



CHARTER COMMISSION

February 01, 2021

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

AGENDA

Pursuant to Mayoral Declaration 20-01 and Ordinance No. 1380, the February 1, 2021 meeting of the Fridley Charter Commission will be a hybrid meeting. If you wish to attend the meeting in person, it will be held at Fridley City Hall (7071 University Avenue N.E.). If you wish to attend the meeting virtually, please use the Zoom meeting link.

In Person: Fridley City Hall – Emergency Operations Center (EOC)

Virtual: <https://zoom.us/j/99825658385> or call 312-626-6799, webinar ID: 998 2565 8385

Call to Order

Roll Call

Approval of Agenda

Approval of Meeting Minutes

- [1.](#) Approval of January 11, 2021 Charter Commission Meeting Minutes

Administrative Matters

- [2.](#) 2021 Nominating Committee Report
- [3.](#) Format of Charter Commission Meetings

Old Business

- [4.](#) Chapter 12 Revisions

New Business

Future Meeting Topics/Communications

Adjournment



AGENDA REPORT

Meeting Date: February 1, 2021

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Staff Liaison

Title

Approval of January 11, 2021 Charter Commission Meeting Minutes

Background

Recommendation

Staff recommend the approval of the January 11, 2021 Charter Commission Meeting Minutes.

Attachments and Other Resources

- January 11, 2021 Charter Commission Meeting Minutes

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



CHARTER COMMISSION
January 11, 2021
7:00 PM
Fridley Civic Campus, 7071 University Avenue N.E.

MINUTES

Call to Order

Chair Rick Nelson called the meeting to order at 7:04 p.m.

Roll Call

Present: Commissioners Gary Braam, Kelli Billhart, Manuel Granroos, Nikki Karnopp, Bruce Nelson, Rick Nelson, Barb Reiland, Valerie Rolstad, Avonna Starck

Absent: Commissioners Don Findell, Richard Johnston, Ted Kranz, Courtney Rathke, Pam Reynolds, Cynthia Soule

Others Present: Daniel Tienter, Director of Finance/City Treasurer/City Clerk/Staff Liaison and Melissa Moore, Administrative Services Coordinator/Deputy City Clerk/Staff Liaison

Approval of Agenda

Motion made by Commissioner Granroos approving the meeting agenda. Seconded by Commissioner Braam.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON NELSON DECLARED THE MOTION CARRIED.

Approval of Meeting Minutes

1. Approval of November 16, 2020 Charter Commission Meeting Minutes

The Commission made several revisions due to misspellings in the November 16, 2020 minutes and directed staff to revise them accordingly.

CHAIR NELSON ASKED FOR A VOICE VOTE TO APPROVE THE MEETING MINUTES AS AMENDED. ALL VOTING AYE. CHAIR NELSON DECLARED THE MOTION CARRIED.

Administrative Matters

2. 2021 Calendar

There were no further revisions to the 2021 Charter Commission Calendar.

3. 2021 Nominating Committee

Chair Nelson asked for volunteers for the 2021 Nominating Committee. Commissioner Granroos, Commissioner Reiland, Commissioner Rolstad and Commissioner Starck volunteered. The group agreed to meet after this evening's meeting to make nominations.

4. 2021 Reappointments

Chair Nelson asked Commissioners Reiland and Bruce Nelson if they wished to be reappointed. They both said yes.

MOTION by Commissioner Rolstad to reappoint Commissioner Barb Reiland and Commissioner Bruce Nelson. Seconded by Commissioner Brillhart.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIR NELSON DECLARED THE MOTION CARRIED.

Old Business

5. Chapter 12 Revisions

Chair Nelson suggested the Commission ask the City Attorney for a legal review of any chapter the Commission wishes to work on, before the group begins, instead of working on a chapter for months only to have the City Attorney make more suggestions. Commissioner Reiland agreed that allowing the City Attorney to do the preliminary work would save the group time and frustration.

Commissioner Brillhart reminded the Commission they had talked about work planning to strategize what chapters the group would like to work on so there is greater efficiency in the Commission's work. Mr. Tienter informed the Commission that staff is supportive of the City Attorney beginning work on any new chapter revision as a manner of standard process for any chapter the Commission wishes to work on. Chair Nelson asked if the group agreed. Commissioner Granroos agreed it would be a good idea to let the City Attorney have a first look and the group would revise from there.

