



CITY OF FRIDLEY CHARTER COMMISSION

AGENDA

TUESDAY, SEPTEMBER 6, 2016
7:00 P.M.

LOCATION: FRIDLEY MUNICIPAL CENTER
CONFERENCE ROOM A – UPPER LEVEL

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **APPROVAL OF AGENDA:**
Motion approving the September 6, 2016 meeting agenda
4. **APPROVAL OF MINUTES**
Motion approving the May 2, 2016 meeting minutes
5. **ADMINISTRATIVE MATTERS**
 - A. By-Law Amendment
 - B. Update on Negotiations with CenturyLink Cable Franchise
6. **OLD BUSINESS**
 - A. Discussion of Chapter 2
7. **NEW BUSINESS**
 - A.
8. **FUTURE MEETING TOPICS/COMMUNICATIONS**
 - A. Discussion of Chapter 10 (Tabled until after current franchise negotiations completed)
9. **ADJOURNMENT**
Motion to adjourn the meeting

Next Regular Commission Meeting
Date: MONDAY, OCTOBER 3, 2016
Location: Fridley Municipal Center – Conference Room A

CITY OF FRIDLEY
CHARTER COMMISSION MEETING
MAY 2, 2016

CALL TO ORDER:

Chairperson Reynolds called the Charter Commission meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Commissioners Gary Braam, Don Findell, Manuel Granroos, Ted Kranz, Rick Nelson, Novella Ollawore, Barb Reiland, Pam Reynolds, Cindy Soule, and Lois Scholzen

Members Absent: Commissioners David Ostwald, Richard Walch, and Avonna Stark

Others Present: Deb Skogen, City Clerk/Staff Liaison
Jake Foster, City Management and Elections Intern
Mayor Scott Lund

APPROVAL OF AGENDA

Commissioner Braam MOVED and Commissioner Nelson seconded a motion approving the meeting agenda.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

APPROVAL OF MINUTES

Commissioner Soule mentioned Commissioner Stark's first name was spelled wrong on the minutes from the April 4, 2016 meeting.

Commissioner Braam MOVED and Commissioner Reiland seconded a motion approving the Charter Commission meeting minutes of April, 4 2016.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

ADMINISTRATIVE MATTERS

Ms. Skogen informed Commissioners that she provided them with an updated list of commission members and a calendar for the 2016 Charter Commission meetings

Commissioner Soule informed the remaining Commissioners she updated her preferred email address to her work email address.

Chairperson Reynolds said without any more administrative matters, the commissioner should address old business.

OLD BUSINESS**A. Vote on Proposed Bylaw Amendment**

Chairperson Reynolds ensured that all Commissioners had a chance to look over the proposed Bylaw Amendment.

Ms. Skogen mentioned that A. and E. are already in-print, and that they were adopted in April of 2014. They were put there for the Commissioners' reference.

Commissioner Reiland mentioned she liked the way the wording was broken up.

Ms. Skogen said breaking up the language was Commissioner Findell's idea.

Commissioner Nelson MOVED and Commissioner Braam seconded a motion approving the meeting proposed Bylaw Amendment.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

NEW BUSINESS

Chairperson Reynolds referenced the materials that were provided to the Commissioners that could be used for their discussion.

Ms. Skogen informed Commissioners they were planning to discuss Section 2.07, but there was a question on the oath of office, so she contacted the League of Minnesota Cities who informed her that the oath could be administered at any time.

Chairperson Reynolds asked if any Commissioner had issues with the language in Section 2.02.5

Commissioner Nelson raised a question regarding an officials term ending on December 31, and wanted provide further clarification as to what duly-qualified meant.

Ms. Skogen addressed Commissioner Nelson's question in saying that "duly-qualified" refers to an official having a certificate of election to hold office.

Chairperson Reynolds added the measures that would disqualify an official from holding office based on Chapter 6 in the League of Minnesota Cities Handbook.

Ms. Skogen added that 2.02.5 in the City Charter currently states that the incumbent should remain in office until a successor is duly-qualified and accepts the office.

Commissioner Nelson said there should be a definition for the duly-qualified term in Section 5, or suggested the language should be changed to "The term of mayor and each councilmember shall begin upon taking the oath of office following their election to office, and shall end upon the newly elected or re-elected councilmember or mayor taking their oath of office at the first regularly scheduled meeting in January."

