



City of Northfield

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

Meeting Minutes - Final Charter Commission

Thursday, March 13, 2025

6:00 PM

Council Chambers

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

Chair Lance Heisler called the meeting to order at 6:02 p.m.

Present: 7 - Commissioner Scott Jensen, Commissioner C C Linstroth, Commissioner Jack Hoschouer, Commissioner James Prichard, Vice Chair Scott Oney, Chair Lance Heisler and Commissioner Amy Gernon

Also present: City Administrator Ben Martig and Meeting Associate Kirsten Fjeld Zillmer.

APPROVAL OF AGENDA

1. [25-140](#) Approval of March 13, 2025 Meeting Agenda.

A motion was made by Commissioner Scott Jensen, seconded by Commissioner Jack Hoschouer, to approve the agenda. The motion carried by the following vote:

Yes: 7 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard, Vice Chair Oney, Chair Heisler and Commissioner Gernon

APPROVAL OF MINUTES

2. [25-141](#) Approval of January 9, 2025 Meeting Minutes.

Commissioner Gernon made a comment that was inaudible; Chairman Heisler said that Commissioner Oney commented that it is important to speak into the microphone as it can easily become inaudible; members need to be aware that even turning one's head can make a comment inaudible.

A motion was made by Commissioner CC Linstroth, seconded by Commissioner Jack Hoscouer to approve the minutes. The motion carried by the following vote:

Yes: 7 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard, Vice Chair Oney, Chair Heisler and Commissioner Gernon

COMMISSION ABSENCES

3. [25-142](#) Excuse meeting absences.

There were no absences.

OPEN PUBLIC COMMENT

Mr. David Delong said that the City Council meeting on January 7 was illegal because there was not a quorum, and no official action could be taken. Nevertheless, a non-qualified person called the meeting to order. The mayor-elect was not present to qualify by taking the oath of office. Mr. Delong said that he had emailed the Council in January with his concerns and suggestions about how the situation could be remedied. The Council, he said, stuck to a narrative under Robert's Rules that does not actually apply as the meeting with only three of seven Council members is not legal. Language in the Charter specifies how the situation should be handled and has been properly used in the past.

OLD BUSINESS

4. [25-143](#)

Discussion on Charter Section 3.5.

Charter Section 3.5. Chairman Heisler identified are two "housekeeping" issues in the Charter: 1) there are four days in the Charter that are not covered in case of a resignation or other vacancy on the Council. The Charter language says that if a vacancy should occur" ... between July 1 and December 31 ... and " ... between January 1 and June 30 ... " Because the vacancy occurs "between" dates, the dates themselves do not appear to be included. He suggested that things could be fixed by language that says " ... on or after ... " or " ... on or before ... " 2) present Charter language says that a person appointed between January 1 and June30 serves until the end of the current year. This leaves a gap in representation from the end of the year until the first meeting of the Council in the new year when officials are qualified by taking the oath of office. The State Statute covers the situation. The issue can be fixed by changing the language from " ... end of the current year ... " to " ... until the qualification of a successor ...

Unlike the Charter which links the appointment to a specific day, Minnesota Statute 412.02 provides for the candidate filing period rather than a series of dates, i.e. before the beginning of the filing period or after the first day of the filing period. This dictates when and how the vacancy will be filled. The person appointed to fill a vacancy occurring in an even numbered year and less than two years remain on the vacated term, the appointee would not be able to run for the seat if the filing date has passed before the beginning of the filing period. An appointed filling a vacant seat in an odd numbered year can serve until the next general election and may run for a new term or fill the remainder of the unexpired term.

The Statute is designed to deal with ambiguities based on candidate filing dates.

Chairman Heisler asked for comments on how important Commission members consider it to be to try to protect the appointed person to be able to run for the seat that he/she has been occupying for some time. If a person who has filed for the next election is appointed after the filing period, they would be allowed to run. If appointed after the close of the filing period and has not filed, they would not be allowed to run.

The Statute calls any election to fill a vacancy a special election even if it occurs at the time of a general election. The ballot should clearly identify this as a special election to fill the time remaining on the term.

There are different types of special elections: national, state, municipal, township which Commissioner Prichard thinks could have different requirements/conditions so need to have clarity about which type of special election is being considered. Due to the timings

the Statute provides an appointee with more opportunity to run than does the City Charter.

Chairman Heisler asked for input as to what the Commission should recommend to the City Council-leave things as they presently are or transition to something based on the Statute.

Commissioner Oney said that it would be good to propose changing the present wording : " ... until the end of the year ... " to " ... until there is a qualified successor ... " as soon as possible. Commissioner Linstroth supported the idea in order to keep the procedure as simple as possible so that ordinary citizens can understand without lawyers. Commissioner Gernon expressed concern that too much plain language could lead to litigation. Commissioner Prichard said that the Statute is clearly enough written to determine what a "special election" is. Although there could be statutory language that specifies that a "special" election must be so designated even if held as part of a general election.

Commissioner Linstroth moved that the Commission propose to the Council that language be changed to say that an appointed serve until a successor is qualified rather than at the end of the year. Commissioner Jensen seconded. Commissioner Prichard would rather work out a complete proposal for the Council's consideration instead of piecemeal changes. Commissioner Linstroth clarified that she was thinking of making this change to get his part of the issue off the table so we can get to the special election part of the issue.

A motion was made to by Commissioner CC Linstroth, seconded by Commissioner Scott Jensen, to approve amending the existing language in the charter to include the four dates not currently covered in the resignation or vacancy process and change the language to provide that service extends through the qualification of a successor rather than the end of the year or following year. The motion carried by the following vote:

- Yes:** 4 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer and Vice Chair Oney
- No:** 3 - Commissioner Prichard, Chair Heisler and Commissioner Gernon

NEW BUSINESS

City Administrator Ben Martig raised the possibility of the Charter Commission including an agenda item in which the language of two provisions related to the Oath of Office in the charter could be addressed and clarified.

ADJOURNMENT

A motion was made by Commissioner Jack Hoschouer, seconded by Commissioner James Prichard, to adjourn the meeting at 7:12 p.m.

- Yes:** 7 - Commissioner Jensen, Commissioner Linstroth, Commissioner Hoschouer, Commissioner Prichard, Vice Chair Oney, Chair Heisler and Commissioner Gernon