

APPROVED
CITY OF LINO LAKES
CHARTER COMMISSION

DATE April 28, 2016
TIME STARTED 6:30 p.m.
TIME ENDED 8:15 p.m.
MEMBERS PRESENT Aldentaler, Bretoi, Dahl, Damiani, Devaney, Johnson
(arrived at 6:47 p.m.), Juni, Lyden, Poehling, Stanek,
Storberg, Stranik, Turcotte, and Vanderpoel
MEMBERS EXCUSED Combs
MEMBERS UNEXCUSED None
STAFF MEMBERS PRESENT None
OTHERS PRESENT: Michael Manthey, City Administrator Jeff Karlson, and
Erick Kaardal

CALL TO ORDER AND ROLL CALL

Chair Dahl reconvened the meeting of the Lino Lakes Charter Commission at 6:32 pm on April 28, 2016.

PLEDGE OF ALLEGIANCE

Chair Dahl lead the Pledge of Allegiance.

SETTING THE AGENDA

Agenda was accepted as presented without additions

OPEN MIC/PUBLIC COMMENT

No one present opted to speak for the open mike.

APPROVAL OF MEETING MINUTES

Chair Dahl noted on line 198, it should state, "...of its self. ~~He asked if the agreement~~" She noted on line 342, it should state, "...~~Acting~~ Chair..." Commissioner Storberg noted on line 268, it should state, "...~~1980~~ 1982..." Commissioner Juni noted on line 330, it should state, "MOTION by Commissioner Bretoi, seconded by Commissioner Stanek, to appoint Chris Bretoi as Secretary and Carol Stanek as Assistant Secretary."

MOTION by Commissioner Juni, seconded by Commissioner Stranik, approving the meeting minutes of January 14, 2016 with the noted corrections.

Motion passed 13-0-1. (Lyden abstained)

NEW BUSINESS

46 **A. Potential Attorney for Charter Commission**

47 Chair Dahl noted that she included correspondence in the package between herself and the
48 League of Minnesota Cities. She distributed one additional letter that was not included in the
49 packet. She stated that she would not be able to sign the potential contract, as there would be
50 restrictions placed on the Charter.

51
52 Vice Chair Devaney stated that when he reads the original contract he is not sure where the
53 Charter would be vulnerable.

54
55 Commissioner Turcotte stated that a specific condition of the contract would allow the City to
56 shut down the work the League is doing for the Commission.

57
58 Commissioner Bretoi stated that it was made clear that the League works for the City and
59 therefore that relationship would come first.

60
61 Commissioner Johnson arrived.

62
63 Commissioner Lyden stated that the Charter is meant to be included in a system of checks and
64 balances and therefore does not want to mix the lines between the City Council and Charter
65 Commission.

66
67 Commissioner Stranik stated that he did not join the Commission to protect the Charter but
68 rather to update the Charter to adapt to the changes that have occurred since its creation in 1982.
69 He noted that there are weaknesses in the Charter that need to be updated.

70
71 Commissioner Bretoi stated that historically there have been several attempts by the Charter
72 Commission to update the Charter but the City Council has continued to deny the potential
73 amendments and funding for legal services in order for the Commission to pursue amendments.

74
75 Commissioner Lyden agreed that the Commission should be forward thinking and attempt to best
76 serve the residents of the community. He believed that the Commission has attempted to work
77 with the other bodies in power and hoped that the bodies would be able to work together in the
78 future.

79
80 Chair Dahl stated that the Commission still has an issue attempting to send this ward amendment
81 issue to ballot. She noted that she reached out to a potential attorney.

82
83 Commissioner Bretoi stated that he reached out to Erick Kaardal, a potential attorney that could
84 possibly assist in drafting the necessary legal language needed for a potential ward amendment.
85 He noted that Mr. Kaardal was willing to attend the meeting tonight pro bono but noted that there
86 would be a charge if there is additional work needed.

87
88 Erick Kaardal stated that he is pleased to help the Charter Commission in any way that he can.
89 He provided background information on his legal and career experience. He acknowledged that
90 it would be difficult for the Commission to interpret the legalese returned by the Council and

91 therefore he is willing to assist pro bono in this interpretation. He noted that if additional work is
92 needed after that he would be willing to negotiate.

93
94 Commissioner Bretoi noted the July deadline to place the amendment on the ballot. He
95 suggested that the language be prepared before that date to allow time for the Council to respond
96 so the Commission is not in the same position as it was in previously.

97
98 Commissioner Stranik noted that the implementation of a ward system should also be addressed
99 in the language.

100
101 Commissioner Turcotte stated that implementation could begin immediately, noting that all
102 elected officials would finish their current term and when the term expires, the ward system
103 would begin.

104
105 Commissioner Juni asked and received confirmation that the legal counsel for the Commission
106 would be addressing the three areas identified by the Attorney Langel in order to move the ward
107 amendment forward.

108
109 Commissioner Turcotte stated that in addition, the legal counsel for the Commission would be
110 reviewing the opinion of the Attorney Langel to ensure that those comments made were correct.

111
112 Commissioner Juni asked what the Commission would do if the comments from Mr. Langel are
113 not needed.

114
115 Mr. Kaardal stated that he believed that the comments from Mr. Langel are correct and the
116 revisions could then be made. He noted that he could then review the language as a double check
117 before submitting to the City once again.

118
119 Commissioner Bretoi asked if there is enough knowledge within the Commission to rectify the
120 comments of Attorney Langel.

121
122 Commissioner Turcotte stated that the Commission can reword the language in order to match
123 the points made by Attorney Langel.

124
125 Commissioner Lyden stated that he would not foresee any other legal charges the Commission
126 would have this year and therefore believed that the Commission should use the annual legal
127 budget to pay Mr. Kaardal to have someone draft the language.

128
129 Mr. Karlson stated that the Commission has \$1,500 budgeted for legal services in 2016.

130
131 Mr. Kaardal stated that he would need clear direction in respect to drafting, in example if the
132 Commission agrees with the three items outlined by Attorney Langel they could provide
133 direction for him to draft language that could address those repairs.

134

135 Commissioner Bretoi summarized that although there were differing opinions regarding ward
136 representation, the Commission did reach consensus to draft an amendment to move forward to
137 the ballot, which would allow the residents of Lino Lakes to make that decision.

138
139 Commissioner Turcotte stated that in his opinion it would be best to have an outside neutral party
140 draft potential ward boundaries.

141
142 Commissioner Juni asked if the Commission would like Mr. Kaardal to draft possible language
143 to address the comments made by Attorney Langel in order to amend the language, if necessary,
144 to move the question forward to the ballot.

145
146 Commissioner Turcotte stated that he would also like an opinion as to whether certain aspects are
147 correct, noting that other cities are successfully implementing the items that this Commission has
148 wanted to do in the past and has been told is not allowed.

149
150 Commissioner Johnson asked if there are more issues other than the three points identified by
151 Attorney Langel.

152
153 Commissioner Lyden stated that he would like Mr. Kaardal to address the legal issues identified
154 by Attorney Langel as he has that expertise.

155
156 Mr. Kaardal stated that in his opinion the City Council and Attorney Langel are going to review
157 the text prior to submission to the ballot. He stated that if the Commission wants to get the item
158 on the ballot, his opinion would be to address the items identified by Attorney Langel rather than
159 attempt to fight with that opinion which would only delay and possibly mean that the item would
160 not go onto the ballot. He stated that he could draft potential language to address the items
161 identified and then have an independent check completed to ensure the language is legally
162 compliant. He noted that there is the possibility that Attorney Langel could find other items he
163 does not agree with, but then the Commission could gather again to address those comments in
164 order to submit to the ballot.

165
166 Commissioner Juni stated that if the Commission wants this item to move forward on the ballot a
167 decision needs to be made as to whether the Commission can live with the language that the City
168 Council determines ward boundaries and if so, then the item could perhaps move ahead to the
169 ballot.

170
171 MOTION by Commissioner Bretoi, seconded by Commissioner Juni, to allow the governing
172 body, specifically the City Council, to draw up the ward boundaries.

173
174 Further discussion: Vice Chair Devaney stated that he agrees that the Commission will be
175 stonewalled if they do not allow the City Council to draw the ward boundaries. He stated that the
176 membership of the City Council has changed and he feels that there is now better representation.
177 He stated that he would support Mr. Kaardal addressing the three items specified by Attorney
178 Langel in order to move the amendment forward.

179

180 Chair Dahl asked if additional language could be added that would be more restrictive in regard
181 to the City Council drawing the boundaries.

182

183 Mr. Kaardal stated that restrictive language could be included that specify that the wards be
184 contiguous, similar in population or follow natural neighborhoods. He noted that a super
185 majority requirement could be required as well to ensure that three members of the Council do
186 not gang up on the other two.

187

188 Commissioner Lyden stated that in his opinion the best practice would be for an independent
189 body to set the boundaries but stated that he does agree that if this item is going to be able to
190 move forward to the ballot the Commission will need to allow the Council to draft the ward
191 amendments.

