

CITY OF FAIRMONT
CHARTER COMMISSION

Meeting Date: November 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
 - Michael Katzenmeyer
 - Alice Maday
 - Dale Martens
 - Jay Maynard
 - Chuck Omgig
 - Kenneth Reiman
 - Robert Gunther
 - Ronald Lindberg
 - Kacey Kasel
 - Jim Zarling
2. Approval of Agenda
3. Approval of Previous Meeting Minutes
4. Debrief Election Results
5. Budget Discussion
6. Old Business: Sections: 2.05, 4.02, 5.08 and 5.09
7. New business
 - a: Review Chapters 4, 5 and 6 to update the Charter with statutory language.
 - b: Review Chapter 7
8. Adjournment

City of Fairmont

Charter Commission

Meeting October 18, 2022

SMEC Bldg. Room 112

Attendance: Barry Altman, Terry Anderson, Michael Katzenmeyer, Alice Maday, Dale Martens, Jay Maynard, Chuck Omvig, Kenneth Reiman, Robert Gunther, Ronald Lindberg, Kacey Kasel, Jim Zarling

City Staff: Cathy Reynolds

1. Motion by Jay Maynard, 2nd by Kenneth Reiman to approve the agenda. Motion passed.
2. Motion by Alice Maday, 2nd by Kenneth Reiman to amend the minutes of the meeting on August 16, 2022. Motion by Terry Anderson, 2nd by Ronald Lindberg to approve the amended minutes. Motion passed.
3. Motion by Jim Zarling, 2nd by Jay Maynard to have Barry put together wording on Sections: 2.05(c), 4.02 and 5.09 into compliance with Minnesota Statutes. Motion passed.
4. Motion by Jim Zarling, 2nd by Jay Maynard to change the wording in Section 4.02 eliminating the wording "At any time not more than seventy (70) days preceding any municipal election and at least fifty-six (56) days prior to such election" to "At any time according to Minnesota Statutes, any eligible person ..." Motion passed.
5. Motion by Jim Zarling, 2nd by Jay Maynard to change the wording in Section 4.04 from "The council shall meet and canvass the election returns within five (5) days after any regular or special election" to "The council shall meet and canvass the election returns in accordance to Minnesota Statutes". Motion by Jim Zarling, 2nd by Jay Maynard to close debate. Motions passed.
6. Motion by Terry Anderson, 2nd by Jay Maynard to table Sec 5.08 to our next meeting. Motion passed.
7. Motion by Terry Anderson, 2nd by Dale Martens to approve the expenditure of \$1,165, included in this amount is a bill from Ad MFG of \$90 for set up fees, for an ad in the Photo Press informing the public on the ballot questions. \$700 of this is to be paid from our budget with the city and the balance came from a check written by Mike. On a roll call vote of 9 to 3 motion passed. Voting yes: Barry Altman, Terry Anderson, Michael Katzenmeyer, Alice Maday, Dale Martens, Chuck Omvig, Kenneth Reiman, Ronald Lindberg and Kacey Kasel. Voting no: Jay Maynard, Robert Gunther and Jim Zarling. Motion by Terry Anderson, 2nd by Dale Martens to submit this expense to City. Motion passed 9 to 3.
8. Moved by Alice Maday, 2nd by Chuck Omvig to ask the City Council for an addition \$2500 for the Charter Commission budget. Motion passed.
9. Motion by Alice Maday, 2nd by Kacey Kassel to adjourn the meeting. Motion passed.
10. Next meeting is November 15,2022

Sec. 2.05. Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of a council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.
- (b) *Forfeiture of office.* A council member shall forfeit that office if the council member:
 - (1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this charter or by law, with the exception of the residency requirement in the event that a council member moves from the ward in which he or she was elected to another ward within the city limits;
 - (2) Violates any express prohibition of this charter;
 - (3) Is convicted of a felony or any crime involving moral turpitude; or
 - (4) Fails to attend three (3) consecutive regular meetings of the council without being excused by the council.
- (c) *Filling of vacancies.* In the event that a vacancy in the city council should occur, the council shall by a resolution passed at the next regularly scheduled council meeting, declare such vacancy to exist and shall promptly appoint an eligible person to fill the vacancy until the next regular municipal election, when the office shall be filled for the unexpired term. The appointment of a qualified person shall be affirmed by a majority vote of the remaining members of the council. If the council fails to so appoint an eligible person within thirty (30) days following the occurrence of the vacancy, a special election shall be called to fill the vacancy, to be held not sooner than sixty (60) days and not later than ninety (90) days following the occurrence of the vacancy, and to be otherwise governed by law. Notwithstanding any requirement with respect to a quorum, if at any time the membership of the council is reduced to less than three (3), the remaining members may, by majority action, appoint additional members to raise the membership to five (5).

(Ord. No. 93-13, 9-27-93)

Proposed 2.05(c)

***Filling of vacancies.* In the event that a vacancy in the city council should occur, the council shall by a resolution passed at the next regularly scheduled council meeting, declare such vacancy to exist and shall promptly appoint an eligible person to fill the vacancy until the next regular municipal election, when the office shall be filled for the unexpired term. The appointment of a qualified person shall be affirmed by a majority vote of the remaining members of the council. If the council fails to so appoint an eligible person a special election must be held according to Minnesota Statutes. Notwithstanding any requirement with respect to a quorum, if at any time the membership of the council is reduced to less than three (3), the remaining members may, by majority action, appoint additional members to raise the membership to five**

Sec. 4.02. Special elections.

The council may by resolution order a special election and provide all means for holding it. At least two (2) weeks' published notice of a special election shall be given in the official newspaper or by posting such notice in at least one (1) public place in each voting precinct. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Proposed

The council may by resolution order a special election and provide all means for holding it. To be held according to Minnesota Statutes. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Sec. 5.09. Recall election.

If the petition or amended petition is found sufficient, the city administrator shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall, at its next meeting, by resolution, provide for the holding of a special recall election not less than thirty (30) nor more than forty-five (45) days after such meeting, but if the opening of filing for the council seat shall occur within ninety (90) days after such meeting, the council may, in its discretion, provide for the holding of the recall election at the next municipal election for which the filings will be opened within that ninety-day time period.

(Ord. No. 93-13, 9-27-93)

Proposed

Sec. 5.09. Recall election.

If the petition or amended petition is found sufficient, the city administrator shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall, at its next meeting, by resolution, provide for the holding of a special recall election according to Minnesota Statutes.