

**City of Ramsey**  
**Agenda**  
**Charter Commission**  
**Thursday, May 19, 2011**

**6:30 p.m.**  
**Council Chambers, 7550 Sunwood Drive NW**

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
  1. Approve Meeting Minutes
- 5. Commission Business**
  1. Elect Chair and Vice Chair for 2011
  2. Introduce New Charter Commission Member and Update Commission on Status of Vacancies
  3. Consider Resident Recommendations for Charter Amendments
  4. Approve Summary Letter to the Judge
- 6. Commission/Staff Input**
  1. Schedule Future Meeting Date(s)/Topic(s)
- 7. Adjournment**

**Charter Commission**

**4. 1.**

**Meeting Date:** 05/19/2011

**By:** Jo Thieling, Administrative Services

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**Title:**

Approve Meeting Minutes

**Background:**

Each meeting the Charter Commission approves the

**Funding Source:**

N/A

**Council Action:**

Motion to approve the Charter Commission Meeting Minutes dated May 5, 2010.

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**Attachments**

Charter Minutes 05/05/10

**Form Review**

**Inbox**

Kurt Ulrich

Form Started By: Jo Thieling

**Reviewed By**

Jo Thieling

**Date**

05/12/2011 11:28 AM

Started On: 05/12/2011 10:49 AM

Final Approval Date: 05/12/2011

**CHARTER COMMISSION  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Charter Commission conducted a regular meeting on Wednesday, May 5, 2010, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Temporary Chair Frank Frederick  
  Commissioner Susan Anderson  
  Commissioner Joseph Field  
  Commissioner Harry Niska  
  Commissioner Marilyn (Moe) Shea  
  Commissioner Cindy Sherman

Members Absent:                   Chair Ben Deemer  
  Commissioner Terri Cleveland

Also Present:                       City Attorney William Goodrich

**CALL TO ORDER**

Commissioner Frederick called the regular meeting of the Charter Commission to order at 6:38 p.m.

**CITIZEN INPUT**

None.

**APPROVE MINUTES**

Motion by Commissioner Niska and seconded by Commissioner Field to approve the meeting minutes dated March 5, 2010.

Motion carried. Commissioner Sherman abstained. Absent: Chair Deemer, Commissioner Cleveland.

**APPROVE AGENDA**

Consensus was to approve the agenda as presented.

## **COMMISSION BUSINESS**

### **Case #1: Appointment of Chair and Vice Chair**

It was the consensus of the Charter Commission to address the appointment of the Chair and Vice Chair at a future meeting.

### **Case #2: Continue Discussion Amendment Consideration to Chapter 2 of the Home Rule Charter of the City of Ramsey relating to the Form of Government of the City**

City Attorney Goodrich summarized the deadlines for action.

Commissioner Sherman asked if the Commission's actions were irrelevant.

City Attorney Goodrich summarized the statute and process for a Charter amendment. He noted when there was a public vote on an issue, the Commission's input was not as important.

Commissioner Sherman stated she was frustrated with the Charter process. She noted it was possible this could be changed again when a new Council came into office and she believed this was a waste of time.

Temporary Chair Frederick agreed and stated the Charter was useless if it could be so easily changed.

Commissioner Anderson believed there was not much for the Commission to do as this was going to public vote.

Temporary Chair Frederick asked if the Commission wanted to vote at this meeting considering there was nothing to discuss, or to just continue the discussion to the next meeting.

Commissioner Anderson stated as long as the Commission was involved in coming up with the question, she believed they should vote on this tonight.

Motion by Temporary Chair Frederick, seconded by Commissioner Sherman to leave the Ordinance Amendment as previously stated and reject the proposed Ordinance as presented by the City Council.

