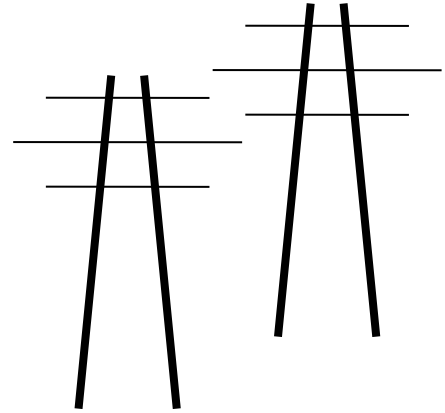


Legalelectric, Inc.

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June 9, 2023

Caroline H. Lennon
Chief Judge First Judicial District
Scott County Judicial Center
200 – 4th Avenue West
Shakopee, MN 55379

RE: **Response of Carol A. Overland to May 16, 2023 Letter**

Dear Hon. Judge Lennon:

Thank you for taking a close look at the procedures, nominations, and appointments to the Red Wing Charter Commission. On April 26, 2023, the Charter Commission voted unanimously to reappoint me to a four-year term. “As Red Wing’s Mayor,” Wilson challenges that vote.

By way of introduction, I am an attorney licensed in good standing in Minnesota. I have a 28 year history of advocacy as an attorney, and have been an advocate from age 15, when I testified in a Consent Decree hearing, contesting the Decree’s definition of “segregated” schools because thirty percent minority schools were “segregated” and all white schools were not. My practice focuses on individuals, organizations, townships, and cities faced with utility infrastructure and land-use proposals in their communities, empowering intervenors, and helping them navigate the arcane administrative and local government process. I also advocate as an individual in my own city and county, and sometimes at the legislature.

Concerning paragraph 4 of your May 16, 2023 letter, requesting:

4. Response from Carol Overland as to her campaign finance violations from the November 8, 2022 election cycle and her April 24, 2023 email to the Council.

I. **OVERLAND HAD NO CAMPAIGN FINANCE VIOLATIONS FROM NOVEMBER 8, 2022 CYCLE**

I was not a candidate in the November 8, 2022 election cycle and have no campaign finance violations from that cycle. I am, however, the person who filed a Campaign Finance Complaint against the “Recall City Hall” individuals running for Red Wing City Council as a bloc, and

entities campaigning for these candidates, in the August 2022 special election for Ward 2 and the November 8, 2022 election cycle. This included two organizations, 1) Recall City Hall c/o George Hintz and Paul Kampe, and 2) Citizens for Responsible Govt/Red Wing CRG c/o Tom Draskowski; and City Council candidates: Janie M. Farrar, Ron Goggin, Donald Kliever, Jason J. Snyder, and Ted Siefert. After a Prehearing Conference presided over by ALJ Lipman and review of the filings, the OAH panel issued the following Order, finding merit in the Complaint, that each of them had violated campaign finance law and were fined accordingly:

Based upon the record herein, and for the reasons stated in the following Memorandum, the Panel makes the following:

ORDER

1. By 4:30 p.m. on Friday, February 24, 2023, Respondent Recall City Hall committee shall pay a civil penalty of \$50 for violating Minn. Stat. § 211A.02.
2. By 4:30 p.m. on Friday, February 24, 2023, Respondent Citizens for Responsible Government committee shall pay a civil penalty of \$250 for violating Minn. Stat. §§ 211A.02, 211B.04, subd. 2.
3. By 4:30 p.m. on Friday, February 24, 2023, Respondent Farrar shall pay a civil penalty of \$50 for violating Minn. Stat. § 211A.02.
4. By 4:30 p.m. on Friday, February 24, 2023, Respondent Goggin shall pay a civil penalty of \$100 for violating Minn. Stat. §§ 211A.02, 211B.15.
5. By 4:30 p.m. on Friday, February 24, 2023, Respondent Kliever shall pay a civil penalty of \$50 for violating Minn. Stat. § 211A.02.
6. By 4:30 p.m. on Friday, February 24, 2023, Respondent Seifert shall pay a civil penalty of \$50 for violating Minn. Stat. § 211A.02.
7. By 4:30 p.m. on Friday, February 24, 2023, Respondent Snyder shall pay a civil penalty of \$50 for violating Minn. Stat. § 211A.02.

8. The penalties shall be paid by check made to the order of: "Treasurer, State of Minnesota," and remitted to the Office of Administrative Hearings. The docket number OAH 8-0325-38828, should be included on the check.

Dated: February 3, 2023

See Complaint, attached as Exhibit A, and FoF, Conclusions & Order, attached as Exhibit B.

The Campaign Finance Board's order attached to Wilson's letter was from 2003, **TWENTY YEARS AGO**. This Order of June 5, 2003, attached as Exhibit C, was based on a Complaint of April 30, 2003. That was related to a Public Utilities Commission transmission docket, the SW MN 345kV Transmission Project (Docket 01-1958).

Transmission dockets are my niche in utility regulatory law, representing intervening clients in Arrowhead, Chisago, and intervenors in four CapX 2020 lines (Fargo to Monticello; Brookings to Hampton; Hampton to La Crosse in Minnesota and Wisconsin, and La Crosse to Madison in Wisconsin), and transmission projects in New Jersey and Arkansas. I've also represented clients challenging permitting of nuclear waste, Excelsior Energy's Mesaba Project, large solar projects in Wisconsin, and numerous wind projects in Minnesota. I've also actively participated in rulemaking for distributed generation, small wind projects, Certificate of Need Ch. 7849 and Siting Ch. 7850 rulemaking, filed several rulemaking petitions in Minnesota, and comments in rulemaking dockets and rulemaking petitions in Wisconsin.

I am familiar with Minnesota lobbying law. In 2001, when the SW MN 345kV Transmission Line project began, and through the years as it worked its way through the administrative process, there were many intervening organizations and attorneys representing them. It's important to note that at that time, as a practice, most intervenors were not registering as

lobbyists. A Complaint was filed against me in April 2003. I was one of several attorneys, and the associations that we represented, who had not registered, and of them, I was the only one who was the subject of a Complaint. In prehearing filings, and at the hearing, I openly stated I was not registered, and I did register. I also offered a chart showing all the other attorneys and associations and individuals participating in that docket who had not registered. The list was ignored, and the consensus of that 2003 panel was that there were no complaints against others, and they would focus on the complaint against me.

The order of June 25, **2003** found probable cause and three succinct points – and I complied with each of them immediately:

ORDER

The Board directs Carol Overland to amend her Lobbyist Disbursement Report for Public Intervenor Network, Inc. for the period covering January 1, 2002, through June 30, 2002, to disclose the name and address of all original sources of funding, as required by Minn. Stat. 10A.04, subd. 4, (d).

The amended Lobbyist Disbursement Report must be submitted to the Board within 30 days of the date that these findings are signed by the Board Chair.

The record in this matter and all correspondence is hereby entered into the public record in accordance with Minn. Stat. §10A.02, subd. 11. Board staff shall provide copies to Mr. Reinhardt and Ms. Overland.

Since that time, **twenty years ago**, when I represent a client before the Public Utilities Commission in a Certificate of Need or Routing docket and reach the dollar threshold, I register as a lobbyist and file the required reports. Registering as a lobbyist for certain PUC proceedings is now the norm for all intervenors, but it wasn't in 2001-2003.

Again, I had no campaign finance violations from the November 8, 2022 election cycle.

II. OVERLAND'S APRIL 24, 2023 EMAIL TO CITY COUNCIL AND MAYOR REGARDING CHARTER COMMISSION APPOINTMENTS

Returning to paragraph 4 of your letter, requesting a response to my April 24, 2023 email to the City Council, that email attached to your letter is indeed my email to the Council. I stand by the statements and assertions in my email. See Affidavit, p. 1 and Exhibits A-O. These statements I made are backed up by demonstrable facts. For example, the Recall was based on a “250 word statement” regarding Open Meeting Law, but principals admitted that it was instead about Pohlman’s firing by the City Council, and the Recall was retaliation. See Exhibit D, Petition example 250 word statement:

STATEMENT OF EXPLANATION REGARDING ALLEGED MALFEASANCE OR NONFEASANCE IN OFFICE
On June 24, 2019, Council Member DEAN HOVE violated the Open Meeting Law at Minn. Stat. §13D.01, Subds. 3 and 4 by discussing impermissible topics beyond the Closed Session notice for purchase of the Bauer Built property. On July 22, 2019, Council Member HOVE again violated the Open Meeting Law at Minn. Stat. §13D.01, Subd. 4. On October 14, 2019, Council Member HOVE again violated the Open Meeting Law at Minn. Stat. §13D.01, Subd. 4. On February 8, 2021, Council Member HOVE violated Minnesota Open Meeting Law §13D.04, Subd. 5, by meeting unlawfully without proper three days' notice; further, said Council Member voted to go into closed session without first identifying the employee or the allegations against the employee, in violation of Minn. Stat. §13D.01, Subd. 3. Then on February 19, 2021, Council Member HOVE violated Minnesota Open Meeting Law §13D.05, Subd. 2(b) by voting unlawfully to deny an open City Council session for consideration of disciplinary action against Chief Roger Pohlman, thus infringing upon the rights of the public and Chief Pohlman to hear allegations against Chief Pohlman and to hear the reasoning and deliberations of the City Council, which led to his termination.

See Exhibit E, Recall was about Pohlman firing; Exhibit F, Tom Drazkowski/Citizens for

Responsible Government/Red Wing CRG flyer. As noted by ALJ Lipman in the Campaign Finance Complaint prehearing conference, it's not illegal to lie in campaign material. That is true, unfortunately, but it is an indication of a gaping ethical hole.

My April 24, 2023 email was drafted in response to the many Charter Commission applicants, and in particular, to the several Recall City Hall principals, petitioners, and/or adherents who were applicants to the Commission. The existence of the Recall bloc was evidenced by Councilor Farrar's attempt to appoint four of the Recall bloc as a unit in a single vote at the City Council meeting of April 24, 2023¹. It's noteworthy that the City Council Rules and Procedure require that if an issue has multiple parts, those parts must be discussed and voted on separately, individually, if requested. This has been a rule for some time, and this year's rules were adopted on April 10, 2023, at the meeting before the Charter Commission vote². Apparently, none of the Council members had the Rules and Procedures on hand!

This Recall bloc of Charter Commission applicants consisted of Recall principals, a failed Recall bloc City Council candidate, and Recall adherents who, following the City's firing of Police Chief Pohlman, have subjected Red Wing to a divisive and ugly period of rapid-fire vitriol, false claims, and outright lies. There'd been parroting of "Stop the Steal" on the Recall website, local social media groups, and on signs, claiming a right to a recall election with no recognition of the malfeasance threshold, incendiary statements, with veiled and direct threats to City Council members. A result of this vitriol was that one Councilor resigned and another did not seek a second term. Exhibit G, Klitzke's October 1, 2022 Letter. Mayor Wilson supported the Recall as "Democracy in Action." Exhibit H, Wilson-Recall Old-Fashioned Democracy in Action.

Our society has become inured to public lying, falsifying, and "alternative facts." This is not acceptable. I've lost my patience with the Recall City Hall bloc's principals' and adherents' repeated falsehoods. I'm frustrated by the Council's, newspaper's, and the public's failure to call out false statements. The Recall City Hall effort would have disenfranchised those who voted in 2018 and 2022 Council races. Recall misrepresented Open Meeting law and claimed a "right" to a recall election. Recently, I again challenged the Council and Mayor via email to actively call out false statements, in this case, about the Blue Water Farms project. Exhibit I, Overland May 22, 2023 email to Council and Mayor. Ethics was raised in the Red Wing Citizens Assembly in 2017, and before that, Mayor Dennis Egan's resigned in 2013 due to conflict of interest (Exec. Dir. of sand lobbying association when frac sand was on City agenda). I've been pushing for review and upgrade of the City's Code of Conduct for years. Exhibit J, Overland June 4, 2023 email, Upgrade the Code of Conduct. It's been placed on the Council's June 12, 2023 agenda!

III. MAYOR WILSON'S LETTER IS BOTH AMUSING AND DISTURBING

On April 26, 2023, the Charter Commission voted to reappoint me to another term on the Charter

¹ Online, beginning at 54:43, Farrar's Motion to appoint block at 56:29; challenge to voting as block at 56:32; Farrar's statement that she was not comfortable with proposing and that discussing individually would be "too personal" at 57:01; Rules and Procedure approved 4/10/23 raised at 57:36; dead silence beginning at 58 (not one Council member had the Rules of Order handy); City Atty explanation 1:06:40; → 1:11:30.
<https://redwingmn.portal.civicclerk.com/event/21/media>

² Online, see Agenda Item 11B, 1:02 → 1:10:12 (my comments at 1:04 → 1:06:45)
<https://redwingmn.portal.civicclerk.com/event/9/media>

Commission. I received your May 16, 2023 letter on May 25, 2023, which included Mayor Wilson's letter and attachments dated May 3, 2023.

A. Wilson's ex parte letter and attachments were not served.

I was not served with a copy of Wilson's letter to you. I did not receive a copy of Wilson's letter until the email from the City Clerk, 22 days after Wilson's letter of May 3, 2023. I regard Wilson's sending his letter directly to you as ex parte communication. However, I'm not surprised at use of ex parte communication by the Mayor, as there were multiple instances of ex parte communication by Recall proponents to the Goodhue County District Court Judge who was assigned, and who dismissed the Recall City Hall case.³

Prior to a phone call we made to the Court this morning, August 23, Respondents were only aware of one letter sent directly to the Judge, via the Judge's personal court email address, by Kent Laugen, which was made after the dismissal. Court administration advised us this morning that individuals have made multiple ex parte communications with the Court regarding this case.⁴

Exhibit K, August 23, 2021 - City Atty to Judge Biron, ex parte contact. I observed at least one post on social media asking for Recall participants to contact the Judge directly.

B. Wilson sent his letter "As Red Wing's mayor."

As to the substance of Mayor Wilson's letter, the first paragraph stands out:

As Red Wing's mayor, I am writing to express strong opposition to the reappointment of Carol Overland to our city's Charter Commission. Over the past four years, as a member of that important body, she has exhibited a degree of political partisanship, divisiveness, and undue criticism of others that is totally inconsistent with the commission's mission to carefully and cooperatively review the City Charter and help make decisions that serve our community and its people. Specifically, I refer to the three attached documents.

Mayor Wilson's opening phrase, "As Red Wing's mayor," declares this letter and the statements therein are made under "color of law." I doubt Wilson understands the implication of using that phrase, and I can't imagine that he consulted with the City Attorney before sending this letter. I also doubt that he knows about the potential civil or criminal exposure, since my business and profession is focused on robust advocacy.⁵ See Minn. Stat. §609.765.

What is the Mayor's role? The Red Wing Charter establishes that the mayor is only a titular head and head of the City for ceremonial purposes and in cases of emergency. Wilson's May 3, 2023 letter goes beyond his limited charge in our weak mayor system:

³ **UPDATE – Just WOW! Recall ex parte missives!** August 23rd, 2021: <https://legalelectric.org/weblog/22172/>

⁴ See August 23, 2021 Letter, City Attorney Amy Mace: <https://legalelectric.org/f/2021/08/Letter-to-Judge-Biron-re-ex-parte-communications.pdf>

⁵ I acknowledge that I'd likely be regarded as a "limited public figure," and he has yet to succeed in blocking my reappointment

Section 2.07 Mayor

The Mayor shall be the titular head of the City. The Mayor may address the Council on any matters of interest. The Mayor shall exercise all powers and perform all duties conferred and imposed upon the Mayor by this Charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City, and make recommendations as he/she believes to be desirable. The Mayor shall review concerns on City activities raised by citizens and make recommendations as he/she believes desirable as to any corrective action(s) necessary. The Mayor shall also report to the Council any neglect, dereliction of duty or waste on the part of any officer or department of the City. The Mayor shall consult with the administrative officer and chief law enforcement official on policy matters affecting public safety within the City.

Please note that Wilson provided no examples of “political partisanship, divisiveness, and undue criticism of others...” on my part. I can and do regularly provide by email and public comment examples of Council’s and Mayor’s actions against the public interest, the partisanship displayed in this “non-partisan” City venue, and observed divisiveness. I also relay criticisms of abdication of fiduciary responsibility, attempts to circumvent due diligence, openly stated disregard for an MOU with Prairie Island Indian Community, and actions in self-interest. Those are the themes of my emails, my public comments before the Council, and in Letters to the Editor in the newspaper. An example of the Mayor’s divisiveness is his newspaper Column of March 8, 2023 supporting the Recall, actively undermining the City Council. Exhibit L, “Red Wing mayor fields questions about police chief’s departure,” March 8, 2021; and my March 13, 2021 LTE, “An Open Letter to Mayor Mike Wilson,” (Editor changed to “Thankful for a Weak Mayor.”).

I’m a public interest advocate. I’m a frequent participant in City Council meetings and workshops, either virtually or in person, and have been since I moved to Red Wing in 2000. For decades I’ve championed increasing public participation, civic transparency, helping others learn public process and feel comfortable about weighing in. I’ve worked on upgrading rules and procedures for the City Council, at the Public Utilities Commission, and Wisconsin’s Public Service Commission, and in DOE and NRC proceedings. I was an active member of the Red Wing’s Citizen Assembly, which identified “Public Participation/Better Meetings” and “Update the Code of Conduct” as areas that need work.⁶ Updating the Code of Conduct has been a focus of my efforts in Red Wing since at least 2013 and the resignation of Mayor Egan amidst charges of conflict of interest at that time.

I am currently on the Charter Commission. In my time on the Commission have worked to tweak the Charter to raise awareness, transparency, and encouragement of public participation, as well as increasing notice provided to the public of meetings and for timely agendas and packets. Unlike Mayor Wilson, I do not view any of these activities to be partisan, divisive and critical. It is he who, under color of law, is attempting to prevent my reappointment to the Charter Commission, and to quash my freedom to communicate to Red Wing.

Below is an example of my work before the Charter Commission, the one set of changes that I’ve successfully walked through the Charter Commission. For years, I’ve advocated for some simple changes in the Charter to enshrine encouragement of public participation, increased

⁶ Red Wing Citizens Assembly Event Report: <https://www.cndp.us/wp-content/uploads/2017/09/Red-Wing-Citizens-Assembly-Event-Report.pdf>

notice, and online posting for transparency. Those changes that I proposed were:

Section 5.03 Council Meetings

On the first Tuesday after the first Monday in January following a City General Election, the Council shall hold its organizational meeting after the newly elected officers having qualified take the oath of office and assume the duties thereof. Thereafter, the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any three members of the Council may call special meetings of the Council. Notice shall be published in the legal newspaper and on the city website. The Council shall operate with the understanding that public comment is to be encouraged, and each Council meeting shall include a section for general public comment and for comment specific to agenda items at that time on the agenda.

open to the public in the manner provided by State law, full recording shall be archived on city website, and the Council shall not meet in closed or executive session unless allowed by State law.

Section 5.05 Records

The appointed clerical officer shall keep a record of the proceedings of the Council, and records shall be posted on the city's website. The votes of Council Members shall be recorded in accordance with law.

In September, 2021, the Charter Commission passed similar simple additions to the Charter, which were forwarded to the Council for their September 27, 2021 meeting, however, because Councilor Klitzke had resigned, it was not possible to pass with a vacancy. I'm hoping the Commission will take them up again and pass on to the City Council for approval.

In December, 2022, there was an effort to eliminate Webex meetings, to which I'd expressed strong objection, and let the Council know. Exhibit M December 19, 2022 Overland email with letter. Again, I'm working to retain opportunity for remote participation, and thankfully the elimination of virtual meetings did not pass.

In January, there was a similar effort to eliminate the opportunity for the public to comment virtually, which I again opposed, and thankfully the elimination of virtual comment did not pass.

Attached as Exhibit N are a number of emails I've sent to the Council and Mayor. There's nothing partisan or divisive about working to encourage, strengthen, and expand public participation. Trying to eliminate avenues of participation IS divisive.

C. Wilson refers to a statement by ALJ Lipman in prehearing conference, using it to attach the label "Communist."

"As Red Wing's mayor," Wilson refers, without citation, to a statement by ALJ Eric Lipman during the Campaign Finance Board Complaint prehearing conference⁷ that "Red Wing does not need a Commissar." He is utilizing the rhetorical trick of using the unsubstantiated words of anonymous others and a redacted email with a cut and paste, inferring that I'm a Communist! He then notes that for the Commission, the charge is "not 'controlling' public opinion, publicly judging others, or calling their motives into question." That is ironic, as what Wilson is doing is

⁷ I was a party to that prehearing conference on December 14, 2022, and don't recall a "Commissar" statement and have reviewed my notes and I don't see any reference to "Commissar." On the other hand, I cannot say it did not happen. Because I've worked with ALJ Lipman on several PUC dockets handled by OAH, and am familiar with his style of presiding, I would likely have quietly chortled.

exactly that. Wilson is inserting his unsubstantiated claims into the realm of public opinion with divisive framing, publicly judging me, calling my motives into question, and most importantly, working to curtail my rights to participate and to prevent my reappointment to the Charter Commission, with no evidence.⁸ Wilson needs to revisit the CFB panel's Order, above, finding that ALL the Respondents had violated campaign finance laws and ALL were fined. The panel's Findings of violations of campaign finance law and assessing fines for all seven of the seven Respondents would seem to indicate that Red Wing does need a Commissar.

Wilson also claims that my objections to Charter candidates is "utter disregard for those with whom she disagrees." My comments are not disagreements. Wilson seems to be projecting his tendency to disagree onto me. For example, during the Recall effort, I drafted and mailed a flyer with the City of Red Wing's position, as set out by the City Attorney, copied from the City's website and so cited. See Exhibit N, Overland's Flyer. I received a call from Mayor Wilson, angrily demanding to know who received this flyer (public information), where I got the list (public information), who paid for it (far below the reporting threshold), and finally, in what I interpreted to be an attempt to intimidate, insisting that I never mail anything to his home address.

Mayor Wilson is working to curtail my rights to participation as a resident and citizen, and in this case, he is specifically trying to prevent my reappointment to the Charter Commission.

D. Wilson's claim that my email illustrates disregard for those who disagree is spurious.

My email of April 24, 2023, sent prior to the Council votes on applicants, provided specific examples of why certain applicants should not be members of the Charter Commission. These candidates are either not qualified or should be disqualified. The email calls into question an applicant's fitness for the position and show why others applying are better candidates. Due to the statements in Wilson's letter, I'm providing a few examples.

Tom Drazkowski's application⁹ states:

Please briefly explain your interest in serving on this board or commission

I have had experience in boards as stated in my resume. Throughout the last 10 years I have looked at and evaluated the RED WING Charter, and feel that I have an understanding of the document.

Drazkowski's appointment should be denied due to the false information, statements presented as facts without evidence, and statements contrary to evidence and the words of the City Charter in a flyer he sent to an estimated 6,500 households, which would include most of the roughly 10,000 registered voters in Red Wing. See Exhibit F, Drazkowski Flyer:

⁸ I was present at the telephone pre-hearing conference, and I've reviewed my notes and don't recall this comment, though it's possible ALJ Lipman said it, and if so, having worked with him over the years, I wouldn't interpret it the way Wilson has. Let's see the transcript, because this is not in my notes.

⁹ Online, April 24, 2023 Agenda packet, p. 44 of 103 <file:///C:/Users/overl/Downloads/20230426%20-%20Charter%20Commission%20Special%20Meeting%20-%20Packet.pdf>

The city-wide recall 18 months ago was successful and certified by our city clerk. The current council was able to avoid a special election by directing the city attorney to threaten both the recall attorney and the recall petitioners with the full legal costs of the city if the lawsuit was lost. This council blatantly refused to follow the by-laws of the City Charter regarding recalls. For a city to threaten its own citizens for exercising their rights is both pathetic and unacceptable.

First, the recall was NOT successful. The Petitioners did not meet the threshold of malfeasance or non-feasance, the Petitions were denied, and a recall election was not scheduled. Second, the City Attorney contacted the Recall attorney and advised him that she planned to bring a motion for sanctions because the case was frivolous. Recall did not meet the threshold standard for a recall election, and when the Petitions were denied, they filed a lawsuit. Recall’s attorney withdrew and the judge dismissed the case.¹⁰ Third, “This Council blatantly refused to follow the by-laws of the City Charter regarding recalls.” This sidesteps the malfeasance/non-feasance standard and is contrary case law and the language of the Charter. This is evidence that Draskowski misinterprets the Charter and should not be appointed to the Charter Commission.

Similarly, Jason Snyder’s statements in his application are in line with statements made at the League of Women Voters City Council Candidate Forum¹¹, expressing his misunderstanding and/or misrepresentation of the Charter language. He said:

It doesn’t matter why the people wanted a recall election, they wanted a recall election. The City Council did not listen to its citizens. If they want a recall election, the only decision the Red Wing City Council gets to make is when we are going to have the election. It doesn’t matter if you want a recall because you don’t like the fact that I wear a hat, if you ask for one, I’m going to set a date.¹²

There is no “right” to a recall election. The Council’s vote to deny the Petitions and not grant a recall election was rightly based on the Petitions’ failure to meet the threshold of malfeasance or non-feasance. Snyder’s Charter Commission application stated:

Please briefly explain your interest in serving on this board or commission

I want to ensure that the City Charter aligns with our State and Federal Constitutions and that the people have all the power to govern themselves and choose or remove their elected officials as they see fit.

Question applies to multiple boards

What skills and talents will you bring to this board or commission?

I am a creative, outside-of-the-box thinker that can troubleshoot complex situations. I take time to consider all input and have the ability to look at both sides of an issue independently of my own bias. I can envision the big picture and enjoy putting all the pieces together to make something work. I have the ability to read and apply the Constitution as written; the City Charter cannot take away the rights protected by the State and Federal Constitutions. I also have the ability to determine the future consequences if a charter is written poorly.

¹⁰ See Goodhue County District Court file 25-CV-21-1564.

¹¹ League of Women Voters City Council Candidate forum – recall statement at 1:14:47.

<https://youtu.be/R3AfCuC8jQA>

¹² Id.

Snyder has demonstrated he does not have the ability to “apply the Constitution as written” and infers that the City Charter has taken away rights protected by the State and Federal Constitutions, which is not true.

In addition, a recent example published online by Charter Commission applicant Ann Vogel shows disregard for Prairie Island Indian Community and our City’s focused efforts to improve relations with PIIC:



Ms. Vogel “fails to see” at a time when the City of Red Wing is very publicly and intentionally working to strengthen our City’s relationship with Prairie Island Indian Community, and in particular through a joint effort highlighting He Mni Can (“the bluff”).¹³ Relationship building activities such as info kiosks, facility installation and repair, meetings, educational presentations, workshops, gatherings, and volunteer activities are occurring regularly, announced in the City newsletter, social meetings, and the newspaper. This is a welcome shift in our City’s recognition that we are on native land, and recognition of PIIC as a sovereign nation within our community. Improvement of our relationship with PIIC is the policy of the City and should be respected, not disregarded or undermined. From the City’s site about He Mni Can:

The Bluff That's Bridging Two Communities

The issue of painting on He Mni Can [Heh-Meh-NEE-Cha]-Barn Bluff is more than a simple graffiti issue. Today the bluff is becoming a place of healing and connection between the Red Wing community and Prairie Island Indian Community (PIIC), and that is the main reason this issue is significant.

People from all walks of life feel a strong connection to the bluff, and each person has his or her own story, memory, or feeling about this place. But in 2016, as the City worked on the plan for the bluff’s future, we learned—and finally began to understand—how sacred the bluff is to the Bdewakantunwan Dakota people of the Prairie Island Indian Community. This is a crucial fact that must not be ignored any longer.

My April 24th email opened with a simple charge:

I hope you’ll take a look at each and every Charter Commission application and critique it as if it were a homework assignment.

From what I saw at the April 24, 2023 Council meeting, that review did not happen and there was no discussion of candidates during the meeting. A critique of applications is particularly

¹³ <http://www.red-wing.org/822/Prairie-Island-Indian-Community-and-City>

important to evaluate when candidates claim to understand the charter and the Constitution, yet state the opposite, i.e., that there is a right to a recall election, or misrepresent open meeting law.

My April 24, 2023 email does not show “utter disregard for those with whom she disagrees.” My comments in that email are supported by the primary documents, their applications, and public statements of those who have applied.

E. WILSON FAILS TO NOTE THAT THE ORDER REGARDING OVERLAND AND PUBLIC INTERVENORS NETWORK IS TWENTY YEARS OLD.

Finally, Wilson raises the 2003 Campaign Finance Board Order, regarding me and Public Intervenors Network. As above, I complied with the Order. Perhaps he did not note the date was 2003, twenty years ago.

IV. CONCLUSION: WILSON’S LETTER OF OBJECTION IS ABUSE OF PROCESS

The Charter Commission voted unanimously on April 26, 2023 to reappoint me for another term. Mayor Wilson submitted his ex parte letter on May 3, 2023, after the Charter Commission’s vote, in an attempt to block my appointment, to mischaracterize my work, and to generally defame me in my profession. Use of an ex parte letter sent after the Charter Commission voted to reappoint me is perverting the appointment process. Wilson’s act undermines the appointment process and the Commission’s vote.

For the reasons above, I ask that you confirm the Charter Commission’s vote and reappoint me to the Charter Commission. I also request that Tom Drazkowski, Ann Vogel, and Jason Snyder be disqualified and not appointed to the Charter Commission, and that Mayor Wilson be sanctioned as appropriate for his overreach “as Red Wing’s Mayor.”

V. CONSIDER THE RECOMMENDATION OF REV. DR. RICHARD EICK

Although I’ve never met Rev. Dr. Richard Eick, his concerns are similar to mine regarding the Council’s process and Charter Commission candidate qualification. I support his request that Tom Drazkowski and Jason Snyder not be appointed to the Charter Commission.

Thank you for your consideration in this matter.

Very truly yours,



Carol A. Overland
Attorney at Law

Enclosures: Affidavit of Overland
Exhibits A-O

STATE OF MINNESOTA
COUNTY OF SCOTT

DISTRICT COURT
FIRST JUDICIAL DISTRICT

CASE TYPE: Civil Other

Court File Number: 25-C5-02-6083

AFFIDAVIT OF OVERLAND

STATE OF MINNESOTA)
) ss.
COUNTY OF GOODHUE)

I, Carol A. Overland, after duly affirming, state and depose as follows:

1. I am an attorney licensed in good standing in the state of Minnesota, License Number 254617.
2. Charter Commission appointments are divided between the City Council and the Charter Commission.
3. Four years ago, I was appointed to the Red Wing Charter Commission by the Charter Commission.
4. On April 26, 2023, the Charter Commission voted unanimously to reappoint me to a second term, and forwarded that appointment to the District Court.
5. One week later, on May 3rd, 2023, Mayor Mike Wilson sent a letter regarding my appointment to the Charter Commission, opposing my reappointment.
6. The letter was sent to “Carrie Lennon, Chief Judge, c/o Vanessa Jeske, Goodhue County Court Administrator,” and it is stamped “Received, May 11, 2023.” I was not served with a copy of this letter.
7. In her letter of May 16, 2023, Judge Lennon requested:

Response from Carol Overland as to her campaign finance violations from the November 8, 2022 election cycle and her April 24, 2023 email to the Council.

8. To clarify the record, I was not a candidate in any election in 2022, and had no campaign finance violations from the November 8, 2022 election cycle.
9. I was the author of the April 24, 2023 1:38:21 PM CDT, using the City's email to the Council and Mayor, with the subject "Charter Commission Appointments by City Council" at the Council meeting that evening.
10. Council Rules and Procedures suggests contacting the City Administrator and emailing prior to 3 p.m. on the day of the Council meeting. I routinely email the Council and Mayor, and I copy the Council Administrator, Kay Kuhlman after learning that she was not privy to those emails sent to the Council and Mayor email. I do try to send my missives at least a few days prior to the meeting to allow for some rumination, but I had other commitments on April 24, 2023, and was not able to get it out days ahead as usual.
11. I stand behind the points raised in my email of April 24, 2023, and have provided additional documentation in Exhibits A-O attached. If there are questions and/or additional documentation is desired, I will be happy to provide whatever responsive resources I have or can find.
12. Attached as Exhibit A is a true and correct copy of the Complaint I filed on November 11, 2022, as an individual and not in the course of representing any party. This Complaint was against "Recall City Hall" individuals running for Red Wing City Council as a bloc, and entities campaigning for these candidates. This included two organizations, Recall City Hall c/o George Hintz and Paul Kampe, and Citizens for Responsible Govt/Red Wing CRG c/o Tom Drazkowski; and City Council candidates: Janie M. Farrar, Ron Goggin, Donald Kliewer, Jason J. Snyder, and Ted Siefert. The Complaint consisted of allegations of campaign law by each of the parties. The ultimate order found each of them had violated campaign law and each of them were fined.
13. Attached as Exhibit B is a true and correct copy of the Campaign Finance Board OAH Order, which, again, found each of them had violated campaign law and each of them were fined.
14. Attached as Exhibit C is a true and correct copy of the Campaign Finance and Public Disclosure Board Findings and Order regarding Carol Overland and Public Intervenors Network, Inc. I complied with each of the Order points.
15. Attached as Exhibit D is a true and correct copy of a "Certification of Recall Committee" page from submitted "Recall City Hall" petition, with the "250 word statement" that served as the basis for the Recall effort. Each of the six City Council members subject to the Recall effort were named and their Ward identified in the Petitions circulated in their Ward. All of the "Certification of Recall Committee" pages had identical "250 word statements" except for the name of the Council member they were seeking to recall, in this Exhibit,

Laurel Stinson, Councilor at Large. The claimed violations of Open Meeting Law did not occur, and for this reason, the City Attorney recommended the Petitions denied, and the Council did in fact deny the Petitions and no election was scheduled.

16. Attached as Exhibit E is a true and correct link to the December 13, 2021 Council meeting where Ernie Stone, a principal of Recall City Hall, stated that **“Recall City Hall came because of the firing of Chief Pohlman.”** (beginning at roughly 1:00:30); and a link to the Recall City Hall webpage via the Wayback Machine (the Recall City Hall page has been scrubbed) with Recall’s explanation of the origin of the Recall effort, focused on the firing of Chief Pohlman. Due to the need for a legal justification for the Recall, the “250 word statement” was concocted claiming violations of Open Meeting Law, with the underlying truth, that the Recall was retribution for Pohlman’s firing. The Recall website stated clearly that “[t]here are elected and appointed officials here in Red Wing who need to be fired for the good of the community.” The atmosphere in Red Wing at this time was extremely toxic, and since, has been less so, but has not returned to a normal give and take, and considered compromise required for functional government, similar to our national political atmosphere.
17. Attached as Exhibit F is a true and correct copy of a flyer mailed October 28, 2022, days before the election by Complaint Respondent Draskowski/Red Wing CRG, and the Campaign Financial Report filed November 10, 2022. The flyer, per Draskowski, was mailed on October 28, 2022 to 6,500 households in Red Wing at a cost of \$4,620.83, paid for solely by Thomas Draskowski. The flyer contains much false information and outright lies. The tenor of this flyer is typical of the public comments at Council meetings, Letters to the Editor, quotations in newspaper articles, Mayoral columns, and on the local radio station.
18. The flyer is replete with hyperbole, and for example, the first paragraph is false and misleading, as are other statements highlighted in the pdf (not all inclusive):

The city-wide recall 18 months ago was successful and certified by our city clerk. The current council was able to avoid a special election by directing the city attorney to threaten both the recall attorney and the recall petitioners with the full legal costs of the city if the lawsuit was lost. This council blatantly refused to follow the by-laws of the City Charter regarding recalls. For a city to threaten its own citizens for exercising their rights is both pathetic and unacceptable.

The recall was NOT successful, and there was no election. Although they met the number requirement of signatures of 20% of registered voters, the Petitioners did not meet the threshold of malfeasance or non-feasance, and therefore, a recall election was not scheduled. This was explained repeatedly as Recall principals railed at City Council meetings, and ultimately sued the City for failure to set an election. See Goodhue County District Court file 25-CV-21-1564. After the Petitions were denied by the Council and the Recall City Hall lawsuit was served, the City Attorney appropriately contacted the Recall attorney and advised him that she planned to bring a motion for sanctions because they did not meet the threshold standard, and he then withdrew and the judge dismissed the case. Third, “This council blatantly refused to follow the by-laws of the City Charter regarding

recalls.” This is contrary to the black letter language of the Charter, and is evidence that Drazkowski misinterprets the Charter and should not sit on the Charter Commission.

FULL DISCLOSURE: I represented “Red Wing VOTERS” and filed a Motion to Intervene, but the suit was withdrawn prior to a hearing on the Motion.

19. Attached as Exhibit G is a true and correct copy of “Irreplaceable guidance,” a Letter to the Editor by Andrew Klitzke, former Councilor for Ward 2 who resigned in disgust at the harassment and abusive behavior of the Recall/”Christian” right wing bloc. He did not let the public know of this behavior, and as one of his Ward 2 constituents, I was dismayed to read of his experience. Had I know, had we, his constituents known, he would have found support. Attached also in Exhibit G is my Letter to the Editor, “Focused on stability, progress,” stating my frustration with the ugly tenor of city politics, which I now again see reflected in Mayor Wilson’s letter of May 3, 2023. I had this to say:

Klitzke’s “Irreplaceable guidance” letter was disturbing. Why weren’t “hateful, profanity-based messages,” played at council meetings? Rather than go public, garnering constituent support, Klitzke was silent and resigned, leaving Ward 2 unrepresented.

Those spewing hate and lies must be exposed and held accountable.

At the League of Women Voters Senate and House forum, and “non-partisan” School Board and council forums, we heard candidates rehash exaggerations, false claims and disinformation. There was little direct challenge of false and misleading statements.

