

Brooklyn Park Charter Commission Minutes
Wednesday, September 11, 2019 at 7:00 p.m.
Donnay Room
Village Creek South Precinct
7608 Brooklyn Boulevard

1. Call to Order/Roll Call

Chair Scott Simmons called the meeting to order at 7:00 p.m. Members present were: Gordy Aune, Jr., Mary Ann Bishman, Barbara Bor, John Hultquist, John Irvin, Dennis Secara (arrived at 7:22 p.m.), Scott Simmons, David Williams, Council Liaison Jacobson, Staff Liaison Devin Montero.

Absent: Commissioners Beatrice Otieno (excused); Evans Odhiambo (excused)

Chair Simmons stated that being it was September 11 and out respect and honor for those who passed in the unfortunate bombing of the World Trade Center and the Pentagon and those who were on the plane in Shanksville, PA and all passed on September 11, 2001, would like to honor them and remember them and commit to never forgetting and asked for a moment of silence in their honor.

2. Additions/Approval of the Agenda of September 11, 2019

Motion Commissioner Aune, Jr., seconded Commissioner Hultquist, to approve the agenda as presented. The motion carried unanimously.

3. Approval of May 8, 2019 Minutes

Commissioner Hultquist provided minor corrections to the minutes.

Motion Commissioner Aune, Jr., seconded by Commissioner Irvin to approve the minutes as amended by Commissioner Hultquist. The motion carried unanimously.

4. Old Business

4.1 Discussion of CLIC Meeting – Charter Section 9.04, Community Long Range-Improvement Commission (CLIC)

Staff Liaison Montero handed out an email from CLIC Chair Fraser to CLIC Staff Liaison Struve with an edited version of City Charter Section 9.04 stating the changes looked good and speaking on behalf of the CLIC as discussed at their two prior CLIC meetings.

Chair Simmons stated his concern was after reading it that it left him with more questions than they tried to edit it. He stated he also wanted to reorganize it because the sections didn't all make sense.

Commissioner Aune, Jr. stated at the top was Section, 9.04, Capital Long-range Improvement Committee, and didn't think it should be changed to "Commission" as noted in red.

Chair Simmons stated they addressed it at an earlier meeting and that section had been repealed. He stated the new Section 9.04, Community Long Range Improvement Commission was what

they were going to deal with.

He stated CLIC had a couple of more changes they had given to the Charter Commission. Substituting “annual Work Plan” for “long range improvement plan,” having it to the Council by March 31, and at the bottom they were no longer requiring a “written” response by the Council but a “review”.

Council Liaison Jacobson stated by making it March 31 instead of July 1, the new Commissioners were not seated until April and they would not be a part of setting the Work Plan for their entire first year.

Chair Simmons stated the uniform process now was that all Commissioners were appointed by April 1 to the Commissions.

Council Liaison Jacobson stated they didn’t attend their first meeting on that Commission on that date and they were not a part of setting the Work Plan for their first year. She stated they were setting the annual Work Plan for the coming year and it would be like setting a budget for the coming year and the Commissioners started after the budget had been started.

Chair Simmons stated the work product to create the workplan preceded the appointment and the people coming up at the end of their term was the final thing they did and then the new Commissioners would come in.

Commissioner Williams stated he understood that the new people would not have input for a whole year; but on the other hand having March 31, the group that was in on the Commission had a benefit of what had been going on and was looking forward, probably had a much better idea of what the plan should be in the coming year.

Council Liaison Jacobson stated she was concerned of losing those people if they were not engaged in setting the work and could make them less engaged.

Chair Simmons stated the way he read that section of the Charter was that it was something they let go of and was something they worked on up until March 31 and then they were done. He stated it was something handed off to the Council for the Council’s consideration.

Council Liaison Jacobson stated it was their Work Plan, their to do list for the coming year and their timeline for each of those items.

Chair Simmons asked if it was a Work Plan for their monthly meetings and thought it was something that gave the Council guidance and direction.

Commissioners Hultquist stated it said for the following year’s budget.

