

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

The Charter Commission conducted a regular meeting on Wednesday, October 26, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Jim Bendtsen
 Commissioner Ben Deemer
 Commissioner Joshua Fuhreck
 Commissioner Jennifer Leistico
 Commissioner David May
 Commissioner Laura Moore
 Commissioner Amy Rusert

Members Absent: Commissioner Susan Anderson

Also Present: City Clerk Katie Schmidt
 City Administrator Brian Hagen
 City Attorney Fritz Knaak

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

Commissioner Bendtsen requested to add an item to the agenda titled New Business to be considered prior to Commission Business, noting that he would like to propose language to be considered to be added to the Charter.

Motion by Commissioner Bendtsen, seconded by Commissioner Deemer, to amend the agenda to add a section titled New Business to be considered prior to Commission Business.

Further discussion: Commissioner Leistico asked if that would be a proposition to add a category or whether he would be making a motion. Chairperson Field commented that the request is to add the category and the details will follow when that item is reached.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

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

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

APPROVE MINUTES

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

- 1) Regular Charter Commission Meeting dated November 17, 2021

Motion Carried. Voting Yes: Chairperson Field, Commissioners Moore, Bendtsen, Deemer, Fuhreck, Leistico, May and Rusert. Voting No: None. Absent: Commissioner Anderson.

COMMISSION BUSINESS

5.1 Introduce New Charter Members

City Clerk Schmidt introduced the newly appointment Members of the Commission, Amy Rusert and David May. She noted that Laura Moore was also reappointed for another four-year term.

Chairperson Field welcomed the new members to the Commission.

Commissioners May and Rusert introduced themselves.

5.2 Elect Chair and Vice Chair for 2022-2023

Chairperson Field noted that the positions run for two-year terms, therefore these nominations will run for 2022 and 2023.

Chairperson Field opened the floor for nominations for the position of Chair.

Motion by Commissioner May, seconded by Commissioner Bendtsen, to nominate Commissioner Joseph Field to serve as Chair for the Charter Commission for years 2022 – 2023.

Motion by Commissioner Leistico nominated Commissioner Joshua Fuhreck to serve as Chair for the Charter Commission for years 2022 – 2023. The nomination failed for lack of second.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Leistico, May, Moore and Rusert. Voting No: Commissioner Fuhreck. Absent: Commissioner Anderson.

Chairperson Field opened the floor for nominations for the position of Vice Chair.

Motion by Commissioner Leistico, seconded by Commissioner Moore, to elect Commissioner Joshua Fuhreck to serve as Vice Chair for the Charter Commission for years 2022 - 2023.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Moore, Rusert, Deemer, Fuhreck, Leistico, and May. Voting No: Commissioner Bendtsen. Absent: Commissioner Anderson.

5.3 Approve Year End Activity Letter to Chief Judge for Year 2021

Chairperson Field noted that included in the case was the draft summary letter for the year 2021 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 Deemer, seconded by Commissioner Fuhreck, to approve the year-end annual report letter for 2021 and direct staff to submit such report to The Honorable Stoney L. Hiljus, Chief Judge of the Tenth Judicial District.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

5.4 Continue Review of Amendments to Chapter 4 of the Charter – Nominations and Elections

Chairperson Field commented that he believed that the Commission had already made a decision on 4.1 and 4.2.

Commissioner Bendtsen referenced the communication from the City Attorney in the past few months related to precedent of the Charter over State Statute. He asked if the City Charter takes precedent.

City Attorney Knaak commented that his opinion letter was included in the list of materials for this item. He commented that the Charter Commission agreed on a decision for 4.1 and 4.2 but the Council had some concerns as he relayed in his letter. He noted that prior Council did a very thorough job in putting language in front of the Commission that would have conformed with State law, but the Commission can decide whether or not that conformity with State law is a good thing or not. He stated that the State Statute is clear when it comes to primary elections and general elections that the Charter would overrule the State law, whereas typically State law trumps provisions of a Charter. He stated that while the changes may be a good idea, the Commission is not compelled to make the changes under State law. He stated that doing nothing would be an option. He confirmed that this provision only applies to City elections and would also apply to referendums.

Chairperson Field noted that 4.1 and 4.2 were already approved by the Commission and it was confirmed that no action would be needed on 4.3. He noted that there are four options to consider for 4.4 and read through the different options. He noted that the Council did have a discussion about this after the Commission made its recommendation on 4.1 and 4.2 and the minutes from

that discussion were included in the materials for this meeting. He noted that it seemed the Council was not comfortable eliminating primaries whereas the Commission supported elimination of primaries because of the cost and burden on staff.

Commissioner May provided input on a previous primary election experience which triggered a second primary election and additional expense for the City. The Commission discussed the difference between a referendum and an advisory election question. The Commission discussed narrowing the discussion by removing the two options that include advisory elections.

Commissioner Fuhreck commented that he would not be opposed to leaving the option for an advisory election in conjunction with a regular election. He used the example of franchise fees and noted that perhaps the Council wanted to use that tool to gauge public opinion on that topic.

Commissioner May noted the poor turnout that typically occurs for a special election and stated that it would perhaps be better to use alternate means to gauge resident opinion. The Commission noted other means that have been used to poll the community on topics. A suggestion was made to allow advisory election questions, but only during a regular municipal election.

Chairperson Field stated that it seems there is momentum towards option one for 4.4.

Motion by Commissioner Deemer, seconded by Commissioner Moore, to approve option one for 4.4.

Further discussion: Commissioner Rusert stated that she does not see how an advisory election would be helpful as there would not be sufficient background information and the question can be worded to provide the desired outcome. A Commissioner asked what would be a special election outside of the Council. City Attorney Knaak provided additional details on the types of items that could be considered in special election. The Commission discussed the different methods in which the Charter can be amended.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Moore, Bendtsen, Deemer, Fuhreck, Leistico, and May. Voting No: Commissioner Rusert. Absent: Commissioner Anderson.

Chairperson Field moved to 4.5 noting that there are many different options to consider and provided an overview.

A member of the Commission suggested identifying the goal and objective and then finding the option that would best fit with that. The consensus of the Commission in regard to the objectives was that a Council position should not be allowed to remain vacant for a long period of time. The Commission discussed whether to allow appointment to a vacant position.

City Attorney Knaak noted that sometimes the vacancy is in the position of Mayor and/or City Council. He noted that if the vacancy is in the position of Mayor there may be multiple members of the Council interested but there may also be interest from an outside party. He stated that the

outside party can then be specified that they are not allowed to run for the position after the appointment expires.

The Commission continued to discuss the differences between the options as well as alternate options that could be selected. A suggestion was made to use the language that someone could be appointed until a special election could be held, rather than making it an either/or scenario. It was noted that the language “within 90 days of the vacancy” had been stricken from the options in order to comply with State law but could actually stay in if desired with the knowledge that the City Charter trumps State law in relation to City elections. The Commission agreed that 90 days would be very quick for campaigning, balloting, and an election to be held and 180 days would be more appropriate. It was noted that the City should balance the cost of the special election and burden on City staff with the value provided by a special election. The Commission discussed whether to have primaries for special elections.

A suggestion was made to table this item with direction for staff to bring back additional options based on the discussion tonight. It was stated that it would be helpful to have scenarios to review and input from other charter cities.

Chairperson Field noted that he would plan to hold the next meeting after the first of the year.

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to table the remaining balance of Chapter 4.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, Moore, May, and Rusert. Voting No: None. Absent: Commissioner Anderson.

5.5 Review Ordinance #22-17 Amending City Charter Prohibiting Membership on the Charter Commission of City Council Members

Chairperson Field reviewed the ordinance which was adopted that prevents a member from the City Council to serve on the Charter Commission or other Boards and Commissions. He stated that the City Council has adopted this ordinance and now it is before the Commission for consideration.

City Administrator Hagen noted that there was some discussion on the topic, but the vote was passed unanimously by the Council.

The Commission agreed that this would make sense as there are checks and balances between the City Council and Charter Commission.

Chairperson Field commented that this body acts with integrity and treats the Charter as its constitution. He believed that this change would solidify that and would not politicize it by adding a Councilmember to the Charter Commission.

Commissioner Deemer commented that the intention of the Commission is to be a separate body working for the City, appointed by a Judge.

Motion by Commissioner Bendtsen, seconded by Commissioner Leistico, to approve Ordinance #22-17 as presented.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Leistico, Bendtsen, Deemer, Fuhreck, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

City Attorney Knaak commented that the Commission has completed one of the formal processes. He noted that this approval will be sent back to the City Council. He stated that the Commission could separately propose this ordinance for the consideration of the Council, which will keep open the option for the Council to unanimously approve the ordinance rather than going through referendum. He was unsure whether the Council would unanimously recommend this as there was one member that seemed to prefer a referendum.

Motion by Commissioner Bendtsen, seconded by Commissioner Deemer, to recommend an ordinance that would amend Section 2.4 of the Charter to add that no member of the Council may serve on the Charter Commission or other Board or Commission.

Further discussion: Commissioner Leistico asked and received confirmation that this process would provide the Council with the option to unanimously approve this language for incorporation into the Charter without having to go to referendum.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

5.6 Review Ordinance #22-26 Amending City Charter Prohibiting Membership on City Boards and Commissions of Non-City Residents

Commissioner Leistico commented that she already thought this was a requirement and therefore finds it reasonable.

The Commission asked if this action would have any negative or unintended consequences. It was noted that a resident would tend to have more input from their neighbors on topics of interest which would be beneficial, whereas if expert input is desired that can be solicited from outside parties.

City Administrator Hagen provided details on the ordinance that was introduced by the Council, which called out specific boards and commissions as there are some boards on which staff members serve upon. He stated that the ordinance included in the packet was the ordinance adopted by the Council, noting that the additional language listing the specific boards and commissions did not make it into the adopted version. He stated that the Charter Commission could approve the language that was adopted by the Council or could choose to adopt the alternate language which lists the specific boards and commissions.

The Commission suggested that this go back to the Council to clean up the language and come back to the Commission in January to consider.

City Attorney Knaak stated that the Commission could adopt the language that was intended and that could go back to the Council.

Commissioner Fuhreck stated that they would prefer that the Commission send their preferred language to the Council and let the Council make the decision. They did not want to get into the habit of having the Council send things to the Commission versus the Commission sending things to the Council.

Chairperson Field stated that he would prefer to send this back to the Council to modify as they intended.

Motion by Commissioner May, seconded by Commissioner Deemer, to send back Ordinance #22-26 to the City Council to clarify the ordinance which will come back to the Charter Commission in January.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

6. NEW BUSINESS

Motion by Commissioner Bendtsen, seconded by Chair Field, to add the following language to Section 10.4, under power of regulation reserve: “No franchise fee may be implemented or mandated by ordinance for the purposes of road or street improvement, construction, or reconstruction.”.

Further discussion: Chair Field stated that this is a big topic, and he would like to table this to the January meeting in order to provide the necessary time to discuss and review.

Motion by Chair Field, seconded by Commissioner May, to table this item to the January meeting.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

7. COMMISSION / STAFF INPUT

7.1 Other

No comments.

8. ADJOURNMENT

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

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

The regular meeting of the Charter Commission adjourned at 9:33 p.m.

Respectfully submitted,

Katie Schmidt
City Clerk

Fritz Knaak
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.