

Minn. Stat. § 13D.021 – Meeting by Telephone or Other Electronic Means; Conditions - Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency.

THE FARIBAULT CHARTER COMMISSION WILL BE MEETING IN PERSON.
ATTENDEES WILL BE REQUIRED TO PRACTICE SOCIAL DISTANCING AND WEAR FACE COVERINGS (MASKS) WHILE AT CITY HALL IN ACCORDANCE WITH THE REQUIREMENTS OF EMERGENCY EXECUTIVE ORDER 20-81 ISSUED BY GOVERNOR WALZ ON JULY 22, 2020.

A ZOOM MEETING WILL ALSO BE AVAILABLE:
CALL IN NUMBER: 1 312 626 6799; MEETING ID: 862 3392 0158

NOTICE IS HEREBY GIVEN that the Faribault Charter Commission of the City of Faribault, Minnesota will conduct a special Commission meeting on September 24, 2020 at 6:00 p.m., in the Council Chambers at 208 N.W. 1st Avenue, Faribault, Minnesota 55021, for the following purposes:

1. Call To Order

A. Agenda

Documents:

[1. 2020-09-24 AGENDA - CHARTER COMMISSION.PDF](#)

2. Approval Of Minutes

A. A. Minutes From Meeting Of October 16, 2019

Documents:

[2. 2019-10-16 CHARTER COMMISSION MINUTES - DRAFT.PDF](#)

3. Election Of Officers

4. New Business

5. Review/Creation Of Annual Report

A. Review/Creation Of 2020 Annual Report

Documents:

[5. REVIEW-CREATION OF ANNUAL REPORT.PDF](#)

6. General Discussion Items/Future Agenda Topics

7. Charter Commission Meeting Schedule

8. Adjournment



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CHARTER COMMISSION AGENDA

COUNCIL CHAMBERS

THURSDAY, SEPTEMBER 24, 2020

6:00 PM

NOTICE OF SPECIAL MEETING OF THE CITY OF FARIBAULT CHARTER COMMISSION

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ATTENDEES WILL BE REQUIRED TO PRACTICE SOCIAL DISTANCING AND WEAR FACE COVERINGS
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1. Call to Order/Roll Call
2. Approval of Minutes
 - A. Minutes from meeting of October 16, 2019
3. Election of Officers
 - A. Chair
 - B. Vice Chair
 - C. Secretary
4. New Business
 - A. Public Expenditure Policy – Annual Approval Requirement (Sec. 7.14)
 - B. Membership (4 terms expiring end of 2020)

Chuck Ackman	05/24/2011 4 yrs. 12/31/2020
Elizabeth Cap (Council rep.)	01/24/2017 4 yrs. 12/31/2020
Daniel Burns	05/24/2011 4 yrs. 12/31/2020
David Albers	05/23/2017 4 yrs. 12/31/2020
5. Review/Creation of 2020 Annual Report
6. General Discussion Items/Future Agenda Topics
7. Charter Commission Meeting Schedule
8. Adjournment

Dated: September 21, 2020

/s/ Timothy C. Murray
City Administrator



CHARTER COMMISSION MINUTES

COUNCIL CHAMBERS

WEDNESDAY, OCTOBER 16, 2019

7:00 PM

Call to Order/Roll Call

The Charter Commission meeting was called to order by Chair Chuck Ackman at 7:00 pm in the Faribault City Council Chambers. Commission Members present included Chair Chuck Ackman, Dave Albers, Kymn Anderson, Dan Behrens, Dan Burns, Elizabeth Cap, Kay Duchene, John Jasinski and Pat Rice. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta and City Attorney Scott Riggs.

Approval of Minutes

Motion by Jasinski, seconded by Rice to approve the minutes from meeting of September 27, 2018 and carried unanimously.

Election of Officers

Motion by Jasinski, seconded by Burns to appoint Chuck Ackman as Chairperson, Pat Rice as Vice-Chair and Dan Behrens as Secretary and carried unanimously.

New Business-City Charter issues for review

Proposed language changes to Sec. 2.05 regarding appointments for Council vacancies

City Administrator Tim Murray explained that Section 2.05 of the City Charter outlines the conditions and process for the declaration of a vacancy on the City Council and the appointment of an eligible person to fill the vacancy. In the event there is a tie vote for the appointment, the Mayor then makes the appointment, if the appointment is for the position of mayor, the Vice Mayor makes the appointment.

The current language allows any eligible person to be appointed, even someone outside the list of candidates for which the vote was taken. The proposed language would restrict the appointment to one of the candidates that tied for the highest number of votes, which would likely be the expectation of those involved as well as the public.

Councilor Cap asked if the Charter Commission should first define what makes an individual a candidate and how they become a candidate, however, through some discussion it was the consensus of the Commission to leave the process of candidacy to the Council. Commissioner Kymn Anderson was in favor of allowing the Mayor to select the appointment, as is current practice.

Through some discussion it was the consensus of the Commission to change the work candidate to finalist.

Motion by Cap, seconded by Rice to recommend approval by the Council modifications to Section 2.05 Vacancies; appointments, with the following changes; in the case of a tie vote in the council for a vacancy in the position of a council member, the mayor shall make the appointment by “selecting one of the finalists that was before the council for consideration for appointment” and in the case of a tie vote in the council for a vacancy in the position of mayor, the vice mayor shall make the appointment “selecting one of the finalists that was before the council for consideration for appointment” and carried unanimously.

