

City of Ramsey
Agenda
City Council Special Work Session
Tuesday, April 20, 2021
Immediately Following the Public Works Committee
Lake Itasca Room, 7550 Sunwood Drive NW

This meeting is being held in accordance with Minnesota Statutes 13D.021. Due to the COVID-19 Pandemic, it is not practical and prudent for all members of this board to attend in person. Current Minnesota law requires certain social distancing standards that impacts the capacity of the Council Chambers. For these reasons, it is not practical and prudent to have this meeting exclusively in person. Members of the public are welcome to attend in person or remotely.

Remote Attendance available at www.cityoframsey.com/meetings. To maximize social distancing due to the COVID-19 Pandemic, those that can join remotely are encouraged to do so. Those joining remotely and requesting to speak are asked to use a webcam when speaking.

- 1. Call to Order**
- 2. Topics for Discussion**
 1. Review Water Treatment Plant Schedule and Construction Method
 2. Review Past Charter Proposals Concerning City Elections
- 3. Adjournment**

CC Special Work Session

Meeting Date: 04/20/2021

Title:

Review Water Treatment Plant Schedule and Construction Method

Purpose/Background:

The purpose of this case is to discuss to possible construction methods for the construction of the proposed 10 million gallon per day (MGD) water treatment plant.

Based upon research with other communities, it is common to employ a *design-bid-build* model for the construction of water treatment plants. In this process, a multi-disciplinary consulting engineering firm employing a team of architects, water process engineers, structural engineers, surveyors, and construction inspectors is hired to design the WTP, after which the City bids the project with assistance from the consulting engineer, and the consulting engineer oversees construction of the WTP. The benefit to this approach is that the same team is used to design the WTP and to stake and oversee construction of the WTP. Plans and specifications can be developed quickly with a multi-disciplinary consulting engineering firm, minimizing chances for errors since all disciplines are employed by the same firm, and fewer glitches should be expected during construction since the surveyors and inspectors are familiar with the plans and specifications and are able to contact the proper personnel quickly as questions surface during construction.

The other alternative construction process commonly used in municipal construction is the *Construction Manager Advisor* model. This model is currently being used for the construction of the new PW facility. Under this model the city hires an independent construction management firm that works closely with city staff and the architect to design and manage the construction project. They work with staff to set the preliminary project budget, manage the bidding process, construction schedule, review architectural plans and in our case helped interview architectural firms. They also track the budget through out the project to help keep it in line and assist with value engineering if needed.

Timeframe:

20 Minutes

Funding Source:

Water Fund 9601 and Sewer Fund 9602

Responsible Party(ies):

John Nelson, Grant Riemer and Staff

Outcome:

Due to the complexity of a water treatment plant, staff would recommend using the design-bid-build model. Where as the PW facility is primarily a vehicle storage and maintenance facility, the water treatment plant houses several multi part processes responsible for providing safe, clean, drinking water for our community.

Schedule

Once the construction management method is decided on, the tentative schedule would be:

Prepare RFP in house, PWC review, CC approval – 7 weeks

Submit RFP's, wait for proposals –5 weeks

Review proposals in house, select top 3 firms – 2 weeks

Council work session interviews – 2 weeks
Present top candidate to council – 1 week
Selected firm prepares plans and specs – 28 weeks
Council approves plans and specs – 2 weeks
Plans out to bids – 5 weeks
Accept bids, award and execute contract – 3 weeks
Begin Construction
Complete construction – 86 weeks

This schedule should allow the water treatment plant to be operational by fall of 2023.

Attachments

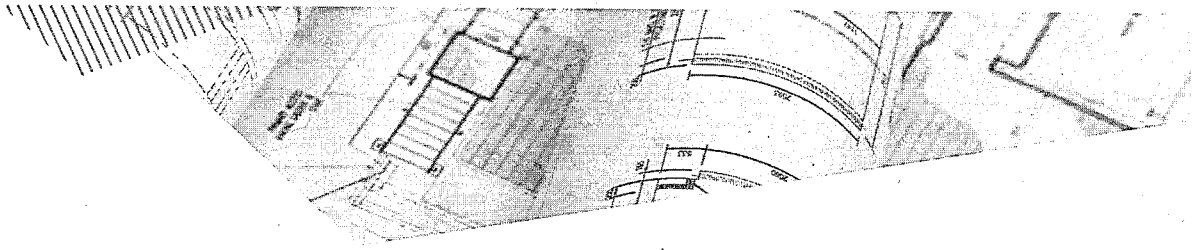
Construction Manager Model

Form Review

Inbox	Reviewed By	Date
Bruce Westby	Bruce Westby	04/15/2021 02:02 PM
Kurt Ulrich	Kurt Ulrich	04/15/2021 03:50 PM
Form Started By: Grant Riemer		Started On: 03/22/2021 01:47 PM
Final Approval Date: 04/15/2021		



CONSTRUCTION



The trusted alternative for construction contracts

Investment in construction projects for municipal facilities is challenging. Leaders seek to spend tax dollars as wisely as possible, while ensuring the facilities are well constructed for the long term. In general, the Construction Management delivery method is a smart choice. This process gives the city control over the entire process from start to finish and provides an on-time project with improved quality and reduced change orders.

There are two methods in which a Construction Management contract can be delivered. RJM works with cities to determine the best contract for their project.

Construction Manager Advisor

In the Construction Management Advisor (CMA) delivery, a contracting partner is selected based upon qualifications of the type of project being constructed. The construction manager provides a host of pre-construction services including phasing planning, developing the pre-construction schedule and budgeting throughout the entire design process. The construction manager serves as an extension of the city staff, meeting with various user groups and reviewing architectural plans for completeness and constructability.

Because the CMA is providing budgeting services during the entire design process, they will identify costs exceeding the budget and make recommendations to bring it back into alignment. They will foresee items unclearly noted in the plans and make provisions for this work in bid packages, eliminating opportunity for change orders.

While the CMA delivery has benefits, there are also drawbacks. In this delivery method, the city enters into a contract with each individual subcontractor on the project. This presents risk to the city as they are contractually responsible for subcontractor failure.

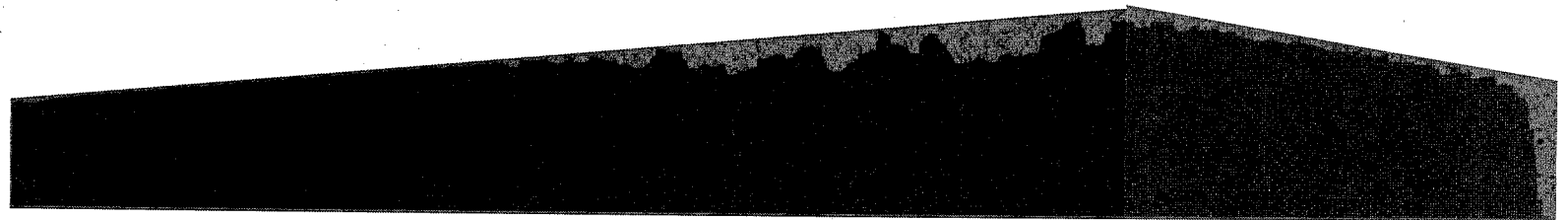
Subsequently, the number of contracts increases city staff administrative time. With each contract comes monthly pay applications for each contractor and documentation of any design changes.

Because the CMA does not hold any of the contracts or a guaranteed maximum price, there can be a perception of lack of ownership by the CMA regarding project schedule and budget.

Construction Manager at Risk

To address drawbacks of CMA delivery, many cities have elected to utilize the Construction Manager at Risk (CMr) delivery method. This process provides the advantages of CMA while allowing the city to execute a single contract with the CMr.

Different from CMA delivery, the CMr holds a contingency for unforeseen conditions and the city holds a contingency for scope changes. This is the only perceived disadvantage of the CMr process.



CC Special Work Session

Meeting Date: 04/20/2021

Title:

Review Past Charter Proposals Concerning City Elections

Purpose/Background:

The purpose of this discussion is for the City Council to review and discuss Chapter 4 of the City's Charter pertaining to nominations and elections and to provide feedback on which of the revision options are desired by the City Council. Option data is attached.

Chapter 4 needs updating to comply with State Election Law, remove duplicative language, and eliminate vagueness. When the City Council reviewed this topic in December 2019, the main point of dissent was related to primaries and the length of Council appointments that could occur under certain circumstances. Per the attachments, option #1 would eliminate primaries entirely and option #2 would eliminate primaries except for general elections and vacancy special elections held on the date of the general election. Both options remove duplicative or vague language.

Background: The Charter Commission started their work on updating Chapter 4 in February 2019 and the Council reviewed the topic in December 2019. The draft ordinance, #19-15 "An Ordinance Amending the Charter by Repealing and Replacing Chapter 4 - Nominations and Elections" did not pass. In order for the ordinance to pass, all Councilmembers must motion in favor of the ordinance. The Charter Commission motioned to do the following:

1. approve Chapter 4, Section 4.1, Option 1 as modified by the City Attorney's office.
2. approve Chapter 4, Section 4.2, Option 1 as modified by the City Attorney's office.
3. approve Chapter 4, Section 4.3 as modified by the City Attorney's office.
4. approve Chapter 4, Section 4.4, Option 4 as modified by the City Attorney's office.
5. approve Chapter 4, Section 4.5, Option 4 as modified by the City Attorney's office.
6. approve Chapter 4, Section 4.5.6 as modified by the City Attorney's office.

Attachments:

- 1) 02-13-19 Charter Commission Minutes
- 2) 10-17-19 Charter Commission Minutes
- 3) 12-10-19 City Council Work Session Minutes (starting on page 4)
- 4) 12-10-19 City Council Minutes (starting on page 8)
- 5) 08-27-20 DRAFT Charter Commission Minutes
- 6) Detailed Options w/o Redline
- 7) Charter Commission Proposals

Timeframe:

Up to 30 minutes

Funding Source:

Not applicable at this time.

Responsible Party(ies):

City Attorney Langel
Administrative Services Director (City Clerk) Lasher
City Administrator Ulrich

Outcome:

The intended outcome regarding this matter is for the City Council provide feedback on which options they can agree upon so the Charter Commission can meet again to develop alternative language.

Attachments

[02-13-19 Charter Minutes](#)

[10-17-19 Charter Minutues](#)

[12-10-19 WS Minutes](#)

[12-10-19 CC Minutes](#)

[08-27-20 Charter Minutes](#)

[Detailed Options w/o Redline](#)

[Charter Proposal Redline](#)

Form Review

Inbox

Kurt Ulrich

Form Started By: Colleen Lasher

Final Approval Date: 04/15/2021

Reviewed By

Kurt Ulrich

Date

04/15/2021 04:13 PM

Started On: 04/13/2021 03:37 PM

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

The Charter Commission conducted a regular meeting on Wednesday, February 13, 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 Joshua Fuhreck
 Commissioner Jennifer Leistico
 Commissioner Chad Sivertson

Members Absent: Commissioner Mark Barrows
 Commissioner Ben Deemer
 Commissioner John Niederhaus

Also Present: City Clerk Jo Thieling
 City Administrator Kurt Ulrich
 Administrative Services Director Colleen Lasher
 City Attorney Joe Langel
 City Councilmember Debra Musgrove

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 6:36 p.m.

CITIZEN INPUT

None.

APPROVE AGENDA

Motion by Commissioner Leistico, seconded by Commissioner Sivertson, to approve the agenda as presented.

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

APPROVE MINUTES

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

1) Regular Charter Commission Meeting dated December 17, 2018

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

COMMISSION BUSINESS

5.1 Review of Charter Chapter 4 Nominations and Elections

City Attorney Langel stated that the purpose of the case is to review the existing provisions in the City's Charter relating to conducting elections as the current Charter language is not entirely consistent with State law. He explained that there are sections of Chapter 4 of the Charter that must be amended to comply with the State Statutes, and there are other sections that may be amended. The Charter could suggest an ordinance amending only the provisions that are not consistent with the State Statute or the Charter could suggest an ordinance amending or repealing the entire Chapter 4, making the conduction of elections more straightforward.

City Attorney Langel stated that advisory elections are unique to charter cities, but most hardly ever choose to do them. He stated that primary elections are also not required by State law and noted that the process outlined currently in the Charter is unwieldy and there is language that must be ignored as it is not consistent with State law. He reviewed language that is included in the Charter that is not required as it is already defined by State law, which is already very specific, and therefore the duplicative language is not required to be in the Charter. He explained that the duplicative language is not providing any benefit to the City of Ramsey. He also identified language that exists in the Charter and conflicts with State law.

Commissioner Bendtsen asked if there should be language stating that the City is going to follow State law, or whether that is just assumed.

City Attorney Langel noted that if the language is not included in the Charter, it would default to State law. He referenced the section relating to primary elections, which are not required by State law. He asked if there is a need for primary elections in Ramsey. He explained that until you have passed the filing date, you will be unaware of the number of people that will be running and therefore notice has already been made for a possible primary and the timelines are impacted.

Commissioner Anderson stated that there have been a number of communities moving towards using ranked choice voting and asked if that should be considered.

City Attorney Langel stated that he did not know if Ramsey has expressed interest in ranked choice voting, as that is still a new process in Minnesota. He was unsure that Ramsey would have a high enough number of people attempting to run that would require ranked choice voting. He stated that his sense is that issue would not be addressed at this time and the focus could just be on cleaning up the section on primary elections.

Chairperson Field stated that ranked choice voting could be a session in itself and therefore he would like to redirect the conversation tonight on simply reviewing Chapter 4.

Commissioner Sivertson stated that the instant runoff voting gets rid of the need for primary elections.

Chairperson Field stated that topic is somewhat controversial and therefore he would suggest abstaining from that discussion tonight.

City Attorney Langel stated that he would also suggest additional public input prior to discussion of that topic. He moved back to the section related to primary elections and suggested that the decision be made to remove the need for primary elections all together, simply clean up the language, or at least remove the requirement for a primary election during special elections. He explained that attempting to fit a primary election into a special election creates a mess and lengthens the process.

Commissioner Anderson asked if most charter cities use a primary election.

City Attorney Langel replied that most charter cities choose not to have primary elections. He stated that if there is not a primary election, then you would simply follow regular State law and if there are four candidates, you simply end up with four candidates on the ballot.

Commissioner Bendtsen stated that he does not see a need for a primary election.

Commissioner Fuhreck stated that he believes that the primary election would be important for the regular election process but would agree to eliminate primaries for special elections. He stated that he does not see holding primaries for a regular election as a problem but agreed that the process would be unnecessary and lengthens the special election process.

Commissioner Leistico stated that considering the size of Ramsey and the fact that this would be a non-partisan office, she does not see the need for primary elections. She did not believe that the extra expense is worth narrowing the candidate pool from three candidates to two.

Commissioner Sivertson asked if there is an added cost to have a primary election.

City Clerk Thieling stated that the City has held primary elections and there is an added cost, equal to running two complete elections as the primary is treated the same as the general election. She stated that if the primary were left only for regular election years, the cost would be fairly low as there would already be a primary for the other general election offices and therefore that additional cost would only be printing.

Chairperson Field asked the percentage of turnout of voters for the last few special elections and primaries.

Commissioner Anderson asked why the City is left to wait until August for the next City Councilmember to be elected.

City Clerk Thieling stated that if the Charter were amended to follow State language the City could have possibly met the February date, but would certainly have hit the April date.

Chairperson Field asked how the City has a Charter section that conflicts to this level with the State law.

City Attorney Langel stated that he was unsure when the provision was added. He stated that State election law is changed on a fairly frequent basis and a lot of the Charters have not been modified along with those changes, which creates these conflicting issues. He stated that the options would be to remove primaries entirely or at least remove the need for primaries in special elections. He stated that he would also recommend streamlining the language to simplify and remove conflicting language.

Commissioner Anderson stated that currently there is a provision within the Charter which requires a special election when a Councilmember moves.

City Attorney Langel stated that there is language within State law that specifies when a special election must be held, dependent upon the length of the remaining term, otherwise appointment could be made to fill the vacancy. He continued to review sections of Chapter 4, highlighting language which he would recommend removing because it is unnecessary, duplicative, or conflicting with State law. He stated that the goal would be to streamline the language and process without taking anything substantive away from the City. He explained that things are easier if everyone is on the same page, rather than having five different cities with five different election processes. He noted that it is easier for City staff to use the resource of Anoka County, if they are talking about the same processes.

Chairperson Field stated that it seems that there are three categories for the proposed changes to the Charter which would be duplicative language, language that conflicts with the State law, and areas of discretion. He asked City Attorney Langel to identify which category the proposed changes fall within.

City Attorney Langel continued to review the sections of Chapter 4, identifying whether the proposed change would be duplicative, conflicting with State law, or an area of discretion.

Chairperson Field stated that section 4.4 contains both special and advisory elections, noting that while special elections are a required element, advisory elections are not necessary. He commented that there seem to be faults in an advisory election as that would simply be equal to a public polling.

Commissioner Leistico asked if an advisory election would be combined with a general election or whether that would be similar to a special election process, as that would make a difference in the cost and effort.

City Attorney Langel stated that it is not clear. He explained that he would interpret the sentence as stating that the Council could call an advisory election at any time and therefore that question could be added to a general election ballot. He stated that his preference would be to clarify the language to remove "special" from advisory election to provide clarification if that element is going to be kept. He continued to review Chapter 4, moving onto section 4.5 regarding vacancies. He stated that section could be removed entirely and fall back on State law, which would be his preference. He explained that if the additional language is not benefiting the City as a whole, it should not be there, particularly if State law already addresses the process, as it simply creates a logistical mess. He noted that the timelines identified in the Charter conflict with State law, and therefore the City has to default to State law anyway. He recommended removing the section entirely, or at minimum streamlining the section.

Chairperson Field asked how defaulting to the State law would affect a vacant seat compared to the current Charter language.

City Attorney Langel replied that the timing of when the special election could be held, the notice for the filing period, how those timing periods disagree with State law, and the added primary requirement.

City Clerk Thieling noted that the conflicting issues created the timeline the City is currently following to fill a vacancy, which has extended out to eight months.

City Administrator Ulrich stated that in his opinion the section that is causing a problem is specifically section 4.5.4. He noted that statutory cities can appoint someone to a vacancy when there is two years or less remaining in the term, while the Charter spells out that an appointment can be made only if there are 365 days or less remaining in the term. He explained that statutory cities can appoint someone, following a series of interviews with the City Council, which eliminates the need for a majority of the special elections.

Chairperson Field asked for input on the possibility of removing this section, which would default to State law. He explained that this would allow the City Council to appoint someone to a vacancy if there is two years or less remaining in a term, while the Charter specifies that the appointment can only be made if there are less than 365 days remaining in the term.

Commissioner Anderson stated that the dates required, and the current process has caused the Council to have a vacancy for multiple years. She stated that in her opinion there is a need to fill that vacancy quickly and therefore she would favor modifying the situation regarding vacancies to give the Council permission to fill a vacancy.

Commissioner Fuhreck stated that eliminating the need for a primary during a special election would assist in streamlining the process but he would want the provision to stand that allows appointments only with 365 days or less remaining in a term.

Commissioner Bendtsen stated that he would be in favor of removing any section that is direct conflict with the State law. He stated that he would also support eliminating primary elections and would support appointments being made only with 365 days or less remaining in a term. He

stated that he would support removal of primaries certainly for special elections but did not see the need to have a primary election in any City election. He stated that having special and advisory in the same sentence just makes language confusing and he would support clarifying that language.

Commissioner Anderson stated that appointments are made to fill vacancies in every other level of government, explaining that someone is appointed to fill that vacancy until the next election is held.

City Administrator Ulrich asked for clarification on whether to keep the ability to appoint within only less than 365 days or follow the State Statute of two years remaining in the term.

Commissioner Sivertson asked the number of Councilmembers that are needed to pass an action.

City Administrator Ulrich stated that there was a point in the last year when the Council only had five members and four Councilmembers are needed to pass an action.

City Clerk Thieling explained that there is nothing that can be done at this time to speed up this special election date because of the timeline that must be followed for the special election. She stated that it is unknown as to whether a primary would be needed until the filing date has passed, and therefore that has to be planned for regardless of whether it will be needed. She explained that any changes that are going to be made to the Charter will still not impact this special election process because of the lengthy process required to amend the Charter.

Commissioner Bendtsen stated that he would favor appointment with only less than 365 days remaining in a term.

Commissioner Sivertson stated that he would favor following the State Statute requirement of allowing appointments with less than two years remaining on a term.

Commissioner Leistico stated that she would support allowing appointment with two years remaining, and if less than one year is chosen, she would recommend removing the provision for a primary election.

Commissioner Fuhreck stated that he would favor leaving the less than 365 days period for appointment.

Chairperson Field stated that he would support leaving the appointments to terms less than 365 days.

City Attorney Langel stated that he can bring back language that would be consistent with removing the need for a primary in a special election and allowing appointments with terms less than 365 days remaining.

City Clerk Thieling stated that for the special elections in February and April of 2018, for the special primary there were 15,491 registered voters and a total of 213 people voted and for the

actual special election there were 15,492 registered voters and 230 people voted. She stated that for the regular election primary there were 15,629 registered voters with 3,223 people voting and for the general election there were 15,890 registered voters and 11,764 people voted. She noted that even for special elections, there is a very small portion of the population voting.

City Attorney Langel continued to review section 4.5 and identified language that he would recommend removing.

Chairperson Field suggested language be amended that state if there are no candidates for a special election, the Council shall appoint someone to an expiring or vacant municipal office.

City Attorney Langel stated that his thought process is to simplify as much as possible, removing language that conflicts with State law, remove items that do not benefit the City, and focus on the few sections remaining.

Chairperson Field stated that approach number one would be to eliminate the section entirely and follow State law or to take the discussion tonight and simplify the language to follow State law and incorporate the comments tonight.

Commissioner Bendtsen stated that he would recommend removing anything that conflicts with State law, removing anything duplicative, remove the need for special and primary elections, and keep the appointments to a term of 365 days or less.

Commissioner Fuhreck stated that he would agree with the comments of Commissioner Bendtsen. He stated that he would be in favor of leaving primaries for regular elections but removing them for special elections.

Chairperson Field stated that if primaries are eliminated, you extend the political season for the hoards of people running for City Council and the public at large is subjected to more political campaigning. He stated that for a normal election there is already a primary and therefore there is little additional cost or process.

Commissioner Leistico stated that she would argue that holding a primary would extend the election season as people begin campaigning earlier for the primary. She stated that she would agree with removing any language that conflicts with State law. She stated that she would remove primary elections for both the special and regular elections. She noted that she would also follow State law to allow appointments to be made with two years or less remaining in a term but advised that she would also agree with the appointment being allowed with only 365 days or less.

It was the consensus of the Commission that if there are no candidates for a special election, the Council shall appoint someone to an expiring or vacant municipal office until the next regular municipal election.

Chairperson Field stated that he is getting the sense that this discussion will continue at the next Charter Commission meeting. He confirmed the consensus to remove the language conflicting

with State law; removing duplicative language; remove the need for primaries, with one option to remove primaries all together and another option to remove primaries for special elections; clean-up the language regarding advisory elections, with an option to remove advisory elections all together and another option to state that advisory elections can only occur with general elections; and regarding section 4.5.4, an option should be brought back to remove that section which would default to State law, and another option cleaning up the language and allowing appointment for terms of only less than 365 days.

City Administrator Ulrich noted that sometimes there are special elections that align with general elections, as the City did this past fall. He noted that in that circumstance that might be an exception that would allow for a primary for a special election as it coincides with the regular general election.

5.2 Discuss Commissioning a Study on Alternate Sources for Road Funding

Chairperson Field stated that the City of Ramsey is considering alternate sources for road funding, noting that he recently attended a public meeting on the topic. He reviewed the options that would be available that include 100 percent assessments, the current assessment policy, or franchise fees. He stated that there is a provision in the Charter on franchise fees and provided background information on how franchise fees work. He noted that lengthy discussions occurred in 2013, and reviewed a proposal that was made by a former Commissioner. He stated that proposal imposed a limit on how franchise fees could be used. He stated that he is not suggesting that the Commission take up action on the proposal but suggested that the language be considered for future debate until a private study can be commissioned to review options for road funding. He believed that the information would be useful to the Commission and to the Council as well. He stated that he reached out to City staff to determine if there are funds available for this type of study and learned that \$1,500 could be allocated for this type of study.

Commissioner Bendtsen asked how much the City of Ramsey is paying WSB for the presentation that is currently underway.

City Administrator Ulrich explained that the price of the WSB contract was \$35,000 and was separated into three different phases. He stated that phase one was to review the current pavement management plan and make recommendations, phase two moved into additional staff and public meetings along with presentation of resources, and phase three would include additional public meetings and potentially leading to a recommendation on a funding source for road improvements. He noted that the contract does have check-in points where the contract can be stopped. He stated that currently the City uses assessments for road financing and noted that if there is a consensus of the public input to continue with that, the service proposal would stop after phase two.

Commissioner Anderson asked how Elk River is funding their road improvements, as they seem to have sufficient funds.

City Administrator Ulrich stated that Elk River uses franchise fees for road improvements and has implemented a special sales tax for a community center. He noted that a number of cities use franchise fees already, including Elk River, Rogers, Princeton, and Brooklyn Park.

Chairperson Field stated that the representative from WSB did provide all the options but candidly did favor franchise fees. He stated that he would like to commission a separate study that would provide an independent opinion on what other communities are using and the available options.

Commissioner Fuhreck stated that he would be interested in historical data on how other municipalities that use franchise fees have been able to hold the line.

Commissioner Sivertson stated that there were complaints in the past from residents that have utilities for outbuildings and would not want to be charged twice. He stated that he has also heard that utility companies do not like the use of franchise fees as they become the middle man. He stated that there is a lot of gray area left unanswered and he would be in favor of bringing the motion back into play.

Commissioner Anderson stated that there are still urban and rural areas in the community. She stated that while she believes that this would be a good idea, she was unsure that a proper study could be completed for \$1,500.

City Administrator Ulrich stated that the scope of a study should be defined and put into writing, establishing the topics the Commission would like covered and staff can then request proposals from different firms. He noted that perhaps the Council would be interested in providing additional funding.

Chairperson Field stated that he would want to ensure that municipalities similar to Ramsey in age and miles in roads are included in the study, all available financing options, what has happened in other communities that utilize franchise fees, the number of cities that engage in 100 percent levy/assessment, additional information on the assessment model that Ramsey currently follows, and the annual budget of municipalities that are spent on road improvements compared to the remaining budget.

Commissioner Anderson stated that the whole city is concerned with road improvements and funding, as is the City Council.

Chairperson Field stated that he hopes that the City Council does not take this the wrong way. He stated that when you are opening up a box of potentially unlimited funding, that would be similar to letting a kid loose in a candy store. He stated that for the City to engage someone that is very enthusiastic about franchise fees may not be the best choice. He noted that once this box is opened this could be an uncontrolled shadow tax. He stated that if the Commission were to order a separate study that could have better standing in the end and could provide an option that would work for the City without amending the Charter related to franchise fees.

Commissioner Bendtsen stated that during the last presentation on road financing there was approximately 10 minutes spent on each of the other options and 90 minutes on franchise fees.

Commissioner Fuhreck agreed that it would be helpful to spend the additional funds to see not only the pros of franchise fees but also the pros and cons of all the options.

Chairperson Field stated that a motion is required to extend the money for this study.

Motion by Chairperson Field, seconded by Commissioner Sivertson, that Charter Chapter 10, Section 10.4 would be amended to state, "except that any franchise fees imposed under applicable State Statute must be limited to defraying increased municipal costs accrued as a result of utility operations, and may not be used to raise general revenue."

Further discussion: Chairperson Field stated that he would entertain a motion to table this action until a study can be completed. Commissioner Anderson stated that she would believe that the City Council has done some of this work already and would not just be leaning towards franchise fees on a whim. City Administrator Ulrich stated that they do not have to start from zero as there is past research that can be updated, and the funds can be used to provide an extra level of analysis.

Motion by Commissioner Bendtsen, seconded by Commissioner Anderson, to table the motion until a study can be commissioned.

Further discussion: Chairperson Field stated that the original motion was needed in order to propose an amendment that will provide the \$1,500 to use for the study. Commissioner Anderson asked who would be commissioned to be responsible for the study. Chairperson Field stated that a Committee could be selected to assist in the process. City Administrator Ulrich stated that the suggestion of a Committee appointed to study this would work well from a staff perspective. He noted that the Committee could first define the scope of the study. Commissioners Bendtsen, Anderson, Sivertson, and Chairperson Field agreed to form a Committee. Chairperson Field stated that he would like ample time to review the study results prior to the next discussion.

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

Chairperson Field stated that the motion has been made that will allow the funds for the study to be allocated and noted that the Committee of four will meet outside of this Commission with staff to continue the work.

5.3 Approve Year End Activity Letter to Chief Judge for Year 2018

Chairperson Field noted that included in the case was the draft summary letter for the year 2018 for the Commission's review, comment, and approval. Once approved by the Commission, staff will forward the letter to the Chief Judge.

Motion by Commissioner Bendtsen, seconded by Commissioner Fuhreck, to approve the year-end annual report letter for 2018 and direct staff to submit such report to The Honorable Douglas B. Meslow, Chief Judge of the Tenth Judicial District.

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

6. COMMISSION / STAFF INPUT

6.1 Other

Commissioner Fuhreck stated that at a future meeting he would like to discuss the issue of the Chris Riley rule, where someone is running for a body that is already in the body, which in essence just created another vacancy after the election. He explained that he would like a provision where that person would need to resign from their current position in order to run for a vacant position.

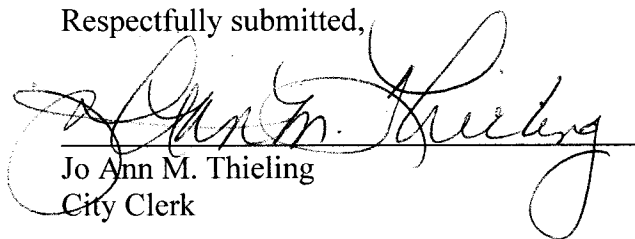
7. ADJOURNMENT

Motion by Commissioner Fuhreck, seconded by Commissioner Sivertsen, to adjourn the meeting.

Motion carried. All present voted in favor.

The regular meeting of the Charter Commission adjourned at 9:11 p.m.

Respectfully submitted,


Jo Ann M. Thieling
City Clerk


Joseph J. Langel
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

**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 No: 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 No: 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.

**CITY COUNCIL WORK SESSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a City Council Work Session on Tuesday, December 10, 2019, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor John LeTourneau
Councilmember Nadine Heinrich
Councilmember Mark Kuzma
Councilmember Jeff Menth
Councilmember Debra Musgrove
Councilmember Chris Riley
Councilmember Dan Specht

Also Present: City Administrator Kurtis Ulrich
Parks and Assistant Public Works Superintendent Mark Riverblood
Administrative Services Director Colleen Lasher
Community Development Director Timothy Gladhill
City Attorney Joe Langel (arrived at 5:42 p.m.)
Representative Peggy Scott
Representative John Heinrich
Elwyn Tinklenberg, The Tinklenberg Group (arrived at 5:45 p.m.)
Charter Commission Chairperson Joe Field (arrived at 6:06 p.m.)

1. CALL TO ORDER

Mayor LeTourneau called the City Council Work Session to order at 5:36 p.m.

2. TOPICS FOR DISCUSSION

2.01: Review of the City of Ramsey's Legislative Priorities

City Administrator Ulrich reviewed the staff report.

Representative Scott asked for additional details on the manganese.

City Administrator Ulrich provided additional details and noted that the City continues to provide updates.

Mayor LeTourneau explained how the issue was mitigated during the summer to ensure the City did not reach the manganese threshold during the peak summer usage.

Councilmember Kuzma noted that the City also established a hotline for residents to reach out with concerns.

City Administrator Ulrich continued to review the City's legislative platform.

Representative Scott stated that she is on the Ways and Means Committee, which met the previous day to discuss the surplus. She explained that even though there is a surplus there is additional discussion needed to determine the actual amount that would be surplus as funds were taken from the reserves to balance the budget.

Representative Heinrich stated that it was shocking to him to find out that the Ways and Means Committee just discovered this information the previous day.

Representative Scott noted that inflation is not figured into the budget formula, which also has an impact on the surplus. She stated that while she would like to give the surplus back to taxpayers, it will need to be determined how much is actually there. She noted that another preference would be to complete projects with that cash rather than bonding. She stated that this will be a bonding year and anticipates a robust bonding bill. She hoped that progress could be made on HHS. She highlighted some other topics that could be an issue including facial recognition technology.

Representative Heinrich stated that he is looking forward to learning more about the issues with DHS. He stated that fraud in the CCAP program have also been an issue. He noted that a lot of people use the program legitimately. He stated that Highway 10 continues to be a big issue on his radar. He noted that he is a member of the Committee, which will tour Duluth the following day to learn about their transportation needs. He stated that he is attempting to schedule a tour of the Highway 10 Gateway area in January. He recognized that Highway 10 continues to be an important project for this area and noted that he will continue to focus on funding in the next session.

Mayor LeTourneau appreciated the efforts of Representative Scott on the Ways and Means Committee.

Councilmember Musgrove stated that Minnesota is one state that taxes social security and asked if there is a way to influence that.

Representative Scott acknowledged that Minnesota is one of only 13 states that taxes social security. She noted that if those taxes are eliminated that would leave a hole in the budget. She was unsure that there was an appetite for that with the current mix of the legislature.

Representative Heinrich commented that the issue continues to gain momentum.

Councilmember Riley stated that one of the issues for Ramsey is reform of the Metropolitan Council and asked if that will be a topic at the legislature.

Representative Scott commented that while she is a believer in that reform, she is unsure that the issue is on the radar at this time.

Representative Heinrich agreed that it is not a priority for the leadership in the House currently.

Representative Scott reviewed some of the issues that she believes will be higher priority this year. She commented that she hopes that there will not be a supplemental budget to come forward this year.

City Administrator Ulrich referenced the issue of bodycams for police officers and whether that would be required through the legislature.

Representative Scott commented that she did not believe that would move forward as a requirement at this time.

Representative Heinrich provided an update on the Public Safety Committee priorities which would include discussion related to cameras in road construction work zones.

Councilmember Menth asked for additional input on State tax on social security and asked if neighboring states tax social security as well.

Representative Heinrich stated that he is unsure if neighboring states tax that benefit. He noted that he would support the elimination of that tax.

Representative Scott stated that most people on social security that leave Minnesota tend to go somewhere warmer but would also perhaps choose a state that does not tax that benefit.

City Administrator Ulrich provided information on a tax increment district in Ramsey and the 10-year rule. He noted that perhaps an extension could be granted on the district as that period was developmentally slow.

Representative Heinrich confirmed that he could work with the City to author a bill for that extension if desired.

Mayor LeTourneau commented that he appreciates the work Representative Heinrich does on the Transportation Committee and asked for input on the amount of information received from Ramsey on its Highway 10 project.

Representative Heinrich commented that Ramsey continues to be an engaged community. He stated that between Ramsey and Anoka County, they are drawing attention to this local project. He stated that the engagement of Ramsey will help to push the project forward as it is more than he has seen most cities do. He recognized that there are other transportation needs in the state but believes that the Highway 10 corridor should be a priority.

Representative Scott commented that it is effective when Councilmembers and the Mayor come down and lobby for the project.

Councilmember Riley stated that Ramsey wants to be a good team player with the other communities in the corridor but also standup for what Ramsey wants and needs. He stated that the Council has been adamant that the railroad overpass is needed at Sunfish and Ramsey.

Representative Heinrich noted that he does not want to water down the message and will focus on the Sunfish and Ramsey Boulevard interchanges. He stated that Highway 47 and the railroad crossing is important as well, noting that it has gained the attention of the Governor.

Mr. Tinklenberg commented how well served Ramsey is by these two representatives and the committees they serve. He stated that in terms of transportation, he agrees that this is a year where Ramsey can make significant progress. He provided an update on recent meetings he has held with different members of the House and Governors office. He stated that there is a lot of momentum behind the project and these representatives are helping to keep that up. He noted that the work Ramsey has done in terms of design preparation have helped to put the project in a better position for funding.

Representative Scott stated that there is movement afoot to reform the bonding bill process, which would allow members to vote on individual sections.

Mayor LeTourneau stated that the Highway 10 effort has been targeted and focused. He recognized that each piece of the puzzle will help to improve the corridor. He hoped to continue great communication between the City and the two representatives present tonight.

Representative Scott asked and confirmed that the Councilmembers subscribe to the updates.

Representative Heinrich suggested setting up a Highway 10 Coalition Day at the Capital. He stated that when people show up in numbers, it tends to catch attention.

Councilmember Heinrich referenced the TIF district and clarified that the entire Council has not yet discussed that issue and therefore that discussion would occur prior to bringing something forward to one of the representatives for assistance.

Mayor LeTourneau thanked Representatives Scott and Heinrich for attending tonight and for their continued service.

2.02: Discuss Ordinance Amending the Charter by Repealing and Replacing Chapter 4 – Nominations and Elections

City Administrator Ulrich reviewed the staff report.

Councilmember Specht commented that he had a concern with totally eliminating primaries, using an example where there are ten candidates running.

Charter Commission Chairperson Field stated that the issue was discussed in depth by the Charter Commission and the main concern in making these changes was to become compliant with State law and elimination of duplicative language. He stated that the Commission also asked what is discretionary for Charter cities. He stated that the turnout for primaries is very poor and that is a costly process, therefore the Charter Commission came to the consensus to eliminate that requirement. He stated that there was discussion that perhaps an exception should be made if a

certain number of candidates were running, but that option was problematic due to the filing deadlines. He stated that there has been a deterioration in interest in running for public office. He stated that because people are not showing up for the primaries, the consensus was to eliminate that requirement.

Councilmember Musgrove referenced the situation where a primary could be held with the general election primary.

Charter Commission Chairperson Field commented that there was less resistance to that because it would not have much of an additional cost.

Councilmember Musgrove stated that it seems that the Charter Commission recommended elimination of primary elections for city government elections.

Charter Commission Chairperson Field agreed that because the trend has been that people are not showing up for those primary elections, it would seem practical to eliminate that requirement.

Councilmember Kuzma stated that the changes seem to be mostly cost driven. He stated that the number of special elections in the past few years seem to be an anomaly. He stated that he likes the process of holding primaries. He stated that poor voter turnout is not the fault of the process and would not be in favor of eliminating that step.

Mayor LeTourneau stated that the reality of the last two special elections had a higher percentage of turnout than the City typically has for special elections. He recognized that special elections typically have an inherently low voter turnout.

Councilmember Specht asked the cost to hold a primary election.

Administrative Services Director Lasher estimated about \$25,000 for an at large seat while a ward seat would be about \$10,000.

Councilmember Menth asked if the Charter discussed right choice voting.

Charter Commission Chairperson Fields noted that was determined to be a separate discussion that the Commission will discuss in the future.

