



TO: Charter Commission Members
FROM: Deb Skogen, City Clerk and Staff Liaison
Date: March 15, 2019
Re: Charter Commission Meeting of April 1, 2019

This is a reminder that the next Charter Commission meeting will be held on Monday, April 1st at 7:00 p.m. at the new 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, please remember, the Charter Commission policy requires each member to call or e-mail staff before 10:00 a.m. MONDAY, April 1st. Please contact me at (763) 572-3523 or at deb.skogen@fridleymn.gov about your attendance.

If we do not have a quorum by 10:00 a.m., I will send out an e-mail to see if additional members will attend. If by Noon there will not be a quorum, I will send out a follow-up e-mail to all members of cancellation of the meeting and post a cancellation notice on the door for those Commissioners who did not contact me, but came to the meeting.

I have included a sheet on the bylaws for discussion purposes. I have made once change to Section V.4. after reviewing the section. That change is reflected on the discussion sheet.

If you have any other questions or concerns pertaining to this meeting, please contact me.



CITY OF FRIDLEY CHARTER COMMISSION

AGENDA

**MONDAY, APRIL 1, 2019
7:00 P.M.**

LOCATION: FRIDLEY CIVIC CAMPUS
7071 UNIVERSITY AVE NE, FRIDLEY, MINNESOTA
FIRESIDE ROOM

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF AGENDA:**
Motion approving the April 1, 2019 meeting agenda
- 4. APPROVAL OF MINUTES**
Motion approving the March 4, 2019 meeting minutes
- 5. ADMINISTRATIVE MATTERS**
- 6. OLD BUSINESS**
 - A. Discussion of Bylaw amendments
- 7. NEW BUSINESS**
 - A. Review of Chapter 1
 - B. Review of Chapter 9
 - C. Review of Chapter 10
- 8. FUTURE MEETING TOPICS/COMMUNICATIONS**
 - A.
- 9. ADJOURNMENT**
Motion to adjourn the meeting

**Next Regular Commission Meeting
Date: May 6, 2019**

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

CALL TO ORDER:

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

ROLL CALL:

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

Members Absent: Commissioners Kelli Brillhart, Zach Crandall, Don Findell, and Ted Kranz

Others Present: Roberta Collins/Staff Liaison

APPROVAL OF AGENDA

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

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

APPROVAL OF MINUTES

Commissioner Reiland MOVED and Commissioner Johnston seconded a motion approving the Charter Commission meeting minutes of January 7, 2019.

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

ADMINISTRATIVE MATTERS

A. Nominating Committee Report

The Nominating Committee consisted of Chairperson Ostwald and Commissioners Rolstad and Starck. They met after the meeting on January 7th. The Committee recommended the following nominations to serve as the 2019-20 Charter Commission officers: Valerie Rolstad, Chair; Cindy Soule, Vice Chair; and Bruce Nelson, Secretary.

Commissioner Rick Nelson asked for a point of clarity about whether or not someone on the nominating committee can be nominated for a position, based on his experience with other associations. Commissioner Soule said there was nothing in the Commission's by-laws that prevented people on the nominating committee to be nominated. Commissioner Nelson said he understood and was ok.

Chairperson Ostwald called for additional nominations. Seeing none, nominations were closed.

Commissioner Reynolds MOVED and Commissioner Rick Nelson seconded a motion to accept the nominations as presented on an uncontested ballot.

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

Chairperson Ostwald said Commissioner Rolstad would begin chairing the meetings at the next meeting.

B. Discussion of Meeting Dates

A calendar of 2019 meeting dates was provided to the Commissioners. Chairperson Ostwald asked if anyone had any issues with any of the dates on the calendar.

Commissioner Reiland MOVED and Commissioner Rolstad seconded a motion to accept the dates for 2019 as presented.

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

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

A. Review of By-laws

Commissioner Granroos brought up the nominating process to see if someone should review the rules to find out whether or not you can serve on the nominating committee and be nominated for an officer position.

Commissioner Reiland MOVED and Commissioner Soule seconded a motion to have staff research Rosenberg's Rules to find out it was problematic for someone to serve on the nominating committee and be nominated or nominate themselves.

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

Commissioner Reiland felt there was too much punctuation in Section III.C. and wondered if it could be rewritten without so much punctuation.

After some discussion about the wording and punctuation, the Commissioners recommended the following language:

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 five (5) members with proper notice.

Commissioner Reiland said Section V.4. stated, "All officers shall begin their terms of office upon election to that office.

Chairperson Ostwald declared Commissioner Rolstad to be Chair and handed the meeting over to her.

Commissioner Reynolds asked if in Section V.B.1.d. whether the chair actually implemented decisions. She said the Chair takes a motion and ask that it be forwarded to the Council.

Commissioner Starck suggested looking at what the word decision means. Whether it would be something that needed Council action and it is forwarded, or if it was something the Commission is working on such as topics or dates of meetings.

Commissioner Reynolds said that was fine and there were no changes.

Commissioner Soule suggested that the City Clerk review Section V.4. to see if any changes should be made to this section regarding the duties that are provided by the staff liaison to the Commission.

Commissioner Nelson wondered if in Section VI.B. there should be something in the bylaws about e-mails. He was concerned that the nominating committee report was not received ten days before the meeting if they were to vote on it.

Commissioner Ostwald said that the meeting agenda was the same as the February meeting and they would have received the nominating report more than ten days before the election.

Commissioner Nelson asked if the Commissioners would have voted on the election of officers in February. Commissioner Ostwald said no, that the nominating committee report would have been presented, but there was no meeting.

There was some confusion as to whether the nominating committee report should have been provided more than three days before the February meeting.

Commissioner Nelson said the wording said “mailed” and he wondered if “e-mailed” should be included by adding and/or e-mailed to this section.

Commissioner Soule said with the open meeting law, would electronic submission of this report violate the open meeting law.

Commissioner Nelson thought it could be if there was no physical document available. Commissioner Reynolds said they could request the document in paper or by email.

Commissioner Reiland said it might be possible that someone would be appointed that would not have an email account.

Commissioner Nelson felt it should be mailed, but could be emailed for convenience.

Commissioner Soule wondered if there were Commissioners who might prefer to receive electronic communication, if they could opt out of the physical mail requirement.

Commissioner Starck thought that was a good idea and that it was a great way to cut down on paper consumption. Commissioner Reiland said it could be received electronically but she would still prefer paper. Commissioner Soule said it would be a good way to recruit millennials.

B. Review of the Charter

There was a brief discussion about what to discuss and it was determined they would sent future meeting topics.

FUTURE METING TOPICS:

Commissioner Granroos suggested looking at the oldest chapters for review, such as Chapter 1.

Commissioner Reynolds said Chapter 10 was tabled until after the franchise with Century Link was completed. They are no longer moving toward a franchise and suggested it might be a good time to review the language.

Commissioner Granroos suggested once it is reviewed, even if no changes, you change the date of revision on the bottom of the page.

Commissioner Soule said she liked the idea of placing a date the Commission reviewed a chapter if no changes were needed.

As Chapter 9 had not been revised or reviewed, it was suggested they also review Chapter 9.

Review of Bylaw changes.

ADJOURNMENT:

Commissioner Granroos 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 8:00 P.M.

Respectfully submitted,

Roberta Collins
City Clerk/Staff Liaison

Commissioner Bruce Nelson, Secretary

BYLAW DISCUSSION INFORMATION

Section III.C.

“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 five (5) members. Such special meeting shall require proper notice to the Commissioners and the Public.”

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 five (5) members with proper notice.

Section V.4.

Have City Clerk review to see if any changes should be made – I have reviewed this section and recommend the following change to f:

retain records of Commission proceedings as required by Minnesota Records Retention Act. —

Section VI.B.

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.

FRIDLEY CITY CHARTER
CHAPTER 1. NAME, BOUNDARIES, POWERS AND CONSTRUCTION OF
GOVERNMENT

Section 1.01. NAME AND BOUNDARIES.

Upon the taking effect of this Chapter, the Village of Fridley in the County of Anoka and State of Minnesota shall become a City under the name of City of Fridley and shall continue to be a municipal corporation with boundaries the same as they now are established or as they may hereafter be established.

Section 1.02. POWERS OF THE CITY.

The City of Fridley:

shall have perpetual succession;

may sue and be sued;

may use and alter its seal at pleasure;

shall be capable of contracting and being contracted with;

may take by purchase, condemnation, gift, devise, or otherwise, and hold, lease, sell and convey all such real and personal property as its purposes may require, or the transaction of its business may render convenient, within or without the limits of the City;

may acquire, construct, own, lease and operate public utilities, and render public service of every kind;

may grant franchises or licenses for the construction, operation and maintenance of public utilities in, over, upon and under the streets and public places in the City, and shall have power to fix and regulate the fares, tolls, or charges which may be collected, the extensions which shall be made, and regulate the services which shall be rendered by any owner or operator of a public utility franchise or license;

may assess, levy and collect taxes, for general or special purposes, on all subjects or objects which the city may lawfully tax;

may borrow money on the faith and credit of the City or on a public utility or other property owned by the City or the revenues therefrom by the issuance and sale of bonds or certificates of indebtedness;

may appropriate the money of the City for all lawful purposes;

may provide for, construct, regulate, and maintain public works and local improvements;

may levy and collect assessments against real property within the City for local improvements and services including garbage and refuse collection and disposal;

may license and regulate persons, corporations and associations engaged in any occupation, trade or business;

may define, prohibit, abate, and suppress all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and all nuisances and causes thereof;

may regulate the construction, height and materials used in all buildings, and the maintenance and occupancy thereof;

may regulate and control the use for whatever purposes of the streets and other public places;

may make and enforce local police, sanitary, and other regulations;

may pass ordinances for maintaining and promoting the peace, good government and welfare of the City, and for the performance of all the functions thereof;

shall have all the powers possessed by municipal corporations at common law;

shall have, retain and may exercise all powers, functions, rights, and privileges, heretofore possessed by the Village of Fridley;

may exercise such powers beyond its corporate limits as may be necessary for the effective exercise of any powers granted herein as now authorized by law;

and in addition thereto, the City of Fridley shall have and exercise all powers, functions, rights, and privileges exercised by, or which are incidental to, or inherent in, municipal corporations and are not denied to it by the Constitution or general laws of the State of Minnesota.

The enumeration of powers herein shall not be construed to limit or restrict the powers granted in general terms, nor shall any specific power granted in this charter be construed to limit or restrict the powers granted in this Section.

In addition to the powers herein and hereafter granted, the City of Fridley shall have full power to deal with all matters of municipal concern and have complete self-government in harmony with and subject to the Constitution and laws of the State of Minnesota.

Section 1.03. CHARTER, A PUBLIC ACT.

This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect fifteen (15) days from and after its adoption by the voters.

Section 1.04. DEFINITIONS.

1. Eligible voter.

A resident of the City of Fridley who is qualified to register to vote.

2. Registered Voter.

An eligible voter who is currently registered in the City of Fridley.

3. Voter.

A registered voter who has voted in the City of Fridley within the last four years.

4. Electorate.

The whole body of eligible voters. (Ref. Ord. 857)

FRIDLEY CITY CHARTER
CHAPTER 9.
EMINENT DOMAIN

Section 9.01. SET FORTH BY STATUTES OF THE STATE OF MINNESOTA.

The City of Fridley shall have the power of Eminent Domain as set forth by the Statutes of the State of Minnesota.

FRIDLEY CITY CHARTER
CHAPTER 10. FRANCHISES AND PUBLIC UTILITIES

Section 10.01. DEFINITION OF FRANCHISES.

The word "franchise" as used in this Charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the City, whether such privileges have been or shall hereafter be granted either by the City or by the State of Minnesota.

