

APPROVED
CITY OF LINO LAKES
CHARTER COMMISSION

DATE April 10, 2014
TIME STARTED 6:30 p.m.
TIME ENDED 9:51 p.m.
MEMBERS PRESENT Aldentaler, Bartsch, Bretoi, Combs (arrived at 7:50 p.m.), Dahl, Damiani, Lyden, Poehling, Storberg, Sutherland, Timm, Penn, Turcotte, and Helgemoe
MEMBERS EXCUSED Johnson
MEMBERS UNEXCUSED None
STAFF MEMBERS PRESENT City Clerk Julie Bartell and Charter Commission Attorney Karen Marty
OTHERS PRESENT: Council Members Dale Stoesz, resident Dean Hausladen, Ryan Howard of Quad Press, and Mayor Jeff Reinert

CALL TO ORDER AND ROLL CALL

Chair Sutherland reconvened the meeting of the Lino Lakes Charter Commission at 6:30 p.m. on April 10, 2014.

PLEDGE OF ALLEGIANCE

Chair Sutherland lead the Pledge of Allegiance.

SETTING THE AGENDA

Chair Sutherland advised of a letter available to coincide with agenda Item 6A. She asked that Members updated their contact information. She also advised of a new method for making motions in order to obtain the motion accurately.

Commissioner Dahl requested to add an item to the agenda to be considered as Item B2, Road Email Presentation by Commissioner Dahl.

MOTION by Commissioner Penn, seconded by Commissioner Dahl, approving the April 10, 2014 agenda as amended.

Motion passed unanimously.

OPEN MIC/PUBLIC COMMENT

Dean Hausladen asked the Commission to do additional study before wasting any additional time discussing a matter he believes is unnecessary. He referenced other cities that have made changes to their Charter which were not beneficial and which he believed would also cause an

45 increase to taxes. He stated that while he does not believe that the Charter amendment is
46 necessary he does acknowledge that the roads to need to be improved.

47

48 **APPROVAL OF MEETING MINUTES**

49 Chair Sutherland asked for corrections to the January 9, 2014 regular meeting minutes. She
50 noted line 51 through 54, noting that corrections were made to the October draft minutes and
51 therefore had been inserted in the draft minutes.

52

53 MOTION by Commissioner Timm, seconded by Commissioner Aldentaler, approving the
54 meeting minutes of January 9, 2014 as presented.

55

56 Motion passed 11-0-2. (Penn and Poehling abstained)

57

58 Chair Sutherland asked for corrections to the March 24, 2014 special meeting minutes. She
59 noted on lines 33-35 it should state, "...Turcotte, ~~make a proposal to the City Council requesting~~
60 ~~funds to cover the services per estimate provided by Attorney Marty for consulting on the~~
61 ~~proposed amendments put together a request to the Council for \$4,000 to continue the potential~~
62 ~~review and changes to one of the two proposed amendments."~~ On line 37, it should state, "Chair
63 Sutherland abstained." On lines 42-44, it should state, "...Bretoi suggested ~~to move the joint~~
64 ~~agenda item of discussing "vision of success" with the City Council to the July regular meeting~~
65 ~~and obtain clarification as to the nature of the meeting postpone the agenda item around the~~
66 ~~discussion of a quote "vision for success" with the Council to July 10th and that agenda item~~
67 ~~would not exceed one hour."~~ On line 46, it should state, "Chair Sutherland abstained."

68

69 MOTION by Commissioner Timm, seconded by Commissioner Penn, approving the special
70 meeting minutes of March 24, 2014 as amended.

71

72 Further discussion: Commissioner Dahl stated that she would like to review the changes and
73 asked that the vote be tabled until she could have additional time to review the changes.

74

75 Chair Sutherland asked if Commissioner Dahl would like to listen to the recording.

76

77 Commissioner Lyden provided his written notes on the motion that he made during the meeting.

78

79 The City Clerk provided input.

80

81 Chair Sutherland explained that the new process for submitting motions will help to alleviate
82 these issues in the future.

83

84 Commissioner Dahl noted on line 52 it should state, "MOTION by Commissioner ~~Timm~~ Lyden,
85 seconded by Commissioner ~~Dahl~~ Bretoi, to..."

86

87 Motion passed 9-2-1. (Turcotte, Dahl, and Bretoi opposed) (Helgemoe abstained)

88

89 **UNFINISHED BUSINESS**

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A. Action from March 24, 2014 Motion: Fund Request to Council

Chair Sutherland stated that her interpretation of the motion was to take the funding estimate to the Council, which was \$600, compared to the \$4,000 that had been in the amended motion. She advised that the \$600 was approved by the City Council and explained that the decision would be of the Charter Commission whether to accept the \$600 or to deny the funds and bring the request for \$4,000 back to the City Council.

MOTION by Commissioner Timm, seconded by Commissioner Penn, that the Charter Commission accept the \$600 that was authorized by the City Council for this purpose and reserve the right to re-approach the Council for an additional \$3,400 for this purpose.

Further discussion: Commissioner Turcotte did not believe that this option should be exercised, as he believed the intent of the Charter Commission was to request the full \$4,000 to review the amendments.

Chair Sutherland stated that the Charter Commission can either decide to accept the \$600 to allow Attorney Marty to continue to work on this issue or the Commission can deny the funds and make a request for \$4,000.

Commissioner Lyden stated that when he proposed the \$4,000 he believed that to be a reasonable amount to request. He noted that anything not used would not be spent.

Chair Sutherland acknowledged that this was her mistake.

Motion passed 7-6 (Aldentaler, Damiani, Bretoi, Lyden, Turcotte and Dahl opposed)

B. Action from March 24, 2014 Motion: Joint Agenda Item for July 10, 2014 Meeting

Chair Sutherland stated that when she met with the City Council they were willing to the joint agenda item for the July 10, 2014 meeting, forgoing the facilitator. She explained that the Council would like to focus on how the two bodies can communicate more effectively and the meeting would exclude discussion regarding the amendment. She confirmed that this agenda item would be one hour in length in addition to the regular meeting of the Charter Commission.

B2. Road Email Presentation from Commissioner Dahl

Commissioner Dahl provided a copy of email communication between herself and City Community Development Director Michael Grochala where she had requested a list of Minnesota State Aid (MSA) roads within the City and he provided that information. She referenced the timeline of repairs listed and did not believe that the roads are holding up as well as they should be. She believed that MSA roads are only allowed to be repaired using MSA funds. She believed that she needed additional information on the roads listed for repair and the designation of MSA.

134 Chair Sutherland confirmed that Commissioner Dahl wanted clarification on why MSA roads are
135 included on this list. She also noted that the last full reconstruction of an MSA road was ten
136 years ago and questioned where those funds are.

137
138 Commissioner Lyden explained that there will be different methods for fixing different roads.
139 He acknowledged that some of the roads are MSA roads. He referenced a financial report that he
140 was able to find online dated December 31, 2012 that specified that the MSA fund balance was
141 \$5,000,000. He stated that if the MSA funds were used to fix residential roads, about five miles
142 of roads could be fixed. He advised that the City can also bond and use other creative financing
143 to fix the roads. He advised that bond funds were used to purchase recreational land. He
144 believed that if the reconstruction of the Shenandoah neighborhood roads were included on the
145 ballot that question would be approved the next year.

146
147 **C. Discussion of City Council Proposed Charter Amendments**

148 Chair Sutherland advised that included in the Commission packet were the proposed Charter
149 amendments as discussed at the special meeting of March 24, 2014. She stated that the City
150 Clerk was able to provide timeline references for the Commission as requested to better
151 understand the timing allowed for review.

152
153 The City Clerk provided additional information from the County regarding the process for
154 Charter amendment elections. She noted that amendments can be requested by the City Council,
155 by citizen petition, by the Charter Commission by Ordinance, and for the Charter Commission by
156 election. She reviewed the timeline, noting that the 60 day review period will expire on May
157 12th, and advised that the Charter Commission can either make a decision by that time or pass a
158 resolution requesting an additional 90 days for review. She explained that if the 90-day review
159 period is requesting the definitive deadline would be August 11th. She advised that the City
160 Council would then have approximately 11 days to submit the official language for ballot
161 election to the County by August 22nd. She explained that if the Charter Commission wished to
162 request an amendment of their own to the Charter, the deadline for language submittal to the City
163 would be July 8th.

164
165 Commissioner Dahl Charter requested additional information on the option for the Charter
166 Commission to pass an amendment by ordinance.

167
168 The City Clerk explained the process and provided an example that took place the previous year,
169 noting that unanimous vote of all Charter Commission members and City Councilmembers
170 would be necessary to pass an amendment by ordinance. She noted that registered voters could
171 still request a referendum on the amendment by bringing forth a petition that meets the minimum
172 number of signatures.

173
174 Commissioner Penn questioned if Attorney Marty would be providing her recommendations on
175 the amendments to the Commission.

176
177 Attorney Marty stated that she could review strengths and weaknesses of each amendment,
178 noting that she does have some reservations on each amendment. She referenced amendment 3-

179 14, which was described to be the existing Charter with a slight change to allow overlays. She
180 stated that she found the amendment to be more extensive than that. She stated that while she
181 does like the additional definitions, she also found conflicting information between different
182 sections 8.01.4 and 8.02.1. She explained that the proposed changes to section 8.02.1 would
183 create a strange combination of State law and the Charter and reviewed differences between the
184 Charter and the process identified under State law. She referenced subdivision four and noted
185 that the amendment would allow the City Council to adopt the resolution ordering the local
186 improvement at any time after six months of the date of the hearing, whether objection is made
187 or not.

188
189 Chair Sutherland stated that the Council would still have the ability to vote and move forward on
190 an improvement even if objection is made at the hearing.

191
192 Attorney Marty confirmed that the Council could simply adopt the item. She continued to review
193 differences between the existing Charter and the amendment, noting that she would simply like
194 to alert the Commission to the proposed changes so they could be better informed. She
195 referenced proposed amendment 4-14 explained that rather than having the provisions and
196 definitions pulled out front this amendment basically rewrites the Charter. She referenced one
197 specific change, which states that street reconstruction and bituminous overlays may be done.
198 She explained that street reconstruction is very expensive.

199
200 Chair Sutherland stated that a main concern of the Commission was that there are a considerable
201 amount of residents that have their own septic and well systems that do not want to be in the
202 situation where they are forced to upgrade to City services simply because of a street
203 reconstruction project. She questioned if that situation would occur as these amendments are
204 written.

205
206 Attorney Marty stated that there is not language included that addresses connection to City
207 utilities. She advised that the item could be included in an ordinance of this nature but advised
208 that was not included in this ordinance.

209
210 Commissioner Combs arrived.

211
212 Commissioner Bretoi questioned if there is language that defines road reconstruction.

213
214 Attorney Marty stated that street reconstruction has a generally understood meaning. She stated
215 that perhaps the residents would like a definition of a scope of a project to specify simply the
216 street and not additional items such as utilities or a trail.

217
218 Commissioner Turcotte questioned if there is language included in the current Charter that would
219 include reconstruction of roads.

220
221 Attorney Marty explained that the standard assessment process cannot be followed and therefore
222 the Charter provision has to be followed which could be voted down on the ballot. She
223 explained that a special assessment is completed for reconstruction because the adjacent

224 homeowners are provided a larger benefit. She advised that roads can be constructed between 18
225 and 66 feet in width, noting that MSA roads would have specific standards. She was not aware
226 of a State law that would specify street width. She noted that cities adopt ordinance that specifies
227 street widths but noted that variances can be issued.

228
229 Commissioner Storberg questioned which amendment would be better for the Charter
230 Commission and Lino Lakes residents and whether additional language should be added to the
231 existing Charter to allow for road projects.

232
233 Attorney Marty stated that it appears the main issue that comes back is that some residents really
234 want to see roads improved while others are afraid that the City would be able to overbuild
235 roadways. She noted that there is nothing included in these amendments that deal with that issue
236 and advised that it appears the existing Charter is overkill as it is pretty easy to stop any project.
237 She stated that this Charter is not all that different from other Charters and does not make it
238 harder to bond but simply makes the bonds more expensive. She confirmed that bonding would
239 be an option under the existing Charter. She believed that amendment 3-14 would be closer to
240 the existing Charter than 4-14. She stated that if the Commission wished to move forward with
241 amendment 4-14, she would recommend changes to the proposed language.

242
243 Commissioner Lyden stated that his opinion is that government should exist to serve the people.
244 He acknowledged that while road improvement is needed, he also believed that MSA funds and
245 bonding could be used to repair roads as well as street reconstruction bonds and utility bonds.
246 He explained that these methods could be utilized without requesting a vote of the people.

247
248 Attorney Marty confirmed that there are a lot of tools that could be used to repair roads under
249 State law that exist in conjunction with the current Charter. She explained that the current
250 Charter would provide a lot of protection as to what could occur and would provide the
251 maximum amount of protection from taxes being raised but noted that a compromise could
252 probably be made.

253
254 Commissioner Bretoi referenced the proposals that were brought forward by the Charter
255 Commission in 2007 and asked the opinion of Attorney Marty on those changes.

256
257 Attorney Marty noted that the proposed changes in 2007 did clarify chapter eight.

258
259 Commissioner Bretoi stated that it was his opinion that in the past several years the City Council
260 has brought forward several amendments and asked to review them under duress and without
261 appropriate legal review. He stated that after review when the Commission did provide
262 appropriate comment to the Council proposals the language was not accepted. He did not believe
263 that these amendments should be considered and instead believed the Commission should review
264 the work completed in 2007.

265
266 Attorney Marty stated that the proposed amendments and the current Charter do not have the
267 balance that would allow a project to move forward without inclusion on the ballot, if properly
268 defined, wanted, and if special assessments were within an acceptable range. She believed that

269 the Council may be in agreement with that language that would also work with the intent that
270 road projects not be forced. She suggested keeping part of amendment 3-14 and amending
271 certain parts; keeping provisions one, two, three and changing provision four. She was unsure
272 the remaining provisions would be needed and instead would add the additional option
273 mentioned. She confirmed that the language between the current Charter and amendment 3-14
274 could be merged along with the discussion mentioned. She confirmed that she could also review
275 the work from the Charter Commission in 2007.

276

277 Commissioner Bartsch questioned if a neighborhood could request bonding for a road
278 improvement through a request to the City Council.

279

280 Attorney Marty confirmed that would be an allowable option under the existing Charter.

281

282 Commissioner Lyden questioned if there is a format to ask additional legal questions should
283 Commissioners think of them after the meeting.

284

285 Attorney Marty stated that typically it is best to funnel questions through one person to ensure
286 that there are not duplicate questions being asked to her.

287

288 MOTION by Commissioner Storberg to instruct Attorney Marty to research additional
289 information that the Charter Commission could use to draft a proposed amendment that would
290 allow street reconstruction as discussed without requiring a referendum.

291

292 Motion failed for lack of a second.

293

294 MOTION by Commissioner Timm, seconded by Commissioner Damiani, to extend the review
295 period by an additional 90 days to review the Charter amendments.

296

297 Further discussion: Commissioner Timm stated that the Charter Commission must make a
298 decision prior to May 12th or would have to extend the review period by an additional 90 days.

299

300 Commissioner Bretoi believed the motion should be contingent upon additional funding from the
301 City Council to fund the legal review that would be necessary. He stated that he would be in
302 agreement with treating the issues separately but did not want to spend an additional 90 days
303 reviewing this information if the additional funds were not approved by the Council.

304

305 Commissioner Timm explained that whether additional funding is gained or not a decision would
306 still be needed. She advised that if the review period is not extended tonight, the decision would
307 need to be made tonight on the amendments, as the Commission will not meet again prior to the
308 expiration of the 60 days review period.

309

310 Chair Sutherland confirmed that if the decision is not made to extend the review period a
311 decision would then need to be made as to whether to accept or deny the amendments as there
312 would not be sufficient time to craft alternative language prior to the expiration of the 60-day
313 review period.

314
315 Attorney Marty stated that the Charter is not clear on what would happen if the Charter
316 Commission does not respond but advised that the typical response would be that if the
317 Commission did not act the Council would be able to include their amendment on the ballot as
318 they wish.

319
320 Motion passed 11-1-2. (Turcotte opposed) (Poehling and Bartsch abstained)

321
322 **NEW BUSINESS**

323
324 **A. Researching Attorney's for Future Frame and Amendment of Charter**

325 Attorney Marty stated that if the Commission chooses to move forward with her as an attorney
326 on this issue it would be helpful for her to meet with as many Commissioners that desire through
327 a special meeting to discuss the scope of the allowed special assessment projects in order to gain
328 additional input from the Commission. She stated that it may also be helpful to have an expert
329 on cities as well as special assessment and road projects.

330
331 Commissioner Storberg commended Attorney Marty for her work.

332
333 MOTION by Commissioner Penn, seconded by Commissioner Dahl, to express appreciation for
334 the work Attorney Karen Marty has contributed on behalf of the Charter Commission.

335
336 Motion passed unanimously.

337
338 Commissioner Poehling questioned the scope of work that would be included for Attorney
339 Marty.

340
341 Chair Sutherland noted that direction will be given to whichever attorney the Commission
342 chooses to move forward with.

343
344 Attorney Marty asked for any negative feedback the Commission may have should they choose to
345 move forward with another attorney.

346
347 Chair Sutherland explained that when previous amendments had been proposed by the Charter
348 Commission by use of Attorney Marty the City Council has denied those amendments and the
349 work has been called unconstitutional by other attorneys. She stated that perhaps another
350 attorney could assist in changing the atmosphere of review by the City Council.

351
352 Attorney Marty commented that she drafted what she was asked to draft without changing the
353 intent of the Commissioners. She noted that there will always be differences of opinion between
354 attorneys. She reviewed her career experience working internally for cities as well as externally
355 for cities through her private practice.

356
357 Chair Sutherland briefly recessed the meeting at 8:50 p.m.

358

359 Chair Sutherland reconvened the meeting at 8:56 p.m.

360

361 Commissioner Timm referenced the March 24th special meeting at which time there was
362 discussion regarding researching options for alternate attorneys. She explained that the intent
363 was not to disrespect Attorney Marty but to simply investigate options. She stated that she did
364 visit the League of Minnesota Cities website, noting an item offering Charter Commission
365 assistance. She confirmed that the City is a member of the League of Minnesota Cities. She
366 reviewed the aspects that the League of Minnesota Cities could provide to Charter Commissions
367 at no cost. She advised that the League of Minnesota Cities will not advocate and will only
368 provide viewpoint neutral information.

369

370 Commissioner Penn stated that she was not able to find a specialty attorney.

371

372 Commissioner Storberg commented that the League of Minnesota Cities did not provide any help
373 to the Charter Commission in the past; noting that both the League of Minnesota Cities and City
374 Attorney are paid for by the City.

375

376 Commissioner Damiani stated that the Charter Commission only has 90 days to review the
377 amendment and did not believe there was sufficient time to also investigate new attorneys.

378

379 MOTION by Commissioner Bretoi, seconded by Commissioner Turcotte, to retain Attorney
380 Karen Marty as the Charter Commission Attorney.

381

382 Further discussion: Commissioner Penn stated that Attorney Marty has a tremendous amount of
383 history and for that reason could be a great resource for the Commission.

384

385 Commissioner Poehling believed that specific direction should be given to Attorney Marty.

386

387 Motion passed 12-2. (Poehling and Bartsch opposed)

388

389 **B. Letter to the Chief Judge of the 10th Judicial District**

390 Commissioner Timm provided corrections to the letter noting the title should state, "...~~the~~
391 Honorable ~~Judge~~ John C. Hoffman..." She referenced another section of the letter which
392 references the membership requesting the letter state after except for the last quarter, after a
393 Commissioner Zastrow ~~past~~ passed away." She referenced the meetings section of the letter
394 noting that the April 23, 2013 meeting should be struck from the letter because the meeting was
395 canceled due to snow. She referenced the minute portion and believed that the language should
396 read "...a Charter Commissioner ~~now~~ records the minutes..." Under Commission activity it
397 should read, "The Commission requested secretarial services from the City Council. The
398 Council decided to pay for TimeSavers for two meetings in the year 2013." She requested to
399 strike the last sentence from that section entirely. She also noted that the attachments referenced
400 should be included in the mailing. She noted that City should be capitalized in the first
401 paragraph on the second page. She referenced the five-year plan section and believed that should
402 read, "2013: no vote has been taken on the five year plan by the City Council." She believed the
403 remaining statements should be stricken as this report is simply for 2013 and not previous years.

404
405 Commissioner Helgemoe left the meeting at 9:20 p.m.

406
407 Commissioner Turcotte provided alternate language to include for that item and it was the
408 consensus of the Commission to amend the language as “2013 the City Council has not adopted
409 the five year plan.”

410
411 Commissioner Bretoi thanked Commissioner Timm for her efforts.

412
413 MOTION by Commissioner Lyden, seconded by Commissioner Bretoi, to submit the letter as
414 amended.

415
416 Motion passed unanimously.

417
418 Chair Sutherland confirmed that an amended version of the letter will be sent to the Commission.

419

420 **C. Presentation of Proposed Charter Amendment – Commissioner Turcotte**

421 Commissioner Turcotte stated that he would forgo the presentation due to lack of time but
422 wanted to gain consensus from the Commission that they will read the information submit in
423 order to present an amendment which could be placed on the ballot.

424
425 Chair Sutherland noted that if the Charter Commission wished to include language on the ballot
426 that information would need to be submit to the City by July 8th, which would be prior to the next
427 regular meeting of the Commission. She noted that a special meeting could be held.

428
429 Commissioner Turcotte stated that he reviewed different Charter cities and noted that most of
430 those cities are divided into wards in order to provide localized representation. He explained that
431 Councilmembers would be elected through each ward and advised that some cities have at large
432 positions as well. He believed that the Mayor should be at large while the four Councilmembers
433 would be elected by each of the four wards. He did not believe that accurate representation is
434 being provided on the City Council and believed that this method would provide more equal
435 representation.

436
437 Chair Sutherland confirmed that there are eight precincts.

438
439 Commissioner Turcotte confirmed that he would determine if the eight precincts could be
440 combined together to create four wards. He believed that Attorney Marty could then be directed
441 to prepare the proposed language for the ballot.

442
443 Chair Sutherland confirmed that July 8th would be the deadline for language for ballot
444 submission. She confirmed that the Commission would like to hold a special meeting to discuss
445 ballot language and potential amendments. She advised that she will poll Commissioners to
446 determine the best date.

447

448 MOTION by Commissioner Bretoi, seconded by Commissioner Aldentaler, to schedule a special
449 meeting to discuss the issue of wards and time permitting to discuss the proposed amendments.
450

451 Further discussion: Commissioner Dahl stated that perhaps it would be helpful to have a
452 Subcommittee to further discuss the issues.
453

454 Commissioner Storberg questioned if there were additional funds for Attorney Marty and
455 TimeSavers.
456

457 Chair Sutherland noted that the funds have already been budgeted for the review of amendments.
458 She stated that she would have to double check with the City Clerk regarding the status of
459 TimeSavers attending a special meeting but noted that she would prefer to have TimeSavers
460 attend a special meeting.
461

462 Commissioner Poehling stated that the Commission already has two difficult amendments to
463 review and comment on and did not believe there would be sufficient time to review another
464 option in order to place the item on this year's ballot.
465

466 Commissioner Dahl stated that this issue has been brought forward in the past but had never been
467 fully discussed because of other items that were given higher priority.
468

469 Motion passed 6-5-2 (Combs, Penn, Storberg, Poehling, Bartsch opposed) (Sutherland and Timm
470 abstained)
471

472 Chair Sutherland noted that she will use the same scheduling tool that was used to schedule the
473 previous special meeting.
474

475 **NOTICES AND COMMUNICATIONS**

- 476
- 477 **A. February 3, 2014, RE: Pavement Management Program Process**
 - 478 **B. March 3, 2014, RE: Charter Amendment/Street Reconstruction Plan**
 - 479 **C. Street Reconstruction Plan, February 24, 2014**
 - 480 **D. Lino Lakes Home Rule Charter, Updated January 13, 2014**
- 481

482 **NEXT MEETING DATE**

483 Chair Sutherland noted the next meeting date is Thursday, July 10, 2014. She advised that up to
484 one hour would be used to discuss the joint agenda item with the City Council and the remaining
485 time would be used to discuss the regular agenda.
486

487 **ADJOURN**

488 MOTION by Commissioner Bretoi, seconded by Commissioner Dahl, to adjourn the meeting at
489 9:51 p.m. Motion carried unanimously.
490

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