



MINUTES

Blackduck City Special Meeting - Certification of 2020 Municipal Election

6:00 PM - Friday, November 13, 2020
City Hall, 8 Summit Drive, Blackduck MN

The Council of the City of Blackduck was called to order on Friday, November 13, 2020, at 6:00 PM, in the City Hall, 8 Summit Drive, Blackduck MN, with the following members present:

COUNCILORS PRESENT: Councilor Jason Kolb, Mayor Maxwell Gulette, Councilor Sheldon Ostlund, and Councilor Nicholas Seitz

COUNCILORS EXCUSED:

STAFF PRESENT: City Administrator Christina Regas

OTHERS PRESENT: Lexie Scholler

1. CALL TO ORDER

- a. Roll Call
Administrator Regas took Roll Call and Mayor Gulette call the meeting to order at 6pm.
- b. Pledge of Allegiance
Mayor Gulette called the meeting to order at 6:00pm.

2. APPROVAL OF AGENDA

- a.

Nicholas Seitz moved to approve the agenda as presented Jason Kolb seconded the motion.

Carried 4 to 0

Jason Kolb	For
Maxwell Gulette	For
Sheldon Ostlund	For
Nicholas Seitz	For

3. CERTIFICATION OF 2020 MUNICIPAL ELECTION

- a. Review of 2020 Municipal Election Results - Certification of Canvassing Board - Presentation of Certification of Election of Candidates
Regas declared the winners of the following race(s) for the 2020 Blackduck Municipal Elections:

1. Mayor - Regas declared Maxwell Gulette the winner of the mayoral race with 260 votes. Regas presented the certification of election to Mayor Maxwell Gulette. Regas

further stated there were 15 write-in votes.

2. Special Election Councilor - 2-2-year race(s) - Regas declared Sheldon Ostlund the winner of 1 special election councilor race with 226 votes and Nicholas Seitz the winner of the other special election councilor race with 3 write in votes. Regas presented the Certification of Election to Ostlund and Seitz. Regas concluded the total number of write-in votes for the special election councilor race was 15.

3. General Election Councilor - 2-4-year race(s) - Regas declared the total number of write-in votes was 50 and of those 50 write-in votes; 4 people received the same number of votes which was 4. Regas announced the people that received those votes were Lexie Scholler; Adam Ziegler; Nicholas Seitz; and Cherry Brands. Regas further stated that Ziegler and Brands were not present to tonight's meeting but were notified. Regas announced that by statute when there is a 'tie vote' the City Council "shall determine the result by lot." which could be completed by a chance game (ie. flip of a coin, high card wins, draw names) Regas consulted the City Councilor for clarification on the process. For the record, Regas read the following statutory requirements in light of odd situation.

*As you know, the City Council is required to "canvass the returns[] and declare the results of the election" no later than the 10th day after the election, which is set for tonight. Minn. Stat. § 205.185, subd. 3(a). As you mentioned, if there is a "tie vote," the City Council "shall determine the result by lot." Id., subd. 3(c). **Seven days after the canvass is completed**, and presuming that there has not been an election contest, "the municipal clerk shall issue a certificate of election to each successful candidate." Id., subd. 3(b). It cannot be issued earlier, and therefore no one can be sworn in earlier than a week from now.*

*The winner of each seat (whether as the top vote-getter or by random drawing to break a tie) **must be issued a Certificate of Election, even if the same person officially wins more than one seat and regardless of whether the person wants to take the seat.** If the same person is elected to both a special election and general election seat, they could choose their seat by accepting either the special election seat or general election seat. (They could actually accept both, in which case the person would be in the special election seat until the first Monday in January, at which point they would automatically resign the special election seat and assume the general election seat.)*

If Nick Seitz wins the drawing for the 4-year seat, he will have to decide which seat to take. If he chooses the 2-year term, that leaves a four-year seat vacant, which will have to be filled by special election.

These are mandatory obligations, even if they do not really make sense in this particular situation. If you get pushback, the reasoning here is that no one except for the voters is authorized to speak for the voters (and they have already said all they had to say). Unfortunately, this is true even if what the voters say is confusing.

Regas presented Certificate of Election to both Lexie Scholler and Nicholas Seitz for the write-in votes for the General Election seats and then stated the certificate of election for the other two candidates not present would be mailed to them.

Regas requested the City Council pick how to perform the 'by lot' determination of the general election seats. The City Council members chose to pull names from a box-Regas displayed for the record that all 4 names on cards were placed in the chosen box to pull from. Regas presented to Mayor Gullette the box to draw one name and to Councilor Kolb to draw the second name. Regas then requested Gullette and Kolb to read the names on the cards drawn.

Mayor Gullette displayed the name he chose from the box was: Adam Ziegler
Councilor Kolb displayed the name he chose from the box was: Nick Seitz

Regas requested Nick Seitz declare which seat he wishes to fill. Regas stated if Nick chooses the 4-year General Election seat then the City Council could appoint someone to the 2-year Special Election seat.

Regas further stated her conversation with Adam Ziegler noted he may not accept the seat at which point that seat remains open and the end result may end up with another City Election to fill that seat.

Nick Seitz announced he will accept the seat for the General Election Councilor 4-year race.

Regas further reported the final election statistics the total number of registered voters in the voting roster at 7:00am was 361; the total number of registering at the polling precincts on Election Day was 56; the total number of mail ballots was 89; and the total number of voters was 322 which resulted in a 77% voter turn-out.

Jason Kolb moved to approve the results of the 2020 General Election from the Blackduck Canvassing Board Nicholas Seitz seconded the motion.

Carried 4 to 0

Jason Kolb	For
Maxwell Gullette	For
Sheldon Ostlund	For
Nicholas Seitz	For

- b. Approval Needed - Resolution 2020-34 - Resolution to Certify results of the Tuesday, November 3rd, 2020 Municipal Election

Jason Kolb moved to approve Resolution 2020-34 stating the office of Mayor for the term of 2021-2022 shall be Maxwell Gullette; and the office of 2-year Council member for the term of 2021-2022 shall be Sheldon Ostlund and OPEN; and the offices of 4-year General Election Council Member for the term of 2021-2024 shall be Nicholas Seitz and Adam Ziegler. Sheldon Ostlund seconded the motion.

Carried 4 to 0

Jason Kolb	For
Maxwell Gullette	For
Sheldon Ostlund	For
Nicholas Seitz	For

4. ADJOURNMENT

- a.

Maxwell Gullette moved to adjourn the meeting at 6:30pm Jason Kolb seconded the motion.

Carried 4 to 0

Jason Kolb	For
Maxwell Gullette	For
Sheldon Ostlund	For
Nicholas Seitz	For

City Administrator, Christina Regas

Maxwell Gullette, Mayor