

City of Northfield

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



Meeting Agenda

Thursday, March 12, 2026

6:00 PM

Council Chambers

Charter Commission

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

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. [26-134](#) Approval of January 8, 2026 Meeting Minutes.

Attachments: [1 - 01-08-26 Charter Commission Minutes DRAFT](#)

COMMISSION ABSENCES.

OPEN PUBLIC COMMENT

Persons may take one opportunity to address the Board/Commission for two (2) minutes (not including interpreter's time) on any topic, even if on the agenda, with the condition that they may not speak on the same item later in the meeting. No notification of the Chair is required. However, speakers are asked to complete a sign up card. Persons wanting a response to a question must submit the question in writing to the recording secretary. Questions must include name and information on how to contact. You may use the back side of the comment cards available in the meeting room. Persons cannot gift their 2 minute speaking time to other members of the public.

REGULAR AGENDA

Persons that wish to speak on a regular agenda item must provide name and address by completing & submitting a sign up card. Persons may also contact the staff liaison via the City's website no later than 12:00 noon on the day of the meeting. The Chair will call up individuals to speak, based on preregistration and cards submitted, after the staff report on an item. Please be respectful of the public's and the Commission's time. Members of the public wishing to speak must adhere to the following guidelines:

- *Speak only once for no more than two minutes (not including interpreter's time) on the topic unless the speaker is addressed by the Commission;*
- *Identify your relationship to the topic;*
- *Have a spokesperson or two for your group to present your comments;*
- *Persons wanting a response to a question must submit the question in writing to the recording secretary, including name and how you would like to be contacted.*

2. [26-135](#) Election of Officer - Secretary.
3. [26-136](#) Review of Charter Commission Policies - Duties of Officers.

Attachments: [1 - Charter Commission Policies link](#)

4. [26-137](#) Discussion on Open Public Comment Response Process.
5. [26-138](#) Discussion on Charter Amendment Approval Process.

6. [26-139](#) Discussion on Proposed Amendment to Charter Section 4.1.

Attachments:

[1 - Charter Section 4.1 link](#)

[2 - Charter Section 4.1 City Attorney Memo and Draft Amendment Language for Review](#)

[3 - Charter Section 4.1 Questions](#)

[4 - Charter Section 4.1 Email Communications](#)

ADJOURNMENT



Legislation Text

File #: 26-134, Version: 1

Charter Commission Meeting Date: March 12, 2026

To: Charter Commissioners

From: Jack Hoschouer Charter Commission Secretary
Matt Bailey, Meeting Associate

Approval of January 8, 2026 Meeting Minutes.

Action Requested:

The Northfield Charter Commission is being asked to approve the January 8, 2026 Meeting Minutes.

Summary Report:

See attached minutes.



City of Northfield

City Hall
801 Washington Street
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Meeting Minutes - Draft Charter Commission

Thursday, January 8, 2026

6:00 PM

Council Chambers

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

Chair Heisler called the meeting to order at 6:00 p.m.

Present: 6 - Commissioner Scott Jensen, Commissioner Jack Hoschouer, Vice Chair Lance Heisler, Commissioner Amy Gernon, Commissioner David DeLong and Commissioner Katie Rooks

Also present: Matt Bailey, Meeting Associate

APPROVAL OF AGENDA

1. [26-017](#) Approval of January 8, 2026 Meeting Agenda.

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

Yes: 6 - Commissioner Jensen, Commissioner Hoschouer, Vice Chair Heisler, Commissioner Gernon, Commissioner DeLong and Commissioner Rooks

Enactment No: M2026-011

COMMISSION ABSENCES

3. [26-019](#) Excuse meeting absences.

A motion was made by Commissioner DeLong, seconded by Commissioner Jensen, to approve the excusal of the absence of Commissioner Linstroth. The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Hoschouer, Vice Chair Heisler, Commissioner Gernon, Commissioner DeLong and Commissioner Rooks

Enactment No: M2026-013

OPEN PUBLIC COMMENT

No public comment was received.

WELCOME NEW OFFICERS

4. [26-020](#) Welcome new members.

6. [26-022](#) Election of 2026 Officers

Chair Heisler, with the permission of Commissioner Linstroth, nominated Linstroth as Chair for 2026.

A motion was made by Commissioner Jensen, seconded by Commissioner Hoschouer, to approve the election of Commissioner Linstroth as Chair for 2026. The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Hoschouer, Vice Chair Heisler, Commissioner Gernon, Commissioner DeLong and Commissioner Rooks

Enactment No: M2026-016

Commissioner Jensen, with the permission of Chair Heisler, nominated Heisler as Vice Chair for 2026.

A motion was made by Commissioner Gernon, seconded by Commissioner Hoschouer, to approve the election of Chair Heisler as Vice Chair for 2026. The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Hoschouer, Vice Chair Heisler, Commissioner Gernon, Commissioner DeLong and Commissioner Rooks

Enactment No: M2026-016

OLD BUSINESS

5. [26-021](#) Discussion on Proposed Amendment to Charter Section 4.1.

Chair Heisler postponed discussion on Proposed Amendment to Charter Section 4.1 to the March 2026 Charter Commission meeting.

Approval of 2026 Meeting Schedule.

Chair Heisler explained that the Commission needs to vote on a 2026 schedule. Heisler explained that the Commission has developed a pattern of meeting on the second Thursday of odd numbered months but is not limited to that day and can meet more frequently as desired.

A motion was made by Commissioner Jensen, seconded by Commissioner Hoschouer, to approve the continuing the Charter Commission meeting schedule as set. The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Hoschouer, Vice Chair Heisler, Commissioner Gernon, Commissioner DeLong and Commissioner Rooks

NEW BUSINESS

7. [26-023](#) Review and Approval of 2025 Annual Report

Chair Heisler presented the 2025 Charter Commission Annual Report.

A motion was made by Commissioner Jensen, seconded by Commissioner Gernon, to approve the 2025 Charter Commission Annual Report. The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Hoschouer, Vice Chair Heisler, Commissioner Gernon, Commissioner DeLong and Commissioner Rooks

APPROVAL OF MINUTES

2. [26-018](#) Approval of November 13, 2025 Meeting Minutes.

