

CITY OF FRIDLEY
CHARTER COMMISSION MEETING
APRIL 4, 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, Marion Flickinger, Manuel Granroos, Ted Kranz, Rick Nelson, Novella Ollawore, Barb Reiland, Pam Reynolds, Cindy Soule, and Arvonna Stark

Members Absent: Commissioners David Ostwald, Lois Scholzen, and Richard Walch

Others Present: Deb Skogen, City Clerk/Staff Liaison
Jake Foster, Management and Election Intern
Zach Crandall
Mayor Scott Lund
Councilmember at Large Bob Barnette

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

Chairperson Reynolds and Commissioner Reiland recommended several changes to the minutes:

Page 2, 7.A. 1st paragraph, strike the words “~~wanted to know if they~~”;

Page 4, paragraph 7, strike the words ... report “~~will be~~” read...

Page 5, paragraph 1, change the word there're to there and add the word ...but then did “not” come to the meeting..

Page 6, paragraph 2, change the word election to elected and directing to directly.

Page 6, paragraph 5, add the word, ...asked “if” the

Page 6, paragraph 7, underline and add quotations to the word “and” should be added.

Commissioner Nelson MOVED and Commissioner Braam seconded a motion approving the Charter Commission meeting minutes of March 7, 2016 as amended by Chairperson Reynolds and Commissioner Reiland.

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

ADMINISTRATIVE MATTERS

A. Introduction of New Staff Member

Ms. Skogen introduced Jake Foster. Mr. Foster is the new management and elections intern who will be working with staff and the Charter Commission through December. Introductions were made by all of the Commissioners and visiting members.

B. Introduction and Interview of Commissioner Applicant Zach Crandall

The Commission Application from Zachary Crandall was included in the packet. Mr. Crandall said he had been travelling for work for the past eleven years. He tries to stay informed about what is going on. Has been a union officer for several years and run quarterly meetings. He is interested in giving back to his community.

Commissioner Reiland asked how long Mr. Crandall had lived in the City and if he had a family. He said he moved in Halloween of 2008 when he bought a house on 6th Street. He said he did not have a family at this time. Most of his family live in Fargo and his Grandparents that live in Spring Lake Park.

The Commissioners felt the application was written well and that he had a good background.

Mr. Crandall said he had read past minutes, bylaws and the Charter. He felt it was very straight forward and made sense.

Ms. Skogen said the Charter Commission met eight times a year on the first Monday of each month and asked if that would create any issues. Mr. Crandall said there would be no issues with the job he had now. He is required to travel some, but plans his own hours so he can be available for meetings.

Commissioner Braam MOVED and Commissioner Reiland seconded a motion to accept the application from Mr. Zachary Crandall and recommend his appointment to the 10th District Chief Judge.

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

OLD BUSINESS

A. Discussion of Proposed Bylaw Amendment

Ms. Skogen has provided a draft of the proposed amended bylaws for discussion purposes.

Chairperson Reynolds said that the Commission had adopted Rosenberg's Rules of Order two years ago, so it did not need to be changed.

Chairperson Reynolds said they would vote on the amended at the next meeting and that it would take a vote of 2/3's of those present to be adopted.

NEW BUSINESS

A. Discussion of Chapter 2

Chairperson Reynolds said she had reviewed Chapter 6 of the League of Minnesota Cities (LMC) Handbook on Elected Officials and Council Structures. She asked if the Commissioners had any questions or concerns about Section 2.01 of the Charter.

Commissioner Reiland asked about 2.01.3 –whether commas were needed before and after the word “ordinance”. Ms. Skogen did not think that commas needed to be added.

Chairperson Reynolds asked if there were any concerns or questions about Section 2.02. She wondered about the structure or make up of the Council and what the purpose of the councilmember at large was. She thought it would serve the citizens better to have a fourth ward rather than a councilmember at large to create better representation in a smaller area.

Commissioner Soule disagreed and said if a person in a ward had a disagreement with their councilmember and they didn't feel they were being represented, they also had the opportunity to discuss an issue with the councilmember at large who also represented them.

Commissioner Kranz said he had contacted his councilmember at large a lot because he has been available, accessible, and very helpful. He thinks the structure is very good the way it is. The town is the same size as when he moved in, maybe even smaller, but he felt the structure worked and did not see the need for a change.

Commissioner Stark said after trying to navigate through the caucus system, with Fridley being the only city with wards, and that changing the structure would make things more difficult and confusing at future caucuses. She felt the councilmember at large position created additional accountability and preferred to keep the structure the same.

Chairperson Reynolds asked how the structure of the council was set up. Ms. Skogen said it was set up in the original Charter 1957 when the voters elected to have a home rule charter.

Commissioner Soule said the timing of the elections changed in 1994 from three year terms and odd year elections to four year terms and even year elections.

Commissioner Stark said voter turnout is usually lower in nonpresidential election years.

Ms. Skogen said that there would be a lower voter turnout during gubernatorial elections than presidential elections and that odd-year or special elections had a much lower voter turnout.

Mayor Lund said New Brighton has an odd year election so there has been some discussion about changing to even years, due to the cost.

Ms Skogen said it was a minimum of about \$15,000 for the city to have a special election as you would have to do the training and hire the same number of election judges for a very low turnout. For example, a school district election may have a turnout of about 5%, whereas a state or federal election may have a voter turnout between 75% to 95%.

Commissioner Nelson said the newly elected officials actually take office January 1st, but do not officially take office until the first meeting in January. He said there could be a period of time when you may not have a quorum to open a meeting unless the previous councilmembers are there to open the meeting and then leaves after the oath of office is given.

Mayor Lund said historically, the existing council person remains until the first meeting when that new council person is sworn in, so the duties and responsibilities have carried on until the newly elected councilmember takes their oath. In January the Council meets the first Monday in January as there some housekeeping items that need to be taken care of by law, and it is when the newly elected council members are sworn in. The only gap that might occur would be if there was an emergency, it might be possible to have a newly elected councilmember take their oath prior to a meeting.

Commissioner Nelson wondered who could swear in the councilmembers if there wasn't a quorum. He thought the term should be changed to have language that would say until the new councilmember is sworn in.

Commissioner Granroos said suggesting changing the word "may" to "shall" in 2.02.5. The Commissioners agreed.

There was some confusion as to when the term should expire, whether it would be December 31st of fourth year or when the new term commences at the first meeting in January.

Commissioner Nelson said a term expires December 31st, however, unless one of the three incumbents is returning, you could not open the meeting the first Monday in January if there were only two councilmembers.

Ms Skogen thought an oath could be given prior to a meeting to allow for a quorum.

Commissioner Nelson said you would have to swear them in during an official meeting and you could possibly not have a quorum if the three incumbent councilmembers were not re-elected.

Commissioner Nelson recommended replacement language to 2.03.5: "the term shall begin on the first official city council meeting in January following their election to office."

Mayor Lund said when he took office, Mayor Jorgenson called the meeting to order, he took his oath and Mayor Jorgenson turned the gavel over to him and left.

Commissioner Findell suggested the following language: "the term shall begin at the first organizational meeting in January following their election to office."

Ms. Skogen was asked to research the issue further to provide further clarification at the next meeting.

Commissioner Soule wondered if the councilmember that was not re-elected would return for the first meeting.

Mayor Lund thought that they did have to attend the meeting.

Ms. Skogen said the outgoing councilmembers have not been at the meetings in the past.

Commissioner Granroos asked who had the official power to call the meeting if they were unelected. Commissioner Soule said that the previous mayor did call the meeting to order, or the charter states the councilmember at large may call the meeting to order.

Chairperson Reynolds asked if there were any concerns in Section 2.03. She said the current language says the councilmembers may select a member to serve as mayor pro tem.

Commissioner Reiland, so if that happened at the first meeting would it be true for the entire year. She wondered if that should be stated. The Commissioners did not think it had to be stated.

Commissioner Findell said Ordinance 1034 changed the language from the first official business day of the month following the election in 1994.

Commissioner Braam liked the idea because, like the mayor, the councilmember at large is elected by all of the residents of the City.

Commissioner Soule thought the City Council should have the ability to determine who their mayor pro tem should be. She said in a different section if the mayor's term became vacant, that the councilmember at large would serve as the mayor pro tem.

Commissioner Stark said a temporary position, could turn permanent. You might have one person serving and then switch to the councilmember at large.

