

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

The Charter Commission conducted a regular meeting on Monday, March 26, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Susan E. Anderson
 Commissioner Ben Deemer
 Commissioner Harry Niska
 Commissioner Marilyn (Moe) Shea
 Commissioner Chad Sivertson

Members Absent: Commissioner Jim Bendtsen
 Commissioner John Niederhaus
 Commissioner Cindy Sherman

Also Present: City Administrator Kurtis G. Ulrich
 City Attorney William Goodrich
 Director of Public Works Brian Olson

CALL TO ORDER

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

CITIZEN INPUT

None.

APPROVE AGENDA

Motion by Commissioner Deemer, seconded by Commissioner Sivertson to approve the agenda as presented.

APPROVE MINUTES

City Clerk Thieling noted that Commissioner Sherman was unable to attend the meeting but had submitted a correction in writing to the minutes dated May 19, 2011. She referred to the second to the last page of the minutes where it stated that three people ran for the Mayoral seat in Brooklyn Park – it should have stated that 12 people ran.

Motion by Commissioner Deemer and seconded by Commissioner Niska to approve the meeting minutes, dated May 19, 2011 as amended.

Motion carried. Voting Yes: Chairperson Field, Commissioners Anderson, Deemer and Niska. Voting No: None. Abstain: Commissioners Shea and Sivertson. Absent: Commissioners Bendtsen, Niederhaus and Sherman.

COMMISSION BUSINESS

5.1 Elect Chair and Vice Chair for 2012

Motion by Commissioner Deemer, seconded by Commissioner Anderson to remain status quo for 2013 – Commissioner Field as Chair and Commissioner Sherman as Vice-Chair.

Further Discussion: City Clerk Thieling noted for the record that Commissioner Sherman had offered to serve as Vice-Chair if appointed.

Motion carried. Voting Yes: Chairperson Field, Commissioners Deemer, Anderson, Niska, Shea and Sivertson. Voting No: None. Absent: Commissioners Bendtsen, Niederhaus and Sherman.

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

Chairperson Field recognized newest member Chad Sivertson and welcomed him to the Commission. Mr. Sivertson was issued the Oath of Office prior to the start of the meeting.

City Clerk Thieling noted that the other newly appointed member John Niederhaus was not at the meeting this evening. She then gave an update with regard to the Commissioner's terms, noting there were no vacancies at this time.

5.3 Consider Revision to Chapter 8 of Charter regarding Special Assessment Petitions

City Attorney Goodrich stated that currently, for the petition process, we operate under State Statute 429 – where 35 percent of the benefited property owners can petition for a public improvement, then requiring a simple City Council majority vote to order the improvement, or without a petition, or less than 35 percent of the benefited property owners petition, the City Council can, with a four-fifths vote, order the public improvement. Staff is recommending the Charter Commission consider changing the 35 percent petition number to a higher threshold to 50 percent. Mr. Goodrich pointed out that the Commission should only concentrate on whether or not they agree with the petition increase to 50 percent of the benefited landowners. The rest of the language is procedural and we are only talking about the percent difference.

Following discussion about what is changing; Mr. Goodrich reiterated that the language presented to the Commission is identical to what is there now in State Statute, with the exception of changing 35 percent to 50 percent for the landowners' petition.

Chairperson Field noted that we can be more restrictive to change from 35 to 50 and State law permits the City's Charter to make such adjustments.

Attorney Goodrich stated that in this case, we can even be less restrictive.

Chairperson Field inquired what the merits are of changing from 35 percent to 50 percent.

City Administrator Ulrich explained that this has been an issue for the City Council in the past. They came to the Charter prior to this and asked for a petition against a project to be less; however, Charter wanted to keep it the same. This was to get a higher bar to get a project going before all the commitments of all City resources to go forward. This would be more efficient and still meet the intent that the project could be killed. We would like to be more efficient – including cost efficient on the front end.