A motion was made by Commissioner DeLong, seconded by Commissioner Hoschouer, to approve the November 13, 2025 Charter Commission Meeting Minutes. The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Hoschouer, Vice Chair Heisler, Commissioner Gernon, Commissioner DeLong and Commissioner Rooks

Enactment No: M2026-012

ADJOURNMENT

A motion was made by Commissioner Jensen, seconded by Commissioner DeLong, to adjourn the meeting at 6:22 p.m. The motion carried by the following vote:

Yes: 6 - Commissioner Jensen, Commissioner Hoschouer, Vice Chair Heisler, Commissioner Gernon, Commissioner DeLong and Commissioner Rooks



Legislation Text

File #: 26-135, Version: 1

Charter Commission Meeting Date: March 12, 2026

To: Members of the Charter Commission

From: CC Linstroth, Charter Commission Chair

Election of Officer - Secretary.

Action Requested:

The Northfield Charter Commission is asked to elect a member to serve in the role of Secretary for 2026.

Summary Report:

The role of Chair and Vice-Chair were elected at the January meeting, but the role of Secretary was not elected. The Charter Commission is asked to elect a member to serve in that role. Per the Charter Commission Polices, duties of the Secretary are noted below. However, a discussion on a review of these duties is a separate item on the meeting agenda.

SECRETARY

- A. Responsible for Charter Commission records, minutes, and correspondence.
- B. Attend all Charter Commission meetings.
- C. Type, copy, and mail all minutes, letters, and proposed charter amendments and proposed ordinances passed by the Commission.
- D. Update membership roster, mailing list, roll call list, membership files and related documents and updates to the website.

The following process, according to *Robert's Rules of Order*, is proposed to be used for this selection:

1. Chair announces that “we will take nominations for the position of Secretary from members of the floor for the office of “Secretary.”
 - a. Any member may then call out, for example “I nominate fill in name,” without needing to be recognized by the chair. No seconds are necessary. The chair then announces, “Fill in name is nominated.”
 - b. When it appears that everyone who wishes to make a nomination, the Chair says, “Are there any further nominations? [Pause.] If not, [pause] nominations are closed.”
 - c. Individuals who were nominated could choose to remove themselves from consideration of appointment. They should state “I respectfully decline my nomination.”
 - d. If only one candidate has been nominated for an office, the chair simply declares the nominee elected.
 - e. If there is more than one candidate a written ballot process will be conducted with the one receiving majority approval. Staff will have paper and pencils available at the meeting for the ballot vote. The election becomes final when the chair announces the result of the candidate is

present and does not decline or is absent but has previously consented to serve. Otherwise, it becomes final when an absent candidate is notified and does not immediately decline.

City Plans & Policies Relevance:

N/A

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A



Legislation Text

File #: 26-136, Version: 1

City Council Meeting Date: March 12, 2026

To: Charter Commissioners and Chair

From: CC Linstroth, Chair

Review of Charter Commission Polices - Duties of Officers.

Action Requested:

N/A

Summary Report:

The Charter Commission Polices (attachment #1) details the duties of the elected officers - Chair, Vice-Chair, and Secretary (see below). Given changes in the process, such as the addition of a Meeting Associate to take minutes, these descriptions need to be reviewed and possibly edited.

5. *DUTIES OF OFFICERS*

CHAIR

- A. Call all regular and special meetings.
- B. Determine meeting agendas.
- C. Preside at all meetings.
- D. Appoint all committees.
- E. Implement the decisions of the Commission.
- F. Participate in all commission decisions with a vote.
- G. The chair shall be the only authorized spokesperson to respond to the media on behalf of the Charter Commission.
- H. Notify the City Clerk of future meetings and submit to the Clerk agendas for each meeting and arrange for a meeting room.
- I. Provide new members with the Charter, applicable statutes, the city ethics code, Charter Commission policies, and other materials.
- J. Facilitate communication between the Commission, the City Council, city personnel, the city attorney, and the district court.
- K. Prepare and submit the annual report to the Charter Commission for approval and deliver the approved annual report of the Charter Commission to the Chief Judge of the district and the City Clerk.
- L. Appoint a substitute secretary in the event of the secretary's absence.

VICE CHAIR

The vice chair shall preside in the absence of the chair and assume all duties and responsibilities of the chair.

SECRETARY

- A. Responsible for Charter Commission records, minutes, and correspondence.
- B. Attend all Charter Commission meetings.
- C. Type, copy, and mail all minutes, letters, and proposed charter amendments and proposed ordinances passed by the Commission.
- D. Update membership roster, mailing list, roll call list, membership files and related documents and updates to the website.

The Charter Commission is asked to review the descriptions at this meeting with a formal vote on any proposed edits planned for the May 14th meeting.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

March 12, 2026 Review and discuss changes to Charter Commission Policies - Duties of Officers

May 14, 2026 Vote on any proposed changes to Charter Commission Policies - Duties of Officers



Legislation Text

File #: 26-137, **Version:** 1

City Council Meeting Date: March 12, 2026

To: Charter Commissioners

From: CC Linstroth, Charter Commission Chair

Discussion on Open Public Comment Response Process.

Action Requested:

The Charter Commission is asked to discuss a proposed process on responding to open public comments at meetings.

Summary Report:

Members of the public are provided the opportunity to address the Charter Commission during the *Open Public Comment* portion of each meeting. Public comment may include expressions of opinion, requests for clarification, concerns regarding the Commission's work, or suggestions for potential amendments to the Charter.

At present, there is no formalized procedure governing how the Commission determines whether to take action in response to matters raised during *Open Public Comment*. Responses have historically been handled at the discretion of the Chair and the Commission.

I am proposing to establish a formal process to ensure that suggestions raised by members of the public are acknowledged and considered in a consistent, transparent, and respectful manner. Under the proposed framework, matters raised during *Open Public Comment* that appear to request Commission action would be placed on a subsequent agenda for consideration. At that meeting, a Commissioner could make a motion to direct further review or take up the suggestion. If no motion is made, no second is received, or the motion fails to receive majority support, the matter would not move forward. If the matter receives a majority vote of support from the Commission, the item will be placed on a future meeting agenda for further discussion or action.

I believe is important to note that not all feedback received during the *Open Public Comment* portion of the meeting is actionable. In cases where comments do not require Commission action, response will be determined by the Chair. This may be a simple acknowledgment at the time of the *Open Public Comment* or it may be referring the issue to City staff for follow-up action.

I welcome alternate perspectives and am providing this memo as background to help foster discussion. This is a discussion item at this meeting, but I am planning that after feedback on this idea to bring forward policy action for consideration before the board in May.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

March 12, 2026 Discuss a formal process for responding to open public comment.

May 14, 2026 Vote on a process for responding to open public comment.



Legislation Text

File #: 26-138, Version: 1

City Council Meeting Date: March 12, 2026

To: Charter Commissioners

From: CC Linstroth, Charter Commission Chair

Discussion on Charter Amendment Approval Process.

Action Requested:

The Charter Commission is asked to discuss a proposed informal process intended to ensure all Commissioners have an opportunity to provide input prior to a vote on proposed Charter amendments to be forwarded to the City Council.

Summary Report:

Charter cities will find it necessary to update or otherwise modify their city charters to reflect current needs and expectations. Amendments must originate through one of the several ways that are provided in statute:

1. Amendment by proposal.
 - a. Charter Commission - A charter commission can propose amendments to the city charter at any time.
 - b. Citizen Petition - A charter commission must propose amendments upon receiving a petition signed by a number of registered voters equal to 5% of the total votes cast at the previous state general election in the city.
2. Amendment by ordinance.
 - a. City Council - The City council can propose an amendment by ordinance.
 - b. Charter Commission - The charter commission can recommend that the city council amend the city charter by ordinance.

The most common form of amendments that have occurred with Northfield Charter amendments are by ordinance initiated by the Charter Commission (2.b. above). In accordance with State Statute 410.12, Subd.7, a proposed amendment initiated by the Charter Commission may be forwarded to the City Council upon approval by a majority vote of the Commissioners present. Approval by the City Council, however, requires unanimous support. The League of Minnesota Cities Handbook *Chapter 4 The Home Rule Charter City* included in the Charter Commission Handbook provides more context.

I am proposing that the Charter Commission implement an informal process designed to ensure that all Commissioners have the opportunity to participate and provide input prior to a vote on forwarding a proposed amendment to the City Council. The intent of the proposed process is not to change the Commission's voting threshold, but rather to promote full participation whenever practicable.

To support this objective, the following options may be utilized when a vote on a proposed amendment is anticipated:

1. Remote Participation

Commissioners who are traveling or otherwise unable to attend a meeting in person may participate remotely when a vote on a proposed amendment to the City Council is scheduled.

Members who wish to appear remotely are asked to provide notice to the Chair and staff at least six days prior to the meeting.

2. Special Meeting(s)

If one or more Commissioners are unable to attend a meeting at which a vote is anticipated on forwarding a proposed amendment to the City Council, the Commission may consider scheduling a special meeting.

If necessary, the Chair will coordinate with staff to identify a suitable date and time for such a meeting.

3. Commissioner Feedback

If a Commissioner is unable to attend a meeting-either in person or remotely-at which a vote is anticipated on forwarding a proposed amendment to the City Council, the Commissioner may submit written comments to the Chair in advance of the meeting.

Such written input may be included in the meeting agenda packet or read into the record by the Chair to ensure the Commissioner's perspective is shared with the full Commission prior to the vote. Written comments would not constitute a vote and would not alter quorum or voting requirements.

Alternative Options:

The Charter Commission may choose to maintain its current practice, whereby a majority vote of the Commissioners present is sufficient to forward a proposed amendment to the City Council, without implementing additional informal participation measures.

Financial Impacts:

N/A

Tentative Timelines:

March 12, 2026 Discuss a formal process for voting on proposed Charter amendments.



Legislation Text

File #: 26-139, Version: 1

City Council Meeting Date: March 12, 2026

To: Charter Commissioners

From: CC Linstroth, Charter Commission Chair

Discussion on Proposed Amendment to Charter Section 4.1.

Action Requested:

The Charter Commission is asked to continue discussion on proposed amendments to Charter Section 4.1.

Summary Report:

The Charter Commission is asked to continue discussion on proposed amendments to Charter Section 4.1. The current wording of Section 4.1 is provided below and attached (attachment #1).

Section 4.1. - Council Meetings.

At its first meeting in January, the council shall meet at the usual place and time for the holding of council meetings. At this time any newly elected members of the council including the mayor shall, as the first order of business, be administered the oath of office and shall assume their duties. Thereafter, the council shall meet at such time as may be prescribed by resolution. Such a resolution shall remain in force until modified by the council. The mayor or any three members of the council may call special meetings of the council upon at least twelve hours notice to each member and such public notice as shall be prescribed by ordinance in compliance with the laws of Minnesota. Public notice of all meetings of the council and its committees shall be given as prescribed by ordinance, and any citizen shall have access to the minutes and records thereof at all reasonable times.

(Ord. No. 739, § 4.1, 11-6-2000; Ord. No. 781, 3-17-2003)

At the January 7, 2025 City Council meeting, a new Mayor, two new Council members, and one re-elected Council member were sworn into office. One Council member was absent from the meeting. As a result, only three continuing Council members were present at the start of the meeting (before the oath of office was to be administered).

Prior to the meeting, the agenda order was adjusted and the meeting was called to order, followed immediately by the administration of the oath of office. No additional actions were taken prior to the oath of office being administered and the newly elected officials officially assumed office.

Following the meeting, a concern was raised by a member of the public, David DeLong (now a newly appointed Charter Commissioner), regarding whether a quorum was present at the start of the meeting (attachment #4). In response, the City Administrator requested that the Charter Commission review the existing Charter language and consider amendments to prevent similar issues in the future. City Administrator Martig requested the City Attorney to draft an ordinance amendment to be able to share with the Charter Commission

to consider, or not. The draft ordinance amendment to allow the oath of office to be administered prior to calling the meeting to order along with a memo from the City Attorney providing more context is attached (attachment #2).

The Charter Commission began its review and discussion of potential amendments at its July 10, 2025 meeting. In response to questions raised at that meeting, City Administrator Martig consulted with the City Attorney and other resources and compiled responses (attachment #3).

Steps in the Charter amendment process are detailed below. Due to the time it takes to complete the process, it is proposed that the Charter Commission vote on an amendment to send to the City Council at the May 14th meeting. This will then allow adequate time for completion of the process by the end of the year. The new process will then be in place prior to potential new Council Members taking office in January.

I have requested that David Assaf, Assistant City Attorney from Flaherty & Hood, join the meeting remotely to answer any questions from the Commissioners. City Administrator Ben Martig will also be in attendance to answer Commissioner's questions.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

For reference for Charter Commission members, once adopted by the Charter Commission an amendment takes about five months to go into effect. Below are the following steps in the process.

1. Proposed ordinance approved by the Charter Commission and submitted to the City Council.
2. City Council receives the proposed ordinance and sets a date for a public hearing. *The public hearing must be scheduled within one month of the City Council receiving the ordinance from the Charter Commission.*
3. City publishes a notice of the public hearing.
4. Public hearing held at a regular or special City Council meeting. *This must be at least two weeks after the publication but no more than 60 days after the publication.*
5. City Council first reading of ordinance. *This can be the same day as the public hearing. All members of the Council be in attendance and the vote must be unanimous.*
6. City Council second reading of ordinance. *All members of the Council be in attendance and the vote must be unanimous.*
7. Ordinance becomes effective 90 days after the second reading is approved.

MEMORANDUM

To: Ben Martig, City Administrator **VIA EMAIL ONLY**

From: David A. Assaf, Assistant City Attorney

Date: March 7, 2026

Re: Proposed Amendment of Northfield City Charter, Section 4.1

INTRODUCTION

You requested that our office review Northfield City Charter (the “Charter”), Section 4.1 for compliance with all applicable laws and provide any recommended revisions, which might improve and clarify the current process regarding the timing of the administration of the oath of office for newly elected members of the City Council (the “Council”).

ANALYSIS

Pursuant to Minn. Stat. § 205.07, subd. 1a, “[t]he terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire,” but “[a]ll officers of charter cities chosen and qualified shall hold office until their successors qualify.” As the current language under Charter Section 4.1 requires the oath of office be administered as the first order of business at the first meeting in January for the newly elected members of the Council, Section 4.1 as written contains an ambiguity regarding the need for outgoing Councilmembers or Mayors to attend a meeting for the sole procedural purpose of calling a meeting to order so that the oath of office may be taken by the newly elected members in order that they then may be seated.

The proposed amendment to Section 4.1 being considered by the Charter Commission to bring the Charter more fully into compliance with Minn. Stat. § 205.07, subd. 1a, and to avoid any future confusion in administering the oath of office to newly elected members of the Council so that the same may immediately be seated and undertake the people’s business is a reasonable and appropriate means to address the present ambiguity in this provision.

Under the proposed amendment, the governing statute quoted above will be incorporated into Section 4.1 of the Charter, and newly elected members of the Council will be administered the oath of office *prior* to calling the first meeting in January to order. The proposed amendments to Section 4.1 of the Charter are as set forth in the ordinance now under consideration by the Charter Commission in underline/strikeout format. Section 4.1 of the Charter remains otherwise unchanged.

CONCLUSIONS

I hope that the foregoing is helpful in your consideration of this matter. I will be in attendance at the March 12, 2026 meeting of the Charter Commission to answer any legal questions the Charter Commission may have regarding the proposed Charter amendment.

Should you have any questions or require additional information, please do not hesitate to contact me at your convenience at (651) 225-8840 or via email at daassaf@flaherty-hood.com. Thank you.

DAA/sc

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER FOUR OF THE NORTHFIELD CITY CHARTER

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield City Charter, Chapter Four. – Procedure of Council, Section 4.1. - Council Meetings, is hereby amended to read as follows:

Section 4.1. - Council Meetings.

Pursuant to Minn. Stat. § 205.07, subd. 1a, as the same may be amended from time to time, the terms of all city council members, including the mayor, expire on the first Monday in January of the year in which such terms expire, except that such outgoing members shall hold office until their successors qualify. At its first meeting in January, the council shall meet at the usual place and time for the holding of council meetings. At this time any newly elected members of the council including the mayor, if not having previously been administered the oath of office on or following the first Monday in January, shall, ~~as the first order of business,~~ prior to calling the meeting to order, be administered the oath of office and shall assume their duties. Thereafter, the council shall meet at such time as may be prescribed by resolution. Such a resolution shall remain in force until modified by the council. The mayor or any three members of the council may call special meetings of the council upon at least twelve hours notice to each member and such public notice as shall be prescribed by ordinance in compliance with the laws of Minnesota. Public notice of all meetings of the council and its committees shall be given as prescribed by ordinance, and any citizen shall have access to the minutes and records thereof at all reasonable times.

SECTION 2: This Ordinance shall take effect ninety days after its publication.

Passed by the City Council of the City of Northfield, Minnesota, this ____ day of _____, 2025.

ATTEST:

City Clerk

Mayor

| | |
|-----------------|--|
| First Reading: | |
| Second Reading: | |
| Published: | |

VOTE: ___ ZWEIFEL ___ BEUMER ___ DAHLEN ___ HOLMES
___ NESS ___ SOKUP ___ PETERSON WHITE

Charter Commission July 10, 2025 Meeting Follow-Up Questions

Are there expectations for former Council members to attend the first meeting of the year or is this a widespread practice in other cities?

SUMMARIZED ATTORNEY/STAFF RESPONSE: From a staff and City Attorney perspective, requiring defeated or retiring council members to attend the first meeting following a post-election turnover for the swearing in of new members may create multiple problems. First, outgoing members have no legal requirement to attend the meeting and may simply wish not to. Second, the swearing in of newly elected members should be a procedural and ceremonial act and relying on the attendance of former members could create a far more complicated process than is needed and may cause unnecessary delays in completing City business.

Staff did reach out to the League of Minnesota Cities (LMC) and they also reaffirmed this position. In addition, they also brought attention to MN Statute 205.07, Subd. 1A below:

205.07, SUBD. 1A. CITY COUNCIL MEMBERS; EXPIRATION OF TERMS.

The terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire. All officers of charter cities chosen and qualified shall hold office until their successors qualify.

Per our City Attorney, he requested this statute be brought to the Charter Commission's attention given the review of Charter Section 4.1. However, he feels the current provision "seems consistent with this statute since the statute's second sentence states: "All officers of charter cities chosen and qualified shall hold office until their successors qualify." This statute is not artfully crafted, but seems to state that such term of office goes until a successor qualifies and that would be following being sworn in at the Council's first meeting in January."

Charter Commission July 10, 2025 Meeting Follow-Up Questions

Are there any issues with the oath being administered between January 1st and the start of the first meeting of the year?

ATTORNEY RESPONSE: "The above quoted Charter language is clear and mandatory from the standpoint that newly elected members including the newly elected mayor "shall" be administered the oath of office at the first meeting in January. There is no discretion on this action based on the present Charter language. The City Clerk or another authorized person is required to administer the oath of office at the first meeting. There are no grounds or legal authority to delay giving the oath of office and seating the newly elected members having thereafter qualified to serve.

The oath must be administered at the first meeting following an election pursuant to Charter, Section 4.1. State law does allow administration of the oath earlier than this, but the Northfield Charter specifically limits administration of the oath at the first meeting.

Nowhere in City Charter, City Code, or State law is there a requirement that defeated or retiring members be present for the administration of the oath of office to new members at the first meeting. In my opinion, the presence of defeated or retiring members may be welcome from a ceremonial standpoint, but their presence is not legally required. Based on the foregoing and the below law, it would appear that the simplest and arguably most logical process to facilitate the transition is that the first item of business at the first meeting following an election should be the administration of the oath of office prior to calling the Council meeting to order. I do not see a reason to make this ceremonial process more complicated than that. The City Clerk is authorized by law to administer the oath as discussed below. "

Charter Commission July 10, 2025 Meeting Follow-Up Questions

Who is authorized to administer the oath of office to elected and appointed officials?

SUMMARIZED ATTORNEY/STAFF RESPONSE: Per guidance from the League of Minnesota Cities (LMC), “any person with authority to take and certify acknowledgments may administer the oath, including the city clerk, a justice of the peace, a notary public, or a register of deeds.” This refers to Minnesota State Statutes 358.09, 358.10, and 358.52. subd. 6 (see below).

For the City of Northfield, the City Clerk is usually the person to administer the oath of office for the City Council and the Charter Commission, with the Deputy City Clerk serving as a backup, should the City Clerk be unavailable.

For appointed officials (board and commission members), any designated staff member who serves as a notary public can administer the oath. This could be the City Clerk, Deputy City Clerk, Administrative Assistants, Meeting Associates, or other qualified staff members.

Relevant and Related State Statutes:

358.09 BY WHOLE AND HOW ADMINIISTERED.

Any officer authorized by this chapter to take and certify acknowledgments may administer an oath, and, if the same be in writing, may certify the same under the officer's signature, and an official notarial stamp, in the following form: "Subscribed and sworn to before me this day of," The mode of administering an oath commonly practiced in the place where it is taken shall be followed, including, in this state, the ceremony of uplifting the hand.

358.10 OFFICIALS MAY ADMINISTER, WHEN.

(a) All persons holding office under any law of this state, or under the charter or ordinances of any municipal corporation thereof, including judges and clerks of election, and all committee members, commissioners, trustees, referees, appraisers, assessors, and all others authorized or required by law to act or report upon any matter of fact, have the power to administer oaths they deem necessary to the proper discharge of their respective duties.

(b) Any employee of the secretary of state designated by the secretary of state has the power to administer oaths to an individual who wishes to file with the secretary of state an affidavit of candidacy, nominating petition, declaration of intent to be a write-in candidate, or any other document relating to the conduct of elections.

Charter Commission July 10, 2025 Meeting Follow-Up Questions

358.11 OATHS, WHERE FILED.

Except as otherwise provided by law, the oath required to be taken and subscribed by any person shall be filed as follows:

- (1) if that of an officer of the state, whether elective or appointive, with the secretary of state;
- (2) if of a county officer, or an officer chosen within or for any county, with the county auditor;
- (3) if of a city officer, with the clerk or recorder of the municipality;
- (4) if of a town officer, with the town clerk;
- (5) if of a school district officer, with the clerk of the district;
- (6) if of a person appointed by, or made responsible to, a court in any action or proceeding therein, with the court administrator of such court;
- (7) if that of a person appointed by any state, county, or other officer for a special service in connection with official duties, with such officer.

If the person taking such oath be also required to give bond, the oath shall be attached to or endorsed upon such bond and filed therewith, in lieu of other filing.

358.52 DEFINITIONS.

Subd. 6. **Notarial act.**

"Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

Subd. 7. **Notarial officer.**

"Notarial officer" means a notary public or other individual authorized to perform a notarial act.

Subd. 8. **Notary public.**

"Notary public" means an individual commissioned to perform a notarial act on oath or affirmation before a notarial officer, that a statement in a record is true.

Charter Commission July 10, 2025 Meeting Follow-Up Questions

359.04 POWERS.

Every notary public so appointed, commissioned, and qualified shall have power throughout this state to administer all oaths required or authorized to be administered in this state; to take and certify all depositions to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments in writing or electronic records; to receive, make out, and record notarial protests; and to perform online remote notarial acts in compliance with the requirements of sections [358.645](#) and [358.646](#).

From: Ben Martig <Ben.Martig@northfieldmn.gov>
Sent: Monday, June 23, 2025 11:45 AM
To: Lance Heisler
Subject: FW: No Quorum Present Jan. 7th

fyi

From: Ben Martig
Sent: Thursday, March 13, 2025 7:13 PM
To: Lance Heisler <lheisler@heislerlawoffice.com>
Subject: FW: No Quorum Present Jan. 7th

Here is a good email chain that provides the background for the charter commission.

From: Ben Martig
Sent: Monday, January 27, 2025 4:14 PM
To: David DeLong <daviddelong157@gmail.com>
Cc: Lance Heisler <lheisler@heislerlawoffice.com>; Erica Zweifel <Erica.Zweifel@NorthfieldMN.gov>; Peter Dahlen <Peter.Dahlen@northfieldmn.gov>; Chris Hood <cmhood@flaherty-hood.com>
Subject: RE: No Quorum Present Jan. 7th

Dear Mr. DeLong,

Thank you for sharing your additional concerns regarding the January 7th City Council meeting and for your analysis of the relevant Charter sections. As in the past, I appreciate your ongoing dedication to ensuring that our processes align with the Charter's intent.

As you noted, the Charter specifies that newly elected members, including the mayor, must be sworn in as the first order of business at the first meeting in January. It also states that current members continue to serve until their successors are elected and qualified. I consulted with The City Council's legal counsel, Chris Hood, and he agreed the procedures were appropriate to meet the intent of the charter completed the swearing in immediately at the beginning of the meeting. The following is an excerpt from an email response provided on this topic (and he is copied on this email):

Good afternoon,

After our brief discussion last evening (01/21/25) in reference to David DeLong's recent emails, I wanted to follow up on several points regarding the administration of the oath of office and actions taken at the January 7, 2025 City Council meeting.

Factual Background

As background, the procedural status of the City Council in reference to the beginning of the January 7, 2025 City Council meeting was that there were four newly elected members in attendance that evening; Mayor-elect Zweifel, Councilor-elect Dahlen, Councilor-elect Beumer,

and incumbent Councilor-elect Ness. The incumbents remaining on the City Council in attendance at this meeting were Councilor Holmes and Councilor Peterson White. Incumbent Councilor Soukup was absent from the January 7 meeting. As a result of this absence, there were only three currently elected members, counting Councilor Ness, present at the beginning of the meeting, along with the three newly elected members. Thus, a total of six members were present for the meeting. Accordingly, quorum was also not established at the beginning of the meeting yet pending administration of the oath of office to the four newly elected members by the City Clerk.

Mayor-elect Zweifel called the meeting to order at approximately 6:00 p.m. Such an action was appropriate given the foregoing attendance in order to take the procedural step to begin the meeting and administer the oaths of office as required by Charter to the four newly elected members in order to then thereby establish quorum and thereafter conduct City business as provided in the agenda for the January 7, 2025 City Council meeting. Immediately following the Mayor-elect calling the meeting to order, City Clerk Peterson administered the oaths of office to each newly elected member. Having thereafter received and taken the oath of office each member then having qualified to serve commenced their respective terms of elected office. Each qualified Council member then immediately took their seats at the dais and commenced City business as provided in the agenda for the January 7 meeting. No votes on any City business matters were taken prior to proper administration of the oath of office by the City Clerk to the four (4) newly elected members. All members were legally and properly qualified to take their respective elected offices following administration and taking the oath of office.

Oath of Office

Administering the oath of office is typically routine and often done ceremonially. It is nonetheless an important legal prerequisite to newly elected persons qualifying for office and beginning their terms. Such is the case in Northfield and all other elective offices in the United States. Administering the oath of office is a legal qualification, but is also a procedural step not intended to prevent the functioning of a government entity, but instead to facilitate and implement the functioning of a government entity. It is a necessary element for the transition of government. City Charter, Sections 3.3, 4.1 and 15.2, require the administration of the oath of office to newly elected persons as a prerequisite to such persons commencing their elective terms. See operative highlighted language below:

Section 3.3. - Council Composition and Election.

The council shall be composed of a mayor and six (6) council members who shall be qualified. To qualify for elective office a candidate must be qualified to vote, be at least twenty-one (21) years of age on the date he or she would assume office, and be a resident of the city and of any ward he or she seeks to represent, or will become a resident therein at least thirty (30) days before the election. If elected, candidates must further qualify for office by taking and filing an oath of office. One (1) council member shall be elected from each of four (4) wards and two (2) council members shall be elected at large. Each council member and the mayor shall serve for a term of four (4) years and until a successor is elected and qualified. Two ward council members and one council member at large shall have terms that expire at the end of each even numbered year. A person who is sworn in as mayor while holding a council seat thereby vacates the council seat.

Section 4.1. - Council Meetings.

At its first meeting in January, the council shall meet at the usual place and time for the holding of council meetings. At this time any newly elected members of the council including the mayor

shall, as the first order of business, be administered the oath of office and shall assume their duties. Thereafter, the council shall meet at such time as may be prescribed by resolution. Such a resolution shall remain in force until modified by the council. The mayor or any three members of the council may call special meetings of the council upon at least twelve hours notice to each member and such public notice as shall be prescribed by ordinance in compliance with the laws of Minnesota. Public notice of all meetings of the council and its committees shall be given as prescribed by ordinance, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 15.2. - Oath of Office.

Every elected or appointed officer of the city, before entering upon the duties of the office, shall take and subscribe an oath of office as required by the laws of the State of Minnesota.

Present Question

David DeLong has raised a concern that the meeting was not properly called to order establishing a quorum in order to give the oaths of office to the newly elected members and that subsequent actions thereafter may be invalid as a result. He has suggested that a former member of the Council (Mayor Pownell, Councilor Reister, or Councilor Zuccolotto) would have needed to be present at the beginning of the meeting in order to and for the sole purpose of calling the meeting to order to establish quorum for the administration of the oaths of office to the newly elected members. Getting beyond the procedural and logistical difficulties that could be presented by such a process as suggested by Mr. DeLong, the concerns are not well grounded. However, in the event that the Charter Commission believes that clarification of the Charter is needed in light of the circumstances presented at the January 7 meeting, the Charter Commission, in its judgment and discretion, has the authority to review the current provisions of the Charter and recommend and propose changes to the City Council.

Analysis

Charter Section 4.1 states in part that: "At its first meeting in January, the council shall meet at the usual place and time for the holding of council meetings. At this time any newly elected members of the council including the mayor shall, as the first order of business, be administered the oath of office and shall assume their duties."

Robert's Rules of Order provides that a government entity may hold a meeting without having established quorum for limited purposes only, but may not take votes until a quorum is established. The reason for the quorum requirement, according to Robert's Rules of Order, is to prevent a minimum number of members who may be present from conducting substantive business taken with votes not representing a majority of the governing body. Administering the oath of office is not business that requires voting and is not the business of the former governing body to implement, initiate, facilitate, delay or prevent. Administering the oath of office cannot be prevented by the former governing body whether former members attend the meeting at which the oath is administered or not. Calling the January 7 meeting to order was merely a procedural step necessary for purposes of administering the required oath of office. In short, someone needed to open the meeting for this purpose, which Mayor-elect Zweifel did as the soon to be sworn in presiding officer.

Mr. DeLong's premise would argue that Charter, Section 4.1 requires the former city council to be present at the first meeting, but section 4.1 does not state that. It merely states the "council shall

meet”. One could simply conclude the reference to council meant the new council not the old and that reasonable interpretation makes far more logical sense than requiring the former council to appear for the 30 seconds needed to call the meeting to order. Further, both City Charter, Section 4.3 and City Code, Section 2-56 provide that the City Council sets its own Rules of Procedure/Business. City Code, Section 2-56 provides in part that: “The provisions of this division, except as required by the charter and state law, maybe temporarily suspended ... by consent, evidenced by lack of objection.” Thus, without objection, the Mayor-elect calling the meeting to order was also within the Council’s discretion regarding their Rules of Procedure/Business.

As stated, business requiring voting cannot occur until a quorum of the members of the governing body is present. There is no vote associated with or required for administering the oath of office. Therefore, quorum is not necessary or required to administer the oath of office. After the oath of the office was properly given on January 7, a quorum was thereafter established, and the newly qualified Councilors had the authority to take votes and conduct City business.

The above quoted Charter language is clear and mandatory from the standpoint that newly elected members including the newly elected mayor “shall” be administered the oath of office at the first meeting in January. There is no discretion on this action. There is no requirement for quorum. The City Clerk is required to administer the oath of office at the first meeting. There are no grounds or legal authority to delay giving the oath of office and seating the newly elected members having thereafter qualified to serve.

