

**CHARTER COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Charter Commission conducted a regular meeting on Thursday, October 17, 2019, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Susan E. Anderson
 Commissioner Jim Bendtsen
 Commissioner Ben Deemer
 Commissioner Joshua Fuhreck
 Commissioner Jennifer Leistico
 Commissioner Chad Sivertson

Members Absent: Commissioner John Niederhaus

Also Present: City Clerk Jo Thieling
 Administrative Services Director Colleen Lasher
 City Attorney Joe Langel

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 6:30 p.m.

CITIZEN INPUT

None.

APPROVE AGENDA

Motion by Commissioner Deemer, seconded by Commissioner Fuhreck, to approve the agenda as presented.

Motion carried. Voting Yes: Chairperson Field, Commissioners Deemer, Fuhreck, Anderson, Bendtsen, Leistico, and Sivertson. Voting No: None. Absent: Commissioner Niederhaus.

APPROVE MINUTES

Motion by Commissioner Sivertson, seconded by Commissioner Leistico, to approve the following meeting minutes as presented:

- 1) Regular Charter Commission Meeting dated February 13, 2019

Motion carried. Voting Yes: Chairperson Field, Commissioners Sivertson, Leistico, Anderson, Bendtsen, and Fuhreck. Voting No: None. Abstentions: Commissioner Deemer. Absent: Commissioner Niederhaus.

COMMISSION BUSINESS

5.1 Accept Resignation of Charter Commission Member Mark Barrows, Declare Vacancy, and Advertise to Fill Same

City Clerk Thieling explained that Charter Commission Member Mark Barrows submitted correspondence indicating he has moved permanently to the State of Florida and is no longer eligible to serve on the City's Charter Commission. She indicated staff has submitted an advertisement to fill the vacancy for the next *Ramsey Resident* and will also place an ad on the City's website. Mr. Barrows' term has an expiration date of December 31, 2022.

City Clerk Thieling referenced Commission member's term expirations as detailed in the staff report, noting the Commission currently has no other members whose terms are expiring at the end of the year 2019.

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to accept, with regret, the resignation of Charter Commission Member Mark Barrows, declare vacancy, and advertise to fill the vacancy.

Motion carried. Voting Yes: Chairperson Field, Commissioners Deemer, Bendtsen, Anderson, Fuhreck, Leistico, and Sivertson. Voting No: None. Absent: Commissioner Niederhaus

5.2 Review Proposed Amendments to Chapter 4 of the City's Charter, titled Nominations and Elections

City Attorney Langel explained the purpose of this case is to review draft amendments to Chapter 4 of the City's Charter, titled Nominations and Elections. He explained the Charter Commission had a preliminary review of Chapter 4 at the February meeting and asked him and staff to present options for updating this chapter. City Attorney Langel reviewed the reason Chapter 4 needed updating including compliance with State Election Law, duplicative language, and eliminating vagueness.

Chairperson Field requested to review the changes in chronological order and have City Attorney Langel explain each option within the section. He asked the City Attorney to clarify State law as he went through the options.

City Attorney Langel stated the red lining within the document takes into account State law. He stated the draft of each section and option complies with State law.

City Attorney Langel introduced Section 4.1 regarding Primary Elections. He presented two options. Option 1 will eliminate primaries entirely and Option 2 will eliminate primaries except

for general elections and vacancy special elections held on the date of the general election. He stated State law does not require primaries and the benefit of eliminating primaries is to reduce staff time and cost.

Commissioner Bendtsen asked if the purpose of a primary is to reduce the field of candidates to two.

City Attorney Langel responded that is correct and for most elections, a primary is not necessary and it is difficult to get people out to vote.

Chairperson Field stated a primary held under Option 2 wouldn't have an additional cost because there would already be an election occurring.

City Attorney Langel stated it would be extremely rare that a primary would occur on a general election date.

Commissioner Anderson asked how this would reduce costs.

City Clerk Thieling stated that Ramsey would never have to have a primary for municipal elections and would omit early filing, reducing time and cost.

Commissioner Deemer stated that having a primary in Ramsey is a newer thing and Ramsey has only had it for the last few years.

City Attorney Langel pointed out that what the Commission decides on Section 4.1 will determine what happens in Section 4.2

Chairperson Field preferred to review all the sections and options before voting to avoid having to reverse a vote.

Commissioner Anderson stated that other entities are having primary elections and it would be confusing if parts of Ramsey had a primary and others did not.

Chairperson Field stated that only municipal elections are under the Charter Commission's purview and cannot take into account what the County or School Boards do.

Commissioner Leistico stated she would like to get an opinion from every Commissioner on this issue before moving on to see if there was a general consensus among the Commission.

Commissioner Anderson asked if the County and the School Board had primary elections, who would run it, and if the City would be involved.

City Clerk Thieling stated that Anoka County Elections handles Anoka-Hennepin elections and Elk River runs their own. She stated that Ramsey would not be involved.

Commissioner Sivertson asked what the benefits are of having the primary.

Chairperson Field replied that from the candidate's standpoint the benefits include a shorter campaign season if they don't get past the primary and it may reduce confusion for the voter. He stated that when he ran, there were 5 candidates running and a primary narrowed it down to 2. He stated his case was rare.

Chairperson Field agreed with Commissioner Leistico's suggestion of asking the Commission for a preliminary opinion before moving on and asked each Commissioner which option they preferred.

Commissioner Fuhreck state he preferred Option 1 however asked if there could be a primary if there were more than 4 candidates.

Commissioner Deemer preferred Option 1 stating there were not many instances where there were more than three candidates since approximately 1975 when he has been involved in Ramsey.

Commissioners Bendtsen, Sivertson, and Leistico stated they prefer Option 1.

Commissioner Anderson passed.

Chairperson Field stated he was undecided.

City Attorney Langel moved on to Section 4.2 stating that most of the changes were to clean up the language and the choice the Commission had depended on what they chose for Section 4.1.

Chairperson Field asked if the Commission adopted Option 1 with Section 4.1, then the Commission must also adopt Option 1 with 4.2.

City Attorney Langel stated Chairperson Field was correct.

City Attorney Langel explained the changes to Section 4.3, stating the City is going to follow State election code as defined by State Statutes.

Chairperson Field asked if the State Statute was in Chapter 4 and how would the Commission know what State Statue is.

City Attorney Langel responded that if there is no reference in Chapter 4, it defaults to State Statute. He stated there is no need to reiterate State Statute in the document.

City Attorney Langel explained Section 4.4 regarding Special and Advisory Elections. He explained that only Charter Cities are authorized to hold Advisory Elections. He stated an Advisory Election is simply getting the opinion of the people on an issue and is non-binding.

Chairperson Field asked the City Attorney to explain the difference between a Special Election and an Advisory Election.

City Attorney Langel explained that Special Elections include candidates for offices, bond elections, referendum of recall or any election that does not occur on the general election date. An Advisory Election is a type of Special Election.

Chairperson Field asked how long the City has had this election in the Code.

City Clerk Thieling stated the Section was amended in 2000 but she was not sure when it was originally implemented.

Commissioner Deemer stated that 99% of the past Special Elections in Ramsey were Charter Amendments.

Commissioner Anderson stated that in the past, the City was being run by Charter Amendments and Special Elections.

Commissioner Sivertson asked about the language of Option 4, stating a Special and Advisory Election will only be held on a general election.

City Attorney Langel stated a Special Election can occur on a General Election and if so, can save time and money.

City Attorney outlined the 4 options presented in Section 4.4.

Commissioner Sivertson asked if the City doesn't use Advisory Elections, can the City use a mailing survey to get opinions.

City Clerk Thieling stated the City has done that in the past and has placed inserts in the *Ramsey Resident*.

Chairperson Field asked if there were statistics as to what method was the most effective.

City Clerk Thieling stated the City has that data but she did not have it available at this time.

Chairperson Field stated that if the Commission did not want Advisory Elections, then Options 1 or 4 were available.

Commissioner Leistico asked when an Advisory Election was last used.

City Clerk Thieling could not recall the year, however, she stated it was done at the same time as the General Election.

Chairperson Field stated that prior to technology an Advisory Election was a way to get the opinion of the voters, but now there are many other ways to get that information.

Commissioner Deemer asked what the cost differential between an election and a mailer would be.

Chairperson Field stated that a mailer would be more cost effective.

Commissioner Deemer stated he preferred to keep it simple and use other methods of getting voters' opinions.

City Attorney Langel pointed out that Options 1 and 4 are similar, except Option 4 explicitly refers to the City using State Election processes.

Commissioner Leistico asked if there was a downside to leaving Advisory Elections in Chapter 4.

Commissioner Bendtsen stated that holding an Advisory Election on a day other than a General Election seems like a waste of time and money.

Chairperson Field asked the City Attorney to further explain Option 4.

City Attorney Langel stated the Council can order a Special Election on a variety of things, including Advisory Elections. He stated the reason the City refers to State Election Law is that Advisory Elections are unique to Charter Cities and using State Election Law reduces ambiguity and sets the process for the election.

Chairperson Field referred to a typo in Option 4 where the word "Special" should be replaced by "Advisory".

Commissioner Anderson asked if the City has looked into mail ballots and said it seems cheaper than in person voting.

City Clerk Thieling replied that in some outstate rural areas mail ballots are used and receive a good turnout. She stated the City has talked about mail balloting and using it for Special Elections and have been told they shouldn't use that process.

City Attorney Langel explained that there is a separate State Statute which applies to mail ballots and can only be used under certain circumstances. He stated mail ballots do not have bearing on the issue before the Commission at this time.

Chairperson Field asked the Commission their preliminary opinion on which option they prefer.

Commissioners Leistico, Deemer, Fuhreck, Sivertson stated they prefer Option 4.

Commissioner Anderson passed.

Commissioner Bendtsen stated he prefers Option 2 or 3 and doesn't see the point of an Advisory Election if it has no authority.

Chairperson Field stated it may provide political cover to gather the public's input prior to making a major decision.

Commissioner Leistico asked if an Advisory question on a General Election Ballot would lead to confusion.

City Clerk Thieling stated that the question would be clearly stated that it is an advisory question and is non-binding.

Commissioner Bendtsen stated he preferred Option 4 but only have it on a General Election date.

Chairperson Field stated he preferred Option 4.

City Attorney Langel explained Section 4.5 addressing the issue of vacancies. He stated the current language does not mesh with State law and the City had to violate City Charter in order to follow State law. He stated each option provided meets State law and clarifies vacancy appointment versus holding a Special Election. He briefly summarized each option in Section 4.5 stating that he recommends the Commission choosing Option 3 or 4 as it eliminates the 365-day period.

City Clerk Thieling stated there was a typo in Option 4 stating the word “notice” should be added to “three or more days before the first day to give (notice) of the period”.

City Attorney Langel clarified that if the vacancy occurred early enough to flow in the regular election cycle then the City would proceed with filling it. If it did not, then the process would flip to the next year and the City will hold a special election. He stated an appointed Councilmember will fill the vacancy until the election.

Commissioner Anderson stated there were long periods of time with a Council vacancy.

City Attorney Langel stated that all these options would resolve that issue.

Commissioner Sivertson asked what the Commission needed to do in order to make these corrections official.

City Attorney Langel stated that once the Commission voted on the changes, he would put it in Ordinance format and present it to the City Council.

Commissioner Fuhreck asked if there was a way to avoid where one person resigned to take another seat, forcing a special election.

City Attorney Langel stated it is compliant with State Election law to hold office while running for office and is not sure if the Charter could be amended to prohibit that.

Chairperson Field asked the Commission to consider appropriate length of time for an appointed member to be in office without the approval of the voters.

Commissioner Bendtsen stated he is leaning to Option 4 because it appeared to be the shortest period of time an appointee can to hold office.

City Attorney Langel replied that Option 2 is the shortest period of time an appointee can remain in office, however, would come with higher staff time and costs as it forces Council to hold a Special Election. He stated Option 4 is the best option if the Commission would like to limit the time of an appointee, staff time, and costs. He stated the longest an appointee will be in office without an election is approximately 15 months.

Commissioner Bendtsen stated he would like to eliminate as much ability to manipulate the process as possible.

Commissioner Sivertson stated that no matter what, there will be an appointee by the Council.

Commissioner Fuhreck concurred with Commissioner Bendtsen stating that he was concerned about appointees serving long periods of time without being elected and supports minimizing costs.

Commissioner Leistico asked what the maximum time an appointee would serve.

City Attorney Langel stated Option 4 would permit the appointee to serve approximately 15 months.

