

APPROVED
CITY OF LINO LAKES
CHARTER COMMISSION

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6
7 **DATE** January 14, 2016
8 **TIME STARTED** 6:30 p.m.
9 **TIME ENDED** 8:14 p.m.
10 **MEMBERS PRESENT** Aldentaler, Bretoi, Dahl, Devaney, Johnson, Juni,
11 Stanek, Storberg, Stranik, Turcotte, and Vanderpoel
12 **MEMBERS EXCUSED** Damiani, Combs, Lyden, and Poehling
13 **MEMBERS UNEXCUSED** None
14 **STAFF MEMBERS PRESENT** City Clerk Julie Bartell
15 **OTHERS PRESENT:**

16
17
18 **CALL TO ORDER AND ROLL CALL**

19 Acting Chair Dahl reconvened the meeting of the Lino Lakes Charter Commission at 6:32 pm on
20 January 14, 2016.

21
22 **A. Oath of Office and Introduction of New Members**

23 The City Clerk stated that eight appointments were made to the Commission, which includes five
24 new members. She administered the Oath of Office to all newly appointed or re-appointed
25 members.

26
27 **PLEDGE OF ALLEGIANCE**

28 Acting Chair Dahl lead the Pledge of Allegiance.

29
30 **SETTING THE AGENDA**

31 Agenda was accepted as presented without additions

32
33 **OPEN MIC/PUBLIC COMMENT**

34 No one present opted to speak for the open mike.

35
36 **OLD BUSINESS**

37
38 **A. October 8, 2015 Meeting Minutes**

39 Acting Chair Dahl noted that only the Commissioners that were members last year would be able
40 to vote on this item. She advised that an amended version of the minutes was included in the
41 Commission packet with updates as proposed by former Chair Sutherland.

42
43 Commissioner Turcotte noted that Zastrow was listed as a member present and advised that
44 should be removed.

46 MOTION by Commissioner Bretoi, seconded by Commissioner Johnson, approving the meeting
47 minutes of October 8, 2015 as amended.

48

49 Motion passed unanimously.

50

51 **B. League of Minnesota Cities – One Proposed Amendment**

52

53 **1. Wards**

54 Acting Chair Dahl explained that the Commission currently does not have an attorney and
55 therefore the recommendation was made that the Commission should reach out to the League of
56 Minnesota Cities to determine if their assistance could be gained in drafting an amendment to
57 create wards within the City. She stated that she spoke with a representative from the League of
58 Minnesota Cities regarding the desired amendment and was told that they could assist but the
59 information would be shared with the City as the League also insures the City. She stated that
60 there is an election this year and therefore the Commission would not need to pay for a special
61 election. She provided additional information on the desire to create wards, noting that some
62 people in the City feel that they are not fairly represented in their issues. She stated that
63 personally, she was not in support of a ward amendment but after further research on the matter,
64 she does believe that wards would be helpful within the City. She stated that the League does not
65 want to get in the middle of anything and therefore if their assistance is desired the Commission
66 would first have to support the action and then the City Council would have to also support the
67 action because of the existing relationship.

68

69 Commissioner Bretoi asked if there would be a charge for the services.

70

71 Acting Chair Dahl stated that the cost she had been quoted is ten hours for \$750, with a charge of
72 \$75 after that. She was unsure if the cost would be less if ten hours is not needed. She stated
73 that the League does have attorneys on staff that work with Charter Commissions. She stated
74 that the services could be used for this matter, or any other proposed amendment that would be
75 desired.

76

77 Commissioner Storberg stated that the League has a relationship with the City and believed that
78 the League would state that they could not assist in the same way the City Attorney stated that he
79 would have a conflict of interest and could not provide assistance.

80

81 Acting Chair Dahl stated that she was told that the League would not have a problem providing
82 the service as long as both the Commission and Council approve.

83

84 Commissioner Bretoi stated that the decision had been made during the past year that the item
85 would go on the ballot and that the Commission should use the League of Minnesota Cities for
86 assistance if they would agree to provide the assistance. He stated that if the matter is delayed for
87 too long the item would not meet the timeline to appear on the ballot.

