

**LINO LAKES CHARTER COMMISSION
AGENDA
THURSDAY, APRIL 9, 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 February 12, 2014 Charter Commission Rescheduled Regular Meeting Minutes (pgs 2-7)
- 6. Unfinished Business**
 - A. No Unfinished Business
- 7. New Business**
 - A. Outcome of Motion requesting City Attorney at April 9 Meeting – Chair Sutherland
 - B. Next regular meeting date, Thursday, July 9, 2015 at 6:30 PM
- 8. Notices and Communications**
 - A. Letter to city regarding City Attorney request (pg 8)
 - B. Response from city regarding City Attorney request (pg 9)


Adjournment

**Connie Sutherland
Chair**

**Kathryn Timm
Vice Chair**

**Caroline Dahl
Secretary**

DRAFT
CITY OF LINO LAKES
CHARTER COMMISSION

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7 **DATE** February 12, 2015
8 **TIME STARTED** 6:30 p.m.
9 **TIME ENDED** 8:10 p.m.
10 **MEMBERS PRESENT** Aldentaler, Bartsch, Bretoi (arrived at 7:31 p.m.), Dahl,
11 Damiani, Johnson, Helgemoe (arrived at 6:34 p.m.),
12 Lyden, Penn, Storberg, Sutherland, Timm, Turcotte
13
14 **MEMBERS EXCUSED** Combs and Poehling
15 **MEMBERS UNEXCUSED** None
16 **STAFF MEMBERS PRESENT** None
17 **OTHERS PRESENT:** Michael Manthy, Resident
18 Greg Lucid, *Quad Community Press*
19 , Resident
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22 **CALL TO ORDER AND ROLL CALL**

23 Chair Sutherland reconvened the meeting of the Lino Lakes Charter Commission at 6:30 pm on
24 January 8, 2015.
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26 **PLEDGE OF ALLEGIANCE**

27 Chair Sutherland lead the Pledge of Allegiance.
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29 **APPROVING THE AGENDA**

30 Agenda was accepted as presented without additions
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32 **OPEN MIC/PUBLIC COMMENT**

33 No one present opted to speak for the open mike.
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35 **APPROVAL OF MEETING MINUTES**

37 **A. Consider Approval of July 25, 2014 Charter Commission Special Meeting Minutes**

38 It was noted the header should be removed from the top margins.
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40 Commissioner Helgemoe arrived.
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42 MOTION by Commissioner Dahl, seconded by Commissioner Damiani, approving the special
43 meeting minutes of July 25, 2014.
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45 Motion passed unanimously.
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47 **B. Consider Approval of August 1, 2014 Charter Commission Special Meeting Minutes**

48 Chair Sutherland referenced the motion by Commissioner Bretoi that begins in line 31 and
49 continues to mention amendment. She suggested to end the motion at Commissioner Bretoi.,
50 “The motion by Commissioner Bretoi ??.” It was noted that the space from line 34 should be
51 removed to add lines 35 and 36 to follow line 33 with a double space to follow line 36.

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53 MOTION by Commissioner Lyden, seconded by Commissioner Turcotte, approving the special
54 meeting minutes of August 1, 2014 as amended.

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56 Motion passed unanimously. (Timm abstained)

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58 **C. Consider Approval of November 6, 2014 Charter Commission Rescheduled Regular**
59 **Meeting Minutes**

60 It was noted on line 91, it should read, “...the Commission Board...” On line 119, it should
61 state, “She ~~wondered~~ asked...” On line 121, it should state, “...would be comfortable with it
62 noted her as seconding the motion.” On line 156, it should state, “...~~wondered~~ asked...” On line
63 178, it should state, “The Commissioner recessed at 7:13 to move to a different conference
64 room.” On line 188, it should state, “Motion as amended carried unanimously, Sutherland
65 abstained.” On line 195, it should state, “...~~stated this~~ there was an email...” On line 200, it
66 should state, “...~~thought in~~ the Charter it is required the five year plan.” On line 209, it should
67 state, “...~~wondered what~~ asked the Commission what they want ~~wanted her to do~~.” On line 145,
68 it should state, “...seconded by Commissioner Penn...”

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70 MOTION by Commissioner Timm, seconded by Commissioner Penn, approving the rescheduled
71 regular meeting minutes of November 6, 2014 as amended.

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73 Motion passed unanimously. (Johnson and Lyden abstained)

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75 **UNFINISHED BUSINESS**

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

78 Commissioner Turcotte stated that there is a process when amendments are brought before the
79 Commission in order for adjustments to be made if necessary. He did not agree with the process
80 followed by the City Council, noting that the Commission did not have sufficient funds for an
81 outside attorney to provide input.

82
83 Commissioner Damiani questioned if anything would be moving forward this year.

84
85 Michael Manthy stated that there is a Centennial Fire Department and concerned citizens group
86 will be meeting in March to discuss a formal appeal of voter rights.

87
88 Chair Sutherland explained the process for setting the meeting agenda and stated that an agenda
89 item can be added by Commissioner request prior to the meeting date. She stated that there is
90 also the ability to set a special meeting noting that process simply requires the request by two
91 Commissioners.

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93 **NEW BUSINESS**

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95 **A. Outcome of Budget Request Letter per Motion**

96 Chair Sutherland referenced the written and audio materials that were included for the
97 Commission review. She stated that the Council did decline the request to cover the additional
98 \$183.

99
100 Commissioner Lyden questioned the official rationale that was given for the decision.

101
102 Chair Sutherland stated that in her opinion the Council did not receive the desired outcome and
103 based the decision off of that. She confirmed that all of the original Commission funds were
104 used prior to this request. She stated that the total legal fees were \$2,825 and believed that was a
105 phenomenal job.

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107 Commissioner Lyden stated that seems like such a small amount compared to the dollar amounts
108 and changes in the fire discussions the Council is having.

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110 Commissioner Damiani commented that the Commission is working to assist the community in
111 the best way possible.

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113 Chair Sutherland confirmed that TimeSavers was being funded directly by the City and does not
114 count against the budget of the Commission.

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116 Commissioner Turcotte stated that there could have been cost savings if the Council would have
117 simply presented the amendment they wished to move forward with rather than bringing two
118 amendments for the Commission to review.

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120 Commissioner Bartsch confirmed that the \$183 will be taken from the Commission budget for
121 2015 and questioned why that nominal amount would not simply be taken from something in the
122 2014 budget.

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124 **B. Outcome of Five Year Plan Letter to Council per Motion**

125 Chair Sutherland stated that a letter has been submitted to the City Council, which identifies their
126 non-compliance with a five year plan and advised that there has not been a response from the
127 City. She stated that the Commission currently does not have an attorney. She stated that the
128 Commission is limited in their powers and although they can make requests of the Council, she
129 did not feel that there was additional enforcement efforts.

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131 **C. Draft Letter to the Judge for 2014**

132 Chair Sutherland read aloud the proposed letter to the judge for 2014 and accepted friendly
133 amendments.

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135 MOTION by Commissioner Penn, seconded by Commissioner Timm, approving the draft letter
136 to the judge for 2014.

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138 Motion passed unanimously.

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D. Attorney Karen Marty

Chair Sutherland advised that when she alerted Attorney Karen Marty to the Council's decision regarding the \$183, she resigned from representing the group. She explained that the attorney was worked at a reduced rate and supports the work of the Commission but feels that it would be difficult for the Commission to accomplish anything with the relationship between the Commission and the City Council. She stated that there may be interest from a legal intern that could assist the Commission, as the Commission funds are very limited.

Commissioner Johnson questioned if the funds could be generated privately or whether the Commission funds have to come directly from the City.

Chair Sutherland explained that a legal entity would need to be created in order to collect donations and pay bills.

Commissioner Lyden stated that as a private resident he would be willing to pay the \$183.75.

Chair Sutherland stated that the approval of that bill is already underway and will be paid.

Commissioner Penn stated that perhaps the City Attorney should be invited to a future meeting to provide legal input on why recent work of the Commission had been declined, including the ward amendment.

Chair Sutherland stated that it had been suggested by the Mayor in the past that the City Attorney be used by the Commission and suggested that perhaps the Commission ask the City Attorney to draft the ward language.

Commissioner Bretoi arrived.

Commissioner Johnson confirmed that the Commission could make the request but the decision as to whether the City Attorney would attend would be made by the City Council.

MOTION by Commissioner Penn requesting the City Attorney attend the next regularly scheduled meeting to discuss items of concern to the Commission and City Council.

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Motion failed for lack of a second.

Commissioner Lyden referenced the Commission meeting schedule and stated that it would be difficult to draft language to include on the ballot for this year.

Chair Sutherland confirmed that the amendment could be drafted and then placed on the appropriate year's ballot, meaning that could occur in 2016.

Commissioner Bartsch stated that an invitation to the City Attorney could simply be made which would allow him to provide input on the work he did in conjunction with the items that affect the Commission.

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Commissioner Lyden stated that perhaps the Commission simply ask the City Attorney to draft language regarding wards, which the Commission could then review.

Commissioner Bartsch believed that would be a bit naïve because ultimately the City Attorney represents the City Council. He did believe there would be benefit to the City Attorney simply attending a meeting to provide input.

Commissioner Dahl stated that the Commission could request the City Attorney to draft the ward amendment language, which they could review at the April meeting, which would allow the Commission sufficient time to review and include on the ballot if desired.

Commissioner Damiani expressed frustration that it appears the City Council simply declines anything the Commission brings forward for action. She believed that the City Attorney should be invited to attend a meeting and commented that if he chooses not to attend that would show that he does not care about the residents of Lino Lakes.

Commissioner Turcotte agreed that the Commission could request the City Attorney to draft language but did not feel that the Commission would agree with the results because ultimately the City Council does not want the ward amendment.

Commissioner Johnson stated that it would be naïve to assume that the City Attorney would simply draft the language in time for the April meeting and instead stated that perhaps the best path would be for the Commission to simply gauge the level of openness the City Attorney has to working with the Commission.

Commissioner Storberg stated that she would like input on why the Council is not accepting the requests of the Commission. She believed that rather than asking the City Attorney to address that concern, a better setting may be for a portion of the Commission to attend a City Council meeting and ask that of the Council during the open mic portion of the meeting, which would be televised.

Chair Sutherland stated that the City Council will never answer that question.

MOTION by Commissioner Bretoi, seconded by Commissioner Dahl, requesting to invite the City Attorney to the next meeting to obtain his opinion on what would need to be done to the ward amendment in order for that to move forward.

MOTION by Commissioner Timm to close debate on the motion on the table.

Motion passed 9-3-1. (Aldentaler, Penn and Dahl opposed) (Sutherland abstained)

Motion passed 7-5-1. (Johnson, Penn, Bartsch, Storberg, and Turcotte opposed) (Sutherland abstained)

NEXT MEETING DATE

231 Chair Sutherland noted the next meeting date is Thursday, April 9, 2015 at 6:30 p.m. She asked
232 that the Commissioner consider the possibility of not meeting in July because the meeting tends
233 to be canceled for lack of attendance. She reminded the Commission that a special meeting can
234 be called at any time by the request of two Commissioners.

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236 **ADJOURN**

237 MOTION by Commissioner Turcotte, seconded by Commissioner Helgemoe, to adjourn the
238 meeting at 8:10 p.m. Motion carried unanimously.

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



March 30, 2015

Jeff Karlson
City Administrator
600 Town Center Parkway
Lino Lakes, MN 55014

Mr. Karlson:

During the rescheduled regular meeting held by the Charter Commission on February 12, 2015 a motion was presented and passed as noted below:

MOTION by Commissioner Bretoi, seconded by Commissioner Dahl, requesting to invite the City Attorney to the next meeting to obtain his opinion on what would need to be done to the ward amendment in order for that to move forward.

In preparation for this agenda item the Commission would like confirmation that the City Attorney will be in attendance at its April 9, 2015 meeting that convenes at 6:30 PM.

It is respectfully requested that confirmation be provided no later than Monday, April 6 to ensure this information is published in the agenda.

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
Chris Bretoi, Lino Lakes Charter Commissioner (Motioner)



Connie Sutherland <clsutherland@gmail.com>

Letter per Motion made on February 12, 2015

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

Tue, Apr 7, 2015 at 2:13 PM

To: cls <clsutherland@gmail.com>

Cc: Julie Bartell <julie.bartell@ci.lino-lakes.mn.us>, Caroline Dahl <denali2010@q.com>, Kathryn Timm <kmtimm@msn.com>, Christopher Bretoi <bret0025@umn.edu>

Connie,

The City Council considered the Charter Commission's request to have City Attorney Joe Langel attend the Charter meeting on Thursday night. The Council directed me to call Mr. Langel to ask him if this was a conflict of interest. Mr. Langel said if both parties were in agreement on an issue (in this case, the ward system), it would be fine for him to work with the Charter Commission. However, that has not been the recent history between the City Council and Charter Commission. Therefore, it is probably not in the best interest of the Council or the Commission to have Joe attend Thursday's meeting.

From: cls [mailto:clsutherland@gmail.com]

Sent: Monday, March 30, 2015 11:58 PM

To: Jeff Karlson

Cc: Julie Bartell; Caroline Dahl; Kathryn Timm; Christopher Bretoi

Subject: Letter per Motion made on February 12, 2015

Mr. Karlson,

Please find the attached letter as it relates to a motion presented and passed at the rescheduled regular meeting held by the Charter Commission on February 12, 2015.

Thank you,

Connie Sutherland

Lino Lakes Charter Commission Chair