



Charter Commission Meeting

January 09, 2024

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

Agenda

Pursuant to Minnesota Statute § 13.02 the January 9, 2024 meeting will be a hybrid meeting. Commissioner Rick Nelson will be attending via Zoom from 7591 West Battaglia Drive, Lot B-10, Casa Grande, AZ 85193. Virtual:

<https://us06web.zoom.us/j/85030794338?pwd=jaSyaU8cCAFJEYqnPuU82602XBbOUY.1>

Meeting ID: 850 3079 4338. Passcode: 609149. Call in: 312-626-6799.

Call to Order

Roll Call

Approval of Agenda

Approval of Meeting Minutes

- [1.](#) Approval of November 6, 2023 Charter Commission Meeting Minutes

Administrative Matters

- [2.](#) New Member Interviews
- [3.](#) Upcoming Terms Expiring: Nikki Karnopp and Rick Nelson
- [4.](#) 2024 Nominating Committee

Old Business

- [5.](#) Chapter 4 Update

New Business

- [6.](#) Chapters 1, 5 and 10: Legal and Staff Reviews

Future Meeting Topics/Communications

- [7.](#) Future Meeting Topics

Adjournment

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 572-3450.



AGENDA REPORT

Meeting Date: January 9, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Approval of November 6, 2023 Charter Commission Meeting Minutes

Background

Attached are the minutes from November 6, 2023 for the Commission's consideration.

Recommendation

Staff recommend the approval of the November 6, 2023 Charter Commission Meeting Minutes.

Attachments and Other Resources

- November 6, 2023 Charter Commission Meeting Minutes

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Charter Commission

November 6, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Chair Nelson called the Charter Commission meeting to order at 7:00 p.m.

Present

Mohammed Barre (arrived at 7:10)

Kelli Brillhart

Donald Findell

Ibsen Gabriel (arrived at 7:10)

Greg Gardner

Manuel Granroos

Nikki Karnopp

Steven Kisner

Rick Nelson

Val Rolstad

Absent

Ted Kranz

Pam Reynolds

Avonna Starck

Others Present

Melissa Moore, City Clerk

Beth Kondrick, Deputy City Clerk

David Ostwald, City Council

Approval of Agenda

Motion by Commissioner Gardner to approve the meeting agenda. Seconded by Commissioner Brillhart.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Approval of Meeting Minutes

1. Approval of October 2, 2023, Charter Commission Meeting Minutes

Motion by Commissioner Brillhart to approve the minutes of October 2, 2023, as presented. Seconded by Commissioner Findell.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Administrative Matters

2. Resignation of Oluwaseyi Olawore

Oluwaseyi Olawore submitted his resignation to the Commission due to moving out of the City. Staff will continue to advertise two open vacancies.

Motion by Commissioner Karnopp to accept the resignation of Commissioner Olawore. Seconded by Commissioner Brillhart.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried unanimously.

3. 2024 Charter Commission Meeting Dates

Ms. Kondrick stated that the City Council has approved the joint meeting date requested by the Commission and that the meeting schedule is ready to be approved for 2024 by the Commission.

Motion by Commissioner Rolstad to approve the 2024 Charter Commission meeting dates as presented. Seconded by Commissioner Granroos.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Commissioner Findell noted that the Bylaws state that the annual meeting should be held in March and asked if an additional meeting should be added. After discussion, March 18th, 2024 was suggested as the annual meeting date.

Motion by Commissioner Karnopp to add March 18, 2024 as a meeting date. Seconded by Commissioner Rolstad.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Old Business

4. Ordinance No. 1417, Amending the Nominations and Elections Chapter of the Fridley City Charter

Discussion was held to change all numbers and letters in lists to bullet points.

Motion by Commissioner Karnopp to change from numbers and letters to bullet points. Seconded by Commissioner Rolstad.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Motion by Commissioner Rolstad to send the draft of Chapter 4 to the City Council. Seconded by Commissioner Brillhart.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried unanimously.

New Business

Future Meeting Topics/Communications

5. Future Meeting Topics

Discussion on whether Chapter 10 should remain on Future Meeting Topics for discussion. Suggestion was made to go through Chapters that need A/P Style updates and to look at Chapters that have not been updated in recent years. The Commission asked if the City Attorney could do a legal review of any Chapters to help aid in future updates.

Motion by Commissioner Rolstad to send chapters 1, 5 and 10 to the City Attorney for a legal review. Seconded by Commissioner Barre.

Chair Nelson requested adding a review of Bylaws to future meeting topics.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Adjournment

Motion by Commissioner Granroos to adjourn the meeting. Seconded by Commissioner Rolstad.

Upon a voice vote, all voting aye, Chairperson Nelson declared the motion carried and the meeting adjourned at 7:37 p.m.



AGENDA REPORT

Meeting Date: January 9, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

New Member Interviews

Background

The Charter Commission declared a vacancy for Commissioner Gary Braam's seat on October 2, 2023. The Charter Commission declared a vacancy for Commissioner Oluwaseyi Olawore on November 6, 2023. Commissioner Starck did not execute her Oath to be reappointed to the Commission and does not wish to renew her membership. Therefore, the Commission has a third vacancy. After staff sent the Commission its agenda for this evening's meeting, staff received another application for the Commission to consider.

Attached are the interest forms from Fridley residents who would like to serve on the Charter Commission. Some of the applicant data is considered private data on individuals and has been redacted pursuant to Minnesota Statute § 13.601 subd. 3.

The applicants were asked to attend this meeting. Each applicant was provided with a supplemental questionnaire (attached) as has been customary for the Commission. Upon recommendation of the Commission staff will communicate with the Chief Judge, who will make the appropriate appointments.

Recommendation

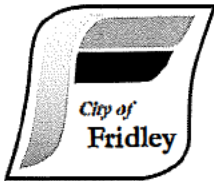
Staff recommend a motion to recommend any of the applicants for appointment to the Chief Judge for membership to the Fridley Charter Commission.

Attachments and Other Resources

- Doug Schimtz City Commission Interest Form and Questionnaire
- Audrey Nelson City Commission Interest Form and Questionnaire
- Clifford Johnson City Commission Interest Form and Questionnaire

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Fridley Civic Campus

7071 University Ave N.E. Fridley, MN 55432
763-571-3450 | FAX: 763-571-1287 | FridleyMN.gov

Name Douglas Schmitz

Address [REDACTED]

Home Phone [REDACTED] of Years/Months Resident of Fridley 18

Employer Think Small/Redleaf Press Work Phone [REDACTED]

Address [REDACTED]

Email [REDACTED]

Please rank in order, the commissions on which you wish to serve. (Leave blank any Commissions on which you do not wish to serve.)

- 2 Charter Commission
- Housing & Redevelopment Authority
- 1 Planning Commission
- Environmental Quality & Energy Commission
- Parks & Recreation Commission

Prior Experience on City Commissions, City Boards, etc.: None

Work Experience: Have worked for almost 30 years in publishing. Experience includes proofreading.

Civic, Professional and Community Activities: Coach of Fridley-Heights Youth Soccer Teams
Recently attended Fridley Academy

(Over)

Why do you want to be on a Fridley commission? I enjoyed learning about the different areas of the City of Fridley while at the Fridley Academy, and this seemed like a good way to continue to learn more about the community and offer some service.

What skills, strengths or abilities do you believe you will add to the commission?
As mentioned above, I am in the publishing industry, so I have knowledge of communications and editing and proofreading. Although I do not have experience in city planning, I do have interest in Fridley flourishing.

Does your work require you to travel? No **How often?** N/A

Additional Comments: I would be a novice at this, but eager to learn and hopefully would bring common sense and questions to the table.

References (Optional):

<u>Name</u>	<u>Address</u>	<u>Phone No.</u>


Signature

11-27-2023

Date

The information provided by you on this application will be used to determine your suitability for appointment to a City of Fridley commission. Participation as a commission member is strictly voluntary, and you are not required by law to provide this information. If you do not furnish this information, however, the City may have difficulty determining your suitability for appointment and contacting you. Under Minnesota State statutes, only your name is considered public information upon appointment. Any other information on this application is private data and will be accessible only to you, City staff or as provided for by Minnesota statutes.

