



## CHARTER COMMISSION MEETING

**MUNICIPAL CENTER COUNCIL CHAMBERS**  
**1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118**  
Thursday, May 11, 2023  
5:30 PM

Commission member Tim Valento will be participating remotely from Olde Hickory Country Club, 14670 Olde Hickory Blvd, Fort Myers, FL 33912. This location is open to the public.

1. Call To Order
2. Roll Call
3. Adopt Agenda
4. Adopt Minutes
- 4.A. Approve October 6, 2022 Charter Commission Meeting Minutes

Documents:

[20221006 MINUTES.PDF](#)

5. New Business
- 5.A. Introduction Of City Attorney
- 5.B. Election Of Officers
- 5.C. By-Law Review - Redistricting

Documents:

[MEMO - BY-LAW REVIEW - REDISTRICTING.PDF](#)  
[CHARTER COMMISSION BYLAWS 9-2-22.PDF](#)

- 5.D. Consider New Charter Amendments

Documents:

[MEMO - CONSIDER NEW CHARTER AMENDMENTS.PDF](#)

5.E. Boards And Commissions Appointments

Documents:

[MEMO - BOARDS AND COMMISSIONS APPOINTMENTS.PDF](#)

6. Old Business

6.A. Section 3.03 Rules Of Procedure And Quorum - Amendment

Documents:

[MEMO - SECTION 3.03.PDF](#)  
[WSP CHARTER COMMISSION ORDINANCE 3.03.PDF](#)

6.B. Section 5.02 - Initiative And Referendum, Expenditures By Petitioners

Documents:

[MEMO - SECTION 5.02.PDF](#)  
[WSP CHARTER COMMISSION ORDINANCE 5.02.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](mailto:ADA@wspmn.gov) at least 5 business days prior to the meeting  
[www.wspmn.gov](http://www.wspmn.gov) EOE/AA*

MINUTES  
WEST ST. PAUL CHARTER COMMISSION  
Thursday, October 6, 2022  
5:30 P.M.  
MUNICIPAL CENTER  
COUNCIL CHAMBERS

MEMBERS PRESENT:

Commissioners Tim Valento, Matthew Schempp, Andrea Friesen, Jim Probst, Michelle Ball, Chris Gevara, Tim Haubrich, Carol Keyes-Ferrer, Chair Doug Fromm

MEMBERS ABSENT:

Commissioners Mark Tessmer, Kae Jae Johnson

OTHERS PRESENT:

City Manager Nate Burkett, City Attorney Kori Land, Liaison Eng-Sarne, Councilmember Eastman, Andrew Olson

**1. CALL TO ORDER**

Chair Fromm called the meeting to order at 5:31 p.m.

**2. ROLL CALL**

**3. ADOPT AGENDA**

*Motion by Probst/Friesen to adopt the agenda. Motion passed unanimously.*

**4. ADOPT MINUTES**

*Motion by Probst/Friesen to approve the minutes. Motion passed unanimously.*

**5. NEW BUSINESS**

**A. Changing Council Pay**

Chair Fromm explained that the Commission is required to review Council salaries by June in even-numbered years. He indicated there was some interest from Council members in having the Commission discuss increasing the Council salaries more substantially than the 3% annual increase for 2023 and 2024. City Manager Burkett summarized his memo and offered comparable Council salary information from surrounding and similar communities.

Councilmember Eastman approached the Commission and indicated that there are reasons to support increasing the salaries to encourage more people to run for office. She stated that there has been a significant time increase in the last couple of years needed to serve as a Council member due to the volume of activity. She estimated her time commitment averages 15 hours a week for the various committees and commissions upon which she serves, preparation for all meetings as well as constituent responses and interactions. Commissioner Keyes-Ferrer asked for clarification about the requirement to be on other committees and Councilmember Eastman provided additional information.

Councilmember Eng-Sarne added that each Councilmembers' time commitment varies but that she recognizes it is public service and does not serve for the salary.

Commissioner Keyes-Ferrer asked if increasing the salary will attract a more diverse Council. Commissioner Friesen asked if the City could do a survey of the community to see if the salary is hindering public involvement. Commissioner Haubrich offered his perspective as a former Councilmember that he thinks the commitment has changed over time and the salary increase is warranted.

Chair Fromm provided comments from Councilmember Gulley that the time commitment is cost-prohibitive for some because, for instance, they work second jobs or would need to pay for child care. Councilmember Gulley sees this as a diversity issue and wants to carve out the ability for all to be able to serve, including renters who make up half of the population of the City. Commissioner Haubrich responded that the Councilmember "job" is not a good fit for everyone. Commissioner Ball asked if a higher salary solves the problem or if there is a way to have equal distribution of workload amongst Councilmembers.

City Manager Burkett said that this Council is the most active Council with which he has ever worked. But the problem is that while this Council is very involved and active and may be deserving of additional pay, you cannot guarantee that the next Council will be as active. Commissioner Keyes-Ferrer commented that this Council has set a high bar that should be commended.

Chair Fromm said that there is accountability when Councilmembers are not responsive or active. He also pointed out that there was a period when Councilmembers rejected all raises, so the City is still trying to catch up. In a budget of \$30 million he believes a small raise is supportable and affordable. There was general support for a raise for the Mayor and Council salaries, but recognition that 2023 and 2024 raises have already been implemented.

The Commission agreed to discuss this subject again 2024 with a more robust analysis of hours and commitment that are more commensurate with the salary.

**B. Discussion of Issues Raised by Andrew Olson**

City Attorney Land reviewed her memo to the Commission on the issues raised by resident Andrew Olson.

The Commission agreed with the recommendation to amend Charter Section 3.03 to include the words “elected or appointed” so that it is clear it includes all council members, regardless as to how they filled their seat.

The Charter Commission discussed the timing of special elections for initiatives, which requires that if 15% of the voters signed a petition, then a special election would need to be held within 65 days after the date it was submitted to the Council, but if less than 15%, it would be held at the next regular municipal election.

Commissioner Schempp suggested that the Commission consider eliminating the 15% rule and have all questions submitted at the next regular municipal election. City Manager Burkett stated that for some measures, timing may be an issue and the flexibility to utilize the statutory predetermined special election dates might be beneficial. The Commission requested to see amendments for both initiatives and referenda to allow flexibility on the timing of special elections.

The Commission agreed with the recommendation to repeal Section 5.02 related to the prohibition for compensation paid to petition circulators.

Andrew Olson addressed the Commission with his concerns about the timing of a special election and urged the Commission to consider aligning with the statutory dates to ensure that initiatives are addressed in a timely manner.

### C. Redistricting Discussion

City Attorney Land summarized her memo. Chair Fromm said he would like to have a way to have public comment on ideas for redistricting in advance of the legislature’s official redistricting, because of the tight timeline in state law. He suggested that the opportunity to review new ideas and options is hampered by the short window to consider any significant shifts in the Ward designations. He hopes there is a way to be as proactive as possible. City Manager Burkett said that having in-house access to GIS will assist greatly in being able to input census numbers in advance of the legislative action to start generating different ideas. Chair Fromm would like some way to ensure there is a reminder in advance of the next census so that there can be neighborhood meetings, community input and public engagement.

City Attorney Land offered that language could be included in the Charter to require the Charter Commission to review redistricting options, hold public engagement activities or form a committee in the fall prior to a redistricting event. The Commission supported that idea.

**6. OLD BUSINESS**

**7. SET NEXT MEETING DATE**

The Commission decided to hold at least 3 meetings in 2023, tentatively set for the 2<sup>nd</sup> Thursday in Feb., May and Oct. (Feb. 9, May 11, Oct. 12). The City can include these dates on its annual calendar and consider them the “regular” meetings of the Charter Commission. Upcoming Agenda items: Various Charter Amendments.

**8. ADJOURNMENT**

*Motion to adjourn by Friesen/Probst. Unanimous. The meeting was adjourned at 6:47.*

DRAFT

To: Charter Commission

From: Nate Burkett, City Manager

Cc: Pam Whitmore, City Attorney

Date: May 5, 2023

Subject: By-law Review - Redistricting

---

The Chair has requested the Charter Commission consider revising by-laws to establish basic procedure related to redistricting.

As members may recall the redistricting process in 2022 felt rushed and as though Charter Commission was asked to “rubber stamp” the proposed ward maps. While there was some good discussion and adjustments made to proposed maps, the process and time constraints did not allow for consideration of fundamental changes to the ward boundaries and amounted to small changes around the edges to meet statutory requirements.

One of the greatest challenges, and the reason the process felt rushed in 2022 is that the amount of time between the release of census data, the date the State approved new district maps and the time the ward maps needed to be approved was very short (approximately 12 weeks total, six weeks between State maps and the statutory deadline). There really is no way that the Commission, Council or staff could have controlled the time between the release of data and the statutory reporting period.

Compounding the issues with the short time frame, the Council was required by charter to hold two readings of the proposed ward maps, meaning the Commission had no choice but to approve a recommendation so that there was sufficient time to gain two affirmative votes from the Council.

Here is a timeline of how the process worked in 2022 –

- January 5, 2022 (approx.) – Census released data
- January 24, 2022 (approx.) – Staff received census data in a usable format
  - Note: staff worked to try to piece together information and do some early tests between January 5 and 24 but it was cumbersome and not totally accurate.
- February 24, 2022 – Charter Commission meeting where maps were considered and approved
- March 14, 2022 – First reading of maps
- March 28, 2022 – Second reading and final approval of maps

The next redistricting process will not occur until 2032, but there may be some value in writing in to the by-laws what amounts to a reminder to future Charter Commissions to attempt to work on redistricting early. A couple of suggestions for consideration are:

- Early January meeting of Charter Commission in redistricting years to consider at a high level whether ward boundaries need to be fundamentally shifted.
- Two meetings, one of which may be intentionally geared toward public input in early February.
- The Commission should consider a deadline to provide a recommendation to Council that is no later than February 28, since the Council must hold two readings and ward boundaries must be approved by March 29 in a redistricting year. Also note that the statute is 60 days from the date legislative maps are approved OR March 29 – whichever comes first.



**CITY OF WEST ST. PAUL  
CHARTER COMMISSION  
BYLAWS**

**ARTICLE I  
NAME AND PURPOSE**

The name of this organization shall be the West St. Paul Charter Commission. The purpose and responsibility of the West St. Paul Charter Commission (Charter Commission) shall be to consider the form of municipal government which best meets the needs of the people and to frame and amend a charter for the City of West St. Paul (City) in furtherance of those purposes as provided by law.

**ARTICLE II  
MEMBERS**

The Commission shall consist of eleven (11) qualified voters of the City.

**ARTICLE III  
APPOINTMENTS, TERMS, VACANCIES**

- A. Appointments. All appointments shall be made by order of the Chief Judge of the First Judicial District.
- B. Term. Members of the Charter Commission are appointed for a term of four (4) years. Members shall hold office until March 1 of their expiring terms or until their successors are appointed and qualify.
- C. Vacancies. A vacancy may occur by expiration of a term, death, resignation, disqualification, disability or removal. A member with four (4) or more absences in a year or who fails to perform the duties of office shall be subject to removal by the district court upon certification of the facts to the court by the Charter Commission. When a vacancy occurs, the Charter Commission shall review applications and make a recommendation for appointment to the Chief Judge of the First Judicial District.

**ARTICLE IV  
OFFICERS**

The Charter Commission will elect a chair and vice-chair from among its members for a term of one year. The chair, or in the absence of the chair, the vice-chair, presides at meetings so as to keep them moving as rapidly and efficiently as possible and shall remind members and guests to only address the subject matter on the published agenda.

## **ARTICLE V DUTIES**

The Charter Commission shall have all powers and duties as provided by law.

## **ARTICLE VI STAFF**

The Charter Commission may employ attorneys, consultants, a secretary and other persons as necessary to assist the Commission in its work. Funding of Charter Commission expenses shall be taken care of as provided by law.

## **ARTICLE VII MEETINGS**

- A. Regular Meetings. The Charter Commission shall meet at least once during each calendar year to hold an annual organizational meeting. Prior to June of every even-numbered year, the Charter Commission shall meet to review the salaries of the Mayor and City Council pursuant to Charter Section 2.07 subd. 2.
- B. Special Meetings. A special meeting may be called by the chair or any three (3) members of the Charter Commission.
- C. Notice of Meetings. Written notice of any special meeting stating the time, place and the purpose shall be posted at least three (3) days in advance. Charter Commission members shall be provided at least eight (8) days' advanced notice of the time, place and purpose of the meeting.
- D. Minutes of Meetings. The Charter Commission shall keep minutes of its meetings. Copies of all minutes, motions and resolutions shall be available to the public upon request, unless such information can be considered nonpublic data pursuant to the Minnesota Government Data Practices Act.
- E. Quorum. A quorum of six (6) members must be present to conduct business.
- F. Voting Requirements. There must be an affirmative vote of no less than six (6) members to pass action on matters that would result in a Charter amendment, to adopt or amend bylaws or to suspend a specific rule of the bylaws. For all other matters, an affirmative vote of no less than a majority vote of the members present is required.

**ARTICLE VIII  
RULES OF PROCEDURE**

- A. Roberts Rules of Order. The most current edition of Robert’s Rules of Order shall govern the conduct of Charter Commission meetings so long as they are not inconsistent with these bylaws.
  
- B. Amendments to Bylaws. The Charter Commission may make, amend or repeal bylaws at any regular or special meeting by an affirmative vote of no less than six (6) members, provided, that the proposed amendment was sent to the Commission not less than eight (8) days in advance of the meeting at which action thereon is to be taken.
  
- C. Temporary Suspension of the Bylaws. In special circumstances, the Charter Commission may suspend a specific rule of the bylaws by 2/3 vote of the members present, or by 6 votes, whichever is more.

**ARTICLE IX  
ANNUAL REPORTING REQUIREMENTS**

On or before December 31 of each year, the Charter Commission shall submit to the Chief Judge of the First Judicial District and to the Clerk of the City an annual report outlining the Charter Commission’s activities and accomplishments for the current calendar year.

Section 5.01 Amended 2/13/97  
Sections 4.00 and 5.01 Amended 5/18/99  
Section 3.00 Amended 10/14/04  
Section 3.00 Amended 2/3/05  
Section 4.02 and 5.04 Amended 3/12/08  
Section 3.00, 4.02 and 5.04 Amended 5/3/12  
Section 3.03 added 12/1/15  
Section 3.02 Amended 5/22/18  
Complete Revision 9/11/18

To: Charter Commission

From: Nate Burkett, City Manager

Cc: Pam Whitmore, City Attorney

Date: May 5, 2023

Subject: Consider New Charter Amendments

---

The City Attorney has recommend the Charter Commission consider two potential amendments to the Charter.

#### **Section 4.08**

This change is recommended because statutes have been amended and require that charter cities conform to election laws. It is unlikely that the City would have any interest in establishing an election outside of any regularly scheduled primary or general election. This change aligns the Charter with statutes and will cause no harm to the City operation or ability to pose ballot questions.

Current language:

*Special Elections. The Council may by resolution adopted by majority vote of the members elect, order a Special Election by the electors of the City, and provide for holding the same. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections. The purpose of such Special Election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.*

Proposed amendment:

*Special Elections. The Council may by resolution adopted by majority vote of the members elect, order a Special Election by the electors of the City, and provide for holding the same. State law will govern all city elections, except as otherwise provided in this charter or city ordinance. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections. The purpose of such Special Election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.*

#### **Section 12.05**

This change is recommended to make it easier for the Council to effectuate the sale of property.

Current Language:

*Sales of Real Property. No real property of the City shall be disposed of except by ordinance. The proceeds of any sales of such property shall be used as far as possible to*

*retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of other property used for the same public purpose.*

Proposed Amendment:

*Sales of Real Property. No real property of the City shall be disposed of except by ~~ordinance~~ resolution of the Council. The proceeds of any sales of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of other property used for the same public purpose.*

To: Charter Commission

From: Nate Burkett, City Manager

Cc: Pam Whitmore, City Attorney

Date: May 5, 2023

Subject: Boards and Commission Appointments

---

The Chair has asked for a discussion about the Charter Commission's role in boards and commissions for the City and what role the Charter Commission may have related to the appointment processes.

As an overarching theme, the City Charter is like the constitution of the City. It establishes a framework for governance which the Council then fills in with ordinances and policy. As a general rule, advice from staff and the attorney will be to ensure that the Charter clearly lays out such a framework, but that there should be room for the Council to fill in the blanks.

As it relates to boards and commissions, the charter establishes the existence of a Planning Commission/Board of Appeal (PC/BOA) and ordinance sets forth the parameters.

Section 2.02 of the Charter says:

*Boards and Commissions. The City Council shall by ordinance, establish a Planning Commission and a Board of Appeals and Adjustments that shall have the powers and duties imposed by the Municipal Planning Act. The City Council may by ordinance, resolution or in any other manner prescribed by state law, create or abolish any other commissions or boards and appoint the members thereof, with advisory power to investigate any subject of interest to the City and to prepare any recommendations for consideration by the City Council.*

In summary – the charter requires the Council to establish a planning commission and board of appeals and authorizes other boards and commissions as the Council deems appropriate.

The Council currently has established Parks and Recreation Advisory Committee (PRAC) and Environmental Committee (EC) in addition to PC/BOA. The Council recently considered and supported changes to the process for appointments to PRAC and EC. Simply put, under the new process Council will interview all applicants and make appointments.

PC/BOA is different in that under the ordinance (not the charter) the Mayor is given the responsibility to appoint members with the consent of the Council.

Section 31.01 of the Ordinance states that:

*“The Planning Commission shall consist of nine members who are appointed by the Mayor and confirmed by the City Council.”*

There is very little detail in process outlined in the ordinance, but it is clear that:

*(1) All vacancies on the Planning Commission shall be advertised for 30 days after a seat becomes open, or before the expiration of a member(s) term.*

*(2) Vacancies shall be advertised as a vacancy in the ward(s) with the lowest number of representatives.*

*(3) If the open seat(s) cannot be filled by a representative from the desired ward after 30 days, the seat may be designated as “at-large.”*

The ordinance, as it reads today, really leaves the vetting and research of candidates to the Mayor. The Council is not compelled to confirm Mayoral appointees, but the Mayor is not compelled under ordinance to follow any particular process. The piece of the ordinance that says PC/BOA members are appointed by the Mayor dates back to at least the 1960’s.

Staff recommends against any Charter amendment that would attempt to control process through the Charter.

One idea related to boards and commissions that the Charter Commission may wish to consider is language which enables the Council to provide for payment to board and commission members. Generally, the Council probably already has the authority to allocate funds in this way but a charter amendment to that end would likely indicate support from the Charter Commission to consider the possibility. Council has discussed payments to board and commission members in the past but has not made any formal move to do so.

To: Charter Commission

From: Nate Burkett, City Manager

Cc: Pam Whitmore, City Attorney

Date: May 5, 2023

Subject: Section 3.03 Rules of Procedure and Quorum

---

At the October 6, 2022 Charter Commission meeting the Charter considered repealing Section an amendment to Section 3.03 which would clarify that members of Council are entitled to vote whether they are elected or appointed to a vacant seat.

The Charter Commission agreed at that time to proceed with a Charter Amendment.



**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 3.03 OF THE WEST ST. PAUL CITY  
CHARTER REGARDING RULES OF PROCEDURE AND QUORUM**

The City of West Saint Paul does ordain:

**SECTION 1.** West St. Paul City Charter Section 3.03 relating to Rules of Procedure and Quorum is hereby amended as follows:

**Section 3.03. Rules of Procedure and Quorum.** The Council shall determine its own rules and order of business. A majority of all members elected or appointed shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which absent members may be compelled to attend.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Ayes:

Nays:

Attest:

\_\_\_\_\_  
David J. Napier, Mayor

\_\_\_\_\_  
Nicole Tillander, City Clerk

To: Charter Commission

From: Nate Burkett, City Manager

Cc: Pam Whitmore, City Attorney

Date: May 5, 2023

Subject: Section 5.02 – Initiative and Referendum, Expenditures by Petitioners

---

At the October 6, 2022 Charter Commission meeting the Charter considered repealing Section 5.02 due to a potential Constitutional conflict. That conflict is specifically that it may be a violation of the First Amendment to not allow for petitioners to hire and compensate petition circulators.

The Charter Commission agreed to proceed to delete Section 5.02 of the Charter.

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING SECTION 5.02 OF THE WEST ST. PAUL CITY  
CHARTER REGARDING INITIATIVE AND REFERENDUM**

The City of West Saint Paul does ordain:

**SECTION 1.** West St. Paul City Charter Section 5.02 relating to Expenditures by Petitioners is hereby repealed in its entirety.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Ayes:

Nays:

Attest:

\_\_\_\_\_  
David J. Napier, Mayor

\_\_\_\_\_  
Nicole Tillander, City Clerk