Council Liaison Jacobson gave an example, of their Work Plan, that they wanted to install Welcome to Brooklyn Park signs and wanted to do that in their year that started in April and wanted to do that next March. She stated the Council would have to look at that for the budget of 2020 as a consideration and not everything they did was going to cost money, but they were still held accountable to their Work Plan. She stated whatever work they were laying out, were expected to do if they were doing their job as a Commission. She stated her point was people were going to be setting the Work Plan, wouldn’t be on the Commission and those who were leaving wouldn’t be working on that plan and there would not be input from those that would.

Chair Simmons stated the changes came from the CLIC and assumed they knew how it worked regarding the March 31 date. He stated it wasn't the Charter Commission's work and came from CLIC and the CLIC Liaison. He thought it was their intent to hand off something to the Council because their work on it was ready to go.

Council Liaison Jacobson stated July 1 made more sense and they were changing it to March 31.

Commissioner Williams asked when the following years budget was given.

Council Liaison Jacobson stated they were working on it now, the Council would accept the levy and didn't vote until December.

Chair Simmons asked when the City Manager gave the Council the draft budget. He stated he knew that the Council voted on the preliminary on September 3, but the Council received something well before that. He stated he was looking for the time frame for when the departments gave the City Manager their proposed budget and the City Manager handed it off to the Council.

Commissioner Hultquist thought the Commissioners were talking about two different things. He stated in Section 4, said, *"the Commission shall submit reports on projects it has studied to the City Council as well as other committees deemed appropriate."* In addition to such reports, the Commission shall prepare and submit an annual Work Plan to the City Council by March 31 each year for consideration for the following years budget."

He stated he didn't know if CLIC anticipated that March 31 was the date they needed to submit the work product or the plan for the following year. He stated it made more sense that by March 31 they submitted to the Council the projects it had studied the previous year and then they would have a separate date for what they wanted to do the following years budget. He stated whatever date it would be, needed more clarification on what they wanted to submit by March 31 because there were two separate thoughts there.

Chair Simmons agreed and stated it got into what he was trying to do and reorganize the Section because #4 that was on top of the page was the fourth item that was numerated. He stated the first three were on the prior page and the fourth only went to the word "City" and thought the paragraph that started with, *"The Commission shall submit reports...."*, should be a new section titled "Reports".

He stated the 4 factors, 1, 2,3, and 4 were separate and then a new section started, "D", REPORTS: because it was separate from DUTIES. He stated DUTIES were 1, 2, 3, 4 and then the new concept that talked about two kinds of reports, one, was various reports on various subjects and two, was the annual Work Plan. He stated he was confused on how it was worded because in "C. DUTIES" there were four factors 1,2,3,4 and very clear the fourth factor was the umbrella, anything else necessary but then the next sentence said, *"The Commission shall submit reports..."* and nothing to do with the factors. He stated would start a new paragraph with the words REPORTS, starting with *"The Commission..."*

Chair Simmons' and CLIC's proposals:

SECTION 9.04 COMMUNITY LONG RANGE-IMPROVEMENT COMMISSION:

C. DUTIES. *The Commission shall study all improvements consistent with the present and future needs*

and requirements of the City where improvements are defined as items that involve future development or redevelopment or that constitute significant budgetary changes proposed for future fiscal years. Commission study shall not be limited to proposed improvements, but shall exercise investigative functions, soliciting and taking inventory of community needs as necessary to perform and the duties whereby community-initiated requests for improvements are heard and considered. The Commission shall serve in an advisory capacity to the Council, and may also advise other committees, Commissions, and task forces where their studies or projects involve long-range improvements. The Commission shall establish priority ratings of improvements, taking into consideration the following factors:

1. Public reaction as determined from informal public meetings or surveys.
2. Desired development direction for the City.
3. Proper usage of public monies and/or collected fees.
4. Any other factors necessary or helpful in determining improvements for the City.

D. REPORTS. The Commission shall submit reports on projects it has studied to the City Council as well as other committees deemed appropriate. In addition to such reports, the Commission shall prepare and submit an Annual Long-range Improvement Work Plan to the City Council by ~~July 1~~ March 31 each year for consideration for the following year's budget. The recommendations of this Commission to the City Council shall be advisory. The Commission shall receive the full cooperation and support of all City officials (elected and non-elected) in the performance of their duties and preparation of their reports.

D CONTENTS OF REPORTS. The Community Long-range Improvement Commission report shall include the following, if applicable:

1. A concise summary of the report.
2. A list of all improvements which were considered by the Commission with appropriate supporting information concerning the need for such improvements.
3. A priority rating for each listed improvement.
4. An advisory opinion on any significant changes to the Capital Improvement Plan and Capital Equipment Plan (CIP/CEP).
5. General impact of the improvements in terms of community development.
6. Any matter about which the City Council has requested information.

E. RESPONSE BY COUNCIL. A ~~written~~ review by the City Council of the Long-Range Improvement Report shall be returned to the Commission within sixty (60) days after the submission of the report.

Chair Simmons stated it didn't get to the answer of what they were talking about which was the difference of the Work Plan. He asked if there was a timeline when they should recommend it or was it an ongoing living document.

From Resolution #2019-46

10. Organization; Bylaws.
 - a. Organization. Within thirty (30) days after the first appointment of its members, each Commission shall meet to adopt bylaws for the conduct of its affairs.
 - b. Annual Work Plan. Each Commission shall develop an annual Work Plan and present it to the City Council for acceptance in the first quarter of each year and report on the previous year's work.
 - c. Bylaws. Each Commission shall endeavor to adopt uniform bylaws by including all of the items listed below. The bylaws of each Commission shall be forwarded to the City Council immediately upon their adoption.

Commissioner Williams asked why it was changed to March 31 from CLIC and if they had any information on it.

Commissioner Aune, Jr., stated in the Charter Commission bylaws there was a specific date that they had to present their reports and asked if it said the same thing in the CLIC's bylaws.

Commissioner Bor stated if they wanted to organize it, "C" was DUTIES, then "D" would be REPORTS and "D" that existed would be a subset to the REPORTS Section to identify that process and that would clean up that section.

Chair Simmons suggested striking the current "D" as it was a subset of what he considered "D". He stated the challenge was that he didn't know if the Charter Commission was in the best position to know what CLIC was or wanted to be. He stated that was either a function of CLIC or the City Council. He stated he was just speculating what that meant of what their intent was. He stated he had not spoken to anyone and tried his best to call the Chair of CLIC with no success.

At 7:22 p.m. Commissioner Secara arrived.

Commissioner Bor stated that by just reorganizing and having it flow, they hadn't changed the content on how it read. She stated they were simply offering formatting changes so it was clearer and not changing a date.

Chair Simmons thought there was consensus that they could manage those sections without changing the meaning but it came to why March 31 but it had been there for a while according to their minutes.

Commissioner Hultquist asked if the Charter Commission could ask the CLIC Chair or designee to come to the October meeting to explain some of it to the Commissioners. He suggested going through the document and see if there were other questions they had rather than speculating.

Chair Simmons stated it might be a worthwhile endeavor to have someone from CLIC come to the next meeting instead of one person going to their meeting and reporting back. He stated if someone came to the meeting, maybe they could wrap it up and finish it in one meeting versus other meetings. He stated there were couple of other wordsmith things he was looking at too.

He stated it seemed to contemplate the CLIC was doing a variety of reports instead of one report and was going to make "report" plural. He stated later in Section "E", the current language seemed to suggest only one report and thought the prior language said reports and suggested there might be frequent reports. He thought they wanted to contemplate plural on the word "report" instead of singular as they went through it. He asked if they should articulate what their questions were and see if CLIC Chair Fraser or Staff Liaison Struve would be willing to come to the next meeting.

Chair Simmons Discussion and Suggestion:

D. REPORTS. The Commission shall submit reports on projects it has studied to the City Council as well as other committees deemed appropriate. In addition to such reports, the Commission shall prepare and submit an Annual ~~Long-range Improvement~~ Work Plan to the City Council by ~~July 1~~ March 31 each year for consideration for the following year's budget. The recommendations of this Commission to the City Council shall be advisory. The Commission shall receive the full cooperation and support of all City

officials (elected and non-elected) in the performance of their duties and preparation of their reports.

D. CONTENTS OF REPORTS. *The Community Long-range Improvement Commission report shall include the following, if applicable:*

1. *A concise summary of the report.*
2. *A list of all improvements which were considered by the Commission with appropriate supporting information concerning the need for such improvements.*
3. *A priority rating for each listed improvement.*
4. *An advisory opinion on any significant changes to the Capital Improvement Plan and Capital Equipment Plan (CIP/CEP).*
5. *General impact of the improvements in terms of community development.*
6. *Any matter about which the City Council has requested information.*

E. RESPONSE BY COUNCIL. *A ~~written~~ review by the City Council of the Long-Range Improvement Report shall be returned to the Commission within sixty (60) days after the submission of the report.*

Commissioner Hultquist suggested in that same section, under #4, “The Commission shall submit reports on projects it has studied to the City Council as well as other committees deemed appropriate.” He asked who deemed it appropriate and didn’t like “deemed appropriate” at all. He suggested changing it to “impacted by the changes”.

Commissioner Hultquist Discussion and Suggestion:

D. REPORTS. The Commission shall submit reports on projects it has studied to the City Council as well as other committees impacted by the changes ~~deemed appropriate~~. In addition to such reports, the Commission shall prepare and submit an Annual ~~Long-range Improvement~~ Work Plan to the City Council by ~~July 4~~ March 31 each year for consideration for the following year’s budget. The recommendations of this Commission to the City Council shall be advisory. The Commission shall receive the full cooperation and support of all City officials (elected and non-elected) in the performance of their duties and preparation of their reports.

Chair Simmons thought it was making a reference to Section A, Organization, because it talked about establishing a subcommittee “deemed necessary” and didn’t use the word “appropriate” and used the word “deemed” and didn’t know if they were tied in together.

Chair Hultquist thought it was separate and was just the Organization when they were submitting a report on projects being studied and recommendation for projects. He stated it was good that the other committees that were impacted by any recommended changes were notified.

Chair Simmons stated the question would be, what was a committee, as they didn’t use the word committees and saw it as Commissions. He thought the language was from the old Section 9.04, when it used to be a committee and had changed to Commissions and was not sure what they were talking about.

He asked if that was something the Council wanted to look at or thought it was the will to leave it and let CLIC figure it out. He stated typically the Charter Commission didn’t get too involved and told other groups what to do and certainly not the Council.

Commissioner Williams stated the CLIC was different from the other Commissions but was formed differently and was the only Commission in the City Charter. He stated that was done purposely to make sure the citizens group could have oversight on the rest of the city.

Commissioner Bor suggested an invite to someone from CLIC and to give clarity and depth to the intent of March 31. She stated it would help the Commissioners on how they framed what their questions were and it could be done prior to the CLIC coming to the next meeting.

Chair Simmons stated the CLIC met tomorrow and it was only about the reporting date and what they were reporting. He didn't think CLIC had the mindset of looking holistically of the whole thing or reorganizing it. He stated one of the questions would be what was the committee and what did it mean when saying "appropriate committee".

He asked Staff Liaison Montero to contact the CLIC Staff Liaison tomorrow because they might be thinking the Charter Commission was going to sign off on the date and the wordsmithing of "annual long-range Work Plan" concept. He didn't think they were expecting a more exhaustive review.

Discussion Questions:

Invite CLIC Chair Kathy Fraser to the next Charter Commission meeting and send the following questions to their Thursday meeting and discuss them at the Charter Commission meeting.

1. *Why was the March 31 date selected?*
2. *What is the CLIC reporting in addition to the Work Plan? Is there no longer an Annual Long Range Improvement Plan?*
3. *What does it mean when saying "other committees"?*
4. *Does the March 31 date sync with the new Commissioners starting their term?*

Chair Simmons asked the Commissioners if that was acceptable and consensus to communicate back to CLIC and saying there were other things going on there besides what they sent to the Charter Commission. He stated they could send the Chair or designee to the meeting and it would be brief.

