

# CITY OF COLUMBIA HEIGHTS

590 40<sup>th</sup> Avenue NE, Columbia Heights, MN 55421-3878 (763)706-3600 TDD (763) 706-3692  
Visit our website at: [www.ci.columbia-heights.mn.us](http://www.ci.columbia-heights.mn.us)

MAYOR

*Gary L. Peterson*  
COUNCILMEMBERS  
*Bruce Nawrocki*  
*Robert Williams*  
*Donna Schmitt*  
*John Murzyn, Jr.*

## NOTICE OF OFFICIAL MEETING

Notice is hereby given that an official meeting is to be held in the City of Columbia Heights as follows:

### MEETING OF THE CHARTER COMMISSION

**\*\*THURSDAY, APRIL 16, 2015\*\***

**7:00 P.M.**

### CITY HALL CONFERENCE ROOM 1 COLUMBIA HEIGHTS AGENDA

1. Call to Order
2. Roll Call/Status of Membership
3. Approval of Tonight's Agenda
4. Approval of Charter Commission Minutes of January 15, 2015
5. Correspondence
  - A. Correspondence since last meeting
6. Old Business
7. New Business
  - A. Retirement of the Recording Secretary
  - B. Annual Review of Charter Commission Purpose
  - C. Next Meeting Date: July 16, 2015 at 7 P.M., City Hall Conference Room 1
8. Adjournment

The City of Columbia Heights does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its services, programs, or activities. Upon request, accommodations will be provided to allow individuals with disabilities to participate in all City of Columbia Heights' services, programs, and activities. Auxiliary aids for handicapped persons are available upon request when the request is made at least 96 hours in advance. Please call the Administrative Secretary at 763-706-3606, to make arrangements. (TDD/763-706-3692 for deaf or hearing impaired only)

**MEMBERS: IF YOU CANNOT ATTEND THIS MEETING,  
PLEASE CALL CAROLE AT (763) 706-3606**

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

Call to Order

The meeting was called to order by President Steve Smith at 7 p.m.

Introduction of New Commissioner

Eric Penniston was introduced and welcomed as the newest member of the Charter Commission.

Roll Call

Members present: Matt Abel, Ramona Anderson, Lee Bak, Jeff Diehm, Rob Fiorendino, James Guy, Roger Johnson, Carolyn Laine (7:05 pm), Eric Penniston, Greg Sloat, Steve Smith, Charles Tyler, Tim Utz, Wes Wiggins

Members absent and excused: Mike Patiuk

Members absent and unexcused: None

Council Liaison Bruce Nawrocki was present. The City Attorney Jim Hoeft and Recording Secretary Carole Blowers-Knoll were also present.

Approval of Tonight's Agenda

President Smith asked that Item 8C under New Business (Annual Review of Charter Commission Purpose) be replaced with "Review Commissioner Sloat's Suggestions Regarding the Referendum Process". Motion was made and seconded to approve tonight's agenda with this change. Motion passed unanimously.

Approval of Charter Commission Minutes of October 16, 2014

Motion was made and seconded to approve the minutes of October 16, 2014, as presented. Motion passed unanimously.

Election of Officers

President Smith called for nominations for President. Motion was made and seconded to nominate Steve Smith. President Smith called for any additional nominations for President. There were no additional nominations for President. Upon vote, Steve Smith was elected President.

President Smith called for nominations for Vice President. Motion was made and seconded to nominate Tim Utz. President Smith called for any additional nominations for Vice President. There were no additional nominations for Vice President. Upon vote, Tim Utz was elected Vice President.

President Smith called for nominations for Secretary. Motion was made and seconded to nominate Matt Abel. President Smith called for any additional nominations for Secretary. Motion was made and seconded to nominate Ramona Anderson, but she declined. There were no additional nominations for Secretary. Upon vote, Matt Abel was elected Secretary.

Therefore, the officers for 2015 are: President: Steve Smith; Vice President: Tim Utz; Secretary: Matt Abel.

## Correspondence

The Recording Secretary read the correspondence log since our last meeting. There was much communication and paperwork with the Chief Judge regarding the resignation of Commissioner Vesley, the reappointments of four commissioners (Commissioners Utz, Bak, Sloat, and Diehm), and the appointment of a new commissioner (Commissioner Penniston). The Recording Secretary advised she prepared the commission's annual report, tonight's agenda packet, Commissioner Sloat's referendum issue list, and prepared a new roll call list, membership list, and correspondence list. Tonight's meeting was posted on the city's website, on cable, and at City Hall.

## Old Business - None

## New Business

### ***New Membership Lists***

The Recording Secretary passed out new membership lists tonight, indicating that there were a few changes from the one e-mailed with the agenda packet last week.

### ***2014 Charter Commission Annual Report***

President Smith asked for a motion to approve the annual report as prepared by the Recording Secretary. Motion was made and seconded to approve the Charter Commission Annual Report for 2014. Motion passed unanimously. Note: A copy of this report goes to the City Clerk and the Chief Judge.

