



## **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: December 31, 2019

Re: Charter Commission Meeting of January 6, 2020

This is a reminder that the next Charter Commission meeting will be held on January 6, 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.

Staff have received two new applications to join the Charter Commission. Nikki Karnopp and Courtney Rathke plan to attend the meeting. Their applications are contained in this agenda packet. Their questionnaires will be distributed at the meeting.

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 January 6. 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.



## **Agenda**

**Monday, January 6, 2020  
7:00 P.M.**

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

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
  - A. Motion approving the January 6, 2020 Meeting Agenda
- 4. Approval of Meeting Minutes**
  - A. Motion approving the November 4, 2019 Meeting Minutes
- 5. Administrative Matters**
  - A. New member interviews – Nikki Karnopp and Courtney Rathke
- 6. Old Business**
  - A. Discussion of Chapter 6 – Section 6.05 & Section 6.07
  - B. Discussion of Chapter 12
- 7. New Business**
- 8. Future Meeting Topics/Communications**
  - A. Discussion of Chapter 10, Franchises & Public Utilities
- 9. Adjournment**

Motion to adjourn the meeting

**CITY OF FRIDLEY  
CHARTER COMMISSION MEETING  
NOVEMBER 4, 2019**

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**CALL TO ORDER:**

Chairperson Rolstad called the Charter Commission meeting to order at 7:04 p.m.

**ROLL CALL:**

Members Present: Commissioners Gary Braam, Donald Findell, Richard Johnston, Ted Kranz, Bruce Nelson, Rick Nelson, Barb Reiland, Pam Reynolds, Valerie Rolstad, Avonna Starck, Kelli Brillhart

Members Absent: Cynthia Soule, Manuel Granroos

Others Present: Daniel Tienter, Finance Director/City Treasurer/City Clerk/Staff Liaison  
Melissa Moore, Administrative Services Coordinator/Deputy City Clerk/Staff Liaison  
David Ostwald, Councilmember-at-Large

**APPROVAL OF AGENDA**

Commissioner Gary Braam MOVED and Commissioner Pam Reynolds seconded a motion approving the meeting agenda.

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

**APPROVAL OF MINUTES**

Commissioner Findell MOVED and Commissioner Reynolds seconded a motion approving the meeting minutes of September 3, 2019.

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

Commissioner Reynolds asked for the meeting minutes of October 7, 2019 to be amended as follows:

Page 9, last paragraph, third sentence should read, "Therefore, in order to correct the error, she is asking that he bring back the ordinance as it was requested."

Page 9, last paragraph, last sentence should read, "There is a process..."

Commissioner Brillhart noted her name was left off the list of members who were absent from the October 7, 2019 meeting.

Commissioner Rick Nelson MOVED and Commissioner Braam seconded a motion approving the corrected meeting minutes of October 7, 2019.

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

### **ADMINISTRATIVE MATTERS**

A. Upcoming Term Expiring: Rick Nelson (02-21-2020)

Commissioner Nelson requested this item be moved to Future Meeting Topics (8A).

Commissioner Findell inquired about the vacancy of Commissioner Crandall. Staff Liaison Melissa Moore informed the Commission that a letter from Chief Judge Meslow declaring a vacancy for Commissioner Crandall's position was received by staff. There are currently two vacancies on the Fridley Charter Commission, Mr. Tienter informed the Commission that the City Council knows of the vacancies and staff will post the openings on the web site and social media.

### **OLD BUSINESS**

A. Discussion of Chapter 6 – Section 6.05

Mr. Tienter informed the Commission that the first attachment is a draft ordinance of the language approved at the September 3, 2019 meeting, the second attachment is language the City Attorney revised and recommended and the third attachment is the draft ordinance staff put forth at the October 7, 2019 meeting for discussion purposes only. Also distributed was a list of comparative research of municipalities regarding purchases and contracts. In some situations, the language regarding purchasing contracts was not a perfect match to what Fridley has. Generally, staff looked at Saint Louis Park and South Saint Paul when drafting the ordinance.

Commissioner Brillhart asked for clarification of the three attachments. Mr. Tienter informed Commissioner Brillhart that staff presented a draft ordinance to the Commission at the October 7, 2019 meeting, which included language from the City Attorney. The Commission asked staff to go back and prepare the ordinance as ordered by the Commission, so staff removed any recommendations the City Attorney requested and separated them. The second attachment with red lines is the language from the City Attorney. The third attachment includes language approved by the Commission in September along with language from the City Attorney.