He stated another question was what they were trying to accomplish. He stated that it went back to the conversation about if it really synced up with the appointment of their new Commissioners and not having conversations in putting together the Work Plan. He stated he often heard on the Charter Commission when it got new members, that they were coming in cold and were asked to vote on something and picked up the pieces going forward.

Commissioner Hultquist stated his speculation on the March 31 date referred to reports on projects they had studied but without knowing it and if that was the case, then it should be moved from that section and sentence.

Chair Simmons stated he was thinking it was only one thing and the CLIC had to hand off the Work Plan by March 31. He stated the issue of reports was separate and independent and that could come at any time. He thought they were are talking about the Work Plan and getting something to the Council prior to deliberations on the following years budget. He stated he would like a clarification on it.

Commissioner Aune, Jr. stated on the Charter Attachment 4.1, Pages 3 and 10, it was highlighted that said, "led the discussion on the possible changes presented by the Charter Commission." He asked why the Charter Commission would present something to them when they were presenting to the Charter Commissioner since they were the only Commission in the Charter;

Chair Simmons stated the Charter Commission did go back to them and said, instead of saying end of first quarter; he suggested a date specific and didn't know if that was what they meant.

Commissioner Aune, Jr. stated when he went to their meeting a few months ago and presented, it was ideas from CLIC and not from the Charter Commission.

Chair Simmons suggested that was a question to ask, if it was something they thought the Charter Commission said that they were not aware of. He stated it was all their changes that was initiated until tonight.

4.2 Discussion of Charter Chapter 11, Eminent Domain

Chair Simmons stated that City Attorney Thomson sent an email with a memo about the proposed Charter change on the eminent domain section. He thought the City Attorney's points were well taken about the unintended consequences of that provision and said it was up to the Commission on the policy to decide.

Commissioner Aune, Jr. stated the City Attorney more or less said to leave it as it was in the Charter.

Chair Simmons stated it was up to the Commission to decide if it was a policy for the city to take on. He stated if they chose to go down that road, they could see some of the consequences of doing it. One, was tying the hands of the City Council with property it might want to dispose of. If the language was too tight then it eliminated a potential sale was what the City Attorney said in the memo. He stated the City would be stuck with property that it acquired and no means according to the Charter of releasing that property. He stated that was the unintended consequence.

Commissioner Irvin asked why it was taken by eminent domain if they were going to turn around and resell it.

Chair Simmons stated that was the policy about the language and was just talking about the City Attorney's reaction to it.

Commissioner Irvin recalled a piece of land that was taken by eminent domain for street work, at the intersection at 85th Avenue and Noble and ended up not needing it at all.

Chair Simmons stated the City was successful in finding a buyer for it. He stated the City Attorney's argument, was that it couldn't be released. He stated Commissioner Irvin was saying if it was not used for the intended initial purpose there was no other purpose and it also meant they couldn't sell it and they were stuck with it. He stated the City was stuck with being a property owner on a property it didn't want.

He stated if they left the language as it was, it didn't have an out clause of maybe the real meaning. He stated they didn't want the city to do eminent domain at all and they didn't want that.

Commissioner Irvin stated that wouldn't work because state law gave the city the power to do it.

Chair Simmons stated if they didn't have an out clause, somehow things fell through, things didn't happen, circumstances changed and didn't want to bait and switch, and didn't want to say one thing and do another but also thought if the economy fell flat.

Commissioner Williams stated he assumed it was standard eminent domain language that were in most Charters. He stated he didn't know the legal process but thought it would be reasonable the city couldn't just come in and take land for eminent domain. He stated the city would have to come up with a good reason which could be disputed, one way or another to prevent from someone just coming in and taking any land they wanted because they wanted to put in something that was not for the public good.

Commissioner Irvin stated that was his concern initially because it had happened. He stated the City of Richfield was the extreme case that bounced around the courts and they took all the car dealerships and as soon as they acquired the land they sold it to BestBuy Corporation.