Councilmember Musgrove asked how many Charter cities choose to hold primary elections and how many do not.

Charter Commission Chairperson Fields stated that most Charter cities do not engage in primary elections.

Councilmember Riley stated that the Charter Commission was provided the detailed information, while the Council did not hear the same details. He stated that in regard to primaries it seems that the City would either need to choose to hold primaries or not hold them. He noted that if primaries are kept that seems to negate some of the work to streamline the process.

Charter Commission Chairperson Fields agreed that is an excellent point as detailed information was provided to the Commission for review by the City Attorney and excellent discussion was had. He commented that it would be helpful for the Council to have access to those meeting minutes to review the process the Commission went through to come to this recommendation.

Administrative Services Director Lasher noted that the draft minutes from the Charter Commission were distributed to the City Council to provide them with that information.

Mayor LeTourneau asked for information on the history and background on why Ramsey chose to use the primary system.

Charter Commission Chairperson Fields stated that he did not have that information but noted that Commissioner Deemer would perhaps have that information because of his tenure on the Commission.

Councilmember Specht stated that he has concern with the Council making direct appointments. He used the example of Big Lake, which currently has four out of five members appointed rather than elected.

Charter Commissioner Chairperson Fields stated that it was his belief that process was mandated by State law but noted that he could be mistaken.

City Attorney Langel stated that he was unsure if that exact process is mandated by State law. He noted that if there is an opening on the Council it needs to be filled as soon as possible. He noted that the timelines and allowed dates for an election have an impact on the ability to fill that position quickly and therefore the proposed guide was developed which would allow appointment dependent upon when the vacancy occurs. He stated that the guide was developed with the intent of balancing the need to fill a vacancy on the Council in a timely and cost-effective manner, while still allowing public input.

Administrative Director Lasher commented that the total cost for a special election, including the primary would be about \$30,000.

Mayor LeTourneau commented that there still seem to be a lot of questions and does not expect there to be a unanimous vote tonight at the regular meeting.

Councilmember Heinrich asked what would happen next if the vote is not passed.

City Administrator Ulrich stated that if there was clear direction and consensus of the Council, the proposed changes could be suggested to the Charter Commission. He stated that he would suggest that the Council hold another worksession, with members of the Charter Commission, to discuss options that would work for everyone. He recognized that the language needs to be amended in order to clean up the language and become compliant with State law.

Councilmember Specht asked if there are any deadlines to become compliant with State law.

City Attorney Langel stated that when there is a conflict in the Charter with State law, the City has been following State law and ignoring certain details in the Charter. He stated that staff would continue to do that until the Charter is amended.

Mayor LeTourneau agreed that it would be helpful for the Council to have further discussion on this topic with the Charter Commission.

Charter Commission Chairperson Fields noted that the Charter Commission has spent a significant amount of time on this topic and it would be helpful to have specific direction from the Council.

Councilmember Heinrich asked if any of the Councilmembers that are not in support of this are prepared to provide specific input on the topics they are struggling with.

Mayor LeTourneau stated that his concerns are that some Council members are confused and that there has not been much discussion on this topic as of yet.

Councilmember Heinrich stated that this is not the first time the Council is seeing the redline document and therefore she is surprised by that.

Charter Commission Chairperson Fields stated that bullet points would be helpful. He noted that he would need to speak with the Charter Commission to determine if there is support for a joint meeting. He noted that the topic has been beat to death for the Charter Commission and he would want specific bullet points for discussion if there is a joint meeting.

Councilmember Kuzma referenced the desire for the Charter Commission to hold a separate study on franchise fees, even though the Council spent a large amount of time researching the issue. He noted that this would be a similar situation where the Charter Commission spent a large amount of time, but the Council has not yet had that ability. He stated that he is not willing to eliminate the primary election simply because of the anomaly of the recent vacancies.

3. TOPICS FOR FUTURE DISCUSSION

3.01: Review Future Topics/ Calendar

Noted.

4. MAYOR / COUNCIL / STAFF INPUT

None.

5. ADJOURNMENT

The Work Session of the City Council was adjourned at 6:56 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Administrative Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

TABLE OF CONTENTS

1. CALL TO ORDER2

2. PRESENTATION.....2

 2.01: Recognize Ramsey Elementary Student Essay Winners2

3. CITIZEN INPUT3

4. APPROVE AGENDA.....3

5. CONSENT AGENDA.....3

6. PUBLIC HEARING.....4

 6.01: Public Hearing on 2020 Tax Levies and General Fund Budget – Adopt Resolution #19-291 Adopting the 2019, Payable 2020 Municipal Tax Levy; Adopt Resolution #19-292 Adopting the 2020 General Fund Budget and Adopt Resolution #19-293 Adopting the 2020 Economic Development Authority (EDA) Budget.....4

 6.02: Public Hearing – Adopt Resolution #19-294 Adopting the City’s 2020-2029 Capital Improvement Plan (CIP).....6

7. COUNCIL BUSINESS8

 7.01: Adopt Ordinance #19-15 An Ordinance Amending the Charter by Repealing and Replacing Chapter 4 – Nominations and Elections.....8

 7.02: Adopt Resolution #19-251 Establishing Notice of Intent to Terminate the Current Joint Powers Fire Protection Agreement Between the City of Ramsey and the City of Nowthen, and to Authorize the City Administrator, in Conjunction with Ramey Members of the Joint Powers Board, to Enter into Negotiations to Develop a New Agreement for Shared Fire Services9

 7.03: Adopt Resolution #19-299 Approving Purchase Agreement Third Amendment for AEON Ramsey 2, LLC (portions may be closed to the public)10

 7.04: Adopt Resolution #19-264 Ordering Feasibility Report for Improvement Project #20-02, 2020 Overlay Improvements.....12

 7.05: Adopt Resolution #19-285 Ordering Feasibility Report for Improvement Project #20-01, Variolite Street Reconstruction13

 7.06: Adopt Resolution #19-296 to Hire a Patrol Officer14

 7.07: Adopt Resolution #19-286 to Authorize the City’s 2020 Non-Union City Health and Dental Insurance Contributions and Non-Union Cost of Living Adjustments.....14

 7.08: Adopt Resolution #19-288 to Approve Position Reclassifications15

8. MAYOR, COUNCIL AND STAFF INPUT16

9. ADJOURNMENT.....16

**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, December 10, 2019, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor John LeTourneau
Councilmember Nadine Heinrich
Councilmember Mark Kuzma
Councilmember Jeff Menth
Councilmember Debra Musgrove
Councilmember Chris Riley
Councilmember Dan Specht

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Finance Director Diana Lund
Fire Chief Matt Kohner
Police Chief Jeff Katers
Parks and Assistant Public Works Superintendent Mark Riverblood
Public Works Superintendent Grant Riemer
Administrative Services Director Colleen Lasher
Community Development Director Timothy Gladhill
City Engineer Bruce Westby
City Attorney Joe Langel

1. CALL TO ORDER

Mayor LeTourneau called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor LeTourneau.

2. PRESENTATION

2.01: Recognize Ramsey Elementary Student Essay Winners

Mayor LeTourneau provided background on the essay contest for Ramey Elementary School students in which the students were asked to describe the things that make Ramsey Elementary a great school and how the school is preparing the students to be leaders in the community.

Amy Reed, Ramsey Elementary Principal thanked Mayor LeTourneau and the City Council for providing this opportunity to recognize the third-grade students tonight. She noted that the students spent a lot of time thinking about what makes the school great and how it is preparing

them to be leaders. She recognized the members of Ramsey Elementary staff present tonight and thanked them for their assistance.

Mayor LeTourneau recognized the following student winners and presented them with recognition: Daniel Gbati, Alexis Davis, Pepper Powell, Elliot Niven, Devin Thurber, Ellie Prince, Jada Mensah, Maleah Wengler, Levi Jaeger, and Kelsey Ayangim.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

Motion by Councilmember Kuzma, seconded by Councilmember Musgrove, to approve the agenda as presented.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Musgrove, Heinrich, Menth, Riley and Specht. Voting No: None.

5. CONSENT AGENDA

Motion by Councilmember Riley, seconded by Councilmember Kuzma, to approve the following items on the Consent Agenda:

- 5.01: Approve the following Meeting Minutes:
 - 1) City Council Special Work Session dated November 18, 2019
 - 2) City Council Work Session dated November 26, 2019
 - 3) City Council Regular dated November 26, 2019
- 5.02: Approve Licenses (includes renewals)
- 5.03: Adopt Resolution #19-284 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of November 21, 2019 through December 4, 2019
- 5.04: Adopt Resolution #19-279 Approving an Interim Use Permit at 16839 Saint Francis Blvd NW to Temporarily Allow Two Homes on the Subject Property
- 5.05: Adopt Resolution #19-281 Approving a Revised Landscape Plan for Delta ModTech (Project No. 19-108)
- 5.06: Adopt Resolution #19-282 Authorizing Final Payment to Northwest Asphalt and Maintenance for Improvement Project #19-00, 2019 Cracksealing Improvements
- 5.07: Adopt Resolution #19-287 Approving Partial Release of Right of Re-Entry Agreement for Completion of State I Improvements for Cottages at the COR
- 5.08: Adopt Resolution #19-289 Adopting the 2020 Parking Ramp Maintenance Budget & Adopt Resolution #19-290 Allocating the Parking Ramp Maintenance Costs per the Adopted 2020 Budget
- 5.09: Adopt Resolution #19-298 Adopting the Anoka County 2019 Multi-Jurisdictional All-Hazard Mitigation Plan

- 5.10: Adopt Resolution #19-300 Approving Accessory Structure Agreement for 6210 Green Valley Rd; Case of Eric Thomsen
- 5.11: Adopt Resolution #19-295 Hiring Temporary Ice Rink Attendants
- 5.12: Adopt Resolution #19-297 Hiring a Temporary Part-time Building Maintenance Worker
- 5.13: Report from the Public Works Committee Meeting dated November 19, 2019:
- 1) Consider Replacing Monument and Shelter Roof at Rivers' Bend Park and HVAC Replacement at Central – *Ratify the recommendation of the Public Works Committee to approve the replacement of the HVAC system at Central Park and roof shelter at Rivers' Bend Park as discussed, at a not to exceed cost of \$33,000 from the Capital Maintenance Fund.*
 - 2) Consider Recommending City Council Approval to Solicit Requests for Proposals to Prepare Plans and Specifications for Bunker Lake Boulevard/CSAH 116 Improvements, Improvement Project #20-03 – *Ratify the recommendation of the Public Works Committee to direct staff to gather additional information on the history of the condition of the JPA and discuss options with Anoka County related to renegotiating the JPA, working together to find efficiencies, and opportunities for an additional access onto Bunker Lake Boulevard.*
 - 3) Staff Updates on Improvement Projects and Items of Interest: *Ratify the recommendation of the Public Works Committee to cancel the December Public Works Committee meeting.*

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Riley, Kuzma, Heinrich, Menth, Musgrove, and Specht. Voting No: None.

6. PUBLIC HEARING

6.01: Public Hearing on 2020 Tax Levies and General Fund Budget – Adopt Resolution #19-291 Adopting the 2019, Payable 2020 Municipal Tax Levy; Adopt Resolution #19-292 Adopting the 2020 General Fund Budget and Adopt Resolution #19-293 Adopting the 2020 Economic Development Authority (EDA) Budget

Presentation

Finance Director Lund reviewed the staff report and recommendation to adopt Resolution #19-291 adopting the 2019 payable 2020 municipal tax levies (general, EDA, and debt service) in the amount of \$12,509,232; adopt Resolution #19-292 adopting the 2020 general fund budget in the amount of \$13,303,589; and adopt Resolution #19-293 adopting the 2020 EDA budget in the amount of \$98,913.

Public Hearing

Mayor LeTourneau called the public hearing to order at 7:29 p.m.

Citizen Input

There was none.

Motion by Councilmember Riley, seconded by Councilmember Kuzma, to close the public hearing.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Riley, Kuzma, Heinrich, Menth, Musgrove, and Specht. Voting No: None.

The public hearing was closed at 7:30 p.m.

Council Business

Councilmember Heinrich asked for additional details on the general fund as it relates to the parks and recreation budget being higher than the public safety budget. She believed that to be true for the past five years.

Finance Director Lund stated that \$28,000 was reduced from the preliminary budget to the budget presented tonight as previously discussed in worksession.

Councilmember Heinrich asked for clarification on the final park and recreation budget.

Finance Director Lund reported the final budget for that department to be \$1,329,847.

Councilmember Specht stated that he joined the Council late into this process. He stated that there is \$500,000 included for general road maintenance. He asked if the proposed budget includes funding for reconstructions.

Finance Director Lund stated that amount would be only for maintenance. She stated that the reconstruction of Variolite will be funded through MSA funds and an overlay proposed will be funded using remaining road funds. She confirmed that the Council will need to make a decision in 2020 related to future road financing.

Councilmember Riley stated that when the Council approved the preliminary budget and levy there were desires for additional budget reductions to be made. He asked for additional input on the reductions that have been made since then.

Finance Director Lund provided details on the items removed or changed since the preliminary adoption which changed the six percent increase to 5.73 percent.

