



CHARTER COMMISSION

March 01, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

AGENDA

Pursuant to Mayoral Declaration No. 20-01 and Ordinance No. 1380, the March 1, 2021 Charter Commission meeting will be a hybrid meeting, offered either in person or via telephone or other electronic means. If you wish to attend the meeting virtually, please use the Zoom meeting links.

In Person: Fridley Civic Campus – Emergency Operations Center, 7071 University Avenue, NE, Fridley MN

Virtual: <https://zoom.us/j/91814387462> or call 312-626-6799, webinar ID: 918 1438 7462

Call to Order

Roll Call

Approval of Agenda

Approval of Meeting Minutes

1. Approval of February 1, 2021 Charter Commission Meeting Minutes

Administrative Matters

2. 2021 Reappointments
3. Election of Officers
4. Format of Charter Commission Meetings
5. Resignation of Commissioner Richard Johnston

Old Business

6. Draft Chapter 12 Revisions

New Business

Future Meeting Topics/Communications

Adjournment



AGENDA REPORT

Meeting Date: March 1, 2021

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Staff Liaison

Title

Approval of February 1, 2021 Charter Commission Meeting Minutes

Background

Recommendation

Staff recommend the approval of the February 1, 2021 Charter Commission Meeting Minutes.

Attachments and Other Resources

- February 1, 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
February 01, 2021
7:00 PM
Fridley Civic Campus, 7071 University Ave N.E.

MINUTES

CALL TO ORDER

Chairperson Nelson called the Charter Commission meeting to order at 7:11 p.m.

ROLL CALL

Members Present: Commissioners Gary Braam, Kelli Brillhart, Manuel Granroos, Nikki Karnopp, Ted Kranz, Bruce Nelson, Rick Nelson, Courtney Rathke, Barb Reiland, Pam Reynolds, Val Rolstad, and Cynthia Soule

Members Absent: Commissioners Donald Findell, Richard Johnston, and Avonna Starck

Others Present: Melissa Moore, Admin. Services Coord./Deputy City Clerk/Staff Liaison
Dan Tienter, Finance Director/City Treasurer/City Clerk
Dave Ostwald, City Councilmember-at-Large

APPROVAL OF AGENDA

MOTION by Commissioner Rolstad approving the meeting agenda. Seconded by Commissioner Reynolds

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

APPROVAL OF MINUTES

1. Approval of January 11, 2021 Charter Commission Meeting Minutes

MOTION by Commissioner Karnopp to approve the meeting minutes of January 11, 2021 as presented. Seconded by Commissioner Brillhart.

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

ADMINISTRATIVE MATTERS

1. 2021 Nominating Committee Report

Chairperson Nelson stated that the report was submitted by the Nominating Committee and included in the Commission packet.

Melissa Moore, Admin. Services Coord./Deputy City Clerk/Staff Liaison, stated that the three names included in the packet were provided as a recommendation from the Nominating Committee. She stated that if these three members wish to be nominated/selected for these positions, the elections will take place at the next meeting.

Commissioner Bruce Nelson accepted the nomination for Vice Chair.

Commissioner Karnopp accepted the nomination for Secretary.

Chairperson Nelson accepted the nomination for Chair.

MOTION by Commissioner Reynolds to accept the 2021 Nominating Committee Report. Seconded by Commissioner Rolstad.

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

2. Format of Charter Commission Meetings

Ms. Moore stated that staff attempted to schedule the meetings with the knowledge that a virtual or hybrid format would need to be used. She stated that the room being used tonight (Emergency Operations Center) to allow for the hybrid format is only available for February and March for this group due to scheduling conflicts. She reviewed the alternative options, which included holding the meetings completely virtually, changing the date of the meeting to allow for hybrid format, or canceling meetings.

Commissioner Reynolds asked and received confirmation that the decision could be made at the March meeting, which would allow more time for consideration.

Commissioner Rolstad asked and received confirmation that there is not another room that would accommodate the hybrid format.

Commissioner Reynolds asked if the Council Chambers would be large enough to accommodate in person meetings.

Ms. Moore confirmed that the Chambers would be large enough for in-person attendance but the room being used tonight is the only room equipped for hybrid format due to the interactive technology that is required.

Commissioner Karnopp asked if there would be sufficient space in the Fireside Room to allow for social distancing.

Ms. Moore commented that she believed there would be sufficient spacing but noted that she could follow up with staff to ensure, but again confirmed that the Council Chambers could be used for in-person meetings.

Commissioner Brillhart asked if the current Governor's Order limits gatherings to a limit of two households. She commented that if the Charter Commission meets in person that would be many households.

Ms. Moore noted that she could verify that information as she was unsure of the current limits.

Chairperson Nelson asked if the Commission would want to change the dates, delay the decision, or choose the virtual format through the spring and reevaluate.

Commissioner Reiland stated that she would support using the virtual format and reevaluating in the spring.

Commissioner Reynolds commented that she could participate through Zoom. She asked for clarification on how a virtual meeting could be held if this room could not be used.

Ms. Moore explained that for a fully virtual meeting, staff would participate from another location. She stated that if one or two commissioners did not have the technology to participate at home, staff could set them up in separate conference rooms with City laptops and everyone else would participate from other locations.

Commissioner Kranz suggested that this item remain on the agenda for the March meeting and staff can look into the social distancing requirements between now and then.

Chairperson Nelson acknowledged that some members of the Commission may have received vaccines but there may still be limits on gathering size and stated that some other members may not be vaccinated at that time. He suggested holding the meetings virtually and reevaluating in May but agreed that the decision could be made at the March meeting.

Commissioner Karnopp agreed that the issue could be continued to the next month but encouraged members to be ready to provide input at that meeting.

It was the consensus of the Commission to leave this discussion open and continue it at the March meeting.

Chairperson Nelson noted that upcoming appointments for Commissioners Findell, Rolstad and Soule would need to be addressed. Ms. Moore confirmed that the reappointments will be considered at the March meeting.

OLD BUSINESS

3. Chapter 12 Revisions

Commissioner Reynolds referenced that in Section 12.01, related to designation of legal newspaper, she believed additional punctuation was added to that sentence. She commented that the sentence appears to run on and would be improved with additional commas.

Commissioner Rathke commented that a style guide will be distributed and asked if the City uses Oxford commas. She stated that the text meaning remains the same, it is simply a measure of style and preference.

Commissioner Reynolds provided clarity, noting that the commas would separate thought and not be Oxford commas.

Ms. Moore stated she could review the previous minutes, but it was her recollection that all the suggested punctuation changes had been incorporated.

Chairperson Nelson noted that there was discussion during the February meeting, but no changes were suggested for that section. He stated that it was reviewed again in March, but the decision was to add additional text.

Commissioner Reynolds commented that if the group already agreed to the text as presented, she would be fine moving forward.

Ms. Moore noted that if there are proposed changes, the group can suggest those as this continues to be a working draft.

It was the consensus of the Commission to leave 12.01 as presented without adding additional punctuation.

Chairperson Nelson opened the discussion on Section 12.04.

Ms. Moore reviewed the three options the Commission could choose for that section, which were drafted by the Attorney.

Commissioner Reynolds asked if the City Attorney realizes that the Charter can be more restrictive than State Statute. She stated that the Charter Commission is tasked with amending the Charter. She stated that the City Attorney has recommended using Statute language, but the City is a Charter City and therefore can be more restrictive. She commented that if the language is all updated with State Statute language, it then takes away the benefit of having a Charter. She stated that the Charter Commission is allowed to have its own legal representation outside of the City Attorney.

Commissioner Kranz stated that as he understands it, the City Attorney was not asked to make a decision but simply to review and provide suggestions.

Commissioner Reiland commented that the Commission should review these options and have discussion as to what they would like the language to be.

Chairperson Nelson asked for input as to what the Commission would like for 12.04.

Commissioner Reynolds stated that she would prefer the bulleted format as that would be more user friendly for residents. She confirmed that she would include the modifications as proposed on page 16.

Commissioner Brillhart commented that she prefers option three.

Chairperson Nelson confirmed the consensus of the Commission to choose option three for 12.04.

Ms. Moore asked that the Commission make a formal motion for that action.

MOTION by Commissioner Billhart to keep the language as is (in Exhibit A) and adding the suggested revisions to the violation language of option three. Seconded by Commissioner Rathke.

Commissioner Reynolds referenced the final sentence of the change recommended by the Attorney related to violations. She stated that the Commission preferred to use "the City Council" but the Attorney recommended to use "the Council".

Commissioner Brillhart confirmed that the Commission had previously directed that City Council be used for consistency and therefore that reference should be updated throughout this section.

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

Chairperson Nelson opened the discussion of Section 12.06 and reviewed the options before the Commission.

Mr. Tienter commented the idea to have multiple readings was intended to provide additional transparency. He stated option two would require the City to have a public hearing, which would require a notice to appear in the local newspaper at least ten days prior to the hearing and would require the Council to accept public input. He stated that process would provide more public input and notification, compared to multiple readings that would not require public notice or require the Council to receive public input.

Commissioner Reynolds referenced the replacement language related to the sale of real property and asked for clarification on the process that would be followed.

Mr. Tienter commented that consistent with the previous discussion he would recommend that be done by resolution.

Commissioner Brillhart asked if that specific language is left out, would that then provide the ability for the process to be done by ordinance or resolution.

Mr. Tienter replied he would prefer to clarify that it be done by resolution.

