



CITY OF ANOKA  
HOME RULE CHARTER COMMISSION

**AGENDA**

**SPECIAL MEETING**

**Wednesday, April 20, 2022**

**6:00 p.m.**

**Anoka Administrative Conference Room**

**Main Level of City Hall**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **MEETING MINUTES**
  - 3a. Minutes of October 13, 2022 Annual Mtg
4. **NEW BUSINESS**
  - 4a. Review and make formal recommendation on amending Charter Section 2.02 Boards and Commissions.
5. **OLD BUSINESS**
  - 5a. Discussion on Charter Commission recommendation on amending Charter Section 2.05 Vacancies in Elected Offices.
7. **ADJOURNMENT**



ANNUAL MEETING OF THE CITY OF ANOKA  
**HOME RULE CHARTER COMMISSION**  
13<sup>th</sup> day of October, 2021, 6:00 P.M.  
COUNCIL ROOM, UPPER LEVEL  
ANOKA CITY HALL

**DRAFT**

**CALL TO ORDER**

President Knapek called the meeting of the City of Anoka Home Rule Charter Commission to order at 6:00 p.m. in the Administration Conference Room of Anoka City Hall.

**ROLL CALL**

Commissioners present: Anderson, Baldwin, Burns, Collins, Dehn, Doffing, Drury, Erickson, Evans, Knapek, McFarland, Norton, Pierce, Wetzels and Sheie.

Staff present: City Clerk Amy Oehlers and City Attorney Scott Baumgartner.

Commissioners absent: None.

**APPROVAL OF MINUTES**

Commissioner Evans noted on page three, the first paragraph, the third line, it should state, "within forty (40)". In the last line of that paragraph, it should state, "shall be called".

Commissioner Erickson noted that he was present at the meeting.

Motion was made by Commission Collins to approve the June 10, 2021 minutes, as amended. Motion was seconded by Commissioner Doffing. Vote taken: All Ayes. Minutes were approved.

**ELECTION OF OFFICERS**

Chair Knapek noted that this item will be suspended until the next annual meeting (October 2022).

**NEW BUSINESS**

- 5a. Review final language recommendation on amending Charter Sections 2.05 Vacancies in Elected Offices and 2.07 Salaries
- 2.05 – Amending process to fill vacancies in office
  - 207 – To include schedule in the Charter to require the review of salaries by City Council on a bi-annual basis or some other level of frequency

City Attorney Baumgartner provided another suggestion of language to be added to address a gap he identified within the proposed language. He stated that he did address the typos that were provided from Commissioner Evans.

The Commission asked for clarification on certain language proposed within the draft documents and City Attorney Baumgartner provided additional explanation.

A motion was made by Commissioner Pierce, seconded by Commissioner Collins, to recommend adoption of the amendments to Charter Section 2.05 Vacancies in Elected Officials, as written in the packet memo. Vote taken: All ayes.

A motion was made by Commissioner Erickson, seconded by Commissioner Pierce, to recommend adoption of the amendments to Charter Section 2.07 Salaries, as written in the packet memo. Vote taken: All ayes.

## **OTHER BUSINESS**

### 6a. Memo from Mary Lou Evans relating to Filing for Office

Commissioner Evans provided a review of her memorandum and her suggestions. She commented that it has seemed there has been commotion when two members are up for reelection and it has been difficult for a new person to disrupt the status quo, competing against the seated Council members.

City Attorney Baumgartner stated that he would want to avoid someone challenging a specific member of the Council. He stated that he could see a situation where someone could be allowed to submit application for a vacant seat rather than an occupied seat.

Commissioner Baldwin discussed the concept of wards, which would ensure that each area of the city has a representative.

Commissioner Pierce stated that under the current system the top voter getters secure seats on the Council. He stated that the scenario provided by Commission Evans would seem to provide a situation less likely for new people to join the Council.

City Clerk Oehlers stated that candidates must state if they are running for a two-year term or four-year term.

Chair Knapek asked if the intent of Commissioner Evans was to pursue this amendment or just meant for discussion.

Commissioner Evans commented that she simply wanted to have the discussion.

City Attorney Baumgartner provided additional input on the different scenarios.

Commissioner Baldwin commented that he does like wards as it ensures equal representation for different areas. He stated that it worked well in Champlin, but perhaps because that is how Champlin had it setup.

Commissioner Pierce commented that the current system allows voters to choose the person they believe will serve the community the best, rather than being forced to choose a candidate because of where they live.

6b. Discussion request from Ed Burns regarding Ethics/Conduct of Elected Officials

Commissioner Burns reviewed a situation that occurred involving a member of the City Council and commented that person does not belong as an elected official. He stated that members of the Council should not curse at or intimidate City staff. He stated that the Council did censure that member of the Council but there should have been a vote of dismissal as that was an act of disgrace. He stated that the policy does not spell out what should or would occur. He believed that if a member of the Council aims to intimidate a member of City staff, there should be consequences.

Commissioner Pierce asked if that is the purpose of the Charter Commission, to discuss that topic. He stated that the comments sound like a political attack.

City Attorney Baumgartner stated that when the incident occurred, it was a tough situation. He stated that the City Council member is elected by members of the community and therefore one cannot simply be removed from that position.

Commissioner Doffing stated that there are plenty of instances across the state where elected officials have acted egregiously, and nothing has been done. She stated that the recall process would need to be implemented in order to take that person out of office.

City Attorney Baumgartner stated that there is a process in place identified within the Charter to begin the recall process through petition.

Commissioner Pierce stated that he would not want to create a situation where the other members of the Council could take action against another. He used the example of four likeminded members that take action against the other member that does not agree with them. He stated that he would be interested in strengthening the conflict of interest language.

City Attorney Baumgartner provided additional clarification on what the courts consider to be legal conflict of interest.

City Clerk Oehlers commented that is a policy of the City and not part of the Charter.

City Attorney Baumgartner noted a difference in the numbering between the table of contents of the charter and the actual numbering within the chapters of the Charter. It was confirmed that change could be done administratively.

Commissioner Drury stated that he is willing to step down as a member of the Commission and provide an opportunity for a new member to join. He stated that he has been a member of many Commissions over the years but it is time for him to retire.

There being no further business before the Commission, a motion was made by Commissioner Burns, which was moved by Chairperson Knappek to adjourn the meeting. Vote taken. All Ayes.

The meeting adjourned at 6:57 p.m.

Approval Attestation: Amy T. Oehlers, City Clerk

# CHARTER COMMISSION MEMO

Agenda Item # 4a

**Meeting Date:** April 20, 2022  
**Item Description:** Charter Section 2.02 Boards & Commissions  
**Submitted By:** Amy Oehlers, ACM

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At their meeting on March 21, 2022 the City Council discussed Section 2.02 of the Charter relating to who may serve on a Board/Commission. The Charter prohibits employees from serving on a Board/Commission. The current Charter language reads as follows:

Section 2.02 Boards and Commissions.

There shall be no separate administrative boards or commissions, except for those, which might be required by, or have heretofore been established or may hereafter be established, pursuant to State Statutes or pursuant to Chapter 8, Section 8.04 hereof. The Council shall itself be and perform the duties and exercise powers of all administrative boards and commissions. The Council may; however, establish boards or commissions to advise them with respect to any municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions; no member of the Council and no employees of the City shall be a member of any board or commission so established except as an ex officio member. Members of boards, commissions and committees, including the HRA, shall be appointed by a majority vote of the City Council.

The Council discussed this section. They agreed that permanent full-time and/or part-time employees should not be able to serve on a Board/Commission. They discussed whether or not part-time seasonal employees should be allowed to serve on a Board/Commission. They discussed the difficulty that the City encounters in hiring seasonal workers and also the difficulty in getting people to serve on Boards/Commissions. The consensus of the Council was that it would be in the best interest of the City to allow Temporary Seasonal Workers to be able to serve on a Board/Commission.

At their Worksession on March 28, 2022, the City Council discussed whether or not City Councilmembers should be able to serve on the Charter Commission. Our City Charter does not specifically address this issue. Minnesota Statute Section 410.05 states in part *“no person shall be disqualified from serving on a Charter Commission by reason of holding any other elective or appointive office other than judicial. The charter may provide that members of the governing body of the city cannot serve on the charter commission”*.

Consensus of the Council is that City Councilmembers should be prohibited from serving on the Charter Commission, as it could pose a conflict of interest (or perceived conflict of interest). The Council requested that the Charter Commission discuss this and provide a recommendation on an amendment to the Charter regarding these issues.

Below is suggested language changes to the Charter for your consideration:

Section 2.02      Boards and Commissions.

There shall be no separate administrative boards or commissions, except for those, which might be required by, or have heretofore been established or may hereafter be established, pursuant to State Statutes or pursuant to Chapter 8, Section 8.04 hereof. The Council shall itself be and perform the duties and exercise powers of all administrative boards and commissions. The Council may; however, establish boards or commissions to advise them with respect to any municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions; no member of the Council and no **full-time or part-time permanent** employees of the City shall be a member of any board or commission so established except as an ex officio member. **Temporary seasonal workers may serve on boards or commissions. No member of the City Council shall serve as a member of the City's Charter Commission.** Members of boards, commissions and committees, including the HRA, shall be appointed by a majority vote of the City Council. **Members of the Charter Commission are appointed by the 10<sup>th</sup> Judicial District Court, per Minnesota Law.**

# CHARTER COMMISSION MEMO

Agenda Item # 5a

**Meeting Date:** April 20, 2022

**Item Description:** Discussion on Charter Commission recommendation on amending Charter Section 2.05 Vacancies in Elected Offices.

**Submitted By:** Amy Oehlers, ACM

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At their meeting on December 6, 2021, the City Council declined the Charter Commissions recommendation on amending Section 2,05 of the City Charter related to Vacancies in Elected Offices.

This was the recommendation the Charter Commission brought forward:

## 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, for malfeasance, or nonfeasance, removal from the City, conviction of a felony before or after his/her qualification, or for reasons prescribed by State Law. 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~~ **proceed as follows:**

If the unexpired term of the vacated seat is for a period of less than twelve (12) months, the Council shall by Resolution, passed by an affirmative vote of a majority of all the Councilmembers delcary the vacancy. And that in no less than 14 days after publication for two weeks, and within forty (40) days of the declared vacancy, appoint a person to serve the remainder of the unexpired term. The appointee shall serve until January 1 following the next regular municipal election, or until his/her successor is elected and qualified. In the event of a tie vote, the Mayor shall appoint one of the voted upon eligible persons to fill the vacancy. If the Council fails to fill the vacancy through the appointment process, a special election shall be called by the City Clerk.

If the unexpired term of the vacated seat is for a period of twelve (12) months or more, the Council shall by Resolution call for a special election as provided in Section 4.04 of the City Charter. Provided; however, if the vacancy occurs in a year in which a regular municipal election is to occur and there is sufficient time to meet notice, publishing and filing deadlines to have the vacated seat placed on the ballot for the upcoming regular municipal election, then the Council shall by Resolution declare the vacancy exists and call for the vacated seat to be placed on the upcoming regular municipal election. The individual elected to fill the vacated seat shall serve for the remainder of the unexpired term.

Notice of said vacancy shall be posted on the City website for a period of two (2) weeks from the date of the adoption of the Resolution declaring said vacancy. Notice shall also be published in the City's designated newspaper for a period of two (2) weeks as soon as possible after the date of the adoption of said Resolution, with the publication being completed no later than thirty (30) days from said date.

If there are fewer candidates in a regular or special election to fill expiring or vacated municipal seats, the Council shall fill said seats by appointment, following the procedure above for the unexpired term of less than twelve (12) months. The appointee shall serve until the next regular municipal election.

~~At the next regular City election, the vacated seat shall be placed upon the ballot for the purpose of filling the vacated office for the remainder of its original term. The appointed person shall serve until the person elected qualifies for such office. If the vacated office would have normally been filled at the next regular City election, the appointed person shall serve until the newly elected individual's term commences in January following the election and they have qualified for such office.~~

~~If the Council is unable to agree on an appointment to fill the vacancy within thirty (30) days from the occurrence of the fact giving rise to the vacancy, the Mayor shall appoint a person to fill the vacancy.~~

The Council has reached a stale-mate on this amendment as it relates to when/if a special election shall be held (outside of a regular municipal election) to fill a vacancy.

Four (4) of five (5) Councilmembers support the appointment of a new Councilmember by the City Council regardless if the vacancy is for less than twelve (12) months, or more than (12) months. This appointment would last until the next regular municipal election occurs and until his/her successor is elected and qualified. Regular municipal elections occur every two (2) years, (in even-numbered years), which at that time, the vacancy (which would be for a 2 yr term), would be placed on the regular municipal ballot, being listed on the ballot as a 2 year term.

**In order for an amendment to the Charter to pass, it must receive a unanimous vote of the City Council.**

The Council also asked for clarification that if the Council is unable to agree to an appointment due to a tie vote, after thirty (30) days, the Mayor would make the appointment choosing only from the two tie-vote getters.

*Does the Charter Commission recommend that there be a timeframe for the Mayor to make this appointment?*

**It is requested that Charter Commission members attend the City Council Worksession to be held on June 27, at 5:00 p.m. in the Council Worksession Room, to further discuss these issues.**