Director of Public Works Olson gave a brief overview a previous discussion with Charter. In 2009, the City Attorney and the Assistant City Engineer discussed with the Charter Commission that the City Council had requested Charter consider that the ability to counter petition a public improvement be increased to 75 percent instead of the current requirement of 50 percent. There was much discussion about the protection of the existing resident and the recommendation was not made, thereby allowing the Charter provision to remain. In January 2012, the City Council held a strategic planning session and 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 percent sign a petition. 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. Mr. Olson cited a number of examples that have happened over the last 10 years. For example, Pondvale Estates sewer and water and road reconstruction. We started the feasibility and went through about three to four studies before we had an improvement that was approved. Another example is 152nd/154th and Fluorine – also three feasibility studies. It takes a lot of staff time and costs anywhere from \$5,000 to \$20,000 to get to the public hearing stage. He stated he understands Charter's desire to maintain protection for the property owners and we are not asking for the ability to increase the counter petition ability. We are just asking if we could better garnish support from the neighborhood in the beginning by requiring more property owners to sign the petition. It would be an effort to save front end money. Mr. Olson reiterated that the rights to counter petition are preserved – you can sign against an improvement even if you originally signed in favor of it.

City Attorney Goodrich stated that most of the time when we do a public improvement assessment – we assess on a unit basis. If we had 100 homes and 35 percent petition to get this project rolling, that would be in line with State Statute. If you change it, it would be 50 homes or 50 percent that would have to originally petition for the improvement in order for the City Council to order the improvement by a simple majority vote. He talked about what it would take if it's done on a square footage basis. He noted that process is not changing. If there are any irregularities, Engineering would say it would be done on a different system- a different way to define it.

Commissioner Niska inquired if under the State Statute there is a counter petition process as well.

Mr. Goodrich responded no, this is unique to our Charter and other Charters.

Commissioner Niska asked if some allow smaller percentages to petition for a project.

Attorney Goodrich replied he is not aware of any and Director of Public Works Olson stated he was not sure. City Administrator Ulrich thought that Lino Lakes had a smaller percentage.

Commissioner Deemer stated he thought the threshold was 50 percent at one time.

Mr. Olson cautioned the Commission to please not get involved in frontage or lots sizes, etc. Every project is different – that's what a feasibility study is prepared for. He added that frontages vary across the City. There are a lot of details ironed out in a feasibility study. He echoed Mr. Goodrich's conversation that we are only talking about 50 percent versus 35 percent.

Chairperson Field summarized that determination of the percent itself is what we are talking about.

Mr. Goodrich stated that we cannot assess anyone greater than the amount of value they will receive from the project and we use a myriad of processes but whatever we choose has to be equitable across the board. It may be unit, front footage, area . . . it depends on what the feasibility determines.

Director of Public Works Olson stated that he is asking not to be specific with lots – only the percentage of people signing the petition to get an improvement project started.

Commissioner Niska inquired when you choose the basis for the assessment - is it after the petition.

Mr. Goodrich explained that first we make the decision if the petition has been signed by 35 percent of the affected property owners, the City Council decides by three-fifths majority do they want to order the project and most of the time they will – then the feasibility study report is prepared and the Engineering Department says it can be assessed on a square footage basis or that there are too many variations so it will be assessed on a per unit basis or on area basis – but will be based on the feasibility report. Then the City Council orders a public hearing and notifies all those that are proposed to be assessed to hear about how the project will be assessed. Then they can order the improvement project after the public hearing. That's all in the State Statutes. However, the Charter says you have to wait 60 days so people opposed to the project can petition against it. If a new petition comes in signed by a percentage at least as great as those signing the initial petition, then the project is dead for another year. However, if there is no petition against it, then the City Council will order bids and from that determine the amount of the project and then order it. Then they can order a special assessment hearing. Sometimes that is done right up front if they think there may be a lot of objection to the project.

Chairperson Field stated that this request for a larger percentage to petition for a public improvement project is based primarily on cost savings function – because of the cost involved in responding to a counter petition.

