

**Red Wing Charter Commission
Special Meeting
City Council Chambers
June 26, 2024**

Members Present: Chair Terri Cook; Commissioners Terese Bjornstad, Thomas Drazkowski, John Guerber, Ryan Hanson, Michael Johnson, Chad Kono, Min MartinOakes, Carol Overland, Peggy Rehder, Charles Richardson, Anne Robertson, Ann Vogel, and Mallory West

Members Absent: Commissioner Alan Quarnstrom (unexcused absence)

Others Present: Teri Swanson, City Clerk / Staff Liaison; Kay Kuhlmann, Council Administrator; Melissa Hill, Administrative Support Manager, Vicky Jo Lambert, Council Liaison, and Mike Ervin, City Attorney

1. Call to Order

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

2. Pledge of Allegiance

Chair Cook led the recitation of the Pledge of Allegiance.

3. Introduce New Charter Commissioners John Guerber, Ann Vogel, Thomas Drazkowski, Anne Robertson, Charles Richardson, and Alan Quarnstrom

Chair Cook introduced Commissioners Vogel, Guerber, Richardson, Drazkowski, and Robertson and thanked them for their service.

4. Motion to Excuse Absent Commission Members

No action was taken.

5. Approval of Agenda

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

6. Approval of Minutes

A. Motion to Approve June 21, 2023, Minutes.

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

Commissioner Overland inquired regarding materials that were referenced in the minutes, and City Clerk Swanson provided information in this regard.

7. Election of Chairperson and Vice Chairperson

Nominations were opened for the position of Chairperson. Commissioner MartinOakes nominated Commissioner Cook to serve as Chair. 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 for the next year.

Nominations were opened for the position of Vice Chairperson. Commissioner Johnson nominated Commissioner MartinOakes to serve as Vice Chairperson. There were no other nominations.

A roll call vote as conducted, and Commissioner MartinOakes was unanimously elected to serve as Vice Chairperson of the Charter Commission for the next year.

8. Public Comment

Chair Cook reviewed the public comment procedure. There was no public comment regarding items listed on the agenda. Commissioner Rehder suggested allowing public comments related to items not listed on the agenda. Commissioner Cook provided additional information and noted that, because the originally scheduled meeting occurred on a holiday, the meeting was rescheduled a week later as a special meeting. She referenced the Charter Commission Bylaws relating to public comment during special meetings, noting that public comment relating to items not listed on the agenda is only allowed during regular meetings. City Clerk Swanson provided additional information. Commissioner Johnson asked about changing the Bylaws to allow flexibility relating to the public comment procedure. Commissioner Overland reviewed the process of amending the Charter Commission Bylaws. City Clerk Swanson suggested that the Bylaws be amended to allow public comment on any topic during a regular or special meeting. Commissioner Overland spoke in favor of the change. Chair Cook clarified that this topic would need to be added to a future meeting agenda. Commissioner Rehder reiterated her concern about limiting public comment, and agreement was expressed about this. The unique nature of the Charter Commission Bylaws was discussed.

9. Motions and General Business

A. Consider Motion to Recommend to the Chief Judge of the First Judicial District the Reappointment of Min MartinOakes to a Second Term on the Charter Commission.

Chair Cook stated that Commissioner MartinOakes has indicated her willingness to serve a second term on the Charter Commission.

A motion was made by Commissioner Overland, seconded by Commissioner Guerber and unanimously carried, to recommend the reappointment of Commissioner MartinOakes to the Charter Commission.

B. Consider Motion to Approve the 2023 Charter Commission Annual Report.

Chair Cook discussed the Annual Report. A motion was made by Commissioner MartinOakes, seconded by Commissioner Johnson and unanimously carried, to approve the 2023 Charter Commission Annual Report. Chair Cook stated that the report will be forwarded to the District Court and the City Council.

C. Discuss and Consider Motion to Recommend to the City Council a Red Wing City Charter Amendment to Section 5.07 Procedure on Ordinances.

Chair Cook provided background information and stated that the City Council has asked the Charter Commission to review language from Section 5.07 of the City Charter relating to ordinances. She stated that City staff has researched how other communities manage the adoption of ordinances. She noted that eliminating the second reading would save the City Council and staff processing time by not having to bring them forward a second time. She commented that eliminating the second reading would also cause the publishing of ordinances to be quicker and the effective date of the ordinance would occur earlier.

Chair Cook reviewed the proposed Charter amendment language:

Section 5. 07 Procedure on Ordinances The enacting clause of all ordinances shall be the words, "The City Council of the City of Red Wing does ordain". Every ordinance shall be presented in writing and shall embrace a single subject, which shall be expressed in the title. **No ordinance shall require more than one reading, and all ordinances shall be adopted by a majority vote of Council Members present at the Council meeting, unless a different number of votes is required by law.**

A motion was made by Commissioner Overland, seconded by Commissioner Rehder, to reject the proposed Charter amendment. Commissioner Overland commented that the second reading provides an opportunity for the public to know what is changing. She cautioned against ramming things through the process merely for the purpose of efficiency. She stated that 13 ordinances were adopted during 2023. She noted that there is an option to adopt an emergency ordinance in the case of an urgent matter. She commented that the second reading is typically adopted as part of the consent agenda, unless there is a request for more discussion. She described the proposed amendment as a solution looking for a problem.

Commissioner Guerber expressed agreement with the comments made by Commissioner Overland, stating that the purpose of the second reading is to make people aware of the proposed ordinance. He questioned the process utilized by "some" other communities. He stated his opinion that eliminating the second reading would be disservice to the citizens of Red Wing. He commented that there are a limited number of ordinances and suggested making sure that they are well vetted.

