

CITY OF FAIRMONT
CHARTER COMMISSION

Meeting Date: May 16, 2023

Time: 6:00 p.m.

Location: SMEC, RM. 012

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. Old Business

a:Review Chapter 7

5. New business

a:

6. Adjournment

City of Fairmont
Charter Commission
Meeting April 18, 2023
SMEC Bldg. Room 112

Attendance: Barry Altman, Terry Anderson, Robynn Buhmann, Michael Katzenmeyer, Alice Maday, Dale Martens, Jay Maynard, Chuck Omgig, Kenneth Reiman, Robert Gunther, Ronald Lindberg and Jim Zarling

1. Motion by Dale Martens, 2nd by Alice Maday to approve the agenda. Motion passed.
2. Motion by Terry Anderson, 2nd by Chuck Omgig to approve the minutes of the meeting on November 5th 2022 and on October 18, 2022. Motion passed.
3. Dale Martens read a statement to the Commission. See attached.
4. Motion by Dale Martens, 2nd by Alice Maday to create a 6 member executive board. To handle any emergencies that should come up. This board would include the 4 officers plus 2 Charter Commission members. Chuck Omgig made a motion to increase the Charter Commission members to 4. Motion failed.
5. Motion by Chuck Omgig to create a Treasurer position on the Charter Commission. 2nd by Jim Zarling. Motion passed.
6. Dale Martens moved that all officers of the Charter Commission need to create a "Standard Operating Procedures" for each of their positions. Motion failed.
7. Terry Anderson moved to reimburse Mike Katzenmeyer and Chuck Omgig for their expense to run ads for last year's ballot questions. Motion passed
8. Jay Maynard moved to adopt language that would bring chapters 2.05, 4.02, 5.08 and 5.09 to meet Minnesota state statutes. Jim Zarling 2nd. Motion passed.
9. The following were nominated for officers for the upcoming year. Michael Katzenmeyer-Chair, Chuck Omgig-Vice Chair, Barry Altman-Secretary and Robynn Buhmann-Treasurer. By unanimous vote all were elected.
10. Motion by Dale Martens, 2nd by Terry Anderson to adjourn the meeting. Motion passed.
11. Next meeting is May 16. Room 012 at the SMEC Building. Note the room change.

BACKGROUND

The U.S. Constitution provides the framework of our government. It has been amended 27 times since approval. Several more amendments have been suggested. It is a “living document.”

Minnesota has a constitution approved by the federal government. Like the federal document it is subject to being amended. Since approval some 240 changes have been suggested, of which approximately have been approved. It is also a “living document”.

It is through the provisions of the State Constitution that we, as voters, have formed cities, and these cities are divided into classifications by population. They are not only divided into classification by population, but their form of government is also divided. Some are classified as statutory cities and they are regulated through state statutes. Others are classified as home rule cities and they are regulated (governed) by a Charter, much like the State and Federal Constitution. It is amendable; therefore, it is a living document as well.

There are various forms by which a city is governed determined by the voters through their Charter. There is the Council-Manager form, the strong Mayor-Council form, and the weak Mayor-Council form. The city of Fairmont operates or is governed by the weak Mayor-Council form of government. The mayor does not have the power of appointments and cannot veto acts passed by the Council. Under this form the mayor may only vote in the event of a tie vote of the Council. The mayor usually reflects the decisions of the Council and moderates the discussion. The Mayoral power lies in the power of persuasion. In emergencies, the mayor has special powers reflected by statute.

The State is involved in home rule cities in that the State Statute provides for a ~~mandatory~~ Charter Commission. The Charter

Commission is the body that recommends changes to the Charter. The changes are then submitted to the Council which must approve them with a unanimous vote. If not approved by this vote, the Charter Commission has the option to take these recommendations to the voters for their approval or disapproval.

The Charter Commission is a body of individual voters of the city who have been appointed to serve by the District Court from a list of individuals that has been secured through recommendations of City Council, the Charter Commission, or individuals who simply volunteered.

The term of office for those appointed and have agreed to serve is 4 years.

The Charter Commission by Statute has a budget under which it can operate and provide remuneration for expenses. It is an agency of the city in that each city that has a Charter also has a Charter commission. Even though it is an agency of the city it is not subject to the City Council for what it does or recommends. It is not an advisory board whose members are subject to the will of the Council. It can make recommendations for Charter changes on its own, or by request of the Council, or by request of the voters. These recommendations become a part of the Charter when they are approved by the Council or voters. The Charter Commission also has the responsibility to review ordinances so that they are not in conflict with the Charter, and it should monitor the Council so that their actions are in accordance with the Charter. In this, it sort of is like the US or Minnesota Supreme Court when they review legislative acts. The State Statute mandates the Commission to meet minimally once a year.

The structure of the Charter Commission is not subject to Council approval nor are its expenses within budget limitations. As an agency

for the city, it can utilize the same informational sources as the Council and staff without being expensed for that usage.

REFLECTING BACK TO THE PREVIOUS ELECTION

The voters approved 3 of our recommendations, turning back the other 7. Why these 7 were returned I truly cannot explain. Numbers 9 and 10 were simply complying with the state. The only recommendation that I felt may contributed to some controversy may have been the question related to the at large position and establishment of five wards instead of the present 4. The one dealing with qualification for a position should have been an easily acceptable one. Others were largely editorial in nature and or defining and should not have been controversial.

I believe that part of our difficulty with the questions goes to our initial formation after not meeting for some 30 years.

The Commission and the Council were not given the proper training, education and information. The Council was not aware of how we were to operate and what authority we had, nor was the Commission educated on what they were to do and how would operate.

To begin with, we were, as well as the council, given the impression that we were the same as the council's other advisory board members. This was illustrated when we were led to believe that we were to submit our recommendations through the city staff and then to the City Council. We were led to believe that our expenditure had to be approved by the City Council.

In actuality, the Commission is not an advisory body created by the City Council nor are the members appointed or subject to the City Council. The Charter Commission is a separate and independent agency of the

city created by State Statute. It has been referred to as the most powerful non-elected governing board in the state.

To accomplish what we are charged with, and that is monitoring city government and recommending changes we should have been given copies of the City Charter, State Statute, and other relevant information instead of having to request them. The City Council members should also have this material given to them when they take office. This would have alleviated some adversarial positions between the council and the commission. Because both bodies are agencies of the city this would be the cost of government and the material should not have been charged to the Charter Commissions budget. The office of the City Clerk should have assembled this information for both bodies. Further, both agencies of the city need to have access to the same informational sources, again this is a cost of the government.

I am also of the opinion that sometimes we need to take another look at the questions that were turned back and possibly resubmit them. Maybe we should also consider qualifications for positions for economic developer and city planner.

RECOMMENDATIONS

I sincerely believe that the Charter Commission needs to reorganize and restructure itself.

My recommendations would be to have a slate of officers that would include the following:

1. Chair-to monitor meetings and call meetings when needed.
2. Vice-Chair – to serve in the absence of the Chair.
3. Secretary- to assemble the agenda for the meetings and to maintain the minutes of each meeting.

4. Treasurer-maintains the budget; receives and submits expenditures to the whole for their approval or disapproval and for approved expenditures to the city finance department for payment.
5. 2 Board Members- who along with the slate of officers would constitute the executive council and could meet and make decisions subject to later approval the whole when it is an emergency and not possible to assemble the whole body.

The following are standard operating procedures.

1. Forward recommendations of the City Charter Commission to the City Clerk for inclusion on the City Council agenda
2. Keep the commission informed as to the status of the budget.
Make sure that all expenditures are approved. **J.**