Commissioner Reiland stated this wording is similar to the wording used in Blaine. There is no specific date that new officials take the office, but rather do so when they are qualified.

Ms. Skogen referenced the MN Statute 412.02 highlighting that the language is also similar.

Commissioner Nelson mentioned Coon Rapids and Columbia Heights were different as they do not use the "qualified" wording, but rather new officials take office at the first council meeting of the New Year.

Ms. Skogen captured Commissioner Nelson's proposed new wording as stating, "The term of Mayor and of each Councilmember shall begin upon taking their oath of office following their election to office. Their term shall end upon the newly elected official taking their oath of office at the first meeting in January."

Commissioner Nelson stated he would like to remove the language regarding an officials term is to end on December 31st as they have to fulfill their duties until their replacement is sworn in.

Mayor Lund added that the officials, term should end when their replacement takes office, not necessarily December 31st or the first Monday in January.

Commissioner Reiland asked if it was needed to say, "after their election" in the wording provided by Commissioner Nelson, as an official cannot take office unless they are elected.

Commissioner Soule asked if it was needed to include the duly qualified language, and Commissioner Nelson said it was not citing the language used by Columbia Heights.

Chairperson Reynolds asked if the Minnesota Statute 412.02 held true for Charter Cities which Commissioner Findell also questioned. Chairperson Reynolds also added the Statute referenced the first Monday in January being when officials should be sworn in, and that this becomes difficult as it could fall on January 1st, which is a national holiday. Mayor Lund and Commissioner Granroos agreed the language in the Statute was difficult to reconcile.

Ms. Skogen noted that at one point in time terms used to run from January 1st to December 31st, but that has since changed as there are statutory items need to be addressed at the first Council Meeting in January.

Commissioner Findell said the materials referenced the length of term and asked whether or not this should be added.

Ms. Skogen added that the language Commissioner Nelson had proposed was good language. Commissioner Reiland added that none of Commissioner Nelson's language added anything variable.

Ms. Skogen and Commissioner Nelson reviewed the proposed language for the benefit of the other Commissioners.

Mayor Lund said this language is on the right track, but wanted to make sure any emergency issues between the current December 31st language and the swearing in of the new official(s) could be covered by one of the elected officials. Commissioner Reiland added that any emergency issues would be handled by the incumbent until their successor is sworn in. Ms. Skogen added it would not require a City Council meeting to administer the oath of office to the newly elected officials if necessary. Mayor Lund said both the incumbent and newly elected officials would be at any emergency meeting, and that Charter Cities can be more restrictive than the Minnesota State Statute addressing Chairperson Reynolds' previous question.

Ms Skogen cited language from MN Statute Chapter 410 stated that Charter Cities can take any measures they desire as long as they are consistent with State Statute. The Charter may authorize cities to provide for medical clinics, public transit, enterprise funds, etc.

Chairperson Reynolds asked if, even as a Chart City, whether or not Fridley has to abide by the specific "First Monday in January" language located in the statute previous mentioned. Mayor Lund added that the first Council meeting has to fall with ten days of the New Year, but if the first Monday fell on January 1st, the first meeting would be held on the second Monday of January.

Chairperson Reynolds asked to hear the proposed language from Commissioner Nelson again, which was restated by Ms. Skogen.

Commissioner Nelson said there could be language added to state that the first Monday in January would be the first Council meeting, unless it fell on January 1st. Then the meeting would go to the following day or following Monday, to which Mayor Lund responded it would likely be the next Monday and it has happened before. Commissioner Nelson added that the first Monday in January will be on January 1st in 2018. Ms. Skogen and Mayor Lund added that the state will not do business on January 1st, and that the language in the State Statute might not be compatible with this notion.

Ms. Skogen reminded the Commissioners that they can be more restrictive than the State Statute to help solve the current language issues. Commissioners Nelson and Braam added that the new officials could then be sworn in during the last meeting in December, but Mayor Lund thought this would likely cause more issues.

Commissioner Findell referenced page five of the minutes from the April 4, 2016 meeting and the language discussed during that meeting to address this issue.

