



## CHARTER COMMISSION

Public Safety Building—Training Room, 825 41st Ave NE

Thursday, April 21, 2022

7:00 PM

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### AMENDED MINUTES

#### CALL TO ORDER

Charter Commission President Steve Smith called the April 21, 2022 meeting to order at 7:00 pm.

#### ROLL CALL

Members present: Matt Abel, Kathy Ahlers, Larry Betzold, Tyler Eubank, Ben Harris, Bill Hugo, Cliff Johnson, Carolyn Laine, Joe Schluender, Frost Simula, Steve Smith, Susan Wiseman, Nick Zeimet.

Members absent: Ramona Anderson, Gregory Sloat.

Also in attendance: City Attorney Jim Hoeft, City Clerk / Recording Secretary Sara Ion.

#### STATUS OF MEMBERSHIP

- 1. Reappointment of Commissioner Ahlers and Hugo.**  
City Clerk Ion stated that all paperwork was in order and filed for Commissioners' Ahlers and Hugo to continue their service.
- 2. Appointment of Commissioner Larry Betzold to Fill Position Left Vacant by Commissioner Kaiser.**  
Commissioner Betzold introduced himself to the group and was welcomed as a new member.
- 3. Election of 2022 Officers.**  
Commissioner Smith and Laine were nominated for President. A roll call vote was conducted, and the votes were as follows: 7 votes for Smith (Abel, Betzold, Eubank, Harris, Johnson, Schluender, Smith), 6 votes for Laine (Ahlers, Hugo, Laine, Simula, Wiseman, Zeimet).

Commissioner Abel and Laine were nominated for Vice President. A roll call vote was conducted, and the votes were as follows: 9 votes for Laine (Ahlers, Betzold, Eubanks, Hugo, Laine, Schluender, Simula, Wiseman, Zeimet), 4 votes for Abel (Abel, Harris, Johnson, and Smith).

Commissioner Simula was nominated for Secretary. There were no other nominations, and Commissioner Simula accepted the nomination.

The Charter Commission Officers for 2022 will be President Smith, Vice President Laine, and Secretary Simula.

**APPROVAL OF AGENDA**

Motion by Commissioner Abel, seconded by Commissioner Harris, to approve the agenda. Motion passed unanimously.

**APPROVAL OF MINUTES**

Motion by Commissioner Simula, seconded by Commissioner Abel, to approve the October 21, 2021 Meeting Minutes. Motion passed unanimously.

**CORRESPONDENCE**

There was no correspondence at this time.

**OLD BUSINESS**

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

President Smith asked the City Clerk to present information related to what a special election would look like for the City of Columbia Heights.

City Clerk Ion presented information related to a vacancy occurring beginning of a new year. A special election cannot be called for after March 31<sup>st</sup> during an election year. She stated that there are many other cities in Minnesota who are looking to revert to what the City of Columbia Heights has in place. A special election necessitates the same amount of attention and resources as a regular election does per our City Charter.

Commissioner Harris posed a question related to when special elections can be held. He clarified that there are specific dates when a special election can be held and that these dates are dictated by State Statute.

Clerk Ion also reviewed the current timeline in the Charter for appointment when a vacancy occurs.

President Smith stated that the timeline for appointment has also been a big topic of discussion.

Clerk Ion stated that the timeline, budget, and staffing needs for a special election look a lot like the general election we are holding this year. All the polling locations, election judges, election assistant, public works staff, and administrative needs are the same for a special election.

Commission Harris asked about the costs and budget needed for a special election.

Clerk Ion clarified that yes, the city would need to start budgeting for a special election now if this is something that the Charter Commission would want to add to the Charter. The cost related to a special election would be similar to a regular election. The Council would need to plan ahead and have this added to the budget.

Commission Johnson asked how long a seat would be open if there was a special election to fill a vacancy.

Commissioner Laine stated that there may be confusion between an appointment and a special election. There was clarification that currently an appointment would occur within 100 days with the current Charter language. She asked if the Commission wants to make the time to appoint shorter, and if the Commission would like the voters to have a choice on who is serving on the Council with a special election after an appointment is made.

Commission Johnson stated that he was under the assumption that they were replacing the appointment process with a special election at the last meeting.

Commissioner Laine stated that when she reviewed the last meeting minutes, she had a hard time following what the conversation was that the Commission was having. Therefore, she is clarifying what action the Commission wants to take.

Commissioner Harris also stated that there is also a conversation related to how to handle what happens when a tie occurs.

Commissioner Laine stated that there is some language proposed to address when a tie occurs in the packet.

Commissioner Simula stated discussion of having a special election is moot because it is part of the Charter. It is called for if there is two years remaining in the term. The Council can call for a special election.

Commission Ahlers stated that she did not feel that the budget for an election is a big concern and is only a small fraction of the large city budget.

Commission President Smith asked for City Attorney Hoeft to address the Commission as well about Special Elections.

City Attorney Hoeft stated that the conversation did start with shortening the appointment time frame. There has also been ongoing conversations related to special elections. Councilmembers are elected to four-year terms, and if a vacancy was to occur at the beginning of a four-year term there would be an appointment made and then an election for their position at the next regularly scheduled election to fill their open seat. What the City Clerk is alluding to, is that we do not know when an opening may occur on the Council, or when an election will need to occur. Even if there is language in the Charter, it maybe unnecessary because there could be an election in a time shorter than two years. There could be situations where special election could not be held because of the timelines are not aligned with the general election.

City Clerk Ion clarified that there if Commission were to move forward with special election language there could be situations where a special election is held and a councilmember is sworn in for six to eight months, and a general election is held again for that council seat.

Commissioner Harris clarified that we would need to make sure that special elections were always budgeted for.