Ms. Moore commented that it does specify by resolution later in the paragraph.

Chairperson Nelson noted another reference to the Council which should be updated to City Council.

Mr. Tienter confirmed that staff will ensure that is updated throughout to read the City Council for consistency.

Commissioner Reynolds asked for the definition of real property.

Mr. Tienter clarified that real property is real estate.

Commissioner Reiland stated she likes the proposal to have two meetings.

Chairperson Nelson commented that he likes two meetings, but the item could be placed on the consent agenda for the second meeting and therefore a public hearing may offer more transparency.

Commissioner Reiland agreed.

Ms. Moore stated that if transparency is the ultimate goal, a public hearing would be the best vehicle because of the notice provided.

MOTION by Commissioner Reiland to select option two for 12.06, which includes the requirement for a public hearing. Seconded by Commissioner Reynolds.

Commissioner Reiland suggested that additional punctuation be added.

Mr. Tienter stated that he would confirm that addition with the City Attorney and if agreed upon, that could be added.

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

Chairperson Nelson moved on to 12.07.

Mr. Tienter stated that option two would accomplish all of the procedures under State Statute but would still require a 4/5 majority vote for vacations.

Commissioner Reynolds asked if State Statute identifies a timeline for when the recording to the County must be completed.

Mr. Tienter commented that he did not believe there was a time limit expressed in statute.

Ms. Moore confirmed that there is not a time limit identified in statute.

Commissioner Rathke explained that a title search is completed in the sale of real property to identify any outstanding issues such as that.

MOTION by Commissioner Reiland to select option two for Section 12.07. Seconded by Commissioner Bruce Nelson.

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

Mr. Tienter commented that staff will compose a draft of Chapter 12 incorporating the actions from tonight's meeting and bring back to the Commission in March for review.

NEW BUSINESS

None

FUTURE MEETING TOPICS/COMMUNICATIONS

Chairperson Nelson acknowledged that Councilmember Ostwald was present and opened the floor for any questions.

Commissioner Reynolds asked why the City's budget is \$6 million more than the City of Blaine when Blaine is a larger community in terms of area and population.

Chairperson Nelson commented that Blaine has a volunteer Fire Department and has more County roads than Fridley, noting that the County maintains its own roads.

Councilmember Ostwald commented that he is not familiar with the budget of Blaine.

Mr. Tienter commented that he is not familiar with the City of Blaine's budget and therefore could not comment on that. He stated that operationally Chairperson Nelson was correct in that Blaine has a volunteer Fire Department and noted that additionally Blaine does not have municipal liquor stores as Fridley does. He commented that the liquor stores provide about \$400,000 annually back to the City of Fridley.

Commissioner Karnopp asked for an update on a potential training through the League of Minnesota Cities.

Mr. Tienter confirmed that staff is still planning to schedule that training but wanted to do so after the revisions to Chapter 12 were complete. He noted that the session is anticipated to be about 45 to 60 minutes and could potentially occur in April or May.

Ms. Moore informed the Commission that Commissioner Richard Johnston has not attended the last four meetings. She noted that he has RSVP'd for meetings, but his last attended meeting was January 2020. She asked what the typical process the Commission follows in this situation.

Chairperson Nelson commented that the typical practice would be to send a letter to ask the Commissioner if they are interested in continuing as a member of the Commission. He was unsure of the number of meetings that could be missed per the bylaws.

Ms. Moore commented that the bylaws state that absences can be excused with an "adequate excuse." She confirmed that Commissioner Johnston has been communicating that he will not be attending and therefore she wanted direction from the Commission.

It was the consensus of the Commission to direct staff to send a letter to determine if Commissioner Johnston wishes to continue as a member of the Commission.

Chairperson Nelson highlighted the topics that will be included on the March agenda including election of officers, reappointments, review of Chapter 12, and discussion of future meeting formats.

ADJOURNMENT

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

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON NELSON DECLARED THE MOTION CARRIED AND THE MEETING ADJOURNED AT 8:18 P.M.

Respectfully submitted,

Commissioner Reiland, Charter Commission Secretary

Amanda Staple, Recording Secretary



AGENDA REPORT

Meeting Date: March 1, 2021

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Staff Liaison

Title

2021 Reappointments

Background

The following Commissioners require reappointment:

<u>Commissioner</u>	<u>Term Ends</u>
Don Findell	May 1, 2021
Valerie Rolstad	May 1, 2021
Cynthia Soule	May 1, 2021

Recommendation

Staff request the listed Commissioners consider their possible reappointment. Staff also request the Commission consider a motion to reappoint Commissioners Findell, Rolstad and Soule, if they wish. Thereafter, staff will notify Chief Judge Hiljus accordingly.