Commissioner Reynolds noted that in the language from the City Attorney it says the "Minnesota Uniform Municipal Contracting Law as amended from time to time." Typically, this

Commission does not list specific documents or statutes because if they change or are re-named then the Commission must go back and change the Charter language. The Commission typically uses "by State Statute." In the past the Commission will, at the end of a chapter, make a citation. At the last meeting the Commission discussed the inclusion of the word resolution. She does not feel the use of the word resolution allows for transparency, like an ordinance does.

Commissioner Brillhart agreed with Commissioner Reynolds' sentiment about citing specific statutes. She asked if it was possible to say "as established by Minnesota state law" or "applicable State Statute." Mr. Tienter clarified that when the original language that was accepted by the Commission in September, staff had included "State Statute." When staff sent the language to the City Attorney for final codification, the City Attorney recommended changing it. Mr. Tienter noted he thought the City Attorney would be comfortable citing "State Statute" especially given the introductory language that references competitive bids that refers to specific parts of state law. Mr. Tienter felt citing "State Statute" would provide the clarity the Commission would desire and the city would need in order to function effectively.

Commissioner Rick Nelson agreed with changing the language to "State Statute." In his experience the titles of specific laws change, even while the substance of the law stays the same. He believes the revised language from the City Attorney is acceptable, if a reference to "State Statute" was put in place of "Minnesota Uniform Municipal Contracting Law." As well as changing the word resolution to ordinance in the last sentence. He looks at it as protecting the City Manager or their designee from liability. If something is inappropriately spent, Council couldn't say they didn't know about it. He thinks Council should be aware of these matters if they're going to be fiscally responsible.

Commissioner Reiland noted this draft does include the word resolution. That doesn't mean the Commission couldn't change that back to ordinance.

Commissioner Rick Nelson said he thought the Commission should have that conversation.

Commissioner Findell recommended removing "Minnesota Uniform Municipal Contracting Law" and changing it to "applicable State Statute."

Commissioner Brillhart pointed out there is a difference between a "state law" and "statute." Mr. Tienter added that in the state of Minnesota, the terms "law" and "statute" are relatively interchangeable. A section of statutes is usually considered a law, and then statutes make up laws. If the language said "Minnesota Statutes" that would cover any applicable laws that apply. The "Minnesota Uniform Municipal Contracting Law" is a collection of a dozen statutes.

Commissioner Findell appreciated the language clarifying conveyances, real estate purchases, etc. However, he does not appreciate the use of resolution over ordinance. This language put the authority in the City Manager and the Mayor, and then the Council could wipe that all out with a resolution. He feels that's disturbing.

Commissioner Rick Nelson asked if everyone agreed with the red language, making it "state statute," changing the capitalization and adding conveyances, real estate purchases and sale agreements? If they are, then he wanted a motion that the Commission agrees to that portion, but then go back to the original language for the last sentence that says that signed by the Mayor on behalf of the city as well as City Manager or documented designee, and add shall be executed in the name of the City. That way the City Manager could still designate someone on his behalf, but the Mayor is still held accountable.

Chair Rolstad asked Commissioner Rick Nelson to clarify his motion.

Commissioner Rick Nelson recommended taking the suggest changed from the City Attorney and change from "Minnesota Uniform Municipal Contracting Law" to say "State Statute." Then for the last sentence to say "signed by the Mayor on behalf of the City and City Manager, or documented designee, and shall be executed in the name of the City."

Mr. Tienter asked "City Manager or City Manager's designee" so the construction is like the red line that is above.

Commissioner Rick Nelson agreed. He clarified the last sentence would remove "unless otherwise authorized by the city council by resolution" and instead say "signed by the City Manager, or the City Manager's designee and shall be executed in the name of the City."

Chair Rolstad asked for a reading of the new language of Section 6.05.

Commissioner Rick Nelson read: "The City Manager shall be the chief purchasing agent of the City. All purchases on behalf of the City shall be made and all contracts shall be let by the City Manager, or the City Manager's designee(s), provided by the City Council appropriated sums necessary for the contract or purchase, and the amount of the purchase or contract does not exceed that required for competitive bids as established by state statute. Except for those purchase or contracts subject to the authority of the City Manager as set forth herein, all bonds, contracts, conveyances, real estate purchases and sale agreements, and similar instruments shall be approved by the City Council and signed by the Mayor and City Manager, or the City Manager's designee(s) and shall be executed in the name of the City."

Commissioner Rick Nelson MOVED to approve the new language of Section 6.05, Commissioner Reynolds seconded.

Commissioner Brillhart asked what the reasoning was for removing "unless otherwise authorized by the City Council by resolution."

Mr. Tienter responded that if there was a contract that met the threshold criteria of competitive bid, Council would approve the contract. If they desired in that resolution, they could designate the City Manager or the Public Works Director to execute the agreement, then perhaps sign pay requests on their behalf. An example is when a street construction project happens the City

Manager and City Engineer are the staff monitoring the contracts and monitor day to day operations and standards. When a pay request comes in the City Engineer and the City Manager could sign those pay request on behalf of the City. Then they would be processed normally through the claims process, then to be ratified by the Council before the payments come through. It would always be at Council's discretion to declare anything over the threshold could designate the Mayor, the City Manager or the City Manager's designee(s) to sign on behalf of the City. One of the concerns with that is the Mayor is not the one who is monitoring projects, so the thought was that the City Engineer or the designee would be in a stronger position to ensure that the parties are acting appropriately. Mr. Tienter noted the City Engineer or City Manager could always inform the Mayor to not sign on behalf of the City. It would be the Council's prerogative to pass a resolution authorizing the City Manager or City Engineer to handle contracts such as this on the City's behalf.

Commissioner Rick Nelson thought if Council agrees to a contract, to him it would be appropriate for the City Manager or designee to sign off without having to go through the process of a resolution.

Mr. Tienter noted that anything that crosses the bid threshold the Mayor would be required to sign. Commissioner Rick Nelson said once competitive bid process is done, then that would have met the standard, anything under that would still be a part of the entire bid. Mr. Tienter said if the Commission is comfortable with that, staff would apply that method. Mr. Tienter informed the Commission that a record of the Commission's intent is recorded in the Minutes.

Mr. Tienter acknowledged he understands the modified language and will prepare a new draft for the Commission.

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

Commissioner Rick Nelson asked if the Commission wished to discuss Section 6.07 and the possibility of adding it to the draft ordinance. Chair Rolstad agreed.

Commissioner Rick Nelson MOVED that the Commission proceed with the original language, keeping the word ordinance and not using resolution.

Mr. Tienter informed the Commission that the goal of the suggested changes to Section 6.07 was twofold: first, the City has various purchasing and budgetary policies. Staff are attempting to provide Council a way to efficiently put those policies into place and amend them as needed. Staff can modify those policies in a way to remain transparent, but also expeditiously to make sure the City maintains compliance. Secondly, in chapter three of the Charter it says ordinances should only be used if a penalty is in place for violating a policy. These sections of chapter six are an administrative framework for staff to conduct themselves in day-to-day operations under purview of the Council. These changes are not meant to be punitive, but to be direction to staff from Council. Given the nature of the regulations, Mr. Tienter did feel that promulgating

purchasing policies as an ordinance would not be the appropriate vehicle because he does not think the Charter Commission is trying to attach criminal liability to violating a purchasing regulation. Mr. Tienter noted that there are criminal penalties attached to the Minnesota Uniform Municipal Contracting Law, so those regulations are already built into chapter six. The use of the word resolution is to allow Council to respond quickly to guidance from applicable agencies and ultimately build the structure that the community can rely upon to make sure that these regulations flow through appropriate channels.

Commissioner Brillhart inquired if ordinances take longer to pass and resolutions move faster.

Mr. Tienter informed the Commission that a resolution is a written order of Council. Administrative matters of the Council can be made by motion. Staff are recommending that these purchasing regulations be considered administrative matters and therefore can be passed by resolution as is consistent with other chapters of the Charter. Ordinances do take longer to process. Other sections of the Charter say ordinances are only appropriate if violations carry punitive penalties. This is consistent with guidance from the League of Minnesota Cities (LMC). A resolution is more appropriate because these changes are administrative instruction from the Council to staff on how to conduct day-to-day business of the City. Section 6.05 establishes the construct of purchasing powers and Section 6.07 clarifies that if Council wants further purchasing regulations beyond what is in the Charter, they would adopt those by resolution.

Commissioner Brillhart shared that part of the Commission's concern that ordinances are read twice, and the public has a chance to speak on them. Resolutions are presented one time and the public doesn't have an opportunity to address Council about them. Related to "further regulations," which she thought was very broad, she asked what types of purchases would fall into that category, large purchases, or down to small purchases such as new light switches.

Mr. Tienter responded that if the Commission recommends the modified language of Section 6.05, the purchasing regulations would be applicable to anything that is under the threshold that is established by state law, in this case it's \$175,000. The Minnesota Uniform Municipal Contracting Law also has thresholds of over \$25,000 where you must get multiple quotes. Anything under \$25,000 the City could go into the open market to buy items. The City has its own purchasing policy in which lower amounts are set, require use of cooperative purchasing ventures to ensure the lowest prices, and purchasing card regulations. All these regulations are administrative in nature. If the Commission's principal concern is if an agenda item could pop up and citizens didn't hear about it, the Commission could always require a public notice be made. Staff are in support of transparency. For the reasons mentioned, and the true nature of an ordinance, he does not feel that further purchasing regulations should be made by an ordinance.

Commissioner Reiland noted her dislike of "further regulations" as too wide open. Anything that isn't mentioned specifically in the section could be done by resolution.

Commissioner Findell asked if there are any ordinances that speak to current purchasing practices in place that will be affected by this change?

Mr. Tienter responded he did not know of any ordinances in place that speak to purchasing regulations.

Chair Rolstad asked if there is a purchasing amount limit for the City Manager.

Mr. Tienter said it would now be in the revised Section 6.05 the maximum would be \$175,000. Anything below that amount would be applicable to the purchasing regulations. Technically, a city could have regulations in excess of \$175,000 but that would not be advisable because state law regarding competitive bids is very specific. Mr. Tienter did not recommend adding to state law, although a city could if it wanted to. Past practice of most cities is to go along with state law.

Commissioner Brillhart asked if Section 6.07 would only apply to situations under \$175,000 and not already covered by covered by Section 6.05?

Mr. Tienter responded Section 6.07 could apply to over \$175,000 but the Charter and the Council can not adopt anything that contrasts with state law. The only thing the Council could do in amounts over \$175,000 is to be more restrictive than state law. Council could not pass an ordinance or a resolution declaring the City would not follow sections of state law. Council could adopt purchasing regulations for above \$175,000 assuming they are not in contrast or conflict with state law. Those regulations could only be more restrictive.

Commissioner Findell requested a specific example where the purchasing regulations would have to be changed as we have outlined them already in the Charter. For that reason, he would prefer to continue to require an ordinance. He does not see any need to make a change if there are no examples to discuss.

Commissioner Reynolds asked Mr. Tienter if he could put language in that would require public hearing. She added that was the definition of having an ordinance, because a public hearing is required along with two readings. If the Commission changes the word to resolution requires ten-day notice of the meeting and allow public comment, then the only step you're eliminating is the two readings of an ordinance. You're still going through the process.

Mr. Tienter acknowledged that an ordinance does require additional processes: two readings, publication, public hearing and a waiting period before it goes into effect, along with penalties for violation. The principle reason for modifying it to resolution from ordinance, outside of administrative function, is direction from Council to staff should not be in the form of an ordinance. Resolutions are directives from Council to provide instruction to staff for day-to-day operations. Ordinances, as per Section 3.05 should only be adopted when penalties are attached to their violation. There are other recourses if someone violates the direction of the Council such as disciplinary action up to involuntary termination from one's position. Those actions fall under

the purview of the City Manager. The LMC has also stated ordinances should only be used when there are actual penalties attached to their violations, such as land use, public nuisances, etc., where a city may want to proceed to court to gain compliance. Staff are held accountable in chapter seven. If they violate purchasing policies, they would be held personally liable to for unauthorized purchases. Mr. Tienter felt that violations of these policies should not carry a criminal penalty for violation because there are several other internal protections in place if a violation occurs.

Commissioner Brillhart believes the reasoning for the change from ordinance to resolution is sound. But the way the draft is written as "further regulations" is too broad. She does not feel the language in the draft of Section 6.07 is not simply administrative direction. Commissioner Brillhart offered "[Further administrative instruction for the making of bids...](#)" instead of "further regulations."

Mr. Tienter agreed the Commission could modify the language in any way they choose. Based on the discussion this evening, he recommended making Section 6.07 subject to the provisions of Section 6.05, saying anything over \$175,000 would be regulated by the competitive bid process and anything under \$175,000 would be subject to regulation by the Council by resolution. Rather than having the broad language, it could say something like "any regulations for the making of bids and letting of contracts are subject to Section 6.05 and adopted by resolution." That would make Section 6.07 subordinate to Section 6.05 and establish a firm limit of \$175,000. If that amount changes the Council has purview to make administrative changes under that amount.

Commissioner Brillhart asked what the cost was of an ordinance compared to a resolution.

Mr. Tienter said it depends on the length of ordinance. Ms. Moore informed the Commission that to publish an ordinance about the same size as Section 6.05 would be approximately \$200.

Mr. Tienter added a separate publication is required when staff publishes a public hearing notice. The cost of a longer ordinance can be reduced if a summary ordinance is written and approved by Council.

Commissioner Reiland asked if Section 6.05 was for anything over \$175,000 and Section 6.07 is for anything under \$175,000? Mr. Tienter clarified that Section 6.07 was for any further regulations, so over \$175,000. The language could be modified to say for any amount below what is identified in Section 6.05 the Council may promulgate regulations via resolution. Council could adopt any amount that is under the amount in Section 6.05. Commissioner Reiland agreed putting a dollar amount in Section 6.07 would make sense.

Commissioner Kranz asked if "in conjunction with Section 6.05" would clarify Section 6.07?

Commissioner Brillhart added "subject to Section 6.05 further regulations for the making of bids and the letting of contracts under \$175,000 may be made by resolution subject to the provisions of this Charter."

Mr. Tienter recommended not including the \$175,000 amount. The reference is to state statute, which is \$175,000. He recommended the same language but not referencing the specific dollar amount because Section 6.05 would be referenced in Section 6.07. Mr. Tienter suggested language to the effect "any amount under the threshold established by Section 6.05 the Council may adopt further purchasing regulations by resolution" or something to that effect. If the Commission is comfortable with language like that, staff would draft language in conjunction with the City Attorney and present it to the Commission. Chair Rolstad agreed that was a good idea to ensure clarity on the exact wording.

COMMISSIONER NELSON MOVED AND COMMISSIONER REYNOLDS 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, Rick Nelson, Reynolds

Nays: Brillhart, Johnston, Bruce Nelson, Reiland, Rolstad, Starck

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

Chair Rolstad MOVED, Commissioner Brillhart seconded a motion to direct staff to put the language Commissioner Brillhart suggested into a draft of Section 6.07. Staff will draft new language with the City Attorney and present it to the Commission in January. Mr. Tienter affirmed that staff will listen to the recording to make sure the intent of the conversation will be reflected in the next draft.

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

### **NEW BUSINESS**

#### A. 2020 Calendar of Charter Commission Meetings

Mr. Tienter noted the Commission usually meets the first Monday of the month. Staff are requesting quarterly meetings, as well as the ability to move the March and November meetings a week later to accommodate the municipal elections.

Commissioner Reynolds expressed concerns that the Charter bylaws wouldn't allow for only four meetings per year. Commissioner Rick Nelson informed the Commission that the bylaws only require an annual meeting in March, they do not outline the required number of meetings.

Commissioner Reiland asked why staff want to change to quarterly meetings.

Mr. Tienter said that as discussed at previous meetings, there has been a stated desire to not "fiddle" with the Charter any more than is necessary. If that is the case, there is not a need to have additional meetings. The Commission is working on chapter six right now and hopefully that will be finished in January. The bylaws do note that the Chair may call a meeting, or five members of the Commission may call a meeting.

Commissioner Reiland expressed her desire to keep the meetings as has been done in the past and have the option to cancel a meeting if there is no business to conduct.

Commissioner Starck asked if the group was searching for things to do because they have meetings, or is the Commission having meetings because there are things to do?

Commissioner Reiland answered that in her experience the Commission has had full meetings with many things to do.

Commissioner Kranz noted he will miss the January and February meetings. He does not think the normal number of meetings is an inconvenience for staff or the Commission members and doesn't see a need to change the schedule.

Commissioner Reynolds said the Commission is very deliberative and she doesn't feel the group would get all their work done in four meetings.

Commissioner Reiland MOVED to not accept the recommended quarterly meeting dates for 2020, Commissioner Kranz seconded.

Mr. Tienter recommended that the March and November meetings be moved to accommodate the Presidential Primary and the General Election.

Charter Commission members discussed meeting dates and agreed upon the following meeting dates for 2020: January 6, February 3, March 9, April 6, May 4, October 5, November 16.

Chair Rolstad MOVED to accept the seven agreed upon dates, Commissioner Reynolds seconded.

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

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

Mr. Tienter updated the Commission that chapter 10 will be tabled indefinitely until there is substantive action on federal rule making related to the making of franchises. The Commission agreed that working on chapter 12 would not make sense until chapter six was finalized.

Chair Rolstad asked if the group was done with chapter six. Mr. Tienter said staff will put forth a draft final ordinance for the Commission to approve in January.

Mr. Tienter added that staff are having internal discussions regarding chapter two needing a few minor renumbering changes. Staff are working with the City Attorney for clarification. Staff will report back in January.

Mr. Tienter informed the Commission that the City is in the process of changing firms for the City Attorney. The City went through an RFP process, interviewed candidates, and a new firm was chosen. That change will go before the Council for approval.

Mr. Tienter reminded the Commission that Ms. Moore sent the Commissioners a list of Charter chapters with the most recent date of revision. If Commissioners need updated hard copies, they should contact Ms. Moore directly.

8A. Upcoming Term Expiring: Rick Nelson (02-21-2020)

Commissioner Rick Nelson agreed to be reappointed to another four-year term.

Commissioner Brillhart MOVED and Commissioner Starck seconded a motion to reappoint Commissioner Rick Nelson to a new four-year term to the Charter Commission.

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

**ADJOURNMENT:**

Commissioner Reiland 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 8:28 P.M.

Respectfully submitted,

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

Commissioner Manuel Granroos, Secretary



# MEMORANDUM

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**Meeting Date:** 01-06-2019  
**To:** City of Fridley Charter Commission  
**Subject:** New member interviews – Nikki Karnopp and Courtney Rathke  
**Agenda Item:** 5A

## **Introduction**

Attached are two applications to join the Charter Commission. The applicants are Nikki Karnopp and Courtney Rathke.

## **Discussion**

The Charter Commission declared a vacancy for Commissioners Crandall and Commissioner Ostwald's seats on October 7, 2019. There are a total of two vacancies. Staff recently received two applications from Fridley residents who are interested in serving on the Fridley Charter Commission. Their applications are attached for review.

Ms. Karnopp and Ms. Rathke were asked to attend this meeting and are here to converse with the Commission.

Questionnaires completed by the applicants will be distributed at the meeting on January 6.

## **Attachments**

- Nikki Karnopp application
- Courtney Rathke application



6431 University Avenue N.E.  
Fridley, MN 55432

# Commission Application

Name COURTNEY RATHKE

Address 6270 JUPITER RD NE, FRIDLEY MN 55432

Email Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Number of Years (Months) Resident of Fridley 49

Employer PREMIUM RETAIL SERVICES Work Phone \_\_\_\_\_

Address 618 SPIRIT DR City CHESTERFIELD Zip 63005  
mo

Please rank in order, the commissions on which you wish to serve. (Leave blank any Commissions on which you do not wish to serve.)

- Charter Commission
- Housing & Redevelopment Authority
- Planning Commission
- Appeals Commission
- Environmental Quality & Energy Commission
- Parks & Recreation Commission

Prior Experience on City Commissions, City Boards, etc.: NONE

Work Experience: REGIONAL MANAGER FOR PREMIUM RETAIL SERVICES; FORMER COMPLIANCE OFFICER FOR AXSYS NATIONAL BANK; COMPLIANCE MANAGER FOR BLUESTEM BRANDS INC (FINGERHUT); CONSUMER LOAN MANAGER AT TWINCITY CO-OPS (NOW SPIRE CREDIT UNION)

Civic, Professional and Community Activities: PRESIDENT FRIDLEY TOUCHDOWN CLUB 2013-PRESENT; PAST TREASURER & SECRETARY FRIDLEY BACKCOURT CLUB; PAST PRESIDENT, SECRETARY, TREASURER OF FRIDLEY WOMEN OF TODAY; CURRENT BOARD MEMBER OF FRIDLEY SCHOOLS FOUNDATION; ELECTION JUDGE

Why do you want to be on a commission? TO LEARN MORE / PARTICIPATE  
IN THE DECISIONS THAT WILL DETERMINE FRIDLEY'S FUTURE

What skills, strengths or abilities do you believe you will add to the commission?

I HAVE A STRONG BACKGROUND IN POLICY DEVELOPMENT, REGULATORY  
ISSUES AND INTERPRETATIONS. I CAN COMMUNICATE CLEARLY  
TO A DIVERSE AUDIENCE. I LISTEN WELL AND MAKE DECISIONS  
BASED ON FACTS, NOT EMOTION Doe

Does your work require you to travel? RARELY How often? 1-2x/yr

Additional Comments: I GROW UP IN FRIDLEY AND RAISED TWO SONS  
WHO ATTENDED FHS. AS A RESULT, I CAN IDENTIFY WITH THE  
CHALLENGES AND BENEFITS OF RESIDENTS ACROSS A WIDE  
SPECTRUM. OUR FAMILY IS MULTI-RACIAL AND I HAVE A  
UNIQUE PERSPECTIVE ON ISSUES AS A RESULT.

References (Optional):

<u>Name</u>	<u>Address</u>	<u>Phone No.</u>
<u>DAVID OSTWALD</u>		
<u>TERRI PILACZYNSKI</u>	<u>136 CHRISTENSEN CT</u>	
<u>JOHN SWANSON</u>	<u>481 FRONT ST. ST PAUL (OPC)</u>	

Courtney Batake  
Signature

11.24.2019  
Date

The information provided by you on this application will be used to determine your suitability for appointment to a City of Fridley commission. Participation as a commission member is strictly voluntary, and you are not required by law to provide this information. If you do not furnish this information, however, the City may have difficulty determining your suitability for appointment, contacting you regarding your information, and if selected, with your duties on the commission. Under Minnesota State statutes, only your name is considered public information upon appointment. Any other information on this application is private data and will be accessible only to you, City staff or as provided for by Minnesota statutes.

Please return the application to Roberta Collins,  
City of Fridley, 6431 University Avenue N.E., Fridley, MN 55432.



6431 University Avenue N.E.  
Fridley, MN 55432

# Commission Application

Name Nikki Karnopp

Address 482 Rice Creek Terrace NE

Email Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Number of Years (Months) Resident of Fridley 14

Employer Three Peaks Insights Work Phone \_\_\_\_\_

Address 2900 Lone Oak Pkwy Ste 120 City Eagan Zip 55121

Please rank in order, the commissions on which you wish to serve. (Leave blank any Commissions on which you do not wish to serve.)

- Charter Commission
- Housing & Redevelopment Authority
- Planning Commission
- Appeals Commission
- Environmental Quality & Energy Commission
- Parks & Recreation Commission

Please feel free to place me where I'm needed either immediately or in the future.

Prior Experience on City Commissions, City Boards, etc.: none

Work Experience: administrative and sales

Civic, Professional and Community Activities: Fridley Heights Soccer Board, Cool2B Kind (previous BellaCare, United Way Committee e a previous employer)

Why do you want to be on a commission? The more involved I become at school (Hayes) and my son's sports (baseball, soccer, basketball) the more apparent it becomes, we need people to step up and serve. I care about where I live both for myself and the sake of others. Fridley has been good to my family and I want to give back.  
What skills, strengths or abilities do you believe you will add to the commission?

organized, task-oriented, open-minded, critical thinker, connected with the community, and I'll bring a fresh perspective.  
\_\_\_\_\_ Doe

Does your work require you to travel? infrequently How often? 1-2x/year  
Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

References (Optional):

<u>Name</u>	<u>Address</u>	<u>Phone No.</u>

M. Karmopp \_\_\_\_\_ 11/11/19 \_\_\_\_\_  
Signature Date

The information provided by you on this application will be used to determine your suitability for appointment to a City of Fridley commission. Participation as a commission member is strictly voluntary, and you are not required by law to provide this information. If you do not furnish this information, however, the City may have difficulty determining your suitability for appointment, contacting you regarding your information, and if selected, with your duties on the commission. Under Minnesota State statutes, only your name is considered public information upon appointment. Any other information on this application is private data and will be accessible only to you, City staff or as provided for by Minnesota statutes.

*Please return the application to Roberta Collins,  
City of Fridley, 6431 University Avenue N.E., Fridley, MN 55432.*



# MEMORANDUM

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**Meeting Date:** 01-06-2020  
**To:** City of Fridley Charter Commission  
**Subject:** Discussion of Chapter 6 – Section 6.05  
**Agenda Item:** 6A

## **Introduction**

Attached are two draft ordinances reflecting revisions requested by the Charter Commission.

## **Discussion**

The first attachment is a draft ordinance containing the approved language from the November 4, 2019 meeting revising the text of Section 6.05.

The second attachment contains the approved language for Section 6.05 from the November 4, 2019 meeting, and includes Section 6.07. The second attachment also contains suggestions from the City Attorney.

## **Attachments**

- Draft Ordinance Amending Section 6.05
- Draft Ordinance Amending Sections 6.05 & 6.07, including City Attorney's suggestions

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING THE FRIDLEY CITY CHARTER ENTITLED  
ADMINISTRATION OF CITY AFFAIRS; SECTION 6.05. PURCHASE AND  
CONTRACTS**

The Fridley City Charter has completed its review of Fridley City Charter Chapter 6 and has recommended an amendment of the City Charter by Ordinance to the City Council on [Insert date], 2020. The Fridley City Council hereby finds after review, examination and recommendation of the Charter Commission that Fridley City Charter should be hereby amended and ordains as follows:

**FRIDLEY CITY CHARTER  
CHAPTER 6, ADMINISTRATION OF CITY AFFAIRS**

**SECTION ONE:** That Fridley City Charter Section 6.05 be hereby repealed and replaced with the following language:

**Section 6.05. Purchases and Contracts**

~~The City Manager shall be the Chief Purchasing Agent of the City. The City Manager may designate an individual(s) through the establishment of a policy that may be revised as needed. All purchases on behalf of the city shall be made and all contracts shall be let by the City Manager. All City contracts, bonds, and instruments of every kind to which the City shall be a party shall be signed by the Mayor on behalf of the City, as well as the City Manager or documented designee, and shall be executed in the name of the City.~~

“The City Manager shall be the chief purchasing agent of the City. All purchases on behalf of the City shall be made and all contracts shall be let by the City Manager, or the City Manager’s designee(s), provided the City Council has appropriated sums necessary for the contract or purchase, and the amount of the purchase or contract does not exceed that required for competitive bids as established by state statute. Except for those purchase or contracts subject to the authority of the City Manager as set forth herein, all bonds, contracts, conveyances, real estate purchases and sale agreements, and similar instruments shall be approved by the City Council and signed by the Mayor and City Manager, or the City Manager’s designee(s) and shall be executed in the name of the City.”

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS  
\_\_ DAY OF \_\_\_\_ 2020.**

\_\_\_\_\_  
Scott J. Lund, Mayor

ATTEST:

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Daniel Tienter, City Clerk

Public Hearing:

First Reading:

Second Reading:

Publication:

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING THE FRIDLEY CITY CHARTER ENTITLED  
ADMINISTRATION OF CITY AFFAIRS; SECTION 6.05. PURCHASE AND  
CONTRACTS; AND SECTION 6.07 FURTHER PURCHASE REGULATIONS**

The Fridley City Charter has completed its review of Fridley City Charter Chapter 6 and has recommended an amendment of the City Charter by Ordinance to the City Council on [Insert date], 2020. The Fridley City Council hereby finds after review, examination and recommendation of the Charter Commission that Fridley City Charter should be hereby amended and the City of Fridley does ordain:

FRIDLEY CITY CHARTER  
CHAPTER 6, ADMINISTRATION OF CITY AFFAIRS

**SECTION ONE:** That Fridley City Charter Section 6.05 be hereby repealed and replaced with the following language:

Section 6.05. Purchases and Contracts

~~The City Manager shall be the Chief Purchasing Agent of the City. The City Manager may designate an individual(s) through the establishment of a policy that may be revised as needed. All purchases on behalf of the city shall be made and all contracts shall be let by the City Manager. All City contracts, bonds, and instruments of every kind to which the City shall be a party shall be signed by the Mayor on behalf of the City, as well as the City Manager or documented designee, and shall be executed in the name of the City.~~

“The City Manager shall be the chief purchasing agent of the City. All purchases on behalf of the City shall be made and all contracts shall be let by the City Manager, or the City Manager’s designee(s), provided the City Council has appropriated sums necessary for the contract or purchase, and the amount of the purchase or contract does not exceed that required for competitive bids as established by state statute. Except for those purchase or contracts subject to the authority of the City Manager as set forth herein, all bonds, contracts, conveyances, real estate purchases and sale agreements, and similar instruments shall be approved by the City Council and signed by the Mayor and City Manager, or the City Manager’s designee(s) and shall be executed in the name of the City.”

**SECTION TWO:** That Fridley City Charter Section. 6.07 be hereby amended as follows:

Section 6.07. Further Purchase Regulations

~~Further regulations for the making of bids and the letting of contracts may be made by ordinance, subject to the provisions of this Charter.~~

Subject to the express provisions of this Charter, the City Council may adopt additional administrative rules and regulations regarding purchases and contracts by resolution.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS  
\_\_ DAY OF \_\_\_\_ 2020.**

\_\_\_\_\_  
Scott J. Lund, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Tienter, City Clerk

Public Hearing:  
First Reading:  
Second Reading:  
Publication:

DRAFT - UNOFFICIAL



# MEMORANDUM

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**Meeting Date:** 01-06-2020  
**To:** City of Fridley Charter Commission  
**Subject:** Discussion of Chapter 12  
**Agenda Item:** 6B

## **Introduction**

At the October 7, 2019 Charter Commission meeting, Commissioners tabled a review of Chapter 12. This Chapter was last revised in 2013 in City Ordinance 1310.

## **Attachments**

- Chapter 12: Miscellaneous Provisions
- 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)

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 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)

#### 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)

#### 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)

## Section 12.08. DAMAGE SUITS.

1. 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)
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.

## 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.

## 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.

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.

## **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