



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, JULY 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 April 16, 2015
5. Correspondence
 - A. Correspondence since last meeting
6. Old Business
7. New Business
 - A. Discussion on City Charter, Starting with Franchise Chapter 10, Sections 93-101
 - B. Next Meeting Date: October 15, 2015 at 7 P.M., City Hall Conference Room I
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 763-706-3611, to make arrangements. (TDD/763-706-3692 for deaf or hearing impaired only)

**MEMBERS: IF YOU CANNOT ATTEND THIS MEETING,
PLEASE E-MAIL THE COMMISSION PRESIDENT SMITH**

MINUTES OF THE CHARTER COMMISSION
APRIL 16, 2015
7:00 P.M.
CITY HALL
CONFERENCE ROOM 1

These minutes are not approved.

Call to Order

The meeting was called to order by President Steve Smith at 7:03 p.m.

Roll Call/Status of Membership

Members present: Matt Abel, Ramona Anderson, James Guy, Roger Johnson, Mike Patiuk,
Eric Penniston, Greg Sloat, Steve Smith, Charles Tyler, Tim Utz

Members absent and excused: Lee Bak, Wes Wiggins, Carolyn Laine

Members absent and unexcused: Jeff Diehm, Rob Fiorendino

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

Guest: Bryan Olson

Approval of Tonight's Agenda

Motion was made by Commissioner Tyler, seconded by Commissioner Utz, to approve tonight's agenda. Motion passed unanimously.

Approval of Charter Commission Minutes of January 15, 2015:

Commissioner Utz requested that two changes be made to the minutes as follows:

- Page 3, paragraph 1, line 1; change "40 or 50" to "several".
- Page 3, paragraph 6 line 5, change "everyone" to "most".

Motion by Commissioner Tyler, seconded by Commissioner Utz to make above stated changes and to approve the corrected minutes; motion passed unanimously.

Correspondence

Secretary Matt Abel read the correspondence log prepared by the Recording Secretary since our last meeting.

Old Business

Commissioner Tyler requested that the review of the City Charter that was started several years ago be completed. Attorney Hoeft gave a brief history of what we were working on last (Franchises). Hoeft continued with stating that there have been personnel changes at the City that could affect how franchises are handled (or at least the cable franchise). President Smith stated that he would place the charter review on the agenda for the next meeting.

A thank you letter to former Council Liaison to the Charter Commission, Tami Diehm, prepared by President Smith was passed around for members to sign.

New Business

Retirement of the Recording Secretary

President Smith discussed the upcoming retirement of Recording Secretary Blowers-Knoll. Attorney Hoeft stated that we need to check if a new Recording Secretary will be assigned to the Charter Commission. President Smith said he would check into this before the next meeting.

Annual Review of Charter Commission Purpose

President Smith asked that instead of having a review of the Charter Commission Purpose, that we get a statement indicating that the Columbia Heights City Charter is in compliance with State Statute. City Attorney Hoeft stated that the Charter is in compliance with State Statute, but there might be some out-of-date language, but that would not have an effect on whether or not the Charter is in compliance. President Smith indicated that he was satisfied with that as an annual review.

Next Meeting Date

The next meeting date will be July 16, 2015, 7 PM, at City Hall, Conference Room 1.

Adjournment

Motion was made and seconded to adjourn the meeting at 7:18 p.m.

Respectfully submitted,

Matt Abel

Secretary for the Charter Commission

CHAPTER 10 FRANCHISES

Section 93. FRANCHISE DEFINED. The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon, or under any of the highways or public places of the city of Columbia Heights, whether such privilege has heretofore been granted by the Village of Columbia Heights or the State of Minnesota, or shall hereafter be granted by the City of Columbia Heights or the State of Minnesota. The terms "public service corporation," "co-partnership," or person, as used in this chapter, shall be construed to mean any corporation, co-partnership, or person exercising any franchise with the city of Columbia Heights. The term "company" shall mean either a corporation, a co-partnership, or any person exercising any franchise within the City of Columbia Heights.

Section 94. FRANCHISE ORDINANCE. The council may grant franchises by ordinance adopted by four-fifths vote, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public use of streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of streets or public places, inconsistent with the public's right in such places, or desiring the privilege of replacing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes or furnishing to the city or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Section 95. PUBLICATION OF FRANCHISES. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been accepted by the grantee, and until it has been given adequate publicity, either by publication of the franchise verbatim in the official paper of the city at least once a week for four successive weeks after its passages, or by the posting of authentic copies of the franchise upon bulletin boards in at least ten of the most public places in the city for a period of thirty days after its passage. *E.g. 10/10/10 7:30?*

Section 96. TERM OF FRANCHISES LIMITED. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty-five years.

