

**CITY OF FRIDLEY
CHARTER COMMISSION MEETING
SEPTEMBER 3, 2019**

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, Don Findell, Richard Johnston, Ted Kranz, Bruce Nelson, David Ostwald, Barb Reiland, Pam Reynolds, Valerie Rolstad and Avonna Starck

Members Absent: Commissioners Zach Crandall, Manuel Granroos, Rick Nelson and Cindy Soule

Others Present: Deb Skogen, City Clerk/Staff Liaison
Dan Tienter, Finance Director
Scott Lund, Mayor
Steve Eggert, Councilmember Ward 2

APPROVAL OF AGENDA

Commissioner Brillhart MOVED and Commissioner Johnston seconded a motion approving the September 3, 2019, meeting agenda.

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

APPROVAL OF MINUTES

Commissioner Reynolds asked for the minutes to be amended as follows:

Page 2, 2nd paragraph from the bottom, "The PO is a financial instrument the City would use to make payment for all procurements."

Page 7, middle of page change Commission to Commissioner Johnston.

Commissioner Reynolds MOVED and Commissioner Brillhart seconded a motion approving the Charter Commission meeting minutes of May 6, 2019 as amended.

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

ADMINISTRATIVE MATTERS

Ms. Skogen stated Commissioner Crandall had not been in attendance at any of the 2019 meetings, missing a total of 5 meetings, which included this meeting. She said the Bylaws recommend sending a letter notifying him of his absence and the recommendation to terminate his appointment at the next meeting. The Commissioners were in agreement.

OLD BUSINESS

A. Discussion of Chapter 6

Commissioner Findell said after reading the minutes he thought there was too much overthinking and did not feel a change was necessary. Commissioner Reiland agreed.

Dan Tienter, Finance Director, provided a presentation of proposed changes. Mr. Tienter said the proposed change would streamline the process and allow the city manager to do the day-to-day operation on expenditures below \$175,000. Anything over that amount would continue to go to the city council for approval. He said the city council's role is to set policy and regulation. Section 6.07 would continue to do that, but it would be set by resolution vs. ordinance.

Commissioner Brillhart asked if the City wanted to make the threshold lower than the \$175,000 set by the state.

Mr. Tienter said the City could be more restrictive, but he understood the threshold had been changed twice and then amended to allow the City to follow state law.

Commissioner Kranz stated Fridley has done a good job in make the appropriate choices and did not think it was necessary for a change.

Commissioner Reiland asked what the City would lose or gain by recommending the proposed change.

Mr. Tienter said that it would provide great efficiency in the day-to-day business and allow the City to respond quickly to new rules and regulations. The change provides clarity and consistency for the council-city manager form of government and would be consistent with other sections of the charter.

Commissioner Reynolds said she asked for a legal definition of instrument vs financial definition. She did not think purchase orders qualified as an instrument that needed the

mayor's signature. She felt instrument meant contracts, deeds, sale of real estate vs day-to-day type documents.

Commissioner Findell said he did not like to micromanage but said if the city council approved something the mayor should sign off on it.

Commissioner Rolstad said the City is trying to clarify and better align how it conducts its business. The proposal would give the City the opportunity to make decisions.

Ms. Skogen stated the reason for staff conducting research and bringing it to the Charter Commission was due to City Attorney Erickson interpreting this section as stating the mayor had to sign all contracts. After amending Chapter 7 and the budget process, staff was trying to clarify this section and make it more consistent with that process.

Commissioner Reynolds stated the commissioners did not have to accept the proposed language and could recommend their own changes.

Mr. Tienter said the proposed language would clarify how the dollars would be spent after the budget was approved and provide execution of documents based on the approval of the budget allowing for more day-to-day operation of the City.

Commissioner Rolstad said there were checks and balances and the proposal would mainstream the process and bring the City into current times and how business is done. She stated they vote for councilmembers to look out for the City and the change would provide a way that would not tie their hands.

Commissioner Kranz said the Charter Commission is responsible to the citizens.

Commissioner Findell said they are trying to create language that individuals can understand.

