

CHARTER COMMISSION

MINUTES FOR NOVEMBER 12, 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 320 of City Hall and was called to order by Chair Fran Bradley at approximately 4:32 p.m.
- b. Recording of Attendance: **Present** were commission members, Fran Bradley, Leigh Johnson, Kathy Meyerle, Fred Suhler, Kellie Mueller, Marcia Marcoux, Ben Harris, Bari Amadio, Jay Furst, Ray Schmitz, John Eckerman, Dave Senjem and Stephanie Podulke. **Absent** were commission members Jane Belau and Heather Holmes.
- c. Approval of Minutes: Johnson moved to approve minutes of September 10, 2019; Mueller seconded. Motion approved.
- d. Set Order of Agenda: Agenda set as ordered.
- e. Communications: Chair Bradley identified the attachment as draft legislative change to Minn. Stat. §410.05. Chair Bradley also noted that representatives of the Library and Park Departments were attendance. Chair Bradley deferred their comments during the Unfinished and Deferred Section of Agenda.

B. Open Comment Period:

Paula Harden addressed the Commission to support the revocation status of Library from its current government for continual failures of the Board to control and properly operate meetings, to meet minimum requirements of open meeting laws, and data practices matters.

Commission Member Suhler did wish to ask Ms. Harden why she feels this Body should be the people to rectify this problem. Ms. Harden indicated that she has brought her concerns to other City officials with no action taken and she feels Charter Commission has the authority to decide how the Library should be functioning within City government.

With no one else wishing to speak, the open comment period was closed.

Chair Bradley wished to take a moment to address Editor Randy Petersen of the Post Bulletin and thank him for a job well done in his writings and representation of the work of Charter Commission.

C. Committee Reports: Chair Bradley asked Leigh Johnson to lead an informal

committee to get process started regarding legislative language for appointment. In addition to various discussions, members of the Commission has visited with Chief Judge Jodi Williamson. Member Leigh Johnson addressed the Commission to provide an update and referred to the handout outlining the proposed amendments to Minnesota Statute Section 410.05. Member Johnson made a formal motion to recommend to the legislature to adopt the proposed language as amended; Marcoux seconded. Open for discussion. Meyerle would like to see this proposed language sent to the League of Minnesota Cities for additional feedback. With no further discussion vote taken: Aye – 12; Nay – 0; Abstain – 0. Motion passes.

D. Unfinished and Deferred Business:

a. Charter Boards review: Meyerle first presented her findings as it relates to the Library Board. The Minnesota Legislature established public libraries in 1905 and statute language applies to statutory cities or cities of the 2nd, 3rd & 4th class but not cities of the first class, which operate under a Home Rule Charter, such as the City of Rochester. If the Charter Commission feels that there needs to be a change of provisions of the Charter, the Commission would need to decide how the Charter was established, whether by Council or by electoral vote. If by electoral vote, the only way to revoke would be to bring back to the voters. Meyerle indicated that through her findings, the Rochester Public Library board operates closely to Minn. Statute Chapter 134, and mimics how other cities operate subject to that statute. The question is whether the Library Board under current Charter provision has substantial authority under the Charter or does that change to move authority to City Council. Thoughtful discussion commenced. Council President Staver was present, addressed the Board, and indicated his initial question was merely from a procedural aspect. Staver said there are a few dozen boards/commissions in the City and he was curious if there was a statutory requirement on why Library, Park and Utility Board are treated differently.

Member Jay Furst addressed the Board and presented his research relating to the Park Board. Furst distributed his findings of comparison with Cities of similar size and found that most function as an advisory Board. Questions arose as to whether or not the Park Board has power to purchase property without input from City. Attorney Loos addressed the questions and indicated the Park Board cannot purchase property without council approval and cannot spend more than allotted in budget.

Chair Bradley invited representatives of the Library & Park Boards who were present to address the Commission on this topic. Audrey Betcher, Library Director and Erin Pagel, Library Board member were present. Betcher spoke and felt the current system works well. The Library Board has a clear direction established with a strategic plan in place that best serves the community and stays within the budget.

Paul Widman, Director of Park & Recreation Department and Vern Yetzer, Park Board President were present. Widman addressed the Commission and gave a historical background of how Park Board came to be. The Board is represented by a member of each ward to address concerns and areas of interest within that ward. Widman feels the Board is beneficial in that adjustments to projects can be made and approved of much more quickly than by having all decisions go through Council. Much discussion was held and the Commission asked various questions to the Library & Park Department representatives. Both Betcher & Widman agreed that their respective Boards should have a strong voice in their roles.

A question was asked whether State statute could dictate what City of Rochester can do with library board. Attorney Loos responded and said that first class cities are exempt from statute with regard to library boards.

Chair Bradley addressed the Commission to decide 1) remove Charter Boards from Charter and reconstitute as Ordinance; 2) leave it alone; 3) amend as needed. After further discussion, members felt more information was needed and deferred to the City Attorney to provide additional information.

Member Senjem made a motion that the January meeting consist of a discussion on powers on each respective Charter Boards; member Harris seconded. Open for discussion, clarification on motion requested. Senjem responded that the powers of each board should be reviewed and compared one board at a time. The City Attorney was directed to assist in providing a comparison.

Meyerle would like to amend Senjem's motion to include whether there are other boards/commissions in the Ordinance that have the same authorities as Charter boards. Senjem accepted the amendment to his motion. Open for discussion. Vote taken: Aye – 12; Nay – 0; Abstain - 0. Motion passes.

E. New Business: None

F. Other business: None

G. Adjourn: Next meeting will be January 14, 2020 at 4:30 p.m. **in conference room 104** of City Hall. Meeting adjourned at 6:14 p.m.