

BEMIDJI CHARTER COMMISSION ANNUAL MEETING AGENDA

Wednesday, June 18, 2025

Council Chambers
City Hall – 317 4th Street NW
6:00 PM



I. Call to Order

II. Attendance

III. Approve Agenda

IV. Approval of Minutes

- a) September 19, 2024
- b) October 23, 2024
- c) November 20, 2024
- d) February 19, 2025

V. Election of Officers

Current Chair will conduct election

VI. Public Comment

Please state your name and address; please use appropriate language and no derogatory comments towards any individuals; please keep your comments limited to 3 minutes or less; and the chair may limit speakers and times accordingly.

VII. Public Input on Charter Amendments

VIII. Business

- e) Consider Retaining Independent Legal Counsel

IX. Commissioner Reports

X. Next Meeting

XI. Adjourn

DRAFT

Charter Commission Meeting

September 19, 2024 – 6:00 p.m.

Members Present: Albrecht, Blashill, Faver, Heinonen, Meuers (6:02) Reitmeir, Schaefer

Members Absent: Dodds

Staff Present: City Attorney Katie Nolting, City Clerk Michelle Miller

Chair Albrecht noted a quorum and called the meeting to order at 6:00 p.m.

Approval of Agenda

Motion by Heinonen, seconded by Reitmeir approving the agenda as presented. Motion carried by unanimous voice vote.

Approval of Minutes

Motion by Faver, seconded by Heinonen approving the minutes of March 6, 2024. Motion carried by unanimous voice vote.

Public Comment Period

No appearance.

Business Items

Section 3.06 – Procedure on Ordinances.

The discussion on section 3.06 focused on clarifying the ordinance passage process. The key changes include:

- Separating the section into two parts: A for general ordinances and B for planning and zoning ordinances.
- Adding a requirement that the public hearing shall take place on the same date as the first reading, but before the first reading.
- Specifying that a summary of the proposed ordinance and notice of the public hearing must be published 10 days prior to the first reading.
- Clarifying that the ordinance may be amended at the first reading by a majority vote, or at the second/final reading by a unanimous vote of council members present.
- Reducing the timeline between introduction and final passage from three weeks to 10 days.

Changes to Section 3.06 Procedure on Ordinances was presented as follows:

Section 3.06 PROCEDURE ON ORDINANCES. (a) General Ordinances. Every proposed ordinance, unless otherwise stated in this Charter, shall be presented in writing with copies given to the mayor and each councilperson. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be, "The City of Bemidji ordains." Every proposed ordinance, other than emergency ordinances, shall have ~~three~~ two public readings by title only, with a public hearing taking place on the same date and prior to ~~and prior to the first reading.~~ Following its ~~second~~ first reading a summary of the proposed ordinance shall be published in the official newspaper. Any proposed ordinance may be amended at the first or ~~second~~ reading thereof by the same vote as required to pass the ordinance, and at the third second reading, before the final vote thereon, by the unanimous vote of the council present. No ordinance except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least ~~three weeks~~ ten (10) days shall elapse between its introduction and final

passage. Every ordinance shall remain on file in the office of the clerk from the time it is introduced.

(b) **Planning and Zoning Ordinances.** So long as the full Bemidji City Council sits as the City of Bemidji Planning Board of Adjustment and Appeal, every proposed ordinance to the City's Planning and Zoning Code shall be presented in writing to the City's Planning Commission and City Planning Board of Adjustment and Appeal. The first reading shall take place at the Planning Commission, which shall also hold a public hearing on that same date. The Planning Commission shall then make a recommendation as to whether the proposed ordinance meets the required factors for amendment as required by law. The second public reading shall take place at the Planning Board of Adjustment and Appeal, before the final vote thereof by the Planning Board of Adjustment and Appeal. No ordinance except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least two (2) weeks (or 14 or ten (10) days) shall elapse between its introduction and final passage. All other conditions as required under (a) of this Chapter, which do not contradict this section, shall apply.

Motion by Heinonen, seconded by Reitmeir to adopt the changes to Section 3.06 Procedure on Ordinances (a) and (b). Motion carried by the following roll call vote: Yeas: Blashill, Schaefer, Meuers, Heinonen, Reitmeir, Albrecht, Faver. Absent: Dodds.