The premise of Mr. DeLong that the procedural step of calling the meeting to order can prevent the administration of the oath of office because a quorum of the former city council was not present, or quorum was not otherwise established, is without support and would run contrary to both the Charter and the functioning of our democracy. The language in Section 4.1 of the Charter is somewhat internally inconsistent. It does not however require establishment of a quorum in order to open the Council meeting. It does not prevent the Mayor-elect from calling the meeting to order pursuant to City Code, Section 2-56. It further does not require establishment of a quorum for the City Clerk to fulfill her legal obligation to administer the oath of office to each newly elected member. The intent of Section 4.1 of the Charter is clear that the purpose of the first item of business at the first meeting in January is, exclusive of all other business, required to be administration of the oath of office and immediately thereafter seating the new City Council so that they can expeditiously undertake the business of the people of Northfield as duly elected and qualified members of the City Council.

The only other argument that could possibly be made is that the first item of business should be the administration of the oath prior to calling the meeting to order. The City Council could have also proceeded in that regard had it chosen to do so. This too would have been a reasonable interpretation of the Charter and a process that a future City Council could consider.

Under the present circumstances on January 7 and in compliance with the Charter, the Mayor-elect properly and without objection opened the meeting pursuant to City Code, Section 2-56. The City Clerk then the immediately administered the oath of office to all four newly elected members as the first item of business. The new City Council was thereby established with quorum to then subsequently consider all of the matters on the January 7 agenda and vote on the same. The actions taken on January 7, 2025 were proper and in compliance with the Charter, City

Code, and Robert's Rules of Order. The formality of calling the meeting to order does not prevent administration of the oath of office by the City Clerk as required by Charter or prevent or delay the seating of the newly elected and qualified City Council.

The minutes of the January 7, 2025 meeting should reflect the foregoing facts and proceedings from the January 7 City Council meeting.

As I noted in the prior email, I agree that this situation highlights an area where the Charter's language could benefit from clarification to prevent similar concerns in the future. Specifically, I think there is value in revisiting:

1. The sequence of calling the meeting to order and administering the oath of office; and
2. Defining procedures for situations where quorum issues arise due to outgoing or incoming members.

To that end, I have again included Charter Commission Chair Lance Heisler in this discussion to consider adding this topic to a future item at the Chart Commission. A Charter amendment could help ensure clearer procedural guidance moving forward.

Thank you again for bringing this matter to our attention. Your input is invaluable as we work toward ensuring transparency and accountability in our processes. Please don't hesitate to reach out with any further questions.

Sincerely,

Ben Martig

he, him, his

City Administrator

City of Northfield

801 Washington Street

Northfield, MN 55057-2598

www.northfieldmn.gov



From: David DeLong <daviddelong157@gmail.com>

Sent: Friday, January 17, 2025 10:05 AM

To: Ben Martig <Ben.Martig@northfieldmn.gov>

Cc: Lance Heisler <lheisler@heislerlawoffice.com>; Erica Zweifel <Erica.Zweifel@NorthfieldMN.gov>; Peter Dahlen <Peter.Dahlen@NorthfieldMN.gov>; Chris Hood <cmhood@flaherty-hood.com>

Subject: Re: No Quorum Present Jan. 7th

CAUTION: This email originated from outside of the organization.

I apologize if this is a bit long but it has been said that I can go a little long and I've been trying to be more concise in speaking and emails.

But apparently I need to expand on my comments.

First let me clear up the misconception that the City would never be able to call a meeting to order. My comments mention qualified members not "active" members. As to the inaccurate assertion that the City could never call a meeting to order, I point you to Charter Section 3.3 - *Each council member and the mayor shall serve for a term of four (4) years and until a successor is elected and qualified.*

Northfield is not without a Mayor or Council Members during the days between the end of a calendar year and the first meeting of the new year. Members who were up for election all still serve until a successor is qualified by taking and subscribing to an oath of office. Charter Section 15.2.

Section 15.2. - Oath of Office. *Every elected or appointed officer of the city, before entering upon the duties of the office, shall take and subscribe an oath of office as required by the laws of the State of Minnesota.*

Rhonda Pownell is/was still the Mayor at the start of the meeting until Erica Zweifel takes an oath of office. A Mayor elect is no more authorized to perform official duties than an ordinary citizen.

Current Charter language is clear and unambiguous and has been followed up until now, when apparently based on a discussion with legal counsel Chris Hood the process has been changed. I don't know what version of the Charter Attorney Hood was referencing when he suggested this opinion on the process or where in the Charter the official duties of a Mayor elect are outlined.

The current Charter language I used.

Section 3.3. - Council Composition and Election (Ord. No. 739, § 3.3, 11-6-2000; Ord. No. 781, 3-17-2003)

Section 4.1. - Council Meetings (Ord. No. 739, § 4.1, 11-6-2000; Ord. No. 781, 3-17-2003)

Section 15.2. - Oath of Office.

I don't know the reason why Mayor Pownell didn't attend the meeting. It really doesn't make a difference. When the Mayor is not present, The President Pro Tem presides. (Section 3.9. - President Pro Tem)

President Pro Tem Kathleen Holmes was present and in the Mayor's absence should have presided. This did not happen.

At the scheduled first meeting on January 6th 2025 the serving members were -

- 1.) President Pro Tem Kathleen Holmes who is in the middle of her term was present.
 - 2.) Council Member Brad Ness whose term was up but as per Charter he was still serving until his replacement was sworn in, which was himself.
 - 3.) Council Member Jessica Peterson White who is/was in the middle of her term was present.
- Members absent
- 4.) Council Member Davin Sokup, who is in the middle of his term.
 - 5.) Council Member Jami Reister, was still a Member under Charter Language.
 - 6.) Council Member George Zuccolotto, was still a Member under Charter Language.
 - 7.) Mayor Rhonda Pownell, still Mayor under Charter Language.

With only 3 out of 7 qualified members present, there was not a quorum. If there is no quorum, then there are no official actions.

I would be interested in Attorney Hood's justification for thinking it was the proper way to proceed and "clearly it was legal and the appropriate way to do it under the current language of the Charter."

I think the Charter is clear in setting out the end of term responsibilities and that a Mayor elect is no more authorized to perform official duties than is an ordinary citizen. The authority to act as an official only comes after being qualified by being properly sworn in to office. (Charter Section 15.2)

Since it was not a legal meeting, I might suggest that out of abundance of caution a properly constituted council called to order by Mayor Pownell or Mayor Pro Tem Holmes and 3 other qualified and still serving members, repeat the swearing in process properly, due to some technical problems and then entertain some kind of resolution that says the council confirms or re ratifies the actions taken at the Jan. 6th Meeting.

David DeLong

The following are excerpts of minutes, showing that past Mayors, Administrators and City Attorneys had followed Charter guidelines concerning who should preside at the first meeting in January until their elected replacement had been sworn in.

From January 8, 2013

Call to Order

At 7: 00 p.m. outgoing Mayor Rossing called the meeting to order.

A roll call was taken of members present and a quorum was declared.

Swear In Members

City Clerk Little administered the Oath of Office to Mayor Dana Graham, Council Member Second Ward David DeLong, Council Member Third Ward Erica Zweifel and Council Member At -Large David Ludescher.

The new members were seated.

From January 5, 2009

Presentation

Mayor Lansing made a statement thanking board and commission members and highlighting achievements of the previous year.

Call to Order

At 7:07 p.m. Mayor Lansing called the meeting to order. A roll call was taken of members present and a quorum was declared.

Swearing In of New Members

City Clerk Little conducted the swearing in of newly elected members. Mary Rossing, Rhonda Pownell, Erica Zweifel, Betsey Buckheit and Kris Vohs read the oath of office and took their seats at the dais.

From January 3, 2005

Call To Order

At 7:00 p.m. Mayor Covey called the meeting to order. A roll call was taken of members present and a quorum was declared.

Finance Director /City Clerk Karl Huber administered the Oath of Office to the following newly elected officials:

Lee Lansing Mayor

Kris Vohs (Re- elect) Councilmember -At Large

Scott Davis Councilmember- Second Ward
Arnie Nelson Councilmember -Third Ward

Dana Graham, CC Linstroth and Keith Covey stepped down from the table.

January 2, 2001

- 1) At 7:02 p.m. Mayor Rossman called the meeting to order.
- 2) A roll call was taken of members present and a quorum was declared.
- 5) Finance Director /City Clerk Huber administered the Oath of Office to the following newly elected officials:

Keith Covey Mayor
Dana Graham Councilmember- Second Ward
Kris Vohs Councilmember -At Large
CC Linstroth (Re- elect) Councilmember -Third Ward

These elected officials then took their respective seats in order to conduct business at the meeting to follow. The outgoing members stepped down.

JANUARY 2, 1998

MEMBERS PRESENT: Newly elected Mayor William Rossman, outgoing Mayor Paul Hager, Councilmembers Peg Prowe, David Garwood - DeLong, outgoing Councilmember Greg Colby
NOT PRESENT: Councilmembers Ken Brackee and Nancy Gruchow

Mayor Hager called the meeting to order. His first order of business was to read a letter from William Rossman submitting his resignation as Councilmember First Ward effective upon being sworn in as Mayor.

Mayor Hager next asked Finance Director /City Clerk Huber to administer the Oath of Office to the following newly elected officials:

William Rossman Mayor
Phillip S. Hansen Councilmember -At Large
Robert P. Stangler Councilmember -Third Ward

These elected officials then took their respective seats in order to conduct business at the meeting to follow. The outgoing members stepped down.

The list could go on but I hope my point about members serving until a successor is elected and qualified has been clarified.

On Mon, Jan 13, 2025 at 3:53 PM Ben Martig <Ben.Martig@northfieldmn.gov> wrote:

Thank you Mr. DeLong for sharing your concerns and your perspective.

I did discuss this issue in advance of the meeting with legal counsel Chris Hood and followed the process consistent with his advice on the calling to order. Following your logic on only calling the meeting to order with “active” City Council members, if we had four new City Council members with a Mayor and 3 City Councilors (which didn’t happen this year but could) then we’d never be able to call a meeting to order. So, it was followed the best we could to implement according to the language. But, we believe clearly it was legal and the appropriate way to do it under the current language of the Charter.

However, this is something the Charter Commission could review for language to see if it can be enhanced. I am aware that the appointment process is different than statutes so I think it would be good to see if the Charter Commission wants to add to their review list not only on the issue of calling the meeting to order but also reviewing when the term starts and how to see it that can be improved. I have included the Chair Lance Heisler in the email for his interest/advisement on behalf of the Charter Commission since that is their sole focus is Charter Amendments.

Thanks.

Ben Martig

he, him, his

City Administrator

City of Northfield

801 Washington Street

Northfield, MN 55057-2598

www.northfieldmn.gov



From: David DeLong <daviddelong157@gmail.com>

Sent: Monday, January 13, 2025 12:52 PM

To: Erica Zweifel <Erica.Zweifel@NorthfieldMN.gov>; Peter Dahlen <Peter.Dahlen@NorthfieldMN.gov>

Cc: Ben Martig <Ben.Martig@northfieldmn.gov>

Subject: No Quorum Present Jan. 7th

Good afternoon, I have concerns regarding the legality of the January 7th 2025 City Council meeting. There was not a qualified quorum present. I believe this brings into question official actions that occurred at this "meeting".

I did send an email regarding the fact that as per our City Charter the Oath of Office needed to be the first thing on the agenda. I did see that was changed on the published agenda, however it wasn't till this weekend that I was able to review the video replay of the Council meeting and was surprised to see that the meeting was called to order not by not Mayor Pownell, or in her absence the president pro tem, but by Erica Zweifel who had been elected but was not yet fully qualified. (Sec. 3.3) *If elected, candidates must further qualify for office by taking and filing an oath of office.* She had not taken the Oath of Office yet. Further the Charter also states (Sec.15.2) - Oath of Office. *Every elected or appointed officer of the city, **before entering upon the duties of the office**, shall take and subscribe an oath of office as required by the laws of the State of Minnesota.*

The only qualified members in attendance were Councilpersons Holmes, Jessica Peterson White and Ness. (Sec.3.3) *Each council member and the mayor shall serve for a term of four (4) years and until a successor is elected and qualified.* With Councilmember Sokup absent only 3 qualified members of the Council were present, not enough for a quorum. No quorum, no business, no actions.

I would like to see the Mayor elect start her term off right and I don't feel this is her fault in any way, but there is a correct way to do things as outlined in our City Charter. I think this situation needs to be fixed.

I've included Councilperson Dahlen since he has been part of the Charter Commission.

Thank you for your attention to this matter.

David DeLong