*Please return the application to Roberta Collins,
 City of Fridley, 7071 University Avenue N.E., Fridley, MN 55432.*



Charter Commission Candidate Questionnaire

Candidate Name: Douglas Schmitz

1. Are you available for winter meetings (the months of January through May)?
Yes.

2. If you are appointed, what would your expectations be?
My expectations would be to (1) have some time to learn the ins and outs of being on the commission; (2) to be able to work collaboratively with the rest of the commission members; (3) be able to contribute to the commission's work.

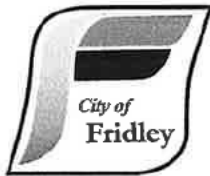
3. Does your job require travel, that may inhibit your participation in evening meetings?
No.

4. Why do you want to be on the Charter Commission? What could you bring to the table?
I have an interest in local government that has been increased by attending the Citizen's Academy. I work in publishing for a company called Redleaf Press. I think I could bring an editor's eye to some of the commission's work.

5. Are you familiar with what the City Charter is?

Not entirely, but I am learning.

6. Is there anything else or any other comments you would like to share with the Commission?
Looking forward to meeting the other members and digging into the work of the commission.



Fridley Civic Campus

7071 University Ave N.E. Fridley, MN 55432
763-571-3450 | FAX: 763-571-1287 | FridleyMN.gov

Name Audrey Nelson

Address [REDACTED]

Home Phone [REDACTED] **Number of Years/Months Resident of Fridley** 47 yrs

Employer N/A - Retired **Work Phone** _____

Address _____

Email [REDACTED]

Please rank in order, the commissions on which you wish to serve. (Leave blank any Commissions on which you do not wish to serve.)

- 1 **Charter Commission**
- _____ **Housing & Redevelopment Authority**
- _____ **Planning Commission**
- _____ **Environmental Quality & Energy Commission**
- _____ **Parks & Recreation Commission**

Prior Experience on City Commissions, City Boards, etc.: _____

Work Experience: Administrative management, customer service

Civic, Professional and Community Activities: _____

(Over)

Why do you want to be on a Fridley commission? I have always wanted to be involved with Fridley city government and now I have the time.

What skills, strengths or abilities do you believe you will add to the commission?

I am an excellent listener, knowledgeable, open to new ideas, and have a great deal of common sense.

Does your work require you to travel? N/A **How often?** _____

Additional Comments: _____

References (Optional):

Name

Address

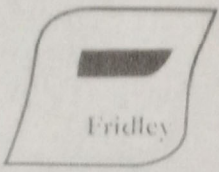
Phone No.

Audrey Nelson
Signature

10-04-23
Date

The information provided by you on this application will be used to determine your suitability for appointment to a City of Fridley commission. Participation as a commission member is strictly voluntary, and you are not required by law to provide this information. If you do not furnish this information, however, the City may have difficulty determining your suitability for appointment and contacting you. Under Minnesota State statutes, only your name is considered public information upon appointment. Any other information on this application is private data and will be accessible only to you, City staff or as provided for by Minnesota statutes.

*Please return the application to Roberta Collins,
City of Fridley, 7071 University Avenue N.E., Fridley, MN 55432.*



Charter Commission Candidate Questionnaire

Item 2.

Candidate Name: Audrey Nelson

1. Are you available for winter meetings (the months of January through May)?

Yes

2. If you are appointed, what would your expectations be?

I would expect the current members will provide me with training for me to be successful in this position.

3. Does your job require travel, that may inhibit your participation in evening meetings?

No

4. Why do you want to be on the Charter Commission? What could you bring to the table?

① I've always been interested in Fridley City government.

② I desire to be a participant in the system.

5. Are you familiar with what the City Charter is?

I have some familiarity.

6. Is there anything else or any other comments you would like to share with the Commission?

A more indepth description of this position would be helpful.



Fridley Civic Campus

7071 University Ave N.E. Fridley, MN 55432
763-571-3450 | FAX: 763-571-1287 | FridleyMN.gov

Item 2.

Name **CLIFFORD JOHNSON**

Address **[REDACTED]**

Home Phone **[REDACTED]** Number of Years/Months Resident of Fridley 1 MONTH

Employer RETIRED Work Phone _____

Address _____

Email **[REDACTED]** _____

Please rank in order, the commissions on which you wish to serve. (Leave blank any Commissions on which you do not wish to serve.)

- 1 Charter Commission
- _____ Housing & Redevelopment Authority
- _____ Planning Commission
- _____ Environmental Quality & Energy Commission
- _____ Parks & Recreation Commission

Prior Experience on City Commissions, City Boards, etc.: _____

On Columbia Heights charter commission for 3 years 2020-2023

On Fridley Planning commission in the late 80's.

Work Experience: automotive database building

Civic, Professional and Community Activities: Volunteer at Heights Jamboree

(Over)

Why do you want to be on a Fridley commission? Civic involvement

What skills, strengths or abilities do you believe you will add to the commission?

I am data driven, worked with databases. I have not missed a meeting
for the comission in Heights.

Does your work require you to travel? no How often? _____

Additional Comments: _____

References (Optional):

<u>Name</u>	<u>Address</u>	<u>Phone No.</u>
Nick Novisky	Columbia Heights Mn	



Signature

12-31-23

Date

The information provided by you on this application will be used to determine your suitability for appointment to a City of Fridley commission. Participation as a commission member is strictly voluntary, and you are not required by law to provide this information. If you do not furnish this information, however, the City may have difficulty determining your suitability for appointment and contacting you. Under Minnesota State statutes, only your name is considered public information upon appointment. Any other information on this application is private data and will be accessible only to you, City staff or as provided for by Minnesota statutes.

*Please return the application to Roberta Collins,
City of Fridley, 7071 University Avenue N.E., Fridley, MN 55432.*



Charter Commission Candidate Questionnaire

Candidate Name: CLIFFORD JOHNSON

1. Are you available for winter meetings (the months of January through May)?
YES
2. If you are appointed, what would your expectations be?
THAT ANY CHANGES TO THE CHARTER WE RECOMMEND ARE BENEFICIAL TO ALL, NOT JUST TO ANY SPECIAL INTERESTS.
3. Does your job require travel, that may inhibit your participation in evening meetings?
NO, RETIRED
4. Why do you want to be on the Charter Commission? What could you bring to the table?
I BELIEVE IN CIVIC INVOLVEMENT. I HAVE BEEN ON THE COLUMBIA HEIGHTS CHARTER COMMISSION, SO I BRING THAT EXPERIENCE WITH.
5. Are you familiar with what the City Charter is?

YES
6. Is there anything else or any other comments you would like to share with the Commission?
NO



AGENDA REPORT

Meeting Date: January 9, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Upcoming Terms Expiring: Nikki Karnopp and Rick Nelson

Background

Commissioners Karnopp and Nelson's appointments to the Fridley Charter Commission (Commission) expire February 3, 2024, and February 21, 2024, respectively. If Commissioners Karnopp and Nelson wish to be reappointed, a motion to recommend their reappointments to the Chief Judge would be required.

If either Commissioners Karnopp or Nelson do not wish to be reappointed, a motion to declare an opening on the Commission would be in order.

Recommendation

Staff recommend a motion to either reappoint Commissioners Karnopp and Nelson to another four-year term, or a motion to declare a vacancy on the Commission.

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: January 9, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

2024 Nominating Committee

Background

Section VII of the Charter Commission's Bylaws call for the Chair to appoint a Nominating Committee of three or more members who will report the nomination of one or more candidates for each office. The committee's written report will be transmitted to the Commission with the February 5, 2024 agenda. An Election of Officers will take place at the Commission's March 18, 2024 Annual Meeting.

The current officers are: Rick Nelson, Chair; Manny Granroos, Vice Chair; Val Rolstad, Secretary.

Recommendation

Staff recommend Chair Nelson appoint three or more Commissioners to the 2024 Nominating Committee. Staff recommend the Nominating Committee submit a written report to staff to include with the February 5, 2024 agenda.

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: January 9, 2024

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Chapter 4 Update

Background

At its November 6, 2023 meeting the Charter Commission formally recommended an update to Chapter 4 of the City Charter (Nominations and Elections). Staff put the recommended update into the form of an ordinance. The Fridley City Council conducted a public hearing on Ordinance No. 1417 on November 27, conducted a first reading of the ordinance on December 11 and a second reading on December 18. Pursuant to State law the update will become effective March 20, 2024.

Recommendation

None.

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: January 9, 2024

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Chapters 1, 5 and 10: Legal and Staff Reviews

Background

At its November 6, 2023 meeting the Charter Commission directed staff to provide a review of Chapters 1, 5 and 10, along with a legal review from the City Attorney. These chapters were identified by the Commission as possibly being ready for the Commission to review and recommend updates.

Recommendation

Staff recommend the Commission review the staff comments and legal review.

Attachments and Other Resources

- Chapter 1 Legal Review
- Chapter 1 Staff Review
- Chapter 5 Legal Review
- Chapter 5 Staff Review
- Chapter 10 Legal Review
- Chapter 10 Staff Review

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

FRIDLEY CITY CHARTER
CHAPTER 1. NAME, BOUNDARIES, POWERS AND CONSTRUCTION OF GOVERNMENT

Section 1.01. NAME AND BOUNDARIES.

Upon the taking effect of this Chapter, the Village of Fridley in the County of Anoka and State of Minnesota shall become a City under the name of City of Fridley and shall continue to be a municipal corporation with boundaries the same as they now are established or as they may hereafter be established.

Section 1.02. POWERS OF THE CITY.

The City of Fridley:

shall have perpetual succession;

may sue and be sued;

may use and alter its seal at pleasure;

shall be capable of contracting and being contracted with;

may take by purchase, condemnation, gift, devise, or otherwise, and hold, lease, sell and convey all such real and personal property as its purposes may require, or the transaction of its business may render convenient, within or without the limits of the City;

may acquire, construct, own, lease and operate public utilities, and render public service of every kind;

may grant franchises or licenses for the construction, operation and maintenance of public utilities in, over, upon and under the streets and public places in the City, and shall have power to fix and regulate the fares, tolls, or charges which may be collected, the extensions which shall be made, and regulate the services which shall be rendered by any owner or operator of a public utility franchise or license;

may assess, levy and collect taxes, for general or special purposes, on all subjects or objects which the city may lawfully tax;

may borrow money on the faith and credit of the City or on a public utility or other property owned by the City or the revenues therefrom by the issuance and sale of bonds or certificates of indebtedness;

may appropriate the money of the City for all lawful purposes;

Commented [1]: May want to make this more broad. This list of powers is very specific. Example: "The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this Charter to confer upon the City every power which it would have if it were specifically mentioned. The Charter shall be construed liberally in favor of the City, and the specific mention of particular municipal powers in other sections of this Charter do not limit the powers of the City to those thus mentioned."

Adopted 10-05-1989

may provide for, construct, regulate, and maintain public works and local improvements;

may levy and collect assessments against real property within the City for local improvements and services including garbage and refuse collection and disposal;

may license and regulate persons, corporations and associations engaged in any occupation, trade or business;

may define, prohibit, abate, and suppress all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and all nuisances and causes thereof;

may regulate the construction, height and materials used in all buildings, and the maintenance and occupancy thereof;

may regulate and control the use for whatever purposes of the streets and other public places;

may make and enforce local police, sanitary, and other regulations;

may pass ordinances for maintaining and promoting the peace, good government and welfare of the City, and for the performance of all the functions thereof;

shall have all the powers possessed by municipal corporations at common law;

shall have, retain and may exercise all powers, functions, rights, and privileges, heretofore possessed by the Village of Fridley;

may exercise such powers beyond its corporate limits as may be necessary for the effective exercise of any powers granted herein as now authorized by law;

and in addition thereto, the City of Fridley shall have and exercise all powers, functions, rights, and privileges exercised by, or which are incidental to, or inherent in, municipal corporations and are not denied to it by the Constitution or general laws of the State of Minnesota.

The enumeration of powers herein shall not be construed to limit or restrict the powers granted in general terms, nor shall any specific power granted in this charter be construed to limit or restrict the powers granted in this Section.

In addition to the powers herein and hereafter granted, the City of Fridley shall have full power to deal with all matters of municipal concern and have complete self-government in harmony with and subject to the Constitution and laws of the State of Minnesota.

Section 1.03. CHARTER, A PUBLIC ACT.

Adopted 10-05-1989

This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect fifteen (15) days from and after its adoption by the voters.

Section 1.04. DEFINITIONS.

1. Eligible voter.

A resident of the City of Fridley who is qualified to register to vote.

2. Registered Voter.

An eligible voter who is currently registered in the City of Fridley.

3. Voter.

A registered voter who has voted in the City of Fridley within the last four years.

4. Electorate.

The whole body of eligible voters. (Ref. Ord. 857)

Adopted 10-05-1989

FRIDLEY CITY CHARTER
CHAPTER 1. NAME, BOUNDARIES, POWERS AND CONSTRUCTION OF GOVERNMENT

Section 1.01. NAME AND BOUNDARIES.

Upon the taking effect of this Chapter, the Village of Fridley in the County of Anoka and State of Minnesota shall become a City under the name of City of Fridley and shall continue to be a municipal corporation with boundaries the same as they now are established or as they may hereafter be established.

Section 1.02. POWERS OF THE CITY.

The City of Fridley:

shall have perpetual succession;

may sue and be sued;

may use and alter its seal at pleasure;

shall be capable of contracting and being contracted with;

may take by purchase, condemnation, gift, devise, or otherwise, and hold, lease, sell and convey all such real and personal property as its purposes may require, or the transaction of its business may render convenient, within or without the limits of the City;

may acquire, construct, own, lease and operate public utilities, and render public service of every kind;

may grant franchises or licenses for the construction, operation and maintenance of public utilities in, over, upon and under the streets and public places in the City, and shall have power to fix and regulate the fares, tolls, or charges which may be collected, the extensions which shall be made, and regulate the services which shall be rendered by any owner or operator of a public utility franchise or license;

may assess, levy and collect taxes, for general or special purposes, on all subjects or objects which the city may lawfully tax;

may borrow money on the faith and credit of the City or on a public utility or other property owned by the City or the revenues therefrom by the issuance and sale of bonds or certificates of indebtedness;

may appropriate the money of the City for all lawful purposes;

may provide for, construct, regulate, and maintain public works and local improvements;

may levy and collect assessments against real property within the City for local improvements and services including garbage and refuse collection and disposal;

Commented [MM1]: The Commission could consider citing M.S. Chapter 410, which is the chapter of State law enabling home rule charter cities and enumerates their scope, role, authorities and some processes.

Commented [MM2]: Brooklyn Center and Ramsey: The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with this Charter and with the constitutions of this state and of the United States and with the statutes of this state. It is the intention of this Charter to confer upon the city every power which it would have if it were specifically mentioned, unless otherwise provided in this Charter. The Charter shall be construed liberally in favor of the city, and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the council.

Bloomington and White Bear Lake: The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of the State of Minnesota and of the United States. This Charter shall be construed liberally, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers herein conferred.

Commented [MM3]: I agree with the City Attorney. The Commission may want to consider a more broad statement. Referring to the powers authorized by the State may also anticipate new power/authority granted by the State, that are not listed here.

Adopted 10-05-1989

may license and regulate persons, corporations and associations engaged in any occupation, trade or business;

may define, prohibit, abate, and suppress all things detrimental to the health, **morals**, comfort, safety, convenience and welfare of the inhabitants of the City, and all nuisances and causes thereof;

Commented [MM4]: Staff recommend removing this term. It is subjective and is being removed from the City Code.

may regulate the construction, height and materials used in all buildings, and the maintenance and occupancy thereof;

may regulate and control the use for whatever purposes of the streets and other public places;

may make and enforce local police, sanitary, and other regulations;

may pass ordinances for maintaining and promoting the peace, good government and welfare of the City, and for the performance of all the functions thereof;

shall have all the powers possessed by municipal corporations at common law;

shall have, retain and may exercise all powers, functions, rights, and privileges, heretofore possessed by the Village of Fridley;

may exercise such powers beyond its corporate limits as may be necessary for the effective exercise of any powers granted herein as now authorized by law;

and in addition thereto, the City of Fridley shall have and exercise all powers, functions, rights, and privileges exercised by, or which are incidental to, or inherent in, municipal corporations and are not denied to it by the Constitution or general laws of the State of Minnesota.

