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Comments may cost HRA member his job

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A Housing and Redevelopment Authority board member could be removed from his position because of comments he made at a June 16 Farmington City Council meeting.

Speaking as both an HRA member and a citizen, Nick Roberts asked some very pointed questions of "certain members of the council" at the meeting. Those questions resulted in a brief altercation between Roberts and mayor Jerry Ristow.

The following day, council member Bill Fitch sent an e-mail to the other council members and city administrator Ed Shukle suggesting Roberts be removed from the HRA board, due to the nature of Roberts' comments.

The altercation

During a public hearing held regarding the building material Hardiplank and whether it conformed to covenants established in the Farmington industrial park, Roberts endorsed the use of Hardiplank as an acceptable exterior material.

He then asked about "certain members of the council" providing information regarding city code and covenants to industrial park businessman Jeff Thelen, who opposes the use of Hardiplank in the park.

Ristow acknowledged he was probably the council member Roberts referred to because he had been at the June 9 HRA meeting. Ristow also said he had given assistance to the business owner who wanted to use the Hardiplank as an exterior on her potential industrial park project.

"If you're referring to me as taking sides for one or the other, it's not true," he said.

"Then I'd like to ask you, mayor, what is your motivation for helping these citizens and coming to the HRA meeting, leaving after the decision was made, and waiting in the parking lot for the gentlemen to leave the meeting?" Roberts said.

"That's my business," Ristow replied. "It doesn't necessarily mean we were talking about that.... I stated my piece at the (HRA) meeting just like you are tonight."

"That's correct, and I value your opinion. Please value mine," Roberts said.

Fitch's reaction

Early June 17, Fitch e-mailed the other council members and Shukle and urged Roberts' removal be placed on the July 21 agenda.

"My reasoning for this is that he came as a member of a city appointed board and made accusations that council members had acted inappropriately without fact," the e-mail read. "I believe this was strictly a personal attack and I hold City Board members to a higher standard than the general public.

"As a City Councilmember we have been approached by both sides of an argument. When any citizen has a request or problem whether or not we agree it is our charge to assist them in the process.

"The accusations by Mr. Roberts went far beyond and his coy I will not name any members only shed a poor light on the

Council and its entirety.”

On Tuesday, Fitch said he stands behind his e-mail. He said his reason for writing it speaks for itself. By using the term “members,” Roberts implied more than one council member had been involved, Fitch said.

Fitch also said all of the city council members had spoken with both the potential industrial park potential business owner and Thelen, as talking with constituents is part of being a council person.

“If (Roberts) can’t understand that, then I don’t want him on a board,” Fitch said. “I write what I feel and say what I think.”

Roberts does not think his comments were disrespectful. He says he spoke at a public hearing, which is the appropriate setting. In doing so, he exercised his right as a citizen to question the council.

“I was not trying to be derogatory. I just brought up questions and wanted to have some answers, and I have not gotten them, in my opinion,” Roberts said. “I find it a coincidence that I speak at the city council meeting and now they’re trying to remove me.... I was just questioning a relationship and by no means have I been disrespectful to any member of the council.”

Roberts said he is also concerned that, if he is removed from the HRA, it will send a message to the public that residents who question the city council will suffer repercussions.

An agenda item

According to Shukle, even though the council appoints members to the city’s commissions there is nothing in the city code that allows the council to remove a commissioner from his or her post.

Shukle said city attorney Joel Jamnik is researching the matter. Jamnik has indicated to Shukle that in order to remove a commission member, the city would have to turn to state statutes. Minnesota state statute 469.010 allows city council members to remove a commissioner “for inefficiency or neglect of duty, or misconduct in office.”

The problem with the statute, though, is that it is vague and requires an interpretation of the law. To date, there is no precedent to refer to, and therefore would require the council to identify the inefficiency or misconduct, Shukle said.

If the council alleges the comments made during a public meeting constitute misconduct, the city would have to prove the defamation occurred, which is typically hard to do, Shukle said. In doing so, the city could open itself to a legal battle, as Roberts could fight the allegations.

Based on the nature of the comments Roberts made and Jamnik’s opinions, Shukle said he did not think the comments made at the June 16 meeting would support Roberts’ removal from office. However, the decision as to whether to place it on the agenda must be made by the city council members.

Roberts has spoken with legal counsel on the matter.