



CITY COUNCIL MEETING

May 10, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

MINUTES

CALL TO ORDER

PRESENT:

Scott Lund
Ann Bolkcom
Stephen Eggert
Dave Ostwald
Tom Tillberry

OTHERS PRESENT:

Wally Wysopal, City Manager
Jim Kosluchar, Public Works Director
Dan Tienter, Finance Director
Melissa Moore, City Clerk
Andrew Biggerstaff, City Attorney

Mayor Lund called the meeting to order at 7:04 p.m.

PROCLAMATIONS/PRESENTATIONS

1. National Police Week: May 9-15, 2021; Police Officers Memorial Day: May 15, 2021
2. Public Works Week: May 16-22, 2021

APPROVAL OF PROPOSED CONSENT AGENDA

Motion made by Councilmember Eggert to approve the proposed consent agenda. Seconded by Councilmember Tillberry.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

3. Approve the Minutes from the City Council Meeting of April 26, 2021.

NEW BUSINESS

4. Receive the Minutes from the Planning Commission Meeting of April 12, 2021.

5. Resolution No. 2021-32, Approving License Agreement Between the City of Fridley and Townhomes at Locke Park Homeowner's Association.
6. Resolution No. 2021-36, Approving Special Use Permit, SP #21-03 Petitioned by Corval Constructors, Inc. (Ward 3).
7. Resolution No. 2021-37, Approving Summary Publication of Ordinance No. 1388.
8. Resolution No. 2021-38, Approving and Authorizing the Signing of an Agreement with Independent School District #14.
9. Resolution No. 2021-39, Approving and Authorizing the Signing of an Agreement with Northeast Metro 916 Intermediate School District.
10. Resolution No. 2021-40, Confirming the Organizational Structure of the City of Fridley.

CLAIMS

11. Approve Claim Nos. 192599 - 192737

ADOPTION OF REGULAR AGENDA

Motion made by Councilmember Bolkcom to adopt the regular agenda as presented. Seconded by Ostwald.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

OPEN FORUM, VISITORS: Consideration of Items not on Agenda – 15 minutes.

No one from the audience spoke.

REGULAR AGENDA ITEMS

PUBLIC HEARING

12. Public Hearing for Ordinance No. 1386, Proposed Amendment to the Fridley City Charter, Chapter 12.

Motion made by Councilmember Ostwald to open the public hearing. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

Melissa Moore, Deputy City Clerk, stated that in January of 2020 the Charter Commission began a review of Chapter 12. The Commission worked by section, and reviewed the chapter for clarity, transparency and consistency with State law and other Charter sections. Through this process, the Commission identified several changes. In January 2021 the City Attorney reviewed the Chapter to provide further

clarification and consistency with applicable State law and additional recommendations for specific sections and text.

- 12.01 Official Publications - Governs how the City notifies the public of certain actions and by what means. Recommend amendments "In addition to publication by mailing or posting required above, such notices shall also be posted on the City website." And to move the last sentence from the Section 12.01 to end of Section 12.11.
- Section 12.03 Oath of Office - Provides for the Oath of Office for City officers to take upon acceptance their position. Recommended amendments replaces the Oath of Office with the following, "I (name), do solemnly swear to support the Constitution of the United States, the Constitution of the State of MN, the Fridley City Charter and City Code; and to discharge faithfully the duties entrusted upon me as (Official Title) of the City of Fridley to the best of my judgement and ability."
- Section 12.04 Gifts and Favors for City Officers not to Accept Favors or Contracts – Governs the gifts and favors allowable for City officers and regulates conflicts of interest. Recommended Amendments strike "~~A violation of any of the provisions of this Section shall disqualify the offender, if found guilty, from continuing in the office or in the employment of the City, and the offender shall be removed therefrom.~~" Add the following "With the exception of lawful compensation, including authorized expenditures or salary as such member of the City Council or as such employee, no member of the City Council or employee of the City shall:
 1. Solicit or receive from any interested person any:
 - Pay, commission, money, or thing of value included but not limited to any pass, frank, free ticket, free service, or any other favor upon terms more favorable than those granted the general public or
 2. Derive any profit, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the City or any contract to which the City shall be a party.

