



City of Northfield

City Hall
801 Washington Street
Northfield, MN 55057
northfieldmn.gov

Meeting Minutes - Final Charter Commission

Thursday, November 9, 2023

6:00 PM

Council Chambers

6:00 PM - REGULAR AGENDA CALL TO ORDER AND ROLL CALL

*The meeting was called to order at 5:58PM.
Also present: Meetings Associate Edward Malnar*

APPROVAL OF AGENDA

- Present:** 6 - Commissioner Scott Jensen, Commissioner C C Linstroth, Commissioner Jack Hoschouer, Commissioner James Prichard, Commissioner Scott Oney and Lance Heisler
- Absent:** 1 - Commissioner Amy Gernon

1. [23-1557](#) Approval of November 9, 2023 Meeting Agenda.

A motion was made by Commissioner Jensen, seconded by Commissioner Linstroth, to approve the meeting agenda. The motion carried by the following vote:

- Yes:** 6 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard, Commissioner Oney and Chair Heisler

A motion was made by Commissioner Hoschouer seconded by Commissioner Linstroth, to excuse the absence of Commissioner Gernon. The motion carried by the following vote:

- Yes:** 6 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard, Commissioner Oney and Chair Heisler

APPROVAL OF MINUTES

2. [23-1558](#) Approval of September 14, 2023 Charter Commission Meeting Minutes

A motion was made by Commissioner Jensen, seconded by Commissioner Linstroth, to approve the September 14, 2023 meeting minutes. The motion carried by the following vote:

- Yes:** 6 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard, Commissioner Oney and Chair Heisler

OLD BUSINESS

3. [23-1559](#) Remote Appearance at Charter Commission Meetings.

There seems to be no problem with arranging remote participation if sufficient notice is given to allow for set-up.

4. [23-1560](#)

Committee Report on Charter Section 3.5.

Committee report on Section 3.5 of the Charter. Commissioner Prichard presented the results of discussions. Suggested deleting last sentence of the first paragraph. Northfield, a charter city, is considered a "primary possible" city. If there are more than two candidates for an office, a primary will be held in August preceding the November election. If there are only two candidates, a primary is not necessary. Commissioner Prichard moved to delete the last sentence of the paragraph and adopt the proposed Section 3.5. Hoschouer seconded. Motion passed 6-0. Chairman Heisler will put the language in a proposed ordinance to submit to the City Council. The Charter Commission will be advised of when the Council will take up the change and it will not be on the consent agenda.

Section 412.121 of Minnesota Statutes provides for an acting mayor. Although the statute applies to statutory cities and not charter cities like Northfield, the language of the statute seems clearer in dealing with a vacancy. Motion that Section 3.9 of the Charter be amended: "The Council shall choose from its members a president pro-tem who shall hold office at the pleasure of the Council and shall perform the duties of the mayor during the disability or absence of the mayor from the city or in case of a vacancy in the office of mayor until a successor has been appointed and qualifies." Prichard noted that the more closely the Charter mirrors the language of the statute the more likely it is that there might be some case law to assist in interpreting a possible future disagreement or situation. Prichard moved to adopt the new language. Linstroth seconded. Commissioner Jensen asked what "the pleasure of the Council" means in practice and what would happen if the Council were to become "unpleased." How would pleasure/displeasure be quantified?

A motion was made by Commissioner Prichard, seconded by Commissioner Hoschouer, to approve amendment of Charter Section 3.5 to base the procedure for electing an officer to fill a city vacancy on the state candidacy filing deadline as amended by removing language about "candidates." The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard, Commissioner Oney and Chair Heisler

5. [23-1561](#)

Committee Report on Review of Charter Commission Policies.

Addition of Sections 8 and 9 approved without discussion. Chairman Heisler requested a motion to include the City Rules of Decorum to Charter Commission policies. Hoschouer moved, Jensen seconded.

A motion was made by Commissioner Jensen, seconded by Commissioner Hoschouer, to approve adopting the drafted policy updates. The motion carried by the following vote:

Yes: 5 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard and Chair Heisler

Abstained: 1 - Commissioner Oney

6. [23-1562](#)

Charter Provisions on Citizen Petitions

Charter provisions with regard to citizen petitions. Commissioner Oney: Recent petition withdrawn as petitioners could not meet financial assurances. Result: there is now a simplified list of requirements for petitions.

CITIZEN COMMENT

Mr. David Ludescher was given an opportunity to address the commission as he was not present earlier in the meeting. Ludescher provided an update on his suit against Mayor Pownell and City Clerk Peterson reiterating his position that the mayor did not in fact vote. Asking the court to clarify whether the mayor's position that she can decide for herself how she would vote even though she did not voice her vote. Ludescher is asking the Charter Commission to join in the suit as his position is that the mayor violated a "very clear provision of the Charter." Claims that city attorney Hood has participated in falsifying the document, but does not believe that Peterson participated willingly, being forced because she works for Administrator Martig who works for Mayor Pownell. Ludescher noted that the petitioners in the case referred to by Commissioner Oney did not come to a head as the petitioners were threatened with a \$630,000 bond if they continued to press the lawsuit. Thus the issue of whether the City Council obeyed the statute or the charter in bonding of the bill to build the bike trails. Minnesota law requires that debt incurred by the city be voted on by the citizens. There are some very narrow exceptions to this. The City's position was that the issue met one of the exceptions; citizens gathered eleven hundred signatures in opposition and presented it to the city clerk who said that it did not satisfy the statute.

Ludescher said that the Commission has chosen not to take up the question of the Charter not having been followed in a number of cases.

ADJOURNMENT

A motion was made by Commissioner Linstroth, seconded by Commissioner Jensen, to adjourn the meeting at 6:40PM. The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard, Commissioner Oney and Chair Heisler