

CITY OF FRIDLEY
CHARTER COMMISSION MEETING
JANUARY 2, 2018

CALL TO ORDER:

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

ROLL CALL:

Members Present: Commissioners Gary Braam, Don Findell, Manuel Granroos, Richard Johnston, Ted Kranz, Bruce Nelson, Richard Nelson, David Ostwald, Barb Reiland, Pam Reynolds, Valerie Rolstad, Cindy Soule and Avonna Starck

Members Absent: Commissioner Crandall

Others Present: Deb Skogen, City Clerk/Staff Liaison

APPROVAL OF AGENDA

Commissioner Reynolds suggested adding the appointment of the Nominating Committee to the agenda.

Commissioner Reiland MOVED and Commissioner Johnston seconded a motion approving the meeting agenda with the addition of the appointment of the Nominating Committee to Item B of Administrative Matters.

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

APPROVAL OF MINUTES

Commissioner Findell MOVED and Commissioner Starck seconded a motion approving the Charter Commission meeting minutes of November 6, 2017.

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

ADMINISTRATIVE MATTERS

A. Vacancies

Ms. Skogen said that Commissioner Walch had provided his resignation due to other commitments so there is one opening on the Commission. She said the information on the vacancy is on the website and on cable, but we have received no applications.

Chairperson Ostwald asked if there were any terms soon to expire.

Ms. Skogen said Commissioner Bruce Nelson's term expires February 22nd and Commissioner Ted Kranz's term expires April 22nd.

Upon discussion, Commissioner B. Nelson would like to continue to serve on the Charter Commission. Commissioner Kranz said he could not yet commit.

Commissioner Rolstad MOVED and Commissioner Soule seconded a motion recommending the reappointment of Bruce Nelson to another term on the Charter Commission and directing staff to forward the information to the District Chief Judge.

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

B. Update to Amendment to Chapter 7

Ms. Skogen provided an update on the process of the amendment to Chapter 7 by Ordinance. The City Council scheduled public hearing and the text of the ordinance was published in the official legal newspaper. The public hearing was held on December 18, 2017. She said the first reading would be held on January 8th and the second reading would be held on January 22nd. If adopted, the ordinance would become effective 90 days after publication which is May 16th.

Commissioner Reynolds was at the meeting and asked for the full text of the ordinance read. As it was the public hearing and not the first reading, the Council did not read the text. Ms. Skogen asked Commissioner Reynolds if she would like to have it read at the first reading so they could pre-record the reading prior to the meeting. Commissioner Reynolds said yes.

C. Appointment of Nominating Committee

After looking for volunteers to serve, and needing three individuals, Chairperson Ostwald appointed Commissioners Starck, Rolstad and himself to the Nominating Committee.

Ms. Skogen said the Nominating Committee would have to have an open meeting and would have to post the meeting if not held after tonight's meeting. The Committee decided to meet directly after the Charter meeting.

Ms. Skogen will prepare a memo of the Committee's recommended nominations for the next meeting.

OLD BUSINESS – CONTINUED DISCUSSION OF CHAPTER 8

Commissioner Reiland wondered if authority should be changed to power so it was consistent.

Ms. Skogen said the intent was to change power to authority.

Commissioner Reynolds asked if in Section 8.03 that authority was only for the city plan. She wondered why the word "morals" was used and was unsure about what that had to do with the city plan.

Ms. Skogen said the word "morals" has been in the Charter since its inception in 1957. It may be included to allow for the zoning of certain types of businesses and where they might be zoned.

Ms. Reynolds wondered if it could be clarified to say, "as it applies to the city plan".

Ms. Skogen said the title, "Enforcement of City Plan" would imply it applies to the city plan and did not think it was necessary.

Ms. Reynolds asked if the language had anything to do with the comprehensive plan.

Ms. Skogen stated she did not know.

Ms. Soule said that Section 8.01 addresses zoning and comprehensive plans.

Ms. Reynolds wondered if the comprehensive plan was completed by ordinance or resolution. She said the charter language says it needs to be done by ordinance, but doesn't recall if it has been adopted by ordinance.

Ms. Skogen said she was unsure. She will find out what the process is and provide the Commission with that information.

Commissioner Reiland said in Section 8.03 the word "power" should be changed to "authority" in the first line.

Commissioner Soule said they discussed using the word "authority" throughout this section to be consistent.

The Commissioner discussed whether to omit "Chapter 429" or refer to state law. It was determined they would keep the specific statute in this case.

Ms. Reynolds recommended placing a comma after "...improvements may equal the cost of the improvements, including all costs..." There was some discussion about the paragraph, but all agreed just to insert the comma.

Commissioner Kranz cited the staff memo stating, "We have to remember that we are not required to continually rewrite the charter or make amendments."

Chairperson Ostwald moved the discussion to Section 8.04 Local Improvement Regulations.

Commissioner Reynolds asked if there was a better word to use than "supplant" in the third sentence. After reviewing a thesaurus it was suggested the use of the word "supercede".

Commissioner Soule wondered about the last sentence requiring a vote of 4/5 of the council – Ms. Skogen will research to the issue and provide the information at the next meeting.

Commissioner Reynolds asked what "to meet constitutional requirements" in the sixth line of the paragraph meant. She wondered if it was state or federal. Ms. Skogen will research the issue and provide the information at the next meeting.

Commissioner Reynolds asked if there was an ordinance pertaining to how citizens could petition for a specific improvement and assessment. Ms. Skogen will research the issue and provide the information at the next meeting.

Commissioner Reynolds thought this section was more like a process that included two different procedures for property to be assessed, by the Council, or by a petitioning group of citizens. Commissioner R. Nelson agreed that was how he viewed the language. He thought maybe there should be language that separates the two processes.

Commissioner R. Nelson MOVED and Commissioner Soule seconded a motion that staff provide information about what was meant "to meet constitutional requirements", about the 4/5 vote of the council, and to clarify the process used for improvement projects and assessments.

Chairperson Ostwald moved the discussions to Section 8.05. Public Works How Performed.

Commissioner Reiland suggested inserting a comma in the first paragraph as follows: "...Manager shall, under the direction of the City Council, have suitable plans..."

Commissioner Reiland suggested removing a comma in the second paragraph as follows: "upon the recommendation of an engineer, acting through..."

The Commissioners discussed whether "best value" in reference to lowest responsible bidder should be included and wondered why that language was not included from their previous discussion of this section. Ms. Skogen will review the 2013 minutes and provide the information to the Commissioners at the next meeting.

The Commissioners then discussed what the definition of “material person” meant. They wondered if it would be better to use vendors or suppliers.

Commissioner R. Nelson said it is defined in the dictionary as a person who provides materials for a construction or renovation project. A material man can receive a mechanics lien from an owner or builder for the project guaranteeing payment of materials.

Ms. Skogen said in the original charter it did say “material men”, however, it was amended to “material person”.

Commissioner Kranz thought it covered more than vendors and if you just put the word “vendor” in, it would not cover everything.

Ms. Skogen will research the definition and provide the information to the Commission at the next meeting.

NEW BUSINESS

The Commissioners discussed the calendar for 2018 and found there were a few errors. Ms. Skogen will update the calendar for the next meeting.

FUTURE AGENDA

Commission Vacancy
Nominating Committee Report
Update on Chapter 7
Continued Discussion of Chapter 8

ADJOURNMENT:

Commissioner Rolstad MOVED and Commissioner Kranz 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 8:01 P.M.

Respectfully submitted,

Debra A. Skogen, MMC
City Clerk/Staff Liaison

Commissioner Manuel Granroos, Secretary