Commissioner Braam wondered how things were handled when Mayor Nee was sick. Councilmember Barnette said he could not recall who served as mayor pro tem.

Commissioner Braam MOVED and Commissioner Reiland seconded a motion to change Section 2.03.1. to read as follows: "The Mayor shall be presiding officer of the Council , except that a mayor pro tem shall be the councilmember at large chosen from the remaining councilmembers to serve at the pleasure of the council, 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."

UPON A VOICE VOTE, ALL VOTING AYE, WITH EXCEPTION OF COMMISSIONER SOULE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

Discussion continued after the vote. Commissioner Soule thought it was a good opportunity for each councilmember to have additional leadership within the City. She wanted the councilmembers to set their procedures.

Commissioner Flickinger disagreed because some councilmembers might not want that leadership position. He agreed with Commissioner Braam that the councilmember at large serve as they also represented all of the residents as the mayor does.

Commissioner Kranz also agreed with Commissioner Braam and that it would be one less item for the council to have to worry about at their organizational meeting.

Commissioner Soule said that was fine and that it was okay to have differing opinions.

Commissioner Reiland said if they did it at the first meeting of the year, some of the councilmembers would be newly elected.

Commissioner Nelson said that may be true for the mayor or councilmember at large as well.

Commissioner Flickinger said it was something the individual running for councilmember at large should think about prior to running for office. The discussion about Section 2.03.1 ended at this point.

The Commissioners discussed Section 2.03.6 and what would happen in an emergency with civil unrest or a natural disaster what actions would be taken.

Mayor Lund said the Police Department has an Emergency Operations Plan that discusses the chain of command and what to do. He said it was used in 2005 when the tornado hit Fridley. He said the city lost land line service, and cell phones get overwhelmed. He said the City had an antenna installed on the roof to help manage cell phones. Ms. Skogen said a new generator was also purchased and set up to keep the power and the phones working. She said after the storm, the City had one operational telephone line that was not tied to the telephone system. It was the fax line which could only take one call at a time. But staff monitored that phone until power could be restored.

Chairperson Reynolds asked if there were any questions or concerns about Sections 2.04, there were none. She asked what Section 2.05 meant. Ms. Skogen stated it meant that no councilmember could be an employee of the City while serving as a councilmember and would have to wait one year before they could become eligible to work for the City.

Chairperson Reynolds said the City treated councilmembers as employees for the purpose of benefits. Ms. Skogen said the City had to make a choice for personnel information and data practices on whether councilmembers are treated as employees or nonemployees and that it was not just for benefits. She said the Councilmembers adopted an ordinance in the 1980's that allowed them to receive the same benefits as employees.

Commissioner Granroos asked how they could be identified and whether they could identify them as officers as they do on Boards.

Ms. Skogen said there are boards that provide benefits and some do not.

Commissioner Flickinger wondered how state officers were identified and whether they were considered state employees. Commissioner Nelson said they were employees of the state as they did receive W-2s.

Chairperson Reynolds said state law prohibits mayor and councilmembers from being employed by the city. The term employed is defined as full time permanent employee as defined by a city's employment policy. This law applies to those elected or appointed to serve as mayor or city councilmembers on or after August 1, 2010. For part time positions it must be determined if the positions qualify as offices and if the elements or responsibilities are incompatible with one another – MS 410.191 or MS 412. Based on the fact that they don't meet the qualification as an employee, in Section 2.07, we treat them as employees for the purpose of benefits.

Commissioner Soule said they are not allowed to be employees as they are elected officials and cannot hold other positions in the City.

Commissioner Kranz said if the mayor wanted to moonlight and become a janitor, he could not be eligible for the positions.

Mayor Lund said that was correct as there would be a contractual conflict of interest.

Chairperson Reynolds asked if Ms. Skogen could provide Chapter 6 from the LMC handbook on vacancies. In addition, Ms. Reynolds should provide additional information to Ms. Skogen prior to the meeting regarding her questions.

FUTURE AGENDA ITEMS

Old Business:

Proposed Bylaws Amendment and
Discussion on Chapter 2

ADJOURNMENT:

Commissioner Reiland MOVED and Commissioner Nelson 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,
City Clerk/Staff Liaison

Commissioner Donald Findell, Secretary