

**CITY OF MARSHALL
CHARTER COMMISSION
M I N U T E S
Wednesday, October 18, 2023**

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

Members Absent: Larry Doom, and Mark Mather

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.

Approval of the Agenda

Motion made by Vroman, seconded by Davis to approve the agenda as presented. All voted in favor.

Consider Approval of the Minutes

Motion made by Klaith, second by Vroman to approve the minutes from the last meeting. All voted in favor.

Election of Officers

Attorney Whitmore briefly explained the methodology for electing officers. Vroman nominated Stacy Frost to continue as chair and Nathan Doose as secretary, seconded by Davis. All voted in favor.

Recommendations to Fill Vacancy

Commission members questioned who and how a recommendation is made to fill the vacancy from Richard Herder. Whitmore clarified that the recommendation could be made by the commission itself, city staff or city council. The appointment of the vacancy ultimately lies with the Head District Judge, but the judge would typically appoint based on the recommendation of the commission or city council. The only requirement per Statute was that the recommended individual be a qualified voter of the city. No recommendations were made, Doose mentioned that he had an individual in mind that could be brought forward later.

Creation of Bylaws

Whitmore told members that statute requires that the commission have by-laws and city staff were unable to locate any by-laws. The by-laws presented were what Whitmore typically saw with other cities that she has worked with and were very standard. Frost suggested that members take time to fully read and understand the by-laws before a vote takes place. The commission tabled the by-laws for a decision at the next meeting.

Proposed Charter Amendments

Whitmore informed the commission that she and her staff would go through a city's charter to ensure correct verbiage and contradictions don't occur with state law. Several of the suggested changes to the charter involved he/she pronouns to be changed to gender neutral or titles for an easier read. Under section 2.02 the recommended changes were from changes to special election laws that were passed by the Minnesota Legislature in 2023. Sections 4.02, 5.07, and 5.10 were also the result of special election law changes that were passed that the charter should conform to. Whitmore mentioned that a few parts of the charter could use language/terminology updates to account for technology advances. Such as requiring a physical book of ordinances to be updated for electronic storage. Under section 3.13 Whitmore suggested a change for uncodified ordinances to include a table for reference. Clerk Anderson gave examples of typically seen uncodified ordinances to members such as land purchases. Whitmore cited a Colorado Supreme Court case for the recommendation to changes under section 5.02 The court case was making waves throughout the nation and now allows petitioners to pay individuals for their work going door to door to acquire signatures, but no signor of the petition can accept any reward for signing the petition.

Updates from City Attorney

Attorney Whitmore presented a couple of legislative and court decisions that revolve around charter commissions. The commission members asked what an appropriate timeline would be to submit the annual report to the district judge and if the amendments needed to be a part of the report. Whitmore informed the group that it would be advisable to have the annual report include all changes, but it was not required, and the changes could be reflected in the 2024 annual report.

Adjournment

Members wished to get together for one more meeting in the upcoming weeks to finalize items that were left undecided. Frost expressed her appreciation to Whitmore for providing more clarity and defining the role of the commission within the functions of the city. At 5:57 PM motion made by Vroman, seconded by Davis to adjourn the meeting. All voted in favor.

Respectfully submitted,
Nathan Doose, Charter Commission Secretary