



## CHARTER COMMISSION

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

Thursday, October 21, 2021

7:00 PM

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## MINUTES

### CALL TO ORDER

Charter Commission President Steve Smith called the meeting to order at 7:00 pm

### ROLL CALL

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

Members absent: Tyler Eubank

Also in attendance: City Manager Kelli Bourgeois, City Attorney Jim Hoeft, City Clerk/Recording Secretary Sara Ion, Councilmember Nick Novitsky, Council Liaison Kt Jacobs.

### STATUS OF MEMBERSHIP

City Clerk Ion shared that this will be the last meeting Commissioner Tom Kaiser will attend as he is resigning from his position.

### APPROVAL OF AGENDA

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

### APPROVAL OF MINUTES

*Motion by Commissioner Schluender, seconded by Commissioner Simula, to approve the July 15, 2021 meeting minutes. Motion passed unanimously.*

### OLD BUSINESS

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

President Smith stated that he would like to begin discussion of special elections. He stated that there was a lot of discussion around this matter at the last meeting. He has done additional research and based on discussions with Anoka County Elections it was estimated the cost of a special election would be approximately \$10,000. He then followed up with the City of Ramsey. They are actually trying to change their charter back to what we currently have. The cost of their past special election was \$30,000.

Commissioner Laine stated that the information that would really be valid would be what a special election would cost here in Columbia Heights and that is not known.

President Smith asked the group to consider a vote on moving forward with the special election matter. If this is an item that the group wants to move forward with, then the group needs to decide to move forward with the specific special election issue.

Commissioner Anderson stated that she believes that there are really two issues to discuss: if there should be a special election as well as if the time the Council has to appoint a new member should be shortened. She personally does not want a special election, but she would like the time period for the Council to appoint a person to fill a vacancy to be shortened from what it is now.

Commissioner Laine confirmed that the vote to move the special election forward should occur now, and then the discussion would continue on the proper direction for the special election moving forward. She stated that she would like to know the cost of the special election in Columbia Heights, and set the circumstances for a rare special election. She is concerned specifically how a vacancy is filled when a Councilmember moves into the position of Mayor, and how a special election would be conducted. She feels that the Council appointing a member in this rare circumstance is the issue they want to address. She felt that the issue of the Mayor being able to fill an open seat was an issue, when there is a tied Council vote of 2 to 2.

President Smith stated that when there is a special election, the City is now under state statute. Once we choose a special election, everything goes to the uniform election code. He and Commissioner Johnson also clarified that the Mayor does not have the tie breaking vote, it just so happened that the Mayor's vote was the tie breaker for a three to one vote the last time there was a vacant seat. Commissioner Johnson stated that the Mayor does not have two votes.

Commissioner Ahlers sought additional clarification about the last appointment as she felt it was illegal. Attorney Hoeft clarified that there was nothing illegal that occurred and that the last Council vacancy was filled based on a three to one vote. Attorney Hoefft clarified that if a City is governed by the State Statute (not Charter) then the Mayor does have the ability to make a tie breaking vote.

Commissioner Harris stated that the tie breaking vote is a bigger issue, and should be addressed outside of the issue of the special election. This is a separate issue, and should not be tied to a special election.

Commissioner Simula believes that all of these items are part of the same issue and should be addressed at the same time.

Commissioner Sloat made a motion to vote on the special elections.

Commissioner Laine interjected that she would also like to make a motion.

President Smith stated that Commissioner Sloat was making the motion, and clarified that the motion at hand was that when there is an empty seat that needs to be filled there would then be a special election

Commissioner Anderson seconded the motion.

Commissioner Johnson asked for clarification on the motion.

Attorney Hoeft clarified what the motion needed to entail.

Commissioner Sloat clarified his motion, that this is a motion is to keep the charter the way it is, status quo with no special election.

Commissioner Anderson seconded the motion.

Commissioner Harris asked for additional clarification. He stated that if the commission voted in the affirmative, that would mean things would stay the way they currently are.

Commissioner Schluender was concerned that this was a double action motion. He wanted to make sure that it was a motion to keep everything the same.

President Smith then clarified that the motion should be “should we change to a special election from what we have now”. He asked if Commissioner Sloat would consider changing the motion.

Commissioner Sloat stated that he is against a special election and would like the motion to reflect that.

Attorney Hoeft stated that the easiest and clearest motion is to change the process from filling a council vacancy to having a special election. Making sure that the motion does not indicate anything about the current process.

Commissioner Ahlers stated that she does not understand the existing special election language in the Charter. She stated that her objection is this does not include the nuances of the issues she hopes to address.

Commissioner Johnson and Attorney Hoeft informed Commissioner Ahlers that there is no special election language in the Charter related to council appointment.

Commissioner Zeimet asked if it would be more helpful to move forward Commissioner Simula’s proposal.

Commissioner Smith stated that he wants to make sure we are clear on if we do or do not want a special election. The question is: Do we want to keep things the way they are and not have a special election?

President Smith and Commissioner Johnson clarified that the motion would be to keep things as they are, and that the motion is to add a special election to the charter. President Smith asked that the motion be clarified.

Commissioner Wiseman wanted to make sure the motion is not “either or”. Commissioner Hugo made a request to retract the motion by Commissioner Sloat, and new motion to be made.

Commissioner Ahlers asked for clarification on the vote on the special election, and if there would then be a discussion on the details. She wants her contribution to be that there is an incredible amount of nuance to the issue. She wants to discuss all the specifics of a special election before voting for the special election.

President Smith confirmed that there would be additional discussion about the special election after the vote to move forward with the special election

Commissioner Laine requested that the document that Commissioner Frost prepared be voted on. She feels that the issue is very nuanced and wants to vote on when and why a special election would occur.

President Smith stated the question at hand is are we in favor of a special election: A vote of yes is in favor of a special election. A vote no is against adding a special election.

President Smith called a roll call vote on Sloat's Motion. Commissioner Abel, Anderson, Harris, Johnson, Sloat and Smith voted no. Commissioner Ahlers, Kaiser, Laine, Schluender, Simula, Wiseman and Zeimet voted yes. **The vote was 8 / 6 in favor of continuing the discussion of a special election.**

President Smith stated that we need to have additional discussions. When the proposed language for the special election is finalized there will be a first and second hearing of the language to move forward with the special election.

Commissioner Laine stated that the vote tonight was on the discussion to move forward with a special election.

Attorney Hoeft stated that this body needs to propose language and move forward with language specific to changing the charter.

Commissioner Wiseman clarified that someone on the commission needs to bring forward the language for the special election.

Commissioner Zeimet asked for further information on the language that Commissioner Simula previously proposed.

Commissioner Simula stated that that he included language about vacancies over 180 days. There is already language in the state statute about the way the election should be run.

President Smith further clarified the uniform election statute. He listed the specific dates that these elections can occur.

Commissioner Harris clarified that when we are moving towards a special election we no longer have the ability to shorten the time for the appointment.

Commissioner Laine stated that she would like the next meeting to be the first hearing of the language to add a special election.

Attorney Hoeft stated that if someone is going to propose special election language, then it needs to be provided to the City Clerk as soon as possible. This language needs attorney review, to make sure it is in compliance.

Commissioner Smith stated that if you are in favor of the special election it must be written and sent to the City Clerk as soon as possible. There could be multiple proposals that need to be worked through. This information must be drafted in a way that it is an actionable item.

Commissioner Wiseman clarified that she wants to make sure that people who voted yes for the special election need to bring this language forward. She wants to make sure that only the portions that the City can control be addressed in the special election process. She also felt it was rare that this situation would occur.

Commissioner Simula stated that he feels that he has presented the correct information and addressing when a special election is triggered.

Commissioner Anderson inquired if where the funds are coming from should be addressed in the special election language.

Commissioner Hugo stated that the costs are not relevant to the charter commission drafting the language.

### **NEW BUSINESS**

Commissioner Simula stated that he would like to review his proposed changes to the vacancy process. He stated that there is always someone appointed to the vacant seat, he wants to clarify that the vacancy is filled by appointment for 180 days. He feels that the special election limits the amount of time.

Commissioner Wiseman felt that there is already an established time frame.

President Smith asked again that the language is prepared in a timely fashion for the body to review it in detail. He again asked for information for the agenda to be submitted 30 days before the next meeting. He stated that Commissioner Simula only sent his prepared information for the appointment one day before this meeting and the Commission needs submissions at least 30 days in advance. He felt it was appropriate for Commissioner Simula to review what he has written, and submit information to the City Clerk prior to the next meeting for the Commission to review in detail.

Commissioner Simula asked for permission to discuss the appointment process, but not take a vote on the issue. He stated that he felt the process of appointment was too long and other cities appoint the seat within 45 – 90 days. His recommendation is 45 days from the day that the vacancy is declared by Council resolution. He recommended language about how to break a tie. He recommends that if council fails to make the appointment in 3 rounds of voting then the Mayor makes the appointment. He stated that there would need to be discussion about how long the appointment should last. The temporary appointment period would have to be defined.

Commissioner Johnson stated that he feels that the Mayor appointing someone is like an endorsement and it is not fair to the other candidates. He feels that this type of appointment before a special election makes the process less fair.

Commissioner Wiseman stated that she wants to discuss the items Commissioner Simula has presented, but not at the meeting tonight.

President Smith again asked for submissions to the City Clerk 30 days before the next meeting and asked for the commission to do what they think is right. There is not standard for the time submissions need to be made, but he wants the commission to have ample time to review.

Commissioner Ahlers stated that she would like to know if there is precedence for a neutral to preside over Commission meetings. She feels that the Commission President should not vote on matters unless there is a tie. She feels it would be a clearer process. She would like for someone with knowledge of Roberts Rules of Order to run the meeting.

President Smith clarified if Commissioner Ahlers would like to be the Chair of the Charter Commission.

Commissioner Ahlers stated that she did not.

Commissioner Wiseman stated the she understands Commissioner Ahlers' point, but there is no need to have an outside party conduct the meetings.

**ADJOURNMENT**

*Motion by Commissioner Wiseman, seconded by Commissioner Ahlers, to adjourn the meeting.*

Meeting adjourned at 7:55 pm.

Respectfully Submitted



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Sara Ion, City Clerk/Recording Secretary