



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes

Charter Commission.

Wednesday, January 13, 2021

5:00 PM

Council Chambers

This meeting of the Duluth Charter Commission was held by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Members of the Charter Commission participated through video conference.

ROLL CALL

Present: Commissioners Seim, Matheson, Stauber, Mangan, Greene, Gardner, A. Johnson, Palmer, Lyttle, Yaeger, Anderson, Britton - 13
Absent: - 0

ACCEPTANCE OF EXCUSED ABSENCES

Excused Absences: Commissioners Ness, Kimber

APPROVAL OF MINUTES

Motion was made by Commissioner Greene, seconded by Commissioner Britton to approve. Motion carried unanimously.
Absent: Commissioners Ness and Kimber

[CH016](#)

Meeting Minutes for October 14, 2020

COMMUNICATIONS

[CH017](#)

CITY ATTORNEY SUBMITTING A DRAFT ORDINANCE AMENDING CHAPTER V, SECTION 36, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, INCREASING THE NUMBER OF DEPUTY CHIEFS OF POLICE FROM TWO TO THREE.

This Charter Commission Item was Received

UNFINISHED BUSINESS

[CH015](#)

CHARTER COMMISSION STUDY GROUP UPDATE.

Commissioner Matheson reported that the African Heritage Commission was not able to appoint a member to the Study Committee at this time. The NAACP had

also been contacted to see if a member of that organization could serve on the Committee. A meeting will then be scheduled for the Study Committee.

TABLED

[CH012](#)

AN ORDINANCE AMENDING SECTION 100 OF THE DULUTH CITY CHARTER, 1912, AS AMENDED TO AUTHORIZE VACATION OF PUBLIC WAYS ON MOTION OF THE CITY COUNCIL.

City Attorney St. George indicated that the Commissioners had a concern regarding notice to surrounding property owners under this provision of the Charter, and that notice does occur. Vice President Seim indicated that there were additional notice requirements that are part of the Planning Commission process.

Motion was made by Commissioner Johnson, seconded by Commissioner Yaeger to approve. Motion carried unanimously.

Absent: Commissioners Ness and Kimber

NEW BUSINESS

[CH018](#)

ORDINANCE AMENDING CHAPTER V, SECTION 36, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, INCREASING THE NUMBER OF DEPUTY CHIEFS OF POLICE FROM TWO TO THREE.

Chief Administrative Officer Schuchman spoke in support of the Ordinance. Duluth Police Chief Mike Tusken spoke in support of the Ordinance and provided background regarding the requested change.

Commissioner Gardner inquired about what responsibilities the new Deputy would have, or what areas of the Department they would be responsible for. Chief Tusken indicated that the new position would generally separate the investigative and administrative duties currently handled by one Deputy.

Commissioner Britton inquired why the numerical limitation was included in the Charter and felt that the requirement should not be listed in the Charter.

Commissioner Matheson indicated that she has proposed a committee to review the Charter and potential impacts on the community. She indicated a concern to change the Charter prior to that review occurring.

Commissioner Stauber stated that he had a similar concern as Commissioner Britton and felt that the administrative requirement should not be in the Charter but was otherwise supportive of the Ordinance.

Commissioner Yaeger inquired whether there would be a Deputy in charge of each of the three proposed Divisions: Patrol, Administrative, and Investigation. Chief Tusken indicated that currently the investigative Deputy also handles administrative functions. Chief Tusken indicated that this position would free

resources to conduct policy review and impacts on the community, and that the Department would also like to seek CALEA accreditation.

Commissioner Gardner inquired about the budget impact of adding the position. Chief Tusken indicated that it would have a minimal impact on the budget, it would be cost neutral year one and year two and then a slight increase going forward.

Commissioner Greene expressed a concern about the budget increase in future years.

Commissioner Matheson inquired whether the African Heritage Commission or Citizen Review Board had been consulted regarding this change.

Chief Tusken indicated they had not made a specific presentation to those Commissions but that several Commissioners were also involved with those boards.

Commissioner Britton indicated that he felt the budget impact was outside the scope of the Charter Commissions review on this item and again indicated that it may be better to remove the numerical requirement.

A Motion was made by Commissioner Britton, seconded by Commissioner Lyttle, to amend the Ordinance to eliminate the number "two" referenced in paragraph a, and the reference to "two" in items 2 and 3. Motion failed upon the following vote:

Yea: Commissioners Anderson, Britton, Johnson, Lyttle, Stauber - 5

Nay: Commissioners Gardner, Greene, Mangan, Matheson, Palmer, Seim - 6

Abstain: Commissioner Yaeger - 1

Absent: Commissioners Ness, Kimber

A Motion was made by Commissioner Stauber, seconded by Commissioner Britton to approve Item CH012. The Motion carried upon the following vote:

Yea: Commissioners Anderson, Britton, Gardner, Johnson, Lyttle, Mangan, Stauber, Yaeger, Seim - 9

Nay: Commissioners Greene, Matheson, Palmer - 3

Absent: Commissioners Ness, Kimber

ADJOURNMENT

6:00 p.m.