



CHARTER COMMISSION MEETING

MUNICIPAL CENTER COUNCIL CHAMBERS
1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118
MONDAY, OCTOBER 19, 2020
5:30 P.M.

1. Call To Order

2. Roll Call

3. Adopt Agenda

4. Adopt Minutes

4.A. Minutes Of February 26, 2020

Documents:

[02-26-20 CHARTER COMMISSION MINUTES.PDF](#)

5. New Business

5.A. Election Of Officers

Documents:

[CHARTER REPORT - ELECTION OF OFFICERS.PDF](#)

5.B. Update On Sidewalk Assessment Policy

Documents:

[CHARTER REPORT - UPDATE ON SIDEWALK ASSMT POLICY.PDF](#)
[SIDEWALK BUDGET PROJECTIONS.PDF](#)

5.C. Council Voting Requirements

Documents:

[CHARTER REPORT - VOTING REQUIREMENTS.PDF](#)
[RESPONSE LETTER TO OLSON 5-9-20.PDF](#)

5.D. Discussion On Expired Terms And Appointments

Documents:

CHARTER REPORT - DISCUSSION ON EXPIRED TERMS AND APPOINTMENTS.PDF
2020 CHARTER COMMISSIONER LISTING, UPDATED 02-24-20.PDF
COMMISSIONERS SEEKING REAPPOINTMENT.PDF
COMM. DEVORE NOT SEEKING REAPPOINTMENT.PDF
NEW APPLICATIONS.PDF
CHARTER COMMISSION BYLAWS 9-17-18.PDF
MINUTES 5-22-18.PDF

5.E. Review Of History And Current Practice Of Councilmembers As Election Judges Under The Charter

Documents:

CHARTER REPORT - ELECTION JUDGES.PDF

6. Old Business

6.A. Discussion - Update On Ranked Choice Voting

Documents:

CHARTER REPORT - UPDATE ON RANKED CHOICE VOTING.PDF
PRESENTATION - RCV WSP 9.28.20.PDF
09-28-20 OCWS MINUTES.PDF
MINUTES 9-25-19.PDF

7. Set Next Meeting Date

8. Adjourn

*If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4108 or email ADA@wspmn.gov at least 5 business days prior to the meeting
www.wspmn.gov EOE/AA*

MINUTES
WEST ST. PAUL CHARTER COMMISSION
Wed., Feb. 26, 2020
5:30 P.M.
MUNICIPAL CENTER
LOBBY CONFERENCE ROOM

MEMBERS PRESENT: Chair Aaron VanMoorlehem, Commissioners Mark Tessmer, Doug Fromm, Tim Haubrich, Jim McKie, Karen Vavreck, Jim Probst, Matthew Schempp

MEMBERS ABSENT: Wendy DeVore, Andrea Friesen, Tim Valento

OTHERS PRESENT: City Attorney Kori Land, City Manager Ryan Schroeder

1. CALL TO ORDER

Chair VanMoorlehem called the meeting to order at 5:30 p.m.

2. ROLL CALL

3. ADOPT AGENDA

Motion by Probst/Vavreck to adopt the agenda. All ayes.

4. CONSENT

A. Approve Meeting Minutes of Sept. 25, 2019

Motion by Tessmer/Probst to approve the minutes. All ayes.

5. NEW BUSINESS

A. Council Salaries

Attorney Land outlined the memo in the packet and the supplemental comparison salaries information provided by the City Manager. Charter Commission discussed increasing the salaries by the same COLA as was received by the West St. Paul unions and staff for 2020. City Manager Schroeder indicated that was 2.75%. Charter Commission members thought an automatic increase in 2021 and then again in 2022 of 2.75% was appropriate given the magnitude of communication expectations by the public of the Mayor and Council.

Motion by Probst/Fromm to increase the salaries by 2.75% in 2021 and 2.75% in 2022. All ayes.

6. OLD BUSINESS

7. SET NEXT MEETING DATE

The Commission decided to set the next meeting date for Sept. 23, 2020 at 5:30, noting that the following items should be on the agenda:

- Appoint members: applications should be included in the packet
- Update on RCV
- Update on sidewalk assessments policy
- Discuss Charter section 3.04 subd. 1 requiring approval of “all members of the Council” for ordinances, resolutions and motions, (meaning for 4 votes) making it impossible for 3 votes to pass an item, even if that would be a majority of those present. The Commission wondered if this was common in other cities.

Motion by Haubrich/Fromm. All ayes.

8. ADJOURNMENT

Motion to adjourn by Tessmer/McKie. All Ayes.

The meeting was adjourned at 5:44 p.m.

To: **Charter Commission**
Through: **Ryan Schroeder, City Manager**
From: **Kori Land, City Attorney**
Date: **October 19, 2020**

Election of Officers

BACKGROUND INFORMATION:

The Bylaws require that a Chair and Vice Chair be elected annually between July and December. An Officer may be elected to successive terms without limitation.

The current Officers are as follows:

Chair – Aaron VanMoorlehem
Vice Chair – Doug Fromm

STAFF RECOMMENDATION:

Elect a Chair and Vice Chair

To: **Charter Commission**
From: **Ryan Schroeder, City Manager**
Date: **October 19, 2020**

Update on Sidewalk Assessment Policy

BACKGROUND INFORMATION:

The Charter Commission had requested an update of the sidewalk assessment policy. Between 2012 (and perhaps prior) and April 2018, the policy was a 50/50 cost share on sidewalk replacement with a 100% assessment for new sidewalk. In April 2018, the following policy was adopted which essentially provided that, for replacement sidewalk, the assessment would be the same as for the rest of the public improvement (street project).

Policy Adopted April 2018

Concrete Sidewalks

New Construction

New sidewalks will be installed adjacent to City streets by the developer of the abutting properties if planned as part of a development project.

For the installation of new sidewalks, the benefited properties shall be assessed 100% of the Assessable Cost, whether the sidewalk is located on the benefited property or is on the opposite side of the street.

Replacement

All costs for replacement sidewalks installed as part of a street reconstruction project will be included in the overall Project Costs for the Improvement.

7. Bituminous Trails

The construction, replacement and maintenance of bituminous trails will not be assessed.

On May 24, 2019, the City Engineer provided an estimate of \$15 million plus right-of-way cost to complete the identified sidewalk gaps. On October 14, 2019, the above policy was amended to eliminate the 100% assessment for new sidewalk. The 100% in the above was changed to 0%. At the same time, Council directed that the levy in 2021 include an allocation toward completion of sidewalk gaps that had been identified in the 2011 Bike/Ped plan. These sidewalk gaps are interpreted to exclude those walkways (trails) that are specifically recreational in nature (such as a park trail). Capital Improvement Plan revisions since October 2019 have included a sidewalk chapter. The preliminary budget and CIP adopted by Council in September 2020 includes a tax levy allocation of \$500,000 toward completion of sidewalk gaps beginning in 2021.

Enclosed is an exhibit denoting how the tax levy is planned to be allocated over the next ten year period. Additionally, over the past several years, the City has consistently sought grant funding toward completion of the Bike/Ped Plan. Federal funding has recently been gained to complete the trails on Marie, east of Robert and on Oakdale between Southview/Mendota Road and Wentworth, in addition to State Bond funds toward completion of the R2R Robert Street tunnel. Dakota County also funded a portion of the Oakdale trail and is proposing to gain funding to ensure the Garlough Marthaler trails meet regional requirements.

The City is currently in queue to gain a Safe Routes to School allocation for the future walkway on Bidwell (2022/2023) and to complete the Oakdale trail from Wentworth to Butler in 2023/24. We are currently in discussions with Dakota County for a trailway on Thompson Avenue east of Robert (proposed for 2023) and, as noted in the enclosed exhibit, sidewalk is proposed on Moreland in 2021.

STAFF RECOMMENDATION:

No Action Required; information only.

Sidewalk and Trail Cost Projections on Street Projects

Year	Project	Total Sdw Local Cost	From Sdw Fund			Revenue to Date
2021	Moreland	160,000	160,000	\$160,000		\$500,000
2022	Crusader	350,000	350,000	\$510,000		1,000,000
	Bidwell	220,000	220,000	\$730,000	Safe Routes Grant	incl
2023	Annapolis	700,000	0	\$730,000	replacement sdw assessed	\$1,500,000
	Thompson	300,000	100,000	\$830,000	Abatement allocation	incl
	Oakdale	410,000	410,000	\$1,240,000	Multi-use Trail Grant	incl
2024	Annapolis	400,000	400,000	\$1,640,000	partial sdw gap	\$2,000,000
2025	Delaware	300,000	300,000	\$1,940,000	County led	\$2,500,000
2026	Emerson	1,500,000	1,500,000	\$3,440,000		\$3,000,000
2027				\$3,440,000		\$3,500,000
2028	Lothenbach	420,000	420,000	\$3,860,000		\$4,000,000
2029-2030	Dodd/Smith	135,000	135,000	\$3,995,000		\$4,500,000
2029-2030	Sperl to 52	150,000	150,000	\$4,145,000		incl
2029-2030	Mendota Rd	200,000	200,000	\$4,345,000	County Trail Gap	incl
2029-2030	Butler	200,000	200,000	\$4,545,000		incl
2030						\$5,000,000
		5,445,000	4,545,000			

To: **Charter Commission**
Through: **Ryan Schroeder, City Manager**
From: **Kori Land, City Attorney**
Date: **October 19, 2020**

Council Voting Requirements

BACKGROUND INFORMATION:

After a meeting in January 2020 wherein the required number of votes for Council action for a particular action was 3 votes, the Charter Commission requested this issue be discussed at its next meeting. Attached is a letter that I prepared in response to a citizen surrounding the decision to declare certain Councilmember seats as “vacant” for that meeting as opposed to “absent,” and in the letter, I discuss the City Council’s voting requirements.

FISCAL IMPACT:

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

Discussion item

LEVANDER,
GILLEN &
MILLER, P.A.

ATTORNEYS AT LAW

Established in 1929

TIMOTHY J. KUNTZ
DANIEL J. BEESON
ANGELA M. LUTZ AMANN
KORINE L. LAND
DONALD L. HOEFT
BRIDGET McCAULEY NASON
PETER G. MIKHAIL
SCOTT M. LUCAS
TONA T. DOVE
AARON S. PRICE
DAVID L. SIENKO
CASSANDRA C. WOLFGRAM
CASSANDRA J. BAUTISTA
AMANDA J. JOHNSON

May 9, 2020

Andrew Olson
32 Amelia Ave.
West St. Paul, MN 55118

Dear Mr. Olson:

I received your letter dated March 28, 2020, regarding the January 27, 2020, West St. Paul City Council meeting. It appears you have some concerns regarding the Wakota Life Care Center zoning application approval from that evening. I appreciate you taking the time to articulate your perspective in such a thorough manner.

It may be helpful for you to learn some additional background information on the situation, facts that you could not have known prior to your letter but may alleviate your concern. In addition, below I will outline the legal basis for the Council's vote on Wakota Life Care Center's zoning application.

Facts

Prior to the City Council meeting on January 27, 2020, I had conversations with Council Members Justen, Berry, and Eng-Sarne. While the political beliefs or opinions of any business is not relevant to a zoning application; neither is the type of services provided by the applicant, as long as they meet the requirements of the relevant zoning ordinances and all CUP conditions. However, given the political nature of Wakota Life's business and the intense personal perspectives surrounding the issue, as well as additional comments made by the applicant toward one of the Council Members, the three Council Members, Justen, Berry, and Eng-Sarne requested additional guidance. They were concerned that they had potential actual or perceived conflicts of interest that may make it difficult for them to make an impartial decision based solely on the merits of the zoning application.

During the course of our conversations, I told each Council Member to think about the following question: Could they be fair and impartial when it came to Wakota's application? I informed them that if they found themselves with a conflict of interest that prevented them from voting in a non-arbitrary manner, their vote may potentially violate the applicant's due process rights. I was informed

during one of those conversations that at least two of them had consulted with an attorney from the League of Minnesota Cities Insurance Trust and that she had offered the same advice.

As you know, in *Lenz v. Coon Creek Watershed Dist.*, 278 Minn. 1 (1967), the Court stated that the purpose for recusal is “to insure that [a Council Member’s] decision will not be an arbitrary reflection of their own selfish interests.” *Id.* at 15. Although the word “selfish” sounds harsh, what the Court means is that is that recusal is necessary when a public official would allow a personal interest (their “own selfish interest”) to prevent the official from voting based only on the merits of the case.