88

89 Acting Chair Dahl stated that the Council had stated before that the proposed amendment would
90 not be compliant with the State statute and if that language were to meet the statute, the item
91 could be on the ballot.

92

93 Commissioner Turcotte stated that the City Council does not have a review of a proposed
94 amendment because they could then hold the item off the ballot. He noted that the Commission
95 does have the ability to review amendments proposed by the Council because they do not have
96 power to hold the item off the ballot. He stated that during the past year the Commission worked
97 on a proposed amendment to create wards, using models from Blaine and St. Paul. He provided
98 a brief overview of wards and their intent.

99

100 Commissioner Stranik stated that it appears that item was moved along the previous year and
101 then dead-ended because of the lack of legal counsel. He asked if a new action would be needed
102 at this meeting, noting that he is not sure that he would support wards.

103

104 Acting Chair Dahl stated that she had been given the direction at the last meeting to pursue the
105 services of the League of Minnesota Cities, if possible, for assistance in the amendment
106 language.

107

108 Commissioner Stranik asked if the Commission, as it stands today with the new members, would
109 need to endorse the amendment before that could move forward.

110

111 Commissioner Devaney provided background information on the League of Minnesota Cities
112 and the dues that are paid annually by municipalities to the organization for their services. He
113 stated that perhaps the document should be further clarified to spell out the assistance that could
114 be given by the League outside of the \$75 per hour charges. He also believed that the question
115 brought forward by Commissioner Stranik, regarding whether or not the action would need to be
116 voted on by the Commission membership as it stands today, is a good question and noted that
117 perhaps the League could provide clarification on that as well.

118

119 Commissioner Bretoi stated that the decision had been made by the Commission the previous
120 year that even though not all of the Commission members supported the ward amendment, the
121 item should still move forward and be placed on the ballot to allow the residents to make the
122 decision.

123

124 Commissioner Johnson asked the amount the Commission was paying Attorney Marty for her
125 services.

126

127 Acting Chair Dahl stated that Attorney Marty was charging \$140 per hour but noted that she also
128 worked many unpaid hours as well.

129

130 Commissioner Storberg stated that the Commission only has a budget of \$1,500 per year. She
131 stated that perhaps the group could do a consensus vote on whether or not they support the
132 action.

133

134 Acting Chair Dahl noted that there is now a separate budget line item in the amount of \$1,000
135 per year for the services of TimeSaver in addition to the annual budget of \$1,500.

136

137 Commissioner Stranik stated that the point against wards would limit the quality membership of
138 the City Council as two great candidates could live within the same ward. He noted that wards
139 could also provide single issue candidates, as someone could get voted in solely on the issue
140 most important for that ward. He stated that if wards go into play the amendment should not go
141 into effect immediately as that could impact the current membership of the Council.

142

143 Commissioner Devaney noted that the amendment would take effect as terms expire.

144

145 Commissioner Storberg stated that the Commission went through this last year and the City
146 Council would not allow the item to go onto the ballot.

147

148 Commissioner Bretoi stated that the reasoning of the Commission was that if the language went
149 through the League of Minnesota Cities prior to review the likelihood of disagreeing with the
150 language would be decreased.

151

152 Commissioner Devaney stated that the input of City Attorney Langel is provided in the packet for
153 review. He stated that he would not feel comfortable even taking a straw vote as some of the
154 Commissioners were just appointed within the last week and have not had sufficient time to
155 review the information.

156

157 Commissioner Bretoi noted that there is an issue with timing as the opportunity to place this item
158 on the ballot last year was already missed.

159

160 Commissioner Turcotte stated that he is not confident that any amendment would be allowed by
161 the Council to go onto the ballot.

162

163 Commissioner Bretoi stated that he is looking for a positive way to move forward.

164

165 Commissioner Turcotte stated that perhaps creating a subcommittee to look into going to the
166 legislature or Attorney General as to how the Commission could get any item on the ballot in this
167 atmosphere.

168

169 Commissioner Juni stated that it is pretty straightforward as to how the three items noted by the
170 City Attorney and City Council are easily fixed. He noted that the composition of the City
171 Council has also changed and perhaps the new members of the Council might not feel the same
172 way.

