

**Wayzata Charter Commission Meeting Agenda**  
**Wayzata City Hall Community Room, 600 Rice Street E., Wayzata, MN**  
**Thursday, May 8, 2014**  
**6:30 PM**

1. Call to Order – Chairman McGill
2. Roll Call
3. Approval of July 11, 2013 meeting minutes
4. New Business:
  - A. Welcome and introduction of new Commissioners Ambrose and Bader; Reappointments Hill, Howe, McGill
  - B. Election of Officers (Chair, Vice Chair and Secretary)
  - C. Distribution of Revised Charter effective November 25, 2013, 90 days after passage & publication of two (2) ordinance amendments (third amendment failed to pass)
  - D. Next meeting date (spring 2015)
5. Adjourn

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**WAYZATA CITY CHARTER COMMISSION**  
**DRAFT MEETING MINUTES**  
**July 11, 2013**

**CALL TO ORDER AND ROLL CALL:**

The meeting was brought to order at 6:32 p.m. by Chair David McGill.

Members Present: Brian Botham, Ron Davidson, David Hill, Ken Howe, David McGill, Todd Pearson, Lynda Sleeper, and Steven Tyacke. Members Absent: Mary Fadden and Paul Klapprich.

City staff present: Deputy Clerk Becky Malone.

**APPROVAL OF MINUTES:**

**A. May 9, 2013.**

Commissioner Tyacke made a motion, seconded by Commissioner Hill, to approve the May 9, 2013, meeting minutes as presented. The motion carried 7/0/1 (Howe).

**OLD BUSINESS:**

**A. Review of Ordinance Amendments regarding:**

**1. Charter Section 6 Candidates for Elective Offices**

Chair McGill reviewed the Commission's past determination to consider the three ordinance amendments separately. He indicated that ordinance amendments require an affirmative vote of all members of the City Council and the Mayor and asked if there were any comments related to the Ordinance Amendment, Charter Section 6, Candidates for Elective Offices.

No comments were voiced.

Commissioner Howe made a motion, seconded by Commissioner Pearson, to recommend approval of an Ordinance Amendment as follows:

**"Section 6. Candidates for Elective Office.**

Any person eligible and desiring to be a candidate for an elective office shall file an affidavit of candidacy with the office of the city manager ~~not more than 70 calendar days nor less than 56 days before such election~~ within the time frame specified in state statutes. If no affidavit of candidacy is filed for an office to be voted on at the election, the city council promptly by motion may nominate one person for the office; this person shall file an affidavit of candidacy within two days following adoption of the motion in order to have the candidate's name placed on the ballot. The ballots shall be prepared in a manner consistent with state statutes and shall include the names of all persons whose affidavits of candidacy have been properly filed."

The motion carried 8/0.

**2. Charter Section 28 Departments of Administration**

Chair McGill explained that the City does not have an Administrative Code so the amendment would allow the City to conform.

1 Commissioner Sleeper made a motion, seconded by Commissioner Hill, to recommend  
2 approval of an Ordinance Amendment as follows:

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4 “Section 28. Departments of Administration.

5 The council may create or eliminate departments, divisions, and bureaus for the  
6 administration of the city’s affairs and/or alter their powers and organization. It shall, in  
7 conjunction with the city manager, prepare and maintain an administrative code for the  
8 city, which may be amended by ordinance. Such administrative code shall establish the  
9 departments, divisions, and bureaus for the administration of the city’s affairs, including  
10 the operations and duties related thereto, and shall be codified in the Wayzata City Code  
11 of Ordinances.”

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13 The motion carried 8/0.

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15 **3. Charter Section 70 Vacation of Streets**

16 Chair McGill noted this amendment would change the vote requirement for vacation of  
17 streets from a unanimous vote to a super majority vote.

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19 Commissioner Davidson made a motion, seconded by Commissioner Howe, to  
20 recommend approval of an Ordinance Amendment as follows:

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22 “Charter Section 70. Vacation of Streets.

23 The council shall have the exclusive power, by ordinance passed by a unanimous super  
24 majority (four-fifths) vote of all the members thereof, to vacate or discontinue highways,  
25 streets and alleys within the city. Such vacations may be made only after notice and  
26 hearing of affected property owners and upon such further terms and by such procedure  
27 as the council may, by ordinance, prescribe. A record of each such vacation shall be  
28 filed in the office of the Register of Deeds of Hennepin County.”

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30 Tyacke asked how many served on the City Council. Chair McGill answered there are  
31 four Councilmembers and the Mayor.

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33 Tyacke questioned the process should one Councilmember oppose a street vacation.  
34 Pearson explained that should this amendment pass, it would require a super majority of  
35 the City Council vote to vacate a street. A super majority is 4/5, or 80%, so four  
36 members would have to vote in support.

37  
38 The Commissioners discussed what constitutes a super majority and whether full City  
39 Council attendance would be required to reach a super majority. It was indicated the full  
40 Council would need to be in attendance to obtain a 4/5 vote.

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42 Botham explained the idea was to not require a unanimous vote but to require at least  
43 four out of five votes to vacate a street.

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45 The motion carried 8/0.

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47 **B. Strategy for Presentation of Charter Amendments to the City Council**

48 Chair McGill addressed the timeline for the City Council to approve the Charter  
49 Commission’s recommendations and publish the ordinance amendments for one month,  
50 and then hold a public hearing. It was noted the full Council has to be present as  
51 passage of Charter amendments requires a unanimous vote. Chair McGill suggested an

1 additional recommendation to the City Council that they all be in attendance when the  
2 Charter amendments are considered. He also suggested the amendment language be  
3 reviewed with the Council members individually.  
4

5 The Charter Commissioners supported having a member in attendance at the meeting  
6 when it is considered by the City Council. Chair McGill asked who would like to attend  
7 the City Council meeting to present the three recommended ordinance amendments.  
8

9 Howe suggested one member should be sufficient and that Chair McGill represent the  
10 Charter Commission. The Commissioners agreed with this suggestion.  
11

12 Botham stated he does not expect there to be any major hurdles with the three  
13 ordinance amendments. Chair McGill stated he will review the amendment language  
14 with each of the Council Members prior to their meeting.  
15

16 Botham and then Howe agreed to be a backup should Chair McGill not be able to  
17 attend.  
18

19 Commissioner Botham made a motion, seconded by Commissioner Pearson, to  
20 recommend approval of the three Charter amendments. In addition, the Commission  
21 directs the Secretary to forward the three amendments to the Council, in the form  
22 presented to them, to be heard at such time that will work for all members of the City  
23 Council to attend a meeting and hear and make a recommendation regarding the  
24 amendments. The motion carried 8/0.  
25

### 26 **C. Report on Membership**

27 Chair McGill noted terms that expire in December of 2013.  
28

29 Davidson indicated his intent to let his term expire.  
30

31 Hill, Howe, Sleeper, and Chair McGill indicated they will be available to continue service  
32 on the Charter Commission.  
33

34 Chair McGill stated the Charter Commission needs to have 7 to 15 members, at the  
35 court's pleasure, and he has not heard that the Council isn't happy with the current level  
36 of membership. He noted the court makes appointment and encouraged  
37 Commissioners to return the appointment information and confirm in a timely manner.  
38

39 Davidson asked whether verbal notification is sufficient to make his intent known.  
40 Malone answered in the affirmative.  
41

### 42 **D. Commission Input After Review of Current Charter**

43 Chair McGill asked Commissioners if they have reviewed the Charter.  
44

45 Tyacke asked whether the Council has raised Charter sections they want reviewed or  
46 amended. Chair McGill stated he has not heard there are any but can ask that question  
47 with each when he reviews the amendment language.  
48

49 Howe suggested that question not be raised to the City Council to allow the Charter  
50 Commission to first finish with the recommended Charter amendments before taking up  
51 another project.

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2 The Commission agreed with this suggestion.  
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4 **5. NEW BUSINESS:**

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6 **A. Other Items**

7 None.  
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9 **B. Next Meeting Date**

10 Chair McGill stated the Charter Commission needs to meet annually, which was  
11 conducted in 2013, so the next meeting can be some time in 2014. He stated  
12 Commissioners will get an e-mailed survey when it is time to schedule another Charter  
13 Commission meeting.  
14

15 **6. ADJOURN:**

16 There being no further business, Commissioner Hill made a motion, seconded by  
17 Commissioner Davidson to adjourn the meeting at 7:00 p.m.  
18

19 Respectfully submitted,  
20  
21

22  
23 Becky Malone  
24 Deputy City Clerk  
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26 Drafted by Carla Wirth  
27 *TimeSaver Off Site Secretarial, Inc.*  
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