



City of Blaine

Charter Commission

April 9, 2024 | 6:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

The Charter Commission reviews the City Charter and recommends charter amendments in keeping with the state law. Commissioners are citizen volunteers recommended for appointment by the City Council to the Tenth Judicial District Chief Judge. The Charter Commission meets annually as required by statute, but may convene more often as needed. Those interested in having direct input into City government are encouraged to consider serving on the Commission. Appointments are 4-year terms and Commissioners are no longer limited to two 4-year terms per Minnesota Statute. The Charter Commission must consist of a minimum of seven commissioners and no more than 15 commissioners.

AGENDA

1. Call to Order

2. Roll Call

3. Approval of Minutes

3.1. 2024-64 November 14, 2023 Minutes
Sponsors:

4. Open Forum for Citizen Input

5. New Business

6. Old Business

6.1. 2024-53 Recap of Proposed Charter Commission Amendments: Council Salaries,
Council Recall, Ward Determination
Sponsors:

7. Adjournment

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 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)

long term extensive financial interests of the city.

Mayor Sanders commented the city began working on this project in February 2021. He appreciated how the development team had adhered to the goals of the council, with the main goal to retain the city's five million visitors annually to stay in the community. He believed this project was exactly what the community was looking for. He stated he was grateful for the team that has worked on this project and for the plans that have been created for the 105th Redevelopment Area.

Councilmember Larson appreciated how the new plans would keep visitors in the community. She explained she fully supported the Phase 1 plans for the west side of the development.

3.2. 2024-024 Proposed Charter Amendment - Redetermination of Ward Boundaries
Sponsors: Cathy Sorensen, City Clerk

City Clerk Sorensen stated at their November 2023 meeting, the charter commission reviewed council's recommendation to postpone consideration of the proposed charter amendment regarding redetermination of ward boundaries until 2027 and include it as part of the comprehensive plan update. After discussion, the commission respectfully requested a joint workshop to better outline their reasons for the amendment and allow council to ask questions regarding this proposed amendment. To recap, during 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 for review was based on the potential benefits that a different ward structure could provide:

- smaller geographic areas that are more neighborhood-based
- more focus on topics and issues specific to neighborhoods
- more opportunity for residents to connect with their elected officials
- increased opportunity for those considering serving as elected officials

Ms. Sorensen explained 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 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, again that may or may not ultimately be adopted. To confirm, 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 Massoglia indicated he did not support changes. He explained the council should be conscious of how changes could become politicized. He stated for consistency purposes, he supported the wards being determined by the census every 10 years.

Councilmember Fleming supported Councilmember Massoglia's comments and recommended wards be determined every 10 years in conjunction with the census.

Councilmember Robertson commented on how discussions regarding redistricting has turned political in the past. However, she noted she did support the city council having a mechanism in place within the city charter.

Charter Commissioner Chair Jeff Lester explained the proposed language would provide a mechanism within the charter, creating an option for future councils, but not require future councils to make any changes to the wards.

Councilmember Saroya indicated she supported the proposed charter amendment. She stated she appreciated the time and effort the Charter Commission had spent on this item.

Councilmember Massoglia explained he supported the wards remaining as is in order to not open the issue up to politicalizing the situation.

Councilmember Saroya indicated the issue that could be solved by addressing the wards was representation. She commented on how different the demographics were in Ward 1. She believed there was benefit about keeping an open mind about this topic and continuing conversations.

Council consensus was to continue to have discussions around this topic.

- 3.3.** 2024-025 Closed Session Pursuant to MN Statute 13D.05 Subd.C(3). – Discuss
Property Acquisition of PIDs 21-31-23-24-0009; 21-31-23-24-0014; 21-31-23-
24-0025; 21-31-23-24-0024
Sponsors: Erik Thorvig, Community Development Director

A motion was made and seconded to move to a Closed Session meeting pursuant to Minnesota State Statute 13D.05 Subd. C(3) to discuss the acquisition of property.

4. Other Business

The Council discussed potential interviews/process for board/commission appointments. Consensus was to review and rank the top 3 applications for each board/commission for staff compiling for scheduling interviews. Council also requested the topic of work plans for all boards and possible merger of NRCB and Park Board for the spring retreat.

5. Adjournment



Signed by

Tim Sanders, Mayor

Signed by

Catherine M. Sorensen, CMC, City Clerk

The workshop was adjourned at 8:30PM.

