

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

CHARTER COMMISSION AGENDA

JANUARY 25, 2012

6:00 PM

1. Call to Order
2. Approve Minutes of May 3, 2011
3. Appointment of Chair and Vice Chair
4. Review Proposed Changes/Amendments to the Charter discussed last year
5. Other Items
6. Adjournment

CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY

CHARTER COMMISSION MINUTES

MAY 3, 2011

1. Call to Order: The Charter Commission Meeting was called to order by Chair Malcolm Beck at 5:00 pm.
2. Roll Call: Members present were Malcolm Beck, Randy Dressen, Steve Kane, Rebecca Thull, Gary Zimmerman and Tim Brown. Tim Vogt absent. Also present, Mayor Jerry Tveit, City Attorney Scott Lepak, City Administrator Matt Hysten and City Clerk Barb Held.
3. Reconsideration of March 22, 2011 proposed Charter Amendments. Motion by Kane, Second Brown to rescind the March 22, 2011 proposed Charter Amendments. Beck asked for any discussion. The March 22, 2011 proposed Charter Amendments included a provision requiring removal of employee on a 4.5 vote rather than by majority vote as currently in existence. The consensus is that the Council authority should not be limited in this manner. Motion carried 6-0.
4. Consideration of April 29, 2011 Proposed Charter Amendments: Motion by Kane, Second Brown to approve the April 29, 2011 proposed Charter Amendments as stated in the memorandum by the City Attorney. Motion carried 6-0.
5. Adjournment: Motion by Dressen, Second Zimmerman to adjourn at 5:04 pm. Motion carried 5-1. Brown voting nay.

Barbara I. Held
City Clerk

RICHARD A. MERRILL
DARRELL A. JENSEN
JEFFREY S. JOHNSON
RUSSELL H. CROWDER
JON P. ERICKSON
THOMAS P. MALONE
MICHAEL F. HURLEY
DOUGLAS G. SAUTER
HERMAN L. TALLE
CHARLES M. SEYKORA
DANIEL D. GANTER, JR.
BEVERLY K. DODGE
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KAREN K. KURTH
ANGELA M. SAMEC
SUSAN E. SHEELY
ADRIEL B. VILLARREAL
KIP R. PETERSON
THOMAS J. KETTLESON
KRISTIN N. BLENKUSH
TAMMY J. SCHEMMEL
SUSAN E. TEGT

MEMORANDUM

TO: St. Francis Charter Commission, City Administrator
FROM: Scott Lepak, City Attorney
RE: Draft of Language Changes recommended by Charter Commission
DATED: April 29, 2011

At the April 27, 2011 Charter Commission Meeting, the Charter Commission asked me to draft the changes to the Charter discussed by the Commission along with its recommendations for changing the City Code:

Charter language:

The language changes proposed by the Charter Commission are as follows:

1. Section 7.16. The Charter Commission would like to change the submission date of the capital improvement plan (CIP) from June 1 to July 1 to better fit budgeting processes. This is accomplished by the following:

Section 7.16. Capital Improvement Program. The Council shall direct the preparation and submission to it of a recommended five year capital improvement program no later than ~~June~~ July first (1st) of each year. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a Public Hearing on the capital improvement program and adopt it with or without amendment no later than August fifteenth (15th).

2. Chapter 5. The Charter Commission is seeking to incorporate primary elections into the election process. In order to meet the statutory requirements of this change, the City Council will be required to act on this language by ordinance or resolution, no later than April 15 in the year when the election is to be held. See Minnesota Statute Sec. 205.065. It is anticipated that this will be effective for the 2012 elections. Pursuant to Minnesota Statute Sec. 205.065, subd. 4, a primary election may or may not occur depending upon the number of candidates that have

filed as a candidate for the particular office at issue and thus flexibility allowing for operation at a primary or a general election is needed. Other changes to the Charter regarding when the affidavit of candidacy is required to be filed must also be modified if a primary election is adopted. Minnesota Statute Sec. 205.13, subd. 1a.

Section 5.01. Amend the language as follows:

Subdivision 2. Filing and Nomination. Not more than twelve (12) nor less than ten (10) weeks before the date of the primary election, an individual who is eligible and desires to have his name placed on the official ballot as a candidate for an office to be voted for at the primary election or general election, depending upon the number of candidates that actually file for each office, shall file his affidavit of candidacy with the City Clerk. The City Clerk shall also accept an application signed by not less than five (5) voters and filed on behalf of an eligible person whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. Upon receipt of a filing fee in the amount of five dollars (\$5.00) the City Clerk shall place the name of the candidate on the official ballot without partisan designation.

Subdivision 3. Notice. At least two (2) weeks before the first day to file affidavits or applications of candidacy, and at least two (2) weeks prior to each primary election, general election, and special election, the City Clerk shall publish and post in the Clerk's office a notice thereof.

Subdivision 7. Primary Elections. Primary elections shall be held on the same date as prescribed by the Minnesota Statutes, which establishes the statewide primary election date. The primary election shall be for the selection of two nominees for each elective office at the regular municipal election, unless two nominees or fewer file for each elective office. In the event two nominees or fewer file for an elective office, the names of such nominees shall be placed on the municipal general election ballot as the nominee for that office and no primary election shall be held for such elective office.

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OF COUNSEL
W. JAMES VOGL, JR.

MEMORANDUM

TO: St. Francis Charter Commission, City Administrator
FROM: Scott Lepak, City Attorney
RE: Draft of Language Changes recommended by Charter Commission
DATED: November 21, 2011

On November 16, 2011, the Charter Commission asked the City Council to reconsider the charter amendments originally proposed in the spring of 2011. In order to meet the statutory requirements of Minn. Stat. Sec. 410.12, I recommend that this matter not be considered at the November 21, 2011 regular council meeting.

In order to meet this statutory requirement, I recommend the following process:

1. The Charter Commission meet as a group and make the recommendations noted in the Chair's memo.
2. The City publishes a notice of public hearing on the proposed changes. The notice must contain the text of the proposed amendment.
3. At least two weeks (but less than one month) after the published notice, the city council must hold the public hearing.
4. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance (two readings are required).
 - a. The ordinance is enacted if it receives an affirmative vote of **all** members of the city council and is approved by the mayor and published as in the case of other ordinances.
 - b. An ordinance amending a city charter shall not become effective until 90 days after passage and publication unless a sufficient number of voters petition for a referendum within 60 days.

The applicable statute in this area is as follows:

Subd. 7. **Amendment by ordinance.** Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. Such petition shall be signed by qualified voters equal in number to two percent of the total number of votes cast in the city at the last state general election or 2,000, whichever is less. If the city has a system of permanent registration of voters, only registered voters are eligible to sign the petition. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of charter amendments submitted by the charter commission, the council, or by petition of the voters, except that the council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance. As far as practicable the requirements of subdivisions 1 to 3 apply to petitions submitted under this section, to an ordinance amending a charter, and to the filing of such ordinance when approved by the voters.

Minn. Stat. § 410.12, Subd. 7.