



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Joint City Council and Charter Commission Work Session

### August 10, 2022

<b>CALL TO ORDER</b>
----------------------

The work session was called to order by Mayor Regan Gonzalez at 5:32 p.m. in the Bartholomew Room.

*Council Members Present:* Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

*Charter Commission Members Present:* Marty Kirsch, Charter Commission President; Bill Bullock, Charter Commission Secretary; Gordon Vizecky, Charter Commission Member; Lisa Rudolph, Charter Commission Member

*Staff Present:* Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; and Chris Swanson, Management Analyst.

<b>ITEM #1</b>	<b>CONSIDER THE CHARTER COMMISSION’S RECOMMENDATIONS FOR AMENDMENTS TO THE CURRENT CITY CHARTER</b>
----------------	---

City Manager Rodriguez gave an introduction to the Charter Commission and turned it over to Charter Commission President Kirsch.

President Kirsch thanked commissioners and staff for all the work they have done on the City Charter. President Kirsch turned over the presentation to City Attorney Tietjen.

City Attorney Tietjen introduced the process of reviewing and proposing amendments to the current city charter. She then stated this work session is an opportunity for the City Council to discuss the proposed changes to the charter with the Commission and outlined the next steps for formally sending the City Charter for adoption by the City Council. City Attorney Tietjen then provided a history of Richfield’s City Chart along with some general proposed updates. She also discussed background on the proposed changes to Section 2.06.

Council Member Hayford Oleary asked about what the word "coordinate" would mean when dealing with a real emergency. He had additional questions about who would have the final authority.

City Attorney Tietjen answered the City Charter is a high level document. In the event of an emergency, the city has the actual steps, process, and plans outlined in other ordinance and our emergency response plans.

Council Member Hayford O'Leary stated he would like to see how existing ordinances would play out in the event of an emergency. He expressed his support of the proposed change around the Mayor's powers, but is interested in leaving "with the consent of City Council" to serve as a balance.

Council Member Whalen stated he had many of the same questions. He wondered how this would compare to the current response process; a system where the Mayor may declare a state of emergency, but that declaration remains in effect only until the next meeting where council can approve/disprove of the action.

City Attorney Tietjen answered the current emergency declaration process will remain.

Council Member Supple commented that as long as the Mayor can declare an emergency if there is an immediate need and council can ratify that decision, she is comfortable with the proposed changes.

Mayor Regan Gonzalez asked for more contexts on the historic background for this section.

City Attorney Tietjen stated she was unsure of the intentions on the original drafting but many cities had similar provisions.

City Manager Rodriguez stated it should be discussed to include Fire in this section as the department is an important part of the city's emergency response.

Council Member Whalen stated he still believes that "coordinate" is a vague term. He wondered if this term is spelled out in City Code. He stated he would like to see something more specific used or the term more defined before he felt comfortable. He recognized the need to be responsive in the event of an emergency, but feels like this is too vague.

Council Member Hayford O'Leary would prefer the "with the consent of council" remain. He still does not know what would happen if the Mayor and City Manager disagree on the responses.

Mayor Regan Gonzalez would like to state very clear roles in the event of an emergency. She stated Mayor, staff and City Council all worked well together over the past years, but would like the guidance to be more detailed.

City Attorney Tietjen stated some updated language can be provided around this section for the commission to review. She then provided an outline on changes proposed to Section 2.06, Subd. 2.

Council Member Whalen stated that Section 2.06 particularly interested him as he became council member through a special election. He wondered what would happen if someone stepped down 2 weeks from an election.

City Attorney Tietjen stated there are specific statutes that outline the timeframe for when a candidate would need to file to be included in an election and the City Clerk would have more information.

Council Member Trautmann arrived 5:54

Mayor Regan Gonzalez provided a brief summary of what had been discussed up to that point in the work session.

City Attorney Tietjen discussed a summary of the proposed changes for Section 3.01.

Council Member Whalen asked if there is a legal definition of "reasonable."

City Attorney Tietjen stated that since the charter document is meant to be broad, this term is positioned to provide the most flexibility.

Council Member Trautmann stated he doesn't like the term "reasonable" but also doesn't like the current "12 hours."

City Attorney Tietjen stated this section is built to have the flexibility to call emergency meetings. There is the assumption that cities would want the most flexibility in the event of an emergency but that other code and standards limit timeframe for calling a special meeting.

Council Member Whalen stated that "12 hours" still seems unreasonable. He wondered if it is possible to call a meeting within this current amount of time.

City Manager Rodriguez stated this section is specifically for emergency meetings, not special meetings.

City Attorney Tietjen explained the wording can be clear that this section only applies to emergency meetings.

City Attorney Tietjen provided council a summary of proposals to Section 3.09 of the charter. She outlined how this new process would allow a moratorium ordinance that would go into effect immediately. The current process is clumsy and takes time and requires a number of meetings and notices.

Mayor Regan Gonzalez asked why this section doesn't say "moratorium" explicitly.

City Attorney Tietjen responded it is the statutory language for a moratorium. She then summarized the changes to Section 3.11 and 3.13. She also stated the changes gives authority to the city.

City Attorney Tietjen summarized the chapter 4 slides. She stated these proposed changes bring the charter in line with state statute and best practices.

Council Member Hayford Oleary asked a general question about if Richfield is required to hold a primary. He explained the primary process is challenging to small grassroots candidates, but also noted there are also challenges in having a large number of candidates.

City Attorney Tietjen and City Manager Rodriguez both stated they were unsure of the answer to this question.

Council Member Supple noted the school board has many candidates and the rules may be different in their elections. She feels like this could be a good place to look as an example.

City Attorney Tietjen provided a summary of changes proposed to section 4.03. She noted there were a few corrections she discovered during her review and she would make the corrections.

Council Member Whalen noted there was some prior conversation with the charter commission around special elections and wondered the reasoning for leaving the language as it was.

City Attorney Tietjen stated that she believed there was a lot of discussion around this matter but the commission settled on the updated language.

Commissioner Vizecky stated the city would probably want to leave the 2 weeks for 4.03 due to notice period and he agreed with City Attorney Tietjen's statements on the changes proposed in Section 4.03.

Council Member Whalen said he was open to discuss the changes around special elections but if everyone is comfortable with the proposed language he would also support the current proposal. He said he recognized that there is very low turnout for special elections.

Commissioner Bullock provided a general history of special elections in Richfield. He mentioned there was a lot of discussion on this matter at the charter commission meetings and is why the joint session was scheduled.

Council Member Hayford Oleary stated he would like to see a year for appointments but would be comfortable with the two year max if there was a strong leaning from other council members. He recognized the same recall options would be available if the community had issues with who the council appointed.

Council Member Trautmann agreed and would also have a preference for an appointment to make sure business gets done.

Council Member Supple echoed the low turnout comment.

Mayor Regan Gonzalez said she would be interested in the appointment process. History would show that council members may run for mayor. She stated she was in support of a process by which members could be appointed to fill out the remainder of a term but would like to learn more.

Council Member Supple recognized one of the big challenges for special elections was staff time and expense. She would like to not have a special election every six months

City Attorney Tietjen outlined the current appointment process. She said it seems like council would be comfortable with a proposal whereas if there were 365 days or less left in the term the council would appoint, if 365 days or more, there would be a special election.

Council Member Hayford Oleary stated that was a good summary.

Council Member Trautmann stated not much happens in 90 days and almost cuts across the reasons for supporting these changes.

City Attorney Tietjen said that this choice varies across cities, and is really a policy decision. She believed there was good direction and will discuss some proposals with the full charter commission. She then summarized Chapter 6 which included general updates to the city manager section.

Council Member Whalen stated he was in agreement with the proposed changes although he worried the language did not seem to allow the city manager to take some time off. He wanted a simple process for designating an acting city manager in times of absence.

Council Member Trautmann stated he would support this proposal.

Council Member Hayford Oleary noticed Section 2 still has "fire civil service commission" listed and believes this an error.

Staff confirmed this was an error and would remove.

City Attorney Tietjen outlined how the changes in Chapter 6.04 were to eliminate extra language that seems unnecessary. She then provided a summary of proposals including the eminent domain and franchise sections.

Council Member Whalen stated the "or" in the proposal is doing a lot of work. He feels the term "exclusive" also proves a challenge to him. An example is he would prefer to have one company providing a garbage service for the entire city.

City Attorney Tietjen stated garbage would not be considered a utility in this matter and the option would still be there.

Council Member Trautmann stated he felt like it may be useful to have a tool to grant an exclusive franchise if an opportunity presented itself. He also felt this proposal could be useful to push back against companies trying push a city into contracts like these. All said, he would lean towards having the authority to grant a franchise.

Commissioner Vizecky mentioned these comments were similar to the discussion at the charter meeting.

Council Member Whalen was concerned about creating a monopoly. He wanted to ensure this language still allowed the city to enter into an agreement with another company for services.

City Attorney Tietjen stated that was correct as the main term was exclusive and does not currently offer exclusive franchises even if some utilities, by lack of competitors, appear as such.

City Attorney Tietjen provided a summary of some general clerical and language cleanup changes proposed to Section 10.04. and 11.04 as well as proposed updates for added clarity of Chapter 13.

Council Member Trautmann stated he had a general question and wanted to know if there was a conscientious objector or something similar, right when taking the oath of office.

City Attorney Tietjen stated she was not sure, but any constitutional right would preempt any city statutes if approved.

City Attorney Tietjen provided a summary of the official bonds section, outlining the general clerical updates proposed. She then summarized new language for Section 13.14 and stated the city currently has the authority to spend money for public benefit. She went on to explain how charter cities have the unique opportunity to adopt a more expansive language for expending funds on community events, celebrations and staff trainings. She stated this proposed language had been vetted by the Minnesota State Auditor's Office.

Council Member Whalen asked about some additional bullets in the slide show.

City Attorney Tietjen responded they outline the public expenditure test and the items listed in the proposed language would meet this test.

Council Member Trautmann asks what authority the city has now for determining public expenditures.

City Attorney Tietjen stated the standard authority provided to all statutory cities. She outlined how the language would expand and broaden the definition of the public expenditures through the City Charter.

Council Member Trautmann asked if it is necessary to be this prescriptive in the changes. He wanted to know if we could just adopt something providing authority to the full extent of the state statute.

City Attorney Tietjen stated how this was an issue, state statute does not allow communities to spend money on these events, but Richfield, as a home rule charter city has some flexibility to broaden what it can consider a public expenditure.

Mayor Regan Gonzalez expressed excitement about expanding the lists as there has been a lot of need from the community for additional financial support.

City Attorney Tietjen proposed deleting specific Chapter 13 provisions as they are no longer relevant. She then provided a summary for next steps.

President Kirsch thanked the commissioners and staff for pulling these proposals together.

Mayor Regan Gonzalez also extended her thanks to the commission members and staff. She said she recognized it was a lot of work.

Council Member Trautmann wanted to thank everyone involved. He stated there have been a lot of hours spent on this work by the commission and that much of this work is done without a lot of public acknowledgement.

**ADJOURNMENT**

The work session was adjourned by unanimous consent at 6:49 p.m.

Date Approved: September 13, 2022



Chris Swanson  
Management Analyst



Maria Regan Gonzalez  
Mayor



Katie Rodriguez  
City Manager