



CHARTER COMMISSION AGENDA

NOTICE IS HEREBY GIVEN that the Charter Commission of the City of Faribault, Minnesota will conduct a special meeting on September 18 at 6:00 p.m., in the Council Chambers at 208 N.W. 1st Avenue, Faribault, Minnesota 55021, for the following purposes:

COUNCIL CHAMBERS

**THURSDAY, SEPTEMBER
18, 2025**

6:00 PM

1. Call to Order/ Approve Agenda
2. Approval of the Minutes
3. Election of Officers
 - A. Chair
 - B. Vice Chair
 - C. Secretary
4. General Discussion Items/Future Agenda Topics
 - A. Section 3.05. – Procedure on ordinances.
 - B. Charter City Petition Requirement
5. Review/Creation of 2025 Annual Report
6. Next Meeting Date
7. Adjournment



CHARTER COMMISSION MINUTES

COUNCIL CHAMBERS

WEDNESDAY, NOVEMBER
13, 2024

6:00 PM

Call to Order/Roll Call

The Charter Commission meeting was called to order by Chair Chuck Ackman at 6:00pm in the Faribault City Council Chambers. Commission members present included Chuck Ackman, Dave Albers, Kymn Anderson, Dan Burns, Dan Behrens, John Jasinski, Dave Miller, Pat Rice, and Tom Spooner. Also in attendance were City Administrator Jessica Kinser, City Clerk Heather Slechta and City Attorney Scott Riggs.

Approval of the Minutes

Motion by Commissioner Rice, seconded by Commissioner Jasinski to approve the minutes of the November 13, 2024, Charter Commission meeting and carried unanimously.

Election of Officers

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

Chair - Chuck Ackman

Vice Chair - Pat Rice

Secretary - Dan Behrens

Review/Creation of 2024 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 Albers, seconded by Commissioner Rice to authorize the submittal of the 2023 Annual Report and carried unanimously.

General Discussion Items/ Future Agenda Topics

City Attorney Scott Riggs informed the Commission that a four-year term is standard for mayoral terms and that is what the city currently has. He also stated that while some cities are reaffirming their initiatives and referendums it is not necessary at this time for Faribault.

Commissioner Jasinski asked if any money has been saved due to the audit changes.

City Administrator Kinser did not have that information at this time.

Charter Commission Meeting Schedule

Through some discussion it was the consensus of the Commission to hold their annual meeting during the fourth quarter of the year.

Adjournment

Motion by Commissioner Jasinski, seconded by Commissioner Albers to adjourn the Charter Commission meeting and carried unanimously.

The Charter Commission meeting was adjourned at 6:12 pm.

Respectfully Submitted,

Heather Slechta
City Clerk



Request for Charter Commission Action

TO: Charter Commission
THROUGH: Jessica L. Kinser, City Administrator
FROM:
MEETING DATE: September 18, 2025
SUBJECT: Section 3.05. – Procedure on ordinances.

Background:

City staff has encountered delays in approving ordinances due to the two (2) reading requirement set forth in City Charter Section 3.05. Most cities in Minnesota (statutory cities) only read an ordinance once prior to adoption pursuant to Minnesota Statutes Chapter 412. It is proposed that the charter be amended to remove the two separate reading requirement and to require only one reading of a proposed ordinance to be consistent with statutory cities. The proposed charter language would be revised as follows:

Section 3.05. - Procedure on ordinances and resolutions.

Every proposed ordinance and resolution shall be presented in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be, "The City of Faribault ordains". Every proposed ordinance, ~~except~~ including an emergency ordinance shall receive ~~two separate readings~~, one reading at ~~each of any two regular, special or emergency council meetings~~, previous to its passage. ~~The second reading may occur at the same meeting as the one in which the enactment occurs.~~

Every resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as it specifies. Every other ordinance shall take effect upon publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon its adoption or at such later date as it specifies.

Recommendation:

Provide direction to city staff and attorney to draft an ordinance amending the city charter.

Attachments:



Request for Charter Commission Action

TO: Charter Commission
THROUGH: Jessica L. Kinser, City Administrator
FROM:
MEETING DATE: September 18, 2025
SUBJECT: Charter City Petition Requirement

Background:

The League of Minnesota Cities provided an email regarding the City's Charter and Minnesota Secretary of State rules regarding the form (e.g., formatting, signer information, etc.) of constituent petitions. Statute and court decisions have made clear that these form requirements are required for petitions for recall of elected officials, petitions authorized under Minnesota Election Law, and petitions related to charter amendments and adoption. While there is not the same explicit link to municipal initiative and referendum, the Supreme Court appears to broadly apply the Secretary of State's rules to petitions, and following the form requirements is a reasonable idea. [\[1\]](#)

[\[1\]](#) For reference, here is the court's footnote that explicitly links almost all petitions to the MN SOS rules; there does not appear to be the same link for municipal referendum and initiative petitions because neither automatically result in an election, where as it appears that all of the other petitions mentioned would result in an election.

Butler v. St. Paul

*Footnote 6 - See Minn. Stat. §204B.071 (2018) ("The secretary of state shall adopt rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected."). During oral argument, Butler's counsel argued that Minn. Stat. §204B.071 grants the secretary of state authority to adopt rules only relating to nominating and referendum petitions and therefore Minn. R. 8205.1050 does not apply to charter amendment petitions. This assertion is incorrect. Chapter 204B "applies to all elections held in this state except as otherwise provided by law." Minn. Stat. §204B.02(2018). Section 204B.071 falls under the section titled "Candidate Nomination and Filing," Minn. Stat. §§204B.03-.12(2018) (emphasis added), which includes filing petitions to place a charter amendment on the ballot. See Minn. Stat. §204B.071; see also *In re Referendum to Amend City of Grand Rapids*, Minn. Mun. Elections Ordinance No. 04-08-11, No. A05-2350, 2006 WL1985595, at *2 (Minn.*

App. July 18, 2006) ("Petition forms required for any Minnesota election are governed by rules adopted by the secretary of state.").

By following the same set of form requirements, the city will reduce the likelihood of error or confusion on behalf of the public and of staff when submitting and reviewing a petition. Following these form requirements will not eliminate the ability of the city to require, for example, a committee of petitioners for initiative or recall petitions, but instead, standardizes the items addressed in Minn. Rules, 8205.1010, which are focused on the form of what the potential signer sees and is required to provide on the petition form.

In furtherance of the above discussion, the city should also consider adopting a charter amendment that clarifies that petitions submitted to the city must follow the SOS form requirements. A simple charter amendment striking all form requirements and instead specifically referencing "All petitions submitted pursuant to this Charter or Minnesota Statutes must follow the requirements established by the Minnesota Secretary of State prescribing the form of a petition" would be sufficient.

It is not recommended that model petition forms be made available for potential petitioners. Having a model petition form is not a legal requirement and having model petition forms will require staff to ensure the models are up to date and appropriate for the different types of petitions a charter city could receive. For example, a charter amendment petition must list the committee of petitioners, while a petition under Minn. Stat. 475.521 related to issuing municipal bonds does not. While the form of the petition for both the charter amendment and reverse referendum is the same (following the Secretary of State's rules) the information that is required within that form is different. Additionally, the Secretary of State already maintains a model form that petitioners can use as a template.

Recommendation:

Provide direction to city staff and attorney to draft an ordinance amending the city charter.

Attachments:



Request for Charter Commission Action

TO: Charter Commission
THROUGH:
FROM: Jessica Kinser, City Administrator
MEETING DATE: September 18, 2025
SUBJECT: Review/Creation of 2025 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 the annual report.

Attachments:

1. DOCSOPEN-#991020-v1-
Letter_to_Chief_Judge_re_end_of_year_report



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November 21, 2024

The Honorable Joseph A. Bueltel
Chief Judge
Third Judicial District
Steele County Courthouse
111 East Main Street
Owatonna, MN 55060

Re: City of Faribault Charter Commission – 2024 Annual Report

Dear Judge Bueltel:

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 2024.

The Commission held one meeting on Wednesday, November 13, 2024. During its meeting, the Commission members discussed the annual review of the City Charter. No recommendations were made for any revisions to the Faribault City Charter.

Please feel free to contact me or City Administrator Jessica Kinser 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: Jessica Kinser, City Administrator