

CITY OF FRIDLEY  
CHARTER COMMISSION MEETING  
APRIL 1, 2019

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**CALL TO ORDER:**

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

**ROLL CALL:**

Members Present: Commissioners Gary Braam, Kelli Brillhart, Manuel Granroos, Richard Johnston, Ted Kranz, Bruce Nelson, Rick Nelson, David Ostwald, Barb Reiland, Pam Reynolds, Valerie Rolstad, Cynthia Soule and Avonna Starck

Members Absent: Commissioners Zach Crandall and Don Findell

Others Present: Deb Skogen, City Clerk/Staff Liaison

**APPROVAL OF AGENDA**

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

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

**APPROVAL OF MINUTES**

Commissioner Reynolds, said on page 4 B. Review of Charter that the word “sent” did not make sense. Ms. Skogen read the sentence and said the word should be “set”.

Commissioner Reynolds MOVED and Commissioner R. Nelson seconded a motion approving the Charter Commission meeting minutes of March 4, 2019 as amended.

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

**ADMINISTRATIVE MATTERS**

There were no administrative matters.

**OLD BUSINESS**

## A. Discussion of Bylaws

Under Section II.C., Ms. Skogen said after listening to the audio tape, the first paragraph appears to be what the Commissioners were looking for. The second paragraph was written by Ms. Skogen as another alternative.

After some discussion, Commissioner Brillhart suggested adding the words “at least” before the five (5) members.

Commissioner B. Nelson MOVED and Commissioner Reiland seconded a motion to adopt the first paragraph presented with the addition of adding the words “at least” as requested. The amendment reads as follows:

“Special meetings may be called by the chair. In addition, the chair shall call a special meeting within ten (10) days upon receipt of a written request signed by at least five (5) members. Such special meeting shall require proper notice to the Commissioners and the public.”

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

Under Section V.4. the City Clerk was requested to review the language and recommend changes if needed. Ms. Skogen said she made one small change to item f which would require the retention of the Commission proceedings as required by the Minnesota Records Retention Act.

Upon discussion of the Commissioners and to make it consistent with the rest of the Charter, it should read, “retain records of Commission proceedings as required by Minnesota State Law.

Commissioner R. Nelson MOVED and Commissioner Ostwald seconded a motion to adopt the language as discussed.

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

Under Section VI.B. it was recommended to change the language as follows: “A written report of such nominations shall be transmitted electronically or by mailed to each member at least ten (10) days before the annual meeting.

Commissioner Soule MOVED and Commissioner Reiland seconded a motion adopting the amended as proposed.

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

Ms. Skogen will incorporate the changes into the bylaws for a vote at the next meeting.

Commissioner Soule said the Commission had also discussed adding the electronically or by mail to Section IX. A. pertaining to notifying the commissioners regarding the proposed amendment.

Commissioner Reiland MOVED and Commissioner Reynolds seconded a motion to adopt the language adding the words “electronically or by mail” to Section IX.A.

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

## **NEW BUSINESS**

### A. Chapter 1

There was a brief discussion about the possibility of changing some wording but after reading the first paragraph, which referred to the Village of Fridley, it was determined no language changes would be made.

It was suggested that the date of the charter certification and reviewal dates be added to the end of Chapter 1.

Commissioner Soule asked if the original charter could be scanned and incorporated onto the web with the other sections of the charter. Ms. Skogen said she would have that done.

### B. Chapter 9

Ms. Skogen said this Chapter is only one sentence long, but it provides the authority to the MN Statutes.

Commissioner Brillhart wondered why her electronic copy was different. She will forward a copy to Ms. Skogen for review.

Commissioner Reynolds wondered if “Statutes of the State of Minnesota” should be changed to read Minnesota state law. Ms. Skogen said it would be up to the Commission, but it would require Council approval.

Commissioner Brillhart stated her copy has definitions on the page. She suggested they determine whether or not they are necessary if the charter refers to the Statute.

Ms. Skogen will review Commissioner Brillhart's copy along with the City copy and the state statute to provide to Commission at next meeting.

The Commissioners wondered if eminent domain had been used. They thought it was done with Christian Crossings, Medtronic, and possibly Gateway East.

Commissioner Brillhart thought the definition of eminent domain added a little clarity to the information which would help people understand what eminent domain was.

### C. Chapter 10

Ms. Skogen said the federal regulations take precedent over the Charter and state law. The City Charter does help the City benefit to recoup the costs of city attorney fees accrued during the franchise discussions. When the City was in discussion with CenturyLink, CenturyLink had to pay for all of our city attorney expenses related to the franchise discussions.

It was recommended by the Commissioners that Ms. Skogen contact the attorney representing the City to see what his recommendation on this chapter might be.

Ms. Skogen will also provide the state and federal information to the Commissioners by email.

Commissioner Ostwald wondered if 25 years was too long for a franchise agreement since technology is changing so much.

Ms. Skogen said she thought the next term was for 10 years.

Commissioner Kranz wondered what would happen if a City Council member would own stock in one of the companies providing these services.

Ms. Skogen said they would have to disclose their ownership and would have to recuse themselves from the vote.

Commissioner Nelson wondered if the Council actually did the negotiations. Ms. Skogen said staff and attorney have done the negotiations and brought the information to the Council throughout the process to keep them informed. The Council ultimately has the final say by their approval by ordinance.

Commissioner Reynolds said the Charter Commission used to fix rates, and then it stopped. There was also something expressed about not having a monopoly.

Commissioner Soule wondered if there might be other types of franchises.

Commissioner Nelson said the City could be more restrictive, but not less restrictive. Ms. Skogen said she was not sure how that worked under federal law.

Ms. Skogen will also provide a copy of Chapter 405A, the current franchise agreement for their reference.

### **FUTURE TOPICS**

1. Bylaw amendments
2. Discussion of Section 6.05 contracts how let as requested by Finance Director pertaining signatory authority – City policy
3. Chapter 9
4. Chapter 10

### **ADJOURNMENT:**

Commissioner Starck MOVED and Commissioner Brillhart 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 8:02 P.M.

Respectfully submitted,

Debra A. Skogen, MMC  
City Clerk/Staff Liaison

Commissioner Bruce Nelson, Secretary