

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

The Charter Commission conducted a regular meeting on Thursday, April 19, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Susan E. Anderson
 Commissioner Jim Bendtsen
 Commissioner Ben Deemer
 Commissioner John Niederhaus
 Commissioner Harry Niska (arrived 7:40 p.m.)
 Commissioner Marilyn (Moe) Shea
 Commissioner Cindy Sherman

Members Absent: Commissioner Chad Sivertson

Also Present: City Administrator Kurtis G. Ulrich
 City Attorney William Goodrich

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 7:00 p.m. He introduced new member John Niederhaus.

CITIZEN INPUT

None.

APPROVE AGENDA

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

Motion carried. All present voted in favor.

APPROVE MINUTES

Motion by Commissioner Deemer, seconded by Commissioner Shea to approve the meeting minutes dated March 26, 2012.

Motion carried. Voting Yes: Chairperson Field, Commissioners Deemer, Shea and Anderson. Voting No: None. Abstain: Commissioners Bendtsen, Niederhaus and Sherman as they were not present at the March 26 meeting. Absent: Commissioners Niska and Sivertson.

COMMISSION BUSINESS

5.1 Review Ordinance Revising Chapter 8 of the Charter regarding Special Assessment Petitions

City Attorney Goodrich reviewed the ordinance revising the language in Chapter 8 dealing with special assessment petitions.

Commissioner Sherman stated that even if only 10 percent of a neighborhood petitions for an improvement, if the City Council approves it by a 4/5ths vote, it can go forward anyway.

Mr. Goodrich replied that is correct.

Commissioner Sherman stated that the purpose of the 50 percent is to give the Council a greater feeling for the project before they order it.

Mr. Goodrich stated that is correct. Because of our Charter, if you get a 35 percent petition in, then 35 percent can veto it so it's dead for another year. A feasibility study costs money and 35 percent can veto the project and the City has already spent the money. Fifty percent puts the threshold up.

Commissioner Sherman agreed it is greater security but not a guarantee to which Mr. Goodrich replied that is right. There are a lot of things that have to happen.

Commissioner Anderson asked about the rationale for exempting certain people.

Mr. Goodrich responded that no one is exempt – if you are a property owner you are assessed. Business owners are not exempt either.

Commissioner Deemer commented that it's intended in 8.4.3 – greater than one acre in size.

Commissioner Anderson expressed concern about 8.4.4 – about exempted property owners.

Commissioner Deemer added that State Statutes does not have that in it. This is for the petition against it. Anyone can sign the initiating petition – but to oppose it is what that language is for.

Commissioner Deemer talked about a property that was owned by five different people – they would have the overwhelming vote.

Chairperson Field talked about adding a provision. He inquired if 8.4.3 is the form 8.4.2 to which Mr. Goodrich replied yes – it was added. 8.4.2 was never included because it was State Statute but now we are adding it in.

Commissioner Bendtsen asked how benefitted property owners are determined.

Mr. Goodrich stated that the process is pretty “loose” for the petition. In favor of – the petition comes in and we count property owners on the stretch of property but it’s very strict who gets assessed because the City cannot assess properties for more than what it gets benefitted by. He talked about assessments hearings, etc. to make sure there are no challenges once the improvement is done. If the benefit is not proved, it comes out of the City’s General Fund. He talked about equal basis for property owners.

Discussion ensued regarding the types of streets that can be assessed.

City Administrator Ulrich stated that generally benefitting properties are those that have frontage.

Chairperson Field stated that when the Charter Commission met last month, we had discussion about language for an ordinance and he noted that has been submitted with the case and he agreed with the suggested placement of the language.

Mr. Goodrich stated it’s better to do this in ordinance form because State Statutes says the Charter recommends an ordinance to the City Council and the City Council has to have a public hearing within a month of the recommendation. Then it has to pass unanimously because we are by-passing initiative and referendum but people have 90 days to petition against the ordinance. Mr. Goodrich explained that if the chapter sections change, it would call for us to make a change to the Charter.

Chairperson Field stated this appears to be a cost savings practicality issue and more of a community consensus. With 50 percent, it’s conceivable that you could get 50 percent in favor and later you could get 50 percent or more that would oppose it. He wanted to make sure it will not prohibit a counter-petition.

City Attorney Goodrich replied that it just has to match – it is an automatic done deal if it is greater than the petition against.

Colin McGlone, 15890 St. Andrews Lane NW, Ramsey, stated that he serves on the City Council and the Public Works Committee and expressed that this subject is near and dear to his heart. He wondered if Section 8.4.3 excluding commercial properties is statutory.

Mr. Goodrich responded no, but that did not change.

