

**Red Wing Charter Commission  
Regular Meeting  
City Council Chambers  
June 21, 2023**

**Members Present:** Chairperson Terri Cook; Commissioners Randy McLaughlin, Carol Overland, Peggy Rehder, Min MartinOakes, Michael Johnson, Terese Bjornstad, and Chad Kono

**Members Absent:** Commissioners Ryan Hanson and Mallory West

**Others Present:** Teri Swanson, City Clerk / Staff Liaison; Kay Kuhlmann, Council Administrator; Becky Norton, Council Liaison; Kristin Nierengarten, Charter Commission Attorney; Incoming Commissioners John Guerber, Anne Robertson, and Ann Vogel

**1. Call to Order**

The meeting was called to order at 6:00 p.m. by Chairperson Cook.

**2. Pledge of Allegiance**

**3. Motion to Excuse Absent Commission Members**

A motion was made by Commissioner Bjornstad, seconded by Commissioner Overland and unanimously carried, to excuse the absences of Commissioners Hanson and West.

**4. Approval of Agenda**

A motion was made by Commissioner McLaughlin, seconded by Commissioner Overland and unanimously carried, to approve the agenda as presented.

**5. Swearing In of Charter Commission Members**

- 1) Carol Overland to a Second Four-Year Term.**
- 2) Chad Kono to a First Four-Year Term.**
- 3) John Guerber for a First Four-Year Term.**
- 4) Anne Robertson to a First Four-Year Term.**
- 5) Ann Vogel to a First Four-Year Term.**

Council Liaison Norton administered the Oath of Office for Commissioners Overland, Kono, Guerber, Robertson, and Vogel. Chairperson Cook and City Clerk Swanson reviewed the appointment and seating process for Charter Commission members. It was noted that the terms of Commissioners Guerber, Robertson, and Vogel will officially begin the day that the paperwork is filed with the District Court.

**6. Approval of Minutes**

- A. Motion to Approve April 26, 2023, Minutes.**

A motion was made by Commissioner Bjornstad, seconded by Commissioner Johnson and unanimously carried, to approve the meeting minutes as drafted.

**7. Election of Chairperson and Vice Chairperson**

Nominations were opened for the position of Chairperson. Commissioner MartinOakes nominated Commissioner Cook to serve as Chairperson. The nomination was seconded by Commissioner Overland. There were no other nominations. A roll call vote was conducted, and Commissioner Cook was unanimously elected to serve as Chairperson of the Charter Commission.

Nominations were opened for the position of Vice Chairperson. Commissioner Johnson nominated Commissioner MartinOakes to serve as Vice Chairperson. The nomination was seconded by Commissioner Kono. There were no other nominations. A roll call vote was conducted, and Commissioner MartinOakes was unanimously elected to serve as Vice Chairperson of the Charter Commission.

**8. Public Comment Period**

Chairperson Cook reviewed the public comment procedure. There was no public comment.

**9. Motions and General Business**

**A. Consider Motion to Approve the 2022 Charter Commission Annual Report.**

A motion was made by Commissioner McLaughlin, seconded by Commissioner Johnson and unanimously carried, to approve the 2022 Charter Commission Annual Report as presented.

**B. Discuss and Consider a Motion to Recommend to the City Council a Red Wing City Charter Amendment.**

Chairperson Cook provided background information. She summarized past Charter Commission discussion and action regarding potential amendments to the City Charter – including Chapter 5, Section 5.03, relating to Council meetings, and Section 5.05, relating to records. She stated that introduction of Ordinance No. 167, Fourth Series, was placed on the City Council meeting agenda for consideration on October 25, 2021. She noted that, due to a leave of absence of one of the Council Members, an affirmative vote of all Council Members was not possible, as required by State statute. She noted that an affirmative vote of the six Council Members in attendance complied with the statute requiring the Council to conduct a vote regarding the proposed Charter amendment. She reported that a motion to introduce Ordinance No. 167 failed.

Chairperson Cook stated that, now that a full City Council is seated, the Charter Commission is being asked to consider resubmitting the proposed Charter amendment to the City Council for consideration at this time, using the same documentation. She referenced the agenda materials.

