

CITY COUNCIL MINUTES

August 11, 2009

Mayor Penton called the meeting to order at 7:30 p.m.

Pastor Walter Lawlor gave the invocation.

Those present recited the Pledge of Allegiance, led by Mayor Penton.

ROLL CALL

Mayor Donald Penton, Vice Mayor Nancy Adorno, Councilor Chris Denico, Councilor Kristi Eilertsen-excused, City Manager Cory Carrier, City Attorney Jeff Sullivan, and City Clerk Patricia Jackson. Also present were Assistant City Manager Pam Peterson, City Planner Gene Kniffin and staff member Kelly Downing.

A quorum was established, and Mayor Penton turned the meeting over to City Manager Carrier.

At this time Attorney Sullivan advised Council between the last meeting and this meeting it was brought to his attention of a possible procedural, potential organizational problem with the City Council right now. Pursuant to the City of Polk City's Charter, Article III, Section C-11(1)(D), the Charter states if a Councilperson is absent from three consecutive regular town meetings that constitutes a vacancy of the seat of that Council Member. Ms. Denico was absent from the April 14, 2009 meeting, the May 12, 2009 meeting, and the June 9, 2009 meeting so that constitutes three consecutive absences from regular city meetings. There was a prior version of the Charter in 2004 pertaining to excused absences; however, that language was removed when the Charter was amended. Attorney Sullivan advised it is his opinion based on the reading of the Charter that because Ms. Denico was absent from three consecutive regular city meetings that her seat is now vacated. He also advised if that is the case, and because Councilor Ames and Councilor Eilertsen are not present, there is not a quorum and the meeting cannot proceed. It is his recommendation to adjourn this meeting and reconvene at the regular scheduled meeting in September and at that time address filling both seats – that of Ms. Denico's Seat and Mr. Ames' Seat. He has put this in writing and will file it with the Clerk.

Mayor Penton then advised due to the rules, the Council cannot hold a meeting until September, at which time two seats will be filled. Attorney Sullivan went over the required qualifications in order to be appointed or run for Council. Mayor Penton informed the audience if there are any questions pertaining to the open seats or anything, to please come to City Hall. He then recognized County Commissioner Ed Smith.

The meeting was adjourned.

Patricia R. Jackson, City Clerk

Donald L. Penton, Mayor