Discuss September 23 Work Session with City Council

Commission members worked through a draft memorandum prepared by Albrecht to submit for the council packet which outlines the proposed charter changes.

- Purpose of the work session with council:
 - Introduce proposed charter amendments to the city council
 - Get council's initial feedback and consensus
 - Not expecting a vote at this work session

- Goals for the work session with council:
 - Understand council's initial reactions to proposed changes
 - Determine if some amendments are non-controversial and can move forward
 - Potentially get council input or suggestions
 - Aim to leave with a general consensus about the proposed charter amendments

Commission members discussed notice of publication prior to the public hearing for general ordinances with an emphasis on identifying number of days of publication.

Motion by Heinonen, seconded by Meuers to amend the Section 3.06 by adding the following language in Section 3.06 Procedure on Ordinances (a) General Ordinances after: The enacting clause shall be, "The City of Bemidji ordains." Every proposed ordinance, other than emergency ordinances, shall have two public readings by title only, with a public hearing taking place on the same date and prior to the first reading. Ten (10) days prior to the first reading and public hearing, a summary of the proposed ordinance and notice of public hearing shall be published in the official newspaper...." Motion carried by unanimous voice vote.

Chapter 5.07 Recall

Nolting stated that the special election language in the recall section needs to be amended to follow Minnesota Statutes.

Motion by Reitmeir, seconded by Heinonen to amend Section 5.07. Recall by amending the following language in the paragraph calling for a special election: "If the petition is found to be sufficient, the Clerk shall transmit the same to the Council without delay, and shall also officially notify the elected officer sought to be recalled of the sufficiency of the petition and

of the pending action. The Council shall at its next regular meeting, on motion, order and fix a date for the holding of a special recall election. **Said special recall election shall be in accordance with the provisions of Section 4.03 of this Charter.**~~not less than thirty (30) nor more than forty five (45) days thereafter, provided that if any other municipal election is to occur within sixty (60) days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.~~ Motion carried by unanimous voice vote.

Commissioner Reports

- Commissioner Reitmeir noted that she started working on research about the powers and duties of the city manager, specifically looking at language in other city charters. She noted she had volunteered to do this research in January and was now beginning the task.
- Blashill expressed her desire to complete the 3.06 charter amendment work.
- Heinonen welcomed Schaefer to the commission, offering support and appreciation for her fresh perspective.
- Scheafer expressed appreciation for the commission's patience with her as a new member.
- Nolting reported that a joint meeting with the City Council is set for September 23, 2024


Next Meeting and Topics

The next meeting is scheduled for Wednesday, October 23, 2024 at 6:00 p.m. in City Hall Council Chambers.

Adjourn

With no further business, a motion by Blashill, seconded by Meuers, to adjourn. Motion carried unanimously. The meeting adjourned at 7:03 p.m.

Respectfully submitted,


Michelle R. Miller
City Clerk

DRAFT

Charter Commission Meeting

October 23, 2024 – 6:00 p.m.

Members Present: Albrecht, Blashill, Faver, Heinonen, Reitmeir, Schaefer

Members Absent: Dodds, Meuers

Staff Present: City Clerk Michelle Miller

Chair Albrecht noted a quorum and called the meeting to order at 6:00 p.m.

Approval of Agenda

Motion by Reitmeir, seconded by Schaefer approving the agenda as presented. Motion carried by unanimous voice vote.

Approval of Minutes

Motion by Heinonen, seconded by Blashill approving the minutes of May 8, 2024, June 13, 2024 and August 28, 2024. Motion carried by unanimous voice vote.

Public Comment Period

No appearance.

Business Items

Recap of September 23, 2024 Work Session with City Council

Commission members recapped the joint work session with City Council:

- No definitive decisions were made during the work session
- Council did not provide clear feedback on proposed amendments
- Commission expected more specific guidance from the council

Moving Forward with Charter Amendments

Commission members discussed making changes to the language regarding Investigation of City Affairs, including:

- Replacing "investigation" with "inquiry"
- Modifying language about hiring an independent investigator
- Debating the two-thirds majority requirement

After a lengthy discussion, members ultimately decided to set the issue aside and seek more input from the city manager and potentially legal counsel before making a definitive change. Members recognized the language was contentious but did not reach a consensus on how to modify it.