The enumeration of powers herein shall not be construed to limit or restrict the powers granted in general terms, nor shall any specific power granted in this charter be construed to limit or restrict the powers granted in this Section.

In addition to the powers herein and hereafter granted, the City of Fridley shall have full power to deal with all matters of municipal concern and have complete self-government in harmony with and subject to the Constitution and laws of the State of Minnesota.

Section 1.03. CHARTER, A PUBLIC ACT.

This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect **fifteen (15) days** from and after its adoption by the voters.

Commented [MM5]: M.S. 410.11: The charter shall take effect 30 days after the election, or at such other time as is fixed in the charter, and shall then supersede all other charter provisions relating to such city.

Most other city charters in the Metro call for 30 days, not 15.

Section 1.04. DEFINITIONS.

1. Eligible voter.

A resident of the City of Fridley who is qualified to register to vote.

Adopted 10-05-1989

2. Registered Voter.

An eligible voter who is currently registered in the City of Fridley.

3. Voter.

A registered voter who has voted in the City of Fridley within the last four years.

4. Electorate.

The whole body of eligible voters. ||

Commented [MM6]: These terms are found throughout the Charter. The Commission may want to consider defining other terms that are applicable.

The only other chapter of the Charter that defines any terms is Chapter 10 (section 10.01) where "franchise" is defined.

Commented [MM7]: The question of Councilmembers serving on the Commission has been raised in the past. I came across this from the City of Plymouth for the Commission's consideration:

A council member may serve on both the City Council and the Charter Commission, as long as no more than one council member serves on the Charter Commission at one time. Council members serving on the Charter Commission on the effective date of this Charter Amendment may complete their terms on the Charter Commission.

Adopted 10-05-1989

FRIDLEY CITY CHARTER
CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL

Section 5.01. POWERS RESERVED BY THE PEOPLE.

The people of the City of Fridley reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes; to require any ordinance when passed by the Council to be referred to the electorate for approval or disapproval; and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively. (Ref. Ord. 857, 1142)

Section 5.02. EXPENDITURES BY PETITIONERS.

No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, monetary or otherwise, for service rendered in connection with the circulation thereof. This shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$200 for stationery, copying, printing, and notaries' fees. A sworn statement substantiating such expenses shall be turned over to the City Clerk within five (5) days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section shall be reported by the City Clerk to the proper authorities for prosecution under State Statutes applying thereto. (Ref. Ord. 1252)

Commented [1]: May not want to have a set amount in here as eventually it will not be sufficient.

Section 5.03. FURTHER REGULATIONS.

1. A lawful petition under this Charter may be submitted, signed and circulated upon an ordinance to be initiated, or upon an ordinance to be made the subject of a referendum or on a proceeding for recall upon the grounds authorized by law and required by the Constitution of the State of Minnesota. Reasons stated in the proposed petition, are to be stated and noted in the petition itself. A petition for any other purpose may be made in accordance with procedures established by this Charter or under provisions of law as may be elsewhere provided. (Ref. Ord. 625, 1142)
2. A petition under this Charter shall be filed in the office of the City Clerk as one (1) instrument, which instrument shall contain any required documents (appropriate to the petition), a copy of any ordinance proposed, covered or affected, and all the signature papers and affidavits attached in support of the same. (Ref Ord 1142)
3. A petition shall be circulated by a registered voter of the City. A petition shall be signed by registered voters of the City. All the signatures on any petition need not be on one (1) signature paper. The circulator of the petition shall be certified as the circulator of the petition by an attached notarized affidavit which states:

Adopted 04-22-2013

- (1) that the circulator has signed the petition;
- (2) that each signature was signed in the circulator's presence;
- (3) the signature is from the person who signed the petition in front of the circulator; and
- (4) that each signer affirmed they were a registered voter at the residence stated thereon.

Any signature paper lacking the notarized affidavit shall be void. If void, the signatures on that paper shall not be used in the calculation of the signatures needed to fulfill the petition requirement. (Ref Ord 1305)

- 4. The insufficiency or irregularity of a petition shall not prejudice the filing of any new petition for the same purpose, nor shall it prevent the Council from referring any ordinance proposed to the electorate at the next regular or special election, or otherwise acting favorably upon the same. (Ref. Ord. 625)
- 5. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall not inconsistent with this Charter as it deems necessary. (Ref. Ord. 625)
- 6. The City Clerk, upon receipt of documented information that any signature on any petition paper has been falsely attested to, shall verify the signatures and promptly forward such information to the proper authority for prosecution under State Statutes applying thereto. (Ref. Ord. 625)

Commented [2]: Shouldn't the City Clerk also verify the signatures?

INITIATIVE

Section 5.04. INITIATION OF MEASURES.

Any five (5) registered voters may form a committee for the initiation of any ordinance as provided in Section 5.03.01. Before circulating any petition the committee shall file a copy of the proposed ordinance with the City Clerk along with the names and addresses of members of said committee. The committee shall attach a verified copy of the proposed ordinance to each of the signature papers herein described, along with their names and addresses as sponsors thereof. A verified copy of the proposed ordinance shall be a copy to which the City Clerk affixes the words: "Proposed Ordinance on File. Fridley City Clerk:____ Date:____." (Ref. Ord. 857, 1142)

Section 5.05. FORM OF PETITION AND OF SIGNATURE PAPERS.

The completed petition for the adoption of any ordinance not yet in effect shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by at least fifteen percent (15%) of the total number of votes cast at the last state general election in the City. Each signature paper shall be in substantially the following form: (Ref Ord 1305)

Commented [3]: By whom? Registered voters?

Adopted 04-22-2013

INITIATIVE PETITION

Proposing an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the terms and the nature of the ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the electorate for their approval.

Name (Please Print)	Birth Year	Address (Please Print)	Signature
---------------------	------------	------------------------	-----------

At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

Section 5.06. FILING OF PETITIONS AND ACTION THEREON.

Within ten (10) days after the filing of the completed petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the total number of votes cast at the last state general election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office and no further action shall be taken. The City Clerk shall notify one (1) or more members of the petition committee of that fact. (Ref. Ord. 625, 857, 1142, 1305)

Commented [4]: Registered voters?

Commented [5]: May want to say "date of the notice" in case notice is given some other way (i.e. email)

Commented [6]: Is this enough time? May want to say "business days."

Section 5.07. ACTION OF THE COUNCIL ON INITIATIVE PETITIONS.

A. Completed Petition With Signatures Under 25%

When the completed petition is found to be sufficient, with the number of signers of the petition not less than fifteen percent (15%) and less than twenty-five percent (25%) of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next

Commented [7]: Registered voters?

Adopted 04-22-2013

meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance shall become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to a majority of the petition committee, the proposed ordinance shall be submitted by the Council to the electorate at the next regular municipal election.

Commented [8]: This could be a little too subjective of a standard.

B. Completed Petition With Signatures of 25% or More

When the completed petition is found to be sufficient with the number of signers of the petition equal to at least twenty-five percent (25%) or more of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance shall become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition, the Council shall call for an election and place the question on the ballot. If the petition is submitted by July 1st of an even year, the question shall be placed on the next regular municipal election ballot. If the petition is submitted after July 1st of an even year or during an odd year, the Council shall call for a special election subject to Minnesota Election Law. (Ref 1305)

Commented [9]: By registered voters?

Commented [10]: I think that even though it would be done as part of the general election, it would still be considered a special election.

Section 5.08. INITIATIVE BALLOTS.

The ballots used when voting upon such proposed ordinance shall state the substance of the ordinance and shall give the electorate the opportunity to vote either "Yes" or "No" on the question of adoption. If a majority of those voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election; but the voter shall be allowed to vote for or against each separately. In the case of inconsistency between two (2) or more initiative ordinances approved by the voters, the ordinances shall not go into effect until the City Council has had sixty (60) days to resolve the inconsistencies. (Ref. Ord. 625, 857, 1305)

Commented [11]: May want to figure out a way to resolve inconsistencies between the two ordinances before the election.

