

City of Ramsey
Agenda
Charter Commission
Monday, March 26, 2012
6:00 p.m.
Council Chambers, 7550 Sunwood Drive NW

1. **Call to Order**
2. **Citizen Input**
3. **Approve Agenda**
4. **Approve Minutes**
 1. Approve Charter Commission Meeting Minutes Dated May 19, 2011
5. **Commission Business**
 1. Elect Chair and Vice Chair for 2012
 2. Introduce New Charter Commission Members and Update Commission on Status of Vacancies
 3. Consider Revision to Chapter 8 of Charter regarding Special Assessment Petitions
 4. Review Requirements for Ramsey Newsletter
 5. Approve Summary Letter to the Judge
6. **Commission/Staff Input**
7. **Adjournment**

Charter Commission

4. 1.

Meeting Date: 03/26/2012

By: Jo Thieling, Administrative Services

Title:

Approve Charter Commission Meeting Minutes Dated May 19, 2011

Background:

Attached is the set of meeting minutes from May 19, 2011 for Commission review and approval.

Funding Source:

N/A

Council Action:

Motion to approve May 19, 2011 Charter Commission Meeting Minutes.

Attachments

May 19, 2011 Charter Minutes

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Jo Thieling	03/19/2012 02:55 PM
Form Started By: Jo Thieling		Started On: 03/13/2012 03:26 PM
	Final Approval Date: 03/19/2012	

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

The Charter Commission conducted a regular meeting on Thursday, May 19, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: 2010 Chair/Commissioner Ben Deemer
 2011 Chair/Commissioner Joseph Field
 Commissioner Susan E. Anderson
 Commissioner Jim Bendtsen
 Commissioner Glorya Kackman
 Commissioner Harry Niska
 Commissioner Cindy Sherman

Members Absent: Commissioner Marilyn (Moe) Shea
 Vacancy

Also Present: City Administrator Kurtis G. Ulrich
 City Attorney William Goodrich
 Resident Pat Surma to present information

CALL TO ORDER

Chairperson Deemer called the regular meeting of the Charter Commission to order at 6:39 p.m.

CITIZEN INPUT

None.

APPROVE MINUTES

Motion by Commissioner Niska and seconded by Commissioner Sherman to approve the meeting minutes, dated May 5, 2010, following changing Councilmember Niska to Commissioner Niska on page 6.

Motion carried. All present voted in favor. Absent: Commissioner Shea.

APPROVE AGENDA

Consensus was to approve the agenda as presented.

COMMISSION BUSINESS

Case #1: Elect Chair and Vice Chair for 2011

Motion by Commissioner Niska, seconded by Commissioner Bendtsen to nominate/elect Commissioner Joe Field to the position of Chair for 2011.

Motion carried. All present voted in favor. Absent: Commissioner Shea.

Motion by Commissioner Anderson, seconded by Commissioner Deemer to nominate/elect Commissioner Cindy Sherman to the position of Vice Chair for 2011.

Motion carried. All present voted in favor. Absent: Commissioner Shea.

Case #2: Introduce New Charter Commission Member and Update Commission on Status of Vacancies

City Clerk Thieling introduced the new Charter Commissioner – Jim Bendtsen who replaced Frank Frederick to a term to expire December 31, 2012. Mr. Frederick resigned because he moved out of the City. She noted that Mr. Niska was reappointed to a term to expire on December 31, 2014 and that due to Terri Cleveland's resignation, the City is continuing to recruit candidates to fill that position. Mrs. Thieling reported on the term expirations of each of the Commissioners.

Case #3: Consider Resident Recommendations for Charter Amendments

City Clerk Thieling noted that Mr. Patrick Surma had dropped off some information to City staff relating to a possible preamble for the City's Charter. That information was included in the Commission's agenda for this evening. Mr. Surma was invited to attend the Charter Commission meeting to talk about his suggestions.

Mr. Surma thanked the Commission for this opportunity and read the preamble he drafted.

Chairperson Field expressed appreciation to Mr. Surma for stepping forward and inquired what motivated him to do this.

Mr. Surma expressed concern about the current Council trying to "throw" Councilmember Jeffrey off the Council. He added that he also believes that things should be written at an eighth grade level so all who read it are able to understand it.

Chair Field thanked Mr. Surma for his input. He inquired if we had a task force in the future to look at a more "friendly" Charter, would Mr. Surma consider sitting on that task force to which Mr. Surma replied he would consider that.

Commissioner Deemer stated that adding a preamble would have to be voted on by the residents. The Charter Commission could discuss further and if they desire, it could be placed on a ballot in the future.

Upon request by Commissioner Sherman, City Attorney Goodrich reviewed the options for Charter amendments.

Mr. Surma offered that another reason he wrote this preamble is that most people do not know where their rights come from and this is a subtle way of educating the public as to who they are and how they fit. He stated he has been in Ramsey for nine years and this is the first time he has had a sense of community.

Chair Field stated he is all for pioneering efforts but added that he is aware that you have to have legalese with regard to definitions.

Mr. Surma stated that he is not against all legalese but the Charter should be put into an article style format.

Commissioner Bendtsen remarked that all these things mean something to Mr. Surma but they do not mean anything to him yet, noting that he was not sure what the highlighting or the notes meant.

Mr. Surma responded that the notes were really for his own use and referred to the vagueness of how it was written.

Commissioner Sherman commented that the Charter process was a citizen based process and over time, many amendments were driven by the citizens.

City Administrator Ulrich stated that one specific section was 2.5, which deals with the vacancy of, for example, Councilmember Jeffrey – a Councilmember serving a ward and moving out of the ward. He agreed that the Charter language could be more clearly written.

Mr. Goodrich commented that the main reason determination of residency is not “black and white” is due to state statute definitions – and we really cannot write a precise definition because of the Statute.

Commissioner Niska agreed it is an issue and not one we can really fix. Section 2.5 is talking about non-residence in the City. We could look into the history and get a more definitive answer. This no-residence was written before wards were established so he felt that 2.5 should include non-residence in the ward in which you are elected to. He hoped we could get away from the discussion about Mr. Jeffrey and make it more for the future.

Mr. Surma commented that this probably was written prior to the wards but at the time, he wrote the preamble, the City Council was trying to “kick Mr. Jeffrey out of his seat”. The only time the Council should get involved is for a malfeasance.

Commissioner Deemer observed that we have spent a lot of time correcting our Charter language to coincide with wards.

Mr. Surma felt that he was more asking the Charter Commission to amend the Charter to an article format, not really to change the wording.

Case #4: Approve Summary Letter to the Judge

City Clerk Thieling read the letter to the Judge summarizing the Charter's activities for 2010.

Motion by Commissioner Sherman, seconded by Commissioner Niska to approve the year-end summary letter to Chief Judge Bloomquist and direct staff to submit it on behalf of the Charter Commission.

Motion carried. All present voted in favor. Absent: Commissioner Shea.

COMMISSION INPUT

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

Commissioner Deemer stated he would like to look at Section 2.5 and discuss if we need to make modifications.

Commissioner Bendtsen stated he would like to look at amending Sections 2.3 through 2.5.

Commissioner Niska stated that 2.3.1 is defining – 2.5 is the mechanism for removing people.

Commissioner Deemer mentioned ward boundary changes.

Commissioner Sherman asked if we should have an agenda item at the next meeting to talk about responding to the suggestions by Mr. Surma.

It was stated that staff could send a notice to Mr. Surma when we are meeting to look at the Sections 2.3 through 2.5.

City Attorney Goodrich suggested maybe looking at 4.5 together with 2.3 and 2.5.

Commissioner Sherman stated that she works for the City of Brooklyn Park and they just went through a special election for Mayor – three people ran. She suggested the Charter should talk about requiring a primary for the special election.

Mr. Goodrich talked about the 120-day scenario. Upon request, he explained the special election process to fill Councilmember Jeffrey's seat. He also talked about the 90-days for a special election.

Consensus of the Charter Commission was to let Mr. Surma know when the Commission will be discussing the Charter format.

Motion by Commissioner Deemer, seconded by Commission Kackman to schedule the next Charter Commission meeting for 6:30 pm., on Thursday, October 20.

Motion carried. All present voted in favor. Absent: Commissioner Shea.

ADJOURNMENT

Motion by Commissioner Bendtsen, seconded by Commissioner Sherman to adjourn the meeting.

Motion carried. All present voted in favor. Absent: Commissioner Shea.

The regular meeting of the Charter Commission adjourned at 7:55 p.m.

Respectfully submitted,

Jo Ann M. Thieling, CMC
City Clerk

William K. Goodrich
City Attorney

Minutes drafted by Jo Thieling, City Clerk

Charter Commission

5. 1.

Meeting Date: 03/26/2012

By: Jo Thieling, Administrative Services

Title:

Elect Chair and Vice Chair for 2012

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 fro the Charter Commission for year 2012.

and

Motion to elect Commissioner _____ to serve as Vice Chair for the Charter Commission for year 2012.

Form Review

Inbox
Kurt Ulrich

Reviewed By
Jo Thieling

Date
03/19/2012 02:55 PM
Started On: 03/13/2012 03:12 PM

Form Started By: Jo Thieling

Final Approval Date: 03/19/2012

Charter Commission

5. 2.

Meeting Date: 03/26/2012

By: Jo Thieling, Administrative Services

Title:

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

Background:

This case is to welcome our newest Charter Commission Members Chad Sivertson and John Niederhaus.

Mr. Sivertson is replacing Gloria Kackman who resigned because she was moving out of the City of Ramsey. Mr. Sivertson will serve out the remainder of Ms. Kackman's term which will expire on December 31, 2013.

Mr. Niederhaus is filling a vacancy left when Terry Cleveland resigned. Mr. Niederhaus will serve out the remainder of Ms. Cleveland's term which will also expire on December 31, 2013.

We currently have no vacancies on our Commission. Following are the current members and terms:

- 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
- John Niederhaus - 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
- Chad Sivertson - term to expire 12/31/2013

Funding Source:

N/A

Council Action:

No action necessary - for Commission Update.

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Jo Thieling	03/19/2012 02:55 PM
Form Started By: Jo Thieling		Started On: 03/13/2012 03:38 PM
	Final Approval Date: 03/19/2012	

Charter Commission

5. 3.

Meeting Date: 03/26/2012**By:** Brian Olson, Engineering/Public Works

Title:

Consider Revision to Chapter 8 of Charter regarding Special Assessment Petitions

Background:

Since January of 2009, the City Council has had many discussions regarding the rules for implementing local improvements.

In September of 2009, the City Attorney and Assistant City Engineer discussed the terms of the Charter with the Charter Commission. More specifically, the City Council requested that the Charter Commission make a recommendation that the ability to counter petition a public improvement be increased to 75% instead of the current requirement of 50%. There was much discussion about the protection of the existing resident and the recommendation was not made thereby allowing the charter provision to remain.

State Statute 429.031 Subd 1 (f) (attached) allows adjacent property owners to petition for an improvement by having owners of not less than 35% in frontage along said improvement sign a petition for such an improvement.

On January 23, 2012, the City Council held a strategic planning exercise in which they directed Staff to approach the Charter Commission to ask them for a recommendation to require that the adjacent property owners along an improvement have more than 50% sign a petition. The purpose of this case is to allow ask for permission to add a line in the existing Charter adding a provision by Ordinance that would require a minimum 50% of the adjacent property owners sign a petition for making a public improvement.

Observations:

There are costs associated with preparing feasibility studies that are generally recaptured during the assessment process. When a counter petition is received for an improvement, the City and its taxpayers have to absorb that cost. Staff and the City Council want to avoid this additional cost and increased time necessary with a neighborhood that is not more fully supportive of the improvements in which they petition.

Attached to the case is a copy of Chapter 8 of the City Charter which states that we will follow State Statute unless specifically modified in the Charter. Currently the provision that allows a petition for an improvement by only 35% of the adjacent property owners is in State Statute.

The process to change the Charter is also attached.

Recommendation:

Staff recommends that the Charter Commission recommend to the City Council preparation of an ordinance that would add Section 8.4.8 Requirements for Petitioning for a Local Improvement. Said section would read:

Section 8.4.8 Requirements for Petitioning for a Local Improvement

The hearing may be adjourned from time to time, and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 50 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement.

Funding Source:

NA

Council Action:

Based upon discussion

Attachments

Charter Chapter 8

State Statute 429.031

process

Form Review

Inbox

Kurt Ulrich

Form Started By: Brian Olson

Reviewed By

Kurt Ulrich

Date

03/20/2012 10:10 AM

Started On: 03/19/2012 03:56 PM

Final Approval Date: 03/20/2012

CHAPTER 8 PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.1 Power to Make Improvements and Levy Assessments. The city may make any type of local improvement not forbidden by law and levy special assessments to pay all or part of the cost of such local improvements. The total of the assessments for any local improvement may not exceed the cost of the local improvement, plus all costs and expenses connected therewith, including interest. No assessment shall exceed the benefit to the property assessed as measured by the increase in the market value of the property assessed as a result of the local improvement.

Section 8.2 Application of Charter. All local improvement projects shall be carried out exclusively under the provisions of this charter. The term "local improvement" as used in this Section shall mean a public improvement financed partly or wholly from special assessments.

Section 8.3 Assessments for Services. The council may provide by ordinance that the cost of the city services to streets, sidewalks, or other public or private property may be assessed against property benefited and may be collected in the same manner as special assessments.

Section 8.4 Local Improvement Procedure. When the city undertakes any local improvement to which the state local improvement code applies, it shall comply with the provisions of that law, except as modified below. The council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefore.

8.4.1 Sixty Day Waiting Period. A period of sixty (60) days shall elapse after the conclusion of the public hearing required by law to precede the ordering of the construction of a local improvement project (the "Public Hearing") before the actual ordering of the local improvement by the council and the council entering into a contract for the local improvement construction.

8.4.2 Petition Against the Local Improvement. A proposed local improvement may be initiated by petition of the owners of real property abutting on the streets named in the petition. If, within thirty (30) days of the conclusion of the public hearing, a petition against such local improvement is filed with the city administrator which petition is signed by a percentage of the owners of real property abutting on the streets named in the initiating petition as the location of the improvement which percentage is greater than the percentage of owners of real property who signed the initiating petition, the council shall not make such local improvement at the expense of the abutting property owners. For purposes of the foregoing sentence, "owners of real property" shall not include owners of properties zoned for commercial or industrial uses or owners of properties zoned residential greater than 10 acres in size based on zoning classifications in effect at the date of such petition, or owners of non-homestead real property greater than one acre in size.

8.4.3 Counter Petition in Favor of the Improvement. If within thirty (30) days of the filing with the city administrator of a petition against the local improvement as described in Section 8.4.2 above, there is filed with the city administrator a petition in favor of the local improvement, signed by owners of real property abutting on the streets named in the initiating petition as the location of the improvement, in a percentage greater than the percent of owners of real property who signed the petition against the local improvement, then in such event the council may disregard the petition against the local improvement and proceed with the local improvement.

8.4.4 Petition Against Council Initiated Improvement. If the local improvement was initiated by council resolution without an initiating petition and, within sixty (60) days of the conclusion of the public hearing, a petition is filed with the city administrator against such local improvement and which petition is signed by greater than 50 percent of the owners of real property proposed to be assessed for and benefited by the local improvement, the council shall not make such local improvement at the expense of the benefited property owners. For purposes of the foregoing sentence, "owners of real property" shall not include owners of properties zoned for commercial or industrial uses or owners of properties zoned residential greater than 10 acres in size based on zoning classifications in effect at the date of such petition, or owners of non-homestead real property greater than one acre in size.

8.4.5 Withdrawal of Name from Petition. Any person whose name appears on a petition to the council in favor of a local improvement, or on a petition to the council filed against a local improvement, may withdraw his/her name by a statement in writing filed with the city administrator before such petition is presented to the council or in person at a city council meeting before the city council accepts said petition.

8.4.6 Filing of Petition with City Council. All completed petitions filed with the city administrator as described herein shall be presented to the council by the city administrator at the council's next regularly scheduled meeting.

8.4.7 One Year Before Any Further Action. When a proposed local improvement is disallowed pursuant to the petition process described in the foregoing Sections, the council shall not vote on the same improvement within a period of one year after the public hearing on said improvement.

Section 8.5 Computation of Time. Where the performance or doing of any act or matter is required by this charter, and the period of time is prescribed and fixed by this charter, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of time. When the last day of the period falls on a Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation.

Section 8.6 Sewer and Water Projects. This Section applies to any Local Improvement Project completed after January 1, 1996, which includes extending Urban Services (Sewer and/or Water) to an existing home or neighborhood.

8.6.1 Connection Policy. The City may not compel any property owner with a functional private sewer and water system to connect to City Sewer and/or Water.