A violation of any of the provisions of this Section may subject the offender to disciplinary procedures pursuant to all applicable laws, rules, and regulations up to and including termination from employment with the City. Any contract with the City in which any member of the City Council or employee of the City is, or becomes, directly or indirectly interested personally shall be voidable at the option of the City Council' and any money which shall have been paid on such contract by the City may be recovered from any or all of the persons interested therein by joint or several action."

- Section 12.05 Official Bonds – Governs the official bonds held by certain City officers and the process related thereto. Recommended amendments are to strike "~~Such bonds shall be approved by the City Council and approve as to form by the City Attorney.~~" "~~They shall be filed with the Secretary of the Council.~~" "~~In the event the Secretary of the Council holds more than one office by appointment, the Secretary's bond or bonds shall be filed with the Mayor.~~" Add "A copy of the list and amount of the bonds for each office as outlined above, shall be provided to the City Council on an annual basis for reference purposes."

- Section 12.06 Sale of Real Property – Governs the sale of real property owned by the City and the process related thereto. Recommended amendments are to strike “~~No real property of the City shall be sold or disposed of except by ordinance.~~” And add “No real property of the City shall be sold or disposed of except after conducting a public hearing on such sale. The City shall provide notice in the Official Publication ten days before conducting a public hearing.”
- Section 12.07 Vacation of Streets – The proposed amendment to Section No. 12.07 is to make it align with State law, which governs vacation of streets. Recommended amendment repeal and replace the entire section with “The City Council shall have the exclusive power to vacate or discontinue highways, streets, easements, alleys, and all other interests held in trust for the public, in accordance with the procedures outlined in State law, except that all vacations thereunder shall require an affirmative vote of four-fifths of all members of the City Council.”
- Section 12.08 Damage Suits – Governs certain actions and damages against the City. Recommended amendments are to repeal the entire section. State law already controls tort liabilities for political subdivisions and preempts the City from creating its own limits. No same or similar section found in any other home rule city charter.
- Section 12.09 Recovery of Judgement for Damages – Governs the recovery of certain claims and damages against the City. Recommended amendments are to repeal the entire section. Fridley city Charter, Section 1.02, Powers of the City “The City of Fridley...may sue and be sued...” Rules of judicial order and State law dictate when a party becomes liable. Applicable agreements and contracts contain language related to indemnity and damages. No same or similar section found in any other home rule city charter.
- Section 12.11 Application of General Laws – Provides general powers to the City that are otherwise available to statutory municipalities. Recommended amendments are to repeal the last half of the first paragraph as the Charter already addresses these powers in sections 1.02 and 7.02. Moved the last sentence from the Section 12.01 to the end of Section 12.11 and renumbered to Section 12.09.

Per Minnesota Statute 410.12 and City Charter 3.05, a recommendation of the Commission to amend the Charter by ordinance, the Council must conduct a public hearing (5/10/21), hold a First Reading and adopt (5/24/21), hold a Second Reading and adopt (6/14/21) and publish the City Charter Amendments (6/18/21). The recommended amendments would not take effect until 90 days after publication (9/16/21). Based on the process to date, staff recommend Council open the public hearing, accept comment and close the public hearing.

Councilmember Bolkcom asked why “frank” was left in.

Ms. Moore replied that an example would be if a member of Council ran for election, they could not accept free mailing of post cards.

Motion made by Councilmember to close the public hearing. Seconded by Councilmember Tillberry.

UPON A VOICE VOTE, ALL VOTING AYE MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS CLOSED AT 7:38 P.M.

INFORMAL STATUS REPORTS

Mayor Lund stated there was an incident in Madison Park and a person was injured, and no witnesses are forthcoming. This is an unusual incident for Fridley and officers actively pursuing this case to come to a successful conclusion.

Wally Wysopal, City Manager, said a Town Hall Meeting is scheduled on Saturday, June 5, from 10 a.m. to 12 p.m. An update will be provided on the Parks Master Plan and residents can bring any other concerns forward regarding City services to this meeting. More information will be provided on the website.

ADJOURN

Motion made by Councilmember Ostwald to adjourn the City Council meeting. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING WAS ADJOURNED AT 7:43 P.M.

Respectfully Submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor