



## Fridley Civic Campus

7071 University Ave N.E. Fridley, MN 55432  
763-571-3450 | FAX: 763-571-1287 | [FridleyMN.gov](http://FridleyMN.gov)

To: Charter Commission Members

From: Daniel Tienter, Finance Director/City Treasurer/City Clerk/Staff Liaison  
Melissa Moore, Administrative Services Coordinator/Deputy City Clerk

Date: January 29, 2020

Re: Charter Commission Meeting of February 3, 2020

This is a reminder that the next Charter Commission meeting will be held on February 3, 2020 at 7:00 p.m. at the Civic Campus located at 7071 University Avenue NE in the Fireside Room on the main level of the facility.

In order to ensure a quorum, the Charter Commission policy requires each member to call or e-mail staff before 10:00 a.m. on February 3. Please contact Melissa Moore at (763) 572-3523 or at [melissa.moore@fridleymn.gov](mailto:melissa.moore@fridleymn.gov) about your attendance.

If we do not have a quorum by 10:00 a.m., staff will send out an e-mail to see if additional members will attend. If by noon there will not be a quorum, staff will send out a follow-up e-mail to all members of cancellation of the meeting and post a cancellation notice on the door.



## City of Fridley Charter Commission

### Agenda

**Monday, February 3, 2020  
7:00 P.M.**

---

**Location:** Fridley Civic Campus – Fireside Room  
7071 University Avenue NE  
Fridley, MN

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
  - A. Motion approving the February 3, 2020 Meeting Agenda
- 4. Approval of Meeting Minutes**
  - A. Motion approving the January 6, 2020 Meeting Minutes
- 5. Administrative Matters**
  - A. Updated Membership List
  - B. Upcoming Term Expiring: Gary Braam (05-31-2020)
  - C. 2019 Annual Report
  - D. Nominating Committee Report
- 6. Old Business**
  - A. Review of Chapter 12 – Miscellaneous Procedures
- 7. New Business**
- 8. Future Meeting Topics/Communications**
- 9. Adjournment**

Motion to adjourn the meeting

**CITY OF FRIDLEY  
CHARTER COMMISSION MEETING  
JANUARY 6, 2020**

---

**CALL TO ORDER:**

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

**ROLL CALL:**

Members Present: Commissioners Gary Braam, Manuel Granroos, Richard Johnston, Bruce Nelson, Rick Nelson, Barb Reiland, Pam Reynolds, Valerie Rolstad, Cynthia Soule, Avonna Starck, Kelli Brillhart (arrived late)

Members Absent: Commissioners Donald Findell, Ted Kranz

Others Present: Daniel Tienter, Finance Director/City Treasurer/City Clerk/Staff Liaison  
Melissa Moore, Admin. Services Coord./Deputy City Clerk/Staff Liaison  
David Ostwald, Councilmember-at-Large  
Nikki Karnopp, Charter Commission Member Applicant  
Courtney Rathke, Charter Commission Member Applicant

**APPROVAL OF AGENDA**

Commissioner Barb Reiland MOVED and Commissioner Johnston seconded a motion approving the meeting agenda.

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

**APPROVAL OF MINUTES**

Commissioner Braam MOVED and Commissioner Rick Nelson seconded a motion approving the meeting minutes of November 6, 2019.

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

**ADMINISTRATIVE MATTERS****A. New member interviews – Nikki Karnopp and Courtney Rathke**

Chair Rolstad acknowledged Ms. Karnopp and Ms. Rathke who have applied to be members of the Commission. She asked each applicant to give a brief statement about themselves and informed the Commission members they may ask questions of each applicant.

Ms. Karnopp stated she has been a resident of Fridley for 14 years and outlined her other connections to the community. Commissioner Reynolds asked how Ms. Karnopp knew of the opening. Ms. Karnopp explained she talked with Mayor Lund about the opening, along with Commissioner Starck. Commissioner Reynolds asked if Ms. Karnopp understood the purpose and intent of the Commission. Ms. Karnopp acknowledged she understood the purpose of the Commission was to provide guidance to Council and staff and enforce the City Charter. Commissioner Reynolds asked if Ms. Karnopp felt she had enough time for another commitment. Ms. Karnopp said yes.

Ms. Rathke stated she has been a resident of Fridley since 1970 and outlined her other connections to the community. Chair Rolstad asked Ms. Rathke if she would have time to dedicate to the Commission's work. Ms. Rathke answered that yes, she would be able to juggle all her obligations. Commissioner Reynolds asked how Ms. Rathke knew of the vacancy. Ms. Rathke informed the Commission she heard of the opening from Councilmember-at-Large Ostwald.

Commissioner Braam MOVED to recommend the appointment of Nikki Karnopp and Courtney Rathke to the Fridley Charter Commission, seconded by Commissioner Granroos.

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

Mr. Tienter informed the Commissioners that staff would notify the Chief Judge of the recommendation of Ms. Karnopp and Ms. Rathke to the Commission and their Oath of Office would be ready to administer at the February meeting.

**B. 2020 Nominating Committee**

Commissioner Reynolds noted that at the January meeting the Chair was obligated to appoint a Nominating Committee for officers for the upcoming year.

Chair Rolstad MOVED to amend the agenda to add section 5B to Administrative Matters on this evening's agenda to appoint members to a Nominating Committee for officers for the upcoming year. Commissioner Rick Nelson seconded.

Chair Rolstad asked for volunteers to serve on the Nominating Committee. Commissioners Starck, Reynolds and Chairperson Rolstad volunteered. Commissioner Starck asked if the meeting needed to be in person. Commissioner Reynolds and Mr. Tienter said yes, and the group typically meets immediately after this meeting to discuss nominations. Commissioner Reynolds added that at the February meeting the Nominating Committee puts forth their recommendations, then the topic goes before the Commission for discussion.

