

City of Edna Bay - Special Meeting

1 — Meeting Date, Place and Call to order:

This Special meeting was held on Friday, September 23rd, 2015 at Edna Bay School. Mayor Richter called the meeting to order at 6:15 PM.

2 — Roll Call:

Heather Richter	- Mayor / Presiding Officer	(Present)
Karen Williams	- Vice Mayor / City Council	(Present)
Tyler Poelstra	- Clerk / City Council	(Present)
Myla Poelstra	- Treasurer / City Council	(Present)
Carleigh Fairchild	- City Council	(Present)
Paul Haag	- City Council	(Absent)
Doris Greif	- City Council	(Present)

2.1 — Public Participants:

Sue Crew	Fran Rhodes	Charleen Bartels	Russ Bartels
Pat Richter	Mike Williams	Joe Wargi	Lee Greif
Curtis Greif	Sharon Wargi		

3 — Consent Agenda:

A: Approval of Meeting Agenda:

The current agenda was read by Mr. Poelstra.

Consensus of the public attendants was taken in favor, and no objections were noted.

Motion:

Mayor Richter moved to pass the consent agenda as written.

- *Seconded by Councilor Greif*
- **Approved by unanimous vote of the council**

3.1 — Business:

Special Business:

- a: *Public Hearing for "Title 3 - Personnel" Ordinance No. 15-08CO.*
- b: *Public Hearing for "Title 4 - Revenue and Finance" Ordinance No. 15-06CO.*
- c: *First Reading for "Title 2 - Administration" Ordinance No. 15-07CO.*

4 — Special Business

Item A – Public Hearing for "Title 3 - Personnel" Ordinance No. 15-08CO:

Mayor Richter introduced Title 3. Councilor (Mr.) Poelstra read back the draft language of Ordinance No. 15-08CO to the Council and public in attendance. There were no questions on the language of the title or the ordinance.

Consensus of the public attendants was taken in favor of passing Title 3 and no objections were noted.

Motion:

Mayor Richter moved to pass draft "Title 3 - Personnel"

- *Seconded by Councilor (Mrs.) Poelstra*
- **Approved by unanimous vote of the council**

Item B – Public Hearing for "Title 4 - Revenue and Finance" Ordinance No. 15-06CO:

Councilor (Mr.) Poelstra read back the draft language of Ordinance No. 15-06CO to the Council and public in attendance.

The following amendments were suggested:

- 1: Add the word "be" to section 4.01.030: "may be composed of taxes".

- 2: Replace 4.12.010 (B) with "As directed by the Council the Treasurer shall prepare a profit & loss and/or balance sheet."
- 3: Amend 4.16.040 (A) to state "If emergency expenditures are required and an Emergency meeting cannot be held..."
- 4: Replace 4.17.050 (H)(1) with "Resulting from requested proposals."
- 5: Remove "and includes" from 4.17.160.
- 6: Amend 4.17.090 to state "Changes/addenda we be posted publicly."
- 7: Replace 4.17.100 (B) with "Evidence that all requirements can be met shall be submitted with the sealed bid."

No objections were noted to the proposed amendments, however it was agreed that questions on "Changes and Addenda" be run by an LGS to ensure that section 4.17.090 is worded adequately and correctly.

It was requested by Councilor Fairchild and Councilor (Mr.) Poelstra to carry discussion on section 4.17.090 to a future agenda for further consideration before passing the Title since there are questions that remain.

Consensus of the public attendants was taken in favor and no objections were noted.

Motion:

Councilor Fairchild moved that we accept Title 4, Ordinance 15-06CO with the noted amendments.

- *Seconded by Councilor Williams*
- **Approved by unanimous vote of the council**

Item C – First reading for "Title 2 - Administration" Ordinance No. 15-07CO:

Mayor Richter introduced the agenda item and suggested that the Council and public in attendance work through the title systematically. Councilor (Mr.) Poelstra read back the draft language of Ordinance No. 15-07CO to the Council and public in attendance

The following amendments were suggested:

- 1: Add "The Mayor shall be elected and take office..." to the second sentence of section 2.10.060.
- 2: Remove "if so desired" from section 2.10.010 (B)(1).
- 3: Add "and a Council member" to section 2.10.020 (A).
- 4: Amend section 2.10.060 to state "The Mayor shall be elected and take office immediately on the first Monday after the Certification of the Regular Election."
- 5: Add an item (B) to section 2.20.010 stating "Each city council seat shall be designated by A, B, C, D, E, F, G."
- 6: Add an item (C) to section 2.20.040 stating:
 - "(c) Council seats are designated and terms expire as follows:
 - (1) Seat A – term expires 2015, 2018, 2021, 2024, 2027, 2030, and so on...
 - (2) Seat B – term expires 2015, 2018, 2021, 2024, 2027, 2030, and so on...
 - (3) Seat C – term expires 2016, 2019, 2022, 2025, 2028, 2031, and so on...
 - (4) Seat D – term expires 2016, 2019, 2022, 2025, 2028, 2031, and so on...
 - (5) Seat E – term expires 2017, 2020, 2023, 2026, 2029, 2032, and so on...
 - (6) Seat F – term expires 2017, 2020, 2023, 2026, 2029, 2032, and so on...
 - (7) Seat G – term expires 2017, 2020, 2023, 2026, 2029, 2032, and so on..."
- 7: Add an item (D) to section 2.20.040 stating:
 - "(d) The regular term of office begins on the first Monday following the certification of election."