The commission briefly discussed the city manager contract language, specifically Section 6.01 which states the manager is appointed for an "indefinite term". Key points included:

- Heinonen raised questions about the language around indefinite appointments and interim managers
- Some commissioners felt the current language protects the council's ability to hire/fire
- They noted the charter already has a provision (Section 6.02, Subd. 8) addressing what happens if the city manager position is vacant
- No definitive changes were proposed to the current language
- The commission agreed the current "indefinite term" language likely relates to employment law and provides flexibility

- They did not make any specific recommendations to modify the city manager contract language

The discussion was more exploratory, seeking to understand the current language rather than proposing immediate changes.

The commission identified several charter amendments they believe could move forward, including:

- Section 2.05
- Section 3.03
- Section 3.06
- Section 3.10
- Section 3.13
- Section 5.07
- Section 6.02, Subd. 8
- Section 6.02, Subd. 9
- Section 12.12

Commission members feel Sections 2.08 and 12.17 needs further review.

Commission members discussed:

- Meeting with the city manager to get feedback
- Schedule charter meetings for November 20 and December 18
- Request council input by the end of the year
- Potentially prepare for a public hearing process
- Not rush to implement amendments, with a potential ballot in 2026 if not unanimously approved

The commission agreed to:

- Meet with the city manager in the next week or two
- Request feedback on proposed charter amendments
- Clarify the status of legal counsel
- Aim to get council input by the end of the year

Specific details of the meeting with the City Manager:

- Commission member Albrecht and another commission member will meet with the city manager to discuss the proposed amendments; and ask about council's feedback on the proposed changes
- Inquire about the legal counsel for the commission

Commissioner Reports

- No reports

Next Meeting

Tentative meetings scheduled for Wednesday, November 20, 2024 and December 18, 2024 at 6:00 p.m. in City Hall Council Chambers.

Adjourn

With no further business, a motion by Reitmeir, seconded by Heinonen, to adjourn. Motion carried unanimously. The meeting adjourned at 7:32 p.m.

Respectfully submitted,



Michelle R. Miller
City Clerk

DRAFT

Charter Commission Meeting

November 20, 2024 – 6:00 p.m.

Members Present: Albrecht, Blashill, Faver, Heinonen, Meuers (6:10 p.m.), Reitmeir, Schaefer

Members Absent: Dodds

Staff Present: City Clerk Michelle Miller

Chair Albrecht noted a quorum and called the meeting to order at 6:01 p.m.

Approval of Agenda

Motion by Reitmeir, seconded by Schaefer approving the agenda as presented. Motion carried by unanimous voice vote.

Public Comment

CT Marhula, 4524 Birchmont Drive NE, raised several concerns:

- Criticized the city's handling of ranked choice voting, suggesting it should be put to a public vote.
- Alleged the city ignored affirmative action and veterans preference laws during a recent city manager hiring process, specifically mentioning a woman veteran was not given proper points.
- Questioned the city manager giving permission to contact legal counsel, arguing the charter commission should have its own independent attorney.
- Expressed frustration with what he perceives as allowing "dominant personalities to get their way" and called for following the rule of law and disclosing public data.
- Raised concerns about potential conflicts of interest, particularly mentioning Councilmember Peterson's position.

Business Items

Albrecht and Reitmeir met with the City Manager on November 6 regarding the proposed charter amendments. Albrecht provided a memorandum to commission members regarding the charter amendments, categorizing them into two groups:

Section A: Amendments they believe will receive unanimous support and can move forward.

Section B: Amendments that might need further discussion or refinement.

- Section 2.08 (investigation of city affairs): It was noted that a sticking point seems to be with the two-thirds vote requirement. Members discussed the following:
 - Commission's Perspective:
 - Amendment requires a two-thirds vote of council members present to initiate an investigation
 - Limits council's ability to launch investigations with a simple majority
 - Most members were comfortable keeping the existing language
 - Viewed the two-thirds requirement as a reasonable constraint
 - Recognized some votes (like budget) already require super-majority
 - Council's Potential Concerns:
 - Perceives the two-thirds requirement as limiting their investigative power
 - Seemed to view the provision as potentially punitive

- Questioned why a super-majority was necessary

The commission ultimately determined the current language sufficiently balanced the need for investigative oversight with a requirement for broader council support.

- Section 3.13 (code of conduct): It was noted that a sticking point may be the request that all volunteer boards and commission adopt a code of conduct. Members discussed the following:
 - City council recently adopted a code of conduct
 - Primarily focused on meeting management and respect
 - Perceived as potentially punitive or reflective of council's behavior
 - Suggested changing from "code of conduct" to "statement of values"
 - Suggested creating a model for all city commissions and boards
 - Need to see if existing employee handbook already covers boards and commissions

The commission ultimately chose to defer definitive action, seeking more information and legal guidance on implementing a comprehensive code of conduct or statement of values.

- Section 6.02, Subd. 9 (powers and duties of the city manager): It was noted that a sticking point may be the ability to contract for an interim manager for a specific length of time. Members discussed the following:
 - Requires city manager to be appointed for an indefinite term
 - Limits council's ability to appoint interim managers for specific time periods
 - Council wants flexibility to appoint interim managers for set periods
 - Existing language may constrain temporary management appointments
 - Difference between appointing someone to "perform duties" vs. appointing an interim manager
 - Importance of maintaining city governance stability
 - Need to understand statutory requirements for city manager appointments

The commission concluded that the section required further investigation and legal review proposing any charter amendments.

- Section 12.17 (Charter Violations):
 - Proposed aligning with Minnesota statute 609.43
 - Discussed changing language from "may be charged" to "is subject to"
 - Wanted legal review of potential wording changes

Charter Amendments

Motion by Heinonen, seconded by Reitmeir to send Section 3.13 (Code of Conduct), Section 6.02, Subd. 9 (Powers and Duties of City Manager), and Section 12.17 (Charter Violations) to Flaherty and Hood for legal review. Motion carried by unanimous voice vote.

Motion by Heinonen, seconded by Schaefer to send Section 2.09 (Investigation of City Affairs), Section 2.05 (Vacancies), Section 3.03 (President Pro Tem), Section 3.06 (Procedure on Ordinances), Section 3.10 (When Ordinances and Resolutions Take Effect), Section 5.07 (Recall), Section 6.02, Subd. 8 (Powers and Duties of the City Manager), and Section 12.12 (Damage Suits) to City Council for recommendation to enact a charter amendment by ordinance. Motion carried by unanimous voice vote.

Commissioner Reports

Commission reports were brief, with minimal updates. The most significant discussion was Meuer's inquiry about past charter amendment implementation and the immediate effect of voter-approved changes.

Next Meeting

The next meeting was scheduled for January 15, 2025 at 6:00 p.m. in City Hall Council Chambers.

Adjourn

With no further business, a motion by Heinonen, seconded by Blashill, to adjourn. Motion carried unanimously. The meeting adjourned at 7:35 p.m.

Respectfully submitted,



Michelle R. Miller
City Clerk

DRAFT

Charter Commission Meeting

February 19, 2025 – 6:00 p.m.

Members Present: Albrecht, Blashill, , Heinonen, Meuers, Reitmeir, Schaefer

Members Absent: Dodds, Faver

Staff Present: City Clerk Michelle Miller

Chair Albrecht noted a quorum and called the meeting to order at 6:00 p.m.

Approval of Agenda

Motion by Heinonen, seconded by Reitmeir approving the agenda as presented. Motion carried by unanimous voice vote.

Public Comment

- No appearance

Business Items

Charter Amendments Passed

The charter commission discussed four charter amendments that passed unanimously at the city council meeting on February 3:

1. Chapter 3.06, paragraphs (a) and (b) which adjusted ordinance procedures to comply with state planning law and the 60-day rule for applicant hearings.
2. Chapter 5.07 which realigned special election procedures with state statute.
3. Chapter 12.12 which updated language on damage suits to recognize current state law regarding tort liability.

