abide by whatever decision the Council Members would like to make.

Council Member Lang noted, for the record, that he was opposed to having the Mayor vote on the appointment.

Motion by Council Member Poppe, seconded by Council Member Jorgenson to allow the Mayor to vote on this appointment. Carried 4-2 (Lang and Chaffee – Nay).

Mayor Rietz discussed how we should perform the appointment. Did everybody want to vote for one candidate until a candidate reached 4 votes, or should we narrow the field down to two candidates and have a final vote from there?

The Council Members agreed to narrow the field down to two candidates, and then vote for one from there.

All Council Members voted for two candidates as follows:

	<u>Selection #1</u>	<u>Selection #2</u>
Council Member-at-Large Chaffee	Ellingson	Boughton
Council Member Fedson	Boughton	Ellingson
Council Member Jorgenson	Boughton	Anderson
Council Member Poppe	Anderson	Boughton
Council Member Nordin	Boughton	Ellingson
Council Member Lang	Ellingson	Anderson
Mayor Rietz	Anderson	Boughton

Mr. Dankert tallied up the votes, noting the following:

Roger Boughton	6 votes
Gary Ellingson	4 votes
Chuck Anderson	4 votes

Council Member Lang and Council Member-at-Large Chaffee discussed voting on the Chuck Anderson and Gary Ellingson tie, in order to narrow the final vote down to two people. This was approved by all in attendance.

The following is the vote on the tie-breaker:

	<u>Tie-breaker</u>
Council Member-at-Large Chaffee	Ellingson
Council Member Fedson	Ellingson
Council Member Jorgenson	Anderson
Council Member Poppe	Anderson
Council Member Nordin	Ellingson
Council Member Lang	Ellingson
Mayor Rietz	Anderson

Mr. Dankert tallied up the votes, noting the following:

Gary Ellingson	4 votes
Chuck Anderson	3 votes

Mayor Rietz then took a final vote of the Council for the appointment to the 2nd Ward Council Position, as follows (one vote only):

	<u>2nd Ward Position</u>
Council Member-at-Large Chaffee	Ellingson
Council Member Fedson	Boughton
Council Member Jorgenson	Boughton
Council Member Poppe	Boughton
Council Member Nordin	Ellingson
Council Member Lang	Ellingson
Mayor Rietz	Boughton

Mr. Dankert tallied up the votes, noting the following:

Roger Boughton	4 votes
Gary Ellingson	3 votes

Mayor Rietz called all applicants and informed them of the Council's decision.

Roger Boughton arrived at 4:15 p.m. for the swearing in ceremony.

Motion by Council Member Fedson, seconded by Council Member-at-Large Chaffee to appoint Roger Boughton as the new 2nd Ward Council Member. Carried 6-0

Mr. Dankert performed the swearing in of Roger Boughton by giving him the oath of office.

Motion by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson to adjourn at 4:24 p.m.

Approved: _____

Mayor: _____

City Recorder: _____