



City of Blaine

City Council Workshop

December 18, 2023 | 5:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

AGENDA

NOTICE OF WORKSHOP MEETING

In accordance with the provisions of Section 3.01 of the Blaine City Charter, a Council Workshop meeting is scheduled for the following purpose:

1. Call to Order

2. New Business

- 2.1.** 2023-634 Plate Reader Demo
Sponsors: Brian Podany, Safety Services Manager/Police Chief
- 2.2.** 2023-463 Introductory Car Wash Study Discussion
Sponsors: Erik Thorvig, Community Development Director
- 2.3.** 2023-608 Proposed Charter Amendment - Council Salaries
Sponsors: Cathy Sorensen, City Clerk
- 2.4.** 2023-610 Proposed Charter Amendment - Council Recall
Sponsors: Cathy Sorensen, City Clerk
- 2.5.** 2023-609 Proposed Charter Amendment - Redetermination of Ward Boundaries
Sponsors: Cathy Sorensen, City Clerk

3. Other Business

4. Adjournment



City of Blaine

Staff Report

File Number: 2023-634

Agenda Date

December 18, 2023

Status

In Control

City Council

File Type

Workshop Item

New Business - Brian Podany, Safety Services Manager/Police Chief

Agenda Item # 2.1

Plate Reader Demo

Background

Captain Boerboom will provide Council with a demonstration of the Flock Safety License Plate Reader.

Staff Recommendation

Questions for Council

Attachment List

None



City of Blaine Staff Report

File Number: 2023-463

Agenda Date	Status
December 18, 2023	
In Control	File Type
City Council	Workshop Item

New Business - Erik Thorvig, Community Development Director

Agenda Item # 2.2

Introductory Car Wash Study Discussion

Background

Staff Recommendation

On September 6, 2023, the City Council adopted a six-month moratorium to study the zoning of car washes in the City. The moratorium identified the following study areas:

- Appropriate locations where car washes should be located. Things to be considered will include what zoning districts car washes are currently allowed in, and existing zoning of priority development areas. The study will generally focus on stand-alone car washes. Car washes as an accessory use to convenience stores will also be reviewed. The zoning ordinance treats these uses differently.
- The general impact on the health, safety and welfare that car washes may impose specifically related to traffic, infrastructure, environment, noise and light.
- Economic impact and benefits of the nature of the business as it relates to the intent of certain zoning districts.

The following is initial information staff have gathered related to the topics listed above.

Current Numbers:

1. Four (4) standalone tunnel washes (all under construction)
 - Mister Car Wash – 123rd and Ulysses Street
 - Tommy's – 122nd and Lexington Avenue
 - Silverstar – 93rd and Highway 65

- Mister Car Wash – Springbrook and 85th Avenue
- 2. Fourteen (14) car washes accessory to gas/convenience

Current Zoning Regulations:

- Neighborhood Business (B-1) – Not Permitted.
- Community Commercial (B-2) – Standalone and accessory to gas/convenience is conditionally permitted.
- Community Commercial (B-3) - Standalone and accessory to gas/convenience is conditionally permitted.
- Office Park (B-4) – Not Permitted.
- Town Commercial (B-5) – Not Permitted.
- Planned Business District (PBD) – Accessory to gas/convenience conditionally permitted. Standalone not permitted.
- 105th Redevelopment District – Not permitted.

Typical Conditions w/ Conditional Use Permit:

- Noise emitted must comply with existing noise ordinance requirements (maximum decibels).
- Landscaping/fencing to screen the use.
- Hours of operation.
- Orientation of the exit (in attempt to orient blowers away from residential areas).
- Lighting and signage location.
- Vacuum location.

Staff is in the process of reviewing other city ordinances to determine what specific regulations are placed on car washes that could be incorporated into Blaine's zoning code. This information will be presented at the workshop.

Code Complaints

Of the 14 existing car washes, 7 are within close proximity to residential uses.

1. Complaint received in 2012 for Holiday at 129th and Highway 65 for blower noise.
2. Noise complaints (primarily due to late night use) received for Fleet Farm car wash at Ball Road and Lexington Avenue. CUP does not address hours of operation.
3. No record of other complaints.

Traffic

- Retail and restaurant uses in the districts where car washes are permitted generally produce more traffic than a car wash.

Water Usage:

Of the top 100 commercial water users, 9 of the existing 14 car washes are listed. The Holiday at 109th and Radisson Road is in the top 10. The top user in the City is Aveda, with over 10 million gallons used as of 9/8/2023. The Holiday at 109th and Radisson Road has used 3.6 million gallons as of 9/9/2023.

The recently approved standalone car washes recycle approximately 33% of the water used. This allows a reduction in sewer access charges (SAC) that is regulated by the Metropolitan Council. The Met Council reserves the right to inspect systems to ensure recycling is in place. Recycling is not required, however the reduction in SAC charges is significant.

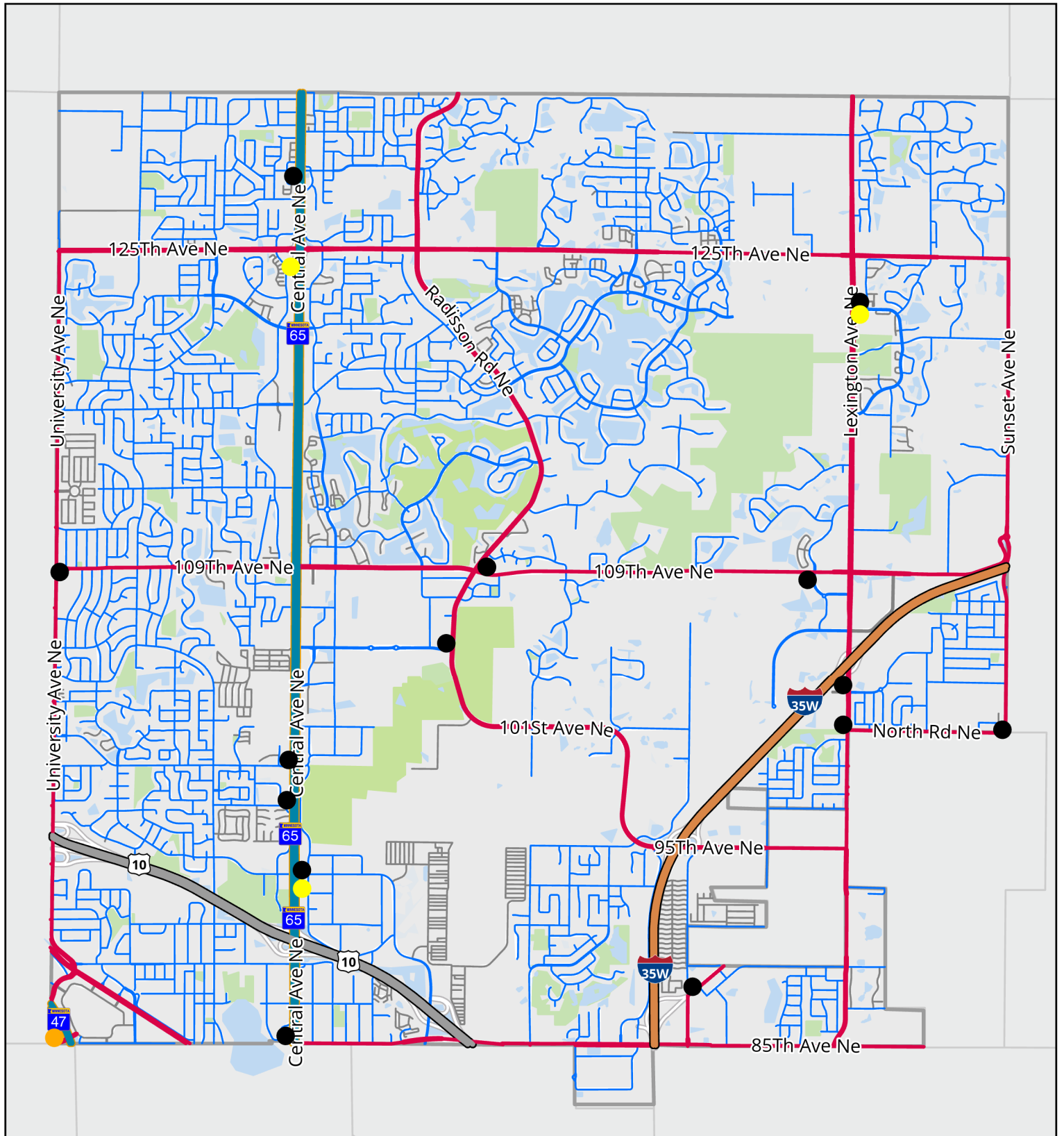
Questions for Council

1. What zoning districts/areas of the city should stand alone and/or car washes accessory to convenience/gas stores be permitted?
2. What health/safety/welfare concerns should typically be addressed in ordinance and/or conditional use permit process?

Attachment List

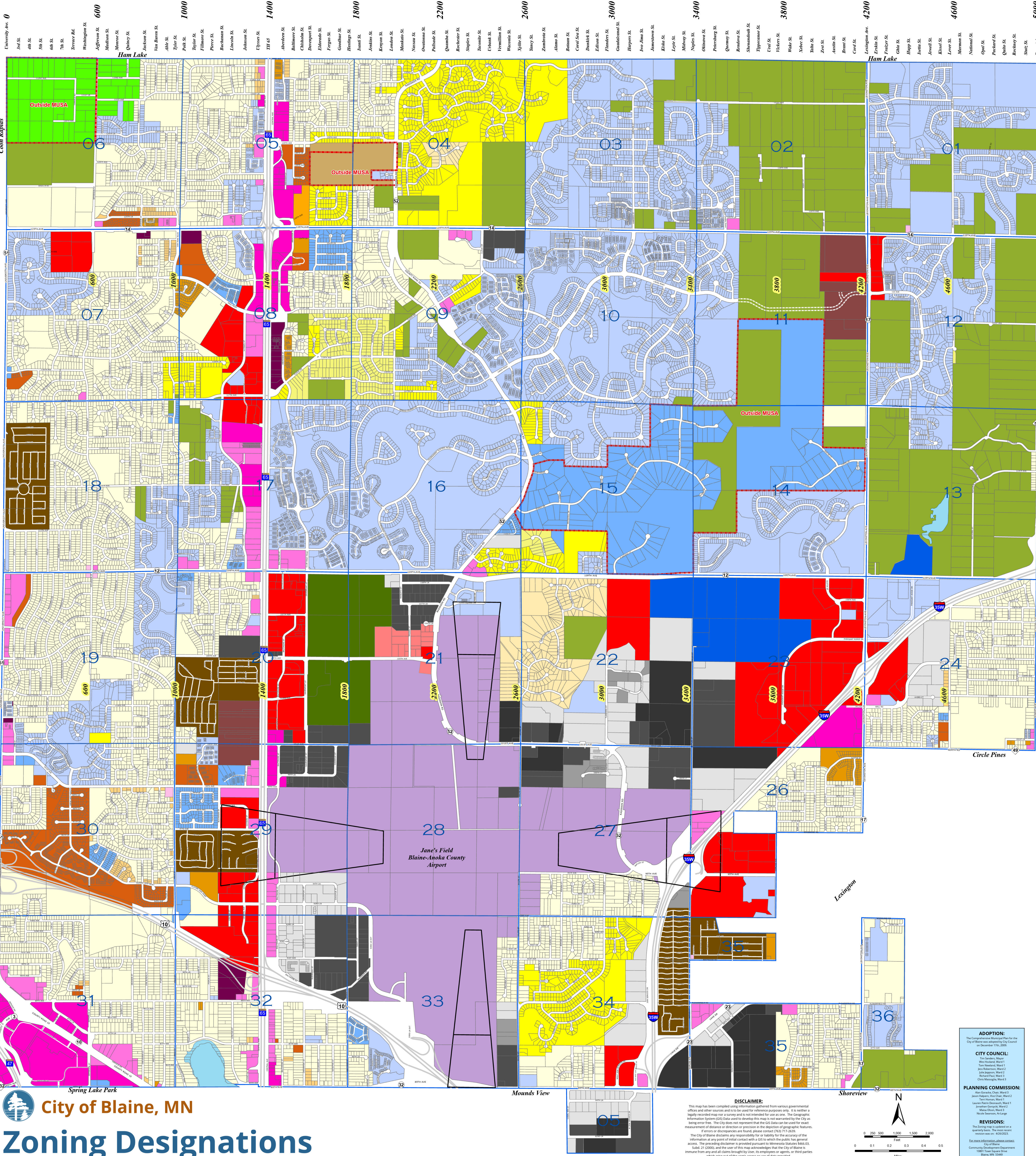
1. Car Wash Locations
2. Zoning Map

Blaine Car Washes



0 0.5 1 2 Miles

- Car washes accessory to a gas station
- Stand-alone car washes
- Mister Car Wash - pending approval



- Legend**
 - Airport Safety Zone
 - Lake
 - Section Lines
 - Outside MUSA
 - Lot Lines
 - AG - Agriculture
 - FR - Farm Residence
 - RE - Residential Estate
 - R-1 - Single Family
 - R-1A - Single Family
 - R-1AA - Single Family
 - R-1B - Single Family
 - R-2 - Two Family
 - R-3A - Low Density Multi-Family
 - R-3B - Medium Density Multi-Family
 - R-3C - High Density Multi-Family
 - R-4 - Mobile Homes
 - RF - Residential Flex
 - DF - Development Flex
 - B-1 - Neighborhood Business
 - B-2 - Community Commercial
 - B-3 - Regional Commercial
 - B-4 - Office Research Park
 - B-5 - Town Commercial
 - PBD - Planned Business District
 - 105th Ave Redevelopment District
 - RR - Regional Recreation
 - POD - Planned Office District
 - I-1 - Light Industrial
 - I-1A - Light Industrial
 - I-2 - Heavy Industrial
 - I-2A - Heavy Industrial
 - Airport
 - ParcelsAnoka

ADOPTION:
The Comprehensive Municipal Plan for the City of Blaine was adopted by City Council on December 15th, 2009.

CITY COUNCIL:
Tim Landers, Mayor
Mike Heston, Ward 1
Tom Nordmark, Ward 2
Joni Robinson, Ward 3
Jill Peterson, Ward 4
Richard Paul, Ward 5
Chris Henningsen, Ward 6

PLANNING COMMISSION:
Alex Gonzalez, Chair, Ward 3
Joni Robinson, Vice Chair, Ward 2
Tom Nordmark, Ward 1
Joni Robinson, Ward 3
Jill Peterson, Ward 4
Richard Paul, Ward 5
Chris Henningsen, Ward 6

REVISIONS:
The following is a list of revisions to the map. The revision number is in parentheses.

For more information, please contact:
City of Blaine
Community Development Department
105th Ave, Suite 100
Blaine, MN 55440
Phone: (763) 786-4390



City of Blaine Staff Report

File Number: 2023-608

Agenda Date	Status
December 18, 2023	
In Control	File Type
City Council	Workshop Item

New Business - Cathy Sorensen, City Clerk

Agenda Item # 2.3

Proposed Charter Amendment - Council Salaries

Background

Following council discussion at the November 6 workshop, the charter commission met to review council's request to make a specific salary recommendation as opposed to a salary range. After discussion, the commission agreed to remove the recommendation of an "up to" salary range amounts and recommended the following salary increases effective 2025:

- Mayor - \$18,315.03/yr - currently \$14,313.60/yr
- Councilmembers - \$13,461.54/yr - currently \$10,500/yr

The commission wanted to echo their belief that their role was to recommend charter language that provided for regular salary review going forward based on established criteria, but that decisions regarding specific salaries should be made by council. As a reminder, the proposed charter amendment language is outlined below:

Sec. 2.07. Salaries.

The monthly salary of each of the councilmembers and the mayor shall be established by ordinance. Review of salaries shall be conducted in June of every odd numbered year and recommendations for adjustments, if any, be based on the annual cost of living adjustments consistent with adjustments provided to city staff. ~~The mayor and councilmembers, in addition to the above salaries, shall be paid a reasonable sum for each day and their reasonable expenses incurred while traveling outside the city on the city's business.~~

Staff will schedule a public hearing regarding the proposed charter amendment as well as a proposed ordinance amending salaries for council consideration.

Staff Recommendation

Staff requests council input regarding the proposed charter amendment and recommendations regarding mayor and council salaries.

Questions for Council

Request council input regarding the charter commission's proposed amendment regarding council salaries.