Councilmember Musgrove stated that there were discussions of a mower throughout this process and asked for details.

Finance Director Lund explained that the mower purchase was moved to 2021 because it was determined to be in the wrong year for the replacement category. She explained that capital equipment is funded separately and therefore does not impact the general fund budget.

Motion by Councilmember Kuzma, seconded by Councilmember Menth, to Adopt Resolution #19-291 Adopting the 2019, Payable 2020, Municipal Tax Levy; Resolution #19-292 Adopting

the 2020 City of Ramsey General Fund Operating Budget; and Resolution #19-293 Adopting the 2020 City of Ramsey Economic Development Authority Fund Budget.

Further discussion: Councilmember Riley stated that much of the increase was built into the budget related to union contracts and cost of living. He commented that he will support the budget but is unhappy that the increases were built in during prior years. Councilmember Specht stated that there has been a lot of discussion for a new public works building and asked if the budget includes that financing. Finance Director Lund stated that item is included in the Capital Improvement Plan, noting that half of the funds are budgeted through funds the City already has whereas the remaining half will be bonded for in future years.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Menth, and Riley. Voting No: Councilmember Heinrich, Specht, and Musgrove.

6.02: Public Hearing – Adopt Resolution #19-294 Adopting the City’s 2020-2029 Capital Improvement Plan (CIP)

Presentation

Finance Director Lund reviewed the staff report and recommendation to adopt the 2020-2029 Capital Improvement Plan, noting that this is a forecasting tool and not actual, committed projects and expenditures.

Councilmember Musgrove referenced a to be determined line on page 13 and asked for additional input.

Finance Director Lund stated that is related to the old town hall and improvements will be determined. She explained that the project was captured within the CIP, but the funding is not yet known.

Public Hearing

Mayor LeTourneau called the public hearing to order at 7:44 p.m.

Citizen Input

There was none.

Motion by Councilmember Heinrich, seconded by Councilmember Musgrove, to close the public hearing.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Heinrich, Musgrove, Kuzma, Menth, Riley and Specht. Voting No: None.

The public hearing was closed at 7:45 p.m.

Council Business

Councilmember Heinrich asked if the CIP best reflects the City's priorities for projects and balances needs versus wants appropriately.

City Administrator Ulrich confirmed that is the purpose of the CIP, to plan appropriately for upcoming needs and improvements.

Councilmember Heinrich referenced the priority of the COR park within 2020, which is listed as a need, and asked for additional information.

Parks and Assistant Public Works Superintendent Riverblood explained the dollar amount was approved by the Park and Recreation Commission as a placeholder. He expected that the Council will be invited to consider the first phase improvements to Municipal Plaza within the next few months.

City Administrator Ulrich asked the source of the financing for that project.

Parks and Assistant Public Works Superintendent Riverblood noted that almost all of the park improvements are funded through the Park Trust Fund, which are funds paid by developers to support park development. He stated that the CIP projects the improvements and funding.

Finance Director Lund stated that the park development within the COR was put into the CIP in 2008 and therefore has been in the document for many years.

Councilmember Musgrove asked if park improvements apply to new and existing parks.

Parks and Assistant Public Works Superintendent Riverblood explained that the Park Trust Fund can be used for improvements in both new and existing parks.

Councilmember Specht stated that it is his understanding is that the action tonight is simply to approve the document that identifies priorities rather than approving the specific projects.

Finance Director Lund confirmed that this is simply a planning tool. She explained that each project would still need to come forward to the Council for separate consideration.

Councilmember Heinrich stated that she feels that this document could be better tweaked to represent the desires and values of the community and therefore would not support the document, even though it is only used as a planning tool.

Councilmember Kuzma stated that the CIP has been helpful to identify items in a strategic manner so that the City is aware of upcoming maintenance, equipment replacement, and improvements.

Motion by Councilmember Kuzma, seconded by Councilmember Riley, to Adopt Resolution #19-294 Adopting the 2020-2029 Capital Improvement Plan (CIP).

Further discussion: Councilmember Riley commented that the document is not perfect but is a helpful planning tool that continues to evolve each year.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Riley, Menth, and Specht. Voting No: Councilmember Heinrich and Musgrove.

7. COUNCIL BUSINESS

7.01: Adopt Ordinance #19-15 An Ordinance Amending the Charter by Repealing and Replacing Chapter 4 – Nominations and Elections

City Attorney Langel reviewed the staff report and recommendation to adopt the Ordinance as drafted by the Charter Commission and City Attorney.

Councilmember Specht stated that he appreciates the hard work of the Charter Commission spent on the proposed language. He stated that his concern is with the Council appointing vacancies rather than being elected by the people and therefore he would be opposed.

Councilmember Kuzma stated that he was opposed to this at the last meeting. He noted that there was additional discussion during the worksession but does not feel that there has been sufficient time for discussion by the Council and therefore will not support the action.

Councilmember Riley stated that he can make a motion to vote but the action would need to be unanimous and it is apparent that will not happen.

City Attorney Langel stated that if the consensus of the Council is that there will not be unanimous approval, no action is required, and the action will die due to the statutory time limits.

Councilmember Heinrich stated that she would be willing to make the motion which would go to roll call vote.

Motion by Councilmember Heinrich, seconded by Councilmember Riley, to waive the City Charter requirement to read the Ordinance aloud and Adopt Ordinance #19-15 Amending the City Charter by Repealing and Replacing Chapter 4 – Nominations and Elections.

Further discussion: Councilmember Musgrove stated that she will be supporting this action. She noted that she attended meetings of the Charter Commission and the thought is to become more compliant with State law and be less burdensome to taxpayers. She noted that this action could be passed with additional amendment in the future. Mayor LeTourneau agreed that the Charter Commission is doing important work, and anything done with the Charter is important. He stated that he has concern that multiple Councilmembers have concern that there has not been sufficient discussion and would support additional discussion on the topic. He noted that he would be concerned that the decision is based on cost rather than it being the right thing to do. He believed that not passing this motion would be the right decision and could allow additional discussion to ensure that the right choices are made.

A roll call vote was performed by the City Administrator:

Councilmember Riley	aye
Councilmember Kuzma	nay
Councilmember Musgrove	aye
Councilmember Menth	nay
Councilmember Heinrich	aye
Councilmember Specht	nay
Mayor LeTourneau	nay

Motion failed.

7.02: Adopt Resolution #19-251 Establishing Notice of Intent to Terminate the Current Joint Powers Fire Protection Agreement Between the City of Ramsey and the City of Nowthen, and to Authorize the City Administrator, in Conjunction with Ramey Members of the Joint Powers Board, to Enter into Negotiations to Develop a New Agreement for Shared Fire Services

City Administrator Ulrich reviewed the staff report and recommendation to adopt Resolution #19-251 establishing Notice of Intent to terminate the current Joint Powers Fire Protection Agreement between the City of Ramsey and the City of Nowthen, and to authorize the City Administrator, in conjunction with Ramsey Members of the Joint Powers Board, to enter into negotiations to develop a new agreement for shared fire services.

Councilmember Heinrich asked for additional information on the deficit that the City of Ramsey has been operating with under the current JPA.

City Administrator Ulrich provided additional information on the current JPA charges, noting that between administrative and truck charges Ramsey actually pays Nowthen more for truck fees than Nowthen pays for administrative fees. He stated that part of the exercise was for Ramsey to determine the amount that should be charged by Ramsey and that was determined to be \$163,000. He noted that was presented to Nowthen at the last Fire Board meeting and was declined by Nowthen. He stated that Ramsey is not getting paid for the value of the contract and that can be said in certainty.

Councilmember Riley asked if that City would need to establish a notice of intent to terminate the current JPA in order to renegotiate.

City Administrator Ulrich explained that the current contract is not serving the interest of Ramsey and has a two-year termination period, therefore that should begin. He stated that if the service can be renegotiated, staff would prefer to begin fresh rather than work within the confines of this JPA.

Motion by Councilmember Heinrich, seconded by Councilmember Specht, to Adopt Resolution #19-251 Establishing Notice of Intent to Terminate the Current Joint Powers Fire Protection Agreement Between the City of Ramsey and the City of Nowthen, and to Authorize the City

Administrator, in Conjunction with Ramsey Members of the Joint Powers Board, to Enter into Negotiations to Develop a New Agreement for Shared Fire Services.

Further discussion: Councilmember Heinrich expressed appreciation for this process, and all involved. Councilmember Musgrove believed that a renegotiated agreement would better serve the community. Mayor LeTourneau appreciated the work that staff has put into this process and the input that has been provided by the firefighters. He also expressed appreciation to Nowthen for recognizing an inequity in the current JPA. He also thanked Councilmembers Heinrich and Musgrove for their services on the Fire Board. Councilmember Menth thanked Councilmembers Heinrich and Musgrove. He also ensured the firefighters that their letters to the Council have been read and noted that this simply begins a renegotiation and does not close the door.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Heinrich, Specht, Kuzma, Menth, Musgrove, and Riley. Voting No: None.

7.03: Adopt Resolution #19-299 Approving Purchase Agreement Third Amendment for AEON Ramsey 2, LLC (portions may be closed to the public)

Community Development Director Gladhill reviewed the staff report and recommendation to extend the closing date to February 28, 2020 to allow time to renegotiate the Purchase Agreement.

Councilmember Musgrove asked for additional input on the nuisance calls and whether there is a mechanism for cost recovery. She asked if there has been discussion with the management regarding policies they could have going forward.

Police Chief Katers stated that the City does have an ordinance which allows the City to charge for excessive alarm calls. He noted that some of the alarm calls could be addressed by the resident or alarm company. He stated that the category of nuisance calls contains a variety of elements. He stated that if it is deemed a false alarm, there is a table that allows cost recovery for excessive false alarms.

Community Development Director Gladhill stated that not all the police calls for service were due to nuisance and noted that some were public safety concerns that staff hopes have been addressed.

Police Chief Katers stated that there are 20 plus types of calls for Greenway Terrace 1 during the reviewed timeframe from October 2018 through May of 2019. He stated that there was a problem occurring and staff attempted to address that. He stated that the feedback from his staff is that there have been less calls since that time.

Community Development Director Gladhill stated that there is a rental license requirement which provides the City with the tool to address ongoing issues.

Councilmember Musgrove noted that it was stated that this proposed site is zoned residential and asked how much of the COR is left remaining as residential.

Community Development Director Gladhill noted that this is high density residential. He stated that there are still multiple areas zoned for low and medium density, with only a few remaining pads that could be used for higher density multi-family housing.

Councilmember Musgrove asked the amount of high density remaining.

Community Development Director Gladhill stated that he could not answer that today but if this is extended to February, he could provide that information prior to that review.

Leslie Roering, AEON, stated that management transitions on a regular basis. She stated that AEON continues to manage the site, there is simply a different staff member in place. She noted that the current manager also completes onsite maintenance and therefore is entering units on a regular basis and is able to catch problems. She stated that she was at a meeting with City staff and Police Chief Katers. She noted that AEON had to take legal action to evict certain units, which caused a number of calls because of the lengthy process.

Councilmember Riley stated that his comments are not related to this project but apartments and high-density housing in general. He stated that the COR has developed at difference paces, with apartments being built much quicker than retail and restaurants. He noted that he continues to receive comments from residents requesting less apartments. He stated that his feeling would be to hit pause and let the other development within the COR catch up before promoting additional apartments. He recognized that this would let the current purchase agreement expire. He asked the thought process of extending the agreement another six weeks rather than simply letting it expire.

Community Development Director Gladhill stated that staff felt rushed that it was not allowed to go through the normal review process, which would have included a review from the EDA. He stated that whether the Council chooses to move forward or not, would be the decision of the Council.

Councilmember Heinrich agreed with the comments from Councilmember Riley, noting that she continues to hear that residents are tired of apartment buildings in the COR.

Motion by Councilmember Heinrich, seconded by Councilmember Riley, to Deny Adoption of Resolution #19-299 Approving Purchase Agreement Third Amendment for AEON Ramsey 2, LLC.

Further discussion: Councilmember Kuzma commented that he has mixed feelings as the business owner has put down \$30,000 in good faith and is requesting an additional six weeks. He stated that the purchase agreement has already been approved once and he would support the additional time. Councilmember Menth asked what the area is zoned, therefore what would be built here if AEON does not build there. Community Development Director Gladhill replied that this area is guided for multi-family under the existing land use plan. He explained that the City owns the parcel and therefore has additional discretion of what and when development could occur. Councilmember Musgrove asked if AEON could approach the City before the purchase agreement expires if they meet the conditions. Community Development Director Gladhill explained that

AEON will not be able to meet the required conditions within the allotted timeframe. He noted that AEON could come back with a new proposal if desired. Mayor LeTourneau asked what would happen with the earnest money. Community Development Director Gladhill confirmed that the City would keep the \$30,000 in earnest money if the agreement expires. Councilmember Specht asked if the delay is due to a delay in the City process. Community Development Director Gladhill explained the type of financing that AEON is competing for, which is the primary reason this project has been delayed. Mayor LeTourneau stated that the City does manage an inventory of housing stock to ensure that one housing product is not overbuilt. He noted that this project has met the inventory needs. He explained that in order to attract more retail and restaurant, the City needs to have more residents, which is what the apartment buildings are providing. He explained that without having the additional population, it will be harder for the dream of retail and restaurants to come to fruition. He noted that there has been some activity in the desire for those businesses to come to Ramsey because of the growing population. He stated that the City has a process in place where the EDA reviews these cases and a path that cases typically follow, noting that this case was not provided with that ability. He did not believe that allows the City to be ethical in respecting that process. He asked that the Council respect the integrity of the process. He asked that the case be supported as presented tonight, which will allow input from other Boards and Commissions which will lead to more meaningful discussion. Councilmember Riley stated that this agreement has already been amended twice and therefore he thought the term ethics of following the process to be an odd choice of words. Councilmember Musgrove stated that there is a desire from the community to have more retail and a concern with an increase in multi-family housing without the growth in the retail sector and therefore will support the motion as proposed to deny the extension. Councilmember Kuzma stated that this is a market driven purchase agreement that the City previously approved. He noted that the business has put \$30,000 in earnest money on the property for this purchase. He recognized that there are sometimes things that happen in business that the owner cannot control and would support the extension. He noted that phase one was sold out prior to completion of construction and would think phase two would provide a similar result. He believed that the City could provide the additional six weeks and if the developer cannot meet the requirements in that time, it could be denied at that time. Councilmember Menth stated that he is against putting a roadblock in that would take away the \$30,000. He asked if this would be a six-week extension. Community Development Director Gladhill explained that the six-week extension would provide the City with the ability to follow its typical process. Councilmember Specht stated that there has been a contract in place and amendments have been made and the City has worked as hard as it could to accommodate the developer. He stated that in six weeks the Council would most likely be having the same discussion.

Motion carried. Voting Yes: Councilmembers Heinrich, Riley, Musgrove, and Specht. Voting No: Mayor LeTourneau, Councilmembers Kuzma and Menth.

7.04: Adopt Resolution #19-264 Ordering Feasibility Report for Improvement Project #20-02, 2020 Overlay Improvements

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #19-264 ordering a Feasibility Report for Improvement Project #20-02, 2020 Overlay Improvements.

Councilmember Menth referenced instances in the past when the contractor bids have come in higher and the residents were not alerted. He asked if that issue has been addressed as to whether the residents would be alerted if contractor bids are much higher than anticipated.

City Engineer Westby replied that the Public Works Committee discussed that policy at its last meeting and the proposed policy changes to the assessment policy would be brought back to the Public Works Committee at its January meeting.

Councilmember Riley stated that if assessments are being used for the project, that requires additional steps that cause additional cost.

City Engineer Westby confirmed that to be true that the steps required for charging assessments create additional cost.

Motion by Councilmember Kuzma, seconded by Councilmember Musgrove, to Adopt Resolution #19-264 Ordering Feasibility Report for Improvement Project #20-02, 2020 Overlay Improvements.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Musgrove, Heinrich, Menth, Riley and Specht. Voting No: None.

7.05: Adopt Resolution #19-285 Ordering Feasibility Report for Improvement Project #20-01, Variolite Street Reconstruction

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #19-285 ordering a Feasibility Report for Improvement Project #20-01, Variolite Street Reconstruction.

Councilmember Musgrove commented that she was under the impression that the City had road reconstruction funds that would be used on this project.

City Engineer Westby explained that some of those funds were used for the two 2019 projects and those funds would be used on the overlay project which would not leave funds available for this project.

Mayor LeTourneau asked and received confirmation that the remainder of those available funds will be used for the overlay project the Council just approved.

City Engineer Westby confirmed that to be true and noted that this project would utilize MSA funds.

Councilmember Musgrove asked for additional information on the feasibility report that is required.

City Engineer Westby stated that there is typically value in preparing some form of a feasibility report. He explained that the document could be completed in a much lighter format if the assessments were not a part of the process.

Motion by Councilmember Musgrove, seconded by Councilmember Heinrich, to Adopt Resolution #19-285 Ordering Feasibility Report for Improvement Project #20-01, Variolite Street Reconstruction.

Further discussion: City Engineer Westby stated that one of the larger pieces of a feasibility report are the assessment related elements, which are not required for this project.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Musgrove, Heinrich, Kuzma, Menth, Riley and Specht. Voting No: None.

7.06: Adopt Resolution #19-296 to Hire a Patrol Officer

Administrative Services Director Lasher reviewed the staff report and recommendation to hire Mr. Derek Anderson as the Police Department's newest Patrol Officer effective on or near December 26, 2019 at Step 1 of the 2019 pay scale.

Motion by Councilmember Kuzma, seconded by Councilmember Musgrove, to Adopt Resolution #19-296 to Hire a Patrol Officer.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Musgrove, Heinrich, Menth, Riley and Specht. Voting No: None.

7.07: Adopt Resolution #19-286 to Authorize the City's 2020 Non-Union City Health and Dental Insurance Contributions and Non-Union Cost of Living Adjustments

Administrative Services Director Lasher reviewed the staff report and recommendation to adopt Resolution #19-286 to move forward with the City non-union health and dental insurance contributions as listed and three percent COLA on January 1, 2020.

Councilmember Heinrich noted in the past six years it appears the COLA was 2.75 rather than three percent.

Administrative Services Director Lasher confirmed the last year with a three percent increase was 2009.

Councilmember Musgrove asked if there are options to change any of the numbers.

Administrative Services Director Lasher stated that historically the City has not varied from the increases/benefits provided to other City staff groups because of inequity and administrative difficulties. She stated that while an employee's hourly range may differ from another employee, the benefits offered are not.

Councilmember Musgrove asked for input on the differences between non-union and union groups.

Administrative Services Director Lasher provided input on the different employee groups and the negotiations that occur with those groups. She stated that non-union employees do not have that option. She explained that the City reviews information provided by the League of Minnesota Cities in its annual salary survey to compare similarly sized metro cities.

City Administrator Ulrich stated that this is for non-union employees and is not bound by contract. He stated that although the numbers could be changed by the Council, staff is not recommending that for the reasons stated by Administrative Services Director Lasher. He noted that these remaining positions could unionize, which would not be preferred, and therefore the tradition has been to match the union rates.

Administrative Services Director Lasher stated that she would fall back to the issue of internal equity and believed it to be most effective and fair to keep the wages and benefits the same between the different employee groups.

Councilmember Riley asked the percentage of City staff that is non-union.

Administrative Services Director Lasher estimated about 28 percent of staff are non-union.

Councilmember Riley stated that a lot of work and hours from staff and the Council are spent negotiating different union contracts with four different employee unions. He commented that three percent is not unreasonable for a COLA and therefore would support this action.

Motion by Councilmember Riley, seconded by Councilmember Kuzma, to Adopt Resolution #19-286 to Authorize the City's 2020 Non-Union City Health and Dental Insurance Contributions and Non-Union Cost of Living Adjustments.

Further discussion: Councilmember Musgrove asked the difference between private and public sector negotiations for salary. She stated that in the private sector that is typically done individually based on the value of that employee during the past year. Administrative Services Director Lasher stated that there are systems in place for holding wages steady if performance does not meet standards. She stated that wage increases are not assigned based on performance, but each job class has a wage based on its job value.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Riley, Kuzma, Menth, and Specht. Voting No: Councilmembers Heinrich and Musgrove.

7.08: Adopt Resolution #19-288 to Approve Position Reclassifications

Administrative Services Director Lasher reviewed the staff report and recommendation to reclassify the four positions as proposed and adopt Resolution #19-288.

Councilmember Specht asked if these are positions that have not existed previously.

Administrative Services Director Lasher explained that these are positions that have evolved over time and therefore the existing job description has been revised to reflect the duties being

completed. She confirmed that some of the positions have existed in the past, such as Civil Engineer II.

Mayor LeTourneau summarized that this would keep up with the job duties already being performed by the employee and therefore more accurately describe their job and compensation.

Councilmember Kuzma noted that there has been significant discussion on this topic through past worksessions and they have been included in the approved budget.

Motion by Councilmember Kuzma, seconded by Councilmember Menth, to Adopt Resolution #19-288 to Approve Position Reclassifications.

Further discussion: Councilmember Heinrich stated that she will be opposing the motion as she is not in favor of the reclassification from Community Development Director to Deputy City Administrator.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Menth, Riley and Specht. Voting No: Councilmembers Heinrich and Musgrove.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced upcoming meetings and events.

Councilmember Specht thanked Coborn's for putting on a great holiday event. He also thanked the firefighters for volunteering their time and encouraged others to do the same to support great causes in the community.

Mayor LeTourneau stated that this has been another great year with additional growth and change. He thanked the staff for all of the support they have provided the Council. He also thanked the Council for their willingness to work together for the betterment of the community. He thanked the residents for allowing the Council to serve and represent the residents.

9. ADJOURNMENT

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 9:54 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Administrative Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

A recording of this meeting is available for viewing online at www.qctv.org
<<http://www.qctv.org>>. Recordings are available for 36 months after the date of the meeting.

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

The Charter Commission conducted a regular meeting on Thursday, August 27, 2020, 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 Laura Moore
 Commissioner Chad Sivertson

Members Absent: Commissioner John Niederhaus

Also Present: Administrative Services Director Colleen Lasher
 City Administrator Kurt Ulrich
 City Attorney Joe Langel
 City Councilmember Debra Musgrove
 Finance Director Dianna Lund

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 6:21 p.m.

CITIZEN INPUT

None.

APPROVE AGENDA

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

A roll call vote was performed:

Commissioner Bendtsen	aye
Commissioner Sivertson	aye
Chairperson Field	aye
Commissioner Deemer	aye
Commissioner Leistico	aye
Commissioner Fuhreck	aye

Commissioner Anderson aye
Commissioner Moore aye

Motion carried.

APPROVE MINUTES

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to approve the following meeting minutes as presented:

- 1) Regular Charter Commission Meeting dated October 17, 2019

Further Discussion: Chairperson Field stated that on page nine, the last two motions above Commission staff input, it should state, “Voting No: None.”

A roll call vote was performed:

Commissioner Bendtsen aye
Commissioner Sivertsen aye
Chairperson Field aye
Commissioner Deemer aye
Commissioner Leistico aye
Commissioner Fuhreck aye
Commissioner Anderson aye
Commissioner Moore aye

Motion carried.

COMMISSION BUSINESS

5.1 Introduce New Charter Member

City Administrator Ulrich introduced the newly appointment Member of the Commission, Laura Moore.

Commissioner Moore introduced herself and noted that she is also a part of the Environmental Policy Board.

5.2 Elect Chair and Vice Chair

Chairperson Field noted that the positions run for two-year terms, therefore these nominations will run for 2020 and 2021.

Motion by Commissioner Anderson, seconded by Commissioner Sivertson, to elect Commissioner Field to serve as Chair for the Charter Commission for years 2020 – 2021.

A roll call vote was performed:

Commissioner Bendtsen	aye
Commissioner Sivertsen	aye
Commissioner Deemer	aye
Commissioner Leistico	aye
Commissioner Fuhreck	aye
Commissioner Anderson	aye
Commissioner Moore	aye
Chairperson Field	aye

Motion carried.

Motion by Chairperson Field to elect Commissioner Deemer to serve as Vice Chair for the Charter Commission for years 2020 – 2021.

A roll call vote was performed:

Commissioner Bendtsen	aye
Commissioner Sivertsen	aye
Chairperson Field	aye
Commissioner Deemer	aye
Commissioner Leistico	aye
Commissioner Fuhreck	aye
Commissioner Anderson	aye
Commissioner Moore	aye

Motion carried.

5.3 Approve Year End Activity Letter

Chairperson Field noted that included in the case was the draft summary letter for the year 2019 for the Commission's review, comment, and approval. Once approved by the Commission, staff will forward the letter to the Chief Judge.

Motion by Commissioner Leistico, seconded by Commissioner Deemer, to approve the year-end annual report letter for 2019 and direct staff to submit such report to The Honorable Douglas B. Meslow, Chief Judge of the Tenth Judicial District.

A roll call vote was performed:

Commissioner Bendtsen	aye
Commissioner Sivertsen	aye
Chairperson Field	aye
Commissioner Deemer	aye
Commissioner Leistico	aye

Commissioner Fuhreck aye
Commissioner Anderson aye
Commissioner Moore aye

Motion carried.

5.4 Resume Consideration of Pending Motion Regarding Franchise Fees

Chairperson Field provided background information and stated that the purpose of this case is to resume consideration of a pending motion regarding Franchise Fees that was made at the February 19, 2019 meeting.

Motion by Commissioner Bendtsen, seconded by Commissioner Anderson, to reconsider the motion that was tabled at the February 19, 2019 meeting.

A roll call vote was performed:

Commissioner Bendtsen aye
Commissioner Sivertsen aye
Chairperson Field aye
Commissioner Deemer aye
Commissioner Leistico aye
Commissioner Fuhreck aye
Commissioner Anderson aye
Commissioner Moore aye

Motion carried.

Chairperson Field stated that the Commission requested a study to be completed on alternate road funding sources. He stated that the Commission was allowed \$1,500 for the study but the Council allowed additional funding for a total of \$5,000. He stated that the study was completed by the University of Minnesota Resilient Communities Project.