Divisive framing, projection, lies, inflammatory wedges, objections to pandemic emergency actions, claims of election fraud and promotion of the recall effort are unacceptable. The recall rationale of open meeting violations was spurious, and public declarations confirm it was based on Pohlman’s firing.

20. Attached as Exhibit H is a true and correct copy of Mayor Wilson’s column of May 11, 2021, claiming “Recall petition is old-fashioned democracy in action,” supporting the recall. In this letter, he demonstrates an imperfect interpretation of the City Charter and claiming a right to a recall election:

In the end, government reports to the people – not the other way around. If the people decide to recall the City Council, that’s their right.

21. Attached as Exhibit I is a true and correct copy of a recent email that I sent to the City Council, May 22, 2023, after hearing repeated “misstatements” about a potential development site that the site had been vacant for 17 years which is not true (Osami leased the building starting in 2007 and was later evicted) and that Cannon Falls had made a “firm offer” on the proposal (so jump quickly or lose it) and the Cannon Falls Development Director said that was not true, that Blue Water had failed to provide necessary information.

22. Attached as Exhibit J is a true and correct copy of a recent email I sent to the City Council,

dated June 4, 2023, entitled “Strengthen Red Wing’s Code of Conduct. I have been visibly promoting a change to the City’s Code of Conduct since 2017, and brought it up again because of the behavior of some Council members, appointees, and the Mayor, with the bottom line that “[t]he City Council needs education on fiduciary responsibility, protection of city resources, and public versus private interest. Following this email is a Letter to the Editor, Strengthen the city Code of Conduct, written by my partner Alan Muller and I back in 2017.

23. Attached as Exhibit K is a true and correct copy of a letter written by City Attorney Amy Mace regarding ex parte contact by multiple Recall City Hall principals direct to Judge Biron after withdrawal of Recall’s attorney and dismissal of the lawsuit by Judge Biron. See Goodhue County District Court file 25-CV-21-1564.
24. Attached as Exhibit L is a true and correct copy of Mayor Wilson’s column dated March 8, 2021, “Red Wing Mayor Fields Questions About Police Chief’s Departure,” drawing into question the firing of Chief Pohlman, using the words of others to fan the flames and undermine the Council. City personnel issues are dealt with in closed session.
25. Attached as Exhibit M is a true and correct copy of my responsive Letter to the Editor to the Mayor’s column above, submitted as “An open letter to Red Wing Mayor Mike Wilson” and changed by the Republican Eagle Editor to “Thankful for Weak Mayor.” His March 8, 2021 column is similar in style to his May 3, 2023 letter to Judge Lennon, inciting a loud and angry segment of our City and I felt a need to clarify issues and draw parallels:

Letter: An open letter to Red Wing Mayor Mike Wilson

Do recall, I sent three emails to the City address, distributed to you and the Council. The bottom line was “I thank you for doing your jobs, difficult as it can be.” In those emails, I questioned the public letters, petition, and comments regarding Roger Pohlman that implied knowledge of confidential matters, twisting public perception. Because it’s a confidential process, insinuations and innuendoes couldn’t be refuted. Rep. Haley’s interference in city issues, seeking to prevent termination, also alluding to inside information, was as improper as the interference play on the national front seeking to overturn Georgia’s election.

In Red Wing, I hear cries of “witch hunt,” and “we have only begun to fight” and ugly statements about council members — irresponsible speech in light of our political climate (“credible threat” lockdown of Goodhue County building for refugee resettlement vote last year; Sen. Mike Goggin joining Rep. Steve Drazkowski and others, asking Texas A.G. to add Minnesota to lawsuit and disenfranchise Minnesota voters; Jan. 6 D.C. failed insurrection.).

There’s talk of a recall effort of six council members. These words and actions will not change the Pohlman decision. Your column (RE, March 6, 2021) hearkens back to a recent failure to accept election results, and uses the rhetorical gambit of using words of others, words conveying little understanding of the process, i.e., process is confidential, Pohlman was represented by counsel, that it was a lengthy process with iterative opportunities for change. Not one of the supporters’ comments you quoted substantively challenged the examples cited in the council’s Feb. 19 letter, nor do you make any substantive challenges of your own.

“Remember, if it’s important to you, it’s important to me.”

The flurry of inflammatory charges during confidential proceedings prior to his termination was important enough, concerning enough, that I wrote three missives. And now? It’s important to me that decisions of the council be acknowledged, and not undermined. A 6-1 vote is not a close call. That is an “overwhelming majority.”

Red Wing has a weak mayor system, with the position being that of a bully pulpit. Using your position for a column of this fomenting tenor is divisive and increases rancor in our community.

In short, based on the information stated in the 2/19 letter, what’s been reported in the papers including your words, and a viewing of the short 2/19 council meeting, I support the City Council in its 6-1 decision to terminate Pohlman.

26. Attached as Exhibit M is a true and correct copy of a cover email and an extensive letter dated December 19, 2022, laying out the work I’ve done, the multi-year history of the changes I’ve proposed, for Council Rules and Procedures, formalized annually, to increase opportunities for public participation, require more notice to the public of meetings including earlier distribution of Council agendas and packets, and posting of City information on the City’s website.
27. Attached as Exhibit N is a true and correct copy of representative emails that I’ve sent to the Council, included in my response to demonstrate the “degree of political partisanship, divisiveness, and undue criticism of others; “controlling public opinion, publicly judging others, or calling their motives into question,” my “utter disregard for those with whom [I] disagree.” The transcript of the February 27, 2023 City Council Meeting is a good example of my, and others, efforts to preserve participation. A surprise Resolution for City Rules and Procedures was unveiled, a Resolution drafted by the “Recall 4” in a private without notice, that cut participation through comment in virtual meetings, to essentially undo progress made in City transparency and accountability. When called on the private meeting where this Resolution was developed, there was pushback, but ultimately admitted that it was a private meeting with no notice, and the proposed Resolution was tabled:

Kliwer: I take offense of the fact that people in the public are under the impression there was a secret meeting, there was an agenda meeting which is an open meeting and to the public, you could have been there if you wanted to, you know when it is, anybody could have been there on this council. This document, we’d received the changes, recommended changes, referred to legal counsel for review, we came back to the agenda meeting, and we went through it line by line and made whatever agreed or disagreed with the, the, with what our legal counsel thought. So there’s nothing secretive about it, and it’s open for discussion. Talk about it.

Brown: I have never, ever, seen an agenda item that went through line by line review of the resolution, I’ve never seen that. Never seen that.

Kuhlman: I just want to clarify, it was the Agenda team, but it wasn’t as part of the agenda meeting, we did that in a separate meeting.

Kliwer: Yes. OK.

Norton: So it was a separate, not a publicly noticed meeting...then..

Kuhlman: Correct.

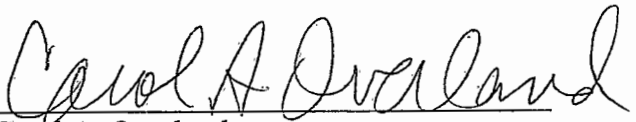
Kliwer: I stand corrected.

Norton: We couldn't all attend because it's not a publicly noticed meeting.

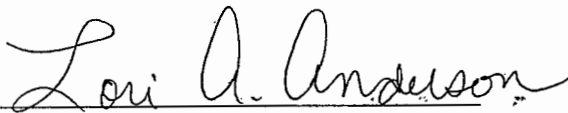
28. Attached as Exhibit N is a true and correct copy of the flyer I put together just before the Council denial of the Recall Petitions for a Special Election. It was cut and pasted from the City's website, with added contact information for the Council members and the Mayor, and included an explanation of the Recall process (content attributed at top of first page and bottom of reverse side), with my name as the source of the pages. It was after I mailed this flyer that I had my first encounter with Mayor Wilson, who angrily demanded to know who was sent this flyer, where I got the list, who paid for it, and finally, in what I interpreted to be an attempt to intimidate, insisted that I never mail anything to his home address. Considering that this is publication of the City Attorney's opinion and contact info for our Red Wing electeds, I don't understand the offense.

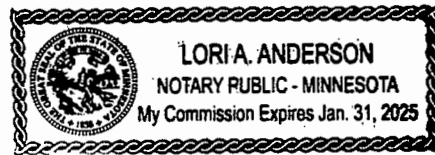
Further your affiant sayeth naught.

June 8, 2023


Carol A. Overland

Signed and sworn to before me this
8th day of June, 2023.


Notary Public



STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO Box 64620
St. Paul, MN 55164-0620

**COMPLAINT FORM
for Violations of the
FAIR CAMPAIGN PRACTICES ACT
and
CAMPAIGN FINANCE ACT**

Information about complaint filer (Complainant)

Name: Carol A. Overland, Attorney at Law, MN Lic. No. 254617
Address: 1110 West Avenue (612) 227-8638
City, State, Zip: Red Wing, MN 55066 overland@legalelectric.org

Information about the person/entity you are complaining about (Respondent)

- Recall City Hall and
c/o George Hintz c/o Paul Kampe
128 Johnson Ave. 149 Spring Creek
Red Wing, MN 55066 Red Wing, MN 55066
(651) 210-9667 (651) 388-7884
recallcityhall@gmail.com (no email provided or known)
- Citizens for Responsible Govt
P.O. Box 519
Red Wing, MN 55066 (no phone or email provided or known)

Candidates for Red Wing City Council:

- Janie M. Farrar
c/o Josephine M. Schendel
434 W. 4th St., #503 (651) 388-6841
Red Wing, MN 55066 djschendel@q.com
- Ron Goggin
c/o Paul Kampe
149 Spring Creek Rd. (651) 388-7884
Red Wing, MN 55066 (no email provided or known)
- Donald Kliewer
1851 Woodland Drive (651) 380-8377
Red Wing, MN 55066 ddkliewer@gmail.com

- Ted Seifert
521 – 17th Street (651) 442-3205
Red Wing, MN 55066 teds@hiawathamedical.com
- Jason J. Snyder
P.O. Box 153 (651) 376-5021
Red Wing, MN 55066 snyderforredwingcc@gmail.com

Provide the specific statute in Minnesota Statutes Chapter 211A (Campaign Finance Act) or Chapter 211B (Fair Campaign Practices Act) that you allege has been violated:

- Minn. Stat. §211A.02 Financial Report
- Minn. Stat. §211A.05 Failure to File Statement
- Minn. Stat. §211A.06 Failure to Keep Account
- Minn. Stat. §211A.09 Forfeiture of Nomination or Office
- Minn. Stat. §211B.04 Campaign Material Must Include Disclaimer
- Minn. Stat. §211B.06 False Political and Campaign Material
- Minn. Stat. §211B.17 Forfeiture of Nomination or Office

Dates of violations:

Campaign Finance Reports for dates of filing, attached:

- Minn. Stat. §211A.02 Financial Report
- Minn. Stat. §211A.05 Failure to File Statement
- Minn. Stat. §211A.06 Failure to Keep Account

Flyer dated 10/31/22, attached:

- Minn. Stat. §211B.06 False Political and Campaign Material
- Minn. Stat. §211B.04 Campaign Material Must Include Disclaimer

Nature of Complaint: Please see attached.

Violations of Minn. Stat. §211A.06 Failure to Keep Account

Recall City Hall, based on filings of 11/30/2021 (\$5,569.96 missing) and 8/10/2022, where an additional \$23.67 missing, totaling \$5,593.63 is missing. Numbers presented on the reports do not add up (blue pen and highlighting added by Complainant).

Date of Election: Didn't meet threshold, no election scheduled.

Violations of Minn. Stat. §211B.06 False Political and Campaign Material and Minn. Stat. §211B.04 Campaign Material Must Include Disclaimer

Flyer dated 10/31/22 with material false statements, plus defamatory twisted inferences and opinions, that writer knew or should have known are false.

Date of Election: November 8, 2022

Violations of Minn. Stat. §211A.06 Failure to Keep Account

See attached Candidate Campaign Financial Report filings (blue pen and highlighting added by Complainant)

Janie M. Farrar – 7/20/2022; 7/29/2022; 10/25/2022
Date of Election: November 8, 2022 (won seat on Council)

Ron Goggin – 7/18/22; 10/29/22
Date of Election: November 8, 2022 (won seat on Council)

Donald Kliewer – 7/15/2022; 7/29/2022; 8/12/2022
Date of Election: August 9, 2022 (won seat on Council)

Ted Seifert – 7/29/2022; 10/29/2022
Date of Election: November 8, 2022 (lost election)

Jason Snyder – 10/4/2022; 10/31/2022
Date of Election: November 8, 2022 (lost election)

Elected office or Ballot Question: (All City of Red Wing focused)

Recall City Hall – Recall Petitions for 6 of 7 City Council members

Citizens for Responsible Govt – City Council Election November 8, 2022

Janie M. Farrar; Ron Goggin; Donald Kliewer; Ted Seifert; Jason Snyder
All running for seat on Red Wing City Council

Nature of Complaint: Please see attached letter and exhibits.

Oath

I, Carol A. Overland, under penalty of perjury, swear or affirm that the statements I have made in this complaint are true and correct to the best of my knowledge.



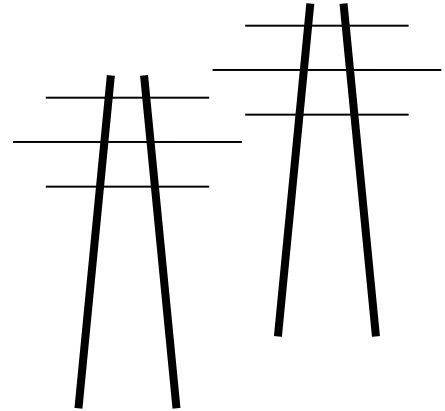
November 11, 2022

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Red Wing, Minnesota 55066
612.227.8638



November 11, 2022

Campaign Finance & Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

RE: Recall City Hall; Citizens for Responsible Government/Govt; Janie M. Farrar;
Ron Goggin; Don Kliewer; Ted Seifert; and Jason Snyder
Complaint - Violation of the Campaign Finance and Fair Campaign Practices Acts

To the Campaign Finance and Public Disclosure Board:

Attached please find executed Complaint for Violation of the Campaign Finance and Fair Campaign Practices Acts, filing fee, and “attachment” below with the specifics of the Complaint.

This Complaint is regarding coordinated acts, statutory violations including failure to file, reporting errors, and missing and unaccounted for funds of a group of individuals, acting as the Committee to Recall City Hall and Citizens for Responsible Government/Govt (unregistered); and candidates running for City Council as a block: Janie M. Farrar, Ron Goggin, Ted Seifert, and Jason Snyder; and Don Kliewer, elected to City Council in August 9, 2022 Special Election.

The specific statutes at issue are: Minn. Stat. §211A.02; Minn. Stat. §211A.05; Minn. Stat. §211A.06; Minn. Stat. §211A.09 and Minn. Stat. §211B.04; Minn. Stat. §211B.06; and Minn. Stat. §211B.17. The most serious violations are of Minn. Stat. §211A.06 regarding the \$5,593.63 missing from the Recall City Hall reports, and Minn. Stat. §211B.06 regarding the multiple false statements in the “Citizens for Responsible Govt” flyer dated October 31, 2022.

I. RECALL CITY HALL

Recall City Hall has failed to account for a significant sum, \$5,593.63 as of its August 10, 2022 Report, \$5,569.96 as of the prior report in November 30 2021. Other specific reporting errors in the Committee’s Reports are itemized below. As noted below, principals of Recall City Hall have filed for Red Wing City Council, and are reporting expenses exceeding, and at times grossly exceeding, amounts taken in, and the missing Recall City Hall funds may have been diverted to these candidates or “Citizens for Responsible Government.” Minn. Stat. §211A.06 Failure to Keep Account. Because the “Recall City Hall” principals have run and now been

elected to City Office, specifically Ron Goggin and Janie Farrar, Minn. Stat. §211A.09 and Minn. Stat. §211B.17 FORFEITURE OF NOMINATION OR OFFICE may be applicable.

Recall City Hall, a ballot question committee as defined by Minn. Stat. §10A.01, Subd. 7c, seeking a recall election for 6 of 7 Red Wing City Council members, filed Campaign Financial Reports dated 3-10-21 to cover 2-25-21 to 3-10-21 and Amended report for that same period dated 3-29-21; 5-31-21 for period 3-10-21 to 5-31-21 and Amended report for that same period dated 11-30-21; 11-31-21 for period dated 6/1/21 to 11-30-21; and 8/10/22 for period from 12-1-21 to 8-10-22. The Campaign Financial Reports as filed, with my blue pen comments and highlighting are attached. Reports as filed are available online: https://www.red-wing.org/1062/_2021 Recall Petitions are also online.¹

3-10-21 for period 2-25-21 to 3-10-21

Report does not list “Disbursements” listed in itemization and claims “NONE.”

Report lists large amounts of “Anonymous” donations

(Report lists Theodore (Ted) Seifert Ron Goggin, Council candidates as donors.)

3-28-21 Amended Report for period 2-25-21 to 3-10-21

Report does not list “Disbursements” listed in itemization and claims “NONE.”

Report lists in-kind donation from “Ask Shelley,” Ask Shelly Virtual Assistant, LLC, was terminated 4/3/2019 via Statement of Termination

5-31-2021 Report for period 3-10-21 to 5-31-21

Report shows \$9,160.00 cash taken in, prior report shows \$3,620.00 cash on hand, totaling \$13,780.00, less \$7,384.11 equals \$5,395.89 cash on hand, BUT report states cash on hand as \$1,775.89 (this was corrected in Amended filing below).

Report lists Janie Farrar, current Council candidate as donor, both cash and in-kind.

11-30-21 Amended Report for period 3-10-21 to 5-31-21

Report corrects missing \$3,620 from cash on hand reported on 5-31-21.

Report lists 3/20/21 expenditure of \$200 as “Resource” and IDs this as payment to Kent Laugen, whose law license is “involuntarily restricted by court order.”

Report totals \$9,858, an additional \$698 that is not listed on original (\$9,160)

11-30-21 Report for period 6/1/21 – 11/30/21 – Certified by Paul Kampe (see Goggin Reports).

Report of 5-31-21 states \$5,684.89 cash on hand, \$470.42 cash in, and \$38 disbursed (after accounting for disbursements and refunds of \$327.28 and \$350)

\$5,684.89	5-31-21 Cash on hand
+ 470.42	11-30-21 Report Cash in
\$6,155.31	
- 38.00	11-30-21 Reported Disbursement
\$6,117.31	
- 547.35	11-30-21 Claimed Cash on Hand
\$5,569.96	MISSING – UNACCOUNTED FOR

¹ Recall Petitions: <https://legalelectric.org/weblog/21731/>

^{2nd} Hove Recall Petitions: <https://legalelectric.org/weblog/21936/>

8-10-22 Report for period 12-1-21 to 8-10-22 – Certified by Paul Kampe (see Goggin Reports). Report shows disbursement to New River Assembly, where Recall City Hall meetings were held, and this disbursement may or may not be violation of Minn. Stat §211B.08 Solicitations of Contributions Prohibited; see also Minn. Stat §211B.12, Legal Expenditures.

Report shows disbursement on 7-19-22 of \$300 for “Chamber of Commerce Parade Spot“ for Red Wing’s River City Days. Upon information and belief, there was no “Recall City Hall” unit in the parade. The Recall City Hall effort ended with the City’s denial of Petitions for recall election in May and June 2021, over one year prior.²

Report claims \$218.17 cash taken in and 8-10 22 cash on hand claimed “0”

547.18 11-30-21 claimed cash on hand
+218.17 8-10-22 Report of cash in
765.52
- 741.85 8-10-22 Disbursements
23.67 Not “0” as reported “Cash on hand”

\$5,569.96 Missing as of 11-30-21 Report
+ 23.67 Short in 8-11-22 Report
\$5,593.63 Missing, unaccounted for by Recall City Hall

II. CITIZENS FOR RESPONSIBLE GOVERNMENT

Citizens for Responsible Government is an unregistered entity, and is either a “Political Committee” as defined by Minn. Stat. §10A.01, Subd. 27, or an “Independent Expenditure Political Committee” as defined by Minn. Stat. §10A.01, Subd. 18a, and which has failed to register with Campaign Finance Board and has failed to file Campaign Financial Reports. Minn. Stat. 211A.05. Citizens for Responsible Government has also failed to keep account of income (unknown) and outgo for expenses such as parade expense and mailing of thousands of flyers.

- Minn. Stat. §211A.02 Financial Report
- Minn. Stat. §211A.05 Failure to File Statement
- Minn. Stat. §211A.06; Failure to Keep Account
- Minn. Stat. §211B.04 Campaign Material Must Include Disclaimer.
- Minn. Stat. §211A.09 and Minn. Stat. §211B.17 FORFEITURE OF NOMINATION OR OFFICE may be applicable because the bloc candidates coordinated with Citizens for Responsible Government and three have now been elected to City Office, specifically Don Kliewer, Ron Goggin and Janie Farrar,

Citizens for Responsible Government participated in the August 2022 River City Days parade,

² City denied petitions for recall election on May 24, 2021 and June 14, 2021. A District court action was filed, not by “Recall City Hall,” but by individuals involved in the Recall, which was withdrawn and dismissed in August 2021.

likely using the line-up spot paid for by Recall City Hall (reported in 8-10-22 Report), and upon information and belief, using a truck pulling a cargo trailer owned by Council candidate Jason Snyder with “Citizens for Responsible Government” lettering on the trailer, covered by candidate signs and surrounded by those candidates. None of these candidates reported paying a parade entry fee.



Ted Seifert and trailer



Ted Seifert, Ron Goggin, Don Kliever & trailer

Citizens for Responsible Government mailed at least one flyer to many homes in Red Wing. See attached “The time for removal of the current council has finally arrived!” Removal of the Council was the aim of “Recall City Hall,” and those running for City Council seats are ones who donated, via cash or in-kind, to Recall City Hall; walked recall petitions around town; participated at demonstrations at City Hall; and were the public face of the Recall effort documented in media articles and social .³ See also new articles.⁴

Minn. Stat. §211B.06, Subd. 1a. FALSE POLITICAL AND CAMPAIGN MATERIAL.

The flyer sent by “Citizens for Responsible Government” used language, topic headings, and language from the “Recall City Hall” website⁵. The flyer contained inflammatory hyperbole and opinions, but more importantly, it contained many false statements, in violation of Minn. Stat. §211B.06, Subd. 1a. See **Flyer**, attached following Recall City Hall CFB Reports. Examples:

- “The city-wide recall 18 months ago was successful and certified by our city clerk.” The Recall Petitions were certified by City Clerk and signatures were gathered, but Petitions were not successful – on advice of City Attorney that Petitions did not meet malfeasance and/or misfeasance threshold, Council denied Petitions and did not schedule election.
- “The current council was able to avoid a special election by directing the city attorney to

³ See Recall City Hall Campaign Finance Reports, attached. See also Petitions and Affidavits, available online at <https://legalelectric.org/weblog/21731/> and <https://legalelectric.org/weblog/21936/>. Roughly 2,011 signatures were collected out of roughly 10,469 registered Red Wing voters.

⁴ Attached articles posted on Recall City Hall website, available through Wayback Machine: <https://web.archive.org/web/20210622033535/https://www.recallcityhall.us/media-center>

⁵ <https://web.archive.org/web/20210622033535/https://www.recallcityhall.us>

threaten both the recall attorney and the recall petitioners with the full legal costs of the city if the lawsuit was lost.” The Recall lawsuit was withdrawn and dismissed after notification that a Rule 11 challenge would be filed.

- “This council blatantly refused to follow the by-laws of the City Charter regarding recalls.” The Charter “by-laws” do not address recall. Recall is provided for in the City Charter, Sections 6.12 – 6.17.
- “An overwhelming majority of Red Wing did not want police chief Roger Pohlman fired.” Just over 2,000, or 20%, of the registered voters signed petitions for recall, which is far less than “overwhelming,” and there is no factual basis for a statement regarding whether a majority of voters did not want Pohlman fired.
- “They ruined his career...” Pohlman was fired on February 19, 2021, and was offered job as Lakefield Police Chief on March 1, 2021, less than two weeks later. See 3-3 and 3-10-21 Lakefield articles attached.
- “After spending nearly \$8,000... City staff then buried this report and refused to share it with the public because it did not support their narrative.”
 - The report referred to was from 2018, and was not the cause of Pohlman’s firing three years later. The report is discussed in a disingenuous 3-11-2021 opinion piece, “Telling the full story means knowing the whole story,” attached. That the report is confidential, and Todd claims to have a copy, provided by an unnamed individual.⁶
 - The report was not “buried.” Personnel matters are confidential by law, and it is up to the person who is the subject of the matter to disclose or not disclose. Roger Pohlman is the only one who can disclose, and this information is not legally available through a Data Practices Act request.
- “... this council has spent millions of dollars on acquiring real estate projects best left to private sector developers. “[m]illions of dollars” is unsubstantiated and false. The Council President reports⁷ under \$1 million in City property purchases:

Fiscal Responsibility

The letter claims this council has spent millions of dollars on acquiring real estate projects. More false statements.

To the best of my knowledge, since in office there have been three significant real estate purchases by the city, and one by the Port.

1- purchase of property at the Riverview Skyway landing as part of the long term Upper Harbor redevelopment plan. This purchase was approximately \$100,000

2-purchase of the Bauer Built property for around \$450,000. This had a few purposes: to support local businesses by providing ample parking in West End during reconstruction and to help attract a developer that would add to the retail, dining, entertainment district of this district, further stimulating the economy.

3-purchase a segment of CP Rail property for \$90,000. This project and the funds had been set aside for that purchase for years before I was even on council. This has been a project in the works since 2005. While it is an expensive project, it will not be completed without state or federal funds. But owning the property is the necessary step in applying for those funds.

4-The Port Authority approved the purchase of a small piece of property near the Maltery building for about \$100,000. This was to ensure that it would be ready to sell to anyone who would want to develop the Maltery building or that corner into a project.

⁶ See “Telling the full story means knowing the whole story,” 3-11-2021 Rochester Post Bulletin (attached).

⁷ Online at: <https://www.nortonforredwing.org/becky-s-vision> scroll down for [Letter filled with false and misleading information.](#)

- “... suggested removing the chief would be a good start in healing the community.” This is false.
- “The city of Red Wing received a total of about \$3,9 million in COVID Cares ACT money. Prior to distributing any to the private sector who it was intended for, the City siphoned nearly 40% (\$1.2 million) for City Administration needs.” Use by the City was an intended purpose. Id.

During 202 the Port authorized between \$900,000 - \$1,000,000 to small businesses to assist them and their employees during 2020. The City also collaborated with other organizations to purchase and provide for personal protection equipment to help keep businesses, employees, and residents safe.

The letter specifically cites the use of those funds as hazard pay, which was an eligible use of the funds, so I'll focus on that. Here again, they're misleading the reader by making false statements that only brush against the truth.

All City employees adjusted their work schedules and personal lives to ensure city services were maintained: garbage, water, streets, parks, library services, public safety, and all the city functions were all maintained during this time.

Union employees received a 4% lump sum for their work during Covid in 2020.

Non-union employees also received hazard pay compensation - the amount they received was adjusted based on the class/type of work they do. Jobs in grades A-B are more hourly employees and often have more interaction with the public or each other, they received a prorated 4% lump sum. Grade C are middle level management and received 3% of their salary in lump sum.

Employees in grades D-F such as department heads and administrators received only 2%.

8

The flyer closed stating:

Written & produced by Citizens for Responsible Govt. P.O. Box 519, Red Wing, MN 55066 without any candidate involvement or endorsement.

This disclaimer is not the language required by statute, and does not specify whether or not it is an “independent expenditure.” Minn. Stat. §211B.04 Campaign Material Must Include Disclaimer.

The photos, new articles, parade activities and flyer shows that these efforts were coordinated, not independent. Minn. Stat. §10A.01, Subd. 18. “Recall City Hall,” “Citizens for Responsible Government” and current City Council candidates are a close knit group, running as a bloc, a group that has been working in concert, coordinating, for over a year, through the Recall City Hall, the City Council Special Election, and the City Council November 8, 2022 election.

III. CANDIDATES FOR CITY COUNCIL

Candidates Janie M. Farrar, Ron Goggin, Ted Seifert, Jason Snyder and Don Kliewer are local candidates as defined by Minn. Stat. §10A.01, Subd. 10d, candidates for Red Wing City Council who ran as a bloc in 2022. Janie M. Farrar and Ron Goggin were elected on November 8, 2022, and Don Kliewer was elected in a special election on August 9, 2022. Ted Seifert and Jason Snyder lost their respective contests.⁹

⁸ As above, <https://www.nortonforredwing.org/becky-s-vision> (scroll down for [Letter filled with false and misleading information](#)).

⁹ See parade photos, above; “Committee outlines work needed to recall Red Wing City Council members,” 3-17-2022 Rochester Post Bulletin; see also “Red Wing Community News” endorsements, attached and online at: <https://www.facebook.com/profile.php?id=100064405103484> Red Wing Community News is a fb page developed by Shelley Pohlman, former Police Chief Roger Pohlman’s wife, and began as “Red Wing Citizens Assembly,”

All of the Reports filed by these candidates have deficiencies and errors, some simple addition, some material omissions. Minn. Stat. §211A.06 Failure to Keep Account. Although the amounts in question are not as high as the \$5,593.63 missing funds in the Recall City Hall reports, some are substantial, and Minn. Stat. §211A.09 and Minn. Stat. §211B.17 FORFEITURE OF NOMINATION OR OFFICE may be applicable.

A. Janie Farrar – Elected to Red Wing City Council November 8, 2022

Janie Farrar is a local candidate as defined by Minn. Stat. §10A.01, Subd. 10d, and filed Campaign Financial Reports, attached. Reports certified by Josephine M. Schendel. Minn. Stat. §211A.06 Failure to Keep Account.

- Farrar did not report paying a Council filing fee;
- Farrar did not report paying a parade fee to the Chamber of Commerce for the Red Wing River City Days parade;
- Report of 10-28-22 shows self in-kind contributions of \$6,752.55, but in-kind listed as \$6,935.65 with no explanation of different in-kind numbers.
- The numbers reported on her Reports of 7-20-2022, 7-29-2022, and 10-29-2022 do not add up.
- Farrar was principal of the Recall City Hall committee, active in soliciting signatures and presenting as public face of the effort.¹⁰

B. Ron Goggin – Elected to Red Wing City Council November 8, 2022

Ron Goggin is a local candidate as defined by Minn. Stat. §10A.01, Subd. 10d, and filed Campaign Financial Reports, attached. Goggin's reports were certified by Paul Kampe, who also certified the Recall City Hall reports. Minn. Stat. §211A.06 Failure to Keep Account.

Ron Goggin did not report paying a Council filing fee or parade fee to the Chamber of Commerce for the Red Wing River City Days parade, and marched in the parade and had his campaign signs displayed on the Citizens for Responsible Government trailer.

- 7-18-22 Goggin Reports a prohibited corporate contribution from Demorett Enterprises Inc in the amount of \$100. Minn. Stat §211B.15 Corporate Political Contributions.
- 7-18-22 Report shows “N/A” for addresses for 7 contributions.
- 10-29-22 Report does not list employers for the Guerbers.
- 10-29-22 The numbers on this report are significantly off.

Ron Goggin was a principal of Recall City Hall as one of the 5 Petitioners for Recall City Hall

using the name of a Hamline citizen advocacy project, then “Red Wing Citizens Assemble” and then “Red Wing Community News. After the Pohlman moved to Lakefield, Paul Kampe became the moderator.

¹⁰ See video of Farrar in “Committee outlines work needed to recall Red Wing City Council members,” March 17, 2021 Rochester Post Bulletin (online at <https://www.postbulletin.com/news/local/committee-outlines-work-needed-to-recall-red-wing-city-council-members>).

Petitions (see below) who also took Petitions door to door soliciting signatures¹¹, and coordinated with Citizens for Responsible Government – that’s Ron Goggin in the white shirt (see above photos) an identified in linked articles:

consist of registered voters from the ward or wards in which the Council Member is elected.

Recall Committee	FIRST, MIDDLE, LAST NAME	RESIDENCE ADDRESS	DATE OF BIRTH
1	RONALD JOSEPH GOGGIN	4243 HICKORY ST. RED WING, MN 55066	08/15/1961
2	GEORGE CARL HINTZ	George Carl Hintz 128 JOHNSON AVE. RED WING, MN 55066	08/15/45
3	PAUL BERNARD KAMPE	Paul Kampe 149 Spring Creek Rd S Red Wing MN 55066	04/01/76
4	THOMAS JAMES WILDER	THOMAS JAMES WILDER 526 MINNESOTA ST. RED WING, MN 55066	01/20/59
5	JAMES PATRICK STROTT	James Patrick Strott 1178 College Ave Red Wing 55066	10/14/1943

AFFIDAVIT OF PETITION CIRCULATOR

I, the undersigned, hereby certify that the signatures on the page(s) attached hereto are authentic.
 I also certify that each signature page had, at the time of signing, a true and correct copy of the certificate required by Red Wing City Charter Section 6.12 attached thereto.
 I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Date: 5-6-2021
 Signature: [Signature]
 Printed Name: RONALD J. GOGGIN
 Address: 4243 HICKORY ST
 City/State/Zip: RED WING, MN 55066
 Telephone: 651-301-9579

Sworn and subscribed before me this
10th day of May, 2021.

Rachel Renee Aslanson
 Notary Public



C. Don Klierer – Elected to City Council August 9, 2022

Don Klierer, elected to Red Wing City Council, in a 2022 Special Election, was a candidate as defined by Minn. Stat. §10A.01, Subd. 10d. Don Klierer ran for the vacant Ward 2 City Council seat and was elected in the August 9, 2022 Special Election. He filed three Campaign Financial Reports, certified by Klierer.

- Klierer’s 7-15-22 Report shows \$900 in cash raised, \$232 of in-kind contributions, totaling \$1,132, claims expenditures of \$806.60, but states an ending balance of \$900 cash-on-hand. The numbers do not add up, and there is no explanation of the roughly \$320 difference.
- 7-29-22 Report for time period of 7-15-22 to 7-29-22 reports \$876.60 cash contributions, but page 2 shows \$2,008.60.

¹¹ See id., and “Red Wing Recall movement hits the street for signatures,” Rochester Post Bulletin April 19, 2021 (online at <https://www.postbulletin.com/news/red-wing-recall-movement-hits-the-streets-for-signatures>).

¹² This Petition and Affidavit available on Legalectric: https://legalelectric.org/f/2021/07/scan_mlaidlaw_2021-07-06-10-59-20.pdf; all of the 2nd group of “Recall Dean Hove” Petitions and Affidavits available at this link: <https://legalelectric.org/weblog/21936/>

- 7-29-22 page to shows four of the contributions should have been included on the 7-15-22 Report, totaling \$1,738.60, and that report has not been amended.
- 7-29-22 Report shows 7-12-22 in-kind donation of \$232 which is also listed on page 1 of the 7-15-22 Report.
- 7-29-22 Report page 2 should only include the 7-17-22 contribution of \$200 and arguably the undated \$20 and \$50 cash donations, totaling \$270.
- 7-29-22 Report shows cash contributions received as \$876.60, which apparently represents the 7-8-22 loan of \$806.60 plus the cash donations of \$20 and \$50 that total \$876.60.
- 7-29-22 Report claims \$185 cash-on-hand, which, subtracted from the \$876.60 collected, is \$691.60, yet disbursements for this same period are \$1,012.
- 7-29-22 Report shows total disbursements of \$1,823.60, which is the total of the 7-15-22 and 7-29-22 reports, not the \$1,012 disbursements in the 7-29-22 report time period.
- 7-29-22 Report, based on dates of attachment, disbursements should be corrected.
- 8-12-22 Report shows no cash or in-kind contributions. From the \$185 (erroneously) reported on the 7-29-22 report, with no revenue and \$243.83 expenses on 8-1-22, the balance would be -\$58.83.
- 8-12-22 Report states cash-on-hand is \$106.17, with no explanation.
- Reports of 7-29 and 8-12-22 show contributions of \$2,008.60 and disbursements of \$2,067.43, with apparent balance of \$58.83.

Don Kliewer did not report paying a Council filing fee or parade fee to the Chamber of Commerce for the Red Wing River City Days parade and marched in the parade and had his campaign signs displayed on the Citizens for Responsible Government trailer, and the numbers in his Report do not add up. The Campaign Financial Reports have not been amended. Minn. Stat. §211A.06 Failure to Keep Account.

In the photo, as above, Kliewer with the Citizens for Responsible Government trailer and Ted Seifert and Ron Goggin:



D. Ted Seifert – lost contest for Ward 4 City Council

Ted Seifert is a local candidate as defined by Minn. Stat. §10A.01, Subd. 10d, and filed Campaign Financial Reports, attached. Reports certified by Seifert.

Ted Seifert was a principal of Recall City Hall as one of the 5 Petitioners for Recall City Hall Petitions who also took Petitions door to door soliciting signatures:

AFFIDAVIT OF PETITION CIRCULATOR

I, the undersigned, hereby certify that the signatures on the page(s) attached hereto are authentic.

I also certify that each signature page had, at the time of signing, a true and correct copy of the certificate required by Red Wing City Charter Section 6.12 attached thereto.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

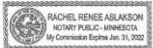
5-6-2021
Date

Theodore G Seifert
Signature

Printed Name: Theodore G Seifert
Address: 533 9th St
City/State/Zip: Red Wing, MN 55068
Telephone: 651442 3205

Sworn and subscribed before me this
04th day of MAY, 2021.

Roxanne Ojala
Notary Public



13

Seifert's Campaign Financial Reports are deficient, spending more than was taken in, with no explanation.

