

City of Northfield

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



Meeting Agenda

Thursday, January 8, 2026

6:00 PM

Council Chambers

Charter Commission

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

APPROVAL OF AGENDA

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

Attachments: [1 - AGENDA JANUARY 8 2026](#)

APPROVAL OF MINUTES

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

Attachments: [1 - 11-13-25 Charter Commission Meeting Minutes \(Granicus Format\)](#)

COMMISSION ABSENCES

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

WELCOME NEW OFFICERS

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

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.

OLD BUSINESS

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

Attachments: [1 - PROPOSED AMENDMENT TO SEC. 4.1](#)
[2 - CHARTER SECTION 4.1 AND PROPOSED AMENDMENTS](#)
[3 - RESPONSE TO SECTION 4.1 QUESTIONS](#)
[4 - DISCUSSION RE AMENDMENT TO CHARTER SECTION 4.1 PART ONE](#)
[5 - DISCUSSION RE AMENDMENT TO CHARTER SECTION 4.1 PART 2](#)

NEW BUSINESS

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

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

Attachments: [1 - ANNUAL REPORT 2025](#)

ADJOURNMENT



Legislation Text

File #: 26-017, **Version:** 1

Charter Commission Meeting Date: January 8, 2026

To: Members of the Charter Commission

From: Lance Heisler, Charter Commission Chair

Approval of January 8, 2026 Meeting Agenda.

Action Requested:

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

Summary Report:

See attached agenda.

City Plans & Policies Relevance:

N/A

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A

CHARTER COMMISSION MEETING AGENDA

January 8, 2026, 6:00 P.M. City Council Chambers

1. Call to Order
2. Roll Call
Approval of Agenda
Approval of November 13, 2025 Minutes.
3. Excuse Absent Members
4. Welcome to new members David DeLong and Katie Rooks

5. PUBLIC COMMENT

6. OLD BUSINESS

PROPOSED AMENDMENT TO SECTION 4.1

All Charter Members

7. NEW BUSINESS

ELECTION OF OFFICERS

APPROVAL OF 2025 ANNUAL REPORT

8. ADJOURN



Legislation Text

File #: 26-018, **Version:** 1

Charter Commission Meeting Date: January 8, 2026

To: Charter Commissioners

From: Lance Heisler, Chairman

Approval of November 13, 2025 Meeting Minutes.

Action Requested:

The Northfield Charter Commission is being asked to approve the November 13, 2025 Meeting Minutes.

Summary Report:

See attached minutes.



City of Northfield

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

Meeting Minutes - Draft Charter Commission

Thursday, November 13, 2025

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, Commissioner James Prichard, Vice Chair Scott Oney, Chair Lance Heisler and Commissioner Amy Gernon

Absent: 1 - Commissioner C C Linstroth

Also present: Ben Martig, City Administrator; Matt Bailey, Meeting Associate

APPROVAL OF AGENDA

1. [25-601](#) Approval of November 13, 2025 Meeting Agenda.

No vote was taken on approval of the agenda.

APPROVAL OF MINUTES

2. [25-602](#) Approval of September 11, 2025 Meeting Minutes.

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

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

Enactment No: M2025-144

COMMISSION ABSENCES

3. [25-603](#) Excuse meeting absences.

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

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

Enactment No: M2025-145

OPEN PUBLIC COMMENT

No public comment was received.

OLD BUSINESS

4. [25-604](#)

Discussion on Proposed Amendment to Charter Section 4.1.

Chairman Heisler noted that City Administrator Martig is standing in as the technical advisor. Commissioner Oney, who was presiding at the meeting, wanted to disallow comments that Mr. Martig wanted to make as the time for public comment had passed. Commissioner Hoschouer objected to Commissioner Oney's characterization of Mr. Martig's role and inappropriately interjected. Commissioner Oney stated that he chose to continue the meeting and ignore Hoschouer's interjection. Commissioner Hoschouer declined to comment further.

Proposed Amendment to Section 4.1 of the Charter. Chairman Heisler noted that Commissioner Gernon had suggested that it is an issue that could be better taken up by the Commission as a whole.

Commissioner Oney questioned whether it is really necessary to make a change as it has worked well for many years. He said that when the Council or City Staff "messes up" the tendency is to pass the issue to the Charter Commission to fix. Section 4.1 is, he said, straightforward and clear.

Chairman Heisler said that the issue of Section 4.1 may not need a fix, but it is an issue worthy of discussion.

Commissioner Prichard agreed with Heisler. He said that there could always be things that might be improved. It is difficult to determine how the Charter applies in a case that has not
Chairman Heisler noted that City Administrator Martig is standing in as the technical advisor. Commissioner Oney, who was presiding at the meeting, wanted to disallow comments that Mr. Martig wanted to make as the time for public comment had passed. Commissioner Hoschouer objected to Commissioner Oney's characterization of Mr. Martig's role and inappropriately interjected. Commissioner Oney stated that he chose to continue the meeting and ignore Hoschouer's interjection. Commissioner Hoschouer declined to comment further.

Proposed Amendment to Section 4.1 of the Charter. Chairman Heisler noted that Commissioner Gernon had suggested that it is an issue that could be better taken up by the Commission as a whole.

Commissioner Oney questioned whether it is really necessary to make a change as it has worked well for many years. He said that when the Council or City Staff "messes up" the tendency is to pass the issue to the Charter Commission to fix. Section 4.1 is, he said, straightforward and clear.

Chairman Heisler said that the issue of Section 4.1 may not need a fix, but it is an issue worthy of discussion.

Commissioner Prichard agreed with Heisler. He said that there could always be things that might be improved. It is difficult to determine how the Charter applies in a case that has not

NEW BUSINESS

No new business was discussed.

ADJOURNMENT

A motion was made by Commissioner Jensen, seconded by Commissioner Prichard, to adjourn the meeting at 6:15 p.m. The motion carried by the following vote:

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



Legislation Text

File #: 26-019, **Version:** 1

City Council Meeting Date: January 8, 2026

To: Charter Commissioners and Chair

From: Lance Heisler, Chair

Excuse meeting absences.

Action Requested:

N/A

Summary Report:

The Charter Commission is asked to excuse the absences of any commissioner not in attendance.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A



Legislation Text

File #: 26-020, Version: 1

City Council Meeting Date: January 8, 2026

To: Charter Commissioners

From: Lance Heisler, Chair

Welcome new members.

Action Requested:

N/A

Summary Report:

The Charter Commission will welcome new members David DeLong and Katie Rooks.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A



City of Northfield

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

Legislation Text

File #: 26-021, **Version:** 1

City Council Meeting Date: January 8, 2026

To: Charter Commissioners

From: Lance Heisler, Chair

Discussion on Proposed Amendment to Charter Section 4.1.

Action Requested:

N/A

Summary Report:

See attachments related to this discussion.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A

From: Ben Martig <Ben.Martig@northfieldmn.gov>
Sent: Monday, June 23, 2025 11:57 AM
To: Lance Heisler
Subject: Ordinance Charter Section 4.1 - Oath of office timing v.1 032025 DRAFT
Attachments: Ordinance Charter Section 4.1 - Oath of office timing v.1 032025 DRAFT.docx

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.

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~~ immediately 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

Section 3.7. Investigation of City Affairs.

The council or an officer or officers formally authorized by the council may make investigations into the city's affairs. The council may provide for an examination or audit of the accounts of an officer or department of the city government. The council may conduct surveys or research studies of subjects of municipal concern. (Ord. No. 781, 3-17-2003)

Section 3.8. The Mayor.

Subd. 1. *Legislative Functions.* The mayor shall be the presiding officer of the council. The mayor shall have a vote as a member of the council. The mayor shall act as chief spokesperson for the council and shall exercise leadership of the council in the formulation of policy.

Subd. 2. *Executive Functions.* The mayor shall exercise all powers and perform all duties conferred on the mayor by state law, this Charter, city ordinances, and council resolutions. The mayor shall study the administration and operations of the city and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. The mayor may appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary. If the office of administrator becomes vacant, the mayor, with the approval of the council, shall appoint an acting administrator. The mayor shall be recognized as the official head of the city for purposes relating to national security or peacetime emergency. Subject to state law concerning emergency management and any local emergency management program consistent therewith, the mayor shall oversee and direct the city's response to any declared emergency.

Subd. 3. *Ceremonial Functions.* The mayor shall be recognized as the official head of the city for all ceremonial purposes. (Ord. No. 801, 4-19-2004)

Section 3.9. President Pro Tem.

The council shall choose from its members a president pro tem who shall hold office at the

pleasure of the council and shall serve as mayor in case of the mayor's absence or temporary disability.

(Ord. No. 801, 4-19-2004)

CHAPTER FOUR. PROCEDURE OF COUNCIL**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)

Section 4.2. Secretary of Council.

The city clerk shall act as secretary of the council unless otherwise designated by ordinance. The city clerk shall keep a journal of council proceedings and such other records and perform such other duties as may be required by this Charter or the council. The council shall choose such other officers and employees as may be necessary to serve at its meetings.

(Ord. No. 739, 11-6-2000; Ord. No. 863, 7-9-2007)

Section 4.3. Rules of Procedure and Quorum.

