



# CHARTER COMMISSION

Virtual via Zoom

Thursday, April 15, 2021

7:00 PM

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## MINUTES

Due to the COVID-19 pandemic, this meeting was held virtually.

### CALL TO ORDER

President Smith called the meeting to order at 7:00 pm.

### ROLL CALL/STATUS OF MEMBERSHIP

Members present: Steve Smith, Matt Abel, Kathy Ahlers, Ramona Anderson, Tyler Eubank, Ben Harris, Bill Hugo, Cliff Johnson, Tom Kaiser, Carolyn Laine, Frost Simula, Gregory K. Sloat, Susan Wiseman, Nick Zeimet

Members absent: Joe Schluender

Also in attendance: City Attorney Jim Hoeft, Council Liaison Kt Jacobs, and City Clerk/Recording Secretary Nicole Tingley

City Clerk/Recording Secretary Tingley stated that Commissioners Harris and Johnson were recently appointed. She also noted this is the first meeting for Commissioner Zeimet as he was appointed last May. Commissioners Harris, Johnson, and Zeimet introduced themselves.

### APPROVAL OF AGENDA

Commissioner Laine requested to add item 8 to provide an overview of recent Charter Commission legislation passed.

*Motion by Commissioner Abel, seconded by Commissioner Laine, to approve the agenda as amended. Motion passed unanimously.*

### ELECTION OF OFFICERS

**1. President**

*Motion by Commissioner Kaiser, seconded by Commissioner Abel, to nominate Smith for President. Motion passed unanimously.*

**2. Vice President**

Kaiser nominated Abel. Ahlers nominated Wiseman. Wiseman stated that she would not be interested in serving as Vice President.

*Motion by Commissioner Kaiser to nominate Abel for Vice President. Motion passed unanimously.*

**3. Secretary**

Motion by Commissioner Laine to nominate Hugo for Secretary. *Motion passed unanimously.*

**APPROVAL OF MINUTES**

**4. January 16, 2020 Meeting Minutes**

*Motion by Commissioner Abel, seconded by Commissioner Eubank, to approve the January 16, 2020 meeting minutes. Motion passed unanimously.*

**CORRESPONDENCE**

City Clerk/Recording Secretary Tingley shared that Rob Fiorendino decided not to re-seek reappointment. Furthermore, Kt Jacobs resigned when she was elected to the City Council and is now serving as the Council Liaison.

**OLD BUSINESS**

**5. City Council Vacancies (Chapter 2 Section 9)**

Commissioner Simula provided an overview of his proposal that provided two options for changes to Chapter 2 Section 9 of the City Charter in regards to the process for filling City Council vacancies.

Option one was to continue with an appointment process to fill City Council vacancies. This proposal moved up the process timeline by declaring a vacancy, posting and publishing a vacancy notice, and accepting applications before the new City Council starts. Interviews would continue to be after the new City Council term. Furthermore, appointments would be determined by a rank choice. Rank choice was proposed to eliminate the issue of a tie.

The second option is to fill City Council vacancies by special election. Simula drafted the language based on the City of Minnetonka's City Charter.

Commissioner Laine thanked Simula for putting together the proposals. She liked that in option one that the process was sped up and rank choice voting included, but ultimately appointment is a political choice made by three people. She is in favor of the special election option.

Commissioner Ahlers asked in regards the second proposal if 67 days was enough time for an appointment to be made or an election scheduled or if that time could be shortened. She commented that she liked that subdivision 1b that stated that if a special election is in the same year as a regular municipal election than in can be held in conjunction with the regular municipal election instead of the earliest date. Laine commented that subdivision 1b would apply to if someone resigned, moved, died, and that a special election would be needed before the next regular municipal election if a current member of the City Council became Mayor creating the vacancy.

Smith commented that it seems to him that the Charter Commission has focused on the maximum number of days for each step in the process and that the process does not have to take up the maximum number of days.

Simula commented that while the second option changes the City Charter more substantially, it is democratic.

Smith stated that Minnesota State Statute already includes that a special election must be conducted if more than two years remain in the unexpired term. In regards to the proposals, Smith stated that he does not intend for there to be any action moving one forward this evening as it is the first hearing of them. He asked the Charter Commission how they would proceed.

The Charter Commission discussed what would prompt a special election in the second proposal. Simula explained issues from the last time the appointment process was used in 2017 and stated that in his opinion a special election made more sense.

Commissioner Harris asked how often a current councilmember is elected to Mayor in Columbia Heights. Ahlers stated that in the 30 years she has lived in Columbia Heights it has happened multiple times. Johnson stated that it has the potential to happen often with the Mayor's term only being two years.

Harris also asked in regards to the first proposal how does compressing the timeline for the process affect equitability and opportunity. He added that there needs to be consideration on what is making the process prolonged if it is because of tied votes, than a solution for that is what needs to be addressed. Simula stated that it is important to have someone appointed as soon as possible because it may delay city business.

Commissioner Anderson stated that she does not like rank voting. Laine explained how rank voting would eliminate the issue of tied votes.

Commissioner Kaiser stated that the second option makes the most sense because it does not politicize the process and eliminates the issues with the current process.

Ahlers inquired about offering the vacancy to the person with the next highest vote totals from the last general election. Commissioners commented that from the last vacancy the individual that was appointed was the individual with the next highest vote totals from the last general election.

Ahlers suggested considering no longer having "conviction of a felony of any such person whether before or after qualification" be a reason for removal from office. Laine stated it could be changed to "conviction of a felony of any such person after qualification."

*Motion by Commissioner Laine, seconded by Commissioner Kaiser, to continue to discussing option 2 at the next meeting. Motion passed 10-2-2. Ayes: Abel, Ahlers, Eubank, Hugo,*

*Kaiser, Laine, Smith, Simula, Wiseman, Zeimet. Nays: Anderson, Sloat. Abstain: Harris, Johnson.*

## NEW BUSINESS

### 6. **Approve the 2020 Charter Commission Annual Report**

*Motion by Commissioner Laine, seconded by Commissioner Ahlers, to approve the 2020 Charter Commission Annual Report. Motion passed unanimously.*

### 7. **Mayor's Term Length (Chapter 2 Section 7)**

Commissioner Simula presented changing the Mayor's term length from 2 years to 4 years. He stated that in 2018, the Charter Commission supported it, it was not approved by the City Council, and ultimately sent to referendum where it did not pass, but there is a new City Council. He asked if there would be interest in resubmitting it to the new City Council.

It was noted that the 2018 referendum regarding the Mayor's term did not pass by 14%. Furthermore, multiple commissioners stated that there has not been a significant change in the City Council. Commissioner Laine commented that she thought it should be continued to be considered, but not acted on at this time.

The Charter Commission decided to not move forward with this proposal at this time.

### 8. **Recent Charter Commission Legislation**

Commissioner Laine stated that during the 2020 session there were changes made to Minnesota State Statute regarding Charter Cities. These include clarification that the Chief Judge can reappoint Charter Commission members, changing the time frame for making an appointment or reappointment to 60 days, and changing the amount of money a Charter Commission is authorized to in order to educate on a charter amendment to 0.07% of the property tax levy. She estimated this would be approximately \$8,000 using a Columbia Heights property tax levy in the amount of \$11.63 million.

## ADJOURNMENT

*Motion by Commissioner Eubank, seconded by Commissioner Anderson, to adjourn the meeting. Motion passed unanimously.*

Meeting adjourned at 7:54 pm.

Respectfully Submitted,



Nicole Tingley, City Clerk/Recording Secretary