Commissioner Starck asked who would be interested to serve in officer positions for 2020. Commissioner Reynolds and Chairperson Rolstad noted they are interested in the Chair position. Commissioner Reiland volunteered to be Secretary.

Commissioner Starck noted that the Nominating Committee should meet before the February meeting to allow any members not present at this evening's meeting time to decide if they would like to be considered for an officer position. The Committee agreed to meet at 6:30 p.m. on February 3.

### **OLD BUSINESS**

#### A. Discussion of Chapter 6 – Section 6.05

Commissioner Reynolds asked Commissioner Rick Nelson if the draft of Section 6.05 reflected what he brought forth at the last meeting. He said it did. His concern was that while the City Manager could have a designee, he still wanted the Mayor to sign any contracts. Mr. Tienter confirmed that staff listened to the recording of the meeting several times to confirm they worded the draft exactly how Commissioner Nelson directed.

Commissioner Reynolds MOVED and Commissioner Reiland seconded a motion to accept the draft language of Section 6.05. Mr. Tienter asked to clarify if the motion to accept the language constituted a recommendation to put forth the amendment to the City Council. Commissioner Reynolds agreed.

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

Regarding Section 6.07, Commissioner Reynolds wished to refer to the November 4, 2019 meeting minutes where the discussion occurred regarding penalties associated with the breaking of an ordinance. Commissioner Reynolds believed that sentiment was incorrect. Commissioner Reynolds shared that the City has two types of ordinances. Administrative ordinances which do not have a penalty, for instance, transferring property. She noted that Section 3.05 of the Charter states, "Any legislation prescribing a penalty for its violation shall be enacted in the form of an ordinance." She pointed out that if you are going to have a penalty for violation, it must be passed through an ordinance, not that every ordinance carries a penalty for violation. Therefore, changing this section to say "contracts by resolution" is not what the Commission wants to do because under an administrative action there is no penalty. The

concern the Commission has in changing it from ordinance to resolution is the issue of transparency. She acknowledged it costs the City more to do things by ordinance, but the benefit of an ordinance is that it gives the citizens and the Council more opportunity to look at the ordinance. There are many benefits to the process of an ordinance. Commissioner Reynolds wanted the Commission to know that the concept of an ordinance does not require a penalty be enforced. She further noted that Section 3.04 says, "all administrative business may be transacted by ordinary motion."

Commissioner Reiland asked if the City has two different types of ordinances which state if there is a penalty.

Commissioner Reynolds answered yes, and that administrative actions and ordinances do not carry a penalty. Commissioner Reiland confirmed that the only reason to change the draft language of Section 6.07 from resolution to ordinance, was for transparency. Commissioner Reynolds agreed.

Chair Rolstad asked for a clarification. Mr. Tienter agreed that there are so-called administrative ordinances and regular ordinances. Administrative ordinances are promulgated by the City Charter. For example, the Charter requires that any land be sold by ordinance. In Section 3.05 of the Charter it notes that if a penalty for violation is included, then an ordinance would be required. As an extension of state law, which states if anyone violates an ordinance they may be punished, even if that ordinance does not establish a specific penalty. For example, if the City were to fail to honor the ordinance by recording the land sale to the HRA, someone could be found to be criminally liable in that situation. However, that would be quite extraordinary. Mr. Tienter added it is important to note that if you want to attach a penalty it must be an ordinance. The Council may not attach a penalty to a resolution. If a staff member violated the direction of a resolution the City Manager could terminate the employment of staff.

Mr. Tienter added that the point of changing this language to a resolution is that it is within the confines of Section 6.05. Section 6.07 provides the exception that the Commission was looking for. That's why the language, "Subject to the express provisions of this Charter..." was added. In Section 6.05, there are points that correlate to specific state statute as it relates to the letting of bids and not having purchasing regulations that exceed those amounts. For transparency the resolution still needs to go before Council, and Council procedures allow anyone to pull any resolution off the Consent Agenda. Additionally, the League of Minnesota Cities recommends that for administrative policies of this nature, they are typically adopted by resolution rather than ordinance. There are administrative ordinances and regular ordinances, but no matter what, state law dictates that a penalty could be attached to either.

Commissioner Rick Nelson clarified that a resolution could not undo anything written in Section 6.05.

Mr. Tienter answered that was correct. The Council may not take any action that is in direct violation of the Charter or any state law that the Charter references or supersedes the Charter.

The Council may only operate within the provisions of Section 6.05. The City Attorney added the language "subject to the express provisions of this Charter" because there was concern if the Council could adopt a resolution that is in contrast with the Charter.

Commissioner Rick Nelson wanted to make sure that the Mayor would still need to sign contracts and wanted to make sure that a resolution would not change that requirement.

Mr. Tienter confirmed that Section 6.05 explicitly excludes the language "unless otherwise adopted by resolution" and Section 6.07 makes any other further purchase regulations inferior to Section 6.05. The Council could not do anything outside of Section 6.05.

Commissioner Richard Johnston MOVED to approve Section 6.07, seconded by Commissioner Kelli Brillhart.

Mr. Tienter noted that the City Attorney changed the last sentence of the opening paragraph to read "The City of Fridley does ordain" to follow what the Charter requires for an ordinance.

Commissioner Reiland qualified that this discussion and motion were applicable to Section 6.07 only. The Commission agreed that Section 6.05 and Section 6.07 will go before Council as separate ordinances. Commissioner Rick Nelson felt comfortable putting forth the draft language in tonight's agenda packet and allowing staff to put the language into ordinance form.

Commissioner Richard Johnston MOVED to accept the language of Section 6.07, seconded by Commissioner Brillhart.