Chair Simmons stated for transparency and public policy, he didn't know if he had a problem with what Commissioner Irvin was suggesting, however, there was no out clause. If the city could only utilize the property for the purpose stated in the proceedings and if those purposes evaporated, those purposes disappeared because of some other circumstances which were unforeseen. Then the city was left with ownership of a property that it had no use for and couldn't do anything else with it and that was the problem.

Commissioner Irvin stated when the city decided they needed a piece of land and couldn't get it by a straight purchase or acquisition, the city should have a dedicated need and use for it.

Chair Simmons stated it had to be established in the proceedings because it had to be a public purpose and use and couldn't transfer it. He stated there was a court decision on transferring condemned property and then transferring it to a private owner and couldn't do it. He stated cities could condemn for public purpose, mostly for road construction, but were other reasons too and stated there was no out clause to the proposed change.

Council Liaison Jacobson stated that as the Council looked at projects and proceeded with eminent domain, if the potential road construction, for example, changed its plans while they were in the process or maybe right after, went through the eminent domain proceedings, what Chair Simmons said that it needed an out clause, otherwise the city was stuck with that the land.

Chair Simmons stated that the 610/Noble park and ride which was acquired, as an example, through eminent domain. He stated there was no park and ride there now because it was moved across the street. He asked if the city was going to prevent MNDOT from selling that parcel but the city bought it and that was the out.

He stated he didn't know what the will of the Commission was. He stated he saw a policy that was created that they only took what was needed and were honest and would do what they said they were going to do. He stated that was what they were talking about and was good up to a point.

Commissioner Bishman stated they should leave the provision as it was in the Charter and not change it at all. She stated the Council did their job well, researched everything, only took what they needed and didn't overdo it.

Commissioner Aune, Jr., agreed to leave the provision as it was in the Charter after hearing all of the discussions.

Commissioner Williams also agreed and stated another reason for his agreement to leave it as it was in the Charter, was about the statement that the few times it had been used where it was

condemned and turned around and sold to someone. He stated it had been taken care of in the Supreme Court so that whole practice had been taken care of by law.

Commissioner Bor asked if there was an action item to the discussion.

Commissioner Aune, Jr. stated he would like to make a motion to leave that section as it was in the Charter.

Chair Simmons clarified the motion was to do nothing to Sections 11.01 and 11.02.

Motion Commissioner Aune, Jr. seconded Commissioner Bishman to make no changes to Sections 11.01 and 11.02. The motion carried unanimously.

Commissioner Hultquist stated Commissioner Irvin had suggested in Section 11.02 replacing the word “which” with “that” and was still on the table.

Chair Simmons thought Commissioner Irvin was right on those two instances in Sections 11.01 and 11.02 that it should be “that” and not “which.”

Motion Chair Simmons, seconded Commissioner Williams to table the grammatical pieces suggested by Commissioner Irvin until it was appropriate to bring it back if the Commission had other banked issues they wanted to bring back.

Chair Simmons suggested keeping it as a potential work item for the future and not act on it tonight, but to table it. (amending “which” to “that” in Section 11.01 and 11.02).

SECTION II.01 EMINENT DOMAIN

The city may acquire, by purchase, gift, devise, or condemnation in the manner provided by State law any property, corporeal or incorporeal, either within or without its corporate boundaries, ~~which~~ that may be needed by the city for any public use of purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits, for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by State law.

SECTION 11.02 PROCEEDINGS IN ACQUIRING PROPERTY

The necessity for the acquisition of any real property by the city shall be determined by the Council and shall be declared by a resolution ~~which~~ that shall describe such property as nearly as possible and State its intended use. Before adopting any resolution determining the necessity of the purchase of any real property, the Council shall receive a report as to the estimated market value of such real property, from one (1) or more persons other than officers or employees of the city, qualified in the appraisal of real property, appointed by the Council. The city shall attempt to negotiate the purchase with the owners of the property under consideration. If negotiations fail and the city exercises the power of eminent domain, the city shall proceed according to the laws of the State.

