Minneapolis Charter Commission Minutes

Regular Meeting
Wednesday, September 7, 2005 - 4:00 p.m.
Council Chamber, Room 317 City Hall, Minneapolis, Minnesota

Present: Commissioners Bernstein, Bujold, Collier, Lazarus, Lichty, Melendez, Metge, Ponsford, Ferrara, Theurer
Absent: Thaden (excused), Clegg, Dolan, Dziedzic (excused), Klassen (excused)
City Attorney Staff: Burt Osborne and Kristi Lassegard

Chair Bernstein called the meeting to order at 4:15 p.m.

1. Roll Call

2. Adopt Agenda

CHAIR BERNSTEIN MOVED TO AMEND THE AGENDA TO ADD THE MATTER OF CORRESPONDENCE RECEIVED FROM MR. JURIS CURISKIS AS ITEM 6; seconded. The motion was adopted upon a voice.

LAZARUS MOVED TO ADOPT THE AGENDA AS AMENDED; seconded by Ponsford. The motion was adopted upon a voice vote.

3. Accept Minutes of August 3, 2005.

LAZARUS MOVED TO ACCEPT THE MINUTES AS SUBMITTED; seconded by Ferrara. The motion was adopted upon a voice vote.

Unfinished Business

4. Minneapolis City Charter (re Reform):
   a) Request from City Council Intergovernmental Relations Committee to the Minneapolis Charter Commission to conduct public hearings to collect ideas for Minneapolis Charter reform, beyond the scope of current "non-substantive" revisions.

   b) Summary of comments received at May 18 and May 25 public hearings.
   (Summary was submitted and reviewed by IGR Committee on 6/14/05)

   c) Minneapolis City Charter (re Redistricting):
   Subject matter of ordinances amending the Minneapolis City Charter relating to redistricting, amending: a) Chapter 1, Section 3 relating to City and Ward Boundaries: Thirteen Wards; b) Chapter 2, Section 4 relating to Officers--Elections: Election
   (By Ostrow - Referred to IGR from the City Council 11/21/03)

Intergovernmental Relations Committee Action of 1/11/05: Refer back to Minneapolis Charter Commission for further discussion in the broader scope of City Charter reform.

Action Taken on Feb 2, 2005: Matter to be included in consideration of Charter Reform issue
Chair Bernstein updated the Commission: public hearings were held on the larger Charter issue; the Intergovernmental Relations Committee received a review of those hearings; other hearings will be scheduled on the revisions.

Assistant City Attorney Burt Osborne noted that the Minnesota Supreme Court has denied the request for review of the recent marijuana case; that make the decision final.

5. 8th Draft to City Charter Revisions (submitted Aug 31, 2005):
Previous related action: By September meeting, a schedule will be presented for hearings to consider the final revision proposal with the goal of including the subject on the 2006 ballot (subcommittee of Commissioners Collier, Dolan and Bujold established to work on schedule)

Commissioner Collier requested that the Commission first discuss the proposed schedule. There was no objection.

Collier explained that the scheduling group recommended that the revisions be approved by the Commission and the City Council by March (April at the latest) so that they're ready to go to the ballot in November 2006. There was not certainty about the best way to get this onto the ballot in the event that the revisions don't achieve the 13-0 vote from the City Council. She asked if the Charter Commission can put this on the ballot or would a petition be required?

Assistant City Attorney Burt Osborne explained that there are three ways to amend the Charter: a 13-0 vote of the City Council; the City Council could pass an ordinance on a majority vote that could put a matter on the ballot; or by citizen petition to the ballot.

Collier suggested that the second way (by ordinance) would be the way to go. The Commission should be able to present the revision to the City Council by May, to give them ample opportunity to look it over and get it through the system. The group decided that two public hearings should be sufficient and the final proposal that is presented to the Council could include consideration of comments from the public hearing.

Osborne noted that the Commission would receive the item back from the Council before it goes to the ballot. It would be appropriate to seek public input before sending it to the City Council but the State Statute does send it back to the Commission for review after the Council consideration and back to the City Council before the ballot.

Collier remarked that, based on the need for additional time, the Commission should then give final approval to the draft for hearing by November or no later than December of this year. The Commission will probably have to allow some study time (a study session perhaps) with the Council, and should look at public hearings during the month of January.

Bernstein recommended that the target date for presenting it for the ballot would be no later than May 2006.

Bujold concurred with Collier’s recommendations.

Collier reviewed the schedule - public hearings in January, Charter Commission approval in February/March and then to the Council for review.

Lazarus wondered if the City Council could slow things up to the point that the schedule won’t work?

Collier replied that the Council will have new members and perhaps new committee chairs. She suspects they will fit the matter into their schedule as best they can, within the bounds of the new Council.

Ferrara asked for an explanation of the current proposal and could that be provided in writing. The Commission will have to work hard on the project for the next sixty days and also share information with the Council.

Bujold noted that the 8th draft is now ready for review. He isn't sure there is a lot of review going on outside the Commission but, perhaps a notification to the Council that it is available and the proposed schedule would be helpful.

Collier suggested that the Council has access to the draft on-line for review. Also, there should be a special effort to make sure newly elected Council Members receive the information.

