



Charter
Commission

CHARTER COMMISSION MEETING
Mounds View City Hall
6:30 PM Tuesday, September 20, 2022

Preliminary AGENDA

Chair
Russell Warren
763-786-3591

Vice Chair
Rebecca Scholl
651-503-3999

2nd Vice Chair
Brandon Clawson
651-235-6052

Secretary
Brian Amundsen
763-786-5699

Dennis Erickson
612-270-5293

Bob J King Jr
612-578-2340

Miranda Munson
651-295-2997

Jerry Peterson
612-607-3953

Gary Quick
763-786-4631

1. Call to Order.

2. Roll Call.

<input type="checkbox"/> Brian Amundsen	<input type="checkbox"/> Brandon Clawson	<input type="checkbox"/> Dennis Erickson
<input type="checkbox"/> Bob J. King, Jr.	<input type="checkbox"/> Miranda Munson	<input type="checkbox"/> Jerry Peterson
<input type="checkbox"/> Gary Quick	<input type="checkbox"/> Rebecca Scholl	<input type="checkbox"/> Russell Warren

3. Approval of Agenda and Minutes.

- a. Review and approve Agenda.
- b. Review and approve July 19, 2022, Minutes.

4. Citizen Comments from the floor.

5. Reports of the Chair.

6. Reports of Members.

7. Unfinished Business.

45 min Chapter 4 Nomination and Elections.
Resolutions 2021-03, 2022-04, 2022-05 Related to above.

8. New Business.

9. Next Regular Meeting Date. Tuesday, November 15, 2022, at 6:30 PM

10. Adjournment.

Mounds View Charter Commission Minutes - DRAFT
Tuesday, July 19, 2022

1. Call to Order. Regular meeting came to order at 6:32 PM.
2. Roll Call. Present: B. Amundsen (Secretary), B. Clawson, D. Erickson, Bob King Jr., J. Peterson, G. Quick, R. Scholl
Excused: M. Munson, R. Warren
Absent:
Also present: Council Liaison Gary Meehlhouse, City Attorney Joe Sathe of Kennedy and Graven (K&G)
3. Approval of Agenda and Minutes.
 - A. Approve Agenda.
Vice Chair R. Scholl introduced the Preliminary Agenda.
MOTION, by B. Amundsen, **and seconded**, by B. King Jr., **to adopt the Preliminary Agenda as presented**. Discussion for changes was requested, none were offered. **Motion Adopted.**
 - B. Approve Minutes.
Vice Chair R. Scholl asked for review of the Secretary's May 17, 2022, minutes.
MOTION, by G. Quick, **and seconded**, by B. King Jr., **to approve the Minutes as printed**. Discussion for changes was requested, none were offered. **Motion Adopted.**
4. Citizens Comment from the Floor.
No citizens asked to speak.
5. Reports of Chair.
Vice Chair R. Scholl acknowledged receipt of July 19, 2022, K&G Letter Re: Chapter 4 – Elections: Response to Commission Questions.
6. Reports of Members.
No Commission members made reports.
7. Unfinished Business.
 - A. Chapter 4 Nominations and Elections. Vice Chair R. Scholl introduced the topic for discussion. Commission discussion occurred in the following order:
Item 1) Length of time for Council Appointment of vacant council seat. Secretary B. Amundsen reviewed last meeting progress with request to City Attorney and County Elections Office. B. Amundsen reported to the Commission the draft resolution language to amend Chapter 4.05 with a reference to vacancy determination found in Chapter 2.05. **Motion**, by B. Amundsen, **and seconded**, by J. Peterson, **to approve Resolution 2021-03 amending Chapter 4.05 and recommended the Council adopt by ordinance**. Discussion occurred. Vice Chair R. Scholl suggested the Commission hold the item until other Chapter 4 items were available for Commission review and possible approval. Council Liaison G. Meehlhouse said there was no issue to hold 3 Public Hearings to address three resolutions. Consensus of the Commission was to hold this item until individual resolutions for the other Chapter 4 issues were also available to review at one meeting. **Motion was withdrawn**, by B. Amundsen, **agreed to by the seconder**, J. Peterson.
 - Item 2) Special Election timing. Vice Chair R. Scholl read out the County responded time from the July 19, 2022, K&G letter. The County response was that 94 days plus two weeks are required, in essence 120 days. Vice Chair R. Scholl also read the County legal responses about Uniform Election Dates in the same K&G letter. Secretary B. Amundsen asked to separate the two responses and focus on Special Election timing as a separate resolution. Discussion occurred to change Chapter 4 Special Election for candidate section to read 120 days where ever 90 days is now recorded. Secretary B. Amundsen offered to draft a resolution to make

Mounds View Charter Commission Minutes - DRAFT
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the changes. **Motion**, by B. King Jr., **and seconded**, by B. Clawson, **directing the Secretary to draft language that will amend Chapter 4.05 Special Elections and replace ninety with 120 (one-hundred and twenty) days**. Discussion occurred about the MN statute related to Uniform Election days and impact on the change to 120 days. Discussion with City Attorney resulted in a request to amend the motion to include reference to compliance with MN Statutes on Uniform Election dates. **Motion maker amended, and seconder accepted, the motion to direct the Secretary to draft language that will amend Chapter 4.05 Special Elections to “be in compliance with MN Statute Uniform Election days and include a clarification statement on the approximate number of days this might involve**. Discussion occurred.
Motion Adopted (6 ayes and 1 no).

B. King, Jr left the meeting at 7:16 PM.

Item 4) Chapter 4, Section 4.02, Subdivision 2 Term Limits. Secretary B. Amundsen referred everyone to the K&G letter regarding Term Limits. Joe Sathe (K&G's) recommendation the Commission would need to pass a resolution, and the Council an ordinance, to remove the Chapter 4.02 Subd. 2 Term Limits language. B. Clawson lead discussion about different scenarios of what might happen if the Council ordinance was challenged by a petition, or if a council member candidate challenged the term limit of a re-elected council member. Joe Sathe offered to draft the matching ordinances and submit them for Commission review with the resolutions. **Motion**, by B. Clawson, **and seconded**, by B. Amundsen, **directing the Secretary to draft a resolution that will remove 4.02. Subd. 2 and renumber the remaining subdivisions**. Discussion occurred.
Motion Adopted.

Motion, by G. Quick, **and seconded**, by R. Scholl, **to table further discussion on Chapter 4 Nominations and Elections Section 4.05 Vacancy of Municipal Elected Office, Subd. 1 until the next Commission Meeting**. Discussion requested, none occurred.
Motion Adopted.

8. New Business

A. Resolution 2022-02 Meeting Dates. Vice Chair R. Scholl presented the draft resolution for consideration by the Commission. **Motion**, by G. Quick, **and seconded**, by J. Peterson, **to approve Resolution 2022-02 Meeting Dates for September 2022 to January 2023 as presented**. Discussion occurred about the dates, no amendments were offered.
Motion Adopted.

9. Next Regular Meeting.

The next regular meeting of the Commission is September 20, 2022, at 6:30 PM.

10. Adjournment: With no other items for the Commission to consider, the Vice Chair declared the meeting adjourned at 7:35 PM.

Respectfully submitted,
Brian Amundsen,
Secretary, Charter Commission of Mounds View MN



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CHARTER COMMISSION MEETING

Resolution 2022-03

September 20, 2022

Whereas, the Mounds View Charter Commission has discussed and desires to clarify the language in Chapter 4, Section 4.05 Vacancy in Municipal Elected Office, of the Mounds View Charter that may caused confusion or seem to be semantically incorrect.

The Mounds View Charter Commission, acting under Minnesota Statute 410.12 Subdivision 7, recommends the following amendments by the addition of the bold and double underlined language and by deletion of the ~~bold and stricken~~ language. The Mounds View Charter Commission requests the City Council adopt by ordinance those items it is in unanimous agreement with. We also request the City Council response within 30 days for any questions or clarification to any item as presented in the modification of language that the City Council is not in agreement with the Commission request.

Section 4.05. Vacancy of Municipal Elected Office.
Subdivision 1. When a vacancy in an elected office of the City occurs with 365 days or more remaining in the term of the vacated office, there shall be a special election held within ninety days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated. (The determination of vacancy is found in Chapter 2, Section 2.05 Vacancies)

Adopted, _____

Respectfully submitted,

Warren Russell, Chair

Brian Amundsen, Secretary



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CHARTER COMMISSION MEETING

Resolution 2022-03

September 20, 2022

Whereas, the Mounds View Charter Commission has discussed and desires to clarify the language in Chapter 4, Section 4.05 Vacancy in Municipal Elected Office, of the Mounds View Charter that may caused confusion or seem to be semantically incorrect.

The Mounds View Charter Commission, acting under Minnesota Statute 410.12 Subdivision 7, recommends the following amendments by the addition of the bold and double underlined language and by deletion of the ~~bold and stricken~~ language. The Mounds View Charter Commission requests the City Council adopt by ordinance those items it is in unanimous agreement with. We also request the City Council response within 30 days for any questions or clarification to any item as presented in the modification of language that the City Council is not in agreement with the Commission request.

