

UNAPPROVED MINUTES  
MEETING OF AFTON CHARTER COMMISSION  
May 4, 2009  
7:00 p.m.

Present: Tony Berg, Lynn Farley , Mike Frichol, Tom Giannetti, Rock Gjermo, Jon Kingstad, Kathleen McGinn (7:30); Carol Wiessner.

Absent: John Barclay, Julianne Berg, Bonnie Blackley, Kenn Kopitzke (7:30), Debbie Nelson, Dan Oehlke.

Vice Chair T. Berg called meeting to order at 7:05 with a quorum present.

T. Berg moved approval of Minutes of Meeting of 9/11/08, Second by T. Giannetti, Motion passed.

R. Gjermo moved approval of Minutes of Meeting of April 27, 2009 after noting correction of stray “b” on p. 3 and amending date of next meeting from May 11, 2009 to May 4, 2009.

Old business; The Commssion resumed review of October 29, 2008 Draft Charter from April 27, 2009 meeting;

**Section 4.01 RREGULAR MUNICIPAL ELECTION**

Regular municipal elections must be held on the first Tuesday after the first Monday of November of each ~~even odd~~ numbered year. Municipal elections must be held at a place or places as the council designates. The ~~city clerk~~ **city administrator** must give notice of all elections in the manner prescribed by Minnesota statutes for cities of the ~~second~~ **fourth** class, but failure to give notice does not invalidate an election. ~~The members of the council must be elected at regular municipal elections.~~

**Section 4.02 SPECIAL ELECTIONS**

The council, by resolution, can order special elections **other than for recall, initiative, referendum and revenue elections** and provide procedures for holding them. Published notice of a special election must be given in the official newspaper at least four weeks before a special election. The procedure at the election must conform as nearly as possible to that prescribed for regular municipal elections.

No changes to Sections 4.03, 4.04. Section 4.07 renumbered to Section 4.05.

**Initiative.**

No changes to sections 5.01 or 5.02. Section 5.03 amended:

Five or more Afton city residents who are eligible voters may form a committee to undertake an initiative proceeding. The committee must file an affidavit and its proposed petition with the ~~city clerk's~~ **city administrator's** office before circulating the petition for signatures. The affidavit must be substantially in the form attached as ~~Exhibit A-1~~ **Appendix A-1.1**, must state that a committee has been formed, must contain the names and addresses of the committee members, and must be signed by each member of the committee, whose signatures must each be verified by a notary public. For an initiative petition, the affidavit must also attach a copy of the new ordinance proposed by the committee. No petition may be circulated until the ~~city clerk or, in the city clerk's absence,~~ the city administrator has approved its form. The ~~city clerk or~~ city administrator must rule on the petition's form within five business days after its submittal.

Section 5.04 amended:

**Subdivision 1.** General provisions. An initiative petition must relate to only one subject which is clearly expressed in the petition. A petition must be signed by a sufficient number of registered voters of the city of Afton with their respective residence addresses and dates of signature. The signatures may be on more than one page. The circulator of a signature page must be a resident of the city of Afton who is an eligible voter and must execute an affidavit for each page, in the form attached as ~~Appendix A-2~~ **Appendix A-1.2**, verifying that each signature on the page is genuine.

**Subdivision 2.** An initiative petition shall consist of the signature pages substantially in the form provided in ~~Appendix A-3~~ **Appendix A-1.3**, each with the attached text of the proposed ordinance. The number of valid signatures for an initiative petition must equal at least 20% of the number of persons voting in the city of Afton in the last state general election.

Section 5.05:

The text of the proposed ordinance, all signature pages and the corresponding affidavits for those signature pages must be filed in the ~~city clerk's~~ **city administrator's** office as one petition.

Section 5.06

Within 30 days after the petition is properly filed the ~~city clerk~~ **city administrator** must evaluate the petition for compliance with this chapter. The validity of the signatures must be judged as of the date the petition was filed. If the ~~city clerk~~ **city administrator** finds the petition to be sufficient, the ~~clerk~~ **city administrator** must certify the petition to the city council at its next regular meeting, stating the number of valid signatures and the percentage of voters in the

last state general election constituted by that number. If the ~~city clerk~~ **city administrator** finds the petition to be insufficient, the ~~administrator clerk~~ **administrator** must immediately notify at least three listed members of the sponsoring committee with the reasons for the finding. The committee then shall have 30 days in which to correct and re-file the petition. If the ~~city administrator clerk~~ **city administrator** finds at the end of the 30 days that the petition is still insufficient, the ~~administrator clerk~~ **administrator** must notify at least three listed members of the sponsoring committee that the petition will not be certified to the city council. A final finding of insufficiency does not prevent the filing of a new petition for the same purpose nor prevent the city council from referring the proposed ordinance to the voters at a regular election. ~~Any duty delegated to the city clerk under this section shall, in the absence of the city clerk, be performed instead by the city administrator.~~

Section 5.07 amended:

**Subdivision. 2.** The ordinance proposed in the petition must be submitted to the voters if:

- (a) the city council passes the ordinance with amendments and within 10 days afterwards at least 3/5 of the members of the sponsoring committee file a statement with the city clerk expressing dissatisfaction with the city council amendments; or
- (b) the city council fails to pass the ordinance within 65 days after the certification of the petition with or without amendments.

**Subdivision. 3.** If Subd. 2 applies, the proposed ordinance must be considered at the next regular municipal or statewide election, unless there is less than 60 days between that election and the date that the city council establishes the form of the ballot question under section 5.08. If there is less than 60 days between that election and the date the city council establishes the form of the ballot question, then :

Section 5.08. Election. Replace subd. 1 with Mankato Ord. 4.000?????

~~**Subdivision. 1.** The city council must hold a public hearing, within 21 days after the occurrence of either the event in section 5.07, Subd. 2 (a) or (b), **publish** at which it establishes the form of the ballot question and must give at least five days written notice of that hearing to at least three listed members of the petition committee. The ballot question must state the substance of the proposed ordinance in an unbiased manner and give the voters the opportunity to vote either “yes” or “no” on the adoption of the proposed ordinance.~~

**???The City Council must within 21 days after the event in section 5.07, Subd. 2 (a) or (b), publish the proposed ordinance along with a sample ballot and mail a copy of same to each registered voter no later than 10 days prior to date of the election. The ballot question must state the substance of the proposed**

**ordinance exactly as stated in the original petition and give the voters the opportunity to vote either “yes” or “no” on the adoption of the proposed ordinance. ????**

**Subdivision. 2.** If a majority of the people voting on an initiated ordinance ~~are~~ **vote** in favor of adoption, it becomes a city ordinance, effective immediately after the vote has been certified, or on the date specified in the ordinance, whichever is later. If less than a majority of the people voting on an initiated ordinance ~~are~~ **vote** in favor of adoption, it will not become effective.

Section 5.08 subd. 3; no change.

Section 5.09. No change.

Section 5.10. Forms.

**Subdivision. 1.** Each affidavit filed by a committee under Section 5.03 must be substantially in the form attached as Appendix ~~A-1~~. **A-1.1**

**Subdivision. 2.** Each affidavit attached to a signature page must be substantially in the form attached as Appendix ~~A-2~~. **A-1.2**

**Subdivision. 3.** Each signature page for an initiative petition must be substantially in the form attached as Appendix ~~A-3~~ **A-1.3**.

Discussion of conflict between section 6.02 and section 3.05

Meeting was adjourned at 9:10 with next meeting scheduled for May 11, 2009 at 7:00 p.m.