

September 24, 2007  
Council Chambers  
City hall  
Tipton, Iowa

The City Council of the City of Tipton, Cedar County, Iowa, met in Special Session at 5:00 p.m. Mayor Young called the meeting to order. Upon roll call the following named council members were present: Anderson, Johnson, McGlaughlin, Wethington. Also present: Boldt, Foley, Hakeman, Packwood, City Attorney Dendinger. Visitors: Ray Eserhaut, Tim Frerichs, Charles Linn and the press.

AGENDA: Motion by Anderson, seconded by Wethington to approve the agenda as presented. Motion carried by the following vote:

Aye: Anderson, Johnson, McGlaughlin, Wethington  
Nay: None

OBJECTION TO NOMINATION PETITION: City Attorney Dendinger presented the following information to the council:

#### BACKGROUND

Nomination Petitions have been filed by three persons as candidates for the First Ward Council Seat in the upcoming General Election. They are Tim Frerichs, Charles Linn, Robert Klemme.

- A. An objection has been filed by Charles Linn, objecting to the nomination petition submitted by Tim Frerichs.
- B. Chapter 44.8 of the Code of Iowa provides that any objection filed, shall be considered by the Mayor, City Clerk and one member of the City Council chosen by the Council by ballot.

#### PURPOSE

The Council is charged with the obligation to select such a member by ballot and to identify that council person to the Mayor. The purpose of this Special Meeting of the Council is SO LIMITED.

In that spirit I (Dendinger) advise the mayor and Council that at this special meeting there shouldn't be any discussion among the Council or between the Council and any of the participants or Council and general public as to the merits of said petition or objection as

filed. Any said discussion would not be proper forum and may or may not be prejudicial. It would be detrimental to the process to engage in any discussion of the issue.

PROCEDURE

Once the position is filled, the time, place and date for the consideration should be determined in a timely manner and notice thereof be given to the candidate affected. (See Chp. 44.5) This should be determined by the Mayor, City Clerk and Council Member.

COUNCIL PERSON TO SERVE ON HEARING BOARD SELECTED BY BALLOT:

Ballots were distributed to the four council persons present. The ballots were collected and given to City Attorney Dendinger. Below is the result of those ballots:

Anderson – 2 votes  
Johnson – 1 vote  
McGlaughlin – 1 vote

Motion by Wethington, seconded by McGlaughlin to approve the selection of Anderson to serve on the Hearing Board to rule on the objection of Charles Linn to the Nomination Petition submitted by Tim Frerichs. Motion carried by the following vote:

Aye: Anderson, Johnson, McGlaughlin, Wethington  
Nay: None

ADJOURN: With no further business to come before the council, motion to adjourn was made by Wethington and seconded by McGlaughlin. Motion carried by the following vote:

Aye: Anderson, Johnson, McGlaughlin, Wethington  
Nay: None

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk