



CITY OF ANOKA
HOME RULE CHARTER COMMISSION

AGENDA

Tuesday, October 11, 2016



6:00 p.m.

Anoka City Hall

Upper Level, Council Worksession Room

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **MEETING MINUTES**
 - 3a. Minutes of October 13, 2015 Annual Meeting
4. **ELECTION OF OFFICERS**
 - 4a. President, Vice-President and Secretary
5. **NEW BUSINESS**
 - 5a. Review City Charter Section 2.05; Vacancies in Elected Offices.
6. **OTHER BUSINESS**
7. **ADJOURNMENT**



ANNUAL MEETING OF THE CITY OF ANOKA
HOME RULE CHARTER COMMISSION
TUESDAY, OCTOBER 13, 2015, 6:00 P.M.
COUNCIL WORKSESSION ROOM – ANOKA CITY HALL

CALL TO ORDER

Chairperson Way called the meeting of the City of Anoka Home Rule Charter Commission to order at 6:00 p.m. in the Council Worksession Room of Anoka City Hall.

ROLL CALL

Commissioners present: Baldwin, Collins, Dehn, Drury, Evans, Hammer, Knapek, Olson, Omdahl, Redepenning, Sorensen, Strand, and Way.

Staff present: City Clerk Amy Oehlers, Interim City Manager Greg Lee, City Attorney Scott Baumgartner.

Commissioners absent: Bemel and Canny.

Redepenning announced it was Hammer's 65th birthday. Hammer related how had had only missed one annual meeting during his tenure on the Charter Commission, which was due to the urgency of processing a moose.

APPROVAL OF MINUTES

Minutes of Annual Meeting of October 14, 2014:

A motion was made by Sorenson to approve the minutes as presented. Olson seconded the motion. Vote taken: All Ayes. Minutes were approved as submitted.

Minutes of Special Meeting of March 9, 2015:

A motion was made by Sorenson to approve the Minutes of March 9, 2015, with the correction that Barb Canny was present at the meeting. Drury seconded the motion. Vote taken: All Ayes. Amended minutes were approved.

ELECTION OF OFFICERS

President Zilla Way announced that she would not be interested in serving as President of the Charter Commission any more.

President Way called for nominations for President. A nomination was made for Dehn to serve as President. Dehn refused the nomination, stating that he does not feel that he has served a long enough time on the Charter Commission to serve in the capacity as President. A nomination and a second to the nomination was made for Sorenson to serve as President. No other nominations were made. Baldwin called for a white ballot vote. Vote taken: All ayes. Sorenson will serve as President of the Charter Commission.

President Way called for nominations for Vice-President. A nomination and a second to the nomination was made to elect Tom Hammer as Vice President. No other nominations were made. Vote taken: All Ayes. Hammer will serve as Vice President of the Charter Commission.

President Way called for nominations for Secretary. A nomination and second to the nomination was made to elect Owen Strand as Secretary. No other nominations were made. Vote taken. All Ayes. Strand will serve as Secretary of the Charter Commission.

NEW BUSINESS

There was no New Business brought before the Charter Commission.

OLD BUSINESS

The Charter Commission continued the review of the Administrative changes to the City Charter, which began at the special Charter Commission meeting of March 9, 2015. City Clerk Oehlers recapped the proposed administrative changes with the Charter Commission.

Oehlers advised the Charter members that they would need to make decisions on Section 5.03 and 5.04 of the City Charter, which deals with the process of Recall of a City Councilmember. Oehlers advised that the Charter Commission should make the following determinations:

1. If the elected official sought to be removed by a Petition for Recall should be allowed to vote on the sufficiency of the petition and the allegations of malfeasance and/or nonfeasance brought against themselves within the petition.
2. If the vote determination by the City Council should be a majority of members present at the meeting at which the vote occurs, or a majority of the total membership of the City Council, or if a 4/5's vote of either should be required.

After Commission discussion, a motion was made by Baldwin, which was seconded by Olson to allow the member sought to be recalled to vote on the issue, and that the passage of the vote be by a simple majority of the Councilmembers present at the meeting at which the vote is taken. The motion carried with ten (10) Charter Commission members voting in favor of the motion and three (3) members voting in opposition of the motion. Motion carried.

Sorenson asked for clarification of the meaning and pertinence of the sentence in Section 5.05 that reads: "The said method of removal shall be accumulative and additional to the method herein and in this Charter otherwise provided". By consensus, the Charter Commission directed the City Attorney to review that language and report back to the Commission at the Annual Charter Commission meeting in 2016.

There being no further business before the Commission, a motion was made by Drury, which was seconded by Evans, to adjourn the meeting. Vote taken. All ayes.

The meeting adjourned at 6:48 p.m.

Minutes drafted by Charter Commission Secretary Owen Strand

Approval Attestation: Amy T. Oehlers, City Clerk



MEMO

Date: October 5, 2016
To: Charter Commission

City Attorney, Scott Baumgartner and I were doing some research on meeting attendance by elected officials.

We discovered, through State Statute and an Attorney General opinion, that we need to amend a section of our Charter.

Currently, our Charter has this content (see underlined area):

City Charter Section 2.05 Vacancies in Elected Offices.

A vacancy in an elected office shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the Council in the month of January following his/her election, or by reason of his/her death, resignation, removal from office, removal from the City, continuous absence from the City for more than three months, or conviction of a felony before or after his/her qualification, or by reason of his/her failure to perform any of his/her duties for a period of three months. In each such case, the Council shall, by resolution, declare a vacancy to exist and shall forthwith appoint an eligible person to fill the vacated seat.

In reviewing the law and AG opinion, we determined that this underlined section of our Charter contradicts the MN Constitution.

A Mayor/City Councilmember may only be removed from office for the following:

A member no longer qualifies to serve in that office (i.e. moves from City), they are convicted of a felony which would disqualify them from holding the office, or other malfeasance, nonfeasance.

We are recommending that the underlined section be removed and replaced with language similar to:

“A vacancy in an elected office shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the Council in the month of January following his/her election, or by reason of his/her death, resignation, removal from office, removal from the City, conviction of a felony before or after his/her qualification, for malfeasance, or nonfeasance or as prescribed by State Law.”

The exact language change will be reviewed and discussed at the Charter meeting.

Please feel free to contact me if you have any questions prior to the meeting.

Amy Oehlers, City Clerk

763-576-2712

aoehlers@ci.anoka.mn.us

**CITY OF ANOKA
HOME RULE CHARTER COMMISSION ROSTER**

NAME	HOME ADDRESS	MAILING ADDRESS	EXPIRATION DATE
Chuck Drury	725 Fremont Street Anoka, MN 55303 (h) 763-427-1934 agd3@usfamily.net	725 Fremont St Anoka, MN 55303	March 1, 2018
Michael Baldwin	3827 Stonehaven Court Anoka, MN 55303 (h) 763-576-6623 (w) 763-506-1912 mdbaldwin@q.com	3827 Stonehaven Crt Anoka, MN 55303	March 1, 2018
Daniel Knapek	717 Fremont St Anoka, MN 55303 (h) 763-427-5040 (w) 763-765-3353 cdknapek@msn.com	717 Fremont St Anoka, MN 55303	March 1, 2018
Douglas Dehn	1134 Benton Street Anoka, MN 55303 (h) 763-427-2754 (w) 763-783-5128 ddehn127@comcast.net	1134 Benton St Anoka, MN 55303	March 1, 2018
VACANCY			March 1, 2018
Owen Strand SECRETARY	1007 Washington St. Anoka, MN 55303 (h) 763-427-2868 (w) 763-506-6010 strandog@comcast.net	1007 Washington St Anoka, MN 55303	March 1, 2018
Barbara Canny	1220-5 th Avenue Anoka, MN 55303 (c) 763-421-9104 blcanny@yahoo.com	1220-5 th Ave Anoka, MN 55303	March 1, 2018
Mary Lou Evans	1186 Benton Street Anoka, MN 55303 (h) 763-427-1803 (c) 612-432-2139 mevans7587@gmail.com	1186 Benton St Anoka, MN 55303	November 1, 2016

CITY OF ANOKA

HOME RULE CHARTER COMMISSION ROSTER

Donald Collins	1321 Oakwood Drive Anoka, MN 55303 (h) 763-427-1280 (w) 651-431-5178 donaldjcollinsmd@gmail.com	1321 Oakwood Dr Anoka, MN 55303	November 1, 2016
Thomas Hammer VICE CHAIR	646 Benton Street Anoka, MN 55303 (H) 763-427-1320 (W) 612-388-1729 Need Email Address	646 Benton St Anoka, MN 55303	November 1, 2016
Duane Redepenning	2521 Maple Avenue Anoka, MN 55303 (h) 763-421-7855 dredenpenning@gmail.com	2521 Maple Ave Anoka, MN 55303	November 1, 2016
Zilla Way	801 E River Rd, #122 Anoka, MN 55303 (h) 763-421-2388 (c) 763-213-2575 zillaway@hotmail.com	801 E River Rd, #122 Anoka, MN 55303	November 1, 2016
Diane Bemel	1768 1 st Ave Anoka MN 55303 (h) 763-421-2056 dbml@bitstream.net	1768 1 st Ave Anoka MN 55303	November 1, 2016
Craig Sorensen CHAIR	632 Cross St Anoka MN 55303 (h) 763-427-7675 Craig.d.sorensen@gmail.com	632 Cross St Anoka MN 55303	November 1, 2016
Colin Olson	1178 3 rd Ave Anoka MN 55303 (h) 763-424-6551 (c) 612-490-8262 colson@premiercorp.net	1178 3 rd Ave Anoka MN 55303	November 1, 2016