The council shall determine its own rules and order of business. A majority of all council members shall constitute a quorum to do business, but a smaller number may adjourn from one meeting

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:	

From: Ben Martig <Ben.Martig@northfieldmn.gov>
Sent: Monday, June 23, 2025 11:57 AM
To: Lance Heisler
Subject: Ordinance Charter Section 4.1 - Oath of office timing v.1 032025 DRAFT
Attachments: Ordinance Charter Section 4.1 - Oath of office timing v.1 032025 DRAFT.docx

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.

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~~ immediately 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.

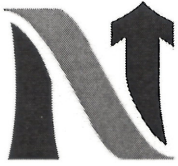
ATTEST:

City Clerk

Mayor

First Reading:	
Second Reading:	
Published:	

VOTE: ____ ZWEIFEL ____ BEUMER ____ DAHLEN ____ HOLMES



City of Northfield

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

Legislation Text

File #: 25-481, Version: 1

City Council Meeting Date: September 11, 2025

To: Charter Commissioners

From: Lance Heisler, Chair

Discussion on Proposed Amendment to Charter Section 4.1.

Action Requested:

N/A

Summary Report:

The initial attached ordinance draft is included (attachment 1). This was discussed at the July 10, 2025 Charter Commission meeting.

After the July 10th meeting, staff reviewed the video and followed up on questions the Commission had. Answers to those inquiries, which include input from the City Attorney and the League of Minnesota Cities (LMC) is attached (attachment 2) as is an updated ordinance draft (attachment 3). This draft includes edits suggested by the City Attorney after consultation with the LMC. The LMC pointed out a section of Minnesota State Statute on election laws that is referenced in attachment 2.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A

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 ADMINISTERED.

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: 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

CAUTION: This email originated from outside of the organization.

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.

From: David DeLong <daviddelong157@gmail.com>
Sent: Friday, January 17, 2025 10:05 AM
To: Ben Martig
Cc: Lance Heisler; Erica Zweifel; Peter Dahlen; Chris Hood
Subject: Re: No Quorum Present Jan. 7th

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: 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 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



Legislation Text

File #: 26-022, **Version:** 1

Charter Commission Meeting Date: January 8, 2026

To: Charter Commissioners

From: Lance Heisler, Chairman

Election of 2026 Officers

Action Requested:

The Charter Commission will elect 2026 officers.

Summary Report:

The Charter Commission will elect 2026 officers.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A



Legislation Text

File #: 26-023, **Version:** 1

Charter Commission Meeting Date: January 8, 2026

To: Charter Commissioners

From: Lance Heisler, Chairman

Review and Approval of 2025 Annual Report

Action Requested:

The Charter Commission will review and approve the 2025 Annual Report.

Summary Report:

The Charter Commission will review and approve the 2025 Annual Report.

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A

NORTHFIELD CHARTER COMMISSION 2025 ANNUAL REPORT

ACCOMPLISHMENTS

A new set of officers for the charter commission was elected. Unlike some years past, we had a full compliment of 7 Charter Commission members. Our commission this year was blessed with dedicated members who brough a brad variety of experience and skills to the commission, and who put in many, many hours of dedicated work both at commission meetings and on appointed committees.

The Commission prepared and approved the 2024 annual report which was provided and accepted by the Chief Judge of the third judicial district.

The Commission continued its discussion from 2024 regarding a need to clarify Section 3.5 of the Charter which addresses filling vacancies in the City Council and the office of Mayor. Amendment to any section of the Charter is a monumental task. It requires a great deal of work, and requires input from multiple sources – e.g. comparisons to similar provisions in other city charters; examination of state statutes which address similar issues; input from the Minnesota League of Cities, and Minnesota case law which often guides and establishing boundaries for what is legally permissible and what is not. In the end no Charter provision can be adopted without the unanimous consent of the City Council and the Mayor.

After much work and discussion, the Charter Commission forwarded to the City Council a proposed amendment to Section 3.5 which clarified provisions dealing with the specific times when vacancies occur; when elections will be help to fill those vacancies; and specifying the time at which a term filled by a vacancy will end. After presentations to the city council at public hearings, this proposed amendment was adopted unanimously by the city council and the Charter was amended accordingly.

ONGOING AND FUTURE PROJECTS

In 2024 the Charter Commission began work on a possible amendment to Charter section 4.1. After some public and city administration input, the issue as to the specific time when council and mayoral terms begin and end may need clarification. The examination of this issue, as with any issue which may lead to a Charter amendment, may require an extensive effort which would occupy much of the 2026 calendar year.

The Charter Commission, as always, will remain open to any proposals from the commission, the city administration, and the public which will assist the commission in its duty to keep the Charter clear, understandable, and timely.

DATED: January, 2026

Lance Heisler
Chairman, Charter Commission