Section 4.05. Vacancy of Municipal Elected Office.
Subdivision 1. When a vacancy in an elected office of the City occurs with 365 days or more remaining in the term of the vacated office, there shall be a special election held within ninety days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated. (The determination of vacancy is found in Chapter 2, Section 2.05 Vacancies)

Adopted, _____

Respectfully submitted,

Warren Russell, Chair

Brian Amundsen, Secretary



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CHARTER COMMISSION MEETING

Resolution 2022-04

September 20, 2022

Whereas, the Mounds View Charter Commission has discussed and desires to clarify the language in Chapter 4, Section 4.05 Vacancy in Municipal Elected Office, of the Mounds View Charter that may caused confusion or seem to be semantically incorrect.

The Mounds View Charter Commission, acting under Minnesota Statute 410.12 Subdivision 7, recommends the following amendments by the addition of the bold and double underlined language and by deletion of the ~~bold and stricken~~ language. The Mounds View Charter Commission requests the City Council adopt by ordinance those items it is in unanimous agreement with. We also request the City Council response within 30 days for any questions or clarification to any item as presented in the modification of language that the City Council is not in agreement with the Commission request.

Section 4.05. Vacancy of Municipal Elected Office.
Subdivision 1. When a vacancy in an elected office of the City occurs with 365 days or more remaining in the term of the vacated office, there shall be a special election held ~~within ninety~~ at the next Uniform Election Date (Per MN Statute 205.10 Subd. 3) in which applicable MN Statute election law will be satisfied (this is estimated to be no sooner than 120 -days and no more than 160 days) after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated.

Subdivision 2. The City Administrator shall give at least sixty days published prior notice of ~~such special election~~ the special election date and comply with all other notices as listed per MN Statutes 205.16, except as set forth under Subdivision 5 of this section

Adopted, _____

Respectfully submitted,

Warren Russell, Chair

Brian Amundsen, Secretary



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CHARTER COMMISSION MEETING

Resolution 2022-05

September 20, 2022

Whereas, the Mounds View Charter Commission has discussed and desires to clarify the language in Chapter 4, Section 4.05 Vacancy in Municipal Elected Office, of the Mounds View Charter that may caused confusion or seem to be semantically incorrect.

The Mounds View Charter Commission, acting under Minnesota Statute 410.12 Subdivision 7, recommends the following amendments by the addition of the bold and double underlined language and by deletion of the ~~bold and stricken~~ language. The Mounds View Charter Commission requests the City Council adopt by ordinance those items it is in unanimous agreement with. We also request the City Council response within 30 days for any questions or clarification to any item as presented in the modification of language that the City Council is not in agreement with the Commission request.

Section 4.02. Filing for Office.

Subdivision 1. Pursuant to Minnesota Statute 205.13, subd. 1a, as amended, an affidavit of candidacy for a city office must be filed within the time frame specified and in accordance with the Statute with the exception that the fee portion of the Statute shall be superseded by the following: Any resident of the City qualified under state law for elective office may, by filing an affidavit and by paying a filing fee of \$20 or by filing a petition in compliance with MN Statute 205.13, subd. 4, as amended, to the City Administrator, have their name placed on the municipal election ballot. (Amended by Ordinance 736, Adopted May 10, 2004, Filed May 19, 2004; Amended by Ord. 759, Adopted June 13, 2005, Filed June 22, 2005; Amended by Ord. 878, Adopted Feb 11, 2013, Effective May 12, 2013.)

~~Subdivision 2.* Term Limits. Notwithstanding any other provision of law to the contrary, no person may file to be a candidate for election to a term that would cause the person to serve more than eight total years in the office of Mayor or in the office of City Councilmember combined. (11-8-94 Election, Effective 12-8-94, Filed 2-21-95) * A city charter provision limiting the term of an elected city official is unconstitutional and unenforceable. See, Minneapolis Term Limits Coalition v. Keefe, 535 N.W.2d 306 (Minn.1995) (Resolution 5435, 4-24-2000)~~

Subdivision ~~3~~2. Service before January 1, 1995 shall not count toward determining total length of service. (11-8-94 Election, Effective 12-8-94, Filed 2-21-95)

Subdivision ~~4~~3. Severability. If any part of this section shall be declared unconstitutional by court, all others shall remain in full force and effect. (11-8-94 Election, Effective 12-8-94, Filed 2- 21-95)

Adopted, _____

Respectfully submitted,

Warren Russell, Chair

Brian Amundsen, Secretary