192

193 Motion passed 13-1 (Turcotte opposed).

194

195 MOTION by Commissioner Bretoi, seconded by Commissioner Damiani, to accept the offer of
196 Attorney Erick Kaardal to represent the Charter Commission in amending the ward amendment
197 language with the target to have the item on the 2016 ballot.

198

199 Further discussion: Chair Dahl stated that she spoke with Mr. Kaardal a few days prior to the
200 meeting and he preferred to have the Commission submit a resolution hiring him but noted that
201 action would follow this action.

202

203 Motion passed unanimously.

204

205 Mr. Kaardal stated that he would like to have a regular attorney/client relationship and that is
206 why he attended pro bono tonight. He stated that his recommendation would be to have a
207 retainer of \$500, noting that he would have a billing rate of \$300 per hour.

208

209 Chair Dahl read aloud the potential resolution to hire Attorney Erick Kaardal as the Attorney for
210 the Commission.

211

212 MOTION by Commissioner Bretoi, seconded by Commissioner Lyden, to adopt Resolution
213 #2016-01.

214

215 Further discussion: Commissioner Johnson asked if language should be included that mentions
216 \$500 for this item specifically.

217

218 Vice Chair Devaney stated that he knows the professionalism of Mr. Kaardal but agreed that
219 perhaps the estimate of \$500 should be included, noting that if that limit is exceeded the
220 Commission would then review.

221

222 Mr. Kaardal stated that his estimate is \$500 but noted that if that limit is exceeded, his concern
223 would be that the Commission does not meet frequently.

224

225 Commissioner Bretoi suggested that the Commission meet again in June rather than July in order
226 to meet the deadline for the ballot submission.

227
228 Chair Dahl provided potential draft language that could be included in the resolution that would
229 address the initial estimate of \$500 for the initial review.

230
231 Commissioner Devaney asked the opinion of Mr. Kaardal in regard to the next meeting date.

232
233 Mr. Kaardal stated that he would prefer to have the Commission review the language in May in
234 order to ensure sufficient time for review.

235
236 MOTION by Commissioner Bretoi, seconded by Commissioner Lyden, to adopt Resolution
237 #2016-01, amended to include the initial estimate of \$500.

238
239 Motion passed unanimously.

240
241 **NEXT MEETING DATE**

242 Chair Dahl noted the next regular meeting date is Thursday, July 14, 2016.

243
244 It was the consensus of the Commission to schedule a special meeting on Thursday, May 19,
245 2016.

246
247 Mr. Karlson stated that typically the Commission submits a letter with the potential amendment
248 language to the City Council for review and does not have to get onto a Council agenda.

249
250 Mr. Kaardal stated that would like to attempt to gain a preliminary legal opinion from Attorney
251 Langel prior to the May 19th meeting, so the Commission could review that opinion prior to the
252 meeting. He noted that Chair Dahl could distribute the potential language to the Commission via
253 email and if consensus is gained, he would then submit the letter to the City for review by
254 Attorney Langel. He stated that he would supply the draft language this next week for the
255 Commission to review.

256
257 Mr. Karlson confirmed that the City would be in agreement with that process.

258
259 MOTION by Commissioner Bretoi, seconded by Commissioner Stanek, authorizing Attorney
260 Kaardal to submit the draft language to the City for initial review and comment prior to the May
261 19, 2016 meeting.

262
263 Commissioner Lyden asked if the Commission would be violating open meeting laws by replying
264 to gain consensus.

265
266 Mr. Kaardal stated that he could gain approval from the Chair prior to submitting the language to
267 the City for review.

268

269 Commissioner Poehling stated that the information sent through email would simply be for
270 review purposes, as the Commission would not take formal action until the May 19th meeting.
271

272 MOTION by Commissioner Bretoi, seconded by Commissioner Stanek, to amend the motion to
273 authorizing Attorney Kaardal to submit the draft language to Chair Dahl and she will submit that
274 language to the City for initial review and comment prior to the May 19, 2016 meeting.
275

276 Motion passed unanimously.
277

278 **B. Ward Amendment**

279 No additional discussion.
280

281 **C. Charter Commission Annual Letter to the Judge for 2015 (to follow)**

282 Chair Dahl stated that the Commission could either choose to submit the letter or table the item.
283 She noted that the new members would have to abstain.
284

285 MOTION by Commissioner Bretoi, seconded by Commissioner Damiani, approve the annual
286 letter to the Judge for 2015 as drafted by Chair Dahl.
287

288 Motion passed 8-0-5. (Abstained: Juni, Stranik, Stanik, Devaney, and Vanderpoel)
289

290 **ADJOURN**

291
292 MOTION by Commissioner Poehling, seconded by Commissioner Bretoi, to adjourn the meeting
293 at 8:15 p.m. Motion carried unanimously.
294

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