Proposed language changes to Sec. 6.02 clarifying Council and staff authority for employment matters

City Administrator Tim Murray explained that at the September 27, 2018 Charter Commission meeting, potential changes regarding the authority to deal with employment matters were considered. The two primary concerns with the current language in the Charter are that there is limited ability to take immediate action when needed and that all hiring, discipline, and termination is required to be done by the Council.

The proposed changes provides for the ability of the mayor and one other council member to take immediate action on employment issues, dealing with the employee in question, protecting public interests. If circumstances would arise whereby action regarding an employee, up to and including the administrator, need to be taken quickly, waiting to advertise for and hold a special council meeting might not address the situation in a timely matter.

The other change would provide some authority to the administrator to also deal with time-critical employment matters, as well as putting more authority with the administrator when it comes to temporary or seasonal employees.

Commissioner Kymn Anderson was in favor of strengthening the city administrator role to a city manager type role that would allow the administrator to hire, discipline and terminate employees if necessary up to the department head position.

Commissioner John Jasinski was not comfortable with the proposed language that would allow the mayor and one-other council member to take immediate employment action when needed relative to any employee of the city, and requested that any employee changed to city administrator.

Commissioner Chuck Ackman requested that the administrator be granted the authority to appoint, suspend or discharge part-time employees.

The consensus of the Commission was to request that the Council discuss possibly changing the city administrator titles and duties to a council-city manager form of government at a future meeting and if the Council would like the position to change, the Commission will further explore it.

Motion by Rice, seconded by Cap to recommend approval by the City Council modifications to Section 6.02 Powers and duties of the city administrator as presented with the addition of “, or designee in their absence,” after “The administrator” in Sub 3. (B) and (C); the addition of “part-time, “ before “seasonal” to Sub. 3 (C), and replacing “any employee of the city” with “city administrator” in Sub. 3 (A) and carried unanimously.

Proposed language changes to Sec. 6.04 regarding employees

City Administrator Tim Murray explained that one of the recommended changes proposed in 2018 was to add the phrase “and employees” to the title of Sec. 6.04. The addition of “employees” would ensure understanding that the authorities outlined apply to all people working for the City, not just those in a position that has a job title that includes “officer”.

Through some discussion it was the consensus of the Charter Commission to remove the word “officers” and use employees as well as remove the work “offices” and use the word positions.

Motion by Duchene, seconded by Jasinski to recommend to the Council approval of the proposed language changes using the word employee rather than officer and using the word position rather than office and carried unanimously.

Review/Creation of 2019 Annual Report

City Attorney Scott Riggs will work with City Staff to complete the required annual report.

Charter Commission Meeting Schedule

The Charter Commission discussed meeting again in either September or October of 2020.

General Discussion Items

City Administrator Tim Murray explained the process to adopt the recommended changes to the Charter. Murray will present the changes at a future Joint Committee Meeting for Council discussion. Charter amendments require a 7:0 vote to pass.

Agenda Topics for next meeting.

Commissioner Dave Albers stated that there could be items from the Comprehensive Plan that may need to be discussed by the Charter. Commissioner Elizabeth Cap asked if the Mayor would have the authority to deny refugee resettlement into the community if there was an executive order issued by President Trump giving mayors that authority. Attorney Scott Riggs stated that mayors can only do what the legislature passes on to them, and at this time there has been nothing passed.

Commissioner Kymn Anderson requested that the Charter Commission be notified when these items are presented for approval to the Council.

Adjournment

Motion by Cap, seconded by Jasinski to adjourn the meeting.
The Charter Commission meeting was adjourned at 8:26 pm.

Respectfully Submitted,

Heather J. Slechta
Assistant to the City Administrator

DRAFT



Charter Commission Memorandum

TO: Charter Commission
FROM: Tim Murray, City Administrator
MEETING DATE: September 24, 2020
SUBJECT: Review/Creation of 2020 Annual Report

Background:

Minnesota Statutes Sec. 410.05, subd. 2 requires the submittal of an annual report on the actions of the Charter Commission:

The commission shall submit to the chief judge of the district court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year.

A copy of last year's report (in letter format) is attached. Staff is looking for any direction as well as authorization to prepare and submit the required report for 2020.

Recommendation:

Authorize preparation and submittal of annual report.

Attachments:

- 2019 Annual Report



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January 16, 2020

The Honorable Jodi L. Williamson
Chief Judge
Third Judicial District
Dodge County Courthouse
22 6th Street East, Dept. 12
Mantorville, MN 55955

Re: City of Faribault Charter Commission – 2019 Annual Report

Dear Judge Williamson:

I am writing to you on behalf of the City of Faribault Charter Commission (the “Commission”) and pursuant to Minnesota Statutes Section 410.05, subd. 2. The Commission has authorized the forwarding of this correspondence to you as the Commission’s annual report outlining its activities and accomplishments for the year of 2019.

The Commission held one meeting on Wednesday, October 16, 2019. During its meeting, the Commission members discussed the annual review of the City Charter and intend to recommend to the City Council the drafting and consideration of possible Charter amendment language by ordinance pursuant to Minnesota Statutes, Section 410.12, subd. 7. The City Council is scheduled to hold hearings and review the proposed ordinances amending the City Charter in January, 2020.

Please feel free to contact me or City Administrator Timothy C. Murray with any questions that you may have.

Sincerely,

KENNEDY & GRAVEN, CHARTERED

A handwritten signature in blue ink that reads "Scott J. Riggs".

Scott J. Riggs
City Attorney for the City of Faribault

SJR:jms
cc: Timothy C. Murray, City Administrator