



OPEN COUNCIL WORK SESSION

Municipal Center Council Chambers

1616 Humboldt Ave, West St. Paul, MN 55118

Monday, January 22, 2024

5:45PM

1. Welcome and Note Attendance

2. Agenda Item(s)

A. Legislative Priorities and Bonding/Funding Requests

Documents:

[OCWS ITEM - LEGISLATIVE PRIORITIES AND BONDING.FUNDING REQUESTS.PDF](#)

[ATTACHMENT - RESOLUTION ESTABLISHING POLICY POSITIONS_DRAFT.PDF](#)

B. Permanent Rules of Council and Code of Ethics

Documents:

[OCWS ITEM - PERMANENT RULES AND CODE OF ETHICS.PDF](#)

[ATTACHMENT - PERMANENT RULES AND CODE OF ETHICS_DRAFT.PDF](#)

3. Regular Meeting Consent Agenda Review

4. 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.

Si usted desea que alguna parte del paquete de esta agenda sea traducida al Español, por favor solicítelo al social@wspmn.gov.

www.wspmn.gov EOE/AA

Subject: Legislative Priorities and Bonding/Funding Requests

Meeting Date: January 22, 2024	
Submitted/Presented by/Department: Nate Burkett, City Manager	
Action Type	
<input type="checkbox"/> Consent Item	<input checked="" type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
NA	
Background	
<p>The Council is asked to consider legislative priorities and provide direction with regard to bonding and funding requests. A draft resolution is included with this item for consideration.</p> <p>Links to the League of Minnesota Cities and Metro Cities policy positions are below:</p> <p>League of Minnesota Cities Legislative Priorities</p> <p>Metro Cities Legislative Priorities</p>	
Attachments	
Attachment - Resolution Establishing Policy Positions_Draft	
Previous Relevant Actions	
Alternatives	
Financial	
Budgeted: <input type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact
Fund:	
Department:	
Account:	
Amount:	

DRAFT RESOLUTION

ADOPTING POLICY POSITIONS AND AUTHORIZING CERTAIN INDIVIDUALS TO SPEAK ON BEHALF OF THE CITY COUNCIL WITH CONDITIONS

Whereas, the City of West St. Paul has an interest in the outcomes of the 2024 legislative session, and;

Whereas, the City of West St. Paul has an interest in obtaining funding from the State or other sources for projects and initiatives, and;

Whereas, the decisions of the Governor and Legislature of the State of Minnesota can have a significant and lasting impact on the City of West St. Paul and our residents, and;

Whereas, it is important that city staff, the Mayor and individual Councilmembers are able to speak on behalf of the entire City Council of the City of West St. Paul, even when the opportunity does not exist to consult the entire City Council in a public meeting prior to an opportunity to engage with legislators, departments of the State of Minnesota, the Governor's office or others with influence.

Now, Therefore be it resolved that this resolution serves as approval for City Staff, the Mayor, and individual City Councilmembers to publicly speak on behalf of the City of West St. Paul and the City Council of West St. Paul in certain circumstances, such as testifying before a legislative committee, participating in a press conference, or in accordance with the following conditions:

- The staff member, mayor or City Councilmember must clearly identify whether they are speaking on behalf of the City Council or in their individual capacity. The Mayor and City Councilmembers may take any individual position on any matter and choose to advocate in the way they see fit provided they identify that they are acting in their individual capacity. Staff may only advocate in accordance with the personnel policies of the City of West St. Paul, which allow political activities on personal time with a clear identification that they are speaking on behalf of themselves in their personal capacity.
- If staff members, the Mayor or City Councilmember are to be testifying or advocating in a public forum or event the staff member, Mayor or City Councilmember must discuss and agree upon planned comments with the City Manager prior to taking such action.
- Staff members, the Mayor or City Councilmembers may advocate publicly on behalf of the West St. Paul City Council in alignment with any of the League of Minnesota Cities policy positions or Metro Cities policy positions, as well as any of the West St. Paul funding or bonding initiatives approved in this resolution.