Commissioner Tyler suggested that the President send a thank you letter to former Councilmember Tami Diehm for her years of service as the Charter Commission's Liaison.

### ***Discussion on the Referendum Process***

Commissioner Sloat presented the following issues on the referendum process for discussion by the commission. Each commissioner was presented these issues in writing tonight. Commissioner Sloat stated that if a petition comes up again in the future, maybe it could be a better process, and everyone would know the rules from the start.

Points 1A and 1B were discussed together.

1A. The issue of non-voter Columbia Heights residents (who still pay taxes) being disenfranchised by "registered voter" requirement in order to sign a Referendum Petition.

1B. The issue of voters who ARE registered to vote and DO reside in Columbia Heights, but have moved (within Columbia Heights) since the last election and have not updated their residency per voter registration records.

Commissioner Sloat suggested that "registered" be changed to "eligible". Commissioner Laine addressed the issue of "registered" voters and stated that people can register on-line and change their address on line. It is very easy and not time consuming. Commissioner Diehm stated it's the democratic process; it gives the same opportunity to all to participate. He stated the definition of "disenfranchised" is to be deprived of a legal right or privilege. He did not feel that people are not being disenfranchised in this process. It is a privilege and responsibility to vote and/or sign a petition.

Commissioner Abel questioned how would we verify "eligible" voters vs. "registered" voters.

Commissioner Utz stated that 40 or 50 people who signed the last petition for the referendum on the library issue were dropped from the petition because they had moved from one apartment to another apartment at the same street address. Again, it was reiterated that it is the individual's responsibility to change their address. There has to be consistency, and everyone needs to be treated the same. More discussion ensued, and there was little support on these points.

2A. The issue of the timeframe and deadline for Referendum Petitions. WHEN does the "clock start ticking," and WHEN is the deadline? How do weekends, holidays, and other days that the City Offices may be closed influence the timeframe and/or deadline?

The City Attorney addressed the weekend/holiday question. He advised that we go by rules of civil process which are in place. Commissioner Sloat stated that they were given three different dates during the process. The City Attorney stated the reason that happened was that there had been an error made in computing the timeframe.

2B. The issue of an option for removing one's name from a Referendum Petition after having previously signed it. Currently there is NO such provision in the Charter (which means the option does not exist). Is such a provision warranted or desirable? If so, the process must be well-defined. The deadline for removing ones name must also be well-defined and should not (for hopefully obvious reasons) exceed the deadline for the petitioners' submission of names.

Commissioner Laine stated that on page 10 of the City Charter it talks about signing a petition and reiterated this is to DISAGREE with the way the Council voted on an issue. She stated there was a lot of confusion when people were signing this recent petition; people were not really sure what they were signing it for—to SUPPORT a new library or to NOT support a new library. President Smith asked how could we resolve this?

Commissioner Laine suggested if we wanted to note in the charter that someone could get their name off a petition, we could say that the petition is due five days earlier than whatever it is now and anyone who wanted "off" could have those five days to do so. The general consensus of the charter commission members was that in this recent experience, we let people get off right up until the council officially received the petition at their meeting, and everyone seemed to think that was sufficient.

The City Attorney stated that removing names would be problematic if someone could NOT remove their name. And likewise, adding a name after the deadline would be problematic as well. President Smith stated we do not have a process or anything stating how to remove a name. Is it the responsibility of the person asking for a signature to clarify what a person is actually signing? People do sign things and then change their minds. Commissioner Fiorendino asked if there is another mechanism or remedy to this?

President Smith suggested that if anyone has ideas on how to do this, they should draft some proposed wording for the charter and bring it to this body for discussion.

3A. The issue of communication by the City to the petitioners. Petitioners need to be notified by the City the same business day of discovery if they are short of the required signatures, if submitted prior to the deadline. People outside of and unrelated to the petition process should not be receiving any information concerning same.

Commissioner Sloat indicated that there had been discussion overheard (the weekend before the council was going to take action on the petition) that there were not enough signatures. The “contact person” for the petition should be the person notified if there were not enough signatures, not the petitioners. Many commissioners felt that the situation explained was heresy and declined to further comment on it.

3B. The issue of the required content and format of the Referendum Petition itself. It should be as comprehensive and well-defined as it is for Initiatives.

Commissioner Laine stated the language is clear and the section on “Referendums” refers back to the section on “Initiatives”. Commissioner Diehm stated we cannot address every single issue that might come up in a referendum situation.

The City Attorney stated that he thought the process really worked (referring to the last referendum). President Smith stated that the discussion tonight on this issue was important and what this commission does is valuable. He again stated that if anyone on this commission has ideas on how to address the issues brought forward tonight for discussion on the referendum process, they should submit it in writing.

***Next Meeting Date***

The next Charter Commission meeting is April 16, 2015, at 7 P.M., at City Hall, Conference Room 1.

Adjournment

Motion was made and seconded to adjourn the meeting at 8:13 p.m.

Respectfully submitted,

Carole J. Blowers-Knoll  
Recording Secretary for the Charter Commission