

CITY OF BAYPORT
CITY COUNCIL EMERGENCY MEETING MINUTES
January 18, 2013
3:30 p.m.

CALL TO ORDER

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

ROLL CALL

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

Staff Present: City Attorney Andrew Pratt and Assistant City Attorney Jennifer Nodes

Assistant City Attorney Nodes indicated the purpose of the emergency meeting was to discuss the existence of a complaint or complaints against the City Administrator under the City's Code of Conduct and Personnel Policy, as well as to discuss threatened litigation surrounding the employment status of the City Administrator. Assistant City Attorney Nodes further added that the portion of the City Council meeting relating to threatened litigation surrounding the employment status of the City Administrator will be conducted in a closed session, pursuant to the attorney-client privilege found in Minnesota Statutes, Section 13D.05, Subdivision 3(b). It was moved by Councilmember Hanson and seconded by Councilmember Carlson to proceed into closed session pursuant to Minnesota Statutes, Section 13D.05, Subdivision 3(d). Motion carried unanimously.

[Discussion ensued on the matter pursuant to the attorney-client privilege exception to the Minnesota Open Meeting Law.]

After discussion concluded, Councilmember Carlson moved for adjournment of the closed session, which was seconded by Councilmember Hanson. Motion carried unanimously. The Council commenced discussion on the existence of a complaint or complaints against the City Administrator under the City's Code of Conduct and Personnel Policy, as well as the commencement of an investigation into the complaints by the City Attorney's office.

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to place City Administrator Berg on paid administrative leave pending an investigation into recent allegations of misconduct involving violations of the City's Code of Conduct and Personnel Policy. Motion carried unanimously. It was further moved by Councilmember Carlson and seconded by Councilmember Hanson to authorize the City Attorney to correspond with the City Administrator and his legal counsel regarding the paid administrative leave and the denial of the City Administrator's request to rescind his earlier resignation. Motion carried unanimously.

Councilmember Carlson then moved for adjournment of the emergency meeting, which was seconded by Councilmember Goldston. Motion carried unanimously.