Be it further resolved that staff, the Mayor and Councilmembers may advocate publicly or privately on behalf of the City of West St. Paul and The City Council on the following:

- Funding to be directed to the City or any of the City's partners to support the City's opioid response initiative.
- Funding to be directed to the City for capital projects, including but not limited to; funding to rehabilitate critical sanitary sewer pipes, funding for parks including the planned park improvements at 150 Thompson and the West St. Paul Swimming Pool, capital funding for city facilities or city facility planning.

Be it further resolved that the City Council recognizes the following as high priority legislative initiatives:

- Clarification on new cannabis laws including the city role in licensing and regulation, as well as resolving issues related to potential municipal cannabis dispensaries. (LMC, SD-57)
- Allowing cities to renew or establish local option sales tax without specific legislative approval. (LMC, FF-20) (MC, 1-C)
- Increasing funding for urban forest management. (LMC, SD-72) (MC, 2-K)
- Increasing flexibility in the use of tax increment financing (TIF). (LMC, LE-28) (MC, 3-L)
- Expanding authority for cities to fundraise for special projects such as parks, trails, and community centers. (LMC, SD-18)
- Allowing local units of government to designate which licensed ambulance service provider or providers may serve their communities and to determine the appropriate level of service. (LMC, SD-16)
- Supporting the appointment of Metropolitan Council members by the Governor with four-year, staggered terms for members to stabilize ideological shifts and provide for continuity of knowledge on the Council. (MC, 4-B)
- Supports legislative efforts to control health insurance costs but opposes actions that undermine local flexibility to manage rising insurance costs (MC, 1-T)
- Support legislative efforts that support redevelopment efforts and facilitates the re-use of previously developed land, thereby leveling the playing field between greenfield and brownfield sites so that a developer can choose to locate on land that has already been used. (MC, 3-K)
- Support state programs and incentives for reinvestment in older residential and commercial/industrial buildings, such as, but not limited to, tax credits and/or property tax deferrals. (MC, 3-N)
- Supports local authority over land use and zoning decisions and opposes the creation of non-local appeals boards with the authority to supersede city zoning decisions, and statutory modifications that would diminish the ability of cities to set and implement local zoning ordinances and policies. (LMC, FF-16) (MC, 4-K)

Subject: Permanent Rules of Council and Code of Ethics

Meeting Date: January 22, 2024	
Submitted/Presented by/Department: Nate Burkett, City Manager	
Action Type	
<input type="checkbox"/> Consent Item	<input checked="" type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:
Action	
NA	
Background	
<p>The purpose of this discussion is threefold:</p> <ul style="list-style-type: none"> • Review permanent rules of council and code of ethics • Consider public comment and "phone-in" comment policies • Consider Council Chambers technology <p><u>Permanent Rules and Code of Ethics</u></p> <p>WSP City Charter requires that the City Council adopt rules and a code of ethics. It has been three years since the rules and code of ethics have been reviewed so the time may be appropriate to do so. Note that the permanent rules and code of ethics have been reformatted. But no changes have been made to the content since their last adoption.</p> <p>No formal recommendation is being made at this time, staff is seeking the direction of Council. Upon review of several other cities' Council rules, staff believes there are potentially some items from the City of Bloomington's Council rules that the Council may be interested in discussing.</p> <p>Council is asked to review the permanent rules and code of ethics attached with this item. Note that there are some items which are inconsistent with practice such as:</p> <ul style="list-style-type: none"> • I(E) - Permanent rules state that council can remove items for consent, but the language on the agenda says that council OR members of the public may remove items from consent. • I(G) - Permanent rules state that no motion or resolution shall be debated or voted on without motion or second. Council frequently discusses items prior to a motion or second. • Broadly - there are many items in the permanent rules that are redundant of Robert's Rules of Order and are technically not necessary. • There are no identified issues with the Code of Ethics. 	

Subject: Permanent Rules of Council and Code of Ethics

Public Comment and "Phone-in" Comment Policies

The Council may wish to consider adding policies to the permanent rules governing public comment and phone-in comments. Recently, there have been several meetings of other public bodies where their public comment periods have been taken advantage of by individuals addressing topics outside the scope of city government, making racist or inflammatory remarks or otherwise disturbing the orderly conduct of City business.

