

City of Excelsior
Charter Commission

Minutes
Thursday, July 14, 2011

1. CALL TO ORDER

Chairman Lloyd Bratland call the Special Meeting to order at 6:03 p.m.

2. ROLL CALL

Charter Commission members present: Chairman Bratland, Commissioners Brokaw, Hartwich, Crow, Leafer, Harrod, Finch, Bolles, Fulkerson.

Charter members absent: Norman, Mueller, Caron, Thompson, Wilson, and Viesturs.

Also present: Cherie Johnson, Chris Dilman from Sun Sailor.

3. APPROVAL OF AGENDA

No additions or changes requested. Crow made motion to accept the agenda as written; Fulkerson seconded. Unanimous vote.

4. PETITION FOR PROPOSED AMENDMENTS TO THE CITY OF EXCELSIOR CHARTER

Chairman Bratland distributed a excerpts of the May 4 2011 memo from Kevin Staunton. The memo was entitled "Charter Commission's Role Now That a Charter Petition has Been Filed." It is attached to these minutes.

Commissioner Finch made a PowerPoint presentation, entitled "Petition Review Subcommittee Report," and distributed handouts that followed his presentation. The handout is attached.

The petition submitted by Mark Bowers on July 2nd 2011 has been found by the subcommittee to be uniform in character. The subcommittee also found that the Bowers petition of July 2nd meets the requirements of MN Stat. 410 in form and substance.

Motion: Finch moved to transmit the petition submitted by Mark Bowers to the city council. Leafer seconded. Short discussion followed. Motion passed unanimously, 9-0. A copy of the petition is attached to these minutes.

Next Meeting: Bratland reminded the commissioners that the next meeting was scheduled for Wednesday, August 3rd at 6:00 p.m.

Motion made by Mary Jo Fulkerson to cancel all future Charter Commission monthly meetings that have been scheduled through the end of 2011. . Bob Bolles commented that he wished to continue work on the proposed Planning and Reporting Ordinance, and to learn more about subjects in Phase II – Shared Decision Making. Bolles said the Charter Commission should continue to meet and work to see if the Charter needs amending in other ways.

The Fulkerson motion failed for lack of a second.

Motion to Adjourn

ADJOURMENT: Motion to adjourn made by Crow, seconded by Fulkerson, to adjourn the meeting until Wednesday, August 3rd. Motion passed, 9-0.

Adjourned at 6:40 p.m.

Respectfully Submitted,

Leigh Harrod,
Acting as Recording Secretary for Jeannie Thompson

PETITION FOR PROPOSED AMENDMENTS

TO THE CITY OF EXCELSIOR CHARTER

By signing this Petition as a legal voting resident of Excelsior, I hereby authorize the Excelsior Charter Commission to place the attached proposed Amendments to the City Of Excelsior Charter up for popular vote (See Addendum I: Proposed Amendments To The City Of Excelsior Charter).

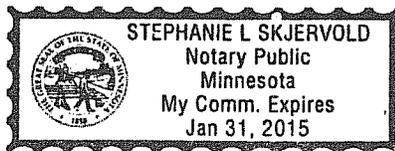
State of Minnesota, County of Hennepin

Mark Bowers, being duly sworn, deposes and says that the affiant, and the affiant only, personally circulated the foregoing paper, that all the signatures appended thereto were made in the affiant's presence, and that the affiant believes them to be the genuine signatures of the persons they purport to be.

Signed Mark Bowers 7/2/11 (Signature of Circulator)

Subscribed and sworn to before me this 2nd day of July 2011.

Stephanie L. Skjervold



Notary Public (or other officer) authorized to administer oaths.

The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be punishable in accordance with existing law.

Electors/Committee of Petitioners:

1. Mark Bowers Mark Bowers 194 West Lake St. Excelsior, MN
2. Jonathan Jonathan Turner 101 Center St. Excelsior, MN
3. Steven Bubb Steven Bubb 174 West Lake St Excelsior Mn
4. Susan Bowers Susan Bowers 194 W. Lake St. Excelsior MN
5. Robert R. Barbarosia Robert R. Barbarosia 246 West Lake St. Excelsior, MN

6. Christine Ray CHRISTINE RAY 142 LAKE ST Excelsior
7. Marla Mullaney Marla Mullaney 271 W. Lake St. Excelsior
8. ~~Roseanne Bubb~~ ROSEANNE BUBB 174 W. Lake St. Excelsior
9. Nancy Bubb NANCY BUBB 174 W LAKE ST Excelsior
10. Elizabeth J Bubb Elizabeth Bubb 174 W. Lake St Excelsior
11. Joe Wilcock Joe Wilcock 14 1st. St. Excelsior
12. Debra Schipper Debra Schipper 417 Lake St., Excelsior
13. ~~Joe Terry~~ Terry Reno 411 Division Street Apt 11
14. Renee Wolfe Renee Wolfe 122 2nd St. Excelsior MN
15. Lisa Roddy Lisa Roddy 5085 Wood Duck Ct, Excelsior
16. Mike Flores Mike Flores 184 A Georgia St. Excelsior
17. Matt Bottoff MATT BOTTOFF 631 PLEASANT ST Excelsior MN
18. Pam Bottoff Pam Bottoff 631 Pleasant St. Excelsior, MN
19. Carol Schneider ^{Carol Schneider} CAROL SCHNEIDER 614 Pleasant St, Excelsior, MN
20. Kevin R Crable Kevin CRABLE 500 LindenST Excelsior MN
21. Jeff Eibner Jeff Eibner 191 Oak St Excelsior, MN

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3. Steven R Bubb ^{Steven R Bubb} - 174 West Lake St, Excelsior MN
4. Susan Bowers Susan Bowers 194 W. Lake St. Excelsior MN
5. Robert R. Babcock Robert R. Babcock 246 West LAKE ST. Excelsior MN

22. Leigh Harold LEIGH HAROLD 220 Bell St, Excelsior MN
23. Judith H. Mueller JUDITH H. MUELLER 228 Center St Exc. MN
24. Karyn Pet Karyn Peterson 141 First St., Exc., MN
25. Roger Ward R. Roger Ward Jr 541 William St Excelsior
26. Karen Kennedy KAREN KENNEDY 101 Center St. Excelsior, MN
27. Lloyd Boatland Lloyd BOATLAND 200 W. Lake St Excelsior MN
28. Sara Bowers Sara Bowers 194 West Lake St Excelsior MN
29. Erik Bowers Erik Bowers 194 West Lake St, Excelsior, MN
30. Donna L. Russell Donna L. Russell 136 George St. #202 Excelsior, MN
31. Kathleen Jordan KATHLEEN JORDAN 200 W. LAKE ST Excelsior, MN
32. Loei Thurman Loei Thurman 125 2nd St Exc MN
33. Rhonda Nordeen Rhonda Nordeen 311 George St. Excelsior
34. ASIA HUSAIN ASIA HUSAIN 520 LINDEN ST,
35. William P. Carr William P. Carr 139 2nd Street Excelsior, MN
36. Paul Anlauf Paul ANLAUF 429 Mill St. " " Excelsior, MN
37. Sandra Quest SANDRA QUEST 231 COURTLAND ST/Excelsior MN

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5. Robert R. Pacharawna Robert R. Pacharawna 246 West Lake St. Excelsior, MN

38. Richard P. Quest RICHARD P. QUEST 231 COURTLAND ST./EXCELSIOR, MN
39. Suzanne Barbarossa SUZANNE BARBAROSSA 246 W. LAKE ST. EXCELSIOR, MN
40. Lou Dietking Lou Dietking 701 Pleasant Street /Excelsior MN 55331
41. Mark Meldahl Mark Meldahl 701 Pleasant St. Excelsior MN 55331
42. Jody R. Moyer Jody R. Moyer 191 Oak St. Apt. A Excelsior 55331
43. Steve Finch Steve Finch 3511 Maplewood Circle Excelsior 55331
44. Robert Koers 462 WILLIAM STREET, EXCELSIOR, 55331
45. Robert Koers 2 Bell St Excelsior, MN 55331
46. James D. Blewett 635 3RD AVE EXCELSIOR MN 55331
47. A. Bertous 347 2ND ST. EXCELSIOR MN 55331
48. Max Woelm 615 Gencoe Rd, 55331
49. Janice A. Leifer Janice A. Leifer 175 1st Street Excelsior 55331
50. James A. Farrar James A. Farrar 175 1st Street Excelsior 55331
51. Nicole J. Denn-Woelm Nicole J. Denn-Woelm 615 Gencoe Rd Excelsior 55331
52. Joakim Kemeyer Joakim Kemeyer 750 Pleasant St. Excelsior 55331
53. Timothy E. Chart Timothy E. Chart 505 William St Excelsior 55331

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Addendum I: Proposed Amendments To The

City Of Excelsior Charter

- 1. Tax Levy and Fees:** The amount of tax levied annually against real estate and personal property within the City of Excelsior, as well as fees charged for city services, shall not exceed an amount greater than the prior year's tax levy increased by the sum of an inflationary index plus 2%, not to exceed a maximum total of 5%, whichever is less. The Inflationary Index to be used shall be the most recent annual CPI-U value reported by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers in the Minneapolis, St. Paul metropolitan area.
- 2. Spending and Budgets:** All City Of Excelsior annual budgets shall limit total expenditures to a level not to exceed the CPI-U cited above. Budgets shall not be greater than the sum total of all estimated income and revenues. The City Council shall not authorize any payments or the incurring of any obligation by the City, unless said appropriation has already been made in the current budget resolution.
- 3. Bonding and Assessments:** No Bonds may be sold or Assessments imposed on real estate and personal property without the approval of the majority of the voters voting on the question at a general or special election.
- 4. Emergency Situations:** City Of Excelsior expenditures may only be exceeded in emergency situations, such as natural disasters, calamity, or other public emergencies. Emergency situations shall be funded through the issuance of emergency debt certificates to run not longer than three (3) years. An ordinance authorizing the issuance of such emergency debt certificates shall state the nature of the emergency and be approved by a unanimous vote of the sitting City Council.

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Charter Commission's Role

Now that a Charter Amendment Petition Has Been Filed

1. It was appropriate for the petitioner to file with the Charter Commission; the statute provides that, "All petition papers for a proposed amendment shall be assembled and filed with the Charter Commission as one instrument." Minn. Stat. § 410.12, subd. 3.
2. Now that the petition has been filed with the Charter Commission, the statute requires the Charter Commission to propose the amendment included with the petition provided that the petition has been signed by "voters equal in number to five percent of the total votes cast at the last previous state general election in the city." Minn. Stat. § 410.12, subd. 1.
3. Although the Charter Commission is certainly entitled to obtain information from the City Clerk to assist it in determining if there are a sufficient number of signatures, the City Clerk's review of the petition is not initiated until the City Council receives the petition. Minn. Stat. § 410.12, subd. 3.

In the 2010 General Election, the total number of votes cast was 946. Five percent of the votes is 47.30 or 48 signatures.

Excelsior Charter Commission



Petition Review Subcommittee Report

July 14, 2011

Committee Members¹



Lucille Crow, Vice Chair

Steve Finch

Jim Norman

¹ Appointed at June 1, 2011 Charter Commission Meeting

Task



- **Review Petition**
- **Apply requirements of**
 - **MN Statute 410**
 - **City Attorney Staunton Memo of May 5, 2011**
 - **Commissioner Viesturs Memo of May 31, 2011**

Main Points



- **Commission is required to transmit the petition to the City Council**
- **Processing of a petition changes with tiniest change in scenario**

Charter Commission Duties



Most widely discussed is

- **Charter Commission reviews petitions for:**
 - **Uniform(ity) in Character**
 - **Form and Substance**

Statute Statement



All petitions circulated with respect to a charter amendment shall be uniform in character and shall have attached thereto the text of the proposed amendment in full; except...²

² MN 410.12

Not Applicable



UNIFORM IN CHARACTER

Applies only when there are multiple copies of a petition circulated and (perhaps) by different people.

Only one copy was circulated, and by one person.

Evidence: Notarized statement of Mr. Mark Bowers.

Statute Statement



The summary, together with a copy of the proposed amendment, shall first be submitted to the charter commission for its approval as to *form and substance.*²

² MN 410.12

Not Applicable



FORM AND SUBSTANCE

Ref: Slide 4, “text in full; *except...*”

- Amendment contains more than 1,000 words
 - Then the petition shall contain a summary.
- The Charter Commission must examine the summary

Not Applicable



FORM AND SUBSTANCE

This petition contains less than 300 words.

Evidence: Copied text into Microsoft Word which counted the words.

No Summary, No Action.

Evidence: Statute Language

CONCLUSION



- **Commission must transmit this petition to the City Council**
- **I so move**