



CITY OF WEST ST. PAUL
1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

CHARTER COMMISSION MEETING
MUNICIPAL CENTER LOBBY CONFERENCE ROOM
DECEMBER 13, 2016
5:30 P.M.

1. Call To Order

2. Roll Call

3. Adopt Agenda

4. Adopt Minutes

4.A. Previous Meeting Minutes

Consider approval of December 1, 2015 meeting minutes.

Documents:

[MINUTES 12-01-15.PDF](#)

5. New Business

5.A. Annual Report To Chief Judge - Attorney Korine Land

Documents:

[12-13-16 CHARTER COMM ANNUAL REPORT LETTER.PDF](#)

5.B. Commission Vacancies - Attorney Korine Land

Documents:

[CHARTER COMMISSION ROSTER \(UPDATED 11-30-16\).PDF](#)

5.C. Election Of Officers - Attorney Korine Land

Current Officers

- Chair Mark Tessmer
- Vice Chair Aaron Van Moorlehem
- Secretary Wendy DeVore

5.D. Discussion Regarding Charter Amendments - Attorney Korine Land / Chair Mark

5.D. Discussion Regarding Charter Amendments - Attorney Kellie Laro / Chair Mark Tessmer

- Charter Section 2.03/4.02 Elective Office
- Charter Section 2.06 The Mayor

Documents:

[MEMO TO CHARTER COMMISSION RE AMENDMENTS 12-13-16.PDF](#)

6. Old Business

7. Set Next Meeting Date

8. Adjourn

*If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4100, TDD 651-322-2323 at least 5 business days prior to the meeting
www.wspmn.gov EOE/AA*

MINUTES
WEST ST. PAUL CHARTER COMMISSION
TUESDAY, DECEMBER 1, 2015
6:00 P.M.
MUNICIPAL CENTER
ADMINISTRATIVE CONFERENCE ROOM

MEMBERS PRESENT: Chair Mark Tessmer, Commissioners Neftali Ramirez-Rosario, Mark Tessmer, Aaron Van Moorlehem, Nicole Paradise, Doug Fromm, Jim McKie, Wendy DeVore

MEMBERS ABSENT: Commissioners Laura Nichols-Endres, Dave Dyrhaug, Tim Valento

OTHERS PRESENT: Council liaison Ed Iago, City Attorney Kori Land

CALL TO ORDER

Chair Tessmer called the meeting to order at 6:01 p.m.

ADOPT AGENDA

Motion by Van Moorelehem/Fromm
All ayes.

APPROVE MINUTES OF DECEMBER 16, 2014 MEETING

Motion by Commissioner Van Moorlehem, seconded by Commissioner McKie to approve the minutes. All ayes.

COMMISSION REAPPOINTMENTS

Attorney Land asked if DeVore and Tessmer wanted to be reappointed. They indicated that they were willing to do so. Their names will be submitted to the Council who will forward their names to the First Judicial District Chief Judge for reappointment.

COMMISSION VACANCIES

Attorney Land indicated there are 3 vacancies on the Commission and only one application. Additional applications will be solicited and the Commission will review the applications at an upcoming meeting. Members recommended posting the openings on the City's Facebook page.

DISCUSSION OF BYLAWS AMENDMENT AND CHARTER AMENDMENT

Attorney Land explained the proposed amendment to the Bylaws to add Article 3.03 stating that Commissioners held office for a term of 4 years, expiring the last day of February.

Motion by Commissioner McKie and seconded by Paradise to approve the amendment to the Bylaws. All ayes.

Commissioner Tessmer explained that Mayor Meisinger had a request to add a provision in Charter Section 3.01 subd. 2 regarding special meetings requiring that when special meetings are called, the requestors of the meeting must be identified. Commissioner Tessmer thought that this

would add transparency to the process. Commissioner Van Moorlehem concurred. Council member Iago added that it also eliminates the possibility of an open meeting law violation if other council members are aware of the identity of the three council members who requested the meeting.

Motion by Commissioner Fromm and seconded by McKie to recommend that the Council adopt the Charter Amendment by adding that the written notice requesting a special meeting must identify the requestors of the meeting. All ayes.

ELECTION OF OFFICERS

It was noted that the current Officers are as follows:

Chair: Mark Tessmer

Vice Chair: Aaron Van Moorlehem

Secretary: Wendy DeVore

All Officers indicated they were willing to continue to serve in their respective roles. Motion by Commissioner Ramirez-Rosario and seconded by Paradise to move the slate. All ayes.

OTHER BUSINESS

Commissioner Rosario-Ramirez asked if Section 8.01 was being followed, requiring that the annual report be submitted to the Commission prior to being submitted to the Chief Judge. Attorney Land admitted that she was previously unaware of this requirement in the Charter but would make note of it follow it in the future.

DISCUSS NEXT MEETING DATE

It was decided that no new meeting date would be set at this time but the Commission supported having a meeting if needed to review Charter member applications.

ADJOURNMENT

Motion to adjourn by Commissioner Fromm, seconded by McKie. All ayes. The meeting was adjourned at 6:26 p.m.



December 13, 2016

Honorable Terrence Conkel
Chief Judge, District Court, First Judicial District
McLeod County Courthouse
830 11th Street East
Glencoe, MN 55336

Re: 2015 Annual Report of the West St. Paul Charter Commission
2016 Annual Report of the West St. Paul Charter Commission

Dear Judge Conkel:

As required by the West St. Paul Charter Bylaws, please accept this letter as the Annual Report of activities of the West St. Paul Charter Commission for the years 2015 and 2016.

In 2015, the Charter Commission reappointed members and amended two Charter provisions. The sections included:

1. Bylaws were amended to add Article 3.03 regarding Commissioner's term; and
2. Section 3.01, subd. 2 regarding notices for special meetings.

The legal fees expended in 2015 were \$1,117.00.

In 2016, the Charter Commission appointed new members. As of December 13, 2016, the legal fees expended are \$192.50.

If you have any questions or need additional information, please do not hesitate to contact me.

Respectfully,

Mark Tessmer
West St. Paul Charter Commission Chair

cc: Mayor and Council
City Manager Matt Fulton

WEST SAINT PAUL CHARTER COMMISSION

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE & EMAIL</u>	<u>WARD</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Valento, Tim	425 Betty Lane	651-457-9140 t.valento@comcast.net	3	1	March, 2016
VACANCY					March, 2016
VACANCY					March, 2016
VACANCY					March, 2017
Douglas Fromm	253 Haskell Street E	651-453-1511 dougfromm@comcast.net	1		March, 2017
Nicole Paradise	939 Hall Ave.	612-558-5810 nicoleparadise@hotmail.com	2		March, 2017
Aaron VanMoorlehem (Vice Chair)	202 Conver Street	651-455-8444 aaronvm@comcast.net	1		March, 2018
James McKie	222 Curtice Street	651-248-6534 papamckie@earthlink.net	2		March, 2018
VACANCY					March, 2019
Tessmer, Mark (Chair)	1314 Charlton	612-910-1018 mtessmer1467@comcast.net	2	1	March, 2019
DeVore, Wendy (Secretary)	11 Langer Circle	651-492-7346 wdevore@careerventuresinc.com	2	1	March, 2019

Council Liaison: Clpn. Ed Iago/Alternate Clpn. John Bellows

Recording Secretary: Attorney Korine Land

Commission Meets: As called

Member Term: 4 years

Term Limit: None

Updated: 11/30/2016

TO: Charter Commission
THROUGH: Mark Tessmer, Charter Commission Chair
FROM: Kori Land, City Attorney
CC: Matt Fulton, City Manager
DATE: December 13, 2016
SUBJECT: Potential Charter Amendments



City of West St. Paul

BACKGROUND INFORMATION:

There are a few Charter provisions that may be ripe for discussion: Sections 2.03/4.02 and Section 2.06. While we are not suggesting you have an in-depth discussion on these sections at this time, we would ask that you consider whether you want to discuss these sections at a future date for a thorough and thoughtful discussion.

Sections 2.03/4.02 Elective Officers/Officers to be Elected and Terms of Office

These sections provide for the length of the terms of the Mayor and Council. The Mayor is elected for 2 years, while the Council members' terms are 4 years. It has been suggested that the Mayor's term should be changed to 4 years. There have been numerous discussions in the past about this section, but no changes have been made.

Section 2.06. The Mayor

The Mayor does not have the ability to vote (except in limited situations), but does have veto power over ordinances and resolutions. The veto requires 5/6 votes to be overridden. While this Charter provision has been discussed in the past, it has been rarely used, and therefore, was left unchanged. In the past 2 years it has been used on three occasions and it was discovered that the Charter is not exactly clear as to when it may be used and the timing of the meeting to override it.

Things to consider:

- If the Charter Commission recommends giving the Mayor full voting authority, then the veto power should be removed.
- If the Charter Commission chooses to keep the limited vote with veto power, the actions that can be vetoed could be better defined. The Charter section states the Mayor can veto an *ordinance* or *resolution*, but does not state what kinds of voice motions this might include. For example, often, there is no resolution before the Council but there is a voice vote on an action. Depending on the action item, the motion may or may not be subject to veto, but that is not clear in the Charter. After some limited research, it appears that veto power is intended for legislative actions only, not administrative or judicial actions.
 - *Legislative* actions: ordinances, policies
 - *Administrative* actions: approving agreements and contracts

- *Judicial* actions: revoking licenses, upholding violations of ordinances
- The Charter states that if there is a veto, then the Council must reconsider the action at the next *regular* meeting. It is unclear as to whether a special meeting called by 3 members of the Council is a regular meeting.

Examples as to when the veto power was used in the last 2 years:

CC Meeting Date	Action Item	Veto Overturned? Date of Reconsideration	Result
2/23/15	Construction contract with Eureka Construction in the amount of \$23,061,745.00 for Phase 1 of the Robert St. Improvements, Project #11-3	Yes Special Meeting March 3, 2015	Project awarded to Eureka
5/19/15	Marie Avenue Improvements – Project #15-1 awarded to Bituminous Roadways	No May 26, 2015	Project rebid
9/12/16	Authorizing Easement Acquisitions for Parcel 100 of the Robert Street Improvement project (Firestone)	No September 26, 2016	Renegotiated the settlement with property owner

Below is the relevant Charter Section.

Sec. 2.06. The Mayor. The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro-tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor’s absence and as the Mayor in the case of the Mayor’s disability or absence from the City.

Subd. 1. The Mayor shall not have a vote as a member of the Council except in the following circumstances:

- a. The case of a tie vote,
- b. The hiring or removal of the City Manager,
- c. The appointment of a person to fill a Council vacancy,
- d. The sale of a public utility,
- e. An amendment to the Charter, or
- f. Otherwise as required by state law.

Subd. 2. All ordinances and resolutions, shall, before they take effect, be presented to the Mayor, and if he or she approves thereof he or she shall sign the same. If the Mayor does not sign, he or she shall return the ordinance or resolution to the City Clerk to be presented to the Council at their next regular meeting thereafter. The Mayor shall not have veto power on matters on which he or she has the right to vote. The Mayor may strike and eliminate any line item amount in the city budget or reduce the sum appropriated therefore within five days after Council passage of the budget. Such elimination or reduction of any line item amount shall constitute a veto of the line item and may be reconsidered as provided for in the case of a veto.

Upon the return of any ordinances or resolutions by the Mayor without his or her signature the vote by which the same was passed may be reconsidered, and if after such reconsideration the Council shall pass the same by a vote of five of the members-elect, it shall have the same effect as if approved by the Mayor; and in such case the votes shall be ayes and nays, and shall be entered by the City Clerk on the record.

If any ordinance or resolution shall not be returned by the Mayor within five (5) days (Sundays excepted) after it shall have been presented to him or her, the same shall have the same effect as if approved.

Again, we are not asking for an in-depth conversation at this time. We would like the Charter Commission to consider if these sections are something you would like to study and if so, what information would you need to continue the conversation.

If further discussion is needed, we would anticipate setting another meeting date after the first of the year, so it would be helpful if everyone brought their calendars to the meeting.