173

174 Commissioner Devaney stated that in his opinion it would be helpful to bring the information
175 forward to the League of Minnesota Cities in regard to the proposed amendment and the three
176 items mentioned by the Council to gain their input.

177

178 Commissioner Bretoi acknowledged the comments of Commissioner Juni regarding the new
179 composition of the City Council and noted that perhaps this Council would be more willing to
180 work with the Commission.

181
182 Commissioner Devaney stated that a good way to test the waters would be to push forward the
183 contract with the League of Minnesota Cities and the opinion of the Council would be known
184 with that action.

185
186 MOTION by Commissioner Bretoi, seconded by Commissioner Stanek, requesting to work
187 through the League of Minnesota Cities to develop a proposed ward amendment, which would go
188 forward to the ballot.

189
190 Further discussion: Commissioner Storberg asked if there would be a timeline as this year is a
191 presidential election and would be a good voting year.

192
193 Commissioner Johnson asked if the action should be more specific.

194
195 Acting Chair Dahl stated that she can forward the draft amendment to determine the opinion of
196 the League of Minnesota Cities.

197
198 Commissioner Devaney stated that perhaps this is getting more ahead of its self.

199
200 The City Clerk stated that the letter is pretty clear that the League would simply want a sign off
201 from the City that the City agrees to the League of Minnesota Cities and the Charter Commission
202 working together. She noted that in the past the Commission has either sent a letter and/or
203 attended a worksession meeting of the City Council.

204
205 Commissioner Storberg stated that perhaps the Commission should first attempt to bring the
206 amendment back to the Council and perhaps they would allow the amendment to go to the ballot.

207
208 Commissioner Bretoi stated that the City Attorney has commented that the language is illegal and
209 that is why the assistance of the League of Minnesota Cities is being requested.

210
211 Commissioner Johnson stated that in his opinion most matters that the Commission would bring
212 to the League would be a conflict of interest.

213
214 Commissioner Devaney stated that the League could possibly also point the Commission in the
215 direction of another Charter City that has had these kinds of problems with their municipality.

216
217 Commissioner Juni asked if the League use would be to strictly review this amendment as the
218 letter implies more than that. It was noted that the League would be reviewing this amendment
219 to become compliant with the State statute and that is the purview of the review by the League, to
220 avoid additional review and costs.

221

222 Commissioner Turcotte stated that maybe the League can just specify if they have worked with
223 other Charter Commissions on similar language and therefore could simply point the
224 Commission in that direct for no charge, to use that language as a model.

225

226 Acting Chair Dahl stated that in the past the League has sent a representative to come to a
227 meeting to provide a presentation on the services that could be provided for free and noted that a
228 similar presentation could be made again.

229

230 Commissioner Bretoi called question.

231

232 Motion passed unanimously.

233

234 Motion passed 9-2 (Turcotte and Stranik opposed).

235

236 Commissioner Bretoi noted that the agreement for the Charter Commission to work with the
237 League of Minnesota Cities will then go on before the City Council.

238

239 **2. Charter Commission Annual Reports – 2013 and 2014**

240 Acting Chairperson Dahl noted that the reports were included as an informational item to provide
241 background information to the new Commission members, noting that the reports are required on
242 an annual basis to provide an update to the judge.

243

244 Commissioner Bretoi stated that if the agreement is going to go before the City Council, perhaps
245 the Commission should designate the members that will attend the meeting.

246

247 Commissioner Juni stated that perhaps the election of officers should occur and then perhaps the
248 Chair would like to attend the meeting and represent the Commission.

249

250 **NEW BUSINESS**

251

252 **A. Election of Officers: Chair, Vice Chair and Secretary**

253 Commissioner Storberg stated that perhaps with the new appointments the members should
254 provide a quick comment on why they wanted to join the Commission and if they are interested
255 in holding an officer position.

256

257 Commissioner Devaney introduced himself. He stated that it is hard not to hear what has been
258 going on with the Charter Commission and the City Council, noting that there were probably a
259 few bad apples on each side. He stated that the opportunity to get things onto the ballot and let
260 the people vote has been hampered and he looks forward to the opportunity to serve and assist.
261 He stated that he would like to assist in building a positive relationship between the Charter
262 Commission and City Council as that relationship has been impaired.