MOTION by Commissioner Reiland to direct the City Attorney to review and provide suggestions on any new chapters the Commission wishes to work on before the Commission consider revisions. Seconded by Commissioner Brillhart.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIR NELSON DECLARED THE MOTION CARRIED.

Chair Nelson began the discussion of Section 12.01. Mr. Tienter reviewed the City Attorney's comments on Section 12.01 noting that state law controls what the official publication must be. In previous documents staff had provided sample language from other municipalities that was very short as opposed to Fridley's language. There is shorter language ready if the Commission wishes to avoid any language that is already covered by state law, similar to what Section 12.02 does when referring to the Minnesota Government Data Practices Act (MGDPA). There are other sections where state law addresses the subject

expressly and whether or not the Charter speaks to the intent of the section does not impact the force of State law. In those situations, the Commission could go through to see if there was a way to meet the Commission's desire for transparency, while deferring to State law, which would supersede the Charter. As the City Attorney points out, there are several sections of Chapter 12 that may cause confusion with what State law directs. Mr. Tienter asked how the Commission feels about one approach versus the other.

Chair Nelson recalls the Commission's reluctance to refer generally to "state statute" so people can refer to the Charter and not have to go do separate research to find the law. He asked if the Commission still agreed with that sentiment. Commissioner Reiland agreed, if the Charter does not go against State law that was okay. If people want to look for something, it is easier for them to find it in the Charter versus having to go look somewhere else. Mr. Tienter pointed out that Section 12.02 points to the MGDPA, someone would need to go to the statute to read the MGDPA.

Commissioner Brillhart pointed out the City Attorney asked the Commission to make a consistent change when referring to "the Council" or "the City Council." Commissioner Reiland noted "the City Council" makes the Charter sound more formal and there is no confusion as to what body is being referred to. Chair Nelson agreed "the City Council" will be used going forward. Mr. Tienter informed the Commission that Ms. Moore will send the Commission the Agenda Style Guide, which was created for staff when creating written items for City Council agendas. The guide will inform the Commission on agreed-upon conventions when revising the Charter further. Mr. Tienter acknowledged that staff would add "City" when referring to the City Council throughout Chapter 12, and going forward, the style standard adopted by the City would be applied to future work revising the Charter.

Mr. Tienter noted the language struck in the draft is language the Commission already struck from the Charter. The City Attorney only provided comments, which are in the right margin of Appendix A.

Mr. Tienter pointed out comment number five which points out the need to clarify "such notices" to expressly state the type of notice the City is to provide. Commissioner Brillhart expressed her support for that change and others agreed.

Chair Nelson opened the discussion of Section 12.02 and recalled it is a section the Commission wishes to keep.

Chair Nelson opened the discussion of Section 12.03. Mr. Tienter pointed out it is not clear who a city officer is. Chapter six references the City Clerk, City Treasurer and City Attorney and any other officer determined by the City Council. He is not sure the Commission could solve the issue right now mainly because there is a more specific chapter which talks about subordinate officers. The Commission could consider saying the City Council could designate these positions by resolution. Based on past discussions of the Commission though, he thinks they would be better served to wait until Chapter six is revised to clarify who the "officers" would be. Mr. Tienter added that this language could be construed to mean every officer would take the oath. The City Attorney informed Mr. Tienter that state law does not provide

clear direction on how to define these positions, but typically it is understood to be the City Manager and City Council. The Commission could expressly define which positions need to take the oath, or they could wait until they revise Chapter six and clearly define "officers" then.

Historically in Fridley, only the City Council has taken the oath. Commissioner Granroos expressed his opinion that the City Treasurer should take the oath based on the nature of the position. The Commission discussed ideas of who should be directed to take the oath and certain staff positions that should be included. Commissioner Reiland commented that if specific job titles are named, the Charter could need updates if a position title changes. Commissioner Granroos noted staff's fiduciary responsibilities should require an oath.

Commissioner Karnopp suggested changing "officer" to "elected officials of the City, any appointee of a City commission or committee, and designated City positions." City positions would include Treasurer, City Attorney, etc. and the statement is vague enough to cover if a position title changes.

Chair Nelson asked how staff would know if the Charter language would apply to specific job titles. Commissioner Brillhart asked if there would be a burden on the City if we define who the oath would apply to. Mr. Tienter said no, and the City Attorney is not suggesting the Commission needs to define who an officer is. The term has been frequently applied to elected officials, as is how Fridley has interpreted it. He said the term "designated City position" does not provide any more clear direction than "officer" currently does.

He noted that if the Commission wanted any member of staff with a fiduciary responsibility to take the oath, there would be dozens of staff positions that would apply. With regard to the City Attorney, they are a contracted vendor of the City, not a member of staff. Mr. Tienter recommends the definition is not something they need to figure out now as Chapter six addresses officers, where a discussion to define would be appropriate. There is one additional wrinkle in this matter because the Charter calls for the City Manager to organize the structure of the City and the City Council ratifies that structure by ordinance. Therefore, the City Manager can rearrange how City departments are organized while changing job titles of staff.

Commissioner Reiland asked if the City Attorney must take the oath. Mr. Tienter answered that no, the City Attorney has not taken the oath. At this time, the City does not have an on-staff City Attorney. Commissioner Granroos confirmed the City Attorney is a contracted vendor and noted he must follow the code of conduct for the Minnesota Bar Association. Mr. Tienter agreed and noted there is also an agreement with the City Attorney's firm, which was approved by the City Council.

Commissioner Karnopp asked who decides if commission members or elected officials take an oath. Mr. Tienter answered that in the past, the City Council made that determination as a function of the ceremonial nature of an oath. He noted that any employee who had an issue that rose the level of violating their oath, it would also be a violation of the City employment handbook or other applicable

state law, and would be subject to discipline by the City Manager. There are internal structures in place to ensure staff are acting in good faith.

Chair Nelson suggested the Charter could call out the City Manager and elected officials and could call out other positions by ordinance or resolution. Mr. Tienter answered that is possible. He gave an example that the City Council may wish to require the Housing and Redevelopment Authority, that is responsible for millions of dollars of development, be required to take the oath. Chair Nelson responded that makes sense when thinking of Section 12.04.

Commissioner Karnopp asked if the other advisory commissions take an oath? Mr. Tienter answered no, they do not. The Charter Commission takes an oath because they are incorporated under a separate section of State law. The advisory commissions are created by ordinance so the City Council can create or dissolve advisory commissions, except for the Planning Commission, which is also statutory obligation.

Commissioner Karnopp asked for confirmation that HRA Commission members do not take an oath. Mr. Tienter agreed to confirm, but he did not believe they did. Commissioner Granroos thought that in relation to Section 12.04, he thought the HRA should sign an oath. Mr. Tienter answered that the HRA is a separate political subdivision of the City with a separate body of law that directs its activity with its own conflict of interest restrictions. They are subject to considerable restrictions on their activities in the same way the City Council is. Commissioner Karnopp asked if the HRA was appointed by the City Council. Mr. Tienter answered yes. Commissioner Karnopp asked what documents bar them from receiving gifts. Mr. Tienter answered that state law includes conflict of interest, gifts and competitive bidding policies that govern their behaviors.

Commissioner Granroos believes how the text is written now is adequate since other positions and commissions have their own rules that govern their behavior.

Mr. Tienter informed the Commission that Chapter five of the City Code requires top-level employees to submit a Public Disclosure Form. The form requires staff at the Director level and higher, members of the City Council and members of the City's advisory commissions declare if they own any property that is not their primary residence in the City, or own a percentage of common stock of a business in the City. Additionally, he noted that departments have manuals which dictate policies and procedures staff must follow. These manuals are forwarded to the City Council for adoption.

Commissioner Brillhart feels that Section 12.03 covers the City adequately.

MOTION by Chair Nelson to keep Section 12.03 as it is written in Exhibit A. Seconded by Commissioner Rolstad.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIR NELSON DECLARED THE MOTION CARRIED.

Chair Nelson opened discussion on Section 12.04. Mr. Tienter asked the Commission if given the comments provided by the City Attorney, especially the nuances he pointed out between statutory law, common law and what's in the Charter, he would like the opportunity for the City Attorney to draft some options to be discussed at a future meeting rather than go through each comment. It would be more advantageous for the Commission to have something to respond to. Chair Nelson agreed.

CHAIR NELSON ASKED FOR A VOICE VOTE TO DIRECT THE CITY ATTORNEY TO DRAFT OPTIONS FOR REVISION OF SECTION 12.04. ALL VOTING AYE. CHAIR NELSON DECLARED THE MOTION CARRIED.

Chair Nelson opened discussion on Section 12.05. Mr. Tienter noted there were no comments on the section from the City Attorney. Chair Nelson asked if there were any other revisions. There were no other revisions from the Commission.

Chair Nelson opened discussion on Section 12.06. Mr. Tienter noted the City Attorney recommended an ordinance is not an appropriate legislative tool to dispose of property. The Commission could add language requiring a public hearing, or two readings of a resolution. Many cities accomplish the sale or acquisition of property through resolution, rather than ordinance. He recollected the Commission's concern with transparency, which the Commission could still accomplish, but not have this type of action be accomplished through an ordinance.

Chair Nelson responded that its important for the public to be informed of property being sold. He asked the group for their feedback. Commissioner Reiland responded she thought a public hearing would be too complicated for certain items. She prefers having it discussed at two meetings. Commissioner Rolstad reminded the group the suggestion is that the matter be a resolution and its read at two separate meetings. Mr. Tienter added there are a few ways to keep transparency. They could require a resolution be read at two separate meetings. They could require a public hearing, which the City would provide notice. They could also require that any consideration of the sale of land is a principal item of business at a City Council item, which means it can not be put on the consent agenda.

Chair Nelson asked if resolutions must be read.

Mr. Tienter answered that resolutions can be on the consent agenda. But the Commission could include language preventing that from happening by calling it a principal item of business. Mr. Tienter offered that the item would appear at two separate meetings and upon adoption it must be a principal item of business. Commissioner Brillhart agreed. Mr. Tienter informed the Commission that occasionally an ordinance that is before the City Council for a second reading will be placed on the consent agenda. But that only happens with items that do not have any controversy or public input. If the Commission directs similar language pertaining to this discussion, they could also choose to add that nuance in the language. He recommends the Charter note the item must be on the agenda at least one time as a principal item of business. The Council's rules do dictate that if a member of the public attends the meeting and wishes to remove an item from the consent agenda, they can. Commissioner Brillhart recollected the Commission wants the public to know what is going on, similar to Section 3.05.

Commissioner Reiland added protections that funds were used for the directed purposes. Commissioner Brillhart suggested the text to read "No real property of the City shall be sold or disposed of except by

resolution presented at two separate meetings at least seven days apart with at least one reading being a principal item of business." Mr. Tienter informed the Commission that staff will draft the language. Chair Nelson approved.

Chair Nelson opened the discussion of Section 12.07. Mr. Tienter pointed out that the City Attorney's suggestions mirror the previous suggestions from staff to try to sync up what is in the Charter with what is in statute. The section goes in that direction with the addition of "in accordance with State Statute." The overall message from the City Attorney was if the Commission wanted, this section could be removed and the City could rely on State law, which provides the additional notification requirements that staff had asked for. Commission Rolstad asked if State law is stronger than what is in the Charter. Mr. Tienter said yes and no. When it comes to the number of votes to vacate a street, in State law you can do it with a supermajority. State law is more specific and requires a notice to be done within two weeks, so it is stronger than what is in the Charter. The section in State law that governs this action is more specific and is what most cities rely on for vacation of streets. The Commission could add language similar to Section 12.02 and reference a specific statute. Chair Nelson asked if would be possible to keep language regarding the supermajority, but information about the procedure of the vacation would be pursuant to State law. Mr. Tienter said yes, the Commission would need to work through that language. Chair Nelson asked if the Commission would like to direct staff to do that. Chair Nelson said he does not think a regular majority is adequate and a requirement for a supermajority should be left in. Mr. Tienter said staff will work with the City Attorney on this language.

Chair Nelson opened the discussion of the deleted Sections 12.08 and 12.09. Mr. Tienter said Sections 12.08 and 12.09 were removed from the Charter because State statute is stronger than the language in the Charter.

Chair Nelson opened the discussion of Section 12.08 (formerly Section 12.10) and 12.09 (formerly Section 12.11). Mr. Tienter recollected the Commission took no formal action to amend the last two sections.

Chair Nelson asked if anyone wished to discuss anything else in Chapter 12. There were no more discussions.

New Business

None.

Future Meeting Topics/Communications

Commissioner Reiland noted the Nominating Committee will make their report.

Chair Nelson said the Commission will revisit Chapter 12.

Chair Nelson will inquire with Commissioners Findell, Rolstad and Soule if they would like to be reappointed.

Commissioner Brillhart said she would like to discuss work planning.

Mr. Tienter reminded the Commission that a representative from the League of Minnesota Cities was to come to do a training session. Chair Nelson asked staff to see if April 5 or May 3, 2021 would work for a training session.

Mr. Tienter reminded anyone on the 2021 Nominating Committee to please stay after adjournment to discuss who would be nominated for offices.

Adjournment

MOTION by Commissioner Brillhart to adjourn the meeting. Seconded by Commissioner Rolstad.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON NELSON DECLARED THE MOTION CARRIED AND THE MEETING ADJOURNED AT 8:27 P.M.

Respectfully submitted,

Commissioner Reiland, Charter Commission Secretary

Melissa Moore, Administrative Services Coordinator/Deputy City Clerk/Staff Liaison



AGENDA REPORT

Meeting Date: February 1, 2021

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Staff Liaison

Title

2021 Nominating Committee Report

Background

Commissioner Granroos, Commissioner Reiland, Commissioner Rolstad and Commissioner Starck will present the findings of the 2021 Nominating Committee.

Recommendation

Staff recommend a motion accepting the 2021 Nominating Committee Report.

Attachments and Other Resources

- 2021 Nominating Committee Report

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



2021 Fridley Charter Commission Nominating Committee Report

Pursuant to Section VI of the Charter Commission Bylaws, Chair Nelson appointed three or more members to the 2021 Nominating Committee (Committee). The Committee consisted Commissioner Granroos, Commissioner Reiland, Commissioner Rolstad and Commissioner Starck.

The Committee met on January 11, 2021 following the Charter Commission meeting. After discussion, the Nominating Committee offered the following nominations to serve as the 2021-2022 Charter Commission Officers:

Chair: Rick Nelson
Vice Chair: Bruce Nelson
Secretary: Nikki Karnopp

Pursuant to Section V of the Bylaws, nominations may be made from the floor. Additionally, if two or more Commissioners wish to serve in a particular office, the Commission may choose to hold a contested election at its March meeting.

Pursuant to Section III of the Bylaws, the election of officers will be held during the Commission's annual meeting on March 1, 2021 at 7:00 p.m.



AGENDA REPORT

Meeting Date: February 1, 2021

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Staff Liaison

Title

Format of Charter Commission Meetings

Background

The March 1, 2021 Charter Commission meeting is the last one that can be held in the Emergency Operations Center (EOC) due to previously scheduled Fire Department training.

If the Commission wishes to return to in-person meetings, on their regularly scheduled dates, the group must meet in the Fireside Room. The Fireside Room does not have the technology required for virtual meetings.

If the Commission does not want to return to in-person meetings, it may exercise its right to cancel or reschedule any of its upcoming meetings. The Commission may also choose to hold its meetings entirely virtual (Zoom meeting) until Governor Walz's Executive Orders and Fridley's local emergency ordinance are expired or repealed.

Recommendation

Staff request the Commission discuss the format of upcoming meetings and a motion be made to direct staff to make arrangements for any changes.

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: February 1, 2021

Meeting Type: Charter Commission

Submitted By: Daniel Tienter, Staff Liaison and Melissa Moore, Staff Liaison

Title

Chapter 12 Revisions

Background

Exhibit A includes all revisions made by the Commission to Chapter 12 at the January 11, 2021 meeting.

At its last meeting, the Commission directed staff to coordinate with the City Attorney on suggested revisions to Sections 12.04, 12.06 and 12.07. Staff asked the City Attorney to provide different options for each section, if applicable:

1. Eliminate the section entirely if the subject is covered by state law;
2. Draft language similar to section 12.02 where a specific statute is referenced; and
3. Draft language direct from statute to be put into the Charter – an amalgamation of statute that would be applicable to the section’s intent and subject.

Recommendation

Staff recommend the Commission review the exhibits and direct staff on further revisions to Chapter 12.

Attachments and Other Resources

- Exhibit A: Chapter 12 draft with all revisions directed by the Commission
- Exhibit B: City Attorney review of Sections 12.04, 12.06 and 12.07

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

FRIDLEY CITY CHARTER
CHAPTER 12. MISCELLANEOUS PROVISIONS

Section 12.01. OFFICIAL PUBLICATIONS

The City Council shall regulate by ordinance, subject to the requirements of this Charter, the manner in which official publicity shall be given to the holding of elections, ordinances, resolutions, requests for bids upon contemplated purchases and contracts, and all other matters whatsoever which require publication either by the provisions of this Charter or by the laws of Minnesota. It shall annually designate a legal newspaper of general circulation in the City as the official newspaper in which shall be published such measures and matters as are by the laws of this State and this Charter required to be so published, and such other matters as the City Council may deem it advisable and in the public interest to have published in this manner.

At its discretion, the City Council may also provide for the publication of important city information including but not limited to the annual budget, ordinances, and resolutions. Such publication may be done by mailing or posting of printed copies thereof upon bulletin boards located in public places of the City in such number and for such period of time as the City Council may direct in each case. In addition to publication by mailing or posting required above, such notices shall also be posted on the City website. In addition, the City Council may use electronic means for publication. Nothing herein contained shall be construed as authorizing or attempting to authorize any violation of the Constitution or the Statutes of the State in any matter which is of State concern or which is exclusively under State control. (Ref Ord 1310)

Section 12.02. PUBLICITY OF RECORDS

All records and accounts of every office, department or agency of the City shall be open to inspection in accordance with the Minnesota Government Data Practices Act.

Section 12.03. OATH OF OFFICE

Every officer of the City shall, before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: "I, [Name], do solemnly swear to support the Constitution of the United States, the Constitution of the State of Minnesota, 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. "I do solemnly swear (or affirm) to support the Constitution of the United States

~~and of the State of Minnesota and to discharge faithfully the duties devolving upon me as (Mayor, or Councilmember, or City Manager, etc.) of this City to the best of my judgement and ability." (Ref. Ord. 857)~~

Section 12.04. CITY OFFICERS NOT TO ACCEPT FAVORS OR CONTRACTS

No member of the City Council or employee of the City shall:

1. Ssolicit or receive any:

- pay
- commission
- money
- 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.

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.

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, except as otherwise provided in this Charter, or by law, shall solicit, accept or receive, directly or indirectly, from any public utility corporation or the owner of any public utility or franchise:~~

A violation of any of the provisions of this Section shall ~~disqualify~~ subject the offender to appropriate disciplinary action in compliance with all applicable laws and regulations. ~~if found guilty, from continuing in office or in the employment of the City, and the offender shall be removed therefrom.~~ 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. (Ref. Ord. 857)

Section 12.05. OFFICIAL BONDS

The offices of City Manager, the City Clerk and City Treasurer and such other officers or employees of the City, as may be provided for by ordinance, shall each, before entering upon the duties of their respective offices or employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the City Council as security for the faithful performance of their respective official duties and the safekeeping of the public funds. ~~Such bonds shall be approved by the City Council and approved 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 (1) office by appointment, the Secretary's bond or bonds shall be filed with the Mayor.~~ The provisions of the laws of the State relating to official bonds, not inconsistent with this Charter, shall be complied with. The premiums on the corporate surety bonds hereinbefore provided for shall be paid by the City.

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. (Ref. Ord. 857)

Section 12.06. SALES OF REAL PROPERTY

No real property of the City shall be sold or disposed of except by ~~ordinance~~ resolution presented at two City Council meetings with at least seven days between the meetings with at least one reading as a principal item of business. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the City Council may by a resolution adopted by an affirmative vote of at least four (4) members of the City Council designate some other public use for such proceeds.

Section 12.07. VACATION OF STREETS

The City Council shall have the exclusive power, by resolution passed by a vote of at least four (4) members of the City Council, to vacate or discontinue highways, streets, easements, and alleys within the City. Such vacations may be made only after notice and hearing of affected property owners, in accordance with State Statute, and upon such further terms and by such procedure as the City Council may by ordinance prescribe. A record of each such vacation shall be filed in the office of the Anoka County Recorder. (Ref. Ord. 592, Ord. 1090)

~~Section 12.08. DAMAGE SUITS~~

1. ~~No action shall be maintained against the City on account of any injuries or damages to persons or property, unless such action shall be commenced within one (1) year from the occurrence of such injury or damage, nor unless notice shall have been given in writing as required by Minnesota Statutes. (Ref. Ord. 873)~~
2. ~~No action shall be maintained against the City on account of injuries or damages to persons or property resulting from or caused by any accumulation or deposit of ice or snow on any public street, sidewalk, building, or place.~~

~~Section 12.09. RECOVERY OF JUDGEMENT FOR DAMAGES~~

~~If any judgement shall be recovered in any action against the City for any injury or damage caused by any obstruction, excavation, opening or defect in any street or alley or public ground caused or occasioned by the act or omission of any person or corporation, the City shall have the right to recover the amount of any such judgement from the person or corporation so responsible for such obstruction, excavation, opening or defect; and such person or corporation is hereby declared to be liable to the City in the amount of such damages, provided, however, the City shall give such person or corporation notice of any claim for such injury or damage and of any action to recover for the same and shall give such person or corporation the right and reasonable opportunity to defend such action.~~

