

CITY OF ST. FRANCIS  
ST. FRANCIS MN  
ANOKA COUNTY

CHARTER COMMISSION AGENDA

FEBRUARY 1, 2016

5:00 PM

1. Call to Order
2. Approve Minutes of January 29, 2015
3. Appointment of Chair and Vice Chair
4. Charter Discussion on Setting Regular City Council meetings by Resolution
5. Other Items of Discussion
6. Adjournment

CITY OF ST. FRANCIS  
ST. FRANCIS MN  
ANOKA COUNTY

CHARTER COMMISSION MINUTES

JANUARY 29, 2015

**Call to Order:** The Charter Commission meeting was called to order at 6:00 pm by Randy Dressen.

**Roll Call:** Present were Randy Dressen, Gary Zimmerman, Steve Kane, Rich Skordahl and Tim Brown. Also present was Malcolm Beck, Acting City Administrator Paul Teicher and City Clerk Barb Held.

**Approve Minutes of February 12, 2014:** Motion by Brown second Zimmerman to approve the February 12, 2014 Charter Commission Minutes. Motion carried unanimously.

**Appointment of Chair and Vice Chair:** Skordahl nominated Randy Dressen as Chair. Nominations closed after three times of calling for nominations. Motion by Skordahl second Zimmerman to appoint Randy Dressen as the Chair for the Charter Commission. Motion carried unanimously.

Brown nominated Steve Kane as Vice Chair. Nominations closed after three times of calling for nominations. Motion by Brown second Skordahl to appoint Steve Kane as the Vice Chair for the Charter Commission. Motion carried unanimously.

**Charter Discussion:** Dressen stated I have heard comments and questions on city administrator versus a city manager. A city manager has hiring and firing power whereas the city administrator does not. There would need to be a Charter Amendment to change it. Held said she too received a call on it and they have the two mixed up. After discussion the commission agreed not to change it.

**Other Items of Discussion:** Dressen said one other discussion item was the possibility of amending the Charter on having the option to cancel a meeting if a holiday such as the fourth of July falls on a Monday and the second council meeting in December. Held did state that a concern is payment of invoices. City Attorney Scott Lepak did respond by saying another community amended their charter to have the ability to set their council meetings by resolution. In regards to invoices, the City does have 30 days to pay and if essential invoices such as utilities, they can be paid and place on the next payment of claims list. Motion by Kane second Brown to research the options of canceling meetings due to certain holidays.

**Adjournment:** Motion by Kane second Skordahl to adjourn the Charter Commission meeting at 6:17 pm. Motion carried 4-1. Brown voting nay.

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RUSSELL H. CROWDER  
MICHAEL F. HURLEY  
DOUGLAS G. SAUTER  
HERMAN L. TALLE  
CHARLES M. SEYKORA  
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## MEMORANDUM

TO: St. Francis Charter Commission Members

FROM: Scott Lepak, City Attorney

RE: Potential City Charter Amendment to Allow the City Council to Set Regular City Council Meetings by Resolution

DATED: January 13, 2016

Please allow this memorandum provide information on a potential recommendation by the Charter Commission to have the City Council amend the City Charter to allow it to set and to waive City Council meeting dates by resolution. Currently, the City Charter in Section 3.02 directs that the City Council "shall meet at such time or times each month as may be prescribed or by ordinance." See the City of St. Francis City Charter.

This means that the City Council has been required to meet during the second meeting in December, which falls closely to the Christmas holiday observed by the City, as well as the first meeting in July, which often falls closely with the July 4<sup>th</sup>, Independence Day holiday.

During these meeting dates, it has become increasingly difficult for the City Council to achieve a quorum present to conduct any official City related business due to members of the City Council being unable to attend because of holiday plans and obligations. Generally, staff has sought to limit the items on the agenda to as little as possible during these meetings in the event that no quorum may be achieved and the meeting can only proceed in an informal manner.

The City is legally required to meet at least on a monthly basis in order to pay its bills by approving a ledger of claims made upon the City for the goods and services that have been provided to it. Minnesota State Statutes, Chapter 471.452 specifies that municipal governments must pay their bills in a prompt manner. The applicable subdivision states,

### Subd. 2. Payment required.

A municipality must pay each vendor obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period unless the municipality in good faith disputes the obligation. Standard payment period is defined as follows:

(a) For municipalities who have governing boards which have regularly scheduled meetings at least once a month, the standard payment period is defined as within 35 days of the date of receipt.

(b) For municipalities whose governing boards do not regularly meet at least once a month, the standard payment period is defined as 45 days after receipt of the goods or services or the invoice for the goods or services, whichever is later.

Therefore, if the City Council cancelled one of the two of the meetings that it has scheduled to have during a certain month, the City would still be able to meet this requirement meetings and be able to approve the claims at the next applicable City Council meeting within the 35 day requirement in the statute.

In addition, it has become very common practice for cities in Minnesota to waive the second meeting in December due to the holiday and associated travelling and gatherings. Therefore, it would be entirely appropriate for the Charter Commission to consider and potentially recommend that the City Council consider an amendment to the City Charter. This would be accomplished by the City Council approving an ordinance granting them the ability to set its meeting schedule by resolution. This would confer flexibility upon the Council to elect to waive either the second meeting in December and/or the first meeting in July as required. Should staff or the City Council feel the need to address pressing City business on those meetings dates, the meetings could still be held as required and as determined by the City Council.

## **PROCESS**

The Charter Commission, citizens and the City Council may all propose charter amendments. The Charter Commission may recommend the City Council amend the Charter by ordinance. The steps to have the Charter Commission proposed change brought before the City Council are as follows:

Step 1. The Charter Commission makes a recommended change to the Charter by ordinance and includes the text of the proposed amendment.

Step 2. This recommendation is submitted to the City.

Step 3. Within one month of receiving the recommendation from the Charter Commission, the City must publish notice of public hearing of the proposal (which must contain the text of the proposed amendment). Minn. Stat. Sec. 410.12, subd. 7.

Step 4. The City must hold a public hearing on the proposed charter amendment at least two (2) weeks but not more than one (1) month after the notice is published.

Step 5. The City Council must vote on it within one (1) month of the public hearing. The vote must be unanimous.

Step 6. The changes are published like all other ordinances.

Step 7. Within 60 days after passage and publication, citizens may petition to submit the matter to referendum.

Step 8. The Charter Commission may submit any of these issues to the voters if they are not unanimously adopted by the City Council. This must be submitted at least 17 weeks before the general election. Minn. Stat. Sec. 410.12 Subd (1-3).

**Minn. Stat. 410.12 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. The petition must be signed by registered voters equal in number to at least five percent of the registered voters in the city or 2,000, whichever is less. 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.

(Emphasis Added).

The proposed amendment to address this situation would be as listed below:

**PROPOSED AMENDEMENT TO CITY CHARTER**

**CHAPTER 3**

**COUNCIL ORGANIZATION & PROCEDURE**

**Section 3.01 Council Organization.** At the first regular meeting in January following the regular City election, the newly elected members of the Council shall

assume their duties. They shall proceed to elect by ballot an acting Mayor from the Council persons.

**Section 3.02 Council Meetings.** The Council shall meet at such time or times each month as may be prescribed or by ~~ordinance~~ resolution. In addition, the Mayor or any two (2) Council persons may call special meetings of the Council upon such notice as may be prescribed by Ordinance.

**Section 3.03 Rules of Procedure & Quorum.** The Council shall determine its own rules of procedure and order of business. Unless otherwise provided by this Charter, Ordinance, or other law, three (3) members of the Council shall constitute a quorum to act upon any matter, but a smaller number may adjourn from time to time.

Please do not hesitate to contact me with any questions.