



TO: Charter Commission Members
FROM: Annie Leibel, City Management and Elections Asst.
Date: April 18, 2018
Re: Charter Commission Meeting of May 7, 2018

This is a reminder to you that the next Charter Commission meeting will be held on Monday, May 7th at 7:00 p.m. in Conference Room A on the Upper Level.

In order to ensure a quorum, please remember, the Charter Commission policy requires each member to call or e-mail staff before 10:00 a.m. MONDAY, May 7th. Please contact me at 763-572-3508 or email me at annie.leibel@fridleymn.gov or Deb at (763) 572-3523 or e-mail me at deb.skogen@fridleymn.gov about your attendance.

If we do not have a quorum by 10:00 am, I will send out an e-mail to see if additional members will attend. If by Noon there will not be a quorum, I will send out a follow-up e-mail to all members of cancellation of the meeting and post a cancellation notice on the door for those Commissioners who did not contact me, but came to the meeting.

We are providing a copy of the bylaws and the amendments to Chapter 8 in ordinance format.

If you have any other questions or concerns pertaining to this meeting, please contact me.



CITY OF FRIDLEY CHARTER COMMISSION

AGENDA

**MONDAY, MAY 7, 2018
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 May 7, 2018 meeting agenda
- 4. APPROVAL OF MINUTES**
Motion approving the April 2, 2018 meeting minutes
- 5. ADMINISTRATIVE MATTERS**
 - A. Reappointment of Commissioner Granroos
 - B. Discussion to Recommend Bylaws Amendment
- 6. OLD BUSINESS**
 - A. Review and Recommendation of Ordinance to Amend Chapter 8
- 7. NEW BUSINESS**
 - A.
- 8. FUTURE MEETING TOPICS/COMMUNICATIONS**
 - A.
- 9. ADJOURNMENT**
Motion to adjourn the meeting

**Next Regular Commission Meeting
Date: SEPTEMBER 4, 2018**

CITY OF FRIDLEY
CHARTER COMMISSION MEETING
April 2, 2018

CALL TO ORDER:

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

ROLL CALL:

Members Present: Commissioners Kelli Brillhart, Manuel Granroos, Richard Johnston, Ted Kranz, Bruce Nelson, David Ostwald, Barb Reiland, Valerie Rolstad, Cindy Soule, and Avonna Starck

Members Absent: Commissioners Gary Braam, Zach Crandall, Donald Findell, Rick Nelson, and Pam Reynolds

Others Present: Deb Skogen, City Clerk/Staff Liaison
Annie Leibel, City Management and Elections Assistant
Dolores Varichak, Councilmember Ward 2

APPROVAL OF AGENDA

Ms. Skogen stated the date of the agenda should be changed to April 2, 2018.

Commissioner Rolstad MOVED and Commissioner Starck seconded a motion approving the meeting agenda.

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

APPROVAL OF MINUTES

Commissioner Reiland MOVED and Commissioner Rolstad seconded a motion approving the Charter Commission meeting minutes of February 5, 2018.

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

ADMINISTRATIVE MATTERS

A. Reappointment of Commissioner Kranz

Commissioner Kranz agreed to be reappointed to another term.

Commissioner Rolstad MOVED and Commissioner Reiland seconded a motion directing staff to prepare a letter to the Chief Judge recommending the reappointment of Commissioner Kranz.

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

B. Election of Officers

Commissioner Ostwald read the Nominating Committee's Report. Commissioner Ostwald opened the nominations. Seeing none, nominations were closed.

Commissioner Kranz MOVED and Commissioner Reiland seconded a motion approving the Nominating Committee's Report to elect Commissioner Ostwald the chair, Commissioner Rolstad the vice chair, and Commissioner Nelson the secretary.

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

C. Review of Bylaws

Chair Ostwald asked if there were any changes the Commissioners would like to make.

Commissioner Brillhart stated Section 3E should be edited to read "Except as provided in these bylaws, all meetings shall be governed in accordance with Rosenberg's Rules of Order Newly Revised in 2011."

Commissioner Starck stated chair should not be capitalized unless it is used as a proper name. Chair Ostwald stated staff liaison and city clerk should also be lowercase.

Commissioner Johnston questioned if 9A should read 14 days instead of two weeks.

Ms. Skogen noted two weeks was significant because agendas are typically distributed only one week in advance of the meeting, but there was no difference between 14 days and two weeks.

Commissioner Starck stated in some lists there were periods following some of the items. She suggested this be uniform throughout the bylaws. Ms. Brillhart stated the periods should be removed.

Chair Ostwald stated Section IV Membership should be addressed.

Commissioner Reiland stated members should be expected to fully perform their duties, and regardless of any special duties, should be expected to attend meetings.

Commissioner Starck suggested the bylaws be changed to no more than (3) consecutive meetings can be missed without an adequate excuse.

Commissioner Soule stated it is difficult to get business done when people are absent, and it sometimes results in missed meetings because the Commission doesn't have a quorum.

Commissioner Reiland stated a valid excuse should be required before missing a meeting.

Councilwoman Varichak asked how missing no more than (4) consecutive meetings was originally decided. Ms. Skogen stated she wasn't sure.

Commissioner Kranz MOVED and Commissioner Johnston seconded a motion approving the bylaws be changed to "Any member missing three (3) ~~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."

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

Commissioner Granroos asked if another meeting could be added if it was deemed necessary by the Commission, since last month's meeting was cancelled due to the weather.

Chair Ostwald stated additional meetings could be set at the discretion of the Commission or the chair could call a meeting.

OLD BUSINESS

A. Continued Discussion of Chapter 8

Chair Ostwald stated the changes discussed at the last meeting were reflected in the Commission's packet. He asked if any further changes should be made.

Commissioner Starck stated the items in the list in section 8.01 should not be capitalized. Ms. Skogen noted she had added a sentence about how to alter the comprehensive plan in section 8.01.

In section 8.03, Ms. Skogen clarified there are two ways to initiate a local improvement or special assessment. She explained the state requires at least 35% of the property owners' signatures to initiate the local improvement process.

Commissioner Starck stated number two in section 8.03 the first word "By" should be lowercase.

Ms. Skogen addressed section 8.05, stating the Commission had asked her to see if there was a contract limit. After researching the question, she could not find a contract limit. However, if

there is an assessment, the benefits of the special assessment cannot exceed the benefits to the property under state statute.

Commissioner Rolstad asked if public works found it difficult to secure funds to upgrade equipment. Ms. Skogen said no, but the old language may have helped create the public works department.

Commissioner Reiland MOVED and Commissioner Starck seconded a motion approving the changes to Chapter 8.

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

Ms. Skogen stated she would have Chapter 8 in ordinance format for the next meeting.

FUTURE AGENDA ITEMS/COMMUNICATIONS

Ms. Skogen suggested the Commission consider topics to discuss at the next meeting. Chair Ostwald stated the next meeting could focus on the fall agenda.

Commissioner Kranz thanked Councilmember Varichak for the cooperation between the City Council and Charter Commission. He felt the cooperation between the two bodies had been very successful.

Councilmember Varichak appreciated the partnership and thanked the Commission and City staff for their help with these changes.

ADJOURNMENT:

Commissioner Granroos MOVED and Commissioner Rolstad seconded a motion to adjourn the meeting.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON OSTWALD DECLARED THE MOTION CARRIED AND THE MEETING WAS ADJOURNED AT 7:57 P.M.

Respectfully submitted,

Annie Leibel
City Management and Elections Assistant

Commissioner Bruce Nelson
Secretary

FRIDLEY HOME RULE CHARTER COMMISSION
BY-LAWS
Proposed 04/02/18

- 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 ~~C~~chair; or, the ~~C~~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 Rosenberg's Rules of Order Newly Revised 2011.
 - 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 ~~C~~chair or the ~~S~~ecretary as to the reason.

- B. Any member missing ~~four (4)~~ three (3) 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 ~~C~~chair, ~~V~~vice ~~C~~chair and a ~~S~~secretary.
2. The ~~C~~chair, ~~V~~vice ~~C~~chair and ~~S~~secretary shall be elected from the membership of the Commission.
3. The ~~C~~chair, ~~V~~vice ~~C~~chair and ~~S~~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 ~~A~~acting ~~C~~chair will ask for a teller committee of two (2) to count the ballots.

B. Duties of Officers and City Staff Liaison.

1. The ~~C~~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 ~~V~~vice ~~C~~chair shall assist the ~~C~~chair in the performance of these duties. In the event the ~~C~~chair is unable to perform these duties, the ~~V~~vice ~~C~~chair shall discharge such duties.
3. The ~~S~~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 ~~C~~ity ~~C~~lerk for retention; and
 - f. presiding at meetings in the absence of the ~~C~~hair and ~~V~~ice ~~C~~hair.
4. The ~~C~~ity ~~S~~taff ~~L~~iaison shall be designated by the ~~C~~ity ~~C~~lerk and serve as a recording secretary at all meetings of the Charter Commission. The ~~L~~iaison, with the direction of the ~~S~~ecretary, will have the following responsibilities.
- a. serve in an advisory capacity at all meetings as a non-voting member;
 - b. assist the ~~e~~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 ~~C~~ity ~~C~~lerk for retention.

