



CHARTER COMMISSION MEETING

MUNICIPAL CENTER LOBBY CONFERENCE ROOM

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

TUESDAY, SEPTEMBER 28, 2021

5:30 P.M.

1. Call To Order

2. Roll Call

3. Adopt Agenda

4. Adopt Minutes

4.A. Meeting Minutes Of January 26, 2021

Documents:

[CHARTER MINUTES 01.26.21.PDF](#)

5. New Business

5.A. Recap Of 2021 Charter Amendments

Documents:

[REPORT - RECAP OF CHARTER AMENDMENTS.PDF](#)

5.B. Potential Charter Amendments

Documents:

[REPORT - POTENTIAL CHARTER AMENDMENTS.PDF](#)

5.C. Redistricting Discussion

Documents:

[REPORT - WARD REDISTRICTING.PDF](#)

5.D. Charter Commission Members, Expiring Terms And Appointment Process

Documents:

[REPORT - EXPIRING TERMS AND APPOINTMENT PROCESS.PDF](#)

5.E. Election Of Officers

Documents:

[REPORT - ELECTION OF OFFICERS.PDF](#)

6. Old Business

7. Set Next Meeting Date

8. Adjourn

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

MINUTES
WEST ST. PAUL CHARTER COMMISSION
Tuesday, January 26, 2021
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 Probst, Tim Haubrich, Kimetha Johnson, Jim McKie

MEMBERS PRESENT VIA WEB-EX:

Matthew Schempp, Karen Vavreck, (Commissioner Friesen joined the meeting at 6:40)

MEMBERS ABSENT: Tim Valento

OTHERS PRESENT IN COUNCIL CHAMBERS:

City Attorney Kori Land, City Manager Ryan Schroeder, Councilmember Liaison Eng-Sarne.

1. CALL TO ORDER

Chair VanMoorlehem called the meeting to order at 6:30 p.m.

2. ROLL CALL

3. ADOPT AGENDA

Motion by Schempp/Haubrich to adopt the agenda. Motion passed 9-0.

4. ADOPT MINUTES

Motion by Probst/Tessmer to approve the minutes. Motion passed 9-0.

5. NEW BUSINESS

A. Charter Amendment Increasing the Number of Members

Attorney Land outlined her memo. Commissioners Haubrich and McKie offered their opinions about keeping the membership at 11 members. Commission Fromm explained the historical

perspective that the reduction of the members was based on the inability to fill the seats. He sees an opportunity to fill additional seats with women and to educate more people about the Charter. He noted that the Commissions top 3 choices were women. Commissioner Schempp supports adding more people because there are significant issues that will need to be addressed, such as redistricting. Commissioner Vavreck also supports expanding because it will engage more people. Commissioner Johnson agrees.

Commissioner Probst said that historically when the Commission was larger, there was a harder time to fill the seats so while the trend now is that there might be a significant interest, he is concerned that the interest may wane. He would like to wait a couple of years to see how it develops. Commissioner Tessmer expressed his history on the Charter and how it used to be difficult to get people to apply, however, this round he saw the interest of quality applicants and would support 13 but not 15. He said 13 is a manageable number.

Commissioner McKie is confused as to the need for an increase. He does not see any major change on the horizon, so if the goal is to increase the membership because there is a need for a significant number of changes to the Charter itself, then the Commission should first address what changes are needed before the membership is increased.

Commissioner Vavreck said the reason to increase the membership is to give an opportunity for different views and perspectives. People want to get active and engaged. Commissioner McKie embraces bringing voices forward and allowing people to get engaged but stated it does not have to include increasing the members on the Charter Commission because there are plenty of other opportunities for people to be heard through Council meetings and social media.

Commissioner Probst wanted to know the exact process for approval. Attorney Land outlined the process. Chair VanMoorlehem offered his perspective and history that he applied because there were no other applicants at the time.

Motion by Johnson/Probst to recommend the Council adopt the Charter Amendment to increase the membership from 11 to 13. 7-2 (Haubrich, McKie voted no)

B. Charter Amendment Regarding Mayor's Vote

Attorney Land outlined the two proposed options of allowing a new exception of voting in the case of a limited circumstance when there are 3 affirmative votes, but the vote would fail because there is no fourth vote. The first option added the ability of the Mayor to vote in the above-mentioned scenario. The second option gave the Mayor the right to vote on everything but removed the veto power. Commissioner Tessmer liked the first option. Commissioner Fromm concurred. They both agreed that the second option of having the Mayor vote on everything but removing the veto would likely not get a 7-0 vote at the Council.

Motion Probst/Schempp to recommend approval of the first option. 9-0

C. Charter Amendment to Address Conflicts of Interest

Attorney Land outlined the proposal to clarify that in a conflict of interest scenario, the members on the Council is reduced for that vote. She indicated that the suggested language was used by the City of Minnetonka in its Charter. The Charter Commission supported the clarification language.

Motion by Johnson/Fromm to recommend the amendment to Section 3.04.

D. Discussion on City Manager Form of Government

Attorney Land outlined the City Manager form of government. There was a healthy discussion on the form of government. Good questions were asked about the City Manager's powers duties as well as interference by the Council and whether or not there should be more community involvement in the hiring of the police chief. Attorney Land said that the Council cannot direct the appointment of any employee Chair VanMoorlehem asked what was wrong with the police chief hiring process. Commissioner Johnson offered that people of color were not given an opportunity to provide community input. Commissioner Friesen said that while general information was requested, not a lot of people provided input so there was not the transparency that was intended. Chair VanMoorlehem summarized what the Charter Commission can and cannot do and stated that this discussion does not really require a Charter change. He suggested letting the idea rest for now. Commissioners Haubrich said he did not believe there would be a unanimous decision of the Council to change the form of government. Commissioner Vavreck said she did participate in the community process for the hiring of the Police Chief but felt that it was not completely fulfilling. Councilmember Eng-Sarne mentioned that the Police Chief has expressed his intention to hold community forums and be more interactive with the community. The general consensus of the Commission was not to make any changes to the Charter regarding this topic.

E. Discuss Charter Section V Regarding Initiative and Referendum

Attorney Land summarized her memo on the Initiative and Referendum process that was in the Charter and clarified that while it differs from State law on the percentage of votes required, the Charter provision does not have the same result as State law. The Charter allows an initiative or referendum to go to the Council before it would go to a ballot question. State law requires it to go directly to the ballot, costing extra time and expense. There were general questions from the Commissioners. The item was informational only.

F. Discussion on Charter Commission Orientation

It was decided that the Charter Commission orientation should be scheduled for Feb. 23, 2021 at 5:30.

6. OLD BUSINESS - NONE

7. SET NEXT MEETING DATE

It was decided that the next Charter Commission meeting should be on Sept. 14, 2021 at 5:30. Items for the agenda would be the appointment of new members (if applicable), Bylaws amendment (if applicable), redistricting and election of officers.

8. ADJOURNMENT

Motion to adjourn by Johnson/McKie. The meeting was adjourned at 7:22.

To: **Chair VanMoorlehem and Members of the Charter Commission**
Through: **Nate Burkett, City Manager**
From: **Kori Land, City Attorney**
Date: **September 28, 2021**

Recap of 2021 Charter Amendments

BACKGROUND INFORMATION:

Last year, the Charter Commission recommended several Charter Amendments for consideration by the City Council. Here is a recap of the results:

Section 1.06

The Commission recommended increasing the membership of the Charter Commission from 11 to 13 members. The Council failed to pass this amendment by a unanimous vote.

Section 2.06

The Charter Commission recommended adding a provision when the Mayor votes to include when 3 affirmative votes would result in a failed motion. The Council passed this amendment by unanimous vote and it is now in the Charter.

Section 3.04

The Charter Commission recommending adding a provision to address when the Council is reduced by its membership in a conflict of interest situation. The Council passed this amendment by unanimous vote and it is now in the Charter.

ATTACHMENTS:

None

STAFF RECOMMENDATION:

None

To: **Chair VanMoorlehem and Members of the Charter Commission**
Through: **Nate Burkett, City Administrator**
From: **Kori Land, City Attorney**
Date: **September 28, 2021**

Potential Charter Amendments

BACKGROUND INFORMATION:

The responsibility of the Charter Commission is to constantly review the Charter for good governance and offer suggested amendments to the Council when appropriate. With the new City Manager taking the helm in May of 2021, a few questions have been raised for consideration by the Commission.

1. Section 3.07

This Section requires an audible reading of council resolution prior to a vote. While most council actions have a resolution attached to confirm the action taken by the Council, the oral reading of the resolution rarely happens, nor does an action to dispense with the reading. The Charter provision states as follows:

Section 3.07. Procedure on Resolutions. Every resolution shall be read in full before a vote is taken thereon, unless the reading is dispensed with by unanimous consent.

2. Section 6.05

This Section limits the City Manager's spending to \$25,000, without requiring Council approval and the Mayor/Manager signature.

Section 6.05. Purchases and Contracts. The City Manager shall be the chief purchasing agent of the City. All City purchases and contracts shall be made and signed by the City Manager when the amount of the purchase or contract does not exceed \$25,000. All purchases and contracts that exceed \$25,000 shall be approved by the Council, after the recommendation of the City Manager has first been obtained, and shall be signed by the Mayor and the City Manager on behalf of the City.

Knowing that the City Manager cannot spend any funds outside of the City's authorized budget, sometimes this requirement can delay purchasing goods or services or signing contracts until a Council meeting can occur. This spending limit has been stagnant for many years.

3. Section 6.06

This section intercepts the public bidding statute and requires the City to bid all contracts for supplies, materials and equipment if the contract price will be more than \$50,000. State Statute (Minn. Stat. §471.345) has a threshold of \$175,000 before public bidding is required.

Section 6.06. Contracts How Let.

Subdivision 1. General Rule. For the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property, where the amount involved is more than \$50,000.00, unless the Council shall by emergency ordinance other-wise provide, the City Manager shall advertise for bids in such manner as may be required by law. Contracts of this magnitude shall be let only by the Council to the lowest responsible bidder after consideration of the recommendation of the City Manager. The Council shall require every bid to be accompanied by a bond or certified check in such sums and with such surety and conditioned as the Council may prescribe. The Council may however, reject any and all bids. Subject to the provisions of this Charter, the Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

Subdivision 2. Exceptions. It is not necessary for the Council to advertise for bids for the following contracts:

- (a) Professional services such as, but not limited to, engineers, attorneys, architects, or accountants;
- (b) The purchase or lease of real estate;
- (c) Insurance contracts;
- (d) When the City is using a reverse auction or electronic purchasing process in which vendors compete to provide the supplies, materials, or equipment at the lowest selling price in an open and interactive environment;
- (e) When the City is using an electronic sale of surplus supplies, materials, and equipment in which purchasers compete to purchase the surplus supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

Requiring all contracts over \$50,000 to be bid through the official public bidding process causes delay and additional expense by City Staff and consultants. State statute requires the City to obtain at least 2 quotes for all contracts that range between \$25,000 and \$175,000. Any contracts less than \$25,000 may be purchased on the open market without getting quotes. There is ample protection in the law for obtaining competitive quotes without requiring the extra layer of delay and expense that is often the result of the public bidding law.

4. Section 7.09

This Section has some limiting language that seems to state no bills can be paid without prior Council approval. The City is obligated to pay all bills within a certain period of time, however, there are times that invoices must be paid in order to receive the goods and services and a Council meeting has not yet occurred.

Section 7.09. Disbursements: How Made.

Subdivision 1. All disbursements shall be made only upon the order of the City Manager or designees, who have been duly authorized by a resolution or motion of the Council, in accordance with federal or state law, ordinances, or City Council resolutions and regulations. The City Treasurer shall issue no check upon any city funds except upon such order. In the discretion of the Council the order and check may be a single instrument. No claim against the City shall be allowed unless accompanied by either an itemized bill, or a payroll, or time sheet, each of which shall be approved and signed by the appropriate Department Head and the Finance Director who vouches for the correctness and reasonableness thereof. The Council may by ordinance or resolution, make additional regulations for the safekeeping and disbursement of the City funds and shall annually adopt a resolution that authorizes an appropriate expenditure amount by designees. The Council may provide for the regular payment without specific individual authorization by the Council of salaries and wages of regular employees, laborers, and fixed charges which have previously duly and regularly incurred.

It would be helpful to have some flexibility in the language to pay claims in advance, which can then be ratified by the Council.

ATTACHMENTS:

None

STAFF RECOMMENDATIONS:

1. Section 3.07: It is recommended that this language be repealed in its entirety.
2. Section 6.05: It is recommended that this section be revisited to increase the authorized spending of the City Manager to a number that is more realistic with inflation.
3. Section 6.06: It is recommended that this language be repealed in its entirety.
4. Section 7.09: It is recommended that this language be reviewed and modified, pursuant to direction from the City Manager.

Review and discuss potential Charter amendments and provide direction on which sections the Commission would like amendments prepared for consideration at a future meeting.

To: **Chair VanMoorlehem and Members of the Charter Commission**
Through: **Nate Burkett, City Administrator**
From: **Kori Land, City Attorney**
Date: **September 28, 2021**

Ward Redistricting Information and Process

BACKGROUND INFORMATION:

In a ward system, a city is divided geographically into “wards.” Each ward is represented by specific elected official(s) on the city council. These council members are elected by the voters who live within that ward. In other cities, voters in the entire city vote for all councilmembers, which is known as “at-large.” Cities with wards are always organized as charter cities.

Cities with wards must redistrict their wards after the federal census and must make the wards’ populations as equal as practicable. This process has an impact on a city’s precincts and thus is often done in conjunction with precinct reestablishment.

Wards must be drawn to satisfy statutory requirements for boundaries as well as population. City charters may also specify additional requirements beyond what is required by statute.

CREATION OF WARD BOUNDARIES

Ward boundaries must meet the following statutory requirements:

1. Bounded by precinct lines,
2. Compact in area, and
3. Composed of contiguous territory.

Minn. Stat. §§ 204B.14, subd. 1 & 205.84.

While it is no longer required that precinct boundaries follow Census block boundaries or physical features, it may be helpful administratively. Using Census block boundaries allows a city to get definite populations for each precinct or ward. Using physical features for boundaries also helps the public understand where a precinct or ward begins and ends.

WARD POPULATION

Wards must be as equal in population as practicable. Minn. Stat. § 205.84 subd. 1. It may not be possible to draw wards that are exactly equal in population. Situations where wards may have unequal population are: (1) if the total population of the city is not divisible by the number of wards, or (2) the population totals within census blocks do not provide refined enough numbers to draw equal population wards. MN SOS 2021 Redistricting Guide, p.15.

For the purpose of redistricting wards, the city must use the population counts that are certified by the U.S. Census Bureau and reflect the city's population as of April 1, 2020.

WARD REDISTRICTING PROCESS

Steps of the ward redistricting process:

1. **Review city charter or policies.** The city charter or official policies should be reviewed to determine if the city has established any specific redistricting related procedures, policies, or requirements in addition to those specified in state law.
2. **Acquire census block population data.** Population is a major consideration when evaluating and redistricting city wards. Although it is no longer required to draw precincts on census block boundaries, doing so simplifies the calculation of ward population totals. To use census block population data, it is necessary to have a map indicating block boundaries and the unique number for each census block.
3. **Public involvement.** The city should solicit public involvement in the redistricting process. Public involvement may include meetings during which the council considers a variety of redistricting plans, including those submitted by members of the public.
4. **Describe ward boundaries.** There are many ways to describe ward boundaries. If a single feature (road, river, etc.) is the division between wards, it may be sufficient to define the wards in relation to that feature, for example “those portions of the city east of Main Street,” or “north of Clearwater Creek.” However, when ward boundaries follow multiple features, a metes and bounds description may be the best way to make the boundary clear. A metes and bounds description is one that describes the boundaries of the wards in such a way that a person could walk the described boundary.
5. **Publish and post ward plan.** While it is not specifically required to publish or post ward redistricting plans it is a good practice to publish and post plans to make them as widely available to the public as possible. Note, that if precincts are changed in the course of redistricting ward boundaries, the City needs to follow precinct notification guidelines.
6. **Notification of county and state.** In most cases, a change in ward boundaries will also require a change in precinct boundaries (which requires notification of the county auditor and secretary of state). Cities that incorporate ward designations into their precinct names (e.g. “Ward 1 Precinct 1”) do not need to do any additional notification of their ward boundaries. In situations where precinct names do not reference the ward to which they belong, the city clerk should provide the county auditor with information about which precincts are in which wards. Minn. Stat. § 204B.14, subd. 5.

