

## CHARTER COMMISSION

MINUTES FOR MAY 14, 2019

4:30 P.M. – ROOM 104 CITY HALL

### A. Administrative Business

- a. Call Meeting to Order: The meeting of the Commission was held in Room 104 of City Hall and was called to order by Chair Fran Bradley at approximately 4:30 p.m.
- b. Recording of Attendance: **Present** were commission members, Fran Bradley, Leigh Johnson, Kathy Meyerle, Fred Suhler, Kellie Mueller, Marcia Marcoux, Jane Belau, Ben Harris, Bari Amadio, Jay Furst, Heather Holmes, Ray Schmitz and John Eckerman. **Absent** were commission members, Dave Senjem, and Stephanie Podulke.
- c. Approval of Minutes: Meyerle moved to approve minutes of March 12, 2019; Amadio seconded. Open for discussion.
  1. Marcoux came forward to suggest two small amendments on pages 2 & 3.
    3. LMCIT relates to insurance trust so the two references should simply read LMC.
  2. Johnson suggested removal of word “interim” when referencing Chair Bradley under Item A (a).With no other suggestions, vote to accept changes as amended: Aye – 12 (Johnson, Meyerle, Suhler, Mueller, Marcoux, Belau, Furst, Harris, Holmes, Amadio, Schmitz and Eckerman); Nay – 0; Abstentions – 0.
- d. Set Order of Agenda: Agenda set as ordered.
- e. Communications: Chair Bradley identified the attachments as 1) copy of Minnesota Statute 410.05 Subd. 2 & 3; 2) Section V of Appendix E relating to appointment process; 3) Mueller memo relating to application questions; 4) Staver letter dated January 24, 2019. Goslee distributed proposed language of Minn. Stat. 410.05 that amends number of days of which to appoint members as well proposed language to include appointment of existing members. Chair Bradley referenced another hand out which includes removing language of having Council take over if time limit was reached. This matter was discussed but no action taken at this time.

### B. Open Comment Period:

Paula Hardin came forward and asked for a vote to revoke special status of Library Board and its director. Hardin expressed concerns of the removal of dedicated handicap parking and 30 minute meters in front of the library, and the closure of the Civic Center ramp. This has made accessibility to the library very difficult and feels this violates the ADA law for accessible open meetings. She also feels that the library board meetings are not meeting notification requirements with proper agenda

materials. Hardin feels more oversight is needed.

With no one else wishing to be heard, open comment period was closed.

C. Committee Reports: None

D. Unfinished and Deferred Business:

a. Changes to Appendix E. Chair Bradley referenced the amendments made to Appendix E as previously discussed relating to the notification of public hearings and hearing procedures. No formal vote is required unless additional changes need to be made.

Dave Goslee took a moment to address the Board on the conversion of the Charter and City Ordinances into MuniCode format. Content remains the same, look and numbering style is different and obsolete language removed. Houghton presented the Commission with a short demo on the new look and indicated that the Charter Commission webpage will be updated to include a link to MuniCode page as well. Schmitz addressed his concerns about copyrighting.

b. Appointment Process: Chair Bradley commented that he, Kellie Mueller and John Eckerman met with Mayor Norton to discuss and review the new application program for Boards/Commissions. Kellie Mueller referred to the attachment of sample application questions on what Mayor Norton will require for board applications; however, because the Chief Judge appoints members to the Charter Commission, Mueller included possible optional questions that is specific to the Charter Commission. Discussion was held on whether application questions can be customized. Goslee suggested that Fran, Kellie, and John meet with Mayor Norton again, remove comments that do not apply to the Charter Commission, add the relevant questions and bring back to the next meeting for discussion and possible forward to Judge Williamson to review for approval. Mueller asked Dave Goslee for clarification regarding the data practices, criminal background and conflict of interest questions currently on a City board application and whether they could also be included on the Charter application. Much discussion was held with concerns that requesting a background check could make appointment process longer. Goslee responded that Commission cannot impose a background check be done prior to the applicant name being forwarded to the Judge and if a citizen was interested in applying to the Commission, one would not need to complete the application process and could simply submit their name directly to the Chief Judge for consideration. Chair Bradley suggested the Officers schedule another meeting with the Chief Judge and include the proposed questions and seek her direction. Meyerle wished to add one more item for discussion with the Judge and that is lack of information on the MN Judicial website regarding Charter Commissions and the responsibility of Chief Judges. She would like to see more information available for other Charter cities to reference. No vote taken; tabled for future meeting.

- c. Review of Minn. Stat. 410.05: Chair Bradley referred to the two attachments for review. At the March meeting, the Commission took action and adopted the proposed language relating to the re-appointment of existing members in addition to providing more time for the Chief Judge to make such appointments.

Chair Bradley requested the removal of the tabled motion relating to the existing language which allows governing body of the City the authority to select members to the Commission should the Chief Judge fail to act. Suhler moved to remove off the table previous motion to open for discussion; Meyerle seconded. With no other discussion, vote taken: Aye -12 (Johnson, Meyerle, Suhler, Mueller, Marcoux, Belau, Furst, Harris, Holmes, Amadio, Schmitz and Eckerman); Nay – 0; Abstentions – 0. Motion passed. After further discussion, motion to recommend the removal of the sentence allowing governing body (City Council) to make appointments if time limit is not met by Chief Judge. Vote taken: Aye- 12 (Johnson, Meyerle, Suhler, Mueller, Marcoux, Belau, Furst, Harris, Holmes, Amadio, Schmitz and Eckerman); Nay – 0; Abstentions – 0. Motion passed.

Meyerle further motioned to move forward both recommendations without preference for consideration by the legislators. Schmitz seconded. Open for discussion. Meyerle clarified that she is not comfortable removing the council language until there is a fall back option should the Chief Judge fail to make appointments. Upon further discussion, Goslee indicated this is simply a recommendation to refer to legislator and to start process. With no further discussion vote taken: Aye - 6 (Suhler, Harris, Meyerle, Schmitz, Mueller and Belau) ; Nay - 7 (Marcoux, Amadio, Furst, Holmes, Eckerman, Johnson, Bradley) Motion fails.

Eckerman moved to recommend both options with preference made to the 2<sup>nd</sup> amendment removing appointing authority of Council should time limits not be met. Furst seconded. Open for discussion. Vote: Aye -11 (Johnson, Suhler, Mueller, Marcoux, Belau, Furst, Harris, Holmes, Amadio, Schmitz and Eckerman); Nay -1 (Meyerle). Abstentions - 0. Motion carries.

E. New Business:

a. Charter Board Chapters Review. Chair Bradley referred to the letter of Council President Staver and whether separate charter boards are relevant. Suhler shared that he submitted documentation previously on how these boards got where they are. Goslee provided a brief background on why there are certain boards/commissions. Much discussion was held with the Commission requesting more background information specifically: 1) why are the library, utility and park boards handled differently; 2) ADA compliance such as the parking issues - is it the Board or one individual making decisions. This discussion item will be tabled for next meeting.

- F. Other business: Marcoux inquired about minutes from last meeting and having a member of the City Administrator office attending to speak of City Transparency Policy. This will be added to a future meeting.
- G. Adjourn: Next meeting will be September 10, 2019 at 4:30 p.m. **in conference room 320** of City Hall. Meeting adjourned at 5:49 p.m.