263

264 Commissioner Turcotte had no comment.

265

266 Commissioner Storberg stated that she was a member of the Commission when the Charter was
267 developed in 1982 and then came back to the Commission years later to provide the historical
268 side of the matter in attempt to help the situation. She stated that she just wants residents to have
269 the ability to vote on matters.

270

271 Commissioner Stanek stated that she has had involvement with the City Council during the past
272 two years and wants to be a part of what is going on. She stated that she did not like how the
273 City was treating individuals that were asking for help. She stated that through her experience
274 with the City Council and City staff she had been told that things could not be done that can be
275 done and wants to be a part of the can do attitude.

276

277 Commissioner Johnson stated that there changes that need to be made and communication that
278 needs to be improved so that the people of the City can have a voice. He stated that he would
279 need to leave the meeting to attend a musical performance. He left the meeting at 7:47 p.m.

280

281 Commissioner Aldentaler stated that he is a long time resident of Lino Lakes and also has
282 experience with the Department of Corrections in Stillwater and Lino Lakes. He provided
283 historical background information on the creation of the Charter, which allowed residents to
284 choose their own garbage hauler.

285

286 Commissioner Vanderpoel stated that he is a regulatory affairs specialist, noting that he gets
287 medical devices approved by agencies such as the FDA. He noted that he believed this would be
288 a way that he could contribute to the City.

289

290 Commissioner Juni introduced himself and provided information on his experience that would
291 assist in his service to the Commission, such as serving on other Boards.

292

293 Commissioner Stranik introduced himself and stated that he hopes to add some civility to the
294 relationship between the Charter Commission and City Council.

295

296 Commissioner Bretoi introduced himself and stated that he got involved with the Charter
297 Commission because of a petition for Shadow Lake improvements, noting that he felt like that
298 issue caused a lot of distrust for him with the City Council. He stated that in his opinion it is
299 important to have the checks and balances the Charter provides.

300

301 Acting Chair Dahl introduced herself and stated that the Charter for Lino Lakes provides rights to
302 its citizens that other City Charters do not provide to their citizens. She stated that it was her
303 support for the Charter and desire to be proactive that brought her to the Charter Commission.
304 She noted that she has served on the Planning Commission and City Council but has always
305 remained on the Charter Commission because she believes that citizens should always have the
306 right to vote on matters that concern them.

307

308 Commissioner Juni asked if the Chair and Vice Chair from the previous year were still members
309 of the Commission.

310

311 Acting Chair Dahl noted that both members chose not to come back to the Commission this year.

312

313 MOTION by Commissioner Turcotte, seconded by Commissioner Bretoi, to nominate Caroline
314 Dahl as Chairperson.

315

316 There were no other nominations.

317

318 Motion passed unanimously.

319

320 Commissioner Turcotte nominated Commissioner Dahl for the position of Chair.

321

322 MOTION by Commissioner Bretoi, seconded by Commissioner Stranik, to appoint Pat Devaney
323 as Vice Chairperson.

324

325 Motion passed unanimously.

326

327 Chair Dahl provided a brief description of the duties of Secretary.

328

329 MOTION by Commissioner Bretoi, seconded by Commissioner Stanek, to appoint Chris Bretoi
330 as Secretary and Carol Stanek as Assistant Secretary.

331

332 Motion passed unanimously.

333

334 Commissioner Bretoi referenced the Council worksession meeting where the agreement will go
335 forward regarding the League of Minnesota Cities. He asked if the Officers could meet through
336 teleconference to move ahead action.

337

338 The City Clerk noted that would be acceptable as long as a quorum is not present or involved.

339

340 **NEXT MEETING DATE**

341 Chair Dahl noted the next meeting date is Thursday, April 14, 2016.

342

343 **ADJOURN**

344

345 MOTION by Commissioner Stranik, seconded by Commissioner Bretoi, to adjourn the meeting
346 at 8:14 p.m. Motion carried unanimously.

347

348 Drafted by: Amanda Staple, *TimeSaver Off Site Secretarial, Inc.*