

Charter Commission

February 16, 2022 – 6:00 p.m.

Members Present: Dodds, Tanem, Marhula, Blashill, Meuers (6:02), Heinonen, Ravnikar

Members Absent: Jorstad

Staff Present: Assistant City Attorney Katie Nolting, City Clerk Michelle Miller

Chair Dodds noted a quorum and called the meeting to order at 6:00 p.m.

Approval of Minutes

The minutes from the October 20, 2021 meeting was presented for approval. **Motion by Heinonen, seconded by Tanem to approve the minutes as presented. Motion carried by unanimous voice vote with Marhula Abstaining.**

Business Items

Proposed Ordinance Amendment to Clarify Presidential Election Cycle that Four Year Mayoral Term Takes Effect

Members were provided materials with regard to a letter the city received from an attorney representing Jorge Prince seeking clarification of when the four year mayoral term takes effect. Members were given an opportunity to close the meeting to discuss with the materials with the city attorney but upon discussion decided not to close the meeting.

Dodds stated that he received a request to allow public comments. He stated that there is currently no process on citizens addressing the charter commission; however Dodds suggested incorporating a policy for public comments to be on this agenda.

Motion by Marhula, seconded by Ravnikar to adopt a policy to allow public comment at this meeting and future meetings. Motion carried by unanimous voice vote.

Charter members discussed the history of the process of the wording of the mayoral term through the charter commission, city council and ultimately the question on the ballot in November 2020.

Public Comments

Mayor Jorge Prince, 2085 Grotte Avenue, commented that he has not threatened litigation but only has been seeking clarification of the four-year term of the mayor.

Kevin Waldhausen, 1428 Bixby Avenue, commented that his interpretation as a voter was that the four year term of the mayor is effective 2020.

Bill Batchelder, 2405 Carol Drive, commented that his interpretation as a voter was that the four year term of the mayor is effective 2020.

Charter Commission Members Discussed the following:

- Ravnikar stated that the role of the charter commission is not to interpret or weigh in on intent of past actions of the charter commission. The issue before them is to consider an ordinance amendment to provide clarification on the effective date of the four year term of the mayor.
- Marhula strongly suggested that the charter commission seek independent counsel representation on this matter.
- Meuers commented that his interpretation is that the four year term is effective 2024 and that a mayor election is needed in 2022 for a two year term until 2024.

- Ravnika expressed desire to not interpret the intent of the voters from the ballot question.
- Motion by Marhula to table the issue. Assistant City Attorney Nolting indicated they could not table the topic. Marhula disagreed with her interpretation of Robert's Rules. Motion died for lack of second.

Motion by Ravnika, seconded by Meuers to reject the proposed ordinance amendment and defer to the charter as written and approved by the voters. Motion carried by the following voice vote: Yeas: Blashill, Meuers, Heinonen, Marhula, Ravnika, Tanem, Dodds. Absent: Jorstad.

Bylaws Review

Dodds suggested that the commission should review the bylaws since they were last updated more than five years ago. He provided a summary of some potential changes for discussion and review. Dodds suggests that a committee be selected to review and provide proposed changes to the bylaws which would then be adopted by the entire commission.

Motion by Tanem, seconded by Marhula that the chair select a committee of three members of to study the bylaws and bring forth suggested clarifications and changes. Motion carried by the following voice vote: Yeas: Ravnika, Heinonen, Meuers, Tanem, Marhula, Dodds, Blashill. Absent: Jorstad

Marhula, Jorstad and Ravnika were appointed to the Bylaws Review Committee by Dodds.

Conflict of Interest

- Heinonen stated that he could not find language from any other cities that is better than the current language in our charter. Nolting stated that if the charter commission wants to include stricter language in the charter, that the commission should consider adopting language. Members discussed a current situation with a sitting councilmember and that person's possible conflict. Members discussed forming a research committee or conducting individual research and providing that research to the charter commission at a future meeting.
- Assistant City Attorney Nolting informed the Commission that Minnesota State Attorney General Ellison had opined there was no conflict of interest. Marhula disagreed, stating that it was clear they chose not to issue a formal or informal opinion.

Code of Conduct

Commission members would like to get information regarding the city personnel policies and how those policies apply to councilmembers.

Vacancies/Special Election

Commission members suggested incorporating rank choice voting for special elections. Another option is to change the language on the appointment process in the event of a vacancy.

The next meeting was scheduled for Wednesday, March 16, 2022 at 6:00 p.m. at City Hall.

Adjourn

With no further business, a motion by Tanem, seconded by Marhula, to adjourn. Motion carried unanimously. The meeting adjourned at 7:46 p.m.

Amended and Adopted by the Charter Commission, April 20th, 2022