

**LINO LAKES CHARTER COMMISSION  
AGENDA**

**Thursday, April 10, 2008**

- |           |  |                |
|-----------|--|----------------|
| <b>1.</b> | <b>Call to Order and Roll Call</b>   | <b>6:30 PM</b> |
| <b>2.</b> | <b>Pledge of Allegiance</b>  | <b>6:32 PM</b> |
| <b>3.</b> | <b>Approval of Agenda</b>  | <b>6:33 PM</b> |
| <b>4.</b> | <b>Open Mike</b>   | <b>6:34 PM</b> |
| <b>5.</b> | <b>Approval of January 17 and February 28, 2008 minutes</b>  | <b>6:35 PM</b> |
| <b>6.</b> | <b>Old Business</b>  |                |
|           | <b>Quarterly Finance report 2008, Budget Update and all Charter related updates by City Administrator, Gordon Heitke (read only)</b> |                |
|           | <b>A. Election of Officers</b>   | <b>6:39 PM</b> |
|           | <b>B. Street Maintenance Update</b>  | <b>6:45 PM</b> |
|           | <b>C. Under Charter's review</b>   | <b>6:55 PM</b> |
|           | <b>a. Staff's amended amendment approved by City Council</b>   |                |
|           | <b>i. Charter Commission review of amended city amendment</b>  |                |
|           | <b>D. Attorney's Opinion</b>   | <b>7:20 PM</b> |
|           | <b>E. Communication Plan</b>   | <b>7:50 PM</b> |
| <b>7.</b> | <b>New Business</b>  |                |
|           | <b>A. Review Charter Commission Amendment</b>  | <b>8:20 PM</b> |
|           | <b>B. July meeting date, July 10, 2008</b>   | <b>9:00 PM</b> |
| <b>8.</b> | <b>Adjourn</b>   | <b>9:05 PM</b> |

**CITY OF LINO LAKES  
CHARTER COMMISSION**

1  
2  
3  
4  
5 **DATE** : January 17, 2008  
6 **TIME STARTED** : 6:30 P.M.  
7 **TIME ENDED** : 8:51 P.M.  
8 **MEMBERS PRESENT** : Aldentaler, Bening, Carlson, Dahl, Drennen, Duffy,  
9 Minar, Stockman Maher (arrived at 6:53 p.m.),  
10 Storberg, Trehus, and Vacha  
11 **MEMBERS EXCUSED** : Lyden and Zastrow  
12 **MEMBERS UNEXCUSED** : Montain and Williams  
13 **STAFF MEMBERS PRESENT** : City Clerk, Julianne Bartell (part)  
14  
15

16 **CALL TO ORDER AND ROLL CALL**

17  
18 Chair Duffy called the regular meeting of the Lino Lakes Charter Commission to order at 6:34  
19 p.m. on January 17, 2008.  
20

21 **NEW MEMBERS SWORN IN**

22  
23 City Clerk Bartell administered the oath of office to Harold Carlson, Cori Duffy, Jim Drennen,  
24 Steve Minar, and Rosemary Storberg.  
25

26 **A. INTRODUCE NEW MEMBERS TO CHARTER COMMISSION**

27  
28 Commissioner Minar introduced himself to the Commission. He stated he has lived in Lino  
29 Lakes for about 2 ½ years. He wanted to get involved in the community and has worked as an  
30 election judge. It was suggested that he serve on the Charter Commission, and he thought it  
31 would be a good point to start getting involved in the City.  
32

33 Commissioner Drennen introduced himself to the Commission. He stated he moved to Lino  
34 Lakes nine years ago. He has two daughters in high school; one will graduate this year and one  
35 will be a senior next year. They love Minnesota; it is a great place to live. Coming out of the  
36 60's and 70's he became cynical and apathetic about government. He decided that he should take  
37 a more active role and decided to join the Charter Commission.  
38

39 **PLEDGE OF ALLEGIANCE**

40  
41 **APPROVAL OF AGENDA**

42  
43 The following items were added to the agenda:

- 44     ▪ Item B.1, Charter Commission Guidelines

- 45       ▪ Item 7.A.1, Discussion of Commissioner Bening's presentation to the City Council on the
- 46       proposed charter amendment
- 47       ▪ 8D, Review of Quad article "Charter Changes on Deck"
- 48       ▪ 8D moved down in the agenda to 8E

49  
50 MOTION by Commissioner Dahl, seconded by Commissioner Vacha, to approve the agenda as  
51 amended. Motion carried unanimously.

52  
53 **OPEN MIKE**

54  
55 No one was present for open mike.

56  
57 **APPROVAL OF MINUTES – NOVEMBER 29, 2007 AND JANUARY 11, 2007**  
58 **November 29, 2007**

59  
60 Commissioner Dahl requested the following correction to the minutes:  
61 Page 1, line 31: "Commissioner Dahl ~~told~~ stated she would let Commissioner Zastrow know that  
62 ~~perhaps~~ it would be best..."

63  
64 Commissioner Bening referred to page 7, line 290 of the minutes. He pointed out that the  
65 minutes state "It was the consensus of the Commission.." However, he had submitted that he  
66 would like to replace Sections 8.05, 8.06, 8.07 8.08 & 8.09, and had stated that he felt Section  
67 8.05 was unworkable.

68  
69 It was the consensus of the Commission to amend line 290 as follows: "It was the ~~consensus of~~  
70 opinion of the majority of the Commission ..."

71  
72 Commissioner Stockman Maher arrived at 6:53 p.m.

73  
74 There was discussion of whether lines 290 – 293 in the minutes correctly reflect the consensus of  
75 the Commission regarding the amendment to Section 8.07, subd. 2. It was the consensus of the  
76 Commission that lines 290 – 293 are stated correctly in the minutes.

77  
78 Commissioner Bening requested the following deletion from the minutes:  
79 Page 14, lines 597 – 599

80  
81 Commissioner Trehus requested the following amendments to the minutes:

- 82       ▪ Page 8, line 309: "...this provision ~~allows them~~ does not provide that, and leaves them with  
83       no recourse but to petition for a referendum."
- 84       ▪ Page 11, lines 462-464: "...for the Commission's review, ~~which asked the question "do you~~  
85       want a ranked ballot" and to rank in order of preference what residents want, followed by an  
86       instant run off."
- 87       ▪ Page 11, line 466: "...He added ~~then you will not need the petitioning~~ that there would be  
88       less need to petition for a referendum..."

- 89   ▪ Page 11, line 468: "...He felt ~~this provides~~ ranked ballots provide for a really good  
90    process..."
- 91   ▪ Page 11, line 473-474: "Commissioner Trehus replied it ~~would~~ could use instant run-off  
92    methodology or another method, and felt that Ms. Marty could draft appropriate language  
93    with ease."
- 94   ▪ Page 12, line 484: "Commissioner Trehus stated that the project is decided before the public  
95    hearing, and that he felt..."
- 96
- 97   MOTION by Commissioner Minar, seconded by Commissioner Dahl, to approve the November  
98    29, 2007, Charter Commission meeting minutes as corrected above. Motion carried  
99    unanimously.

100

101   **JANUARY 11, 2007 MINUTES**

102

103   Chair Duffy reviewed that approval of the January 11, 2007 meeting minutes had been postponed  
104    due to questions regarding the accuracy of the minutes. She requested discussion regarding the  
105    process for approval of the January 11, 2007 meeting minutes. The Commission discussed  
106    whether the audio recording of the meeting should be reviewed in order to determine the  
107    accuracy of the minutes. It was suggested that one option would be for the Commission to vote  
108    not to accept the minutes.

109

110   MOTION by Commissioner Bening, seconded by Commissioner Vacha, to *not* approve the  
111    January 11, 2007, Charter Commission meeting minutes in the form as distributed in the January  
112    17, 2008 Charter Commission meeting packet. Motion carried unanimously.

113

114   **OLD BUSINESS**

115

116   A.   **DISCUSSION OF CHARTER'S AMENDMENT AT COUNCIL WORK SESSION**

117

118   Chair Duffy stated with the presentation of the Charter Commission's proposed charter  
119    amendment, each of the City Council members were provided with a cover letter and the final  
120    substitute amendment as prepared by the Charter Commission's attorney. The City Council  
121    received the proposed amendment and cover letter with their packet the Friday before the  
122    Monday City Council meeting. The Council formally accepted the Charter Commission's  
123    proposal at the following City Council meeting.

124

125   The Commission reviewed the following documents in relation to the charter amendment  
126    process:

- 127    ▪ Staff Report prepared for 1/7/08 City Council Work Session
- 128    ▪ Legal Memorandum prepared by Attorney Karen Marty to Charter Commission

129

130 The Commission discussed the two options outlined in the legal memorandum prepared by  
131 Attorney Karen Marty. There was discussion of Minn. Stat. Sec. 410.12, Subd. 5, specifically in  
132 relation to whether a special election is required for the charter amendment process. Chair Duffy  
133 pointed out that Attorney Karen Marty has indicated the charter amendment process could be  
134 legally defended with or without the special election.

135  
136 MOTION by Commissioner Dahl, seconded by Commissioner Storberg, that the Charter  
137 Commission send a letter to the City Council as stated on page 2, paragraphs 3 and 4 of the  
138 January 11, 2008 legal memorandum prepared by Attorney Karen Marty, with the letter edited as  
139 the Commission determines.

140  
141 It was noted that if a special election is held the process would likely be rushed, resulting in the  
142 citizens not receiving enough information. It was also noted that the charter amendment process  
143 is now in the City Council's hands.

144  
145 Commissioner Dahl withdrew the motion on the floor. Commissioner Storberg withdrew the  
146 second to the motion on the floor.

147  
148 **B. COMMUNICATION PLAN**

149  
150 Chair Duffy reviewed the process the Commission followed at the November 29, 2007 Charter  
151 Commission meeting with the determination of the substitute charter amendment to be submitted  
152 to the City Council. She stated Commissioner Bening at that time had presented five sections of  
153 the proposed amendment that he did not agree with, and he had submitted his own language. The  
154 Commission was not interested in pursuing Commissioner Bening's version of changes for  
155 Section 8.05 through Section 8.09. She stated since that time Commissioner Bening decided to  
156 take it upon himself and present his version of the amendments at the City Council meeting on  
157 Monday.

158  
159 Commissioner Bening stated the amendment he presented to the City Council includes the  
160 following changes from what he had been presented to the Charter Commission:

161  
162 Section 8.09, Subd. 1. Petition: The number of valid signatures on the petition must exceed ~~30%~~  
163 19%..."

164 Section 8.06. Public Hearing: Language referring to certified mail is now included in one  
165 sentence.

166  
167 Chair Duffy requested Commissioner Bening to explain his rationale behind going to the City  
168 Council with his proposed amendment. She expressed concern that what he has done undermines  
169 everything the Charter Commission has done for the last year to get some change that is  
170 workable and agreeable to the City.

171

172 Commissioner Bening expressed his view that in being a Charter Commission member he does  
173 not give up his individual rights as a citizen of Lino Lakes to present his feelings and beliefs. He  
174 does not believe it undermines the Charter. Nothing in the Charter says anything against what he  
175 did by speaking to the City Council. He stated he had brought up many times in Commission  
176 meetings that he did not agree on most of the things the Commission was changing, the heart of  
177 it in Sections 8.05 through 8.09. He had spoken about that at different times and had sent an  
178 email to the Chairperson on November 18<sup>th</sup> specifically outlining many different things. He  
179 agrees it was short notice and that is one thing he apologizes for, but he had discussed it at other  
180 meetings. He felt as a citizen of Lino Lakes he had the right to speak to the City Council and staff  
181 and present what he considered would be an alternative.

182  
183 There was considerable discussion by the commission members regarding Commissioner  
184 Bening's presentation to the City Council. The following concerns were expressed:

- 185     ▪ Commissioner Bening should have resigned from the Charter Commission prior to  
186       presenting his viewpoints to the City Council.
- 187     ▪ Commission members have the right to present their viewpoints to the City Council if  
188       they present themselves as a citizen, and not as a member of the Charter Commission.
- 189     ▪ A member of the Charter Commission must separate their personal views and represent  
190       the residents of Lino Lakes.
- 191     ▪ The final vote was taken at the November Commission meeting on what would be  
192       presented to the City Council.

193  
194 MOTION by Commissioner Storberg, seconded by Commissioner Stockman Maher, to move on  
195 in the agenda.

196  
197 The following additional concerns were noted:

- 198     ▪ Commissioner Bening disrespected the fellow commissioners.
- 199     ▪ If the City Council accepts Commissioner Bening's amendment there will be additional  
200       costs, as well as more time required from staff and legal attorneys.
- 201     ▪ The Commission does not always agree but they should work as a team.
- 202     ▪ Commissioner Bening should have informed the Commission he would be presenting an  
203       amendment to the City Council.

204  
205 Commissioner Bening stated he did not mean to be disrespectful to anyone on the Commission.  
206 He wanted to be public and upfront about it. He noted that the press was there and interviewed  
207 him, and there will most likely be information in the Citizen and the Quad.

208  
209 Chair Duffy stated she received a call from the Quad wanting to do an article on this. She  
210 expressed concern that there is a rift between what the Council and the Charter Commission  
211 want. Now there will be a third option out there, which will add to more confusion for the  
212 citizenry.

213  
214 Motion carried unanimously.

215

216 Chair Duffy requested discussion regarding the Commission's Communication Plan to inform  
217 the citizens about the proposed charter amendment.

218

219 Commissioner Carlson suggested further discussion regarding the Commission's  
220 Communication Plan following the technical review of the charter proposal scheduled for the  
221 February 4, 2008 City Council work session. Commissioner Vacha suggested including the  
222 Communication Plan on the April 10, 2008 Charter Commission meeting agenda. The  
223 Commission discussed flyers and newspaper ads as possible communication methods.  
224 Commissioner Drennen indicated his profession is in the field of marketing and offered his  
225 assistance in preparing communication materials.

226

227 **C. QUARTERLY FINANCE REPORT 2007, 2008 AND 5-YEAR PLAN UPDATES**

228

229 The Commission reviewed the Quarterly Update prepared by City Administrator Gordon Heitke.

230

231 Informational; no action required.

232

233 **NEW BUSINESS**

234

235 **A. ANNUAL REPORT, CHAIR**

236

237 Commissioner Dahl noted the following amendment to the Annual Report of the Charter  
238 Commission Chair:

239     ▪ Last paragraph to read: "...the citizen task force to study Chapter 8 of the charter as it  
240     related to road reconstruction, and brought forth an amendment..."

241     ▪ "Charter Commission" to be included on the top of the report.

242

243 Commissioner Dahl indicated upon approval of the Commission she will forward the report to  
244 the judge.

245

246 MOTION by Commissioner Bening, seconded by Commissioner Stockman Maher, to approve  
247 the Annual Report of the Charter Commission Chair as amended above. Motion carried  
248 unanimously.

249

250 **B. LETTER TO JUDGE REGARDING STATUS, COMMISSIONER MONTAIN**

251

252 Commissioner Dahl reviewed that Commissioner Montain missed 8 of the last 11 meetings and  
253 the Commission was unable to communicate with him. She sent a letter to the judge regarding  
254 Commissioner Montain's absence and received a response today. She recited the letter received  
255 from the judge ordering Paul Montain to be removed as a member of the Lino Lakes Charter  
256 Commission.

257

258 Chair Duffy indicated there will be notification of the opening on the Charter Commission.

259

260 **B.1. GUIDELINES**

261  
262 Commissioner Dahl explained her request to add this topic to the agenda was to be proactive in  
263 deterring a situation similar to Commissioner Bening's open mike presentation to the City  
264 Council on Monday night.

265  
266 The consensus of the Commission was to table the topic of Charter Commission Guidelines to  
267 the April meeting, with Commissioner Dahl to present further information at that time.

268

269 **C. ELECTION OF OFFICERS**

270

271 Chair Duffy called for nominations for the position of Chair.

272

273 MOTION by Commissioner Bening, seconded by Commissioner Vacha, to elect Cori Duffy as  
274 Charter Commission Chair for 2008. Motion carried 10 – 0 – 1. (Chair Duffy abstained.)

275

276 Commissioner Dahl stated she would like to continue serving as an officer of the Commission;  
277 however, Section 7 of the Charter Commission Bylaws state that no officer is eligible to hold  
278 more than two consecutive terms in the same office. Options would be for her to serve as Vice-  
279 Chair or for the Commission to amend the Bylaws.

280

281 MOTION by Commissioner Minar, seconded by Commissioner Dahl, to elect Caroline Dahl as  
282 Charter Commission Vice-Chair for 2008.

283

284 There was not interest expressed by any of the commissioners in serving as Charter Commission  
285 Secretary for 2008. There was discussion of amending the Bylaws in order for Commissioner  
286 Dahl to continue serving as Charter Commission Secretary. It was noted that according to the  
287 Bylaws Commissioner Dahl could be appointed as Assistant Secretary until a different  
288 commissioner is elected for the position of Secretary.

289

290 Motion carried 10 – 0 – 1. (Commissioner Dahl abstained.)

291

292 MOTION by Commissioner Stockman Maher to elect Caroline Dahl as Charter Commission  
293 Assistant Secretary for 2008.

294

295 Commissioner Carlson pointed out it would be beneficial to the Commission to have three  
296 different members acting in the officer positions, rather than only filling the three positions with  
297 two members.

298

299 The consensus of the Commission was that Commissioner Dahl maintain the position as Acting  
300 Secretary until a different commissioner is elected to fill the position of Secretary, and to include  
301 Election of Secretary on the April Charter Commission meeting agenda.

302

303 Commissioner Stockman Maher withdrew the motion on the floor.

304

305 **D. QUAD NEWS ARTICLE**



306  
307 The Commission reviewed the Quad News Article "Charter Changes on Deck". Concern was  
308 expressed that the article is misleading in the following ways: 1) it makes it appear that road  
309 construction is the issue, while the real issue is road repair; 2) this has not been a pain in the  
310 resident's rear for several years as stated in the article; 3) statement that 60% of the respondents  
311 favored changing the City Charter is taken out of context from the actual survey question.

312  
313 Commissioner Storberg suggested each commissioner present a communication brochure or flyer  
314 at the April Charter Commission meeting. It was noted that the Commission may want to review  
315 the information that will be distributed by the City Council prior to preparing the Commission's  
316 communication materials. Commissioner Drennen suggested forming a subcommittee for the  
317 purpose of preparing communication materials. Commissioners Dahl, Drennen and Minar  
318 volunteered to serve on the Communication Subcommittee. It was the consensus of the  
319 Commission that the subcommittee be left open for additional volunteers.

320

321 **E. SET AGENDA APRIL 10, 2008**

322

323 There was not discussion on this agenda item.

324

325 Commissioner Drennen corrected his email address to be listed on the Charter Commission  
326 Membership List as jdrennen@comcast.net

327

328 **ADJOURN**

329

330 MOTION by Commissioner Minar, seconded by Commissioner Vacha, to adjourn the meeting at  
331 8:51 p.m. Motion carried unanimously.

332

333

334 Respectfully Submitted,

335

336 Carol Hamer

337 *TimeSaver Off Site Secretarial, Inc.*

**CITY OF LINO LAKES  
SPECIAL CHARTER COMMISSION MEETING  
DRAFT**

<b>DATE</b>	February 28, 2008
<b>TIME STARTED</b>	6:43 P.M.
<b>TIME ENDED</b>	8:33 P.M.
<b>MEMBERS PRESENT</b>	Dahl, Aldentaler, Drennen, Trehus, Duffy, Williams, Lyden, Minar, Storberg, Stockman Maher, and Carlson left 8 P.M.
<b>MEMBERS EXCUSED</b>	Vacha, Zastrow,
<b>MEMBERS UNEXCUSED</b>	None
<b>STAFF MEMBERS PRESENT</b>	None

**CALL TO ORDER AND ROLL CALL**

Chair Duffy called the meeting of the Lino Lakes Special Charter Commission meeting to order at 6:43 p.m. on February 28, 2007.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**MOTION** by Commissioner Dahl, seconded by Commissioner Lyden, to adopt the agenda. Motion carried unanimously.

**OPEN MIKE**

**OLD BUSINESS**

Discussion on City's Amendments to the Charter. Consensus is to wait and see which of the three amendments the city council will vote on to amend the Charter's Chapter 8.

