



CITY OF MARSHALL

Charter Commission

A g e n d a

Tuesday, December 03, 2024 at 5:15 PM

344 W. Main St., City Hall

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Consider Approval of the Minutes

NEW BUSINESS

- [2.](#) Election of Officers
3. Preparation of the Annual Report

OTHER BUSINESS ITEMS

ADJOURN

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Chair
Meeting Date:	Tuesday, December 3, 2024
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes
Background Information:	Enclosed are the minutes from the previous meeting.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the previous meeting be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL
CHARTER COMMISSION
M I N U T E S
Wednesday, December 13, 2023**

Members Present: Marc Klaith, Mike Fox, Nathan Doose, Stephen Davis, Stacy Frost, Larry Magrath, Jill Vroman, Larry Doom, Mark Mather, and Amanda Schroeder

Members Absent: None

City Staff: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via zoom); and Steven Anderson, City Clerk

Meeting called to order at 5:15 by Chairperson Stacy Frost.

Consider Approval of the Minutes

Motion made by Vroman, seconded by Fox to approve the minutes from the last meeting held October 18, 2023. All voted in favor.

Proposed Charter Amendments

City Attorney Whitmore provided a summary of amendments for members who were unable to attend the last meeting and a refresher for those who did attend. The summary of amendments included the removal of personal pronouns and replacing them with titles or non-gendered pronouns; changes to special election dates to comply with statutory changes; clarifying timing of council resignations and process for ties; process and requirements for redistricting to comply with statutory changes; virtual voting requirements for decision-makers to comply with statutory changes; creation of a table for non-codified ordinances for better transparency; allowed expenditures for petitioners to comply with U.S. Supreme Court decision in Colorado; and policy adoption for city council to allow flexibility and support of the community for expenditure or funds not directly related to governmental functions. Chairperson Frost asked how the expenditure policy was vetted and how citizens can be aware of the spending of funds. Whitmore explained that an expenditure policy was drafted by staff and typically goes through a council committee and was then presented in a public information packet to the full city council for approval. All expenditures of the City of Marshall are listed at every council meeting under the Bills and Contract Payments agenda item and are available upon request to the City Clerk or Finance Director.

Motion made by Davis, seconded by Vroman to recommend that the proposed amendments to the City of Marshall Charter be brought forward to the City Council at their first meeting in January.

Creation of Bylaws

Whitmore briefly summarized that a majority of the bylaws that were drafted follow Minnesota Statutes under Chapter 410. By adopting bylaws, it would be much easier for newer charter members to receive a cohesive packet of information instead of multiple state references. Members of the commission discussed Article 4. Section 1. Member terms and asked for clarification from the city clerk and city attorney. Anderson stated that the non-charter boards and commissions for the city use a three-year term with two successive appointments. Once the two term periods were up a required one-year break from the board or commission was required before an individual could be appointed again. Vroman asked if the charter commission should also follow the three-year term. Whitmore clarified that the four-year term was set by state statute. Hanson commented that following a similar practice of the non-charter boards and commissions would allow the terms to stagger and not require so many members to be replaced at once. Members Frost, Davis, Doose, Vroman, and Doom are currently on their second term and would not be eligible for re-appointment at the end of 2025.

Motion by Vroman, seconded by Doom to limit member terms to two consecutive four-year terms with a one-year interim period before a member could be re-appointed. All voted in favor.

Motion by Davis, seconded by Vroman to approve the remainder of the bylaws. All voted in favor.

Recommendations to Fill Vacancy

Anderson and Hanson informed the commission that historically the Charter Commission vacant positions were nominated by city council members and the mayor. Mayor Byrnes had brought forward James Zmeskal at 805 Elaine Avenue as an individual to be appointed by the chief judge.

Motion by Klaith, seconded by Mather to recommend that James Zmeskal be nominated as a potential candidate to be filled by the Chief Fifth Judicial District Court Judge.

Adjournment

Frost asked what the process would be for submitting the annual report. Hanson responded that the City Clerk would handle the report and submission. At 5:53 PM a motion was made by Doom, seconded by Vroman to adjourn the meeting. All voted in favor.

Respectfully submitted,
Nathan Doose, Charter Commission Secretary

Presenter:	Chair
Meeting Date:	Tuesday, December 3, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Election of Officers
Background Information:	Pursuant to Minnesota Statutes Section 410.05, subd. 4, the principal items of business at the annual meeting will be the election of officers and preparation of the annual report.
Fiscal Impact:	None
Alternative/ Variations:	
Recommendations:	Elect Officers.

CHARTER COMMISSION
BROAD OVERVIEW: ROLES AND RESPONSIBILITIES

Pamela Whitmore City Attorney

1. Charter Cities
 - Authorized by Minn. Stat., Chap. 410.05
 - Charter cities are unique in that the charter can both grant and restrict the City's powers
 - Charter is like "Constitution" of the City

2. Commission Members
 - Appointed by the chief judge of the district court
 - No compensation
 - Costs of operations are paid by the City
 - Not less than 7 members nor more than 15, which city may, by charter provision, fix the exact size
 - After initial appointments with varied terms, commission members serve for four years

3. Role of Charter Commission
 - An independently appointed commission that serves as the custodian of the City Charter
 - Examines issues related to the powers of the City
 - Authorized to initiate amendments to the Charter
 - Initiate or review proposed charter amendments
 - May propose amendments (ballot)
 - By petition of at least 5% of voters in the last general election (ballot)
 - Council may propose amendments (ballot)
 - Joint support for amendment by ordinance (no ballot)

4. Commission Meetings
 - Must meet at least once a year
 - Can be called to meet to consider an issue by:
 - Petition of at least 10% of the number of voters at last annual municipal election
 - Resolution adopted by a majority of the City Council

5. Charter Authority vs. Statutory Authority
 - Interplay between Charter and Statutes can get confusing
 - Charter dictates unless a statute specifically states the statutory provision applies to charter and statutory cities
 - If Charter is silent, and statute regulates, then statute fills in the gap