



CITY OF ANOKA
HOME RULE CHARTER COMMISSION

AGENDA

SPECIAL MEETING

Wednesday, June 25, 2025 6:00 p.m.
Anoka City Council Worksession Room
Upper Level

USE MAIN ENTRANCE PLEASE

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **MEETING MINUTES**
 - a. Minutes of 11.20.2024 meeting.
4. **NEW BUSINESS**
 - a. Request by City Council for Charter Commission review of City Charter Section 2.05, Vacancies in Elected Offices.
5. **OTHER BUSINESS (NONE)**
6. **ADJOURNMENT**

CHARTER MEMO

Agenda Item # 3.a

Agenda Section: Meeting Minutes

Item Description: Minutes of 11.20.2024 Charter Commission meeting

Submitted By: Amy Oehlers, Assistant City Manager

BACKGROUND INFORMATION

Included in your packet are minutes(s) of your previous meeting.

REQUESTED CHARTER ACTION

Charter Commission approval of the minutes submitted.

REQUIRED VOTE

Majority vote of the Charter Commission members present at the meeting.



ANNUAL MEETING OF THE CITY OF ANOKA
HOME RULE CHARTER COMMISSION
20th day of November, 2024, 6:00 P.M.
COUNCIL WORKSESSION ROOM, UPPER LEVEL
ANOKA CITY HALL

DRAFT

CALL TO ORDER

Vice President Dehn called the meeting of the City of Anoka Home Rule Charter Commission to order at 6:00 p.m. in the Administration Conference Room of Anoka City Hall.

ROLL CALL

Commissioners present: Dehn, Baldwin, Hansen, Sheie, Doffing, Wetzell, Eaton, Pierce, Evans, and Knapek.

Staff present: Assistant City Manager Amy Oehlers and City Attorney Scott Baumgartner.

Commissioners absent: Norton, Collins, Erickson, Anderson, and McFarland.

ELECTION OF OFFICERS

• **President**

Vice President Dehn commented that he spoke with President Collins, who was not able to attend, and President Collins is interested in continuing to serve. He opened the floor for nominations for the position of President.

Vice President Dehn nominated Donald Collins. Dehn called for nominations three times.

There were no other nominations.

Vote taken: All Ayes. Donald Collins was elected as President.

• **Vice President**

Vice President Dehn commented that he would be interested in continuing to serve. He opened the floor for nominations for the position of Vice President.

Commissioner Baldwin nominated Doug Dehn.

Commissioner Eaton nominated Sharon Doffing.

Dehn called for nominations three times.

There were no other nominations.

The Commission initially held a verbal/show of hands voting on each nominated individual. These results showed that 7 members voted for Dehn to be Vice President, and 3 members voted for Doffing to be Vice President.

Voting in favor of Dehn:

- Mike Baldwin
- Mary Lou Evans
- Colleen Hansen
- Dan Knapek
- Paul Pierce
- Tim Sheie
- Doug Dehn

Voting in favor of Doffing:

- Angela Eaton
- Chad Wetzel
- Sharon Doffing

The Commission discussed how they didn't like that process and discussed how to better handle the nominations and voting, since there were two nomination for Vice President.

The Commission decided to offer an opportunity for each individual to introduce themselves and explain why they are interested in serving as the Vice President and their qualifications.

Vice President Dehn introduced himself stating that he is a lifelong Anoka resident, providing background information on himself, his career, and his experience in local government.

City Attorney Baumgartner suggested that Commissioner Doffing also speak prior to voting. He noted that questions could also be asked as well.

Commissioner Doffing introduced herself and explained her reasoning for joining the Charter Commission and reviewing her experience in local government and governance.

City Attorney Baumgartner stated that there are two candidates and rather than a motion, he would suggest that a vote be taken between the two candidates.

Eaton requested that the voting occur by ballot voting. Staff provided paper to each member and explained that they must list their name on the ballot paper and state who it is that they were voting for. Oehlers explained that even though the vote will be by ballot, the way the Commissioners vote on this appointment is public information.

A paper ballot was completed and with a vote of 7 – 3, Doug Dehn was elected as Vice President.

Voting in favor of Dehn:

- Mike Baldwin
- Mary Lou Evans
- Colleen Hansen
- Dan Knapek
- Paul Pierce
- Tim Sheie
- Doug Dehn

Voting in favor of Doffing:

- Angela Eaton
- Chad Wetzel
- Sharon Doffing

- **Secretary**

Assistant City Manager Oehlers described the position of Secretary.

Vice President Dehn opened the floor for nominations for the position of Secretary.

Commissioner Doffing nominated Angela Eaton.

There were no other nominations.

Vote taken: All Ayes. Angela Eaton was elected as Secretary.

APPROVAL OF MINUTES

Motion was made by Doffing to approve the October 25, 2023 minutes, with the noted changes. Motion was seconded by Eaton. Vote taken: All Ayes. Minutes were approved.

NEW BUSINESS

5a. Amendment to City Charter as Approved by Voters in August 13, 2024 Election

Assistant City Manager Oehlers provided background information explaining that the City received a petition last year to amend the City Charter to include language where the City could not move to organized trash collection without the question going before voters. She stated that the question was placed on the August 13th election and the voters supported the language within the petition therefore the Charter Commission simply needs to accept the language for incorporation into the Charter. She noted that the City Council would also approve the item as a formality, noting that neither the Charter Commission nor City Council could deny the item because of the direction of the voters.

City Attorney Baumgartner stated that there are certain ways that a Charter can be amended and with signatures on a petition it must then go to a vote, which is what happened. He explained that these actions by the Commission and City Council then are formalities because the language presented on the ballot to the voters cannot be changed. He stated that the Commission can discuss where that language is located within the Charter.

Commissioner Eaton asked if there is a paragraph included in the Charter relating to trash collection.

City Attorney Baumgartner commented that it would be a new topic and therefore it would make sense to add this to the miscellaneous section which is found in Chapter 13.

Assistant City Manager Oehlers stated that the City of Bloomington has almost identical language within its Charter and has that located under its miscellaneous section as well.

Commissioner Sheie asked for clarification on why the item was on both the August and November elections.

City Attorney Baumgartner explained that the first question was whether the decision for organized hauling should be taken out of the hands of the City Council and placed in the hands of the voters. He stated that because that amendment passed, the question of whether to

proceed with organized hauling was then placed on the November ballot to allow voters to make that decision.

Commissioner Doffing asked that the ballot petitioners be entered into the record, which would be Sharon Doffing, Scott Massmann, Larry Ryther, Norah Wyman and Joelle Alvord.

A motion was made by Baldwin, seconded by Pierce to recommend approval of the amendment to City Charter as approved by the voters in the August 13, 2024 election and suggesting placement of the language in Section 13.13. Vote taken: All Ayes.

OTHER BUSINESS

Commissioner Wetzel asked for clarification in the role of the Commission and its interaction with the City Council. He stated that the Commission appears to meet and make motions but asked if the Commission is ever in a position to make suggestions for Anoka that would then move to the City Council.

City Attorney Baumgartner stated that the Charter Commission can make recommendations to amend the Charter. He explained that the Charter is the umbrella under which the ordinances and other regulations are developed. He stated that if the Commission wanted to address a change within the city, they can discuss and make a recommendation that would then move forward to the City Council. He referenced a statute that may be helpful for the Commissioners to review as it identifies the role, rights, and responsibilities of a Charter Commission. He noted that he could follow up and provide some of that information that may be helpful for the Commission.

Commissioner Wetzel provided an example of the open forum at the City Council meeting where residents are able to provide a comment, but no response is provided by the Council. He believed that some acknowledgment and response should be provided. He also referenced an example from a Charter Commission meeting where the passing of Carl Youngquist was mentioned and that it should be memorialized in some way. He stated that there was discussion, and it was noted in the minutes but there was no action. He believed that the City Council should address the citizens in response to their comments.

Commissioner Baldwin commented that sometimes the Council must take things under advisement and/or receive more information before making a response.

Commissioner Knappek stated that it is often not legal for the Council to respond as well because an item must be on the agenda in order to be considered and/or for action to be taken.

Commissioner Wetzel commented that he believes that the City Council should be providing acknowledgment or response at some point.

Commissioner Baldwin commented that is a good point and perhaps that should be addressed at a future meeting of the City Council, as it is sometimes not appropriate or legal to address the comment at that meeting.

Commissioner Knappek commented that it is an individual choice of Councilmembers and the nature of the meeting, and he could not imagine anything the Charter Commission could do to change that.

City Attorney Baumgartner stated that if something is not on the agenda, the Council cannot make a decision on something. He stated that items not on the agenda also cannot be discussed. He stated that a resident could ask that the topic be placed on a worksession agenda and if two Councilmembers agree, the topic could be put on a worksession agenda. He stated that it should not be incumbent upon the Charter Commission to direct the Council in that way and if there is an item that has importance, a Councilmember could simply request that the item be placed on a worksession agenda. He commented that there may be a resident that speaks to something unique to them and in those cases, he has seen the Council direct City staff to follow up with the resident to resolve that issue.

Commissioner Knapek stated that typically the Commission is reviewing requests from others to determine if the request is appropriate and whether it should move forward.

Commissioner Baldwin stated that on occasion the Charter Commission has reviewed the Charter itself to determine if updates would be appropriate.

Commissioner Eaton stated that she has also struggled with the purpose of the Commission, noting that in the past there was an amendment proposed that was recommended for approval by the Commission and because there was not unanimous support from the Council, it was not adopted. She stated that it seems the Commission just meets in formality once per year.

Commissioner Doffing stated that the Commission could hold a special meeting if there was an action it wanted to propose. She recognized the concern of Commissioner Wetzel that residents provide input at open forum that never seems to be responded to.

Commissioner Wetzel commented that his biggest pet peeve is that the comments of the speaker at open forum should at minimum be acknowledged before moving to the next resident. He also noted an issue where people were making comments and accusations on social media that could not be responded to until after the issue being considered was over. He felt that resulted in a missed opportunity for the City of Anoka.

City Attorney Baumgartner replied that in that scenario there was a conflict of interest, and that party could not speak about it.

Commissioner Wetzel expressed frustration that some people follow the rules while others do not.

Vice President Dehn asked if the Charter addressed the open forum at a City Council meeting or whether it is too broad.

City Attorney Baumgartner stated that cities choose to hold their meetings differently in terms of open forum and provided some examples. He noted that this Council interacts a little more than some cities he has seen but there cannot be a discussion of something that is not on an agenda.

Commissioner Pierce commented that when he was on the City Council, he received regular calls from a resident who would express concern for the rapture. He stated that he chose not to bring that forward to the City Council. He stated that the Council must make decisions on what it is important to have additional discussion on.

Commissioner Doffing commented that the discussion of this meeting will be in record through the minutes and the City Council will see that.

Commissioner Wetzel provided examples of what he believed to be missed opportunities and comments on social media.

Commissioner Knappek stated that the Council does have an open forum to provide residents the opportunity to speak and provide input. He stated that if something is not being addressed, residents can continue to come or additional residents could come to speak about the topic at a future open forum.

City Attorney Baumgartner provided additional information on conflicts of interest. He explained that residents are able to make comments on social media.

Commissioner Wetzel expressed frustration that people were able to make inaccurate comments on social media that certain members of the Council could not respond to.

Commissioner Baldwin commented that is the world of politics and there will always be someone making cheap shots and comments without full information.

Commissioner Doffing recalled language that only allowed City-owned liquor stores and commented that could be an impediment to getting a grocery store in Anoka.

City Attorney Baumgartner commented that Anoka has municipal liquor stores, which means that there cannot be private liquor stores. He stated that a previous development concept that included a grocer was also going to include a municipal liquor store on the parcel. He stated that ultimately that proposal fell through. He stated that it could also be the market given the proximity of other local grocery stores and the small size of Anoka.

Assistant City Manager Oehlers stated that a community cannot have both private and municipal liquor stores. It was clarified that information is regulated by state law and is not something the City could change outside of choosing to no longer have municipal liquor stores.

City Attorney Baumgartner explained that the profits from the liquor store are reinvested into the community, including the parks. He stated that under private market the profits would go back to those businesses and not the overall city of Anoka.

