

**DRAFT MINUTES OF THE CITY OF COLUMBIA HEIGHTS
CHARTER COMMISSION**

January 21, 2016

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, Greg Sloat, Steve Smith, Tim Utz, Carolyn Laine, Matt Abel, Eric Penniston and Lee Bak

Members absent (excused): Wes Wiggins, Mike Patiuk and Rob Fiorendino

Members absent (unexcused): Jeff Diehm

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

Approval of Agenda

President Smith requested re-ordering the New Business section, by moving the Annual Report to item B. In addition to adding Item C: Consideration of Chapter 3, section 20 for future action.

Motion by Commissioner Abel, seconded by Commissioner Bak to approve the agenda.

Motion passed unanimously.

Approval of Minutes

Motion by Commissioner Bak, seconded by Commissioner Guy to approve the minutes from the October 15, 2015 meeting. Motion passed unanimously.

Election of Officers

President

Commissioner Anderson nominated Commissioner Utz. Mr. Utz withdrew his nomination.

Commissioner Laine nominated Commissioner Smith.

The commission unanimously elected Steve Smith to serve as President for 2016.

Vice President

Commissioner Bak nominated Commissioner Utz.

The commission unanimously elected Tim Utz to serve as Vice President for 2016.

Secretary

Commissioner Bak nominated Commissioner Abel.

The commission unanimously elected Matt Abel to serve as Secretary for 2016.

Correspondence

Recording Secretary indicated the only correspondence received was related to Chapter 3, sect. 20.

Old Business

A. Discussion regarding Chapter 10, sections 93-101; City Charter

City Attorney Jim Hoeft distributed a summary of changes discussed at the October 2015 meeting.

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. City Attorney Hoeft explained that is the procedure followed at the City level as well. It was clarified that the summary ordinance would be published, while the entire ordinance would be available at City Hall, the Library and the City's website. Commissioner Utz asked for clarification if the ordinance needs to be posted or published. The commission decided to change the word or to and, see below.

City Attorney Hoeft recommended the following changes.

*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~~ a summary franchise ordinance in the official paper of the City at least once a week for four two successive weeks publications 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~~ the summary ordinance in City Hall and the City Library for a period of thirty days after its passage.*

*The commission agreed to change the word **or** to the word **and**.

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. Hoeft reported that the maximum allowable franchise by the State is fifteen years, noting our most recent franchise agreement is for five years.

Section 98:

Mr. Hoeft recommended eliminating the entire section, as the rates are dictated by the FCC. Commissioner Utz questioned if there is a need for the franchise. Hoeft explained the franchise still addresses the service contracts and the ROW requirements.

Section 99:

Mr. Hoeft recommended eliminating the entire section; as the Federal Government has taken the power away to exercise a referendum with regards to a franchise away.

Section 100:

Mr. Hoeft explained the recommendation would be to change the word “must” to “shall be subject to”. It was noted none of the conditions are being eliminated.

Mr. Hoeft explained the process going forward will include a second reading of the proposed changes by the Charter Commission at their April meeting. Following approval by the Charter Commission, the City Council will consider the item. The item will need a unanimous vote by the council, otherwise the commission will determine if they want the item to be considered as a ballot question.

Motion by Commissioner Bak, seconded by Commissioner Anderson to approve the first reading of changes to Chapter 10, Franchise section. All Ayes.

New Business

A. New Membership Lists

Recording Secretary Bruno announced there is currently a vacancy on the commission, resulting from the resignation of Charles Tyler. Application(s) will be sent to the Chief Judge for consideration.

B. Annual Review of Charter Commission Purpose

President Smith commented that the commission has worked hard throughout the year.

C. Discussion of Chapter 3, Section 20

President Smith reported a Councilmember requested the Commission look at the Emergency Ordinance language in the Charter.

City Attorney Hoeft explained the City’s Charter states ordinances require two readings, with a 30 day time period prior to taking effect in order to allow for a referendum if desired.

When the Charter was originally drafted, a safeguard was added to allow for an Emergency Ordinances. Concern was expressed that an Emergency Ordinance may be adopted in order for council to adopt an ordinance foregoing the 30 day waiting period, for that reason the Emergency Ordinance provision requires a separate vote to determine if the item is an emergency.

We now have *Interim Ordinances*; also referred to as a Moratorium. Interim Ordinances were not in place when the charter was initially drafted. Moratoriums are temporary ordinances that can only be in effect for a certain period of time, maximum of 18 months.

Hoeft clarified that Interim Ordinances are not Emergency Ordinances as defined in the City Charter. One of the councilmembers suggested the language in the Charter is confusing.

Hoeft directed the commissioners to Section 19, and suggested making the following change:

Section 19. PROCEDURE ON ORDINANCE.

The enacting clause of all ordinances by the council shall be in the words, "The City of Columbia Heights does ordain," Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances *and interim ordinances*, shall have two public readings in full.

Hoeft clarified the moratoriums cannot last longer than 18 months, and you cannot have serial interim ordinances.

Commissioner Utz commented that there are not checks and balances in regards to preventing a council from enacting numerous Interim Ordinances. Hoeft stated that an interim ordinance is not permanent.

President Smith stated he would like to add this to the agenda for the April meeting. Hoeft clarified that the request is not to change the charter, but to clarify the language.

D. Consideration of amending Chapter 4, Section 28a, related to Candidate Filing Fees.

City Attorney Hoeft reported some of the cities have recently increased their filing fees, to reduce the number of non-serious applications for candidacy. The current filing fee of \$5.00 has been in place since 1984.

Commissioner Laine recommended changing the fee to \$10, as the value of the dollar has changed from 1984. Commissioner Guy ran an inflationary comparison, at the 2015 equivalent is \$14.38. Commissioner Utz recommended \$15.00 to keep in line with inflation. Commissioner Sloat stated he would want to be cautious from prohibiting an individual from filing, agreeing that \$15 is affordable. Commissioner Smith and Anderson suggested leaving it at \$5.00.

Commissioner Laine stated the commission is responsible for keeping the charter commission up-to-date.

Mr. Hoeft advised the commission they could have a first reading of the amendment tonight.

Motion by Commissioner Laine, seconded by Commissioner Abel to increase the filing fee from \$5.00 to \$20.00.

Councilmember Nawrocki commented that currently the City does not have an excessive number of candidates filing for office. Commissioner Laine explained there are costs associated with the process, and an increase would help in covering some of those costs.

Commissioner Bak asked if one of the reasons for the requested increase was to defray some of the costs. Human Resource Director/Assistant to the City Manager Kelli Bourgeois noted that it would help, however the costs would not be covered by an increase.

Commissioner Utz clarified that any changes would not be in effect for the 2016 Election Cycle.

Hoefl stated the Charter Commission already has a \$5.00 fee, set in 1984. If the Charter Commission is aiming to make the City Charter more comprehensive and up to date, the filing fee should reflect inflation.

Commissioner Utz requested the motion be amended to \$15.00

Motion by Commissioner Laine, seconded by Commissioner Abel to increase the filing fee from \$5.00 to \$15.00, and regard this as the first reading. All Ayes, Motion Carried.

E. Approve the 2015 Charter Commission Annual Report

Motion by Commissioner Abel, seconded by Commissioner Guy to accept the Annual Report. All Ayes, Motion Carried.

Next Meeting Date

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

Adjournment

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

The meeting was adjourned at 8:09 p.m.

Respectively Submitted,

Katie Bruno,
City Clerk/Recording Secretary