Section 10.02. FRANCHISE ORDINANCES.

The Council may grant franchises by ordinance adopted by an affirmative vote of at least four (4) members of the Council, but in no case shall a franchise be granted by an emergency ordinance, nor within twenty (20) days after a public hearing thereon as provided for in Section 10.09, or later than sixty (60) days after such public hearing. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, persons or other entity desiring to make an especially burdensome use of the streets or public places inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning or telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, may be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms, and such acceptance, properly executed by the grantee, has been filed with the City Clerk.

Section 10.03. COST OF PUBLICATION OF FRANCHISE.

The grantee shall bear the cost of publication of the franchise ordinances and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Section 10.04. POWER OF REGULATION RESERVED.

The City shall have the right and power to regulate and control the exercise by a corporation, co-partnership, person or other entity, of any franchise, however acquired, and whether such franchise has been heretofore granted by the City of Fridley or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota. (Ref. Ord. 592)

Section 10.05. RATES AND CHARGES.

Every public utility or franchisee making use of the streets or public places within the City shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield a fair return on all property used and useful in furnishing service to the City and its inhabitants. This shall not be construed as a guaranty of a return and in no case shall there be any return upon franchise value. Within these limits the determination of maximum rates, fares, or charges to be charged by any public utility or franchisee for service rendered to the City or any person, persons, firm or corporation within the City, shall be made, if possible, by direct negotiations between the public utility or franchisee and the Council. In case of failure to reach an agreement by this method within a reasonable time the Council may, in its discretion, agree to submit to arbitration on such terms as it may deem feasible or upon such terms as the franchise provides for, the fixing of rates, fares, or charges by the public utility or franchisee; provided, however, that the rates, fares, or charges so fixed by arbitration shall not be binding on the City for more than five (5) years. (Ref. Ord. 625)

Section 10.06. PROVISIONS OF FRANCHISES.

Every Franchise shall contain among other things, provisions, relating to the following:

1. The term of the franchise granted, which shall not exceed twenty-five (25) years.
2. Rates, fares and charges to be charged by the public utility or franchisee in compliance with the terms and provisions of Section 10.05.
3. The rights reserved to the City in connection with the erection of poles, masts or other fixtures in the streets or public places and the attachment of wires thereto, the laying of tracks in or of pipes or conduits under the streets or public places, and the placing in the streets or other public places of any permanent or semi-permanent fixtures or equipment by the public utility or franchisee.
4. The prompt repair by the public utility or franchisee of all damages to the public streets, alleys and public property occasioned by the acts or omissions of the public utility or franchisee.
5. The rights of the City to have access to all books, records, and papers of the public utility or franchisee which in any way deal with, affect or record its operations within and pertaining to the City and pertaining to property and equipment used and useful in furnishing service to the City and its inhabitants.
6. The power and the right of the City to submit to arbitration the fixing of any rates, fares or charges to be made by the public utility or franchisee.

7. The right of the public utility or franchisee to receive upon condemnation proceedings brought by the City to acquire the public utility or franchisee compensation for its franchise or the value thereof, if any. (Ref. Ord. 625)

Section 10.07. FURTHER PROVISIONS OF FRANCHISES.

The enumeration and specification of particular matters which must be provided for in every franchise or renewal or extension thereof shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this Charter limit any right or power possessed by the City over existing franchises.

Section 10.08. RENEWALS OR EXTENSION OF FRANCHISES.

Every extension, renewal or modification of any existing franchise or of any franchise granted hereunder shall be subject to the same limitations and granted in the same manner as a new franchise.

Section 10.09. PUBLIC HEARINGS.

Before any franchise ordinance is adopted or any rates, fares or charges to be charged by the public utility or franchisee are fixed, there shall be a public hearing by the Council in regard thereto. Notice of such public hearing shall be given by published notice at least once in the official newspaper not less than twenty (20) days prior to the date of such public hearing. Additional notice of such public hearing may be given in such manner as the Council shall determine. (Ref. Ord. 625)