Further Discussion: Commissioner Niska stated he supported the Ordinance. He believed this was an important issue of government structure and the power of the voters. He stated the voters should have a voice in the form of a vote and he believed what the Council was doing was the right thing and it was wrong the way it was handled in the past. He believed a referendum was the right way to handle the question. Commissioner Sherman disagreed. She believed they elected the Councilmembers to represent the citizens and not every decision should be put in the hands of the voters. She noted it was difficult to inform the voters of this and that was what the Councilmembers were paid to do. Commissioner Field stated the voters were not voting on

hiring and firing decisions and the Commission was just addressing the referendum. He stated this was a decision that should have probably been presented to the voters to begin with. He noted this issue had been discussed many times at prior Charter Commission meetings. He did not understand why this was not originally presented as a referendum vote. He supported the premise that the people decide the issue and his concern was whether the public would understand the question. He supported the ordinance as presented. Commissioner Shea believed this should go to the people, but it became risky as to how it was worded. She stated it would be up to the City to educate the voters. Commissioner Anderson agreed this was a question of substance and should have been presented to the voters in the first place. Commissioner Sherman stated the City Manager form of government helped moderate the “politics” entering into the City’s business and this was a big difference. Commissioner Anderson stated in reading about this form of government, the Council was in charge of everything. City Attorney Goodrich stated the Commission could say to the Council to stay with the City Manager form of government, except that the City Council would be in charge of the hiring and firing, but he was unsure that this would change much of anything. Commissioner Niska stated maybe the City Manager could hire and fire lower level employees, but not higher-level employees. City Attorney Goodrich stated the Commission could recommend going forward, but propose an amendment to the Charter for the Manager not having authority to hire and fire department heads. Commissioner Sherman asked if there should be a second question, “Should the charter be amended to limit the duties of the City Manager.” City Attorney Goodrich believed the public would not be that interested if the City Manager could hire or fire department heads and that issue could be dealt with by a Charter amendment. Commissioner Sherman believed this was a matter of trust between the Council and the City Manager. Commissioner Field stated he could see the issue of trust being an element of this, but he looked at it as whether the City Manager had the wherewithal to know he had to make employment changes and whether he or she would follow through with it. He noted the City Council looked at it more broadly and didn’t have the personal relationships like the City Manager. Commissioner Niska stated the Councilmembers were elected officials who were accountable to the public and voters and if they were making decisions for wrong reasons, the voters could fire them. However, the voters could not fire City staff. He wanted to keep as much power in the City Council’s hands as possible. Commissioner Sherman stated she was a public employee and she had worked under both forms of government. She stated everyone should be held accountable in their job, but what happened when Council members were elected was that they had no experience in the running of a City and that was why there was professional staff. She feared as Council changed, there are things that happen in a growing community that not everyone supports and everything gets thrown out. She believed they needed stability in the government through elimination of chaotic changes when a Council changes. She stated that was why she wanted a City Manager form of business.

Temporary Chair Frederick called for the question.

ROLL CALL:

Chair Deemer – Absent  
Commissioner Field – Nay  
Commissioner Niska – Nay  
Commissioner Anderson – Aye

Commissioner Sherman – Aye  
Commissioner Shea – Nay  
Commissioner Cleveland – Absent  
Temporary Chair Frederick – Aye

Motion failed. Absent: Chair Deemer and Commissioner Cleveland.

City Attorney Goodrich stated the Commission had the option of having another meeting to discuss this issue; to have another meeting and try to resolve this at the same night and have Council here to discuss the question; or just leave it and let it proceed.

Temporary Chair Frederick stated an amendment to the Ordinance leaving the Council with the power to hire and fire the Manager and Department heads would be more agreeable to him rather than going back to the administrator system.

Motion by Commissioner Sherman and seconded by Temporary Chair Frederick to reject the Ordinance as presented by the City Council but recommend the Charter be amended so the City Manager form of government does not give the City Manager the authority to hire and fire department heads and leave that power with the City Council.

#### ROLL CALL:

Chair Deemer – Absent  
Commissioner Field – Aye  
Commissioner Niska – Aye  
Commissioner Anderson – Aye  
Commissioner Sherman – Aye  
Commissioner Shea – Aye  
Commissioner Cleveland – Absent  
Temporary Chair Frederick – Aye

Motion carried. All present voted in favor.

Commissioner Niska stated he would like to add wording at the end of Section 2.1 of the existing Charter to read: “Notwithstanding any statute or ordinance to the contrary, the power to hire and retain department heads shall be reserved to the City Council”.

City Attorney Goodrich stated that recommendation had already passed. He indicated the Commission needed to address the process now.

Commissioner Niska believed this could be accomplished by adding his recommendation to Section 2.1 of the Charter.

Temporary Chair Frederick stated he did not want to amend the Charter now, but wanted to see if the Council would accept what was previously recommended.

Motion by Commissioner Niska and seconded by Commissioner Field that the Charter Commission recommends adding the wording to the end of Section 2.1 of the existing Charter to read: “Notwithstanding any State Statute or Ordinance to the contrary, the power to appoint and remove department heads shall be reserved to the City Council”.

Further Discussion: Commissioner Anderson believed the issue was the meddling of the Council in the running of the City. Temporary Chair Frederick noted that was the City Manager’s responsibility to handle this. Sherman recommended “in concern/conjunction with the City Manager”.

**ROLL CALL:**

Chair Deemer – Absent  
Commissioner Field – Aye  
Commissioner Niska – Aye  
Commissioner Anderson – Nay  
Commissioner Sherman – Aye  
Commissioner Shea – Aye  
Commissioner Cleveland – Absent  
Temporary Chair Frederick – Aye

Motion carried.

Motion by Commissioner Sherman, seconded by Commissioner Shea that the Charter Commission recommends that the Charter Amendment to the City Manager form of government deleting the appointment and removal authority of the City Manager relating to Department heads be accomplished by Ordinance recommended by the City Charter Commission and unanimously approved by the City Council under Minnesota Statutes 410.12, Subd. 7.

Further Discussion: Commissioner Niska stated his concern was primarily about Department Heads. He did not believe the people through their elected representatives are going to be concerned about each individual employee. He stated retaining the City Council’s power to retain and remove department heads was the proper thing to do and this could be done by Ordinance or by referendum. Commissioner Field stated there was a shock factor in the change of government and that changes the referendum question. He expressed concern that the voter would be confused as to what was being asked and he agreed this was a reasonable compromise. Commissioner Shea stated this is what swung her vote as well. Commissioner Sherman withdrew her motion and Commissioner Shea withdrew her second.

Motion by Commissioner Sherman, seconded by Commissioner Shea that the Charter Commission recommends that the amendment of Section 2.1 of the Charter as relating to Council/Manager plan of government as just previously passed by the Charter Commission be accomplished by use of the process provided by Minnesota Statute 410.12, Subd. 7, which requires the Charter Commission recommendation of an Amendment Ordinance and unanimous approval of the City Council.

ROLL CALL:

Chair Deemer – Absent  
Commissioner Field – Aye  
Commissioner Niska – Aye  
Commissioner Anderson – Nay  
Commissioner Sherman – Aye  
Commissioner Shea – Aye  
Commissioner Cleveland - Absent  
Temporary Chair Frederick - Aye

Motion carried.

**COMMISSION INPUT**

**1. Schedule Date & Topic(s) for Future Meeting**

City Attorney Goodrich recommended the Commission wait to hear from the Council to see what Council did and if the Charter Commission should meet again for any questions or clarification. He stated if the Council agreed with this, the Commission would need to meet again this year to review the Charter to be consistent in wording.

**ADJOURNMENT**

Motion by Councilmember Niska, seconded by Councilmember Shea, to adjourn the meeting.

Motion carried. All present voted in favor.

The regular meeting of the Charter Commission adjourned at 8:15 p.m.

Respectfully submitted,

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Jo Ann M. Thieling, CMC  
City Clerk

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William K. Goodrich  
City Attorney

Drafted by Kathy Altman  
*TimeSaver Off Site Secretarial, Inc.*

**Charter Commission**

**5. 1.**

**Meeting Date:** 05/19/2011

**By:** Jo Thieling, Administrative Services

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**Title:**

Elect Chair and Vice Chair for 2011

**Background:**

Each year the Charter Commission elects a Chair and Vice Chair to preside over the meetings. Since this is the first meeting of the year, the Commission should elect their officers.

**Funding Source:**

N/A

**Council Action:**

Motion to elect Commissioner \_\_\_\_\_ to serve as Chair for the Charter Commission for year 2011.

and

Motion to elect Commissioner \_\_\_\_\_ to serve as Vice Chair for the Charter Commission for year 2011.

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**Form Review**

**Inbox**

Kurt Ulrich

**Reviewed By**

Jo Thieling

**Date**

05/12/2011 11:28 AM

Form Started By: Jo Thieling

Started On: 05/12/2011 10:46 AM

Final Approval Date: 05/12/2011

**Charter Commission**

5. 2.

**Meeting Date:** 05/19/2011

**By:** Jo Thieling, Administrative Services

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**Title:**

Introduce New Charter Commission Member and Update Commission on Status of Vacancies

**Background:**

This case is to welcome our newest Charter Commission Member Mr. Jim Bendtsen. Mr. Bendtsen is replacing Frank Frederick who resigned because he moved from the City of Ramsey. Mr. Bendtsen will serve out the remainder of Mr. Frederick's term which will expire on December 31, 2012.

Commissioner Harry Niska has been reappointed to a term to expire on December 31, 2014. Therefore we welcome back Mr. Niska.

We currently have one vacancy on the Commission which occurred when Terri Cleveland resigned. We continue to try to recruit candidates to fill that position. As an update: following is the status of the Commission:

- Susan Anderson - term to expire 12/31/2013
- Jim Bendtsen - term to expire 12/31/2012
- Ben Deemer - term to expire 12/31/2013
- Joe Field - term to expire 12/31/2012
- Gloria Kackman - term to expire 12/31/2013
- Harry Niska - term to expire 12/31/2014
- Marilyn (Moe) Shea - term to expire 12/31/2012
- Cindy Sherman - term to expire 12/31/2012
- Vacancy - Term to expire 12/31/2013

Feel free to spread the word that the City is seeking candidates to serve on the Charter Commission.

**Funding Source:**

N/A

**Council Action:**

No action necessary - for Commission Update.

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Kurt Ulrich	Jo Thieling	05/12/2011 11:28 AM
Form Started By: Jo Thieling		Started On: 05/12/2011 11:00 AM
		Final Approval Date: 05/12/2011

**Charter Commission**

**5.3.**

**Meeting Date:** 05/19/2011

**By:** Jo Thieling, Administrative Services

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**Title:**

Consider Resident Recommendations for Charter Amendments

**Background:**

Ramsey resident Patrick E. Surma is proposing certain amendments to the Charter. Attached is a preamble written by Mr. Surma for the Commission’s review. Mr. Surma has been invited to this evening’s Charter Commission meeting to explain his recommended Charter amendments. Staff will make a paper copy of the Charter with areas underlined by Mr. Surma so you will be able to follow along with Mr. Surma's explanation.

**Funding Source:**

N/A

**Council Action:**

Based upon discussion.

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**Attachments**

Preamble to Charter/Surma

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Kurt Ulrich	Jo Thieling	05/12/2011 02:11 PM
Form Started By: Jo Thieling		Started On: 05/12/2011 01:35 PM
	Final Approval Date: 05/12/2011	

This portion of our new city charter authored by Patrick E. Surma.

The following is based on the founding documents of the United States and on the Minnesota State Constitution.

*Heading* THE NEW CHARTER written for, of, and by the People of Ramsey, Minnesota (County of Anoka) (Adopted 2011)

*Our Declaration* WE THE PEOPLE of the City of Ramsey hold America's truths as historically written to be self-evident.

WE THE PEOPLE of America's Republic and of the City of Ramsey hereby form a more perfect community/city, establish Justice, Insure local domestic tranquility, Provide for our local defense/security, Promote the general welfare, AND secure the blessings of liberty to our republic, our city, to our posterity and to our selves.

WE THE PEOPLE of the City of Ramsey, Minnesota hereby delegate our authority to Those current and future elected officials to Lead, Govern and Stay within the confines of our divinely blessed State and Federal Constitutions.

THE BODY OF OUR CHARTER

The "New City Charter" of Ramsey to be written by others, to be written lip lease, "Please," "Please" in a context of a no-nonsense, clear, understandable manner and without using any more intellectual, legalese, or hyperboles than needed.

**Charter Commission**

**5. 4.**

**Meeting Date:** 05/19/2011

**By:** Jo Thieling, Administrative Services

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**Title:**

Approve Summary Letter to the Judge

**Background:**

Annually, as per State Statutes, the Commission presents a letter of the year's activities to the Chief Judge of the Tenth District. Attached to this report is a summary of the Commission's activities for your review and approval.

**Funding Source:**

N/A

**Council Action:**

Motion to approve the year end summary letter to Chief Judge Bloomquist and direct staff to submit it on behalf of the Charter Commission.

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**Attachments**

Summary Letter to Judge

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Kurt Ulrich	Jo Thieling	05/12/2011 02:11 PM
Form Started By: Jo Thieling		Started On: 05/12/2011 02:01 PM
		Final Approval Date: 05/12/2011

May 10, 2011

The Honorable Timothy P. Bloomquist  
Chief Judge Tenth Judicial District  
Kanabec County Court House  
18 N. Vine Street  
Mora, MN 55051

**Re: City of Ramsey, Anoka County, Minnesota, Charter Commission Annual Report**

Dear Judge Bloomquist:

In accordance with Minnesota Statutes 410.05, the following is an annual report reflecting the activities of the City of Ramsey Charter Commission during the year 2010.

Members of the Charter Commission for 2010 were as follows: Susan Anderson (newly appointed) Benjamin Deemer (reappointed to a four-year term), Terri Cleveland (reappointed to a four-year term), Joseph Field, Frank Frederick, Harry Niska, Marilyn (Moe) Shea, and Cindy Sherman.

The Charter Commission met on March 29, 2010. Oaths of Office were previously issued to Commissioners Deemer, Cleveland and Anderson. The Commission discussed Chapter 2 of the Charter relating to the City's form of government. It was noted that this had been a discussion since 2002, however, had not been discussed since 2008 as an ordinance had been passed in December 2006 that would change the City's form of government to a Council-Manager Plan effective January 1, 2011. The City Attorney reported to the Charter Commission that the current Mayor and Council had indicated the desire to have the City's form of government to remain as is and not be changed to the Council Manager form. The Council had introduced an ordinance to amend the Charter to keep the form of government as is (Council-Administrator). He noted that this particular ordinance did not have a unanimous vote and it may be put forward to the voters to make the decision. The current Mayor and Council felt that this was a significant enough change that it should have been brought to the voters before and since it was not, it should now be put out to the voters before the amendment takes place. The

Attorney noted that after review of the ordinance, the Charter Commission may approve, reject, or suggest a substitution language; however, they could not stop the process. A very lengthy discussion ensued but the Commission tabled action on this subject to a meeting in May. The Charter then discussed amending Section 4.1.1 titled Primary Elections. The Charter read as follows: “On the first Tuesday after the second Monday in September in advance of the regular municipal election, there shall be a primary election . . . With the new bill passing that the primary election will be held in August, an amendment to the Charter language was necessary. The Commission approved the language as laid out by the attorney and recommended an ordinance be brought forward to the Council to be passed by a unanimous vote. (Such ordinance was passed unanimously by the City Council.)

The Charter Commission met on May 5, 2010, and continued discussion of the amendment to Chapter 2 of the Charter relating to the City’s Form of Government. Following discussion, the Commission voted to reject the ordinance as presented by the City Council and recommended that the Charter be amended so the City Manager form of government does not give the City Manager the authority to hire and fire department heads and leave that power with the City Council. (As an aside, the question went before the voters in the 2010 General Election and the voters chose to have the form of government remain Council-Administrator.)

Late in year 2010, the Commission received resignations from Commissioners Cleveland and Frederick.

Very truly yours,

On behalf of the Ramsey City Charter

Jo Ann M. Thieling, CMC  
City Clerk

/jmt

**Charter Commission**

**6. 1.**

**Meeting Date:** 05/19/2011

**By:** Jo Thieling, Administrative Services

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**Title:**

Schedule Future Meeting Date(s)/Topic(s)

**Background:**

Enter into discussion regarding a future meeting date(s) and topic(s).

**Funding Source:**

N/A

**Council Action:**

Based upon discussion.

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**Form Review**

**Inbox**

Kurt Ulrich

Form Started By: Jo Thieling

**Reviewed By**

Jo Thieling

**Date**

05/12/2011 02:11 PM

Started On: 05/12/2011 02:07 PM

Final Approval Date: 05/12/2011