Mr. Goodrich pointed out there are times when the City Council feels it's not feasible to do an improvement project but if 50 percent sign a petition for a project, it would be more leverage to find it feasible.

Director of Public Works Olson stated that both the City Council and staff recognize that petitions are time consuming and difficult to put together and it will take more time to get a larger amount of signatures. Since 2009, the City Council has looked at ways to streamline our projects. The City Council has looked at doing away with assessments altogether but that does come with some costs.

Commissioner Shea stated that she feels this is smart economic government. She added that there was talk about a special assessment to all of Ramsey.

Mr. Olson explained that there has been a lot of discussion about how we will finance our road improvements. A franchise fee spread throughout the entire City was talked about but we are also looking at other budget options. The City Council has not really decided yet. Mr. Olson continued that the majority of the streets in Ramsey have reached their life span of 40 years and we do not have an assessment policy for replacement. We did a survey with existing residents talking about three options – assessments, franchise fees, and increasing property taxes. The most popular option was the franchise fee as they felt it was more equitable. The Council is reluctant to do that right now because of the economy so he was not sure how they will handle this.

City Administrator Ulrich added that the intent of the City Council in general was to streamline the process and to not waste money. Since we knew petitions against a project would stay the same, this would accomplish both things – counter petitions and to make sure there was enough interest in the improvement. He noted that the Cities of Mounds View and Lino Lakes have at least 25 percent to initiate a project and require at least an equal number of petitioners against a project.

Commissioner Anderson stated that this does seem to be a more efficient process.

Discussion ensued relating to the placement of this language in the Charter. Mr. Goodrich offered that all of 8.4 would be amended. He reiterated that the only change will be the 35 percent to 50 percent. Right now if we get a petition and it is by 35 percent of the property owners, then the counter petition against that can be 35 percent. But if the project is approved by a four-fifths vote of the Council and there is no petition, then it would have to be 50 percent of the project to counter petition.

Motion by Commissioner Niska, seconded by Commissioner Deemer to direct the City Attorney to draft an ordinance along the lines of the discussion this evening – changing the petition

amount of 50 percent from 35 percent and bringing it back to the Charter Commission for approval.

Further discussion: Commissioner Anderson felt that this is a housekeeping kind of change and she felt this could be done by the vote of the City Council.

Motion carried. Voting Yes: Chairperson Field, Commissioners Niska, Deemer, Anderson, Shea and Sivertson. Voting No: None. Absent: Commissioners Bendtsen, Niederhaus, and Sherman.

5.4: Review Requirements for Ramsey Newsletter

City Clerk Thieling reported that the Charter currently requires that the City publish a newsletter at regular intervals at least six times each year and that the postal role for the City shall be used for distribution. During budget conversations, it has been mentioned that possibly the newsletter could be distributed quarterly versus six times a year, thereby reducing the cost of publishing and distributing. Mrs. Thieling noted there is advertising in the newsletter currently to help defray costs. She pointed out that a few examples of cities with fewer publications are listed in the staff report. She also mentioned it may be possible to publish an electronic newsletter, however the argument could be made that not everyone has the ability to review the newsletter electronically.

Motion by Commissioner Sivertson, seconded by Commissioner Anderson that the newsletter should remain at six publications per year, noting it's a vital part of keeping the community involved and in the know.

Further discussion: Commissioner Deemer stated he likes the newsletter format – it has improved immensely. He mentioned that maybe we could get all of our news in *The Anoka County Union*. He noted they do our legal notices already so maybe they would just give us a special rate so each household would be able to get the paper and they could offer us a core page and staff could submit articles every week. City Administrator Ulrich stated we could explore these more innovative options but we are a little handcuffed with regard to the distribution. We could look at other options if the Charter did not say it will be distributed using the postal role. He suggested we may still want to get out the same number of issues but the current distribution to do so is a little antiquated. We have some discretion in what the newsletter looks like but we do not have the discretion of options for distribution. Other forms that could be a possibility could be having it delivered like *The Shopper* or deliver it via email. Commissioner Anderson stated she would like to see it in the newspaper form. She has trouble with the website and feels there are a lot of people who have this same problem. She felt that when this comes out six times a year – people do read it. She summarized that she would hate to drop the print version altogether. City Attorney Goodrich stated that as you know, *The Anoka County Union* has a reporter who reports on City of Ramsey issues but all the different programs do not get covered. He stated that his church sends out email letters and it seems to work well. He suggested that could be an option. Commissioner Sivertson stated that he really likes knowing about all the programs going on within the City and the area and he feels that if we use *The Anoka County Union* in place of our own newsletter, it would get lost in the shuffle. Commissioner Shea talked about the green team at her work where their team member magazine was put out on the website

versus getting mailed and they reduced their paper usage by about 90 percent. Chairperson Field stated he likes the idea of the newsletter as it is currently formatted and he feels it really brings Ramsey together and gives a common cause and builds community spirit. He wants to see it continued. He felt there are other options for its distribution though such as email. He suggested maybe coming up with an incentive to get people to subscribe for it via email but then it could be offered by mail as well. He added he would not be opposed to a quarterly document. It's pretty much event driven so it is possible to do a winter, spring, summer and fall publication. Commissioner Niska stated he generally agrees with that. Nothing else seems workable to him to try to maintain complete saturation. You will not get everyone to give the government their email address. It may end up costing more money to put in the individual addresses. City Administrator Ulrich stated his concern is if we do a bulk mail then we get a bulk rate whereas if we do individual mailings it may cost more money. Commissioner Niska agreed to change that to pull out a few percent, it may be more expensive. Commissioner Shea reiterated that they reduced their mailing fees by 90 – 95 percent. Commissioner Niska felt that it's a higher percentage when you are talking a church and a business versus a city. Commissioner Deemer suggested maybe doing post cards asking if people want to opt out of postal mailing. Commissioner Shea stated that gives people the choice if they want to give out their emails or not. Chairperson Field suggested looking at different competitors to see if they could do the advertising cheaper – or the printing cheaper, etc. Commissioner Deemer stated that a thought on the ads – the City is growing and we have businesses coming in and they should be advertising. Maybe the EDA should generate a commercial from an in-coming business. Commissioner Anderson stated that we have the Business and Environmental Expos. She suggested maybe the City should have a booth to ask people what they like – use that as a survey opportunity. Chairperson Field stated that a survey was done a couple years ago. City Administrator Ulrich stated that we did a road reconstruction survey a couple years ago and we asked them where they got most of their information and the newsletter was rated the top. Attorney Goodrich suggested that the Commission could direct staff to draft language to allow the newsletter quarterly and bring back language about electronic communication. Maybe we can come up with some ideas on that. We are hearing about definitely not going away from the printed version. He noted that if you cut the number of issues, he assumed advertising dollars would go down as well. Commissioner Sivertson stated he would accept a friendly amendment to his motion.

Motion and second withdrawn.

Motion by Commissioner Anderson, seconded by Chairperson Field to postpone this subject.

Motion carried. Voting Yes: Chairperson Field, Commissioners Anderson, Deemer, Niska, Shea, and Sivertson. Voting No: None. Absent: Commissioners Bendtsen, Niederhaus and Sherman.

5.5. Approve Summary Letter to the Judge

City Clerk Thieling read the letter to the Judge summarizing the Charter's activities for 2011.

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

Motion carried. All present voted in favor. Absent: Commissioners Bendtsen, Niederhaus and Sherman.

COMMISSION INPUT

None

ADJOURNMENT

Motion by Commissioner Deemer, seconded by Commissioner Sivertson to adjourn the meeting.

Motion carried. All present voted in favor. Absent: Commissioner Bendtsen, Niederhaus and Sherman.

The regular meeting of the Charter Commission adjourned at 7:58 p.m.

Respectfully submitted,

Jo Ann M. Thieling, CMC
City Clerk

William K. Goodrich
City Attorney

Minutes drafted by Jo Thieling, City Clerk