

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

The Charter Commission conducted a regular meeting on Wednesday, November 17, 2021, 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

Members Absent:                   Commissioner John Niederhaus  
  Commissioner Chad Sivertson

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

**CALL TO ORDER**

Chairperson Field called the regular meeting of the Charter Commission to order at 6:06 p.m.

**CITIZEN INPUT**

None.

**APPROVE AGENDA**

Motion by Commissioner Deemer, seconded by Commissioner Bendsten, to approve the agenda as presented. Motion carried. Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

**APPROVE MINUTES**

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

- 1)       Regular Charter Commission Meeting dated August 27, 2020

Motion carried. Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

## **COMMISSION BUSINESS**

### **5.1 Introduce New City Attorney**

City Administrator Ulrich introduced the newly appointment City Attorney.

Chair Field welcomed City Attorney Knaak.

### **5.2 Accept the Following Resignations of Charter Commission Members, Declare Vacancies and Advertise to Fill Same:**

- 1. Mr. John Niederhaus, term ending December 31, 2021**
- 2. Mr. Chad Sivertson, term ending December 31, 2021**

Administrative Services Director Lasher reviewed the staff report noting that Mr. John Niederhaus and Mr. Chad Sivertson have submitted letters of resignation, and staff intends to advertise to fill the vacancies.

Chair Field asked if there are other vacancies.

Administrative Services Director Lasher stated that four terms are ending as of December 31, 2021 and two of the members are present tonight and have indicated that they would like to continue to serve. She noted that no formal action is needed for this item.

### **5.3 Continue Review of Amendments to Chapter 4 of the Charter – Nominations and Elections**

Chair Field noted that this is a continued discussion of the Commission in attempt to bring the Charter into compliance with State law. He acknowledged the memorandum submitted by previous City Attorney Langel.

City Attorney Knaak stated that he reviewed the memorandum from the previous City Attorney. He noted that there is a provision that applies to Charter cities that the Commission should be aware of and provided additional details.

Commissioner Bendtsen stated that every statement the Commission has had from City Attorney Langel is that State law trumps the Charter language and therefore causes issue because of inconsistency. He commented that it would seem then that the Commission received bad advice.

Commissioner Anderson stated that the City keeps running into the business that municipal elections must follow a State set election cycle and asked if that applies.

City Attorney Knaak commented that if a City allows for flexibility in the timing of municipal elections but does not put that into the Charter it would not conflict with the law. He stated that there is nothing in the law that would require the City to have its election with the County or State.

Commissioner Anderson stated that she never understood the reason the law was passed related to allowed election dates as it did not seem to relate to the date or subject.

Commissioner Leistico asked if new language would be proposed by City Attorney Knaak for the Commission to consider.

City Attorney Knaak stated that he could provide additional language to review.

Chair Field stated that the previous direction was that the City would not want to have a Charter that conflicts with State law and should be acting as a unit to correct that. He stated that the current direction is more policy driven and optional rather than a necessity.

Commissioner Bendtsen stated that they would have the option to keep things in the Charter that conflict with State law if a case could be made supporting it.

Chair Field stated that there was a worksession of the City Council on April 20, 2021 where there were differences of opinion on whether to proceed with changes to primary or special election rules. He stated that even if the Commission fully agrees with changes to the Charter, that still has to be recommended to the City Council. He stated that has been done in the past and the Council could not come to agreement and the language died. He stated that he has requested the City Council to submit back something for the Commission to consider and that has not happened. He stated that it then becomes an issue of governance and if the Council wants to clean up language, that direction should come from the Council. He noted that if the Commission continued to submit proposed changes that will not be agreed upon by the Council, the Commission would be wasting its time.

Commissioner Deemer noted on the top of page four, relating to the statute for Minnesota elections, and asked for clarification. He stated that he reads that as election laws are removed from the statute because there are already election laws.

City Attorney Knaak provided additional details on Minnesota election laws.

Commissioner Anderson stated that the Commission seems to have difficulty communicating with the City Council. She commented that it would be beneficial to improving that communication and to have the Council acknowledge that the Commission has a role in the Charter. She provided the example of franchise fees which were adopted by the City Council while still being discussed by the Charter Commission.

Commissioner Bendtsen stated that it was the decision of the Council whether or not to have the franchise fees adopted. He noted that the Council adopted the franchise fee and then new members joined the Council and reversed that decision.

Chair Field stated that this would come down to what the role of the Charter Commission is. He noted that the Charter Commission can recommend a change to the Charter, but that would either have to be adopted by the City Council or could go forward to the voters through referendum.

Commissioner Bendtsen stated that the Charter has the ability to place bounds in which the Council must operate under. He stated that if the purpose is to provide recommendations only, then this would be an advisory commission and would defeat the purpose of being a Charter city.

Commissioner Deemer commented that in his opinion it is the role of the City Attorney to ensure the Council operates within the Charter, not of the Charter Commission.

City Administrator Ulrich stated that he made copies of information for the members to review related to charters.

Commissioner Fuhreck stated that as he understands it, the new City Attorney does not agree with the direction from the previous City Attorney. He stated that it is clear that there will not be a unanimous vote of the current City Council related to special elections and primaries. He asked if there is other language that the City Attorney would recommend be cleaned up.