City Clerk Ion clarified that this was correct. She clarified that the timeline for elections, staffing and budget are something that need to be considered when adding special election to the Charter. Budgeting for this impacts the city in a lot of different ways.

Commissioner Ahlers asked for clarification on how often money is reallocated by the City Council to cover an unexpected expense.

Attorney Hoeft stated that the availability of funds is not an issue. If the Charter is changed to add a special election. The Council would set a new fund and could pre-fund a special election right away. If the Council did not pre-fund a special election, there could be an interfund transfer if needed. This would need a four fifth vote of the council, because it is a modification of the budget.

Commissioner Ahlers asked how often modifications of the budget were completed by the Council.

Attorney Hoeft stated it was possible this is done less than four times a year.

Commissioner Smith Clarified the current appointment process that is currently set in the City Charter.

Commissioner Harris stated that by adding a special election process we are becoming beholden to State Statutes and would need to hold special elections at specified times.

Commissioner Johnson asked if we need to wait for the actual vacancy to occur in the Council.

Attorney Hoeft stated, yes we do.

Commissioner Simula stated that there is language in the packet that establishes shortening the appointment language and adding special election language at the discretion of the council.

Commissioner Harris feels that carrying the budget and preparing for staffing for a special election is a concern for having the special election language in the Charter.

Commission President Smith asked for clarification on the appointment process and asked about putting the special election language aside.

Commissioner Wiseman confirmed that she would like to move forward with tightening the language for appointment, since there is language related to special, elections existing in the Charter.

Commission President confirmed this language.

Commissioner Harris clarified the timeline.

Commissioner Ahlers was unsure if the language was being changed to "shall" have a special election to "must" have a special election.

City Clerk Ion read the language in the City Charter, Chapter 4, Section 29 into the record:  
"SPECIAL ELECTIONS. The council may by resolution order a special election, fix the time of holding the

same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.”

Commissioner Harris read the proposed amendments from the packet into the record:

“Special elections must be held at the earliest date possible under state law. Candidates must file for office no later than four weeks before the election. If a special election occurs in the same year as a regular municipal election, the council may at its option schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest possible date under state law.”

Commissioner Laine stated that she would like to make a motion to shorten the process from 105 days to 45 days to make an appointment to the Council when there is a vacancy.

Attorney Hoeft stated that he would like the entire motion to read. Wiseman seconded the motion.

Commissioner Laine stated her motion:

Notice of said vacancy shall be posted at city hall for a period of two (2) weeks from the date of the adoption of the resolution declaring said vacancy. Notice shall also be posted in a designated city publication for a period of two (2) weeks as soon as possible after the date of the adoption of said resolution. Applications shall be sought and accepted from individuals interested in filling the vacancy, which applications shall be submitted to city hall, to the attention of the City Clerk. At its option, the council may interview each of the applicants and shall conduct said interviews in an agreed upon uniform manner as a council. The council shall make its appointment from the pool of applicants within forty-five (45) days of the vacancy resolution, whether done so at a regular council meeting or a special meeting. If the council fails to make the appointment within forty-five (45) days, or, if before the end of the forty-five (45) days, votes three times on the appointment and is unable to fill the vacancy, the mayor must, within fifteen (15) days, appoint a person from the remaining applicants under consideration to fill the vacancy. The individuals so appointed shall filled said vacancy until the next regular state or municipal election.

Commissioner Harris clarified where the motion ended.

Commissioner Laine stated that the language of the motion did not include anything related to a special election, just what was read.

Commissioner Johnson clarified that there will be additional conversation about the motion.

Attorney Hoeft stated that the motion has been made and seconded. The motion has been made to change the timeline for appointment and for the mayor to be able to make the appointment if there is a tie.

Commissioner Laine pointed out that Statutory Cities do allow the mayor to appoint when there is a tie.

Commissioner Ahlers asked for clarification on what occurred the last time when there was tie.

Attorney Hoeft stated that there were seven votes, and the Council made the determination on who they would vote to appoint. The mayor did not break the tie.

Commissioner Johnson stated that he does not like the mayor having the ability to have a tie breaking vote.

Commissioner Schluender stated that the mayor would be deciding between two candidates when breaking a tie vote.

Commissioner Smith stated we were coming to an hour, and he asked for people to consider the motion that was made.

Commissioner Laine stated that the new proposal is that we are dropping of the language of the special election and moving forward with the tightening of the language of the appointment time period.

Commissioner Wiseman called the question, for the first hearing of the motion ~~the first reading on July 21, 2022.~~ \* Commissioner Abel, Ahlers, Betzold, Eubank, Harris, Hugo, Laine, Schluender, Simula, Smith, Wiseman, Zeimet voted Aye. Commissioner Johnson voted Nay. The motion passed.

#### **NEW BUSINESS**

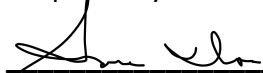
Motion by Commissioner Ahlers, seconded by Commissioner Able to approve the 2021 Charter Commission Annual Report. All Ayes.

#### **ADJOURNMENT**

*Motion by Commissioner Laine, seconded by Commissioner Harris, to adjourn the meeting. All Ayes.*

Meeting adjourned at 8:15pm.

Respectfully Submitted



Sara Ion, City Clerk/Recording Secretary

\*Meeting minutes were amended on 7/21/2022. Commissioner Laine made a motion to approve the amendend meeting minutes at Page 6, Paragraph 6. Commissioner Wiseman seconded the motion. The motion passed 10 to 2: Commissioner Ahler, Betzold, Eubank, Harris, Johnson, Laine, Simula, Smith, Wiseman and Zeimet voted aye. Anderson and Sloat voted nay. Abel and Hugo absent.