



# CHARTER COMMISSION

City Hall—Council Chambers, 590 40th Ave NE

Thursday, April 15, 2021

7:00 PM

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## AGENDA

### NOTICE THAT THIS MEETING WILL OCCUR BY ELECTRONIC MEANS

*Following a determination by City Manager Kelli Bourgeois, and emergencies declared by the United States, The State of Minnesota, and the Columbia Heights Mayor & City Council, this meeting may, pursuant to Minn. Stat. § 13D.021, occur by electronic means. Members of the public who wish to attend may do so by calling **1-312-626-6799** and entering **meeting ID 429 831 7754**, or by Zoom at <https://us02web.zoom.us/j/4298317754> at the scheduled meeting time. For questions regarding this notice, please contact the City Clerk at (763) 706-3611.*

### CALL TO ORDER

### ROLL CALL/STATUS OF MEMBERSHIP

### APPROVAL OF AGENDA

### ELECTION OF OFFICERS

1. President
2. Vice President
3. Secretary

### APPROVAL OF MINUTES

4. January 16, 2020 Meeting Minutes

### CORRESPONDENCE

### OLD BUSINESS

5. City Council Vacancies (Chapter 2 Section 9)

### NEW BUSINESS

6. Approve the 2020 Charter Commission Annual Report
7. Mayor's Term Length (Chapter 2 Section 7)

### ADJOURNMENT

*Auxiliary aids or other accommodations for individuals with disabilities are available upon request when the request is made at least 72 hours in advance. Please contact Administration at 763-706-3610 to make arrangements.*

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS  
CHARTER COMMISSION  
JANUARY 16, 2020  
7:00 P.M.  
CITY HALL-CONFERENCE ROOM #1**

**Call to Order**

President Steve Smith called the meeting to order at 7 p.m.

**Roll Call/Status of Membership**

Members present: Steve Smith, Matt Abel, Kathy Ahlers, Ramona Anderson, Tyler Eubank, Bill Hugo, KT Jacobs, Tom Kaiser, Carolyn Laine, Joe Schluender, Gregory K. Sloat, and Susan Wiseman

Members absent: Rob Fiorendino, Patrick McVary, Frost Simula, and Council Liaison Bobby Williams

Also in attendance: City Attorney Jim Hoeft and City Clerk/Recording Secretary Nicole Tingley

**Approval of Agenda**

Motion by Commissioner Anderson, seconded by Commissioner Jacobs to approve the agenda as presented. Motion passed unanimously.

**Approval of October 17, 2019 Meeting Minutes**

Motion by Commissioner Wiseman, seconded by Commissioner Anderson, to approve the October 17, 2019 meeting minutes. Motion passed 12-0-1 with Commissioner Ahlers abstaining.

**Election of Officers**

**A. President**

Motion by Commissioner Abel, seconded by Commissioner Schluender to nominate Steve Smith for President. Motion passed unanimously.

**B. Vice President**

Motion by Commissioner Wiseman, seconded by Commissioner Anderson to nominate Matt Abel for Vice President. Motion passed unanimously.

**C. Secretary**

Motion by Commissioner Anderson to nominate Bill Hugo for Secretary. Motion passed unanimously.

**Correspondence**

City Clerk/Recording Secretary Tingley stated that Commissioner McVary has decided not to apply for reappointment for his term ending February 15, 2020. Tingley indicated that the City would be advertising for a Charter Commission appointment during spring appointments to other city boards and commissions.

**Old Business**

**A. City Council Appointment Process**

President Smith introduced the topic noting that in past discussions one of the main points discussed is that the process to appointment a councilmember is too lengthy. Smith stated that the Charter Commission needs to consider how to change that and the impacts of that.

Commissioner Ahlers stated that the impact of having a vacancy on the City Council is much higher with a city council of 5 members versus a city council with 7 members so increasing the number of councilmembers should be considered. Commissioners Jacobs and Wiseman and President Smith stated that it should be considered separately in the future.

Smith noted that the step in the process that has been in question the most during past discussions is the time given for candidates to apply to be appointed.

Commissioner Anderson asked if it was required for the City Council to interview all applicants. City Attorney Hoeft responded that it is not required in the Charter and is the decision of the City Council.

It was clarified that applicants had 45 days to apply the last time a council seat was vacant. Commissioner Schluender noted that in addition there was the time for interviewing and making the determination. It was estimated that the entire process was around 4 months. Commissioner Sloat commented that the application period should only be 2 weeks. Commissioner Anderson commented that it has to be published in the newspaper so it should be 1 month.

Commissioner Laine stated that another approach is to take is to have a special election and let the people decide. Laine pointed out for example that Richfield's Charter states that if there is not an election within 180 days, a special election is held to fill a city council vacancy.

Commissioner Schluender stated that if feasible it would be better for the voters to decide a council vacancy rather than the City Council as it is a political process.

Commissioner Jacobs commented that a special election is very costly. Wiseman added that it also consumes a significant amount of staff time.

Commissioner Schluender noted that a special election could take a few months using the 60A seat as an example. Ahlers added that rank choice voting would make it so there would not have to be a primary election. Smith commented that rank choice voting is an entirely different discussion. The Charter Commission concluded not to discuss that at this time.

The Charter Commission discussed the cost of a special election versus the value. Commissioner Laine stated that the value of having the people choose outweighs any costs. Commissioner Jacobs stated that the council represents the people.

Commissioner Sloat stated that he would be in agreement with having special elections. Commissioner Wiseman stated cost aside that she would agree on special elections. Wiseman noted that she also has concerns that people do not vote so it would just be the same people choosing every time.

Commissioner Jacobs stated that one of her concerns is that there is a likely possibility that the next election could result in a city council vacancy and wondered if a decision could be made and implemented. Smith stated there is enough time for the charter commission to bring a proposal to City Council.

Commissioner Jacobs provided a summary of her proposal to change the City Council Vacancy language in the City Charter. Jacobs noted that she would like to eliminate all the individual parameters and instead have a full process timeline. She stated that she does not think that every applicant needs to be interviewed noting that the City Council could choose the top 3 candidates to interview.

Commissioner Laine questioned what the parameters would be for choosing the top 3 and expressed concern that it is a prejudicial process. Commissioner Schluender suggested that all councilmembers could unanimously agree not to interview someone.

Commissioner Ahlers suggested that other models and examples need to be analyzed.

The Charter Commission determined that special election guidelines would have to be in a proposal. City Attorney Hoeft stated that there is not any language in the City Charter for a special election to fill a council vacancy. Hoeft explained that the Charter Commission made the application period 45 days to accommodate for sufficient time to apply after two consecutive weeks of newspaper publication.

Hoeft then clarified that the longest time a vacancy is appointed under the charter is 2 years. This is because the charter calls for the position to be filled by appointment until the next general election which occurs every 2 years. Hoeft explained how council vacancies work for statutory cities.

President Smith asked the commission if changing to a special election would eliminate the concern about a long process to fill a council vacancy. City Attorney Hoeft advised the commission that they should not only make changes to the charter regarding council vacancies because of the circumstances of the next city election. Charter Commissioners agreed.

The Charter Commission discussed special meetings. It was clarified that the length between meetings must be 30 days.

Motion by Commissioner Laine that the Charter Commission put together a process to consider how to fill a vacancy on the City Council by a special election and when it would be used. Commissioner Schluender added an amendment to bring demonstration language and examples to the next Charter Commission meeting. Commissioner Ahlers added that the demonstration language and examples be included in the next Charter Commission meeting packet.

