



CITY COUNCIL AGENDA

PUBLIC MEETING ROOM

TUESDAY, JANUARY 31, 2023

6:00 PM

1. Call to Order/Roll Call

2. Item for Discussion

- A. Resolution 2023-022 Approve City Council Recommendations for City Charter Commission Appointments

3. Adjournment

(The Council may meet as a group for dinner)

NOTE:

CC Closed Captioning of Council meetings available on FCTV.

Please contact the City Administrator's Office if you need special accommodations related to a disability while attending the City Council meeting.



Request for Council Action

TO: Mayor and City Council
THROUGH:
FROM: Tim Murray, City Administrator
MEETING DATE: January 31, 2023
SUBJECT: Resolution 2023-022 Approve City Council
Recommendations for City Charter Commission
Appointments

Background:

The City Council reviewed applications for open seats on the Charter Commission at their January 17, 2023 Work Session, and recommended five applicants for appointment. As the appointments are actually made by the District Chief Judge, the Council needs to adopt a resolution with their recommendations, which will then be forwarded to the court for consideration.

As we are scheduled to hold a Charter Commission meeting on February 22, 2023, we need to try to get the appointments made by the court as soon as possible. If the appointments are not made in time, we will need to reschedule the Charter Commission meeting.

Recommendation:

Approve Resolution 2023-022

Attachments:

1. Resolution 2023-022 Approve City Council Recommendations for City Charter Commission Appointments

CITY OF FARIBAULT

RESOLUTION #2023-022

APPROVE CITY COUNCIL RECOMMENDATIONS FOR CITY CHARTER COMMISSION APPOINTMENTS

WHEREAS, the City of Faribault Charter Commission was reconvened in 2011; and

WHEREAS, there are presently five open positions on the Faribault Charter Commission; and

WHEREAS, the City Council desires to make five appointments to the Faribault Charter Commission each for a term of four years through the date of December 31, 2026; and

WHEREAS, Minnesota Statutes Section 410.05 governs the appointment process for a charter commission; and

WHEREAS, the City has City residents interested in serving on the Faribault Charter Commission.

NOW, THEREFORE BE IT RESOLVED, that the above-referenced recitals are incorporated into this Resolution.

ALSO, BE IT RESOLVED, that the Faribault City Council desires Chief Judge Joseph A. Bueltel to appoint the following individuals to the Faribault Charter Commission each for a term of four years through the date of December 31, 2026:

Kymn Anderson	4 years
Dan Behrens	4 years
John Jasinski	4 years
Dave Miller	4 years
Pat Rice	4 years

NOW, THEREFORE BE IT FINALLY RESOLVED, that the Faribault City Council requests that Chief Judge Joseph A. Bueltel make such appointments as recommended herein and that an Order, a draft of which is set forth in Exhibit A, be accordingly filed with the Court Administrator consistent with Minnesota Statutes Section 410.05.

Date Adopted: January 31, 2023

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A
DRAFT ORDER
STATE OF MINNESOTA
IN DISTRICT COURT
THIRD JUDICIAL DISTRICT

ORDER APPOINTING CITY OF FARIBAULT

CHARTER COMMISSION MEMBERS

1. Under Minn. Stat. § 410.05, subd. 2, "Charter commission members shall hold office for the term of four years, and until their successors are appointed and qualify, except that of members initially appointed after July 1, 1967, eight shall be appointed for two year terms and seven for four year terms."
2. Additionally, Minn. Stat. § 410.05, subd. 2 requires that: "Upon the expiration of each term, the chief judge shall appoint new commission members. If the chief judge fails to appoint new commission members within 30 days then thereafter the governing body of the city shall, appoint new commission members, unless within the 30-day period the chief judge indicates in writing to the governing body an intention to appoint new members, in which case the chief judge shall have an additional 60 days within which to make the appointment. Appointments shall be made by order filed with the court administrator of the district court."
3. Under Minn. Stat. § 410.05, subd. 3, "A city council, a charter commission, or the petitioners requesting the appointment of a charter commission may submit to the court the names of eligible nominees which the district court may consider in making appointments to the charter commission."
4. There are five Faribault City Charter Commission positions presently open.
5. Faribault City Resolution #2023-022 recommends the following appointments and terms:

Ms. Kymn Anderson, 216 4 th Avenue SW, Faribault, MN	4 years
Mr. Dan Behrens, 1549 18 th Avenue NW, Faribault, MN	4 years
Mr. Dave Miller, 431 Tatepaha Boulevard, Faribault, MN	4 years
Mr. John Jasinski, 421 Central Avenue, Faribault, MN	4 years

Ms. Pat Rice, 713 Ravine Street, Faribault, MN

4 years

6. The four year terms would expire December 31, 2026.
7. Under Minn. Stat. § 410.05, subd. 2, individuals appointed to the Commission must accept their appointment by filing a written acceptance and oath of office with the court administrator within 30 days. "An appointee who neglects to file with the court administrator within 30 days a written acceptance and oath of office shall be deemed to have declined the appointment and the place shall be filled as though the appointee had resigned."

Order:

- a. The individuals listed in Paragraph 5 above are appointed to the Faribault City Charter Commission for the terms shown next to their names and addresses.
- b. The individuals appointed to the Commission must accept their appointment by filing a written acceptance and oath of office with the district court administrator within 30 days. If an appointee fails to submit written acceptance and oath of office within 30 days of the date of this order, he or she shall be deemed to have declined the appointment.

Date: February __, 2023.

Joseph A. Bueltel
Chief Judge of the
Third Judicial District