Section 5.09. INITIATION OF CHARTER AMENDMENTS.

The ways to initiate amendments to this Charter are set forth in Minnesota Statutes Chapter 410. (Ref. Ord. 857, 914.)

REFERENDUM

Adopted 04-22-2013

Section 5.10. THE REFERENDUM.

If prior to the date when an ordinance takes effect a petition signed by at least fifteen per cent (15%) of the total votes cast at the last state general election in the City request that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. (Ref. Ord. 857, 1142, 1305)

Commented [12]: By registered voters?

Section 5.11. REFERENDUM PETITIONS.

Any five (5) registered voters may form a committee for the purpose of petitioning for a referendum as provided in Section 5.03.01. Before circulating any petition, the committee shall file a copy of the proposed referendum petition and a copy of the ordinance proposed to be repealed with the City Clerk along with the names and addresses of members of said committee. The committee shall attach a verified copy of the referendum and the ordinance to be repealed to each of the signature papers herein described, along with their names and addresses as sponsors thereof. A verified copy of the ordinance proposed to be repealed to the referendum shall be a copy to which the city clerk has affixed the words: "Proposed Ordinance on File. Fridley City Clerk ____, Date ____." A referendum petition shall read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its submission to the electorate for their approval or disapproval.

Name (Please Print)	Birth Year	Address (Please Print)	Signature
---------------------	------------	------------------------	-----------

At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

Section 5.12. FILING OF REFERENDUM PETITIONS

Adopted 04-22-2013

1. REFERENDUM PETITION PROPOSING REPEAL OF CHARTER AMENDMENT

The requirements for the purposes of petitioning for a referendum **repealing** a charter amendment are set forth in Minnesota State Statutes.

Commented [13]: I am not aware of a statute that authorizes the repeal of a charter amendment. There is a statute that requires a referendum on a charter amendment.

2. REFERENDUM PETITION PROPOSING REPEAL OF AN ORDINANCE

Within ten (10) days after the filing of the completed referendum petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the total number of votes **cast** at the last state general election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten days begins on the date the letter is postmarked. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office, no further action shall be taken, and the ordinance will become effective immediately or on the date specified. The City Clerk shall notify one (1) or more members of the petition committee of that fact. (Ref. Ord. 1252, 1305)

Commented [14]: By registered voters?

Section 5.13. REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered **shall** be suspended from taking effect. Such suspension shall terminate when:

Commented [15]: Automatically?

1. There is a final determination of insufficiency of the petition; or
2. The petitioner's committee withdraws the petition; or
3. The council repeals the ordinance; or
4. Upon seven days after canvass of election is completed when a majority of those voting on any such ordinance vote in favor of it. (Ref. Ord. 1252)

Section 5.14. ACTION OF THE COUNCIL ON REFERENDUM PETITIONS

If the referendum petition or amended referendum petition is found to be sufficient, the City Clerk shall transmit the referendum petition to the Council at the next regular Council meeting. The Council shall thereupon reconsider the ordinance and either repeal it or by aye and nay vote re-affirm its adherence to the ordinance as passed. If the Council votes to reaffirm the ordinance by August 1st of an even year, the question shall be placed on the next **regular** municipal election ballot. If approved after August 1st of an even year, the Council shall immediately order a special election to be held subject to Minnesota Election Law. (Ref. Ord. 1252, 1305)

Commented [16]: I think that this is still considered to be a special election even though it is held in conjunction with the regular election.

Section 5.15. REFERENDUM BALLOTS.

Adopted 04-22-2013

The ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

RECALL

Section. 5.16. THE RECALL

Any five (5) registered voters may form a committee for the purpose of bringing about the recall of any elected officer of the City as provided in Section 5.03.01.

Before circulating any petition, the committee shall file with the City Clerk a copy of a statement naming the elected officer whose removal is sought, a statement of the grounds for removal in not more than two hundred fifty (250) words, and their intention to bring about the recall with their names and addresses as members of said committee. The statement of grounds for removal of the elected officer must identify malfeasance or nonfeasance of conduct in the officer's performance of official duties. Malfeasance constitutes an illegal or harmful act which an elected official should not perform in an official capacity. Nonfeasance is the neglect or refusal to perform official duties. The committee shall also attach a verified copy of said statement to each of the signature papers herein described, together with their names and addresses as sponsors thereof. A verified copy of said statement shall be a copy to which the city clerk shall affix the following words: "Proposed Recall Statement on File. Fridley City Clerk (Attest): ____ Date: ____ (Ref. Ord. 625, 857, 1142)

Section 5.17 RECALL PETITIONS.

The petition for the recall of any elected official shall consist of the statement identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. Such petition shall not be considered to be complete unless signed by at least twenty five percent (25%) of the total number of votes cast in the last state general election in the Ward or City represented by the office holder. Each signature paper shall be in substantially the following form: (Ref 1305)

RECALL PETITION

Proposing the recall of from office as which recall is sought for the reasons set forth in the attached statement. This movement is sponsored by the following committee of registered voters:

Name	Address
1.	
2.	
3.	
4.	
5.	

Commented [17]: Registered voters?

Commented [MM18R17]: No. Total number of votes cast. A vote wouldn't be cast in an election w/out the voter being registered.

Commented [19]: Which one is it? Ward or entire City? Or, if the council member who is being recalled represents a ward, is that particular ward? And if it is an at-large council member, is it the entire City?

Commented [MM20R19]: So, if the Ward 1 Councilmember was in question, wouldn't it be 25% of total number of votes cast in that ward? Or, if it was Councilmember-at-Large/Mayor, then it would be 25% of votes cast in the City.

Adopted 04-22-2013

The undersigned registered voters, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

Name	Birth Year	Address	Signature
------	------------	---------	-----------

At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

Section. 5.18 FILING OF PETITION.

Within thirty (30) days after the filing of the original proposed petition, the committee shall file the completed petition in the Office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if the City Clerk finds it irregular, or finds that the number of signers is less than twenty-five percent (25%) of the total number of votes cast at the last state general election in the Ward or City represented by the office holder, the City Clerk shall at once notify one (1) or more members of the petition committee advising the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that time the City Clerk finds the petition still insufficient or irregular, one (1) or more of the members of the petition committee shall be notified to that effect and the petition shall be filed in the City Clerk's office. No further action shall be taken thereon. (Ref. Ord. 857, 1142, 1305)

Commented [21]: Registered voters?

Commented [MM22R21]: No.

Section. 5.19. RECALL ELECTION.

If the petition or amended petition is found sufficient, the City Clerk shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election subject to Minnesota Election Law. (Ref. Ord. 1252, 1305)

Commented [23]: May want to cite the applicable election statutes here.

Commented [MM24R23]: Or, State Statute. However we do this, it should be consistent. "Minnesota Statute" is how the City Code is being formatted.

Section. 5.20. PROCEDURE AT RECALL ELECTION.

The Clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the elected officer concerned in justification of his/her conduct in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted, as far as possible, in accordance with the usual procedure in municipal elections. (Ref. Ord. 857, 1142)

Commented [25]: Can this election be held at the same time? It implies that it can, although it seems to me that the recall should happen first.

Section 5.21. FORM OF RECALL BALLOT.

Adopted 04-22-2013

1. If the officer sought to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, the Council shall declare the office vacant and shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06.

2. If the officer sought to be recalled does not resign within ten (10) days after the receipt by the Council of the completed recall petition, the question to be placed on the ballot at the recall election referenced in Section 5.19 of the Charter shall be: "Shall _____ be recalled?", the name of the officer whose recall is sought being inserted in the blank, and those voting shall be permitted to vote "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall (a majority voting "Yes"), the officer shall be promptly removed from office. The Council shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06. If a majority of those voting on the question of recall vote against recall (a majority voting "No"), the officer shall continue in office with no further action required. (Ref. Ord. 1252)

Section 5.22. INSTRUCTIONS TO PETITIONERS.