8.6.2 Assessment Policy. The City may not levy an assessment for any component of any project which includes Sewer and/or Water improvements against a property whose owner elects to remain on a functional private Sewer and/or Water system.

8.6.3 Request for Urban Services. Property owners who remain on private Sewer and Water systems after Urban Services become available may request connection to Urban Services at any time. Upon connection to Urban Services an assessment may be levied provided it is consistent with the original assessment.

- Section 8.1 through 8.5 amended by Ordinance - effective January 25, 1993
- Section 8.6 added by Special Election, May 20, 1996 – effective June 20, 1996
- Section 8.4.2, 8.4.3 and 8.4.4 amended by Ordinance – effective October 16, 2006

429.03 [Repealed, 1953 c 398 s 13 subd 1]

429.031 PRELIMINARY PLANS, HEARINGS.

Subdivision 1. **Preparation of plans, notice of hearing.** (a) Before the municipality awards a contract for an improvement or orders it made by day labor, or before the municipality may assess any portion of the cost of an improvement to be made under a cooperative agreement with the state or another political subdivision for sharing the cost of making the improvement, the council shall hold a public hearing on the proposed improvement following two publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications must be a week apart, and the hearing must be at least three days after the second publication. Not less than ten days before the hearing, notice of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed and must contain a statement that a reasonable estimate of the impact of the assessment will be available at the hearing, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings. For the purpose of giving mailed notice, owners are those shown as owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. For properties that are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners may be ascertained by any practicable means, and mailed notice must be given them as provided in this subdivision.

(b) Before the adoption of a resolution ordering the improvement, the council shall secure from the city engineer or some other competent person of its selection a report advising it in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement. The report must also include the estimated cost of the improvement as recommended. A reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels, must be available at the hearing. No error or omission in the report invalidates the proceeding unless it materially prejudices the interests of an owner.

(c) If the report is not prepared by an employee of a municipality, the compensation for preparing the report under this subdivision must be based on the following factors:

- (1) the time and labor required;
- (2) the experience and knowledge of the preparer;
- (3) the complexity and novelty of the problems involved; and
- (4) the extent of the responsibilities assumed.

(d) The compensation must not be based primarily on a percentage of the estimated cost of the improvement.

(e) The council may also take other steps prior to the hearing, including, among other things, the preparation of plans and specifications and the advertisement for bids that will in its judgment provide helpful information in determining the desirability and feasibility of the improvement.

(f) The hearing may be adjourned from time to time, and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council; provided that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor is not deemed to be a member for the purpose of determining a four-fifths

majority vote.

(g) The resolution ordering the improvement may reduce, but not increase, the extent of the improvement as stated in the notice of hearing.

Subd. 2. Approval by park board or utilities commission. A resolution ordering a park improvement may be adopted only by a four-fifths vote of the council and shall also be approved by the park board, if there is one; provided, that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor shall not be deemed to be a member for the purpose of determining such four-fifths majority vote. A resolution ordering an improvement of the water, sewer, steam heating, street lighting or other facility over which a utilities commission has jurisdiction shall also be approved by the utilities commission.

Subd. 3. Petition by all owners. Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section 429.036. Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against the owner's property pursuant to section 429.081. In the case of a petition for the municipality to own and install a fire protection system, a pedestrian skyway system, or on-site water contaminant improvements, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection system, pedestrian skyway system, or on-site water contaminant improvements. In the case of a petition for the installation of a privately owned fire protection system, a privately owned pedestrian skyway system, or privately owned on-site water contaminant improvements, the petition shall contain the plans and specifications for the improvement, the estimated cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. The construction cost financed under section 429.091 shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection system, a pedestrian skyway system, or on-site water contaminant improvements, the petitioner may request abandonment of the improvement at any time after it has been ordered pursuant to subdivision 1 and before contracts have been awarded for the construction of the improvement under section 429.041, subdivision 2. If such a request is received, the city council shall abandon the proceedings but in such case the petitioner shall reimburse the city for any and all expenses incurred by the city in connection with the improvement.

History: 1953 c 398 s 3; 1955 c 811 s 1; 1957 c 430 s 1; 1961 c 525 s 1,2; 1963 c 771 s 1; 1965 c 877 s 2; 1967 c 57 s 1,2; 1973 c 123 art 5 s 7; 1984 c 548 s 5; 1984 c 582 s 4; 1984 c 591 s 3; 1984 c 633 s 3; 1986 c 444; 1994 c 614 s 6; 1996 c 402 s 1; 2000 c 490 art 5 s 32

429.035 IMPROVEMENTS, PETITION.

When any petition for the making of any improvement in any statutory city, town, or city of the second, third, or fourth class, however organized, for the cost of which special assessments may be, in whole or in part, levied therefor, is presented to the governing body of the municipality, this body shall, by resolution, determine whether or not the petition has been signed by the required percentage of owners of property affected thereby.

History: (1918-33) 1927 c 311 s 1; 1953 c 398 s 12; 1961 c 338 s 2; 1973 c 123 art 5 s 7

Memo

To: Ramsey City Charter Commission
From: William K. Goodrich, City Attorney
Date: 9/17/2009
Re: Charter Amendment Process

For your information, the following is the process for amending the City Charter. The amendment process is strictly statutory as directed by M.S. 410.12. The amendment options are as follows:

1. The Charter Commission may propose amendments and is required to do so upon voter petition by five percent of total votes cast at last City-wide election. Currently the petition would require 638 signatures. Either of these amendment options require a City-wide referendum.
2. The City Council can propose amendments by ordinance after review by Charter Commission. This amendment option requires a City-wide referendum.
3. The Charter Commission may recommend to the City Council an amendment by ordinance. After a public hearing and upon unanimous vote by the City Council, the amendment is adopted. This amendment option does not require a referendum.

WKG/jmt

Meeting Date: 03/26/2012**Submitted For:** Kurt Ulrich**By:** Jo Thieling, Administrative Services**Title:**

Review Requirements for Ramsey Newsletter

Background:

The City of Ramsey's Charter, Chapter 12, Section 12.13 titled **A Newsletter**, states the following: A newsletter shall be published by the city at regular intervals at least six times each year. The postal role for the city shall be used for the distribution.

There is a cost to publishing and distributing the newsletter. It has been talked about that possibly the newsletter could be distributed quarterly, thereby reducing the budget, however, reducing the distribution of the newsletter to less than six times per year would require a Charter amendment. There has also been discussion that possibly the Newsletter could be delivered via the City's website. This, too, would require a Charter amendment.

Staff has compiled an approximate cost to layout, publish, and distribute the *Ramsey Resident* using the costs beginning with the May/June 2011 issue and ending with the March/April 2012 issue. The cost for printing was \$23,927.45; the cost for mailing was 7,611.96. The cost without staff time was \$31,539.41. The City contracts with Wheels of Thunder to gather advertisers for the Newsletter and the revenue from the ads are split 50 percent between the City and Wheels of Thunder. The City's share of revenue for these issues was \$14,208.00 - which brings the cost of the Newsletter down to \$17,331.41. The revenue side to the Newsletter could be larger if the advertising was gathered in-house, however, it's difficult to figure out the amount of staff time that would take. Therefore, actual revenue may not be realized.

Staff time from start to finish of the Newsletter is approximately 268 hours per year. This does not include staff writing articles - this is for the staff member who gathers the articles, lays them out, gets the Newsletter to the printer, takes care of postage forms, etc. It does also include two more staff people proofing the Newsletter. The staff time cost for layout, etc. would be about \$6,098, which includes benefit costs. The cost for staff time proofing six issues is approximately \$680, which also includes benefits. The total cost is basically \$24,109.

Observations:

Staff has been working on the 2013 budget which includes looking at options to cut in the budget. Some time ago, staff contacted a number of neighboring cities to determine how many issues of their newsletters they publish per year. The Cities of Anoka, Elk River and Maple Grove all publish four issues, while the City of Champlin publishes five issues. If the City of Ramsey published fewer issues such as four for example, the cost would be approximately \$11,554.27 - a savings of \$5,777.14 on printing and postage. The cost savings in staff time would be approximately \$2,258. The total savings realized by publishing two less issues of the Ramsey Resident would be \$8,035.

If an electronic Newsletter were published, the cost would be basically staff time. This would alleviate the \$17,331 cost, however, there may be some increase in staff hours. The argument may be made that not everyone has the ability to review the Newsletter electronically.

Recommendation:

Staff is requesting the Charter Commission to review this information and be prepared to discuss it at the meeting. If the Commission is inclined to suggest changes, there is a procedure that must be followed to amend the Charter. A memo from City Attorney Goodrich outlining the process for Charter amendments is attached to this case. Mr. Goodrich noted in his memo that, historically, the amendment process most often used by the City is the adoption of an ordinance.

Funding Source:

N/A

Council Action:

Based upon discussion.

Attachments

Memo fm ATorney re Charter Amendment Process

Form Review

Inbox

Kurt Ulrich

Reviewed By

Kurt Ulrich

Date

03/20/2012 10:08 AM

Form Started By: Jo Thieling

Started On: 03/13/2012 06:32 PM

Final Approval Date: 03/20/2012

Memo

To: Ramsey City Charter Commission
From: William K. Goodrich, City Attorney
Date: March 26, 2012
Re: Charter Commission Amendments

For your information, the following is the procedure required by State Statute to amend the City Charter.

The amendment procedure is prescribed by Minnesota Statute 410.12. There are four methods by which the Charter may be amended.

Charter Amendment Procedures

1. Charter Commission Proposed Amendment. Requires a voter election.
2. Petition by Voters for Amendment. – An amendment petition signed by voters equal in number to five percent of the total votes cast at the last State General Election can put in process a voter election on the proposed amendment. Requires a voter election.
3. Amendment Proposed by City Council Ordinance. – The City Council can submit a proposed ordinance to the Charter Commission proposing a charter amendment and within 60 days of presentation, the Charter Commission shall review the proposed amendment. Within the said 60 days, the Charter Commission can extend the time for its review by an additional 90 days. The Charter Commission can approve or reject the proposed amendment or suggest a substitute amendment. The City Council can then submit for election its original amendment or the Charter Commission's amendment. Requires a voter election.

4. Amendment by Ordinance – The Charter Commission may recommend an amendment to the City Council, which may adopt the recommendation in the form of an ordinance. The recommended ordinance cannot be enacted until after the City Council has conducted a public hearing on it and it must be adopted by a unanimous vote of the City Council. This procedure does not require a voter election, except that the ordinance is not effective for 90 days after its passage in order to allow for a referendum petition which must be presented within 60 days of the ordinance's adoption by the Council.

Please note historically this is the amendment most often used by the City to amend its charter.

Charter Commission

5. 5.

Meeting Date: 03/26/2012

By: Jo Thieling, Administrative Services

Title:

Approve Summary Letter to the Judge

Background:

Annually, as per State Statutes, the Commission presents a letter of the past 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 Hoffman and direct staff to submit it on behalf of the Charter Commission.

Attachments

Year-end Summary Letter to Judge

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Jo Thieling	03/19/2012 02:55 PM
Form Started By: Jo Thieling		Started On: 03/13/2012 04:36 PM
Final Approval Date: 03/19/2012		

March 13, 2012

The Honorable John C. Hoffman
Chief Judge Tenth Judicial District
Washington County Government Center
14949 – 62nd Street North
Stillwater, MN 55082-3802

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

Dear Judge Hoffman:

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 2011.

Members of the Charter Commission for 2011 were as follows: Susan Anderson, Jim Bendtsen (appointed in 2011 – replacing Frank Frederick), Benjamin Deemer, Terri Cleveland (resigned in 2011), Joseph Field, Frank Frederick (resigned in 2011), Glorya Kackman (resigned in 2011) Harry Niska, Marilyn (Moe) Shea, and Cindy Sherman.

The Charter Commission met on May 19, 2011. The Oath of Office was issued to Jim Bendtsen prior to the meeting. Commissioner Field was elected as Chair and Commissioner Sherman was elected as Vice Chair for the year 2011. The meeting was attended by a Ramsey resident who expressed interest in revamping the Charter format. He felt the Charter would be more reader-friendly if it was done in an article format, complete with a preamble. He was not suggesting any actual language revisions. The Commission discussed this idea and offered that if they determined there would be an interest in doing this, they would consider forming a task force to review it. Under Commission Input, the Commission discussed conducting a future review of the language in Sections 2.3 through 2.5 of the City's Charter.

The Charter Commission held no other meetings in 2011.

Very truly yours,

On behalf of the Ramsey City Charter

Jo Ann M. Thieling, CMC
City Clerk