Commissioner Leistico commented that City staff have to follow the rules within the Charter and State law and asked if staff has feedback on what is working or not working.

City Attorney Knaak stated that he does like the memorandum which offers a lot of suggestions, but it is his understanding that there is no reason the City could not submit the rest of the proposals to the Council, with the exception of the primaries and special elections.

Commissioner Bendtsen stated that it is his understanding that these supposed conflicts were causing problems with elections, and it seems that the City could continue to follow the Charter. He stated that some of the language is very nit picky and therefore he would support cleaning up the language.

Chair Field stated that he would still take the position that the language could be cleaned up and the special election provisions and primary section could be left out at this time. He stated that if those hot button issues are kept in, the language would once again not be approved by the City Council. He stated that if the Council wants to address the hot button issues, they can make a recommendation to the Commission.

City Administrator Ulrich agreed that the Council seemed to agree on the proposed changes other than the primaries and special elections.

Chair Field stated that the Commission can provide suggestions on primaries, but it would not pass through the Council. He asked what the proposed language would look like leaving out those hot button issues.

City Attorney Knaak stated that he thought the language drafted by City Attorney Langel was well drafted in terms of the clean up language.

Chair Field reviewed the sections that he believes could be forwarded in order to clean up the language and skipping the hot button issues.

Commissioner Bendtsen stated that the Charter has the authority to call for a special election for advisory purposes, which seems like a waste of time and effort.

Commissioner Moore asked if it is the recommendation of the City Attorney to only review sections 4.1, 4.2, and 4.3 if the intent is to avoid hot button issues.

City Attorney Knaak stated that he would agree that those sections along with 4.4 could be submitted for amendment. He noted that it seems that the hot button issues came from 4.5.

Chair Field stated that if he recalls the original discussion, it was determined that an advisory election was done in the past before alternate forms of feedback were available for use and therefore is no longer needed.

Commissioner Deemer stated that he could see the value of an advisory election if that coincided with a regular election as that would not require additional funds or staff time to be used.

Chair Field stated that if that is the direction, 4.4 would then be amended so that the provision can only be utilized to serve concurrently with a general election. He noted that it would be interesting to know if other cities engage in this process to gather information.

Commissioner Leistico stated that it would be odd to fill out a circle on a ballot for a question that does not mean anything.

Commissioner Deemer noted that a mailing could just as easily be done to gather input.

Chair Field confirmed that the Commission would like to see potential language drafted that would allow an advisory election if it coincided with the general election for section 4.4. He stated that it is his opinion that the Commission would seek a recommendation from the Council related to 4.5 and until such time will leave that section as is.

Commissioner Fuhreck asked if there would be benefit to approving the changes to sections 4.1 and 4.2 tonight.

Chair Field confirmed that could be done tonight.

Administrative Services Director Lasher

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to accept the proposed language offered in the memorandum from City Attorney Langel for sections 4.1 and 4.2 Motion carried. Voting Yes: Chairperson Fields, Commissioners Deemer, Bendtsen, Anderson, Fuhreck, Leistico, and Moore. Voting No: None.

## 6. COMMISSION / STAFF INPUT

### 6.1 Other

No comments.

## 7. ADJOURNMENT

Motion by Commissioner Deemer, seconded by Commissioner Bendsten, to adjourn the meeting. Motion carried.

Further discussion: Commissioner Anderson noted that the Commission typically has a letter summarizing the activity of the year. Administrative Services Director Lasher noted that this is the one meeting for 2021, so staff can now draft the letter which will be presented to the Commission at its next meeting. She confirmed that there is not a deadline for the submission of the letter, and it can continue into the next year. Chair Field stated that in the August 2020 minutes it was noted that the Commission approved the 2019 letter. He stated that it would appear the Commission is delinquent in presenting a 2020 letter. Commissioner Anderson asked if there would be interest in having a youth member. City Attorney Knaak stated that a member would need to be of voting age. Administrative Services Director Lasher confirmed that she missed the letter for 2020. She stated that she can contact the Judge and ask for input on how that could be remedied. Chair Field stated that if another meeting is necessary to adopt the letter, perhaps that be done virtually. Commissioner Fuhreck stated that if the Judge is lenient perhaps the letter could be approved for 2020 along with the 2021 letter in January along with review of potential language for Section 4.4. City Administrator Ulrich noted that the City is no longer operating under emergency order and therefore a virtual meeting is not an option. City Administrator Ulrich asked if the Commission could direct staff draft and submit a letter for 2020 based on the minutes of the August 27, 2020 meeting. Administrative Service Director Lasher suggested having a motion contingent upon what is allowed under State law. Chair Field stated that he would support that and direct staff to submit the letter to the Commission members electronically to review. He noted that if the language is objected to, a meeting could be held. Administrative Services Director Lasher stated that she will prepare the 2020 letter and could also prepare the 2021 letter in the same manner.

Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

The regular meeting of the Charter Commission adjourned at 7:23 p.m.

Respectfully submitted,

---

Colleen Lasher  
Administrative Services Director

---

Frederick Knaak  
City Attorney

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

DRAFT