The City Clerk shall provide to every person circulating a petition for the initiation of an ordinance, for the initiation of Charter amendments, for a referendum, or for the recall of an elected official, written instructions delineating the correct and proper procedure for circulating the petition. The instructions provided will clearly define falsification of a signature and false attestation of a signature and will cite those ordinances, laws, or statutes relating to such acts. (Ref. Ord. 625, 1142)

Adopted 04-22-2013

FRIDLEY CITY CHARTER
CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL

Section 5.01. POWERS RESERVED BY THE PEOPLE.

The people of the City of Fridley reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes; to require any ordinance when passed by the Council to be referred to the electorate for approval or disapproval; and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively. (Ref. Ord. 857, 1142)

Section 5.02. EXPENDITURES BY PETITIONERS.

No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, monetary or otherwise, for service rendered in connection with the circulation thereof. This shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$200 for stationery, copying, printing, and notaries' fees. A sworn statement substantiating such expenses shall be turned over to the City Clerk within five (5) days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section shall be reported by the City Clerk to the proper authorities for prosecution under State Statutes applying thereto. (Ref. Ord. 1252)

Section 5.03. FURTHER REGULATIONS.

1. A lawful petition under this Charter may be submitted, signed and circulated upon an ordinance to be initiated, or upon an ordinance to be made the subject of a referendum or on a proceeding for recall upon the grounds authorized by law and required by the Constitution of the State of Minnesota. Reasons stated in the proposed petition, are to be stated and noted in the petition itself. A petition for any other purpose may be made in accordance with procedures established by this Charter or under provisions of law as may be elsewhere provided. (Ref. Ord. 625, 1142)
2. A petition under this Charter shall be filed in the office of the City Clerk as one (1) instrument, which instrument shall contain any required documents (appropriate to the petition), a copy of any ordinance proposed, covered or affected, and all the signature papers and affidavits attached in support of the same. (Ref Ord 1142)
3. A petition shall be circulated by a registered voter of the City. A petition shall be signed by registered voters of the City. All the signatures on any petition need not be on one (1) signature paper. The circulator of the petition shall be certified as the circulator of the petition by an attached notarized affidavit which states:

Commented [MM1]: I recommend the Commission rephrase this section. To someone unfamiliar with the Charter, this may be confusing as is written.

Commented [MM2]: The Commission may want to consider a Definitions section for this chapter. Terms like initiative, referendum and recall are not used by most residents. Such a section may help provide clarity to the rest of the chapter.

Commented [BK3]: Remove amount and say "incurring expenses for stationery, copying, printing and notaries' fees."

Commented [MM4R3]: What is the rationale for the dollar amount? Is there a benefit to explicitly stating an amount?

Commented [MM5]: Is this necessary?

Would the Commission be comfortable with some sort of statement saying a circulator must use a petition form provided by the City...or something to that effect?

Adopted 04-22-2013

- (1) that the circulator has signed the petition;
- (2) that each signature was signed in the circulator's presence;
- (3) the signature is from the person who signed the petition in front of the circulator; and
- (4) that each signer affirmed they were a registered voter at the residence stated thereon.

Any signature paper lacking the notarized affidavit shall be void. If void, the signatures on that paper shall not be used in the calculation of the signatures needed to fulfill the petition requirement. (Ref Ord 1305)

- 4. The insufficiency or irregularity of a petition shall not prejudice the filing of any new petition for the same purpose, nor shall it prevent the Council from referring any ordinance proposed to the electorate at the next regular or special election, or otherwise acting favorably upon the same. (Ref. Ord. 625)
- 5. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall not inconsistent with this Charter as it deems necessary. (Ref. Ord. 625)
- 6. The City Clerk, upon receipt of documented information that any signature on any petition paper has been falsely attested to, shall promptly forward such information to the proper authority for prosecution under State Statutes applying thereto. (Ref. Ord. 625)

Commented [MM6]: Agree with the Attorney. Recommend explicitly requiring the City Clerk to verify signatures, then promptly forward that information to proper authorities if not able to verify.

INITIATIVE

Section 5.04. INITIATION OF MEASURES.

Any five (5) registered voters may form a committee for the initiation of any ordinance as provided in Section 5.03.01. Before circulating any petition the committee shall file a copy of the proposed ordinance with the City Clerk along with the names and addresses of members of said committee. The committee shall attach a verified copy of the proposed ordinance to each of the signature papers herein described, along with their names and addresses as sponsors thereof. A verified copy of the proposed ordinance shall be a copy to which the City Clerk affixes the words: "Proposed Ordinance on File. Fridley City Clerk:____ Date:____." (Ref. Ord. 857, 1142)

Section 5.05. FORM OF PETITION AND OF SIGNATURE PAPERS.

The completed petition for the adoption of any ordinance not yet in effect shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by at least fifteen percent (15%) of the total number of votes cast at the last state general election in the City. Each signature paper shall be in substantially the following form: (Ref Ord 1305)

Adopted 04-22-2013

INITIATIVE PETITION

Proposing an ordinance to [.] (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the terms and the nature of the ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the electorate for their approval.

Name (Please Print)	Birth Year	Address (Please Print)	Signature
---------------------	------------	------------------------	-----------

At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

Section 5.06. FILING OF PETITIONS AND ACTION THEREON.

Within ten (10) days after the filing of the completed petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the total number of votes cast at the last state general election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office and no further action shall be taken. The City Clerk shall notify one (1) or more members of the petition committee of that fact. (Ref. Ord. 625, 857, 1142, 1305)

Section 5.07. ACTION OF THE COUNCIL ON INITIATIVE PETITIONS.

A. Completed Petition With Signatures Under 25%

When the completed petition is found to be sufficient, with the number of signers of the petition not less than fifteen percent (15%) and less than twenty-five percent (25%) of the total votes cast at

Adopted 04-22-2013

Commented [BK7]: Can we remove these dots?

Commented [MM8R7]: I am not sure if this level of process is required for the Charter (i.e., what a form looks like). The Charter can include the opening language and make a statement that any circulators of a petition should use the petition form provided by the City. That way they are all consistent and all required information is clearly stated on the form - minimizes errors from circulators who may be unfamiliar with such a process.

Commented [BK9]: Add "business days"

the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance shall become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to a majority of the petition committee, the proposed ordinance shall be submitted by the Council to the electorate at the next regular municipal election.

Commented [MM10]: I agree with the Attorney. Who defines what "unsatisfactory" is in this situation?

B. Completed Petition With Signatures of 25% or More

When the completed petition is found to be sufficient with the number of signers of the petition equal to at least twenty-five percent (25%) or more of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance shall become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition, the Council shall call for an election and place the question on the ballot. If the petition is submitted by July 1st of an even year, the question shall be placed on the next regular municipal election ballot. If the petition is submitted after July 1st of an even year or during an odd year, the Council shall call for a special election subject to Minnesota Election Law. (Ref 1305)

Section 5.08. INITIATIVE BALLOTS.

The ballots used when voting upon such proposed ordinance shall state the substance of the ordinance and shall give the electorate the opportunity to vote either "Yes" or "No" on the question of adoption. If a majority of those voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election; but the voter shall be allowed to vote for or against each separately. In the case of inconsistency between two (2) or more initiative ordinances approved by the voters, the ordinances shall not go into effect until the City Council has had sixty (60) days to resolve the inconsistencies. (Ref. Ord. 625, 857, 1305)

Section 5.09. INITIATION OF CHARTER AMENDMENTS.

The ways to initiate amendments to this Charter are set forth in Minnesota Statutes. (Ref. Ord. 857, 914.)

Adopted 04-22-2013

REFERENDUM

Section 5.10. THE REFERENDUM.

If prior to the date when an ordinance takes effect a petition signed by at least fifteen per cent (15%) of the total votes cast at the last state general election in the City request that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. (Ref. Ord. 857, 1142, 1305)

Section 5.11. REFERENDUM PETITIONS.

Any five (5) registered voters may form a committee for the purpose of petitioning for a referendum as provided in Section 5.03.01. Before circulating any petition, the committee shall file a copy of the proposed referendum petition and a copy of the ordinance proposed to be repealed with the City Clerk along with the names and addresses of members of said committee. The committee shall attach a verified copy of the referendum and the ordinance to be repealed to each of the signature papers herein described, along with their names and addresses as sponsors thereof. A verified copy of the ordinance proposed to be repealed to the referendum shall be a copy to which the city clerk has affixed the words: "Proposed Ordinance on File. Fridley City Clerk ____, Date ____." A referendum petition shall read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its submission to the electorate for their approval or disapproval.

