

City of Excelsior
Charter Commission

Minutes

Wednesday, February 9, 2011

1. CALL TO ORDER

Vice Chair Crow called the meeting to order at 6:05 p.m.

2. ROLL CALL

Charter Members present: Vice Chair Crow, Bolles, Caron, Finch, Fulkerson, Harrod, Leafer Nuese-Marine, Mueller, Norman, and Thompson.

Charter Members absent: Chair Bratland, Brokaw, Hartwich, and Wilson.

Also Present: City Manager Kristi Luger and Finance Director Joan Carlson

3. APPROVAL OF AGENDA

Harrod moved to insert under New Business discussion of Lino Lakes Provisions for Bonding. Leafer seconded. Motion passed 11/1 with Fulkerson voting nay.

4. APPROVAL OF MINUTES from Dec. 15, 2010 and Jan.19, 2011

Harrod moved to approve the modified minutes. Nuese-Marine seconded. Motion passed 11/0 with Caron abstaining.

Finch moved and Bolles seconded to approve the Jan. 19, 2011 minutes. Motion passed 11/0 with Caron abstaining.

Finch moved to accept the amendments to the Dec. 1 minutes as they appear in the Dec. 15 minutes. Mueller seconded. Motion passed 12/0.

5. OLD BUSINESS

Mark Bowers, 194 West Lake St., addressed the Commission - (Attachment A)

- There was discussion among the Commission and Mr. Bowers regarding the intent behind the wording in his petition.

- Mr. Bowers clarified that the wording of the petition specifically the word “budget” was intended to spark a broader discussion of the financial practices of the City of Excelsior.
- Mr. Bowers also explained that his criteria for a 5 year rolling budget has the following criteria:
 - ✓ Timely and easy to understand
 - ✓ Includes Enterprise and Capital funds
 - ✓ Meaningful to users
 - ✓ Narrative in format.

6. PUBLIC COMMENTS

John Olson, 1 Third Street, addressed the Commission. He spoke in support of the City of Excelsior’s’ financial practices and stated that the 2011 budget was thoughtful and strongly disagreed with the petitions 5% spending cap.

Kristi Luger and Joan Carlson from the City of Excelsior Staff gave a Power Point presentation. The Financial Management Plan demonstrated the steps taken in the financial planning for the City of Excelsior and the process in which that plan is used.

The remainder of The Financial Plan will be presented at the next meeting.

By consensus the Commission agreed to move New Business to the next agenda.

7. NEXT MEETING

The next meeting is scheduled for March 1, 2011 at 6:00 p.m.

8. ADJOURNMENT

Mueller moved to adjourn, Finch seconded. Motion passed 12/0

Respectfully submitted,

Jeannie Thompson
Secretary

Mark Bowers Prepared Remarks

February 9th, 2011. Official prepared remarks from Mark Bowers, Affiant of the Petition dated October 4th, 2010, proposing amendments to The Excelsior Charter. Bowers' remarks are intended to be incorporated into the Excelsior Charter Commission meeting minutes record for February 9th, 2011 in their entirety.

We the petitioners are evaluating our options after reviewing the video recorded versions of the Commission's meetings from December 15th, 2010 and January 19th, 2011. We are gravely concerned about the sudden, abrupt and divisive change in the Commission's agenda, direction, and plan of action.

At the December 15th, 2010 meeting Commissioner Harrod made a motion that the Commission continue working to come up with a better answer than the grass roots petition proposal for financial controls; meaning a continuation of the 3-city benchmarking exercise. The motion was seconded by Commissioner Mueller. Chairman Bratland called for a vote and the motion carried with Commissioners Crow, Fulkerson and Wilson voting against the motion. At that point, Chairman Bratland asked the three Commissioners who voted against the motion if they would be professional and work with the rest of the Commissioners so the Commission could move forward and finish benchmarking the Charters from the three respective cities of Fridley, Lino Lakes and Mounds View. Commissioner Wilson responded, **"Absolutely, no problem helping with that."** Vice Chair Commissioner Crow responded, **"Agreed"**, and Commissioner Fulkerson responded, **"I'm often out voted."** Chairman Bratland then announced that Vice Chair Crow would be running the next meeting set for January 19th, 2011 since he would be on extended vacation.