Commissioner Brillhart said the charter is written in legalese language, just like legislation at the state level, so that it is clearly states the proper when analyzed and is better protection of her tax dollars. She said they needed to trust the city council to do their job.

Commissioner Rolstad said the city council hires the city manager to manage the City and the charter should allow for that process.

Commissioner Ostwald asked Commissioner Findell what his concern was. Commissioner Findell said "I think Pam and I and perhaps the rest of us are a little selfish with our Charter. When someone comes and changes it, that bothers me. That's a big thing. We've already bent over backwards on a couple of other chapters, reluctantly sometimes but at the same time it did make the process efficient."

Commissioner Rolstad said she understood he had great passion but said it was the Fridley City Charter and the citizens have to come together as a group to do what is right for the City.

Commissioner Starck asked if someone didn't understand a section of the charter if they could contact the City to ask for clarification. Ms. Skogen stated yes they could contact the City for help.

Commissioner Findell said they had an obligation to listen, but they did not have an obligation to approve anything.

Commissioner Rolstad said it was time to move forward to make a decision about the proposed changes.

COMMISSIONER REYNOLDS MOVED AND COMMISSIONER FINDELL SECONDED A MOTION TO NOT ACCEPT THE PROPOSED LANGUAGE AND TO KEEP THE EXISTING LANGUAGE.

A roll call vote was requested.

Ayes: Braam, Findell, Kranz, Reiland, and Reynolds.

Nays: Brillhart, Johnston, B. Nelson, Ostwald, Rolstad, and Starck.

CHAIRPERSON ROLSTAD DECLARED THE MOTION FAILED BY A VOTE OF 5 TO 6.

COMMISSIONER BRILLHART MOVED AND COMMISSIONER STARCK SECONDED A MOTION TO ACCEPT THE LANGUAGE TO SECTION 6.05 AS PROPOSED.

A show of hands was requested.

Ayes: Brillhart, Johnston, B. Nelson, Ostwald, Rolstad, and Starck.

Nays: Braam, Findell, Kranz, Reiland, and Reynolds.

CHAIRPERSON ROLSTAD DECLARED THE MOTION APPROVED BY A VOTE OF 6 TO 5.

Commissioner B. Nelson MOVED and Commissioner Reiland seconded a motion to recommend approval of the language proposed in Section 6.07.

Commissioner Reynolds stated Section 6.04 states, "...shall have such duties in connection with keeping of public records, the custody and disbursement of the public funds, and general administration of the City's affairs as shall be ordained by the Council." She felt that would mean the city council would have to adopt the policy by ordinance. She said Chapter 5 of the charter allows for the people to reserve their rights and that changing ordinance to resolution takes away their rights.

Commissioner Brillhart asked what the difference between a resolution and an ordinance was. Ms. Skogen stated an ordinance creates legislation and regulations while a resolution is an official act that provides information and a formal action by the city council.

Commissioner Nelson withdrew his motion after further discussion.

Commissioner Brillhart MOVED and Commissioner Ostwald seconded a motion that staff review Section 6.04 and bring information back to the next meeting as to the word "ordain" and how it would affect the proposed change to Section 6.07.

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

B. Discussion of Chapter 10

Ms. Skogen stated the FCC has issued a new rule taking away more rights from cities. After talking with the attorney representing the City, he felt there were no changes at this time that should be made. Ms. Skogen said it appeared cities were lining up and would most likely file a lawsuit against FCC 621 Order.

The Commissioners agreed to table the ordinance

NEW BUSINESS

A. Discussion of Chapter 12

Commissioner Reynolds MOVED and Commissioner Brillhart seconded a motion to table discussion on Chapter 12 to the next meeting.

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

FUTURE MEETING TOPICS

- A. Continued Discussion of Chapter 6 – draft ordinance
- B. Discussion Chapter 10 – Tabled
- C. Discussion Chapter 12 – Tabled
- D. Update of Member List

ADJOURNMENT:

Commissioner Brillhart MOVED and Commissioner Starck 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 8:21 P.M.

Respectfully submitted,

Debra A. Skogen, MMC
City Clerk/Staff Liaison

Commissioner Bruce Nelson, Secretary