Name (Please Print)	Birth Year	Address (Please Print)	Signature
---------------------	------------	------------------------	-----------

At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

Commented [MM11]: Same comment as above. The Commission may want to consider requiring a standardized form.

Adopted 04-22-2013

Section 5.12. FILING OF REFERENDUM PETITIONS

1. REFERENDUM PETITION PROPOSING REPEAL OF CHARTER AMENDMENT

The requirements for the purposes of petitioning for a referendum repealing a charter amendment are set forth in Minnesota State Statutes.

2. REFERENDUM PETITION PROPOSING REPEAL OF AN ORDINANCE

Within ten (10) days after the filing of the completed referendum petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the total number of votes cast at the last state general election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten days begins on the date the letter is postmarked. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office, no further action shall be taken, and the ordinance will become effective immediately or on the date specified. The City Clerk shall notify one (1) or more members of the petition committee of that fact. (Ref. Ord. 1252, 1305)

Section 5.13. REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition; or
2. The petitioner's committee withdraws the petition; or
3. The council repeals the ordinance; or
4. Upon seven days after canvass of election is completed when a majority of those voting on any such ordinance vote in favor of it. (Ref. Ord. 1252)

Section 5.14. ACTION OF THE COUNCIL ON REFERENDUM PETITIONS

If the referendum petition or amended referendum petition is found to be sufficient, the City Clerk shall transmit the referendum petition to the Council at the next regular Council meeting. The Council shall thereupon reconsider the ordinance and either repeal it or by aye and nay vote reaffirm its adherence to the ordinance as passed. If the Council votes to reaffirm the ordinance by August 1st of an even year, the question shall be placed on the next regular municipal election ballot. If approved after August 1st of an even year, the Council shall immediately order a special election to be held subject to Minnesota Election Law. (Ref. Ord. 1252, 1305)

Adopted 04-22-2013

Section 5.15. REFERENDUM BALLOTS.

The ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

RECALL

Section. 5.16. THE RECALL

Any five (5) registered voters may form a committee for the purpose of bringing about the recall of any elected officer of the City as provided in Section 5.03.01.

Before circulating any petition, the committee shall file with the City Clerk a copy of a statement naming the elected officer whose removal is sought, a statement of the grounds for removal in not more than two hundred fifty (250) words, and their intention to bring about the recall with their names and addresses as members of said committee. The statement of grounds for removal of the elected officer must identify malfeasance or nonfeasance of conduct in the officer's performance of official duties. Malfeasance constitutes an illegal or harmful act which an elected official should not perform in an official capacity. Nonfeasance is the neglect or refusal to perform official duties. The committee shall also attach a verified copy of said statement to each of the signature papers herein described, together with their names and addresses as sponsors thereof. A verified copy of said statement shall be a copy to which the city clerk shall affix the following words: "Proposed Recall Statement on File. Fridley City Clerk (Attest): ____ Date: ____ (Ref. Ord. 625, 857, 1142)

Section 5.17 RECALL PETITIONS.

The petition for the recall of any elected official shall consist of the statement identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. Such petition shall not be considered to be complete unless signed by at least twenty five percent (25%) of the total number of votes cast in the last state general election in the Ward or City represented by the office holder. Each signature paper shall be in substantially the following form: (Ref 1305)

RECALL PETITION

Proposing the recall of from office as which recall is sought for the reasons set forth in the attached statement. This movement is sponsored by the following committee of registered voters:

Name	Address
1.	
2.	
3.	
4.	
5.	

Adopted 04-22-2013

The undersigned registered voters, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

Name	Birth Year	Address	Signature
------	------------	---------	-----------

At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. (Ref. Ord. 625, 857, 1142, 1305)

Commented [MM12]: Same comment as above. Make a standardized form provided by the City.

Section. 5.18 FILING OF PETITION.

Within thirty (30) days after the filing of the original proposed petition, the committee shall file the completed petition in the Office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if the City Clerk finds it irregular, or finds that the number of signers is less than twenty-five percent (25%) of the total number of votes cast at the last state general election in the Ward or City represented by the office holder, the City Clerk shall at once notify one (1) or more members of the petition committee advising the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that time the City Clerk finds the petition still insufficient or irregular, one (1) or more of the members of the petition committee shall be notified to that effect and the petition shall be filed in the City Clerk's office. No further action shall be taken thereon. (Ref. Ord. 857, 1142, 1305)

Section. 5.19. RECALL ELECTION.

If the petition or amended petition is found sufficient, the City Clerk shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election subject to Minnesota Election Law. (Ref. Ord. 1252, 1305)

Section. 5.20. PROCEDURE AT RECALL ELECTION.

The Clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the elected officer concerned in justification of his/her conduct in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted, as far as possible, in accordance with the usual procedure in municipal elections. (Ref. Ord. 857, 1142)

Commented [MM13]: Their

Commented [MM14]: Pursuant to Minnesota Statute.

Adopted 04-22-2013

Section 5.21. FORM OF RECALL BALLOT.

1. If the officer sought to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, the Council shall declare the office vacant and shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06.

2. If the officer sought to be recalled does not resign within ten (10) days after the receipt by the Council of the completed recall petition, the question to be placed on the ballot at the recall election referenced in Section 5.19 of the Charter shall be: "Shall _____ be recalled?", the name of the officer whose recall is sought being inserted in the blank, and those voting shall be permitted to vote "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall (a majority voting "Yes"), the officer shall be promptly removed from office. The Council shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06. If a majority of those voting on the question of recall vote against recall (a majority voting "No"), the officer shall continue in office with no further action required. (Ref. Ord. 1252)

Section 5.22. INSTRUCTIONS TO PETITIONERS.

The City Clerk shall provide to every person circulating a petition for the initiation of an ordinance, for the initiation of Charter amendments, for a referendum, or for the recall of an elected official, written instructions delineating the correct and proper procedure for circulating the petition. The instructions provided will clearly define falsification of a signature and false attestation of a signature and will cite those ordinances, laws, or statutes relating to such acts. (Ref. Ord. 625, 1142)

Commented [MM15]: Standardized forms w/ instructions are the best way to ensure this happens.

Adopted 04-22-2013

FRIDLEY CITY CHARTER
CHAPTER 10. FRANCHISES AND PUBLIC UTILITIES

Section 10.01. DEFINITION OF FRANCHISES.

The word "franchise" as used in this Charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the City, whether such privileges have been or shall hereafter be granted either by the City or by the State of Minnesota.

Section 10.02. FRANCHISE ORDINANCES.

The Council may grant franchises by ordinance adopted by an affirmative vote of at least four (4) members of the Council, but in no case shall a franchise be granted by an emergency ordinance, nor within twenty (20) days after a public hearing thereon as provided for in Section 10.09, or later than sixty (60) days after such public hearing. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, ~~eo~~-partnerships, companies, persons or other entities, desiring to make an especially burdensome use of the streets or public places inconsistent with the public's right in such places, or desiring the privilege of placing 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 for 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, may 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. 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 unconditionally accepted in all its terms, and such acceptance, properly granted by the City Council and executed by the grantee, has been filed with the City Clerk.

Commented [1]: 20 days' notice is a long time. May want to change it to 10 days' notice which is standard for other types of public hearings.

Section 10.03. COST OF PUBLICATION OF FRANCHISE.

The grantee shall bear the cost of publication of the franchise ordinances and shall deposit sufficient cash to guarantee the publication before the ordinance is passed. A franchise ordinance may be published by title and summary.

Section 10.04. POWER OF REGULATION RESERVED.

The City shall have the right and power to regulate and control the exercise by a corporation, ~~eo~~-partnership, company, person, or other entity, of any franchise, however acquired, and whether such franchise has been heretofore granted by the City of Fridley or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota. (Ref. Ord. 592)

Section 10.05. RATES AND CHARGES.

Adopted 10-05-1989

Every public utility or franchisee making use of the streets or public places within the City shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield a fair return on all property used and useful in furnishing service to the City and its inhabitants. This shall not be construed as a guaranty of a return and in no case shall there be any return upon franchise value. Within these limits the determination of maximum rates, fares, or charges to be charged by any public utility or franchisee for service rendered to the City or any person, persons, firm or corporation within the City, shall be made, if possible, by direct negotiations between the public utility or franchisee and the Council. In case of failure to reach an agreement by this method within a reasonable time the Council may, in its discretion, agree to submit to arbitration on such terms as it may deem feasible or upon such terms as the franchise provides for, the fixing of rates, fares, or charges by the public utility or franchisee; provided, however, that the rates, fares, or charges so fixed by arbitration shall not be binding on the City for more than five (5) years. (Ref. Ord. 625)

Section 10.06. PROVISIONS OF FRANCHISES.

Every Franchise shall contain among other things, provisions, relating to the following:

1. The term of the franchise granted, which shall not exceed twenty-five (25) years.
2. Rates, fares and charges to be charged by the public utility or franchisee in compliance with the terms and provisions of Section 10.05.
3. The rights reserved to the City in connection with the erection of poles, masts or other fixtures in the streets or public places and the attachment of wires thereto, the laying of tracks in or of pipes or conduits under the streets or public places, and the placing in the streets or other public places of any permanent or semi-permanent fixtures or equipment by the public utility or franchisee.
4. The prompt repair by the public utility or franchisee of all damages to the public streets, alleys, sidewalks, trails, and other public property occasioned by the acts or omissions of the public utility or franchisee.
5. The rights of the City to have access to all books, records, and papers of the public utility or franchisee which in any way deal with, affect or record its operations within and pertaining to the City and pertaining to property and equipment used and useful in furnishing service to the City and its inhabitants.
6. The power and the right of the City to submit to arbitration the fixing of any rates, fares or charges to be made by the public utility or franchisee.
7. The right of the public utility or franchisee to receive upon condemnation proceedings brought by the City to acquire the public utility or franchisee compensation for its franchise

Adopted 10-05-1989

or the value thereof, if any. (Ref. Ord. 625)

Section 10.07. FURTHER PROVISIONS OF FRANCHISES.

The enumeration and specification of particular matters which must be provided for 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 renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this Charter limit any right or power possessed by the City over existing franchises.

Section 10.08. RENEWALS OR EXTENSION OF FRANCHISES.

Every extension, renewal or modification of any existing franchise or of any franchise granted hereunder shall be subject to the same limitations and granted in the same manner as a new franchise.

Section 10.09. PUBLIC HEARINGS.

Before any franchise ordinance is adopted or any rates, fares or charges to be charged by the public utility or franchisee are fixed, there shall be a public hearing by the Council in regard thereto. Notice of such public hearing shall be given by published notice at least once in the official newspaper not less than twenty (20) days prior to the date of such public hearing. Additional notice of such public hearing may be given in such manner as the Council shall determine. (Ref. Ord. 625)

Commented [2]: May want to say that amendments to ordinances that extend franchise fees do not require a public hearing.

Commented [3]: 20 days is a long time. May want to change to 10 days which is the standard for other types of public hearings.

Adopted 10-05-1989

FRIDLEY CITY CHARTER
CHAPTER 10. FRANCHISES AND PUBLIC UTILITIES

Section 10.01. DEFINITION OF FRANCHISES.

The word "franchise" as used in this Charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the City, whether such privileges have been or shall hereafter be granted either by the City or by the State of Minnesota.

Section 10.02. FRANCHISE ORDINANCES.

The Council may grant franchises by ordinance adopted by an affirmative vote of at least four (4) members of the Council, but in no case shall a franchise be granted by an emergency ordinance, nor within twenty (20) days after a public hearing thereon as provided for in Section 10.09, or later than sixty (60) days after such public hearing. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, persons or other entity desiring to make an especially burdensome use of the streets or public places inconsistent with the public's right in such places, or desiring the privilege of placing 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 for 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, may 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. 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 unconditionally accepted in all its terms, and such acceptance, properly executed by the grantee, has been filed with the City Clerk.

Section 10.03. COST OF PUBLICATION OF FRANCHISE.

The grantee shall bear the cost of publication of the franchise ordinances and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Section 10.04. POWER OF REGULATION RESERVED.

The City shall have the right and power to regulate and control the exercise by a corporation, co-partnership, person or other entity, of any franchise, however acquired, and whether such franchise has been heretofore granted by the City of Fridley or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota. (Ref. Ord. 592)

Section 10.05. RATES AND CHARGES.

Every public utility or franchisee making use of the streets or public places within the City shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield a fair return on all property used and useful in furnishing service to the City and its inhabitants. This shall not be construed as a guaranty of a return and in no case shall there be any return upon franchise value. Within these

Commented [MM1]: 410.09 REGULATION OF FRANCHISES.

Such proposed charter may provide for regulating and controlling the exercise of privileges and franchises in or upon the streets and other public places of the city, whether granted by the city, by the legislature, or by any other authority; but no perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted, unless the proposed grant be first submitted to the voters of the city, and be approved by a majority of those voting thereon, nor in such case for a period of more than 25 years.

Adopted 10-05-1989

limits the determination of maximum rates, fares, or charges to be charged by any public utility or franchisee for service rendered to the City or any person, persons, firm or corporation within the City, shall be made, if possible, by direct negotiations between the public utility or franchisee and the Council. In case of failure to reach an agreement by this method within a reasonable time the Council may, in its discretion, agree to submit to arbitration on such terms as it may deem feasible or upon such terms as the franchise provides for, the fixing of rates, fares, or charges by the public utility or franchisee; provided, however, that the rates, fares, or charges so fixed by arbitration shall not be binding on the City for more than five (5) years. (Ref. Ord. 625)

Section 10.06. PROVISIONS OF FRANCHISES.

Every Franchise shall contain among other things, provisions, relating to the following:

1. The term of the franchise granted, which shall not exceed twenty-five (25) years.
2. Rates, fares and charges to be charged by the public utility or franchisee in compliance with the terms and provisions of Section 10.05.
3. The rights reserved to the City in connection with the erection of poles, masts or other fixtures in the streets or public places and the attachment of wires thereto, the laying of tracks in or of pipes or conduits under the streets or public places, and the placing in the streets or other public places of any permanent or semi-permanent fixtures or equipment by the public utility or franchisee.
4. The prompt repair by the public utility or franchisee of all damages to the public streets, alleys and public property occasioned by the acts or omissions of the public utility or franchisee.
5. The rights of the City to have access to all books, records, and papers of the public utility or franchisee which in any way deal with, affect or record its operations within and pertaining to the City and pertaining to property and equipment used and useful in furnishing service to the City and its inhabitants.
6. The power and the right of the City to submit to arbitration the fixing of any rates, fares or charges to be made by the public utility or franchisee.
7. The right of the public utility or franchisee to receive upon condemnation proceedings brought by the City to acquire the public utility or franchisee compensation for its franchise or the value thereof, if any. (Ref. Ord. 625)

Section 10.07. FURTHER PROVISIONS OF FRANCHISES.

The enumeration and specification of particular matters which must be provided for 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 renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this Charter limit any right or power possessed by the City over existing franchises.

Commented [MM2]: May want to consider deleting or adding this catch all as bullet 8 under Franchise Provisions.

Adopted 10-05-1989

Section 10.08. RENEWALS OR EXTENSION OF FRANCHISES.

Every extension, renewal or modification of any existing franchise or of any franchise granted hereunder shall be subject to the same limitations and granted in the same manner as a new franchise.

Section 10.09. PUBLIC HEARINGS.

Before any franchise ordinance is adopted or any rates, fares or charges to be charged by the public utility or franchisee are fixed, there shall be a public hearing by the Council in regard thereto. Notice of such public hearing shall be given by published notice at least once in the official newspaper not less than twenty (20) days prior to the date of such public hearing. Additional notice of such public hearing may be given in such manner as the Council shall determine. (Ref. Ord. 625)

Commented [MM3]: Why 20?

Adopted 10-05-1989



AGENDA REPORT

Meeting Date: January 9, 2023

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Future Meeting Topics

Background

Future meeting topic items requested by commissioners:

Review of Chapters 1, 5 and 10

Review of Bylaws

Recommendation

None.

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.