The Motion carried. Commissioner Aune, Jr. voted no.

5. Reports of Officers, Boards, and Standing Committees

Chair Simons stated in the Charter Commission meeting packet had Item 7.1, Joint Council/Commission meeting presentation, under Section 7, Correspondence. He asked Commissioner Aune, Jr. to report on the joint meeting with the Council and Commissions.

Commissioner Aune, Jr. stated it went well and presented the Charter highlights. He stated Commissioners Bor and Bisham also attended. He stated the Census 2020 presentation was very interesting and stated it was important to participate in the Census.

Commissioner Bor stated there was a lot of discussion in general by Ms. Shardlow, Community Engagement, and with the different Commissions related to the Census. She stated there were multiple ways to participate now and the backdrop of the Census was the fear and people had been told about not answering their door because if it was related to immigration and their status they were told to not answer the door. She stated that message had been quite clear by a variety of groups and also was not an understanding of how it contributed to fiscal enhancements of what a city could do down to that level. She thought there was worry that people would be hesitant to participate and there was work to be done to have it at least be neutral.

Chair Simmons stated his understanding was that it would be the first time someone could respond online. He stated he didn't know how they would maintain the integrity and the certainty that said who they were when they were doing it online.

6. New Business

Chair Simmons asked what the status of the website was because it was now September.

Council Liaison Jacobson stated it would be launched in November.

Chair Simmons asked if there was a requirement for all the Commissioners to have their contact phone number and information accessible to the public. He stated he had a problem in trying to contact the Chair of the CLIC. He stated he had a phone number, but it was never answered or could leave a voicemail and couldn't find anything online. He stated those were his questions, the status of the city's website and what were the requirements for appointed people on Commissions to be accessible to the public.

Commissioner Hultquist stated it was on the application regarding the information to be public.

Chair Simmons asked if it said it was public data, and if it did then they were missing a step by not having it public. He stated he wanted to find CLIC Chair Kathy Fraser's phone number on the website.

Staff Liaison Montero stated the application said the phone number would be the public phone number given out.

Chair Simmons stated that was what it said, it was public but had to figure out who to talk to about finding that number. He stated that was his experience and was trying to track down the CLIC information and couldn't find her phone number. He stated he finally contacted CLIC Liaison Jesse Struve because staff was easy to find.

Commissioner Hultquist read the application, under Data Privacy Notice, *"for public Commission directory, please indicate a phone number if you would like to be published in a Commission directory. If you are appointed, permission to release your phone number is a requirement of the data practices act."*

Chair Simmons stated it was permission to release it but was not something it was typically posted

on a website if a citizen or resident had a CLIC question. He asked what the process was and who would someone call and they had to figure out who the Staff Liaison was because there was nothing on the Commission webpage to show the Chair serving on the Commission. He stated some had names but didn't have contact information.

Commissioner Bor stated on the Lino Lakes website, the contact was the Liaison for that particular Commission, like CLIC, and that was their access, but the information was not published on the website.

Chair Simmons stated it was public to an extent and there was no law against releasing it but it was not accessible.

Council Liaison Jacobson stated the Charter Commission might be different than the other Commissions because they were appointed by the district judge.

Chair Simmons stated the Charter Commissioners were appointed by the court but was still a public appointment and Commission Hultquist was quoting from the Data Practices Act, that if appointed to an advisory Commission from the cities or municipalities then it was deemed public information. He stated his question was how far did they go in getting access to that information and that came when he was trying to contact CLIC Chair Kathy Fraser.

Council Liaison Jacobson stated she knew the Recreation and Parks Advisory Commissioner's phone numbers and names were listed in the Get Up and Go because when she was on that Commission it was always on that brochure.

Commissioner Aune, Jr. stated the Charter Commissioners names were listed on the website

Chair Simmons stated they had to provide a phone number that they were willing to be able to use for access as uncomfortable that might be.

Staff Liaison Montero suggested sharing all Commission public directories with every Commission.