- 7-29-22 Report states report covers 5-31-22 to 6-29-22, which appears a simple error.
- 7-29-22 Report shows no income.
- 7-29-22 Report shows \$126 in expenses but no indication of how paid.
- 7-29-22 report total is -\$126.00.
- 10-29-22 Report shows \$100 cash contribution, with \$655.86 in expenses, and no indication how expenses were paid.
- 10-29-22 numbers total -\$555.86
- 7-29-22 and 10-29-22 reports total deficiency of \$681.86

Ted Seifert did not report paying a parade fee to the Chamber of Commerce for the Red Wing River City Days parade, and the numbers on his Reports do not add up. The Campaign Financial Reports have not been amended. Minn. Stat. §211A.06 Failure to Keep Account. Ted Seifert coordinated with Citizens for Responsible Government and marched in the parade and had his campaign signs displayed on the Citizens for Responsible Government trailer. See photos above.

E. Jason Snyder – Lost contest for Ward 3 Council

Jason Snyder is a local candidate as defined by Minn. Stat. §10A.01, Subd. 10d, and filed Campaign Financial Reports, attached. Reports certified by Snyder.

¹³ Online at: https://legalelectric.org/f/2021/07/scan_mlaidlaw_2021-07-06-10-57-26-reduced-size.pdf

Those Reports have multiple issues:

- 10-4-22 Report states \$150 cash and \$60 in-kind contribution, an \$1,478.71 in Disbursements, a deficit of \$1,337.71 if considering only cash contributions, or if including in-kind contributions, \$1,277.71.
- 10-4-22 Report gives no indication how those disbursements were paid.
- 10-4-22 Report does not show a disbursement matching or totaling the \$60 in-kind donation.
- 10-4-22 Report does not show a disbursement for the City Council filing fee.
- 10-31-22 Report shows \$100 cash and \$143.81 in-kind contributions.
- 10-31-22 Report shows \$1,091.63 in expenses leaving a \$991.63 deficit, or including the \$143.91 in-kind, though no matching disbursement, a \$847.82 deficit.
- 10-31-22 Report does not show a disbursement matching the \$60 in-kind contribution.
- Reports, when subtracting expenses from cash contributions, show a \$2,329.34 deficit, or including in-kind contributions (though no matching disbursements) a \$2,125.53 deficit.

Jason Snyder did not report paying a Council filing fee or a parade fee to the Chamber of Commerce for the Red Wing River City Days parade. Upon information and belief, Jason Snyder is the owner of the truck and trailer used in the Red Wing River City Days and which was labeled “Citizens for Responsible Government” and was covered with signs of the candidates who are the subject of this report. He reports significant expenses paid, over \$1,000 in each report, yet reports only taking in \$150 and \$100. These reports, filed 10-4-22 and 10-31-22, have not been amended. Minn. Stat. §211A.06 Failure to Keep Account.

As above, this Complaint is regarding coordinated acts, statutory violations including failure to file, reporting errors, and missing and unaccounted for funds of a group of individuals, acting as:

- Committee to Recall City Hall;
- Citizens for Responsible Government/Govt (unregistered); and
- Candidates running for City Council as a bloc:
 - Janie M. Fararr, elected to Red Wing City Council At-Large on November 8, 2022;
 - Ron Goggin, elected to Red Wing City Council Wards 1 & 2 on November 8, 2022;
 - Don Kliever, elected to City Council in August 9, 2022 Special Election.
 - Ted Seifert and Jason Snyder, who both lost in the November 8, 2022 election.

The specific statutes at issue, as set forth above, are:

- Minn. Stat. §211A.02 Financial Report
- Minn. Stat. §211A.05 Failure to File Statement
- Minn. Stat. §211A.06 Failure to Keep Account
- Minn. Stat. §211A.09 Forfeiture of Nomination or Office

- Minn. Stat. §211B.04 Campaign Material Must Include Disclaimer
- Minn. Stat. §211B.06 False Political and Campaign Material
- Minn. Stat. §211B.17 Forfeiture of Nomination or Office

The most serious violations are the \$5,593.63 missing from the Recall City Hall reports, and the multiple false statements in the “Citizens for Responsible Govt” flyer dated October 31, 2022 and that entity’s failure to register as a Committee.

I, Carol A. Overland, under penalty of perjury, affirm that that the statements in the above Complaint and assertions and claims herein are to my knowledge, information, and belief true and correct.

Dated: November 11, 2022



Carol A. Overland
Attorney at Law
Minn. License #254617
Legalelectric/Overland Law Office
1110 West Avenue
Red Wing, MN 55066

(612) 227-8638
overland@legalelectric.org

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Committee to Recall City Hall

Office sought or ballot question Recall Council Members District Red Wing

Type of report _____ Candidate report
 _____ Campaign committee report
 _____ Association or corporation report
 _____ Final report
 Period of time covered by report:
 from 2-25-21 to 3-10-21

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 3620.00 TOTAL CASH-ON-HAND \$ 3620.00
 IN-KIND + \$ 61.00
 TOTAL AMOUNT RECEIVED = \$ 3681.00

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
	<u>None</u>	
TOTAL		

see other side

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. George Hintz 3-10-21
 Signature Date
 Printed Name George Hintz Telephone 651-210-9667 Email (if available) *
 Address 128 Johnson Ave Red Wing MN 55066
*recallcityhall@gmail.com

Report Office Name For Office Use Only:

Current Council Candidates

Date	Check	Cash	In Kind	Name	Address	
2/25/2021	\$ 100.00			Theodore G Seifert	533 9th St	Hiawatha Medical
	\$ 100.00			Ronald & Catherine Goggin	4263 Hickory St	Excel Energy
	\$ 100.00			Julie Wright	1516 Willow Dr	Homemaker
	\$ 100.00			William & Sandra Hasselblad	5560 Mt Carmel Rd	Retired
	\$ 250.00			Thomas Drazkowski	901 Central Ave	Stone Machinery Co
	\$ 100.00			Ernest Stone	647 21st St	Gemini Inc.
	\$ 50.00					
		\$ 320.00		Anaonymous		
			\$ 46.00	* George Hintz	128 Johnson Ave	Retired
3/2/2021	\$ 100.00			Doris Wenzel	209 Debra Ave	Homemaker
	\$ 50.00					
	\$ 50.00					
	\$ 100.00			Jomarie Schendel	434 W 4th St	Retired
3/4/2021		\$ 200.00		Anonymous		
	\$ 50.00					
	\$ 200.00			David Erickson	2533 Eagle Ridge Dr	102 Retired
	\$ 50.00					
	\$ 25.00					
	\$ 200.00			Joan Norgaard & Ann Smereczniak	409 Harding St	Rerired
	\$ 100.00			Mary Ann Peterson	2533 Eagle Ridge Dr	111 Retired
	\$ 100.00			Wayne & Katherine Voth	1329 Central Ave	Retired
	\$ 100.00			Harris & Nancy Waller	2808 Pine Ridge Blvd	Retired
	\$ 100.00			Barbara Betcher	1619 Reichert Ave	Retired
3/7/2021		\$ 1,000.00		Anonymous		
			\$ 15.00	** Shelley Pohlman	2606 Frances Ave	Homemaker
3/8/2021	\$ 50.00					
	\$ 25.00					

Expense not listed

Expense not listed

* USPS Post Office Box Rental
 ** Domain name registration

Totals \$ 2,100.00 \$ 1,520.00 \$ 61.00

Amended
CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Comm. He to Recall City Hall
Office sought or ballot question Recall Council Members District Red Wing

Type of report _____ Candidate report
_____ Campaign committee report
_____ Association or corporation report
_____ Final report
Period of time covered by report:
from 2-25-21 to 3-10-21

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 3620.00 TOTAL CASH-ON-HAND \$ 3620.00
IN-KIND + \$ 61.00
TOTAL AMOUNT RECEIVED = \$ 3681.00

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
	NONE	
	TOTAL	

see other side

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
		TOTAL	

I certify that this is a full and true statement. George Hutz 3-29-21
Signature Date

Printed Name George Hutz Telephone 651-210-9667 Email (if available) *

Address 128 Johnsons Ave Red Wing MN 55066

* recallcityhall@gmail.com

Report

Office

Name

For Office Use Only:

Committee to Recall City Hall

Amended Campaign Finance Report for 2/25/21 to 3/10/21

Contributions that exceed \$100.00

*see itemized
listing of
original
report*

\$250.00 Thomas Drazkowski 901 Central Ave., Red Wing, MN. 55066
Self Employed, Stone Machine Company

\$200.00 David Erickson, 2533 Eagle Ridge Dr., Red Wing MN. 55066
Retired

Cash Donations

\$1,520.00 Cash donations were reported incorrectly as anonymous on report dated March 10, 2021. These funds were in fact unitemized contributions collected on different days as an aggregate. No Individual contributions exceed the contribution limits.

In Kind Donations

\$46.00* George Hintz 128 Johnson Ave., Red Wing, MN 55066
Retired

\$15.00** Ask Shelley 2606 Frances Ave., Red Wing, MN 55066
Homemaker

- * USPS Box Rental
- ** Domain name registration

*Disbursements
Expenses not
listed
in-kind
13-*

RECEIVED
6-1-2021
T3

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Committee to Recall City Hall

Office sought or ballot question Recall Council Members District Red Wing

Type of report
 Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
from 3-10-21 to 5-31-21

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 9,160.00 TOTAL CASH-ON-HAND \$ 1,775.89
IN-KIND + \$ 358.50
TOTAL AMOUNT RECEIVED = \$ 9,518.50

Handwritten calculations:
3,620.30
+ 9,160
13,780.30
- 7,384.11
\$ 6,396.19

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
	<u>See Attachment</u>	
TOTAL		<u>7,384.11</u>

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. George Hintz 5-31-21

Signature

Date

Printed Name George Hintz Telephone 651-210-9667 Email (if available) _____

Address 128 Johnson Ave Red Wing, MN 55066

Report

Office

Name

For Office Use Only:

Reccall City Hall Expenditures

Date	Purpose	Amount
3/16/2021	Lawn Signs	\$ 1,233.30
3/16/2021	Brochures	\$ 299.73
3/20/2021	Resource	\$200.00
3/24/2021	Legal Counsel	\$3,000.00
4/6/2021	Petitions	\$ 84.84
4/15/2021	Lawn Signs	\$ 1,233.47
4/16/2021	Paper/Pens/Rubber Bands	\$ 38.90
	Jumbo Salider Bags	\$ 18.25
	BinderClips/Nane b/ Rubber B	\$ 22.26
4/19/2021	Printing	\$ 32.64
4/22/2021	Business Cards/ Door Hangers	\$ 479.00
4/27/2021	Door Hangers	\$ 381.72
5/27/2021	Postage	\$ 360.00
		\$ 7,384.11

Kent Lanyon - Law license suspended

Committee to Recall City Hall
 Campaign Finance Report for 3/11/21 to 5/31/21
 Contributions that exceed \$100.00

*account
 council
 candidate*

Amount						
\$ 250.00	Charles Eidem	49685 Cty 55 Blvd	Pine Island	MN 55963	Retired	
\$ 250.00	William & Janie Farrar	2663 Ridge View Court	Red Wing	MN 55066	Physican/Homemaker	
\$ 150.00	Teresa Gadiant	1623 Siewart St	Red Wing	MN 55066	Self Employed	
\$ 200.00	Karen (Kiki) Gheen	318 Bush St	Red Wing	MN 55066	Retired	
\$ 130.00	William & Sandy Hasselblad	5560 Mt Carmel Rd	Welch	MN 55089	Retired	
\$ 200.00	George Hintz	128 Johnson Ave	Red Wing	MN 55066	Retired	
\$ 150.00	Richard & Laura Johnson	2533 Eagle Ridge Dr	Red Wing	MN 55066	Retired	
\$ 200.00	Sandy Lacourciere	1622 Hill View Ct	Red Wing	MN 55066	Retired	
\$ 500.00	Merle Larson	6815 Skunk Hollow Trl	Cannon Falls	MN 55009	Retired	
\$ 500.00	Gregory Roe	4794 Mt. Hood Lane	Red Wing	MN 55066	Insurance/Financial	
\$ 350.00	George & Patrica Schammel	1917 Grand View Ave	Red Wing	MN 55066	Retired	
\$ 250.00	George Snyder	2466 Sunny Meadow Ln	Red Wing	MN 55066	Retired	
\$ 200.00	Vicki Weckerling	1203 Peaceful Ridge Rd	Red Wing	MN 55066	Retired	
\$ 125.00	Denny & Donna Yecke	2533 Eagle Ridge Blvd	Red Wing	MN 55066	Retired	
\$ 3,455.00						

Cash contributions of \$2,916.00 were collected on different days as an aggregate.

In-kind Donations

\$ 90.00	Paul Kampe	149 Spring Creek Rd	State Filing Fee
\$ 20.00	George Hintz	128 Johnson Ave	Boxes u-line
\$ 18.50	Tom Drazkowski	901 Central Ave	labels
\$ 90.00	Ernie Stone	647 21st St	Sign
\$ 40.00	Janie Farrar	2663 Ridge View Ct	Name tags
\$ 100.00	Janie Farrar	2663 Ridge View Ct	Vests
\$ 358.50			

*current
Council
candidate*



CAMPAIGN FINANCIAL REPORT

AMENDED

(All of the information in this report is public information)

Name of candidate, committee or corporation RECALL CITY HALL
 Office sought or ballot question _____ District _____

Type of report _____ Candidate report
 _____ Campaign committee report
 _____ Association or corporation report
 _____ Final report

Period of time covered by report
 from 3/10/21 to 5/31/21

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 9858.00 TOTAL CASH-ON-HAND \$ 5684.89
 IN-KIND + \$ 358.50
 TOTAL AMOUNT RECEIVED = \$ 10,216.50

Handwritten calculations:
 3,620 3/10
 + 9,858
 13,478.00
 - 7,793.11
 5,684.89

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
	Attached	
	TOTAL	\$ <u>7793.11</u>

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
			TOTAL

I certify that this is a full and true statement. _____ Paul Kampe 11/30/21
 Signature Date

Printed Name PAUL KAMPE Telephone 651 388 7804 Email (if available) _____

Address 149 Spring Creek, Red Wing MN

Report

Office

Name

For Office Use Only

Recall City Hall Expenditures

Date	Business	Purpose	Amount
3/16/2021	Anchor Promotions	Lawn Signs	\$ 1,233 30
3/16/2021	Aleggra	Brochures	\$ 299.73
3/20/2021	Kent Laugen	Resource	\$200 00 <i>law license suspended</i>
3/24/2021	Greg Joseph	Legal Counsel	\$3,000.00
4/6/2021	Aleggra	Petitions	\$ 84 84
4/15/2021	Anchor Promotions	Lawn Signs	\$ 1,233 47
4/16/2021	Target	Paper/Pens/Rubber Bands	\$ 38 90
	Dollar Tree	Jumbo Salider Bags	\$ 18 25
	Wallmart	BinderClips/Nane b/ Rubber Ba	\$ 22 26
4/19/2021	Allegra	Printing	\$ 32 64
4/22/2021	Allegra	Business Cards/ Door Hangers	\$ 479 00
4/27/2021	Allegra	Door Hangers	\$ 381 72
5/17/2021	Xero	Accounting Platform	\$ 5.00
5/27/2021	USPS	Postage	\$ 360 00
5/31/2021	O'Rourke Media	RE web advertising	\$ 404 00
			\$ 7,793 11

Committee to Recall City Hall
 Campaign Finance Report for 3/11/21 to 5/31/21
 Contributions that exceed \$100.00

Amount						
\$ 250 00	Charles Eidem	49685 Cty 55 Blvd	Pine Island	MN 55963	Retired	
\$ 250 00	William & Janie Farrar	2663 Ridge View Court	Red Wing	MN 55066	Physican/Homemaker	
\$ 150 00	Teresa Gadiant	1623 Siewart St	Red Wing	MN 55066	Self Employed	
\$ 200 00	Karen (Kiki) Gheen	318 Bush St	Red Wing	MN 55066	Retired	
\$ 130 00	William & Sandy Hasselblad	5560 Mt Carmel Rd	Welch	MN 55089	Retired	
\$ 200 00	George Hintz	128 Johnson Ave	Red Wing	MN 55066	Retired	
\$ 150 00	Richard & Laura Johnson	2533 Eagle Ridge Dr	Red Wing	MN 55066	Retired	
\$ 200 00	Sandy Lacourciere	1622 Hill View Ct	Red Wing	MN 55066	Retired	
\$ 500 00	Merle Larson	6815 Skunk Hollow Trl	Cannon Falls	MN 55009	Retired	
\$ 500 00	Gregory Roe	4794 Mt. Hood Lane	Red Wing	MN 55066	Insurance/Financial	
\$ 350 00	George & Patrica Schammel	1917 Grand View Ave	Red Wing	MN 55066	Retired	
\$ 250 00	George Snyder	2466 Sunny Meadow Ln	Red Wing	MN 55066	Retired	
\$ 200 00	Vicki Weckerling	1203 Peaceful Ridge Rd	Red Wing	MN 55066	Retired	
\$ 125 00	Denny & Donna Yecke	2533 Eagle Ridge Blvd	Red Wing	MN 55066	Retired	

\$ 3,455 00	Contributions greater than \$100 00 per individual
\$ 2,644 00	Contributions less than \$100 00 per individual
\$ 3,759.00	Cash contributions were collected on different days as an aggregate
\$ 9,858 00	Total
\$ 358 50	In-Kind Donations
\$ 10,216 50	Total Amount Recieved

All not on original report

In-kind listed

\$698 not listed on original - "9,160" not 9858

listed on original

*Current
Council
Candidate*

\$ 90.00 Paul Kampe
\$ 20.00 George Hintz
\$ 18.50 Tom Draskowski
\$ 90.00 Ernie Stone
\$ 40.00 Janie Farrar
\$ 100.00 Janie Farrar
\$ 358.50

In-kind Donations

149 Spring Creek Rd
128 Johnson Ave
901 Central Ave
647 21st St
2663 Ridge View Ct
2663 Ridge View Ct

State Filing Fee
Boxes u-line
labels
Sign
Name tags
Vests

RECEIVED
12/2/2021
TBM

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation RECALL CITY HALL

Office sought or ballot question _____ District _____

Type of report _____ Candidate report
 _____ Campaign committee report
 _____ Association or corporation report
 _____ Final report

Period of time covered by report.
 from 6/1/21 to 11/30/21

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 470.42 TOTAL CASH-ON-HAND \$ 547.35
 IN-KIND + \$ 0
 TOTAL AMOUNT RECEIVED = \$ 470.42

As of 5/31:
 5,684.89
 + 470.42
 6,155.31
 - 38.00
 6,117.31
 - 547.35
 5,569.96
 MISSING

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
6/6/21	Meatheads deposit	327.28
9/9/21	Meatheads refund	< 327.28 >
7/14/21	City of Red Wing deposit	350.00
9/10/21	Red Wing refund	< 350.00 >
8/7/21	USPS PO Box rental	38.00
	TOTAL	38.00

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
		TOTAL	

I certify that this is a full and true statement Paul Kampe Signature Date 11/30/21

Printed Name PAUL KAMPE Telephone 6513887884 Email (if available) _____

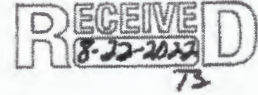
Address 149 Spring Creek Rd S, Red Wing

Report

Office

Name

For Office Use Only



CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation RECALL CITY HALL

Office sought or ballot question _____ District _____

Type of report
 Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
 from 12/1/21 to 8/10/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 218.17 TOTAL CASH-ON-HAND \$ Ø
 IN-KIND + \$ Ø
 TOTAL AMOUNT RECEIVED = \$ 218.17

Handwritten notes: 547.35, 11/30/21, 765.52, 241.85, 23.67, 5,569.96, 23.67, 5,593.63 MISSING

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
12/10/21	New River Assembly	400.00
12/16/21 & 1/18/22	Xero accounting platform	23.61
7/19/22	Chamber of Commerce Parade Spot	300.00
8/10/22	Red Wing Food Shelf	18.24
	TOTAL	741.85

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
		TOTAL	

I certify that this is a full and true statement. Paul Kampe Signature Date 8/10/2022

Printed Name PAUL KAMPE Telephone 6513887804 Email (if available) _____

Address 149 Spring Creek Rd S

Handwritten notes: May 24, June 14

Report Office Name For Office Use Only:

Dear Red Wing Voters,

October 31, 2022

The time for removal of the current council has finally arrived!

The city-wide recall 18 months ago was successful and certified by our city clerk. The current council was able to avoid a special election by directing the city attorney to threaten both the recall attorney and the recall petitioners with the full legal costs of the city if the lawsuit was lost. This council blatantly refused to follow the by-laws of the City Charter regarding recalls. For a city to threaten its own citizens for exercising their rights is both pathetic and unacceptable.

We want to see Red Wing flourish with a council that is focused on listening to the will of the people. The citizens of Red Wing are at the top of the city organizational chart. This fact is neglected at every council meeting by Council President Becky Norton and member Dean Hove.

We as citizens deserve a council that will be efficient and fiscally responsible in order to create a town that works. This council has failed on many levels:

1. **Personal Agendas are not acceptable:** An overwhelming majority of Red Wing did not want police chief Roger Pohlman fired. This council refused to listen to the will of the people and fired him without cause. They ruined his career by using him as a pawn to satisfy their personal desires for "Social Justice". After spending nearly \$8,000 of taxpayer money to paint him as guilty, a 3rd party attorney, hired by the council found him completely exonerated of all charges with no evidence supporting the allegations. City staff then buried this report and refused to share it with the public because it did not support their narrative.
2. **Fiscal Responsibility:** Under the reckless leadership of Norton and Hove, this council has spent millions of dollars on acquiring real estate projects best left to private sector developers.
3. **Wisdom:** This council has spent tens of thousands of citizen money on hiring outside consultants for unnecessary studies. Recent examples include \$20,000 for a racial equity advisor from Baltimore who attended two meager Zoom meetings to help spin the local dialogue to declare Systemic racism as a public health emergency and suggested removing the chief would be a good start in healing the community. Secondly, \$30,000 was paid to an outside consultant to study Red Wing's homeless crisis, create a PowerPoint and present it to the council. Reality is on any given evening about 5-6 people need housing in Red Wing.
4. **Compassion:** The city of Red Wing received a total of about \$3.9 million in COVID Cares ACT money. Prior to distributing any to the private sector who it was intended for, the city siphoned nearly 40% (\$1.2 million) for City Administration needs. This included hazard & sick pay to department heads like Kay Kuhlman and others who worked from home. This division of money was approved under the leadership of Norton and Hove. Self-serving at best, morally bankrupt at worst. Red Wing deserves better leadership.

We support Ron Goggin Ward 1& 2, Jason Snyder Ward 3, Ted Seifert Ward 4 and Janie Farrer "At-Large".

Thank You! Now, please go vote!

Pohlman was fired by Red Wing on February 19, 2021, and on March 1, 2021, less than two weeks later, he was offered Lakefield's Chief of Police job, formally accepted on March 8, 2021:

Council hires Pohlman as police chief

By Joshua Schuetz | on March 10, 2021

Joshua Schuetz



The city of Lakefield's quest for a police chief came to a close Monday evening as the Lakefield City Council approved the hiring of Roger Pohlman to serve in the position.

Pohlman, who appeared before the council last Monday during the council's special meeting, has years of executive experience in law enforcement and was offered the position by the council at that meeting's end. His letter of acceptance was approved by the council unanimously.

Lakefield has been without a police chief since June 4, 2020, when Andrew Konechne left to take a similar position in Arlington.

Council offers Pohlman chief position

Area native looks to finish career nearer to home

By Joshua Schuetz | on March 03, 2021

Joshua Schuetz



The Lakefield City Council offered Roger Pohlman of Red Wing the position of police chief during a special meeting Monday night.

Pohlman spoke before the council Monday, giving a summary of his experience in law enforcement and answering questions from council members about specific aspects of his work.

"I originally grew up in Sioux Valley, graduated in 1981, ended up in active-duty Air Force and, after 10 years, I joined the Grand Forks Police Department and rose through the ranks," Pohlman said.

Pohlman has experience leading law enforcement departments, as he moved to Red Wing and became its chief of police after leaving Grand Forks.

"I held that position for the past eight years," Pohlman said.

Pohlman said he wants to come to Lakefield to finish his career on a strong note and serve a tight-knit community close to home that shares his values.

"I see this as a great opportunity to end my career the way law enforcement should be," Pohlman said. "I believe law enforcement should be community focused."

He got a chance to touch on his experience leading youth programs in Red Wing as well.

"I was a GREAT (Gang Resistance Education and Training) instructor," Pohlman said. "It doesn't tell students what they should or shouldn't do; instead, it teaches people how to make good decisions."

Pohlman received positive feedback about the program from students in Red Wing and said he'd be willing to implement a similar program in Lakefield.

"I believe strongly in the program," Pohlman said. "I think it helps out young people get off on the right foot and make good decisions that last a lifetime."

Council members were impressed with Pohlman's resume and elected to make him the offer after he answered their questions.

"I've done my own research, and everything I've come across that I think is credible speaks very highly as a candidate," said council member Brent Pavelko.

Council member Nathan Hall agreed.

"I don't think we're gonna find someone with more experience," Hall said.

Council member Bruce Bakalyar made a motion to offer Pohlman the position, which was seconded by Hall and unanimously agreed upon by the council. Pohlman will give his answer in writing after reviewing health insurance information in the coming days.

Lakefield has been without a police chief since June 4 when Andrew Konechne left to take a similar position in Arlington.

“Recall City Hall” screenshots from Wayback Machine:

June 22, 2021: <https://web.archive.org/web/20210622043035/https://www.recallcityhall.us/>

Why a Recall?

- **Secret Meetings:** The current City Council has held meetings out of sight from taxpaying citizens and the press, which breaks the open meeting law.
 - **Personal Agendas:** The current City Council has wasted taxpayer dollars on expensive and unnecessary "advisory panels", to further their own personal political goals.
-

September 16, 2021 Wayback capture:

<https://web.archive.org/web/20210916214313/https://www.recallcityhall.us/>

Statement by George Hintz on behalf of The Committee to Recall City Hall

Statement by George Hintz on behalf of The Committee to Recall City Hall

August 18, 2021

Committee to Recall City Hall to Devote All Resources Toward 2022 City Council Elections

The outpouring of grassroots support from thousands of Red Wing voters to recall six of seven City Council members has exceeded our greatest expectations. By an overwhelming margin, Red Wing citizens are ready to replace the current Council with members who will abide by Minnesota's Open Meeting Law, and restore openness, dignity, respect, and fiscal responsibility to City government. Accordingly, the Committee has decided to build on the momentum we have created together, and direct all of our energy and resources toward the 2022 City Council elections. We will drop our lawsuits against Council members, and focus instead on recruiting good, qualified candidates and winning in 2022.

Make no mistake – we were confident of ultimate victory in a protracted court battle with Council members over their illegal attempt to stop a recall election. However, we cannot, in good conscience, allow taxpayers to assume expensive legal bills on behalf of the Council, that should rightly be borne by individual Council members.

Between now and November 2022, we will be attending Council meetings, speaking out, and holding Council members' feet to the fire. We encourage every Red Wing voter to do the same. Together, we will restore good government to this great city. Lic. #254617

[Find election results for key Rochester area races here](#)

COMMUNITY

Telling the full story means knowing the whole story

I beg, plead and demand information from sources, and that can take time to pay off.


After Deadline

Brian Todd



By Brian Todd

March 11, 2021 05:00 AM

 We are part of The Trust Project. >

The world doesn't often surprise me.

In 20-plus years as a journalist, I've seen a lot of weird things, and heard a lot of odd statements from folks. That's part and parcel of conducting interviews with a vast cross-section of humanity.

So it's not every day something amazes me.

That's Amazing, Folks

When I interviewed Red Wing Mayor Mike Wilson concerning the firing of Police Chief Roger Pohlman, I heard something that kind of shocked

MORE READING:

- Group looks into recalling 6 Red Wing City Council members(<https://www.postbulletin.com/news/local/group-looks-into-recalling-6-red-wing-city-council-members>)
- Red Wing City Council votes to fire Police Chief Roger Pohlman(<https://www.postbulletin.com/news/local/red-wing-city-council-votes-to-fire-police-chief-roger-pohlman>)

First, let me back up a second. Before talking to Wilson, I was talking with another person. A person I won't name. This person told me about a complaint made against Pohlman in late 2018 that the city hired an outside investigator to look into to try judging the veracity of the complaint.

The complaint and the investigation, it seems, once delivered to the city council, Pohlman and a few others in 2019 was then confiscated by the city.

You read that right. After the report was handed out, Council member Dean Hove demanded – and City Administrator Kay Kuhlmann executed that demand – that all copies of the report be returned to the city.

Why? Well, that's complicated, and I suppose I could understand their reason. Sort of.

But here's the weird part. My unnamed person sent me copies of the super-secret report. Later when I was talking to Wilson I mentioned the complaint and investigation report, and Wilson told me he was not able to get a copy of it.

See, in the time between Pohlman being put on paid leave on Feb. 8 and being fired on Feb. 19, Wilson, who was only elected last November, was hoping to learn all he could about Pohlman's performance. But when he asked for the complaint and report about which he'd heard rumors, he was told no. No, Mr. Mayor, you can't see this relevant piece of information.

Even as I spoke to him, Wilson seemed bemused by this.

"I tried to get that information too," Wilson said. "I was told by Kay the

Personnel issues are confidential by law.

ONLY Pohlman can release the report.

Freedom of Information

Here's the thing: If you ask the right people, you'll find what you need to know. I found someone who didn't mind passing along the super-secret report. For a city that had fired Pohlman, I can see why. The report basically debunks the complaint against Pohlman, then goes on to praise his honesty and integrity.

Two weeks ago, I sent a request to the city of Red Wing asking for more information on this subject. Basically, I'm still waiting. Some of the complaints against Pohlman have to do with his attitude toward city council members' suggestions about law enforcement and the timeliness of his responses to their emails.

I'd like to see how the actual emails and the complaints against Pohlman match up. After all, folks are talking about recalling six members of the city council, so I'm guessing there's a big contingent of residents who aren't happy the chief was fired.

I'm still digging for information, because people want answers, and the only way I can find them is to know a lot of information.

Regional Reporter Brian Todd covers Goodhue, Wabasha, Winona and Houston counties along with some cities in Olmsted County. In the After Deadline column every Thursday, he shares behind-the-scenes tales from the newsroom.

EMBED: PB newsletters signup banner link

RELATED TOPICS: PEOPLE

By Brian Todd

Brian Todd is the news editor at the Post Bulletin. When not at work, he spends time with his family, roots for the Houston Astros and watches his miniature dachshund sleep, which is why that dog is more bratwurst than hotdog. Readers can reach Brian at 507-285-7715 or btodd@postbulletin.com.

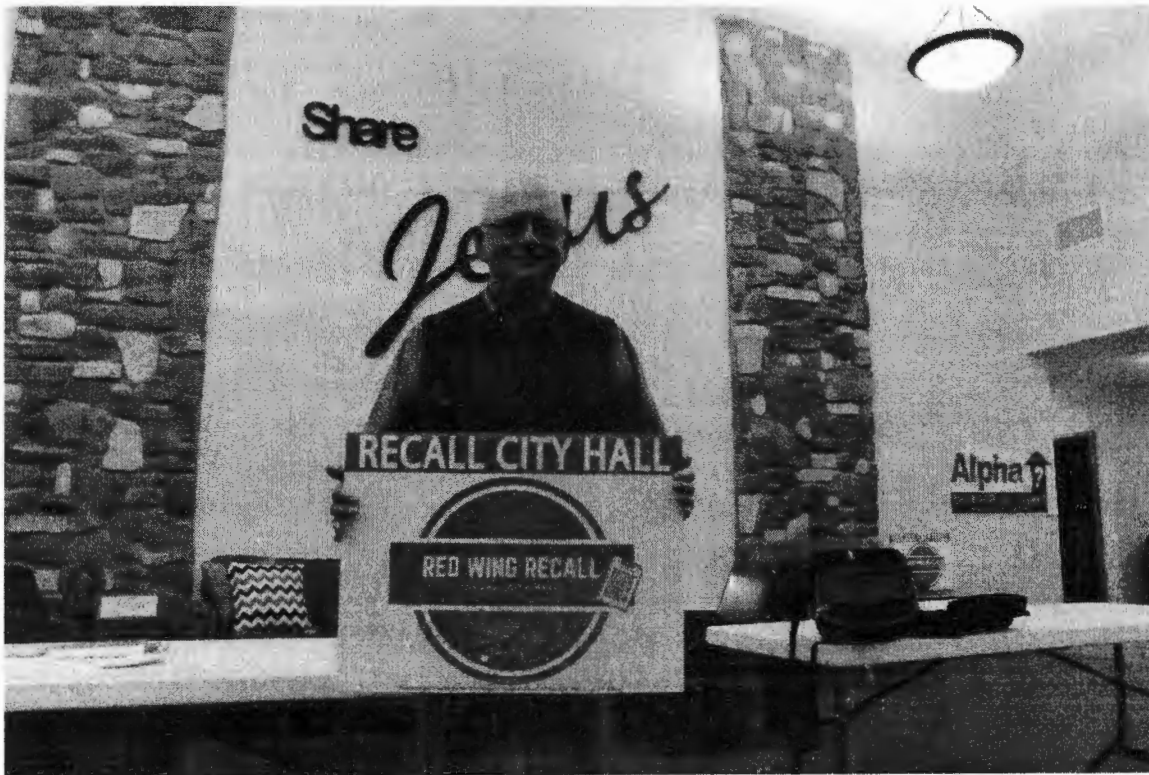
 Twitter  Facebook

[Find election results for key Rochester area races here](#)

NEWS | LOCAL

Committee outlines work needed to recall Red Wing City Council members

A grassroots recall campaign is planning its steps to bring six of seven council members before a special election.



George Hintz of the Committee to Recall City Hall shows off a yard sign Tuesday, March 16, 2021, at the New River Assembly of God Church in Red Wing. Committee members spoke to the public about their plans to recall the six members of the city council who voted to fire Police Chief Roger Pohlman. (Brian Todd/btodd@postbulletin.com)

By Brian Todd

March 17, 2021 06:25 AM

 We are part of The Trust Project. [>](#)

RED WING — About 75 people showed up Tuesday night to hear leaders of an effort to recall six members of the Red Wing City Council.

George Hintz, who started the recall effort with a call to action during the public comment period of a city council meeting in February, said yard signs have been bought, a bank account has been opened and the committee is ready to collect signatures for a petition, which the group hopes to turn over to the city within a few weeks.

"Talk to friends," Hintz advised those in attendance Tuesday at New River Assembly of God Church. "Ask them to come to the next general meeting."

Hintz, former Red Wing City Council Member Peggy Rehder and Tom Wilder led the discussion about the recall steps taken so far and those that are planned.

Janie Farrar discusses the recall City Hall m...

Former Red Wing School Board member Janie Farrar discusses the gras...

The recall effort began as a response to the city council's 6-1 vote on Feb. 19 to fire then-Red Wing Police Chief Roger Pohlman. While Pohlman has moved onto a new job as chief of police in Lakefield, Minn., the city he's left behind is still asking how the city council can justify firing him.

Former Goodhue County Board member Ted Seifert, who ran and lost against City Council President Becky Norton in 2018, said Pohlman was the right man for the job.

"I couldn't think of anybody better to be chief of police in Red Wing

than Roger Pohlman," Seifert said. "When the City Council fired him, well, they're going in the wrong direction." EX A_Overland CFB Complaint filed November 11, 2022

MORE READING: Group looks into recalling 6 Red Wing City Council members(<https://www.postbulletin.com/news/local/group-looks-into-recalling-6-red-wing-city-council-members>)

But Seifert said there are other concerns that show the council needs to be replaced before it does more harm. He cited the "bridge to nowhere" pedestrian bridge near Old Main Street and said the council is trying to mirror recent moves by the Minneapolis City Council.

"They have an agenda, and I don't think it's an agenda that works well in Red Wing," Seifert said.

Rehder said the next step in the recall effort is to write up 250-word complaints against each member of the city council that will outline their malfeasance or nonfeasance on the job, a statutory requirement.

Violations of the state's open meeting law, she said, is just one of the counts of malfeasance that works against the City Council members.

Other members of the audience said that firing Pohlman puts the city at risk since his job is now being done by a captain who still performs his own duties along with the chief's duties. Others complained that the whole process was done in secret without any input from the public.

During the meeting Tuesday there were several calls to action and requests for volunteers. For example, Rehder said the committee will likely need to raise funds for legal battles if the city or individual council members contest the validity of the petitions – either the signatures gathered during the two petition phases, or whether the charges meet the definition of malfeasance. Rehder asked for a volunteer to lead fundraising efforts for the committee.

"One of my big concerns is this is going to be pretty expensive," Rehder said. "We will be challenged by these council members in court."

Others suggested more grassroots efforts such as getting individuals to

commit to showing up for city council meetings and talking about the recall movement during public comment periods, and writing letters to the editor to outline why the group wants to recall the six council members.

According to the Red Wing City Charter, there are several steps to the recall process. The first is for at least five registered voters from the ward (or whole city for at-large candidates) to bring a petition containing a 250-word statement of the grounds for removal to the city.

Once that petition is approved, the group has 30 days to collect signatures of 20 percent of registered voters from the last election in the ward (or whole city for at-large candidates) to force the recall of a specific candidate.

If the second petition and signatures are valid, the city would set a recall election between 45 and 60 days from that point.

Despite the hurdles, Wilder said he's ready, and from the phone calls he receives, he believes residents of Red Wing want this recall to happen.

"City Hall isn't concerned, City Hall doesn't think it's real," Wilder said. "But I get phone calls every day asking what this group has done."