The commission noted these amendments were relatively straightforward and aimed at bringing the city charter into better alignment with existing state laws and current governmental practices. The amendments will be adopted into the charter 90 days after their publication.

Charter Amendments Failed

The commission discussed three failed charter amendments:

1. Chapter 2.05 (Vacancies): There council seemed be some confusion about the amendment's purpose. The commission believes there was some misunderstanding about the intent of the amendment. Commission plans to resubmit this amendment with clearer explanation.
2. Chapter 2.08 (Investigation of City Affairs): The council was hesitant about the third-party investigation clause and the two-thirds majority requirement. The commission discussed potentially putting this on the ballot in 2026.
3. Chapter 3.03 (President Pro Tem): This amendment involved changing language about the mayor's role and title. The commission noted some historical context about the city's governmental structure and plans to refine the language before resubmitting.

4. Chapter 6.02 (Powers and Duties of City Manager): This proposed amendment provided more flexibility in designating duties to a qualified person or persons in the event the city manager is absent or while the office is vacant. The amendment did not pass because the commission did not simultaneously submit Subdivision 9, which would have provided additional context and options for the council to designate a person or persons to do the duties of the city manager. Commission members concluded that if the council wants changes to the city manager appointment process, they should propose specific amendments and have them legally reviewed before bringing them to the charter commission.

The commission expressed concerns with the council's understanding and suggested more public education about these proposed amendments. They also discussed potentially having a work session or update with the council to clarify the amendments' purposes.

Charter Commission December 1, 2024 Letter to Flaherty & Hood

The commission was frustrated with the Flaherty & Hood letter, which they felt did not address their original questions. Key points of discussion included:

1. The city manager requested the legal review, which was not the charter commission's intention.
2. The letter provided a lengthy overview of the charter commission's authority and responsibilities, rather than answering specific legal questions about:
 - a. Code of conduct
 - b. Powers and duties of the city manager
 - c. Charter violations
3. The letter revealed legal service budget constraints:
 - a. Limited to 0.07% of the city's general property tax levy
 - b. Approximately \$5,182 available for legal services
4. Commission members expressed concerns about:
 - a. Lack of transparency
 - b. Inability to get direct legal guidance
 - c. Potential attempt to "school" or limit the commission's work
5. Suggestions for next steps included:
 - a. Reaching out to the League of Minnesota Cities for advice
 - b. Requesting the council allocate additional funds for legal consultation
 - c. Directly questioning the city manager about the origin of the letter

Chapter 12.17 (Charter Violations)

The discussion about Section 12.17 (Charter Violations) focused on several key points:

1. Current Statute Limitations:
 - a. Minnesota Statute 609.43 covers misconduct of public officials
 - b. The statute does not specifically mention "charter violations"
 - c. Potential penalties include up to 3-6 days imprisonment or a \$3,000 fine
2. Commission's Concerns:
 - a. Lack of clarity about what constitutes a charter violation
 - b. Need for a clear definition or list of potential violations

- c. Desire to provide transparency for constituents
- 3. Questions Asked Regarding Potential Charter Violations:
 - a. Serial meetings
 - b. Open Meeting Law violations
 - c. Actions outside of official authority
- 4. Next Steps:
 - a. Research how other charter cities handle violations
 - b. Potentially draft a new subdivision defining charter violations
 - c. Consult with League of Minnesota Cities for guidance
 - d. Focus on researching and developing a clear, comprehensive approach
 - e. Potentially seek additional legal consultation

The commission wants to create a more transparent and understandable process for addressing charter violations.

Commissioner Reports

The reports were brief, with most focus remaining on the previous discussions. Heinonen stated he would contact the city manager for clarification regarding the Flaherty & Hood memo.

Next Meeting

The next meeting was scheduled for April 16, 2025 at 6:00 p.m. in City Hall Council Chambers. The agenda will be focused on Chapter 12.17 (Charter Violations).

Adjourn

With no further business, a motion by Meuers, seconded by Reitmeir, to adjourn. Motion carried unanimously. The meeting adjourned at 7:33 p.m.

Respectfully submitted,



Michelle R. Miller
City Clerk