The general consensus of the Commission was to go with Option 4.

City Attorney Langel explained the changes to Section 4.56, stating the edits cleared up the vagueness and illegality of the original language, primarily eliminating the ability of the Council to appoint an individual to office if they believed there weren't a sufficient number of candidates in the election.

Having completed the discussion, Chairperson Field asked for motions on each section of Chapter 4.

Motion by Commissioner Deemer, seconded by Commissioner Leistico, to approve Chapter 4, Section 4.1, Option 1 as modified by the City Attorney's office.

Motion carried. Voting Yes: Commissioners Deemer, Leistico, Bendtsen, Fuhreck, and Sivertson. Voting No: Chairperson Field and Commissioner Anderson. Absent: Commissioner Niederhaus.

Motion by Commissioner Bendtsen, seconded by Commissioner Sivertson, to approve Chapter 4, Section 4.2, Option 1 as modified by the City Attorney's office.

Motion carried. Voting Yes: Commissioners Bendtsen, Sivertson, Deemer, Fuhreck, and Leistico. Voting No: Chairperson Field and Commissioner Anderson. Absent: Commissioner Niederhaus.

Motion by Commissioner Fuhreck, seconded by Commissioner Bendtsen, to approve Chapter 4, Section 4.3 as modified by the City Attorney's office.

Motion carried. Voting Yes: Chairperson Field, Commissioners Fuhreck, Bendtsen, Anderson, Deemer, Leistico, and Sivertson. Voting no None. Absent: Commissioner Niederhaus.

Motion by Commissioner Sivertson, seconded by Commissioner Fuhreck, to approve Chapter 4, Section 4.4, Option 4 as modified by the City Attorney's office.

Motion carried. Voting Yes: Chairperson Field, Commissioners Sivertson, Fuhreck, Anderson, Bendtsen, Deemer, and Leistico. Voting No: None. Absent: Commissioner Niederhaus.

Motion by Commissioner Sivertson, seconded by Commissioner Bendtsen, to approve Chapter 4, Section 4.5, Option 4 as modified by the City Attorney's office.

Motion carried. Voting Yes: Chairperson Field, Commissioners Sivertson, Bendtsen, Anderson, Deemer, Fuhreck, and Leistico. Voting: None. Absent: Commissioner Niederhaus.

Motion by Commissioner Bendtsen, seconded by Commissioner Sivertson, to approve Chapter 4, Section 4.5.6 as modified by the City Attorney's office.

Motion carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Sivertson, Anderson, Deemer, Fuhreck, and Leistico. Voting: None. Absent: Commissioner Niederhaus.

6. COMMISSION / STAFF INPUT

6.1 Other

Commissioner Anderson asked for clarification from page 16 as to what date "next election" referred to.

City Attorney Langel replied that it referred to the next General Election.

Commissioner Leistico referred to a comment Commissioner Fuhreck made about running for office while holding a current office and stated she is interested in discussing how the City can investigate or pursue options against it.

Chairperson Field stated the item can be on a future agenda to be discussed.

City Clerk Thieling stated that certain things in State statute preempts City Charter. She stated the City Attorney will research it and get back to Commission. If it is a possibility, the item will be added to the next agenda.

Commissioner Deemer asked how long it will take to get this Chapter to Council for approval.

City Clerk Thieling stated it can be on the November 12 City Council Agenda.

Chairperson Field asked for a follow up on the Franchise Fee Study and expressed his dismay that it is taking so long to complete.

City Clerk Thieling stated the City Administrator Ulrich will be sending an email update about the Franchise Fee Study.

6.2 Recognition of City Clerk Jo Thieling

Chairperson Field congratulated City Clerk Thieling on her retirement at the end of the year and stated that this would be her last meeting. He thanked her for her service, kind-hearted demeanor, and commented that she has been a blessing to the City of Ramsey.

7. ADJOURNMENT

Motion by Commissioner Deemer, seconded by Commissioner Leistico, to adjourn the meeting.

Motion carried. All present voted in favor.

The regular meeting of the Charter Commission adjourned at 8:18 p.m.

Respectfully submitted,

Colleen Lasher
Administrative Services Director

Joseph J. Langel
City Attorney

Drafted by Shari Kunza
TimeSaver Off Site Secretarial, Inc.