



CHARTER COMMISSION MEETING

THE TIME AND LOCATION OF THIS MEETING HAS CHANGED

LOCATION: MUNICIPAL CENTER COUNCIL CHAMBERS

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

TUESDAY, JANUARY 12, 2021

TIME: 6:30 P.M.

1. Call To Order
2. Roll Call
3. Adopt Agenda
4. Old Business
- 4.A. Interview To Fill Vacancy (DeVore's Seat) And Reappointment Of Commissioners Fromm, Schempp And Vavreck

Documents:

[CHARTER COMMISSION REPORT FOR APPOINTMENTS 1-12-21.PDF](#)
[2020 COMMISSIONER LISTING 11-25-20.PDF](#)
[CHARTER COMMISSION INTERVIEW QUESTIONS.PDF](#)
[INTERVIEW SCHEDULE.PDF](#)
[DELAROSBY, JAY 12.08.19_REDACTED.PDF](#)
[GEVARA, CHRIS 12.15.20_REDACTED.PDF](#)
[HEANEY, JAMES 01.13.20_REDACTED.PDF](#)
[JOHNSON, KIMETHA 10.19.20_REDACTED.PDF](#)
[KEYES-FERRER, CAROL 10.19.20_REDACTED.PDF](#)
[KOCH, LEAH 12.31.20_REDACTED.PDF](#)
[LACOMBE, CONSTANCE 10.19.20_REDACTED.PDF](#)
[OLSON, ANDREW 11.17.20_REDACTED.PDF](#)
[OSENDORF, ANN 11.26.20_REDACTED.PDF](#)
[SMOCK, JASON 01.08.20_REDACTED.PDF](#)
[SPREEMAN, SALLY 10.19.20_REDACTED.PDF](#)

- 4.B. Charter Language Regarding Conflicts Of Interest And Number Of Votes Need To Pass Actions By Council

Documents:

[MEMO TO CHARTER COMMISSION RE VOTING REQUIREMENTS 1-4-21.PDF](#)

5. Adopt Minutes

5.A. Minutes Of October 19, 2020

Documents:

[MINUTES 10-19-20 V2.PDF](#)

6. New Business

6.A. Annual Report

Documents:

[ANNUAL REPORT TO JUDGE MESSERICH 12.31.20.PDF](#)

7. Set Next Meeting Date

8. Adjourn

*If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at
651-552-4108 or email ADA@wspmn.gov at least 5 business days prior to the meeting
www.wspmn.gov EOE/AA*

To: **Charter Commission**
Through: **Ryan Schroeder, City Manager**
From: **Kori Land, City Attorney**
Date: **January 12, 2021**

Filling Vacancies

BACKGROUND INFORMATION:

The City has 1 vacancy on the Charter Commission. In addition, 3 of the existing members (Commissioners Fromm, Schempp and Vavreck) have terms that expire in March 2021. Assuming they are willing to continue serving, they would need to be recommended for reappointment.

We recommend that you hold interviews with interested applicants, consider the applicants and decide if you want to recommend any of the candidates for appointment to the vacant seat. An applicant must receive an affirmative vote of a majority of those present in order to be recommended for appointment.

In addition, we recommend reappointing Commissioners Fromm, Schempp and Vavreck to another 4-year term.

FISCAL IMPACT:

		Amount
Fund:		n/a
Department:		
Account:		

ATTACHMENTS:

- Roster
- Applications

STAFF RECOMMENDATION:

Make Appointment Recommendations to the Chief Judge.

**WEST ST. PAUL
CHARTER COMMISSION**

NAME OF COMMISSIONER	TERM EXPIRES	WARD NUMBER
DeVore, Wendy	2/28/2020	2
Friesen, Andrea	2/28/2022	3
Fromm, Douglas (Vice Chair)	2/28/2021	1
Haubrich, Tim	2/28/2020	3
McKie, James	2/28/2022	2
Probst, James	2/28/2022	2
Schempp, Matthew	2/28/2021	3
Tessmer, Mark	2/28/2020	2
Valento, Tim	2/28/2020	3
VanMoorlehem, Aaron (Chair)	2/28/2022	1
Vavreck, Karen	2/28/2021	2

CHARTER COMMISSION INTERVIEW QUESTIONS

1. In regards to City governance are there any issues, concerns, or changes that you think the Charter Commission should address?
2. Have you served on any other Commissions or committees in WSP or any of the other cities you have lived in?
3. Have you lived in a City that was a Charter City?
4. What are some of your strengths or best qualities that could be helpful to the Charter Commission?
5. Why did you select the Charter Commission?
6. Is the Charter Commission still your top choice?

INTERVIEW SCHEDULE

INTERVIEW TIME	APPLICANT NAME
6:40 PM	DeLaRosby, Jay
6:50 PM	Gevara, Chris
7:00 PM	Heaney, James
7:10 PM	Johnson, Kimetha
7:20 PM	Keyes-Ferrer, Carol
7:30 PM	Koch, Leah
7:40 PM	LaCombe, Constance
7:50 PM	Olson, Andrew
8:00 PM	Osendorf, Ann
8:10 PM	Smock, Jason
8:20 PM	Spreeman, Sally

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3282

Date Submitted: 12/8/2019

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

First Name*

Jay

Last Name*

DeLaRosby

Address1*

Address2

City*

West St. Paul

State*

MN

Zip*

55118

Email*

jaydelarosby@gmail.com

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*



Charter Commission



Parks & Recreation Advisory Board



Planning Commission



Environmental / Greening Committee



Lower Mississippi River Watershed Management Organization



NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

Parks, Planning, Charter

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

3

Ward

1

Precinct

2

Employment / Job Title*

Medical Imaging Supervisor

Employer Name & Address*

Allina Health - UNITY HOSPITAL - 550 Osborne Road, Fridley, MN

List your past and present civic activities or memberships which may be helpful to this committee.*

1) Lead organizer for the annual West St. Paul Bike Safety event. 2) Co-founding member of the West St. Paul Greenway Project advocacy group. 3) 10+ years in youth sports as coach, referee/umpire, & organizer 4) 10+ years in healthcare

List two or three goals that you would like to see accomplished during your term on a commission.*

1) I would like to see our parks as safe places for all ages to congregate. For residents and visitors alike. 2) I would like to ensure our parks are accessible. I would like to see safe passage for our residents to and from our parks by walking and biking. 3) I would like our various committees to be in conversation with one another. Reconcile what are the guiding documents for WSP's future and use those documents to achieve a shared vision, order priorities, and provide generational accountability.

How did you become interested in serving on a committee?*

I like to bike to work and go to the parks with my children. Soon after moving into the community in 2016 I noticed it was difficult to bike safely and there were no basketball hoops near me in my local parks. I was also challenged to step up and participate when I shared my frustration about a group of councilmen colluding to fire the former city manager at the taxpayers expense.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3595

Date Submitted: 12/15/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

First Name*

Chris

Last Name*

Gevara

Address1*

Address2

City*

West St. Paul

State*

MN

Zip*

55118

Email*

chrisgevara@gmail.com

Home Phone

Cell Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*



Charter Commission



Parks & Recreation Advisory Board



Planning Commission



Environmental / Greening Committee



Lower Mississippi River Watershed Management Organization



NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

40

Ward

3

Precinct

2

Employment / Job Title*

State of Minnesota/Library Technician

Employer Name & Address*

Metropolitan State University 700 East Seventh Street Saint Paul MN 55106

List your past and present civic activities or memberships which may be helpful to this committee.*

Served on the WSP Environmental Committee for roughly five years, last year as the Chair. Head Election Judge in WSP Volunteered for several WSP events over the years, including Robert Street PAC, Renaissance Update Committee, Open House, Secret Santa Shop, etc. Have attended numerous city council meetings in past five years, watched them on television for at least the past ten years.

List two or three goals that you would like to see accomplished during your term on a commission.*

Would like to see charter commission meet more than annually. Would like to update some of the charter items, bringing them more in line with neighboring cities and current standards. Would like to see city councilmembers be eligible to become election judges as well as make the police chief responsible to more than just the city manager alone.

How did you become interested in serving on a committee?*

Have learned over the past year what the commission does and would like to be a part of the process in creating a fair and equitable city for all residents.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3305

Date Submitted: 1/13/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

James

Last Name*

Heaney

Address1*

Address2

City*

West Saint Paul

State*

MN

Zip*

55118

Email*

james.j.heaney@gmail.com

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

2.5

Ward

2

Precinct

1

Employment / Job Title*

Software Engineer II

Employer Name & Address*

University of Saint Thomas 2115 Summit Avenue Saint Paul, MN, 55105

List your past and present civic activities or memberships which may be helpful to this committee.*

In other cities, I have served within local political party organizations as precinct chair / vice-chair / secretary, where I engaged in some Robert's Rules-driven floor fights. More recently, I served two years as statewide secretary of a very marginal political party managed to collect about 700 votes statewide in 2016. In the latter capacity, I played a key role in drafting the party's bylaws. The relationship between organizational rules and the people those rules serve (and shape) fascinates me, and, since I no longer have a home in any Minnesota political party, I'd like to contribute in other ways.

List two or three goals that you would like to see accomplished during your term on a commission.*

Electoral reform seems to be on the Charter Commission's brain right now. That's something I would very much like to see happen, but with care taken to ensure that we are adopting the *best* elections process, not simply a faddish one. I'm very interested in the idea of equitable taxation and exercise of power. The City Council and Charter Commission have recently been thinking a lot about equity when it comes to assessments (esp. sidewalk assessments), and that's been great. I think there's room to consider whether the City's zoning and general-fund revenue authorities are also based on fair and impartial principles -- although the Charter currently has very little to say about the former.

How did you become interested in serving on a committee?*

I read the City Council minutes pretty religiously (or, at least, I did until the West St. Paul Reader started posting recaps) and noticed how important the committees are to municipal governance. A Facebook Neighbors group discussion of ranked-choice voting made me suspect I might have some value on the Charter Committee. (I'd be useless on several of the others.)

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3552

Date Submitted: 10/19/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Kimetha (Kae Jae)

Last Name*

Johnson

Address1*

Address2

City*

Saint Paul

State*

MN

Zip*

55118

Email*

Kimethajohnson7@gmail.com

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

almost 3 years

Ward

1

Precinct

2

Employment / Job Title*

Staff Director

Employer Name & Address*

Minneapolis Federation of Teachers 67th 8 ave Minneapolis, MN

List your past and present civic activities or memberships which may be helpful to this committee.*

Founder of Residents of Color Collective engaging communities of color and renters. Community Organizers

List two or three goals that you would like to see accomplished during your term on a commission.*

Creating guideline for signs that protects residence from triggering images and removing some restrictions for renters9 renters ordinance) in order tp promote an atmosphere that's thriving. providing a plan that address the racial injustice within the city.

How did you become interested in serving on a committee?*

Working on the ground in the community and noticing that some ordinances and laws are more harmful then helpful.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3554

Date Submitted: 10/19/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Carol

Last Name*

Keyes-Ferrer

Address1*

Address2

City*

West St Paul

State*

MN

Zip*

55118-3905

Email*

carkey@comcast.net

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

15

Ward

2

Precinct

2

Employment / Job Title*

Business owner/Safety Consultant

Employer Name & Address*

Complete Health, Environmental & Safety Services (dba CHESS, Inc) 33 E Wentworth Ave. Suite 320 West St Paul MN 55118

List your past and present civic activities or memberships which may be helpful to this committee.*

Organizer, Marthaler Park (adopt a park), Marthaler neighborhood group. Board of Directors, MetroIBA (independent business alliance) Prior board member for Dakota County Regional Chamber of Commerce organized WSP candidate forums 2020 Finance Committee, American Society of Safety Professionals Past chair of Sierra Club, Northern Dakota County

List two or three goals that you would like to see accomplished during your term on a commission.*

1. Times have changed considerably, especially in the past year. I believe the charter needs to be reviewed to ensure it is still relevant for our times and our city. 2. Fair and accessible voting for all residents, including increased participation for renters 3. Greater communication between committees

How did you become interested in serving on a committee?*

I've been following council meetings since we moved to WSP. I've attended or watched other committee meetings. I believe it is important to be active in our community. I had some of that when I was very active in the chamber. Serving on a committee is one way to do that.

Print

**Application for Appointment to Commissions, Boards, Committees and Task Forces -
Submission #3610**

Date Submitted: 12/31/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

First Name*

Leah

Last Name*

Koch

Address1*

Address2

City*

West St. Paul

State*

Minnesota

Zip*

55118

Email*

lmiller.leah@gmail.com

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.

Home

Cell

Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

Three years

Ward

2

Precinct

1

Employment / Job Title*

City Attorney

Employer Name & Address*

Campbell Knutson
860 Blue Gentian Road, Suite 290
Eagan, MN 55121

List your past and present civic activities or memberships which may be helpful to this committee.*

-NorthStar Neighbor Volunteer.
-Lector at St. Joseph's Parish in West St. Paul.
-FFA AgriScience Fair Judge.
-Crew 52 Member for the 2018 Super Bowl.
-Former member of the St. Paul Area Chamber of Commerce Public Policy Committee.
-Former Member of the Minnesota Women Lawyer's Equity Committee.

List two or three goals that you would like to see accomplished during your term on a commission.*

1. Preserve election integrity in West St. Paul.
2. Advocate for government transparency and accountability.
3. Preserve and enhance our City's constitution in pragmatic, effective, and measured ways. I will do this by applying my experiences of working with other charter cities as a City Attorney.

How did you become interested in serving on a committee?*

As long as I can remember I have always had a passion for public service. Growing up in a small farming community solidified an all-hands-on-deck approach to community life. That appetite to give has been instilled in me.

We each need to bring our full selves to the community we live in. During this pandemic, where so many are shrinking into themselves and their homes, there really is no better time to make a show of strength and boldness by stepping into a leadership role like this one.

As a self-proclaimed process nerd, I find the charter commission to be a perfect fit for me as it oversees the formalities and procedures of the city. As mentioned, my experiences as a City Attorney will add a unique perspective to this commission.

Thank you for your time please do not hesitate to reach out if you have other questions.

lkoch.leah@gmail.com

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3558

Date Submitted: 10/19/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Constance

Last Name*

LaCombe

Address1*

Address2

City*

West Saint Paul

State*

MN

Zip*

55118

Email*

connye@comcast.net

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*



Charter Commission



Parks & Recreation Advisory Board



Planning Commission



Environmental / Greening Committee



Lower Mississippi River Watershed Management Organization



NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

No preference

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

27

Ward

3

Precinct

1

Employment / Job Title*

Retired Math Teacher

Employer Name & Address*

St Paul Schools, The College of Saint Scholastica

List your past and present civic activities or memberships which may be helpful to this committee.*

Attended city council meetings and some park commission meetings. Have and currently do serve as an election judge. Helped to organize and put on the candidate forums sponsored by WoW, ROCC, and the WSP Greenway

List two or three goals that you would like to see accomplished during your term on a commission.*

Increase citizen participation in all aspects of WSP governance.

How did you become interested in serving on a committee?*

Seeing the work that is done by volunteers in our city is inspiring.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3579

Date Submitted: 11/17/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

First Name*

Andrew

Last Name*

Olson

Address1*

Address2

City*

West St Paul

State*

MN

Zip*

55118

Email*

andybobolson@gmail.com

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*



Charter Commission



Parks & Recreation Advisory Board



Planning Commission



Environmental / Greening Committee



Lower Mississippi River Watershed Management Organization



NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

3 1/2

Ward

2

Precinct

1

Employment / Job Title*

Legal/Management Analyst

Employer Name & Address*

Minnesota Campaign Finance and Public Disclosure Board 190 Centennial Office Building 658 Cedar St St Paul, MN 55155

List your past and present civic activities or memberships which may be helpful to this committee.*

I have been a member of the League of Women Voters of Dakota County since February 2017 and have served in volunteer leadership roles including as the League's Advocacy/Program Coordinator and later as the League's Visibility Coordinator. Throughout that time I have helped organize multiple candidate forums, public forums concerning various public policy issues, and meetings featuring speakers addressing issues of concern to the League's members. I have helped monitor proposals being considered by the Dakota County Board, the Metropolitan Council, the Minnesota Legislature, and various city councils and school boards, in order to help the League and members of the public take advantage of opportunities to provide input. For the past couple of years I have been primarily responsible for the League's external communications including its website and social media accounts.

List two or three goals that you would like to see accomplished during your term on a commission.*

I would like the Charter Commission to consider clarifying portions of the City Charter that explain what constitutes a quorum of the Council and what constitutes an affirmative vote of members of the Council. My concern is that Sections 3.03 and 3.04 do not specify whether the threshold for what constitutes a quorum or a majority of councilmembers is modified if one or more councilmembers is legally disqualified from participating in a meeting or voting on a matter. Those sections likewise do not specify whether a councilmember's decision to recuse herself or himself or abstain from voting on a matter alters those thresholds. Also, Section 3.03 refers to elected members, which could be problematic if the vote of an appointed councilmember would change the outcome of a decision. I would like the Charter Commission to consider proposing revisions to various aspects of Chapter V, regarding initiatives and referenda, which conflict with Minnesota Statutes section 205.10. For example, the petition signature threshold set forth in state statute is 20 percent of the number of votes cast in the previous municipal election, while the threshold set forth in Sections 5.05, 5.06, 5.10, and 5.11 of the City Charter is 10 percent. Similarly, I think the Charter Commission should consider proposing the modification of section 5.07 of the City Charter to provide that a special election held for the purpose of voting on an initiative will not be held between 30 and 45 days after final action on a proposed ordinance, as is currently required, unless a uniform election date set forth in Minnesota Statutes section 205.10, subdivision 3a, happens to fall within that 15-day time period. Another goal would be to help craft a proposal to modify ward boundaries to the extent necessary to ensure that the population of each ward is relatively equal following the release of Census block data in 2021.

How did you become interested in serving on a committee?*

I am interested in serving on the Charter Commission for a couple reasons. First, I am generally interested in the mechanics of good governance and I feel that my skills and knowledge as an attorney would help me to be a productive member of the Commission. Second, in the time that I have lived in West St. Paul there have been instances in which I feel that a lack of clarity within the City Charter has made it more difficult for residents to understand the functioning of the Council and other aspects of city governance.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3586

Date Submitted: 11/26/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

First Name*

Ann

Last Name*

Osendorf

Address2

City*

West St. Paul

State*

MN

Zip*

55118

Email*

a.osendorf@gmail.com

Home Phone

-

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*



Charter Commission



Parks & Recreation Advisory Board



Planning Commission



Environmental / Greening Committee



Lower Mississippi River Watershed Management Organization



NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

Charter, Planning, Parks and Recreation

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

60

Ward

3

Precinct

1

Employment / Job Title*

Communications Management

Employer Name & Address*

Church of St. Joseph

List your past and present civic activities or memberships which may be helpful to this committee.*

1) Chairperson - West St. Paul Neighborhood Association 2) "Vote Yes" Committee - Northern Dakota County Service Center

List two or three goals that you would like to see accomplished during your term on a commission.*

1) Address what is currently working well in West St. Paul 2) Encourage participation in community-building activities. 3) Creative and innovative solutions to those areas that need attention

How did you become interested in serving on a committee?*

As a life-long resident of West St. Paul, I have always considered service to our community as an important responsibility for the honor of living in such a great city. Investing time and energy and bringing a positive attitude and vision for current residents and future generations is needed now more than ever.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3300

Date Submitted: 1/8/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Jason

Last Name*

Smock

Address1*

Address2

City*

West Saint Paul

State*

MN

Zip*

55118

Email*

jason.p.smock67@gmail.com

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*



Charter Commission



Parks & Recreation Advisory Board



Planning Commission



Environmental / Greening Committee



Lower Mississippi River Watershed Management Organization



NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

Ward

Precinct

Employment / Job Title*

Employer Name & Address*

List your past and present civic activities or memberships which may be helpful to this committee.*

List two or three goals that you would like to see accomplished during your term on a commission.*

How did you become interested in serving on a committee?*

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3557

Date Submitted: 10/19/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

SALLY

Last Name*

SPREEMAN

Address1*

Address2

City*

WEST SAINT PAUL

State*

Minnesota

Zip*

55118

Email*

sallyspreeman@gmail.com

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*



Charter Commission



Parks & Recreation Advisory Board



Planning Commission



Environmental / Greening Committee



Lower Mississippi River Watershed Management Organization



NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

Ward

Precinct

Employment / Job Title*

Employer Name & Address*

List your past and present civic activities or memberships which may be helpful to this committee.*

My previous civic involvement included active participation with WSP neighborhood groups and meetings when they were organized by residents and held several times each year. This included publishing neighborhood newsletter and assisting with National Night Out. I served as a Dakota County district 2 representative for one year on the Planning Commission and one year on the Park and Recreation Committee. For 13 years I was a Girl Scout troop leader in WSP.

List two or three goals that you would like to see accomplished during your term on a commission.*

One goal I'd like to accomplish is responsive and open government. Residents should have confidence they are being represented in a fair and equitable manner. A second goal would be to ensure a city charter that meets the needs today and in the future of residents, city departments and city government.

How did you become interested in serving on a committee?*

With my daughter now a young adult and graduated from college I find myself with more free time and would like to give back to the community.

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
ANGELA M. LUTZ AMANN
KORINE L. LAND
DONALD L. HOEFT
BRIDGET McCAULEY NASON
PETER G. MIKHAIL
SCOTT M. LUCAS
TONA T. DOVE
AARON S. PRICE
DAVID L. SIENKO
CASSANDRA C. WOLFGRAM
CASSANDRA J. BAUTISTA
AMANDA J. JOHNSON

MEMO

TO: Chair VanMoorlehem and Members of the Charter Commission
FROM: Kori Land, City Attorney
DATE: January 4, 2021
RE: Council voting/Conflict of Interest

At the Charter Commission meeting on October 19, 2020, the Charter Commission discussed City Council voting requirements (how many votes it takes to pass motions) and conflicts of interest which excuse a Council Member from voting on a motion. These two issues have intersected on occasion, causing the necessity for interpretations of state law, caselaw and City Council rules. The Charter Commission directed my office to prepare language and/or clarity surrounding these issues for consideration by the Charter Commission at its next meeting.

BACKGROUND

It is important to identify the relevant State and Local laws surrounding quorums and certain voting requirements.

First, there is state law governing the number of Councilmembers needed to conduct business (a quorum) and how many votes are needed to pass an ordinance. For purposes of determining a quorum, State law says this:

Minn. Stat. §412.191, Subd. 1. Composition.

... A majority of all the members shall constitute a quorum although a smaller number may adjourn from time to time.

For West St. Paul, that means the City Council always needs 4 members present to conduct business.

For purposes of passing an ordinance, State law says this:

Minn. Stat. §412.191, Subd. 4. Ordinances.

Every ordinance shall be enacted by a majority vote of **all the members of the council** except where a larger number is required by law.

Even though the Mayor does not vote in West St. Paul, except in specific situations,¹ for purposes of counting “all members of the Council,” he is considered one of the total sum on the Council, as stated in the Charter:

City Charter Section 2.03. Elective Officers. The Council shall be composed of a Mayor and six (6) Councilpersons.

For West St. Paul pursuant to state law, the City Council always needs 4 votes to pass an ordinance, regardless of how many Councilmembers are present.

Second, there is the City Charter which has extraordinary voting requirements that go beyond the State law voting requirements:

City Charter §3.04

Subdivision 1. An affirmative vote of a majority of all the members of the Council shall be required for the passage of **all ordinances, resolutions and motions** except as otherwise provided in state law or this Charter. (emphasis added)

For West St. Paul, this means that the City Council always needs 4 votes to pass all motions, not just ordinances, regardless of how many Councilmembers are present. Prior to 2012, this Charter provision only applied to Ordinances and Resolutions, leaving a question about motions that had no accompanying resolutions. Subsequently, the Charter Commission and Council agreed that all actions by the Council should require four votes and by Charter amendment, the language was modified to reflect the provision above.

Below are some examples as to how these provisions work together:

¹ City Charter §2.06. Subdivision 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.

Example 1:

There are 4 Council members present at a meeting (including the Mayor), therefore:

- a. There is a quorum to conduct business.
- b. They could not pass any ordinary motions, because there are only 3 *voting* members.
- c. They could pass a motion on one of the exceptions when the Mayor votes, as long as the vote is unanimous by all those present.

Example 2:

There are 5 Council members present at a meeting (including the Mayor), therefore:

- a. There is a quorum to conduct business.
- b. For ordinary motions, the 4 voting members (not including the Mayor) have to vote unanimously for the motions to pass.
- c. For a motion on a matter when the Mayor votes, they could pass it with 4 votes, even with one of the Councilmembers dissenting.

Unless there is a desire to modify the language in section 3.04 to remove “resolutions and motions,” so that the 4-vote rule only applies to ordinances, *at least* four votes are needed to pass any action in West St. Paul.²

CONFLICTS OF INTEREST AND VOTING REQUIREMENTS

That background brings us to the issue regarding conflicts of interest and how that can impact the vote. It was suggested that the City Attorney’s Office offer language to be considered by the Charter Commission to require Councilmembers to articulate a conflict of interest on the record. Interestingly, the City Council imposes its own requirement on this very issue in its Permanent Rules of the Council, which it adopts at its organization meeting in January every year. These Permanent Rules are attached to this memo for your reference.

Generally speaking, the City Charter addresses voting on matters this way:

City Charter Section 3.04. Ordinances, Resolutions, and Motions. Except as in this Charter otherwise provided, all legislation shall be by ordinance. **The Council shall keep a journal of its proceedings and the ayes and nays when taken on any question shall be entered on such journal. Any member of the Council who, being present when his or her name is called, fails to vote up any pending motion, in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative.**

The Permanent Rules also address voting requirements, which are consistent with the City Charter in regard to how to treat the vote when a Councilmember refuses to vote on an issue as it also treats it as a negative vote.

² City Charter §3.04 subd. 2 requires 5 votes for the annual levy and budget and state law requires a supermajority vote for other exceptions as well, such as ordering an assessment project or rezoning property from residential to commercial or industrial.

RECORD OF VOTING

The Council shall keep a journal of its proceedings and yeas and nays, when taken on any questions, shall be entered on such journal. When a ballot vote method is being utilized for the appointment of members to task forces and commissions, the Clerk shall announce the candidates of each Councilmember and record the result of the ballot in the Council journal. **When voting on any matter by motion, any member who, being present when his name is called, fails to vote upon any pending proposition in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative on said pending proposition.**

The Permanent Rules take it a step further than the Charter and do not let silence be the last word (so to speak). The Permanent Rules *require* every Councilmember to vote unless they have a conflict of interest. The Record of Voting section goes on to state this:

Every member present shall vote unless the member is excused for a conflict of interest. **When a member declines to vote on the call of his/her name, the member shall be required to state the reasons for so declining.** After the vote is taken, but before the presiding officer has announced the vote, the presiding officer may and, if requested by a member, shall submit to the Council the question, “Shall the member for the reason stated, be excused from voting?” which shall be decided without debate. That member then shall vote or be excused based on the Council’s vote on the questions.

While the Charter Commission requested specific language to require Councilmembers to articulate a conflict of interest, the Permanent Rules already do so and also allow the Council to question the adequacy of the conflict. Such a Charter Amendment would solve the issue of requiring Councilmembers to affirmatively state the conflict of interest and would allow the Council to question its adequacy, however, there are still occasions when this requirement will not be sufficient to avoid other pitfalls. Here are some examples of voting situations that could occur, resulting in differing outcomes.

Example 1 (normal tie vote):

Councilmembers A, B, C = vote yes

Councilmembers D, E, F = vote no

Mayor breaks the tie and votes yes

Result = Motion passes 4-3

Example 2 (failed vote due to absence):

Councilmembers A, B, C = would vote yes

Councilmembers D, E, F = would vote no

Mayor would vote yes

Councilmember F is absent

Result = Motion fails 3-2 because Charter requires 4 votes to pass

Example 3 (recusal due to conflict of interest)

Councilmembers A, B, C = would vote yes

Councilmembers D, E, F = would vote no

Councilmembers E, F recuse themselves due to a conflict of interest

Mayor would vote yes but does not vote

Result = Motion passes 3-1

How? A conflict of interest removes that council member from the equation and is treated as a vacancy. The Council is then reduced from 7 to 5 members for this vote. If there are only 5 members, the majority of votes needed is reduced to 3 votes.³

While it is clear that the Charter Commission can compel Councilmembers to declare a conflict of interest (in addition to the Permanent Rules), which would then temporarily modify the number of seats of the Council and allow for a vote to be taken, it may not eliminate a failed vote which could occur due to a manipulated absence.

RECOMMENDATION:

Consider recommending that the City Council amend the City Charter to require the declaration of a conflict of interest, similar or identical to language that it already imposes in its Permanent Rules.

Proposed Charter Section 3.04 subd. 3:

Every member present shall vote unless the member is excused due to a conflict of interest. When a member declines to vote on the call of his/her name, the member shall be required to state the reasons for so declining. After the vote is taken, but before the presiding officer has announced the vote, the presiding officer may and, if requested by a member, shall ask the Council the question, “Shall the member for the reason stated, be excused from voting?” which shall be decided without debate. That member then shall vote or be excused based on the Council’s vote on the question.

³ This situation was researched by the City Attorney’s Office and an excerpt from the research memo provides the following explanation: *1989 St. Imp. Program v. Denmark Twp., Washington Cnty., Minn.*, 483 N.W.2d 508 (1992), involved a statute requiring that municipal resolutions for proposed improvements be adopted by a vote of four-fifths of **all** the members of the council. However, in that case two members of the council had recused themselves from the vote due to a conflict of interest. The Court affirmed their ability to presume that literal interpretations of statute which create a result that is “absurd, impossible of execution, or unreasonable” to be unintended. *Id.* at 510. The Court went on to cite an Attorney General opinion which concluded that public policy demands that for the purposes of a quorum, the majority should be computed based upon the membership as it exists after a vacancy, not the total number elected. *Id.* **The Court held that if you are disqualified from a vote due to a conflict of interest, for the purposes of quorum and a voting majority, it is the same as if the position is vacant. *Id.* 510-11.** (emphasis added)

Council Adopted 1/2/97
Amended 11/24/97
Amended 1/2/15
Amended 1/3/17

PERMANENT RULES OF THE CITY COUNCIL
OF WEST SAINT PAUL, MINNESOTA

MEETING TIME AND DATES

Unless otherwise resolved, the regular meetings of the West St. Paul City Council shall convene at 6:30 p.m. on the second and fourth Monday of each month. The Mayor or any three members of the Council may call special meetings upon at least 3 days' notice to each member or an emergency meeting upon at least 24 hours' notice.

PRESIDING OFFICER

The Mayor, or in his absence, the President Pro Tem, shall at the time the meeting convenes, call the meeting to order and chair the meeting. In the absence of both the Mayor and President Pro Tem, the members may appoint a member to chair the meeting, but such appointment shall not extend beyond the arrival of the Mayor, the President Pro Tem, or the adjournment for the day, whichever occurs first. A majority vote of all the members of the Council shall be required to overrule the presiding officer.

QUORUM

A roll of the members shall be called and the names of members present and the members absent shall be entered in the Council minutes. A majority of all members of the Council shall constitute a quorum to do business.

ORGANIZATIONAL MEETING OF COUNCIL

At the organizational meeting of the Council in January in odd numbered years, no conduct of the city's business shall be considered except those matters pertaining to the organization of the City Council or the method or manner of the conduct of its business.

**Permanent Rules of the City Council
of the City of West St. Paul**

ORDER OF BUSINESS

After the taking of the roll call, the order of business shall be the agenda for the meeting and the chair may take matters out of their order on the agenda for the convenience of the public, unless overruled by the members. Matters outside of the agenda may be considered by a majority vote of all members of the Council. Any matter of non-controversial nature may be placed on the consent agenda, which shall immediately precede other matters on the agenda for that meeting. The matters on the consent agenda may be acted upon by a single motion by the Council without debate. A member of the Council may remove any matter from the consent agenda by requesting removal prior to the voting thereon.

RECORD OF VOTING

The Council shall keep a journal of its proceedings and yeas and nays, when taken on any questions, shall be entered on such journal. For roll call votes, the maker of the motion shall be called upon first to record his/her vote. The member who seconded the motion shall be called upon second to record his/her vote. When a ballot vote method is being utilized for the appointment of members to task forces and commissions, the Clerk shall announce the candidates of each Councilmember and record the result of the ballot in the Council journal. When voting on any matter by motion, any member who, being present when his name is called, fails to vote upon any pending proposition in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative on said pending proposition. Every member present shall vote unless the member is excused for a conflict of interest. When a member declines to vote on the call of his/her name, the member shall be required to state the reasons for so declining. After the vote is taken, but before the presiding officer has announced the vote, the presiding officer may and, if requested by a member, shall submit to the Council the question, "Shall the member for the reason stated, be excused from voting?" which shall be decided without debate. That member then shall vote or be excused based on the Council's vote on the questions.

At the request of any member, a roll call shall be held up temporarily to permit any member in the building to vote on that matter.

MOTION AND RESOLUTION

No motion or resolution shall be debated or voted on unless it has been seconded by a member of the Council. After a motion has been made, it is in the possession of the Council and, unless withdrawn before it is voted upon, or before adjournment that day, it shall be entered in the minutes, together with the name of the member offering it. No member may make two motions at the same time.

**Permanent Rules of the City Council
of the City of West St. Paul**

ORDER AND DIVISION OF A QUESTION

A division of any question, which contains several points, may be made. Except in the case of a privileged question or as otherwise provided by these rules, questions shall be put in the order in which they are moved. .

THE PREVIOUS QUESTION

A motion calling for the previous question must be seconded. If a motion for the previous question is ordered by the vote of the council, it shall have the effect of cutting off all debate and bringing the Council to a vote on the question. When the previous question is decided in the negative, the main question remains under debate until disposed of by the vote or in some other manner.

MOTION TO BE GERMAINE

No motion or proposition on a subject, different from that under consideration, shall be admitted under the guise of its being an amendment.

MOTION FOR RECONSIDERATION

When a question has been decided, either in the affirmative or the negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day or on or before the next regular scheduled Council meeting. A member who did not vote on a question may also move reconsideration within the same time limitation.

PRECEDENCE OF MOTIONS

When a question is under debate, no motion shall be received except the following; the first three shall be decided without debate:

- (1) To adjourn
- (2) To table or postpone indefinitely
- (3) For the previous question
- (4) To commit or refer
- (5) To continue or postpone to a day certain

**Permanent Rules of the City Council
of the City of West St. Paul**

- (6) To amend

The motions shall have precedence in the order listed.

MOTION TO ADJOURN

A motion to adjourn shall always be in order except during roll call. When a motion to adjourn is made, it shall be in order for the presiding officer before putting the question to permit any member to state reasons which would seem to render adjournment improper at that time. But debate thereon shall not be had.

DEBATE AND DECORUM

Every member before speaking shall be recognized by the presiding officer. When two or more members wish to speak at the same time, the presiding officer shall designate the member to speak first. No member shall speak more than once until every other member wishing to speak on the pending question has had an opportunity to do so. No member shall walk out of the meeting while a roll call is being taken.

COMMITTEES

Standing committees of the Council shall be:

- (1) Public Safety
- (2) Public Works

Committee Membership: Except as otherwise provided by Statute, Ordinance, or Charter, the Mayor shall appoint members to all Council committees, and shall designate the chairman thereof.

Referral to committee shall be made by the Council by a motion to refer to committee or by the Mayor's request to refer to committee.

Committee meetings shall be open to the public and shall be scheduled from time to time by the committee chairman with due consideration for the convenience of committee members.

A majority of the members of any committee shall constitute a quorum.

**Permanent Rules of the City Council
of the City of West St. Paul**

A committee may reconsider any action so long as the matter remains in the possession of the committee and the committee report has not been presented to the Council. A committee member need not have voted on the prevailing side in order to move reconsideration.

Matters referred to a Standing Committee shall remain in the Committee's possession until action is taken by the Committee reporting the matter back to the City Council. The City Council may, by majority vote, recall any matter from a Standing Committee thirty days after its referral to Committee.

OPEN WORK SESSION

The Council may on such occasions as it deems appropriate, upon proper notice of the meeting, meet in an open work session for purposes of general discussion of matters which are not appropriate for referral to a standing committee or advisory committee. For all matters except voting for appointments to task forces and commissions, discussion at work sessions will not result in formal vote or resolution, though members will be free to express their intent and position. Voting for appointments to task forces and commissions, either by ballot vote pursuant to Resolution 97-64 or motion vote, may result in a formal vote or resolution at an open work session.

Work sessions will be held in available conference space in the Municipal Center or in the Council Chambers as the Council may from time to time determine appropriate. All such meetings shall be open to the public unless they are closed in compliance with Minnesota Statutes.

ADVISORY COMMITTEES, BOARDS AND COMMISSION

The names, addresses, and background information of all persons to be considered for appointment to various City Advisory Committees, Boards, or Commissions shall be submitted in writing on a form provided by the City Clerk. Before Council action, the applications may be considered in an Open Work Session.

SUSPENSION OR AMENDMENT OF THE RULES

The concurrence of two-thirds of the whole Council is required to amend or suspend or alter any of the Permanent Rules of the Council.

**Permanent Rules of the City Council
of the City of West St. Paul**

CODE OF ETHICS FOR PUBLIC OFFICIALS
OF THE CITY OF WEST ST. PAUL

1. Declaration of Purpose:

The purpose of a Code of Ethics policy is to establish ethical standards of conduct for public officials. The proper operation of democratic government requires that public officials be independent, impartial and responsible to the citizens of West St. Paul. The public should have confidence in the integrity of its city government and know that public office will not be used for personal gain. The provisions of this Code of Ethics shall apply to all public officials, elected and appointed.

II. Responsibilities of Public Office:

Public officials, elected and appointed, of the City of West St. Paul hold office for the benefit of the public. They are bound to uphold the Constitution of the United States as well as the Constitution of the State of Minnesota as well as the Charter of the City of West St. Paul. They should maintain the highest personal ethics so as to maintain the confidence of the public who elected them. They are bound to discharge faithfully the duties of their office regardless of personal consideration, recognizing the public interest must be their primary concern.

III. Fair and Equal Treatment:

- A. Public officials, elected and appointed, shall not request or permit the use of City owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public in general or are provided as municipal policy for the use of such elected officials in the conduct of official business.
- B. Public officials, elected and appointed, shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

IV. Conflict of Interest:

- A. Public officials, elected and appointed, shall not knowingly engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest or would tend to impair independence of judgement or action in the performance of official duties.
- B. Specific conflicts of interest are as follows:

**Permanent Rules of the City Council
of the City of West St. Paul**

1. Holding a position of employment which is incompatible with the elected position or interferes with the proper discharge of public duty.
2. Use of confidential information, obtained as a result of public position for personal gain.
3. Soliciting of personal gifts and favors by an elected official, or accepting unsolicited gifts or favors.
4. Use of official position for personal gain.
5. Holding investments which interfere or tend to interfere with proper discharge of public duty.
6. Representation by elected officials of private interests before city governmental agencies and participation in the profits from such representation.
7. Personal interest in legislation to the extent that private interest takes precedence over public interest and public duty.

V. Application of Code:

When a public official has doubt as to the applicability of this code, he/she should apply to the City Attorney for an advisory opinion and be guided by that opinion.

VI. Sanctions:

A violation of the provisions of the Code of Ethics shall be grounds for censure of the offender by the Council and disqualification from public office when authorized.

ETHICS LAW

As a general rule no elected official, member of any advisory board, or public employee should accept any gift unless the City Attorney is of the opinion that the gift is one of the rare exceptions to the rule.

MINUTES
WEST ST. PAUL CHARTER COMMISSION
Monday, October 19, 2020

5:30 P.M.

MUNICIPAL CENTER
COUNCIL CHAMBERS

AND

WEB-EX DUE TO COVID-19 PANDEMIC LOCAL EMERGENCY DECLARATION

MEMBERS PRESENT IN COUNCIL CHAMBERS:

Chair Aaron VanMoorlehem, Commissioners Mark Tessmer, Doug Fromm, Jim McKie, Karen Vavreck, Jim Probst

MEMBER PRESENT VIA WEB-EX:

Tim Haubrich, Andrea Friesen, Matthew Schempp, Tim Valento, Councilmember Liaison Fernandez

MEMBERS ABSENT: Wendy DeVore

OTHERS PRESENT IN COUNCIL CHAMBERS:

City Attorney Kori Land, City Manager Ryan Schroeder, Councilmember John Justen

1. CALL TO ORDER

Chair VanMoorlehem called the meeting to order at 5:30 p.m.

2. ROLL CALL

3. ADOPT AGENDA

Motion by Fromm/Probst to adopt the agenda. Motion passed 10-0.

4. CONSENT

A. Approve Meeting Minutes of Feb. 26, 2020

Motion by Fromm/Vavreck to approve the minutes. Motion passed 10-0.

5. NEW BUSINESS

- A. Election of Officers. VanMoorlehem said he would be willing to serve another term as Chair. *McKie/Tessmer* moved to appoint Chair VanMoorlehem for another term. Motion passed 10-0.

Fromm agreed that he would be willing to continue to serve as Vice Chair. *McKie/Tessmer* moved to appoint Vice Chair Fromm for another term. Motion passed 10-0.

- B. Assessment Policy update. City Manager Schroeder outlined the new sidewalk assessment policy, explaining that new sidewalks are not assessed but are absorbed in the City's costs for construction, but replacement sidewalks are included in the corresponding roadway improvement project and then the assessments are capped at the special benefit appraisal that is done as part of the project. The Commission had no additional questions.
- C. City Council Voting Requirements. The Commission desired to have additional explanation on a prior planning application that resulted in approval by the Council with a 3-0 vote due to several Council members abstaining because of a perceived conflict of interest, when the Charter requires 4 votes to pass and motion. A healthy discussion ensued with all Commissioners expressing their opinions on the subject of voting protocols in a conflict situation.

Haubrich/Tessmer moved to ask the City Attorney to prepare Charter language requiring Councilmembers to articulate any conflict of interest into the record if they abstain due to a conflict of interest. It was requested that such language would be reviewed by the Charter Commission at its next meeting. Motion passed 10-0.

Other discussion surrounded the potential for Councilmembers to orchestrate a failed vote by choosing to abstain or by being absent. Commissioner Fromm provided the following examples:

Example 1 (normal tie vote):

Councilmembers A, B, C = would vote yes

Councilmembers D, E, F = would vote no

Mayor would vote yes

3-3 tie so Mayor votes to break the tie and it passes.

Example 2 (manipulated failed vote):

Councilmembers A, B, C = would vote yes

Councilmembers D, E, F = would vote no

Councilmember F abstains/is absent

Mayor would vote yes

3-2 vote fails because Charter requires 4 votes to pass

There were questions surrounding the Charter language versus state law on the required number of votes. Attorney Land indicated that the two were consistent.

It was requested that the City Attorney look at this issue to see if this could be reconciled so that councilmembers could not orchestrate a failed vote by failing to attend or by abstaining from a vote. It was requested that such research be provided at the next meeting.

- D. Expired Terms & Appointments to Charter Commission.** Seven commissioners' terms expired in 2020 or will expire in 2021. Commissioner DeVore is the only one who has indicated she did not want to reapply, which leaves one vacancy. Chair VanMoorlehem and Vice Chair Fromm outlined the protocol followed for the last round of appointments. It was summarized that previously Commissioner McKie conducted a pre-interview of the applicants and then the Commission interviewed the applicants in person. Commissioner Vavreck said she did not have a pre-interview so she would rather do in person interviews only. Commissioners Fromm, Haubrich and Tessmer commented that they enjoyed the group interviews. Commissioner McKie asked if the application process was closed or if additional applications could be accepted. Chair VanMoorlehem said it could still be open to allow more people to apply. Commissioner Fromm agreed that the City should solicit more applications. Commissioner Tessmer recalled that for the interview process, there was a set of questions and then each Commissioner was allowed to ask follow-up questions. The general consensus was to conduct in-person interviews to fill the vacancy. City Attorney Land was asked to circulate the previous interview questions to the Commission and if Commissioners wanted to amend them, they could provide feedback. It was recommended that the questions be sent to the applicants prior to the interviews. Interviews would be conducted at the next meeting to fill the seat of Commissioner DeVore. Commissioners Haubrich, Tessmer and Valento's terms expired in 2020 and they indicated that they wished to be reappointed.

Probst/Friesen moved Commissioners Haubrich, Tessmer and Valento to be reappointed. Motion passed 10-0.

The remaining Commissioners whose terms expire in 2021 (Commissioners Fromm, Schempp, Vavreck) will be considered for reappointment at the next meeting.

- E. Council members as Election Judges.** The Commission was provided the history of the question that was raised about Councilmembers serving as election judges and the conflict with the Charter provision stating that Councilmembers cannot be an employee. State law is clear as to when a sitting councilmember can serve as an election judge and City Attorney Land clarified how the Charter provision interacted with the position of an election judge. She concluded that so long as the Councilmember followed state law as to when they can be an election judge and in addition, are not compensated for serving as an election judge, a Councilmember could serve as an election judge. The Commission decided that no action was needed.

6. OLD BUSINESS

- A. Ranked Choice Voting update. City Manager Schroeder gave a summary of the presentation given to the Council on ranked choice voting. His recollection was that there were no strong feelings expressed either way. City Manager Schroeder said there are difficulties in the mechanics of ranked choice voting at this time and the City Clerk was concerned about uniformity amongst cities in the County, since the County provides all election trainings. She was concerned that West St. Paul would become an island when it comes to the voting process training. The Commission agreed that the issue was still not ripe for implementation. Commissioner Schempp stated that the City needed to wait for change at a larger level.

7. SET NEXT MEETING DATE

The Commission set the next meeting date for Tuesday, January 12, 2021. Agenda items to include:

- Consider Conflict of Interest disclosure language
- Discuss number of votes required to pass a motion to avoid a manipulated vote
- Conduct applicant interviews to fill the vacancy on the Commission.

8. ADJOURNMENT

Motion to adjourn by Probst/Vavreck. The meeting was adjourned at 6:35.

December 31, 2020

Honorable Kathryn Davis Messerich
Chief Judge, District Court, First Judicial District
Dakota County District Court Judicial Center
1560 Highway 55
Hastings, MN 55033

Re: West St. Paul Charter Commission 2020 Annual Report

Dear Judge Messerich:

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 year 2020.

The Charter Commission met twice in 2020, the minutes of which are enclosed for your convenience.

The Charter Commission reappointed three existing members to the Commission this year. They also unanimously agreed to raise the Mayor and Council salaries 2.75% in 2021 and 2.75% in 2022 based on the 2020 general employee increase. The Commission discussed many interesting issues, such as Council voting requirements, conflict of interest concerns and Councilmembers serving as election judges.

They scheduled the next meeting for January 12, 2021.

Respectfully,



Aaron Van Moorelehem
West St. Paul Charter Commission Chair

Enclosure

cc: Mayor and Council
City Manager Ryan Schroeder

MINUTES
WEST ST. PAUL CHARTER COMMISSION
Wed., Feb. 26, 2020
5:30 P.M.
MUNICIPAL CENTER
LOBBY CONFERENCE ROOM

MEMBERS PRESENT: Chair Aaron VanMoorlehem, Commissioners Mark Tessmer, Doug Fromm, Tim Haubrich, Jim McKie, Karen Vavreck, Jim Probst, Matthew Schempp

MEMBERS ABSENT: Wendy DeVore, Andrea Friesen, Tim Valento

OTHERS PRESENT: City Attorney Kori Land, City Manager Ryan Schroeder

1. CALL TO ORDER

Chair VanMoorlehem called the meeting to order at 5:30 p.m.

2. ROLL CALL

3. ADOPT AGENDA

Motion by Probst/Vavreck to adopt the agenda. All ayes.

4. CONSENT

A. Approve Meeting Minutes of Sept. 25, 2019

Motion by Tessmer/Probst to approve the minutes. All ayes.

5. NEW BUSINESS

A. Council Salaries

Attorney Land outlined the memo in the packet and the supplemental comparison salaries information provided by the City Manager. Charter Commission discussed increasing the salaries by the same COLA as was received by the West St. Paul unions and staff for 2020. City Manager Schroeder indicated that was 2.75%. Charter Commission members thought an automatic increase in 2021 and then again in 2022 of 2.75% was appropriate given the magnitude of communication expectations by the public of the Mayor and Council.

Motion by Probst/Fromm to increase the salaries by 2.75% in 2021 and 2.75% in 2022. All ayes.

6. OLD BUSINESS

7. SET NEXT MEETING DATE

The Commission decided to set the next meeting date for Sept. 23, 2020 at 5:30, noting that the following items should be on the agenda:

- Appoint members: applications should be included in the packet
- Update on RCV
- Update on sidewalk assessments policy
- Discuss Charter section 3.04 subd. 1 requiring approval of “all members of the Council” for ordinances, resolutions and motions, (meaning for 4 votes) making it impossible for 3 votes to pass an item, even if that would be a majority of those present. The Commission wondered if this was common in other cities.

Motion by Haubrich/Fromm. All ayes.

8. ADJOURNMENT

Motion to adjourn by Tessmer/McKie. All Ayes.

The meeting was adjourned at 5:44 p.m.

MINUTES
WEST ST. PAUL CHARTER COMMISSION
Monday, October 19, 2020
5:30 P.M.
MUNICIPAL CENTER
COUNCIL CHAMBERS
AND
WEB-EX DUE TO COVID-19 PANDEMIC LOCAL EMERGENCY DECLARATION

MEMBERS PRESENT IN COUNCIL CHAMBERS:

Chair Aaron VanMoorlehem, Commissioners Mark Tessmer, Doug Fromm, Jim McKie, Karen Vavreck, Jim Probst

MEMBER PRESENT VIA WEB-EX:

Tim Haubrich, Andrea Friesen, Matthew Schempp, Tim Valento, Councilmember Liaison Fernandez

MEMBERS ABSENT: Wendy DeVore

OTHERS PRESENT IN COUNCIL CHAMBERS:

City Attorney Kori Land, City Manager Ryan Schroeder, Councilmember John Justen

1. CALL TO ORDER

Chair VanMoorlehem called the meeting to order at 5:30 p.m.

2. ROLL CALL

3. ADOPT AGENDA

Motion by Fromm/Probst to adopt the agenda. Motion passed 10-0.

4. CONSENT

A. Approve Meeting Minutes of Feb. 26, 2020

Motion by Fromm/Vavreck to approve the minutes. Motion passed 10-0.

5. NEW BUSINESS

- A. Election of Officers. VanMoorlehem said he would be willing to serve another term as Chair. *McKie/Tessmer* moved to appoint Chair VanMoorlehem for another term. Motion passed 10-0.

Fromm agreed that he would be willing to continue to serve as Vice Chair. *McKie/Tessmer* moved to appoint Vice Chair Fromm for another term. Motion passed 10-0.

- B. Assessment Policy update. City Manager Schroeder outlined the new sidewalk assessment policy, explaining that new sidewalks are not assessed but are absorbed in the City's costs for construction, but replacement sidewalks are included in the corresponding roadway improvement project and then the assessments are capped at the special benefit appraisal that is done as part of the project. The Commission had no additional questions.
- C. City Council Voting Requirements. The Commission desired to have additional explanation on a prior planning application that resulted in approval by the Council with a 3-0 vote due to several Council members abstaining because of a perceived conflict of interest, when the Charter requires 4 votes to pass and motion. A healthy discussion ensued with all Commissioners expressing their opinions on the subject of voting protocols in a conflict situation.

Haubrich/Tessmer moved to ask the City Attorney to prepare Charter language requiring Councilmembers to articulate any conflict of interest into the record if they abstain due to a conflict of interest. It was requested that such language would be reviewed by the Charter Commission at its next meeting. Motion passed 10-0.

Other discussion surrounded the potential for Councilmembers to orchestrate a failed vote by choosing to abstain or by being absent. Commissioner Fromm provided the following examples:

Example 1 (normal tie vote):

Councilmembers A, B, C = would vote yes

Councilmembers D, E, F = would vote no

Mayor would vote yes

3-3 tie so Mayor votes to break the tie and it passes.

Example 2 (manipulated failed vote):

Councilmembers A, B, C = would vote yes

Councilmembers D, E, F = would vote no

Councilmember F abstains/is absent

Mayor would vote yes

3-2 vote fails because Charter requires 4 votes to pass

There were questions surrounding the Charter language versus state law on the required number of votes. Attorney Land indicated that the two were consistent.

It was requested that the City Attorney look at this issue to see if this could be reconciled so that councilmembers could not orchestrate a failed vote by failing to attend or by abstaining from a vote. It was requested that such research be provided at the next meeting.

- D. Expired Terms & Appointments to Charter Commission.** Seven commissioners' terms expired in 2020 or will expire in 2021. Commissioner DeVore is the only one who has indicated she did not want to reapply, which leaves one vacancy. Chair VanMoorlehem and Vice Chair Fromm outlined the protocol followed for the last round of appointments. It was summarized that previously Commissioner McKie conducted a pre-interview of the applicants and then the Commission interviewed the applicants in person. Commissioner Vavreck said she did not have a pre-interview so she would rather do in person interviews only. Commissioners Fromm, Haubrich and Tessmer commented that they enjoyed the group interviews. Commissioner McKie asked if the application process was closed or if additional applications could be accepted. Chair VanMoorlehem said it could still be open to allow more people to apply. Commissioner Fromm agreed that the City should solicit more applications. Commissioner Tessmer recalled that for the interview process, there was a set of questions and then each Commissioner was allowed to ask follow-up questions. The general consensus was to conduct in-person interviews to fill the vacancy. City Attorney Land was asked to circulate the previous interview questions to the Commission and if Commissioners wanted to amend them, they could provide feedback. It was recommended that the questions be sent to the applicants prior to the interviews. Interviews would be conducted at the next meeting to fill the seat of Commissioner DeVore. Commissioners Haubrich, Tessmer and Valento's terms expired in 2020 and they indicated that they wished to be reappointed.

Probst/Friesen moved Commissioners Haubrich, Tessmer and Valento to be reappointed. Motion passed 10-0.

The remaining Commissioners whose terms expire in 2021 (Commissioners Fromm, Schempp, Vavreck) will be considered for reappointment at the next meeting.

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