Attachment List

1. 8-8-23 Charter Commission Council Salaries Proposal
2. Council Salary Comparisons 2023
3. 11-6-23 Council Workshop Minutes
4. 11-14-23 Charter Commission Minutes
5. PowerPoint

City of Blaine Charter Commission
Mayor and City Council Salary Proposal – August 8, 2023

<u>Survey City (15)</u>	<u>Population (Met. Council Est. 07/2023)</u>
Blaine	71,891
Bloomington	91,330
Brooklyn Park	84,993
Burnsville	64,522
Coon Rapids	63,415
Eagan	68,889
Eden Prairie	64,023
Edina	54,048
Hopkins	18,608
Lakeville	73,828
Maple Grove	71,230
Minnetonka	54,474
Plymouth	80,762
St. Louis Park	49,786
Woodbury	77,224

Average Salary (City Clerk Survey 07/2023)

Mayors:	Annual - \$18,185	Monthly - \$1,515.40	Blaine current - \$14,314	\$1,192.80
Council:	Annual - \$13,121	Monthly - \$1,093.13	Blaine current - \$10,500	\$ 875.00

Consumer Price Index (CPI), 12 Mo. Percent Change (U.S. Bureau of Labor Statistics, All Items)

June 2015	0.1%	June 2020	0.6%
June 2016	1.0 %	June 2021	5.4%
June 2017	1.6%	June 2022	9.1%
June 2018	2.9%	June 2023	3.0%
June 2019	1.6%		

Proposed Salary Change for Mayor and Council – Effective January 1, 2025

Average Salary from 15 City Survey Attached, July 2023

Mayors:	Annual - \$18,185	Monthly - \$1,515.40	Blaine current - \$14,314	\$1,192.80
Council:	Annual - \$13,121	Monthly - \$1,093.13	Blaine current - \$10,500	\$ 875.00

Option 1 - Proposed Survey Avg. Salary; Eff. January 1, 2025; Next election in November 2024

Mayor:	Annual - \$18,185	Monthly - \$1,515.40
Council:	Annual - \$13,121	Monthly - \$1,093.13

Option 2 - Current 2015 Salary increased by CPI factor - Last increase effective January 1, 2015

Option 2 Proposed Salary Effective January 1, 2025 after next election in November 2024

		<u>Annual</u>	<u>Monthly</u>
<u>Mayor:</u>	CPI	\$18,315.03	\$1,526.25
	5 percent	\$19,230.78	\$1,602.57
	8 Percent	\$19,780.23	\$1,648.35
	10 percent	\$20,146.53	\$1,678.88
<u>Council:</u>	CPI	\$13,461.54	\$1,121.80
	5 percent	\$14,189.19	\$1,182.43
	8 percent	\$14,538.46	\$1,211.54
	10 percent	\$14,788.13	\$1,232.34

Recommendation: I recommend the Charter Commission recommend the City Council adopt an ordinance amendment to revise the Mayor and Council salaries, effective January 1, 2025, at the Option 2 level with the 2023 survey average salaries increased by 8 percent per the above table. Some rationale for this recommended increase includes:

1. Local government administration and representation has become increasingly complex,

2. Salaries have not been increased for 8 years since January 2015, and will likely not be increased for several more years,
3. The City of Blaine citizens and our elected representatives are not average,
4. The salary increase will not be effective for 16 months, if approved, and the economy continues to experience inflationary pressures and increases in the cost of living,
5. Blaine has experienced much growth since 2015 and will continue to grow the residential, commercial, and industrial sectors of the community,
6. Blaine is unique in many ways with events such as PGA Golf and the National Sports Center creating unique infrastructure, operational, and community and public relations issues, and
7. The Mayor and Councilmembers will be challenged with much future work, meetings, and intergovernmental coordination for the Highway 65 improvement project and many development and redevelopment projects.

Therefore, based upon this brief analysis, I recommend the Mayor's salary be \$19,780.23 per annum and \$1,645.38 per month. The Councilmember's salary is proposed to be \$14,538.46 per annum and \$1,211.54 per month. The effective date will be January 1, 2025. These increases reflect cost-of-living changes since 2015 and an additional eight percent to account for future challenges and the 16 months before any changes will be effective. Furthermore, I recommend the Charter Commission recommend the City Council review and approve the ordinance adopting these increases prior to December 1, 2023.

Respectfully submitted,

Kenneth R. Anderson, Charter Commission Member

Attachment: City survey information of July 2023

Information Collected July 2023.

City	General Fund Budget	Population Based on 2022 Met Council estimates	# of FT Employees	Mayor Annual Salary	Councilmember Annual Salary
Blaine	\$41,583,610	71,891	233	\$ 14,314	\$ 10,500
Bloomington	\$94,161,711	91,330	618	\$ 26,400	\$ 12,396
Brooklyn Park	\$64,991,186	84,993		\$ 21,355	\$ 12,212
Burnsville	\$37,500,000	64,522	307	\$ 15,600	\$ 12,000
Coon Rapids	\$94,617,507	63,415		\$ 14,000	\$ 10,500
Eagan	\$48,321,800	68,889	295	\$ 13,624	\$ 10,004
Eden Prairie	\$57,395,407	54,442	250	\$ 17,245	\$ 13,351
Edina	\$43,831,665	54,048	335	\$ 15,965	\$ 12,700
Hopkins	\$18,766,224	18,608	105	\$ 15,000	\$ 12,500
Lakeville	\$26,804,100	73,828	227	\$ 15,000	\$ 10,000
Maple Grove	\$45,642,500	71,230		\$ 15,500	\$ 13,500
Minnetonka*	\$46,944,000	54,474	271	\$ 15,000	\$ 11,000
* increasing in 2024	--	--		\$ 23,500	\$ 18,000
Plymouth	\$37,922,777	80,762	315	\$ 17,413	\$ 12,615
St. Louis Park	\$63,152,372	49,786		\$ 16,176	\$ 13,533
Woodbury	\$47,572,600	77,224	276	\$ 16,680	\$ 12,006

Mechanism for Salary Increase:

Anoka (see attached) – the council receives salary increases based on cost of living adjustments provided to staff

Hopkins (see attached ordinance) – the council receives the cumulative adjustment of non-union employees for the prior two years in increase percentage

Woodbury (see attached policy) – the council receives odd-year biennial increases equal to the current and previous year cost-of-living adjustments approved for city staff in the

Edina –councilmember salaries increase every two years based on the CPI increase provided by Minnesota Management and Budget

Plymouth – The adjustment shall be in a percentage equal to the change in the United States Department of Labor Consumer Price Index (November report) for all urban consum

Eden Prairie - Numbers include community center staff and budget

year that adjustment is made

ners U.S. city average over the 24 months preceding the municipal regular election

Mayor Sanders supported this recommendation.

Ms. Wolfe reported the operations committee is comprised of city managers and city administrators from the member cities. She explained this group has discussed needing to have an interim director in preparation for Ms. Arnson's retirement in January.

Councilmember Newland thanked Executive Director Heidi Arnson for her tremendous service to the community and wished her all the best in her retirement.

Council consensus was to explore the possibility of merging NMTV with a larger cable commission such as CCX.

2.2. 2023-498 Proposed Charter Commission Amendment - Council Salaries
Sponsors: Cathy Sorensen, City Clerk

City Clerk Sorensen stated city charter states the monthly salary of councilmembers and mayor is to be established by ordinance. Council charged the charter commission to annually review council salary surveys from comparable/surrounding cities and make recommendations on possible salary adjustments. Any recommended adjustments would be presented to council and, if supported, an ordinance amendment presented for formal consideration. Per statute, no change in salary can take effect until after the next municipal election. The last increase to council salaries occurred in 2015. It was noted the commission reviewed salary information from comparable cities and Commissioner Anderson compiled a summary of the data that included average salaries, consumer price index, and proposed options for increases. After review and discussion, the commission supported a salary increase based on many factors that included an increased complexity of local government and development in the city, as well as other factors including the lack of increases over the past eight years. Discussion was held on the city's increased population, council-city manager form of government, and roles of mayors in comparative cities.

Ms. Sorensen reported the commission discussed difficulties when comparing Blaine to others due to differing factors across cities, such as the number of employees and enterprise funds, service levels, and the existence of public amenities such as community centers. The commission acknowledged the many complex projects and developments currently occurring in Blaine such as TH65, the Northtown master plan, and the 105th Avenue redevelopment area, and that any increase ultimately recommended should include escalators as increases take effect the following year. They agreed the consumer price index (CPI) could be a good measure for any current increase and have provided an "up to" salary range recommendation that averaged to an increase of a little more than 1% per year since 2015, then suggested using the annual cost of living increase (COLA) provided to employees going forward to provide consistency and recommended new language be added to ensure regular salary reviews occur. After discussion, on a 6-1 vote the commission recommended the following:

- increase the annual salary for the mayor in an amount up to \$18,315.03 (\$1,526.25/mo)
- increase the annual salary for councilmembers in an amount up to \$13,461.54 (\$1,121.80/mo)

- add language to Sec. 2.07 Salaries of the city charter that salary review be conducted in June of every odd numbered year and recommendations for adjustments, if any, be based on the annual cost of living adjustments consistent with adjustments provided to staff.

Ms. Sorensen explained staff and the commission is seeking input from the council regarding both salary changes and the proposed amendments. Once direction is received from council, a public hearing will be scheduled regarding the proposed charter amendment and an ordinance amending salaries will be presented for formal consideration.

Councilmember Saroya questioned what the opposition was from one Charter Commissioner regarding this matter. Ms. Sorensen stated the opposition had to do with the proposed mechanism for measure and not the proposed charter amendment language.

Councilmember Newland thanked staff and the charter commission for their efforts on this matter. He commented on how each city councilmember serves not for the money but to serve the public and supported the proposed recommendations.

Councilmember Robertson indicated this topic came up several years ago and agreed that no one does this job for the money. She commented further on how she felt uncomfortable discussing this topic noting it was difficult for her to consider giving herself a raise.

Councilmember Fleming agreed but recognized that the council had to take this action for this council and all future councils. She discussed how all city employees received COLA increases and believed it was only fair for the council to receive the same consideration.

Councilmember Saroya agreed but stated she also had concerns with the timing and optics of a pay increase. She questioned where the money would come from to cover the additional expense and inquired why the pay increase was being brought up this year. Ms. Sorensen indicated the council requested the charter commission review council salaries and provide a recommendation for the council and explained how the commission responded with a salary range for consideration as well as putting a mechanism in place for regular review based on COLA going forward. She explained the council did not have to approve any proposed increase as that would be done through a separate ordinance. She stated if approved as recommended the increase for both mayor and council totaled approximately \$24,000/year and would not begin until January of 2025 and that there would be sufficient funding budgeted from the general fund for any possible increase.

Councilmember Newland indicated the timing for a pay increase would never be correct or easy for the council to consider. He stated if the council did not act now to try and catch up, the increase would be even higher in the future. He explained he supported the proposed increases as recommended by the charter commission.

Councilmember Massoglia stated he believed the council should be paid \$36,000 a year and the mayor should be paid \$58,000 a year and share surprise how small the salary was for how much time each councilmember spent serving the community. He explained he supported the council pay increase.

Councilmember Robertson indicated there was a ten-year gap between the last time the

council received a pay increase and when the proposed increase would go into effect. She asked how many votes a charter commission amendment would need in order to pass. Ms. Sorensen reported the amendment required a unanimous vote of the council in order to move forward but the actual salary increase would be a majority vote of the council.

Councilmember Fleming questioned why the charter commission didn't set the pay increase but instead provided a range. Ms. Sorensen explained the charter commission did not feel comfortable setting an actual salary as they understood how uncomfortable this process can be so instead proposed a range for the council to consider.

Councilmember Fleming supported the council having a COLA mechanism in place going forward for council pay and requested the charter commission set the actual pay for the council.

Commissioner Robertson requested staff go back to the charter commission and ask that they set the pay increase so this decision does not have to be made by the city council.

Council generally supported the charter language amendment but wanted more direction from the charter commission on the actual proposed salary amounts. Council requested the topic be presented again after the charter commission met to discuss this matter.

2.3. 2023-500 Proposed Charter Commission Amendment - Redetermination of Ward Boundaries

Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated as part of the redistricting process in early 2022, council shared general support of the charter commission's recommendation to draft potential amendments that would allow the ability to consider possible ward boundaries and restructuring in the future as the city reaches full development. The commission's reasons for creating this ability was based on the potential benefits of more neighborhood-based wards. Staff presented proposed redistricting plans to council and the charter commission at workshops on February 14 and March 7, 2022, with first reading on March 7 and second reading and adoption on March 21, 2022. Factors used to determine the adopted ward boundaries and precincts included:

- 2020 census population
- projected population growth
- registered voters and estimated voters
- wards that were bounded by precinct lines, compact in area, and composed of contiguous territory
- wards that were as equal in population as practicable within the required 5% population threshold
- polling place management

Ms. Sorensen reported at the meetings there was discussion that should future councils/charter commissions ever wish to consider the possibility of more neighborhood-based wards there was no mechanism included in charter to allow for that

DRAFT

City of Blaine
Anoka County, Minnesota
Minutes of the Meeting
Blaine Charter Commission

Tuesday, November 14, 2023

6:00 PM
Community Room
10801 Town Square Drive NE

1. Call To Order

The meeting was called to order at 6:00 PM.

2. Roll Call

Present: Chair Jeffrey Lester, Commissioners Ken Anderson, Alan Goracke, Jason Halpern, Terri Homan, Ayman Khan, Arman Tagarro

Absent: Commissioners Jason Hartmann, Dick Swanson, Nyle Zikmund

Also Present: City Clerk/Staff Liaison Cathy Sorensen

Quorum present.

3. Approval Of Minutes – October 10, 2023

Moved by Commissioner Homan, seconded by Commissioner Goracke, that the minutes of October 10, 2023, be approved as presented.

Motion approved unanimously.

4. Open Forum

No one appeared.

5. New Business

None.

6. Old Business

6.1 Council Salary Review/Recommendation Process

City Clerk/Staff Liaison Cathy Sorensen shared minutes from the council workshop regarding the council salary review/recommendation process and council's general support of the amendment for regular salary review but requested the charter commission propose a specific salary recommendation instead of a range as proposed.

Commissioner Goracke stated a specific recommendation would place the commission in a position of power and felt that should be up to council as they were elected by the people and the commission was providing more of a guardrail. He said he felt the recommended range of an amount up to a limit was responsible and allowed the elected officials something to accept or change, adding the charter commission was not an elected body but appointed. He said he felt good about the commission's work and that it was not appropriate to recommend an actual amount.

Chair Lester said he believed the decision should be made by council and that the recommendation was based on data analysis. He said he would support making a specific dollar recommendation if necessary of \$18,315.03 for mayor and \$13,461.54 for council but firmly believed it was ultimately for council to decide.

Commissioner Homan stated the commission made their decision based on data but did not have access to other information the council has such as budget impacts and supported the up to amount range recommendation.

The commission discussed recommending a not to exceed amount instead of an up to amount as a way to address council's concerns.

Commissioner Halpern supported making a specific salary recommendation for 2025 and using data based on COLA going forward.

Commissioner Arman suggested removing consideration of Bloomington and Hopkins from the data set and recommending salaries of \$17,000 and \$12,000 respectively.

Commissioner Anderson said he wanted the recommendation to be analytical and apolitical.

Moved by Commissioner Goracke, seconded by Commissioner Anderson, to remove reference of an "up to" amount and recommend a salary increase of \$18,315.03 for mayor and \$13,461.54 for council effective 2025 but to reiterate their original recommendation going forward that specific salary decisions should be made by city council and not the charter commission.

Motion approved unanimously.

6.2 Redetermination of Ward Boundaries

Ms. Sorensen shared minutes from the council workshop regarding discussion of possible redetermination of ward boundaries and the council's recommendation to reconsider the topic in 2027 as part of the next comprehensive plan update.

Commissioner Goracke said it could be too late if we wait until 2027 as the proposed amendment provided structure possibilities and was proactive instead of reactive and having the mechanism available could benefit the people of Blaine.

Commissioner Halpern noted with current term limits for Planning Commission there could be whole new commission in place by 2027.

Commissioner Anderson asked for reasons why the comprehensive plan was an important benchmark for ward redetermination and felt this was more election orientated and could be used as a reason to postpone consideration. He noted it was expensive to conduct a campaign and a smaller boundary/area may be more affordable and garner more interest for filing for election and create more opportunities.

Commissioner Halpern noted there is no guarantee of major changes in the comprehensive plan, noting residential will most likely still be residential.