A motion was made by Commissioner Overland that the Charter Commission recommend that the City Council consider an amendment to the City Charter. The motion was seconded by Commissioner Johnson.

Commissioner Overland referenced pages 11 and 12 of the agenda materials relating to this item. She provided additional background information, rationale, and sample policy language relating to the proposed Charter amendment.

“The Council shall operate with the understanding that public comment is to be encouraged.”

Commissioner Overland provided additional recommendations relating to the publication of records.

Commissioner Johnson asked whether City boards, commissions, and committees would be able to determine whether or not to adopt this policy. Commissioner Overland commented that the Charter Commission could recommend a separate Charter amendment that would pertain to City boards, commissions, and committees.

Commissioner McLaughlin stated his impression that there would not be unanimous support for the proposed Charter amendment by current Council Members. He commented that another option would be to place the proposed Charter amendment on the ballot and let the voters decide during the next general election.

Chairperson Cook commented that some of the recommended policies have been incorporated into the Rules of Order and Procedure. She asked Charter Commission members to consider whether this would be a valid measure at this time.

Commissioner Overland stated her opinion that there would be no harm in requesting that the Council consider the Charter amendment at this time, adding that the ballot option would still be available if the Council does not vote to approve the Charter amendment. Commissioner MartinOakes expressed agreement with this approach, adding that this might help generate public discussion. Commissioner Bjornstad stated the Charter Commission’s original intent for this to be voted on by the City Council, which was not possible in 2021. She recommended following through with this intention.

Commissioner Overland called the question at this point. A roll call vote was requested. Upon call of the roll, Commissioners Johnson, Kono, MartinOakes, McLaughlin, Overland, Bjornstad, and Cook voted aye; Commissioner Rehder voted nay. Seven ayes; one nay; motion carried.

**C. Review Legislative Changes that Affect the Charter Commission’s Attorney Kristen Nierengarten to Review Legislation, if any.**

Charter Commission Attorney Nierengarten provided a legislative update. She stated that, while a number of changes were made during the most recent legislative session, there were no laws impacting the Charter Commission or the City Charter. She stated that changes to election laws were compared with the City Charter language, and no adjustments were deemed necessary at this point. She noted that the new laws will continue to be analyzed and impacts monitored.

Attorney Nierengarten noted that a change was made to the Open Meeting Law. She stated that a provision had previously been added to allow remote participation by a member of a public body in a closed (non-public) location, relating to pandemic circumstances. She noted that the language requiring the remote participation to relate to pandemic circumstances has been removed. She stated that the law now allows a member of a public body to participate remotely if they have been advised by a healthcare professional against being in a public place for a personal or family medical reason. She added that remote participation can be allowed for up to three meetings per year. She noted that there is existing language relating to active military service.

Commissioners Overland and Rehder requested clarification of Open Meeting Law language relating to remote participation in a location that is open to the public. Attorney Nierengarten provided additional information in this regard.

**D. Annual Materials.**

- 1) **City Attorney Material.**
- 2) **Code of Conduct (currently being revised).**
- 3) **Board and Commission Policy (current being revised).**

Chairperson Cook referenced the materials. No action was needed.

**E. Consider Motion to Adopt the Charter Commission Regular Meeting Schedule.**

Chairperson Cook stated that the Charter Commission previously voted to establish the third Wednesday in June as the date of the required regular meeting of the Charter Commission. Chairperson Cook asked the Charter Commission to consider scheduling the third Wednesday in March as a regular meeting, if needed, in addition to the third Wednesday in June.

Commissioner Overland suggested scheduling a regular meeting prior to the November 2024 election, in the event that a proposed Charter amendment is placed on the ballot. City Clerk Swanson indicated that she would need to research the timeframe for this process. She added that a special meeting could be called for this purpose.

The proposed 2024 regular meeting schedule was clarified. Chairperson Cook provided rationale for the proposed meeting in March, if needed.

A motion was made by Commissioner MartinOakes, seconded by Commissioner Overland and unanimously carried, to approve the 2024 Charter Commission meeting schedule as discussed.

**10. Adjournment**

Chairperson Cook adjourned the meeting at 6:31 p.m.