Commissioner Jacobs commented that the Charter Commission should research and propose options for both a special election and changing the timeline. These proposals should be brought to the next meeting. President Smith inquired who would be drafting the proposals.

Commissioner Abel stated that it is usually those who make the motion draft it. President Smith reiterated that if someone has a passion for something, they can bring a proposal to the group. Commissioner Laine rescinded her motion. Commissioner Laine asked what the interest of the group has in making City Council appointments by special election before she puts effort into writing a proposal.

Commissioner Wiseman commented she would be interested in seeing proposals on both a special election and tweaking the current process. City Attorney Hoeft provided additional background information on how the Charter Commission made the current process.

The Charter Commission discussed if there was interest in reviewing two proposals at its next meeting, one to put in a process for a special election and another to modify the current process. The Charter Commission came to a consensus that it would be interested in reviewing both. President Smith stated that it is up to the membership to group up and collaborate on drafting proposals.

There was a discussion on gathering information to make the proposals. Tingley stated she could send out a list of charter cities to the commission members so they can look up the procedures of other cities. Hoeft added that all statutory cities have to follow state statute regarding city council vacancies and special elections.

## **New Business**

### **A. Approve the 2019 Charter Commission Annual Report**

Motion by Commissioner Kaiser, seconded by Commissioner Abel, to approve the 2019 Charter Commission Annual Report. Motion passed unanimously.

### **B. City Charter Review**

President Smith stated that in the past the Charter Commission completed a review of the entire Charter. He stated that with the proposals for the section on city council vacancies, this should be addressed later. Hoeft stated that he believed that it was approximately 6-8 years ago that the charter was completely reviewed. Hoeft added that there have not been any significant law changes that would necessarily affect any portions of the charter. Commissioner Ahlers noted that in the charter where it discusses where to post notices for City Council vacancies changes in technology need to be considered.

**Adjournment**

Motion by Commissioner Jacobs, seconded by Commissioner Wiseman to adjourn. Motion passed unanimously.

Meeting adjourned at 8:01 pm

Respectfully Submitted,

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Nicole Tingley, City Clerk/Recording Secretary



**CHARTER COMMISSION**

Item 5.

<b>AGENDA SECTION</b>	<b>OLD BUSINESS</b>
<b>MEETING DATE</b>	<b>APRIL 15, 2021</b>

<b>ITEM:</b>	<b>City Council Vacancies (Chapter 2 Section 9)</b>	
<b>DEPARTMENT:</b>	Administration	<b>BY/DATE:</b> Nicole Tingley, 4/7/21

**BACKGROUND:**

As you may recall, at the last Charter Commission meeting in January 2020, the Charter Commission discussed the Appointment Process for Vacancies on the City Council as outlined in Chapter 2 Section 9 of the City Charter. The text of that section in the City Charter is below.

Chapter 2 Section 9. VACANCIES IN THE COUNCIL.

A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, cessation as a resident of the city, continuous absence from the city for more than three months, conviction of a felony of any such person whether before or after qualification, the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three months or for any other cause as may be provided for in Minnesota Statutes, as amended. In each such case, at the next regular meeting following receipt of notice by the council of one of the foregoing conditions, the council shall by resolution declare such vacancy to exist unless further investigation is required. 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 published in a designated city newspaper for a period of two (2) weeks as soon as possible after the date of the adoption of said resolution, with the publication being completed no later than thirty (30) days from said date. 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, within 45 days from the date of said resolution. The council shall interview each of the applicants within 30 days from the close of the application period, and shall conduct said interviews in an agreed upon uniform manner as a council. After said 30 day period, the council shall make its appointment from the pool of applicants within 15 days, whether done so at a regular council meeting or a special meeting. The individuals so appointed shall fill said vacancy until the next regular municipal election, when the office shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter set forth; provided, however, that if a vacancy is declared by resolution after March 31st in the year of a regular municipal election, then the appointment process as set forth herein shall not take effect and any such vacancy shall continue to exist until said election, at which time the vacancy shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter provided. Notwithstanding anything to the contrary herein, any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case. (Ordinance No. 1331, passed September 23, 1996) (Ordinance No. 1086, passed June 11, 1984)

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At the meeting the Charter Commission provided direction for the members to put together proposals for putting in a process for a special election for City Council vacancies and separately a proposal for modifying the current process.

Commissioner Frost Simula submitted a proposal with two options. This is attached.

Additionally, I have attached documents for background information on past discussions and to help provide further clarification of the current process.

**ATTACHMENT(S):**

Proposal from Commissioner Frost Simula with two options

April 20, 2017 Charter Commission Minutes

July 19, 2018 Charter Commission Minutes

January 16, 2020 Charter Commission Draft Minutes

Schedule of 2017 City Council Vacancy Schedule

Current City Council Vacancy Appointment Process By Day



## Brief

- The existing appointment process for filling vacancies in the council is excessively and unnecessarily long.
- Some city business is delayed for over 3 months while the council seat remains unfilled.
- The existing charter does not specify how a deadlocked Council should break a tie.

## Record

- Following the 2016 election, a vacancy resulted in a deadlocked Council, drawing out the process even longer than expected.
- Columbia Heights received negative attention thanks to heated deliberation, and a verbal assault from one of the applicants.
- Under pressure, the Mayor reluctantly changed their vote to appoint the threatening applicant.
- The lengthy appointment process was originally discussed at a Charter Commission meeting on January 19, 2017. Both President Smith and City Attorney Hoeft noted that the process is prolonged.
- The lengthy appointment process was discussed again at a Charter Commission meeting on April 20, 2017. Councilmember Buesgens and Commissioner Laine suggested shortening the process to make an appointment by the end of February. Commissioner Penniston drew attention to the lack of direction in the Charter addressing consistent tie votes in the appointment process. Commissioner Anderson suggested that the Mayor has the power to break a tie. Commissioner Laine asked the commission to consider ranked choice voting as well. President Smith directed commissioners to submit amendment proposals to the city clerk prior to the next meeting for review.
- An amendment was originally proposed at a Charter Commission meeting in July 2017. President Smith suggested that the issue be tabled and postponed until the October 2017 Charter Commission meeting.
- At a Charter Commission meeting on October 26, 2017, this issue was postponed again until the January 2018 Charter Commission meeting.
- At a Charter Commission meeting on January 19, 2018, this issue was postponed again until the April 2018 Charter Commission meeting.
- At a Charter Commission meeting on April 19, 2018, this issue did not appear on the agenda. Commissioner Simula asked that it be added to the July 2018 agenda.
- At a Charter Commission meeting on July 19, 2018, Commissioner Laine noted that the city of Richfield holds special elections to fill vacancies. Councilmember Buesgens reiterated that the process following the 2016 election was drawn out. President Smith suggested a study of how the special election operates in the city of Richfield, how it has been utilized in the past, and what sections of our Charter would be affected by a similar change. President Smith suggested that commissioners prepare these facts for a discussion at the October 2018 meeting.
  - Cities of Richfield and Bloomington are considering amendments modeled after [City of Minnetonka Home Rule Charter Section 2.06 - Vacancies in the Council](#)
- At a Charter Commission meeting on October 18, 2018, President Smith tabled this issue indefinitely.

# Proposal (Option 1 - Appointment)

(underlined)

## CHAPTER 2

### FORM OF GOVERNMENT

#### Section 9, VACANCIES IN THE COUNCIL

A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify for the new council term on or before the date of the first regular meeting of the unexpired council following the election, or by reason of the death, resignation, removal from office, cessation as a resident of the city, continuous absence from the city for more than three months, conviction of a felony of any such person whether before or after qualification, the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three months or for any other cause as may be provided for in Minnesota Statutes, as amended. In each such case, at the next regular meeting following receipt of notice by the council of one of the foregoing conditions, the council shall by resolution declare such vacancy to exist unless further investigation is required. 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 published 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, with the publication being completed no later than thirty (30) days from said date. 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, within six (6) weeks from the date of said resolution. The new council shall interview each of the applicants within three (3) weeks from the close of the application period, and shall conduct said interviews in an agreed upon uniform manner as a council. After said three (3) weeks day period, the council shall make its appointment from the pool of applicants within two (2) weeks, whether done so at a regular council meeting or a special meeting. Such appointment shall be determined by ranked vote, with each seated council member casting no more than 3 votes each. Should the ranked vote result in a tie, the mayor shall make an appointment from the final two applicants. The individuals so appointed shall fill said vacancy until the next regular municipal election...

#### Schedule for filling City Council vacancies

	<b>Current</b>	<b>Proposed</b>
Council resolution read, city hall & newspaper postings begin	January 9, 2017	November 28, 2016
City hall posting ends	January 23, 2017	December 12, 2016
Newspaper posting ends (latest possible date)	February 8, 2017	December 28, 2016
Last application received, interviews begin	February 23, 2017	January 9, 2017
Interview period ends, council deliberations begin	March 25, 2017	January 30, 2017
Final appointment	April 9, 2017	February 13, 2017

# Proposal (Option 2 - Special Election)

(underlined, modeled after [City of Minnetonka Home Rule Charter Section 2.06 - Vacancies in the Council](#))

## CHAPTER 2

### FORM OF GOVERNMENT

#### Section 9, VACANCIES IN THE COUNCIL

A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, cessation as a resident of the city, continuous absence from the city for more than three months, conviction of a felony of any such person whether before or after qualification, the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three months or for any other cause as may be provided for in Minnesota Statutes, as amended. In each such case, at the next regular meeting following receipt of notice by the council of one of the foregoing conditions, the council shall by resolution declare such vacancy to exist unless further investigation is required.

A special election is required to fill a vacancy when:

- (a) The vacancy has been declared, or has automatically occurred, before the first day to file affidavits of candidacy for the next regular municipal election; and
- (b) more than two years remain in the unexpired term.

When (a) applies, the city council must adopt a resolution to set the date for the special election at the first regular or special meeting of the city council occurring after the vacancy automatically occurs or at the same meeting at which the vacancy is declared. The special election must be held in accordance with subdivision 1 of section. The person elected will serve the unexpired term for that office. The city council, at its option and at the same or a subsequent meeting, may make an interim appointment of a person to fill the vacancy until a successor is elected at the special election and qualifies for the office.

If a special election is not required (b), the council may either appoint an eligible person to serve until expiration of the position's term or fill the vacancy by special election. Upon notice of an impending resignation, the council may begin the process of determining how to fill the vacancy. No later than 60 days after a vacancy automatically occurs or is declared to exist, the council must appoint an eligible person to fill the vacancy or schedule a special election to be held in accordance with subdivision 1 of this section.

If the council does neither, the mayor, or acting mayor if the vacancy is in the mayor's position, has seven days to appoint an eligible person to fill the vacancy.

If after 67 days no appointment is made nor an election scheduled, the clerk must schedule a special election to be held in accordance with subdivision 5 of this section.

#### Subdivision 1. Special Election Requirements

- (a) Except as provided in subdivision 1.b. below, 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.

(b) 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.

Item 5.

The term of a council member elected at a special election begins as soon as the person has qualified for office and the city clerk has issued a certificate of election to the successful candidate in accordance with state law. The council member serves until the expiration of the position's term.

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS  
CHARTER COMMISSION  
APRIL 20, 2017  
7:00 P.M.  
CITY HALL-COUNCIL CHAMBERS**

**Call to Order**

President Steve Smith called the meeting to order at 7:00 p.m.

Introduction of new member Tom Kaiser

Oath of Office –

Tom Kaiser

Carolyn Laine

**Roll Call/Status of Membership**

Members present: Steve Smith, Matt Abel, Ramona Anderson, Lee Bak, Roger Johnson, Tom Kaiser, Carolyn Laine, Mike Patiuk, Eric Penniston, Frost Simula, Gregory Sloat, Susan Wiseman

Members absent (excused): James Guy and Rob Fiorendino

Also in attendance: City Attorney Jim Hoeft, Council Liaison Connie Buesgens, City Clerk/Recording Secretary Katie Bruno, and Councilmember John Murzyn, Jr.

**Approval of Agenda**

Motion by Commissioner Abel, seconded by Commissioner Bak to approve the agenda as presented.

Motion passed unanimously.

**Approval of Minutes**

Motion by Commissioner Penniston, seconded by Commissioner Smith to approve the minutes from the January 21, 2017 meeting. Motion passed unanimously.

**Correspondence**

Secretary Bruno reported she received a resignation from Jeffrey Diehm, he is moving out of the City. She will notify the Chief Judge of the new vacancy.

Secretary Bruno indicated Mayor Schmitt has sent an email requesting a joint meeting between the City Council and the Charter Commission. Mayor Schmitt suggested the council could possibly attend the July 20<sup>th</sup> scheduled meeting. President Smith suggested discussing that further prior to adjourning the meeting.

President Smith reminded the group that the Charter Commission is separate from the City Governance; members are appointed by the District Court Judge. The commission is required to see that the charter complies with current law while ensuring State Statutes are not violated.

**Old Business**

A. Review of Charter Chapter 2, Section 9, Vacancies on the Council.

President Smith suggested discussing the item tonight; requesting members submit any recommended changes to the City Clerk or himself prior to the next meeting. The recommend changes could then be incorporated into the charter; constituting a first reading. The second reading could take place at the October meeting, followed by recommendation to the council.

President Smith requested a motion be made if the group intends to allow for public comment at tonight's meeting. Commissioner Penniston indicated it would be most appropriate to allow public comment at the City Council meeting at the time an amendment is being considered.

Commissioner Simula suggested the timeline be shortened. Councilmember Buesgens suggested the initial 45 day time period could be shortened. Hoeft indicated there are not any legal standards regarding the number of days, cautioning the commission to avoid shortening the period too much, requiring special council meetings be set to meet time frames.

Commissioner Bak questioned the basis for concern with the time frame being too long. Commissioner Simula indicated he thinks the time frame was likely set to allow ample time to attract applicants; noting with 17 applications received, the community is passionate about serving. Jim Hoeft said in the past it was difficult to get applicants. Councilmember Buesgens suggested three weeks would be enough time for the application period. Hoeft indicated the tie votes resulted in the process being lengthened on the back end of the time frame. Commissioner Laine suggested the publication period could be shortened; allowing the appointment to be made the end of February.

Commissioner Penniston stated the issues in question were a result of the Council's implementation of the process, suggesting the council be given a written plan that addresses issues that may come up; i.e. tie votes. Commissioner Simula indicated he understood the Council did meet and establish a plan that was not made known to the public. Hoeft indicated the meetings were public work sessions scheduled prior to the regular council meetings. Councilmember Buesgens agreed it would be beneficial to have a consistent plan to address the entire process.

Commissioner Simula indicated he sees two issues with the process. The first being the fact that some issues were not addressed by the council, because they were waiting to have the fifth member seated. The second being the tie votes, which implied the City Council has weak leadership.

President Smith summarized the issues include the length of the process, the lack of a detailed plan and a process to address consistent tie votes. Commissioner Anderson suggested allowing the mayor to appoint in the event of a tie.

Commissioner Penniston inquired about adopting a resolution, rather than amending the Charter. Hoeft stated the Charter is a good place to address vacancies, resolutions can change too frequently. Commissioner Laine asked the group to think about ranked choice voting.

Laine indicated it can be difficult to follow along at a meeting if items are not voted on in the prescribed manner and suggested adding the requirement that the Mayor and Council receive parliamentary procedure training. Hoeft reported that the procedure does not dictate the substance of the process.

President Smith suggested commissioners submit any suggestions or questions to him or the City Clerk prior to the July meeting.

### **New Business**

#### **A. Discussion of Joint Meeting between the City Council and the Charter Commission**

Commissioner Bak questioned the reason for the request. Councilmember Buesgens stated Mayor Schmitt

wanted an opportunity to share Council's experiences of the appointment process with the commission. Bak expressed concern with compromising the independence of the Charter. President Smith agreed, noting he wasn't sure what would be achieved in the joint meeting. Councilmember Buesgens suggested she can serve as a liaison between the commission and the council. Commissioner Wiseman agreed. President Smith commented it is the consensus of the commission to remain independent and not hold a joint meeting with the council.

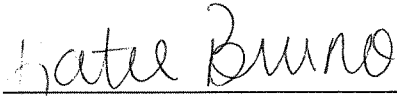
Commissioner Abel reminded the commission that there is no need to hurry the process. President Smith and Commissioner Simula agreed.

Next Meeting Date: July 20, 2017 at 7:00 P.M., City Hall Conference Room 1

Motion by Commissioner Abel, seconded by Commissioner Bak to adjourn. All Ayes, Motion carried.

Meeting adjourned at 7:55 pm.

Respectively Submitted,



Katie Bruno,  
City Clerk/Recording Secretary

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS  
CHARTER COMMISSION  
July 19, 2018  
7:00 P.M.  
CITY HALL-CONFERENCE ROOM #1**

**Call to Order**

President Steve Smith called the meeting to order at 7:00 p.m.

**Roll Call/Status of Membership**

Members present: Steve Smith, Matt Abel, Kathy Ahlers, Ramona Anderson, Gregory Sloat, Frost Simula, Carolyn Laine, Susan Wiseman, KT Jacobs, and Patrick McVary.

Members absent (excused): Frost Simula, Bill Hugo, Tom Kaiser, and Rob Fiorendino

Members absent (unexcused): Mike Patiuk

Also in attendance: City Attorney Jim Hoeft, Council Liaison Connie Buesgens, and City Clerk/Recording Secretary Katie Bruno

**Approval of Agenda**

Motion by Commissioner Abel, seconded by Commissioner Wiseman to approve the agenda as presented. Motion passed unanimously.

**Approval of Minutes**

Motion by Commissioner Wiseman, seconded by Commissioner Abel to approve the minutes from the April 19, 2018 meeting. Motion passed unanimously.

**Correspondence**

Katie Bruno, City Clerk and President Steve Smith reported they received a request from Jeanne Massey to provide a presentation regarding rank choice voting at tonight's meeting. Bruno indicated that because the request was not received prior to the posting of the agenda, the request cannot be discussed during this meeting.

**Old Business**

A. Discussion of Council Appointment Process.

President Smith distributed a summarized schedule of the current appointment process for a vacant council seat. Commissioner Laine contacted the City of Richfield, and reported that they hold a Special Election to fill a vacancy on the council, if there are more than 180 days remaining in the term.

President Smith clarified that any proposed changes to the current charter, would not take effect for the 2018 election. Smith then asked the commission for feedback regarding the vacancy process.

Commissioner Ahlers asked if the number of council members could be increased, noting that filling a vacancy may not be as urgent. President Smith indicated that a Special Election would be less costly. Commissioner Laine suggested the council process could be shortened. Commissioner Ahlers asked Councilmember Buesgens if the council had adequate time to review the applicants in 2016. Buesgens indicated that in her opinion the process was drawn out.

Commissioner Laine shared information from Commissioner Simula, suggesting utilizing rank choice voting, for the appointment process.



President Smith asked the commission to consider if this is something that needs to be addressed, or if our current procedure is adequate. Commissioners Laine and Schluender suggested a Special Election option be considered. Commissioner Abel stated his opinion that the current procedure works, noting in 2016 there were a high number of qualified candidates. Laine indicated that the appointment process gives the council the decision of something that should be made by the voters.

President Smith summarized that the following considerations will be discussed at the October meeting:

- Looking at the process followed by other cities; specifically Richfield.
  - How is it structured?
  - Have they utilized the process?
- What section of the Charter would be affected?
- The incorporation of rank choice voting, if a Special Election is held. President Smith stated rank choice voting could be considered as an option for a Special Election, to learn more about it.

Commissioner Jacobs requested that cities used in comparisons be of similar size.

Motion by Commissioner Abel, seconded by Commissioner Sloat to adjourn. All Ayes, Motion carried.  
Meeting adjourned at 7:36 p.m.

Respectively Submitted,

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Katie Bruno, City Clerk/Recording Secretary

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS  
CHARTER COMMISSION  
JANUARY 16, 2020  
7:00 P.M.  
CITY HALL-CONFERENCE ROOM #1**

**Call to Order**

President Steve Smith called the meeting to order at 7 p.m.

**Roll Call/Status of Membership**

Members present: Steve Smith, Matt Abel, Kathy Ahlers, Ramona Anderson, Tyler Eubank, Bill Hugo, KT Jacobs, Tom Kaiser, Carolyn Laine, Joe Schluender, Gregory K. Sloat, and Susan Wiseman

Members absent: Rob Fiorendino, Patrick McVary, Frost Simula, and Council Liaison Bobby Williams

Also in attendance: City Attorney Jim Hoeft and City Clerk/Recording Secretary Nicole Tingley

**Approval of Agenda**

Motion by Commissioner Anderson, seconded by Commissioner Jacobs to approve the agenda as presented. Motion passed unanimously.

**Approval of October 17, 2019 Meeting Minutes**

Motion by Commissioner Wiseman, seconded by Commissioner Anderson, to approve the October 17, 2019 meeting minutes. Motion passed 12-0-1 with Commissioner Ahlers abstaining.

**Election of Officers**

**A. President**

Motion by Commissioner Abel, seconded by Commissioner Schluender to nominate Steve Smith for President. Motion passed unanimously.

**B. Vice President**

Motion by Commissioner Wiseman, seconded by Commissioner Anderson to nominate Matt Abel for Vice President. Motion passed unanimously.

**C. Secretary**

Motion by Commissioner Anderson to nominate Bill Hugo for Secretary. Motion passed unanimously.

**Correspondence**

City Clerk/Recording Secretary Tingley stated that Commissioner McVary has decided not to apply for reappointment for his term ending February 15, 2020. Tingley indicated that the City would be advertising for a Charter Commission appointment during spring appointments to other city boards and commissions.

**Old Business**

**A. City Council Appointment Process**

President Smith introduced the topic noting that in past discussions one of the main points discussed is that the process to appointment a councilmember is too lengthy. Smith stated that the Charter Commission needs to consider how to change that and the impacts of that.

Commissioner Ahlers stated that the impact of having a vacancy on the City Council is much higher with a city council of 5 members versus a city council with 7 members so increasing the number of councilmembers should be considered. Commissioners Jacobs and Wiseman and President Smith stated that it should be considered

separately in the future.

Smith noted that the step in the process that been in question the most during past discussions is the time given for candidates to apply to be appointed.

Commissioner Anderson asked if it was required for the City Council to interview all applicants. City Attorney Hoeft responded that is it not required in the Charter and is the decision of the City Council.

It was clarified that applicants had 45 days to apply the last time a council seat was vacant. Commissioner Schluender noted that in addition there was the time for interviewing and making the determination. It was estimated that the entire process was around 4 months. Commissioner Sloat commented that the application period should only be 2 weeks. Commissioner Anderson commented that it has to be published in the newspaper so it should be 1 month.

Commissioner Laine stated that another approach is to take is to have a special election and let the people decide. Laine pointed out for example that Richfield's Charter states that if there is not an election within 180 days, a special election is held to fill a city council vacancy.

Commissioner Schluender stated that if feasible it would be better for the voters to decide a council vacancy rather than the City Council as it is a political process.

Commissioner Jacobs commented that a special election is very costly. Wiseman added that it also consumes a significant amount of staff time.

Commissioner Schluender noted that a special election could take a few months using the 60A seat as an example. Ahlers added that rank choice voting would make it so there would not have to be a primary election. Smith commented that rank choice voting is an entirely different discussion. The Charter Commission concluded not to discuss that at this time.

The Charter Commission discussed the cost of a special election versus the value. Commissioner Laine stated that the value of having the people choose outweighs any costs. Commissioner Jacobs stated that the council represents the people.

Commissioner Sloat stated that he would be in agreeance with having special elections. Commissioner Wiseman stated cost aside that she would agree on special elections. Wiseman noted that she also has concerns that people do not vote so it would just be the same people choosing every time.

Commissioner Jacobs stated that one of her concerns is that there is a likely possibility that the next election could result in a city council vacancy and wondered if a decision could be made and implemented. Smith stated there is enough time for the charter commission to bring a proposal to City Council.

Commissioner Jacobs provided a summary of her proposal to change the City Council Vacancy language in the City Charter. Jacobs noted that she would like to eliminate all the individual parameters and instead have a full process timeline. She stated that she does not think that every applicants needs to be interviewed noting that the City Council could choose the top 3 candidates to interview.

Commissioner Laine questioned what the parameters would be for choosing the top 3 and expressed concern that it is a prejudicial process. Commissioner Schluender suggested that all councilmembers could unanimously agree not to interview someone.

Commissioner Ahlers suggested that other models and examples need to be analyzed.

The Charter Commission determined that special election guidelines would have to be in a proposal. City Attorney Hoeft stated that there is not any language in the City Charter for a special election to fill a council vacancy. Hoeft explained that the Charter Commission made the application period 45 days to accommodate for sufficient time to apply after two consecutive weeks of newspaper publication.

Hoeft then clarified that the longest time a vacancy is appointed under the charter is 2 years. This is because the charter calls for the position to be filled by appointment until the next general election which occurs every 2 years. Hoeft explained how council vacancies work for statutory cities.

President Smith asked the commission if changing to a special election would eliminate the concern about a long process to fill a council vacancy. City Attorney Hoeft advised the commission that they should not only make changes to the charter regarding council vacancies because of the circumstances of the next city election. Charter Commissioners agreed.

The Charter Commission discussed special meetings. It was clarified that the length between meetings must be 30 days.

Motion by Commissioner Laine that the Charter Commission put together a process to consider how to fill a vacancy on the City Council by a special election and when it would be used. Commissioner Schluender added an amendment to bring demonstration language and examples to the next Charter Commission meeting. Commissioner Ahlers added that the demonstration language and examples be included in the next Charter Commission meeting packet.

Commissioner Jacobs commented that the Charter Commission should research and propose options for both a special election and changing the timeline. These proposals should be brought to the next meeting. President Smith inquired who would be drafting the proposals.

Commissioner Abel stated that it is usually those who make the motion draft it. President Smith reiterated that if someone has a passion for something, they can bring a proposal to the group. Commissioner Laine rescinded her motion. Commissioner Laine asked what the interest of the group has in making City Council appointments by special election before she puts effort into writing a proposal.

Commissioner Wiseman commented she would be interested in seeing proposals on both a special election and tweaking the current process. City Attorney Hoeft provided additional background information on how the Charter Commission made the current process.

The Charter Commission discussed if there was interest in reviewing two proposals at its next meeting, one to put in a process for a special election and another to modify the current process. The Charter Commission came to a consensus that it would be interested in reviewing both. President Smith stated that it is up to the membership to group up and collaborate on drafting proposals.

There was a discussion on gathering information to make the proposals. Tingley stated she could send out a list of charter cities to the commission members so they can look up the procedures of other cities. Hoeft added that all statutory cities have to follow state statute regarding city council vacancies and special elections.

## **New Business**

### **A. Approve the 2019 Charter Commission Annual Report**

Motion by Commissioner Kaiser, seconded by Commissioner Abel, to approve the 2019 Charter Commission Annual Report. Motion passed unanimously.

## **B. City Charter Review**

President Smith stated that in the past the Charter Commission completed a review of the entire Charter. He stated that with the proposals for the section on city council vacancies, this should be addressed later. Hoefft stated that he believed that it was approximately 6-8 years ago that the charter was completely reviewed. Hoefft added that there have not been any significant law changes that would necessarily affect any portions of the charter. Commissioner Ahlers noted that in the charter where it discusses where to post notices for City Council vacancies changes in technology need to be considered.

### **Adjournment**

Motion by Commissioner Jacobs, seconded by Commissioner Wiseman to adjourn. Motion passed unanimously.

Meeting adjourned at 8:01 pm

Respectfully Submitted,

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Nicole Tingley, City Clerk/Recording Secretary

### Schedule for filling City Council vacancies

Council resolution read	January 9, 2017
Two week city hall posting	January 23, 2017
Newspaper posting for 2 weeks Completed within 30 days	February 8, 2017
Last application within 45 days	February 23, 2017
30 day interview period	March 25, 2017
Final appointment	April 9, 2017

## Vacant Council Seat Appointment Schedule

### Day 1

Vacancy resolution declared

### Day 1-14

Vacancy posted in City Hall for from date of the resolution for two weeks

Notice published in city newspaper for two weeks as soon as possible after resolution

Publication must be completed within 30 days of the resolution

### Day 45

Individual applications must be submitted to City Clerk within 45 days from the date of the resolution.

### Day 75

Council to interview candidates within 30 days from the close of the application period

### Day 90

After the 30 day interview period the City Council shall make its appointment within 15 days.

### Day 105

Applicant takes a seat

This list assumes all points in the process are carried to their limits as stated in the charter

Steve Smith

**CITY OF COLUMBIA HEIGHTS CHARTER COMMISSION  
2020 ANNUAL REPORT**

**MEMBERSHIP:**

The following members served in 2020:

Matt Abel**	Bill Hugo	Joe Schluender	Nick Zeimet*
Kathy Ahlers	Kt Jacobs***	Frost Simula**	
Ramona Anderson**	Tom Kaiser**	Gregory K. Sloat	
Tyler Eubank	Carolyn Laine	Steve Smith	
Rob Fiorendino***	Patrick McVary***	Susan Wiseman**	

\*Commissioner Nick Zeimet was appointed in May.

\*\*Commissioners Susan Wiseman, Tom Kaiser, Frost Simula, Ramona Anderson, and Matt Abel were reappointed in 2020.

\*\*\*Commissioner Patrick McVary decided not to seek reappointment and his term ended in February, Commissioner Rob Fiorendino decided not to seek reappointment and his term ended in October, and Commissioner Kt Jacobs resigned in December.

Councilmember Bobby Williams served as the Council Liaison for 2020.

At the end of 2020, there were 13 commissioners.

**OFFICERS:**

The following members served as officers for the Charter Commission in 2020:

President: Steve Smith

Vice President: Matt Abel

Secretary: Bill Hugo

**MEETINGS:**

The Charter Commission held one meeting in 2020 on January 16. Due to the COVID-19 Pandemic, the Charter Commission did not hold any other meetings.

**ISSUES DISCUSSED:**

The Commission discussed the following issue in 2020:

Council Appointment Process:

In anticipation of the 2020 election season, it was requested to review the Council Appointment process outlined in the City Charter. One primary concern noted with current process was the length of the process particularly the amount of time given to submit an application. At the January 2020 meeting, the Charter Commission discussed using special elections to fill City Council vacancies as an alternative and keeping an appointment process, but modifying it. During the discussion, it was determined proposals would be drafted for both options and brought to the next meeting for consideration. Due to the COVID-19 pandemic, there was not another meeting held in 2020, therefore proposals were not reviewed.

Respectfully Submitted,

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Nicole Tingley, City Clerk/Recording Secretary





**CHARTER COMMISSION**

Item 7.

<b>AGENDA SECTION</b>	<b>NEW BUSINESS</b>
<b>MEETING DATE</b>	<b>APRIL 15, 2021</b>

<b>ITEM:</b>	<b>Mayor’s Term Length (Chapter 2 Section 7)</b>	
<b>DEPARTMENT:</b>	Administration	<b>BY/DATE:</b> Nicole Tingley, 4/7/21

**BACKGROUND:**

It has been requested by Commissioner Frost Simula to discuss the term length of the Mayor. His proposal for changing the Mayor’s term of 2 years to the length of 4 years is attached.

In 2018, the Charter Commission proposed to the City Council an ordinance to change the Mayor’s term length from 2 years to 4 years. The City Council did not pass this ordinance (4 nays, 1 aye) and the issue was put on the November 2018 ballot as the following question:

“Shall the Columbia Heights City Charter be amended to change the mayoral term from a two-year term to a four-year term, with the change being effective January 1, 2021?”

The results were YES: 3,587 (42.86%) and NO: 4,783 (57.1%).

Before 2018, the last time I could find that this was on the ballot was in 1998. At that time the Charter Commission recommended to the City Council to have it placed on the ballot as a question instead of changing the charter by ordinance. The question was:

“Shall the Columbia Heights City Charter be amended to change the mayoral term from a two-year term to a four-year term, with the change being effective January 1, 2000?”

The results were YES: 3,765 and NO: 4,446

In the election year 2005, during discussion of another charter change regarding having wards and adding councilmembers, the Charter Commission voted to keep the Mayor’s term at two years.

There were not any other discussions of this topic at the Charter Commission or the City Council that I was able to find.

For background information from the last time this issue was deliberated in 2017/2018, I have also included some attachments.

**ATTACHMENT(S):**

- Proposal from Commissioner Frost Simula
- Ordinance 1643 presented to the City Council in 2018
- July 20, 2017 Charter Commission Meeting Minutes
- October 26, 2017 Charter Commission Meeting Minutes
- Excerpt from the February 12, 2018 City Council Meeting Minutes

## Brief

- Columbia Heights has a weak Mayor system. The Mayor and City Council members have equal powers.
- Past Mayors have reported that 1-2 years of experience is needed before a Mayor is fully effective.
- Columbia Heights City Council members have 4 year terms. The Columbia Heights Mayor has a 2 year term.
- Mayors of similar surrounding cities such as Golden Valley, New Hope, South St. Paul, Fridley, Crystal, and White Bear Lake all have 4 year terms.
- The cost of campaigning is a barrier to candidacy. Frequent campaigning ensures that only extremely well-funded candidates can afford to stay in office.
- Considering the equal powers of the Mayor and Council members, the inequality in term length is unjustified.

## Record

- On July 20, 2017, the Charter Commission overwhelmingly agreed and approved an amendment to the Charter to change the term of the Mayor from 2 years to 4 years.
- The Council rejected the amendment on Feb 12, 2018 and added the question to a public referendum.
- The referendum failed to pass a November 6, 2018 vote by only 9 points.

## Referendum results - November 6, 2018

### Question 1

Shall the Columbia Heights City Charter be amended to change the mayoral term from a two-year term to a four-year term, with the change being effective January 1, 2021?

Vote	Totals	Percent
YES	3,587	42.86%
NO	4,783	57.14%

### Question 2

Under the current city charter, the Police Department is under the control of the Mayor. Shall the Home Rule Charter of the City of Columbia Heights be amended to place control of the Police Department under the City Manager? If approved, this change shall take effect 30 days from the date of the election.

Vote	Totals	Percent
YES	2,911	36.50%
NO	5,064	63.50%

(underlined):

## CHAPTER 2

### FORM OF GOVERNMENT

#### Section 7, ELECTIVE OFFICES

The council shall be composed of a mayor and four council members who shall be qualified electors, and who shall be elected at large in the manner hereinafter provided. The Mayor and the four council members shall serve for a term of four years and until their successors are elected and qualified. The council shall be judge of the election of the mayor and council members.

**ORDINANCE NO. 1643  
BEING AN ORDINANCE AMENDING  
CHAPTER 2, SECTION 7  
OF THE CITY CHARTER  
OF THE CITY OF COLUMBIA HEIGHTS**

The City of Columbia Heights does ordain:

**SECTION 1:**

**Chapter 2, Section 7. ELECTIVE OFFICES.** The council shall be composed of a mayor and four council members who shall be qualified electors, and who shall be elected at large in the manner hereinafter provided. The four council members shall serve for a term of four years and until their successors are elected and qualified. The Mayor shall serve for a term of ~~two~~ four years and until a successor is elected and qualified. The council shall be judge of the election of the mayor and council members. **(Ordinance No. 1466, passed December 15, 2003) (Ordinance No. 1300, passed April 10, 1995)**

First Reading:

Offered by:

Seconded by:

Roll Call:

Second Reading:

Offered by:

Seconded by:

Roll Call:

Date of Passage:

This ordinance shall be in full force and effect from and after 30 days after its passage.

\_\_\_\_\_  
Mayor Donna Schmitt

\_\_\_\_\_  
Katie Bruno, City Clerk

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS  
CHARTER COMMISSION  
JULY 20, 2017  
7:00 P.M.  
CITY HALL-CONFERENCE ROOM #1**

**Call to Order**

President Steve Smith called the meeting to order at 7:00 p.m.

Oath of Office – James Guy

**Roll Call/Status of Membership**

Members present: Steve Smith, Matt Abel, Ramona Anderson, Roger Johnson, Tom Kaiser, Carolyn Laine, Mike Patiuk, Eric Penniston, Frost Simula, Gregory Sloat, Susan Wiseman, and James Guy

Members absent (excused): Rob Fiorendino

Also in attendance: City Attorney Jim Hoeft, Council Liaison Connie Buesgens, and City Clerk/Recording Secretary Katie Bruno

**Approval of Agenda**

Motion by Commissioner Abel, seconded by Commissioner Johnson to approve the agenda as presented. Motion passed unanimously.

**Approval of Minutes**

Motion by Commissioner Simula, seconded by Commissioner Wiseman to approve the minutes from the April 20, 2017 meeting. Motion passed unanimously.

**Correspondence**

Secretary Bruno reported she received a resignation from Lee Bak on April 20, 2017.

President Steve Smith reported he received an email from Commissioner Penniston with suggestions for the council appointment process. Commissioner Simula also had prepared suggestions. President Smith stated he has not received any feedback until now, and suggested continuing the discussion at the October meeting. Commissioners were encouraged to send any suggestions to himself or the Recording Secretary.

**Old Business-None**

**New Business**

**A. Review of Chapter 2-Section 7; Elective offices**

President Smith indicated there has been requests to consider changing the mayor's term from two to four years. Commissioner Sloat asked who made the request. President Smith indicated Mayor Schmitt, City Manager Fehst, as well as community members.

It was clarified that any change would go into effect at the next election. Commissioner Anderson commented that two years is a short amount of time to get connected and established in the role. Commissioner Johnson stated he thinks two years is a good amount of time, it allows for more frequent scrutiny.

Councilmember Buesgens reported it is very expensive to run for office, and it would be better if the term was four years. Buesgens expressed concern with equal opportunity for citizens to run, based on economic status

Buesgens also noted with a two year term, a seated mayor could spend more time campaigning. Commissioner Laine indicated four years can be a long time, if the mayor has authority over the police department.

Commissioner Wiseman stated she thinks four years makes sense. Commissioner Abel indicated historically mayor's have served multiple terms. Commissioner Laine expressed concern with the cost to run for office, and indicated that could eliminate some people from running. Commissioner Abel suggested if accountability is an issue, why not change councilmembers to two year terms.

*Motion by Commissioner Abel, seconded by Commissioner Anderson to change the mayor's term from two to four years. 10 Ayes, 2 Nays; Motion Carried.*

*Ayes; Steve Smith, Matt Abel, Ramona Anderson, Tom Kaiser, Carolyn Laine, Mike Patiuk, Eric Penniston, Frost Simula, Susan Wiseman, and James Guy. Nays; Roger Johnson, Gregory Sloat*

President Smith clarified this was a first reading, the second reading will considered at the October 19, 2017 meeting.

Commissioner Laine requested researching other communities for comparison.

#### **B. Review of Chapter 2-Section 10; the Mayor's direction of the police department.**

President Smith shared comparable cities' practices. Of the 14 cities, none of them have the mayor oversee the police department; three have exceptions in times of emergency.

Commissioner Sloat asked who made the request. President Smith indicated Mayor Schmitt and the City Manager have requested this be looked at.

Commissioner Sloat indicated he thinks it should remain as it is, with an elected official overseeing the police department. Commissioner Simula noted that the City Manager is accountable to the whole council. Councilmember Buesgens noted the charter does not define the expected role of the mayor as it relates to the police department. City Attorney Jim Hoeft clarified that while the mayor has the authority through the Charter to oversee the police department, the mayor does not have to exercise that authority. The former mayor delegated the authority to the City Manager. Hoeft noted this could be an issue with a prospective candidate for Police Chief. Hoeft indicated he has no concern with the current mayor; he does have a concern with the lack of parameters. Commissioner Kaiser questioned if this change would limit the ability to address personnel issues with the Police Chief. Hoeft indicated the State has a defined process for hiring as well as terminating a Chief. Hoeft noted that the suggested change would put the City Manager in charge of the police department, and from a legal standpoint, there is nothing differentiating the police department for the other city departments in administrative process.

Commissioner Abel indicated section 53 (Powers and Duties of the City Manager) would need to be addressed as well. Hoeft indicated the exception language from Section 53 could be stricken.

Hoeft indicated the language in Section 10 was part of the original Charter, adopted in 1921. Commissioner Laine commented that the police department has seen significant changes since 1921.

Commissioner Sloat expressed concern with the City Manager requesting the change. Hoeft stated he first heard of the request from the Mayor and the HR Director.

Commissioner Kaiser sated he thinks there could be negative public perception, taking the power from an elected official. Commissioner Simula disagreed, stated he thinks the public may appreciate the additional layers of accountability. Hoeft reported the City Manager has overseen every other city department without incident. Commissioner Anderson stated she likes to balance the power between the Mayor and the City Manager.

Commissioner Guy commented that the City Manager is accountable to the council. Commissioner Penniston indicated the mayor is directly elected, and the City Manager is indirectly accountable. Penniston advised the commission to think of this as future planning, not for the current conditions. Commissioner Laine commented that this may be a determining factor for a prospective Police Chief candidate.

*Motion by Commissioner Laine, seconded by Commissioner Simula to make the following changes to the city's Charter:*

*Section 10. THE MAYOR. The mayor ~~shall have the appointment, control, and direction of all police officers of the city, and~~ shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law.*

*Section 53. POWERS AND DUTIES OF THE CITY MANAGER. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs. ~~except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor.~~*

President Smith clarified this was a first reading, the second reading will considered at the October 19, 2017 meeting.

Commissioner Sloat suggested inviting the Mayor in to discuss at a future meeting, and take no action at this point. Commissioner Penniston requested to hear perspective from law enforcement.

*7 Ayes, 5 Nays; Motion Carried.*

*Ayes; James Guy, Roger Johnson, Carolyn Laine, Mike Patiuk, Frost Simula, Steve Smith, and Susan Wiseman, Nays; Matt Abel, Ramona Anderson, Tom Kaiser, Eric Penniston, and Gregory Sloat*

President Smith clarified this was a first reading, the second reading will considered at the October 19, 2017 meeting.

Motion by Commissioner Abel, seconded by Commissioner Anderson to adjourn. All Ayes, Motion carried.

Meeting adjourned at 7:54 pm.  
Respectively Submitted,



Katie Bruno,  
City Clerk/Recording Secretary

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS  
CHARTER COMMISSION  
OCTOBER 26, 2017  
7:00 P.M.  
CITY HALL-CONFERENCE ROOM #1**

**Call to Order**

President Steve Smith called the meeting to order at 7:00 p.m.

**Oath of Office:**

Matt Abel (Prior to meeting)

Ramona Anderson

Frost Simula

**Roll Call/Status of Membership**

Members present: Steve Smith, Matt Abel, Ramona Anderson, Roger Johnson, Tom Kaiser, Rob Fiorendino, Eric Penniston, Frost Simula, and Gregory Sloat,

Members absent: James Guy

Members absent (excused): Carolyn Laine, Mike Patiuk, Susan Wiseman

Also in attendance: Council Liaison Connie Buesgens, and City Clerk/Recording Secretary Katie Bruno

President Smith requested adding the item *Addressing the Appointment Process*, prior to the approval of minutes.

**Approval of Agenda**

Motion by Commissioner Johnson, seconded by Commissioner Abel to approve the agenda as amended.

Motion passed unanimously.

**Appointment Process**

President Smith explained there are currently thirteen members on the commission, up to fifteen are allowed. Smith reported applications are sent to the Chief Judge for consideration, and are not reviewed by himself or city staff. The Judge will review the applications and make the appointment(s) independent of the city or the commission. Applications were being held at City Hall, going forward applications will be sent to the Judge upon receipt.

**Approval of Minutes**

Motion by Commissioner Penniston, seconded by Commissioner Johnson to approve the minutes from the July 20, 2017 meeting. Motion passed unanimously.

**Correspondence**

Secretary Bruno reported she received one email questioning the appointment process.

**Old Business**

**A. Review of Chapter 2-Section 7; Elective offices**

President Smith explained the city's past practice on the process, indicating if the second reading is approved without changes; it is approved and sent to the city council for consideration. If there are changes, tonight's action would constitute a first reading.



Smith reported at the July 20<sup>th</sup> meeting the motion was adopted; to change the mayor's term from two years to four years. This constituted the first reading.

Bruce Nawrocki, former Councilmember indicated a four year mayoral term would make it difficult to change the make-up of the council (majority), and urged the commission to leave the term at two years.

Commissioner Penniston questioned the process going forward. President Smith reported that upon Charter Commission approval, the Council will consider the item. If it is denied by the Council, the item will come back to the Charter Commission. The Commission can then decide whether to initiate a referendum, or leave it unchanged.

Commissioner Sloat questioned if the councilmember terms would remain staggered. Fiorendino indicated that Councilmembers' terms would not be affected by this consideration. Sloat was concerned with the ability to change the majority of the council every four years; rather than two years.

Commissioner Fiorendino indicated there are good arguments on both sides, indicating he thinks a four year term is a nice balance.

Smith indicated in his experience it can take most of the first term to learn the responsibilities of the job.

*Motion by Commissioner Anderson, seconded by Commissioner Sloat to table the action until the January, 2018 meeting. 2 Ayes, 7 Nays, Motion failed. Ayes; Anderson, and Sloat. Nays; Abel, Fiorendino, Johnson, Kaiser, Penniston, Simula, and Smith*

Commissioner Simula stated the expenses associated with campaigning could limit who can run for office every two years.

*Motion by Commissioner Fiorendino, seconded by Commissioner Abel to change the mayor's term from two years to four years. 6 Ayes, 3 Nays; Motion Carried. Ayes; Abel, Fiorendino, Kaiser, Penniston, Simula, and Smith. Nays; Anderson, Johnson, and Sloat*

#### **B. Review of Chapter 2-Section 10; the Mayor's direction of the police department.**

President Smith reported the following language was adopted at the previous meeting:

*Section 10. THE MAYOR. The mayor shall have the appointment, control, and direction of all police officers of the city, and shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law.*

*And*  
*Section 53. POWERS AND DUTIES OF THE CITY MANAGER. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs. except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor.*

A survey of various cities' practices was distributed. In all cases, with a few exceptions in times of emergency; the City Manager has authority over the Police Department.

Commissioner Simula stated that the Mayor has often delegated that authority to the City Manager in the past.

Commissioner Penniston stated that because the City Manager answers to the City Council, the Council would be indirectly involved.

Commissioner Sloat stated he sees this as another layer of bureaucracy between the people and the police.

Commissioner Smith brought up the fact that a City Manager would likely have more experience in personnel and human resources than a Mayor would.

*Motion by Commissioner Anderson, seconded by Commissioner Sloat to amend the motion to read:*

*Section 10. THE MAYOR. The mayor shall have the appointment, control, and direction of all police officers of the city, and shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law.*

*In time of public danger or emergency the Mayor may, with the consent of Council majority, take command of the Police, maintain order, and enforce the law. 7 Ayes, 2 Nays; Motion carried. Ayes; Anderson, Sloat, Abel, Penniston, Simula, Smith and, Johnson. Nays; Kaiser and Fiorendino.*

President Smith clarified action can be taken as a first reading at this time, the City Attorney can review the amended language prior to the second reading, scheduled for January 18, 2018.

*Motion by Commissioner Anderson, seconded by Commissioner Sloat to make the following changes to the City Charter:*

*Section 10. THE MAYOR. The mayor shall have the appointment, control, and direction of all police officers of the city, and shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law.*

*In time of public danger or emergency the Mayor may, with the consent of Council majority, take command of the Police, maintain order, and enforce the law. 8 Ayes, 1 Nay; Motion Carried. Ayes; Anderson, Sloat, Kaiser, Fiorendino, Abel, Penniston, Smith, and Johnson. Nay; Simula.*

*And*

*Section 53. POWERS AND DUTIES OF THE CITY MANAGER. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs. ~~except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor.~~*

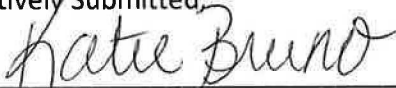
### **C. Discussion of Council Appointment Process.**

President Steve Smith reported he received suggestions from Commissioner Penniston and Commissioner Simula at the July meeting. Smith stated he has not received any additional correspondence, and suggested continuing the discussion at the January meeting.

Motion by Commissioner Abel, seconded by Commissioner Anderson to adjourn. All Ayes, Motion carried.

Meeting adjourned at 7:47 pm.

Respectfully Submitted,



Katie Bruno, City Clerk/Recording Secretary

**MOTION:** Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list of claims paid by check and by electronic funds transfer in the amount of \$4,375,161.06.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to approve the Consent Agenda items as presented. All Ayes, Motion carried.*

## **8. PUBLIC HEARINGS**

### **PUBLIC HEARINGS**

#### **A. First Reading of Ordinance 1643 Amending Chapter 2, Section 7 pertaining to Elective Offices**

City Clerk Katie Bruno reported the Charter Commission has discussed changing the term of the Mayor from two years to four years, at both their July and October meetings. The Charter commission voted to recommend the change.

Councilmember Buesgens stated she sees the costs associated with running for election, the fact that there is a learning curve for a newly elected mayor, and name recognition as justification for a four year term.

Councilmember Murzyn, Jr. commented that this item was a question on the ballot 10-15 years ago, and at that time it was voted down. Murzyn suggested the decision be made by the residents.

Councilmember Novitsky reported he didn't spend a lot of money during his campaign. Novitsky and Williams agreed that the item should be on the ballot for voters to decide. City Attorney Jim Hoeft explained the process, indicating the following options are available;

- Council can approve the 1<sup>st</sup> reading and schedule a second reading (unanimous vote required at both 1st and 2nd readings).
- Council can deny, and the item will go back to the Charter Commissions for consideration. The Charter can either drop the item, or have it added to the ballot as a question.

Mayor Schmitt asked the council members if they have heard opinions on the subject. Councilmember Buesgens reported she has heard people in favor of changing it to four years; the other three members have all heard people wanting to keep it to a two year term.

Andy Smoka-1206 Khyber Lane stated that while he agrees that two years is not a lot of time to learn the responsibilities for a new mayor, he feels it should remain a two year term.

Nell Bing-3966 5<sup>th</sup> St NE agreed with Councilmember Buesgens, that two years is not adequate time to learn the role of mayor.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of Ordinance No. 1643, there being ample copies available to the public. All Ayes, Motion Carried.*

Mayor Schmitt clarified that if the item is placed on the ballot as a question, it would not be in effect until the following election cycle. Mayor Schmitt agreed that there is a lot to learn as a new mayor and she feels it would be good for the council to reflect the overall population of the City. Schmitt stated she thinks it is a decision to be made by the residents.

*Motion Councilmember Buesgens, seconded by Councilmember Williams to schedule the second reading of Ordinance No.1643, being an ordinance amending Chapter 2, Section 7 of the City's Charter pertaining to elective Offices for February 12, 2018 at approximately 7:00 p.m. in the City Hall Council Chambers. 1 Aye, 4 Nays, Motion Failed. Aye: Buesgens. Nays: Schmitt, Williams, Murzyn, Jr., and Novitsky*