

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

The Charter Commission conducted a regular meeting on Wednesday, July 19, 2023, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: Commissioner Jim Bendtsen
 Commissioner Victor Jumah

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 6:00 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, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

APPROVE MINUTES

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

- 1) Regular Charter Commission Meeting dated February 2, 2023

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

COMMISSION BUSINESS

5.1 Approve Year End Activity Letter to Chief Judge for Year 2022

Motion by Commissioner Deemer, seconded by Commissioner May, to approve the year-end annual report letter for 2022 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 Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

5.2 Review Council Supported Options Regarding Chapter 4 of the Charter – Nominations and Elections

City Clerk Schmidt presented the staff report, summarizing the recent actions of the City Council. She stated that the Charter Commission will need to review Sections 4.5.4 and 4.5.6 of Chapter 4 as those changes were not approved by the City Council.

Chairperson Field noted the proposed changes supported by the Council for 4.5.4 and 4.5.6 and welcomed input from the Commission.

Commissioner Leistico commented that the unanimous vote concept seemed to be a common ground between the Council members. She stated that she does not feel very strongly about it but noted that would be a tough bar to pass.

Commissioner Fuhreck agreed that unanimous would be difficult to pass and would like to see something less than that but acknowledged that a close split of the vote would not be ideal for appointing someone to the Council.

Commissioner Deemer provided some historical context on special elections, going back to the 1970s. He commented that the Council does seem to support appointing someone if there is less than one year of the term remaining, which is progress.

Chairperson Field commented that it seems that the Council is willing to accept that there could be a vacancy for the last year if they could not find a candidate that all members of the Council agreed on to appoint. He noted that one member of the Council objecting to the appointment would kill the chance of an appointment.

Commissioner Deemer commented that with seven members on the Council it would not seem to be a huge deal if one seat were vacant.

Commissioner Fuhreck asked what would be needed for a super majority and whether they would be any possibility the Council would agree to that versus a unanimous approval.

City Administrator Hagen stated that as staff reviewed this with the Council, they identified some issues that exist within the current language in the Charter and provided additional context. He stated that the Council felt adamantly that the Council seats should be filled by someone elected by the public, but also recognized that if too many seats become vacant that could impact the ability to conduct business and therefore provided an opportunity to fill the vacant position(s).

Commissioner Leistico referenced the change in language from “shall” to “may” and noted that she would prefer shall versus may.

Commissioner Fuhreck stated that the issue he has is with the ability for the Council to have a unanimous vote in support of a candidate for appointment. He commented that while that is a nice concept, the likelihood of it occurring with this Council, and/or future Councils is highly unlikely and therefore the seat would simply remain vacant for the remainder of that term.

Chairperson Field agreed that the term “may” does appear to be discretionary but recognized that they would not have to.

Commissioner Moore commented that she also appreciates the word “shall” versus “may”.

Chairperson Field used the scenario in which the vacated seat occurs just a short time before the election where it would make more sense to simply go with the election.

Commissioner Moore commented that the City Council meets twice per month in regular meeting and worksession, therefore there is a lot of work to be done in a one-year term. She stated that if there is a vacancy, she would want to see it filled rather than remain open for one year.

Chairperson Field stated that the use of the word “may” could be interpreted towards the context of the unanimous vote.

City Administrator Hagen provided additional context on the language proposed using “may” versus “shall”.

Chairperson Field recognized that this is the language the Council has accepted and asked if the Commission would have the ability to make changes on this to send back to the Council as well.

City Clerk Schmidt confirmed that the Commission could propose changes and send that back to the Council for consideration. She provided additional details on the timing when someone would need to apply for a vacant seat in order to appear on the ballot.

Commissioner Fuhreck again noted that with a requirement for a unanimous vote, it would be highly unlikely that anyone would ever be appointed. He suggested a super majority rather than unanimous vote, explaining that the City Council is elected to make decisions for the residents and if this decision comes before them, they should make it. He stated that although it is not ideal, it is not based in reality to think there would be a candidate that comes forward that would be

unanimously approved by the Council. It was agreed that would eliminate the possibility where one member of the Council could stop an appointment that all the others favor.

Commissioner Deemed suggested using two-thirds rather than a super majority.

Commissioner Leistico noted that the math may not work with six members, as one seat would be vacant.

Commissioner May recalled that during the last meeting there was a desire for staff to survey other communities to determine what they are doing in these situations.

Commissioner Fuhreck agreed that would be worthwhile to investigate.

City Attorney Knaak commented that the current language is under State Statute and this proposal would make it harder to appoint someone than what would be required under State law. He commented that he has seen it done where a Council has been able to agree on a candidate to fill a vacancy that agreed not to run in the next election and simply fill the term.

Commissioner Moore asked if there is agreement with the other language proposed for 4.5.4, as they have only been discussing the unanimous vote concept of 4.5.6.

City Administrator Hagen commented that the only difference is whether there is more or less than a year left in the term, but all other language in the proposed process is the same.

Chairperson Field noted that the unanimous vote language is included in both sections.

Commissioner Fuhreck commented that in hindsight, perhaps it is better to leave things as they read.

Commissioner Leistico stated that she does not like things to be more stringent than the State law.

Chairperson Field noted that is the benefit of being a charter city, is that you can be more stringent if desired as that may better align with the values of your city rather than those of the larger state.

Commissioner Fuhreck stated that he does not support the unanimous vote and would prefer to leave the existing language.

Commissioner Leistico commented that she does like the additional language that was proposed to be added in the beginning but does not like the unanimous vote clause.

Chairperson Field stated that he can see the intention of the Council to have a unanimous vote because that would be as close as they could get to having the person elected but recognized that would most likely not occur.

City Administrator Hagen confirmed that the Council had a strong position that the members of the Council are elected and therefore if all members of the Council supported the appointed person,

that would be as close as they could get to a representation of the population that would vote in an election.

Chairperson Field stated that he does not like the idea of a maverick, in that one person could veto the remainder of the Council.

Commissioner Fuhreck commented that the Commission is not aware of a situation that has occurred when no one has run in a special election, and therefore that is just as an unlikely situation as the Council reaching a unanimous vote for appointment.

Commissioner Moore commented that she would support the use of the word “may” versus “shall” and the other changes with the exception of a unanimous vote requirement, and replacing that with majority.

Commissioner Fuhreck stated that he does find it unlikely that no one would run in a special election, but would support including that language, replacing the unanimous vote requirement with majority and leaving the clause in which would have the mayor break a tie vote.

Chairperson Field stated that he would support the 75 percent threshold or unanimous language rather than the majority because it is an elected seat.

Commissioner Deemer commented that he does not see a problem with the unanimous language although he does not believe that would happen. He commented that perhaps the Council would find a way to find a candidate they all like.

Motion by Commissioner Deemer, seconded by Chairperson Field, to accept the proposed language for Sections 4.5.4 and 4.5.6 as presented from the City Council.

Further discussion: Commissioner Leistico stated that she would not support unanimous as there are so many positions in the world that do not require that level of support. She stated that is an incredibly high bar for a short-term vacancy.

Commissioner Fuhreck commented that it would also set Ramsey apart from the State law and other cities. He commented that he does not see the need or justification behind Ramsey being different than everyone else.

Chairperson Field stated that his position would be to choose what is better, an empty seat for less than a year or to have a seat appointed by a potentially fractured Council.

Commissioner Leistico commented that is for the Council to figure out, as the appointed person would still be working with all members of the Council. She commented that leaving citizens without representation because a Council cannot reach agreement is not desired.

Commissioner Fuhreck stated that it comes down to whether people are more comfortable with a vacancy or appointment.

Commissioner Moore commented that the Council is elected by residents and the residents trust them to make huge decisions every day and this is one decision they may have to make. She does not support leaving a vacancy because of the amount of work that is needed.

Chairperson Field commented that he would see that as motivation for the Council to find a candidate that could be unanimously supported.

Commissioner Deemer commented that the term would be 364 days at the most.

Chairperson Field noted that the appointed person would be listed as an incumbent in the election should they choose to run after that term expires, which could give them a benefit.

A roll call vote was performed:

Commissioner Leistico	nay
Commissioner May	aye
Commissioner Deemer	aye
Commissioner Fuhreck	nay
Chairperson Field	aye
Commissioner Moore	nay
Commissioner Rusert	aye

Motion Carried.

7. COMMISSION / STAFF INPUT

Commissioner Fuhreck noted that he was out of town for the last meeting, and he had intended on participating in the meeting remotely from a private residence but was told that would be a violation of open meeting law. He asked for input from legal counsel.

City Attorney Knaak replied that would depend on the reason. He stated that if the member were ill and that could be documented, they could attend from a private residence. He stated that if illness is not the reason, remote attendance would need to be noticed and participation would need to occur in a location that is available for members of the public to attend. He stated that there have been instances he is aware of where members have attended remotely but extended an invitation to the public to attend from their residence. He was not aware of other people choosing to attend in that location.

Commissioner Fuhreck asked if it would be acceptable to post a sign on the door of the residence that the location is open for public attendance.

City Attorney Knaak noted that would be possible, but the address must be noticed ahead of time.

City Administrator Hagen commented that in his time with the City he noticed that the Charter requires ordinances to be read aloud in their final version unless waived by the Council. He stated that prior to his time, the right to exercise that option is executed quite often. He asked if the

Charter would be open to hearing some of those instances within the Charter he has identified to consider amendment to better match the standard practice. He noted that there are not many instances they have identified, but some of them are simply outdated from the time they were enacted in 1974.

The Commission agreed.

8. ADJOURNMENT

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

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

The regular meeting of the Charter Commission adjourned at 7:04 p.m.

Respectfully submitted,

Katie Schmidt
City Clerk

Fritz Knaak
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.