Section 2.30.010 regarding straw polling of the public in attendance and public involvement in Council discussion in general was discussed with the Council and public in attendance. Many concerns, questions and issues were raised with the section. Councilor (Mr.) Poelstra read back a letter from DCRA's Lynn Kenealy and the Director of DCRA Lawrence Blood regarding section 2.30.010 which conveyed their concerns and viewpoints on the intent of the section. Mayor Richter noted that the City has an attorney on retainer and that it would be best to run this section by the attorney to ensure that the language of the sub-sections do not violate existing State and Federal laws before proceeding.

Mayor Richter felt that the intent for becoming a City was to protect our rights and maintain our ability as a community to have a future. Councilor Williams noted that she only ran for office with the understanding there would close community involvement as a city in the decision making process, but also understands that the City must be compliant with the law.

Councilor Fairchild shared that she is in favor of involved public participation under this section but has concerns that it may be in violation of the Federal Voting Rights act by creating two voting class; those of the public in attendance, and those who are not. She noted that the Council is under oath to act in the best interest of the State, the City and the public at all times and the public is not, which concerns her about agreeing to implement this section.

The public in attendance offered their comments on the section. Lee Greif stated that he does not want to be ruled by a small group of council members. Charleen Bartels stated that the community has always had open meetings that are inclusive and that there is no reason that every person can't be heard in a small community like Edna Bay. Pat Richter stated that he is ok with the language of the section other than the word "Poll" instead of "Vote", but understands why the word "Poll" must be used. Pat said he wants to see the quorum changed to include members of the public and council together of no less than 8 people. Sue Crew stated it was her feeling that the public cannot be required by legislation to attend City meetings

Councilor (Mr.) Poelstra noted that he pushed for item D of this section to be added, but feels it will almost certainly need to be removed since a future council cannot lawfully be prohibited from changing the municipal code after two (2) years. He noted that he is not in favor of any changes to the quorum that could restrict the Council from effectively and expeditiously conducting necessary annual regulatory requirements.

Councilor (Mr.) Poelstra stated that he wants the public to understand that the work that was put into this section to give the voice back to the people essentially puts the council on the line for legal ramifications on any City decisions, not the public, for their votes taken at public servants who were sworn in under oath. He felt it was important for them to understand the obligations of the council to make informed decisions and to act considerately for all voters is greater than that of the public. He felt that if this section is adopted he wants the public to appreciate the sacrifice the Council will be making to enact this public process.

Consensus of the public attendants was taken in favor of sending the section to the municipal attorney for review, and no objections were noted.

Motion:

Councilor (Mr.) Poelstra moved to send section 2.30.010 and a question regarding a public/council quorum of 8 for review for compliance with the law before continuing future discussion.

- *Seconded by Councilor Williams*
- **Approved by unanimous vote of the council**

Mayor Richter suggested that if the main concern of having this section in effect is liability to Council members that the City look into insuring them to reduce the risk of incorporating this process. It was noted that until the attorney looks into the questions and returns answers there is no further discussion that can take place. A Special Meeting needs to be called when the answers come back.

Consensus of the public attendants was taken in favor of calling a Special Council Meeting when the answers are returned on section 2.30.010 from the attorney, and no objections were noted.

Motion:

Councilor Fairchild moved to hold a Special Meeting for Title 2 discussion after receiving information on the Title from the City attorney.

- *Seconded by Councilor (Mr.) Poelstra*
- **Approved by unanimous vote of the council**

Russ Bartels said he is in favor of the public process and involvement in City decisions. He is not in favor of strict Council rule. He felt Democracy in the country is no longer strong and wants to see it preserved as much as possible. He said Edna Bay has survived for so long with the community deciding on each issue that is important to everyone and wants to see that process continue.

Councilor (Mrs.) Poelstra stated that even without this section adopted, the Council and the City has been operating with the public being polled and involved from the very beginning because of the culture of the people in the community and on the Council. She felt there was no way to guarantee that the same type of process could be preserved 10 years from now, or beyond. The culture of the City is the community.

5 – Persons to be Heard:

None.

Adjournment

Mayor Richter moved that the meeting be adjourned.

Motion seconded by Councilor Fairchild

Meeting adjourned at 9:40 PM.