

Home Rule Charter Revision Commission Minutes
February 28, 2019
5:30pm
Council Chambers, City Hall

Members Present: Dan Gabriel, SaLena Engels, Byron Callies, Nate Graf, Kyle Lalim, David Vanderweide, Jeannie Vanderweide, Kristen Henderson, Chris Wilson, Mark Roby, Jason Buechler, Buffy Heesch, Carla Roby, Chris Carter, Roger Whittle, Tom Beadnell, and Angie Reppe

Members Excused: Nancy Turbak Berry, Melanie Hodorff, Greg McDonald, and Deb Ernst

Chairperson, Kyle Lalim, called the Home Rule Charter Revision Commission Meeting to order.

Motion was made by Roger Whittle and seconded by Carla Roby to approve the February 12, 2019 minutes as emailed. All voted in favor and motion carried.

Approval of the agenda with amendments was made by Chris Carter and seconded by Mark Roby. All voted in favor and motion carried.

Consideration of Staggering Initial Terms of Council Members

Dialogue was understood that if the council chooses not to pursue a special election, in 2021 and according to the proposed changes, there will be six council members and one Mayor. At that time it would be potentially advisable to have a staggering of initial terms. Three of the six Council Members will have an initial term of two years (and 4 year terms thereafter) and the other three out of the six Council Members, plus the Mayor, will have four-year terms. From that point, going forward, every two years will be staggered with three new bodies being elected. The Mayor's term could be determined by the Home Rule Charter Revision Commission or if not determined, the City Council may address it by ordinance.

A motion was made by Mark Roby to approve the discussion item to have 2020-2021 Council Members from Wards A, C, and E run for two-year terms and Council Members from wards B, D, and at-large as well as the Mayor run for four-year terms, as described by the City Attorney. Motion was seconded by Dan Gabriel. All voted in favor and motion carried.

Reconsideration of Home Rule Charter Revision Commission Intervals (Section 2.15)

Previously an initial recommendation was made to review every four years. Unless the City Council chooses to hold a special election, all of the current terms will go through 2021. A discussion was held regarding Home Rule Charter Revision Commission review time periods.

Dan Gabriel made a motion to change the intervals as outlined in Section 2.15 to every eight years commencing in 2027. Motion was seconded by Buffy Heesch. All voted in favor and motion carried.

Review of Finance Officer Clause (Section 2.08) and Review of City Attorney Clause (Section 4.03)

Currently, there is no specification to whom the Finance Officer directly reports to. City Attorney, Matt Roby, stated that currently, the City Council is responsible for hiring the Finance Officer to whom she currently reports to. By statute, in a true City Manager form of government, everyone is under the City Manager; however, the City of Watertown has flexibility because of the Home Rule Charter. Further discussion was held regarding the possibility of potentially losing qualified City Manager candidates should that position not have directorial power over the Finance Officer and City Attorney. Current City Engineer, Heath VonEye, who has extensive background in Public Works, stated that two key proponents in the language would be who hires these positions and whom these positions report to. Councilman Glen Vilhauer stated that he has concerns regarding the termination process and City Council should have a role in that process. Mike Danforth, Ward A, City Councilman, agreed with Councilman Vilhauer in that the potential for termination is a concern. He would agree that those positions should answer to the City Manager day-to-day. He has found that through the years he has needed the assistance from the Finance Officer or City Attorney and he senses a conflict with whom they answer to. He needs to know that no matter who he is, he is receiving the information those individuals are professionally obligated to give not because of the pressure that they might get from a boss. According to charter, Matt Roby specified currently the council is only able to communicate with the City Attorney and Finance Officer through the Mayor. Chairman Kyle Lalim reminded the council members present that with the change in form of government, the council members and mayor would have to change their mindset regarding the point of contact for city employees. Currently, the council have the right to seek information from department heads; with the change to the charter, council would need to direct all of their questions through the City Manager.

Dan Gabriel made a motion to add verbiage to discuss the hiring and termination of the City Finance Officer and City Attorney to include “advice and consent” from City Council. Motion was seconded by Mark Roby.

A discussion was held questioning the need for majority approval vote of City Council for hiring and termination and if this would take power away from the City Manager and place the power solely back to City Council. Matt Roby recommended removing the word “consent” if the purpose is to not have the vote be binding.

Mark Roby made a motion to amend the verbiage to remove the word “consent” and only use the word “advice”. Chairman Kyle Lalim clarified the amended motion stating the Finance Officer and City Attorney positions will be a direct report hire by the City Manager with the termination of those two specific department heads with the notification and advice of City Council, the oversight body consisting of six council and one Mayor. Byron Callies was the lone opposing vote for the amendment. The amendment to the original motion carried. A discussion followed concerning the original motion, Chairman, Kyle Lalim called for a vote. All voted in favor and motion carried.

Review of Deputy Mayor Language in Proposed Amendment (Section 2.03)

A review and clarification of Section 2.03 phrasing was interpreted. Currently, the City Council elects within its members the President of the Council. A discussion was held regarding the possibility of allowing an additional at-large councilperson should the chance of not having representation from all five wards arise. This discussion led to the conclusion that there would be no need to change, or add, an additional at large council representation. The rationale being not allowing larger wards to have too much influence on city policy/direction.

Review of City Council Member Attendance (Section 2.06.5)

Currently, Homer Rule Charter states Council Members need to attend at least 50% of regular meetings during the fiscal year, or three consecutive regular meetings of the council without being excused. Chairperson, Kyle Lalim, stated that if the size of the council were to be reduced and become the oversight committee, directing the vision for, and direction of the community, 50% attendance may be too weak.

Chris Wilson motioned the required attendance of the Mayor & Council Members to Council Meetings be increased from 50% to 70%. Motion was seconded by Buffy Heesch. Chris Wilson amended the motion to remove the phrase “excuses shall be liberally granted” from Section 2.06.5. Motion was seconded by Buffy Heesch. All voted in favor of the amendment and motion carried. A new amendment was made by Mark Roby and seconded by Roger Whittle to change the wording to “fails to attend at least 70% of regular and special meetings”. All voted in favor of the amendment and amendment carried. Original motion of will now read “Fails to attend at least seventy percent (70%) of the regular and special meetings during the fiscal year or three consecutive regular meetings of the council, without being excused by the council will forfeit that position”. All voted in favor and motion carried.

Review of Planning Function Section 4.04

A discussion was held regarding the addition of “departments” in addition to the wording of “agency or agencies”, which will allow City Manager to tap one of the departments/Department Heads within the structure of government in addition to outside agencies.

A motion was made by Mark Roby and seconded by Byron Callies to change the wording of Section 4.04.1 to “Designate City Manager to carry out the planning function and such decision-making responsibilities as may be specified by ordinance utilizing departments and an agency or agencies as required.” All voted in favor and motion carried.

Public Comment

None.

Unfinished Business

Clarification that proposed changes in council composition and City Manager form of government are to be consider as combined proposals was discussed. City Attorney, Matt Roby, stated that intervals for review seems to be a distinct issue and that attendance of council members could stand on its own.

New Business

Future Meetings Dates:
Tuesday, March 12, 2019 5:30pm

Other Business

None

Motion to adjourn was made and seconded. All voted in favor and motion carried.

MR/jm

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