~~Section 12.1008. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER MUNICIPALITY~~

~~The City of Fridley shall remain vested with and continue to have, hold and enjoy all property, property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the Village of Fridley,¹⁷ and The City shall be subject to all liabilities which exist against said Village on the effective date of this Charter.~~

~~Section 12.1109. APPLICATION OF GENERAL LAWS~~

~~All general laws and statutes of the State applicable to all cities operating under home rule Charters, or applicable to cities of the same class as the City of Fridley operating under home rule Charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Fridley and shall be construed as supplementary to the provisions of this Charter. The City shall have all powers and authority granted by the laws of the State to municipalities to acquire property or exercise authority or powers beyond the corporate limits. All powers by this Section conferred shall be exercised conformably to this Charter so far as may be possible, and such authority and power shall not authorize the City to incur any bonded debt~~

~~beyond the limitations, or in any other manner than authorized by this Charter.~~

Nothing herein contained shall be construed as authorizing or attempting to authorize any violation of the Constitution or the Statutes of the State in any matter which is of State concern or which is exclusively under State control.

Section 12.4210. EXISTING ORDINANCES, REGULATIONS, BOARDS AND COMMISSIONS CONTINUED

All ordinances, regulations, boards and commissions of the municipality in force and existing when this Charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended, repealed, vacated or abolished.

Section 12.4311. PENDING CONDEMNATIONS AND ASSESSMENTS

Any proceeding for condemnation for public improvement or assessment in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the Village prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Section 12.04. CITY OFFICERS NOT TO ACCEPT FAVORS OR CONTRACTS

No member of the City Council or employee of the City shall:

1. Solicit or receive any:

- pay
- commission
- money
- 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.

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.

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, except as otherwise provided in this Charter, or by law, shall solicit, accept or receive, directly or indirectly, from any public utility corporation or the owner of any public utility or franchise:~~

~~A violation of any of the provisions of this Section shall disqualify subject the offender to appropriate disciplinary action in compliance with all applicable laws and regulations, if found guilty, from continuing in office or in the employment of the City, and the offender shall be removed therefrom. 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 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. (Ref. Ord. 857)~~

[12.04 Option 1] Delete.

[12.04 Option 2] Replace with: No public officer shall take part in any manner in an action if prohibited therefrom pursuant to Minnesota Statutes, § 471.87 or other applicable law. Further, no local official shall accept a gift that is prohibited pursuant to Minnesota Statutes, § 471.895 or other applicable law.

[12.04 Option 3] Keep language as-is but with change to violation language shown here: No member of the City Council or employee of the City shall solicit or receive any pay, commission, money, thing of value, or 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, except 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, except as otherwise provided in this Charter, or by law, shall solicit, accept or receive, directly or indirectly, from any public utility corporation or the owner of any public utility or franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. ~~A violation of any of the provisions of this Section shall disqualify the offender, if found guilty, from continuing in office or in the employment of the City, and the offender shall be removed therefrom.~~ 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 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 12.06. SALES OF REAL PROPERTY

No real property of the City shall be sold or disposed of except by ordinance. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the Council may by a resolution adopted by an affirmative vote of at least four (4) members of the Council designate some other public use for such proceeds.

[12.06 Option 1] Delete.

[12.06 Option 2] Replace with: No real property of the City shall be sold or disposed of except after conducting a public hearing on such sale by ordinance. The City shall provide notice in the Official Publication ten days before conducting a public hearing. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the Council may by a resolution adopted by an affirmative vote of at least four (4) members of the Council designate some other public use for such proceeds.

[12.06 Option 3] Leave language as-is.

Section 12.07. VACATION OF STREETS

The Council shall have the exclusive power, by resolution passed by a vote of at least four (4) members of the Council, to vacate or discontinue highways, streets, easements, and alleys within the City. Such vacations may be made only after notice and hearing of affected property owners, in accordance with State Statute, and upon such further terms and by such procedure as the Council may by ordinance prescribe. A record of each such vacation shall be filed in the office of the Anoka County Recorder. (Ref. Ord. 592, Ord. 1090)

[12.07 Option 1] Delete.

[12.07 Option 2] Replace 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.