**RESOLUTION NO. 08-01 ACCEPTING THE RESIGNATION OF COMMISSIONER  
ROBERT BENING**

Commissioner Dahl moved to accept Resolution No. 08-01 as presented. Commissioner Williams seconded the motion. Motion carried with Commissioner Maher voting no.

**SET DATE FOR APRIL 10, 2007 MEETING**

**AJOURNMENT**

**MOTION** by Commissioner Williams, seconded by Commissioner Drennen, to adjourn the meeting at 8:33 p.m. Motion carried unanimously.

Respectfully Submitted,  
Caroline Dahl, Lino Lakes Charter Commission Secretary

These minutes were considered and approved at the regular Charter Commission Meeting on April 10, 2008.

# Memorandum

**Date:** April 4, 2008  
**To:** Charter Commission  
**From:** Gordon Heitke  
**Re:** Quarterly Update

---

## **Five Year Financial Plan**

The Five Year Financial Plan was adopted by the City Council on January 28, 2008.

## **Public Improvement Petitions**

No petitions for public improvements have been received.

## **Street Reconstruction Project**

There will be no street reconstruction project initiated this year.

## **Charter Financial Report**

The 2008 expenditure report for charter administration is attached.

## **Charter Amendment**

The City Council approved the first reading of Ordinance No. 05-08, An Ordinance Amending Chapter 8 of the Lino Lakes City Charter, Regarding Public Improvements And Special Assessments, on March 24, 2008 and served a notice of this action and a copy of the ordinance to the Charter Commission Chair on March 25, 2008.

Calendar Period: 01/2008 To: 03/2008  
Fiscal Period: 01/2008 To: 03/2008

Budget Thru: 12/2008

Account# / Title	Original	Net Budget	Expended PTD	Expended YTD	%	Unexpended Bal
101-405-4200-000 GENERAL CHARTER OFFICE SUPPLI	0.00	0.00	0.00	0.00	0	0.00
101-405-4300-000 GENERAL CHARTER PROFESSIONAL	0.00	0.00	0.00	0.00	0	0.00
101-405-4300-999 GENERAL CHARTER PROFESSIONAL	5,000.00	5,000.00	213.25	213.25	4	4,786.75

Tr Date	Type	Journal	Receipt	Check#/Date	Vendor	Description	Amount
02/11/08	INV-IN	6907		82294 02/11/08	TIMESAVER OFF-SITE SECRETARIAL CHARTER MEETING		213.25
02/25/08	INV-M	6973		82317 02/12/08	MARTY LAW FIRM, LLC	LEGAL SERVICES/CHARTER	3,060.46
02/29/08	PST-je	7087		1	RECORDED AS 2007 EXPENSE	Rev Marty Law Firm, ch8231	3,060.46
						Detail Total:	213.25
101-405-4301-000 GENERAL CHARTER MUNICIPAL ATT	500.00	500.00	0.00	0.00	0	500.00	
101-405-4322-000 GENERAL CHARTER POSTAGE	0.00	0.00	0.00	0.00	0	0.00	
101-405-4330-000 GENERAL CHARTER TRAVEL/TUITIO	0.00	0.00	0.00	0.00	0	0.00	
101-405-4340-000 GENERAL CHARTER ADVERTISING	200.00	200.00	22.95	22.95	11	177.05	

Tr Date	Type	Journal	Receipt	Check#/Date	Vendor	Description	Amount
0/08	INV-IN	6996		82459 03/10/08	PRESS PUBLICATIONS, INC.	ADV CITY COUNCIL WORK SES	22.95
						Detail Total:	22.95
101-405-4343-000 GENERAL CHARTER NEWSLETTER	0.00	0.00	0.00	0.00	0	0.00	
101-405-4344-000 GENERAL CHARTER LEGAL PRINTIN	0.00	0.00	0.00	0.00	0	0.00	
101-405-5000-000 GENERAL CHARTER CAPITAL OUTLA	0.00	0.00	0.00	0.00	0	0.00	
GRAND TOTAL	5,700.00	5,700.00	236.20	236.20	4	5,463.80	