



CHARTER COMMISSION AGENDA

COUNCIL CHAMBERS

WEDNESDAY, NOVEMBER
13, 2024

6:00 PM

NOTICE IS HEREBY GIVEN that the Charter Commission of the City of Faribault, Minnesota will conduct a special meeting on November 13 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/Roll Call
2. Approval of the Minutes
3. Election of Officers
 - A. Chair
 - B. Vice Chair
 - C. Secretary
4. Review/Creation of 2024 Annual Report
5. General Discussion Items/ Future Agenda Topics
6. Charter Commission Meeting Schedule
7. Adjournment



CHARTER COMMISSION MINUTES

COUNCIL CHAMBERS

TUESDAY, JUNE 27, 2023

4:00 PM

Call to Order/Roll Call

The Charter Commission meeting was called to order by Chair Chuck Ackman at 4:00pm in the Faribault City Council Chambers. Commission members present included Chuck Ackman, Dave Albers, Kymn Anderson, Dan Burns, Dan Behrens, Dave Miller and Tom Spooner. Commissioner John Jasinski arrived at 4:08 pm. and excused himself at 4:25 pm. Commissioner Pat Rice was absent. Also in attendance were City Administrator Tim Murray, City Clerk Heather Slechta and City Attorney Scott Riggs.

Approval of the Minutes

Motion by Spooner, seconded by Miller to approve the minutes of the October 20, 2022 Charter Commission meeting and carried unanimously.

Election of Officers

Motion by Commissioner Anderson, seconded by Commissioner Burns to appoint the following slate of officers to the Charter Commission and carried unanimously:

Chair - Chuck Ackman

Vice Chair - Pat Rice

Secretary - Dan Behrens

Old Business

Oath of Office (Sec. 12.02)

City Administrator Tim Murray explained that at the October Charter Commission the Commission supported the removal of the phrase "... and this I do under the penalties of perjury." and revising "his" to "the" in the required oath of office that all appointed and elected officials are given. Murray wrote a draft ordinance that reflected these changes for the Commission to review.

Commissioner Albers asked why the change would be necessary, Murray explained that the phrase is not required.

Motion by Commissioner Miller, seconded by Commissioner Burns to approve the removal of the phrase "... and this I do under the penalties of perjury." and revising "his" to "the" and carried unanimously.

Sale of Real Property (Sec. 12.04)

City Administrator Tim Murray explained that the Charter currently requires the sale of real property owned by the City be approved by ordinance, by at least five members of the Council. The proposed change to this section would be to approve the sale by resolution. This is much more standard across the state, would decrease the timeframe required for approval, and could be considered in many cases to be more "business friendly", as often the sale of a City-owned property is to a business or developer. The current language also includes specific direction on the use of the net proceeds from the sales. While not specific, the proposed changes require that the resolution approving the sale would identify the initial disposition of the proceeds.

While the Commission was in support of moving from requiring an ordinance to a resolution there was much discussion regarding requiring a super majority of the Council to sell property. Attorney Scott Riggs explained that the reason for a simple majority was to move projects along, as there could be issues if there are conflicts of interest or Councilors absent from meetings. He stated that this is the language that most cities are moving to. Commissioners Dave Albers and Dave Miller both stated prior

to a sale of land, the Council and staff have been having discussions regarding the sale. Commissioners John Jasinski and Chuck Ackman were in favor of requiring a super majority, however, through more discussion, both were comfortable with a majority vote of the Council.

Motion by Commissioner Albers, seconded by Commissioner Anderson to approve amending Section 12.04 Sale of real property and carried unanimously.

Administrative Offenses (Sec. 12.09)

City Administrator Tim Murray explained that the use of Administrative Offense citations is recommended as a means to increase compliance with the City Code in a more timely and efficient manner, prior to criminal/civil prosecution. This would address minor violations on zoning matters, property maintenance, etc. The City Attorney recommends that this authority be clearly established in the City Charter.

The proposed ordinance adds a new section to the Charter, 12.09 authorizing the City to impose civil penalties, known as administrative offenses. In conjunction with the adoption of the new Section 12.09, a second ordinance was prepared to authorize the assessment of unpaid penalties against the property by inserting a new Section 8.03, with the existing Section 8.03 renumbered as 8.04.

Administrative offense charges will be established as part of the annual fee schedule.

Commissioner Behrens stated that we are already doing this, City Attorney Scott Riggs stated that this makes it clear that we can do this. Commissioner Anderson asked what was meant by "etc." in the memo, Riggs stated that "etc." for example means illegal sub pumps, not swapping out meters when asked numerous times, it is more significant issues. Commissioner Albers likes that this gives the City teeth to enforce violations.

Motion by Commissioner Miller, seconded by Commissioner Albers to approve adding section 12.09- Fines and Civil Penalties to the Faribault City Charter and carried unanimously.

Motion by Commissioner Anderson, seconded by Burns to approve Amending Chapter 8 – PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS of the Faribault City Charter and carried unanimously.

Murray will bring the items approved by the Charter Commission to the City Council for review and adoption.

New Business

City Administrator Tim Murray requested the Commission review Section 13.03 – official bonds. The Charter states the following: The city administrator and such other officers or employees of the City as may be specified by ordinance shall each, before entering upon the duties of his respective office of employment, give a corporate surety bond to the City as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as the council determines and may be either individual or blanket bonds in the discretion of the council. They shall be approved by the city council and filed with the city administrator. The provisions of Minnesota laws relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the City.

Murray explained that this is not the current practice. City Attorney Scott Riggs stated that the League of Minnesota Cities Insurance Trust covers employees, this is outdated language and should be revised to reflect current practices.

Murray will work to revise the language and bring this to the 2024 Charter Commission meeting.

Review/Creation of 2023 Annual Report

City Attorney Scott Riggs will once again create the annual report for the Charter Commission and file it with the chief judge of the district court.

Motion by Commissioner Miller, seconded by Commissioner Albers to authorize the submittal of the 2023 Annual Report and carried unanimously.

The Commission requested that they receive a copy of the 2023 Annual Report. City Clerk Heather Slechta, will email a copy of the report once it is submitted.

General Discussion Items/Future Agenda Topics

There was no general discussion or future agenda topics recommended by the Commission.

Charter Commission Meeting Schedule

Through some discussion it was determined that the next Charter Commission meeting will be scheduled for fall of 2024. The Commission stated that they would prefer to meet in the late afternoon, early evening, similar to today's meeting.

Adjournment

Motion by Commissioner Spooner, seconded by Commissioner Burns to adjourn the Charter Commission Meeting and carried unanimously.

The meeting was adjourned at 4:42 pm.

Respectfully Submitted,

Heather Slechta
City Clerk



Charter Commission Memorandum

TO: Charter Commission
FROM: Jessica Kinser, City Administrator
MEETING DATE: November 13, 2024
SUBJECT: Election of Officers

Background:

The following commissioners currently hold officer positions as elected in 2023:

Chair:	Chuck Ackman
Vice Chair:	Pat Rice
Secretary:	Dan Behrens

The Commission is requested to vote for officer positions for 2024.

Recommendation:

Nominate commissioners for officer positions and conduct vote(s)

Attachments:

(None)



Charter Commission Memorandum

TO: Charter Commission
FROM: Jessica Kinser, City Administrator
MEETING DATE: November 13, 2024
SUBJECT: Review/Creation of 2024 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 2024.

Recommendation:

Authorize preparation and submittal of annual report

Attachments:

- 2023 Annual Report



Charter Commission Memorandum

TO: Charter Commission
FROM: Jessica Kinser, City Administrator
MEETING DATE: November 13, 2024
SUBJECT: General Discussion Items/Future Agenda Topics

Background:

The Commission is invited to recommend or propose any other future agenda items for consideration and to raise any matters for discussion.

Recommendation:

Discuss and comment.

Attachments:

(None)