

City of Excelsior

Charter Commission Minutes

Wednesday, May 9, 2012

**1. Call To Order**

Chair Lloyd Bratland called the meeting to order at 5:02 p.m.

**2. Roll Call**

Charter Commissioners present: Chair Bratland, Bolles, Brokaw, Crow, Finch, Fulkerson, Leafer, Norman, Thompson, Viesturs. Caron arrived at 5:05 pm; Hartwick and Harrod arrived at 5:09 pm.

Commissioners absent: Mueller, Wilson

City Staff representative: Heidi Tumberg

**3. Approval of Agenda:**

Finch moved, Brokaw seconded approval of Agenda; Vote: 10/0

**4. Public Comments:** None offered.

**5. Approval of Minutes:**

A. Minutes of November 2, 2011: Browkaw moved, Thompson seconded approval.

Vote: 10/0

B. Minutes of April 4, 2012: Brokaw moved, Fulkerson seconded approval. Vote 10/0

C. Minutes of May 2, 2012: Finch moved, Viesturs seconded approval. Vote 10/0

**6. Old Business:**

**A. Election of Officers/Membership:**

Finch moved, Leafer seconded motion to suspend Charter Commission By Laws of election of Commission officers on a one time basis to the July 2012 Commission meeting. Finch withdrew his motion.

Finch moved, Viestures seconded motion to continue election of Commission officers to the June 2012 meeting. Vote: 12/1, Fulkerson voting nay.

Charter members whose terms ending in May 2012, choosing to not apply to be reappointed: Mueller, Thompson

**B. Last day for a Petition to get on November Ballot:**

Chair Bratland reported the final date to accept a petition for inclusion prior to the November 2012 election would be 17 weeks which would be July 10, 2012.

**C. Legality and Constitutionality of Financial Reporting Document:**

Chair Bratland referred to a report from Legal counsel Stanton. See attached document.

**7. New Business:**

**A Proposed Time line for Adopting Ordinance:**

Finch moved, Viesturs seconded a motion to continue the consideration time frame to June 6, 2012 meeting. Vote: 13/0

**B. Draft Financial Reporting Ordinance:**

Brokaw moved, Caron seconded, that the Task Force review the Financial Reporting Document and 'clean up' non-controversial items that do not alter the content of the document and to create a list of items to return to the entire Charter Commission for discussion. The Task Force committee: Bratland, Finch Harrod, Hartwick, Viestures (to replace Caron) and Staff Financial Officer Turnberg (to replace Joan Carlson). Task Force to meet Tuesday, May 15, 2012 at 7:00 a.m.

**D. Proposed Charter Language Feedback:**

The Task Force discussion and conclusions to be reviewed and discussed at June 6, 2012 Charter Commission meeting.

**8. Adjournment:** Caron moved, Viesturs seconded, to adjourn at 6:08 p.m.

Respectfully submitted,

Lucille Crow, Acting Recording Secretary

**From:** Cheri Johnson  
**Sent:** Monday, April 30, 2012 8:46 AM  
**To:** Lloyd Bratland (LloydBratland@peoplepc.com)  
**Cc:** Heidi Tumberg  
**Subject:** FW: Charter Commission

Lloyd,

Do you want me to cut and paste the answers into a Word document and include it in the packet when I send it out? I had trouble opening the attachment that had the email to the Council that Kevin referenced, so I've cut and pasted it into the email for you.

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Email to the City Council on January 17, 2012:

I have reviewed the draft Charter Amendment document in your work session packet for tonight as well as the memo drafted by Jeanne Day analyzing the document. The draft Amendment does not appear (unlike the last charter amendment proposal you reviewed) to affect the City Council's ability to raise revenues or spend funds and, accordingly, would not prevent the City from meeting its legal or contractual obligations. Accordingly, my preliminary assessment (which could change if the document or circumstances change) is that the City would not be constitutionally or legally precluded from adding it to the City Charter.

Ms. Day, however, raises a number of valid points about the practical impact of the document if it is included in the Charter. Generally, charter provisions provide policy direction while ordinances and city council policy craft the details for implementing such direction. This avoids the difficulty of changing the charter when circumstances or technological changes render a particular technique for achieving an objective obsolete. As people in the city review the draft and think about how to achieve its goals, they will want to think about how to best use available tools (charter, ordinances, resolutions) to achieve the goals sought.

Kevin

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Cheri Johnson, City Clerk  
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(952) 474-6300 – Fax  
[cheri@ci.excelsior.mn.us](mailto:cheri@ci.excelsior.mn.us)

-----Original Message-----

From: Kevin Staunton [<mailto:kevin@stauntonlaw.com>]  
Sent: Sunday, April 29, 2012 11:36 PM  
To: Cheri Johnson