Commissioner Hultquist read from State Statute **Chapter 13.0601. Elected and appointed officials; (a) Data about applicants for appointment to a public body collected by a government entity as a result of the applicant's application for appointment to the public body are private data on individuals except that the following are public:**

He read the statute:

(1) name.....”

(b) Once an individual is appointed to a public body, the following additional items of data are public: (1) residential address; (2) **either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;**

13.601 ELECTED AND APPOINTED OFFICIALS.

Subdivision 1 .Financial disclosure statements. *Financial disclosure statements of elected or appointed officials which, by requirement of the political subdivision, are filed with the political subdivision, are public data on individuals.*

Subd. 2. Correspondence. *Correspondence between individuals and elected officials is private data on individuals, but may be made public by either the sender or the recipient.*

Subd. 3. Applicants for appointment. *(a) Data about applicants for appointment to a public body collected by a government entity as a result of the applicant's application for appointment to the public body are private data on individuals except that the following are public:*

- (1) name;*
- (2) city of residence, except when the appointment has a residency requirement that requires the entire address to be public;*
- (3) education and training;*
- (4) employment history;*
- (5) volunteer work;*
- (6) awards and honors;*
- (7) prior government service;*
- (8) any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to section 15.0597; and*
- (9) veteran status.*

(b) Once an individual is appointed to a public body, the following additional items of data are public:

- (1) residential address;*
- (2) either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;*
- (3) first and last dates of service on the public body;*
- (4) the existence and status of any complaints or charges against an appointee; and*
- (5) upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.*

(c) Notwithstanding paragraph (b), any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

He stated the city was not in compliance with state law if there wasn't contact information for each individual appointee.

Chair Simmons stated it didn't say it had to be posted and only said they had to collect it.

Commissioner Hultquist stated it didn't say they had to post it but it was public data.

Chair Simmons stated it was a choice, it was either or, or both.

Commissioner Hultquist stated or both at the request of the appointee.

Chair Simmons stated the phone number, email address; or both; it was one more step towards transparency, accessibility that they talked so much about and passing all those other Charter changes.

7. Correspondence/Communications

7.1 August 5, 2019 Joint Council/Commission Meeting (**Discussed under Section 5, Reports of Officers, Boards, and Standing Committees*)

7.2 Charter Ordinance Amendments

Chair Simmons stated that of all the banked changes they had were adopted by the Council on the second reading of the ordinance on August 12.

Staff Liaison Montero stated the changes would be effective November 20, 2019.

7.3 Charter Commission Work Plan

Staff Liaison Montero presented the updated Work Plan to the Commissioners and asked if there were new items to be added or removed. He stated tonight's discussion on the grammatical changes to Section 11.01 and 11.02 would be added to the Work Plan.

Commissioner Williams stated the item on the Discussion of Bonding Related to Park Projects/Charter Chapter 9, bonds, bonding threshold requirement should be moved off the list.

Chair Simmons stated the Work Plan also addressed future meetings. He stated he didn't know if he had significant items to put on the agenda as nothing had come from the City Manager or Council. He stated the Commissioners had satisfied their statutory obligation of meeting once per year.

Council Liaison Jacobson stated the Planning Commission would be reviewing the chickens and pigs ordinance and the goats issue had fallen away.

Commissioner Aune, Jr., stated Commissioner Mark Koester was no longer on the Commission and asked what was happening with the replacement.

Staff Liaison Montero stated Marlene Kryder, Administration would be advertising for the vacancy and might have applicants in October.

Commissioner Hultquist asked if the Commission ever got anything from the City Attorney on the legislative changes from the last legislative session. He stated he didn't see anything but was sure there were other things related to municipalities and Charter Commissions that might have occurred that the Commissioner should review.

Chair Simmons asked about the lobbyists the city hired and if they presented to the Council because sometimes they did updates. He asked if the Commissioners could get a copy of anything in writing about things that happened to municipalities.

Council Liaison Jacobson the Metro Cities and North Metro Mayors Association recently presented to the Council.

8. Adjournment

Motion Aune, second Bishman to adjourn the meeting at 8:20 p.m. The motion carried unanimously.

Respectfully submitted,

Devin Montero, Staff Liaison