Motion was made by Baldwin to adjourn the meeting. Motion was seconded by Doffing. Vote taken: All Ayes.

The meeting adjourned at 7:04 p.m.

Minutes produced by Timesaver's Off-Site Secretarial Service/Amanda Staples

Approval Attestation: Amy T. Oehlers, Assistant City Manager

CHARTER COMMISSION MEMO

Agenda Item # 4a

Meeting Date: 06.25.2025

Item Description: Request by City Council for Charter Commission review of City Charter Section 2.05, Vacancies in Elected Officials

Submitted By: Amy Oehlers, ACM

At their May worksession, the City Council discussed that they would like the Charter Commission to hold a meeting to discuss amending the City Charter relating to the filling of vacancies on the City Council.

This topic has been discussed multiple times at the Charter Commission level and at the City Council level.

The most recent recommendation from the Charter Commission was back in 2021. I've attached a copy of the recommendation that came from the Charter Commission and was presented to the City Council. When it went to the City Council it did not pass a First Reading of an ordinance to amend the Charter. This type of presentation of a Charter amendment requires a unanimous vote of the entire City Council.

Since the Council has new members, they have requested that the Charter Commission hold a discussion on this again and make a recommendation on whether or not the Charter should be amended.

This is what the current language in the Charter states:

Section 2.05 Vacancies in Elected Offices.

A vacancy in an elected office shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the Council in the month of January following his/her election, or by reason of his/her death, resignation, removal from office, for malfeasance, or nonfeasance, removal from the City, conviction of a felony before or after his/her qualification, or for reasons prescribed by State Law. In each such case, the Council shall, by Resolution, declare a vacancy to exist and shall forthwith appoint an eligible person to fill the vacated seat.

At the next regular City election, the vacated seat shall be placed upon the ballot for the purpose of filling the vacated office for the remainder of its original term. The appointed person shall serve until the person elected qualifies for such office. If the vacated office would have normally been filled at the next regular City election, the appointed person shall serve until the newly elected individual's term commences in January following the election and they have qualified for such office.

If the Council is unable to agree on an appointment to fill the vacancy within thirty (30) days from the occurrence of the fact giving rise to the vacancy, the Mayor shall appoint a person to fill the vacancy.



2015 First Avenue, Anoka MN 55303
Phone: (763) 576-2700 Website: www.ci.anoka.mn.us

**CITY OF ANOKA, MINNESOTA
ORDINANCE**

ORD-2021-

**AN ORDINANCE AMENDING THE ANOKA CITY CHARTER, SECTION 2.05,
VACANCIES IN ELECTED OFFICES**

THE COUNCIL OF THE CITY OF ANOKA ORDAINS:

- Section 1. Pursuant to Minnesota Law and the Anoka City Charter and upon a review conducted by the Anoka Charter Commission, Section 2.05, Vacancies in Elected Offices, is hereby amended, by a unanimous, affirmative vote of all members of the Anoka City Council, to read as Exhibit A attached.
- Section 2. This Ordinance shall be in full force and effective upon passage and ninety (90) days after publication.

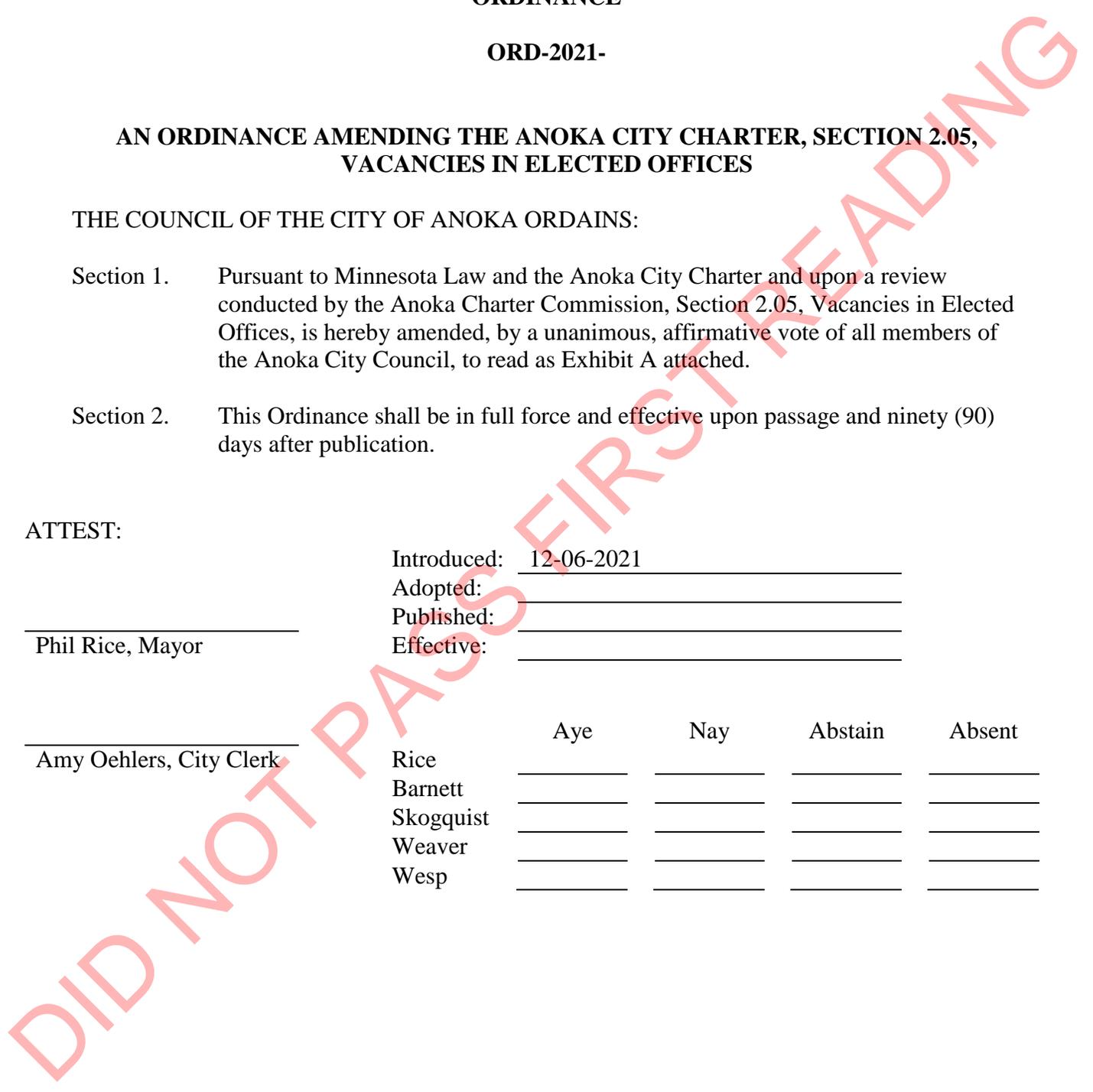
ATTEST:

 Phil Rice, Mayor

Introduced: 12-06-2021
 Adopted: _____
 Published: _____
 Effective: _____

	Aye	Nay	Abstain	Absent

Amy Oehlers, City Clerk				
Rice	_____	_____	_____	_____
Barnett	_____	_____	_____	_____
Skogquist	_____	_____	_____	_____
Weaver	_____	_____	_____	_____
Wesp	_____	_____	_____	_____



Section 2.05 Vacancies in Elected Offices.

A vacancy in an elected office shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the Council in the month of January following his/her election, or by reason of his/her death, resignation, removal from office, for malfeasance, or nonfeasance, removal from the City, conviction of a felony before or after his/her qualification, or for reasons prescribed by State Law. In each such case, the Council shall, by Resolution, declare a vacancy to exist and shall forthwith ~~appoint an eligible person to fill the vacated seat~~ proceed as follows:

If the unexpired term of the vacated seat is for a period of less than twelve (12) months, the Council shall by Resolution, passed by an affirmative vote of a majority of all the Councilmembers and no less than 14 days after publication for two weeks, and within forty (40) days of the declared vacancy, appoint a person to serve the remainder of the unexpired term. The appointee shall serve until January 1 following the next regular municipal election, or until his/her successor is elected and qualified. In the event of a tie vote, the Mayor shall appoint one of the voted upon eligible persons to fill the vacancy. If the Council fails to fill the vacancy through the appointment process, a special election shall be called by the City Clerk.

If the unexpired term of the vacated seat is for a period of twelve (12) months or more, the Council shall by Resolution call for a special election as provided in Section 4.04 of the City Charter. Provided; however, if the vacancy occurs in a year in which a regular municipal election is to occur and there is sufficient time to meet notice, publishing and filing deadlines to have the vacated seat placed on the ballot for the upcoming regular municipal election, then the Council shall by Resolution declare the vacancy exists and call for the vacated seat to be placed on the upcoming regular municipal election. The individual elected to fill the vacated seat shall serve for the remainder of the unexpired term.

Notice of said vacancy shall be posted on the City website for a period of two (2) weeks from the date of the adoption of the Resolution declaring said vacancy. Notice shall also be published in the City's designated newspaper for a period of two (2) weeks as soon as possible after the date of the adoption of said Resolution, with the publication being completed no later than thirty (30) days from said date.

If there are fewer candidates in a regular or special election to fill expiring or vacated municipal seats, the Council shall fill said seats by appointment, following the procedure above for the unexpired term of less than twelve (12) months. The appointee shall serve until the next regular municipal election.

~~At the next regular City election, the vacated seat shall be placed upon the ballot for the purpose of filling the vacated office for the remainder of its original term. The appointed person shall serve until the person elected qualifies for such office. If the vacated office would have normally been filled at the next regular City election, the appointed person shall serve until the newly elected individual's term commences in January following the election and they have qualified for such office.~~

~~If the Council is unable to agree on an appointment to fill the vacancy within thirty (30) days from the occurrence of the fact giving rise to the vacancy, the Mayor shall appoint a person to fill the vacancy.~~

Revised

How Do We Replace a Councilperson?

Ideas coming from the Charter Commission meeting
minutes of 2020-2021

Prepared by Charter Commission President Don Collins 06.18.2025

Important Issues

- 1. Importance of having five council members. (supermajorities needed to move on some issues)
- 2. Do citizens of the City of Anoka deserve a vote, rather than an appointment, of a new councilperson? (our 2021 draft of change suggests no more than twelve months remain of the term of office)
- 3. Does a council meeting need a quorum? (Brooklyn Centers charter says the remaining members appoint to reach a minimum of three.)
- 4. The City wants to avoid a special election due to the cost to the City. (estimated at \$30,000, five years ago)

Time factors

- 1. Resignation -> Regular meeting to declare a vacancy -> Advertise for two weeks -> Interview/question candidates -> Appointment -> New member takes the oath. (cf. The appointment of Brian Wesp in 2020 took a total of 33 days.)
- 2. If using a general election, the last day to file is about five months before election day. (In 2020, the last day was June 5.)
- 3. Was the resigning member re-elected for two more years?
- 4. What time is needed to set up a special election? (The Brooklyn Center Charter says no sooner than 105 days, no later than 200 days)
- 5. What time of the year did the resignation happen?

Time of the year of the declared vacancy

- Resignation on March 1 of the second year (9 months left of term) -> declaration -> advertisement -> appointment for nine months, ending with a general election the same year.
- Resignation on March 1 of the first year (21 months left of term) -> declaration -> advertisement -> appointment for nine months, ending with a general election the same year.

Time of the year of the declared vacancy

Resignation on March 1, then:

appoint for 9 months, ending with an election in the same year,

OR appoint for 21 months, ending with the election in the next year

OR call for a special election.

Resignation on October 1, then:

appoint for 15 months, ending with an election the next year,

OR appoint for 27 months, ending with the election in 2 years.

OR call for a special election.

My suggestions, for discussion

1. The idea of deciding the appointment or election of a new Council member based on 12 months remaining in the term of office, essentially means there must be an election in the same calendar year, and the resignation must be in the first 5 months of the year.
2. Do we need to consider having a primary election if there are more than two candidates for one position, more than four candidates for three positions, etc?

Charter Commission member Sharon Doffing

Regarding the June 25th Charter Commission Meeting Question on what does the Anoka City Charter recommend for replacing a City Council Member:

Based on my research of the Anoka City Charter, Minnesota state statutes, and League of Minnesota Cities guidance, here's a comprehensive summary of what to do when a city council member for the city of Anoka, Minnesota resigns, dies, or cannot fulfill their council position:

Summary of Council Vacancy Procedures for Anoka, Minnesota

1. Anoka City Charter Provisions (Section 2.05)

According to the Anoka City Charter, a vacancy in an elected office occurs when:

- A person elected fails to qualify on or before the date of the second regular meeting of the Council in January following their election
- Death, resignation, removal from office for malfeasance or nonfeasance
- Removal from the City
- Conviction of a felony before or after qualification
- Other reasons prescribed by State Law

The replacement process under the Charter:

1. The Council shall, by Resolution, declare a vacancy to exist and shall forthwith appoint an eligible person to fill the vacated seat
2. At the next regular City election, the vacated seat shall be placed upon the ballot for the purpose of filling the vacated office for the remainder of its original term
3. The appointed person shall serve until the person elected qualifies for such office
4. If the vacated office would have normally been filled at the next regular City election, the appointed person shall serve until the newly elected individual's term commences in January following the election
5. If the Council is unable to agree on an appointment within thirty (30) days from the occurrence of the vacancy, the Mayor shall appoint a person to fill the vacancy

2. Minnesota State Statute 412.02 (Statutory Cities)

While Anoka is a home rule charter city, Minnesota Statute 412.02 provides the framework for statutory cities and offers additional context:

- A vacancy in an office shall be filled by council appointment until an election is held [Sec. 412.121 MN Statutes](#)
- In case of a tie vote in the council, the mayor shall make the appointment [Sec. 412.121 MN Statutes](#)

- If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held [Sec. 412.121 MN Statutes](#)
- If the vacancy occurs on or after the first day to file affidavits of candidacy or when less than two years remain in the unexpired term, there need not be a special election and the appointed person shall serve until qualification of a successor [Sec. 412.121 MN Statutes](#)

3. League of Minnesota Cities Guidance

The League of Minnesota Cities provides practical guidance:

- The council should declare a vacancy by resolution before appointing a new member [Appointments - League of Minnesota Cities](#)
- Some cities advertise the opening, require an application, or ask for letters of interest [Appointments - League of Minnesota Cities](#)
- Other cities make the appointment more informally based on who they know is interested in the position [Appointments - League of Minnesota Cities](#)
- There is no statutory guidance regarding posting a vacancy or advertising for applicants
- Common practice is to post the information in the same locations as the city posts other public notices
- The city is not obligated to offer the vacancy to any losing candidates from the most recent election
- The council may appoint any individual who is eligible for election to that office

4. Recommended Process

Based on all sources, here's the recommended process:

1. **Declaration of Vacancy:** The City Council should adopt a resolution declaring the vacancy
2. **Public Notice:** While not required, best practice is to advertise the vacancy
3. **Application Process:** Determine whether to use a formal application process or informal selection [THERE IS NO MANDATED PROCESS TO APPOINT A CITY COUNCIL MEMBER REPLACEMENT. A City Council can appoint anyone that meets the criteria to hold elected office. They do not have to hold any formal application process or interviews.]
4. **Appointment:** The Council votes to appoint an eligible person to fill the vacancy
5. **Tie-Breaking:** If the Council is tied, the Mayor makes the appointment
6. **Term of Service:** The appointee serves until the next regular election (if the seat would normally be up) or until a successor is elected at the next regular election to fill the remainder of the term
7. **Special Election:** Only required if specified by the city's ordinance (Anoka's charter doesn't require special elections)

5. Key Considerations

- The person appointed must meet all eligibility requirements for the office
- Each vacancy should be declared and filled in the usual manner
- A vacancy temporarily reduces the size of the council
- The appointed person takes the oath of office and assumes all duties of a council member
- Regular city elections in Anoka occur in even-numbered years

This process ensures continuity of governance while respecting the democratic process by allowing voters to elect a permanent replacement at the next regular election.