Northwest Area Street Reconstruction Improvement Project, Improvement
Project No. 24-05

Sponsors: Daniel Schluender, Director of Engineering

Mr. Schluender stated on August 7, 2023 Council initiated the 2024 Northwest Area Street Reconstructions, Improvement Project No. 24-05 with Resolution No. 23-124. At the August 7, 2023 Council meeting WSB, which is one of the engineering firms in the pre-approved consultant pool approved by Council on August 2, 2021, was awarded a contract to prepare preliminary design and a feasibility report. At that time it was stated that after completion of the feasibility report and upon ordering the improvements, a contract for final design and construction services would be negotiated with WSB. The Engineering Department recently requested and received a proposal for final design and construction services including construction materials testing for the 2024 Northwest Area Street Reconstructions project from WSB in the amount of \$273,925.00. Staff has reviewed the proposal and determined that the fees are justified and reasonable. City council is also asked to approve a 10% contingency to bring the total project budget to \$301,317.50. This project will be funded through proposed project assessments, Pavement Management Program funds, Storm Drainage funds, and Public Utility funds.

Moved by Councilmember Fleming, seconded by Councilmember Massoglia, to Authorize the Mayor and City Manager to Enter into a Contract with WSB for Professional Design and Construction Services for the 2024 Northwest Area Street Reconstruction Improvement Project, Improvement Project No. 24-05.

Motion adopted unanimously.

- 11.3. RES 24-30** Resolution Accepting a Bid from Corval Constructors, Inc. in the Amount of \$675,500.00 for the Water Treatment Plant 1 Filter & Piping Upgrades, Improvement Project No. 23-21.

Sponsors: Nick Fleischhacker, Public Works Director

Public Works Director Fleischhacker stated council is requested to approve a contract with Corval Constructors, Inc for the construction of the Water Treatment Plant No. 1 Filter & Piping Upgrades, Improvement Project No. 23-21 in the amount of \$675,500.00.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt a Resolution Accepting a Bid from Corval Constructors, Inc. in the Amount of \$675,500.00 for the Water Treatment Plant 1 Filter & Piping Upgrades, Improvement Project No. 23-21.

Motion adopted unanimously.

- 11.4. ORD 24-2540** Amend City Charter Chapter 5. Initiative and Referendum and Recall
Sponsors: Cathy Sorensen, City Clerk

City Clerk Sorensen stated in 2022 the council directed the charter commission to consider a

charter amendment 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 therefore any recall process would require a charter amendment. The topic was discussed at the 2022 and 2023 commission meetings where commissioners discussed reasons where a recall would be allowed, size of the recall committee, and an appropriate threshold required of registered voters on a petition that would trigger a recall election. They reviewed several cities' examples and the proposed ordinance being presented is based on the City of Richfield's charter with input from city council regarding restricting reasons for recall to serious cases of malfeasance during the term of office in the performance of the duties of the office. It was noted the first reading and public hearing were held on January 17 with no comments received. It was noted this motion requires unanimous approval (7-0) from the city council in order to be adopted.

Moved by Councilmember Newland, seconded by Councilmember Larson, to adopt Ordinance No. 24-2540, Amending City Charter Chapter 5. Initiative and Referendum and Recall.

Councilmember Saroya asked what changes were made to this portion of charter from the original language. Ms. Sorensen explained the draft before the council was based on the City of Richfield's charter. She reported after looking at several different cities, the Charter Commission recommended the draft language move forward but lowering the threshold for required number of voters on a recall petition as well as lowering the number of petition committee members. She indicated the reasons for a recall were changed from serious cases of malfeasance and nonfeasance in the performance of duties to only malfeasance.

Councilmember Saroya expressed concerns with the fact a city councilmember could not be recalled if they commit a gross misdemeanor crime in their personal capacity. Ms. Sorensen indicated a councilmember could only be recalled if the crime was in relation to their duties of office. She reported this would be determined on a case by case basis by the city clerk and city attorney.

She explained she would be voting against this charter amendment. She stated she wanted residents to have the right to go through the recall process, even if the crime occurs in an elected official's personal capacity.

Mayor Sanders requested staff bring this item back to the Charter Commission for further consideration.

Councilmember Massoglia stated the reason nonfeasance was eliminated was to avoid political theater. He explained the city council wanted recall process put in place and this charter amendment would create that process. He encouraged the Charter Commission to limit the scope for this process and supported recalls being limited to serious malfeasance.

Councilmember Saroya explained she would like councilmembers who commit a gross misdemeanor such as fraud to be included in reasons for a recall petition.

Motion failed 6-1 (Councilmember Saroya opposed).

11.5. ORD 24-2539 Amend City Charter Sec. 2.07 Salaries

Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated the council requested the charter commission annually review council salary data and make recommendations for possible increases. After reviewing salary data and the council's current salary which was last increased in 2015, the charter commission recommended a charter amendment that would provide regular review of salary data and recommendations based on annual cost of living increases provided to city staff. The proposed amendment only amends the process in which to review council salaries. Actual adjustments of the salaries are determined via an ordinance that requires approval by a majority of the city council. The proposed amendment also removes reference to reimbursement for reasonable expenses as the commission felt this was out of scope of salary language and is already addressed in council policy. It was noted the first reading and public hearing were held on January 17 with no comments received. Staff explained this motion requires unanimous approval (7-0) from the city council in order to be adopted.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, to adopt Ordinance No. 24-2539, Amending City Charter Sec. 2.07 Salaries.

Councilmember Saroya shared concerns about not wanting to increase salaries as officials are elected to serve. She did not feel comfortable raising salaries when there was no mechanism in place to determine how many hours councilmembers put in.

Councilmember Robertson explained the council was paid \$10,000 per year and noted many of the councilmembers have full time jobs. She reported this was her sixth year on the council. She understood this was a difficult topic to discuss and she understood she was a public servant. She asked staff when was the last time the council received a pay increase. Ms. Sorensen stated the council's last pay increase occurred in 2015. She clarified that the ordinance before the council would allow for an automatic review by the Charter Commission of the council's wages in June of every year and a recommendation would be made by the Charter Commission to the city council. She expressed frustration with the fact this item had been reviewed by council three different times at worksession and believed there was consensus and now it would not be moving forward.

Councilmember Fleming urged the council to support having a mechanism in place that would allow the Charter Commission to review the Council's salary each year. She believed it would be a disservice to not have this mechanism in place going forward. She noted the Council did not have to say yes to each pay raise, but at least there would be a consideration on a yearly basis.

Councilmember Saroya indicated she shared her concerns at the worksession meeting noting this was not supposed to be a full time job. She recommended this topic be revisited, stating she was putting in nearly 40 hours per week in this position. She was of the opinion this position was being done for public service and not compensation. She supported having a mechanism in place, but believed this was not the right one.

Motion failed 6-1 (Councilmember Saroya opposed).

11.6. ORD 24-2541 Amend Sec. 2-31. - Salaries of Mayor and Councilmembers

Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated the council requested the charter commission annually review council salary data and make recommendations for possible increases. After reviewing salary data and the council's current salary which was last increased in 2015, the charter commission is recommending the following salary increases for both mayor and councilmembers based on cost of living increases over the past 10 years provided city staff and comparisons to other cities of similar size:

Mayor

- \$18,315.03/yr - currently \$14,313.60/yr
- \$1,526.25/mo - currently \$1,192.80/mo

Councilmembers

- \$13,461.54/yr - currently \$10,500/yr
- \$1,121.80/mo - currently \$875.00

Moved by Councilmember Newland, seconded by Councilmember Larson, to adopt Ordinance No. 24-2541, Amending Section 2-31. - Salaries of Mayor and Councilmembers.

Councilmember Larson stated she believed the proposed pay increases were extremely fair. She understood this pay was not for a full time position, but also noted that costs were on the rise.

Councilmember Saroya indicated she did not feel right raising salaries of city councilmembers.

Councilmember Fleming questioned if this item could be brought back to the Charter Commission for further action. City Attorney Sandstrom advised this was an ordinance amendment and does not require a unanimous vote. He explained per State Statute, any changes of salaries can only go into effect after an election, which meant these changes would go into effect January of 2025.

Motion carried 6-1 (Councilmember Saroya opposed).

12. Other Business

None.

13. Adjournment



Signed by

Tim Sanders, Mayor

Signed by

Catherine M. Sorensen, CMC, City Clerk

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adjourn the meeting at 8:03PM.

Motion adopted unanimously.