MN SOS 2021 Redistricting Guide, p.16.

TIMELINE FOR WARD REDISTRICTING

A city may not redistrict its wards before the state legislative redistricting plan has been adopted. Once the state legislative districting has occurred, the city must redistrict its wards, along with its precincts, within 60 days of legislative redistricting or by March 29, 2022, whichever comes first. Minn. Stat. § 204B.135, subd. 1.

An ordinance establishing new ward boundaries becomes effective on August 9, 2022, the date of the state primary election. Minn. Stat. § 205.84, subd. 2.¹

WARD REDISTRICTING AND THE CITY COUNCIL

When elected, a member of the city council must be, and remain, a resident of the ward they represent. If redistricting causes a council member's residence to be shifted into another ward, the council member is allowed to continue to serve for the remainder of their term. However, if the council member runs for re-election, they will need to become a resident of the ward they represent. Minn. Stat. § 205.84, subd. 2.

ATTACHMENTS:

None

STAFF RECOMMENDATION:

Information only

¹ Note that if the state legislative redistricting plan is adopted and/or any court challenges are resolved less than 19 weeks before the state primary (after March 29 in 2022), there are alternate dates and procedures for redistricting or reestablishing local government elective districts.

To: **Chair VanMoorlehem and Members of the Charter Commission**
Through: **Nate Burkett, City Manager**
From: **Kori Land, City Attorney**
Date: **September 28, 2021**

Charter Commission Expiring Terms and Appointment Process

BACKGROUND INFORMATION:

There are currently no vacancies on the Charter Commission. However, several existing members have terms that expire February 28, 2022:

- Andrea Friesen
- Jim McKie
- Jim Probst
- Aaron VanMoorlehem

It would be helpful to know if the existing members will be requesting reappointment so that the Commission can determine how many vacancies will result. Then, the City can begin advertising for any vacancies and the Commission can conduct interviews in early 2022 so that the appointments could be made by the Chief Judge and become effective March 1, 2022.

In the event there will be vacancies, the interview questions that were used in the last appointment process is attached. Please review and confirm that these questions should be used again.

ATTACHMENTS:

- Roster
- Interview Questions

STAFF RECOMMENDATION:

Discussion about potential number of vacancies and if there will be vacancies, when to hold interviews.

WEST ST. PAUL CHARTER COMMISSION

NAME OF COMMISSIONER	TERM EXPIRES	WARD NUMBER
Friesen, Andrea	2/28/2022	3
Fromm, Douglas (Vice Chair)	2/28/2025	1
Haubrich, Tim	2/28/2024	3
Johnson, Kimetha (KaeJae)	2/28/2024	1
McKie, James	2/28/2022	2
Probst, James	2/28/2022	2
Schempp, Matthew	2/28/2025	3
Tessmer, Mark	2/28/2024	2
Valento, Tim	2/28/2024	3
VanMoorlehem, Aaron (Chair)	2/28/2022	1
Vavreck, Karen	2/28/2025	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?



Charter Commission Report

To: **Chair VanMoorlehem and Members of the Charter Commission**
Through: **Nate Burkett, City Manager**
From: **Kori Land, City Attorney**
Date: **September 28, 2021**

Election of Officers

BACKGROUND INFORMATION:

The Bylaws require that a Chair and Vice Chair be elected annually between July and December. An officer may be elected to successive terms without limitation.

The current officers are as follows:

Chair – Aaron VanMoorlehem (term expires Feb. 28, 2022)

Vice Chair – Doug Fromm (term expires Feb. 28, 2025)

STAFF RECOMMENDATION:

Elect a Chair and Vice Chair