

**CITY OF LINO LAKES  
CHARTER COMMISSION**

**DATE** : **January 8, 1998**  
**TIME STARTED** : **7:00 P.M.**  
**TIME ENDED** : **9:05 P.M.**  
**MEMBERS PRESENT** : **Montain, DeMotts, Dunn, Bernier, Rehbine, Solfest,  
Corson, Sullivan, Lane, Trehus, Bening, Dahl, and  
Turner**  
**MEMBERS ABSENT** : **Stoulil**  
**STAFF MEMBERS PRESENT** : **Finance Director, Mary Vaske**

**CALL TO ORDER AND ROLL CALL**

Chair Montain called the regular meeting of the Lino Lakes Charter Commission to order at 7:00 p.m. on January 8, 1998.

In acknowledging those who were not present, Chair Montain pointed out that some seats on the Commission are subject to upcoming reappointment. He added that he was informed that the appointments had been forwarded by the Judge, but had not yet been received. Notification should be forthcoming within the next week. He informed the group that, until official notification was received that an appointment had been made, all current Commissioners should continue to attend meetings.

**CONSIDERATION OF MINUTES**

**October 9, 1997**

Commissioner Lane pointed out the necessity to further correct the July 10, 1997 minutes; specifically the next-to-last sentence within the first paragraph under "Road Reconstruction", Page 3, as follows:

... The Charter Commission does not have authority to fund road reconstruction, and how that fund is spent is not controlled by the Charter. ...

Commissioner Trehus stated that the last item on Page 6 of the October 9, 1997 minutes should be stricken, as he did not make that statement.

Chair Montain directed Secretary DeMotts to amend the October 9, 1997 minutes accordingly.

MOTION by Commissioner Bening, seconded by Commissioner Rehbine, to accept the corrected version of the Charter Commission minutes of October 9, 1997. The motion carried unanimously.

## **APPEARANCES**

Chair Montain introduced Mary Vaske, Finance Director for the City of Lino Lakes, stating that she would be addressing the group regarding the Capital Improvement (CIP) Five-Year Plan, which is called for by Charter Section 7.05. This Plan was prepared and implemented in 1990 and remained in place until 1994. Chair Montain indicated that there is currently an effort being made to revive use of the Plan.

Ms. Vaske explained that the purpose of the CIP is to aid in the budgeting process, and should be in place prior to developing the next year's budget. The CIP should then be updated annually. Ms. Vaske further explained that, unfortunately, with the 1998 budget already having been formally adopted, development of the CIP would be of no value for 1998. The CIP should be developed in February or March to cover a five-year period, and incorporated into the budget process in June. The CIP can include such capital expenditures as police squad cars, fire trucks, street reconstruction and building construction, providing a basis to spread such expenditures as are determined to be appropriate over a five-year period.

According to Ms. Vaske, the CIP Five-Year Plan document is extremely difficult to assemble but if done correctly can be effective as a budgetary aid. She added that her immediate concern is that the 1998 budget is in place, and proposed a CIP for implementation beginning with the 1999 budget be initiated this year. She reiterated the Plan is only effective if done correctly and in a timely manner.

Commissioner Solfest stated the obvious need for follow through on a CIP Five-Year Plan in order to make the effort worthwhile. Ms. Vaske agreed, adding that credence on the part of City Staff and Council is also crucial to the effectiveness of the CIP.

Chair Montain asked specifically about support from Council. Ms. Vaske stated that she presented the 1998 CIP to Council and did not receive a response. She received a negative reaction from Staff.

Commissioner Dahl asked how use of the CIP could be ensured. Ms. Vaske explained that once a CIP is compiled, an advisory body could monitor its incorporation into budgetary considerations.

Commissioner Dunn agreed that it would be nonproductive to attempt use of the 1998 CIP Five-Year Plan. He added that the Charter Commission should bring this matter before Council and obtain a commitment that this meaningful process will be followed, or recommend that the Charter be amended to eliminate this requirement.

Chair Montain stated that the authors of the Charter thought the CIP Five-Year Plan would be a useful tool, and that it is incumbent upon the City to implement or eliminate this process.

Commissioner Solfest stated that most cities use a long-range plan.

Commissioner Dunn agreed, and Ms. Vaske pointed out that an incentive to using such a plan is that it is a requirement for Star City designation in Minnesota.

Commissioner Trehus expressed that a CIP Five-Year Plan sounds valuable, especially in light of the City's ongoing plans for development.

Pat Rickaby, a visitor to the meeting, stated that she is a relatively new resident of Lino Lakes and, prior to relocating, she was a member of the Charter Commission of Mounds View where a CIP Five Year Plan was always in place.

MOTION by Commissioner Solfest, seconded by Turner, to bypass 1998 and begin in earnest to implement a CIP in 1999. The motion carried unanimously.

Commissioner Sullivan stated that his review of the 1998 CIP Five-Year Plan document indicated that it consists primarily of requests for funds with no stated goals. He explained that a CIP program should be only one part of a five-year plan, which should also include a public service program, a revenue program, and capital budget. Commissioner Sullivan suggested that City department heads might be asked to supply budget requests and goals.

Commissioner Solfest pointed out that the Charter calls for Council to prepare the City's CIP.

Commissioner Sullivan asked who would write proposed plan components. Commissioner Rehbine commented that in this regard Council support would be needed. Commissioner Corson suggested that each department prepare a plan proposal, and Commissioner Turner stated that finalization of the City's Comprehensive Plan would certainly be helpful in determining appropriate CIP Five-Year Plan needs. Ms. Vaske stated that everything included within the Comprehensive Plan could never be incorporated into a single CIP Five-Year Plan; however, as much as possible could be incorporated with additions made each year.

Chair Montain thanked Ms. Vaske for the information she provided with respect to this item, and indicated that the Commission would pursue the CIP Five-Year Plan with Council. He reiterated the importance of developing a CIP as a useful tool, or removing that requirement from the Charter.

Commissioner Turner suggested that the CIP Five-Year Plan be added to the agenda for a joint meeting with City Council. Commissioner Solfest agreed that Council must be apprised of its obligation by mandate of the Charter to implement such a plan.

## **OLD BUSINESS**

## **ROAD RECONSTRUCTION**

Chair Montain reminded the group of the substantial success of this issue on the November election ballot. He explained that he had spoken to City Engineer, David Ahrens, who was surprised that the issue passed and is currently involved in design work. Mr. Ahrens is beginning to develop plans and specifications for bids in March of 1998 with the bulk of actual road improvement completed in the Fall. Chair Montain indicated that the present question is the next phase, which will be an issue for discussion at the joint Commission/Council meeting.

Chair Montain further indicated that he received a number of calls from citizens regarding the road reconstruction issue prior to the election. He explained that they had sincere questions regarding this ballot issue, and that he was subsequently pleased with voter support.

Commissioner Bening stated that it is Council's responsibility to incorporate road reconstruction into the next CIP Five-Year Plan. Commissioner Dunn expressed agreement.

Commissioner Rehbine asked if each phase of road reconstruction would have to go before the voters, to which Chair Montain responded a multiphase plan could be approved by the public.

Commissioner Trehus pointed out that negative reference to road reconstruction had been included in previous campaigns for approval of an amended trash handling ordinance.

Chair Montain pointed out that, although the Charter is very broad in the issues it encompasses, it doesn't stop road reconstruction.

Commissioner Rehbine asked who authorizes funding for campaigns such as that mentioned by Commissioner Trehus. Commissioner DeMotts explained that Score money is used, which is designated for issues related to recycling and/or trash handling.

In any event, Chair Montain indicated that this issue will be raised at the upcoming Commission/Council joint meeting.

## **CAPITAL IMPROVEMENT FIVE-YEAR PLAN**

Chair Montain reiterated that this matter will be discussed further at the joint meeting.

## **COMMUNICATIONS**

Commissioner Turner reminded the group of previous discussion regarding establishment of subcommittees for the purpose of prioritizing areas of educational need, suggesting that the momentum created by the recent election success provided an excellent opportunity to inform residents of their rights. She also recommended continued improvement of volunteer resident participation, stating that thus far there has not been sufficient response.

Chair Montain stated that this problem is not unique to Lino Lakes. He added that the articles in the newsletter and newspaper prior to the election were effective, and that this type of publicity should be continued.

Commissioner Rehbine suggested that the Commission plan to place an article in the newsletter and local newspaper on a regular basis, updating residents and including references to the Charter where appropriate.

Commissioner Turner expressed concern that there is no vehicle whereby such a process will remain ongoing, suggesting that a policy be developed to ensure continued communication for the future. She also raised the issue of the filing system.

Chair Montain suggested establishment of a timeline for publication. He also pointed out that the local cable television channel provides information on upcoming City meetings.

Commissioner Turner asked if the Charter Commission's By Laws could be amended to include such a mandate. Commissioner Sullivan responded that the By Laws allow for election of an assistant secretary.

Chair Montain suggested that the By Laws could be amended to include a communications officer who would assist in publications and advertisement for the purpose of Commission communication.

Commissioner Turner drew the group's attention to the Vision/Mission Statement which she prepared for previous consideration. Commissioner Dunn acknowledged that response was not enthusiastic, but that the Charter Commission would be best served by a vision statement. He added that a vision and/or mission statement could include some of the Commission's most important objectives, and that they could, in turn, be incorporated into the By Laws. He suggested that the Commission discuss this issue at its April meeting to allow for input from newly-appointed members. Chair Montain agreed.

Commissioner Turner also requested that the issue of rewording the Charter be revisited, asking if that process should go forward without a vision/mission statement. Commissioner Corson stated that the Charter should be reworded, with or without a vision/mission statement.

Commissioner Dunn stated that the City needs an educational process to be offered to its citizens. He added that there remains a lack of knowledge as to what the Charter is, why it exists, etc.

Commissioner Turner suggested that a format such as that proposed for the Village Academy might be useful in a citizen education effort. Commissioner Corson suggested that the Commission itself must first be educated before attempting to educate others. Commissioner Dunn agreed, stating that by going through the Charter language in the rewording process the Commission will come to understand it and be in a better position to educate the public.

It was suggested that the recent election had exposed the public to the Charter.

Commissioner Turner asked if the Commission had access to funds for the purpose of soliciting legal advice. Chair Montain explained that one of the main purposes for the Commission's budget is for use in obtaining legal advice. Commissioner Solfest pointed out that a considerable amount of legal advice could be provided free of charge through the League of Cities. Chair Montain pointed out that the 1998 Commission budget is \$6,700, having grown from \$1,500 as need arises. Commissioner Solfest stated that the Commission has the option to go to Council for large budget requests.

Commissioner Sullivan stated that the League of Cities has reviewed the Lino Lakes Charter. They have concluded that it is difficult to read and understand and expressed willingness to assist in its rewriting, especially Chapter No. 8.

Commissioner Lane asked how much of the Commission's budget was expended during 1997. Chair Montain indicated that expenditures such as minute-taking, advertisement, and legal consultations totaled approximately \$3,000 to \$3,500. He added that Staff time in preparing for Commission meetings is billed directly to the Commission's budget.

Chair Montain clarified that a formal budget of expenditures is not required on a regular basis. Each expenditure is addressed as it arises, and thus far the Commission has remained within its budgeted funds. Commissioner Solfest explained that the Chair makes the final decisions regarding expenditures.

Ms. Rickaby explained that in 1992 rewording the City Charter was Mounds View's principal endeavor. The Commission met with their Council to solicit input, and involved the League of Cities as a resource for problem areas. They were provided a model charter, and the Commission was divided into sections to work on specific parts of the Charter. At the end of that process, which lasted over a year, a proposed revised Charter was presented to the Council.

Commissioner Solfest asked how many meetings Mounds View conducted for this purpose, and Ms. Rickaby indicated that over the entire period the group met once a month, with considerable review and many amendments being proposed.

MOTION by Commissioner Turner, seconded by Commissioner Dunn, to form a subcommittee to explore By Laws wording to assign an assistant secretary as official communications officer, and that this subcommittee make a recommendation to the Commission at its next regular meeting.

Commissioner Trehus expressed concern that if interest in communications fades, the Commission would be required by the By Laws to provide this service.

Commissioner Solfest expressed his preference that a policy be created which would provide that every month when the newsletter is prepared and every time the Commission meets, there will be communication. After the present Commission establishes and continues the communication process for a period of time, subsequent commissioners can decide whether or not it has been effective.

Commissioner Bening expressed his feeling that the By Laws should not be changed at this time; rather, a temporary committee be established.

Chair Montain pointed out that the By Laws already provide for appointment of an assistant secretary. Commissioner Turner is recommending embellishment of that position to include communications duties.

Motion failed due to lack of majority approval.

Commissioner Solfest requested that this item be placed on the agenda for the next regular meeting.

Commissioner Sullivan suggested that “communications” remain on every agenda. Commissioner Turner stated that she would like to see a system developed for carrying on her current effort.

MOTION by Commissioner Trehus, seconded by Commissioner Bening, that Commissioner Turner be designated communications director. Motion carried unanimously.

## **NEW BUSINESS**

### **ELECTION OF OFFICERS**

Chair Montain explained that there are presently nine applications for potentially open positions. The applications were forwarded to the district judge, who has not yet responded. According to the City Clerk, the appointments have been made and official notification should be received at any time. Therefore, Chair Montain suggested that it would not be appropriate to elect officers at this time.

MOTION by Solfest, seconded by Commissioner Dunn, to delay election of officers until the next regular meeting.

Commissioner Bening indicated his desire for additional discussion, stating that election of officers did not have to be delayed. Chair Montain explained that new commissioners should have an equal opportunity to be a part of this election. Commissioner Dunn added that officers could be elected from the current body of commissioners, with the possibility that all might not be returning for the next term.

Motion carried unanimously.

Chair Montain congratulated Caroline Dahl on her election to the City Council. He added that, according to the Charter By Laws, Commissioner Dahl can remain in both positions, on the Charter Commission as well as on the Council.

### **JOINT MEETING WITH CITY COUNCIL**

Chair Montain explained that there are two main reasons for this meeting: The first is to bring closure to the road reconstruction issue, and the second to discuss the CIP Five Year Plan. Specifically, Chair Montain raised issues such as Council's proposed schedule with respect to additional road reconstruction phases, and proposed involvement on the part of the Commission. Additionally, Chair Montain pointed out the need to establish annual joint meetings for the purpose of promoting a cooperative relationship between the two groups.

The joint meeting will be in the form of a special Commission meeting prior to budget negotiations with Council invited to make appearances.

MOTION by Commissioner Turner, seconded by Commissioner Trehus, to send a letter to Council inviting that body to appear at a special Commission meeting, tentatively in February, for the purpose of discussing road reconstruction, the CIP Five Year Plan, and communications.

Commissioner Dunn pointed out that there is an urgent need to hold the joint meeting as soon as possible due to budget issues.

Commissioner Turner stressed the need for ongoing communications with Council, above and beyond an annual joint meeting. Chair Montain suggested that Council be asked if additional input from the Commission would be desirable.

Motion carried unanimously.

### **CHARTER LANGUAGE**

Chair Montain raised the issue of the Vision/Mission Statement, as well as rewording of the Charter. Commissioner Sullivan stated that he would have the League of Cities review the entire Charter.

Commissioner Turner requested proposed options as to how to approach the rewording process.

Commissioner Corson offered to assist Commissioner Sullivan with initiating the Charter review.

Commissioner Trehus questioned the need to change the Charter language. Chair Montain agreed that recently the Charter has proven to be interpretable, e.g. the recent election; however,



he added that its wording has been raised as an issue by others, and that it would be appropriate to have the document reviewed by the League of Cities.

Commissioner Turner expressed her feeling that the Charter is cumbersome and in need of being made more succinct without changing its meaning.

Chair Montain suggested that there is an element of apathy on the part of Lino Lakes citizenry with regard to the Charter.

Commissioner Sullivan agreed that the Charter should be made more readable.

Commissioners Turner and Dunn related that they had been aware of a number of instances where citizens had become frustrated at the Charter's complexity. Commissioner Trehus suggested that the Charter summary be revisited.

Chair Montain pointed out that approaching the League of Cities might reveal that the entire process would be prohibitively expensive.

### **OTHER NEW BUSINESS**

Commissioner Trehus raised the issue of the creation of a "Lame Duck" law to provide for revocation of action taken by the Council between election and the time new members officially take office. Chair Montain suggested that that ability already exists.

Commissioner Corson agreed with Commissioner Trehus' concern, but suggested that the Commission could take no action on this legal issue. Chair Montain asked Commissioner Trehus to create a proposal for further consideration.

Commissioner Dunn pointed out that every form of government faces this issue. He suggested that perhaps the term of a Council member could be changed so that newly-elected members would not take office until five days after an election. He added that regardless of the timing for change, there will always be a faction that will find the Council's decisions objectionable.

### **INITIATIVE AND REFERENDUM**

Chair Montain explained that there is no prepared form for use by individuals wishing to place such an item on an election ballot. He stated that this document is extremely cumbersome to create, and that the City Clerk had expressed her hope that a sample format could be developed. Chair Montain suggested that the Commission might assume this task, defining the requirements.

MOTION by Commissioner Rehbine, seconded by Commissioner Bening, to create an Initiative and Referendum form.

Commissioner Solfest suggested that an example be solicited for use in developing the form.

Chair Montain suggested that a subcommittee be created for this specific purpose.

Motion carried unanimously.

Commissioners Dunn, Rehbine, Turner, and Chair Montain will comprise the subcommittee for the purpose of developing an Initiative and Referendum form.

Commissioner Dunn pointed out an important requirement of the form as being the printing as well as signing of each name.

### **CHAPTER 12.03, CODE OF CONDUCT**

Chair Montain explained that this section of the Charter requires completion of a code of conduct by all appointed and elected City officials. He suggested that the Commission take responsibility for monitoring this process.

Commissioner Dunn suggested that the Commission obtain a copy of the code of conduct document and review it for conformity to the requirements of the Charter, as well as determine whether or not the process is being followed. Commissioner Solfest suggested that Chair Montain follow through on this matter, and Montain agreed to report at a future date on his findings.

### **SET APRIL 9, 1998 AGENDA**

- Corrected Minutes
- Summary of Joint Meeting (February 19, 1998)
- Brian Wessel
- Communications
- Election of Officers
- Introduction of New Commissioners
- Subcommittee Reports:
  - Charter Language (John Sullivan & Kirk Corson)
  - Initiative and Referendum Form
  - Code of Conduct

Commissioner DeMotts provided the following dates for regular Commission meetings during 1998:

April 9  
July 9  
October 8

Commissioner DeMotts also pointed out that the July 10, 1997 minutes should be corrected to "Members Present" rather than "Members Excused".

**ADJOURN**

MOTION by Commissioner Trehus, seconded by Commissioner Dahl, to adjourn the meeting at 9:05 p.m. Motion carried unanimously.

Respectfully submitted,

Judy Pope  
*TimeSaver Off-Site Secretarial, Inc.*