Section 97. POWER OF REGULATION RESERVED. The City of Columbia Heights shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such franchise has been heretofore granted by the Village of Columbia Heights or the State of Minnesota, or shall hereafter be granted by the City of Columbia Heights or the State of Minnesota.

Section 98. REGULATION OF RATES AND CHARGES. All corporations, co-partnerships, and persons exercising franchises in the city of Columbia Heights, shall give courteous, efficient and adequate service at reasonable rates.

Section 99. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchise.

Section 100. CONDITIONS IN EVERY FRANCHISE. Every franchise which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel or otherwise.

Every franchise shall contain the following provisions:

(a) That the grantee shall be subject to and will perform on its part all the terms of Sections 94-102, inclusive, of this charter.

(b) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the city to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

(c) That no sale or lease of said franchise shall be active until the assignee or leasee shall have filed in the office of the city clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

(d) That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits, under places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the condition that the council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the council may at any time deem necessary for safety, health or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing of underground poles, masts and of other fixtures bearing wires and the placing of underground of all wires for whatsoever purpose used.

(e) Every franchise and every extension or renewal of such franchise shall contain a provision for its acceptance in writing by the grantee within thirty days after its passage by the council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the city until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of and consent to all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as of the provisions of this charter.

Section 101. FURTHER PROVISIONS OF FRANCHISES. The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or restrictions as the council may deem proper to protect the city's interest, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS
CHARTER COMMISSION
JULY 16, 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.
Smith suggested adding "Discussion regarding Recording Secretary" under Old Business.

Roll Call/Status of Membership

Members present: Matt Abel, Ramona Anderson, Lee Bak, James Guy, Roger Johnson, Mike Patiuk, Eric Penniston, Greg Sloat, Steve Smith, Tim Utz

Members absent (excused): Charles Tyler, Wes Wiggins

Members absent (unexcused): Jeff Diehm, Rob Fiorendino, Carolyn Laine

Also in attendance: Council Liaison Bruce Nawrocki, Kelli Bourgeois; HR Director/Assistant to the City Manager, Katie Bruno; City Clerk, serving as Recording Secretary

Approval of Agenda

Motion by Commissioner Abel, seconded by Commissioner Sloat to approve the agenda with the addition to Old Business as suggested by president Smith. Motion passed unanimously.

Approval of Minutes

Motion by Commissioner Abel, seconded by Commissioner Penniston to approve the minutes from the April 16, 2015 meeting. Motion passed unanimously.

Correspondence

Nothing to report.

Old Business

A. Discussion regarding Recording Secretary.

President Smith reported that there has been discussion considering the Secretary of the Commission complete the minutes. Smith suggested the discussion take place at a future meeting, where more members are in attendance.

New Business

A. Discussion of City Charter, Starting with Franchise, Chapter 10, Sections 93-101.

Kelli Bourgeois reported she has spoken to both the City Attorney and the City's Cable Attorney regarding reviewing the franchise section of the City Charter. Bourgeois suggested the commission consider hiring the City's Cable Attorney to complete the review, as this is his area of expertise.

President Smith agreed, saying he too has spoken with the City Attorney, and agrees that having both the Cable Attorney and the City Attorney review franchise section of the charter would be beneficial. President Smith clarified the commission would discuss any changes to Chapter 10 at their October meeting. Any changes would be approved at the January 2016 meeting, and then submitted to the City Council.

Commissioner Anderson asked for clarification of the intent of the possible changes, whether they are to be more in line with the state. President Smith stated anticipated changes are likely to be minor, and the city will be careful to continue to exercise their rights as a charter city. Commissioner Penniston suggested contacting other communities similar to Columbia Heights regarding their practices with franchises.

B. Next meeting date October 15, 2015.

President Smith reported the commission will continue to review the Charter, chapter by chapter, noting chapter 10 will be reviewed at the October meeting.

Next Meeting Date

Next meeting scheduled for October 15, 2015 at 7:00 p.m. at City Hall, Conference Room 1.

Adjournment

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

The meeting was adjourned at 7:20 p.m.

Respectively Submitted,

Katie Bruno, City Clerk