

**CITY OF LINO LAKES
CHARTER COMMISSION**

DATE : **October 12, 2000**
TIME STARTED : **7:05 P.M.**
TIME ENDED : **9:30 P.M.**
MEMBERS PRESENT : **Dahl, Trehus, Bening, Sullivan, Aldentaler,
Zych, S. Lane, G. Lane, Rehbine, and Carlson**
MEMBERS ABSENT : **DeMotts, Christopherson, Montain, Zastrow, and
Rafferty**
STAFF MEMBERS PRESENT : **None**

CALL TO ORDER AND ROLL CALL

Chair Sullivan called the regular meeting of the Lino Lakes Charter Commission to order at 7:05 p.m. on October 12, 2000.

It was noted that all absences were excused except for Commissioner Zastrow and Commissioner Rafferty.

APPROVAL OF MINUTES

July 13, 2000

MOTION by S. Lane, seconded by Commissioner Bening, to accept the Charter Commission minutes of July 13, 2000. The motion carried with Commissioner Sullivan and Rehbine abstaining.

REPORTS OF THE CHAIR

Charter Commission Budget (Jan-Dec '01) – Chair Sullivan advised he had sent out information regarding the proposed budget for the Charter Commission from the City Clerk. He noted expenses can not exceed \$1,500 in one year unless approved by the City Council. He reviewed the proposal indicating he is in support of the proposal.

Council Question to Charter Chair/25 Jul 00 (Twilight Acres) – Chair Sullivan advised the City Council had asked him to comment on the Twilight Acres issue. He distributed copies of correspondence received from Mr. Addicks regarding this issue.

Commissioner Dahl advised the City Council denied the project as proposed. Council has directed staff to look at an alternative project that only includes sanitary sewer. Staff is also pursuing the use of County funds for this project.

Chair Sullivan advised Commissioner Montain attended the Council meeting. Commissioner Montain has indicated this is not a Charter Commission issue.

Commissioner Carlson clarified that the attorney ruled the petition process did expire 60 days after the initial public hearing on November 22.

Commissioner Trehus stated he has several questions regarding the project. He stated it looked like the City Council had indicated that not all the assessments would be paid by residents and there was the possibility of funding coming from another source.

Chair Sullivan stated that at the public hearing a resident had also indicated that the Metropolitan Council would help with the funding. The City Council did direct staff to check with the Metropolitan Council about the possibility of funding.

Commissioner Dahl noted this is not just an assessment issue, there is also a health and safety issue.

Chair Sullivan asked why the residents don't petition the City to do the repairs or have the Council use the 4/5 vote process.

Commissioner Dahl stated the project may possibly go to the voters. If the funding is received, the project can proceed now.

Commissioner Trehus stated the Charter says the City comes up with the assessment formula. He asked what the formula is and what it means. He asked what happens if the numbers given to residents are out of line.

Commissioner S. Lane advised the assessments can not exceed the benefit to the property.

Commissioner Trehus stated the residents don't know if it is out of line without the appraisals. The City is saying the 60 day clock can start even without an appraisal. He stated the project was not handled correctly.

Commissioner Bening stated the problem goes back to Chapter 8 of the Charter and the lack of clarification.

Commissioner Trehus stated the question is, does the City have a means to give residents accurate assessment and appraisal information and then the 60 day window to petition out.

Council Question to Charter Chair/25 Sep 00 (Franchise Fees to Road Reconstruction) –
Chair Sullivan advised the City Council has asked the Charter Commission for an opinion regarding franchise fees and road reconstruction.

Commissioner Dahl read a statement from the City Administrator regarding a letter of support from the Charter Commission relating to the franchise fee. The letter also requested the Chair or Vice-Chair attend the Council meeting regarding this issue.

Chair Sullivan stated it is totally inappropriate for the City Administrator to pass information like that to the Charter Commission. He stated the City Administrator had called him and asked for information about the use of franchise fees for road reconstruction. He advised he called her back and indicated that an opinion from the City Attorney should be obtained regarding this issue. He stated he listened to the public hearings about the fee. The Charter Commission was looking for another funding source for roads. He stated he thought the money would come from the utility company and not be passed on to the residents.

Commissioner Dahl stated Circle Pines has a franchise fee that no one knows about. The contract is just renewing the fees. Letters were sent out to 3,500 residents and comments were received from only 30. The mistake was that residents believed the fee would be a percentage of their bill. The NSP contract will be up in 8-9 years. At that time, the contract will be renegotiated.

Commissioner S. Lane asked if a resident who heats with wood is excluded from the fee.

Chair Sullivan stated that at this point, a resident who is heating with wood would be excluded from the fee. He stated that in the past, the Charter Commission has always supported franchise fees. This fee is different in that the utility company is passing the fee on to residents.

Commissioner Bening noted the public hearing was continued on the fee part of the resolution.

Chair Sullivan stated the Charter Commission was pushing for a new road reconstruction fund. It was suggested that franchise fees be used. Passing the fee on to residents is new. He stated he is not in favor of the fee.

Commissioner Carlson stated that any type of charge will be passed on to the citizens.

Chair Sullivan stated he did not want the Charter Commission to tell the City Council to collect a fee from residents for roads. The Charter has a mechanism to fix roads.

Commissioner Carlson stated the Council wants direction from the Commission on whether or not the fee should be used for roads.

Commissioner Zych stated the question is if the franchise fee is in compliance with the Charter.

Chair Sullivan expressed concern about residents not understanding the Charter. Residents believe that they already pay taxes for roads.

Commissioner Trehus stated the problem is the City's taxes are too high. He stated he thinks it is wrong to pass the fee on to citizens because of the Charter Commission. He stated the Commission should not support the franchise fee being set aside for roads.

Commissioner Rehbine asked if the City has started a road fund.

Commissioner Dahl stated the City has started a road fund. The current dollars in the road fund are in the amount of \$358,710. The dollars are coming from special assessments within developments. She noted she should find out what type of account the fund is in.

Commissioner Rehbine stated the City needs \$10 million dollars in the next ten year period for roads.

Chair Sullivan wondered where the money is going to if the City is not budgeting for road repair. He stated the Commission can request a copy of the budget.

Commissioner Carlson stated homeowners will still pay their share of road improvements even if there is a road reconstruction fund.

MOTION by Chair Sullivan, seconded by Commissioner Trehus, that the Lino Lakes Charter Commission does not support the use of franchise fees for road reconstruction by simply passing on rental costs to citizen's bills.

Chair Sullivan noted an opinion from the City Attorney should be obtained about the legality issue of the franchise fee.

Commissioner Carlson suggested the Commission vote only on the idea of the franchise fee, and not include the reference to passing the fee on to citizens.

Chair Sullivan stated that at the public hearing, residents indicated they already pay taxes for road repair. He stated he believed the utility company would pay a fee to use the land. He did not realize the fee would be passed on to citizens.

Commissioner Rehbine stated the City should be budgeting for road reconstruction.

Commissioner Aldentaler stated the fee is opening the door for even more taxes. He advised he is against the fee.

Commissioner Carlson stated the Charter has a mechanism for road repair and the City knows it works. The fact that the City is searching for ways to get money says there is a problem. The current mechanism may not be working. He advised he is not in favor of the fee for road repair.

Commissioner Trehus stated the problem is mismanagement of funds within the City.

MOTION carried with Commissioner Bening, Zych and G. Lane voting no. Commissioner Dahl abstained.

MOTION by Commissioner Zych, seconded by Commissioner Bening, to have the City confer with the City Attorney on whether or not it is appropriate for the Charter Commission to vote on support of the franchise fees.

Commissioner Carlson stated clarity towards the first motion should be added and if the franchise fee should be used for road reconstruction or if the first motion is something the Charter should even be dealing with.

Commissioner Zych stated it is not the Commission's job to approve what the Council is doing.

Commissioner Trehus stated the Commission could have opted out and not give an opinion regarding this issue. As a board, the Commission chose to give its opinion. He stated it is very appropriate to give an opinion.

After much discussion regarding the role of the Charter Commission, the majority of the Commission determined it is appropriate for the Commission to give an opinion to the City Council.

MOTION failed with Chair Sullivan, Commissioner Aldentaler, Carlson, Trehus and S. Lane voting no. Commissioner G. Lane abstained.

MOTION by Commissioner S. Lane, seconded by Commissioner Zych, that the Charter Commission will ask the City Attorney if it is appropriate to render opinions about public policy.

Commissioner S. Lane amended the motion to include "for a maximum of \$250.00 in attorney's fees". Commissioner Zych agreed to the amendment.

Commissioner Carlson advised he would vote no because of the reference to public policy in the motion.

MOTION carried with Chair Sullivan, Commissioner Aldentaler, Carlson and Trehus voting no.

Joint Council/Charter Meeting – Chair Sullivan advised at the April 13, 2000, meeting, the Commission determined a list of topics to discuss at a joint meeting with the City Council. He stated he called Mayor Bergeson to schedule a meeting and Mayor Bergeson did not call him back.

Commissioner Dahl advised she spoke with the City Administrator about scheduling a meeting. The City Administrator advised a January 2001 meeting could be scheduled. The City

Administrator would include the proposed meeting date in the Council Members packets. The City Administrator would then ask for feedback from Council Members.

Chair Sullivan asked the Commission if he should call Mayor Bergeson again.

MOTION by Commissioner Aldentaler, seconded by Commissioner Rehbine, to direct Chair Sullivan to write a letter to Mayor Bergeson regarding this issue. MOTION carried with Commissioner Zych voting no.

2000 Annual Report – Chair Sullivan advised one of his duties as the Chair of the Commission is to submit an annual report. Copies of the report were included in the packets.

MOTION by Commissioner Trehus, seconded by Commissioner S. Lane, to accept the report as presented. MOTION carried unanimously.

REPORT OF COMMITTEES

Special Elections Costs (Commissioner DeMotts) – Chair Sullivan advised Commissioner DeMotts was going to give the Commission information regarding special election costs. Commissioner DeMotts has indicated that the Finance Department and the City Clerk stated a special election would cost between \$4,000 and \$4,500.

Commissioner Dahl stated the City Clerk had indicated to her that a special election would cost approximately \$10,000 - \$11,000.

Chair Sullivan advised this item will appear on the January 2001 agenda for clarification from Commissioner DeMotts.

New Resident Charter Information (Commissioner Gene Lane) – Commissioner S. Lane distributed a copy of her summary and a summary from Commissioner Bening.

Chair Sullivan suggested the Commission tables this item for review time.

Commissioner S. Lane asked the Commission to take the summary they like and make changes. All revisions should be brought to the next meeting.

MOTION by Chair Sullivan, seconded by S. Lane, to table the new resident charter information to the January 2001 meeting.

Commissioner Trehus requested another copy of each summary be included in the January packet.

MOTION carried unanimously.

Twilight Acres (Vice-Chair Montain) – Chair Sullivan advised Commissioner Montain was going to update the Commission on the meetings he attended regarding this issue. He noted this item was discussed earlier in the meeting.

Clerk/Treasurer – Chair Sullivan stated the Clerk/Treasurer issue is a complicated one. He stated he conferred with Mr. Addicks regarding changing the Charter to make it correct. Mr. Addicks advised the Commission should make the Charter accurate. Chair Sullivan suggested a committee is formed to deal with this issue.

MOTION by Chair Sullivan, seconded by Commissioner Trehus, that the Commission form a committee to revise Sect. 6.04 of the Charter deleting the treasurer portion of clerk/treasurer and also deal with wherever that term is used in the Charter.

Chair Sullivan advised Mr. Addicks suggested just the term “clerk” be used and not add Finance Officer to the document.

MOTION carried unanimously.

Commissioner Bening and Commissioner Trehus volunteered to serve on the committee.

MOTION by Commissioner Zych, seconded by Commissioner Dahl, to accept the committee as assigned. Motion carried unanimously.

It was determined that Commissioner Bening will be the Chair of the committee.

UNFINISHED BUSINESS

1999 Annual Report (Vice Chair Montain/Secretary Rafferty) – Chair Sullivan advised that because of Commissioner Montain’s absence, this item will appear on the January 2001 agenda.

Road Reconstruction – Chair Sullivan advised this issue has already been discussed. This item will not appear on the January 2001 agenda.

Commission Files – Commissioner Zych advised the files are in City Hall. Accessories for the files may need to be purchased.

Chair Sullivan advised Commissioner Rafferty will give an update regarding this issue at the next meeting.

MOTION by Chair Sullivan, seconded by Commissioner Zych, to table commission files to the January 2001 meeting. MOTION carried unanimously.

Review City Council Meeting Minutes for Charter Compliance – Chair Sullivan advised each Commissioner was given eight sets of Council minutes. The minutes from the May 8 and

May 22, 2000, meetings have not yet been received and will be dealt with at the January meeting. He stated the Commission has talked about scanning the minutes for compliance. He stated some members of the Commission may not want to scan the minutes. He suggested all members of the Commission receive copies of the Council meeting minutes.

Commissioner Dahl stated there may be a problem with receiving copies of the minutes due to a staff shortage. She noted the City is still working on a web site.

Commissioner Bening advised a list was made up at the July meeting because some Commissioner's already receive copies of the minutes.

Chair Sullivan advised for the next group of minutes, he will determine who has already received them. He stated he will then ask for additional copies for those who did not receive them. He stated he will scan the minutes. He asked the Commission for feedback regarding a motion to formally accept the minutes if they are in compliance.

Commissioner Rehbine stated the Commission is just looking for compliance, not acceptance.

Commissioner Trehus suggested it be left up to each individual.

The Commission determined the review of Council meeting minutes will be ongoing. Any problems will be noted.

Charter Commission Membership List – Chair Sullivan stated Commissioner Rafferty handed out a membership list at the last meeting. Commissioner Rafferty had requested an update from each Commissioner. Chair Sullivan stated he does not want to lose the membership list and he will contact Commissioner Rafferty for the master list.

By-Laws/Section 9. (Appointments) Amendment (Secretary Rafferty) – Chair Sullivan advised this item will appear on the January 2001 agenda for an update from Commissioner Rafferty.

Research Commissioner Terms (Vice Chair Montain) – Chair Sullivan advised he is not sure if the term issue has been fully addressed. Due to Commissioner Montain's absence, a report will not be given this evening.

Commissioner Carlson advised a set of by-laws that he had is different from Commissioner DeMott's by-laws.

Chair Sullivan referred to page 4 and 5 of the by-laws regarding the amendment.

Commissioner Carlson advised he does not have page 5.

Chair Sullivan advised Commissioner Carlson he will provide him with page 5 of the by-laws.

Five Year Plan – Chair Sullivan gave an update regarding the Five Year Plan. He stated the City Administrator has indicated no action is required from the Commission. He stated the Commission should still review the plan for Charter compliance. He suggested a committee be formed to review the plan.

Commissioner Dahl advised the Finance Director is going to review the Five Year Plan later this fall.

Chair Sullivan advised he will confer with the Finance Director regarding the status of the plan.

Commissioner S. Lane asked if the plan is a running plan.

Commissioner Dahl advised the plan will be updated yearly.

Chair Sullivan advised the Commission will determine if it should review the Five Year Plan when the plan is completed and received.

NEW BUSINESS

Set January 2001 Agenda – Chair Sullivan advised the following items will appear on the January 2001 meeting agenda:

Joint Council/Charter Meeting	Special Elections Costs
New Resident Charter Information	Clerk/Treasurer
1999 Annual report	Commission Files
City Council Meeting Minutes	Charter Commission Membership List
By-Laws/Section 9	Five Year Plan

ADJOURN

MOTION by Commissioner S. Lane, seconded by Commissioner Carlson, to adjourn the meeting at 9:30 p.m. Motion carried unanimously.

Respectfully submitted,

Kim Points
TimeSaver Off-Site Secretarial, Inc.