VI. COMMITTEES

- A. The ~~C~~hair shall have the power to create committees, appoint members and designate chairs of those committees.
- B. In January of each year the ~~C~~hair 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.

ORDINANCE NO. ____

AN ORDINANCE AMENDING FRIDLEY CITY CHARTER CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

The Fridley City Charter has completed its review of Chapter 8 and has recommended an amendment of the City Charter by Ordinance to the City Council on May 7, 2018.

The Fridley City Council hereby finds after review, examination and recommendation of the Charter Commission that Fridley City Charter Chapter 8 related to public improvements and special assessments should be hereby amended and ordains as follows:

**FRIDLEY CITY CHARTER
CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS**

Section 8.01. THE CITY PLAN.

The present zoning and comprehensive plans shall be the plans for future physical development of the City. Plans may be altered from time to time. To alter a zoning plan, the City Council shall hold a public hearing and notice published fourteen (14) days prior to hearing with notices sent to affected property owners. The comprehensive plan may be altered in accordance with Minnesota state law. ~~# The plans~~ may include provisions for: (Ref Ord 1310)

- zoning;
- platting and development of new areas;
- planning and location of public works of art;
- public buildings;
- parks;
- playgrounds;
- bridges;
- public transportation services and facilities;
- other public facilities;
- designing and improving streets;
- designing and improving public places; and
- other matters which may seem essential to the City plan.

Section 8.02. ENFORCEMENT OF CITY PLAN.

The Council shall have ~~all necessary power~~ full authority, acting through the City Manager, to enforce complete adherence ~~by all persons~~ to the plans adopted as provided above, and to adopt and enforce a comprehensive zoning ordinance. The Council shall ~~have power to~~ pass ordinances to regulate:

- the use of private property_;
- the height of buildings_;

- ~~and~~ the proportion of the area of any lot which may be built upon; and
- to establish building lines.

Such ~~power~~ authority shall be exercised to promote public health, safety, morals, welfare and convenience.

Section 8.03. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

The City shall have the ~~power~~ authority to make any and every type of public improvement not forbidden by the laws of the State and to levy special assessments to pay for all such improvements as are of a local character, in accordance with Minnesota State Statute Chapter 429, Local Improvements, Special Assessments. The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvements, including all costs and expenses connected therewith, with interest, until paid, but shall not exceed the benefits to the property.

Section 8.04. LOCAL IMPROVEMENT REGULATIONS.

The City Council may prepare and adopt a comprehensive ordinance, prescribing the procedure which shall determine all matters pertaining to the making of local improvements thereafter, and such ordinance shall ~~supplant~~ supercede all other provisions of law on the same subject and may be amended only by an affirmative vote of at least four (4) members of the City Council. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefore as shall be necessary to meet the state of Minnesota constitutional requirements “to levy and collect assessments for the initiation of local improvements upon property benefited thereby.” Such ordinance shall allow for initiation of a local improvement by:

1. a petition signed by a majority of the owners bordering the proposed improvement; or
2. by the city council initiating a local improvement and ordering a feasibility report.

Section 8.05. PUBLIC WORKS HOW PERFORMED.

1. Public works including all local improvements; may be constructed, extended, repaired or maintained either by contract or directly by day labor. Before receiving bids the City Manager shall, under the direction of the City Council, have suitable plans and specifications prepared for the proposed material or project and estimate of the cost thereof in detail. The award of any contract shall not exceed the real measure of benefit which is the increase in the market value of the land because of the improvement. amounting to more than what is allowable under Minnesota state statutes shall require an affirmative vote of at least four (4) members of the City Council. When the best interest of the City will be served thereby, ¶The City Council may organize a public works department and may provide the public works department with suitable equipment to perform their duties. (Ref. Ord. 1310)
2. The right is reserved to the City Council, upon the recommendation of an engineer; acting through the public works department, to bid on any work to be let by contract. All contracts shall be let to the lowest responsible bidder who is qualified in accordance with Minnesota State Statutes. The term "lowest responsible bidder" shall be interpreted as giving the City Council the right to accept any bid which it determines to be most

advantageous to the City. The City Council shall reserve the right to reject any or all bids in accordance with Minnesota State Statute Chapter 429. The City shall require contractors to furnish proper bonds for the protection of the City, ~~the employees and material person~~ in accordance with Minnesota state law. (Ref. Ord. 776)

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS ___ DAY OF _____, 2018.

Scott J. Lund, Mayor

ATTEST:

Debra A. Skogen, City Clerk

Public Hearing:
First Reading:
Second Reading:
Publication Date: