

Wayzata Charter Commission Meeting Agenda
Wayzata City Hall Community Room, 600 Rice Street E., Wayzata, MN
Thursday, May 19, 2016
6:00 PM

1. Call to Order – Chairman McGill
2. Roll Call
3. Approval of May 21, 2015 Charter Commission meeting minutes
4. New Business:
 - A. Election of Officers (Chair, Vice Chair and Secretary)
 - B. City of Wayzata Charter
 1. Discuss City Council request to look into the Council actions that require a four-fifths affirmative vote of the Council to try to determine the:
 - a. Origin/historical basis for each, to try and determine why do we have the ones we have, such as which are mandated by State law or were based on a phenomenon in Wayzata history
 - b. Present recommendations on which actions only need a majority vote versus a four-fifths vote
 2. Commission input after review of current charter
5. Next meeting date (spring 2017 or earlier)
6. Adjourn

1
2 Vice-Chair Botham called the meeting of the Charter Commission to order at 6:07 p.m.
3

4 **ROLL CALL**

5 Members present: Elaine Ambrose, Mary Bader, Brian Botham, David Hill, Kent Howe,
6 Dr. David McGill, and Todd Pearson

7 Members absent and excused: Mary Fadden

8 Members absent: Paul Klapprich
9

10 City Staff present: Deputy City Clerk Becky Malone
11
12

13 **APPROVAL OF MINUTES – MINUTES OF MAY 8, 2014**

14 Commissioner Hill made a motion, seconded by Commissioner Bader, to approve the
15 May 8, 2014 meeting minutes as presented. The motion carried 6/0/1 (Howe abstained)
16
17

18 **NEW BUSINESS**

19 a. **Acceptance of Steven Tyacke's Resignation**

20 Commissioner Howe made a motion, seconded by Commissioner McGill, to accept the
21 resignation of Steven Tyacke dated January 14, 2015 and effective January 31, 2015.
22 The motion carried unanimously.
23

24 b. **Election of Officers (Chair, Vice-Chair, Secretary)**

25 Commissioner Howe nominated Vice Chair Botham to serve as Chair.
26

27 Vice Chair Botham stated he would like to remain in the position of Vice Chair.
28

29 Commissioner Hill made a motion, seconded by Commissioner Howe to nominate and
30 elect Commissioner McGill for the position of Chair.
31

32 Commissioner McGill accepted the nomination.
33

34 There being no other nominations the motion was called to a vote. The motion carried
35 unanimously.
36

37 Commissioner McGill made a motion, seconded by Commissioner Howe, to nominate
38 and elect Commissioner Botham for the position of Vice Chair.
39

40 Vice Chair Botham accepted the nomination.
41

42 There being no other nominations the motion was called to a vote. The motion carried
43 unanimously.
44

45 Commissioner McGill nominated Commissioner Bader for the position of Secretary.
46

47 Commissioner Bader declined the nomination.
48

1 Commissioner Howe nominated Commissioner Ambrose.

2
3 Commissioner Ambrose declined the nomination.

4
5 Commissioner Bader nominated Commissioner Hill.

6
7 Commissioner Hill declined the nomination.

8
9 Commissioner Bader nominated Commissioner Pearson.

10
11 Commissioner Pearson declined the nomination.

12
13 Commissioner Bader made a motion, seconded by Commissioner McGill, to nominate
14 and elect Commissioner Fadden for the position of Secretary.

15
16 There being no other nominations the motion was called to a vote. The motion carried
17 unanimously.

18
19 c. Policy for Communication Between Boards, Commissions, Committees
20 and the City Council

21 Deputy City Clerk Malone explained that the City Council adopted a policy for a more
22 formal structure for communication between the City Council and the City's Boards,
23 Commissions, and Committees. The Chair of the Commission is requested to provide a
24 report to the City Council in the form of a mid-year joint workshop and an end-of-year
25 report at a regular City Council meeting.

26
27 Vice Chair Botham stated the Charter Commission only meets once a year. He asked if
28 the minutes from the meeting were forwarded to the City Council.

29
30 Deputy City Clerk Malone explained that an annual report is provided to the Chief Judge
31 of Hennepin County at the end of the year. This is a statutory requirement (MN Statute
32 410.05 subdivision 2) so the Judge has an idea of the body of work that has been done.
33 This report could also be submitted to the City Council as the Commission's end-of-year
34 report to the Council.

35
36 Vice Chair Botham asked if the Commission could provide one annual update to the
37 City Council since the Commission only meets once during the year.

38
39 Deputy City Clerk Malone stated the Commission should provide a report to the City
40 Council at a mid-year joint workshop. The Commission would provide a report to the
41 City Council during one of their meetings and the Chair would stand for questions.

42
43 Commissioner Bader explained the City Council sees value in the Commission having a
44 formal public appearance at a City Council meeting. This educates residents on the
45 Commissions and the City's government. It also provides an opportunity for the City to
46 provide direction to the Commission. She stated the Commission should endorse the
47 Policy of annual reporting.

48

1 Commissioner Bader made a motion, seconded by Commission McGill, to endorse the
2 Policy for Communication Between Boards, Commissions, Committees, and the City
3 Council and recommend one brief annual report for the Charter Commission and bi-
4 annual workshop as needed.

5
6 After further discussion the motion was called to a vote. The motion carried
7 unanimously.

8
9 d. City of Wayzata Charter
10 a. Review language around election of Mayor Pro-Tem (Section 16)

11 Deputy City Clerk Malone explained the City Council requested that the Charter
12 Commission review and provide additional guidance and language on the process for
13 election of the Mayor Pro-Tem. Wayzata’s Charter states, “At the first regular meeting
14 of the Council, the Council shall elect one of its own members as Mayor Pro-Tem.” The
15 Mayor Pro-Tem has historically been appointed based on Council seniority with the
16 most senior Councilmember being appointed and succession after this based on
17 seniority.

18
19 Commissioner Bader stated the current Charter states should the Mayor and the Mayor
20 Pro-Tem be disabled, absent from the City, or otherwise unavailable then any member
21 of the Council may fulfill the duties of the Mayor. The City Council has traditionally had
22 an unofficial succession plan based on seniority.

23
24 Commissioner McGill stated the City Council had elected the Mayor Pro-Tem and this
25 would conform to the Charter but there is no language regarding succession. The
26 Council informally sets succession at their meeting. If the City Council follows the
27 Charter then the Charter is adequate.

28
29 Commissioner Bader asked if the Charter should include language instructing the
30 Council to establish succession after the appointing the Mayor Pro-Tem.

31
32 Commissioner McGill stated the City Attorney has advised the Commission that there
33 was value in keeping the language in the Charter simple. If the City Council decides it
34 needs succession they can determine this without it being in the Charter.

35
36 Commissioner Bader explained the issue that concerns her is if something comes up
37 when the Mayor and the Mayor Pro-Tem are not available. This year the Council set up
38 an order of succession so Staff would know who to contact if there were an emergency
39 and the Mayor and Mayor Pro-Tem are not available. The Charter currently states that
40 any of the other three Councilmembers could fill this position and this may create issues
41 with members.

42
43 Vice Chair Botham stated the Commission should decide if there is an issue that should
44 be resolved in the Charter or leave the discretion to the Council to go beyond the
45 Charter and establish an order of succession.

46

1 Commissioner McGill stated as long as the Council elects a Mayor Pro-Tem they can
2 decide on a succession plan that works for them. He would recommend making no
3 changes to the Charter at this time.

4
5 Commissioner Bader stated she would like to see the practice of establishing a
6 succession plan continued. She asked if language should be included in the Charter
7 that addresses this.

8
9 Commissioner Pearson suggested adding “unless a further succession plan is
10 established by the Council” after “any other members of the Council may fulfil the duties
11 of Mayor”. If there is a succession plan established this would supersede the later part
12 of the sentence. He does not believe that Council action would be enough to override
13 the Charter so he would include additional wording.

14
15 Commissioner McGill stated the current language does not require the Council to
16 establish a succession plan. He suggested responding to the Council that the wording
17 in the Charter is acceptable and the Commission recommends the Council continue the
18 practice of voluntarily establishing a succession plan beyond the Mayor Pro-Tem.

19
20 Commissioner McGill made a motion, seconded by Commissioner Ambrose, to inform
21 the City Council that the Charter Commission sees no need to change the Charter
22 language regarding the election of Mayor Pro-Tem but the Commission supports that
23 the City Council continue the practice of establishing a succession plan during the same
24 meeting the Mayor Pro-Tem is elected.

25
26 Commissioner Bader stated she would prefer to include the language proposed by
27 Commissioner Pearson.

28
29 The motion was called to a vote. The motion carried 6/1 (Bader nay)

30
31 b. Commission input after review of current charter

32 Vice Chair Botham stated as part of the Charter Commission annual meeting the
33 Commission is asked if there are any changes, recommendations, or concerns with the
34 Charter that should be discussed.

35
36 Commissioner McGill asked for clarification on what a quorum would be in Section 17.
37 He asked if this referred to a majority of Councilmembers or a majority of
38 Councilmember present.

39
40 Commissioner Pearson stated by definition it would have to be the majority of the
41 Councilmembers.

42
43 e. Next Meeting Date (Spring 2016)

44 Commissioner McGill stated the date for the 2016 meeting would be established via
45 email communication in 2016.

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47
48 **ADJOURNMENT**

1 There being no further business, Commissioner McGill made a motion, seconded by
2 Commissioner Hill to adjourn the meeting. The motion carried unanimously. The
3 meeting was adjourned at 7:08 p.m.
4

5
6 Respectfully submitted,
7

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9
10 Becky Malone
11 Deputy City Clerk
12 City of Wayzata
13 Drafted by Tina Borg, *TimeSaver Off Site Secretarial, Inc.*

DRAFT

CHARTER COMMISSION		7-15 COMMISSIONERS		HOME	WORK / CELL	4-YEAR TERMS
Elaine	Ambrose		ehambrose@gmail.com	952-475-0420		12/31/2017
Mary	Bader					12/31/2017
Brian	Botham	Vice Chair	brianbotham@mchsi.com		612-490-7753	12/31/2019
Dan	Day		danday@mchsi.com	612-490-1155		
Mary	Fadden	Secretary	m.fadden@mchsi.com	952-473-5931		12/31/2019
Kent	Howe		kshortone@gmail.com	952-475-1028	612-868-8639	12/31/2017
Paul	Klapprich		pklapprich@wayzata.org	952-473-9435		12/31/2019
Dr. David	McGill	Chair	mcgil001@yahoo.com	952-473-7282		12/31/2017
Gary	Orris		garyorris1@gmail.com	952-607-8157		12/31/2019

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**WAYZATA CITY COUNCIL
MEETING MINUTES
January 19, 2016**

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: Interim City Manager Reeder, Director of Planning and Building Thomson, City Engineer Kelly, and City Attorney Schelzel.

Mayor Willcox reported that Council met in Workshop prior to the meeting and discussed the Mill Street Parking Ramp and the Lake Effect Project timeline.

AGENDA ITEM 2. Approve Agenda.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).

a. Minnesota State Representative Jerry Hertaus – Update on Legislative Issues

This item was taken up following Item 6a.

b. Annual Report from Charter Commission

Dr. David McGill, 355 Lake Street West, Charter Commission Chair, and Brian Botham, 387 Margaret Circle, Charter Commission Vice-Chair, presented the Annual Report. They reported the Charter Commission met in May 2015 for their Annual Meeting and took the following actions: 1) Approved the policy for communication between Boards, Commissions, and Committees as requested by the City Council; 2) Reviewed and determined there was no need to change the Charter language and process for the election of the Mayor Pro Tem and the Council could continue the practice of establishing a succession plan during the same meeting the Mayor Pro Tem is elected; and 3) Determined there were no additional changes, recommendations or concerns with the Charter that should be discussed.

Mayor Willcox asked how many Council actions in the Charter require a four-fifths affirmative vote of Council. He suggested reviewing the actions that require a four-fifths vote to see if it is still appropriate to require it since recent actions of the State Legislature have suggested more majority votes and less super majority votes. Mr. Schelzel stated that under State law, some issues still require a super majority and others are left to the discretion of cities.

Dr. McGill reported that under the Charter, a four-fifths affirmative vote is required for a special election, preamble for emergency ordinances, approval of contingency expenses, adjustment of salaries or appropriations, transfer of funds among purposes, issue of bonds, certificates of indebtedness, granting of franchises, and amending comprehensive ordinances. Mr. Schelzel stated he was not sure that all these issues are mandated by state statute to require a super majority, but that it could be reviewed.

Mrs. Anderson asked if a unanimous vote was needed to change the Charter. Mr. Schelzel stated it depends on the manner in which the amendments are made, and state statute provided several ways to amend a city's charter. Dr. McGill stated a unanimous vote is required for an amendment to the Charter made by an ordinance proposed by the Charter Commission, which is one of several methods to amend the Charter.

Dr. McGill stated the Commission could look at the actions requiring a four-fifths vote in the Charter to see if that threshold is still required or advisable with those actions, and then make a recommendation to the Council in the form of a proposed ordinance. Mr. Schelzel confirmed that the adoption of an ordinance to amend the Charter in this manner would need to be by a unanimous affirmative vote of the entire Council.

1 Mrs. McCarthy stated she would like to understand the legislative history behind why
2 certain actions originally required a four-fifths vote.

3 The Council asked that the Charter Commission look into the Council actions that require
4 a four-fifths affirmative vote of the Council and try to determine the 1) origin/historical basis for
5 each, to try and determine why do we have the ones we have, such as which are mandated by State
6 law or were based on a phenomenon in Wayzata history, if they can determine that; 2) Present
7 recommendations on which actions only need a majority vote versus a four-fifths vote. The
8 Council stated that the Commission may report back on their findings when convenient.

9 Mr. Tyacke asked about the required number of members on the Charter Commission.
10 Dr. McGill stated they currently have eight members, with one member pending. The State
11 Statute requires between 7 and 15 members.

12 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, directing the Charter
13 Commission to examine the four-fifths vote requirements within the Charter, as discussed, and
14 report back to Council with their recommendations. The motion carried 5/0.

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16 **AGENDA ITEM 4. New Agenda Items.**

17 None.

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19 **AGENDA ITEM 5. Consent Agenda.**

20 **a. City Council Workshop Meeting Minutes of December 15, 2015 and City Council
21 Regular Meeting Minutes of January 5, 2015**

22 Mrs. Anderson referred to the January 5 regular meeting minutes with regard to Item No. 6b,
23 stating there is a part missing where she thanked the Parks and Trails Board and requested that be
24 added. She also referred to Item No. 6e, stating the minutes do not include the details of
25 background summary that she requested as to why the Council is pursuing additional design
26 options with HGA, and requested this be added to the minutes.

27 Mr. Willcox stated there is a difference between minutes that outline the proceedings and
28 verbatim minutes, and it was discussed that it was better to have minutes that contain the required
29 record of discussion and actions taken, rather than verbatim minutes. Mr. Schelzel stated that is
30 true and the recommended approach to the minutes, and that minutes should not be a transcript of
31 the meeting. If a significant item is missed, like a Council action or a point made by a
32 Councilmember, those should be incorporated into the minutes prior to Council approval, and
33 could also be transcribed verbatim at the Council's request.

34 Mr. Willcox referred to the Workshop minutes of December 15 and stated it was his
35 understanding the Council direction was for the neighborhood to meet with the Country Club to
36 try to reach a compromise on the gun range issue. If a compromise could be reached, the City
37 would not be involved any further. If that failed, the issue would come back to the Council for
38 consideration of a permitting process to evaluate the situation annually. However, the Workshop
39 minutes state when a compromise is reached, staff should use the information as a basis for a
40 permit. Mr. Schelzel referred to page 9 of the January 5 Regular Meeting Minutes and asked
41 Council if staff should use the language under item No. 7a, third paragraph, to amend the
42 Workshop minutes to reflect this understanding.

43 Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to amend and bring back for
44 Council approval, the City Council Workshop Meeting Minutes of December 15, 2015 as noted,
45 as well as the City Council Regular Meeting Minutes of January 5, 2015 to reflect the
46 acknowledgement of the Parks and Trails Board and include more detail on the background
47 summary as to why additional design options are being pursued with HGA. The motion carried
48 5/0.

49 Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the consent agenda
50 as amended: