

CHARTER COMMISSION

MINUTES FOR MARCH 12, 2019

4:30 P.M. – ROOM 104 CITY HALL

A. Administrative Business

- a. Call Meeting to Order: The meeting of the Commission was held in Room 104 of City Hall and was called to order by Chair Fran Bradley at approximately 4:30 p.m.
- b. Recording of Attendance: **Present** were commission members, Fran Bradley, Leigh Johnson, Kathy Meyerle, Fred Suhler, Kellie Mueller, Marcia Marcoux, Jane Belau, Ben Harris, Bari Amadio, Jay Furst, Heather Holmes and Ray Schmitz. **Absent** were commission members, Dave Senjem, John Eckerman, and Stephanie Podulke. A brief introduction was done with the start of new members.
- c. Approval of Minutes: Johnson moved to approve minutes of January 8, 2019; motion seconded. Motion was approved: Aye – 9 (Johnson, Meyerle, Suhler, Mueller, Marcoux, Belau, Furst, Harris, Holmes); Nay – 0; Abstentions – 1 (Amadio,).
- d. Set Order of Agenda: Chair Bradley wanted to include the following under Section D - Unfinished Business - a follow up on the recent recommendations to Council. Under Section F- Other Business, Bradley wished to review additional discussion topics. With that, the agenda set as ordered.
- e. Communications: Goslee identified the three attachments as 1) copy of Appendix E relating to Rule of Procedures for Charter Commission for review; 2) Minnesota Statute 410.05 Subd. 2 & 3 relating to appointment process; and 3) City of Rochester transparency policy.

- B. Open Comment Period: Chair Fran Bradley prefaced that personnel matters as outlined in Appendix E will not be discussed in this forum. Public reminder that there is a 15 minute allotment for this open comment section.

Paula Harden came forward to speak to the transparency policy, suggesting it does apply to the Charter Commission for accessibility purposes, including technology access. Harden highly recommends that 2019 be the year to provide access, in all forms, to those with disabilities.

Barry Skolnick came forward to express his concern about the Government Center losing its accessibility, specifically as it relates to the Government Center locking the doors to the skyway at 5:00 p.m. This prevents individuals who depend on skyway system to access the building to attend evening meetings being held at the Government Center. Brief discussions and suggestions were made by Commission as the transparency policy is a City matter; however the skyway access is a County

matter.

With no one else wishing to be heard, open comment period was closed.

C. Committee Reports: None

D. Unfinished and Deferred Business:

Chair Bradley updated the Commission on two recommendations recently adopted by Council and passed unanimously: 1) repealing the language relating to the Deputy City Clerk position; and, 2) an alternative to publication of ordinances in that the City Clerk is no longer required to publish in the Post Bulletin. The City Clerk may, in certain circumstances, publish on City's website. Goslee reminded the members that the ordinance takes effect 90 days after approval, with a time period to allow for a petition process in case the public wishes to object.

E. New Business:

a. Appendix E - Rules of Procedures. Chair Bradley referred to Section V, item 4b to discuss removal of that language given the previous discussion of not noticing in the newspaper. Discussion was held on the formalities of holding a public hearing. Meyerle moved that Charter procedure V Section 4b be revised by staff to reflect changes in Section 6.07 and bring back for subsequent meeting for review. Amadio seconded. After further discussion, vote taken: Aye – 8 (Johnson, Meyerle, Suhler, Belau, Harris, Amadio, Holmes, Marcoux; Nay – 3 (Mueller, Furst, Schmitz); no abstentions. Motion carries.

Member Meyerle moved to amend V section 5 H as it relates to public hearings being closed. Meyerle moved to strike the word *closed* and insert 'concluded or continued'; Suhler seconded motion. No further discussion, vote taken: Aye – 11; Nay – 0; No abstentions. Motion carried unanimously.

Suhler moved to adopt Appendix E to govern Charter Commission proceedings. No further discussion, vote taken: Aye – 11; Nay – 0; No abstentions. Motion carried unanimously.

b.) Appointment Process: Chair Bradley referred to the attachment MN Statute 410.05 Subd. 2 & 3. Goslee reviewed prior appointment processes that various judges had used. Concerns were addressed as it relates to the statutory time frame in which the Chief Judge has to act and how the Commission can make this body known in terms of recruitment. Meyerle recommended a new time frame to give Chief Judge 60 days to make a decision with an addition 30 day option. Goslee indicated that recommendations would need to be brought to local legislators or provide recommendation to the League of Minnesota Cities to work with other communities on proposed amendments to this provision. After further discussion, Meyerle moved that the Charter Commission request that the Rochester Area Delegation (and LMC) introduce legislation to amend MN Statute 410.05 Subd. 2 to

give Chief Judge 60 days initially to make an appointment with the possibility of 30 day extension if needed. Holmes seconded. Further discussion was held. Mueller would like to add to that motion regarding accepting re-appointments. Chair asked Meyerle to accept that addition to her original motion. Amended motion: Meyerle moved that the Charter Commission request that the Rochester Area Delegation (and LMC) introduce legislation to amend MN Statute 410.05 Subd. 2 to give Chief Judge 60 days initially to make an appointment with possibility of 30 day extension if needed and to address potential re-appointments. Vote: Aye – 11; Nay – 0; Abstentions – 0. Motion passed.

Further discussion was held and concerns addressed regarding the language referring to the City council appointing members under certain circumstances. Amadio moved that the sentence allowing the council to make appointments be removed in its entirety. She suggested the Charter Commission should remain politically independent from the council and only judge should have appointing authority. Motion seconded by Schmitz and opened for discussion. No vote was taken. Suhler moved to table this discussion to next meeting. Schmitz seconded Suhler motion with Amadio withdrawing previous motion. Vote taken: Aye – 11; Nay – 0; No abstentions. Motion carried. This topic to come back for further discussion.

Goslee introduced Michon Rogers from the Mayor's office to provide an update on the appointment process. Ms. Rogers came forward and indicated the Mayor is reviewing a new software package that can be customized to meet the needs of each Board/Commission. This particular software is also being used by the City of Duluth. Schmitz moved to have an executive committee be authorized to work with Mayor's office to develop a proposed application form. Marcoux seconded. No further discussion; vote taken: Aye – 11; Nay – 0; No abstentions. Motion carried.

c.) City of Rochester Transparency Policy: Chair Bradley referred to the Transparency Policy and opened for discussion. Goslee indicated that this policy was approved by the council on their own initiative. Upon further discussion, Meyerle moved that the Commission should take advantage of available City provided opportunities to make deliberations as deliverable to public as possible. Schmitz seconded. Open for discussion. Vote taken: Aye – 11; Nay – 0; no abstentions. Goslee would invite a member of the City Administration team to the May meeting for additional clarification.

F. Other business: Additional discussion topics.

G. Adjourn: Next meeting will be May 14, 2019 at 4:30 p.m. **in conference room 104** of City Hall. Meeting adjourned at 5:52 p.m.