RELATED TOPICS: GOVERNMENT AND POLITICS

By Brian Todd

Brian Todd is the news editor at the Post Bulletin. When not at work, he spends time with his family, roots for the Houston Astros and watches his miniature dachshund sleep, which is why that dog is more bratwurst than hotdog. Readers can reach Brian at 507-285-7715 or btodd@postbulletin.com.

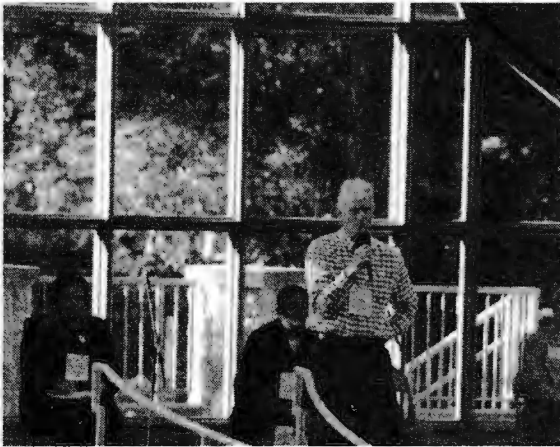
 Twitter  Facebook

Red Wing Community News – initially Shelley Pohlman’s page (Former Police Chief’s wife, page previously listed under several names), now moderated by Paul Kampe (name now scrubbed off page), Kampe is Ron Goggin’s City Council Campaign Treasurer.
<https://www.facebook.com/profile.php?id=100064405103484>

Red Wing Community News
October 15 at 9:21 AM · 🌐

RED WING MN - Red Wing Community News Endorses Ron Goggin for City Council.

Goggin has pledged to make public safety his #1 priority in office and will stand up for local law enforcement. Violent crime has increased 36% in Minnesota since 2018. In addition, Minnesota’s violent crime rate is now higher than the national average. With crime rates soaring across Minnesota, we need strong leadership in this area.



Red Wing Community News
4d · 🌐

RED WING MN - Red Wing Community News Endorses Ted Seifert for City Council Ward 4. Seifert has pledged to make his top priorities 1) public safety and 2) expansion of small business and jobs by reducing taxes & regulations.

Seifert also brings years of experience to the council having previously represented Ward 4 as Goodhue County Commissioner.

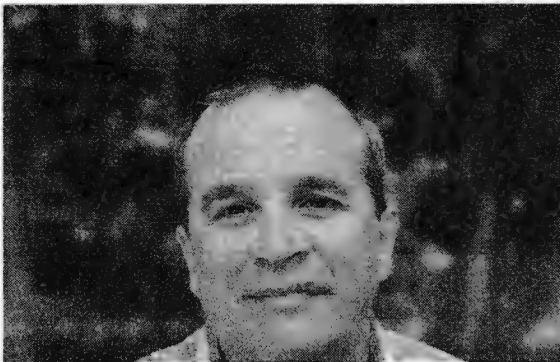


Red Wing Community News
October 28 at 5:04 PM · 🌐

RED WING MN - Red Wing Community News Endorses Jason Snyder for City Council W3

Snyder has built his campaign centered around listening to residents. Listening to the voice of the people should be the first priority for anyone in this position and we appreciate Jason’s commitment to this.

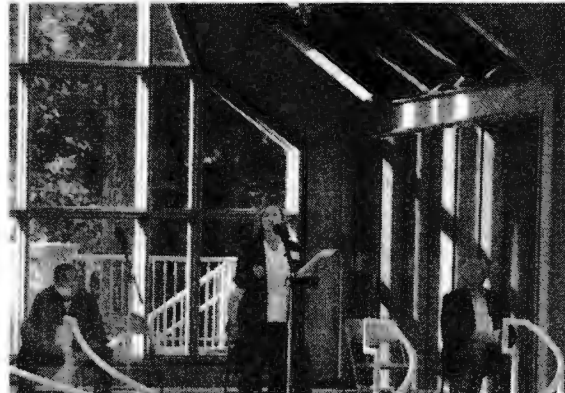
“My style of leadership will be to listen to the people, they will have the say in what I do and what I do not do and I will make myself accessible to the public,” he said.



Red Wing Community News
September 24 · 🌐

RED WING MN - Red Wing Community News Endorses Janie Farrar for City Council At-Large

Farrar would bring back fiscal responsibility and discipline to the council. With property taxes soaring 20-30% over the past few years, Red Wing needs leadership that will bring relief to families. As an at-large council member, Farrar would make sure our citizens can live here in an affordable way.



RECEIVED
7/20/2022 CP

CAMPAIGN FINANCIAL REPORT (Photocopy version)

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Janie M Farrar

Office sought or ballot question City Council at large District R

Type of report X Candidate report
 _____ Campaign committee report
 _____ Association or corporation report
 _____ Final report

Period of time covered by report:
 from 5-15-22 to 7-20-22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 1014.85 TOTAL CASH-ON-HAND \$ 964.85
 IN-KIND + \$ 1585.48
 TOTAL AMOUNT RECEIVED = \$ 2600.33

Handwritten calculation:
 2600.33
 - 964.85

 1635.48

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
7-19-22	Creatively Defined/graphics	50.00
	TOTAL	50.00

Handwritten note: Nothing see!

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
		TOTAL	

I certify that this is a full and true statement. Josephine M Schendel

Printed Name Josephine M Schendel Signature _____ Date _____
 Telephone 651-388-689 Email (if available) _____

Address 434 W Fouthst #503 Red Wing MN 55066 djschendel@q.com

Report
Office
Name
For Office Use Only.

Itemized Contributions for Janie Farrar

Date	Name	Address	Employer	Amount
6/13/22	William/Janie Farrar	2663 Ridge View Court, Red Wing, MN 55066	Mayo Clinic	\$200.00
7/12	William/Janie Farrar	same	same	In kind \$497.00 Signs
7/12	same	same	same	In kind \$939.75 Allegra printing
			<i>total</i>	<i>1,436.75</i>
			<i>in-kind</i>	<i>1,436.75</i>

*1,436.75
but \$1,595.48
on opposite page*

CAMPAIGN FINANCIAL REPORT (Photocopy version)

RECEIVED
7-29-2022 CP

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Janie M Farrar
Office sought or ballot question RWCity Council District at large
Type of report X Candidate report Period of time covered by report:
Campaign committee report
Association or corporation report
Final report
from 7/21/22 to 7/29/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 365.00 TOTAL CASH-ON-HAND \$ 1329.85
IN-KIND + \$ 21.00
TOTAL AMOUNT RECEIVED = \$ 386.00

Handwritten notes in blue ink: '964.85', '386.00', '1350.85' circled in blue. To the right, '7/29 cash on hand' written vertically.

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Table with 3 columns: Date, Purpose, Amount. The entire table is filled with the handwritten word 'NONE'.

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description

Table with 4 columns: Date, Purpose, Name and Address of Recipient, Expenditure or Contribution Amount. The table is currently empty.

I certify that this is a full and true statement. Josephine M Schendel
Signature Date

Printed Name Josephine Schendel Telephone 651-388-6941 Email (if available) djschendel@q.com
Address 434 W Fourth St # 503 Recl Wing MN 55066

Report
Office
Name
For Office Use Only:

Itemized Contributions for Janie Farrar

Date	Name	Address	Employer	Amount
6/13/22	William/Janie Farrar	2663 Ridge View Court, Red Wing, MN 55066	Mayo Clinic	\$200.00
7/12	William/Janie Farrar	same	same	In kind \$497.00 Signs
7/12	same	same	same	In kind \$939.75 Allegra printing
7/27	Barb Haley/Timothy Haley	30921 Lakeview Ave, Red Wing, MN 55066	State of MN, Retired	\$150.00

listed on 9/20 report

new

2pm -12

CAMPAIGN FINANCIAL REPORT (Photocopy version)

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Jane M Farrar

Office sought or ballot question RW City Council at large District _____

Type of report: Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
 from 9/30/22 to 10/27/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 850.00 TOTAL CASH-ON-HAND \$ 736.95
 IN-KIND \$ 6,935.65
 TOTAL AMOUNT RECEIVED = \$ 7,785.65

pride report - 1329.85 + 1350.85

6,752.55 on opposite side

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
8/31/22	Allegra : printing	201.97
10/05/22	Allegra : printing	586.93
10/7/22	@ Media Group : radio	504.00
10/18/22	Creatively Defined : graphic design	150.00
TOTAL		1442.90

No parade fee who paid

Received 7,785.65
 \$ on hand - 736.95
 7,048.70

7,048.70
 - 1,442.90
 5,605.80 missing

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. Josephine M Schendel
 Signature Date 10-28-22

Printed Name Josephine Schendel Telephone 651-388-6941 Email (if available) djschende@leg. MN
 Address 434 W Fourth St #503 Red Wing MN 55066

Report

Office

Name

For Office Use Only:

Itemized In Kind Contributions for Janie M. Farrar
 July 30, 2022 – October 27, 2022

Date	Name	Address	Employer	Amount
8/26/22	William/Janie Farrar	2663 Ridge View Court Red Wing MN 55066	Mayo Clinic, contract employee	\$2,628.43 signs
10/17/22	Jennifer Hosfeld	2656 Oak Grove Court Red Wing MN 55066	Think Bank	\$150.00
10/17/22	William/Janie Farrar	2663 Ridge View Court Red Wing MN 55066	Mayo Clinic, contract employee	\$4,124.12 Smart Press

6,752.55

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation RON GOSSIN

Office sought or ballot question City Council District _____

Type of report: Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
 from 5/27/22 to 7/18/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 1560.00 TOTAL CASH-ON-HAND \$ 1560.00
 IN-KIND + \$ 40.34
 TOTAL AMOUNT RECEIVED = \$ 1600.34

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
TOTAL		

No \$1 my fee

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. Paul Kame Signature Date 7/18/2022

Printed Name PAUL KAMPE Telephone (251) 388-7804 Email (if available) _____

Address 149 Spring Creek Rd. RW 55060

Report

Office

Home

Cellular (if any)

CONTRIBUTIONS				
Date	Donor Name	Amount	Employer	Address
5/27/22	Ron Goggin	\$ 100.00	Retired	N/A
6/28/22	Barbara Goggin	\$ 600.00	Retired	625 Pine St, Red Wing
7/2/22	Dennis & Mary Koenig	\$ 100.00		N/A
7/5/22	Paul & Janelle Kampe	\$ 100.00		N/A
7/7/22	David & Cynthia Bauer	\$ 150.00		1185 Hewitt Blvd, Red Wing
7/13/22	Troy & Amy Kemmerer	\$ 100.00		N/A
7/11/22	George & Rose Hintz	\$ 50.00		N/A
7/13/22	Demorett Enterprises Inc	\$ 100.00		N/A
7/14/22	Anonymous cash	\$ 60.00		N/A
7/18/22	Anonymous cash	\$ 200.00		N/A
TOTAL CONTRIBUTIONS		\$ 1,560.00		

Addresses missing

DISBURSEMENTS				
Date	Vendor Name	Amount	Description	

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation RON GOGGIN

Office sought or ballot question City Council District _____

Type of report Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:

from 7/19/22 to 10/29/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 2670.00 TOTAL CASH-ON-HAND \$ 103
IN-KIND + \$ 313.57
TOTAL AMOUNT RECEIVED = \$ 2983.57

Prnt rep of
1500.00
+ 2670.00
4,230.00

Report
other side
253.57 #

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
SEE ATTACHED		
		TOTAL
		4126.99

No parade
see
who
paid?

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
			TOTAL

I certify that this is a full and true statement.

Paul Kampe
Signature

10/29/22
Date

Printed Name PAUL KAMPE Telephone 6513097804 (Email (if available) _____)

Address 149 Spring Creek Rd 55066

Office

CONTRIBUTIONS FROM A SINGLE SOURCE GREATER THAN \$100 DURING REPORTING PERIOD				
Date	Donor Name	Amount	Employer	Address
9/7/22	Tom & Jane Drazkowski	\$ 150.00	CNC Machine Tools	901 Central Ave, Red Wing
9/18/22	Cynthia Bauer	\$ 200.00	Knight Barry Title Group	2976 Rivers Ridge Dr, Red Wing
9/18/22	Fred Plaas	\$ 300.00	Plaas, inc	PO BOX 11, Red Wing
9/19/22	John & Sue Guerber	\$ 200.00	[REDACTED]	4736 Big Sky Ct, Red Wing
9/19/22	Ron Goggin	\$ 300.00	HireGenics	4263 Hickory St, Red Wing

CONTRIBUTIONS GREATER THAN \$100 \$ 1,150.00

IN-KIND DONATIONS FROM A SINGLE SOURCE GREATER THAN \$100 DURING REPORTING PERIOD				
Date	Vendor Name	Amount	Donated From	
	Parade candy	\$ 107.27	Ron Goggin	
	T-shirts	\$ 80.00	Ron Goggin	
	Plates and napkins	\$ 15.33	Ron Goggin	
8/5/22	Website hosting	\$ 16.99	Ron Goggin	
9/24/22	Website hosting	\$ 16.99	Ron Goggin	
10/24/22	Website hosting	\$ 16.99	Ron Goggin	

IN-KIND DONATIONS GREATER THAN \$100 \$ 253.57

DISBURSEMENTS DURING REPORTING PERIOD				
Date	Vendor Name	Amount	Description	
7/28/22	ANCHOR PROMOTIONS	\$ 1,710.19	Campaign signs	
8/9/22	BEAU BREWER DESIGN	\$ 163.85	Door hangers	
8/31/22	BEAU BREWER DESIGN	\$ 163.86	Door hangers	
9/20/22	BEAU BREWER DESIGN	\$ 148.26	Door hangers	
9/20/22	MENARDS	\$ 63.27	Rebar for sign posts	
9/20/22	BEAU BREWER DESIGN	\$ 148.26	Door hangers	
10/1/22	MENARDS	\$ 48.25	Rebar for sign posts	
10/5/22	ANCHOR PROMOTIONS	\$ 1,421.63	Campaign signs	
10/11/22	BEAU BREWER DESIGN	\$ 129.71	Door hangers	
10/19/22	BEAU BREWER DESIGN	\$ 129.71	Door hangers	

TOTAL DISBURSEMENTS \$ 4,126.99

RECEIVED
7-15-2022 AM

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Donald Kiewer

Office sought or ballot question City Council Ward 2 District _____

Type of report Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
 from 6/28/22 to 7/15/2022

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 900.00 TOTAL CASH-ON-HAND \$ 900.00
 IN-KIND + \$ 232.00
 TOTAL AMOUNT RECEIVED = \$ 1132.00

(Handwritten calculations: 900.00 - 806.60 = 93.40)

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
<u>6/23/22</u>	<u>Dock Hangers</u>	<u>158.22</u>
<u>6/28/22</u>	<u>LAWN SIGNS</u>	<u>549.86</u>
<u>7/14/22</u>	<u>ENVELOPES</u>	<u>57.88</u>
<u>6/15/22</u>	<u>Website DOMAIN</u>	<u>40.94</u>
	TOTAL	<u>806.60</u>

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
		TOTAL	

I certify that this is a full and true statement. Donald Kiewer 7/15/2022
 Signature Date

Printed Name Donald Kiewer Telephone 651-380-8377 Email (if available) dkkiewer@gmail.com

Address 1851 Woodland Drive, Red Wing, MN 55066

Report Office Name For Office Use Only:

RECEIVED
7-29-22 TB

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Donald Kiewer

Office sought or ballot question City Council Ward 2 District _____

Type of report Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
 from 7/15 to 7/29/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH 2,008.60 ^{on other side} \$ 876.60 TOTAL CASH-ON-HAND \$ 185.00
 IN-KIND + \$ _____
 TOTAL AMOUNT RECEIVED = \$ 876.60

876.60
-185.00
691.60

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
7/15/22	Postage	232.00 IN KIND ✓
7/19/22	Postage	180.00
7/22/22	Radio Messaging	600.00
TOTAL		<u>1,012.00</u>

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement.

Donald Kiewer 7/29/2022
 Signature Date

Printed Name Donald Kiewer Telephone 651-380-8377 Email (if available) ddkiewer@gmail.com

Address 1851 Woodland Drive, Red Wing, MN 55066

Report

Office

Name

For Office Use Only:

Should be on 7/15 report

Campaign Contributions for August 9th Special Election for Candidate Donald Kliewer

As of 7/29/2022

Contributor	Address	City	State	Zip	Date	Amount	
Donald Kliewer	1851 Woodland Drive	Red Wing	MN	55066	7/8/2022	\$806.60	(loan)
Al Quarnstrom	6211 Westwood Hills Drive	Welch	MN	55089	6/28/2022	\$600.00	Disbursements 7/15 report
Paul Cardinal	P.O. Box 321	Red Wing	MN	55066	7/17/2022	\$200.00	
Donald Falk	1725 W 4th St.	Red Wing	MN	55066	7/8/2022	\$100.00	
Tom Drazkoski	901 Central Avenue	Red Wing	MN	55066	7/12/2022	\$232.00 ✓	In kind (stamps)
Cash						\$20.00	
Cash						\$50.00	
Total						\$2,008.60	

*7/29
Report
\$270.00*

Campaign Expenses

As of 7/29/2022

Expenditure

City of Red Wing
 Cross & Oberlie (Politicallawnsigns.com)
 Godaddy (website domain)
 Print Place
 Envelopes
 Postage
 Postage
 KWNG Radio

Date

5/27/2022
 6/28/2022
 6/15/2022
 6/23/2022
 7/11/2022
 7/15/2022
 7/19/2022
 7/22/2022

7/29 rpt

Purpose

Filing Fee
 Lawn Signs (100)
 Website (www.donaldkliewer.com)
 Door Hangers (1000)
 Envelopes (1000)
 Postage
 Postage
 Radio Messaging

Cost

\$5.00
 \$549.86
 \$40.34
 \$158.52
 \$57.88
 \$232.00
 \$180.00
 \$600.00

How paid

Cash
 Kliewer Credit Card
 Kliewer Credit Card
 Kliewer Credit Card
 Kliewer Credit Card
 (In kind)
 Kliewer Credit Card
 Check

not listed on 7/15 report

\$1,823.60

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation DONALD KLIEWER

Office sought or ballot question City Council/WARD 2 District 8-12-2022

Type of report: Candidate report Campaign committee report Association or corporation report Final report
 Period of time covered by report: from 7/29/22 to 8/12/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH	\$ _____	TOTAL CASH-ON-HAND	\$ <u>106¹⁷</u>
IN-KIND	\$ _____		<u>7/29 report</u> <u>7/185.00 on hand</u>
TOTAL AMOUNT RECEIVED	\$ _____		

No income reported

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
	<u>See Attached</u>	
	TOTAL	

No pay to de fee who paid?

opposite side 5/11/22 243.83



CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
		TOTAL	

I certify that this is a full and true statement. Donald Kliewer Signature Date 8/12/22

Printed Name Donald Kliewer Telephone 603-380-8377 Email (if available) dkliewer@gmail.com

Address 1851 Woodland Drive, Red Wing, MN 55066

Report

Office

Name

For Office Use Only:

Campaign Expenses

As of 8/12/2022

Expenditure	Date	Purpose	Cost	How paid
City of Red Wing	5/27/2022	Filing Fee	\$5.00 (loan)	Cash
Cross & Oberlie (Politicallawnsigns.com)	6/28/2022	Lawn Signs (100)	\$549.86 (loan)	Kliewer Credit Card
Godaddy (website domain)	6/15/2022	Website (www.donaldkliewer.com)	\$40.34 (loan)	Kliewer Credit Card
Print Place	6/23/2022	Door Hangers (1000)	\$158.52 (loan)	Kliewer Credit Card
Envelopes	7/11/2022	Envelopes (1000)	\$57.88 (loan)	Kliewer Credit Card
Postage	7/15/2022	Postage	\$232.00	(In kind)
Postage	7/19/2022	Postage	\$180.00 (loan)	Kliewer Credit Card
KWNG Radio	7/22/2022	Radio Messaging	\$600.00	Check
Beau Brewer Digital	8/1/2022	Parade T Shirts	\$243.83	Check

\$2,067.43

Campaign Contributions for August 9th Special Election for Candidate Donald Kliewer

As of 8/12/2022

Contributor	Address	City	State	Zip	Date	Amount	
Donald Kliewer	1851 Woodland Drive	Red Wing	MN	55066	7/8/2022	\$806.60	(loan)
Al Quarnstrom	6211 Westwood Hills Drive	Welch	MN	55089	6/28/2022	\$600.00	
Paul Cardinal	P.O. Box 321	Red Wing	MN	55066	7/17/2022	\$200.00	
Donald Falk	1725 W 4th St.	Red Wing	MN	55066	7/8/2022	\$100.00	
Tom Drazkoski	901 Central Avenue	Red Wing	MN	55066	7/12/2022	\$232.00	In kind (stamps)
Cash						\$20.00	
Cash						\$50.00	
Total						\$2,008.60	<i>All reported previously</i>

RECEIVED
7-29-22 TB

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Ted Seifert

Office sought or ballot question Red Wing City Council District Ward 4

Type of report Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
 from 5-31-22 to 6-29-22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 0 TOTAL CASH-ON-HAND \$ 0
 IN-KIND + \$ 0
 TOTAL AMOUNT RECEIVED = \$ 0

No income

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
5-31-2022	Filing Fee	5.00
6-15-2022	Printing	121.00
TOTAL		126.00

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. Ted Seifert 7-29-2022
Signature Date

Printed Name Ted Seifert Telephone 651 442 3205 Email (if available) tedsebio@att.net

Address 521 17th St Red Wing, MN 55066

Report
Office
Name
For Office Use Only:

Fax 1657398 908

RECEIVED 10-31-22

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Ted Seifert

Office sought or ballot question Red Wing City Council District Ward 4

Type of report X Candidate report
 _____ Campaign committee report
 _____ Association or corporation report
 _____ Final report

Period of time covered by report
 from 6-30-22 to 10-29-22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 100.00 TOTAL CASH-ON-HAND \$ 0
 IN-KIND + \$ _____
 TOTAL AMOUNT RECEIVED = \$ 100.00

Handwritten:
 100.00 in
 - 655.86 out
 = 535.86

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
6-30-2022	List	30.00
8-26-2022	Paper/supplies/print	357.98
10-3-2022	Print	67.65
10-17-2022	Media	200.33
TOTAL		<u>655.86</u>

Handwritten:
 No pain defee who paid?

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. Ted Seifert 10-29-2022
Signature Date

Printed Name Ted Seifert Telephone 651 442 3205 Email (if available) Teds@hiawatha.medical.co

Address 521 17th St Red Wing, MN 55066

Report Office Name For Office Use Only:

CAMPAIGN FINANCIAL REPORT (Photocopy version)

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Jason Snyder

Office sought or ballot question RW City Council - Ward 3 District _____

Type of report Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
 from 6/1/22 to 10/4/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 150
 IN-KIND + \$ 60
 TOTAL AMOUNT RECEIVED = \$ 210

TOTAL CASH-ON-HAND \$ 0

Handwritten notes in orange:
 150.00 cash
 - 1,487.71 exp
 = 1,337.71
 ???

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
6/01/22	Phoneline	\$ 35.00
6/13/22	PO Box	\$ 36.00
7/01/22	Phoneline	\$ 35.00
7/13/22	Signs	\$ 387.19
TOTAL		\$ 1,487.71

Handwritten notes:
 3493.19
 Continued
 on next sheet.

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. [Signature] Date 10/4/22

Printed Name Jason S. Snyder Telephone 651-376-5021 Email (if available) snyderforredwing@gmail.com
 Address P.O. Box 153 Red Wing, MN 55066

Report

Office

For Office Use Only Name

Date	Purpose	Amount
7/29/22	T-shirts	\$ 34.34
8/01/22	Phoneline	\$ 35.00
9/01/22	Phoneline	\$ 35.00
9/14/22	Website	\$ 16.99
9/15/22	Website	\$ 22.16
9/21/22	Supplies	\$ 9.12
9/21/22	Printing	\$ 1058.22
9/24/22	PO Box	\$ 27.00
9/24/22	QR Code	\$ 43.70
9/26/22	Printing	\$ 12.99
		<u>\$994.52</u>

\$ 493.19
+ 994.52

\$ 1487.71

- 150.00

\$ 1,337.71

?
\$60 in kind?

No filing fee!

No para de fee -
Who paid

CAMPAIGN FINANCIAL REPORT (Photocopy version)

RECEIVED
10-31-22
73

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Jason Snyder
 Office sought or ballot question Red Wing City Council - ward 3 District _____
 Type of report Candidate report Period of time covered by report:
 _____ Campaign committee report from 10/5/22 to 10/25/22
 _____ Association or corporation report
 _____ Final report

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 100⁰⁰ TOTAL CASH-ON-HAND \$ 0⁰⁰
 IN-KIND + \$ 143⁸¹
 TOTAL AMOUNT RECEIVED = \$ 243⁸¹

100.00 in
-1,091.63 out
991.63 short

NO 143.91 expense

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
10/5/22	Phone line	35 ⁰⁰
10/18/22	Website	16 ⁷⁴
10/18/22	Supplies	9 ²¹
10/25/22	Printing + postage	1029 ⁹³
TOTAL		\$1091.63

Coordinated Campaigns?
Color mailer?

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. [Signature] 10/31/22
 Signature Date
 Printed Name Jason Snyder Telephone 651-320-5021 Email (if available) _____
 Address P.O. Box 153

Report Office Name For Office Use Only:

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Carol A. Overland,

Complainant,

vs.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Recall City Hall, Citizens for Responsible
Government, Janie M. Farrar, Ron
Goggin, Donald Kliewer, Ted Seifert,
Jason J. Snyder

Respondents.

This Fair Campaign Practices complaint (Complaint) is pending before the following panel of three Administrative Law Judges: Eric L. Lipman (Presiding Judge), James E. LaFave, and Kristien R. E. Butler (Panel).

This matter was submitted to the Panel based upon the record from the probable cause hearing and the underlying written record; which includes the Complaint, the Prima Facie Determination, the Probable Cause Order, and final written argument. The record closed on January 20, 2023.

Carol A. Overland, the Complainant, appeared on her own behalf and without counsel. Paul Kampe, Founder, appeared on behalf of the Recall City Hall committee. Thomas Drazkowski, Organizer, appeared on behalf of the Citizens for Responsible Government committee. Janie M. Farrar, Ron Goggin, Donald Kliewer, Ted Seifert, and Jason J. Snyder, each appeared on their own behalf and without counsel.

STATEMENT OF THE ISSUES

1. Did Complainant demonstrate by a preponderance of the evidence that the Respondents, in their separate campaign finance reports, failed to report correct amounts, as required by Minn. Stat. § 211A.02, subd. 2 (2022)?

2. Did Complainant demonstrate by a preponderance of the evidence that the Respondents, in their separate campaign finance reports, failed to report correct amounts “with the intent to conceal receipts or disbursements” or “the purpose of receipts or disbursements,” in violation of Minn. Stat. § 211A.06 (2022)?

3. Did Complainant demonstrate by a preponderance of the evidence that the Respondents failed to include proper disclaimers on campaign material in violation of Minn. Stat. § 211B.04 (2022)?

4. Did Complainant demonstrate by a preponderance of the evidence that Respondent Goggin, accepted a prohibited corporate contribution in violation of Minn. Stat. § 211B.15, subd. 2 (2022)?

5. If any violation was established, what penalty is appropriate?

SUMMARY OF CONCLUSIONS

The Complainant, Ms. Overland, established that Respondents, in their separate campaign finance reports, failed to report contributions and disbursements accurately. Ms. Overland did not, however, establish that the misreporting was done deliberately to conceal the nature of those amounts.

Ms. Overland established that Respondent Citizens for Responsible Government circulated campaign material in support of certain candidates for local office, that was created independently of those candidates, but did not include a proper disclaimer.

Lastly, Complainant did establish that Respondent Goggin accepted a prohibited corporate contribution in violation of Minn. Stat. § 211B.15, subd. 2.

The Panel concludes that monetary penalties, as imposed separately below, are appropriate for these violations.

Based upon the record and proceedings herein, the undersigned Panel of Administrative Law Judges makes the following:

FINDINGS OF FACT

1. Respondents Janie M. Farrar, Ron Goggin, Ted Seifert and Jason J. Snyder were each candidates for election to the City Council of Red Wing, Minnesota, in the General Election on November 8, 2022. Respondent Don Kliewer was elected to the Red Wing City Council at a Special Election held on August 9, 2022.¹

2. Respondent Recall City Hall is a political committee that supported recall of incumbent members of the Red Wing City Council in 2021 and through the Special Election in 2022.²

3. Respondent Citizens for Responsible Government is the political committee that advocated for election of Ms. Farrar and Messrs. Goggin, Seifert and Snyder to the Red Wing City Council in the November 2022 General Election.³

¹ Complaint at 9.

² *Id.* at 30.

³ *Id.* at 6, 32.

Campaign Finance Reporting Obligations Under Minn. Stat. §§ 211A.06, 211A.06

4. The hearing record establishes that each of the Respondents – Recall City Hall, Citizens for Responsible Government, Ms. Farrar and Messrs. Goggin, Seifert and Snyder – filed campaign finance reports between 2021 and 2022 that did not accurately state the nature of the contributions received or disbursements made.⁴

5. Each of the Respondents made reporting errors and was obliged to file an amended report that retabulated and restated the contributions received and disbursements made.⁵

6. It is clear from the hearing record that the reporting obligations for Respondents were undertaken by local volunteers who did not have strong backgrounds in either accounting or campaign finance reporting before making the filings. The best understanding of the evidence in the hearing record is that the reporting errors were unintentional.⁶

7. Ms. Overland did not establish by a preponderance of the evidence that any of the misreported detail was submitted with the intent to “conceal receipts or disbursements” or “the purpose of receipts or disbursements....”⁷

Disclaimer Practice Under Minn. Stat. § 211B.04

8. In October of 2022, Thomas Draskowski, operating as the organizer of the Citizens for Responsible Government, circulated a mailer that urged the election of Respondents Farrar, Goggin, Seifert and Snyder.⁸

9. Citizens for Responsible Government prepared and circulated 6,500 copies of the mailer, which, among other matters, asserted that it was:

[W]ritten [and] produced by Citizens for Responsible [Government] P.O. Box 519 Red Wing, MN 55066[,] without any candidate involvement or endorsement.⁹

10. Minn. Stat. § 211B.04, subd. 2, requires the following disclaimer be placed on written campaign material that follows from an independent expenditure:

⁴ See Complaint at 17-30, 48-69; Response of Recall City Hall; Response of Janie Farrar; Response of Ronald Goggin; Response of Ted Siewert; Response of Jason Snyder.

⁵ See *e.g.*, Complaint at 17-30, 48-69.

⁶ *Id.*; Prehearing Conference Digital Recording (Dec. 14, 2022) (on file with the Minn. Office of Admin. Hearings).

⁷ Minn. Stat. § 211A.06(4).

⁸ See Response of Response of Recall City Hall.

⁹ *Id.* at 1, 5-6; see *also* Complaint at 32.

This is an independent expenditure prepared and paid for by (name of entity participating in the expenditure), (address). It is not coordinated with or approved by any candidate nor is any candidate responsible for it.¹⁰

11. The October 31, 2022, mailer developed by Thomas Drazkowski and Citizens for Responsible Government did not include the disclaimer text required by Minn. Stat. § 211B.04, subd. 2.¹¹

12. Likewise, for the first time in her response papers, Ms. Overland asserts that the disclaimer used by the Citizens for Responsible Government was defective, because mail sent to the referenced Post Office Box in November of 2022, was returned as undeliverable.¹² In light of its holding in Finding 11, finding the disclaimer defective, the Panel does not reach the question of whether the Post Office Box was operational at the time the campaign literature was circulated.

13. Ms. Overland maintains for the first time in her response papers that Respondents Farrar, Goggin, Kliewer, Seifert and Snyder failed to have proper disclaimers on their respective lawn signs, in violation of Minn. Stat. § 211B.04. Yet, these claims were not pled in her original Complaint.¹³

14. Even if those claims had been properly included in the Complaint, the photographs referenced by Ms. Overland¹⁴ do not establish that the lawn signs depicted in those photos did not have the required disclaimers.

Receipt of Prohibited Contributions Under Minn. Stat. § 211B.15

15. In the Complaint, Ms. Overland asserted that Mr. Goggin's receipt of a \$100 campaign contribution from Demorett Enterprises, Inc., violated Minn. Stat. § 211B.15.¹⁵

16. Under Minn. Stat. § 211B.15, subd. 2, a "political party, organization, committee, or individual may not accept a contribution" from a corporation "to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office."¹⁶

17. The claim is uncontested, although Mr. Goggin notes that when the error was called to his attention, the contribution was promptly returned to Demorett Enterprises, Inc.¹⁷

¹⁰ Minn. Stat. § 211B.04, subd. 2.

¹¹ Complaint at 32.

¹² Complainant's Response at 13.

¹³ Compare Complaint at 7 with Complainant's Response at 15.

¹⁴ See Complaint at 7; Complainant's Response at 15.

¹⁵ Complaint at 10.

¹⁶ Minn. Stat. § 211B.15, subd. 2(a),(b).

¹⁷ See Response of Ronald Goggin at 2.

Based upon the foregoing Findings of Fact, the undersigned Panel of Administrative Law Judges makes the following:

CONCLUSIONS OF LAW

1. The Panel is authorized to consider this matter pursuant to Minn. Stat. § 211B.35 (2022).

2. As the Complainant, Ms. Overland bears the burden to prove the claimed violations of Chapters 211A and 211B by a preponderance of the evidence.¹⁸

3. Ms. Overland demonstrated by a preponderance of the evidence that the Respondents, in their separate campaign finance reports, failed to report correct amounts, as required by Minn. Stat. § 211A.02, subd. 2.

4. The Panel concludes that the accounting errors in the various reports were “negligent, ill-advised and ill-considered,” although likely had little impact upon the voters of Red Wing, Minnesota.¹⁹

5. Ms. Overland did not, however, establish that the misreporting was done deliberately to conceal the nature of those amounts.²⁰

6. Minn. Stat. § 211A.06 does not penalize merely inaccurate record-keeping; it penalizes the failure to keep correct accounts of money received for a committee with “the intent to conceal receipts or disbursements,” or the “purpose of receipts or disbursements.” The focus of a section 211A.06 claim, therefore, is on whether a candidate or committee intentionally kept inaccurate accounts to conceal the source or purpose of contributions or disbursements.²¹

7. Under such circumstances, the Panel concludes that the resulting penalty for the reporting errors (under Minn. Stat. § 211A.02) is \$50 for each Respondent.

8. The disclaimer requirements for those undertaking independent expenditures (under Minn. Stat. § 211B.04, subd. 2) are more demanding than the disclaimer requirements for persons or candidate committees circulating campaign material under Minn. Stat. § 211B.04, subd. 1. Independent expenditures must include the exact text of the required disclaimer, and not merely language that is “substantially similar.”²²

¹⁸ Minn. Stat. § 211B.32, subd. 4 (2022).

¹⁹ See Penalty Matrix (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>).

²⁰ Minn. Stat. § 211A.06.

²¹ See *e.g.*, *Magan v. Behie*, OAH Docket No. 21-0325-38329 (Minn. Off. Admin. Hrgs. 2022).

²² Compare Minn. Stat. § 211B.04, subd. 1, with Minn. Stat. § 211B.04, subd. 2.

9. Because the October 31, 2022, mailer circulated by Citizens for Responsible Government did not include the exact disclaimer text required by Minn. Stat. § 211B.04, subd. 2, imposition of a penalty is appropriate.²³

10. The Panel concludes that the failure to use the text required by the statute was “negligent, ill-advised and ill-considered,” but likely had little impact upon the voters of Red Wing, Minnesota.²⁴

11. Under such circumstances, the Panel further concludes that the resulting penalty for the disclaimer error on a mailer that was circulated to 6,500 potential voters is \$200.

12. Ms. Overland established by a preponderance of the evidence that Respondent Goggin violated Minn. Stat. § 211B.15 by receiving a \$100 campaign contribution from Demorett Enterprises, Inc.

13. The Panel concludes that the failure to carefully examine contribution checks before depositing them was “negligent, ill-advised and ill-considered,” but because it was a modest amount and promptly returned, had little discernable impact upon the electoral process.²⁵

14. Under such circumstances, the Panel further concludes that the resulting penalty for the reviewing error is \$50 – half of the contributed amount.

Based upon the record herein, and for the reasons stated in the following Memorandum, the Panel makes the following:

ORDER

1. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Recall City Hall committee shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

2. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Citizens for Responsible Government committee shall pay a civil penalty of **\$250** for violating Minn. Stat. §§ 211A.02, 211B.04, subd. 2.

3. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Farrar shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

4. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Goggin shall pay a civil penalty of **\$100** for violating Minn. Stat. §§ 211A.02, 211B.15.

5. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Kliewer shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

²³ Complaint at 32.

²⁴ See Penalty Matrix.

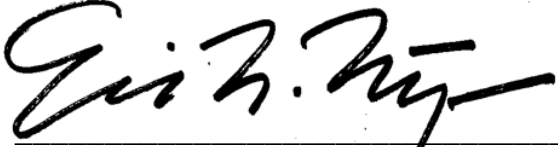
²⁵ See Penalty Matrix.

6. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Seifert shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

7. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Snyder shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

8. The penalties shall be paid by check made to the order of: "Treasurer, State of Minnesota," and remitted to the Office of Administrative Hearings. The docket number OAH 8-0325-38828, should be included on the check.

Dated: February 3, 2023


ERIC L. LIPMAN
Presiding Administrative Law Judge


JAMES E. LAFAVE
Administrative Law Judge


KRISTIEN R. E. BUTLER
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 211B.36, subd. 5 (2022), this is the final decision in this case. Under Minn. Stat. § 211B.36, subd. 5, a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63-.69 (2022).