The Council is not obligated by law to allow public comment except for instances requiring a public hearing. The Council is also not obligated by law to accept phone-in comments, except in circumstances where someone has requested accommodation under ADA. The City Attorney will expand upon legal parameters as well as discuss potential concerns arising from recent occurrences during meetings of other public bodies.

The Council may wish to consider:

- Should rules for public comment be inserted into the permanent rules? Standalone policy? No changes?
- What rules for public comment should be considered? Time limits? Requirements that subject matter is germane to city government? Requirements that comments are not obscene, profane or threatening? Should we strengthen adherence to the rule that Council will not discuss items brought up at public comment? Strengthen sign in requirements?
- Should the phone in comment option continue to be offered? Should the rules for general public comment apply? Should we consider an alternative - such as allowing people to leave a message for the Council which will be played provided it does not violate rules? Will phone comments generally be allowed only during public comment, only during public hearings (and if so how will that determination be made as to which public hearings) or both, or neither?

Council Chambers Technology

If, during this discussion it becomes apparent that technology will be impacted in some way, staff may present questions to the Council to obtain feedback on technology upgrade plans.

Staff continues to believe there would be value in moving work sessions into the conference room. During previous Council discussion on the matter, the Council indicated a strong preference to continue to televise work sessions (it is not required, and was not done prior to 2020). Should Council wish to consider moving work sessions in to the conference room to promote more open and free flowing discussion, this would be the time to give that direction to staff.

Attachments

Attachment - Permanent Rules and Code of Ethics_Draft

Subject: Permanent Rules of Council and Code of Ethics

Previous Relevant Actions	
January 8, 2023 City Council Agenda - Item 7C - Permanent Rules and Code of Ethics	
Alternatives	
Financial	
Budgeted: <input type="checkbox"/> Yes	<input type="checkbox"/> No Financial Impact
Fund:	
Department:	
Account:	
Amount:	



PERMANENT RULES AND CODE OF ETHICS OF THE CITY COUNCIL

Adopted By:
City Council

Revision History:
Council Adopted 1/2/97
Amended 11/24/97
Amended 1/2/15
Amended 1/3/17
Amended 8/9/2021

I. PERMANENT RULES OF THE CITY COUNCIL

A. 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.

B. PRESIDING OFFICER

The Mayor, or in their 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.

C. 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.

D. 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.

E. 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.

F. 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 their vote. The member who seconded the motion shall be called upon second to record their 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 their 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 their 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.

Only the number of council members eligible to vote will be counted when the Charter provides a voting requirement, such as “a majority of all the members of the Council.”

The total number of council members eligible to vote on a matter does not include vacancies that exist under the provisions of Charter Section 2.05 and council members who cannot vote because of a legally recognized conflict of interest on the matter.

G. MOTIONS AND RESOLUTIONS

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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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
6. To amend

The motions shall have precedence in the order listed.

M. 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.

N. 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.

O. 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.

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.

P. 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.

Q. ADVISORY COMMITTEES, BOARDS AND COMMISSIONS

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.

R. 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.

II. CODE OF ETHICS

A. 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.

B. 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.

C. FAIR AND EQUAL TREATMENT

1. 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.
2. 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.

D. CONFLICT OF INTEREST

1. 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.
2. Specific conflicts of interest are as follows:
 - a. Holding a position of employment which is incompatible with the elected position or interferes with the proper discharge of public duty.
 - b. Use of confidential information, obtained as a result of public position for personal gain.

- c. Soliciting of personal gifts and favors by an elected official, or accepting unsolicited gifts or favors.
- d. Use of official position for personal gain.
- e. Holding investments which interfere or tend to interfere with proper discharge of public duty.
- f. Representation by elected officials of private interests before city governmental agencies and participation in the profits from such representation.
- g. Personal interest in legislation to the extent that private interest takes precedence over public interest and public duty.

E. 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.

F. 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.

G. 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.