

**LINO LAKES CHARTER COMMISSION
AGENDA
THURSDAY, JANUARY 8, 2015
6:30 PM**

- 1. Call to Order and Roll Call 6:30 PM**
- 2. Pledge of Allegiance**
- 3. Approval of the Agenda**
- 4. Open Mike / Public Comments**
- 5. Minutes**
 - A. Consider approval of July 25, 2014 Charter Commission Special Meeting Minutes (see table for handout)
 - B. Consider approval of August 1, 2014 Charter Commission Special Meeting Minutes (see table for handout)
 - C. Consider approval of November 6, 2014 Charter Commission Rescheduled Regular Meeting Minutes (pgs 2-7)
- 6. Unfinished Business**
 - A. August 6, 2014 Packet item: Ward Charter Amendment Council Response – Commissioner Turcotte
- 7. New Business**
 - A. Outcome of Budget Request letter per motion – Chair Sutherland
 - B. Outcome of Five Year Plan letter to council per motion – Chair Sutherland
 - C. Draft letter to the Judge for 2014 – Chair Sutherland (pgs 15-23)
 - D. Next regular meeting date, Thursday, April 9, 2015 at 6:30 PM
- 8. Notices and Communications**
 - A. Letter to council regarding Budget request (pgs 8-9)
 - B. Letter to council regarding Fiver Year Plan (pgs 10-12)
 - C. Response from Council on Budget request (pg 13)
 - D. Email regarding recording of 1/5/2015 Council Work Session (pg 14)

Adjournment

**Connie Sutherland
Chair**

**Kathryn Timm
Vice Chair**

**Caroline Dahl
Secretary**

DRAFT
CITY OF LINO LAKES
CHARTER COMMISSION

DATE	November 6, 2014
TIME STARTED	6:30 p.m.
TIME ENDED	7:38 p.m.
MEMBERS PRESENT	Aldentaler, Bretoi, Combs, Dahl, Damiani, Helgemoe, Penn, Poehling, Storberg, Sutherland, Timm, and Turcotte
MEMBERS EXCUSED	Johnson and Lyden
MEMBERS UNEXCUSED	Bartsch
STAFF MEMBERS PRESENT	None
OTHERS PRESENT:	None

CALL TO ORDER AND ROLL CALL

It was noted this is a rescheduled meeting due to a lack of quorum on October 9, 2014.

Chair Sutherland convened the meeting of the Lino Lakes Charter Commission at 6:30 p.m. on November 6, 2014.

PLEDGE OF ALLEGIANCE

Chair Sutherland lead the Pledge of Allegiance.

SETTING THE AGENDA

There were no changes

MOTION by Commissioner Penn, seconded by Commissioner Turcotte, approving the meeting agenda.

Motion passed unanimously.

OPEN MIC/PUBLIC COMMENT

No one present opted to speak for the open mic.

APPROVAL OF MEETING MINUTES

A. June 25, 2014 Charter Commission Special Meeting Minutes

Chair Sutherland asked who made the motion on page 2, Line 46. It was noted Commissioner Lyden may have made the motion but he was absent so could not confirm.

Chair Sutherland noted the correct spelling line 54 should be "Damiani".

46 Commissioner Dahl arrived at 6:37 p.m.

47

48 Chair Sutherland noted on Line 68 the adjournment time should be 7:55 p.m. which should also
49 be added on line 75. She noted to add 7:55 p.m. to line 10.

50

51 Commissioner Dahl noted Commissioner Lyden called her because he was sick and asked to be
52 excused.

53

54 MOTION by Commissioner Timm, seconded by Commissioner Poehling, approving the special
55 meeting minutes of July 25, 2014 as amended.

56

57 Motion passed unanimously. (Sutherland abstained).

58

59 **B. July 10, 2014 Charter Commission Meeting Minutes**

60 Commissioner Sutherland asked if anyone remembered the residents name from that meeting.
61 She noted because no one could remember the blank line will be removed and noted as "Citizen"
62 on line 16.

63

64 MOTION by Commissioner Timm, seconded by Commissioner Penn, approving the meeting
65 minutes of July 10, 2014 as amended.

66

67 Motion passed unanimously. (Sutherland abstained)

68

69 **C. July 25, 2014 Charter Commission Special Meeting Minutes**

70 Commissioner Dahl noted that this will be an agenda carryover to January 2015.

71

72 **D. August 1, 2014 Charter Commission Special Meeting Minutes**

73 Commissioner Dahl noted that this will be an agenda carryover to January 2015.

74

75 **E. August 6, 2014 Charter Commission Special Meeting Minutes**

76 Commissioner Dahl noted that on line 16, Commissioner Helgemoe was an excused absence.
77 Chair Sutherland thought in these minutes the Open Mic item should be removed because they
78 do not have it at special meetings. Commissioner Dahl thought they did leave the open mic in
79 case someone comes to talk.

80

81 It was noted by Chair Sutherland to strike lines 21, 23 and 25 of the minutes.

82

83 Vice Chair Timm stated on the agenda she had there was a notation of the start time of 6:40 p.m.,
84 not 6:35 p.m. She did not have the end time.

85

86 Chair Sutherland stated they will go with 6:40 p.m. as noted by Vice Chair Timm. She indicated
87 line 8 will be 6:40 p.m. There is no end time, she thought this was a quick meeting and under an
88 hour. Time ended 7:50 p.m. which should be noted in the minutes.

89

90 Commissioner Penn asked if they wanted to have the format of all the minutes to be consistent.
91 The Board concurred and indicated "MOTION" should be capitalized in all of the minutes.

92

93 Chair Sutherland stated on line 29, it should read "MOTION by Commissioner Timm"; line 37
94 "MOTION by Commissioner Timm", and strike the word "moved" on both lines 29 and 37.

95

96 Chair Sutherland noted on line 44 to insert "MOTION by Commissioner Timm" and also on line
97 52 to insert "MOTION by Bretoi" and strike the word "moved" in both places.

98

99 Chair Sutherland stated Commissioner Damiani made the motion to adjourn and Commissioner
100 Lyden seconded the motion to adjourn the meeting at 6:53 p.m.

101

102 MOTION by Commissioner Timm, seconded by Commissioner Penn, approving the special
103 meeting minutes of August 6, 2014 as amended.

104

105 Motion passed unanimously. (Sutherland abstained)

106

107 **F. August 14, 2014 Charter Commission Special Meeting Minutes**

108 Commissioner Bretoi thought his absence was excused at this meeting because it was a Thursday
109 night and he was out of town so he could not second a motion.

110

111 There was discussion regarding who was at the meeting at the Fire House on August 14, 2014.

112

113 Chair Sutherland indicated there were a lot of staff people at this meeting, including the Mayor,
114 which should be noted in the minutes under "Other Present". Staff present: Councilmember
115 Cushman, Rheinhart, Mayor Carlson (Board Member).

116

117 Chair Sutherland indicated they needed to strike Bretoi from line 9 and add him to line 14. On
118 line 28 a Motion was made by Lyden, and she wondered who seconded the motion. Timm stated
119 she made an amended motion and on line 32 it should state she abstained.

120

121 Chair Sutherland asked Commissioner Timm if she would be comfortable with seconding the
122 motion. Vice Chair Timm stated she was not comfortable with seconding the motion but she
123 thought it was Commissioner Johnson who seconded the original motion and she made the
124 amendment to that motion.

125

126 The Commission recessed at 7:00 p.m. to clear up a scheduling conflict.

127

128 The Commission reconvened at 7:01 p.m.

129

130 Chair Sutherland asked who adjourned the meeting. Motion to adjourn was made by Turcotte
131 and seconded by Combs.

132

133 MOTION by Commissioner Timm, seconded by Commissioner Damiani, approving the special
134 meeting minutes of August 14, 2014 as amended.

135
136 Motion passed unanimously. (Sutherland abstained).

137
138 **UNFINISHED BUSINESS**

139
140 **A. August 6, 2014 Packet Item: Ward Charter Amendment Council Response**

141
142 Commissioner Turcotte moved to table to the next meeting. Chair Sutherland accepted and stated
143 this will go under unfinished business on the January 2015 agenda.

144
145 MOTION by Commissioner Turcotte, seconded by Commissioner [REDACTED], tabling this item to the
146 January 2015 Charter meeting.

147
148 Motion passed unanimously. (Sutherland abstained).

149
150 **NEW BUSINESS**

151
152 **A. YTD Invoices and Current Approved Budget**

153 Chair Sutherland stated all three invoices were submitted to the City; however, the total amount
154 exceeded the budget that was approved by the Council at the last session. The Charter is running
155 a shortfall as noted by City Administrator Jeff Carlson of \$183.75 to which she was informed the
156 City will not be paying. She wondered how the Commission would like to address the overage.

157
158 MOTION by Commissioner Storberg, to pay the \$183.75 in January 2015.

159
160 Commissioner Turcotte indicated they could not do this because it was against the law.

161
162 Motion failed for lack of second.

163
164 MOTION by Commissioner Timm, seconded by Commissioner Penn, to ask the Council to
165 increase their budget by \$183.75 so this invoice can be paid.

166
167 The Commission discussed what the options would be to pay the overage of \$183.75.

168
169 The Commission asked for the motion to be read.

170
171 Commissioner Timm stated as she recalled, originally the motion to the Council was to ask for a
172 greater amount than previously asked for but was approved for less and they reserved the right to
173 go back to the \$3,000 amount if needed. She noted they are still significantly under the \$3,000
174 amount.

175
176 Commission discussion continued regarding different options for payment.

177
178 The Commissioner recessed at 7:13 p.m. to move to a conference room.

179

180 The Commission reconvened at 7:19 p.m.

181

182 Commissioner Combs stated he would like to make an amendment to the original motion to
183 include 2014 budget and the invoice number.

184

185 MOTION by Commissioner Combs, Seconded by Commissioner Poehling, to amend the original
186 motion to include “increase the 2014 budget by \$183.75 so Invoice 365 can be paid”.

187

188 Motion carried unanimously, Sutherland abstained.

189

190 Commissioner Penn asked if Sutherland will write a letter directly to the Council. Sutherland
191 explained the formatting she will be using to request the Council for an increase to the 2014
192 budget.

193

194 **B. Five Year Plan**

195 Chair Sutherland stated this was an email involving Sutherland, Dahl, and City Clerk Julie
196 Bartell regarding the five-year plan. She summarized the email correspondence with the
197 Commission.

198

199 Commissioner Dahl stated they have changed the wording from five-year plan to a forecast
200 which circumvents the Charter. Chair Sutherland thought in the Charter it is required.

201

202 Chair Sutherland asked when the letter needed to be brought before the judge. Commissioner
203 Dahl stated it was due in April 2015.

204

205 Chair Sutherland asked what the Charter had to do to enforce this. Commissioner Dahl stated
206 this needed to be brought before the Council to make them aware of the by-laws. The Charter is
207 supposed to be the keeper of the constitution so if they do not do it, no one will.

208

209 Chair Sutherland wondered what the Commission wanted her to do. It was the consensus of the
210 Commission to author a letter to the City Council that the five-year plan is required and the City
211 is in non-compliance with the Charter.

212

213 MOTION by Commissioner Bretoi, seconded by Commissioner Timm, to authorize the Charter
214 Commission to author a letter to the City indicating that the five-year plan is required and the
215 City is in non-compliance with the Charter.

216

217 The Commission reviewed the Charter by-laws.

218

219 Motion passed unanimously. (Sutherland abstained).

220

221 **C. Next Regular Meeting Date: Thursday, January 8, 2015 at 6:30 p.m.**

222 Chair Sutherland noted the next meeting date is Thursday, January 8, 2015 at 6:30 p.m. which
223 will include the July 25th Special Meeting Minutes; August 1st Special Meeting Minutes; and,

224 the unfinished business Agenda Item A, August 6, 2014 Packet Item: Ward Charter Amendment
225 Council Response.

226

227 **NOTICES AND COMMUNICATIONS**

228

229 **A. Letter Regarding Invoices and Budget**

230 **B. Emails Regarding Invoices and Budget**

231 **C. Charter Commission Insurance Information**

232 **D. MN State Statute 410.06 COMPENSATION; EXPENSES**

233 **E. Lino Lakes, MN Code of Ordinance Chapter 205: City Administrator**

234 **F. Placeholder for Five-Year Plan or Communications in Regard to Five-Year Plan**

235

236 **ADJOURN**

237

238 MOTION by Commissioner Dahl, seconded by Commissioner Damiani, to adjourn the meeting
239 at 7:38 p.m. Motion carried unanimously.

240

241 Drafted by: Sue Osbeck, *TimeSaver Off Site Secretarial, Inc.*

December 15, 2014

Mayor Jeff Reinert
600 Town Center Parkway
Lino Lakes, MN 55014



Mayor Reinert:

During the special meeting held by the Charter Commission on November 6, 2014 a motion was presented and passed to send a request to the Council to increase the Charter Commission budget for 2014 by \$183.75 specifically to cover Invoice 365. This invoice was partially paid with the remaining budget for services provided by Attorney Karen Marty to aid in reviewing the City proposed ordinances. The \$183.75 still remaining on the invoice is due to a shortfall in the 2014 budget.

There was significant discussion as to the legal implications of carrying over this amount due in 2014 and being paid from 2015 funding.

The Commission's amended budget for 2014 was \$2,825. Originally the Commission had asked for an additional \$3,000 above its annually established budget of \$1,500 to review the City proposed ordinances. Even with this latest shortfall, the Commission is well under its original request.

As Chair, I came before you with a very practical approach and estimate for review. All of this was done so that the Commission could continue to review the City proposed ordinances. All budget increase requests and approvals were all contingent on those funds being used only for the City proposed ordinances, and that is what was done.

The Commission was laser focused during all discussions and as Chair, we kept to a very tight agenda as it related to Attorney Marty's presence and the work she was doing with us on the City proposed ordinances.

It is for these reasons that we feel the amount above is not exorbitant given the excellent work provided and the diligence of the Commission in fully exploring the City proposed ordinances.

Sincerely,

A handwritten signature in black ink, appearing to read "Connie Sutherland", written in a cursive style.

Connie Sutherland
Chair, Lino Lakes Charter Commission

Enclosure: Invoice 365

CC: Julie Bartell, City Clerk
Kathryn Timm, Lino Lakes Charter Commission Vice Chair
Caroline Dahl, Lino Lakes Charter Commission Secretary

Marty Law Firm, LLC
 3800 American Blvd. W.
 Suite 1500
 Bloomington MN 55431
 United States
 Phone: 952-921-5859

INVOICE



Land Use, Municipal Law, and Real Estate since 1981

LLCC
 Caroline Dahl

Invoice #:	0000365
Date:	September 2, 2014
Amount Due USD:	\$2,089.45

To View Your Invoice Online »

1. Go to: <https://martylawfirm.freshbooks.com/code>
2. Enter this code: y2EBUxZcHw78LwC

Task	Time Entry Notes	Rate (\$)	Hours	Line Total (\$)
Time	[07/25/14] Met with the Charter Commission. Developed ideas for amending special assessment provisions in the charter.	145.00	3	435.00
Time	[07/28/14] Worked on amendment language.	145.00	0.25	36.25
Time	[07/30/14] Researched definitions of street or "road improvements". Drafted revisions to charter chapter 8 covering the issues. Drafted a memo that could be revised and sent to the city council. Emailed both to the Charter Commission Chair for review prior to Friday's meeting.	145.00	2.58	374.10
Time	[08/01/14] Reviewed 2007 to 2009 notes regarding amending Charter chapter 8. Looked at city council packet. Noted additional ways the city council ordinances could be revised to meet the common goals.	145.00	4.33	627.85
Time	[08/05/14] Discussed charter amendments with Chair. Made changes requested in draft ordinance. Prepared comparison sheet for benefit of commission members.	145.00	1.42	205.90
Time	[08/06/14] Reviewed draft again and analyzed options for Charter Commission in voting on draft and original ordinances for charter amendment. Met with the Charter Commission and discussed latest draft and concerns.	145.00	2.83	410.35
Subtotal:				2,089.45
Total:				2,089.45
Amount Paid:				-0.00
Balance Due USD:				\$2,089.45



December 15, 2014

Mayor Jeff Reinert
600 Town Center Parkway
Lino Lakes, MN 55014

Mayor Reinert:

During the special meeting held by the Charter Commission on November 6, 2014 a motion was presented and passed as noted below:

MOTION by Commissioner Bretoi, seconded by Commissioner Timm, to authorize the Charter Commission to author a letter to the City indicating that the five-year plan is required and the City is in non-compliance with the Charter.

Per that motion, below is the language in the Lino Lakes Home Rule Charter, Chapter VII. Taxation and Finances, Section 7.05. The Five-Year Financial Plan (pages 15-16), emphasis added on Subdivision 6:

Subdivision 1. The City Council shall have prepared a five-year financial plan commencing in the calendar year 1983. The City Council shall hold a public hearing on the five-year financial plan and adopt it by resolution with or without amendment. The financial plan shall consist of four (4) elements as specified in Subdivisions 2-5 which follow. The programs in each element shall be revised and extended each year. (Amended)

Subdivision 2. The Public Service Program. The program shall be a continuing five-year plan for all public services, estimating future needs for the public health, safety and welfare of the City. It shall measure the objectives and needs for each City department, the standard of services desired, and the impact of each such service on the annual operating budget.

Subdivision 3. The Capital Improvement Program. This program shall consist of projects and facilities that are or will be needed by the City in carrying out the anticipated program of public services. It shall include a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedule for each such improvement; and the estimated annual cost of operating and maintaining the facility to be constructed or acquired.

Subdivision 4. A Revenue program. This program shall consist of a tentative revenue policy which describes five-year plans for financing public service and capital improvements.

Subdivision 5. The Capital Budget. This program shall be a summary on the basis of a five (5) year period of the capital or money requirements for the above described programs. It shall list a priority for each anticipated investment in community facilities and balance this with a consideration of the availability of necessary revenues.

Subdivision 6. A summary of the five-year financial plan shall be published annually.

The letter to the judge that is required by the Commission annually will once again highlight that the five-year financial plan has not been published for 2014 as outlined above.

Sincerely,

Connie Sutherland
Chair, Lino Lakes Charter Commission

Enclosure: Lino Lakes Home Rule Charter, Chapter VII. Taxation and Finances, Section 7.05. The Five-Year Financial Plan (pages 15-16).

CC: Julie Bartell, City Clerk
Kathryn Timm, Lino Lakes Charter Commission Vice Chair
Caroline Dahl, Lino Lakes Charter Commission Secretary

Lino Lakes City Charter

CHAPTER VII. TAXATION AND FINANCES

Section 7.01. Council to Control Finances. The Council shall have full authority over the financial affairs of the City except as limited or prohibited by the state constitution, state law, or this Charter. It shall provide for the collection of all revenues and other assets, and the auditing and settlement of accounts. It shall further provide for the safekeeping and disbursement of public moneys by the City Treasurer. *(Amended 05/27/2003)*

Section 7.02. Fiscal Year. The fiscal year of the city shall be the calendar year.

Section 7.03. System of Taxation. Subject to the state constitution, and except as forbidden by it or by state law, the Council shall have full power to provide by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, by this Charter or by state laws imposing restrictions upon the City irrespective of Charter provisions.

Section 7.04. Submission of Budget.

Subdivision 1. Annually the City Administrator shall submit to the Council the budget estimates in accordance with a budget calendar to be established by resolution. The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and, except as required by state law or this Charter, shall be in such form as the council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding year. In addition to showing proposed expenditures, for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by state law and this Charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by state law.

Subdivision 2. For each utility operated by the City, its budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendices.

Section 7.05. The Five-Year Financial Plan.

Subdivision 1. The City Council shall have prepared a five-year financial plan commencing in the calendar year 1983. The City Council shall hold a public hearing on the five-year financial plan and adopt it by resolution with or without amendment. The financial plan shall consist of four (4) elements as specified in Subdivisions 2-5 which follow. The programs in each element shall be revised and extended each year. *(Amended)*

Lino Lakes City Charter

Subdivision 2. The Public Service Program. The program shall be a continuing five-year plan for all public services, estimating future needs for the public health, safety and welfare of the City. It shall measure the objectives and needs for each City department, the standard of services desired, and the impact of each such service on the annual operating budget.

Subdivision 3. The Capital Improvement Program. This program shall consist of projects and facilities that are or will be needed by the City in carrying out the anticipated program of public services. It shall include a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedule for each such improvement; and the estimated annual cost of operating and maintaining the facility to be constructed or acquired.

Subdivision 4. A Revenue program. This program shall consist of a tentative revenue policy which describes five-year plans for financing public service and capital improvements.

Subdivision 5. The Capital Budget. This program shall be a summary on the basis of a five (5) year period of the capital or money requirements for the above described programs. It shall list a priority for each anticipated investment in community facilities and balance this with a consideration of the availability of necessary revenues.

Subdivision 6. A summary of the five-year financial plan shall be published annually.

Section 7.06. Council Action on Budget.

Subdivision 1. The budget shall be considered by the first regular monthly meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated income. The Council shall adopt the budget by a resolution that shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying the amount of taxes provided in the budget, and the City Administrator shall certify the tax Resolution to the County Auditor in accordance with state law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the Resolution of the several purposes named.

Subdivision 2. A least two (2) weeks before the budget is adopted for the ensuing fiscal year, a draft summary of the budget shall be published in the official newspaper. Such summary shall be set forth in language designed to be readily understood by the layperson, and shall provide appropriate supporting information as to the necessity for any increase in the budget over the total for the current fiscal year, but failure to provide the specified summary will not invalidate the budget.



Connie Sutherland <clsutherland@gmail.com>

Budget Request

Jeff Karlson <jeff.karlson@ci.lino-lakes.mn.us>
To: "clsutherland@gmail.com" <clsutherland@gmail.com>

Tue, Jan 6, 2015 at 3:10 PM

Connie,

During last night's city council work session, the council did not approve the Charter Commission's request that the unpaid balance of \$183.75 for the Marty Law Firm be paid from the City's 2014 budget.

Jeff Karlson – City Administrator

City of Lino Lakes

600 Town Center Pkwy

Lino Lakes, MN 55014-1182

[651-982-2405](tel:651-982-2405)

[651-982-2499](tel:651-982-2499) fax

jeff.karlson@ci.lino-lakes.mn.us



Connie Sutherland <clsutherland@gmail.com>

Recording from City Council Meeting RE: Budget Request

The Combs Family <lcombs@comcast.net>

Tue, Jan 6, 2015 at 12:11 PM

To: cls <clsutherland@gmail.com>

Cc: Don Aldentaler <ealdentaler@gmail.com>, Bartsch Daryl <daryl.bartsch@medsurginc.com>, Chris Bretoi <bret0025@umn.edu>, "Johnson, Craig" <cj3691@gmail.com>, Jerome Poehling <jpoehling1@icloud.com>, jhelgemoe <jhelgemoe@western-bank.com>, Kelli Damiani <kellidamiani@comcast.net>, "Lyden, Christopher" <lillydogcute@lycos.com>, Penn Marg <maggiepenn@aol.com>, ShawnPro <ShawnPro@msn.com>, Rosemary Storberg <linorose@aol.com>, kmtimm <kmtimm@msn.com>, Caroline Dahl <denali2010@q.com>, Julie Bartell <julie.bartell@ci.lino-lakes.mn.us>

What a way to start a new year!

It is difficult to respond to this. The disfunction between the Charter Commission and City Council and Mayor is so bad I am not sure what good any of us can be for our community.

I did not go out of town as I got sick but i will try and make the meeting.

From: "cls" <clsutherland@gmail.com>

To: "Don Aldentaler" <ealdentaler@gmail.com>, "Bartsch Daryl" <daryl.bartsch@medsurginc.com>, "Bill Combs" <lcombs@comcast.net>, "Chris Bretoi" <bret0025@umn.edu>, "Craig Johnson" <cj3691@gmail.com>, "Jerome Poehling" <jpoehling1@icloud.com>, "jhelgemoe" <jhelgemoe@western-bank.com>, "Kelli Damiani" <kellidamiani@comcast.net>, "lillydogcute" <lillydogcute@lycos.com>, "Penn Marg" <maggiepenn@aol.com>, "ShawnPro" <ShawnPro@msn.com>, "Rosemary Storberg" <linorose@aol.com>

Cc: "clsutherland" <clsutherland@gmail.com>, "kmtimm" <kmtimm@msn.com>, "Caroline Dahl" <denali2010@q.com>, "Julie Bartell" <julie.bartell@ci.lino-lakes.mn.us>

Sent: Tuesday, January 6, 2015 11:49:08 AM

Subject: Recording from City Council Meeting RE: Budget Request

****PLEASE DO NOT REPLY ALL TO THIS EMAIL****

Commissioners,

I will let the recording speak for itself, I have no comment at this time. The formal response from the City Council will be included in your packet this week.

Thank you,

Connie Sutherland
Chair, LLCC



Connie Sutherland, Chairperson,
Lino Lakes Charter Commission
889 Main Street
Lino Lakes, MN 55014
January 9, 2015

Judge Hoffman
Chief Judge, Tenth Judicial District
14949 62nd Street North
PO Box 3802
Stillwater, MN 55082

Dear Judge Hoffman:

As required by state law, please find the following 2014 annual report for the Lino Lakes Charter Commission. This report seeks to outline major activities and concerns of the Commission as discussed in Charter meetings.

2014 Annual Report, Approved by the Lino Lakes Charter Commission, January 8, 2015

Membership

We had full membership for 2014.

Meetings

Full meetings of the Charter Commission were held during the year of 2014 on: January 9, March 24, April 10, June 19, June 25, July 10, July 25, August 1, August 6, August 14 and November 6.

Minutes

Timesavers recorded the minutes of our regular meetings held on January 9, April 10, July 10 and November 6. A Charter Commissioner recorded the minutes for the special meetings held on all other dates.

Commission Activity

The Commission presented an amendment of the Charter Section 2.03. Council composition and election to the voters. The proposed ballot language presented was, "Should the city be split into four wards, with one city council member elected from each ward?" The Council refused placement of this item on the ballot for 2014.

The Council requested a joint meeting to discuss the "vision of the city". The Commission entertained the idea, and voted to hold the joint agenda item at the regular meeting scheduled for July 10. One day prior to the regular scheduled meeting, the Council requested to postpone the



agenda item. No alternatives have been suggested or communicated. Please see attached email from City Clerk, Julie Bartell dated July 9, 2014 (page 3).

The Commission reviewed two proposed Chapter 8 amendments presented by the City Council. Motions were brought forward to approve Ordinance 04-14, approve Ordinance 03-14; and approve a revised Ordinance 03-14; all failed. Enclosed is the letter provided to Mayor Reinert on August 8, 2014 (page 4).

Charter Expenditures

The Charter used the services of Karen Marty to review proposed amendments at an expense of \$3,008.75 (unpaid balance of \$183.75). Our annual budget from the City is \$1,500, of this amount the Charter spent a total of \$339.30 on an amendment and ballot language requested by the Charter Commission.

The remaining annual budget and the approved additional budget were spent exclusively on the City proposed amendments (\$1160.70 of our annual budget, plus an additional \$1325 voted and approved by the City Council). The remaining unpaid balance of \$183.75 was all work completed in regard to the City proposed changes. Enclosed is the letter submitted to the City Council from the Charter Commission in regard to this matter and the response received from the City Council (pages 5-6).

The Charter used the services of Timesavers at an expense of \$751.50 for 4 regular meetings held during 2014. This expense was paid by the City without regard to the Charter Commission budget. This service has also been confirmed for the 2015 regular meetings.

Five Year Financial Plan

In 2014 the City Council has not adopted the Five Year Plan. This status remains unchanged from previous year's reports. Enclosed is a letter submitted to the City Council from the Charter Commission in regard to this matter, no response was received from the City Council on this matter (pages 7-9).

Respectfully Submitted,

Connie Sutherland
Chairperson, Lino Lakes Charter Commission

Enclosures (7)



Connie Sutherland <clsutherland@gmail.com>

City Council at Charter Commission Meeting on July 10

2 messages

Julie Bartell <julie.bartell@ci.lino-lakes.mn.us>

Wed, Jul 9, 2014 at 1:57 PM

To: "Connie S. (clsutherland@gmail.com)" <clsutherland@gmail.com>, Kathryn Timm <kmtimm@msn.com>, "denali2010@q.com" <denali2010@q.com>

Cc: Jeff Karlson <jeff.karlson@ci.lino-lakes.mn.us>

Connie – The city administrator has informed me that two council members will be attending a Centennial Fire Steering Committee meeting beginning at 6:00 p.m. tomorrow evening and another council member will be out of town. Therefore the discussion item planned between the Charter Commission and the City Council will have to be postponed to another day.

Thank you.

Julie Bartell

City Clerk

City of Lino Lakes

600 Town Center Pkwy

Lino Lakes, MN 55014-1182

651-982-2406

651-982-2499 fax

julie.bartell@ci.lino-lakes.mn.us

cls <clsutherland@gmail.com>

Wed, Jul 9, 2014 at 2:11 PM

To: Julie Bartell <julie.bartell@ci.lino-lakes.mn.us>

Cc: Kathryn Timm <kmtimm@msn.com>, "denali2010@q.com" <denali2010@q.com>, Jeff Karlson <jeff.karlson@ci.lino-lakes.mn.us>

Okay, thank you. I will draft an email to the Commissioners with a revised agenda.

Thanks so much,

Connie

[Quoted text hidden]

August 8, 2014



Mayor Jeff Reinert
600 Town Center Parkway
Lino Lakes, MN 55014

Mayor Reinert:

During the emergency meeting held by the Charter Commission on August 6, 2014 the Commission continued its review of the proposed ordinances. Below are the outcomes of three motions made during the course of that emergency meeting.

MOTION by Commissioner Timm, seconded by Commissioner Combs – ask that the Charter Commission approve Ordinance 04-14 and forward it to the City Council for adoption. Motion Failed. (1 aye, 7 nays, Chair abstained)

MOTION by Commissioner Timm, seconded by Commissioner Lyden – ask that the Charter Commission approve Ordinance 03-14 and forward it to the City Council for adoption. Motion Failed. (0 aye, 8 nays, Chair abstained)

MOTION by Commissioner Timm, seconded by Commissioner Johnson – ask that the Charter Commission approve the revised Ordinance 03-14 and forward it to the City Council for adoption. Motion Failed. (1 aye, 7 nays, Chair abstained)

As a member of the audience during our emergency meeting you heard all of the discussion surrounding these three motions, two of which were housekeeping in nature due to the expiration of our additional review window.

There is a clear sentiment among the Charter Commission that they are looking to provide the city opportunity to make like for like replacement of roads that have deteriorated beyond the scope of maintenance. The continued concern is protecting the rights of the citizen in a residential situation where improvements beyond road replacement are being considered. At the same time, providing citizens the opportunity to opt into improvements beyond replacement without creating a scenario where tax payers of Lino Lakes are put in the circumstance of funding a majority of an improvement for a developer.

The services of Attorney Karen Marty have been invaluable during this process. Her expertise and guidance allowed the Commission to continue to move forward and in our last meeting, allowed us to identify a situation if not addressed, could be a risk to the tax payer. It was at that juncture it became obvious to the Commission body present that we would not be able to finalize our revisions.

As Chair, it is my belief that as a Commission and Council we can continue to make progress on revising language within our Charter that provides the flexibility desired by the city and maintains protections for the citizen of Lino Lakes.

To reiterate, after considerable and careful evaluation we recommend at this time that neither ordinance as written today, be adopted by the City Council.

Sincerely,

Connie Sutherland
Chair, Lino Lakes Charter Commission

CC: Julie Bartell, City Clerk
Kathryn Timm, Lino Lakes Charter Commission Vice Chair
Caroline Dahl, Lino Lakes Charter Commission Secretary

December 15, 2014

Mayor Jeff Reinert
600 Town Center Parkway
Lino Lakes, MN 55014



Mayor Reinert:

During the special meeting held by the Charter Commission on November 6, 2014 a motion was presented and passed to send a request to the Council to increase the Charter Commission budget for 2014 by \$183.75 specifically to cover Invoice 365. This invoice was partially paid with the remaining budget for services provided by Attorney Karen Marty to aid in reviewing the City proposed ordinances. The \$183.75 still remaining on the invoice is due to a shortfall in the 2014 budget.

There was significant discussion as to the legal implications of carrying over this amount due in 2014 and being paid from 2015 funding.

The Commission's amended budget for 2014 was \$2,825. Originally the Commission had asked for an additional \$3,000 above its annually established budget of \$1,500 to review the City proposed ordinances. Even with this latest shortfall, the Commission is well under its original request.

As Chair, I came before you with a very practical approach and estimate for review. All of this was done so that the Commission could continue to review the City proposed ordinances. All budget increase requests and approvals were all contingent on those funds being used only for the City proposed ordinances, and that is what was done.

The Commission was laser focused during all discussions and as Chair, we kept to a very tight agenda as it related to Attorney Marty's presence and the work she was doing with us on the City proposed ordinances.

It is for these reasons that we feel the amount above is not exorbitant given the excellent work provided and the diligence of the Commission in fully exploring the City proposed ordinances.

Sincerely,

A handwritten signature in black ink, appearing to read "Connie Sutherland". The signature is written in a cursive, flowing style.

Connie Sutherland
Chair, Lino Lakes Charter Commission

Enclosure: Invoice 365

CC: Julie Bartell, City Clerk
Kathryn Timm, Lino Lakes Charter Commission Vice Chair
Caroline Dahl, Lino Lakes Charter Commission Secretary

Marty Law Firm, LLC
 3800 American Blvd. W.
 Suite 1500
 Bloomington MN 55431
 United States
 Phone: 952-921-5859

INVOICE



Land Use, Municipal Law, and Real Estate since 1981

LLCC
 Caroline Dahl

Invoice #:	0000365
Date:	September 2, 2014
Amount Due USD:	\$2,089.45

To View Your Invoice Online »

1. Go to: <https://martylawfirm.freshbooks.com/code>
2. Enter this code: y2EBUxZcHw78LwC

Task	Time Entry Notes	Rate (\$)	Hours	Line Total (\$)
Time	[07/25/14] Met with the Charter Commission. Developed ideas for amending special assessment provisions in the charter.	145.00	3	435.00
Time	[07/28/14] Worked on amendment language.	145.00	0.25	36.25
Time	[07/30/14] Researched definitions of street or "road improvements". Drafted revisions to charter chapter 8 covering the issues. Drafted a memo that could be revised and sent to the city council. Emailed both to the Charter Commission Chair for review prior to Friday's meeting.	145.00	2.58	374.10
Time	[08/01/14] Reviewed 2007 to 2009 notes regarding amending Charter chapter 8. Looked at city council packet. Noted additional ways the city council ordinances could be revised to meet the common goals.	145.00	4.33	627.85
Time	[08/05/14] Discussed charter amendments with Chair. Made changes requested in draft ordinance. Prepared comparison sheet for benefit of commission members.	145.00	1.42	205.90
Time	[08/06/14] Reviewed draft again and analyzed options for Charter Commission in voting on draft and original ordinances for charter amendment. Met with the Charter Commission and discussed latest draft and concerns.	145.00	2.83	410.35
Subtotal:				2,089.45
Total:				2,089.45
Amount Paid:				-0.00
Balance Due USD:				\$2,089.45



December 15, 2014

Mayor Jeff Reinert
600 Town Center Parkway
Lino Lakes, MN 55014

Mayor Reinert:

During the special meeting held by the Charter Commission on November 6, 2014 a motion was presented and passed as noted below:

MOTION by Commissioner Bretoi, seconded by Commissioner Timm, to authorize the Charter Commission to author a letter to the City indicating that the five-year plan is required and the City is in non-compliance with the Charter.

Per that motion, below is the language in the Lino Lakes Home Rule Charter, Chapter VII. Taxation and Finances, Section 7.05. The Five-Year Financial Plan (pages 15-16), emphasis added on Subdivision 6:

Subdivision 1. The City Council shall have prepared a five-year financial plan commencing in the calendar year 1983. The City Council shall hold a public hearing on the five-year financial plan and adopt it by resolution with or without amendment. The financial plan shall consist of four (4) elements as specified in Subdivisions 2-5 which follow. The programs in each element shall be revised and extended each year. (Amended)

Subdivision 2. The Public Service Program. The program shall be a continuing five-year plan for all public services, estimating future needs for the public health, safety and welfare of the City. It shall measure the objectives and needs for each City department, the standard of services desired, and the impact of each such service on the annual operating budget.

Subdivision 3. The Capital Improvement Program. This program shall consist of projects and facilities that are or will be needed by the City in carrying out the anticipated program of public services. It shall include a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedule for each such improvement; and the estimated annual cost of operating and maintaining the facility to be constructed or acquired.

Subdivision 4. A Revenue program. This program shall consist of a tentative revenue policy which describes five-year plans for financing public service and capital improvements.

Subdivision 5. The Capital Budget. This program shall be a summary on the basis of a five (5) year period of the capital or money requirements for the above described programs. It shall list a priority for each anticipated investment in community facilities and balance this with a consideration of the availability of necessary revenues.

Subdivision 6. A summary of the five-year financial plan shall be published annually.

The letter to the judge that is required by the Commission annually will once again highlight that the five-year financial plan has not been published for 2014 as outlined above.

Sincerely,

Connie Sutherland
Chair, Lino Lakes Charter Commission

Enclosure: Lino Lakes Home Rule Charter, Chapter VII. Taxation and Finances, Section 7.05. The Five-Year Financial Plan (pages 15-16).

CC: Julie Bartell, City Clerk
Kathryn Timm, Lino Lakes Charter Commission Vice Chair
Caroline Dahl, Lino Lakes Charter Commission Secretary

Lino Lakes City Charter

CHAPTER VII. TAXATION AND FINANCES

Section 7.01. Council to Control Finances. The Council shall have full authority over the financial affairs of the City except as limited or prohibited by the state constitution, state law, or this Charter. It shall provide for the collection of all revenues and other assets, and the auditing and settlement of accounts. It shall further provide for the safekeeping and disbursement of public moneys by the City Treasurer. *(Amended 05/27/2003)*

Section 7.02. Fiscal Year. The fiscal year of the city shall be the calendar year.

Section 7.03. System of Taxation. Subject to the state constitution, and except as forbidden by it or by state law, the Council shall have full power to provide by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, by this Charter or by state laws imposing restrictions upon the City irrespective of Charter provisions.

Section 7.04. Submission of Budget.

Subdivision 1. Annually the City Administrator shall submit to the Council the budget estimates in accordance with a budget calendar to be established by resolution. The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and, except as required by state law or this Charter, shall be in such form as the council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding year. In addition to showing proposed expenditures, for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by state law and this Charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by state law.

Subdivision 2. For each utility operated by the City, its budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendices.

Section 7.05. The Five-Year Financial Plan.

Subdivision 1. The City Council shall have prepared a five-year financial plan commencing in the calendar year 1983. The City Council shall hold a public hearing on the five-year financial plan and adopt it by resolution with or without amendment. The financial plan shall consist of four (4) elements as specified in Subdivisions 2-5 which follow. The programs in each element shall be revised and extended each year. *(Amended)*

Lino Lakes City Charter

Subdivision 2. The Public Service Program. The program shall be a continuing five-year plan for all public services, estimating future needs for the public health, safety and welfare of the City. It shall measure the objectives and needs for each City department, the standard of services desired, and the impact of each such service on the annual operating budget.

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Subdivision 4. A Revenue program. This program shall consist of a tentative revenue policy which describes five-year plans for financing public service and capital improvements.

Subdivision 5. The Capital Budget. This program shall be a summary on the basis of a five (5) year period of the capital or money requirements for the above described programs. It shall list a priority for each anticipated investment in community facilities and balance this with a consideration of the availability of necessary revenues.

Subdivision 6. A summary of the five-year financial plan shall be published annually.

Section 7.06. Council Action on Budget.

Subdivision 1. The budget shall be considered by the first regular monthly meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated income. The Council shall adopt the budget by a resolution that shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying the amount of taxes provided in the budget, and the City Administrator shall certify the tax Resolution to the County Auditor in accordance with state law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the Resolution of the several purposes named.

Subdivision 2. A least two (2) weeks before the budget is adopted for the ensuing fiscal year, a draft summary of the budget shall be published in the official newspaper. Such summary shall be set forth in language designed to be readily understood by the layperson, and shall provide appropriate supporting information as to the necessity for any increase in the budget over the total for the current fiscal year, but failure to provide the specified summary will not invalidate the budget.