

**Meeting Minutes**  
**Afton Charter Commission**  
**April 24, 2008**

**PRESENT:** Anthony Berg, Julianne Berg, Bonnie Blackley, Lynn Farley, Rock Gjermo (7:10), Kenn Kopitzke, Kathleen McGinn, Deborah Nelson, Daniel Oehlke , Patricia Snyder and Carol Wiessner (7:10).

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

**2. ROLL CALL:** Snyder performed roll call.

**3. APPROVAL OF MINUTES:** A. Berg noted that “Cheny” should be spelled ”Cheney”. McGinn moved to approve the minutes as amended. Seconded by A. Berg. Motion passed (9-0).

**4. TREASURER REPORT:** No report.

**5. OLD BUSINESS:**

**A. Distribute web site inquiries and responses –** No report, link not set up yet.

**6. NEW BUSINESS:** A. Berg

**A. Draft “Initiative, Referendum and Recall” sections of Charter -** Blackley noted that there were 9 public hearings at the last PC meeting dealing with ordinance changes and expressed concern about the large number of referendums that may be possible. Kopitzke provided a brief update on his research into the formula for Local Government Aid (LGA), the third largest item in the state budget .

McGinn introduced Jon Kingstad, who requested the opportunity to address several points that have come up in discussion at past meetings; specifically his draft charter submission, state statute mandating referendum, and lost opportunities within Afton.

Draft Charter Submission - Kingstad explained that the inclusion of the wording to opt out of the Met Council was motivated by his belief that Met Council driven directives threaten unwanted development in Afton and this particular issue dealing with special law has never been tested in court – so what have we got to lose.

State Statute Mandating Referendum - Minn. Stat. 475.58, subd. 1(3), though poorly worded, requires that any improvement requiring 80% or more of city funding through bonds must go to referendum. Also, in researching merger documents at the Minnesota Historical Society from 1970 when the township and

old village became a city, it appears that the wording allowing for petition was omitted from the final order.

Lost Opportunities - Afton has had a number of opportunities where referenda have been disregarded, dismissed or lost; namely the form of government adopted, the 4 Million Dollar bond issued to pave the roads, and budgetary issues such as the recently proposed budget increase and funding for improvements to Afton Hills Drive. He stated that a charter could require referendum on such issues.

A Berg led discussion on how to proceed with proposed wording on Initiative and Referendum. Several members stated that they liked the language in the Minnetonka charter, Chapter 5, pages 8 – 11. Preamble is easy to read and synopsis provides clear intent of each subsection. Corcoran charter was also discussed; short, simple, and succinct. It was agreed that the individual provisions included in each are not necessarily desirable for the Afton charter, such as wording that excludes budgetary/ levy control and land use ordinances.

Discussion also included the time period for ordinances to take effect, the petition process timeline, city council reconsideration, 120 day provision, limits, and budgetary funding for special elections, number and requirements of petitioners (5), number of signatures required on petition (20%) and requirements of voters (registered as of last general election), real life scenarios, emergency clause, definitions, recall petitions, holds on CC action, petition notification requirements, lawsuit considerations, future commission review and amendments to the charter, referendum timelines, separation of Initiative and referendum into separate sections of the charter, multiple petition separation at election, and communication with citizenry.

Items to research include Afton's ordinance adoption effective date and charter zoning exclusions. A Berg will prepare and email out a draft of Initiative and Referendum using the Minnetonka charter as a model and incorporate the changes discussed by the commission for review at the next meeting. Next meeting we will also tackle Recall.

**B. Establish timeline and meeting requirements to complete Charter -**

It was suggested that we meet several times per month for the next month or two and see how far we can get – and perhaps meet less often during the summer.

**7. WRAP UP:**

**A. Next meeting –** 7:00 Thursday, May 15, 2008 at St. Peter's. Backup is Memorial Lutheran Church. Snyder will check with St. Peter's and Wiessner will check with Memorial if St. Peter's is unavailable.

**B. Agenda items –** Discussion on Initiative and Referendum and Recall.

**C. Assignments** – A. Berg will research Afton's ordinance effective date and check with the LMC on zoning exclusions. He will also prepare a draft of Initiative and Referendum.

**8. ADJOURN:** Motion to adjourn by A. Berg. Seconded by McGinn. Motion passed (11-0). Meeting adjourned at 9:12 p.m.

**SUBMISSIONS:** None submitted.

Respectfully submitted,  
Pat Snyder, Secretary