

To: Chair Fromm and Members of the West St. Paul Charter Commission

From: Kori Land, City Attorney

Through: Nate Burkett, City Manager

Date: February 24, 2022

Subject: Charter Amendments to Sections 6.05, 6.06 and 7.09

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The Charter Commission met on September 28, 2021 and discussed several sections of the City Charter that could be amended. The Council discussed these same Charter amendments at its January 10, 2022 meeting and was in support of all of the amendments. It should be noted that after some research, it was discovered that correct version of Section 3.07 was not reflected in the published version of the Charter. Section 3.07 actually reads:

Sec. 3.07. Procedure on Resolutions. Every resolution shall be presented in writing before a vote is taken thereon, unless the written requirement is dispensed with by unanimous consent.

A prior version of this Charter section stated that resolutions had to be read aloud. Since the actual language simply requires that resolutions be in writing, no changes are needed.

#### Section 6.05

This Section limits the City Manager's spending to \$25,000. Anything beyond that amount requires Council approval and the Mayor/Manager signature. Recognizing that the City Manager cannot spend any funds outside of the City's authorized budget, the Council supported increasing the spending limit to \$50,000.

#### Section 6.06

This section requires the City to bid all contracts for supplies, materials and equipment for any contract that will be more than \$50,000. Minn. Stat. §471.345 has a threshold of \$175,000 before public bidding is required. The Council supported increasing the bidding threshold to \$175,000.

#### Section 7.09

This Section requires prior Council approval before any bills can be paid. While the City is obligated to pay all bills within 30 days, there are times that invoices must be paid in order to receive certain goods and services but prior to a Council meeting. The Council supported adding flexibility for the City Manager to pay claims in advance of a Council meeting if necessary, which can then be ratified by the Council.

Attached are the Charter Amendments for your consideration.

**ORDINANCE NO. \_\_\_\_\_**  
**CITY OF WEST ST. PAUL**  
**DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING WEST ST. PAUL CHARTER SECTION 6.05  
INCREASING SPENDING LIMIT OF CITY MANAGER FROM \$25,000 TO \$50,000**

The City Council of West St. Paul does ordain:

**SECTION 1. AMENDMENT.** West St. Paul City Charter VI, Section 6.05 is hereby amended as follows:

Sec. 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~~\$50,000. All purchases and contracts that exceed ~~\$25,000~~\$50,000 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.

**SECTION 2. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

City Charter section 6.05 limits the spending limit of the City Manager to \$25,000 without Council approval. The amendment increases the limit to \$50,000.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Ayes:            Nays:

Attest:

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

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

**ORDINANCE NO. \_\_\_\_\_**  
**CITY OF WEST ST. PAUL**  
**DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING WEST ST. PAUL CHARTER SECTION 6.06 SUBD. 1**  
**REGARDING CONTRACTS HOW LET**

The City Council of West St. Paul does ordain:

**SECTION 1. AMENDMENT.** West St. Paul City Charter Section 6.06 is hereby amended as follows:

Subd. 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~~ \$175,000, unless the Council shall by emergency ordinance otherwise 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.

**SECTION 2. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

City Charter section 6.06 is amended to be consistent with the state law regarding public bidding.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Ayes:            Nays:

Attest:

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

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

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA  
ORDINANCE NO.**

**AN ORDINANCE AMENDING  
WEST ST. PAUL CHARTER CHAPTER VII, SECTION 7.09  
REGARDING DISBURSEMENTS: HOW MADE**

The City of West St. Paul does ordain:

**SECTION 1. AMENDMENT.** West St. Paul City Charter Section 7.09 subd. 1 is hereby amended as follows:

Sec. 7.09. Disbursements: How Made.

Subd. 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, unless a disbursement must be made prior to a Council meeting, pursuant to an emergency declaration or other reasonable cause as determined by the City Manager, in which case, the disbursement may be made in advance and ratified by the Council thereafter. ~~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 a responsible city officer 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.

**SECTION 2. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City Charter amendment to Section 7.09 provides flexibility for the City Manager to make a payment for a City expenditure in advance of a Council meeting, when such circumstances so require it. The expenditure must be ratified by the Council.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Ayes:            Nays:

Attest:

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David J. Napier, Mayor

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Nicole Tillander, City Clerk