Mr. Tienter clarified that staff would split Sections 6.05 and Section 6.07 into two separate ordinances. Commissioner Rick Nelson agreed.

UPON A VOICE VOTE, COMMISSIONERS BRAAM, BRILLHART, GRANROOS, JOHNSTON, BRUCE NELSON, RICK NELSON, REILAND, ROLSTAD, SOULE AND STARCK VOTING AYE, COMMISSIONER REYNOLDS VOTING NAY. CHAIRPERSON ROLSTAD DECLARED THE MOTION CARRIED.

Mr. Tienter asked for a motion to formally recommend the approved amendment of Section 6.07 to the Council for their consideration.

Commissioner Rick Nelson MOVED to formally recommend the approved amendment of Section 6.07 to the Council for their consideration, seconded by Commissioner Starck.

Mr. Tienter asked for a friendly amendment to express the will of the Commission that the amendments be brought to the Council for their consideration as two separate amendments.

Commissioner Brillhart MOVED to add a friendly amendment to the previous motion that the Commission directs staff to bring forth both amendments to the Council as two separate items, seconded by Commissioner Starck.

UPON A VOICE VOTE, COMMISSIONERS BRAAM, BRILLHART, GRANROOS, JOHNSTON, BRUCE NELSON, RICK NELSON, REILAND, ROLSTAD, SOULE AND STARCK VOTING AYE, COMMISSIONER REYNOLDS VOTING NAY. CHAIRPERSON ROLSTAD DECLARED THE MOTION CARRIED.

#### B. Discussion of Chapter 12

Mr. Tienter notified the Commission that staff had not prepared any review of Chapter 12. Staff will do so upon the direction of the Commission.

Commissioner Rick Nelson MOVED to have staff review Chapter 12 and bring back any recommendations at the February meeting for review, seconded by Commissioner Reiland.

Commissioner Reynolds noted that Chapter 12 was one that she asked to be reviewed. She wished to review her questions and suggestions on the chapter. In Section 12.03 Commissioner Reynolds noticed that the Oath of Office is not what the City uses. It does not call out the need to uphold the Charter. When Councilmember-at-Large Ostwald was sworn in, a different oath was used that she liked. She would like to change the Charter to reflect the same oath that was used for Councilmember-at-Large Ostwald.

Commissioner Reynolds said in Section 12.05 regarding bonding, she has questions on the processes that staff follow regarding the office held by the Secretary of Council. She would like further clarification.

Commissioner Reynolds said she would like clarification on Section 12.06 and asked for input from the Commission. She would like to know if any proceeds from selling the land of the old City Hall went toward paying the debt for the new City Hall.

Commissioner Reynolds inquired about Section 12.08, point two, if mailboxes should be included in that language. Commissioner Reiland added that she thought a mailbox would be included in that section.

Commissioner Reynolds noted that Section 12.11 says "...shall apply to the City of Fridley and shall be construed as supplementary to the provisions of this Charter." She questioned if the word construed should be replaced with comply. Commissioner Rick Nelson noted that our Charter must comply with state law. Commissioner Reynolds agreed, but only if the state law is silent on an issue. Commissioner Rick Nelson agreed, if the law is silent then the Charter takes hold. Commissioner Brillhart noted that is why the supplementing language is used so that the Charter complies. Commissioner Rick Nelson pointed out that the Charter can be more restrictive than state law.

Mr. Tienter clarified the motion was to have staff review Chapter 12. Commissioner Rick Nelson agreed, adding the motion would ask staff to come back with any recommendations, if any, and clarify the sections that Commissioner Reynolds asked for clarification. Mr. Tienter clarified that would be Sections 12.03, 12.05, 12.06, 12.08 and 12.11. Commissioner Rick Nelson agreed that the Commission wishes to examine those sections, along with an overall review of the entire Chapter.

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

### **NEW BUSINESS**

Commissioner Brillhart brought forth a question regarding the 2020 Charter Commission meeting dates, noting that some Commission meetings were scheduled on the same nights as Council meetings, which would make attending impossible for the Staff Liaison. Mr. Tienter agreed that the attendance of the Staff Liaison was one consideration for staff asking to move the January and March meeting dates. However, the primary reason was to not have two competing public meetings at the same time, so a member of the public would not need to choose which meeting to attend. He added that after communicating with the City Manager, staff are comfortable dividing staff to attend both meetings. He mentioned that staff will be more mindful of potential conflicts with other commissions or Council dates, or other community events.

Commissioner Braam asked why the March meeting was on March 9. Commissioner Rick Nelson noted that March 3 is the Presidential Primary, so staff would be unable to attend.

Mr. Tienter informed the Commission that staff would circulate the 2020 calendar again for the Commission.

### **FUTURE MEETING TOPICS/COMMUNICATIONS**

Discussion of Chapter 10 – Franchises and Public Utilities

Mr. Tienter reminded the Commission that this discussion has been tabled indefinitely due to impending litigation related to FCC orders that would supersede the Charter. Staff recommended that the discussion remain tabled. Mr. Tienter shared that the FCC announced new rules related to telecommunication and cable technologies, along with changes to city powers related to conformance and control of rights-of-way, how cities are allowed to calculate fees that are charged and what reasonable expenses or costs providers may withhold from the city as a part of their installation process. At this time, many local governments have joined a class action lawsuit and there are other pending individual lawsuits against the order. Given how wide-ranging this issue is, it is likely this topic will reach the Supreme Court. This is also related

to the delay of Public Hearings as related to the franchise agreement that the Council has been dealing with.

Chair Rolstad informed Commissioner Brillhart that a Nominating Committee was formed at the beginning of this meeting to choose officers for 2020. Commissioner Brillhart would like to be considered for all three officer positions.

Mr. Tienter informed the Commission that staff looked back to 2015 and it does appear that the Commission ever submitted an annual report to the Chief Judge. This is a requirement per state statute. If the Commission is comfortable, staff will prepare a draft report for review in February.

Commissioner Reynolds asked if staff received a letter for Commissioner Crandall's and Commissioner Ostwald's seat. Ms. Moore confirmed that staff did finalize the process of having the Chief Judge declare two vacancies for Commissioners Crandall and Ostwald's seat. Mr. Tienter confirmed that staff also submitted a reappointment request for Commissioner Rick Nelson.

Commissioner Reynolds wished to remind the Commission that March is the annual meeting when the by-laws are reviewed. Commissioner Brillhart asked that the by-laws be sent to everyone. Mr. Tienter agreed to send the by-laws along with the 2020 calendar.

Commissioner Rick Nelson asked the Commission to bring their versions of the Charter to make sure everyone has the most up to date chapters, along with the by-laws. Mr. Tienter agreed that staff will create two new Charter books for the new members, as well as send out the most up to date by-laws, the updated calendar, along with the list of chapters with the most recent date of revision.

Commissioner Reynolds also asked staff where the investigation was into the need to renumber Chapter 2. Mr. Tienter informed the Commission that the new City Attorney is looking into whether an ordinance is needed to fix the number sequence inaccuracies in Chapter 2, or if it may be done administratively.

Commissioner Brillhart asked if all of the updated chapters of the Charter are online. Ms. Moore indicated they are all online. Commissioner Reynolds noted her recollection says that Chapter 2 is the wrong version. Ms. Moore agreed to look at the chapters online and fix any discrepancies.

Commissioner Rick Nelson asked that an updated list of members be sent out. Mr. Tienter agreed that staff will send that out.

**ADJOURNMENT:**

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

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON ROLSTAD DECLARED THE MOTION CARRIED AND THE MEETING WAS ADJOURNED AT 8:10 P.M.

Respectfully submitted,

Melissa Moore  
Administrative Services Coordinator/Deputy City Clerk/Staff Liaison

Commissioner Bruce Nelson, Secretary



# **MEMORANDUM**

---

**Meeting Date:** 02-03-2020  
**To:** City of Fridley Charter Commission  
**Subject:** Updated Membership List  
**Agenda Item:** 5A

## **Introduction**

Attached is the updated Membership List for 2020.

## **Discussion**

The Charter Commission declared two vacancies for Commissioners Crandall and Ostwald's seats on October 7, 2019. Staff received two applications from Nikki Karnopp and Courtney Rathke. Ms. Karnopp and Ms. Rathke attended the January 6, 2020 meeting and answered questions from the Commission. The Commission approved a motion to recommend them for appointment by the Chief Judge. Staff have received the Chief Judge's appointment and will administer the Oath of Office immediately prior to the February 3, 2020 Charter Commission meeting.

Commissioner Rick Nelson's term is due to expire February 21, 2020. At the January 6, 2020 meeting Commissioner Nelson informed the Commission that he wished to be reappointed. Staff requested his reappointment from the Chief Judge and received the reappointment order. Preceding tonight's meeting, staff will administer Commissioner Nelson's Oath of Office.

## **Attachments**

- 2020 Membership List



## 2020 Charter Commission Membership

Name/Address	Phone	Email	Appointed	Term Exp.
Gary Braam 1436 66th Ave. Fridley, MN 55432	(h) 763-571-9582 (w) 763-528-1214	gbraam@msn.com	06-01-04 02-05-08 02-13-12 05-27-16	05-31-08 05-31-12 05-31-16 05-31-20
Kelli Brillhart 830 W Moore Lake Dr. Fridley, MN 55432	651-247-6084 (w) 763-505-4888	K340029@gmail.com	02-23-18	09-19-21
Donald Findell 6850 Siverts Lane Fridley, MN 55432	(h) 763-571-0467 (c) 612-867-9954	donfinder@aol.com	06-16-97 02-21-01 05-04-05 02-04-09 05-24-13 05-03-17	05-11-01 05-01-05 05-01-09 05-01-13 05-01-17 05-01-21
Manuel Granroos 1114 63rd Ave NE Fridley, MN 55432	(h) 763-571-0811 (c) 612-710-0332	mannyjg2389@gmail.com	10-21-14	09-02-22
Richard Johnston 456 Rice Creek Blvd Fridley, MN 55432	763-772-7556	johnstonrr@msn.com	02-15-17	09-19-21
Nikki Karnopp 482 Rice Creek Terrace NE Fridley, MN 55432	612-709-6452	nikkikarnopp@gmail.com	02-03-20	02-03-24
Ted Kranz 6701 Monroe Street NE Fridley, MN 55432	(h) 763-571-4387	Tkranz1@comcast.net	08-11-06 03-29-10 10-21-14 04-06-18	04-22-10 04-22-14 04-22-18 04-22-22
Bruce Nelson 168 71st Way NE Fridley, MN 55432	763-439-3659	binelson@comcast.net	02-15-17 02-23-18	04-22-18 04-18-21
Rick Nelson 4624 2 ½ Street NE Fridley, MN 55421	(c) 612-963-2487	rickvan16@hotmail.com	05-12-11 02-13-12 05-27-16 02-21-20	02-13-12 02-21-16 02-21-20 02-21-24
Courtney Rathke 6270 Jupiter Rd. NE Fridley, MN 55432	763-360-2817	courtney.rathke@gmail.com	02-03-20	02-03-24



## 2020 Charter Commission Membership

Barb Reiland 5623 W Bavarian Pass Fridley, MN 55432	763-571-0801	barb642@mac.com	02-13-12 05-21-13 02-15-17	02-21-13 02-21-17 02-21-21
Pam Reynolds 1241 Norton Ave NE Fridley, MN 55432	(c) 763-222-9386	fnpam@hotmail.com	05-12-05 03-22-07 04-04-11 05-04-15 11-04-19	05-01-07 05-01-11 05-01-15 05-01-19 11-04-23
Valerie Rolstad 1100 Lynde Drive Fridley, MN 55432	(h) 612-799-5993	A2busymama4u@hotmail.com	02-15-17 05-03-17	05-01-17 05-01-21
Cynthia Soule 7838 Firwood Way Fridley, MN 55432	(h) 763-572-9666 (c) 612-414-5319	csoule@primetherapeutics.com	06-16-97 02-04-09 05-24-13 05-03-17	05-01-09 05-01-13 05-01-17 05-01-21
Avonna Starck 650 67 <sup>th</sup> Avenue NE Fridley, MN 55432	(h) 612-423-6939 (W) 612-301-9194	Avonna.caroline@gmail.com	05-22-17 11-04-19	05-04-19 11-04-23



# **MEMORANDUM**

---

**Meeting Date:** 02-03-2020  
**To:** City of Fridley Charter Commission  
**Subject:** Upcoming Term Expiring: Gary Braam (05-31-2020)  
**Agenda Item:** 5B

## **Introduction**

Commissioner Gary Braam's appointment to the Charter Commission expires May 31, 2020.

## **Discussion**

If Commissioner Braam wishes to be reappointed, a motion to recommend his reappointment to Chief Judge Meslow is requested.



# **MEMORANDUM**

---

**Meeting Date:** 02-03-2020  
**To:** City of Fridley Charter Commission  
**Subject:** 2019 Annual Report  
**Agenda Item:** 5C

## **Introduction**

Attached is a draft to Chief Judge Meslow outlining the Charter Commission's work in 2019.

## **Discussion**

Pursuant to Minnesota Statute § 410.05 Subd. 2, "the commission shall submit to the chief judge of the district court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year."

Attached is a draft letter outlining work done in 2019 by the Charter Commission. The Commission is asked for any revisions prior to staff submitting the report to the Chief Judge. Going forward, staff will have a draft letter for approval at the last meeting of each calendar year.

## **Attachments**

- 2019 Draft Annual Report Letter



## Fridley Civic Campus

7071 University Ave N.E. Fridley, MN 55432  
763-571-3450 | FAX: 763-571-1287 | FridleyMN.gov

February 4, 2020

Honorable Douglas B. Meslow  
Tenth Judicial District  
Washington County Government Center  
14949 62nd Street N, PO Box 3802  
Stillwater, MN 55082

Re: Fridley Charter Commission 2019 Annual Report

Dear Honorable Judge Meslow,

Pursuant to Minnesota Statute § 410.05 Subd. 2, please accept this 2019 Annual Report of the Fridley Charter Commission (Commission).

The Commission met on the following dates in 2019: January 7, March 5, April 1, May 6, September 3, October 7 and November 4.

The Commission's Nominating Committee met on January 7 and recommended the following nominations to serve as 2019-2020 Charter Commission Officers: Valerie Rolstad, Chair; Cynthia Soule, Vice Chair and Bruce Nelson, Secretary.

In 2019 the Commission reviewed and/or updated the following items:

- Review of Chapter 1 (Name, Boundaries, Powers and Construction of Government);
- Bylaws updated on May 6, 2019;
- Completed review of Chapter 9 (Eminent Domain); and
- Review of Chapter 6 (Administration of City Affairs) resulting in two Charter Amendments, which will be considered by the City Council on January 27, 2020.

If you have any questions or comments, please contact me.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Melissa Moore'.

Melissa Moore  
Staff Liaison, Fridley Charter Commission  
Administrative Services Coordinator/Deputy City Clerk  
763-572-3523, melissa.moore@fridleymn.gov



# **MEMORANDUM**

---

**Meeting Date:** 02-03-2020  
**To:** City of Fridley Charter Commission  
**Subject:** Nominating Committee Report  
**Agenda Item:** 5D

## **Introduction**

Chairperson Rolstad and Commissioners Reynolds and Starck will present the findings of the 2020 Nominating Committee.

## **Discussion**

At the January 6, 2020 Charter Commission meeting Chairperson Rolstad and Commissioners Reynolds and Starck volunteered to serve on the 2020 Nominating Committee. The following Commissioners volunteered to be considered to serve as Chair in 2020: Val Rolstad, Pam Reynolds, Kelli Brillhart. Commissioner Barb Reiland volunteered to serve as Secretary.

If two or more Commissioners wish to serve in a particular office, the Commission may choose to hold a contested election at the March meeting.

Staff request a motion accepting the Nominating Committee Report.

## **Attachments**

- 2020 Charter Commission Nominating Committee Report



February 3, 2020

### **Fridley Charter Commission Nominating Committee Report**

The Nominating Committee consisted of Chairperson Rolstad and Commissioners Reynolds and Starck.

The Nominating Committee met on February 3 preceding the Charter Commission meeting. After discussion, the Nominating Committee offered the following nominations to serve as the 2020-2021 Charter Commission Officers:

Chair: \_\_\_\_\_

Vice Chair: \_\_\_\_\_

Secretary: \_\_\_\_\_

All three members have agreed to serve if elected.

If two or more Commissioners wish to serve in a particular office, the Commission may choose to hold a contested election at the March meeting.

The election will be held during the Commission's annual meeting on Monday March 9, 2020 at 7:00 p.m. at the Fridley Civic Campus, Fireside Room.



# **MEMORANDUM**

---

**Meeting Date:** 02-03-2020  
**To:** City of Fridley Charter Commission  
**Subject:** Review of Chapter 12  
**Agenda Item:** 6A

## **Introduction**

At the January 6, 2020 meeting, the Charter Commission (Commission) guided staff to review Chapter 12 and submit any findings or recommendations at the next meeting.

## **Discussion**

In consultation with the City Manager, staff prepared discussion points for Chapter 12 for the Commission to consider, and provided example language as reference material as needed. Following a review of this information, staff request further direction on how to proceed.

Attached is the Oath of Office of Councilmember-at-Large Ostwald from September 24, 2019, as a reference to discuss Section 12.03. Also attached is Ordinance 1310 adopted on December 2, 2013 (the last time Chapter 12 was revised) amending Sections 12.01 and 12.02.

## **Attachments**

- Staff review of Chapter 12 (comments in the margins)
- David Ostwald's Oath of Office
- Ordinance 1310

FRIDLEY CITY CHARTER  
CHAPTER 12. MISCELLANEOUS PROVISIONS

**Section 12.01. OFFICIAL PUBLICATIONS.**

The Council shall regulate by ordinance, subject to the requirements of this Charter, the manner in which official publicity shall be given to the holding of elections, ordinances, resolutions, requests for bids upon contemplated purchases and contracts, and all other matters whatsoever which require publication either by the provisions of this Charter or by the laws of Minnesota. It shall annually designate a legal newspaper of general circulation in the City as the official newspaper in which shall be published such measures and matters as are by the laws of this State and this Charter required to be so published, and such other matters as the Council may deem it advisable and in the public interest to have published in this manner.

At its discretion, the City Council may also provide for the publication of important city information including but not limited to the annual budget, ordinances, and resolutions. Such publication may be done by mailing or posting of printed copies thereof upon bulletin boards located in public places of the City in such number and for such period of time as the Council may direct in each case. In addition, the City Council may use electronic means for publication. Nothing herein contained shall be construed as authorizing or attempting to authorize any violation of the Constitution or the Statutes of the State in any matter which is of State concern or which is exclusively under State control. (Ref Ord 1310)

Example Language	
City of Hopkins	The Council shall annually designate one official newspaper as defined by Minnesota State Statutes in which shall be published such matters as are required to be published by the laws of the State or the provisions of this Charter.
City of Richfield	The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law to be so published, as well as such other matters as the Council may deem it in the public interest to have published in this manner.

**Section 12.02. PUBLICITY OF RECORDS.**

All records and accounts of every office, department or agency of the City shall be open to inspection in accordance with the Minnesota Government Data Practices Act.

**Section 12.03. OATH OF OFFICE.**

Every officer of the City shall, before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of the State of Minnesota and to discharge faithfully the duties

**Commented [TD1]:** The Charter Commission may revise this section to a broader statement on official publications or requirements. Please see the example language from other City Charters listed immediately after the section.

**Commented [TD2]:** The Charter Commission may remove this section as Section 12.11 already provides that all other State laws generally applicable to home rule municipalities apply to the City. In this case, the Minnesota Government Data Practices Act is applicable to all political subdivisions of the State, including home rule municipalities.

**Commented [TD3]:** The current text of this section reflects guidance from the Office of the Minnesota Secretary of State. With that stated, the Charter Commission could revise the text of the Oath of Office, if it so desired.

devolving upon me as (Mayor, or Councilmember, or City Manager, etc.) of this City to the best of my judgement and ability." (Ref. Ord. 857)

Section 12.04. CITY OFFICERS NOT TO ACCEPT FAVORS OR CONTRACTS.

No member of the City Council or employee of the City shall solicit or receive any pay, commission, money, thing of value, or derive any profit, directly or indirectly, from or by reason of, any improvement, alteration or repair required by authority of the City, or any contract to which the City shall be a party, except lawful compensation, including authorized expenditures, or salary as such member of the City Council or as such employee. No member of the City Council or employee of the City, except as otherwise provided in this Charter, or by law, shall solicit, accept or receive, directly or indirectly, from any public utility corporation or the owner of any public utility or franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. A violation of any of the provisions of this Section shall disqualify the offender, if found guilty, from continuing in office or in the employment of the City, and the offender shall be removed therefrom. Any contract with the City in which any member of the City Council or employee of the City is, or becomes, directly or indirectly interested personally shall be voidable at the option of the Council; and any money which shall have been paid on such contract by the City may be recovered from any or all of the persons interested therein by joint or several action. (Ref. Ord. 857)

**Commented [TD4]:** The Charter Commission should consider revising this section to exclude the termination of employment. At present, the language remains inconsistent with the powers and authorities of the City Manager to appoint and remove City staff. More importantly, the current text does not reflect other requirements outlined in Federal and/or State law, such as the Minnesota Veterans Preference Act, which requires additional due process for veterans separated from employment with a political subdivision. Additionally, certain employees may be subject to other separation requirements of their collective bargaining agreements.

Section 12.05. OFFICIAL BONDS.

The offices of City Manager, the City Clerk and City Treasurer and such other officers or employees of the City, as may be provided for by ordinance, shall each, before entering upon the duties of their respective offices or employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of their respective official duties and the safekeeping of the public funds. Such bonds shall be approved by the City Council and approved as to form by the City Attorney. They shall be filed with the Secretary of the Council. In the event the Secretary of the Council holds more than one (1) office by appointment, the Secretary's bond or bonds shall be filed with the Mayor. The provisions of the laws of the State relating to official bonds, not inconsistent with this Charter, shall be complied with. The premiums on the corporate surety bonds hereinbefore provided for shall be paid by the City. (Ref. Ord. 857)

**Commented [TD5]:** The Charter Commission may revise this section to a boarder statement on official bonds. Please see the example language from other City Charters listed immediately after the section.

Example Language	
City of Coon Rapids City of Richfield (similar, but not exact)	The City Manager, the City Clerk, the City Treasurer, and such other officers or employees of the City as may be provided for by ordinance shall each, before entering upon the duties of his respective office of employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds at the discretion of the City Council. They shall be approved by the Council, and approved as to form by the City Attorney, and filed with the City Clerk. The provisions of the laws of the State relating to

	official bonds not inconsistent with this Charter shall be complied with. The premium on such bonds shall be paid by the City.
--	--

**Section 12.06. SALES OF REAL PROPERTY.**

No real property of the City shall be sold or disposed of except by ordinance. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the Council may by a resolution adopted by an affirmative vote of at least four (4) members of the Council designate some other public use for such proceeds.

**Section 12.07. VACATION OF STREETS.**

The Council shall have the exclusive power, by resolution passed by a vote of at least four (4) members of the Council, to vacate or discontinue highways, streets, easements, and alleys within the City. Such vacations may be made only after notice and hearing of affected property owners, and upon such further terms and by such procedure as the Council may by ordinance prescribe. A record of each such vacation shall be filed in the office of the Anoka County Recorder. (Ref. Ord. 592, Ord. 1090)

Example Language	
City of Anoka	The Council may by resolution vacate any street, alley, easement, public grounds, public way, or other right in property, granted to or owned by the City, or any part thereof, on its own motion or at the request of one or more of the owners of land abutting the property to be vacated. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing. The Council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten (10) days before the hearing. The notice must contain a copy of the proposed resolution as well as the time, place, and date of the hearing. The vacation resolution may reserve any interest or right in the vacated property not greater than the City’s interest prior to the vacation. A certified copy of the vacation resolution shall be filed with the County recorder. Failure to file the resolution shall not invalidate the vacation proceedings.

**Section 12.08. DAMAGE SUITS.**

- No action shall be maintained against the City on account of any injuries or damages to persons or property, unless such action shall be commenced within one (1) year from the occurrence of such injury or damage, nor unless notice shall have been given in writing as required by Minnesota Statutes. (Ref. Ord. 873)

**Commented [TD6]:** The Charter Commission should consider revisions to this section to exclude the requirement of sale proceeds to retire any outstanding indebtedness. Generally, the requirement would be inconsistent with the mechanics of debt financing and the limited opportunity to “pay-off” any indebtedness in advance. For example, the City cannot make an early payment on the 2017A Capital Improvement Bonds for the Fridley Civic Campus until 2026.

**Commented [TD7]:** The Charter Commission should consider revising this section to allow from the approval of a vacation by a simple majority of the Council. Additionally, the Charter Commission should consider establishing an exact notice period (e.g., two weeks, 10 days).

Additionally, the Charter Commission may remove this section in total and State law would control regarding the vacation of streets pursuant to Section 12.11 of the Charter and State law.

**Commented [TD8]:** The Charter Commission may remove this section as Section 12.11 already provides that all other State laws generally applicable to home rule municipalities apply to the City. In this case, Minnesota Statute Chapter 466, which controls tort liability for political subdivisions would apply. The Charter Commission could also include a reference to the this or other State statutes controlling tort claim limits.

It is worth noting that several City Charters do not include a reference to damage suits.

- 2. No action shall be maintained against the City on account of injuries or damages to persons or property resulting from or caused by any accumulation or deposit of ice or snow on any public street, sidewalk, building, or place.

Example Language	
City of Saint Louis Park	The State of Minnesota has regulated actions for the recovery of damages for injuries to persons and property by statute. Therefore, the Minnesota Tort Claims Act, applicable to Minnesota municipalities as it may be amended from time to time, M.S.A. § 3.736, is hereby adopted by reference. The city expressly preserves all rights and defenses accorded to it by law, including the right to bring claims for contribution or indemnity.

**Section 12.09. RECOVERY OF JUDGEMENT FOR DAMAGES.**

If any judgement shall be recovered in any action against the City for any injury or damage caused by any obstruction, excavation, opening or defect in any street or alley or public ground caused or occasioned by the act or omission of any person or corporation, the City shall have the right to recover the amount of any such judgement from the person or corporation so responsible for such obstruction, excavation, opening or defect; and such person or corporation is hereby declared to be liable to the City in the amount of such damages, provided, however, the City shall give such person or corporation notice of any claim for such injury or damage and of any action to recover for the same and shall give such person or corporation the right and reasonable opportunity to defend such action.

**Commented [TD9]:** For the comments mentioned into the previous comments, the Charter Commission may consider removal of this section.

**Section 12.10. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER MUNICIPALITY**

The City of Fridley shall remain vested with and continue to have, hold and enjoy all property, property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the Village of Fridley, and shall be subject to all liabilities which exist against said Village on the effective date of this Charter.

**Section 12.11. APPLICATION OF GENERAL LAWS.**

All general laws and statutes of the State applicable to all cities operating under home rule Charters, or applicable to cities of the same class as the City of Fridley operating under home rule Charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Fridley and shall be construed as supplementary to the provisions of this Charter. The City shall have all powers and authority granted by the laws of the State to municipalities to acquire property or exercise authority or powers beyond the corporate limits. All powers by this Section conferred shall be exercised conformably to this Charter so far as may be possible, and such authority and power shall not authorize the City to incur any bonded debt beyond the limitations, or in any other manner than authorized by this Charter.

**Commented [TD10]:** The Charter Commission may revise this section to provide a broader and simpler statement related to those State statutes applicable to the City.

Example Language	
City of Ramsey	All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Ramsey operating under home rule charters, and not inconsistent with the provisions of this Charter, or the ordinances of this city, shall apply to the City of Ramsey, and shall be construed as supplementary to the provision of this Charter.
City of Anoka	All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Ramsey operating under home rule charters, and not inconsistent with the provisions of this Charter, or the ordinances of this city, shall apply to the City of Ramsey, and shall be construed as supplementary to the provision of this Charter.

Section 12.12. EXISTING ORDINANCES, REGULATIONS, BOARDS AND COMMISSIONS CONTINUED

All ordinances, regulations, boards and commissions of the municipality in force and existing when this Charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended, repealed, vacated or abolished.

Section 12.13. PENDING CONDEMNATIONS AND ASSESSMENTS.

Any proceeding for condemnation for public improvement or assessment in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the Village prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

# City of Fridley

## Oath of Office

I, David Ostwald, do solemnly swear to support the Constitution of the United States, the Constitution of the State of Minnesota, the Fridley City Charter and City Code; and to discharge faithfully the duties entrusted upon me as Councilmember at Large of the City of Fridley to the best of my judgement and ability.



Appointee

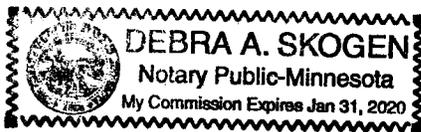
September 24, 2019

Date

Attest:



Debra A. Skogen, City Clerk



## ORDINANCE NO. 1310

AN ORDINANCE AMENDING THE FRIDLEY HOME RULE CHARTER, CHAPTER 7. TAXATION AND FINANCES, CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS, CHAPTER 11. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES, AND CHAPTER 12. MISCELLANEOUS PROVISIONS

After consideration and recommendation of the Fridley Charter Commission, the Fridley City Council hereby ordains, after findings, review, and examination, that the Fridley Home Rule Charter be hereby amended as follows:

### **SECTION 1: THAT CHAPTER 7 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:**

#### CHAPTER 7. TAXATION AND FINANCES

##### SECTION 7.02. .

1. The City shall have, in addition to the powers by this Charter expressly or impliedly granted, all powers to raise money by taxation pursuant to the laws of the State which are applicable to cities of the class of which it may be a member from time to time, provided that the amount of taxes levied against real and personal property within the City for general City purposes shall not exceed in dollars, a tax levy that is greater than the prior year tax levy increased by an inflationary index, or 5%, whichever is ~~least~~ less. Said inflationary index shall be that as defined by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers in the Minneapolis, St. Paul metropolitan area.

### **SECTION 2: THAT CHAPTER 8 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:**

#### 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 a~~ Notice shall be published fourteen (14) days prior to said hearing with notices sent to affected property owners. It may include provisions for: ~~zoning, for the platting and development of new areas, for the planning and location of public works of art, public buildings, parks, playgrounds, bridges, transportation lines, and other public facilities, and for laying out, improving streets and public places as well as all other matters which may seem essential to such a plan~~

- 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
- other matters which may seem essential to the City plan.

#### 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 amounting to more than ~~fifty thousand dollars (\$50,000)~~ 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 ~~under competent supervision~~ and provided the department with suitable equipment.

### **SECTION 3: THAT CHAPTER 11 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:**

#### CHAPTER 11. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

##### Section 11.04. CITY TO PAY FOR SERVICES

The Council shall make a reasonable charges, based on the cost of service, for lighting the streets and public buildings, ~~or~~ for supplying heat, power or any other utility, and ~~reasonable charges~~ for supplying the City with water, ~~and~~ The City shall credit the same to the publicly owned utility supplying the service. Such rentals and other charges for light, heat, power, water and other services shall be collected in the same manner as from other consumers, unless the Council provides some other plan.

##### Section 11.08. COMMISSION AT DISCRETION OF COUNCIL

The City Council may establish a public utilities commission as defined and authorized by state law. The commission's membership, organization, rules and regulations, officers, salary, jurisdiction, powers, disbursements, reports and abolition of the commission will be at the discretion of the Council by a majority shall require an affirmative vote of at least four (4) members of the City Council.

**SECTION 4: THAT CHAPTER 12 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:**

CHAPTER 12. INITIATIVE, REFERENDUM AND RECALL

Section 12.01. OFFICIAL PUBLICATIONS

The Council shall regulate by ordinance, subject to the requirements of this Charter, the manner in which official publicity shall be given to the holding of elections, ordinances, resolutions, requests for bids upon contemplated purchases and contracts, and all other matters whatsoever which require publication either by the provisions of this Charter or by the laws of Minnesota. It shall annually designate a legal newspaper of general circulation in the City as the official newspaper in which shall be published such measures and matters as are by the laws of this State and this Charter required to be so published, and such other matters as the Council may deem it advisable and in the public interest to have published in this manner.

~~The Council may in~~ At its discretion, in addition to the publications required by this Charter, the City Council may also provide for the publication of important city information including but not limited to the annual budget, ordinances, and resolutions, election notices, and such other measures and matters as it may deem wise. ~~It shall be done~~ Such publication may be done by mailing or posting of ~~typewritten, mimeographed or printed~~ copies thereof upon bulletin boards located in public places of the City in such number and for such period of time as the Council may direct in each case. In addition, the city council may use electronic means for publication. Nothing herein contained shall be construed as authorizing or attempting to authorize any violation of the Constitution or the Statutes of the State in any matter which is of State concern or which is exclusively under State control.

Section 12.02. PUBLICITY OF RECORDS.

All records and accounts of every office, department or agency of the City shall be open to inspection ~~by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the City Manager and approved by the City Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish~~ in accordance with the Minnesota Government Data Practices Act.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 2<sup>ND</sup> DAY OF DECEMBER 2013.**

\_\_\_\_\_  
SCOTT J. LUND, MAYOR

ATTEST:

\_\_\_\_\_  
DEBRA A. SKOGEN, CITY CLERK

Public Hearing:	June 28, 2010; October 28, 2013
First Reading:	November 18, 2013
Second Reading:	December 2, 2013
Publication:	December 12, 2013