

Minutes

I. CALL TO ORDER

The Ely City Council Study Session was called to order by Mayor Skraba at 6:00 p.m. on February 28, 2012 at the Ely City Hall.

Present: Council members Debeltz, Nikkola, Sheddy, Zupec and Mayor Skraba

Absent: Council member Omerza and Salerno

II. ADDITIONS OR OMISSIONS TO TONIGHT'S AGENDA:

A. Addition III.A. – Larry Wellvang

Zupec/Debeltz moved approval of the Addition to the agenda. Motion carried

III. REQUEST TO APPEAR:

A. Larry Wellvang spoke regarding inconsistencies and discrepancies found in the 2010 election tapes and procedures. He stated that he did not question the performances of the Election Judges. His concerns included: the tabulator tapes showing incorrect numbers; tabulator tapes showing times not consistent with protocol; ballot machine breaking and technician not recording his services correctly; absentee ballots run before poles closed. His request was to have Attorney Klun contact County Auditor Donald Dicklich with the information so an investigation can be initiated. Mr. Wellvang stated he began his inquiries 14 months ago.

Council member Sheddy reminded Mr. Wellvang that he had received a letter dated January 3, 2011 from Mr. Dicklich's office stating that they found no evidence to proceed with an investigation at this time. Also on November 8, 2011, Assistant City Attorney's office stated in a letter that they reviewed the material and stated that there was insufficient evidence for an investigation.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

A. Discussion with the Charter Commission:

Members present: Charles Novak, Chairman, Connie Kotzian, John Fossum

Also present, nominees to the Charter Commission: Richard Pucel, Ryan Callen, Vince O'Conner (New members will be sworn in around March 19th)

Mr. Novak stated the Charter is a document voted on by the people of the city stating how they want the elected officials to administer the affairs and finances of the city. He pointed out various points of interest from Chapter 4 of the League of MN Cities Guidelines and Chapter 410 from the MN Statutes. He then continued to point out actions ("real or perceived") taken by the Council that did not follow the rules of the Charter, such as:

1. Sec. 12.01 – action should have been taken by the council at the first meeting of the year regarding taking bids for legal publication

2. Sec. 3.06 – Resolutions should be presented in writing to the council before they are voted on

3. Sec. 3.05 to 3.07 – Ordinance readings & publication procedures (2nd reading only after publication of the 1st reading)

4. Sec. 7.05 to 7.06 - Council action on the budget (can only spend money if in the budget)

5. Sec 7.07 – Alterations to the budget (can increase expenditures only to amount of additional revenue); also requirement by Charter that if council decides to spend money for a project that wasn't in the budget then council needs to pass by resolution to transfer funds to cover that project, such as the \$2000 needed to have Attorney Klun file the At&t Amicus Brief.

6. Sec. 7.08 – Council has no authority to transfer out of any fund except the General Fund

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7. Sec. 6.02 – Clerk/Treasurer – would like to work with the council to consider a City Manager or City Administrator position

8. Sec. 2.07 – Investigation of city affairs done only by the City Council
Mayor Skraba commented that the purpose of the Charter Commission is to make the Charter and not to enforce it.

John Fossum commenting as a citizen of Ely stated he is concerned when process is not followed and we should try to be more true to the Charter in our meetings.

Council member Zupc spoke on Sec. 10.01 – Franchise fee required – Lake Country Power operating in the Beacon Hill area without being charged a franchise fee. Mr. Novak stated they will be inviting Attorney Klun to their next Charter Meeting and this franchise fee can be discussed at that time.

Council member Shetty passed out a letter sent to Terri Boese’s new employer from “Ely Area Residents for Responsible, Fiscal, Local Government” which spoke unfavorably about Ms. Boese and stated she was being investigated by the Charter Commission. Everyone agreed this was not an appropriate letter and a letter will be sent back to her employers from the Mayor and Council stating that these accusations are unfounded and untrue.

- B. Discussion with the Police Commission: Members Present: Kristen Zobitz, Chair, Tom Erchull, Dave Johnson, Scott Johnson and John Lindroos. Also present: Police Chief Lahtonen and former member Mauro Caruso.

Council member Nikkola stated that the council would like to have more direct involvement in the hiring, firing and discipline actions of the Police Officers. Police Chief Lahtonen stated that he has no problem with working together with the council on these matters. John Lindroos stated the Police Commission presently recommends each hire to the council for their approval. Mauro Caruso stated a policy for hire book was drafted three years ago by the Police Commission and given to the council for their review. A council member could be chosen to sit in on various parts of the hiring or firing process.

VI. OPEN FORUM:

VII. ADJOURN:

Zupc/Nikkola moved approval to adjourn at 7:40 p.m. Motion carried unanimously.

Claire Huisman
Deputy Clerk