

Minneapolis Charter Commission Minutes

Regular Meeting

Wednesday, November 2, 2005 - 4:00 p.m.

Council Chamber, Room 317 City Hall, Minneapolis, Minnesota

Present: Commissioners Thaden, Bujold, Clegg, Collier, Dolan, Dziedzic, Ferrara, Melendez, Metge, Ponsford, Theurer

Absent: Commissioners Bernstein (excused), Lazarus, Klassen (excused), Lichty (excused)

Vice President Thaden (in the Chair) called the meeting to order at 4:10 p.m. Roll call was taken.

2. Adopt Agenda

PONSFORD MOVED TO ADOPT THE AGENDA; the motion was seconded and adopted upon a voice vote.

3. Accept Minutes of October 5, 2005.

BUJOLD MOVED TO ACCEPT THE MINUTES AS PRESENTED; the motion was seconded and adopted upon a voice vote.

Unfinished Business

4. 8th Draft to City Charter Revisions (submitted Aug 31, 2005):

Consider approval of final revision proposal

Commissioner Melendez had available for distribution to the Commission a document entitled *Minneapolis Charter Commission, Charter Revision, A Presentation to the City Council, 20 February 2004* as well as *A Model Charter for Minnesota Cities (League of Minnesota Cities)* and a table entitled *Park & Recreation Board Powers*. The Commission had received a letter from Minneapolis Park Board legal counsel Brian Rice and a letter from Park Board President Jon Olson requesting that the Commission adopt the amendments recommended by Mr. Rice.

Under review was the 8th Draft of the Charter Revisions (redlined version).

Commissioner Melendez noted that he was providing information from the past because he is aware that some of the members are new to the Charter Commission since this matter was first discussed. He explained that he had reviewed the changes requested by the Minneapolis Park Board and he believes they have all been dealt with, with the exception of #19 (relating to trees and shrubs) which he couldn't find in the current draft but that should probably be added.

Annie Young, Minneapolis Park and Recreation Board Commissioner, addressed the Commission. She explained that she was appointed by the Park Board last year to a committee that was established to look at the Charter revision issue. She understands how much work has been put into the revision process and can appreciate that the Commission is anxious to move forward. However, the Park Board has been monitoring the proposed revisions and overall believes it is important to preserve the unique nature of the Park Board, including the special powers authorized by the State Legislature. The concept of

“cleaning” is good but she warns that sometimes things get taken away that shouldn’t. The Commission has received a letter with 21 specific points of concern and she noted that Mr. Rice was present to address those points if necessary. With the changes requested, Ms. Young said that the Park Board could cooperate with the revisions.

Thaden noted that the Minneapolis Library Board has also expressed some concerns about the revisions.

Dziedzic concurred that she had heard from a member that the Library Board would be voting soon on official comments to the revisions. She suspects they will echo some of the same points as the Park Board.

Clegg asked about a schedule for consideration of the revisions and the Clerk explained that an unapproved schedule was distributed at the last Commission meeting. Mr. Clegg received a copy of the schedule (available in the City Clerk’s office). He suggested that the Park Board may need more time to review the latest draft.

It was noted that the Commission’s schedule includes a plan to hold public hearings in January and February of 2006 and then time to consider incorporation of comments received.

Metge remarked that at the recent Charter Commission study session, she raised the issue of removing the Planning Commission from the Charter and that she has great concern about that. She feels strongly that the multi-jurisdictional nature of that group needs to remain within the Charter and not be left to political whim. She requested that Assistant City Attorney Osborne notify all the Planning Commissioners of the proposed change so that they can voice their opinion on the matter.

Melendez noted that rationale for the move relates to the CPED change.

Clegg noted that the schedule calls for the Commission to act in November on the revisions but he wondered if December would be more appropriate.

Collier recalled that the Commission decided on having a cushion of a month. What if the Commission doesn’t meet in December? The bottom line is that the process must be kept moving with a public hearing no later than January.

Clegg suggested that the Commission schedule a time certain to vote on the matter in December; that would allow more time for important comments.

CLEGG MOVED THAT THE COMMISSION SET A TIME CERTAIN ON ITS DECEMBER AGENDA TO CONSIDER THE 8TH DRAFT. Seconded.

Dolan added that she’d like to see the Commission take a vote on the matter at this meeting.

Ferrara concurred, adding that the Commission needs to let people know where they stand and make a break on this at some point.

Melendez, regarding the issue of circulation, added that he feels the Commission has done a good job in the past of getting the revision information out for review. On the 8th draft, that wasn't necessarily the case but the decision was made to use a more Commission driven process at this point.

Collier recalled that the process has led to this same point several times, each time with special interest groups coming forward with concerns. She doesn't want the process stopped again; the revisions really should have been on the ballot this November. The whole goal of the change is to make things operate better.

Metge spoke in favor of Clegg's motion, explaining that it is important that the Commission send forward its best possible product for public review. A month could help but shouldn't hurt.

Clegg's motion was adopted. Yeas, 7; Nays, 4 as follows:
Yeas – Thaden, Bujold, Clegg, Dziedzic, Melendez, Metge, Theurer.
Nays – Collier, Dolan, Ferrara, Ponsford.
Absent – Lazarus, Klassen, Lichty, Bernstein

Thaden established a subcommittee made up of Charter Commissioners to meet with representatives of the Park Board and Library Board. (Commissioners Bujold, Clegg, Dziedzic and Dolan volunteered to serve on a subcommittee).

THEURER MOVED THE FOLLOWING AMENDMENT TO THE 8TH DRAFT:
"Article IX, 9.2 Departments, (a), (8) a planning department; e) Planning Department. The planning department consists of a planning commission and appropriate staff. (1) Commission. The Mayor will preside with at least half of the remaining commission consisting of citizens not elected to City office; (2) Function. The commission must prepare and maintain a comprehensive plan for the City's physical development and improvement."
Seconded.

Metge said she'd be interested in presenting the information to Planning Director Barb Sporlein and members of the Minneapolis Planning Commission for their review and comment (and receive those comments at next month's meeting).

Ferrara stated that he believes the City can organize itself the way it sees fit. He wants the elected officials to be accountable for the work of the City.

Dziedzic asked Melendez to explain his comment about the "CPED reason."

Melendez explained that one thing the revisions to the Charter are trying to accomplish is to remove things that are covered by State Statute; it is his understanding that the Planning Commission is covered by the CPED Statute.

Collier asked Theurer if his amendment intends to make the Mayor the chair of the Planning Commission and Theurer said yes. He added that the operational issues should remain for the Planning Commission to figure out.

Metge noted that everyone has seen the important role of the Planning Commission for neighborhood input. She became aware through the Neighborhood Revitalization Program process that there were groups of neighborhoods that were working on amending the CPED law and ordinance for more participation. Taking the Planning Commission out of the City Charter makes that less certain.

Theurer noted that his amendment intends to see a Planning Commission put back in.

Dziedzic remarked that, if you take it out, there could be the unintended consequence where you could weaken the position of the Mayor.

Ferrara asked for an explanation of how the Planning Commission is included now in the City Charter.

Melendez explained that the current 8th draft doesn't articulate a planning commission; it falls under 9.2.88, a catch-all area.

Theurer's motion lost; Yeas, 1; Nays, 9 as follows:

Yeas – Theurer

Nays – Thaden, Bujold, Collier, Dolan, Dziedzic, Ferrara, Melendez, Metge, Ponsford.

Absent – Lazarus, Clegg, Klassen, Lichty, Bernstein

Thaden noted that the current draft would put the Park Board and Library Board under City ordinance, to be passed/amended by the City Council and signed by the Mayor. Or would the ordinances be considered by the Park and Library Boards themselves?

Melendez said his thought was that the boards have regulatory authority and would do their own regulations.

Metge requested that the Commission receive clarification on the CPED law and the ordinance question before the December meeting.

Burt Osborne noted that CPED Ordinance deals only with the Planning Department; State law may deal with the commission but City ordinances do not.

Collier moved to adjourn; the motion was seconded and adopted by a voice vote.

Julie Bartell
Charter Commission Clerk