Mayor Lund suggested Ms. Skogen reach out to the League of Minnesota Cities attorney to clear up the ambiguity in the Minnesota Statute language.

Chairperson Reynolds suggested Ms. Skogen could put some language in draft form to be discussed at the next meeting.

Commissioner Nelson said the language addressing the Councilmember at-large serving as Mayor pro tem should be discussed, as the Councilmember at-large may not want that responsibility. Commissioners Findell, Braam, and Reiland agreed that this is part of the Councilmember at-large's responsibilities, but it should be made explicit. Commissioner Braam also mentioned the Councilmember at-large is a good candidate for Mayor pro tem, as they are elected by the whole city.

Commissioner Nelson said the Councilmember at-large should have their responsibilities listed associated with their position. Commissioner Findell asked if this language should be added under Section 2.02.3. Commissioner Crandall mentioned that the Ward Councilmembers have a separate list of responsibilities and that the Councilmember at-large could have a similar section, to which Commissioners Nelson and Reiland agreed.

Commissioner Reiland said that these responsibilities could be discussed at the next meeting and asked Ms. Skogen added capture the responsibility of Mayor pro tem to be added to these responsibilities.

Commissioner Soule mentioned the Ward Councilmembers have language that they have to remain a resident of the ward, and that the Councilmember at-large could then have similar language in their section stating they need to remain a resident of the City. She also added that Commissioner Scholzen said that the language in Section 2.04.3 "The boundaries of the three (3) wards shall be redetermined from time to time" is ambiguous and potentially confusing.

Ms. Skogen mentioned that 2.04.4 deals with mandatory redistricting in response to Chairperson asking where this language was located. Ms. Skogen added that the language in Section 2.04.3 allows for wards to be redetermined if wards get out of balance outside of this mandatory redistricting.

Chairperson Reynolds asked if Section 2.06.1 can be addressed in reference with the Minnesota League of Minnesota Cities Handbook Chapter 6. Chairperson Reynolds stated that the language used in the City Charter does not allow for an official to return to their office if their

seat is determined abandoned. The League of Minnesota Cities Handbook says that the Councilmember or Mayor can resume duties after they are able.

Ms. Skogen said the only thing that was changed in Charter Section 2.06.1 was from a seat being determined a vacancy from a Councilmember missing "90 days" to "three (3) consecutive months."

Commissioner Reiland said there could be a distinction made between an excused absence and purely avoiding duties. Commissioner Soule added that the word "abandonment" should be added to 2.06.1, as this is different than from a "vacancy" that is simply missing three consecutive months of a Councilmember's duties. Chairperson Reynolds asked if this issue should be discussed at the next meeting. Commissioner Nelson agreed.

Chairperson Reynolds referenced p.35 of the League of Minnesota Cities Handbook citing that some issues from the handbook might not apply to Charter Cities. Commissioner Findell mentioned that Charter Cities can be more restrictive.

Chairperson Reynolds asked if anyone had any future meeting topics or discussions. Commissioner Soule said that Chapter 10 should also be discussed during the next meeting, to which Ms. Skogen updated the Commissioners on the current franchise negotiations taking place with Century Link. If an agreement is reached, Chapter 10 will be discussed at the next meeting. Commissioner Nelson added that it might make sense to make Section 2.06 a bulleted list for clarity, and could be reviewed at the next meeting.

ADJOURNMENT:

Commissioner Reiland MOVED and Commissioner Findell seconded a motion to adjourn the meeting.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED AND THE MEETING WAS ADJOURNED AT 8:16 P.M.

Respectfully submitted,

Debra A. Skogen, MMC
City Clerk/Staff Liaison

Commissioner Donald Findell
Secretary

FRIDLEY HOME RULE CHARTER COMMISSION
BY-LAWS
Approved 05/02/16

- I. NAME -- the name of the organization shall be the Fridley Home Rule Charter Commission.
- II. PURPOSE -- the purpose of this organization shall be to frame and amend the Charter to meet the needs of the residents of Fridley.

III. MEETINGS

- A. Commission meetings will be held in the Fridley Municipal Center; or a designated public location upon proper notice.
- B. The annual meeting shall be held in March of each year. The election of officers shall take place at the annual meeting.
- C. Special meetings may be called by the Chair; or, the Chair, upon receipt of a written request signed by five (5) members, shall, within ten (10) days, call a special meeting upon proper notice.
- D. A quorum to conduct business shall be determined according to the following schedule:

Number of Appointed Charter Commission Members	Quorum
15, 14, 13	7
12 or 11	6
10 or fewer	5

- E. Except as provided in these by-laws, all meetings shall be governed in accordance with
 - F. The time of the meeting shall be called by the chair. If there is not a quorum within ten minutes after the meeting time is to commence, the members shall be dismissed. However, if the chair felt there was important business to be addressed, the chair would have the discretion to ask members to stay longer, but may not exceed an additional 10 minutes past the specified time.
- IV. MEMBERSHIP -- The membership of this organization shall be 15 members.
- A. All members shall be expected to attend all meetings. If unable to attend, the member shall inform either the Chair or the Secretary as to the reason.

- B. Any member missing four (4) consecutive meetings without an adequate excuse, or failing to perform the duties of the office shall be subject to a discharge from the Commission upon a written request to the Court, supporting by two-thirds (2/3) of the Commission members present and voting.

V. OFFICERS

A. Election of Officers.

1. The officers of this organization shall be a Chair, Vice Chair and a Secretary.
2. The Chair, Vice Chair and Secretary shall be elected from the membership of the Commission.
3. The Chair, Vice Chair and Secretary shall be elected at the annual meeting. No officer shall serve more than two consecutive terms in the same office.
4. All officers shall begin their terms of office upon election to that office.
5. Election to vacant offices shall be made from the floor at the next meeting following the meeting at which the vacancy is declared.
6. Officers of this organization shall be declared duly elected by a simple majority vote of those present and voting. Any contested race for an office shall be done by a written ballot. The Acting Chair will ask for a teller committee of two (2) to count the ballots.

B. Duties of Officers and City Staff Liaison.

1. The Chair shall have the following responsibilities:
 - a. to call all regular and special meetings;
 - b. preside at all meetings;
 - c. set the agenda;
 - d. implement the decisions of this Commission; and
 - e. participate in all Commission decisions as a voting member.
2. The Vice Chair shall assist the Chair in the performance of these duties. In the event the Chair is unable to perform these duties, the Vice Chair shall discharge such duties.
3. The Secretary shall be responsible for:
 - a. keeping an accurate record of attendance;
 - b. recording of minutes at all meetings;
 - c. distributing minutes to members within a reasonable time

- d. giving notice to members who have missed three (3) consecutive meetings pursuant to Article IV, Section B, of the By-Laws;
 - e. transmitting all correspondence and related resource material concerning this Commission to the City Clerk for retention; and
 - f. presiding at meetings in the absence of the Chair and Vice Chair.
4. The City Staff Liaison shall be designated by the City Clerk and serve as a recording secretary at all meetings of the Charter Commission. The Liaison, with the direction of the Secretary, will have the following responsibilities.
 - a. serve in an advisory capacity at all meetings as a non-voting member;
 - b. assist the commission by providing research information as requested by Officers;
 - c. accurately record attendance and minutes of all meetings;
 - d. distribute minutes and notices of upcoming meetings with proposed agenda in a timely manner;
 - e. prepare proposed Charter changes for submission to the City Council; and
 - f. submit records of proceedings to the City Clerk for retention.

VI. COMMITTEES

- A. The Chair shall have the power to create committees, appoint members and designate chairs of those committees.
- B. In January of each year the Chair shall appoint a nominating committee of three (3) or more members who shall report the nomination of one (1) or more candidates for each office. A written report of such nominations shall be mailed to each member at least ten (10) days before the annual meeting.

VII. VOTING

- A. A majority vote of members present shall be sufficient to pass motions and resolutions except as provided elsewhere.
- B. There shall be no secret votes, other than contested election(s) of officers.

VIII. ORDER OF BUSINESS

1. Call to Order by the Chair.
2. Roll Call.
3. Approval of Agenda
4. Approval of Minutes.
5. Administrative Matters.

6. Old Business.
7. New Business.
8. Future Meeting Topics
9. Adjournment.

IX. AMENDMENT

- A. These by-laws can be amended at any regular meeting of the Commission by a two-thirds (2/3) vote of those present, provided that the amendment has been submitted in writing to the members at least two (2) weeks before the vote on the amendment.

