



City of Columbia Heights

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Visit our website at: www.columbiaheightsmn.gov

Mayor

Gary L. Peterson

Councilmembers

Robert A. Williams

Bruce Nawrocki

Donna Schmitt

John Murzyn, Jr.

City Manager

Walter R. Fehst

Meeting of the Charter Commission January 21, 2016 7:00 p.m. City Hall Conference Room 1

1. Call to Order
2. Roll Call/Status of Membership
3. Approval of Agenda
4. Approval of Charter Commission Minutes of October 15, 2015
5. Election of Officers
 - A. President
 - B. Vice President
 - C. Secretary
6. Correspondence
 - A. Correspondence since last meeting
7. Old Business
 - A. Discussion regarding Chapter 10, sections 93-101; City Charter
8. New Business
 - A. New Membership Lists
 - B. Consideration of amending Chapter 4, Section 28a (candidate filing fees) of the City Charter
 - C. Approve the 2015 Charter Commission Annual Report
 - D. Annual Review of Charter Commission Purpose
 - E. Next Meeting Date: April 21, 2016 at 7 P.M., City Hall Conference Room 1
9. Adjournment

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** A QUORUM OF THE COUNCIL MAY BE PRESENT*

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS
CHARTER COMMISSION
OCTOBER 15, 2015
7:00 P.M.
CITY HALL
CONFERENCE ROOM 1**

Call to Order

President Steve Smith called the meeting to order at 7:00 p.m.

Roll Call/Status of Membership

Members present: Ramona Anderson, James Guy, Roger Johnson, Mike Patiuk, Greg Sloat, Steve Smith, Tim Utz, and Jeff Diehm

Members absent: Wes Wiggins, Matt Abel, Eric Penniston, Lee Bak, Carolyn Laine, Rob Fiorendino

Also in attendance: Council Liaison Bruce Nawrocki, City Attorney Jim Hoeft, Cable Attorney Mike Bradley, HR Director/Assistant to the City Manager Kelli Bourgeois, City Clerk/Recording Secretary Katie Bruno

Approval of Agenda

Motion by Commissioner Johnson, seconded by Commissioner Guy to approve the agenda. Motion passed unanimously.

Approval of Minutes

Motion by Commissioner Diehm, seconded by Commissioner Guy to approve the minutes from the July 16, 2015 meeting. Motion passed unanimously.

Correspondence

President Smith read a resignation letter for Commissioner Charles Tyler. Mr. Tyler was appointed to the commission in February 2009.

Old Business

A. Discussion regarding Chapter 10, sections 93-101; City Charter
City Attorney Jim Hoeft explained that the Charter Commission is interested in updating the chapter to reflect state statutes and rules. Mr. Hoeft noted the commission is interested in clarifying the validity of the sections, or if they have been circumvented by state and federal regulations.

Mike Bradley, the City's Cable Attorney made the following recommendations:

Section 95:

It was suggested that a summary of the franchise agreement be published, rather than the entire agreement as it would be very costly. It was also suggested to reduce the number of times of publication from four to less, as well as reducing the amount of time for the franchise to become effective.

Section 96:

Mr. Bradley noted the term could be shortened from the current twenty five years, as state law limitation is fifteen years, and Century Link will likely request a five year term.

Section 98:

It was suggested to delete the provision regulating rates of charges; cities are limited to basic service rates.

Section 99:

Mr. Bradley explained that the Federal Cable Act prohibits any referendum language allowing the voters to reject a franchise agreement.

Commissioner Ramona Anderson questioned if Sections 98 and Sections 99 could remain unchanged in order to protect the City.

Mike Bradley responded it could, suggesting "to the extent allowed by law" be added.

Section 100:

Mr. Bradley suggested changing the language from "every franchise must contain ..." to read "every franchise shall be subject to..."

Commissioner Jeff Diehm asked if other cities address franchises in their Charters. Mr. Bradley stated they do, although most are not as lengthy. City Attorney Jim Hoeft explained some of the issues are superseded by Federal and State laws.

Councilmember Nawrocki stated that the city no longer has a Cable Commission, and would suggest eliminating the 5% fee.

Chairperson Smith and City Attorney Hoeft stated that would be addressed through the negotiation process between the City Council and the franchisee.

Chairperson Smith summarized the recommend changes are in sections 95, 96, 98, 99 and 100. City Attorney Hoeft stated he will redraft the sections as discussed and provide a copy to the Mr. Bradley for review. Then the proposed changed will be forwarded to the commission members with their next agenda.

Commissioner Greg Sloat requested looking at other cities for comparison. Mr. Bradley stated he will look at the cities of Minneapolis and Coon Rapids, as he has worked with both cities

B. Discussion regarding minute taking at meetings

Commissioner Stephen Smith reported he has talked to a few other cities, the majority have city staff complete the minutes. The primary reason most cities gave was to provide commission members the opportunity to be fully engaged in the meetings.

Current secretary of the Charter Commission Matt Abel was not in attendance, but did send comments in support of city staff continuing to take minutes. Mr. Abel's only concern was the additional cost to the city to provide a staff member.

Next Meeting Date

Next meeting scheduled for January 21, 2016 at 7:00 p.m. at City Hall, Conference Room 1.

Adjournment

Motion by Commissioner Diehm, seconded by Commissioner Anderson to adjourn.

The meeting was adjourned at 7:38 p.m.

Respectively Submitted,

Katie Bruno, City Clerk

CHARTER COMMISSION MEMBERS

The City Charter is the document which enabled the City of Columbia Heights to become a self-governing city under the municipal home rule provisions of the Constitution and Statutes of Minnesota. The Charter Commission is charged with keeping the charter current under procedures authorized by State Statutes. The Charter Commission must have not more than fifteen, and not less than seven members, which are appointed by the Chief Judge of Anoka County District Court. They are appointed for four year terms. Meet quarterly at City Hall at 7:00 p.m.

MEMBER'S NAME	TERM EXPIRES
ABEL, Matthew	8-2017
ANDERSON, Ramona	6-2017
BAK, Lee	12-2018
DIEHM, Jeffrey	1-2019
FIORENDINO, Rob	10-2016
GUY, James R.	3-2017
JOHNSON, Roger	2-2016
LAINE, Carolyn	3-2017
PATIUK, Michael	2-2016
PENNISTON, Eric	5-2018
SLOAT, Gregory	1-2019
SMITH, Stephen	10-2019
VACANT	2-2017
UTZ, Tim	12-2018
WIGGINS, Weston	6-2017

City Council Liaison: Councilmember Bruce Nawrocki bnawrocki@columbiaheightsmn.gov
 City Attorney, Jim Hoeft
 City Clerk/Recording Secretary, Katie Bruno kbruno@columbiaheightsmn.gov (763) 706-3611

Revised 1-2016

CHAPTER 4 NOMINATIONS AND ELECTIONS

Section 28. THE REGULAR MUNICIPAL ELECTION. A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year at such place or places as the city council may designate. At least fifteen days previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by posting a notice thereof in at least the city's polling places, or by publishing a notice thereof at least once in the official newspaper, or both, as the council may ordain, but failure to give such notice shall not invalidate such election. **(Ordinance No. 1300, passed April 10, 1995)**

Section 28a. THE PRIMARY ELECTION. A primary municipal election shall be held on the date established by Minnesota State Law of any year in which a municipal general election is to be held for the purpose of electing officers, at the same place or places as general elections are held and like officers shall preside at such elections.

The purpose of such primary election shall be to select candidates to be voted for at the general municipal election. The candidates for nomination to each office who shall receive the greatest number of votes in such primary election shall be placed upon the ballot of the next general election in numbers not to exceed double the number of vacancies to be filled, and no other name shall be placed upon the ballot for such general election than the candidates selected at said primary election. When not more than twice the number of individuals to be elected to a municipal office file for nomination to any municipal office, no primary shall be held, and the names of those having filed shall be placed on the municipal general election ballot as the nominee for that office. Any person desiring to become a candidate for an elective office in the general municipal election shall file with the city clerk at least fifty-six days prior to but not more than seventy days prior to said primary municipal election an affidavit of such candidacy as set forth in Minnesota Statutes 204B.06, subd. 1, and shall pay to the City Clerk the sum of Five Dollars for which the City Clerk shall give a receipt expressing the purpose of the payment. Such City Clerk shall forthwith pay all fees so received to the City Treasurer. Upon compliance with the provisions of this section the City Clerk shall place such name upon the primary election ballot as a candidate for the office named. At least fifteen days notice shall be given by the City Clerk of the time and place of holding such primary election and of the officers to be nominated, by posting a notice thereof in at least three of the most public places in each election district in the city or by publication of a notice thereof at least once in the official newspaper, or both, as the City Council may ordain, but failure to give such notice shall not invalidate such election. **(Ordinance No. 1300, passed April 10, 1995) (Ordinance No. 1596, passed on May 9, 2011)**

Section 29. SPECIAL ELECTIONS. The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

Section 30. JUDGES AND CLERKS OF ELECTION. The council shall at least ten days before each municipal election appoint three qualified voters of each election district to be judges of election therein. The judges of each election district shall appoint two qualified electors of the same district, or as many more as may be authorized by the council, to serve as clerks of election.

City	Population	Councilmember	Mayor	Notes
Crystal	22,645	\$25	\$25	
Brooklyn Center	30,426	\$25	\$25	Candidates may file by petition with 50 signatures of registered voters on behalf of the candidate
Fridley	27,865	*\$10	*\$10	Candidates are required to complete a Petition of Nomination (they need 10 signatures from registered voters supporting their candidacy)
Brooklyn Park	77,989	\$25	\$75	
Plymouth	72,969	\$5	\$5	
Mounds View	12,314	\$20	\$20	
Blaine	62,018	\$50	\$50	
Lino Lakes	20,833	\$5	\$5	
Anoka	17,283	\$20	\$20	
Ramsey	24,306	\$5	\$5	

**CITY OF COLUMBIA HEIGHTS CHARTER COMMISSION
2015 ANNUAL REPORT**

MEMBERSHIP:

The following members served in 2014:

Matthew Abel	Ramona Anderson
Lee Bak	Jeff Diehm
Rob Fiorendino	James Guy
Roger Johnson	Carolyn Laine
Michael Patiuk	Eric Penniston
Gregory Sloat	Stephen Smith
*Charles Tyler	Tim Utz
Weston Wiggins	

During 2015, one member; Charles Tyler resigned. Commissioners Greg Sloat, Jeff Diehm and Steve Smith were reappointed. Membership is at fourteen members.

Councilmember Bruce Nawrocki served as the Council Liaison for 2015.

OFFICERS:

The following members served as officers for the Charter Commission in 2015: (This was unchanged from 2014)

President:	Steve Smith
Vice President:	Tim Utz
Secretary:	Matt Abel

MEETINGS:

The Charter Commission held four scheduled regular meetings in 2015; January 15, April 16, July 16 and October 15.

ISSUES DISCUSSED:

In 2015 the Charter Commission continued to discuss the referendum process. The current process was deemed reliable for the most part, and commissioners were encouraged to submit any further concerns in writing. Recording Secretary for the Charter Commission Carole Blowers retired in July. The commission indicated they would prefer city staff continue to serve as Recording Secretary.

Discussion of the City Charter continued, looking at Franchises, Chapter 10, Sections 93-101. Mike Bradley; the City's Cable Attorney was present at the October meeting. Mr. Bradley offered some recommendations that would allow the City to be consistent with state statutes and rules.

There were not any changes from the Charter Commission sent to the City Council for action, nor were there any other changes suggested from staff or citizens in 2015.

Respectfully Submitted,

Katie Bruno,
City Clerk/Recording Secretary