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: March 1, 2021

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Staff Liaison

Title

Election of Officers

Background

Pursuant to Section V of the Charter Commission (Commission) Bylaws, officers of the Commission are to be elected at the March Annual Meeting. The Nomination Committee gave its report to the Commission on February 1, 2021 (Exhibit A). Additionally, interested Commissioner may also "run from the floor," if they so desire.

Newly elected officers will begin their terms upon election to their office.

Recommendation

Staff recommend a motion to accept the nominations as presented by the Nominating Committee.

Attachments and Other Resources

- Exhibit A: 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: March 1, 2021

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Staff Liaison

Title

Format of Charter Commission Meetings

Background

Governor Walz's Executive Order 21-01 is the latest order that directs the meeting of legislative bodies. Section 6A(x) of the order notes, "The limits on gatherings in this Executive Order do not apply to legislative and other governmental meetings. Remote meetings are strongly encouraged whenever possible as permitted by state or local authority." Currently, Mayoral Declaration No. 20-01 and Ordinance No. 1380 are in effect, which enable virtual meetings of City bodies. Until the Governor's Order and the City's legislation are rescinded or expire, virtual meetings are allowed.

The Emergency Operations Center (EOC) is the only room at City Hall that allows for virtual, interactive meetings. The Charter Commission had been able to relocate their regularly scheduled meetings to the EOC because previously scheduled in person Fire Department trainings had been cancelled due to the Coronavirus. The Fire Department's meetings are resuming at the beginning of April. Additionally, the Parks and Recreation Commission has meetings in the City Council Chambers on concurrent evenings with the Charter Commission.

If the Commission wishes to conduct its future meetings virtually, it may do so with all commissioners and staff participating via an online meeting platform. If any member of the Commission does not have appropriate technology to enable them to participate virtually, staff may be able to "check out" a laptop from the City's IT division and set up that commissioner in a conference room at City Hall. However, the number of laptops and space at City Hall may be limited.

Staff have reviewed the scheduling calendar of the City Council Chambers. It is not available for any the Charter Commission's remaining meeting dates in 2021. Staff assert that the Fireside Room is not large enough to accommodate 17 people in a meeting set-up format.

Recommendation

Staff recommend the Commission hold virtual meetings for the foreseeable future, as long as they are allowed by Executive Order and/or local emergency declaration.

Attachments and Other Resources

Vision Statement

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AGENDA REPORT

Meeting Date: March 1, 2021

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Staff Liaison

Title

Resignation of Commissioner Richard Johnston

Background

Commissioner Johnston missed the last four Charter Commission (Commission) meetings. The Commission requested staff to contact Mr. Johnston to gauge his interest in being on the Commission. Mr. Johnston submitted the attached letter (Exhibit A) providing for his immediate resignation.

Upon acceptance of the resignation, staff would advertise a vacancy on the Commission. Any interested candidates would be asked to meet with the Commission at the April 5 meeting. Thereafter, the Commission may make a motion to recommend an appointment to the Chief Judge.

Recommendation

Staff recommend a motion to accept the resignation of Commissioner Johnston. Staff further recommend the Commission direct staff to advertise an open seat on the Charter Commission and call for applications.

Attachments and Other Resources

- Richard Johnston Resignation Letter

Vision Statement

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

Charter Commission

I want to thank you for the opportunity of seating on the charter committee but at this time i wish to resign.

Richard Johnston

A handwritten signature in black ink that reads "Richard Johnston". The signature is written in a cursive style with a long horizontal flourish extending to the right.



AGENDA REPORT

Meeting Date: March 1, 2021

Meeting Type: Charter Commission

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

Title

Draft Chapter 12 Revisions

Background

At the previous meeting, the Charter Commission (Commission) directed staff to integrate certain suggested revisions of the City Attorney in Sections 12.04, 12.06 and 12.07. Staff have also applied the City's style guide recommendations to the document, consistent with previous direction of the Commission.

Exhibit A includes all revisions made by the Commission to Chapter 12 through the February 1, 2021 meeting. Exhibit B is a "clean version" of Chapter 12, with all additions and deletions accepted.

Recommendation

Staff recommend the Commission review the exhibits and direct staff on further revisions to Chapter 12, and direct staff to prepare the revisions in ordinance form.

Attachments and Other Resources

- Exhibit A: Chapter 12 draft with all revisions directed by the Commission
- Exhibit B: Chapter 12 with all accepted revisions

Vision Statement

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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. 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 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 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. No real property of the City shall be sold or disposed of except after conducting a public hearing on such sale. 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 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 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, 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)~~

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.

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, 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 12.1210. 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 12.1311. 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.

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. (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. (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. 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.

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 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. 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 after conducting a public hearing on such sale. 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 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 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.

Section 12.08. 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. The City shall be subject to all liabilities which exist against said Village on the effective date of this Charter.

Section 12.09. 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.

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 12.10. 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 12.11. 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.