Commissioner Anderson stated that the Council has already taken action on the franchise fees and asked the purpose of continuing this discussion.

City Administrator Ulrich recognized that the study results were delayed because of trouble placing it with a class through RCP due to COVID. He noted that many different funding sources were included in the report but not all of those are available to the City, as some are not allowed by the State.

Chairperson Field stated that some elements of the study met the intent of the Committee but not all elements were met through the study.

Commissioner Anderson stated that the City had some difficulty gathering information from some cities as they did not want to provide their positions but noted that the cities were then listed on the next page.

City Administrator Ulrich provided additional background information, noting that the students and the City received permission from the cities to share their names in the report.

Chairperson Field commented that this appears to be a limited glimpse and while the study says that some trends favor franchise fees, he was unable to determine the support for that. He commented that the report does not offer enough information to support for or against franchise fees and noted that additional information would be needed.

Commissioner Fuhreck commented that any unbiased reading of the report did not sway one way or another towards or against franchise fees.

Commissioner Leistico stated that she believed that the report was in favor of franchise fees, as she read it.

Chairperson Field stated that the purpose of the report was to find out what other communities are doing to fund their roads and not whether or not to support franchise fees specifically. He stated that the Committee also wanted feedback on how many increases have occurred for cities that implemented franchise fees. He stated that not all the questions were well answered by the report. He read aloud the proposed language from the motion made at the February 2019 meeting. He stated that language could potentially limit the allowed amount of a franchise fee but was unsure of the exact amount that would be allowed.

Commissioner Deemer stated that it is his interpretation that the proposed language would take away from the intent of how the City would like to use the franchise fee. He explained that there are different utilities that have franchise fees and that could cause a great deal of inequality, as not everyone has gas service or cable service.

Commissioner Sivertson stated that the motion would limit the allowed use of franchise fees to cover the cost of a utility service bringing the service to the customer, rather than allowing a municipality to raise additional funds through that source.

Chairperson Field stated that one criticism of franchise fees is that they are considered regressive. He noted that would be a political decision of the Council. He stated that the consideration of the Charter Commission is that there is no limit on the amount of a franchise fee. He stated that even if set by the City Council at a certain amount, a future Council could increase that amount.

City Administrator Ulrich stated that currently there is no levy limit on the property tax levy.

Chairperson Field stated that he believed that Ramsey attempts to promote itself for not using the full taxable levy.

Finance Director Lund stated that the City does not have a restriction on the levy, although it does have a restriction on the amount of debt that can be carried. She commented that if the restriction is placed in the manner discussed, it would be minimal such as plowing and mowing grass. She stated that the ordinance in place states that franchise fees would be limited to use for road improvements and it has been determined that \$1,900,000 is needed annually for that purpose. She explained that if the language proposed by the Charter Commission were in place, the franchise fee revenue would not cover that expense. She stated that the Council is currently continuing budget discussions and would like to limit the levy increase to five percent. She explained that if the \$1,900,000 in road funding were added to the levy that would result in an increase of 16 percent, without considering daily operations and the current City debt.

Chairperson Field asked the expert that the City hired the previous year to conduct public meetings.

City Administrator Ulrich stated that the City contracted with WSB.

Chairperson Field asked if WSB met with the RCP group.

City Administrator Ulrich noted that RCP reviewed some of those materials but did not believe that they met directly with WSB.

Commissioner Leistico commented that State law allows cities to utilize franchise fees for this purpose and asked if the State places any limits or restrictions on the use.

City Attorney Langel stated that restriction is not placed by the State. He noted that a time limit and other restrictions were placed on the use within the City's ordinance. He stated that the franchises being used for this purpose are gas and electric and not cable.

Chairperson Field asked the next step if the Charter Commission adopted the motion on the table.

City Attorney Langel stated that if the Charter Commission proposes an amendment to the Charter, it must be submitted 17 weeks before the general election in order to be placed on the ballot. He noted that because of the timing, it would then go forward under a special election and believed the earliest consideration would then be February.

Commissioner Bendtsen stated that he has a number of objections to the use of franchise fees to raise road funds, noting that it is very regressive. He noted that many people will pay more in franchise fees than they would be charged through property taxes. He also did not believe that it is fair when some people do not have vehicles and others have four vehicles, yet they would be charged the same. He stated that people are afraid to commit to funding the road improvements. He noted that assessments are only 25 percent while the taxpayers fund the remaining 75 percent of that cost.

Commissioner Deemer noted that the proposed language would remove the option for the City to raise revenue from franchise fees, which is allowed by State Statute. He agreed that roads have been a long-term issue but noted that residents do not want to pay an assessment to repair the roads.

Commissioner Moore asked if the purpose of the Charter Commission is to determine whether it is legal to add language to the Charter Commission; specifically, whether it is legal to add the language, regardless of personal opinion.

Chairperson Field stated that the Commission does not deal with the legalities of things but has the legal power to change the Charter by suggestion, which then goes before the residents for a vote.

Commissioner Leistico stated that the language is already within the Charter and the proposed amendment would be to restrict the Council from using the franchise fee in the manner they wish.

Commissioner Fuhreck asked if the special assessments are currently being levied per driveway.

City Administrator Ulrich explained that the assessments are levied on a per unit basis for residential development and front footage for commercial.

Commissioner Fuhreck stated that if his home were worth \$600,000 and his neighbor's home were worth \$200,000, they would then be assessed equally, which sounds regressive to him.

Chairperson Field stated that he would be curious to know how the city of Coon Rapids uses special assessments and bonding for roads, without using franchise fees.

City Administrator Ulrich stated that Coon Rapids does use franchise fees but uses them for the general fund and not for roads.

Finance Director Lund explained that Coon Rapids uses the franchise fee for general City expenses and not for roads.

Chairperson Field stated that would have been pertinent information to include in the study. He stated that Eagan, Stillwater, and White Bear Lake do not use franchise fees. He stated that he finds that the study is not what he expected.

Finance Director Lund stated that from the 2015 study, Eagan does have a franchise fee.

Commissioner Leistico stated that the study identifies cities that use franchise fees for road purposes, not whether the city uses franchise fees for general fund purposes.

Chairperson Field stated that if the motion does not pass, the City would be able to continue to use the franchise fee as desired and if the motion passes, a limit would be placed on the amount the City could charge for the franchise fee. He noted that if passed, this would need to go before the residents for a vote.

Commissioner Anderson commented that she believed the intent of the amendment was to limit the amount of franchise fees that could be charged, rather than not allowing them at all.

Chairperson Field stated that the amendment as proposed would limit the increase in costs that results for a utility company to implement its service, which would be negligible.

Commissioner Anderson believed that the intent was to ensure that the franchise fees would only be used for improving roads and to have additional controls.

Chairperson Field stated that the amendment would match the actual expense for a utility company to implement their service, rather than allowing the City to raise revenue through that purpose.

City Administrator Ulrich stated that other options were discussed with the Charter Commission five or six years ago to make the Charter more consistent with the ordinance, to use that method for only road funding and with caps but that did not move forward.

Commissioner Sivertson stated that in those discussions it was determined that the Charter cannot engage in budget issues and that is why the discussion ended.

Chairperson Field called for votes on the motion to approve the amendment to Section 10.4 of the Charter, which adds the phrase "except that any franchise fees imposed under State Statute must be limited to defray an actual increased municipal costs accrued as a result of utility operations and may not be used to generate revenue."

A roll call vote was performed:

Commissioner Bendtsen	aye
Commissioner Sivertsen	aye
Commissioner Deemer	nay
Commissioner Leistico	nay
Commissioner Fuhreck	nay
Commissioner Anderson	nay
Commissioner Moore	nay
Chairperson Field	aye

Motion failed.

5.5 Review Amendments to Chapter 4 of the Charter – Nominations and Elections to be in Conformity with State Law

Chairperson Field reviewed the staff report noting that the purpose of the case is review Chapter 4 of the Charter, Nominations and Elections, to conform with State law. A lengthy discussion ensued when the Commission discussed the topic at the February and October 2019 meetings and a consensus of the Commission was reached. The City Attorney was asked to revise Chapter 4 of the City's Charter to remove the language conflicting with State law, remove duplicative language, remove the need for primaries – with one option to remove primaries all together and another to remove primaries for special elections, and clean up the language regarding advisory elections – with an option to remove advisory elections all together and another option to state that advisory elections can only occur with general elections. Regarding Section 4.5.4, an option should be

brought back to remove that section which would default to State law and another option cleaning up the language and allowing appointment for terms of only less than 365 days.

Administrative Services Director Lasher stated that one Councilmember stated that they would be hesitant to appoint someone to the Council.

Chairperson Field asked if this could go back before the Council for consideration again.

City Attorney Langel stated that it would be difficult for voters to digest this information given the technicalities. He also agreed that it would not make much sense to send this back to the Council, as there was not unanimous support and was a vote of 5-2. He stated that there may be a benefit in holding joint discussions related to primaries and the length of appointments that could occur under certain circumstances as those were the two main issues of why the vote failed. He noted that the vast majority of the changes were to clean up the language to comply with State law.

Commissioner Anderson stated that this issue continues to happen, as one Councilmember is moving, and the Council is down another member that will need to be replaced through a special election.

City Attorney Langel provided additional clarification on the intended language.

Commissioner Fuhreck suggested that the language be sent back to the Council absent the primary and appointment language in order to accomplish the other changes and setup a meeting with the Council to discuss the other two elements.

Commissioner Leistico stated that she read the reaction of the Council to the proposed language and was frustrated that some members of the Council were caught off guard and did not provide feedback. She believed that it would be helpful to have a joint meeting in order to come to a consensus.

Commissioner Deemer stated that he has been involved in the City since the 1970's. He noted that changes have been made to this chapter several times during that time. He noted that the main objection of the Council seemed to be that they would be appointing someone rather than that person being elected. He stated that prior to 2000, the Council appointed at least five to seven members to the Council without an election. He noted that those appointed members served until the next election and were then required to run. He believed that the changes should be made to ensure that the language complies with State law and also supported removing the primary requirement.

Councilmember Musgrove commented that she believed the Commission submitted well thought out language that complied with State law and therefore she voted in favor of the changes. She noted that the majority of the Council respected the work the Commission did to bring this language up to Code and eliminate the elements that cause an additional financial burden on the City. She believed that it would be helpful to have a joint meeting focused on the two points of disagreement.

Commissioner Anderson stated that there are several people on the Council up for election and therefore believes that the joint discussion should be held after January 2021.

Chairperson Field stated that if everything except the two objectionable items were approved, would that then create a hole that would place the City in violation of the State law because those were not addressed.

City Attorney Langel stated that there is interaction between some of the provisions and therefore he was unsure that would be the best option. He believed that it would be better to complete the amendments all together.

Chairperson Field suggested tabling this and requesting feedback from the dissenting members of the Council as to the alternative language they would propose.

City Administrator Ulrich stated that he could then schedule that for a Council worksession.

It was the consensus of the Commission to table the matter with the direction discussed.

Commissioner Anderson suggested that the Commission wait until the membership of the Council changes, noting that Mayor LeTourneau will not be a part of the Council in a few months and he was one of the dissenting voters.

Motion by Commissioner Fuhreck, seconded by Commissioner Deemer, to postpone this matter to the next meeting of the Charter Commission.

A roll call vote was performed:

Commissioner Bendtsen	aye
Commissioner Sivertsen	aye
Chairperson Field	aye
Commissioner Deemer	aye
Commissioner Leistico	aye
Commissioner Fuhreck	aye
Commissioner Anderson	aye
Commissioner Moore	aye

Motion carried.

6. COMMISSION / STAFF INPUT

6.1 Other

No comments.

7. ADJOURNMENT

Motion by Commissioner Deemer to adjourn the meeting.

A roll call vote was performed:

Commissioner Bendtsen	aye
Commissioner Sivertsen	aye
Chairperson Field	aye
Commissioner Deemer	aye
Commissioner Leistico	aye
Commissioner Fuhreck	aye
Commissioner Anderson	aye
Commissioner Moore	aye

Motion carried.

The regular meeting of the Charter Commission adjourned at 8:15 p.m.

Respectfully submitted,

Colleen Lasher
Administrative Services Director

Joseph J. Langel
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

Section 4.1 - Option 1
To eliminate primaries entirely

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held each even-numbered year.

4.1.1 *Primary elections.* Primary elections shall not be held for municipal elections.

Section 4.1 - Option 1

To eliminate primaries except for general elections and vacancy special elections held on the date of the general election

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held each even-numbered year.

4.1.1 *Primary elections.* A municipal primary for the purpose of nominating elective officers to the regular municipal election shall be held on the date of the state primary in the year of each regular municipal election. If a special election for an elective office is held on the same day as a regular municipal election, a municipal primary shall be held pursuant to this section for the purpose of nominating elective officers to that special election. No other municipal primaries shall be required. The municipal primary shall be for the selection of two nominees for each office for which a municipal primary is required hereunder. However, if not more than twice the number of individuals to be elected to an office file for nomination for the office, that office shall not be subject to the municipal primary required herein and the individuals who filed for nomination shall instead be placed on the regular municipal or special election ballot as the nominees for that office.

Section 4.2 - Option 1
For use with Option 1 of Section 4.1, with no primaries

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than fourteen weeks nor less than twelve weeks before the regular municipal election. The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance.

Section 4.2 - Option 2

For use with Option 2 of Section 4.1, with primaries only for office elections held on the date of the general election

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a regular municipal election or special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than twelve weeks nor less than ten weeks before the primary election. All persons who shall desire to be elected to any elected office at a special election not held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ten weeks nor less than eight weeks before the special election. The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance.

Section 4.3

Sec. 4.3. - Procedure at elections.

Consistent with the provisions of this Charter and applicable state statutes, the council may by ordinance further regulate the conduct of municipal elections. Municipal elections shall be conducted in accordance with Minnesota Election Law, as supplemented by this Charter and city ordinances.

Section 4.4 – Option 1
Special and advisory elections at will

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order any special or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices.

Section 4.4 – Option 2
Special elections at will, No advisory elections

Sec. 4.4. - Special elections except for elected office.

The council may, by resolution, order any special election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.

Section 4.4 – Option 3

Special elections in accordance with state law procedure, No advisory elections

Sec. 4.4. - Special elections except for elected office.

The council may, by resolution, order a special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. Special elections shall be held in the manner set forth for statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.

Section 4.4 – Option 4
Special and advisory elections in accordance with state law procedure

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order a special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. The council may also, by resolution, order a ^{advisory} special election be held on a question that the city council has sole authority to resolve; the results of an election on the question so submitted shall be advisory to the council only and shall have no binding effect upon its decision. Special and advisory elections shall be held in the manner set forth for special elections in statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices.

Part 1 of Section 4.5 – Option 1

**If more than one year left on term, must be filled no later than next legally feasible
November election day**

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, a special election shall be held no later than the first Tuesday after the first Monday in November following the vacancy to elect a successor to serve for the remainder of the unexpired term. However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 1 of Section 4.5 – Option 2
If more than one year left on term, must be filled ASAP

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, a special election shall be held at the next special election date for which all required notice provisions in this charter or in state law can be fulfilled to elect a successor to serve for the remainder of the unexpired term of the office vacated.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 1 of Section 4.5 – Option 3

Vacancies filled no later than next legally feasible November election day, except no special election for vacancies after the notice period cut-off for November election in third year.

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs, a special election shall be held no later than the first Tuesday after the first Monday in November following the vacancy to elect a successor to serve for the remainder of the unexpired term. However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy. In the event that a vacancy in an elected office of the city occurs in the third year of the term at such time as would not permit compliance with all required notice provisions in this charter or state law, or in the fourth year of the term, no special election shall be held.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.4 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Part 1 of Section 4.5 – Option 4
Vacancies filled no later than next legally feasible November election day, more definition for timing of elections that are not feasible or that cannot comply with notice provisions

Sec. 4.5. - Vacancy of municipal elected office. * Notice

- 4.5.1 In the event that a vacancy in an elected office of the city occurs three or more days before the first day to give* of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year of the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year after the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the third year of the term, no special election shall be required but the city council may, by resolution, order that a special election to fill the balance of the unexpired term be held no later than the second Tuesday in May of the fourth year of the term.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.4 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Part 1 of Section 4.5 – Option 5
Vacancies filled at next regular municipal election as in 412.02, subd. 2a, no vacancy
special elections at other times

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs three or more days before the first day to give of the period for filing an affidavit of candidacy for the next regular municipal election and more than two years remain in the unexpired term, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election. If the vacancy occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for the next regular municipal election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 2 of Section 4.5

Part 3 of Section 4.5

4.5.6 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs, the individual appointed by the city council to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.

RRM: #317628

Section 4.1 - Option 1
To eliminate primaries entirely

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held ~~on the first Tuesday after the first Monday in November of~~ each even-numbered year, ~~commencing in 1984,~~ at such places as the city council shall designate. ~~At least 15 days prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this Charter shall assume the duties of office to which they were elected on the first business day in January following such election.~~

- 4.1.1 *Primary elections.* Primary elections shall not be held for municipal elections~~held on the same date as prescribed by the Minnesota Statute,~~ which establishes the statewide primary election date. ~~The primary election shall be for the selection of two nominees for each elective office at the regular municipal election, unless two nominees or fewer file for each elective office.~~

Section 4.1 - Option 1

To eliminate primaries except for general elections and vacancy special elections held on the date of the general election

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held ~~on the first Tuesday after the first Monday in November of~~ each even-numbered year, ~~commencing in 1984,~~ at such places as the city council shall designate. ~~At least 15 days prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this Charter shall assume the duties of office to which they were elected on the first business day in January following such election.~~

- 4.1.1 *Primary elections.* A municipal primary for the purpose of nominating elective officers to the regular municipal election shall be held on the date of the state primary in the year of each regular municipal election. If a special election for an elective office is held on the same day as a regular municipal election, a municipal primary shall be held pursuant to this section for the purpose of nominating elective officers to that special election. No other municipal primaries shall be required. Primary elections shall be held on the same date as prescribed by the Minnesota Statute, which establishes the statewide primary election date. The municipal primary election shall be for the selection of two nominees for each elective office for which a municipal primary is required hereunder. However, if at the regular municipal election, unless two nominees or fewer file for each elective office, not more than twice the number of individuals to be elected to an office file for nomination for the office, that office shall not be subject to the municipal primary required herein and the individuals who filed for nomination shall instead be placed on the regular municipal or special election ballot as the nominees for that office.

Section 4.2 - Option 1
For use with Option 1 of Section 4.1, with no primaries

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ~~fourteen~~ weeks nor less than ~~twelve~~~~eight~~ weeks before the primary regular municipal election ~~with the city clerk, paying a filing fee to the city clerk in an amount as set by ordinance.~~ The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance.

~~The city clerk shall prepare and have printed at the expense of the city the necessary ballots or other required material for such election.~~

~~The ballots or other material shall contain no political party designation of any candidate and the names of the candidates for each office may be arranged on the ballot alphabetically according to the surname of each candidate. The ballots or the results shall be counted and preserved and the city clerk shall be the final custodian of such ballots or returns for the city.~~

~~A sample ballot or a facsimile representation of the ballot shall be posted at the place of election at least one week before such election by the city clerk, whose duty it is to preserve such sample ballots.~~

~~4.2.1. [Repealed].~~

Section 4.2 - Option 2

For use with Option 2 of Section 4.1, with primaries only for office elections held on the date of the general election

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a regular municipal election or special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ~~twelve~~ten weeks nor less than ~~ten~~eight weeks before the primary election. All persons who shall desire to be elected to any elected office at a special election not held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ten weeks nor less than eight weeks before the special election. ~~with the city clerk.~~ The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance ~~paying a filing fee to the city clerk in an amount as set by ordinance.~~

~~The city clerk shall prepare and have printed at the expense of the city the necessary ballots or other required material for such election.~~

~~The ballots or other material shall contain no political party designation of any candidate and the names of the candidates for each office may be arranged on the ballot alphabetically according to the surname of each candidate. The ballots or the results shall be counted and preserved and the city clerk shall be the final custodian of such ballots or returns for the city.~~

~~A sample ballot or a facsimile representation of the ballot shall be posted at the place of election at least one week before such election by the city clerk, whose duty it is to preserve such sample ballots.~~

4.2.1. ~~[Repealed].~~

Section 4.3

Sec. 4.3. - Procedure at elections.

Consistent with the provisions of this Charter and applicable state statutes, the council may by ordinance further regulate the conduct of municipal elections. Municipal elections shall be conducted in accordance with Minnesota Election Law, as supplemented by ~~Except as otherwise provided by this Charter and city supplementary ordinances, general state statutes on elections shall apply to municipal elections.~~

Section 4.4 – Option 1
Special and advisory elections at will

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order any special or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices.

Section 4.4 – Option 2
Special elections at will, No advisory elections

Sec. 4.4. - Special ~~and advisory~~ elections except for elected office.

The council may, by resolution, order any special ~~or advisory~~ election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.

Section 4.4 – Option 3

Special elections in accordance with state law procedure, No advisory elections

Sec. 4.4. - Special ~~and advisory~~ elections except for elected office.

The council may, by resolution, order ~~any~~ special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. Special elections shall be held in the manner set forth for statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election, or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.

Section 4.4 – Option 4
Special and advisory elections in accordance with state law procedure

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order a special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. The council may also, by resolution, order any special or advisory election be held on a question that the city council has sole authority to resolve; the results of an election on the question so submitted shall be advisory to the council only and shall have no binding effect upon its decision. Special and advisory elections shall be held in the manner set forth for special elections in statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election, deemed appropriate by the council, for any reason, and provide all means for holding it. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices.

Part 1 of Section 4.5 – Option 1

**If more than one year left on term, must be filled no later than next legally feasible
November election day**

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that ~~When~~ a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, ~~there shall be~~ a special election ~~shall be held no later than the first Tuesday after the first Monday in November following the vacancy~~ within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated. However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the ~~event~~ event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city~~, the council shall, by a majority vote, appoint a successor to serve the balance of for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 1 of Section 4.5 – Option 2
If more than one year left on term, must be filled ASAP

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, ~~there shall be~~ a special election shall be held at the next special election date for which all required notice provisions in this charter or in state law can be fulfilled within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the ~~event~~ ease of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city~~, the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term~~ or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 1 of Section 4.5 – Option 3

Vacancies filled no later than next legally feasible November election day, except no special election for vacancies after the notice period cut-off for November election in third year.

Sec. 4.5. - Vacancy of municipal elected office.

4.5.1 ~~In the event that When~~ a vacancy in an elected office of the city occurs ~~with 365 days or more remaining in the term of the vacated office, there shall be~~ a special election shall be held no later than the first Tuesday after the first Monday in November following the vacancy within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term ~~of the office vacated.~~ However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy. In the event that a vacancy in an elected office of the city occurs in the third year of the term at such time as would not permit compliance with all required notice provisions in this charter or state law, or in the fourth year of the term, no special election shall be held.

4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.

4.5.34 In the ~~event~~ ease of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve the balance of for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

4.5.43 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Part 1 of Section 4.5 – Option 4

Vacancies filled no later than next legally feasible November election day, more definition for timing of elections that are not feasible or that cannot comply with notice provisions

Sec. 4.5. - Vacancy of municipal elected office.

** NOTICE*

4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs ~~with 365 days or more remaining in the term of the vacated office,~~ there shall be a special election held ~~within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated.~~ three or more days before the first day to give ~~of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year of the vacancy.~~ In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year after the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the third year of the term, no special election shall be required but the city council may, by resolution, order that a special election to fill the balance of the unexpired term be held no later than the second Tuesday in May of the fourth year of the term.

4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.

4.5.34 ~~In the event~~ ~~ease~~ of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified.~~ In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

4.5.43 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Part 1 of Section 4.5 – Option 5
Vacancies filled at next regular municipal election as in 412.02, subd. 2a, no vacancy
special elections at other times

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that ~~When~~ a vacancy in an elected office of the city occurs ~~three or more days before the first day to give of the period for filing an affidavit of candidacy for the next regular municipal election and more than two years remain in the unexpired term, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election. If the vacancy occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for the next regular municipal election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy. with 365 days or more remaining in the term of the vacated office, there shall be a special election held within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated.~~
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the ~~event~~ event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve ~~the balance of for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified.~~ In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 2 of Section 4.5

~~4.5.2 The city clerk shall give at least 60 days published prior notice of such special election, except as set forth under 4.5.5 of this section.~~

~~4.5.5 Office vacancy when less than eight weeks prior to primary election.~~

~~4.5.5.1 *Special election.* When a vacancy in an elected office of the city occurs when there is less than eight weeks prior to a primary election there shall be no primary election, except as provided in section 4.5.5.3 below. The special election to fill the vacancy shall coincide with the regular Municipal Election and the notice of such vacancy shall be published as soon as is practicable.~~

~~4.5.5.2 *Vacancy in offices to be voted on in the regular Municipal Election.* If a vacancy occurs less than eight weeks prior to the primary election, in the office of the mayor or the council members whose seats are to be voted on in the regular Municipal Election, said vacancy shall be considered not to exist for the purpose of the regular Municipal Election. The person elected to fill the vacancy in the regular Municipal Election, if approved by unanimous vote of the sitting council, may assume the duties of the office to which elected on the first business day following the city clerk's issuance of a certificate of election to said person.~~

~~4.5.5.3 *Vacancy in an office not to be voted on in the regular Municipal Election.* If a vacancy occurs in the office of the mayor or a councilmember not standing for election in the regular Municipal Election, a special primary election and a special election shall be held in January of the subsequent year following the vacancy to fill said vacancy. The election procedures for the special primary election and the special election shall be those election procedures for municipal office candidates as prescribed in Minnesota Statutes and this Charter. Notwithstanding section 2.3.1 of this Charter, which provides for a four year term for the mayor and council members, the term of the mayor and/or a councilmember elected pursuant to this subsection will be for the remainder of the vacant term.~~

Part 3 of Section 4.5

4.5.6 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the individual appointed by the city council to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment from the candidates under consideration. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.

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