MEMORANDUM

In order to encourage greater care by candidates and committees in the development of campaign literature and reporting of campaign finances, the Panel concludes that some penalty should be imposed for the violations in this matter.

To ensure consistency in the application of administrative penalties across types of violations of the Fair Campaign Practices Act, the Office of Administrative Hearings

uses a “penalty matrix” to guide decision-making in such matters.²⁶ The matrix categorizes violations based upon the willfulness of the misconduct and the impact of the violation upon voters.²⁷ It reads as follows:

Willfulness	Gravity of Violation		
	Minimal/no impact on voters, easily countered	Some impact on several voters, difficult to correct/counter	Many voters misled, process corrupted, unfair advantage created
Deliberate, multiple violations in complaint, history of violations, clear statute, unapologetic	\$600 - 1,200	\$1,200 – 2,400 and/or Refer to County Attorney	\$2,400 – 5,000 and/or Refer to County Attorney
Negligent, ill-advised, ill-considered	\$250 - 600	\$600 - 1,200	\$1,200 – 2,400 and/or Refer to County Attorney
Inadvertent, isolated, promptly corrected, vague statute, accepts responsibility	\$0 - 250	\$400-600	\$600 - 1,200

Because every case is unique, however, the Panel may depart from the presumptive penalty listed in the matrix.²⁸

In the view of the Panel, the matrix phrases that best describe the misconduct in this case was “negligent, ill-advised and ill-considered,” and that the shortcomings had little impact on the electoral process or the choices of voters. The careful balancing in this opinion best supports the purposes of the Fair Campaign Practices Act.

E. L. L., J. E. L., K. R. E. B.

²⁶ See Penalty Matrix (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>).

²⁷ See *Fine v. Bernstein*, 726 N.W.2d 137, 149-50 (Minn. Ct. App.), *review denied* (Minn. 2007).

²⁸ *Id.*

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING CAROL
OVERLAND AND PUBLIC INTERVENORS NETWORK, INC.**

Procedural Background

On April 30, 2003, John Reinhardt ("Complainant"), filed a complaint with the Campaign Finance and Public Disclosure Board ("Board") alleging that Carol Overland ("Respondent") violated Minnesota Statutes, Chapter 10A.

The Complainant provided documents related to MPUC Docket No. E002/CN-01-1958 and OAH Docket No. 15-2500-14699-2 in support of his complaint. The Complainant alleged that these documents verified that Public Intervenors [*sic*] Network, Inc. received funding from outside sources. The Complainant noted that these outside sources were not disclosed on Ms. Overland's Lobbyist Disbursement Report for the period covering January 1, 2002, through June 30, 2002.

By letters dated May 1, 2003, and May 19, 2003, the Respondent was notified of the complaint and afforded an opportunity to respond. Ms. Overland responded on May 27, 2003, and stated that the McKnight Foundation provided a \$35,000 grant to Public Intervenors Network, Inc. that was used to intervene in a certificate of need proceeding before the Minnesota Public Utilities Commission. Ms. Overland provided the Board with a copy of Public Intervenors Network, Inc.'s grant agreement with the McKnight Foundation, dated April 21, 2002.

The Board considered this matter in executive sessions on May 28, 2003, and June 25, 2003. The matter was considered based on the complaint, the documents accompanying the complaint, the response, the documents accompanying the response, and information obtained from the Minnesota Public Utilities Commission's website.

Based on the record before it, the Board issues the following:

Evidentiary Findings

1. Carol Overland registered with the Board as a lobbyist for Public Intervenors Network, Inc. on November 14, 2002.
2. Carol Overland and Public Intervenors Network, Inc. used funds obtained from the McKnight Foundation to influence a certificate of need proceeding under Minn. Stat. §216.B.243, which is defined as an administrative action by Minn. Stat. §10A.01, subd. 2.

3. Minn. Stat. §10A.04, subd. 4, (d) requires that a lobbyist disclose each original source of funding in excess of \$500 used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit.
4. Minn. Rules 4511.0100, subp. 5, defines an original source of funds as “a source of funds, other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

Based on the above Statement of the Evidence, the Board makes the following:

FINDINGS CONCERNING PROBABLE CAUSE

There is probable cause to believe that Public Intervenors Network, Inc. used funds obtained from the McKnight Foundation to influence administrative action. Ms. Overland did not disclose receipt of these funds on her Lobbyist Disbursement Report for the period covering January 1, 2002, through June 30, 2002.

Based on the above Findings, the Board issues the following:

ORDER

The Board directs Carol Overland to amend her Lobbyist Disbursement Report for Public Intervenors Network, Inc. for the period covering January 1, 2002, through June 30, 2002, to disclose the name and address of all original sources of funding, as required by Minn. Stat. 10A.04, subd. 4, (d).

The amended Lobbyist Disbursement Report must be submitted to the Board within 30 days of the date that these findings are signed by the Board Chair.

The record in this matter and all correspondence is hereby entered into the public record in accordance with Minn. Stat. §10A.02, subd. 11. Board staff shall provide copies to Mr. Reinhardt and Ms. Overland.

Dated June 25, 2003

Clyde Miller, Chair
Campaign Finance and Public Disclosure Board

CERTIFICATION OF RECALL COMMITTEE

This form must be filed with the City Clerk prior to the circulation of any petition.

Pursuant to Section 6.12 of the Red Wing City Charter, any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected Council Member or Mayor of the City for malfeasance or nonfeasance in office. In the case of the Mayor and Council Member At Large the committee may be composed of registered voters from any ward. In the case of all other Council Members, the committee must consist of registered voters from the ward or wards in which the Council Member is elected.

Recall Committee	FIRST, MIDDLE, LAST NAME	RESIDENCE ADDRESS	DATE OF BIRTH
1	Sheryl Margaret Voth	2677 Country Ct. Sheryl Margaret Voth	12/12/47
2	Victor David Voth	2677 Country Ct. Victor David Voth	09/19/45
3	Dennis Ervin Koenig	1617 Cobblestone Ct. Red Wing, MN. 55066 Dennis E Koenig	10/26/1942
4	WILLIAM A HABSCORAD	5560 WIT CHANNEL RD WELCA MN. 55081 William Habscorad	4/4/1942
5	RICHARD EDWIN LANGFORD	632 41 PORT AVE RED WING MN 55066 RICHARD EDWIN LANGFORD	8-88-1037

The above-named committee intends to bring about a recall of LAUREL STINSON.

STATEMENT OF EXPLANATION REGARDING ALLEGED MALFEASANCE OR NONFEASANCE IN OFFICE

On June 24, 2019, Council Member LAUREL STINSON violated the Open Meeting Law at Minn. Stat. §13D.01, Subds. 3 and 4 by discussing impermissible topics beyond the Closed Session notice for purchase of the Bauer Built property. On July 22, 2019, Council Member STINSON again violated the Open Meeting Law at Minn. Stat. 13D.01, Subd. 4. On October 14, 2019, Council Member STINSON again violated the Open Meeting Law at Minn. Stat. 13D.01, Subd. 4. On February 8, 2021, Council Member STINSON violated Minnesota Open Meeting Law §13D.04, Subd. 5, by meeting unlawfully without proper three days' notice; further, said Council Member voted to go into closed session without first identifying the employee or the allegations against the employee, in violation of Minn. Stat. §13D.01, Subd. 3. That on February 19, 2021, Council Member STINSON violated Minnesota Open Meeting Law §13D.05, Subd. 2(b) by voting unlawfully to deny an open City Council session for consideration of disciplinary action against Chief Roger Pohlman, thus infringing upon the rights of the public and Chief Pohlman to hear allegations against Chief Pohlman and to hear the reasoning and deliberations of the City Council, which led to his termination.

THIS CERTIFICATE SHALL BE FILED WITH THE CITY CLERK. THE COMMITTEE MUST FILE ANY COMPLETED PETITION WITH THE CITY CLERK WITHIN 30 DAYS OF FILING THIS CERTIFICATE.

Recall was about firing of Pohlman, not the “250 word statement”

Admission by Ernie Stone, Recall City Hall principal, December 13, 2021 Council meeting, stating at 1:00:30: <https://redwingmn.portal.civicclerk.com/event/318/media>

“Recall City Hall came because of the firing of Chief Pohlman.”

And Mike Montgomery and crew at 1:07.

+++++

From Recall City Hall site via Wayback Machine:

<https://web.archive.org/web/20220123020013/https://www.recallcityhall.us/who-we-are>

'Recall City Hall' was established to restore common sense, transparency, & decency to Red Wing City Government!

Meeting behind closed doors, six out of seven members of the Red Wing City council listened to the voices of a small group of protesters and fired now-former Police Chief Roger Pohlman, who had poured his heart and would into serving red wing as chief for the past eight years.

- Pohlman was not accorded time to prepare to speak, nor were taxpaying Red Wing citizens allowed in the meeting.
- In response, citizens presented the City Council with a petition of more than 250 names, urging the reinstate pohlman as Police Chief. This petition was ignored.
- Shortly after Pohlman was fired, a large group of Red Wing citizens - **Democrats, Republicans, and independents** met and made the decision to hold these six Council Members accountable. How? By removing them from office through a Special Recall Election.

Let us be clear. There are elected and appointed officials here in Red Wing who need to be fired for the good of our community.

Dear Red Wing Voters,

October 31, 2022

The time for removal of the current council has finally arrived!

The city-wide recall 18 months ago was successful and certified by our city clerk. The current council was able to avoid a special election by directing the city attorney to threaten both the recall attorney and the recall petitioners with the full legal costs of the city if the lawsuit was lost. This council blatantly refused to follow the by-laws of the City Charter regarding recalls. For a city to threaten its own citizens for exercising their rights is both pathetic and unacceptable.

We want to see Red Wing flourish with a council that is focused on listening to the will of the people. The citizens of Red Wing are at the top of the city organizational chart. This fact is neglected at every council meeting by Council President Becky Norton and member Dean Hove.

We as citizens deserve a council that will be efficient and fiscally responsible in order to create a town that works. This council has failed on many levels:

1. **Personal Agendas are not acceptable:** An overwhelming majority of Red Wing did not want police chief Roger Pohlman fired. This council refused to listen to the will of the people and fired him without cause. They ruined his career by using him as a pawn to satisfy their personal desires for "Social Justice". After spending nearly \$8,000 of taxpayer money to paint him as guilty, a 3rd party attorney, hired by the council found him completely exonerated of all charges with no evidence supporting the allegations. City staff then buried this report and refused to share it with the public because it did not support their narrative.
2. **Fiscal Responsibility:** Under the reckless leadership of Norton and Hove, this council has spent millions of dollars on acquiring real estate projects best left to private sector developers.
3. **Wisdom:** This council has spent tens of thousands of citizen money on hiring outside consultants for unnecessary studies. Recent examples include \$20,000 for a racial equity advisor from Baltimore who attended two meager Zoom meetings to help spin the local dialogue to declare Systemic racism as a public health emergency and suggested removing the chief would be a good start in healing the community. Secondly, \$30,000 was paid to an outside consultant to study Red Wing's homeless crisis, create a PowerPoint and present it to the council. Reality is on any given evening about 5-6 people need housing in Red Wing.
4. **Compassion:** The city of Red Wing received a total of about \$3.9 million in COVID Cares ACT money. Prior to distributing any to the private sector who it was intended for, the city siphoned nearly 40% (\$1.2 million) for City Administration needs. This included hazard & sick pay to department heads like Kay Kuhlman and others who worked from home. This division of money was approved under the leadership of Norton and Hove. Self-serving at best, morally bankrupt at worst. Red Wing deserves better leadership.

We support Ron Goggin Ward 1& 2, Jason Snyder Ward 3, Ted Seifert Ward 4 and Janie Farrer "At-Large".

Thank You! Now, please go vote!

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Report

Name of candidate, committee or corporation RED WING CRG

Office sought or ballot question _____ District _____

Type of report
 Candidate report
 Campaign committee report
 Association or corporation report
 Final report

Period of time covered by report:
 from 10/27/22 to 11/10/22

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH	\$ <u>0</u>	TOTAL CASH-ON-HAND	\$ <u>0</u>
IN-KIND	+ \$ <u>4,620.83</u>		
TOTAL AMOUNT RECEIVED	= \$ <u>4,620.83</u>		

Office

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
	<u>SEE ATTACHED</u>	
	TOTAL	<u>4,620.83</u>

For Office Use Only: Name

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
		TOTAL	

I certify that this is a full and true statement. [Signature] Date 11/10/2022

Printed Name Thomas Drazkowski Telephone 612-716-5005 Email (if available) _____
 Address PO Box 519 Red Wing, MN 55066

EXPENSES (ALL IN KIND)

1. Postage	10/28	6500 x .60	\$ 3,900.00
2. Po Box	10/28		102.00
3. Paper	10/27	24.99 x 3	74.97
4. Envelopes	10/27		422.03
5. Folding	10/31 & 11/1		121.83

\$4,620.83

PAID FOR (IN KIND) THOMAS DRAZKOWSKI
EMPLOYER (SELF EMPLOYED STONE MACHINERY)

OPINION / LETTERS

Letter: Irreplaceable guidance

Published on Sep 17, 2022



LETTER TO THE EDITOR

A recent letter attacked one of Red Wing's most respected women. The attacker isn't from here, but I am, and I wasn't raised that way. A bloc of far-right City Council candidates are on our fall ballots. I call on them to publicly rebuke the attacker and ask any other supporters to remain civil and be truthful. I suspect what we will see instead is more debasement of our citizens and a continued assault on our values.

The rigid views and political agenda of the religious right are well known. They took away a women's right to choose, then boasted they were coming for contraception. They have a nationwide goal to take over government at all levels.

One member of their bloc was narrowly elected in the Ward 2 special election. There is one on the council already. With two more votes, they will have complete control. Their candidates complain but have no positive vision for our future.

As council members, we listened politely to the negative rants from the far-right. They left the most

Ex G_Sept 17 2022 Klitzke LTE and Overland Responsive LTE

hateful, profanity laced messages; I had to make sure my children didn't answer my phone. They are not honorable and don't act Christian. They are now running on a "return to civility" message. They want us to believe they will solve the problem they created.

Dean Hove's long-term perspective and experience are an irreplaceable source of guidance. Hove has been our most trusted source of truth. Dean calmly stated the facts whenever fiction was presented. No council member tried harder to understand and find common ground with the far-right; it is they who would not listen.

The truth is, our economy is vibrant. The renaissance downtown is fueled by private dollars, but promoted by wise leaders like Hove, who also got our police department working for the people again.

Taxpayers will enjoy another flat levy in 2023 because of Hove's budget skill. The single biggest reason Dean Hove is our longest serving council member is he is on our side. Hove doesn't give up and he doesn't give in because he cares about average people.

—Andy Klitzke. Red Wing

https://www.republicaneagle.com/opinion/letters/letter-focused-on-stability-progress/article_11bb3cac-40cf-11ed-9d75-832af7adb71e.html

OPINION / LETTERS

Letter: Focused on stability, progress

Published on Oct 1, 2022



LETTER TO THE EDITOR

Klitzke's "Irreplaceable guidance" letter was disturbing. Why weren't "hateful, profanity-based messages," played at council meetings? Rather than go public, garnering constituent support, Klitzke was silent and resigned, leaving Ward 2 unrepresented.

Those spewing hate and lies must be exposed and held accountable.

At the League of Women Voters Senate and House forum, and "non-partisan" School Board and council forums, we heard candidates rehash exaggerations, false claims and disinformation. There was little direct challenge of false and misleading statements.

Divisive framing, projection, lies, inflammatory wedges, objections to pandemic emergency actions, claims of election fraud and promotion of the recall effort are unacceptable. The recall rationale of open meeting violations was spurious, and public declarations confirm it was based on Pohlman's firing.

Ex G_Sept 17 2022 Klitzke LTE and Overland Responsive LTE

Personnel issues must be addressed in closed session, that's the law. Pohlman controlled disclosure – but he chose to keep his secrets. Recall promoters filed petitions, collected signatures, and signed affidavits, all based on false premises. Candidates who are “Stop the Steal,” “Big Lie” and/or “Recall City Hall” adherents are unfit for public office. And we don't need Xcel councilors in this company town.

Some candidates claim they'd “fight for your freedoms,” yet would reject women's reproductive rights, restrict marriage, constrain public education, remove school library books, shift public funding to private education and demand curriculum “transparency” when it's posted on the district website (redwing.k12.mn.us/page/9162). Calls for “election integrity” are hollow – elections are found tamper free in every lawsuit – yet they'd make registration and casting ballots more difficult.

Candidates claim an unfriendly business environment, but economic reports say otherwise, everyone's hiring, and we have low unemployment. Candidates support “public safety” but object to pandemic emergency precautions, another foreshadows riots.

Cries of “lower taxes,” but what to cut, how to protect residents from making up for Xcel's cuts, how to attract new businesses, and how to restore normalcy to the real estate market.

Lastly, the House “independent” candidate isn't independent.

COVID-19 is winding down, the economy is recovering, and even gasoline costs are dropping. Onward! Vote for candidates who know truth from fiction, and who are focused on stability and progress.

—Carol A. Overland, Red Wing

https://www.republicaneagle.com/opinion/columns/column-recall-petition-is-old-fashioned-democracy-in-action/article_284c673e-af71-11eb-b5e6-8beffb348854.html

OPINION / COLUMNS

Column: Recall petition is old-fashioned democracy in action

Mike Wilson

Published on May 11, 2021



Mike Wilson writes a monthly column about Red Wing issues and in response to residents' questions.

Agree with it or not, the "Recall City Hall" campaign to engage all seven Red With City

Council members in a special election is grassroots democracy in action. Regardless of how the recall turns out, I think it's healthy. Citizens are getting more involved and interested in how our city is run, and democracy thrives on participation.

Most folks stopping by my downtown office are telling me – let's debate and let's vote.

As stipulated in the Red Wing City Charter, a recall is pretty simple. Twenty percent of registered voters in each ward sign petitions calling for their council representative to either stand in a special election against an opponent or throw in the towel. The reasons for a recall center around the terms "malfeasance" or "nonfeasance," the exact definitions of which the courts may have to determine. Voters, meanwhile, will use their common sense.

Now, with the deadline for signatures approaching later in May, volunteer recall petitioners are going door-to-door, engaging folks in conversation about the current state of city government.

There are two sides – more often many sides – to every issue. That's what political campaigns are all about. In the end, government reports to the people – not the other way around. If the people decide to recall the City Council, that's their right. If they choose not to, that's their right as well.

In any event, I look forward to working closely with the council to move forward and help make Red Wing an even greater place to live, work, and do business

Now what do you think?

When "The Mayor is IN" sign is out at 327 Third St., feel free to stop in and share your ideas and opinions. Or email me anytime at mike.wilson@ci.red-wing.mn.us

Remember, if it's important to you, it's important to me.

Mike Wilson is mayor of Red Wing, Minn.

Subject: Blue Water Farms - and EPNI at Legislature
From: "Carol A. Overland" <overland@legalectric.org>
Date: 5/22/2023, 3:29 PM
To: City of Red Wing City Council Mayor <citycouncilmayor@ci.red-wing.mn.us>
CC: "Kuhlmann, Kay" <Kay.Kuhlmann@ci.red-wing.mn.us>, Kyle Klatt <kyle.klatt@ci.red-wing.mn.us>

All -

I'm probably not able to attend, and there are two Blue Water related issues I want to comment on:

- Please when you hear and see folks commenting, saying "vacant for 17 long years" and/or "firm offer from Cannon Falls..." PLEASE stop them, interrupt, gavel, and note that this is **FALSE INFORMATION**. **Lying in promotion of any project is NOT ACCEPTABLE**, and detracts from the credibility of those lying and the project itself.
- Attached and below please find info on the EPNI Depot project, with EPNI board president Dean Dovolis and EPNI Secretary Clarence Bischoff, both also principals of Blue Water Farms.

Perhaps it would make sense to see how this Depot project goes, and include information on that project within due diligence for the Blue Water Farms project for Red Wing.

Also note -- this state funding is public money -- our tax dollars.

Thanks for your consideration,

Carol

<https://www.startribune.com/state-funding-unlocks-deal-with-minneapolis-to-sell-roof-depot-site-for-urban-farm/600276892/>

State funding unlocks deal with Minneapolis to sell Roof Depot site for urban farm

Legislative support brings a breakthrough for the East Phillips activists who opposed the city's plans to expand its public works campus on the site.

By [Susan Du](#) Star Tribune
May 22, 2023 — 2:23pm



Alex Kormann, Star Tribune
Protestors interrupted a Minneapolis City Council meeting last fall, calling for a chance to speak against the demolition of the Roof Depot building.
+++++

The Legislature has delivered a breakthrough for East Phillips environmental activists in their long fight to block Minneapolis' plans to build a public works facility at the site of the former Roof Depot warehouse, according to the House DFL Caucus.

Ex I_5-22-2023 Stop Lying

A \$4.5 million grant to relocate the public works project, and \$2 million earmarked for a down payment on purchase of the site by the East Phillips Neighborhood Institute (EPNI), a group of residents that wants to redevelop the site into an urban farm, were included in the capital investment and tax bills that passed this weekend.

The EPNI must still satisfy a set of conditions, including repaying \$16.7 million that the city has already spent on pre-development work.

EPNI board president Dean Dovolis celebrated the deal as a "dramatic" détente in the nearly 10-year impasse between the city and the neighborhood, which has involved multiple environmental [lawsuits](#) and [protests](#) to avert [demolition](#) of the Roof Depot.

"I credit the intelligence and genius of the community," said Dovolis, of DJR Architecture. "They've managed to structure this deal, create the vision, out-negotiate Minneapolis, get the legislative support for it and wide community involvement."

In a statement, Mayor Jacob Frey expressed gratitude to legislators and state officials for the deal, which he said would ensure clean water for the city and its residents.

"This agreement would move us closer to that goal, address community wishes, and avoid double-charging Minneapolis property taxpayers," he said.

City officials have been planning to expand the south Minneapolis public works campus on the Roof Depot site — consolidating water maintenance staffers, vehicles and equipment in one central location.

Details of the deal were outlined in a [letter](#) from Frey and City Council Member Andrew Johnson, chair of the city's intergovernmental relations committee. It states that the city will sell the Roof Depot site for the purpose of becoming an urban farm at its current assessed value of \$11.4 million if:

— EPNI privately raises \$3.7 million — half of the \$11.4 million minus the \$2 million deposit — by September 8.

— The state grants the other half of the site's assessed value — \$5.7 million — to the city next year, along with additional funds to repay the \$16.7 million that the city has already spent on its project.

— Minneapolis is not required to pay for further project management or environmental remediation on the site.

EPNI, its allies and investors are now making plans to raise that \$3.7 million before the September deadline. They are also planning a block party for June 4, said Dovolis.

"With a third of East Phillips residents living below the poverty line, the community is in great need of affordable housing, investment in jobs and infrastructure, and sustainable development," said Rep. Hodan Hassan, DFL-Minneapolis, in a statement. "While this project will be a long road, I'm thankful we were able to make progress on this investment in our community. I am confident the vision for the Roof Depot will one day become a reality."

--

"Our lives begin to end the day we become silent about the things that matter." Dr. Martin Luther King, Jr.

Carol A. Overland
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www.legalelectric.org

www.nocapx2020.info

www.not-so-great-northern-transmission-line.org

— Attachments: —

State funding unlocks deal with Minneapolis to sell Roof Depot site for urban farm.pdf

239 KB

Blue Water project is right for Red Wing

BY MIKE WILSON
Red Wing Mayor

You've probably heard the old expression "It's a no brainer" – a deal that makes so much sense that it would be foolhardy not to run with it.

The Blue Water project – a \$30 million dollar organic "walleye farm" and aqua phonic vegetable growing center proposed for the long vacant, city-owned corner of Highways 61 and 19 – is a "no brainer" for Red Wing. The City Council should approve it. If they fail to do so, several other communities are eagerly waiting in the wings.

Blue Water – bluewater-farmswalleye.com – checks all boxes for a desirable, well run, new industry in Red Wing:

- ▶ 30 to 50 permanent, good-paying jobs once the operation is fully up and running.
- ▶ High consumer demand – the Minnesota Department of Natural Resources would purchase substantial quantities of walleye fingerlings to help stock thousands of lakes – as well as for lettuce and other organic vegetables grown using cleaned and processed water. Fish remnants would be transformed into fertilizer to augment local and statewide food production. The Minnesota Farmers Union is a major stakeholder in the project.
- ▶ Blue Water would be clean, non-polluting, carefully controlled, and run by highly experienced people.
- ▶ The existing building's



MIKE
WILSON

architectural integrity would be preserved. A \$1 million dollar rehabilitation project is set to go.

In addition, the Port Authority has entered into a memo of understanding with the Prairie Island Tribal Community regarding an archeological study to ensure that historic or religiously significant features of the property are respected and preserved.

Any other issues will be addressed.

Land on the corner of Highways 61 and 19 has been vacant for 17 long years, producing not one cent of tax money to help build Red Wing. It's time to move forward.

Please take a few minutes to contact your city council representative and convey your views. You can find email and phone information at red-wing.org/Directory.aspx?did=28

Now what do you think?

Mike Wilson is Red Wing mayor. When "The Mayor is IN" sign is out at 327 Third St. feel free to stop in and share your ideas and opinions, or email me anytime at: mike.wilson@ci.red-wing.mn.us.

of the heart" that you make each and every day, your community is grateful.

We appreciate Red Wing Public School teachers.

*Jake and Alexa Bjornstad
Red Wing*

Business opportunity

Red Wing is poised to lose yet another amazing business opportunity.

For two years Blue Water Farms (bluewaterfarmswalleye.com) has sought to bring a fully integrated aquaponic walleye farm to the former Dover Industry property on the corner of Highways 19 and 61.

Regrettably the Red Wing Port Authority has been cool to the project from the beginning. This project proposal has sat in a subcommittee of the Port and the entire Port Authority has never had the opportunity see a full presentation of the proposal from the company.

Two weeks ago, the Port did receive a purchase agreement for the property from Blue Water Farms, which was not endorsed by the Port Authority and the subcommittee now recommends a moratorium.

What Red Wing citizens will lose?

▶ We lose the opportunity of having a dynamic eco-friendly green enter-

prise that will contribute to our tax base.

▶ Blue Water Farms will renovate the existing structure on the property, saving taxpayers \$600,000, which is the city's estimate for the demolition of said structure to accommodate resale.

▶ A fully integrated facility that will produce walleye fish and leafy produce for eight Midwestern states with zero waste or fertilizer run-off including a solar panel system to reduce demand on the electrical grid.

▶ This facility will create initially 12-30 new jobs for the community. Job opportunities will expand as production expands.

▶ In 17 years there have been only three parties interested in this property

▶ Blue Water Farms must consider firm offers from Cannon Falls and Lakeville due to the subcommittee's two-year stall.

Call Council President Kim Beise as well as council persons Becky Norton and Evan Brown who are council liaisons on the Port Authority to put this on the City Council agenda at the upcoming meeting this Monday.

Attend the council meeting and ask the question: "why was the public denied full disclosure?"

*George W. Snyder
Red Wing*

Subject: Strengthen Red Wing's Code of Conduct

From: "Carol A. Overland" <overland@legalelectric.org>

Date: 6/4/2023, 11:46 AM

To: City of Red Wing City Council Mayor <citycouncilmayor@ci.red-wing.mn.us>

CC: "Kuhlmann, Kay" <Kay.Kuhlmann@ci.red-wing.mn.us>

All -

At the last Council meeting I attended, I was prepared to comment on the need for update of the City's Code of Conduct, but the public comment period was shifted to comment on the Blue Water Farms agenda item (which I wasn't really prepared for!)(procedurally, I think it would have been better to hold comment on this when item was called and prior to closing the meeting). As time goes by, the need for revision of the Code of Conduct is increasingly apparent.

Six years ago this month, Alan and I submitted the Letter below to the bEagle. Strengthening the City's Code of Conduct was one of the priorities identified by the **Red Wing Citizens Assembly**. That was **six years ago**, and nothing has happened, the Code of Conduct has not been updated. Mayor Dennis Egan resigned a decade ago due to an blatant conflict of interest, and yet the Code of Conduct has not been updated. Why? What's the hang up?

I've offered the Public Utilities Commission Code of Conduct to the Citizens Assembly and the Council as an example of the sort of provisions needed, and offer again to you:

CODE OF CONDUCT

7845.0100	DEFINITIONS.
7845.0200	AUTHORITY.
7845.0300	PURPOSE AND CONSTRUCTION.
7845.0400	CONFLICT OF INTEREST; IMPROPRIETY.
7845.0500	QUASI-JUDICIAL RESPONSIBILITIES.
7845.0600	DISQUALIFICATION.
7845.0700	PROHIBITED ACTIVITIES.
7845.0800	FUTURE EMPLOYMENT.
7845.0900	POSTEMPLOYMENT REPRESENTATION.
7845.1000	SANCTIONS.

In particular, examples of PUC's Code of Conduct that the City should rework as needed and incorporate:

7845.0400 CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. **General behavior.** A commissioner or employee shall respect and comply with the law and shall behave in a manner that promotes public confidence in the integrity and impartiality of the commission's decision making process.

Subp. 2. **Actions prohibited.** Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

- A. using public office for private gain;
- B. giving preferential treatment to an interested person or entity;
- C. impeding the efficiency or economy of commission decision making;
- D. losing independence or impartiality of action;
- E. making a commission decision outside official channels; and
- F. affecting adversely the confidence of the public in the integrity of the commission.

7845.0700 PROHIBITED ACTIVITIES. (selected)

Subp. 3. **Interests in utilities.** A commissioner or professional employee shall not invest in a public utility or telephone company, acquire a legal or equitable interest in it, however small, become its director or advisor, or actively participate in its affairs. This prohibition does not apply to:

Subp. 5. **Insider information.** A commissioner or employee shall not directly or indirectly use, or permit others to use, information not made available to the general public, to advance a private interest.

We have seen the active participation in lobbying for Blue Water Farms, heard demonstrably false statements being bandied about by some Council and Port members and the mayor regarding Blue Water Farms (i.e., "17 long years" and "firm offer from Cannon Falls" and that other cities are interested) and apparent use of inside information as some statements made are not in the public realm; the willingness to subvert and circumvent established due diligence process; the disregard for our City's MOU and work with Prairie Island Indian Community to improve relationship with PIIC; and Mayoral lobbying for new roof of his Marine Engine Museum despite default on lease and contrary to lease provision that lessee is responsible for all maintenance and repairs; and recent letter sent to Chief Judge Lennon **under color of law "[a]s Red Wing's Mayor"** and without service on party; the thankfully failed attempts to eliminate virtual meetings and then virtual comments; the attempts to reject grants and budgeted public expenditures for public projects which would stop those projects and harm the city's future requests, contrary to the Council's fiduciary responsibility; these examples are more than sufficient to support review and updating of the City's Code of Conduct.

The last sentence of our letter below is particularly important:

The City Council needs education on fiduciary responsibility, protection of city resources, and public versus private interest.

So... once more with feeling... **STRENGTHEN THE CITY CODE OF CONDUCT!**

https://legalelectric.org/f/2023/03/Strengthen-City-Code-of-Conduct_LTE-Republican-Eagle.pdf

Letter: Strengthen the city Code of Conduct

Carol A. Overland and Alan Muller

Published on Jun 29, 2017

As a member of the Red Wing Citizens Assembly, I'm thinking more formally about public policy. As frequent participants in local issues, representing groups and members of the public, and as individual residents, Alan and I are particularly interested in Red Wing's Code of Conduct. It's a company town in many ways, with undue corporate influence.

Compared to that of the Public Utilities Commission where I practice (Minn. R. Ch. 7845), Red Wing's Code of Conduct is inadequate. Under PUC Code, commissioners "shall behave in a manner that promotes public confidence in the integrity and impartiality of the commission's decision-making process," and prohibits "... any action that might result in or create a conflict of interest or the appearance of impropriety... ." Red Wing's Code gives too much wiggle room.

Remember removal of Mayor Dennis Egan? Why was resignation even a question given the direct conflict of interest and sand issues on the city agenda at the time?

How many City Council members are financially connected to Xcel Energy, as employee, contractor or with business ties? Xcel matters are regularly before the council, i.e., LabUSA "ash mining" (Full disclosure: I represented in limited scope neighbors challenging that project), nuclear issues, utility personal property tax revenue, and the city's legislative agenda. How does the city balance Red Wing's interests with Xcel's interests?

3M/Capitol Safety agreed to create 40 new jobs in exchange for a \$500,000 state MIF Loan and \$284,677, 100 percent city tax abatement, for the new building. 3M didn't comply by the deadline, nor within the three-month grace period, and now they're six months overdue. The public is paying over \$19,000 per job, Red Wing's

share over \$7,000 per job. The council granted an extension without penalty, with no disclosure of how many jobs 3M fell short. 3M is moving jobs around - why not to Red Wing? Shouldn't tax be assessed during noncompliance, not abated? An "extension fee" of at least \$19,000 per job not created by the deadline? How is extension, with no consequence, in the public interest?

These are just a few examples. A few thoughts for improvement:

- The Red Wing Code of Conduct should require full disclosure of employment and contracting ties, in campaign information and city website biography. For each agenda item with a potential conflict, council and commission members should be queried via roll call about conflicts and interests with their response on the record.
- The administrator's council packet should review for each agenda item the "city interest," "applicant interest" and "public interest" for consideration.
- The Code of Conduct should require full disclosure and recusal from discussion and decision of any council or commission member who is employee or contractor or has business dealings with a party to an agenda item.
- The City Council needs education on fiduciary responsibility, protection of city resources and public versus private interest.

City of Red Wing, revise the Code of Conduct. Give it some teeth.

Carol A. Overland and Alan Muller

Red Wing

--

"Our lives begin to end the day we become silent about the things that matter." Dr. Martin Luther King, Jr.

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Ex K_City Atty re Recall's ex parte Contact

Kevin J. Rupp
 Scott T. Anderson
 Jay T. Squires*†
 Michael J. Waldspurger*
 Amy E. Mace
 Trevor S. Helmers*
 John P. Edison*
 Liz J. Vieira
 Tessa S. Wagner
 Kristin C. Nierengarten
 Zachary J. Cronen
 Michael J. Ervin
 Abigail R. Kelzer
 Ryan P. Supple*
 Marcus B. Jardine
 Nathan S. Froemming*
 Hannah M. Reichenbach

**RUPP, ANDERSON, SQUIRES
 & WALDSPURGER, P. A.**



*Also Admitted in Wisconsin

†Real Property Specialist Certified by
 the MN State Bar Association

August 23, 2021

VIA E-FILING ONLY

Judge Patrick M. Biron
 Goodhue County Justice Center
 454 West Sixth Street
 Red Wing, MN 55066

RE: George Hintz et al. v. City of Red Wing et al.
 Our File No. 4001(2)-0382
 Court file No. 25-CV-21-1564

Dear Judge Biron:

We represent the City of Red Wing and all named Respondents in the above-referenced case. The purpose of this correspondence is to request that if the Court is considering reversing its dismissal of this matter that Respondents have an opportunity to respond to any ex parte communications about this case before any decision is made.

Currently, we are aware that the public docket provides that this case has been dismissed without prejudice. Prior to a phone call we made to the Court this morning, August 23, Respondents were only aware of one letter sent directly to the Judge, via the Judge's personal court email address, by Kent Laugen, which was made after the dismissal. Court administration advised us this morning that individuals have made multiple ex parte communications with the Court regarding this case. We also learned that the Court may be considering the best way to proceed in light of receiving such communications.

If the Court is considering a reversal of its disposition in this case, Respondents respectfully request to have an opportunity to review all ex parte communications made with the Court and an opportunity to respond before a decision is made. We are copying

Ex K_City Atty re Recall's ex parte Contact

August 23, 2021

Page 2

the Petitioners' former counsel, Gregory Joseph, on this communication, as well as George Hintz, a Petitioner who appears to be the spokesperson for the Recall City Hall effort. We are assuming that the Petitioners are no longer represented given the notice of withdrawal that Mr. Joseph filed with the Court as we have not received any other notification of representation.

Very Truly Yours,

/s/ Amy E. Mace

Amy E. Mace

Marcus B. Jardine

cc: Gregory Joseph, former counsel for Petitioners
George Hintz, Petitioner
Carol Overland, Proposed Intervener

RASW: 194110



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‘THE MAYOR IS IN’: RED WING MAYOR FIELDS QUESTIONS ABOUT POLICE CHIEF’S DEPARTURE

March 8, 2021



With COVID and so much else going on, it takes a lot to get people any more worked up and worried than they already are. But I’m really getting an earful about the City Council’s decision to fire our now former police chief, Roger Pohlman.

Red Wing citizens are calling, emailing, and stopping by my Third Street office. They are puzzled about the process, or lack of it, and furious about the outcome.

From what I see and hear, community support for him is overwhelming. In fact, I’ve received exactly two – yes, just two – emails from people who thought the

Ex L_3-2-2021 Mayor Column & 3-13-2021 Overland Responsive LTE council made the right decision. That's it. Checking my notes from folks who have stopped by the office, called, or emailed, these points come up again and again."

"The chief didn't get a fair shake."

"What ever happened to due process? Why weren't citizens allowed to speak at the council meeting?"

"Why wasn't Chief Pohlman allowed to attend and speak in his own defense? What kind of a kangaroo court is the council running?"

"Chief Pohlman treated people with respect, honesty, and kindness. I can't believe what they did."

"Looks like they had their own agenda and fired him for reasons that remain secret. Why weren't citizen taxpayers allowed to weigh in?"