09-06-16 DRAFT

FRIDLEY CITY CHARTER
CHAPTER 2. CITY COUNCIL ORGANIZATION

Section 2.01. COUNCIL-MANAGER PLAN IMPLEMENTATION.

1. The form of government established by this Charter shall be known as the "Council-Manager Plan" pursuant to Minnesota Statutes. (Ref. Ord. 1034)
2. All discretionary powers of the City, both legislative and executive, shall vest in and be exercised by the City Council. It shall have complete control over the City administration, but shall exercise this control exclusively through the City Manager and shall not itself attempt to perform any administrative duties. (Ref. Ord. 1034)
3. The Council shall perform the duties and exercise the powers of all City boards and commissions except as otherwise provided by statute or by this Charter. It may by ordinance create commissions with advisory powers to investigate any subject of interest to the municipality. (Ref. Ord. 1034)
4. The Council shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. The Council may at any time provide for an examination or audit of the accounts of any office or department of the City government, or it may cause to be made any survey or research study of any problem affecting the City or its inhabitants. Each such investigation shall be authorized by resolution of the Council. (Ref. Ord. 1034)
5. Any member of the Council may request in writing any specific information relating to any department via the City Manager. The City Manager shall respond in writing within a reasonable period of time. (Ref. Ord. 592, Ord. 1034)
6. Except for the purpose of inquiry, the Council and its members shall deal with and control the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately. (Ref. Ord. 1034)

Section 2.02. ELECTIVE OFFICERS.

1. The Council shall be composed of a Mayor and four (4) Councilmembers who shall be eligible voters as defined by Section 1.04.1 of this Charter. (Ref. Ord. 1252)
2. The Mayor shall be elected at large in each United States presidential election year to a term of four (4) years. (Ref. Ord. 1034)

02/13/2012

3. One (1) Councilmember shall be elected at large in each United States presidential election year to a term of four (4) years. (Ref. Ord. 1034)
4. Three (3) Councilmembers shall be elected in each Minnesota gubernatorial election year from three (3) separate Wards of the City to terms of four (4) years each. (Ref. Ord. 1034)
5. The term of Mayor and of each Councilmember shall begin taking their oath of office following their election to office. Their term shall end upon the newly qualified elected official(s) taking their oath of office at the first meeting in January. ~~on the first day of January following their election to office and shall end on December 31 of the last year of the term.~~ The incumbent may shall remain in office until a successor has been duly qualified and accepts the office. The first order of business at the first official Council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council. (Ref. Ord. 1034)
6. The Council shall serve as the canvassing board for city elections. (Ref. Ord. 1252)

Section 2.03. THE MAYOR.

1. The Mayor shall be the presiding officer of the Council, except that a mayor pro tem shall be ~~chosen from the remaining Councilmembers to serve at the pleasure of the Council~~ the councilmember at large who shall act as Mayor in case of the Mayor's temporary disability or absence from the City. Should neither be available, the mayor pro tem shall be chosen from the remaining Councilmembers to serve at the pleasure of the Council.
2. The Mayor shall vote as a member of the Council. (Ref. Ord. 1034)
3. The Mayor shall exercise all powers and perform all duties conferred and imposed by this Charter, the ordinances of the City and the laws of the State. (Ref. Ord. 1034)
4. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purposes of martial law. (Ref. Ord. 1034)
5. At the direction of the Council the Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. (Ref. Ord. 1034)
6. In time of public danger or emergency the Mayor may take command of the police, maintain order and enforce the law. Council consent shall be obtained when practicable. (Ref. Ord. 1034)

Section 2.04. THE COUNCILMEMBER AT LARGE

1. The Councilmember at Large shall serve as the mayor pro tem in the temporary absence of the Mayor.
2. The Councilmember at Large shall remain a resident of the City of Fridley
3. If the Mayor's term shall be declared vacant, the Councilmember at Large shall serve as the Mayor as required in Section 2.07.3.

Section 2.0405. WARD COUNCILMEMBERS.