Mr. McGlone declared he owns a commercial property on Jarvis Street in Elk River, across the street from Ramsey. His property is zoned industrial but if it was all one City – say we have residential across the road – the way he reads it is he would not have a say and he would pay more than anyone on that strip. Is it really that big a deal. He is wondering what’s the logic to exclude business owners from having a say in what they get assessed for.

Chairperson Field commented that this was amended in 2006.

Commissioner Deemer talked about if you are a business owner in Ramsey, you already have improvements – so you would be petitioning against an improvement that’s already occurred. He mentioned vacant land would be by sheer volume.

Commissioner Niska arrived – 7:40 p.m.

Commissioner Sherman stated this is not just for new – it applies for reconstruction as well.

Mr. Goodrich affirmed it is for any public improvement that will be assessed.

Chairperson Field stated that we are having a discussion on a section that the Attorney is not presenting an amendment on; however, Mr. McGlone wants to know why the exclusion for commercial. As a procedural matter, is that considered within the preview of our meeting tonight.

Mr. Goodrich responded that we would not do this tonight. You would ask for draft language to be brought back. You could table this and ask for language to be brought back all at once.

Chairperson Field stated it’s an interesting point. It would be interesting to look at the minutes from 2006.

Mr. McGlone stated examples he got were one farmer has one PID – so one vote. The homeowner would have the upper hand. He did not see a reason to exclude the business owners.

City Administrator Ulrich stated that because the petition is by owners of 50 percent of the frontage, someone who had a lot of frontage would rule it that. Petitions are based on frontage but not the number of parcels.

Mr. McGlone stated that some of the frustration we get on the City Council side has to do with predominately petitions that come forward at 35 percent, we have to order a feasibility study and that’s costly. There is a definite cost to the counter-petition process. If we could get a 50 percent petitions process, it is not as likely the project would be defeated. He gave the Andrie Street petition as an example of a lot of money spent and the project not going through.

Commissioner Sherman asked if it is possible to charge a fee with a petition so they would have to pay for the cost of the feasibility study.

City Attorney Goodrich was not sure.

Chairperson Field stated that he feels there would be a question on that. An administrative fee may be understandable but a sizeable fee takes away their rights of the Charter. He mentioned eliminating the petition against a project.

Commissioner Niska stated that two years ago, we were asked the question if we would eliminate the entire petition against. We did not feel you would get very far taking that away.

Commissioner Bendtsen declared that this is a great first step to raise the percentage. He did not agree with charging a fee.

Chairperson Field felt that if the language was changed so it brings the percentage up to 50 percent, that would be a good deterrent.

Commissioner Deemer stated that if we added any more than just 50 percent, we would have to have another meeting to review different language. He suggested we keep it really simple and send it to the City Council and they vote 100 percent and we don't see it again.

Motion by Commissioner Deemer, seconded by Commissioner Niska to approve the ordinance language amending City Charter Section 8.4 and recommend adoption of such an ordinance to the City Council, pending their unanimous approval of this ordinance or to return it to the Charter with suggested changes for a future work session.

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

5.2 Update on Topics for Discussion

Motion by Commissioner Deemer, seconded by Commissioner Anderson to request an ordinance be drafted to delete 2.3.3 inclusively as it's no longer relative to our Charter.

Further discussion: Commissioner Deemer noted that all the time frames have passed since this was put in the Charter. We have gone from five members to seven on the Council and also gone to the Ward system. Chairperson Field inquired if we would lose staggered terms if we deleted that section and he wondered if that would be an historical issue. City Administrator Ulrich suggested it be pieced out. We would like to give people an opportunity to speak on it. You could bring it back to the next meeting. Commissioner Anderson stated she is not sure it should be taken out of the Charter as it is part of the history and she felt it had value. Commissioner Bendtsen asked is 2.3.3 the only way people are elected in Ramsey. If so, then it should not be taken out. Mr. Goodrich responded that if we get rid of this completely, there is no history. It could be called something different – we would have to look at it. Commissioner Niska stated he did not understand the reason to delete it – it's helpful to set a baseline. However, it does say “thereafter and commencing with the City wide election in 2006 . . . It sets the order of terms of each member so you could derive from that when each term is up. You could also tie them to the election of the governor and the election of the president. Wards 2 and 4 are the same year as the Presidential election and Wards 1 and 3 are the same election year as the Governor. That's one way to get a transition schedule. City Attorney Goodrich maintained that leaving it in does give a baseline to figure it out. Commissioner Niska stated that one of the reasons we brought this up was to clarify language in Section 2.5 on vacancies and residency with regard to Wards. You had to be a resident of the ward but with qualifications in 2.2.1. He talked about serving the remainder of a term. Sections 2.2.1 and 2.5 and understand the intent is if you are no longer a resident in the City and no longer in the ward, you are to lose your qualifications to hold that seat and he thinks the current language does that but it could be made more clear. Commissioner

Deemer cautioned that he was not so sure we should “toy” with any of this anymore. Commissioner Sherman asked if the motion and second should be withdrawn.

Commissioner Deemer withdrew his motion. Commissioner Anderson withdrew her second.

Motion by Commissioner Niska, seconded by Commissioner Sherman, that the City Attorney draft an ordinance amending 2.5 to clarify the clause referring to non-residency in the City to have language including non-residency in the ward.

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

Motion by Commissioner Niska, seconded by Commissioner Bendtsen, that we draft an ordinance to delete 2.3.3 and rewrite the last sentence of 2.3.1 to make it easier to understand what years different wards are elected without really having to do the math.

Further discussion: City Attorney Goodrich stated he will go to the State Statutes and see how they set up the governor’s term, etc. and plug that in here.

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

City Attorney Goodrich stated that Section 4.5.5 was discussed years ago. It talks about such a remote event. He is not sure why the Charter wants to even review it again. Maybe we need to look at the date of the Primary election.

Chairperson Field noted that it goes from 4.5.5 to 4.5.6 – but it’s not broken out.

Mr. Goodrich recommended the Commission members read 4.5 dealing with vacancies and we could have a learning session on it and maybe brainstorm to make it clearer.

Discussion ensued about how this is only about when someone resigns. Mr. Goodrich reminded the Commission that the possibility of this happening is so remote but we should probably look at it anyway. We just did this two years ago. Maybe there are some different things to look at.

Chairperson Field stated that he was looking at this 4.5.4 in the event of a tie vote – the Mayor shall make the appointment from the candidates involved.

Commissioner Deemer noted it is a case of who breaks the tie.

Commissioner Niska asked if in Section 4.5.1, do we want to extend that time period to offer a primary election. He talked about the percentage of how many votes a candidate could win by. Do we want to change it so there’s time for a primary election.

Mr. Goodrich offered that we could review all of this. It seems there should be a primary.

Commissioner Sherman stated she likes the idea of making the language simpler.

Chairperson Field suggested maybe having a subcommittee as a working committee to work on this language.

Commissioner Deemer commented that the Planning Commission spent four years reconfiguring Chapter 9 of the City's Code. It takes time.

Commissioner Anderson suggested maybe studying the language and then having a brainstorm.

Motion by Commissioner Anderson, seconded by Commissioner Deemer to postpone any action, work on ideas, bring them back to a meeting to brainstorm.

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

Another item for review was the suggestion by a resident to redo the Charter into an article format like the Constitution.

Commissioner Sherman asked if it makes a difference.

Chairperson Field stated that he looked at the model Charter he was given by the resident and it does have articles and a preamble but it is substantially the same.

Mr. Goodrich offered that the resident should be informed that the Charter Commission is working to make the language in the Charter more clear and easier to understand. We are incrementally doing as the resident suggested.

Commissioner Niska commented that the model charter shows articles where we have chapters.

Mr. Goodrich offered that he sees Mr. Surma frequently and he would talk to him about what the Charter Commission is trying to accomplish.

Chairperson Field asked if Mr. Surma could point to a certain section of our Charter. We do not want to lose legal implications and protections.

Commissioner Deemer asked if we could ask Mr. Goodrich to draft a letter to Mr. Surma saying that we are trying to make this more understandable but feel we do not find it necessary to change the format to do that.

Commissioner Niska suggesting adding that we would welcome specific examples.

Commissioner Bendtsen agreed that specific examples could be warranted.

Chairperson Field stated that Mr. Surma could provide the Commission with a specific section and we would provide a response.

Commissioner Niederhaus stated that Mr. Surma seems very serious about his suggestions and he felt he deserved the courtesy of knowing what the Charter is doing. Let him know we seriously considered his matter. We are sensitive to it but we would like to see more specific sections that he would like to see fall under this process. We are concerned at this point about jeopardizing legal protection.

Commissioner Bendtsen stated assuming you would find something worth changing, what do you have to do and how much time would it take.

Chairperson Field stated that maybe staff should check to see if any other city has ever undertaken such a project.

Commissioner Sherman asked if there was any limit of what we can do by ordinance.

City Attorney Goodrich replied that we probably could not change the whole Charter but we can definitely make amendments.

Chairperson Field stated that if we had statutory support for that it could be put in the letter as well. If we are precluded from doing that.

Motion by Commissioner Niska, seconded by Commissioner Deemer to direct the City Attorney to draft a letter to Mr. Surma explaining what the Charter is doing.

Motion carried. All present voted in favor.

Another topic of discussion had been reviewing the City's newsletter options.

Commissioner Anderson reported she has seen ads about being able to mail articles that you can have sent to every door.

City Administrator Ulrich stated that we currently utilize bulk mailings for the *Ramsey Resident*. We have looked into some other mailing options. We are about as good as we can get with the US Postal service delivery. We are also tied to six issues per year. At the last meeting, the consensus was to stick with the number of issues listed in the Charter. That was something we wanted to consider for budget reasons. We can look at other ways of delivery. He suggested an option of full issues four times a year and a one page newsletter twice a year. We do have some administrative ways to try to interpret that so it does not cost as much.

Commissioner Bendtsen inquired how often it is mailed and what does it cost.

Discussion ensued relating to the cost but that advertising helped to offset that.

Commissioner Niska expressed his feeling is that he would be fine with giving more flexibility with the number of issues. He feels it serves an important function and complete saturation is

necessary but he is not sure if it is completely necessary to have it six times a year. He feels it should be left at the discretion of the City Council and City staff.

Commissioner Bendtsen stated that he would not be in favor of eliminating paper and using strictly email. He continuously refers back to the newsletter and it is nice having it in paper form.

Commissioner Deemer questioned if the grade of paper could be changed to somewhere in between what we used to have and what we have now that would save some costs to which Mr. Ulrich responded there likely is. He explained that we went with glossy and the better grade because of the advertisers. There are a variety of paper qualities.

Commissioner Sherman suggested that maybe four times a year and something in the utility bills is a nice compromise.

Commissioner Niederhaus calculated that it costs about \$30,000 per year to put the newsletter out to everyone six times.

Mr. Ulrich added that the total savings for two less issues is about \$8,035, which includes printing, staff time and postage.

Commissioner Deemer stated that the City Council is in charge of the money and the City so he would like to see the City Council tell the Charter Commission what they want do and we can do it and added he would like it kept at six issues.

Chairperson Field thought the City Council was really looking more for scaling back.

Mr. Ulrich stated this came up as part of the budget discussion and it was noted that the Charter did not allow us to go to less than six issues.

Motion by Commissioner Bendtsen, seconded by Commissioner Sherman, to drop it down to four times a year and to have that brought back as an ordinance to amend the Charter.

Further discussion: Chairperson Field stated that if you went with a mailer in the utility bills, it could still be kept at six issues, but it would be a one page newsletter a couple times a year. It does not specify how many pages it has to be. Commissioner Anderson stated that the subject of the US Post Office being used. She wondered what alternatives have been talked about. Mr. Ulrich replied that during the Charter Commission's last discussion of this, we talked about the electronic medium as well as other papers. It was determined that it should not be sent out with *The Shopper* as that would be less of a standard and not as consistent or put it as a stuffer in the *Shopper*. Commissioner Niederhaus stated that in reviewing the information supplied, it appears the printing is almost two-thirds of the cost so he suggested getting quotes for printing to see if it could be done cheaper. He didn't really think the cost of mailing was the problem. City Administrator Ulrich responded that staff routinely bids out the newsletter to get the best price. Staff could look at different grades of paper as well as less colored pages. Commissioner Niederhaus suggested maybe the high school has a print shop and they could do our newsletter as

one of their projects. He added that he likes the current style of the Newsletter and feels that it leads to more people reading it. It does a lot to draw readers. Councilmember McGlone stated that the goal of the City Council was to be able to have something to add shelf life and truly convey information we are trying to get out to the people. He added he gets tremendous feedback from residents on how good it looks. He stated that they brought something from the \$48,000 range down to \$30,000. He thought it could maybe go down to four issues and if the economy gets better, we can always add more issues again. He thought giving flexibility with regard to delivery and not only using the US postal service was a good option as well. Commissioner Deemer stated that the postal requirements state that you cannot use the mailboxes without postage – so maybe we should put a one cent stamp on the newsletter and go to a private delivery.

Motion carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Sherman, Anderson, Niederhaus, Niska and Shea. Voting No: Commissioner Deemer – as he wants to keep it at six issues. Absent: Commissioner Sivertson.

Commission Input:

Discussion ensued relating to the next Charter meeting. It was suggested that a meeting be tentatively scheduled for the third Thursday in September.

ADJOURNMENT

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

Motion carried. All present voted in favor.

The regular meeting of the Charter Commission adjourned at 9:10 p.m.

Respectfully submitted,

Jo Ann M. Thieling
City Clerk

William K. Goodrich
City Attorney

Minutes taken and transcribed by Jo Thieling, City Clerk