Commissioner Bjornstad also recommended rejecting the proposed Charter amendment, stating that, at worst, the process would be delayed by two weeks. She noted that there is a process to adopt an emergency ordinance if necessary.

Commissioner Johnson referenced the concerns expressed earlier during the meeting by Commissioner Rehder with regard to public comment.

Commissioner West asked why the City Council was requesting the change. Council Administrator Kuhlmann stated that during the annual workshop the City Council had directed City staff to work on efficiencies. She stated that staff provided several suggestions in this regard. She summarized the research that was conducted with other communities.

Commissioner Kono suggested examining the public notification process and referenced the short-term rental ordinance as an example, noting that community members expressed concerns only after the ordinance was implemented.

Alan Muller, 1110 West Avenue, Ward 2, Red Wing, commented that the City of Red Wing appears to be on a trajectory of curtailing opportunities for public participation. He stated that the proposed Charter amendment would result in less public awareness and less public participation. He urged Charter Commission members to not support the proposed Charter amendment.

The public comment period for items listed on the agenda was further discussed and clarified. Commissioner Rehder commented that at some meetings members of the public are asked to sign up to speak regarding a particular agenda item, to allow the process to run in a more orderly fashion. She suggested reminding people about the public comment procedure at the beginning of the meeting. Chair Cook stated that she will take this into consideration when drafting the next Charter Commission meeting agenda.

Following discussion, a voice vote was conducted and the motion to reject the proposed Charter amendment carried unanimously.

D. Consider Motion to Adopt City of Red Wing Data Practices Procedures and Data Inventory Public Document as the Official Data Practices Policy of the Charter Commission.

City Clerk Swanson provided background information and referenced the agenda materials, stating that the Charter Commission is being asked to adopt the policy that has been adopted by the City Council. Policy changes were highlighted.

Commissioner Robertson inquired whether there have been any recent statutory changes pertaining to charging for staff time to research and retrieve data. City Attorney Ervin clarified the procedure for charging for data requests.

Commissioner Drazkowski asked who is impacted by the City's data practices policy. Chair Cook clarified that the policy pertains to all data collected and maintained by the City of Red Wing.

City Attorney Ervin provided additional information, stating that data is classified into different categories, which impacts what members of the public can review the data. He stated that the data inventory spells out all of the different categories and that the procedure details the data request and fulfillment process.

City Clerk Swanson asked whether the policy applies to the City's Boards and Commissions. City Attorney Ervin indicated that the policy would apply to any City employee or government body that maintains records.

Commissioner Drazkowski asked whether the policy changes are reflective of any new legislation. City Attorney Ervin stated that the City of Red Wing reviews its data practices policy on an annual basis. He stated that his review of the policy should reflect most, if not all, of the statutory changes that occurred during the most recent legislative session. Council Administrator Kuhlmann commented that all of the policy changes were the result of statutory changes or directives from the State. Commissioner Overland commented that the most substantive changes can be found on pages 19 through 24.

A motion was made by Commissioner Kono, seconded by Commissioner Guerber and unanimously carried, to adopt the City of Red Wing Data Practices Procedures and Data Inventory Public Document as the official data practices policy of the Charter Commission.

A. Review Legislative Changes that Affect Charter Commissions.

Chair Cook commented that the City Attorney has not identified any recent legislative changes affecting the Charter Commission.

B. Annual Materials.

- 1. City Attorney Material.**
- 2. Code of Conduct.**
- 3. Board and Commission Policy.**

Chair Cook referenced the agenda materials, noting that no action is needed.

Commissioner Overland inquired regarding language from Section 7 of the Board and Commission Policy:

Each year the City will provide Board and Commission training for all members on pertinent public laws and/or policies, procedures, or issues.

Commissioner Overland stated that she has not received any training. She provided the example of an impression that the recall petitions would result in an entitlement to schedule a special election. She summarized the requirements of the City Charter. She recommended that Charter Commission members assist with helping the public to understand what is in the City Charter. Chair Cook stated her understanding that Board and Commission training is being designed.

Administrative Support Manager Hill stated that Community Engagement Facilitator Michelle Leise is working on a digital training program for Board and Commission members and is open to input. The nature of the training was clarified.

Commissioner Cook discussed the importance of the training, stating that Board and Commission members speak from a position of knowledge and authority.

Commissioner Drazkowski discussed the training and resource materials that he received as a member of the Goodhue County Planning Commission and suggested a similar process.

Chair Cook noted that this topic was not placed on the agenda for action. She suggested that Charter Commission members provide input to Community Engagement Facilitator Leise.

Resource materials were discussed. Administrative Support Manager Hill discussed the onboarding process and indicated that she will provide materials to Charter Commission members. Chair Cook suggested that all Board and Commission members receive a copy of the Red Wing City Charter.

C. Consider Motion to Adopt the Charter Commission Regular Meeting Schedule.

Chair Cook referenced the statutory meeting requirements and reviewed the proposed meeting schedule. She discussed the challenges of calling special meetings and suggested scheduling a meeting on the third Wednesday of March, which can be cancelled if it is not needed, in addition to the annual meeting on June 18.

A motion was made by Commissioner Johnson, seconded by Commissioner West and unanimously carried, to adopt the Charter Commission regular meeting schedule as proposed.

10. Adjournment

The meeting adjourned at 7:00 p.m.