

Minneapolis Charter Commission Minutes

Regular Meeting

Wednesday, August 3, 2005 - 4:00 p.m.

Council Chamber, Room 317 City Hall, Minneapolis, Minnesota

Present: Commissioners Bernstein, Thaden, Bujold, Clegg, Collier, Dolan, Klassen, Lichy, Melendez, Ponsford, Ferrara, Theurer

Absent: Commissioners Dziejic (excused), Lazarus, Metge (excused)

Also Present: Assistant City Attorney Burt Osborne

1. Roll Call
2. Adopt Agenda

THADEN MOVED TO ADOPT THE AGENDA; seconded by Dolan. The motion was adopted upon a voice vote.

3. Accept Minutes of July 6, 2005.

PONSFORD MOVED TO ACCEPT THE MINUTES; seconded by Dolan. The motion was adopted upon a voice vote.

New Business

Referred by City Council on July 22, 2005

6. Minneapolis Library Board:
Ordinance amending Chapter 17 of the Minneapolis City Charter relating to the *Library Board*, adding a Section 17 pertaining to the authority of the Library Board to establish positions in the unclassified service (with recommendation to adopt by a unanimous vote of the City Council)(by Benson)

Chair Bernstein explained that the Charter Amendment before the Commission was referred by the Intergovernmental Relations Committee for consideration of approval and referral back to that Committee and the City Council.

Katherine Hadley, Executive Director of the Minneapolis Public Library, addressed the Commission. She explained that this amendment requests authority that has already been granted to the City of Minneapolis and the Minneapolis Park Board regarding the establishment of unclassified positions. It would give authority for appointment of certain positions. The authority could be granted through the State Legislature, however, after speaking with the chair of the Minneapolis City Council Intergovernmental Relations Committee, she was encouraged to bring the issue to the Charter Commission and through the Council requesting a unanimous vote. She has worked with Chair Scott Benson and with Assistant City Attorney Burt Osborne in developing the proposed amendment. It is modeled after the authority already granted (by the State) to the City and Park Board.

COLLIER MOVED APPROVAL; seconded by Ponsford.

Assistant City Attorney Burt Osborne explained that he was involved in gaining this authority for the City and has assisted in drafting this amendment to provide the same authority to the Library. The amendment would establish very limited authority for unclassified positions in recognition that upper management needs some sort of experience and control in management determination. It is difficult to have these type of positions classified because that limits the ability to transfer or remove individuals. He believes this is a basic and non-controversial Charter change.

Collier asked if this change would increase the number of employees at the Library Board?

Ms. Hadley explained that it would have no immediate impact as it would only apply to new hires.

Bujold asked if the matter comes with a recommendation from the Library Board.

Ms. Hadley explained that the Library Board did authorize staff to seek this change (last November); public hearings were held on the matter.

Ferrara asked how this would change the current structure.

Osborne explained that, although the language may seem broad, it is actually quite limited. He asked the Commissioner to review the first three criteria for the positions and noted how narrow the group can be.

Ferrara asked if the change would have an affect on any collective bargaining agreements that are already in place.

Ms. Hadley explained that all of the labor unions were informed of this proposal last November and they have worked through any issues.

The motion to recommend to the Intergovernmental Relations Committee and the City Council that the charter amendment be adopted carried on a unanimous voice vote.

Unfinished Business

4. Minneapolis City Charter (re Reform):

a) Request from City Council Intergovernmental Relations Committee to the Minneapolis Charter Commission to conduct public hearings to collect ideas for Minneapolis Charter reform, beyond the scope of current “non-substantive” revisions.

b) Summary of comments received at May 18 and May 25 public hearings.
(Summary was submitted and reviewed by IGR Committee on 6/14/05)

c) Minneapolis City Charter (re Redistricting):

Subject matter of ordinances amending the Minneapolis City Charter relating to redistricting, amending: a) Chapter 1, Section 3 relating to City and Ward Boundaries: Thirteen Wards; b) Chapter 2, Section 4 relating to Officers--Elections: Election

(By Ostrow - Referred to IGR from the City Council 11/21/03)

Intergovernmental Relations Committee Action of 1/11/05: Refer back to Minneapolis Charter Commission for further discussion in the broader scope of City Charter reform.

Action Taken on February 2, 2005: Matter to be included in consideration of Charter Reform issue

Chair Bernstein noted that there was no new information on Item 4.

5. 6th Draft to City Charter Revisions:

Action Taken by the Commission on 1/5/05: The reporter will report back to the Charter Commission by August 31, 2005 with the best and final draft; Public hearings postponed until after the final draft is presented

By September meeting, a schedule will be presented for hearings to consider the final revision proposal with the goal of including the subject on the 2006 ballot (subcommittee of Commissioners Collier, Dolan and Bujold established to work on schedule);

Melendez thanked the Commission for the extension (of time to report back) and announced that he would be taking full advantage of it. He suggested that the discussion will probably not conclude with just one meeting.

Ferrara said he hopes that at the September meeting the Commission will have enough understanding of the current proposal to allow for some discussion.

Collier suggested that Melendez could develop a list of discussion points as he prepares the final draft.

Melendez noted that not many discussion points have changed since the third draft. Although the Commission has heard lots of comments already that weren't expected, he will attempt to prepare something.

Ferrara said this has been a major objective of the Commission and he'd like to see something moving forward.

Melendez promised to make the document available (via e-mail) before the next meeting.

6b. Request of Mr. Juris Curiskis to address the Charter Commission.

CHAIR BERNSTEIN MOVED TO AMEND THE AGENDA TO ADD ITEM 6B (Mr. Juris Curiskis). There was no objection.

Juris Curiskis, 1199 Edlin Place, noted his letter before the Commission. He explained that he received a letter from the City that indicated that he was being assessed for some improvements. One public hearing was scheduled for May 3 on the assessments. There was a request (petition) presented at the public hearing requesting that the Council hold off on the assessments to allow for more discussion. The Committee and the Council voted to go ahead. He feels the Charter should allow for better advisement of the public on these assessments. He noted revisions to the section of the Charter dealing with assessments. Previous to those changes, repaving was considered maintenance. Also previously, the General Fund covered 75% of the costs and 25% was assessed to the benefited properties owners. He said that residents heard that in the public hearing – that they were getting 75% of the work paid for by the City. Looking into the records, however, he sees they are being assessed 42%. He found similar instances and he is concerned that there is no consistency. The other major item changed (without explanation) was that assessments shall be based on benefit to the property rather than curb length. However, checking with any realtor, you'll find that outstanding assessments are not a benefit to a property but rather a liability.

Ferrara asked if Mr. Curiskis found inconsistencies in the history with people being assessed at different rates and also if he understands the assessment appeals process?

Mr. Curiskis explained that the appeals process is to take the matter to district court.

Chair Bernstein indicated that the Charter states clearly that notice is required within 30 days.

Mr. Curiskis said he didn't get 30 days. He was told that Public Works had meetings in the neighborhood describing the project. People didn't pay attention until they announced the assessment.

Chair Bernstein asked what he would like the Charter Commission to do.

Mr. Curiskis said he'd like clarification of the work (what can be assessed) and also notice requirements.

Chair Bernstein explained that the Charter Commission doesn't have the power to change the assessment process.

Mr. Curiskis noted that the Charter directs the City.

Chair Bernstein suggested that, if the City didn't meet notice requirements, Mr. Curiskis should take that up with the City Council.

Mr. Curiskis asked about the basis for assessment. It was in the Charter but in 1979 it was removed.

Thaden noted that the difference relates to commercial vs. residential.

Ferrara noted that it used to say 25% to the property owner, etc. and now it says "substantial benefit" left up to determination. It says that if people are dissatisfied with the assessment, they may appeal to district court. Would that require an attorney? Should the future Charter have language to improve the assessment process?

Assistant City Attorney Burt Osborne noted that State law governs the assessment process. He imagines that there is a way that the Charter could be amended to add another level but now it appears that the only avenue of appeal is through district court.

Ferrara noted that there is a process to appeal the value of property. Perhaps this issue could be put on the future issues outlook – to make it a more accessible approach.

Osborne recommended caution in moving to a change – City staff should be consulted on the impact.

Ferrara said he is really just suggesting that there could be a better way to allow people to avoid an expensive and lavish process and to assist people in approaching the City more directly on their assessment concerns.

Mr. Curiskis noted that appeals boards would not be necessary if the assessments were done correctly and fairly. When he and his neighbors found out they were all being assessed different amounts, they felt they were being treated unfairly. The assessment was based on the square feet of your lot.

Chair Bernstein asked what would be a better way.

Mr. Curiskis suggested an equal division.

Mr. Thaden suggested that such a change would be a policy consideration of the City Council.

Chair Bernstein noted that assessments and the process of assessing has become the responsibility of the City Council.

Mr. Curiskis noted that the authority could be given back to the Charter Commission.

Chair Bernstein noted the process for seeking a Charter Amendment, including the option of gathering a petition. He's not sure there is enough support at this point to move any further, however, he told Mr. Curiskis that he could propose an amendment, bring it to the Charter Commission with a petition and they would consider the language.

Bujold suggested that Mr. Curiskis take some time and reduce to writing his ideas and outline what he'd like to see in the Charter.

Referred from Intergovernmental Relations Committee July 19, 2005

7. Study Panel on Management of the City:

Request from the Minneapolis Charter Commission that the City's lobbyist follow and seek deletion of the legislative bill that would establish a study panel on the governance and management of the City that is attached to the Tax Bill.

IGR Action Taken: Verbal report given by IGR Director that the issue did not go into the tax bill and was returned to the tax committee. No further action was taken.

Chair Bernstein noted that the matter was not included in the Tax Bill so it died at the end of the session.

Charter Commission

8. President & Vice President Position:

Consider question on appropriateness of Commissioners holding leadership positions when running for elective office

Chair Bernstein noted that Commissioner Clegg (now absent) had raised the question of appropriateness in Chair Bernstein and Vice Chair Thaden remaining officers of the Commission while they are running for public office.

Thaden noted that he informed the Commission in December (2004) that he was running for the Library Board.

Chair Bernstein said he wants to make sure everyone is comfortable.

Bujold asked if the issue relates to conflict of interest or some unfair publicity people could get.

Ferrara remarked that leadership on the City Council or Park Board don't have to resign. He does understand that if a commissioner is elected, they must resign from the Charter Commission.

Collier suggested that it is just a question of appearance and she concurs that the question should be raised. There are only three meetings of the Commission remaining before the election. If the Commission agrees that appearance is a question, Mr. Bernstein and Thaden could step aside from their leadership positions for that time. She believes that Commissioner Clegg had every right to raise the question. If the Commission does get into a true revision in the Charter, there may be some issues Bernstein and Thaden would want abstain on (relating to Park Board or Library Board).

Lichty said he feels that the matter is a complete non-issue.

Ferrara moved to adjourn; seconded by Dolan. The motion was adopted upon a voice vote.

Julie Bartell
Charter Commission Clerk