

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 Charter 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 to define 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