

City Charter Commission

City of Faribault, MN
Minutes of August 24, 2017

1. Call to order / Roll call

The scheduled meeting of the Faribault Charter Commission was called to order by Chair Gary Kindseth on Thursday, August 24, 2017, at 7:00 p.m., in the Faribault City Hall Council Chambers. Commission members present included Chair Gary Kindseth, Chuck Ackman, Dave Albers, Kymn Anderson, Dan Behrens, Dan Burns, Elizabeth Cap, John Jasinski and Pat Rice.

Others present: Deputy City Administrator Murray, City Attorney Scott Riggs, and Deputy City Clerk Carole Dillerud.

2. Approval of minutes

Commission member Rice made a motion to approve the minutes of the August 25, 2016 Charter Commission meeting as presented. The motion was seconded by Commission member Jasinski. Motion passed unanimously.

3. Election of Officers

- A. Chair – Gary Kindseth
- B. Vice Chair – Chuck Ackman
- C. Secretary – Dan Behrens

Commissioners reaffirmed that the officer positions did not have a “term” limit and to reappoint the current officers.

Commission member Jasinski made a motion to re-appoint the Charter Commission Officers as presented. The motion was seconded by Commission member Burns. Motion passed unanimously.

4. New Business

4.A. Previous City Charter issues for review

- 1. Section 7.10 ordinance revision
- 2. Section 7.11 ordinance revision

City Attorney Riggs reviewed Sections 7.10 and 7.11 of the City Charter. The Commissioners had previously last year recommended amendments to the Charter and directed City Attorney Riggs to present for Council consideration of approval at the December 27, 2016 and January 10, 2017 Council meetings. The proposed amendments did not receive unanimous Council approval, and as required by Minnesota statutes, thus approval of both of the amendments failed.

Attorney Riggs recommended that the proposed amendments be once again offered and recommended for Council adoption as both amendments clarify issues in the

Charter. The proposed amendments were intended to update, clarify and simplify the existing Charter language.

Commissioner Rice inquired how many development entities the City oversees. Attorney Riggs responded that only the EDA and HRA with separate authority, but the City Council has final authority on many aspects.

Commissioner Cap questioned why the City gave authority to the EDA and HRA, and if they could currently buy and/or sell property. Attorney Riggs commented that Minnesota statutes granted authority over real property to both the EDA and the HRA in certain situations. It was noted that the City, the EDA and the HRA can all convey and accept real estate pursuant to statutory authority, etc.

Motion by Commission member Rice, seconded by Commission member Ackman, to again present the Charter Commissions' recommended amendments of Section 7.10 and Section 7.11 to the City Council for approval. Motion passed unanimously.

4.B. New City Charter issues for review

Commissioner Chair Kindseth presented for the Commissions' review and discussion of the following matter:

1. *Review of the various methods that a Charter Commission can propose amendments to the Charter*

Attorney Riggs stated that there were several specific ways to amend the Charter and discussed and explained the relevant statutory revisions.

The Commissioners discussed the various methods of amending the Charter and the types of questions that can be placed on a ballot for a vote, along with the types of amendments that could be submitted by ordinance through the City Council.

2. *Also, review the role of the Charter Commissions as it pertains to City's activities*
 - o *Northfield's Charter Commission appears to be very active and offers comments to the City on a variety of areas*

Commissioner Cap inquired if the City had ever considered becoming a statutory city versus a charter city. Commissioner Ackman provided a brief history of the City as a Charter city, and the Charter Commission. The Commission reviewed and updated the Charter in the 1970's. The Commissioners shared their work experience(s) and spent considerable time reviewing the intent of, and updated (refreshed) the Charter in 2011. Attorney Riggs commented that Charter form of government works well with the City of Faribault.

3. *Based on recent City Council discussions and events, should the Commission "ask" if there is any desire on the Council's part to review the various sections regarding the City Administrator position?*
 - o *Section 2.09 – Interference with Administration*
 - o *Section 6.01 – City Administrator*

Commissioner Chair Kindseth inquired if Commissioners were interested in becoming involved in the hiring (selection) process when there was a vacant (Administrator) position. Commissioner Ackman did not support any Commission involvement in the process; Commissioner Anderson inquired as to where that authority would come from procedurally. City Attorney Riggs would communicate with the City Administrator about the Commissioners (consensus) request regarding Section 6.01 on the general guidelines to help, "...deal with" Administrator recommendations; exit strategies.

Commissioners discussed the recently-appointed ad hoc Senior Advisory Committee, reasons why the Committee was created, and authority of the Committee. Charter Section 2.02 permitted the formation of committees, and gave the Council such authority. Commissioners concluded that the Charter should provide clear guidance and concise language was necessary for the Council, as well as provide a level of protection. Attorney Riggs stated that it was within the inherent power of the City Council to take action by somebody (Mayor??; multiple Councilmembers??); This type of authority is also interpreted from state statute. Attorney Riggs agreed that such authority should be more clearly stated within the Charter and that he will provide clarifying language for the Commission to consider for this item (review administrative leave, etc.) for possible Charter amendment(s).

4. *Review the various methods of how the City can dispose of "surplus" property as it pertains to the City Charter sections.*
 - o *Section 7.12 Surplus Property*
 - o *Section 12.04 Sale of Real Property*

Commissioners discussed the sale of City surplus real property and/or forfeited property. Recently, the EDA, as the development arm of the City, has been utilized to sell real property on behalf of the City. Attorney Riggs commented that the Charter requires the sale of real property via ordinance, but does not set forth any additional process or procedure for such sales.

5. Review/Creation of 2017 Annual Report

Attorney Riggs will update and create a new letter to be mailed to the Courts.

6. Charter Commission Meeting Schedule

The next meeting date would be determined by the City Administrator. Minnesota State Statute requires an annual meeting of the Charter Commission.

7. General Discussion Item

City Attorney Riggs reported that the State Legislature did not adopt any legislation requiring immediate Charter revision.

8. Agenda Topics for Next Meeting

City Attorney Riggs discussed administrative leave, particularly as to the city administrator position in the City, in response to questions from commissioners. Administrative leave generally occurs in cities, but the City Attorney is not aware of any

other City detailing such language within its charter. City Attorney Riggs commented that general language could be adopted for the Commissioners' review. City Attorney Riggs will provide better-defined language that attempts to address administrative leave situations in the City.

9. Adjournment

Motion by Commission member Jasinski, seconded by Commission member Ackman, carried unanimously, to adjourn the meeting at 8:21 p.m.

Submitted by:

Dan Behrens, Secretary