Chair Lester suggested some councilmembers may have been caught off guard and suggested a joint workshop be scheduled instead to better explain the commission's reasons for their recommendation.

Commissioner Goracke agreed a joint workshop would provide a better avenue for discussion and questions on reasons for the recommendation.

Moved by Commissioner Goracke, seconded by Commissioner Halpern, to recommend a joint workshop be scheduled for first quarter 2024 to further discuss a possible charter amendment regarding redetermination of ward boundaries.

Motion approved unanimously.

6.3 Councilmember Recall Process

Ms. Sorensen shared minutes from the council workshop regarding their recommendation to the commission to remove reference to nonfeasance and decrease the threshold for petitions to 20% of registered voters.

Moved by Commissioner Goracke, seconded by Commissioner Homan, to remove the term "nonfeasance" and reduce the threshold from 25% to 20% as recommended by city council.

Motion approved unanimously.

Other Business

None.

Set Next Meeting Date

Staff will notify the Commission when these topics will be scheduled for Council discussion.

7. Adjournment

Moved by Commissioner Goracke, seconded by Commissioner Tagarro, to adjourn. Motion approved unanimously. The meeting was adjourned at 6:50 PM.

Catherine M. Sorensen, CMC, City Clerk
Staff Liaison/Blaine Charter Commission

Council Salary Review



- ◆ Council requested the Commission review and make recommendations for Mayor/Councilmember salary review
- ◆ Last increase occurred in 2015
 - ◆ Sec. 2-31. - Salaries of mayor and councilmembers. Pursuant to the City Charter, section 2.07, and Minn. Stat. § 415.11, as amended, the salary of the mayor shall be increased to \$1,192.80 per month; and the salary of the councilmembers shall be increased to \$875.00 per month, effective January 2015.
- ◆ The Commission reviewed salary data from comparable cities, cost of living adjustments (COLA) and consumer price index data
- ◆ The Commission acknowledged the many complex projects and developments in Blaine and time spent by Council in and outside of required meetings
- ◆ Rather than an annual salary recommendation, the Commission recommended a mechanism be created that provided for annual review based on COLA consistent with city staff

Council Salary Review



After council's request that the commission consider providing a specific salary recommendation, the commission recommended the following:

- ◆ Salary increases effective 2025 as follows:
 - ◆ Mayor - \$18,315.03/yr - currently \$14,313.60/yr
 - ◆ Councilmembers - \$13,461.54/yr - currently \$10,500/yr
- ◆ The commission wanted to echo their belief that their role was to recommend charter language that provided for regular salary review going forward based on established criteria, but that decisions regarding specific salaries should be made by council

Council Salary Review

Sec. 2.07. Salaries.

The monthly salary of each of the councilmembers and the mayor shall be established by ordinance. Review of salaries shall be conducted in June of every odd numbered year and recommendations for adjustments, if any, be based on the annual cost of living adjustments consistent with adjustments provided to city staff. ~~The mayor and councilmembers, in addition to the above salaries, shall be paid a reasonable sum for each day and their reasonable expenses incurred while traveling outside the city on the city's business.~~



Council Salary Review



Next steps

- ◆ Staff will schedule the proposed charter amendment for public hearing and council consideration
 - ◆ Reminder charter amendments require a unanimous vote of council
- ◆ Staff will also bring forward the proposed ordinance amending the actual salaries
 - ◆ Council has the ability to not adopt any proposed salary adjustment



City of Blaine Staff Report

File Number: 2023-610

Agenda Date	Status
December 18, 2023	
In Control	File Type
City Council	Action Item

New Business -

Agenda Item # 2.4

Proposed Charter Amendment - Council Recall

Executive Summary

Background

Council requested the commission draft language that allowed for a recall petition as it currently does not exist in charter. Several city charters were reviewed. MN Constitution/state case law restricts reasons for a recall to serious malfeasance or nonfeasance:

- Malfeasance - performance of an act in their official capacity that is wholly illegal and wrongful
- Nonfeasance means neglect or refusal, without sufficient excuse, to do what is a member's legal duty to do

Council requested the commission consider removing reference to nonfeasance and lowering the threshold of registered voters from 25% to 20%. The commission agreed to those recommendations and the revised charter amendment is being presented for final input prior to scheduling for public hearing.

Strategic Plan Relationship

Board/Commission Review

Financial Impact

Public Outreach/Input

Staff Recommendation

Review and make final recommendations on proposed charter amendment language.

Attachment List

1. 10-16-23 Council Workshop Minutes
2. 11-14-23 Draft Charter Commission Minutes
3. Chapter 5. Initiative and Referendum and Recall
4. PowerPoint

Upon motion and second the Council moved from closed session.

Motion adopted unanimously.

2.2. 2023-501 Proposed Charter Amendment - Council Recall
Sponsors: Cathy Sorensen, City Clerk

City Clerk Sorensen stated in 2022 the council directed the charter commission to consider charter amendments that would provide for a recall process for an elected mayor or councilmember. It should be noted that Minnesota's constitution and statute provide for recall of elected state officials but not city officials. The topic was discussed at the 2022 commission meetings where commissioners shared input cautioning that reasons for recall should not include those for good cause such as health. It should be noted that statute allows cities to declare a vacancy of office if unable/unwilling to serve for a period of 90 days and city charter already includes language regarding a member's inability or refusal to serve so any potential recall language would be for reasons such as dereliction of duty or criminally based, such as gross misdemeanor or higher. It should also be noted the Minnesota Constitution and state court decisions have restricted the recall of city officials to cases of serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office.

Ms. Sorensen reported during their meetings the commission discussed the desire to have the recall committee be comprised of a larger group of voters than other cities' charters requirements of five. The commission also discussed the potential for lawsuits if petitions were unfounded and if the councilmember as subject of the recall could appeal the validity of the petition. Discussion was held that while city charter sets the parameters for recall, ultimately any recall result is up to the voters and suggested setting the threshold for recall high. The proposed draft currently includes that threshold to be 25% of the total number of registered voters at the last regular election, but the commission recognizes this threshold may be quite high and is seeking feedback from the council. Over the last few months, the commission has reviewed examples from several cities as well as draft language based on the City of Richfield. Staff and the commission are seeking input on the attached draft language for Chapter 5 of the City Charter and once finalized, a public hearing will be scheduled and the proposed amendment presented to council for formal consideration.

Councilmember Flemming asked staff to provide her with an example of what a nonfeasance was. City Attorney Loonan explained if a councilmember was not carrying out their duties, if they had reoccurring absences this may be deemed nonfeasance and would constitute a removal. He reported nonfeasance was viewed as a councilmember not carrying out their duties or the oath they have taken when sworn in.

Councilmember Fleming questioned who would head up the petition committee. Ms. Sorensen reported this committee would be made up of a group of registered voters that wanted to recall a member from the city council. She explained the charter commission was recommending this committee be made up of 25 members.

Councilmember Robertson believed the language surrounding "nonfeasance" was a bit

vague. She questioned how the city was to deem what does and does not fall into nonfeasance. Mr. Loonan reported as long as a councilmember was voting and doing their duty as a councilmember they were not engaged in nonfeasance. He explained that just because a councilmember votes a certain way, this can not be deemed as nonfeasance because they were engaged and doing their duty. He advised if councilmembers were not participating in votes, or not being a part of the process by neglecting their duties as a councilmember, this would be deemed as nonfeasance.

Councilmember Robertson recommended this language be further refined in order to be clear.

Mayor Sanders questioned how long the petition committee had to order the recall. Ms. Sorensen reported the committee would have 30 days to collect signatures and staff would have 10 days to verify the signatures once the petition was submitted to the city.

Councilmember Newland stated he believed the 10 days offered to staff to verify the signatures was too short. He recommended this time period be increased in order to not over burden staff. In addition, he recommended that the 25% be reduced to 10% to 15%.

Commissioner Zikmund explained the council would have to come to a consensus on what the number of days should be.

Councilmember Saroya discussed the process that has to be followed by the public in order to bring a petition forward to staff. She asked how many signatures would have to come forward. Ms. Sorensen explained based on the last voting cycle approximately 3,500 signatures would have been required.

Further discussion ensued regarding the process that would be followed for a recall election.

Councilmember Larson asked if 25% of the voters had to be within a specific ward or throughout the entire city. Ms. Sorensen explained if a councilmember was being recalled, 25% of voters would have to be within the councilmember's ward. She noted if the mayor was being recalled, the petition committee would have to collect signatures from 25% of the registered voters in the city as the mayor position served at large.

Councilmember Newland supported the city clerk having 30 days to review a submitted petition. Ms. Sorensen indicated she could review state statute to see if this would be allowed.

Councilmember Robertson explained she supported the nonfeasance language being further refined. She stated she did not have a problem with the petition committee having to gather 25% of registered voter's signatures. She did not want the process to be too simple because this may cause numerous petitions to be submitted when councilmembers aren't voting the way the public wants. Ms. Sorensen commented on how any petitions submitted would be reviewed by herself and the city attorney to ensure they were sufficient.

Mr. Loonan explained there were court opinions regarding nonfeasance and malfeasance, along with state statute which would assist staff in determining if nonfeasance or

malfeasance were to occur.

Councilmember Massoglia stated he agreed with many of the comments made by Councilmember Robertson. He recommended the malfeasance language remain in the charter and that the nonfeasance language be removed. He did not want this process to be followed for menial political matters.

Councilmember Larson agreed with the recommendations from Councilmember Massoglia, noting someone had already tried to remove her from city council.

Councilmember Saroya recommended an internal process be considered instead, such as a public reprimand or censorship. Mr. Loonan indicated the council can police itself, but they cannot remove each other. He stated the council could establish its own rules and code of conduct.

Councilmember Saroya noted she was not supportive of removing a councilmember and stated elections were held every four years and the people get to decide.

Councilmember Massoglia explained another election would be held after the petition which allows the people to decide.

Mayor Sanders stated the current language within the charter would allow a councilmember to do almost anything illegal and as long as it did not result in a year in prison and they could remain on the council. He indicated this language was causing some concern for him and therefore supported the recall language.

Council consensus was to support the removal of the nonfeasance language.

Mayor Sanders supported the 25% being reduced slightly.

Councilmember Newland suggested the 25% be reduced to 20%. The council supported this recommendation.

Council shared input and feedback on the proposed language and requested amendments removing "nonfeasance" from the proposed language as it was already addressed in charter under council vacancies, and reduce the threshold of signatures required to initiate a recall petition to 20% instead of 25%. In addition, if allowed by state statute, the council suggested extending the time period to review a submitted petition to more than 10 days, if possible up to 30 days.

- 2.3.** 2023-500 Proposed Charter Commission Amendment - Redetermination of Ward Boundaries
Sponsors: Cathy Sorensen, City Clerk

This item was postponed to a future workshop.

- 2.4.** 2023-498 Proposed Charter Commission Amendment - Council Salaries

DRAFT

City of Blaine
Anoka County, Minnesota
Minutes of the Meeting
Blaine Charter Commission

Tuesday, November 14, 2023

6:00 PM
Community Room
10801 Town Square Drive NE

1. Call To Order

The meeting was called to order at 6:00 PM.

2. Roll Call

Present: Chair Jeffrey Lester, Commissioners Ken Anderson, Alan Goracke, Jason Halpern, Terri Homan, Ayman Khan, Arman Tagarro

Absent: Commissioners Jason Hartmann, Dick Swanson, Nyle Zikmund

Also Present: City Clerk/Staff Liaison Cathy Sorensen

Quorum present.

3. Approval Of Minutes – October 10, 2023

Moved by Commissioner Homan, seconded by Commissioner Goracke, that the minutes of October 10, 2023, be approved as presented.

Motion approved unanimously.

4. Open Forum

No one appeared.

5. New Business

None.

6. Old Business

6.1 Council Salary Review/Recommendation Process

City Clerk/Staff Liaison Cathy Sorensen shared minutes from the council workshop regarding the council salary review/recommendation process and council's general support of the amendment for regular salary review but requested the charter commission propose a specific salary recommendation instead of a range as proposed.

Commissioner Goracke stated a specific recommendation would place the commission in a position of power and felt that should be up to council as they were elected by the people and the commission was providing more of a guardrail. He said he felt the recommended range of an amount up to a limit was responsible and allowed the elected officials something to accept or change, adding the charter commission was not an elected body but appointed. He said he felt good about the commission's work and that it was not appropriate to recommend an actual amount.

Chair Lester said he believed the decision should be made by council and that the recommendation was based on data analysis. He said he would support making a specific dollar recommendation if necessary of \$18,315.03 for mayor and \$13,461.54 for council but firmly believed it was ultimately for council to decide.

Commissioner Homan stated the commission made their decision based on data but did not have access to other information the council has such as budget impacts and supported the up to amount range recommendation.

The commission discussed recommending a not to exceed amount instead of an up to amount as a way to address council's concerns.

Commissioner Halpern supported making a specific salary recommendation for 2025 and using data based on COLA going forward.

Commissioner Arman suggested removing consideration of Bloomington and Hopkins from the data set and recommending salaries of \$17,000 and \$12,000 respectively.

Commissioner Anderson said he wanted the recommendation to be analytical and apolitical.

Moved by Commissioner Goracke, seconded by Commissioner Anderson, to remove reference of an "up to" amount and recommend a salary increase of \$18,315.03 for mayor and \$13,461.54 for council effective 2025 but to reiterate their original recommendation going forward that specific salary decisions should be made by city council and not the charter commission.

Motion approved unanimously.

6.2 Redetermination of Ward Boundaries

Ms. Sorensen shared minutes from the council workshop regarding discussion of possible redetermination of ward boundaries and the council's recommendation to reconsider the topic in 2027 as part of the next comprehensive plan update.

Commissioner Goracke said it could be too late if we wait until 2027 as the proposed amendment provided structure possibilities and was proactive instead of reactive and having the mechanism available could benefit the people of Blaine.

Commissioner Halpern noted with current term limits for Planning Commission there could be whole new commission in place by 2027.

Commissioner Anderson asked for reasons why the comprehensive plan was an important benchmark for ward redetermination and felt this was more election orientated and could be used as a reason to postpone consideration. He noted it was expensive to conduct a campaign and a smaller boundary/area may be more affordable and garner more interest for filing for election and create more opportunities.

Commissioner Halpern noted there is no guarantee of major changes in the comprehensive plan, noting residential will most likely still be residential.

Chair Lester suggested some councilmembers may have been caught off guard and suggested a joint workshop be scheduled instead to better explain the commission's reasons for their recommendation.

Commissioner Goracke agreed a joint workshop would provide a better avenue for discussion and questions on reasons for the recommendation.

Moved by Commissioner Goracke, seconded by Commissioner Halpern, to recommend a joint workshop be scheduled for first quarter 2024 to further discuss a possible charter amendment regarding redetermination of ward boundaries.

Motion approved unanimously.

6.3 Councilmember Recall Process

Ms. Sorensen shared minutes from the council workshop regarding their recommendation to the commission to remove reference to nonfeasance and decrease the threshold for petitions to 20% of registered voters.

Moved by Commissioner Goracke, seconded by Commissioner Homan, to remove the term "nonfeasance" and reduce the threshold from 25% to 20% as recommended by city council.

Motion approved unanimously.

Other Business

None.

Set Next Meeting Date

Staff will notify the Commission when these topics will be scheduled for Council discussion.

7. Adjournment

Moved by Commissioner Goracke, seconded by Commissioner Tagarro, to adjourn. Motion approved unanimously. The meeting was adjourned at 6:50 PM.

Catherine M. Sorensen, CMC, City Clerk
Staff Liaison/Blaine Charter Commission

CHAPTER 5. INITIATIVE AND REFERENDUM AND RECALL

Sec. 5.13. Reserved.

Section 5.14. The Recall.

No less than twenty-five (25) registered voters eligible to vote on candidates for that office may form themselves into a committee for the purpose of bringing about the recall of any member of council, which is comprised of a mayor and six (6) councilmembers, as outlined in Sec. 2.03, - Elective Offices, or as amended from time to time. If the committee seeks the recall of a ward councilmember, the registered voters constituting the committee must be from that councilmember's ward. The committee must certify to the city clerk the name of the councilmember whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty (250) words, and the committee's intention to bring about their recall. A copy of this certificate must be attached to each signature paper and no signature paper may be put into circulation previous to such certification.

The Minnesota Constitution and state court decisions restrict the recall of elected city officials to cases of serious malfeasance **or nonfeasance** during the term of office the performance of the duties of the office. The grounds for recall, as set forth in the recall petition, must be predicated on one (1) or more charges of serious malfeasance **or nonfeasance, or both**, during the term of office in the performance of the duties of the office. For this purpose the word "malfeasance" means the performance of an act by a councilmember in their official capacity that is wholly illegal and wrongful **and the word "nonfeasance" means the neglect or refusal, without sufficient excuse, to do that which it is the councilmember's legal duty to do so.**

Section 5.15. Recall Petitions.

The petition for the recall of any councilmember must consist of a certificate identical to that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one (1) signature paper, but the circulator of every signature paper must make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Every circulator of a signature paper must be a registered voter eligible to vote on candidates for that office. Each signature paper must be in substantially the following form:

RECALL PETITION

Proposing the recall of _____ from the office as _____ which recall is sought for the reasons set forth in the attached certificate.

Committee

This movement is sponsored by the following committee of registered voters eligible to vote on candidates for that office.

	<u>Legal Signature</u>	<u>Name</u> (print legibly)	<u>Address</u> (print legibly)
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
[listing all members of the committee]			

Instructions to Petition Signers

You are being asked to sign a petition. You must be a resident of, and a registered voter in, the City of Blaine and corresponding ward if the subject of the recall petition is not at large. Every person signing this petition must do so in the presence of the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition. Pursuant to Section 5.16 of Blaine City Charter, ~~twenty-five (25)~~ twenty (20) percent of the total number of registered voters eligible to vote on candidates for that office at the last preceding regular municipal election is required to be deemed a sufficient petition, which is [X] signatures.

The undersigned registered voters, all being eligible to vote on candidates for that office, understanding the nature of the charges against the councilmember herein sought to be recalled, desire the holding of a recall election for that purpose.

	<u>Date</u>	<u>Legal Signature</u>	<u>Name</u> (print legibly)	<u>Address</u> (print legibly)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

The affidavit of the circulator must be attached at the end of the list of signatures.

Section 5.16. Filing of Petition.

Within thirty (30) days after the filing of the original certificate, the committee must file the completed petition in the office of the city clerk. The city clerk must examine the petition within the next ten (10) working days and if the city clerk and/or city attorney finds it irregular in any way, or finds that the number of signers is less than ~~twenty-five (25)~~ twenty (20) percent of the total number of registered voters eligible to vote on candidates for that office at the last preceding regular municipal election, the city clerk must so notify one (1) or more members of the committee. The committee shall then be given ten (10)

days in which to file additional signature papers and to correct the petition in all other respects, but the committee may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk and/or city attorney finds the petition still insufficient or irregular, the city clerk must notify all the members of the committee to that effect and file the petition in the city clerk's office. No further action shall be taken thereon.

Section 5.17. Recall Election.

If the petition or amended petition is found sufficient, the city clerk must transmit it to the council without delay, and must also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. If the councilmember sought to be recalled does not resign within ten (10) days after having been given such notice, the council shall, at its next meeting occurring more than ten (10) days after the receipt by the council of the recall petition, by resolution, provide for the holding of a special recall election as allowed by statute and election law, as amended from time to time. If the special recall election involves one (1) or more ward councilmembers, the recall election must be conducted only within the wards of the affected councilmembers. If it involves a councilmember who is elected at large, the election must be a citywide election.

Section 5.18. Procedure at Recall Election.

The city clerk must include with the published notice of the election the statement of the grounds for recall and also, in not more than five hundred (500) words, the response of the councilmember concerned in justification of their course in office. The election must be conducted in accordance with statute and election law, as amended from time to time.

Section 5.19. Form of Recall Ballot.

The form of the ballot at such election shall be: "Shall _____ be recalled and thereby removed from office?" The name of the councilmember whose recall is sought and their office shall be inserted in the blank. The voters shall be permitted to vote separately "yes" or "no" upon this question. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, effective as allowed by statute and election law, as amended from time to time.

Section 5.20. Procedure to Fill Vacancy.

In the event that a councilmember is recalled by the voters or resigns after a petition has been filed for their recall, the vacancy must be filled pursuant to Sec. 20.5 – Vacancies in the council.

Section 5.21. Term.

The term of the candidate selected by the voters at the special election to fill the unexpired term shall start as soon as the certified results have been canvassed by the council and filed with the city clerk and the person has been duly qualified for office.

Section 5.22. Offenses; penalty.

It is unlawful for a person to:

- a. Sign a name other than that person's own name to an initiative, referendum, or recall petition;
- b. Circulate an initiative, referendum, or recall petition without required attachments;
- c. Circulate an initiative, referendum, or recall petition when unqualified to do so;
- d. Sign an initiative, referendum, or recall petition when that person knows they are not qualified to do so;
- e. Make a false affidavit in connection with an initiative, referendum, or recall petition;
- f. Pay or offer to pay a person, or receive payment or agree to receive payment, for signing an initiative, referendum, or recall petition;
- g. Pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators fully disclose all contributions received to the city clerk upon submission of the petitions.

A violation of this section is a misdemeanor punishable in accordance with state law.

Sec. 2.05. Vacancies in the council.

A vacancy in the council shall exist in case of:

- (1) The failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council; or
- (2) The death, resignation, removal from office, removal from the city, continuous absence of any councilmember from the city for more than three (3) months; or
- (3) The failure of any councilmember without good cause to perform any of the duties of membership in the council for a period of two (2) months; or

-
- (4) The conviction of any such person of a crime for which a sentence of imprisonment for more than one year may be imposed, whether before or after such person's qualification.

If a vacancy on the council is for a period of more than twelve (12) months, the council shall by resolution declare the vacancy to exist and shall by resolution call for a special election as provided in this section.

If a vacancy on the council is for a period of less than twelve (12) months, the council shall by resolution declare that the vacancy exists. Within the next forty-five (45) days, the council shall by resolution appoint an eligible person to the existing vacancy. The appointee shall serve until January 1 following the next regular municipal election, or until their successor is elected and qualified. ~~At the next regular municipal election, the office will be filled for the unexpired term.~~

The council may by resolution waive its right to appoint to fill a vacancy and may call a special election to be held as soon as legally permissible. If a vacancy on the council is not filled by appointment within the forty-five (45) days following the declaration of the vacancy, the council shall call a special election as provided in this section.

Notwithstanding anything to the contrary herein, any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided above.

Council Recall



- ◆ Council requested the commission draft language that allowed for a recall petition as it currently does not exist in charter
- ◆ Several city charters were reviewed
- ◆ MN Constitution/state case law restricts reasons for a recall to serious malfeasance/nonfeasance
 - Malfeasance - performance of an act in their official capacity that is wholly illegal and wrongful
 - Nonfeasance means neglect or refusal, without sufficient excuse, to do what is a member's legal duty to do
- ◆ Council requested the commission consider removing reference to nonfeasance and lowering the threshold of registered voters from 25% to 20%
- ◆ The commission agreed to those recommendations and the revised charter amendment is being presented for final input prior to scheduling for public hearing



City of Blaine Staff Report

File Number: 2023-609

Agenda Date

December 18, 2023

Status

In Control

City Council

File Type

Workshop Item

New Business - Cathy Sorensen, City Clerk

Agenda Item # 2.5

Proposed Charter Amendment - Redetermination of Ward Boundaries

Executive Summary

Background

The charter commission reviewed council's recommendation to postpone consideration of the proposed charter amendment regarding redetermination of ward boundaries until 2027 as part of the comprehensive plan update at their November 14 meeting. After discussion they respectfully request a joint workshop be scheduled in 2024 to further share their reasons and allow council to ask questions regarding this proposed amendment.

Strategic Plan Relationship

Board/Commission Review

Financial Impact

Public Outreach/Input

Staff Recommendation

No action is requested at this time.

Attachment List

1. 11-6-23 Council Workshop Minutes
2. 11-14-23 Draft Charter Commission Minutes

council received a pay increase and when the proposed increase would go into effect. She asked how many votes a charter commission amendment would need in order to pass. Ms. Sorensen reported the amendment required a unanimous vote of the council in order to move forward but the actual salary increase would be a majority vote of the council.

Councilmember Fleming questioned why the charter commission didn't set the pay increase but instead provided a range. Ms. Sorensen explained the charter commission did not feel comfortable setting an actual salary as they understood how uncomfortable this process can be so instead proposed a range for the council to consider.

Councilmember Fleming supported the council having a COLA mechanism in place going forward for council pay and requested the charter commission set the actual pay for the council.

Commissioner Robertson requested staff go back to the charter commission and ask that they set the pay increase so this decision does not have to be made by the city council.

Council generally supported the charter language amendment but wanted more direction from the charter commission on the actual proposed salary amounts. Council requested the topic be presented again after the charter commission met to discuss this matter.

2.3. 2023-500 Proposed Charter Commission Amendment - Redetermination of Ward Boundaries

Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated as part of the redistricting process in early 2022, council shared general support of the charter commission's recommendation to draft potential amendments that would allow the ability to consider possible ward boundaries and restructuring in the future as the city reaches full development. The commission's reasons for creating this ability was based on the potential benefits of more neighborhood-based wards. Staff presented proposed redistricting plans to council and the charter commission at workshops on February 14 and March 7, 2022, with first reading on March 7 and second reading and adoption on March 21, 2022. Factors used to determine the adopted ward boundaries and precincts included:

- 2020 census population
- projected population growth
- registered voters and estimated voters
- wards that were bounded by precinct lines, compact in area, and composed of contiguous territory
- wards that were as equal in population as practicable within the required 5% population threshold
- polling place management

Ms. Sorensen reported at the meetings there was discussion that should future councils/charter commissions ever wish to consider the possibility of more neighborhood-based wards there was no mechanism included in charter to allow for that

review. Redistricting after the census allows for review and adjustment of established precinct boundaries, but work to review any potential ward structure changes needs to occur two to three years before the census. The language being proposed would provide a way to review population data before a census and provide future councils and charter commissions the ability to decide at that time if changes should be explored. The proposed amendment would not result in any ward structure changes but just allow the city to be proactive and provide an opportunity to review the data and make recommendations, which a recommendation could certainly be that no ward boundary or structure changes should occur at all. If the conclusion by future councilmembers and commissioners was to amend the current ward structure, other amendments would then be presented for formal consideration. She confirmed the proposed amendment being presented would just provide a mechanism for future review; no actual ward-structure changes are being recommended at this time.

Councilmember Fleming inquired why this item was brought forward and asked if the current ward system was not working. Mayor Sanders stated the city will always have wards but the council was is being asked if they want to have the ability to restructure in the future with at-large councilmembers for example or possibly a different number of wards.

Councilmember Robertson indicated the census prompts staff to look at the wards due to population shifts.

Councilmember Massoglia stated he did not recall the council giving the charter commission direction to pursue this matter. Ms. Sorensen agreed the council did not direct the charter commission to take on this task but there was general consensus during redistricting to have the charter commission explore this idea.

Ms. Wolfe reported staff researched the minutes and noted the council discussed the fact that there might have been interest in exploring a different way to do the wards. She indicated there was no mechanism for having any discussion about how the wards were structured except for using census data. She commented that as the city continues to grow, the council may want to have further conversations on how wards should be structured.

Councilmember Fleming asked when was the right time to have this discussion. Ms. Sorensen stated two or three years prior to the next census would be the right time. She indicated staff could then monitor growth in the community and consider how this growth was impacting the city's wards and have the charter commission bring forward potential options for consideration.

Councilmember Robertson supported a potential new ward structure discussion being tied to future comprehensive plan discussions. The council was in agreement.

Council supported this amendment being considered later in 2027 as part of the comprehensive plan discussions.

2.4. 2023-520 Closed Session to Discuss Non-Public Data Relating to an Active Investigation Pursuant to MN Statute 13D.05 Subd. 2(2)

DRAFT

City of Blaine
Anoka County, Minnesota
Minutes of the Meeting
Blaine Charter Commission

Tuesday, November 14, 2023

6:00 PM
Community Room
10801 Town Square Drive NE

1. Call To Order

The meeting was called to order at 6:00 PM.

2. Roll Call

Present: Chair Jeffrey Lester, Commissioners Ken Anderson, Alan Goracke, Jason Halpern, Terri Homan, Ayman Khan, Arman Tagarro

Absent: Commissioners Jason Hartmann, Dick Swanson, Nyle Zikmund

Also Present: City Clerk/Staff Liaison Cathy Sorensen

Quorum present.

3. Approval Of Minutes – October 10, 2023

Moved by Commissioner Homan, seconded by Commissioner Goracke, that the minutes of October 10, 2023, be approved as presented.

Motion approved unanimously.

4. Open Forum

No one appeared.

5. New Business

None.

6. Old Business

6.1 Council Salary Review/Recommendation Process

City Clerk/Staff Liaison Cathy Sorensen shared minutes from the council workshop regarding the council salary review/recommendation process and council's general support of the amendment for regular salary review but requested the charter commission propose a specific salary recommendation instead of a range as proposed.

Commissioner Goracke stated a specific recommendation would place the commission in a position of power and felt that should be up to council as they were elected by the people and the commission was providing more of a guardrail. He said he felt the recommended range of an amount up to a limit was responsible and allowed the elected officials something to accept or change, adding the charter commission was not an elected body but appointed. He said he felt good about the commission's work and that it was not appropriate to recommend an actual amount.

Chair Lester said he believed the decision should be made by council and that the recommendation was based on data analysis. He said he would support making a specific dollar recommendation if necessary of \$18,315.03 for mayor and \$13,461.54 for council but firmly believed it was ultimately for council to decide.

Commissioner Homan stated the commission made their decision based on data but did not have access to other information the council has such as budget impacts and supported the up to amount range recommendation.

The commission discussed recommending a not to exceed amount instead of an up to amount as a way to address council's concerns.

Commissioner Halpern supported making a specific salary recommendation for 2025 and using data based on COLA going forward.

Commissioner Arman suggested removing consideration of Bloomington and Hopkins from the data set and recommending salaries of \$17,000 and \$12,000 respectively.

Commissioner Anderson said he wanted the recommendation to be analytical and apolitical.

Moved by Commissioner Goracke, seconded by Commissioner Anderson, to remove reference of an "up to" amount and recommend a salary increase of \$18,315.03 for mayor and \$13,461.54 for council effective 2025 but to reiterate their original recommendation going forward that specific salary decisions should be made by city council and not the charter commission.

Motion approved unanimously.

6.2 Redetermination of Ward Boundaries

Ms. Sorensen shared minutes from the council workshop regarding discussion of possible redetermination of ward boundaries and the council's recommendation to reconsider the topic in 2027 as part of the next comprehensive plan update.

Commissioner Goracke said it could be too late if we wait until 2027 as the proposed amendment provided structure possibilities and was proactive instead of reactive and having the mechanism available could benefit the people of Blaine.

Commissioner Halpern noted with current term limits for Planning Commission there could be whole new commission in place by 2027.

Commissioner Anderson asked for reasons why the comprehensive plan was an important benchmark for ward redetermination and felt this was more election orientated and could be used as a reason to postpone consideration. He noted it was expensive to conduct a campaign and a smaller boundary/area may be more affordable and garner more interest for filing for election and create more opportunities.

Commissioner Halpern noted there is no guarantee of major changes in the comprehensive plan, noting residential will most likely still be residential.

Chair Lester suggested some councilmembers may have been caught off guard and suggested a joint workshop be scheduled instead to better explain the commission's reasons for their recommendation.

Commissioner Goracke agreed a joint workshop would provide a better avenue for discussion and questions on reasons for the recommendation.

Moved by Commissioner Goracke, seconded by Commissioner Halpern, to recommend a joint workshop be scheduled for first quarter 2024 to further discuss a possible charter amendment regarding redetermination of ward boundaries.

Motion approved unanimously.

6.3 Councilmember Recall Process

Ms. Sorensen shared minutes from the council workshop regarding their recommendation to the commission to remove reference to nonfeasance and decrease the threshold for petitions to 20% of registered voters.

Moved by Commissioner Goracke, seconded by Commissioner Homan, to remove the term "nonfeasance" and reduce the threshold from 25% to 20% as recommended by city council.

Motion approved unanimously.

Other Business

None.

Set Next Meeting Date

Staff will notify the Commission when these topics will be scheduled for Council discussion.

7. Adjournment

Moved by Commissioner Goracke, seconded by Commissioner Tagarro, to adjourn. Motion approved unanimously. The meeting was adjourned at 6:50 PM.

Catherine M. Sorensen, CMC, City Clerk
Staff Liaison/Blaine Charter Commission