Melendez recalled that he was requested to deliver a final version of the charter revision that best meets the original goals of the Commission in this effort. He did not change much in this version. The only large change was a deletion about the Planning Commission that the Library requested. He looked at the independent board comments and only elected to make that change. It doesn't look exactly like the 5th or 6th draft but nothing changed in a major way. He stated that he has been working on the changes for three or four years. It has changed and whether the vision of non-substantive revisions remains or has changed, he cannot say. He added that he did not send the 8th draft out to anyone besides the Commission as yet.

Bernstein remarked that he believes that this is still considered a "clean up" document and it isn't intended to be about structural changes.

Bujold asked if there is a version of the 8th draft that is redlined (to denote changes from the last draft)?

Melendez said he doesn't have that but he could prepare something that would summarize the changes.

Collier recalled that there was a request for an accompanying document to explain the changes.

Ferrara said he prefers a document that shows changes from the original Charter. The process has been quite long and it's difficult to recall the final efforts.

Melendez replied that a side-by-side version would take substantially longer than a summary sheet.

Ferrara suggested that the information will be important as the Commission discusses the document with others down the line. Also, wouldn't it be helpful for the Commission itself to have some type of study session to delve into this.

Collier recommended that a very specific explanation isn't necessary. Everyone has seen the 6th draft (independent groups); all that is needed now is an explanation of what's different in the 8th draft. If there is something substantially different, that warrants a discussion among the Commissioners certainly.

Ponsford spoke in support of having some type of a study session; there are several newer Charter Commission members who would benefit from that.

Ferrara noted that there was a study session in 2004 but there are enough new faces to merit more information. On the substantive nature question, it would be unfair to say this remains totally non-substantive because, at some point, that's open to definition. It isn't an objective question.

Chair Bernstein suggested that the Commission could review this in the next month and have a discussion at the October meeting and a vote in November. He added that the 8th draft is now the version on the table. It is the final report, subject to this body's amendment.

Melendez pointed out that he supports providing information through a study session. There is also the possibility that those who have been working on this for some time won't have the fresh outlook of the newer members and it could be time for that fresh look again. Also, he would speak in favor of getting input again from the independent boards. Most of the input received to this point has been helpful. It became less friendly but they should still have a look at what the Commission decides it will support.

Chair Bernstein clarified that this can't be a process of going back and forth again – only one shot.

Metge asked that new Council Members be built into a schedule, making sure they are informed early in the process. Also, she feels she would benefit from a review even though she's been through the process.

Chair Bernstein asked if the October meeting could be designated as the "study session".

Ferrara clarified the schedule – November approval for the hearing process; hearings in January; then to Council.

Lazarus noted that the next meeting falls during a Jewish holiday period.

Chair Bernstein asked that the October 5 meeting include a "Charter Study Session" after regular business. The Commission can now accept the document, allow time for individual review, and, in October, have an overall discussion. The November meeting will include a vote on accepting it as the amendment. He thanked Commissioner Melendez for his work, once again.

LAZARUS MOVED THAT DRAFT 8 BE ACCEPTED AS CURRENT REVISION PROPOSAL, TO REPLACE ALL PREVIOUS VERSIONS; seconded by Ponsford. The motion was adopted upon a voice vote.

6. Communication from Mr. Juris Curiskis, 1199 Edlin Place, providing information and responding to previous Commission review of his concerns on the special assessment process

Chair Bernstein noted that the response before the Commission was received from Mr. Curiskis (letter). The question to the Commission is what is in ordinance already and does it conflict with the City Charter, specifically regarding the matter of special assessments. Is there a definition in ordinance about what the benefits are and how that is to be interpreted?

Ferrara noted that he doesn't agree with the premise that assessments should be divided evenly as opposed to a system using square footage. He has reviewed Mr. Curiskis' concerns and considered them.

Chair Bernstein said he spoke with Commissioner Gary Thaden on this matter recently. The appeal area is one they thought may be something to consider (with an appeal process currently only in district court). If there is interest on the Commission, that area could be further reviewed.

Bujold noted that the assessment process is tied to state law. He understands that Mr. Curiskis may have some specific grievances but he questions if that should be the business of the Charter Commission.

Assistant City Attorney Kristi Lassegard noted that the relation to law depends on the type of improvement involved. There are references to the Charter in the process. She is not aware of ordinances that specifically apply. She added that Minneapolis has some special state laws that relate only to the City (in the area of special assessments) As a general rule of law, taxes are different that special assessments.

COLLIER MOVED THAT THE MATTER BE REFERRED TO THE CITY ATTORNEY FOR RESPONSE SINCE IT INVOLVES STATE LAW; seconded by Bujold. The motion was adopted by the following roll call vote:
Yeas - Bujold, Collier, Ferrara, Melendez, Metge, Ponsford, Bernstein.
Nays - Lazarus, Lichty, Theurer.
Absent - Clegg, Dolan, Dziedzic, Klassen, Thaden.

Lazarus noted that any response should also be provided to Mr. Curiskis.

Chair Bernstein requested that Mr. Curiskis receive a communication from the Charter Commission informing him of the action.

Bujold asked if Melendez would like comments (on Draft 8) before the review.

Melendez replied that questions raised in advance would be acceptable.

BUJOLD MOVED TO ADJOURN; seconded by Lazarus.

Julie Bartell
Clerk of the Charter Commission