1. The City is divided into three (3) separate election Wards designated as Ward 1, Ward 2, and Ward 3. (Ref. Ord. 1034)
2. A Ward Councilmember must be a resident of such ward. If the Ward Councilmember ceases to be a resident of the ward, then that office shall be declared vacant. However, a change in ward boundaries during the term of office shall not disqualify the Councilmember from completing the term. (Ref. Ord. 1034)
3. The boundaries of the three (3) wards shall be ~~redetermined~~ redistricted from time to time by ordinances duly adopted by the Council, and based on the findings of the Council that the wards so redetermined are such that the population of any ward shall not deviate by more than three percent (3%) from the average of the three (3) wards. (Ref. Ord. 1034)
4. After each decennial census of the United States, the Council shall ~~redetermine~~ redistrict ward boundaries when appropriate. This ~~redetermination~~ redistricting of ward boundaries shall be accomplished within the deadlines established by Minnesota law. If no deadlines are established by law, then redistricting must be completed no less than one hundred (100) days prior to the legally determined date of the municipal primary of the year ending in the digit two (2). If further redistricting is necessary, as determined by the Council, the adoption of the new boundaries shall be prohibited during the time period from ninety (90) days before a primary election up to and including the day of the general election in the same year. Any prohibitions stated in the Minnesota state statutes pertaining to the adoption of the new boundaries shall also apply. (Ref. Ord. 1034)

Section 2.0506. DISQUALIFICATION FOR APPOINTIVE OFFICE.

No incumbent member of the Council shall be appointed acting or permanent City Manager, nor shall any member hold any other paid municipal office or employment under the City; and no former member shall be appointed to any paid office or employment under the City until one (1) year after leaving office. (Ref. Ord. 1034)

Section 2.~~06~~ 07. VACANCIES IN THE COUNCIL.

1. A vacancy in the council shall be deemed to exist:
 - in case of the failure of any elected person elected thereto to qualify on or before the date of the second regular meeting of the new council;
 - by reason of the death; resignation or removal from office;
 - continuous absence from the City for more than three (3) months;
 - failure to attend any council meetings for three (3) consecutive months;
 - abandonment of office;
 - conviction of a felony of any such person whether before or after their qualification; or
 - by ceasing to be a resident of the city or the ward from which elected.

In each such case, within thirty (30) days the council shall by resolution declare a vacancy to exist. (Ref. Ord. 1289)

2. If a vacancy is declared to exist, the Council shall, within 30 days, appoint by majority vote a qualified person to assume the office until the next general election. If the Council cannot agree on an appointment within the required timeframe, the Mayor shall appoint a qualified person to fill the position. The term of office to be filled at the next general election shall be for the unexpired portion of the term or for a full term depending on the timeframe when the vacancy has been declared to exist.
3. If the Mayor's position is declared vacant, the Councilmember-at-Large shall serve as Mayor until the end of the Mayor's term. The Councilmember at Large shall then be declared vacant and it shall be filled as defined in Section 2.06.2. of the City Charter. (Ref. Ord. 1289)
4. If at any time the membership of the Council is reduced to less than three (3) members, the City Manager shall order a special election to be held not less than thirty (30) days nor more than sixty-five (65) days from the time the multiple vacancies occurred. A period of eight (8) to twelve (12) consecutive working days shall be designated for the purpose of filing nomination petitions in accordance with Section 4.06. The winner(s) of the special election shall be by a plurality of votes cast for each office, regardless of the number of candidates and shall take office immediately upon certification by the board of canvass and shall fill the unexpired terms of said offices. (Ref. Ord 1989)
5. If the position of City Manager is vacant, the City Clerk shall order such an election. If the position of City Clerk is also vacant, the Chief Judge of District Court of the State of Minnesota within whose jurisdiction the corporate offices of the City of Fridley lie shall order such an election. (Ref. Ord. 1034)

Section 2.0708. SALARIES AND EXPENSES.

The Mayor and each Councilmember shall receive reasonable remuneration or salary, the annual amount and payment of which shall be prescribed by ordinance duly adopted on or before November 1st of the year preceding payment of the same. When authorized by the Council, its members shall be remunerated for their reasonable expenses incurred in connection with the City's business. The City Manager and all subordinate officers and employees of the City shall receive such reasonable compensation as may be fixed by the Council. (Ref. Ord. 1034)

FRIDLEY CITY CHARTER
CHAPTER 10. FRANCHISES AND PUBLIC UTILITIES

Section 10.01. DEFINITION OF FRANCHISES.

The word "franchise" as used in this Charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the City, whether such privileges have been or shall hereafter be granted either by the City or by the State of Minnesota.

Section 10.02. FRANCHISE ORDINANCES.

The Council may grant franchises by ordinance adopted by an affirmative vote of at least four (4) members of the Council, but in no case shall a franchise be granted by an emergency ordinance, nor within twenty (20) days after a public hearing thereon as provided for in Section 10.09, or later than sixty (60) days after such public hearing. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, persons or other entity desiring to make an especially burdensome use of the streets or public places inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning or telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, may be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms, and such acceptance, properly executed by the grantee, has been filed with the City Clerk.

Section 10.03. COST OF PUBLICATION OF FRANCHISE.

The grantee shall bear the cost of publication of the franchise ordinances and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Section 10.04. POWER OF REGULATION RESERVED.

The City shall have the right and power to regulate and control the exercise by a corporation, co-partnership, person or other entity, of any franchise, however acquired, and whether such franchise has been heretofore granted by the City of Fridley or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota. (Ref. Ord. 592)

Section 10.05. RATES AND CHARGES.

Every public utility or franchisee making use of the streets or public places within the City shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield a fair return on all property used and useful in furnishing service to the City and its inhabitants. This shall not be construed as a guaranty of a return and in no case shall there be any return upon franchise value. Within these limits the determination of maximum rates, fares, or charges to be charged by any public utility or franchisee for service rendered to the City or any person, persons, firm or corporation within the City, shall be made, if possible, by direct negotiations between the public utility or franchisee and the Council. In case of failure to reach an agreement by this method within a reasonable time the Council may, in its discretion, agree to submit to arbitration on such terms as it may deem feasible or upon such terms as the franchise provides for, the fixing of rates, fares, or charges by the public utility or franchisee; provided, however, that the rates, fares, or charges so fixed by arbitration shall not be binding on the City for more than five (5) years. (Ref. Ord. 625)

Section 10.06. PROVISIONS OF FRANCHISES.

Every Franchise shall contain among other things, provisions, relating to the following:

1. The term of the franchise granted, which shall not exceed twenty-five (25) years.
2. Rates, fares and charges to be charged by the public utility or franchisee in compliance with the terms and provisions of Section 10.05.
3. The rights reserved to the City in connection with the erection of poles, masts or other fixtures in the streets or public places and the attachment of wires thereto, the laying of tracks in or of pipes or conduits under the streets or public places, and the placing in the

streets or other public places of any permanent or semi-permanent fixtures or equipment by the public utility or franchisee.

4. The prompt repair by the public utility or franchisee of all damages to the public streets, alleys and public property occasioned by the acts or omissions of the public utility or franchisee.
5. The rights of the City to have access to all books, records, and papers of the public utility or franchisee which in any way deal with, affect or record its operations within and pertaining to the City and pertaining to property and equipment used and useful in furnishing service to the City and its inhabitants.
6. The power and the right of the City to submit to arbitration the fixing of any rates, fares or charges to be made by the public utility or franchisee.
7. The right of the public utility or franchisee to receive upon condemnation proceedings brought by the City to acquire the public utility or franchisee compensation for its franchise or the value thereof, if any. (Ref. Ord. 625)

Section 10.07. FURTHER PROVISIONS OF FRANCHISES.

The enumeration and specification of particular matters which must be provided for in every franchise or renewal or extension thereof shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this Charter limit any right or power possessed by the City over existing franchises.

Section 10.08. RENEWALS OR EXTENSION OF FRANCHISES.

Every extension, renewal or modification of any existing franchise or of any franchise granted hereunder shall be subject to the same limitations and granted in the same manner as a new franchise.

Section 10.09. PUBLIC HEARINGS.

Before any franchise ordinance is adopted or any rates, fares or charges to be charged by the public utility or franchisee are fixed, there shall be a public hearing by the Council in regard thereto. Notice of such public hearing shall be given by published notice at least once in the official newspaper not less than twenty (20) days prior to the date of such public hearing. Additional notice of such public hearing may be given in such manner as the Council shall determine. (Ref. Ord. 625)