

TO: Mayor and City Council
THROUGH: Ryan Schroeder, City Manager
FROM: Kori Land, City Attorney
DATE: August 28, 2017
SUBJECT: Charter Vacancies



City of West St. Paul

BACKGROUND INFORMATION:

The Charter Commission is made up of 11 members. Currently, 3 of those seats are vacant. The Charter Commission met on July 25 to discuss the vacancies and took the following actions:

1. They recommended the removal of Dave Dyrhaug due to unexcused absences. (his removal would result in 4 vacancies)
2. They recommended the following 4 names to fill the vacancies:

Karen Vavreck
Andrea Friesen
James Probst
Matthew Schempp

Although the Commission approved the names as a “slate,” the Council can choose to adopt the slate as whole, select names from the list or reject all names and solicit more applications. Keep in mind, however, that the Charter Commission only has 7 members currently and the Bylaws require 6 present in order to have a meeting, so it might be difficult to convene meetings in the short term if the vacancies are not filled. A draft copy of the minutes is included so that you can review the discussion.

STAFF RECOMMENDATION:

Consider Charter Commission recommendations and determine names to be submitted to the Chief Judge.

MINUTES
WEST ST. PAUL CHARTER COMMISSION
TUESDAY, JULY 25, 2017
6:30 P.M.
MUNICIPAL CENTER
ADMINISTRATIVE CONFERENCE ROOM

MEMBERS PRESENT: Chair Mark Tessmer, Commissioners Aaron Van Moorlehem, Doug Fromm, Tim Valento, Tim Haubrich, Jim McKie

MEMBERS ABSENT: Commissioner Dave Dyrhaug, Wendy DeVore

OTHERS PRESENT: Council Liaison Ed Iago, City Attorney Kori Land, City Manager Ryan Schroeder

CALL TO ORDER

Chair Tessmer called the meeting to order at 6:35 p.m.

ADOPT AGENDA

Chair Tessmer requested adding a discussion on the reduction of the Charter membership from 11 to 9 members under Old Business.

Motion by VanMoorlehem/Tim Valento to adopt the agenda as amended. All ayes.

4. Adopt Minutes

A. Approve Minutes of February 28, 2017 Meeting

Attorney Land noted that the minutes needed to reflect that Dyrhaug was absent at the February meeting. *Motion by McKie/Fromm to approve the minutes as amended. All ayes.*

5. New Business

6. Old Business

A. Discussion of Charter Amendments

Sections 2.03/4.02 Elective Officers/Officers to be Elected and Terms of Office: Length of Mayor's term of office

Attorney Land conveyed that the City Council did not want to move forward with the amendment increasing the Mayor's term from 2 to 4 years and the Charter Commission agreed to abandon that amendment.

Section 2.06: Mayor's Veto Power

Attorney Land summarized the changes made by the City Council, which included the removal of the language regarding findings of fact. The Commission concurred with the changes.

Motion to recommend approval of the amended language. Tessmer/Fromm. All Ayes

B. Commissioner Vacancies and Consider reduction of membership from 11 to 9

Attorney Land explained that since the last meeting it was discovered that Tim Haubrich had already been appointed to the Charter Commission and Doug Fromm, at the direction of the Council, was reappointed. It was also noticed that the roster distributed in the packets mistakenly reflected 5 vacancies, when there are actually only 3 vacancies on the Commission.

Chair Tessmer relayed the Council's consideration of the names that were recommended at the February meeting and why the list was returned to the Commission for further review. He suggested that the Commission forward Jim Probst's name but wanted to know what the Commission should do with the rest of the names.

Commissioner Fromm noted that the packet contained new applications that were submitted to the City since February's meeting, but he suggested cutting off the applications to only consider the ones from the February meeting.

Commissioner Valento wondered if the Commission membership was reduced 9 members, then there would be no need to recommend 3 names tonight, but they could just recommend one. Councilmember Iago confirmed that the Council has been trying to reduce the number of all committees and commissions.

Commissioner Van Moorlehem wondered why the Commission would reduce the membership when there seems to be an abundance of applications. Commissioners Fromm and Haubrich concurred.

Commissioner McKie asked about the history of the membership number and Attorney Land explained that the statute allows 7-15 members. Twenty years ago, there were 15 members, but it was pared to 13 to make it more manageable. Then, for a few years it was difficult to get applicants so it was further reduced to 11. Commissioner Fromm explained that the abundance of applications might be due to the excitement of people wanting to be civically involved.

Commissioner Valento is worried about meeting quorum requirements. Since the quorum in the Charter Commission Bylaws is 6 members regardless of how many vacancies there are, it requires a commitment from at least 6 members to be present if the number stays at 11.

Chair Tessmer surmized that it did not appear there was a majority support for reducing the membership to 9.

Chair Tessmer then repeated that he would like to have the Commission take action on Jim Probst but was unsure as to how to act on the other names that were sent back for reconsideration. He reminded the Commissioners about the process the Commission used to vote on the applications in February. He had everyone vote a definite “yes” or definite “no” and then tallied the highest numbers of “yeses” to determine the highest number of votes. He also reminded everyone that Commissioner McKie met or spoke with all of the applicants prior to the February meeting and provided his insight, indicating he did not receive any negative reactions from the applicants. Chair Tessmer asked if the vetting process was acceptable to everyone.

Commissioner McKie thinks the interview process could be improved. Chair Tessmer wondered if the application forms be changed to add a question about social media activity. City Manager Schroeder said he thought it was being added to all applications.

Commissioner Haubrich wanted to vote on the original applications that have been vetted. Commissioner Fromm wanted to take a look at a late of applicants as a whole to see if there was a balance. He suggested voting on 3 names as a slate and forwarding all 3 names for consideration.

There was general discussion about the absence of Dave Dyrhaug over the last few years and Chair Tessmer recalled that Commissioner Dyrhaug had indicated he was no longer interested in serving on the Commission.

Motion to recommend removal of Dave Dyrhaug for unexcused absences. Valento/Haubrich. All Ayes.

Commissioner McKie said he wanted to make it clear that some of the applicants will bring very divergent attitudes to the Commission. The Commissioners generally felt that they could forward the names and let the Council decide. City Manager Schroeder offered that in his differing attitudes leads to interesting conversations but if too divergent, they often isolate themselves on issues.

Councilmember Iago was concerned about putting people on this Commission who have a specific agenda. He cautioned that if any members knew that there are issues with applicants who will cause problems for the Commission or the Council, then that information should be disclosed. Commissioner Fromm opined that the 4 applicants could be professional in meetings, even though they come from different backgrounds.

Motion to recommend the following names to the Council for membership on the Charter Commission:

Karen Vavreck
Andrea Friesen
James Probst
Matthew Schempp

Fromm/VanMoorlehem All ayes.

Chair Tessmer wanted to confirm that the members agreed with the process that was used for vetting the applicants. There was general discussion about the questions asked by Jim McKie and it was decided that the list of questions would be forwarded to the members who could then offer additional questions for consideration at the next meeting. The Commission also wanted to discuss the ranking process or see if that process could be improved. Commissioner Valento suggested adding more people to the interview committee.

7. Set Next Meeting Date

Attorney Land mentioned that she would like the opportunity to train the Commission members at an upcoming meeting. The Commissioners welcomed the idea.

Chair Tessmer stated that City Clerk Chantal Doriott would schedule the next meeting in the fall, which will include the Charter Commission member selection process, as well as a training of the Commission members by the City Attorney.

8. Adjournment

Motion to adjourn by VanMoorlehem/Haubrich. All Ayes.

The meeting was adjourned at 8:02 p.m.