

CITY OF NORTHFIELD, MINNESOTA
CITY COUNCIL RESOLUTION 2021-047
RECEIVING CHARTER AMENDMENTS AND CALLING FOR A PUBLIC HEARING ON
CHARTER AMENDMENTS PROPOSED TO BE ADOPTED BY ORDINANCE

WHEREAS, the Northfield Charter Commission has proposed amendments to the Northfield City Charter; and,

WHEREAS, Northfield Charter Commission Chair Lance Heisler submitted the proposed amendments to the City Administrator on May 15, 2021; and,

WHEREAS, the Northfield City Council received the proposed amendments on May 18, 2021; and

WHEREAS, Minnesota law allows the City Council, upon recommendation of the Charter Commission, to enact Charter amendments by ordinance, by an affirmative vote of all the members of the Council, provided that passage of such an ordinance must be preceded by a public hearing, that notice of the public hearing, containing the text of the proposed amendments, must be published two weeks before the public hearing, that under local law the ordinance must have two readings, that the ordinance must be published and that it becomes effective 90 days after publication.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

1. The Northfield City Council receives the proposed change to Northfield Charter Section 14.2 from the Northfield Charter Commission submitted by the Charter Commission Chair on May 15, 2021; and
2. A public hearing shall be held on the proposed amendments set forth in the attached Exhibit A on June 15, 2021, at 6:00 p.m. or as soon thereafter as the matter may be heard, before the City Council via telephone or other electronic means.


NOW, THEREFORE, FURTHER BE IT RESOLVED THAT:

The City Clerk shall cause to be published in the Northfield News a notice of such public hearing on May 26, 2021, and that the published notice shall contain the text of the amendments set forth in the attached Exhibit A.

PASSED by the City Council of the City of Northfield on this 18th day of May 2021.

ATTEST


City Clerk


Mayor

VOTE: Y POWNELL Y GRABAU Y NAKASIAN Y NESS
 Y PETERSON WHITE Y REISTER Y ZUCCOLOTTO

EXHIBIT A
NOTICE OF PUBLIC HEARING
AMENDMENTS TO NORTHFIELD CITY CHARTER

Notice is hereby given that a public hearing shall be held before the City Council of the City of Northfield on June 15, 2021, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the Council Chambers at City Hall, 801 Washington, Northfield, Minnesota, to receive public input regarding certain proposed amendments to the Northfield City Charter.

Alternate methods for public input rather than in person participation at a meeting:

- eComment – Residents can comment on agenda items until 4 pm on the day of the meeting by using the eComment (electronic comment) system. Once the City Council agenda is published, the eComment link will be active. Residents can review agenda item details, indicate their position on an item and leave feedback by clicking on the eComment tab on the City Council meetings page: <https://northfield.legistar.com/Calendar.aspx>
- Send an email no later than 4:00 pm the day of the meeting to the City Clerk Lynette Peterson at lynette.peterson@ci.northfield.mn.us noting public hearing comment in the subject line and type your comment in the body of the email or attach a document if necessary. These emails will be read at the meeting, subject to the two-minute limit.
- Send a letter containing your input to:
 - City Clerk Lynette Peterson, City of Northfield, 801 Washington Str., Northfield, MN 55057
 - Letters must be received prior to the meeting.
 - Letters will be read at the meeting, subject to the two-minute limit.

The City Council may enact the proposed amendments, or some of them, by ordinance following the public hearing. Any such ordinance will receive two readings by the City Council and will be published following passage by the Council. Statutory provisions for a petition for referendum on such an ordinance will apply. The text of the proposed amendment is printed below.

SECTION 1. Northfield City Charter, Chapter Fourteen. - City Hospitals, Section 14.2. - Hospital Board is hereby amended as follows: 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 (text is omitted).

Section 14.2. - Hospital Board.

The control and management of all hospitals, convalescent homes, nursing homes, and related medical facilities including medical clinics, now or hereafter owned and operated by the City of Northfield shall be committed to a hospital board consisting of seven (7), eight (8) or nine (9) members as determined by the council. The members shall be residents of the Northfield School District with no more than ~~two~~ three members residing outside the corporate limits of the City of Northfield. The members shall not be paid a salary for their services, but shall receive actual expenses while on business of the board. Except as provided in this section, No member of said board shall be an employee of the Northfield City Hospital. The appointments to the board shall be made by the mayor, subject to confirmation by a majority vote of the city council. The mayor may, but is not required to, include one medical doctor or other patient care professional employed by the Hospital as one of the mayor's appointments. No more than one person employed by the Hospital may serve on the board at any time. The members shall be appointed for three-year terms. The maximum number of consecutive terms shall be three (3). The members shall be eligible for

reappointment after a period of one (1) year off the board. When the size of the board is changed, the terms of the new appointees may be less than three (3) years. Vacancies in the board shall be filled by appointment and shall be confirmed in like manner for the remainder of the unexpired term.



MEMORANDUM

DATE: May 18, 2021

To: Honorable Mayor & City Council

CC: Dave Bennett, Director of Public Works/City Engineer; Mark Elliott, Police Chief; Mitzi Baker, Community Development Director; Lynette Peterson, City Clerk; Michelle Mahowald, Communications & Human Resources Director; Natalie Draper, Director of Library and Information Technology Resources; Chris Hood, City Attorney

From: Ben Martig, City Administrator

RE: "Supplemental Agenda Background Memo" for May 18, 2021 No. 1.

Summary Report:

The following is an update on agenda items as supplemental background agenda information made available for Tuesday, May 18, 2021.

Item No. 1. Approval of Agenda

The City has received a proposed Charter amendment request from the City Charter Commission. Mayor Pownell and City Administrator Martig recommend a motion to approve the agenda with the addition of Item 14 (a) Receive Proposed Charter Amendment to Section 14.2 and Call for a Public Hearing as summarized below:

Item No. 14(a). Receive Proposed Charter Amendment to Section 14.2 and Call for a Public Hearing.

The Northfield Charter Commission adopted the attached proposed changes to Northfield Charter Section 14.2 at their May 13, 2021 meeting. Charter Commission Chair Lance Heisler submitted the attached amendment to the City Administrator and Mayor via email on May 15, 2021. Heisler requested that staff initiate the posting, publication requirements for consideration of this ordinance and put it on the City Council agenda.

A copy of Chapter 14 of the existing Charter is attached. The attached 2011 memo from City Attorney Chris Hood details the procedure for the Charter Commission to seek Amendments to the Northfield City Charter. The City is statutorily required to go through the process once a proposal has been formally submitted. A copy of Minn. Stat. §410.12 referenced in the memo is attached. City Attorney Hood has reviewed this item.

Charter amendments require a unanimous vote of all seven members of the City Council to pass.

Please see attachment for proposed timelines. The timeline was developed based on the existing meeting schedule. The schedule would need to be amended if any members were absent from a meeting where action is proposed. Staff is proposing the public hearing be set for the June 15, 2021 Council meeting to meet publication requirements for the amendment.

A resolution calling for the public hearing is attached to be considered for approval at the meeting. Exhibit A of the resolution will be modified to include the type of meeting after the

meeting since our agenda item prior to this is to consider in-person or electronic meetings. This item is recommended for the regular agenda item rather than consent agenda to first get clarity on whether the meeting is in person or remote.

City Administrator Martig will provide a brief introduction of this item at the meeting.

Item No. 13. Review Draft Strategic Plan Summary Report (2021-2024) and Update on Initial Draft Action Plans.

Please see attached memo from consultant Craig Rapp. Mr. Rapp will go through updated draft strategic plan summary this evening. The document from the April 13th meeting is also included as a reference.

The goal for tonight is to review the changes on the summary document, determine if there are any clarifications, for final drafting of the summary report and staff to complete drafting of action steps and values statement to come back for further implementation discussion with the City Council in June. The summary strategic plan would be intended to be adopted on June 1st.

Item No. 14. Consider Resolution to Rescind Resolution Declaring Local Emergency.

There has been a change in the Governor's Executive Order 21-23 that was signed on Friday that will impact mitigation measures from what was presented in this agenda item. With the changes, masks will not be *required* in City buildings but masks will be encouraged for those that have not been vaccinated and an option for those who have been vaccinated and still choose to wear them. The physical spacing of 6 feet will still be planned for public meetings of the City Council, boards and commissions and other meetings.

This is just added clarity related to the emergency order. Chief Elliott or City Administrator Martig will provide other items of note related to the changes of the executive order at the meeting and be available for questions.

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER FOURTEEN 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 Fourteen. - City Hospitals, Section 14.2. - Hospital Board, is hereby amended to read as follows:

Section 14.2. - Hospital Board.

The control and management of all hospitals, convalescent homes, nursing homes, and related medical facilities including medical clinics, now or hereafter owned and operated by the City of Northfield shall be committed to a hospital board consisting of seven (7), eight (8) or nine (9) members as determined by the council. The members shall be residents of the Northfield School District with no more than ~~two~~ three members residing outside the corporate limits of the City of Northfield. The members shall not be paid a salary for their services, but shall receive actual expenses while on business of the board. Except as provided in this section, No member of said board shall be an employee of the Northfield City Hospital. The appointments to the board shall be made by the mayor, subject to confirmation by a majority vote of the city council. The mayor may, but is not required to, include one medical doctor or other patient care professional employed by the Hospital as one of the mayor's appointments. No more than one person employed by the Hospital may serve on the board at any time. The members shall be appointed for three-year terms. The maximum number of consecutive terms shall be three (3). The members shall be eligible for reappointment after a period of one (1) year off the board. When the size of the board is changed, the terms of the new appointees may be less than three (3) years. Vacancies in the board shall be filled by appointment and shall be confirmed in like manner for the remainder of the unexpired term.

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 _____ 2021.

ATTEST:

City Clerk

Mayor

First Reading: _____
Second Reading: _____
Published: _____

VOTE: ___ POWNELL ___ GRABAU ___ NAKASIAN ___ NESS
 ___ PETERSON WHITE ___ REISTER ___ ZUCCOLOTTO

CHAPTER FOURTEEN. - CITY HOSPITALS

Section 14.1. - Hospitals and Related Facilities.

The city may own and operate hospitals, convalescent homes, nursing homes, and related medical facilities including medical clinics. Related medical facilities including medical clinics may be owned or operated by the city only if they are found to be necessary for or in aid of the delivery of health care services by the city's hospitals.

(Ord. No. 545, § 14.1, 1-2-1990; Ord. No. 739, § 14.1, 11-6-2000)

Section 14.2. - Hospital Board.

The control and management of all hospitals, convalescent homes, nursing homes, and related medical facilities including medical clinics, now or hereafter owned and operated by the City of Northfield shall be committed to a hospital board consisting of seven (7), eight (8) or nine (9) members as determined by the council. The members shall be residents of the Northfield School District with no more than two members residing outside the corporate limits of the City of Northfield. The members shall not be paid a salary for their services, but shall receive actual expenses while on business of the board. No member of said board shall be an employee of the Northfield City Hospital. The appointments to the board shall be made by the mayor, subject to confirmation by a majority vote of the city council. The members shall be appointed for three-year terms. The maximum number of consecutive terms shall be three (3). The members shall be eligible for reappointment after a period of one (1) year off the board. When the size of the board is changed, the terms of the new appointees may be less than three (3) years. Vacancies in the board shall be filled by appointment and shall be confirmed in like manner for the remainder of the unexpired term.

(Ord. No. 739, § 14.2, 11-6-2000)

Section 14.3. - Meetings and Offices.

The board shall hold regular meetings at least once each month and a majority of the members shall constitute a quorum at any meeting. At the first regular meeting in February, the board shall elect from its members a chairperson and vice-chairperson. It shall also elect a secretary-treasurer who need not necessarily be from the membership of the board. The officers shall have such duties as the board shall prescribe and shall hold their offices until their successor are appointed and qualified.

(Ord. No. 739, § 14.3, 11-6-2000)

Section 14.4. - Powers.

The board shall have such powers as stated by ordinance. Nothing in this Charter shall be construed to vest any power in the board to construct any additional hospitals or additions to hospitals, convalescent homes or nursing homes, related medical facilities including medical clinics, or appurtenant structures, to buy or sell any of the above, or to levy or impose taxes in the City of Northfield, such powers to be in the city council.

(Ord. No. 739, § 14.4, 11-6-2000; Ord. No. 781, 3-17-2003)

Section 14.5. - Funds.

All funds received from the operations of such hospital or hospitals, convalescent homes, nursing homes, and related medical facilities including medical clinics, and contributions thereto and taxes for such purposes shall be kept in a separate account and used solely for purposes relating to those facilities. The hospital board shall have authority to spend money therefrom but shall comply with the provisions of the Minnesota Uniform Municipal Contracting Law [Minn. Stat. § 471.345].

(Ord. No. 739, § 14.5, 11-6-2000)

Section 14.6. - Reports.

The board shall submit to the city council the annual audit of the city hospital and other reports as requested by the city council.

(Ord. No. 739, § 14.6, 11-6-2000)

MEMORANDUM

To: City of Northfield Charter Commission **VIA EMAIL**
 Tim Madigan, Interim City Administrator

From: Christopher M. Hood, City Attorney, City of Northfield

Date: January 25, 2011

Re: Procedure for Charter Commission to Seek Amendment of Northfield City Charter

As requested, the table below summarizes the steps to amend the Northfield City Charter (Charter) through a recommendation from the Charter Commission to the City Council to amend the Charter by ordinance pursuant to Minn. Stat. § 410.12, subd. 7.

Step		Timeline
#	Action	
1.	<u>Proposed Ordinance.</u> Charter Commission makes a motion and votes at an open meeting to approve the following: A. Specific recommendations to amend the Charter by ordinance (proposed ordinance) B. Submission of the proposal to the City Council	
2.	<u>Notice.</u> City publish notice of a public hearing on the proposed ordinance, which must contain the text of the proposed ordinance (notice)	Within one month after the City Council receives the proposed ordinance from the Charter Commission
3.	<u>Public Hearing.</u> City Council hold public hearing	At least two weeks, but not more than one month after the notice is published
4.	<u>City Council.</u> City Council must vote on the proposed ordinance in an open meeting	Within one month of the public hearing
5.	<u>Vote.</u> Proposed ordinance enacted if it receives a unanimous affirmative vote of all members of the City Council and is approved by the Mayor and published	Date of City Council meeting approving ordinance
6.	<u>Effective Date.</u> Ordinance become effective	90 days after passage and publication or later date as fixed in the ordinance

City of Northfield Charter Commission
Tim Madigan, Interim City Administrator
January 25, 2011

A referendum may be forced on the duly enacted ordinance if a petition signed by registered voters equal in number to at least 5 percent of the registered voters in the city or 2,000, whichever is less, is filed with the City Clerk within 60 days after passage and publication of the ordinance. If a proper petition is filed, the city must handle the amendment like any other charter amendment, except the City Council may submit the ordinance at a general or special election that occurs within 60 days after filing the petition, or it may reconsider its action in adopting the ordinance.

CMH-BMF

410.12 AMENDMENTS.

Subdivision 1. **Proposals.** The charter commission may propose amendments to such charter and shall do so upon the petition of voters equal in number to five percent of the total votes cast at the last previous state general election in the city. Proposed charter amendments must be submitted at least 17 weeks before the general election. Only registered voters are eligible to sign the petition. All petitions circulated with respect to a charter amendment shall be uniform in character and shall have attached thereto the text of the proposed amendment in full; except that in the case of a proposed amendment containing more than 1,000 words, a true and correct copy of the same may be filed with the city clerk, and the petition shall then contain a summary of not less than 50 nor more than 300 words setting forth in substance the nature of the proposed amendment. Such summary shall contain a statement of the objects and purposes of the amendment proposed and an outline of any proposed new scheme or frame work of government and shall be sufficient to inform the signers of the petition as to what change in government is sought to be accomplished by the amendment. The summary, together with a copy of the proposed amendment, shall first be submitted to the charter commission for its approval as to form and substance. The commission shall within ten days after such submission to it, return the same to the proposers of the amendment with such modifications in statement as it may deem necessary in order that the summary may fairly comply with the requirements above set forth.

Subd. 1a. **Alternative methods of charter amendment.** A home rule charter may be amended only by following one of the alternative methods of amendment provided in subdivisions 1 to 7.

Subd. 2. **Petitions.** The signatures to such petition need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof as provided by this section. A petition must contain each petitioner's signature in ink or indelible pencil and must indicate after the signature the place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors of the city, and on each paper the names and addresses of the same five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. The affidavit attached to each petition shall be as follows:

State of)
) ss.
 County of)

..... being duly sworn, deposes and says that the affiant, and the affiant only, personally circulated the foregoing paper, that all the signatures appended thereto were made in the affiant's presence, and that the affiant believes them to be the genuine signatures of the persons whose names they purport to be.

Signed

(Signature of Circulator)

Subscribed and sworn to before me

this day of

Notary Public (or other officer)

authorized to administer oaths

The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be punishable in accordance with existing law.

Subd. 3. **May be assembled as one petition.** All petition papers for a proposed amendment shall be assembled and filed with the charter commission as one instrument. Within ten days after such petition is transmitted to the city council, the city clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of voters. The city clerk shall declare any petition paper entirely invalid which is not attested by the circulator thereof as required in this section. Upon completing an examination of the petition, the city clerk shall certify the result of the examination to the council. If the city clerk shall certify that the petition is insufficient the city clerk shall set forth in a certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of the findings. A petition may be amended at any time within ten days after the making of a certificate of insufficiency by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city clerk shall within five days after such amendment is filed, make examination of the amended petition, and if the certificate shall show the petition still to be insufficient, the city clerk shall file it in the city clerk's office and notify the committee of the petitioners of the findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Subd. 4. **Election.** Amendments shall be submitted to the qualified voters at a general or special election and published as in the case of the original charter. The form of the ballot shall be fixed by the governing body. The statement of the question on the ballot shall be sufficient to identify the amendment clearly and to distinguish the question from every other question on the ballot at the same time. If 51 percent of the votes cast on any amendment are in favor of its adoption, copies of the amendment and certificates shall be filed, as in the case of the original charter and the amendment shall take effect in 30 days from the date of the election or at such other time as is fixed in the amendment.

Subd. 5. **Amendments proposed by council.** The council of any city having a home rule charter may propose charter amendments to the voters by ordinance. Any ordinance proposing such an amendment shall be submitted to the charter commission. Within 60 days thereafter, the charter commission shall review the proposed amendment but before the expiration of such period the commission may extend the time for review for an additional 90 days by filing with the city clerk its resolution determining that an additional time for review is needed. After reviewing the proposed amendment, the charter commission shall approve or reject the proposed amendment or suggest a substitute amendment. The commission shall promptly notify the council of the action taken. On notification of the charter commission's action, the council may submit to the people, in the same manner as provided in subdivision 4, the amendment originally proposed by it or the substitute amendment proposed by the charter commission. The amendment shall become effective only when approved by the voters as provided in subdivision 4. If so approved it shall be filed in the same manner as other amendments. Nothing in this subdivision precludes the charter commission from proposing charter amendments in the manner provided by subdivision 1.

Subd. 6. **Amendments, cities of the fourth class.** The council of a city of the fourth class having a home rule charter may propose charter amendments by ordinance without submission to the charter commission. Such ordinance, if enacted, shall be adopted by at least a four-fifths vote of all its members after a public hearing upon two weeks' published notice containing the text of the proposed amendment and shall be approved by the mayor and published as in the case of other ordinances. The council shall submit the proposed amendment to the people in the manner provided in subdivision 4, but not sooner than three months after the passage of the ordinance. The amendment becomes effective only when approved by the voters as provided in subdivision 4. If so approved, it shall be filed in the same manner as other amendments.

Subd. 7. **Amendment by ordinance.** Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition must be signed by registered voters equal in number to at least five percent of the registered voters in the city or 2,000, whichever is less. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of charter amendments submitted by the charter commission, the council, or by petition of the voters, except that the council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance. As far as practicable the requirements of subdivisions 1 to 3 apply to petitions submitted under this section, to an ordinance amending a charter, and to the filing of such ordinance when approved by the voters.

History: (1286) *RL s 756*; 1907 *c 199 s 1*; 1911 *c 343 s 1*; 1939 *c 292 s 1*; 1943 *c 227 s 1*; 1949 *c 122 s 1*; 1959 *c 305 s 3,4*; 1961 *c 608 s 5,6*; 1969 *c 1027 s 3*; 1973 *c 503 s 1-4*; 1986 *c 444*; 1998 *c 254 art 1 s 107*; 1999 *c 132 s 42*; 2005 *c 93 s 1*; 2008 *c 331 s 7*; 2010 *c 184 s 43*

TIMELINE FOR PROPOSED CHARTER COMMISSION AMENDMENT

Pursuant to Minn. Stat. § 410.12, Subd. 7

Step		Timeline Notes	Date
#	Action		
1.	<u>Proposed Ordinance.</u> Charter Commission makes a motion and votes at an open public meeting to approve the following: A. Specific recommendations to amend the Charter by ordinance (proposed ordinance); and B. Submission of the proposal to the City Council.		A. 05/13/2021 B. 05/15/2021
2.	<u>Receive Amendment.</u> City Council receives proposed Charter amendment in ordinance form from Charter Commission and sets a date for a public hearing.	A public hearing date must be noticed within one month after the City Council receives the proposed ordinance.	05/18/2021
3.	<u>Notice.</u> City publishes notice of a public hearing on the proposed ordinance, which must contain the text of the proposed ordinance.		05/26/2021
4.	<u>Public Hearing.</u> City Council holds a public hearing on the proposed ordinance.	At least two weeks, but not more than one month after the notice is published. There is a maximum of 60 days between receipt of the proposed ordinance and the date of the public hearing must be held.	06/15/2021
5.	<u>City Council - First reading of ordinance.</u> Council must vote to introduce the proposed ordinance in an open public meeting. Proposed ordinance must receive unanimous approval from the City Council.	Within one month of the date of the public hearing.	06/15/2021
6.	<u>City Council - Second reading of ordinance</u> (if first reading is adopted unanimously). Proposed ordinance is enacted if it receives a unanimous affirmative vote of all members of the City Council and is published.	Date of City Council meeting approving ordinance.	07/20/2021
7.	<u>Effective Date.</u> Ordinance becomes effective.	90 days after passage and publication or such later date as is fixed in the ordinance.	10/26/2021