



CHARTER COMMISSION

Public Safety Building—Training Room, 825 41st Ave NE

Thursday, January 19, 2023

7:00 PM

MINUTES

CALL TO ORDER

Charter Commission President Steve Smith called the meeting to order at 7:00pm.

ROLL CALL

Members present: Kathy Ahlers, Larry Betzold, Ben Harris, Cliff Johnson, Veronica Johnson, Carolyn Laine, Frost Simula, Gregory Sloat, Steve Smith, Susan Wiseman.

Members Absent: Matt Abel, Ramona Anderson, Bill Hugo, Nick Zeimet

Also Present: City Clerk Sara Ion, Council Liaison Rachel James, Citizen Jennifer Pyper-Muno, Citizen KT Jacobs

STATUS OF MEMBERSHIP

1. Reappointment of Commissioner Sloat.

City Clerk Ion noted that Commissioner Sloat has been reappointed and all paperwork was completed and filed with the Court.

2. Resignation of Commissioner Eubank.

City Clerk Ion noted that Commissioner Eubank did not wish to be reappointed at the conclusion of his four-year term. His position will be posted, and all applications received will be sent to the Judge for review and appointment.

3. Election of 2023 Officers.

Motion by Commissioner Wiseman to nominate Commissioner Laine, seconded by Simula. Motion passed; Commissioner Laine is the President of the Charter Commission for 2023. President Laine took over the meeting from Commissioner Smith.

Motion by President Laine to nominate Commissioner V. Johnson, seconded by Wiseman. Motion passed; Commissioner Veronica Johnson is the Vice President for 2023.

Motion by Secretary Simula to continue as Secretary, seconded by Ahlers. Motion passed; Secretary Simula continues in the position for 2023.

APPROVAL OF AGENDA

President Laine introduced the agenda and asked if City Attorney Hoeft was in attendance.

City Clerk Ion noted that he was not in attendance and that he sent information on Item 5 for the Charter Commission's review.

President Laine again asked if there were any changes to the agenda. She asked for a vote on the agenda as presented. All commissioners voted aye to move forward with the agenda as presented.

APPROVAL OF MINUTES

4. Approval of October 20, 2022, Meeting Minutes.

President Laine asked if there were any corrections to the minutes as presented. No Commissioners had any corrections.

President Laine stated that she had corrections to the October 20, 2022, minutes, regarding something that was stated by Commissioner Smith in the last sentence of Page 1. She disagrees with the last sentence and did not want the minutes going into the record with a statement of information that was misconstrued by the Council. She read what she wanted to be inserted into the minutes.

The Commission clarified that they wanted the last sentence struck instead of information inserted. Motion by Ahlers and seconded by Harris to accept the minutes as corrected, motion carried.

CORRESPONDENCE

City Clerk Ion stated that there was no correspondence at this time.

OLD BUSINESS

President Laine stated that there was no old business.

NEW BUSINESS

5. Approval of City Attorney Review of Questions from Commissioner Laine in Relation to the Process for Recall Election.

Commissioner Laine stated that she reviewed meeting minutes from the July 18, 2013 Charter meeting related to a referendum request from Tim Utz. Commissioner Utz asked for the questions related to the referendum to be placed on the agenda, but the City Attorney asked for the question to be emailed directed to him via email.

Commissioner Laine stated that she had emailed City Attorney Jim Hoeft regarding questions related to who can sign a petition for a recall. She clarified that in the City Charter at Page 10 related to initiative, referendum, and recall. "Any committee member, at their sole discretion and at no charge to said committee member, may utilize the services of the city attorney so as to assure that the proposed ordinance is consistent with as to form and structure with other similar ordinance enacted by the city council." On the basis of this she wrote to the City Attorney as to who can sign the recall petition, as it seems to her the signors of a recall do not need to be registered voters.

City Clerk Ion presented information from Attorney Hoeft to the Charter Commission to President Laine to read to the Commission related to this topic.

Commissioner Laine further clarified that the question that was posed to the City Attorney was not related to a proposed ordinance. That is why this item was clarified as an item for review to the Charter Commission.

President Laine stated her issue was how do you get answers to concerns on questions related to the Charter. Do we as a Charter Commission want to get this paragraph / sentence extended to be able to go to the City Attorney to clarify the initiative, referendum, and recall paragraphs so that residents can ask for legal advice at their sole discretion and without cost to themselves related to the interpretation of the Charter.

In the meantime, the question remains, how does one seeking to do a recall election get the information on the legalities on how to do it correctly according to the Charter. The Charter should tell the citizens how to do it.

President Laine stated that she felt that the obvious answer was that the Charter does not state "registered voters" so it does not mean registered voters. She feels that the recall committee will have to assume that the reading of the Charter is clear, and it does not need to be registered voters. She stated that this "has never been done, and never been tested". This is a concern of the Commission and she wanted to clarify if the signer needs to be 18 and a citizen.

Commissioner Ahlers asked what Statutory Cities do.

President Laine stated that a Recall is not an option in Statutory Cities.

Commissioner Ahlers stated that they would need to complete research on other Charter Cities recall provisions.

Commissioner Harris stated that there is already a provision for this, and a high bar is set in the Charter for a reason. This is not provided for in Statutory Cities. He stated that the body does not have enough information to make a change currently.

President Laine stated that the Commission should place this on the agenda to clarify who the signors of the recall petition would be, to complete research and have hearings in the future.

Commissioner Ahlers asked if the role of the Commission is to look for items to update in the Charter.

President Laine clarified that the Commission could make updates and changes to the Charter by recommendation of Citizens, Council, or by review of items that have been taken over by State Statute.

Commissioner C. Johnson asked what the standards were at a State level for signiors for a recall. He also clarified that his interpretation of the Charter was 25% of the individuals that voted in the last election.

President Laine clarified that she believed it to be just the number of signatures not the actual people who voted.

Commissioner Harris clarified that the intent of the Charter Commissions predecessors is not that there would be 6- 8- and 10-year-olds signing the petition.

President Laine stated that this should be clarified in the Charter.

Commissioner Ahler would like to research other Charter Cities and how they handle this issue.

Commissioner Smith asked what information was provided from the City Attorney to President Laine. The information is included at the conclusion of the minutes.

Clerk Ion gave information to the Commission about other Cities that have recently completed recall elections.

Commissioner Smith stated that an easy way to get information is to reach out to the Charter City Clerk to get the name and contact information of the President of the Charter Commission President.

Commissioner Harris stated that there are a lot of great resources at the local library related to legal research options.

6. Approval of the 2022 Charter Commission Annual Report.

President Laine presented the Annual Report. Commissioner Ahler stated that she would like a comma after the last sentence. Commissioner Smith made the motion to approve the annual report as corrected, Commissioner Harris seconded. The motion was approved.

ADJOURNMENT

Commissioner Smith made a motion to adjourn, seconded by Commissioner Simula. Motion passed. The meeting was adjourned at 7:28pm.

Respectfully Submitted

Sara Ion, City Clerk