



CHARTER COMMISSION

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

Thursday, October 21, 2021

7:00 PM

AGENDA

ATTENDANCE INFORMATION FOR THE PUBLIC.

Members of the public who wish to attend may do so in-person, by calling **1-312-626-6799** and **entering meeting ID 835 2532 2022** or by Zoom at <https://us02web.zoom.us/j/83525322022>. For questions please call the Administration Department at 763-706-3610.

CALL TO ORDER

ROLL CALL/STATUS OF MEMBERSHIP

- 1. Resignation of Charter Member Tom Kaiser.**

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- 2. Approval of July 15, 2021 Meeting Minutes.**

CORRESPONDENCE

OLD BUSINESS

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

NEW BUSINESS

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.



CHARTER COMMISSION
Public Safety Building—Training Room, 825 41st Ave NE
Thursday, July 15, 2021
7:00 PM

MINUTES

CALL TO ORDER

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

ROLL CALL/STATUS OF MEMBERSHIP

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

Members absent: Susan Wiseman

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

1. April 15, 2021 Meeting Minutes

Motion by Commissioner Simula, seconded by Commissioner Hugo, to approve the April 15, 2021 meeting minutes. Motion passed unanimously.

CORRESPONDENCE

City Clerk Tingley shared that this is her last Charter Commission meeting. She is starting as the City Clerk for the City of Eden Prairie next month and is leaving Columbia Heights at the end of the month.

OLD BUSINESS

2. City Council Vacancies (Chapter 2 Section 9)

Smith opened up the discussion by commenting that the number of days outlined in each step of the current council vacancy appointment process are maximums and can be shortened. Additionally, Smith shared that he had a conversation with Anoka County Elections Manager Paul Linnell about the cost of a special election. Smith noted the costs of an election including ballots, programming and test equipment, and elections. He provided a conservative estimate of \$10,000 which assumed 4 election judges per polling location. He shared that Linnell stated that the last few special elections he has conducted had less than a 5% turnout.

Ahlers inquired about the yearly salary of the Mayor and Councilmembers. Tingley stated that it was \$13,700 for the Mayor and \$7,500 for each Council Member. Ahlers noted she asked for this information to compare to the cost of a special election.

Laine and Ahlers expressed that while money is a consideration, it is about democracy and about the people choosing who is going to serve them instead of a few people or even one person. Laine stated there has recently been more interest in elections and even with a low turnout, it is democratic and the choice of the people to vote. Ahlers noted that 5% of a population 19,000 is 950.

Harris stated that it also costs money for the candidates to campaign again and that it would disadvantage some. Others noted it may not be only individuals running in a special election that ran in the regular election as it is open to anyone. In that case it would not be any different than a regular election.

Simula added that in his proposal it includes a provision that you can defer to a regular election if the vacancy occurs with the same year as a regular election.

Schluender stated that the Mayor is elected every two years, therefore a two year timeframe of serving may be worth providing the voters the opportunity to have a say.

Anderson stated that the author of the special election proposal under consideration made a statement regarding a city council vacancy applicant harassing and threatening during the last appointment process. She stated that this statement was not fact-based and unprofessional and therefore this individual should not be a part of the discussion.

Abel stated that the elected officials represent the people. Therefore elected officials making appointments does not mean it is not democratic. The residents do not vote everything. Sloat echoed the comments noting that the Governor makes appointments.

Laine stated there is a difference in elected officials selecting another elected official. She added that in the case of the last City Council appointment. It was the Mayor changing her vote that made the decision so one person deciding. Johnson and Smith stated that any one of the other council members could have changed their vote.

The commission had a brief discussion regarding appointing the candidate who was third place in the previous election (in the case that an election is what creates the vacancy). Schluender stated that an individual coming third in the election could be seen as being rejected by the voters.

Johnson stated that the timeframe to filling a vacancy whether by appointment or special election needs to be shortened.

Kaiser asked if there are any legal consequences to the City Council acting faster than the time limits for each step of the appointment process. Hoeft stated that timeframes are a maximum amount of days and the City Council does not have to wait. Furthermore, he clarified that the City Council can accept applications for a vacancy even before a vacancy is declared by the City

Council. He stated that the City Charter does not preclude that the City Council has to wait for the vacancy to be declared to start the process and long as the steps required after the vacancy declaration like the publications in the newspaper is followed. Laine stated that she did not think the City Council should be able to start before the vacancy and recruit applicants as it is political and everyone should have equal opportunity to apply. Hoeft emphasized he is only speaking from a legal perspective not a political one.

Kaiser stated he has changed his position multiple times through the discussions on the topic of either changing the appointment process or having special elections to fill City Council vacancies. At this time, he stated he is leaning toward supporting taking no action. He stated if a vacancy happens again the Charter Commission can observe if the process happens similarly to 2017 with dysfunction warranting a change or if it was a one-time occurrence.

Eubank stated that he has also changed his position multiple times and would like more time to consider it.

Motion by Commissioner Sloat, seconded by Commissioner Anderson, to close the discussion on this topic for this meeting and continue it to the next meeting. Motion passed 13-1 with Commission Simula voting Nay.

President Smith stated that Charter Commission should make a decision on a proposal for this topic at the next meeting. He told Commissioners to send any proposals to him or the new City Clerk before the next meeting.

NEW BUSINESS

There was not any new business.

ADJOURNMENT

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

Meeting adjourned at 8:01 pm.

Respectfully Submitted*,

_____, City Clerk/Recording Secretary

*Minutes drafted by former City Clerk/Recording Secretary Nicole Tingley

205.10 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.10 MUNICIPAL SPECIAL ELECTIONS.

Subdivision 1. **Questions.** Special elections may be held in a city or town on a question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the governing body of the municipality on its own motion or, on a question that has not been submitted to the voters in an election within the previous six months, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last municipal general election. A question is carried only with the majority in its favor required by law or charter. The election officials for a special election shall be the same as for the most recent municipal general election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the municipal general election.

Subd. 2. **Vacancies in city offices.** Special elections shall be held in statutory cities to fill vacancies in elective city offices as provided in section 412.02, subdivision 2a.

Subd. 3. **Prohibition.** No special election authorized under subdivision 1 may be held within 56 days after the state general election.

Subd. 4. **Vacancies in town offices.** Special elections must be held with the town general election to fill vacancies in town offices as provided in section 367.03, subdivision 6.

Subd. 5. **Limit on ballot questions.** The governing body of a city or town may not act to submit a ballot question at a general or special election and may not accept a petition for submission of a ballot question at a general or special election unless all election-related deadlines can be met, including publication deadlines for all required notices. A petition rejected under this subdivision may be resubmitted at a time when compliance with all election-related deadlines is possible. Nothing in this subdivision requires the scheduling of a special election for a ballot question.

Subd. 6. **Cancellation.** A special election ordered by the governing body of the municipality on its own motion under subdivision 1 may be canceled by motion of the governing body, but not less than 74 days before the election.

History: 1959 c 675 art 6 s 10; 1976 c 2 s 74; 1976 c 44 s 6; 1981 c 29 art 7 s 38; 1981 c 172 s 1; 1983 c 62 s 4; 1993 c 375 art 7 s 7; 1994 c 646 s 8,9; 1997 c 147 s 42; 1999 c 75 s 1; 1999 c 132 s 31,32; 2003 c 75 s 1; 2008 c 244 art 1 s 15; 2013 c 131 art 2 s 54; 2016 c 161 art 1 s 14