

**CITY OF BAYPORT  
CITY COUNCIL SPECIAL MEETING MINUTES  
COUNCIL CHAMBERS  
February 28, 2013  
4:30 P.M.**

**CALL TO ORDER**

The meeting was called to order by Mayor St. Ores.

**ROLL CALL**

Members Present: Mayor St. Ores, Councilmembers Carlson, Goldston and Hanson

Staff Present: Administrator Berg, City Attorney Pratt, Assistant City Attorney Nodes

**PRELIMINARY CONSIDERATION OF ALLEGATIONS OR CHARGES AGAINST AN INDIVIDUAL SUBJECT TO THE CITY COUNCIL'S AUTHORITY**

Following call to order, Attorney Pratt advised that the subject of the meeting, City Administrator Mitchell Berg, had requested the meeting to be open pursuant to Minnesota law. Thereinafter, Assistant Attorney Nodes presented the City Council with a summary of the investigation relating to Administrator Berg, initiated after a report was made to the City Attorney's office during the week of January 14, 2013, by City staff. Attorney Nodes reported that additional charges were raised during the investigation, and were included within the scope of investigation. Attorney Nodes provided detail on the charges, as well as detail with regard to Administrator Berg's responses to such, which were given orally to Attorney Nodes during a meeting on February 25, 2013 with Administrator Berg, his attorney, Attorney Nodes, and Attorney Pratt. Based on the findings of the investigation and the reality of Administrator Berg's anticipated departure from his employment with the City on March 2, 2013, Attorney Nodes recommended that the investigation be deemed closed, that no disciplinary action be taken against Administrator Berg, and that the City Attorney's office prepare a letter to Administrator Berg advising of such.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to close the investigation into City Administrator Berg. Motion carried 4-0. Discussion followed on whether discipline should be instituted pursuant to the findings of the investigation. It was moved by Councilmember Goldston and seconded by Councilmember Carlson to not institute any discipline against City Administrator Berg. Motion carried 3-1 with Councilmember Hanson voting nay.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to authorize the City Attorney's office to distribute correspondence to City Administrator Berg advising that the investigation was closed and that no disciplinary action would be instituted. Motion carried 4-0.

**ADJOURNMENT**

It was moved by Councilmember Goldston and seconded by Councilmember Carlson to adjourn the special meeting at 4:48 p.m. Motion carried 4-0.