At the January 19th, 2011 meeting, Vice Chair Crow asked for a motion to approve her agenda. Commissioner Harrod objected stating that Vice Chair Crow's agenda was not the agenda developed and distributed to Vice Chair Crow and City Clerk Cheri Johnson by Chairman Bratland. According to Commissioner Harrod, Chairman Bratland called expressing deep concern and surprise that the agenda he created in late December 2010, and provided directly to Vice Chair Crow and City Clerk Cheri Johnson, was not distributed to the Commissioners and that a new agenda developed by Vice Chair Crow was distributed instead. Commissioner Harrod continued to voice concern about the agenda switch, and in the interest of transparency asked Vice Chair Crow to produce and distribute the agenda given directly to her by Chairman Bratland. Commissioner Harrod further stated that City Clerk Cheri Johnson had thrown hers away and that Chairman Bratland had objected to Vice Chair Crow's agenda. Commissioner Bolles then stated that Vice Chair Crow **"has the power to amend the agenda."** Commissioner Harrod directly challenged Vice Chair Crow by again asking her if she would provide the agenda developed by Chairman Bratland, which he had intended be distributed to all the Commissioners. Vice Chair Crow then replied, **"no, I don't have it."**

A motion to strike the agenda was then made by Commissioner Harrod and seconded. A discussion followed with Commissioner Fulkerson interrupting everyone and stating, **“she is Vice Chair of this meeting and she can establish the agenda.”** Commissioner Harrod responded to Commissioner Fulkerson saying that Chairman Bratland had already established an agenda, and had personally given it to both Vice Chair Crow and City Clerk Cheri Johnson along with a February meeting agenda. According to Commissioner Harrod, the fact that Chairman Bratland’s agenda wasn’t distributed to the rest of the Commissioners was troubling. Vice Chair Crow then forcefully stated that, **“as Acting Chair this is the agenda.”** Another motion was again made by Commissioner Harrod, for a second time, to strike Vice Chair Crow’s agenda. It was seconded by Commissioner Leafer. No vote was ever called for by Vice Chair Crow to strike her own agenda. Instead, Commissioner Bolles voiced support for amending Vice Chair Crow’s agenda so the Commission could have a meeting.

In conclusion, efforts to obtain signatures beyond 67 resident voters were stopped in order to seek the wisdom, assistance and input of the Commission with hopes of improving the petition. We are now frustrated and disappointed that under the direction of Vice Chair Crow, the Charter Commission has failed the citizens of Excelsior. After the December meeting, we trusted that the agreed upon benchmarking exercise would go forward in good faith to completion. Instead, in a coordinated betrayal, Vice Chair Crow and Commissioner Fulkerson changed the agenda, scrapped completion of the benchmarking exercise and intimidated the rest of the Commissioners. Vice Chair Crow and Commissioner Fulkerson believe nothing is wrong with Excelsior or its finances. For them to seek agreement on their beliefs from City Staff and City Council members is akin to the fox guarding the henhouse. And what became of the rest of the Commissioners after previously agreeing to complete the benchmarking exercise in December? How could they not recognize and aggressively object to the betrayal of citizen trust which was occurring right before their eyes? Our only conclusion is they chose not to see it.

We the citizens of Excelsior deserve a fair and unbiased hearing on our petition. We expect the agenda of Chairman Bratland to be restored, including the all important completion of the benchmarking exercise. Once completed and evaluated, we further expect the Commission to develop and implement a financially responsible framework within the Excelsior Charter that provides for resident fiscal oversight. Any outcome which does not meet our expectations will result in the citizens of Excelsior immediately pursuing alternative courses of action, including the revocation of our previously agreed to April 15th, 2011 deadline.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark Bowers". The signature is written in a cursive, flowing style.

Mark Bowers