You get the idea. And when I met with members of our police force, to a person they expressed support and admiration for Pohlman. Quite frankly, I'm concerned about morale on the force, and about our ability to keep the top flight cops who have served Red Wing so well.

I'm also hearing plenty about what some are calling the taxpayer funded, multi-million dollar proposed "Bridge to Nowhere" that would link Bay Point Park to West End businesses. More on that later.

When "The Mayor is IN" sign is out at 327 Third St., feel free to stop in and share your ideas and opinions.

Or email me anytime at: mike.wilson@ci.red-wing.mn.us. Remember, if it's important to you, it's important to me.

Don't forget to tune in to KCUE Radio 1250 at 9 a.m. on the second and fourth Thursday of every month for "A Conversation With Mike." It's a live interview where you get to ask the questions. And I'll also share the topics that were discussed, and what will be discussed, at the Council meetings the second and fourth Monday of each month.

This article was first published by [The Republican Eagle](#)

March 13th, 2021 Online on Legalectric <https://legalectric.org/weblog/21343/>

My LTE is in the paper today, on hearing him say he got only 2 emails supporting Pohlman's firing, and that an "overwhelming majority" was in an uproar:

[Letter: An open letter to Red Wing Mayor Mike Wilson](#) (editor changed to "Thankful for Weak Mayor")

[Written By: Carol Overland | 1:50 pm, Mar. 13, 2021](#)

[Do recall, I sent three emails to the City address, distributed to you and the Council. The bottom line was "I thank you for doing your jobs, difficult as it can be." In those emails, I questioned the public letters, petition, and comments regarding Roger Pohlman that implied knowledge of confidential matters, twisting public perception. Because it's a confidential process, insinuations and innuendoes couldn't be refuted. Rep. Haley's interference in city issues, seeking to prevent termination, also alluding to inside information, was as improper as the interference play on the national front seeking to overturn Georgia's election.](#)

[In Red Wing, I hear cries of "witch hunt," and "we have only begun to fight" and ugly statements about council members — irresponsible speech in light of our political climate \("credible threat" lockdown of Goodhue County building for refugee resettlement vote last year; Sen. Mike Goggin joining Rep. Steve Drazkowski and others, asking Texas A.G. to add Minnesota to lawsuit and disenfranchise Minnesota voters; Jan. 6 D.C. failed insurrection.\). There's talk of a recall effort of six council members. These words and actions will not change the Pohlman decision.](#)

[Your column \(RE, March 6, 2021\) hearkens back to a recent failure to accept election results, and uses the rhetorical gambit of using words of others, words conveying little understanding of the process, i.e., process is confidential, Pohlman was represented by counsel, that it was a lengthy process with iterative opportunities for change.](#)

[Not one of the supporters' comments you quoted substantively challenged the examples cited in the council's Feb. 19 letter, nor do you make any substantive challenges of your own.](#)

["Remember, if it's important to you, it's important to me."](#)

[The flurry of inflammatory charges during confidential proceedings prior to his termination was important enough, concerning enough, that I wrote three missives. And now? It's important to me that decisions of the council be acknowledged, and not undermined. A 6-1 vote is not a close call. That is an "overwhelming majority."](#)

[Red Wing has a weak mayor system, with the position being that of a bully pulpit. Using your position for a column of this fomenting tenor is divisive and increases rancor in our community.](#)

[In short, based on the information stated in the 2/19 letter, what's been reported in the papers including your words, and a viewing of the short 2/19 council meeting, I support the City Council in its 6-1 decision to terminate Pohlman.](#)

Carol A. Overland, Red Wing

Subject: Comments - Rules of Order and Procedures

From: "Carol A. Overland" <overland@legalelectric.org>

Date: 12/19/2022, 11:47 AM

To: City of Red Wing City Council Mayor <citycouncilmayor@ci.red-wing.mn.us>, "Kuhlmann, Kay" <Kay.Kuhlmann@ci.red-wing.mn.us>, "Swanson, Teri" <teri.swanson@ci.red-wing.mn.us>

All -

Attached please find Correspondence, Overland suggestions (pdf pps. 3-11), Citizens Assembly "Better Meetings" (pdf pps. 13-14), Res. 7590 (pdf pps. 15-22), Policy for Boards and Commissions (pdf pps. 23-25), and Policy for Committee Meetings (pdf pps. 26-27).

At the last Council meeting, I noticed at the bottom of the agenda "Resolution No. 7799," and remembered our discussion of this in the Charter Commission, plus policies for Committees and Boards and Commissions (missing from link on the Agenda). This was back in September, 2021, and I don't recall that these issues were raised before the Council, so here goes... see attached. The comments for Resolution No. 7799 build on the earlier comments drafted during the Charter Commission discussion in 2021.

Please do what you can to encourage public participation -- and there IS a lot you can do, at nominal dollar cost.

Carol

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"Our lives begin to end the day we become silent about the things that matter." Dr. Martin Luther King, Jr.

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— Attachments: —

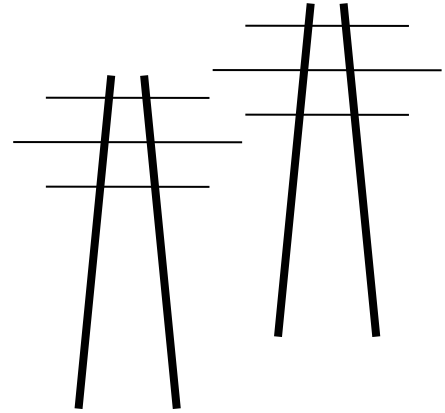
Overland Comments_Res 7799 Rules of Order and Procedures.pdf

2.0 MB

Legalelectric, Inc.

Carol Overland Attorney at Law, MN #254617
Energy Consultant—Transmission, Power Plants, Nuclear Waste
overland@legalelectric.org

1110 West Avenue
Red Wing, Minnesota 55066
612.227.8638



December 19, 2022

City Council & Mayor
Council Administrator & Clerk
City of Red Wing
315 West 4th Street
Red Wing, MN 55066

via email only

RE: Comments on Rules of Order and Procedures for Council, Committees, and
Boards and Commissions

All –

Way back in September, 2021, this came up as a Charter Commission issue, whether to amend the Charter to be in line with City policies, and whether to address some black holes in the Charter. Most of the issues were not a Charter issue, and were instead a matter for the Council in its annual Resolution for Rules of Order and Procedures.

On the agenda for last Monday's meeting, this time around it's Resolution No. 7799, which was linked at the very end of the agenda, and will be up for discussion and a vote on January 3, 2023. Only the Council rules and procedures were linked, and there is annual consideration and adoption of policies for Committees and also for Boards and Commissions.

MOST IMPORTANT SUGGESTION: VIRTUAL MEETING LINK ON FRONT PAGE OF CITY WEBSITE, ADJACENT TO THE CHANNEL 6 LINK, AND VIRTUAL MEETING LINK ON EVERY AGENDA AND MEETING NOTICE.

Attached are my suggestions, all aimed at getting to “Better Public Meetings” for Red Wing:

- Overland suggestions in Track Changes – pps. 3-11
- Citizens Assembly “Better Meetings” from final report – pps. 12-14
- Resolution 7590 – Charter Commission mtg September 9, 2021 – pps. 15-22
Overland suggestions at that time in TrackChanges
- Suggestions re: Policy for Boards & Commissions – pps. 23-25
- Suggestions re: Policy for Committee Meetings – pps. 26-27

The objective is to provide better, more visible and timely notice; make it easy to check in via the internet through links to information, the webcast ,and virtual meetings; increase ability for folks to track what “our government” is up to; increase “transparency” (oh, I detest that buzzword, but it fits); and make information accessible. promote, encourage, public participation. It’s our job as residents to let you know what we’re looking for from our government, and it’s your job to make fiscally responsible decisions in the public interest.

The resistance I heard at the last Council meeting to continuation of virtual meetings raised commenting on these Rules of Order and Procedures to a much higher priority. Any reduction in ability to participate is against the public interest. The Council needs to focus on **increasing** public participation and engagement – did you not hear the repeated demands of “Recall City Hall” that there wasn’t ample opportunity for comment and participation!! That followed the Citizens Assembly report with specific suggestions for increasing participation, and even establishment of a position to promote public engagement. And the Charter Commission considered these issues in September, 2021. Here we are again, looking at Resolution No. 7799 and next month’s consideration of 2023 Rules of Order and Procedures.

I’m offering specific suggestions, not just hollering! These suggestions cost little to implement, and will not only help us participate, but will help residents know and understand the thought behind your actions and increase acceptance and confidence in our local government.

These comments are made as an individual, and not in the course of representation of any party.

Thank you for your consideration in this matter.

Very truly yours,



Carol A. Overland
Attorney at Law

RESOLUTION NO. 7799

***A Resolution Adopting Rules of Order and Procedures for the City Council
in Accordance with the City Charter, Section 5.04***

BE IT RESOLVED by the City Council of the City of Red Wing, Minnesota, as follows:

In accordance with the Charter of the City of Red Wing, Section 5.04, the following are hereby adopted as the 2022 rules of order and procedures for the City Council:

1. On the first Tuesday after the first Monday of January following a City General Election, the City Council shall hold an organizational meeting to swear in newly-elected officials, and elect officers, adopt the rules of order, adopt the designation of depositories for City funds, adopt the designation of the official newspaper, and conduct any other business as deemed appropriate.

The City Council shall elect officers, adopt the rules of order, adopt the designation of depositories for City funds, and adopt the designation of the official newspaper at the first regular City Council meeting on election years.

2. The Council shall elect a Council President, Council Vice President, and Council President Pro Tern. Each officer will serve a one-year term. There will be a term limit for the office of Council President of four consecutive years. The Council President serves as the leader of the Council by running all Council meetings, making appointments of Council liaisons to boards, commissions, and other miscellaneous roles. This supersedes Resolution No. 7590.
3. The rules of parliamentary procedure comprised in Robert's Rules of Order, newest revision, shall govern the Council in all cases in which they are applicable, and to the extent they are not inconsistent with these rules, the Charter, Ordinances of the City, or laws of the State of Minnesota. The City Attorney or his/her designee shall function as Parliamentarian to advise the presiding officer on matters of Parliamentary Law.
4. The Council shall meet in regular session on the second and fourth Mondays of each month at 6:00 p.m. unless the Council shall direct otherwise. The Council shall meet in special session upon the call of the Mayor, Council President, or three Council Members. When establishing a Special Meeting date, Council members will be informed of the subject and asked whether Public Comment should be added to the agenda, and the Public Notice shall reflect the majority opinion. All meetings shall be held in City Hall unless otherwise directed and properly noticed. All meetings in which action is taken shall be televised or the audio recorded. The Council Administrator shall notify the press and post public notice of the time and purpose of the meeting. Notice of meetings and the manner in which they are conducted shall comply with requirements of the City Charter, City Code, and Minnesota Open Meeting Law. [Notice of the meetings shall be posted on the front page of the City website, and a link for virtual participation shall be posted prominently near the front page Channel 6 link and in emailed meeting notices.](#)

5. All reports, visitations, communications, ordinances, resolutions, or other matters to come before the Council shall be reported to the Council Administrator at least by noon of the Thursday prior to each regular meeting. The Council Administrator shall include all appropriate items on the agenda according to the order of business.

Unless the Council otherwise directs, **at least 72 hours prior to the meeting (this is too short a time frame to digest and prepare)** the Council Administrator shall furnish a copy of the regular meeting agenda and all supporting materials to each Council Member. The Council Administrator shall also furnish the meeting agenda and appropriate supporting materials to the press and City staff. Failure to accomplish any of these tasks shall not invalidate the meeting.

The Council Administrator shall maintain a copy of agenda supporting materials and make the same available online and hard copy for public inspection. All items required to be posted for public notice shall be so done on a notice board located in City Hall and on the City's website.

- a. In the case of routine claims that allow for early payment discounts, travel advances and reimbursements, and payroll-related claims, the Council Administrator, Administrative Business Director, and Mayor are authorized to pay such claims as they become due and without specific approval of the Council, provided they are contained in the next regular listing of all claims.
- b. The Council Administrator shall be authorized to make payments for goods and services delivered or performed as per contract conditions prior to Council meetings at his/her discretion and upon approval, as appropriate, by the various affected department heads. All such payments shall be listed at the next regular Council meeting with the listing of bills.
- c. Public Comment and active involvement of citizens in government is encouraged, through direct contact with City Council, Boards and Commissions, staff, by in person communications, phone, email, and virtual meetings.
- d. The City Council will dedicate time during each regular meeting to hear from citizens on matters that are on the agenda and matters that are on the consent agenda or not on the agenda. The Council rules for public comment during special meetings and workshops are described in sections 4 and 25.
- e. Public comments are welcomed prior to the meeting, preferably by email to City of Red Wing City Council Mayor citycouncilmayor@ci.red-wing.mn.us to encourage consideration of comments prior to the meeting. Members of the public are also encouraged to contact Council members directly about specific concerns. Comments by email are preferred to allow time to be reviewed and considered when convenient.

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e-f. Public participation is welcomed and encouraged, in person and through use of virtual meetings.

d-g. The order of business for all regular Council meetings shall be as follows, unless the Council directs otherwise:

1. Call to Order
2. Pledge of Allegiance
3. Statement of Intent
4. Excusal of Members
5. Approval of Agenda
6. Proclamations and Recognitions
7. Public Comment and Presentations
8. Board and Commission Communication
9. Consent Agenda
10. Motions and General Business
11. ~~Council Concerns~~
12. ~~Council Administrator's Status Report~~

11. Communication Items – incorporating Council Concerns and Admin Report

13-12. Adjournment

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Council President, in consultation with the Mayor, Council Vice President, and City Council Administrator shall establish the City Council Agenda for regular and special meetings at the Council Agenda Committee meeting, held on Mondays at 5 p.m. the week before Council meetings. The Council Agenda Committee are public meetings and will be noticed as an open meeting, and notice posted at City Hall, online, and published in the newspaper.

Items that the Council Agenda Committee believes to be of a non-controversial matter shall be placed on the Consent Agenda. Any member of the Council may pull an item from the Consent Agenda and the Council shall then consider that item in its proper order of business.

The presiding officer may vary the order of business or business items to facilitate special orders or the efficient use of meeting time, but not to move agenda items up to circumvent public comment. The Council shall not amend the agenda once the agenda is approved.

Public hearings, bid openings, or other matters with a designated time shall be Special Orders. Any business under consideration at the time noted for a Special Order (other than a Special Order already under consideration) shall be laid on the table for the duration of the Special Order and the Special Order brought up for immediate consideration

Following a closed session, the City Council shall publicly pass a motion to go into open session. By statute, a meeting may be closed for personnel matters, attorney-client

privilege, labor negotiations, security issues, property sales and purchases (see statutes for specifics).

6. The President, or, in his/her absence, the Vice President, or, in both their absences, the President Pro Tern, shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The names of those present, absent, and excused shall be recorded as well as arrival and departure time for the members arriving late or leaving early.
7. The presiding officer may debate from the chair and shall not be deprived of any rights or privileges of a Council Member by reason of acting as presiding officer.
8. The presiding officer shall preserve order and decorum and decide all questions of order, subject to appeal to the Council. No person shall be allowed to delay or interrupt the proceedings or refuse to obey the orders and rules of the Council. Every person desiring to speak shall first be recognized by the presiding officer and shall avoid personalities and inappropriate language. Any person can be removed from the meeting for failure to comply with a ruling of the chair or for a violation of these rules. The Police Chief or his designee shall function as Sergeant-at-Arms to assist the presiding officer in enforcing this rule.
 - a. Members of the public and those speaking to the Council shall keep their comments as brief and to the point as possible. No person may speak twice on an item of business until all members of the public have first had the opportunity to speak once.
 - b. The presiding officer may prescribe additional rules of procedure for public hearings so as to preserve decorum and the efficient presentation of citizens' concerns.
 - c. After a mandatory public hearing has been held at the Advisory Planning Commission, individuals will have the opportunity to present comments on the Advisory Planning Commission's recommendations at a City Council meeting. The purpose of allowing comments is to provide the applicant and the public the opportunity to directly address the Council on the matter. The comment period ~~cannot~~ is not to be used for the presentation of new information as all relevant information needs to be provided to the Advisory Planning Commission at the public hearing. If new information is presented to the City Council that was not considered at the public hearing of the Advisory Planning Commission, the Council may vote to send the matter back to the Advisory Planning Commission. All comments will be kept to the customary three-minute limit.
9. In keeping with the intent of the Minnesota Open Meeting Law, the Mayor and City Council members shall not use any form of electronic communication technology, such as text messaging or e-mail, to communicate with one another during public meetings. Nor will elected leaders correspond with third parties during a public meeting on matters

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on the agenda or of public interest or any matter other than a bona fide emergency. Council members who receive electronic communication regarding such, shall disclose the information shared with the public at the meeting. Text or email communications with staff during the meeting is prohibited, and is only permitted in order to address technology or meeting process items. and notice should be made of such technology or meeting process issues.

10. A quorum shall consist of at least a majority of all members of the Council, although a majority of any members present may send for and require the attendance of those absent unless excused (how does that work?), or adjourn or recess to any time previous to the next regular session. No member or officer shall absent himself/herself from any session unless excused by the Council.
11. When a question is put forward, each Council Member present shall vote aye, nay, or present unless, prior to voting, a Council Member, for special reasons (e.g., conflict of interest) that must be recorded in the minutes, is excused from voting. When a Council Member votes "present", the member is presumed to be abstaining and the vote will be recorded as such. A "present" vote will not be counted when determining a majority vote. Conflict of interest is defined as _____ (see Code of Conduct?)
12. Except in an emergency or other unusual circumstance where immediate action is in the best interests of the City, the Council shall not take action on a request for funding that has not been included in the published agenda. The funding request shall be placed on a subsequent agenda for Council consideration.
13. The Mayor, Council Members, and staff shall occupy their respective seats in the Chambers while the Council is in session. The Council President on or before the first regular meeting of the year shall make all seating assignments.
14. The Council President shall open each agenda item with a brief summary of the issue. A presentation by the appropriate source may be made if requested by the President and/or members of the body or if pre-arranged by issue proponent or member of the public. The Council may discuss or debate the issue prior to the motion being made. Once a motion is made, a second is necessary prior to additional discussion. The President will ask for action once the discussion is over or if a Council member calls the question. If a Council Member calls the question, a vote will occur on that question. A two-thirds (2/3) vote of support will end the debate discussion.
 - a. The presiding officer may recess the Council without a motion at any time he/she deems appropriate and shall state the length of time and the reason for the action.
15. If any question contains two or more divisional propositions, the presiding officer may, and upon the request of a member, shall divide the same.
16. The vote on all ordinances or resolutions shall be by roll call vote. The vote on all other matters shall be by acclamation. Upon the demand of any member, before the negative has been put (awkward wording), a roll call vote shall be taken on any matter before the

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Council. If after a vote by acclamation it appears that the vote was not unanimous, a division of the house shall immediately be taken, and the individual votes of each member recorded.

17. After the decision on any question, any member who voted with the majority may move to reconsider any action at the same or the next succeeding meeting provided, however, that a resolution authorizing or relating to any contract may only be reconsidered before the final execution thereof. When notice of intention to move reconsideration shall be given by a member (a motion to reconsider and enter on the minutes), no action shall be taken to bind or commit the City until the next meeting, provided that four members may vote to declare an urgency, in which case the matter shall not be delayed unless then and there reconsidered.
18. The City Council shall take action by Resolution if required by law, agencies of the state, and/or City Charter. Generally speaking, the City Council shall take action in the form of a simple motion if a Resolution is not required.
19. All proposed ordinances shall be introduced in written form and need not be read. ~~Resolutions introduced in written form need not be read.~~ Any resolution not introduced in writing shall immediately be reduced to writing and a copy furnished to each member of the Council unless waived by unanimous consent.
 - a. After introduction, any proposed ordinance or resolution may be referred by the presiding officer without objection to any regular or special committee of the Council or, when appropriate, a City board or commission.
 - b. Amendments may be adopted at any time and shall be in writing except for minor amendments which may be made orally and duly noted by the City Clerk. The text of amendments ~~need not will~~ be recorded in the minutes ~~but, if not recorded, and~~ shall be preserved along with the original proposed ordinance or resolution as introduced.
20. It shall be the responsibility of the Council Administrator, with the assistance of the City Attorney, to review all proposed ordinances and resolutions to assure that each is properly drafted. Each proposed ordinance and resolution shall have a title clearly stating its subject and purpose. When a proposed ordinance amends or repeals existing ordinances, the title shall refer to the section, subdivision, paragraph, subparagraph, and clause affected. Proposed ordinances shall contain the full text of the section, subdivision, paragraph, subparagraph, or clause as amended.

If a proposed ordinance provides for a new section to the City Code and is not an amendment of existing portions of the City Code, the sections, subdivisions, paragraphs, etc. shall be arranged, subdivided, and numbered in like manner as the existing City Code, provided that proposed ordinances which relate only to a single purpose, act, or event (such as franchises or annexations), shall remain uncoded and noted in Chapter 25 of the City Code.

At any time before or after adoption, the Council Administrator is authorized to correct obvious mistakes in spelling, grammar, punctuation, and typographical errors. In addition, the Council Administrator may change obvious mistakes in the codification of any ordinance at any time prior to publication so as to provide that all ordinances are arranged, subdivided, and numbered in like manner as the existing City Code. All corrections shall be put on Consent Agenda.

After the adoption of any ordinances or resolutions, the City Clerk shall cause the engrossment into it of any amendments properly adopted prior to adopting and prepare an accurate enrolled copy for signatures by the presiding officer of the Council and the City Clerk. The City Clerk shall thereafter cause the enrolled copy to be presented to the Mayor as required by the Charter. Ordinances shall be kept in a permanent file in numerical order as adopted with proof of publication attached. Resolutions shall likewise be numbered and maintained within a separate book.

An enrolled ordinance shall be labeled "Ordinance No. Fourth Series". An enrolled resolution shall be labeled "Resolution No. _". In all other respects, the ordinance or resolution shall be identical to the proposed ordinance or resolution as adopted by the Council subject to the correction of obvious mistakes as provided for in this rule.

21. In accordance with Charter provisions, the Mayor has the right to veto any ordinance or resolution. Except for emergency ordinances, the veto must occur within 96 hours, not including Saturdays, Sundays, or holidays, of receipt of the ordinance or resolution and shall be returned to the City Clerk with a written objection message. The Council shall be

presented with the ordinance or resolution and the written veto objection at the next regular Council meeting or at a special meeting called by the Mayor, the President of the Council, or any three members of the Council. When the vote is taken on the veto override, it shall be by roll call and the question shall be "Shall the veto be overruled and the ordinance/resolution repassed?" If the ordinance or resolution receives the affirmative vote of two-thirds of all members, it shall be deemed adopted without the Mayor's approval and, in the case of ordinances, published as other ordinances.

22. Subject to the City Council's approval, City boards and commissions may adopt their own rules of procedure adopted annually for use at their regular meetings. In the event boards or commissions have not adopted rules of procedure, they will follow the City Council rules **(3.c. above???)**, insofar as practical. The establishment of rules of procedure is not intended to curtail the authority of any board or commission in the programming of any operation; rules of procedure are intended to create a foundation under which a public board will conduct business.

23. Board and commission staff liaisons shall cause minutes of the meetings to be kept and in all cases minutes, including those of related City entities, shall be promptly filed with the City Clerk. Minutes shall provide a general background on the topic; a summary of the discussion, specific action being considered and the tally of the vote, and shall be posted on the board or commission's webpage.

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The Council Administrator shall ensure the meetings are appropriately staffed. The Council Administrator's ex-officio, non-voting membership on all boards and commissions shall not count for purposes of determining a quorum, majority, or exceptional majority vote requirements. Quorums shall be a majority of the appointed commission or board members.

24. The City Council may meet in a workshop session as an alternative to a regular or special meeting when no action is requested. Generally, the subject of the workshop is on one topic, or a joint meeting with another public entity, or, in some cases a forum for exchange of ideas. In all cases, topics discussed at workshops will advance to a formal City Council meeting if action is being considered. The workshop format is generally more informal. Workshops can be held at alternative sites. In all cases, workshops, including mobile workshops like the city tour, shall be audio or video recorded and webcast where feasible. Workshops require public notice and are open to the public.

~~When setting the date for the workshop, Council members will be asked whether public comments shall be included on the agenda.~~ The Public meeting notice will include information about the topic of the workshop and on ~~whether-how~~ public comments will be taken at the meeting. All comments must be pertinent to the workshop topic and will be taken at the end of the workshop. Citizens are encouraged to bring any public comments about workshops to a future City Council meeting regardless of whether public comment is taken at the workshop.

Members of the public are encouraged to submit comments on workshop issues and materials via email to citycouncilmayor@ci.red-wing.mn.us prior to the meeting to allow for consideration before and incorporation into workshop. This statement shall be included in all workshop notices.

25. The Council may have Ad Hoc subcommittees to research and explore solutions to problems and/or brainstorm on projects. Notice of establishment, purpose, members, and meeting times shall be provided on the City website. The Ad Hoc subcommittees must be smaller than a quorum of the Council, have a limited scope of study, and have no decision-making authority. Meetings ~~do not need to will~~ be publicly noticed, ~~nor will~~ and agendas and informal minutes ~~be necessary~~ shall be taken and filed. Summaries and recommendations of Ad Hoc subcommittee work will be reported to the full City Council in the Status Report on a regular basis.
26. The Council may establish Standing Committees to process work. Standing Committees have regular scheduled meetings, limited scope of responsibilities, and limited authority. Agendas, membership, and minutes will be provided for standing Committees with the exception of the Agenda Committee. Public Comment will be ~~at the discretion of the Committee chair and~~ included on the agenda, if directed by the chair. Members of the public are encouraged to submit comments on committee issues and materials via email to citycouncilmayor@ci.red-wing.mn.us prior to the meeting to allow for consideration before and incorporation into work of the committee.

27. The City Council will receive a copy of the List of Standing and Ad Hoc Committees in January of each year. The committee list and appointments will be made public on the City's web site.
28. These rules may be suspended or amended by a majority vote of all elected members, provided that any amendments shall be presented in writing at the preceding regular meeting and placed on the subsequent agenda under the order of Motions and General Business.

Adopted this 12th day of September, 2022.

Becky Norton, Council President

ATTEST:

Teri L. Swanson, City Clerk

(Seal)

Presented to the Mayor at _____ m. on this _____ day of September, 2022.

Approved this _____ day of September, 2022.

Michael Wilson, Mayor

Public Participation

“Public Participation” refers to how citizens impact the quality of government by acting in their community and in conjunction with government.

Better Public Meetings

Summary of Better Public Meetings: Public meetings are a common feature of local government, often required by state and federal law. “Better Public Meetings” refers to the concept of improving face-to-face meetings of community members and public officials to encourage more productive dialogue and decision-making among diverse groups of a community. Better public meetings are intended to reduce feelings of anger or apathy among community members. There are a variety of public meeting formats that move beyond the common townhall-style meeting where individual community members wait to speak for a few minutes at a microphone without engaging in conversation with others. Small group conversation is often a common feature of better public meetings.

Current Status of Public Meetings in Red Wing: Outside of City Council meetings and committee meetings, public meetings for the City of Red Wing are mostly limited to addressing specific topics— like the future of Mississippi National Golf Links or open houses dedicated to the Highway 63 Red Wing Bridge project. For the 2040 Comprehensive Plan process, the city is testing different ways of conducting in-person meetings like pop-up meetings.

The following bullet points represent the concepts which received the highest number of votes, followed by the number of votes they received in parentheses.

We believe pursuing Better Public Meetings might offer these top benefits to the City of Red Wing:

- Allows more community members to feel they are heard and contributing (8)
- Empowers diverse groups of citizens to be active in public decision-making (7)
- Provides information and promotes civil discourse (5)
- Could allow community members to be more comfortable and engage where there are facilitators (5)
- Can help focus on important issues (5)

However, we believe pursuing Better Public Meetings might require addressing these top considerations:

- Training/retaining local facilitators (9)
- How to manage conflict, allow difference of opinion, talk effectively (8)
- Designing agenda and process effectively (7)
- How to decide when, where, how long to hold meeting and communicate info effectively (4)
- Resistance to changing style, being open to input (3)

The following bullet points represent the concepts which received the highest number of votes, followed by the number of votes they received in parentheses. The votes were conducted on the overall concepts; while the sub-points were used to inform deliberation, each participant voting on the general concepts did not necessarily approve of each individual sub-point.

If we were to pursue better public meetings in Red Wing, it would be important to:

- Invest in and recruit trained, local facilitators. (16)
 - We would invest in training community members in facilitating/moderating alternate forms of public meetings in order to develop and support an engaged community.
 - We would have trained facilitators in order to keep focus, set timelines, and mediate to have effective meetings.
- Develop and distribute pre-meeting educational materials to prepare participants. (14)
 - We would do pre-meeting education on the issues to be presented.
 - We would educate the public about different types of meetings, upcoming agendas in order to increase knowledge and participation.
 - We would define the purpose of the meetings (to inform, consult, involve, collaborate, or empower) in order to be productive, satisfy participants, and achieve desired or intended purpose.
 - We would educate people about how to participate.
 - We would make the meeting agenda available in multiple mediums in order to encourage as many people as possible to participate in the process.
- Conduct targeted outreach to diverse populations. (12)
 - We would implement an outreach program to actively seek engagement from a more diverse group of citizens, including those from multiple ethnic and religious backgrounds, differently abled, the LGBTQ community, and the elderly.
- Vary the time and location of meetings. (12)
 - We would introduce alternative time/place/formats for meetings in order to improve the level of community engagement and commitment.
 - We would do a time schedule to accommodate many, if not all.
- Utilize alternative meeting formats (9)
 - By adopting alternative meeting formats including open space and portable meetings, we would increase public input and engagement.
 - We would increase participation and convenience for the public by offering town meetings at different times and allowing citizens to participate digitally, in real time, to ensure equity.
- Seek out, learn, and adopt best practices (5)
 - We would seek, learn and follow best practices in order to ensure productive and well received meetings.
- We would have no-pressure, facilitated, personal meetings aimed at a diverse audience and take advantage of existing community groups in order to increase the power of the process and give officials the opportunity to make better decisions. (2)
- Generate buy-in from city personnel. (1)
 - We would gain buy-in from city officials and staff that improved dialogue is needed to improve their engagement, participation, and communication.

29 participants voted in favor of pursuing this recommendation, while 6 voted in favor of keeping the current system. Asked how important this recommendation was, participants responded:

- Very Important: 14 people
- Important: 10 people
- Moderately Important: 8 people
- Slightly Important: 1 people
- Not Important: 2 people
- Weighted Score (where Very Important = 5 and Not Important = 1): 3.94

RESOLUTION NO. 7590

A Resolution Adopting Rules of Order and Procedures for the City Council in Accordance with the City Charter, Section 5.04

BE IT RESOLVED by the City Council of the City of Red Wing, Minnesota, as follows:

In accordance with the Charter of the City of Red Wing, Section 5.04, the following are hereby adopted as the 2021 rules of order and procedures for the City Council:

1. Each year on the first Tuesday following the first Monday of January the City Council will hold an organizational meeting to swear in newly-elected officials, if appropriate, and elect officers, adopt the rules of order, adopt the designation of depositories for City funds, adopt the designation of the official newspaper, and conduct any other business as deemed appropriate.
2. The Council shall elect a Council President, Council Vice President, and Council President Pro Tern. Each officer will serve a one year term. There will be a term limit for the office of Council President of four consecutive years. The Council President serves as the leader of the Council by running all Council meetings, making appointments of Council liaisons to boards, commissions, and other miscellaneous roles. This supersedes Resolution No. 5925.
3. The rules of parliamentary procedure comprised in Robert's Rules of Order, newest revision, shall govern the Council in all cases in which they are applicable, and to the extent they are not inconsistent with these rules, the Charter, Ordinances of the City, or laws of the State of Minnesota. The City Attorney or his/her designee shall function as Parliamentarian to advise the presiding officer on matters of Parliamentary Law.
4. The Council shall meet in regular session on the second and fourth Mondays of each month at 6:00 p.m. unless the Council shall direct otherwise. The Council shall meet in special session upon the call of the Mayor, Council President, or three Council Members. All meetings shall be held in City Hall unless otherwise directed and properly noticed. All meetings in which action is taken shall be televised or digitally recorded and full recording shall be archived on city website.
 - a. Notice of call and business to be conducted for a special meeting of the Council shall be delivered to the Council Administrator by the person calling said meeting. The Council Administrator shall immediately notify the remaining members and the press, and post public notice of the time and purpose of the meeting. Notice of meetings and the manner in which they are conducted shall comply with requirements of the City Charter, City Code, and Minnesota Open Meeting Law.

5. All reports, visitations, communications, ordinances, resolutions or other matters to come before the Council shall be reported to the Council Administrator at least by noon of the ~~Wedn~~Tuesday prior to each regular meeting. The Council Administrator shall include all appropriate items on the agenda according to the order of business.

Unless the Council otherwise directs, at least ~~72~~120 hours prior to the meeting the Council Administrator shall furnish a copy of the regular meeting agenda and all supporting materials to each Council Member. The Council Administrator shall also furnish the meeting agenda and appropriate supporting materials to the press, ~~and~~ City staff and publish on city website and distribute to distribution list. Failure to accomplish any of these tasks shall not invalidate the meeting. The Council Administrator shall maintain a copy of agenda supporting materials and make ~~sufficient copies the same~~ available for public inspection and meeting attendees. All items required to be posted for public notice shall be so done on a notice board located in City Hall and city website.

- a. In the case of routine claims that allow for early payment discounts, travel advances and reimbursements, and payroll-related claims, the Council Administrator, Administrative Business Director, and Mayor are authorized to pay such claims as they become due and without specific approval of the Council, provided they are contained in the next regular listing of all claims.
- b. The Council Administrator shall be authorized to make payments for goods and services delivered or performed as per contract conditions prior to Council meetings at his/her discretion and upon approval, as appropriate, by the various affected department heads. All such payments shall be listed at the next regular Council meeting with the listing of bills.
- c. The order of business for all regular Council meetings shall be as follows, unless the Council directs otherwise:
1. Call to Order
 2. Pledge of Allegiance
 3. Statement of Intent
 4. Excusal of Members
 5. Approval of Agenda
 6. Proclamations and Recognitions
 7. Public Comment and Presentations
 8. Board and Commission Communication
 9. Consent Agenda
 10. Motions and General Business
 11. Council Concerns
 12. Council Administrator's Status Report
 13. Adjournment

Council President, in consultation with the Mayor, Council Vice President, and City Council Administrator shall establish the City Council Agenda for regular and special

meetings at the Council Agenda Committee meeting. The Council Agenda Committee are public meetings and will be noticed as an open meeting and notice published on the city website.

Items that the Council Agenda Committee believes to be of a non-controversial matter shall be placed on the Consent Agenda. Any member of the Council may pull an item from the Consent Agenda and the Council shall then consider that item in its proper order of business.

The presiding officer may vary the order of business or business items to facilitate special orders or the efficient use of meeting time. The Council shall not amend the agenda once the agenda is approved.

Public hearings, bid openings, or other matters with a designated time shall be Special Orders. Any business under consideration at the time noted for a Special Order (other than a Special Order already under consideration) shall be laid on the table for the duration of the Special Order and the Special Order brought up for immediate consideration.

Following a closed session the City Council shall publicly pass a motion to go into open session.

6. The President, or, in his/her absence, the Vice President, or, in both their absences, the President Pro Tern, shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The names of those present, absent, and excused shall be recorded as well as arrival and departure time for the members arriving late or leaving early.
7. The presiding officer may debate from the chair and shall not be deprived of any rights or privileges of a Council Member by reason of acting as presiding officer.
8. The presiding officer shall preserve order and decorum and decide all questions of order, subject to appeal to the Council. No person shall be allowed to delay or interrupt the proceedings or refuse to obey the orders and rules of the Council. General public comment shall be on the agenda of every public meeting, and comments specific to an agenda item shall be allowed prior to consideration of that agenda item. A party raising an issue that has been placed on the agenda shall have an opportunity to make a presentation regarding that item. Every person desiring to speak shall first be recognized by the presiding officer and shall avoid personalities and inappropriate language. Any person can be removed from the meeting for failure to comply with a ruling of the chair or for a violation of these rules. The Police Chief or his designee shall function as Sergeant-at-Arms to assist the presiding officer in enforcing this rule.
 - a. Members and those speaking to the Council shall keep their comments as brief and to the point as possible. No person may speak twice on an item of business until all members have first had the opportunity to speak once.

- b. The presiding officer may prescribe additional rules of procedure for public hearings so as to preserve decorum and the efficient presentation of citizens' concerns with the understanding that public comment is to be encouraged.
 - c. After a mandatory public hearing has been held at the Advisory Planning Commission, individuals ~~will~~ shall have the opportunity to present comments on the Advisory Planning Commission's recommendations at a City Council meeting. The purpose of allowing comments is to provide the applicant and the public the opportunity to directly address the Council on the matter. The comment period cannot be used for the presentation of new information as all relevant information needs to be provided to the Advisory Planning Commission at the public hearing. If new information is presented to the City Council that was not considered at the public hearing of the Advisory Planning Commission, the Council may vote to send the matter back to the Advisory Planning Commission. All comments will be kept to the customary three-minute limit.
9. In keeping with the intent of the Minnesota Open Meeting Law, the Mayor and City Council members and/or staff shall not use any form of electronic communication technology, such as text messaging or e-mail, to communicate with one another or third parties during a public meeting or to review electronic communications received during a public meeting in a manner that is hidden or shielded from public view.
 10. A quorum shall consist of at least a majority of all members of the Council, although a majority of any members present may send for and require the attendance of those absent unless excused, or adjourn or recess to any time previous to the next regular session. No member or officer shall absent himself/herself from any session unless excused by the Council.
 11. When a question is put forward each Council Member present shall vote aye, nay, or present unless, prior to voting, a Council Member, for special reasons (e.g., conflict of interest) that must be recorded as "recused" in the minutes, is excused from voting. When a Council Member votes "present", the member is presumed to be abstaining and the vote will be recorded as such. A "present" vote will not be counted when determining a majority vote.
 12. Except in an emergency or other unusual circumstance where immediate action is in the best interests of the City, the Council shall not take action on a request for funding that has not been included in the published agenda. The funding request shall be placed on a subsequent agenda for Council consideration.
 13. The Mayor, Council Members, and staff shall occupy their respective seats in the Chambers while the Council is in session. The Council President on or before the first regular meeting of the year shall make all seating assignments.

14. The Council President shall open each agenda item with a brief summary of the issue. A reasonable amount of time shall be provided for a presentation by the party raising the issue, and a presentation from another appropriate source may be made if requested by the President and/or members of the body. The Council may discuss or debate the issue prior to the motion being made. Once a motion is made, a second is necessary prior to additional discussion. The President will ask for action once the discussion is over or if a Council member calls the question. If a Council Member calls the question, a vote will occur on that question. A two-thirds (2/3) vote of support will end the debate.
 - a. The presiding officer may recess the Council without a motion at any time he/she deems appropriate and shall state the length of time and the reason for the action.
15. If any question contains two or more divisional propositions, the presiding officer may, and shall upon the request of a member, ~~shall~~ divide the same.
16. The vote on all ordinances or resolutions shall be by roll call vote. The vote on all other matters shall be by acclamation. Upon the demand of any member, before the negative has been put, a roll call vote shall be taken on any matter before the Council. If after a vote by acclamation it appears that the vote was not unanimous, a division of the house shall immediately be taken and the individual votes of each member recorded.
17. After the decision on any question, any member who voted with the majority may move to reconsider any action at the same or the next succeeding meeting provided, however, that a resolution authorizing or relating to any contract may only be reconsidered before the final execution thereof. When notice of intention to move reconsideration shall be given by a member (a motion to reconsider and enter on the minutes), no action shall be taken to bind or commit the City until the next meeting, provided that four members may vote to declare an urgency, in which case the matter shall not be delayed unless then and there reconsidered.
18. The City Council shall take action by Resolution if required by law, agencies of the state, and/or City Charter. Generally speaking, the City Council shall take action in the form of a simple motion if a Resolution is not required.
19. All proposed ordinances shall be introduced in written form and need not be read. Resolutions introduced in written form need not be read. Any resolution not introduced in writing shall immediately be reduced to writing and a copy furnished to each member of the Council unless waived by unanimous consent. Resolutions and ordinances shall be included with the agenda.
 - a. After introduction, any proposed ordinance or resolution may be referred by the presiding officer without objection to any regular or special committee of the Council or, when appropriate, a City board or commission.

- b. Amendments may be adopted at any time and shall be in writing except for minor amendments which may be made orally and duly noted by the City Clerk. The text of amendments ~~need not shall~~ be recorded in the minutes, ~~but, if not recorded,~~ and shall be preserved along with the original proposed ordinance or resolution as introduced.
20. It shall be the responsibility of the Council Administrator, with the assistance of the City Attorney, to review all proposed ordinances and resolutions to assure that each is properly drafted. Each proposed ordinance and resolution shall have a title clearly stating its subject and purpose. When a proposed ordinance amends or repeals existing ordinances, the title shall refer to the section, subdivision, paragraph, subparagraph, and clause affected. Proposed ordinances shall contain the full text of the section, subdivision, paragraph, subparagraph, or clause as amended. Proposed ordinances and resolutions shall be included as a part of the agenda.

If a proposed ordinance provides for a new section to the City Code and is not an amendment of existing portions of the City Code, the sections, subdivisions, paragraphs, etc. shall be arranged, subdivided, and numbered in like manner as the existing City Code, provided that proposed ordinances which relate only to a single purpose, act, or event (such as franchises or annexations), shall remain uncoded and noted in Chapter 25 of the City Code.

At any time before or after adoption, the Council Administrator is authorized to correct obvious mistakes in spelling, grammar, punctuation, and typographical errors. In addition, the Council Administrator may change obvious mistakes in the codification of any ordinance at any time prior to publication so as to provide that all ordinances are arranged, subdivided, and numbered in like manner as the existing City Code.

After the adoption of any ordinances or resolutions, the City Clerk shall cause the engrossment into it of any amendments properly adopted prior to adopting and prepare an accurate enrolled copy for signatures by the presiding officer of the Council and the City Clerk. The City Clerk shall thereafter cause the enrolled copy to be presented to the Mayor as required by the Charter. Ordinances shall be kept in a permanent file in numerical order as adopted with proof of publication attached. Resolutions shall likewise be numbered and maintained within a separate book.

An enrolled ordinance shall be labeled "Ordinance No. Fourth Series". An enrolled resolution shall be labeled "Resolution No. _". In all other respects, the ordinance or resolution shall be identical to the proposed ordinance or resolution as adopted by the Council subject to the correction of obvious mistakes as provided for in this rule.

21. In accordance with Charter provisions, the Mayor has the right to veto any ordinance or resolution. Except for emergency ordinances, the veto must occur within 96 hours, not including Saturdays, Sundays, or holidays, of receipt of the ordinance or resolution and shall be returned to the City Clerk with a written objection message. The Council shall be presented with the ordinance or resolution and the written veto objection at the next regular Council meeting or at a special meeting called by the Mayor, the President of the Council, or any three members of the Council. When the vote is taken on the veto override, it shall be by roll call and the question shall be "Shall the veto be overruled and the ordinance/resolution repassed?" If the ordinance or resolution receives the affirmative vote of two-thirds of all members, it shall be deemed adopted without the Mayor's approval and, in the case of ordinances, published as other ordinances.
22. Subject to the City Council's approval, City boards and commissions may adopt their own rules of procedure adopted annually for use at their regular meetings. In the event boards or commissions have not adopted rules of procedure, they will follow the City Council rules (3.c. above), insofar as practical. The establishment of rules of procedure is not intended to curtail the authority of any board or commission in the programming of any operation; rules of procedure are intended to create a foundation under which a public board will conduct business. The Notice and Public Comment provisions above shall apply to all City boards and commissions, committees, and ad hoc committees.
23. Board and commission staff liaisons shall cause minutes of the meetings to be kept and in all cases minutes, including those of related City entities, shall be promptly filed with the City Clerk and posted on the city website. Minutes shall provide a general background on the topic; a summary of the discussion, specific action being considered and the tally of the vote. The Council Administrator shall ensure the meetings are appropriately staffed. The Council Administrator's ex-officio, non-voting membership on all boards and commissions shall not count for purposes of determining a quorum, majority, or exceptional majority vote requirements. Quorums shall be a majority of the appointed commission or board members.
24. The City Council may meet in a workshop session as an alternative to a regular or special meeting when no action is requested. Generally, the subject of the workshop is a more focused discussion on one topic, where the format is a general discussion, as compared to a formal meeting. Workshops can be held at alternative work sites. In all cases, workshops, even mobile workshops like the spring tour, shall be audio recorded. Workshops require public notice, ~~and~~ are open to the public, and must have a public comment period at the beginning of meeting for comments pertinent to the subject of the workshop session.
25. The Council may have Ad Hoc subcommittees to research and explore solutions to problems and/or brainstorm on projects. The Ad Hoc subcommittees must be smaller than a quorum of the Council, and meetings ~~do not need to~~must be publicly

Noticed and posted on the city website. Summaries and recommendations of Ad Hoc subcommittee work will be reported to the full City Council and posted on the city website.

26. These rules may be suspended or amended by a majority vote of all elected members, provided that any amendments shall be presented in writing at the preceding regular meeting and placed on the subsequent agenda under the order of Motions and General Business.

Adopted this 5th day of January, 2021.

Council President

ATTEST:

Teri L. Swanson, City Clerk

(Seal)

Presented to the Mayor at _____ m. on this _____ th day of January, 2021.

Approved this _____ th day of January, 2021.

Michael Wilson, Mayor

***Rules of Order and Procedures for Boards and Commissions in
Accordance with the City Charter, Section 5.04***

In accordance with the Charter of the City of Red Wing, Section 5.04, the following are hereby adopted (pursuant to Resolution No. 7590 adopted by the Red Wing City Council on January 6, 2021) as the 2021 rules of order and procedures for Boards and Commissions:

1. The rules of parliamentary procedure comprised in Robert Rules of Order, newest revision, shall govern Boards and Commissions in all cases in which they are applicable, and to the extent they are not inconsistent with these rules, the Charter, Ordinances of the City, or laws of the State of Minnesota. The staff liaison or his/her designee shall function as Parliamentarian to advise the presiding officer on matters of Parliamentary Law.
2. Boards/Commissions shall meet in regular session in the City Council Chambers at City Hall.
3. All reports, visitations, communications, resolutions or other matters to come before the Boards and Commissions shall be reported to the staff liaison at least by noon of the ~~Wedn~~Tuesday prior to each regular meeting. The staff liaison shall include all appropriate items on the agenda according to the order of business.

Unless Boards and Commissions otherwise direct, at least 12072 hours prior to the meeting the staff liaison shall furnish a copy of the regular meeting agenda and all supporting materials to each Board/Commission member, either electronically or in paper form and post to the City's website. The staff liaison shall also furnish the meeting agenda and appropriate-sufficient supporting materials to the press and City Council and public. Failure to accomplish any of these tasks shall not invalidate the meeting.

The staff liaison shall maintain a copy of agenda supporting materials, make the same available for public inspection and provide a copy to the Clerk Receptionist, who will make the materials available on the City's web site. All items required to be posted for public notice shall be so done on a notice board located in City Hall and the City's website.

- A. The staff liaison shall be authorized to make payments for goods and services delivered or performed as per contract conditions prior to Board/Commission meetings at his/her discretion and upon approval, as appropriate, by the various affected department heads. A regular report on fiscal status, if appropriate, will be made to the Board/Commission.
- B. The order of business for all regular Board/Commission meetings shall include:

A Call To Order
Roll Call
Approval of Agenda
Approval of Minutes of Preceding Meetings
Public Comment and Presentations
Motions and General Business
Adjournment.

- C. Board and Commissions are encouraged, but not mandated, to include the Pledge of Allegiance, ~~public comment~~ and Board/Commission Comments (previously called Concerns) on their business agenda.
- D. Boards and Commissions are encouraged, but not mandated, to include the Statement of Intent and the Board/Commission's mission statement as either a written part of the agenda document or as a statement read by the Board Chair, or as a Statement read by the entire Commission attendees.
- E. The Presiding Officer may vary the order of business or business items to facilitate special orders or the efficient use of meeting time, but not so as to circumvent or delay public participation.
4. The Chairperson, or in his/her absence, the Vice Chairperson, or in both their absences, the member present with the most tenure in office, shall take the chair at the hour appointed for the Board/Commission to meet and shall immediately call the members to order. The names of those present, absent, and excused shall be recorded as well as arrival and departure time for the members arriving late or leaving early.
5. The presiding officer may debate from the chair and shall not be deprived of any rights or privileges of a Board/Commission member by reason of acting as presiding officer.
6. The presiding officer shall preserve order and decorum and decide all questions of order. No person shall be allowed to delay or interrupt the proceedings or refuse to obey the orders and rules of the Board/Commission. General public comment shall be on the agenda of every public meeting, and comments specific to an agenda item shall be allowed prior to consideration of that agenda item. A party raising an issue that has been placed on the agenda shall have an opportunity to make a presentation regarding that item.
7. A quorum shall consist of at least a majority of all members of the Board/Commission. If there is not a quorum no official action can be conducted. The meeting can be held for discussion purposes only. A simple majority is necessary for approval of regular business items.
8. When a question is put forward, each Board/Commission member present shall vote aye, nay, or present, unless prior to voting a Board/Commission member, for special reasons (e.g. conflict of interest), which must be recorded in the minutes as "recused," and is excused from voting. When a Board/Commission member votes "present", the member is presumed to be abstaining and the vote will be recorded as such. A "present" vote will not be counted when determining a majority vote.
9. The Board/Commission Chair shall open each agenda item with a brief summary of the issue. A reasonable amount of time shall be provided for a presentation by the party raising the issue, and a presentation from another appropriate source, such as the staff liaison, may be made if requested by the chair and or members of the body. Board/Commissioners may discuss or debate the issue prior to a motion being made. Once a motion is made, a second is necessary prior to additional discussion. The Chair will ask for action once discussion is over or if a board/commissioner calls the question. If a Board/Commission member calls the question, a vote will occur on that question. A two-thirds (2/3) vote of

support will end the debate.

- A. The presiding officer may recess the Board/Commission without a motion at any time he/she deems appropriate and shall state the length of time and the reason for the action.

10. After the decision on any question, any member who voted with the majority may move to reconsider any action at the same or the next succeeding meeting provided, however, that a resolution authorizing or relating to any contract may only be reconsidered before the final execution thereof. When notice of intention to move reconsideration shall be given by a member (a motion to reconsider and enter on the minutes), no action shall be taken to bind or commit the Board/Commission until the next meeting, provided that five members may vote to declare an urgency, in which case the matter shall not be delayed unless then and there reconsidered.
11. Board or Commissions shall take action by Resolution if required by law, agencies of the state and/or organizational by-laws. Generally speaking, boards and commissions shall take action in the form of a simple motion if a Resolution is not required. The Board or Commission chair may direct that a roll call vote be taken on any vote taken by the board or commission.
12. Board and commission staff liaisons shall cause minutes of the meetings to be kept and posted on the City's website. Board and Commission minutes shall provide a general background on the topic, a summary of the discussion, specific action being considered and the tally of the vote. Resolutions shall be included with the agenda and the minutes. In all cases minutes, including those of related City entities, shall be promptly filed with the City Clerk. The Council Administrator's ex-officio, non-voting membership on all boards and commissions shall not count for purposes of determining a quorum, majority, or exceptional majority vote requirements. Quorums shall be a majority of the appointed commission or board members.
13. Boards/Commission may meet in Workshop session as an alternate to a regular or special meeting when no action is requested. Generally, the subject of a workshop is a more focused discussion on one topic, where the format is a general discussion, as compared to a formal meeting. Workshops can be held at alternate work sites. In all cases, workshops, even mobile workshops like the spring tour, shall be audio recorded. Workshop require public notice, ~~and~~ are open to the public, and shall have a public comment period at the beginning of meeting for comments pertinent to the subject of the workshop session.
14. Board/Commission may have Ad Hoc subcommittees to research and explore solutions to problems and/or brainstorm on projects. The Ad Hoc subcommittees must be smaller than a quorum of the board/commission, name of committee and members posted on City's website, and meetings ~~do not need to~~ shall be publically noticed and published on the City's website. It is not necessary for the staff liaison to attend all Ad Hoc Committee meetings, nor do they need to be recorded. All Ad Hoc Subcommittee work will be reported to the full Board/Commission and recorded in the minutes.

OVERLAND PROPOSED LANGUAGE

City of Red Wing Policy for Committee Meetings

General Statement of Purpose: It is the intention of the City of Red Wing that the operations of city government be as open and transparent as possible. In order to avoid confusion and to provide general guidelines for how committee meetings should be held, the following shall be the policy of the City of Red Wing for conducting committee meetings as described below:

- 1) **Standing Committees:** Standing committees are defined as committees which meet on a regular, on-going basis, with a defined set of ongoing tasks. With the exception of the Personnel Committee, the power of a standing committee is advisory only and is limited to making a recommendation to the City Council. The standing committee may hear information that is not presented to the City Council in making its recommendation. The City Council retains the right and has the duty to make all final decisions related to such recommendations. The default policy shall be that standing committees meetings shall always be open, and shall be noticed in accordance with the Open Meeting Law and on the city website. Standing committees shall have a public comment period at the start of the meeting.

A list of standing committees, schedule, and members is attached, and shall be posted on the City website's City Council page with "Standing Committee" link for ease of access.

- 2) **Ad Hoc Committees:** Ad Hoc committees are defined as those committees which are formed for a particular, limited purpose, and which have a defined end point to their duties. The power of an ad hoc committee is advisory only and is limited to making a recommendation to the City Council. The ad hoc committee may hear information that is not presented to the City Council in making its recommendation. The City Council retains the right and has the duty to make all final decisions related to such recommendations. These meetings shall be open. They ~~will not shall~~ be formally noticed, ~~although when possible and~~ information regarding these meetings will be announced at City Council meetings and/or posted on the City website.

- 3) **Committee Meeting with Prairie Island Indian Community ("PIIC"):** Committee meetings between council members where less than a quorum is present, and members of the PIIC are present, shall be closed, but shall be reported on at the next City Council meeting. The power of a committee assigned to meet with the PIIC is advisory only and is limited to making recommendations to the City Council.

- 4) **Agenda Meetings:** Meetings for discussion of what is to be included on the City Council agenda shall be open: and notice shall be provided on City website and published in paper at least monthly.

- 5) **General Policy Guidelines That Apply to All Meetings:**

- a. **Public Participation:** When a meeting is open, the public is invited to attend and observe meetings, ~~but not to and~~ participate ~~unless when~~ invited to do so. All public meetings, including committee, agenda, and ad hoc committee meetings

OVERLAND PROPOSED LANGUAGE

shall have a public comment period at the beginning of the meeting.

- b. **Agendas, Minutes and Other Printed Materials:** Standing committees generally have agendas, which will be available outside the committee meeting room prior to the meetings. Ad hoc committees may or may not have agendas prepared. Formal minutes will not be prepared for ad hoc committee meetings. While the OML requires that member votes be kept in a public journal, this provision is not expected to apply because committee members have no decision-making powers and therefore will not be voting or otherwise making decisions. Minn. Stat. 13D.01, subd. 4(a). When printed materials related to agenda items are to be considered during a meeting, one set of those materials will be available for review. Minn. Stat. § 13D.01, subd. 6(a).
- c. **Meetings by Telephone Conference:** Ad hoc committee meetings may be attended by speaker phone or other voice or audio electronic communication. Whenever practical, at least one member of the committee shall be physically in a city building. Access information for phone or webcast shall be disclosed on the agenda, the city website, and published with meeting notice.
- d. **Closure of Meetings:** With the exception of the Personnel Committee, committee meetings may be closed by the Committee Chairperson for issues such as the discussion of private personnel data or other sensitive topics such as contract negotiations. The Committee Chairperson is chosen by committee member consensus. If a meeting is closed for one of these reasons, a stated reason shall be given and recorded in minutes. Meetings of the Personnel Committee may be closed in accordance with the provisions of the Open Meeting Law that mandate and/or allow certain meetings to be closed.

RRM: #143144

Ex N_Representative Overlan emails to Council & Mayor

Subject: Charter Commission change recommended to Council ages ago

From: "Carol A. Overland" <overland@legalelectric.org>

Date: 12/22/2022, 3:51 PM

To: dean.hove@ci.red-wing.mn.us, City of Red Wing City Council Mayor <citycouncilmayor@ci.red-wing.mn.us>

CC: "Swanson, Teri" <teri.swanson@ci.red-wing.mn.us>, "Kuhlmann, Kay" <Kay.Kuhlmann@ci.red-wing.mn.us>

Dean and all of Council & Mayor:

Dean, you're not off the hook yet! You were Council liaison for the Charter Commission and you were at that 9/9/2021 Charter Commission meeting... the Charter posted on the City's site is as of June 2020, no amendment. Click here to view the [Red Wing City Charter](#).

WAS THIS EVER TAKEN UP BY THE COUNCIL??? Nope -- because there was no opportunity because Klitzke was MIA, and changes to the Charter by the Council would require ALL council members. Now that we have a full complement of members, maybe it's time to start over...

I went through the meetings, starting in September 2021 after the September 9, 2021 Charter Commission meeting. The Sept. 27 mtg, it was on agenda, 10B to establish public hearing date, October 25, 2021.

On the September 27th meeting, there was discussion of whether Charter or Policy, leaning on amending Policy, and these were "things we're already doing" and desire to keep it in Policy (Council control), to beef up "Public Comment," and amend Policy to reflect Charter Commission recommendation. There was language regarding Special Meeting in the recommendation. On that meeting, starts at 2:48, and in packet, p. 328-338 of the pdf. Lots of language, but it was only a matter of setting up the requisite public hearing, which was scheduled.

On October 25th, it's item 10A, starts at 1:45, and p. 316-327 of 686 of the pdf. Allende-De Jung was confused, when she's upset and noting that there's nothing about Public Comment at Committee meetings in this, and, well, that's intentional, because this is the Charter section 5, about the City Council, and it's Charter, not "Policy" for Council (and not Committees, or Commissions and Boards). That's a separate step. Alan got to the heart of the matter, we need increased public comment opportunity. There again was lots of language in Council comments, and claimed desire to address this in Policy rather than the charter, but that's just words, because it didn't happen. It was lip service only.

Increasing notice and public comment opportunity before the Council in the Charter (saving Committees and Boards and Commission for policy changes), that was my intent in recommending specifics in the Charter, and because there was resistance, from the Council, with claims that we'd have to revise the Charter, blah, blah, blah, that just doesn't hold for me. Publications of Notices, publication on the City website, that isn't going to change anytime soon, and emergency meetings require only "publication" by posting on City bulletin board. Operating to ENCOURAGE public comment? That should be nailed down in the Charter as a fundamental intent for Council meetings. The resistance to that makes no sense. Objections to "full recording" make no sense given the language immediately before and after, to infer "full recording" would include a closed portion makes no logical or legal sense, but a change to "full recording of public meetings shall" would address that objection. It's easy enough to amend if people are confused on what "full recording" means. Anyway...

Despite the repeated statements that encouraging public participation should be addressed in Council Policy, there have been no material changes to Council policy to recognize the need for and encourage public participation. The only change I see is a correction of the citation to Council rules in para. 22!! "These are in Policy space, and need to be addressed in Policy space." OK, so do it!

Where are Policy amendments for 2022? Didn't happen. So now we're looking at 2023.

For the January 3, 2023 organizational meeting: <https://redwingmn.portal.civicclerk.com/event/2977/files>

Looks like no policy amendments or beefing up is happening via Resolution 7837. Resolution 7837 isn't just for you, it's for residents to know your M.O. and how we fit in.

Particularly important are the policy paragraphs in Resolution 7837 regarding NOTICE:

- Paragraphs 4 - notice with link to **WEBEX**
- Paragraph 5, with each notice requirement, add requirement to post on City Website.
- Paragraph 23.

Encourage **EFFECTIVE** public participation, encouraging people to send in comments to Council PRIOR to the meeting so you have time to digest, i.e. 5c; 5e (with email link, make it easy); addition to para. 24 and 26 of encouragement to send comments BEFORE the meeting with the link. There should be a statement about this on the website -- the link is there, but alter website language to ENCOURAGE, that early comments increase chances of impact and effectiveness. If people can be effective, if we're heard, we'll be much less angry!

Ex N_Representative Overlan emails to Council & Mayor

Clarify public meeting exceptions requiring closed meetings because there's been a LOT of misinformation flying around about this:

- Paragraph 5, last paragraph, just before 6, **ADD DESCRIPTION OF CLOSED MEETING REQUIREMENTS WITH STATUTORY CITATION.** This is important, because it's clear many do NOT understand the statutory requirements to close meetings.

Conflict of interest:

- Paragraph 11 should refer to Code of Conduct and summarize definitions of Conflict. Does anyone remember Mayor Egan?!?!

Board and Commission policy:

- Paragraph 23 -- Boards and Commissions should receive affirmative notice that they may encourage and strengthen public participation via their annual approval of policies (which then have to go to the Council for approval).

Overall, what I see is resistance to "encouragement" of public participation. How about getting on this and encouraging the public!!

And will there be public comment on January 3? There should be.

Carol A. Overland and Alan Muller

overland@legalectric.org and amuller@dca.net

Ward 2

PUBLIC PARTICIPATION -- Better Public Meetings, from Red wing Citizens Assembly:

Red Wing, MN Citizens Assembly

Public Participation

"Public Participation" refers to how citizens impact the quality of government by acting in their community and in conjunction with government.

Better Public Meetings

Summary of Better Public Meetings: Public meetings are a common feature of local government, often required by state and federal law. "Better Public Meetings" refers to the concept of improving face-to-face meetings of community members and public officials to encourage more productive dialogue and decision-making among diverse groups of a community. Better public meetings are intended to reduce feelings of anger or apathy among community members. There are a variety of public meeting formats that move beyond the common townhall-style meeting where individual community members wait to speak for a few minutes at a microphone without engaging in conversation with others. Small group conversation is often a common feature of better public meetings.

Current Status of Public Meetings in Red Wing: Outside of City Council meetings and committee meetings, public meetings for the City of Red Wing are mostly limited to addressing specific topics— like the future of Mississippi National Golf Links or open houses dedicated to the Highway 63 Red Wing Bridge project. For the 2040 Comprehensive Plan process, the city is testing different ways of conducting in-person meetings like pop-up meetings.

The following bullet points represent the concepts which received the highest number of votes, followed by the number of votes they received in parentheses.

We believe pursuing Better Public Meetings might offer these top benefits to the City of Red Wing.

- Allows more community members to feel they are heard and contributing (8)
- Empowers diverse groups of citizens to be active in public decision-making (7)
- Provides information and promotes civil discourse (5)
- Could allow community members to be more comfortable and engage where there are facilitators (5)
- Can help focus on important issues (5)

However, we believe pursuing Better Public Meetings might require addressing these top considerations:

- Training/retaining local facilitators (9)
- How to manage conflict, allow difference of opinion, talk effectively (8)
- Designing agenda and process effectively (7)
- How to decide when, where, how long to hold meeting and communicate info effectively (4)
- Resistance to changing style, being open to input (3)

Ex N_Representative Overlan emails to Council & Mayor

Red Wing, MN Citizens Assembly

The following bullet points represent the concepts which received the highest number of votes, followed by the number of votes they received in parentheses. The votes were conducted on the overall concepts; while the sub-points were used to inform deliberation, each participant voting on the general concepts did not necessarily approve of each individual sub-point.

If we were to pursue better public meetings in Red Wing, it would be important to:

- Invest in and recruit trained, local facilitators. (16)
 - We would invest in training community members in facilitating/moderating alternate forms of public meetings in order to develop and support an engaged community.
 - We would have trained facilitators in order to keep focus, set timelines, and mediate to have effective meetings.
- Develop and distribute pre-meeting educational materials to prepare participants. (14)
 - We would do pre-meeting education on the issues to be presented.
 - We would educate the public about different types of meetings, upcoming agendas in order to increase knowledge and participation.
 - We would define the purpose of the meetings (to inform, consult, involve, collaborate, or empower) in order to be productive, satisfy participants, and achieve desired or intended purpose.
 - We would educate people about how to participate.
 - We would make the meeting agenda available in multiple mediums in order to encourage as many people as possible to participate in the process.
- Conduct targeted outreach to diverse populations. (12)
 - We would implement an outreach program to actively seek engagement from a more diverse group of citizens, including those from multiple ethnic and religious backgrounds, differently abled, the LGBTQ community, and the elderly.
- Vary the time and location of meetings. (12)
 - We would introduce alternative time/place/formats for meetings in order to improve the level of community engagement and commitment.
 - We would do a time schedule to accommodate many, if not all.
- Utilize alternative meeting formats (9)
 - By adopting alternative meeting formats including open space and portable meetings, we would increase public input and engagement.
 - We would increase participation and convenience for the public by offering town meetings at different times and allowing citizens to participate digitally, in real time, to ensure equity.
- Seek out, learn, and adopt best practices (5)
 - We would seek, learn and follow best practices in order to ensure productive and well received meetings.
- We would have no-pressure, facilitated, personal meetings aimed at a diverse audience and take advantage of existing community groups in order to increase the power of the process and give officials the opportunity to make better decisions. (2)
- Generate buy-in from city personnel. (1)
 - We would gain buy-in from city officials and staff that improved dialogue is needed to improve their engagement, participation, and communication.

--

"Our lives begin to end the day we become silent about the things that matter." Dr. Martin Luther King, Jr.

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— Attachments: —

9_-_Overland_Recommendation.pdf

4.3 MB

Ex N_Representative Overlan emails to Council & Mayor

Subject: Agenda Item 10C - Rules of Order and Procedures

From: "Carol A. Overland" <overland@legalelectric.org>

Date: 2/26/2023, 7:42 PM

To: City of Red Wing City Council Mayor <citycouncilmayor@ci.red-wing.mn.us>, "Kuhlmann, Kay" <Kay.Kuhlmann@ci.red-wing.mn.us>

CC: Community Engagement Specialist Michelle Leise <michelle.leise@ci.red-wing.mn.us>

All, and in particular Councillors Biese, Kliewer, and Farrar, and Mayor Wilson -

Agenda Item 10C - Consider Motion to Adopt * Resolution No. 7852 Amending the Rules of Order and Procedures for the City Council in Accordance with the City Charter, Section 5.04.

From the Red Wing Citizens Assembly, a focus was to increase access and public participation, to work for "better meetings." The purpose of the Charter Commission discussion, a year ago, was to do the same, and my proposals were intended to be a starting point for discussion by the Council. There was no discussion, the topic was shut down at that first January meeting, no discussion at all, and pushed off until later.

"Later" is upon us. From the Staff Report:

Council adopted the proposed Resolution No. 7837 on January 3, 2023 as presented by staff, and agreed to consider the proposed changes in the future. The Council asked for and received feedback from the City Attorney regarding the proposed changes from Ms. Overland. In a meeting led by Council president Beise, with input from Council Member Kliewer, Farrar and Mayor Wilson, the Resolution was reviewed. Several changes to Resolution No. 7837 are recommended to the full City Council.

Why was input limited to Beise, Kliewer, Farrar and Wilson? Well, the "why" isn't hard to guess.

Also, I don't see that Community Engagement Specialist, Michelle Leise, was consulted. Earth to Mars, Community Engagement at issue, no input from the Community Engagement Specialist. Again, the "why" isn't hard to guess.

And what was recommended by this stellar group?

Section 5.c. - the language in this section modifies the City Council practice regarding public comment. The proposed language prohibits virtual public comment, and clarifies that the City will take public comment in person and by email. Email comments will not be read aloud, but will be included as part of the public record. The practice of accepting public comment virtually, began during the pandemic.

You are recommending limitation of public comment, which is inconsistent with the first sentence of 5c:

- c. Public Comment and active involvement of citizens in government is encouraged. The City Council will dedicate time during each regular meeting to hear from citizens on matters that are on the agenda and matters that are not on the agenda. The Council rules for public comment during special meetings and workshops are described in sections 4 and 2425. Public Comment allows members of the public to speak on topics that are not on the agenda. All public comment, regardless of the type of gathering, must be made in person—public comment will not be allowed virtually. Individuals who cannot attend the meeting in person but would like to have their comments entered into the public record can submit comments in advance by email before 3 p.m. the day of the meeting to administration@ci.red-wing.mn.us, or phone at (651) 385-3612. Such comments will not be read aloud at the meeting but will be entered into the record. All public comment will be made in person.

There is no encouragement, instead, it's discouragement, elimination of a viable means of participation. There is no increase in access, no fostering of public participation, and not even leaving it at status quo. Instead, you're recommending limiting participation to in person public participation.

- Who benefits from this?
- Who is shut out?

Ex N_Representative Overlan emails to Council & Mayor

This is reminding me of a statement by NSP's Jim Alders about transmission proceedings, essentially that it would be so much easier if we didn't have to deal with those pesky people. You're perverting existing process to give the public the procedural finger.

YOU WERE ELECTED TO REPRESENT THE PEOPLE OF RED WING. YOU WERE ELECTED TO ACT IN THE PUBLIC INTEREST.

You were not elected to further your agenda or your adoption of another's agenda. You were not elected to shut down process, to limit public participation, to stop people from speaking up and being heard. And if you "recall," a large factor of Recall City Hall was about being heard and that process be open and transparent. "I'm all about transparency," right? HA!

Councillors Biese, Kliewer, and Farrar, and Mayor Wilson, this recommendation is against the public interest.

At what point does shutting down participation options go beyond an action against the public interest into misfeasance and/or malfeasance?

Few participate virtually, and other than moi, few are commenting virtually, so I'm guessing that something I've said, or things I have been saying, themes I've raised, are things that you don't want to hear, and things that you don't want to be a part of the public record. Oh well!

Carol A. Overland, Ward 2

p.s. I cannot believe that you approved "amendment" of that airport lease without doing as staff said it wanted to do, to amend it to a specific amount -- the amendment didn't do that. The square footage and the specific amount IS in the original lease, and the "amendment" makes no reference to the fee table or a specific amount.

p.p.s. Odd that those of you objecting to subsidies, to spending taxpayer money, didn't utter a peep about the airport being heavily subsidized, with that being picked up, paid for, by Red Wing taxpayers.

--

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Ex N_Representative Overlan emails to Council & Mayor

Subject: Transcript and youtube of Monday's Council meeting 2/27, Agenda Item 10C

From: "Carol A. Overland" <overland@legalelectric.org>

Date: 3/1/2023, 2:54 PM

To: City of Red Wing City Council Mayor <citycouncilmayor@ci.red-wing.mn.us>, "Kuhlmann, Kay" <Kay.Kuhlmann@ci.red-wing.mn.us>, "Swanson, Teri" <teri.swanson@ci.red-wing.mn.us>, "Leise, Michelle" <michelle.leise@ci.red-wing.mn.us>

All -

Attached and at the link please find a reasonable facsimile of a transcript of the 10C section of Monday's meeting. It's essentially accurate, but there may be a few minor errors -- I'm not a court reporter! let me know if you find something that needs correcting.

The City's video page is still not functional, here's the youtube, starting at 10C:

<https://youtube.com/watch?v=rqZKMLVXYI4&si=EnSlkaIECMiOmarE&t=8603>

Both are also on my blog.

[Transcript of 2/27/23 Red Wing City Council mtg](#)

March 1st, 2023

I'm still having a difficult time believing what I heard, what was exposed.

As I said, "**Just WOW! Just NO!**"

Carol

--

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— Attachments: —

Transcript_10C_Consider a Motion to adopt resolution number 7852.pdf

246 KB

1 **Red Wing City Council Meeting**

2 **February 27, 2023**

3 Transcribed by Carol A. Overland – close but not sworn to as to accuracy!

4 <https://youtube.com/watch?v=rqZKMLVXYI4&si=EnSIkaIECMiOmarE&t=8603>

5 **Agenda Item 7 – Public Comment**

6 **Patricia Allende de Jung:** Hi. You might have heard this already because I posted about this
7 online. I would like to speak... I'm Patricia Allende de Jung, I live in Ward 2, and I am happy to
8 speak here. I would like to speak on the importance of public comment.

9
10 It is essential for the good of the people that the City Council by its rules and procedures
11 encourages and provides equal opportunities for public comment. And I stand to speak to oppose
12 any suggestion that requires a person who wants to speak before the council to be physically
13 present in chambers in order to be recognized. As we all know, we have virtual meetings and
14 web ex and that makes it possible for people to speak from remotely when they're at home and
15 attend from home. The Council, I believe, should avail itself of the means of communications in
16 order to allow anybody who wants to speak to do so.

17
18 It is not fair, right, or equal to make access and means to participate for those attending the
19 meeting virtually more cumbersome and less effective than it is for those who are able to be here.
20 I'm referring here to the suggestion that has been made that people attending virtually should
21 give up the right, or privilege, to speak publicly, via virtual meetings, an instead submit emails.

1 Sending an email that is read into the record after everything has been discussed, decided and
2 voted on is not the same as having our voices heard when people can actually hear and consider
3 what we say.

4

5 Unlike when having to send a comment via email, there is a direct immediate connection and
6 impact when we speak publicly in real time, when the metaphorical iron is hot, when people
7 listening are plugged into the event as things are happening and it all comes together as a part of
8 that meeting. As a result, what I would say, what anybody else would say, we carry the same
9 weight, because everybody needs the opportunity to speak and be heard.

10

11 Now when I stand to speak publicly at the City Council, I'm aware that I have two audiences. I
12 come here to speak to the City Council, whose members, who sit in this membership and vote on
13 things, and I speak to the residents of Red Wing who are here, who are listening online, who talk
14 with their neighbors. This gives me the opportunity to connect with two audiences immediately,
15 which makes what I say much more influential, more effective, more powerful, and more
16 memorable. That does not happen with emails or other things after the fact.

17

18 To sum: Having to attend meetings in person as a condition of being allowed to speak publicly is
19 not fair or right. It is a rule that threatens, that treats one group of people differently than another.
20 it denies some people the opportunity to fully participate the same as other people, and it denies
21 all people their right to know what the residents think, the neighbors and residents and fellow
22 people think about the issues and concerns that affect us all. Not only might the City Council
23 benefit from hearing and considering what I have to say, some of my public comments stir others

1 to learn about an issue of importance that they should know about and be interested in. In effect,
2 my comments, or somebody else's who comes to speak here, might change minds, and make a
3 difference in how the Council reacts, considers the things, and ultimately votes, affecting the
4 very policy and proposals being considered and discussed, and that is the point of taking public
5 comments. So I would urge the Council to consider policies that incorporate things and needs
6 that are equal and fair and allow everybody the same opportunities and weight. There's
7 somebody that suggested to me always add emails to this. There is a possible suggestion that
8 emails could read aloud by someone who would stand at the podium here and give it the same
9 authority that anybody who is able to speak for themselves can do. All this is reasons why people
10 can't come here. A lot of people are disabled, poor, we don't have transportation, have kids at
11 home, and probably the most disparate effect on people are the people who are low income, and
12 people of color, and the elderly. So let us do better than that. And I ask that you consider that
13 when you do any changes to the rules and procedures that you consider. Thank you so much.

14

15 **Agenda Item 10C - Consider a Motion to adopt resolution number 7852**

16 **Biese:** Move on to Item 10C, it's a Motion, to consider a Motion to adopt resolution number
17 7852 amending the Rules of Order and Procedures for the City Council in accordance with the
18 City Charter 5.04.

19 **Kuhlman:** If you would prefer, I'd like to, or if you're OK, I'd like to walk through these
20 changes, proposed changes. If you remember back when we did the rules, for the organizational
21 meeting, we adopted, or we had proposed Rules of Order, and we did get some suggested
22 changes from a local citizen, Carol Overland, who I believe is online, and had said she has
23 comments or questions. Last week, a committee of council members sat down and walked

1 through the proposed changes by Carol, and if you recall, we did also have comments from our
2 City Attorney, and so we talked through each one of those and in the end came up with a series
3 of proposed changes.

4

5 So, the first one, on the track changes, p. 1., is just a housekeeping change, that's the, that if you
6 do approve this resolution, it supersedes the old one.

7

8 On page 2, under 5c, there is language to talk about virtual meetings, and so you heard some
9 comments tonight earlier about that, that's one, this language would then say that we do not have
10 virtual public comments, people would provide those by email or through being in the city
11 council chambers.

12

13 Under 5d, under the Statement of Intent, we added language so that the Council President would
14 determine whether that was part of the agenda, and I did note that there are several Boards and
15 Commissions who routinely read the Statement of Intent, and there are some who only read it at
16 their Annual meetings, and there are some who do not. We made that an option for them so they
17 can choose whether they read that or not.

18

19 Moving on, number 7, under 5d, the listing of the agenda, we switched the Presentation and
20 Public Comment, because we have been providing for presentations first so that it just makes
21 sense to explain that order.

22

23 If you move to page 4, number 10, as we looked at that language, we thought it was really dated,

1 because under no circumstances, I believe, would we go out and find a council member if we
2 need a quorum, so we changed that to how we operate now. So if a quorum is not present, a
3 majority of the members present may cancel the meeting. I don't remember that happening
4 except for one time, and I think that was a Board of Equalization meeting where we didn't have a
5 quorum. Otherwise, generally people call in, and if we know in advance, we can postpone that
6 meeting and do a special meeting.

7

8 On page 5, number 16, this also changes the language to reflect the way that we operate, this has
9 been our practice, normally if there's a roll call vote and if it's somewhat equal, with the ayes and
10 nays, the Council President will say OK I want a roll call vote, it's always after both the ayes and
11 nays are stated, so it, and the language in that, you have to ask after the aye vote and, but, and
12 before the nay vote, which, that's just not the way we've done it, so this language, we checked in
13 with our attorney, this language is appropriate, and so we modified that.

14

15 And then the last one was to clarify, lately, I guess last year, we took the Youth Commission and
16 the Harbor Commission and turned them into committees, so we added language to differentiate
17 between, those are committees, but they're not the direct committees of the City Council, so the
18 Council has standing committees and has the ability to do ad hoc committees, that is what we're
19 talking about in the Rules of Order. We are not talking about committees that are under our
20 Board and Commission and Committee policy, so that is why Section 27 was added.

21

22 So on each of these, I did check in with the City Attorney, they're fine. The one thing I did want
23 to point out is there under 5C, when I was doing the strike out language, some of the language

1 that is not stuck out is not in the old one. This is more than just new language and newly struck
2 out language. That's not very clear, but what I want to tell you, this language that's in this
3 paragraph C is a little bit different in that we're keeping language, we're proposing to keep
4 language that wasn't in there before. So this is what... if you look at the language that was
5 accepted, that is what we're proposing.

6

7 So that is all I have as a high level, I can answer questions, or you can just discuss them one by
8 one. They are each stand alone, don't have to take it as an entire proposal, each one stands alone.

9 **Farrar:** I'll start off with a couple of questions, if that's OK. Kind of on the idea of public
10 comment, can you maybe say, is public comment, legally, do we have to do it, and secondly,
11 when did we start doing virtual public comment.

12 **Kuhlman:** I don't think you have to do public comment, I think that's an option of every
13 government entity. The virtual started when we went to virtual meetings with COVID, so we,
14 that has been a newer addition to our agenda.

15 **Farrar:** Thank you.

16 **Biese:** We have a number of people that want to speak, so we'll hear what they have to speak
17 before we decide. So, we'll start with Martha Harris, you're virtual. I need bigger print, or
18 bolder, I can't read that. You're on mic...

19 **Martha Harris:** All right. Thank you Council Members, staff, and Mayor Wilson for letting me
20 speak again tonight, virtually. I am speaking to 5c, I would like for you to continue allowing
21 virtual attendees to talk at Council meetings, as I am now, for the following reasons. One, it
22 would close a door to communication. Decreasing access can decrease the opportunity for your
23 constituents to participate in matters of our community. And two, concerns of disease

1 transmission, when folks have that scratchy throat or some body aches, they will not practice
2 best practices and public health recommendations and stay home. When they're passionate about
3 something, they will come through that door to speak. Three, folks who have missed their bus, or
4 perhaps they go out to their car and it will not start, they are unable to get to the meeting and may
5 miss the 3 o'clock deadline. And I too wanted to be at this meeting tonight with many of my
6 friends that I've met through pickleball, and unfortunately this morning as I headed out, the rear
7 end of my car, as I exited my driveway, slid around and was headed down the road backwards on
8 our icy hill. We have two different contractors that service our road between my home and access
9 to Hwy 61 to come into town. One of the contractors evidently had plenty of sand and gravel,
10 another section of my road, over one mile down hill was still iced over when my husband came
11 home this afternoon. And therefore, I was not going to leave the house tonight in order to come
12 to the meeting because it was not safe for me. That's all I've got. Thank you.

13 **Beise:** Thank you. Next would be Terri Cook, unmute yourself.

14 **Terri Cook:** Hi, good evening, can you hear me, one, two, three...

15 **Biese:** Yes, we can hear you.

16 **Terri Cook:** Great. My name is Terri Cook, and I live in ward 3, it's a recent move. I wanted to
17 share my concerns regarding the proposed changes to the rules. Great effort has been put into
18 developing ways to increase public input into decisions that will ultimately dictate our futures.
19 An engaged public will always give you better buy-in. During the campaign, many of you
20 mentioned that you and/or your neighbors did not feel heard at council meetings in the past, so I
21 ask you, if you want your constituents to be heard, and feel heard, wouldn't it make more sense
22 to invite their comments rather than eliminate options for participation? If you want a more
23 robust conversation or a stronger buy-in, why would these proposed changes be coming out of a

1 private meeting rather than a public forum? I guess that's up to the council to talk about that part.
2 I urge you also to consider keeping the Statement of Intent as a standard agenda item for the
3 Council. There was a strong purpose behind initiating this. Do you want respect and civility at
4 the meetings? That's what that statement indicates, and it reminds us all at the beginning of the
5 meeting, that were here to do the business, we're here to work respectfully and civilly. We've
6 seen what it's like when it doesn't go that way. So why not keep it in, and keep that reminder in
7 front of us, that you are a civil and respectful body and that you expect that in return from us. I
8 think that could go a long way in both directions for sharing our ideas back and forth. I feel as
9 though we're going backwards if we adopted those two particular changes. Imagine, just
10 imagine, you've got something big coming up, and you want, you feel very strongly about
11 something, and it's going to impact your neighbors, and you, wouldn't you want full disclosure,
12 open communication, full and robust, full and robust conversation regarding it, so that that way
13 everyone feels a part, and everyone then has that buy-in. We build a stronger community when
14 everyone is a part of that community. And that's why I think that virtual conversation is so
15 impactful. And I know Martha said why she couldn't be here in person, but respectfully, that's no
16 one's business. If I can't make it to the meeting, for whatever reason, I shouldn't have to share
17 that reasoning with anyone I don't want to share it with. I respect what you do, but I expect you
18 to respect what we do and what we as citizens have to offer. Imagine the things we could do to
19 together if we worked together. Thank you.

20 **Beise:** Alan Muller, would you like to speak on this? Alan, would you like to speak on this?

21 **Alan Muller:** Alan Muller 1110 West Avenue. A couple of preliminaries. The last time I stood at
22 this podium a few weeks ago, I commented that the hearing aid devices were not present. And
23 they still aren't. OK. I don't know why. If you look at the last page of the agenda, it states says

1 “hearing assistance devices are available during meetings.” So I repeat my recommendation that
2 you find the ones we already own, or buy some new ones, or do whatever is necessary, to live up
3 to this accessibility point.

4

5 Second preliminary, I talked a little bit earlier about charging stations, and I hope I did not give
6 anyone the impression that I thought we don’t need more charging stations. Electrification of
7 transport is a basic part of any serious effort to abate climate change. The issue is that utility
8 regulatory matters tend to be very complicated and mostly understood by the utilities themselves,
9 and the devil is in those details, and you need to make an effort to understand those before
10 commenting.

11

12 I’m really up here to talk about Agenda Item 10C. which is Rules of Order and Procedure. And
13 like the previous witnesses, I think, I am kind of baffled as to why this council would want to
14 deny people an opportunity to testify – virtually is the term used in the regulation. But it’s ironic
15 that we’re discussing this on a night when we’ve got wet ice all over town, and I imagine that we
16 all know someone who has fallen and broken their hip, or broken their head, by falling. Winter is
17 a little dangerous in Minnesota in that respect, so just from that point of view, your proposal to
18 not allow people to participate remotely is totally inappropriate. And I would truly appreciate
19 knowing what the reasoning is, what the other side of the story is, if there is one. It just doesn’t
20 make any sense, unless one supposes that the intent of the council is to make public participation
21 more difficult. And it does seem to me, I’ve lived in Red Wing for 15 years and I’ve commented
22 fairly often to this Council, to the Charter Commission, and other bodies, about the importance
23 of strengthening public participation. We live in times when democracy is under attack, and there

1 are lots of things we can do. So why have you rolled out this document which attempts to put us
2 in reverse. And I'm not going to go through all the objectionable phrasing here, but some of the
3 things that I've mentioned in the past is a good faith public notice means put it on the website, it
4 doesn't mean posted on a bulletin board in the attic of this building or something like that. And
5 there are lots of other examples, Carol has identified some of them and maybe she's going to talk
6 about that some more. But I would urge you not to move ahead with the adoption of this
7 resolution which would alter the Rules of Procedure and Order and weaken the ability of Red
8 Wing residents to participate in their own government. That's disgraceful. Frankly, the authors of
9 this document, in my opinion, should be ashamed of themselves. Common sense tells us that it's
10 a step in the wrong direction. So I'm done, unless anybody has any questions.

11 **Biese:** Thank you, Alan.

12 **Kliewer:** I see a hand up.

13 **Biese:** Thank you. Carol Overland, if you'd like to unmute yourself.

14 **Carol Overland:** You bet I would, Carol Overland, Ward 2, oh, there we go. I first want to state
15 that at the last meeting that you had, which I attended virtually, we were up at a cabin at Lake
16 Vermillion State Park. I participate remotely often, at the Public Utilities Commission, court
17 hearings are now virtual, also Public Service Commission in Wisconsin, Minnesota here, so
18 much is virtual now, and it really does help people weigh in. And so I saw this, and as you know
19 I had been part of the Citizens Assembly that suggested many specific things to increase
20 participation, to open meetings up, and to have "better meetings," that was a goal. So many of
21 the City's plans now, plans that you should know of, specifically seek to encourage and increase
22 public participation. So what the heck are you doing? You're turning it around. We have a
23 situation here where four self-appointed arbiters of participation drew up this resolution. From

1 what I can see, there's not even input from our Community Engagement Specialist, that is the
2 title of Michelle Liese's job. I think that you should ask her to weigh in on this, because that's the
3 job. "Community Engagement Specialist." You are meeting in private, and you didn't move
4 forward with any of the things that would facilitate participation. All you've done is write up a
5 resolution prohibiting virtual comment, eliminating the Statement of Intent, making it more
6 difficult. And while previous speakers, who I would like to underline what they said, they're very
7 generous in their, discussing what they think is happening here, From a lawyerly standpoint, and
8 looking at inferences, it's pretty clear to me that what you're trying to do is limit public
9 participation, especially following the attempt to eliminate virtual meetings completely. This is,
10 yes, as Alan said, this is disgraceful. It's crucial that comment be allowed in any way possible.
11 You remember in the comments, in the proposals I made, I stressed that it would be good to have
12 a written clear option encouraging people to send emails before the meeting so that you would
13 have time to think about it, rather than spring things on you on the spur of the moment during the
14 meeting. And you know, it's just a common sense kind of thing, trying to make clear ahead of
15 time so people can figure out where they stand on something. But anyway, this proposal, just
16 wow, and just no. Because it looks very clear to me that the intent is to shut people down, and to
17 limit participation, and that's not OK, not OK. Thank you.

18 **Biese:** Thank you. Is there anyone else that would like to speak on this? Would you like to go
19 through the changes line by line, or what would you like to do? Evan?

20 **Brown:** I'd like to add something, I guess I heard here, Rules of Procedure are for the entire
21 council. They're our Rules of Procedure. I don't think it's appropriate to have a situation in
22 which that discussion happens with a group of people and not the entire council as a body. I think
23 that is inappropriate. It bothers me a lot, it bothers me a lot. Those are not... that's our, all our

1 rules of procedure, we all operate under, we all have a voice in, and we all need to talk real time,
2 with each other, about those changes. I don't think that that's a lot to ask. I really do think that is
3 very, very important. So procedurally, I'm already irritated.

4 **Biese:** Thank you. It's no different than how I was treated for four years. I was left out of a lot of
5 things, so... We haven't made a decision here, that's why we're here to vote on it tonight. If we
6 don't want to vote on it, we don't have to vote on it.

7
8 **Kliwer:** I take offense of the fact that people in the public are under the impression there was a
9 secret meeting, there was an agenda meeting which is an open meeting and to the public, you
10 could have been there if you wanted to, you know when it is, anybody could have been there on
11 this council. This document, we'd received the changes, recommended changes, referred to legal
12 counsel for review, we came back to the agenda meeting, and we went through it line by line and
13 made whatever agreed or disagreed with the, the, with what our legal counsel thought. So there's
14 nothing secretive about it, and it's open for discussion. Talk about it.

15 **Brown:** I have never, ever, seen an agenda item that went through line by line review of the
16 resolution, I've never seen that. Never seen that.

17 **Kuhlman:** I just want to clarify, it was the Agenda team, but it wasn't as part of the agenda
18 meeting, we did that in a separate meeting.

19 **Kliwer:** Yes. OK.

20 **Norton:** So it was a separate, not a publicly noticed meeting...then..

21 **Kuhlman:** Correct.

22 **Kliwer:** I stand corrected.

23 **Norton:** We couldn't all attend because it's not a publicly noticed meeting.

1 **Kliwer:** Well, there's nothing, I mean, it's open for discussion, so, share your thoughts. .

2 **Norton:** Well, my question I'll start, with whatever, my question is, why, help, the committee,
3 apparently a committee, did we discuss creating a committee to review these? As a Council, we
4 do that, from time to time, talk about creating ad hoc committees to do a study, or a dive. Was
5 there a conversation that happened that I just missed somehow?

6 **Kliwer:** There's no committee, it was the leadership team that dealt with it. I mean we simply
7 went through the documentation, I think you received the same thing.

8 **Norton:** I'm still asking, did we as a Council establish a committee to review this?

9 **Kliwer:** That's what we're doing right now.

10 **Norton:** No, we're having a public discussion right now. I'm asking if we had a committee, I'm
11 asking President Biese, if we have a committee.

12 **Biese:** No, we did not.

13 **Norton:** OK. Thank you, that was the question I'm asking. So having said that, it does say in the
14 write up, a committee of Council members met on this and made some recommendations. My
15 questions are, to the committee, to explain why these decisions were made. I'd like to know why
16 the Intent is optional, the other, some of them are obviously clean up things, I'd like to know
17 why the virtual meeting is changed, and I'd like to know what conversation took place regarding
18 Ms. Overland's comments, I mean, none of her comments are incorporated into this, and so I feel
19 like I'm really left out of that conversation, and I feel I'm really left out of that, and I'd like to
20 start there.

21 **Farrar:** I don't mind making a couple comments on that, so I'm on the statement of Intent, I
22 think many of us believe, and I'll speak for myself, I don't intend to speak for Kim or Don, but
23 you know, in my experience in the last year, if you guys made the statement of intent, I didn't see

1 a lot of respect and dignity happening, so I kind of felt it was a lot of words and maybe not
2 actually happening, and I felt it made sense for the President of each committee or commission
3 to decide if they want to do it or not, what was best for their group of people, so I'll stick with
4 that one.

5
6 And second, on the virtual, I believe that the Council is here to do business, public comment is
7 not legally binding, we have done our gracious part of allowing and asking for public
8 participation and public comment, but we're here to do business, in my opinion. And so we have
9 public comment, they can email, they can come to the stand and speak to us, but in my opinion,
10 in watching, again, for the last year, the virtual content is not extremely useful, or business-like,
11 it doesn't work well. And I just think, in this day and age, virtual participation engagement is
12 awful, I think we all know from COVID, which with virtual, it started in COVID, we haven't
13 been doing this for like 15 years, virtual and going on screen is not conducive to good
14 engagement. I would rather have a face to face with people being here, or a true community
15 group talking to each other, one on one, talking to each other and really seeing each other's faces,
16 body language, and that to me is public participation. And I forget what the last one, the last
17 question?

18 **Norton:** What are the results of the recommendations of Ms. Overland...

19 **Farrar:** Well, we went and took Carol's and took our legal counsel, and went one by one and
20 took our time to do that, and everybody got Carol's comments, and anybody else that would have
21 commented on the subject, and I don't think one person in our community was taken more
22 highly or at a lower end than anybody else.

23 **Norton:** I don't understand what you're saying...

1 **Farrar:** I don't understand why Carol's comments on this would make any difference, than
2 anybody else's, than Patricia's or Martha's or anybody's. So we were given that, all of us as a
3 Council, Carol's comments, so we took our legal counsel and Carol's comments together with
4 our current rules of Order, one by one, and decided, I believe we did take a couple of her
5 comments, and again, she helped us see some clarity, and maybe some misunderstandings, so I
6 do believe we took a couple of her ideas, I don't have my notes exactly which two, we took a lot
7 of time to do this, mainly because we are the Executive Leadership Committee, we were elected
8 in a majority way, and that was our direction. I know that council member Biese, our President, I
9 think spoke with each of you. You guys knew that when you're President this is what happens.
10 You get to decide how things are going to be done.

11 **Norton:** I don't follow, you spoke with each of us about what?

12 **Farrar:** That might be the wrong way of saying it. But in the absence of, you know, whether it's
13 the Statement of Intent, or something, these are going to be decided tonight, we're going to talk
14 about it in the group, that's why we're here tonight, nobody's limiting discussion.

15 **Norton:** Is there an Executive Committee?

16 **Beise:** No.

17 **Farrar:** I maybe missed... we used to call it an Executive Committee on the School Board, you
18 know, like a, an Agenda Committee to me is like an Executive Committee. So it might be
19 misusing words.

20 **Norton:** The agenda committee is the committee that meets to go over the agenda. That's it.

21 **Farrar:** Is that traditionally, it's been done in the past...

22 **Norton:** Yes.

23 **Farrar:** Yes.

1 **Kliwer:** I would add that, you know, for the most part, a lot of, most virtual meetings ended
2 with COVID, and that is over with. You know, the main thing to me, is I think, I think, a person
3 can relay a whole lot more to us standing at the lectern there than they can over virtual, and I
4 look at what, just how well virtuals worked for our school kids, and I think it's not that well. So
5 you know, I don't see it's that big a deal. We can communicate with people, they can write to us,
6 they can call us, there's many ways they can communicate with us if they want to. We're still
7 going be streaming. One of the other issues that I ran into is in trying to watch a lot of meetings
8 from the commissions, they have so much trouble getting people to be able to log on, I think that,
9 that, several times I witnessed where they just couldn't get them here. If it's a technical issue, I
10 don't know, but I don't know that it's that critical.

11 **Brown:** My entire world...

12 **Biese:** Excuse me, Evan... Vicki Jo –

13 **Lambert:** My um, in response to what I'm hearing people say, and I'm, I don't have the history
14 here, so I see, I know, that when I ran for this one of the things that I wanted to do was to engage
15 more people. And when I see us saying that we don't want to do this because this isn't what we
16 used to do, I feel like that's saying "I don't want certain people to participate because they can't
17 be here." And I know that there are a lot of people in my ward who don't have cars, but they
18 have a cell phone, because everyone has a cell phone, so they can log on to a meeting and they
19 can be present, even if they can't get here, because they walk everywhere. So if I can't get here,
20 then I'm invited to not participate. I'm invited to not be part of this, and I think that yes, I agree,
21 face to face is great, and I think that virtual participation is critical in this day and age. This isn't
22 exclusively virtual participation, this is both, and, this is in person AND virtual. Locking people
23 out, I think is, quite frankly, it bothers me a lot, and I feel like it's trying to silence voices of

1 people that maybe aren't able to be here, Even if they were here in person, you know, and I saw a
2 lot of name calling from people from our community attacking the council, so I feel like
3 something, and I saw it, and it made me physically uncomfortable and sick, because people from
4 the community were yelling. This is important (holding up Statement of Intent). This is
5 important for us to remember, and to speak about every single time because repetition helps us
6 remember what we're here to do, and we are here to do the business. We are here to do the
7 business, to represent the public, with the public, and if we aren't including the public as part of
8 our process, we're missing the ball, and I think that we're becoming exclusive, and I'm not
9 interested in having a club that does business in secret. I'm not interested in being just here
10 alone. I'm interested in engaging the maximum number of people possible, and I think the
11 both/and proposition and for those reasons I do not support 5C changes, here, and I also think,
12 and I don't support changing 5d Statement of Intent. Because I think it's important that we
13 remember that we remember that we have to remind people that this is about all of us, it's not
14 about me, it's about all of us, any one of us or a small group of us that gets to make decisions. I
15 think in the case of this, we should have gone through this line by line as a group, and yes, it's
16 going to take some time. And I would have appreciated an invitation to that meeting, because I
17 would have come. But I wasn't invited. And I'm a member of the Council, and my voice is
18 important too. And I don't, I don't, I don't feel like I'm important, or valued, when a group of
19 people get together and they put together a proposal, a resolution, that I didn't get to have any
20 say or voice in. That's just me talking about, and I get to sit up here with all of y'all, and I don't
21 have this history and I don't feel comfortable with this being here like this and not having been
22 invited to this meeting. I would have gone. That's all I have.

23 **Beise:** Evan, go ahead...

1 **Brown:** In the case of the virtual meetings, my business has completely changed, the world has
2 completely changed, and whether or not COVID is here or not, and we're going to disagree
3 about that, but the world has changed. The technology has moved past it and the genie is out of
4 the bottle. We do have this tool, and I think it makes, to Vicki's point, we should utilize it, why
5 wouldn't we utilize it. Why, why, why would we go backwards, because it's not causing any
6 problem, and to the degree that there are some minor problems at some, with a board or
7 commission, in terms of reaching this body, which is where it really stands, where the interest
8 really is, I see no reason to preclude a tool that has been utilized, and continues to be utilized. I
9 mean it's like saying "Oh, you know, well we have landlines, but hey, you know these cell
10 phones, they're just a fad, we should just move past those and go back to land lines," you know,
11 and the technology has changed. Like it or not, my entire business is in, I don't even know how
12 many, it's not a huge company, and we are in a bunch of states and countries, all over the
13 country, and how do we communicate, how do we interact? We are all building product together,
14 we are doing intense technical work, business together, and we can manage that online and I
15 don't understand why we would take that tool away at all.

16 **Goggin:** So the only concern I have is 5c as well. I do most of my work virtually, for my job.
17 Most of the comments I've gotten about this issue, people want to have that availability to do
18 this. But I would really like to see this be the exception rather than the rule that you would
19 comment virtually. I think people should get here, people should get here from behind our
20 keyboards, interact as individuals in the public, as we walk in the door, walk to the lobby, we're
21 going to get other people's opinions, you can start talking, instead of just presenting, and what
22 you want to say about a particular issue, you get to debate it with somebody else, either before or
23 after the meeting, or whatever. So for me, I don't think that the virtual comments is something

1 that we should get rid of.

2 **Biese:** I talked to a lot of people at the conference this weekend. None of them are continuing to
3 do virtual meeting, and I talked to more than 30 of them. They've all gone back to in person
4 meetings and eliminated virtual because of the staff issues they had, always staffing it as well as
5 they felt that you should be in person. And with that, I'll make a motion that we table this until
6 we can have a workshop and discuss and go through it, line by line.

7 **Brown:** Second

8 **Biese:** Motion by myself Kim and second, Evan, to table 10C until we can have a workshop and
9 go through it, line by line. All in favor?

10 **Brown:** 10C or the whole thing?

11 **Norton:** 10C is the whole thing.

12 **Biese:** All in favor? (Aye, Aye, Aye, Aye, Aye, Aye, Aye.) Opposed? Motion carried.

What Is A Recall Process?

Source: City of Red Wing, online at <http://www.red-wing.org/1064/You-Ask-We-Answer>

What is a recall process?

A recall process is a set of steps residents can take to petition for a special election on the question of whether an elected official should be removed. This process is outlined in [the City of Red Wing Charter](#). You can read about the process under Section 6.12.

What can a Council member or Mayor be recalled for?

In accordance with the Minnesota Constitution and the City Charter, a Mayor or City Council member can only be removed if their conduct constitutes malfeasance or nonfeasance while in office. Few actions rise to the level of malfeasance or nonfeasance. If an action does not constitute malfeasance or nonfeasance, a city council may decide not to call a special election, as the Blue Earth, MN, City Council recently did.

Malfeasance has been defined by Minnesota courts as “evil conduct or an illegal deed, the doing of that which one ought not to do, the performance of an act by an officer in his official capacity that is wholly illegal and wrongful.” *Jacobsen v. Nagel*, 96 N.W.2d 569, 573 (Minn. 1959). Courts have explained that this is a very high standard, usually involving a felony conviction, bribery, or unduly profiting from one’s position as an elected official.

Nonfeasance has been defined by Minnesota courts as “neglect or refusal, without sufficient excuse, to do that which is the officer’s legal duty to do.” *Id.*

What is the first step in a recall process?

The first step in a recall process is that any five people who are registered voters in the city limits must form a committee for the purpose of bringing about a recall of any elected official (Council Member or Mayor) for malfeasance or nonfeasance while in office. In the case of the Mayor and Council Member At Large, the committee can be composed of registered voters from any ward of the City. In the case of all other Council Members, the committee must consist of registered voters from the ward or wards where the Council Member was elected.

The committee then must fill out and return a “Certification of Recall Committee” form to the City Clerk stating the committee’s intention to bring about a recall, the name of the elected official who the committee is seeking to remove, and a statement of 250 words or less that outlines the perceived grounds for removal. One certification form is required for each official being brought forward for re-

What happens if the City receives a petition with what the committee views as signatures from 20% of the registered voters in the correct ward?

The City will review the petition to determine if it meets the 20% minimum number of signatures for the proper ward(s) and ensure that every signature is from a registered voter in the correct ward(s). The City has five days to determine if a petition is irregular in any way. If the City determines that the petition has the necessary number of signatures from registered voters in the correct ward(s) and that the petition is not irregular in any other way, the City Clerk sends the petition to the City Council to be considered at the Council’s next regular meeting.

The Council will then decide whether to call a special election. If the Council determines that the allegations do not constitute malfeasance or nonfeasance, the Council has the option of declining to call a special election.

If a special election is held in the City of Red Wing, it is estimated to cost between \$4,000 and \$5,000 per ward. If all four wards had a special election, the estimated cost would be between \$16,000 and \$20,000.

What happens if the petition does not contain the necessary signatures?

If the petition does not contain the necessary number of legitimate signatures or is irregular in any way, the City will give the committee 10 more days in which to file additional signatures and to correct the petition in all other respects. No changes to the statement of the grounds for recall can be made. If the City finds the petition is still insufficient or irregular after those 10 days, the City Clerk must notify the committee of that fact, and the City Clerk will file the petition in his/her office as insufficient. After that, no further action is taken.

What are the stated grounds for recall that the committees have filed with the City?

To summarize, the recall committees state that Council members violated the Open Meeting Law regarding two issues – meeting in closed sessions in 2019 related to the purchase of the Bauer Built property, and meeting in closed sessions in 2021 related to the employment of Roger Pohlman. No other issues or disputes are part of the recall effort.

The following items are the stated grounds for recall:

- On June 24, 2019, Council members violated the Open Meeting Law at Minn. Stat. § 13D.01, Subds. 3 and 4 by discussing impermissible topics beyond the closed session notice for purchase of the Bauer Built property.
- On July 22, 2019, Council members again violated the Open Meeting Law at Minn. Stat. § 13D.01, Subd. 4.
- On October 14, 2019, Council members again violated the Open Meeting Law at Minn. Stat. § 13D.01, Subd. 4.
- On February 8, 2021, Council members violated Minnesota Open Meeting Law § 13D.04, Subd. 5, by meeting unlawfully without proper three days’ notice; further, Council members voted to go into closed session without first identifying the employee or the allegations against the employee, in violation of Minn. Stat. § 13D.01, Subd. 3.
- On February 19, 2021, Council members violated Minnesota Open Meeting Law § 13D.05, Subd. 2(b) by voting unlawfully to deny an open City Council session for consideration of disciplinary action against Chief Roger Pohlman, thus infringing upon the rights of the public and Chief Pohlman to hear allegations against Chief Pohlman and to hear the reasoning and deliberations of the City Council, which led to his termination.

What is the background for the alleged grounds?

1. *The first assertion is that on June 24, 2019, each of six Council members named violated the Open Meeting Law at Minn. Stat. § 13D.01, Subds. 3 and 4 by discussing impermissible topics beyond the closed session notice for purchase of the Bauer Built property.*

What happened and the legal foundation: The City Council voted unanimously to go into closed session on June 24, 2019, to consider the purchase of the Bauer Built property. The Open Meeting Law allows governing bodies to go into closed session to, among other things, develop or consider offers or counteroffers for the purchase of real property. See Minn. Stat. § 13D.05, subd. 3(c).

Minnesota Statutes Section 13D.01, subdivision 3, provides that “[b]efore closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.” The Council President stated the grounds allowing the meet-

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- ing to be closed by noting the statute that allowed for the closed session. The Council President also described the subject that would be discussed at the closed session. Following is what the Council President stated:

"The Open Meeting Law Minnesota Statute Section 13D.05, subdivision 3(c) allows City Council to close a meeting to develop and/or consider offers for the purchase of real property. Staff is asking the Council to close the meeting to develop an offer to purchase property at 1511 Old West Main Street, owned by MTRE Red Wing, Minnesota, LLC, Bauer Built. The property ID is 55-535-0580 and 55-535-0529. With that I'll entertain a motion to go into closed session."

The other provision that the committees allege was violated does not apply to closed sessions. Minnesota Statutes Section 13D.01, subdivision 4, provides:

(a) The votes of the members of the state agency, board, commission, or department; or of the governing body, committee, subcommittee, board, department, or commission on an action taken **in a meeting required by this section to be open to the public** must be recorded in a journal kept for that purpose.

(b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

(Emphasis added.) This section does not apply to closed sessions as stated in the language above. Moreover, the Council does not take action on the purchase of property in closed session so there would not be any votes to record. Rather, the Council votes on purchase agreements in open sessions in accordance with the Open Meeting Law as discussed below.

The City ultimately purchased the Bauer Built property. The City approved the purchase agreement for the Bauer Built property at an open meeting on November 12, 2019, consistent with the Open Meeting Law. See Minn. Stat. § 13D.05, subd. 3(c) ("an agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting").

Because the property has been purchased by the City, the closed session tape is now a public document. Please see the audio recording of that June 24, 2019, closed session [see city link <http://www.red-wing.org/1064/You-Ask-We-Answer>].

2. *The second assertion is that the six said Council members again violated the Open Meeting Law, Minn. Stat. § 13D.01, Subd. 4, on July 22, 2019.*

What happened and the legal foundation: As noted in No. 1 above, Section 13D.01, subdivision 4, is not applicable to closed sessions. The City did go into closed session on July 22, 2019, to consider an offer on the Bauer Built property and to develop a counter-offer. The Council's action to close the meeting was taken in accordance with the Open Meeting Law, which allows meetings to be closed to consider offers on real property and to develop counter-offers.

Because the property has been purchased by the City, the closed session tape is now a public document. Please see the audio recording of that July 22, 2019, closed session [see city link <http://www.red-wing.org/1064/You-Ask-We-Answer>].

3. *The third assertion is that on October 14, 2019, the six said Council members again violated the Open Meeting Law at Minn. Stat. § 13D.01, Subd. 4.*

What happened and the legal foundation: As noted in No. 1 above, Section 13D.01, subdivision 4, is not applicable to closed sessions. The Council's action to close the meeting was taken in accordance with the Open Meeting Law, which allows meetings to be closed to consider offers on real property and to develop counter-offers.

Because the property has been purchased by the City, the closed session tape is now a public document. Please see the audio recording of that October 14, 2019, closed session [see city link <http://www.red-wing.org/1064/You-Ask-We-Answer>].

4. *The fourth assertion is that on February 8, 2021, all seven Council members violated the Open Meeting Law, Minn. Stat. § 13D.04, Subd. 5, by meeting unlawfully without proper three days' notice and by going into closed session without identifying the employee or the allegations against the employee.*

What happened and the legal foundation: Numbers 4 and 5 relate to an employment matter. On Monday, February 8, 2021, the City Council went into closed session for preliminary consideration of allegations against an employee. Minnesota Statute Section 13D.05, subdivision 2(b) states that a public body "shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority." The statute states that the meeting must be open at the request of the individual who is the subject of the meeting. Minn. Stat. § 13D.05, subd. 2(b). The employee did not elect to have the meeting open, and so it was closed.

The February 8 Council meeting was also a regular meeting and so three days' notice of the closed session was not required. Three days' notice is only required for special meetings. See Minn. Stat. § 13D.04, subd. 2. The agenda for a regular meeting can be amended at the meeting.

In addition, the law does not require the Council to disclose the identity of the employee before going into closed session under this exception to the Open Meeting Law. See Minn. Stat. § 13D.05, subd. 2(b). (That is required when a meeting is closed to conduct an evaluation of an employee, but not when a meeting is closed for the preliminary consideration of allegations. Compare Minn. Stat. § 13D.03, subd. 3(a) with Minn. Stat. § 13D.05, subd. 2(b).) There is also no requirement that the allegations against an employee be disclosed publicly before closing a meeting for preliminary consideration of allegations, and the City does not do that when it closes a meeting for this purpose because allegations against an employee are private personnel data under the Minnesota Government Data Practices Act. Minn. Stat. § 13.43, subd. 2.

5. *The final assertion is that all seven Council members violated the Open Meeting Law, Minn. Stat. § 13D.05, subd. 2(b), by voting unlawfully to deny an open City Council session for consideration of disciplinary action against Chief Roger Pohlman, thus infringing upon the rights of the public and Chief Pohlman to hear allegations against Chief Pohlman and to hear the reasoning and deliberations of the City Council, which led to his termination.*

What happened and the legal foundation: On Friday, February 19, 2021, the City Council voted to go into closed session pursuant to the attorney-client privilege. The Open Meeting Law allows a meeting to be closed pursuant to the attorney-client privilege. See Minn. Stat. § 13D.05, subd. 3(b). The Council President stated that the meeting was being closed pursuant to the attorney-client privilege and noted the subjects to be discussed as follows:

"The Open Meeting Law, Minnesota Statutes section 13D.05, subdivision 3(b), allows the City Council to close a meeting pursuant to the attorney-client privilege. The purpose of the closed session is for the Council to meet with the City Attorney to receive legal advice regarding a proposed agreement and release of all claims related to an employee. During the closed session, the City Attorney will advise the Council on the legal meaning of the proposed terms and the legal considerations and pros/cons of entering into the proposed agreement. There is a need for absolute confidentiality because the City's position would be compromised if such discussions took place in public and could be overheard by the other party. Accordingly, pursuant to the law I have cited, I will hereby entertain a motion that this meeting will be closed pursuant to the attorney-client privilege. I'm looking for a motion to go into closed session under Minnesota Statutes section 13D.05, subdivision 3(b), to consider and discuss a proposed employment agreement."

The committees cite Section 13D.05, subdivision 2(b), as the basis for the alleged violation, but that statute was not the ground upon which the Council closed the meeting; rather, the Council closed the meeting pursuant to the attorney-client privilege. The employee does not have the right to require a meeting that is closed pursuant to the attorney-client privilege be open, as the City Council is the client receiving advice. For that reason, the Council determines whether there is a need for absolute confidentiality based on the attorney-client privilege to close a meeting at which it will receive legal advice related to negotiations concerning a proposed employment agreement and a release of potential legal claims. City councils have the right to receive an attorney's advice on a potential agreement and release of legal claims in confidence, just as citizens have a right to confidentiality with their legal representatives.

What is the basis for the closed meetings and the Council's next steps?

The Council closed each of the meetings referenced in the recall petition in accordance with the requirements of the Open Meeting Law. The City Council has historically closed meetings when discussing property acquisitions or sales, threatened or pending litigation, or preliminary consideration of allegations against employees—and the Open Meeting Law allows meetings to be closed for each of these reasons.

If a recall petition is filed with the City with the sufficient number of signatures, the Council will consider legal advice about its options, which would include the option to not call a special election if the Council determines the allegations do not amount to malfeasance or nonfeasance.

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