

**Meeting Minutes
Afton Charter Commission
January 31, 2008**

PRESENT: John Barclay, Anthony Berg, Julianne Berg, Bonnie Blackley, Mark Borgwardt (7:07), Thomas Ginannetti, Lynn Farley, Rock Gjermo (7:30), Kenn Kopitzke, Kathleen McGinn, Deborah Nelson, Daniel Oehlke, Patricia Snyder and Carol Wiessner.

1. CALL TO ORDER: McGinn called the meeting to order at 7:05 p.m.

2. ROLL CALL: Snyder performed roll call.

3. APPROVAL OF MINUTES: Motion by Wiessner, seconded by Giannetti to approve the Minutes with the following amendments: Change spelling of "Weissner" to "Wiessner" under the heading PRESENT and replace the word "required" with the word "needed" under the heading PRESENTATION. Motion passed (13-0).

4. INTRODUCTION: Rachel L. Carlson

Research Staff Attorney/League of Minnesota Cities

McGinn introduced Ms. Carlson, Esq., who is the charter service attorney for the LMC.

5. PRESENTATION: Charter City Formation/Charter Powers

Ms. Carlson gave a slide presentation on Minnesota Home Rule Charter Cities which included general information on the basis and purpose of city government, the number and powers of charter cities, forms of charter government, common charter provisions, advantages and disadvantages of home rule charters, charter commission duties, review goals, revision and amendments to charters, and the LMC charter review service which is available for a \$750 fee. There was a brief Q & A following the presentation which was followed by a 3 minute recess.

6. NEW BUSINESS:

- A. Activate Treasurer duties** – Barclay will submit a request to the City Council for \$100.00 to cover the costs of mailings, paper, printing and other incidentals. Members should submit receipts to the ACC committee for reimbursement.
- B. Design public communication system (web site?)** – Nelson will look into what would be involved in either creating a website and link or directly posting ACC committee meeting agendas and minutes on the city's website. She will also contact the city to explore how to facilitate that.

C. Charter Proposal discussion

- **How could Afton specifically benefit from a charter?**
- **How could a charter specifically be detrimental to Afton?**

McGinn said she would like to take a vote at the next meeting on whether or not to form a charter. Discussion followed with several members stating that they may need more time to reach a decision. McGinn read a letter to Mayor Welter dated 11/29/07 from Bob Mazanec, Sector Representative of the Met Council, wherein he states that Met Council involvement and requirements for charter cities and statutory cities are the same. The Metropolitan Land Planning Act (MLPA) applies to all cities in the metro area, whether statutory or charter and that Afton would still be required to update its comprehensive plan and be subject to the criteria and planning directives in the 2030 Regional Development Framework and metropolitan systems plans as specified in Afton's Metropolitan Systems Statement. A. Berg stated for the record that he questions whether charter cities have to comply.

Discussion included the following: Identifying current problems in the city, civility of debate, frustration at open space ordinance meetings, audience participation, definition of "rural character", form of Afton city government, Met Council involvement and options available to a charter city through Initiative and Referendum.

Many spoke in favor of an Initiative and Referendum provision, as follows:

- It could change the way we debate, make it less personal and more about the issues
- May allow for a more direct form of control
- Takes the onus off the CC - Important issues could be decided by a majority of the residents as opposed to a select few
- Puts responsibility on the residents to become informed
- Allow us to shape our community rather than means to problem-solve
- Methodology to help the people govern themselves
- Viable form of government
- Vehicle to construct consistency between CC's and stave off Met Council

Concern was expressed that there may be a conflict of interest with Jon Kingstad providing legal services in light of the fact that he was not appointed to the committee and is partisan, i.e. in favor of creating a charter. Discussion followed with McGinn stating that Mr. Kingstad will not be participating in Commission meetings and discussions unless invited to do so by the Commission. He can attend the meetings as an interested public citizen as can all others.

7. WRAP UP:

A. Next meeting – February 28th at 7:00 p.m. – St. Peter's Church

Agenda items –

- Kopitzke will give a 15 to 20 minute presentation on current and past Afton city government style.
- Further discussion on Charter Proposal

B. Assignments – Members are encouraged to review Chapter 4: The Home Rule Charter City from the Handbook for Minnesota Cities. Wiessner will try and get a copy of the City of Minnetonka charter and send it to the group for review. McGinn will order a copy of the National Civic League model charter and email Blackley with the link. Nelson offered to run copies for the committee. Barclay will set up treasurer's account.

8. ADJOURN: Motion to adjourn by J. Berg. Seconded by Snyder. Motion passed (14-0). Meeting adjourned at 9:16 p.m.

SUBMISSIONS:

- Revised Afton Home Rule Charter draft by Jon Kingstad and letter dated 1/25/08
- List of Minnesota Charter Cities and slide show presentation materials by Rachel Carlson
- Minnesota Court of Appeals: Case of Nordmarken v. City of Richfield
- 11/29/07 letter to Mayor Julia Welter from Bob Mazanec, Met Council
- Chapter 4: The Home Rule Charter City by the LMC Handbook for MN Cities

Respectfully submitted,
Pat Snyder, Secretary