

CITY OF FAIRMONT
CHARTER COMMISSION

Meeting Date: February 15th, 2022

Time: 6:00 p.m.

Location: SMEC, RM. 112

Agenda

1. Determination of Quorum

___ Barry Altman

___ Conrad Anderson

___ Terry Anderson

___ Robynn Buhmann

___ Jon Davis

___ Tom Izen

___ Michael Katzenmeyer

___ Alice Maday

___ Dale Martens

___ Jay Maynard

___ Chuck Omgig

___ Kenneth Reiman

___ Spencer Seibert

___ Robert Gunther

___ Ronald Lindberg

2. Approval of Agenda

3. Approval of Previous Meeting Minutes

4. Old Business

5. New Business

a. Finalized Chapters 1.02 and Chapter 2.10

6. Adjournment

City of Fairmont
Charter Commission
Meeting January 18, 2022
SMEC Bldg. Room 112

Attendance: Barry Altman, Conrad Anderson, Robynn Buhmann, Jon Davis, Tom Izen, Michael Katzenmeyer, Alice Maday, Spencer Seibert, Jay Maynard, Chuck Omvig, Terry Anderson, Bob Gunther and Ron Lindberg

City Staff: Cathy Reynolds

1. Motion by Jay Maynard, 2nd by Terry Anderson to approve the agenda. Motion carried.
2. Motion by Jay Maynard, 2nd by Jon Davis to approve the minutes of the meeting on November 16, 2021.
3. Two new members were seated and welcome to the Charter Commission: Robert Gunther and Ronald Lindberg.
4. Motion by Terry Anderson, 2nd by Jon Davis to change Chapter 2.08 to the following:

A council member may, based on information they received, open an inquiry, which may lead to an investigation. A council majority by vote may make investigations into the affairs of the city and the conduct of any city department, office or agency member may, based on information they received, open an inquiry, which may lead to an investigation. The council and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The council by majority vote shall provide for an audit of the city's accounts at least once a year by the state department in charge of such work or by a public accountant. At any time, the council by majority vote may provide for an examination or audit of the accounts of any city officer or agency and it may provide for any survey or research study of any subject of municipal concern.

Chuck Omvig moved and Alice Maday 2nd to close debate. Motion Passed.

5. Motion by Jay Maynard, 2nd by Alice Maday to change Chapter 2.10 to the following:

The city council, by an affirmative vote of three (3) of the five (5) council members, shall appoint a city administrator for an indefinite term and fix the administrator's compensation. The city administrator shall be appointed with emphasis on; a Bachelor's Degree or Master's Degree in Public Administration, Public Affairs or Public Policy, 1)three years of increased responsibility in leadership/management roles within a municipal or government setting; 2)possess strong financial aptitude and demonstrated budget and financial management skills; 3)working knowledge of municipal finance, budgeting and strategic planning; 4)display a firm understanding of the complexities of municipal utilities; and 5)be a highly collaborative leader with a communicative, team oriented, and approachable management style. The term of Administrator position will reflect the length of contract and be subject to annual review.

Motion passed.

6. Moved by Jay Maynard, 2nd by Alice Maday to adjourn the meeting.

7. Next meeting is February 15th at 6:00PM in the SMEC Building, Room 112

ORDINANCE 2022-

AN ORDINANCE AMENDING THE CITY CHARTER WARD SYSTEM

WHEREAS, the City of Fairmont Charter Commission has met and reviewed the City Charter and have recommended amendments to the Charter; and

WHEREAS, the City of Fairmont City Council has heard public comment on the recommended amendments.

NOW THEREFORE, the City of Fairmont does Ordain that Fairmont City Charter, is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

Sec. 1.02. Division of the city into wards.

The City of Fairmont is hereby divided into ~~four (4) wards, to be called the First, Second, Third and Fourth Wards, respectively, to be limited and bounded as established on September 14, 1965,~~ five (5) wards to be called the First, Second, Third, Fourth and Fifth Ward, ~~said wards to be bounded and established by the city council from time to time,~~ and continuing to the date of adoption of this charter. In the event of the adoption of an ordinance code the administrative portion thereof shall accurately describe ward boundaries presently in existence. The council may at any time, and shall after each federal census, consider changes in ward boundaries. But any change in ward boundaries shall be for the sole purpose of making the wards as nearly equal in population as practicable, so as to provide equal representation. Any future changes in ward boundaries shall be by ordinance.

Sec. 2.03. Elective Officers.

There shall be a city council composed of the mayor and five (5) members. One (1) council member shall be nominated and elected by the voters of each of the ~~four (4)~~ five (5) wards. ~~One (1) council member shall be nominated and elected by the voters of the city at large.~~

At the first municipal election under this amended charter, ~~presently scheduled for November 2, 1993,~~ presently scheduled for November 2, 1993 2024 five (5) council members shall be elected. ~~The council member elected at large and the council members from the even numbered wards shall serve for terms of four (4) years.~~ The council members from odd numbered wards shall serve for terms of ~~two (2)~~ four (4) years. The council members from even number wards shall serve for terms of two (2) years. Thereafter, all council members shall serve for terms of four (4) years.

Sec. 2.06. The Mayor.

At the regular election, a mayor shall be elected for a term of four (4) years. The mayor shall be elected by and from the electors of the city at large. The mayor shall be a member of the city council, but shall only have a vote as a member of the council in case of a tie. The mayor shall preside at meetings of the council and shall exercise all powers and shall perform all duties conferred and imposed upon him/her by this charter, the ordinances of the city, and

the laws of the state. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purposes of serving civil process, and by the Governor for the purposes of martial law. In time of public danger or emergencies, the mayor may, with the consent of the council, take command of the police, maintain order, and enforce the law. The mayor shall also appoint with the advice and consent of the council the members of citizen advisory boards and commissions and perform other duties specified by the council. ~~The Councilmembers at large shall also be the mayor pro-tem and~~ The council members shall designate a mayor pro-tem and the person so designated shall serve as mayor pro-tem in the mayor's absence and mayor in case of the mayor's temporary disability or absence from the city. The mayor pro-tem shall retain the right to vote upon all matters before the council.

PASSED, APPROVED AND ADOPTED, this _____ day of _____ 2022.

Motion by:
Seconded by:
All in favor:
Opposed:
Abstained:
Absent:

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk

1st Reading:
2nd Reading:

ORDINANCE 2022-

AN ORDINANCE AMENDING THE CITY CHARTER CHAPTER TWO

WHEREAS, the City of Fairmont Charter Commission has met and reviewed the City Charter and have recommended amendments to the Charter; and

WHEREAS, the City of Fairmont City Council has heard public comment on the recommended amendments.

NOW THEREFORE, the City of Fairmont does Ordain that Fairmont City Charter, is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

Sec. 2.01. Form of government.

The form of government established by this charter is the "Weak Mayor-Council Plan." The council shall exercise the legislative power of the city and determine all matters of policy.

Sec. 2.06. The mayor.

At the regular election, a mayor shall be elected for a term of four (4) years. The mayor shall be elected by and from the electors of the city at large. The mayor shall be a member of the city council, but shall only have a vote as a member of the council in case of a tie. The mayor shall preside at meetings of the council and shall exercise all powers and shall perform all duties conferred and imposed upon him/her by this charter, the ordinances of the city, and the laws of the state. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purposes of serving civil process, and by the Governor for the purposes of martial law. In time of public danger or emergencies, the mayor may, with the consent of the council, take command of the police, maintain order, and enforce the law. The mayor shall not serve as liaison to boards, commissions and committees appointed by the council. The mayor shall also appoint with the advice and consent of the council the members of citizen advisory boards and commissions, and perform other duties specified by the council. The Councilmembers-at-large shall also be the mayor pro-tem and shall serve as mayor pro-tem in the mayor's absence and mayor in case of the mayor's temporary disability or absence from the city. The mayor pro-tem shall retain the right to vote upon all matters before the council.

Sec. 2.08. Investigation of city affairs.

A council member may, based on information received, open an inquiry which may lead to an investigation. The council by majority vote may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The council by majority vote shall provide for an audit of the city's accounts at least once a year by the state

department in charge of such work or by a public account. At any time, the council by majority vote may provide for an examination or audit of the accounts of any city officer or agency and it may provide for any survey or research study of any subject of municipal concern.

Sec. 2.10. City administrator—appointment and qualifications.

The city council, by an affirmative vote of **no less than** three (3) of the five (5) council members, shall appoint a city administrator **for an indefinite term** and fix the administrator's compensation. The city administrator shall have a bachelor's degree or master's degree in public administration, public affairs or public policy. ~~be appointed solely on the basis of executive and administrative qualifications.~~ Emphasis shall be placed on the following qualifications; 1) three years of increased responsibility in leadership/management roles within a municipal or government setting; 2) possess strong financial aptitude and demonstrated budget and financial management skills; 3) working knowledge of municipal finance, budgeting and strategic planning; 4) display a firm understanding of the complexities of municipal utilities; 5) be a highly collaborative leader with a communicative, team oriented, and approachable management style. **The term of the Administrator position will reflect the length of contract, and be subject to annual review.**

Proposed language to replace green highlight above:

The term of the city administrator, and the term of any renewal thereafter, shall be established at the time of appointment or renewal, and shall be reflected in a written contract with the city administrator. The city administrator shall be be subject to an annual review by the city council.

The language "for an indefinite term" conflicts with the proposed language found in the green highlight and the proposed clarifying language. If either of these alternatives are utilized, recommend deleting "for an indefinite term".

Sec. 2.15. City clerk.

A city clerk shall be appointed by the city administrator and approved by the city council and perform all duties imposed by law upon a city clerk. The city clerk shall keep a journal of council proceedings and such other records and perform such other duties as this charter or the council may require.

PASSED, APPROVED AND ADOPTED, this _____ day of _____ 2022.

Motion by:

Seconded by:

All in favor:

Opposed:

Abstained:

Absent:

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk

1st Reading:

2nd Reading: