

**CITY OF LINO LAKES  
CHARTER COMMISSION**

**DATE** : April 9, 1998  
**TIME STARTED** : 7:03 P.M.  
**TIME ENDED** : 9:35 P.M.  
**MEMBERS PRESENT** : Montain, DeMotts, Dunn, Aldentaler, Zastro, Turner,  
Kenfield, Sullivan, Lane, Trehus, Bening, and Dahl  
**MEMBERS ABSENT** : Bernier, Rehbine, and Corson  
**STAFF MEMBERS PRESENT** : None

**CALL TO ORDER AND ROLL CALL**

Chair Montain called the special meeting of the Lino Lakes Charter Commission to order at 7:02 p.m. on April 9, 1998.

Chair Montain welcomed the new members and stated they all had received a copy of the Charter bylaws.

**CONSIDERATION OF MINUTES**

**January 8, 1998**

Commissioner Sullivan corrected his statement from page 6, paragraph 4, stating he did not say the Lino Lakes Charter was poorly written, but difficult to understand, particularly Chapter 8.

MOTION by Commissioner Sullivan, seconded by Commissioner Dunn, to accept the corrected version of the Charter Commission minutes of January 8, 1998. The motion carried unanimously.

**February 19, 1998**

MOTION by Commissioner Sullivan, seconded by Commissioner Trehus, to accept the Charter Commission minutes of February 19, 1998, as presented. The motion carried unanimously.

**APPEARANCES**

No one was scheduled to appear.

**OLD BUSINESS**

## **JOINT MEETING SUMMARY**

Commissioner Montain explained that they had the Joint Meeting, which involved the issues of Road Reconstruction, Five-Year Plan, and Communication, Council-Commission. He then asked if anyone wanted to discuss the meeting.

Commissioner Trehus stated that he felt the meeting went very well, everyone involved was very agreeable, and there was good communication. He believed that now their job was to watch the road construction.

Commissioner Aldentaler stated that next winter the Commission should ask about the schedule and the next ballot to identify the next phase.

Commissioner Lane said that they should be watching the process of the Five-Year Plan. He asked if there was a 3 -5 Year Plan for Five-Star Cities and a plan to become a Five-Star City. Commissioner Montain stated that the Five-Year Plan was being de-emphasized in the City.

Commissioner Dunn stated that the Charter Commission had a very large impact on establishing the Five-Year Plan and was glad that they had pursued it. He believed it had brought a focus on financial planning and demanded a good performance from all the City groups. He believed the Charter Commission should feel very good about being a part of this.

Commissioner Montain explained the Charter meetings used to be held on an "as needed" basis, but felt they should have one annually and suggested another one in April, 1999.

## **COMMUNICATION**

Commissioner Turner distributed a proposed article for the newsletter identifying the Five-Year Plan. She stated that she was not yet sure she completely understood the Five-Year Plan, so she asked for any opinions or suggestions that anyone had for the article. She explained that the article was to be submitted Friday, April 10, 1998. Commissioner Turner asked anyone who had anything to add to call her as soon as possible.

Commissioner Turner explained that the Commission had discussed the proposed Charter Vision Statement at the last meeting but wanted to address it again with the new members present, so a full Commission could decide whether or not to pursue the issue. She would like to establish a new member packet which would address timeliness of issues, guest speakers, and budgeting. She explained that her intent was for the Vision Statement to be for the Commission, not the Charter. The packet would include information for the new members. Commissioner Sullivan stated that they already had one and a new one would be redundant because of the bylaws. Commissioner Turner believed that the current one is very dull and adding to it was for marketing purposes only. She stated that if you keep people interested everyone would benefit.

MOTION by Commissioner Lane, seconded by Commissioner Trehus, to table this issue until the next meeting, with each member bringing feedback regarding the issue. Motion carried unanimously.

Commissioner Turner continued suggesting they appoint an assistant secretary that would be responsible for Communication only, explaining that she could not always attend the meetings. She believed they should add the responsibility to a current member, not add a new person.

Commissioner Trehus expressed concern regarding having to pressure a member to take on this responsibility, noting that no other committee has this mechanism.

Commissioner Kenfield stated that if they create the position they can also eliminate it. She also indicated that it was irrelevant whether another committee had this mechanism or not.

Chair Montain pointed out that every Board deals with the issue of communication and creating interest and participation.

Commissioner Lane stated that having someone dedicated to accomplishing these goals would be very beneficial to the Commission.

Commissioner Bening suggested the position be added to the bylaws.

Chair Montain indicated that they could try it out and if it is successful they could then make it official.

Commissioner Bening pointed out that if they implement it on a trial basis they do not need a vote at this time.

Commissioner Turner explained that she has already been doing it and felt it did need to be put in the bylaws. She verified that it was not the secretary's duty, but this person would take over the role of the secretary in the secretary's absence.

Commissioner Dahl suggested they add a Communications Secretary instead of Assistant Secretary, but having the same duties.

Commissioner Bening believed the Commission should propose a change to the bylaws first, then appoint someone.

Commissioner Sullivan stated that the position is important and it needs to be separated from Secretary and Assistant Secretary.

Commissioner Turner added that it needed to be done simultaneously.

Commissioner Trehus stated that they did not need to separate them and they needed to move on.

MOTION by Commission Turner, seconded by Commissioner Dahl, to form a subcommittee headed by Commissioner Turner and Commissioner Bening to assist. Motion carried with Commissioner Sullivan voting no.

Chair Montain requested they report back in July with the bylaw revisions.

## **NEW BUSINESS**

### **CHARTER LANGUAGE**

Commissioner Sullivan explained that because the Charter was difficult to understand, especially Chapter 8, he had volunteered to suggest revisions. He had met with a codification attorney to discuss the language of the Charter and they had determined Lino Lakes was a Class 3 City, as it is over 10,000 people.

After meeting with the attorney, he had discovered that it is feasible to clarify the intent of the Charter without changing the substance. However, if even one word was changed it would have to go before the voters. They are able to hire this codification attorney for \$60.00 per hour or they could rewrite the Charter themselves and then have the attorney review it, for the lower fee. Chair Montain asked if he had an idea of how many hours it would take to rewrite Chapter 8. Commissioner Sullivan stated that the attorney was familiar with Chapter 8 so he guessed five (5) to six (6) hours. He will find out for sure. Commissioner Aldentaler asked if that was to rewrite or to just review what they had rewritten. Commission Sullivan stated that he was not sure but would find out.

Commissioner Dahl suggested they call other cities that are making this change and find out from them how much time and money it took to rewrite their charter.

Commissioner Trehus agreed the Charter should be “user friendly”, but noted any change had to go before the voters, which would be too time consuming and expensive.

Commissioner Kenfield pointed out that there are many typographical errors in the Charter which made it look very unprofessional. She asked if it was on a computer program and if there was a time frame in which they were looking to accomplish this. Chair Montain explained that there was no particular time frame, but this issue does come up frequently.

Commissioner Kenfield stated that she would rather not use an attorney as they are not always user friendly. She then suggested a vote which would include a question and answer form.

Commissioner Zastro indicated that the Charter should be changed.

Chair Montain then asked the members if they wanted to make the effort to rewrite Chapter 8 themselves. Commissioner Dunn liked the idea of getting all the typographical errors corrected before the next meeting.

Chair Montain asked everyone to read the Charter and make corrections and then bring it to the next meeting.

Commissioner Dunn stated he would like to have Chapter 8 rewritten and would like to authorize Commissioner Sullivan eight (8) hours of time with the attorney to accomplish this.

Chair Montain said that he disagreed, feeling there was no need to change the Charter at this time.

Commissioner Sullivan pointed out that Mayor Sullivan felt they did not need to go to the voters for every change in the by-laws and he would like to see the process started.

Commissioner Trehus felt they needed to determine if any proposed changes will require a referendum and suggested they get a legal opinion about changes even if it is just a grammar change. He then reminded the group that Mayor Sullivan warned about changing the Charter. Commissioner Trehus felt they should leave it as is.

Commissioner Turner disagreed stating that it is very important to make the document readable. She believes that they need more women on the Board, and that would happen if it were easier to understand. She said that they do have a budget to pay for this and the changes could be made without changing the intent of the Charter. She felt that as citizens, they would get a lot from the Charter if they went through it step by step.

MOTION by Commissioner Kenfield, seconded by Commissioner Sullivan, for each member to review and correct typographical and grammatical errors. Motion carried with Commissioner Trehus voting no.

MOTION by Commissioner Kenfield, seconded by Commissioner Turner, to authorize Commissioner Sullivan to investigate what changes could be made to Chapter 8 for \$500.00.

Commissioner Sullivan asked if they only wanted Chapter 8 reviewed. Chair Montain indicated they should only focus on Chapter 8.

Commissioner Dunn wanted to add to the motion that they could expand the changes if Chapter 8 could be done for under \$500.00. He felt they should let him investigate beyond Chapter 8 to make the Charter more user friendly without changing the meaning.

Commissioner Lane indicated he did not want to authorize any other changes, but to only get an estimate for Chapter 8, Subdivision 2.

Commissioner Turner emphasized this was only an estimate, and it was to their advantage financially to have the attorney rewrite only the section. She stated it would be a good exercise for them to see the differences between the rewrite and the old section.

Chair Montain indicated he felt it was too much work for the voters.

Commissioner Kenfield stated that it did not have to go to the voters. They could review the rewrite and then determine if they wanted to pursue rewriting the entire Charter.

Commissioner Dunn pointed out that the section to be changed in Chapter 8 is only three (3) pages long. He believed it was well worth it for up to \$500.00. After the rewrite, they could vote on if they wanted to change it.

SUBSTITUTE MOTION by Commissioner Kenfield, seconded by Commissioner Sullivan, to authorize Commissioner Sullivan to investigate what changes could be made to Chapter 8 for \$500.00. Motion carried with Commissioners Dahl, Trehus, Montain, Lane, and DeMotts voting no.

Commissioner Sullivan clarified that each member would bring their suggested corrections to the next meeting.

Commissioner Turner said she believed that everyone will be very surprised and pleased with the changes and will want to pursue this further.

### **INITIATIVE AND REFERENDUM FORM**

Chair Montain explained there is a need for the creation of an Initiative and Referendum Form that is user friendly and he believed the Commission should create the form. Commissioner Aldentaler stated that he believed there was already a form, but from personal experience he knew that it was very difficult to accomplish certain things without this form. Chair Montain asked if they could create one fairly easily and quickly. Commissioner Zastro asked for suggestions on how to make one. Commissioner Dahl suggested a form that involved an easy to do list. Chair Montain added that it could include step by step instructions and a list for the Commissioner.

Commissioner Trehus suggested they call other cities and see if they have an established form. He added that they should include a booklet with a sample of a successful petition.

Commissioner Turner wondered why citizens had to struggle with this issue. She asked why they couldn't have an easy form with a checklist, signatures, and date.

Commissioner DeMotts stated that he was aware that citizens from other cities get tired of going through commissions, and if they make the petitions too easy to prepare, certain groups could take over the City.

Commissioner Sullivan agreed that it was a good idea to create a simple form, but the Commission did not want to give people the idea to petition everything. He added that there are many ways to address an issue with the City Council before a petition is necessary. Commissioner Sullivan then referred to Chapter 5, summarizing the use of petitions from the Charter.

Commissioner Bening stated that he did not believe it was the function of the Commission to create the form, their function is to maintain the Charter. He agreed with Commissioner DeMotts that they did not want to deal with a large number of petitions. He believed that citizens would have more dedication to their cause if petitions were a bit difficult.

Commissioner Turner explained that making it user friendly was a tool for marketing. She believed that creating a form would not make petitions easy. She suggested they preface the form with the steps required, with the last option being a referendum and petition.

Commissioner Sullivan indicated they did not want to spell out the steps for a citizen to get to the City Council, stating that efficiency is a problem. He would like to get more information from the members who had previously obtained a petition.

Commissioner Zastro noted that if things were going smoothly the forms would not be used.

Commissioner Dunn stated that the Charter is very clear on the process of Referendum and Petition, indicating it was not up to the Commission to create a form but they should inform the City Council and Staff how difficult it is to obtain a petition.

Commissioner Aldentaler explained that the roadblocks to his petition was the City, not the Charter. He believed the Charter was very clear. His petition got stronger as the City got harder to deal with.

Commissioner Sullivan asked what the roadblocks were in the format, that is addressed in the Charter.

Commissioner Aldentaler again indicated that the struggle was with the City, but they did make it work. The City determined that some of their signatures were not acceptable and they had to work within a stricter timeline.

Commissioner Sullivan stated if that happened again to contact the Chair of the Charter Commission, as they would have had a meeting and possibly been able to help.

Chair Montain indicated they were perceiving this to be harder than it should have been which is why they should create a form, handout, and instruction booklet.

Commissioner Dunn indicated they should determine where the real problem is.

Commissioner Aldentaler believed a handbook would be sufficient.

Chair Montain suggested that he have a meeting with Commissioner Aldentaler and Commissioner Zastro to create a handbook.

Commissioner DeMotts explained why Commissioner Aldentaler had a struggle with his petition. He stated that some of the signatures were not good because they had not voted in at least four (4) years.

Commissioner Lane asked if not voting in four (4) years was valid criteria for not being eligible to sign petitions.

Commissioner Bening pointed out that the Charter does state that and he agreed.

Commissioner Lane then asked if the Commission agreed with the notion that you could live here for thirty years but not be able to sign petitions.

Commissioner Dunn read a statement from the Charter regarding petitions.

MOTION by Commissioner Sullivan, seconded by Commissioner Aldentaler, to elect Commissioners Montain, Aldentaler, and Zastro to come together and create a handbook. Motion carried with Commissioner DeMotts voting no and Commissioner Bening abstaining.

### **CODE OF CONDUCT**

Chair Montain explained that the Charter refers to the Code of Conduct. He informed the Commission that there is a form in place, from the State, that the Staff and City Council are implementing on an annual basis. He noted that it is audited by the State.

Commissioner DeMotts distributed a handout that referred to conflict of interest, Section 10a.

Chair Montain stated that this issue will be revisited at the next meeting.

### **ELECTION OF OFFICERS**

Chair Montain explained that the need to elect officers for positions of Chair, Vice-Chair, and Secretary. He then opened the nominations for Chair.

Commissioner Trehus nominated Commissioner Montain.

Commissioner Lane nominated Commissioner Trehus who declined the nomination.

Commissioner Turner nominated Commissioner Sullivan who declined the nomination.



MOTION by Commissioner Dunn, seconded by Commissioner Bening, to close nominations. Motion carried unanimously.

Upon a voice vote: Commissioner Montain was reelected to the position of Chair.

Chair Montain opened the nominations for Vice-Chair.

Chair Montain nominated Commissioner Dunn.

Commissioner Lane nominated Commissioner Trehus who declined the nomination.

Commissioner Trehus nominated Commissioner Sullivan and Commissioner Lane.

Commissioner Lane nominated Commissioner Bening who declined the nomination.

MOTION by Chair Montain, seconded by Commissioner Trehus, to close nominations for Vice-Chair. Motion carried unanimously.

Each nominee then gave a brief speech.

Commissioner Dunn declined the nomination.

Upon a voice vote: Commissioner Sullivan was appointed to the position of Vice-Chair.

Chair Montain thanked Commissioner Dunn for a job well done as Vice-Chair.

Chair Montain then opened the nominations for Secretary.

Commissioner Turner nominated Commissioner DeMotts.

Commissioner DeMotts nominated Commissioner Dunn who declined the nomination.

Commissioner Trehus nominated Commissioner Kenfield who declined the nomination.

Commissioner Dahl nominated Commissioner Bening who declined the nomination.

MOTION by Commissioner Dunn, seconded by Commissioner Sullivan, to close nominations for Secretary. Motion carried unanimously.

Upon a voice vote: Commissioner DeMotts was reelected to the position of Secretary.

Chair Montain opened the nominations for Communication Secretary.

Commissioner Trehus nominated Commissioner Turner.

MOTION by Commissioner Dunn, seconded by Commissioner Dahl, to close nominations for Communication Secretary. Motion carried unanimously.

Upon a voice vote: Commissioner Turner was elected to the position of Communication Secretary with Commissioner Sullivan voting no.

### **OTHER NEW BUSINESS**

Commissioner DeMotts expressed concern regarding someone being on the Charter Commission and City Council simultaneously. He referred to a handout stating that he had researched other cities and five (5) of the cities did have someone on the two (2) committees, three (3) of them stating only because they needed people. He continued saying that he felt this was an opportunity to get different people involved, although Commissioner Dahl did a fine job. Through his research, he found that most cities felt this was a conflict of interest, in which he agreed. He noted this could be an example of a small city creating a forum.

Chair Montain explained that the founders of the Charter were on the City Council and did not feel a conflict. He indicated he was offended by Commissioner DeMotts suggestion. He continued asking where you would draw the line at excluding citizens to committees and said they need more people who want to get involved.

Commissioner Bening stated that it could become a power struggle and he would like to see a separation as he had mentioned before. He noted that it was addressed in the State Statute.

Chair Montain stated that they would have to change the bylaws.

Commissioner DeMotts explained that it was already stated in the bylaws.

Chair Montain then said that the State Statute would have to be changed which the Charter Commission cannot do so they should not be discussing this issue.

Commissioner DeMotts stated that he had spoken with the Attorney General and the regulation was passed in 1949 by a city with a population of 549 people.

Commissioner Bening suggested they come to a consensus to vote as to whether or not they would like the Legislature to change this regulation.

Commissioner Trehus encouraged anyone who had a problem with this to lobby for the Legislature to change the statute.

MOTION by Commissioner Trehus to dismiss this discussion.

MOTION to discuss by Commissioner Sullivan.

Commissioner Sullivan asked for verification regarding liaisons in the bylaws of the Charter.

Commissioner DeMotts read the bylaws of the Charter.

Commissioner Turner stated that she believed the Commission should explore all of these types of issues. She added she did not feel that Council Members being on the Charter Commission was a problem unless they became the majority. She felt that the Charter Commission did have good representation.

Commissioner Dahl explained that she felt this was personal, so she did some research on her own and then read the following letters:

Wayzata city staff has no knowledge of this issue ever coming up at a Charter Commission meeting in the last 15 years. We do not have a problem with current State Statute and in fact would have preferred to have a current council member sit on the Charter Commission during the last few years to improve communication between the City Council and Charter Commission.

Dave Frischmon, Director of Finance and Administration  
City of Wayzata

You requested information on whether or not a City Council Member can sit on the city's Charter Commission. This has, in fact, occurred in the past. However, at the present time, no Council Member has a seat on the Charter Commission. It has presented problems and concerns in the past for the members of the Charter Commission or the City Council. However, as far as I am aware, in the recent past, no attempts have been made by the Charter Commission or the City Council to change the charter to prohibit Council Members from serving on the Charter Commission.

Also, to my knowledge, no attempt has been made to make a change in the state statutes to disallow Council Members from serving on the Charter Commission. If you have any further questions, please call.

Walter Fehst, City Manager of Columbia Heights

MOTION by Commissioner Trehus, seconded by Commissioner Sullivan, to dismiss this issue. Motion carried with Commissioner Bening and Commissioner DeMotts voting no.

Chair Montain briefly addressed the Comprehensive Plan and how the representatives were elected.

**SET JULY 9, 1998 AGENDA**

Mission Statement  
Bylaws  
CAP Advisor

Initiative and Referendum  
Code of Conduct  
Charter Language

Commissioner Sullivan asked Commissioner Dunn if it would be worthwhile to go through the current budget so everyone will understand there are no financial resources, noting the roads were a main concern.

Commissioner Dunn explained that the City is not budgeting for road improvement which will continue to create problems. He noted the City Council voted down a budget for road improvements.

Commissioner Kenfield asked if that included the Five-Year Plan.

Commissioner Dunn indicated that it did, and the City is going to be faced with a large burden as they have not put dollars away for the road improvements.

Commissioner Sullivan commented that they should keep an eye on this issue and make sure it is put on the agenda for 1999.

**ADJOURN**

MOTION by Commissioner Turner, seconded by Commissioner Zastro, to adjourn the meeting at 9:35 p.m. Motion carried unanimously.

Respectfully submitted,

Kim Points  
Recording Secretary  
*TimeSaver Off-Site Secretarial, Inc.*