That evening, Council Member Justen, Berry, and Eng-Sarne announced they were recusing themselves from the vote related to the Wakota application. Each of the Council Members made a statement, providing their position on the conflict of interest that prevented them from participating in the vote. It appears you may have taken issue with the difference in language used as it relates to terms like “personal bias,” “personal interest,” “perceived bias,” “financial interest,” and “conflict of interest.” I understand the confusion, but the conclusion is the same: if a Council Member does not feel that they can vote on something in a fair and impartial manner due to some conflict of interest (be it actual or perceived personal bias, financial interest, personal interest, or some other arbitrary reason), they can and should recuse themselves from the vote.

As Council Member Eng-Sarne recited from the City’s Code of Ethics, “Public officials, elected and appointed, shall not knowingly engage in any business or transaction or shall have a financial *or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest or would tend to impair independence of judgement or action in the performance of official duties.*”

The City’s Code of Ethics and definition of a Conflict of Interest is a high standard.

Importantly, at no point did anyone require any Council Member to recuse themselves. On the contrary, each Council Member made his or her own decision based on his or her unique situation. It was commendable that the Council Members endeavored to conduct themselves in a manner that would respect the applicant’s due process rights and ensure that the City conducted its business in a fair and impartial manner.

Legal Basis for Council Vote

The questions raised in your letter surrounding a quorum and voting were largely resolved in *1989 St. Imp. Program v. Denmark Twp., Washington Cnty., Minn.*, 483 N.W.2d 508 (1992), involving a statute requiring that municipal resolutions for proposed improvements be adopted by a vote of four-fifths of all the members of the council. However, in that case two members of the council had recused themselves from the vote due to a conflict of interest. The issue before the Court was how to interpret the requirement that the resolution be approved by four-fifths of all members of the council.

The Court affirmed their ability to presume that literal interpretations of statute which create a result that is “absurd, impossible of execution, or unreasonable” to be unintended. *Id.* at 510. The Court went on to cite an Attorney General opinion which concluded that public policy demands that for the purposes of a quorum, the majority should be computed based upon the membership as it exists after

a vacancy, not the total number elected. *Id.* The Court held that if you are disqualified from a vote due to a conflict of interest, for the purposes of quorum and a voting majority, it is the same as if the position is vacant. *Id.* 510-11.

In West St. Paul there are seven City Council Members. Under the West St. Paul Charter Section 3.03 a majority of all Council Members shall constitute a quorum. Under Section 3.04, subd. 1, an affirmative vote requires the majority of all the members of the Council. On January 27, 2020, there were four members of the City Council who had not recused themselves, a majority of the council, and therefore a quorum. The vote was passed 3-0, which was a majority of all the members of the City Council who had not recused themselves. Per the holding in *Denmark Twp.* the resolutions passed by the Council related to the Wakota application were valid.

Very truly yours,

/s/ Korine L. Land

Korine L. Land
City Attorney

C: West St. Paul City Council
City Manager Ryan Schroeder

To: **Charter Commission**
 Through: **Ryan Schroeder, City Manager**
 From: **Shirley Buecksler, City Clerk**
 Date: **October 19, 2020**

Discussion on Expired Terms and Appointments

BACKGROUND INFORMATION:

Currently, there are several Charter Commission members with terms that have either expired as of February 2020 or will expire in February 2021. All, but one, have expressed willingness to continue to serve on the Charter Commission.

Commissioner	Term Expiration Date	Interested in Reappointment
Wendy DeVore	2/28/2020	No
Tim Haubrich	2/28/2020	Yes – Application Attached
Mark Tessmer	2/28/2020	Yes – Application Attached
Tim Valento	2/28/2020	Yes – Application Attached
Douglas Fromm	2/28/2021	Yes – Application Attached
Matthew Schempp	2/28/2021	Yes – Application Attached
Karen Vavreck	2/28/2021	Yes – Application Attached

With one seat open on the Commission, the City received five applications between January 1, 2019 and October 14, 2020 from applicants interested in serving on the Charter Commission. Staff reached out to these individuals and learned that one applicant has since moved and another is no longer interested.

The following applicants would like to be considered for the open seat on the Charter Commission:

Applicant Name	Date of Application	Also Serves On
Jay DeLaRosby	12/08/2019 – attached	Park & Recreation Committee
Jason Smock	1/08/2020 – attached	
James Heaney	1/13/2020 – attached	

The Charter Commission decided in 2018 that it would unilaterally make recommendations to the Chief Judge about Charter Commission appointments without waiting for Council input. The Commission used a vetting process that involved one Charter Commission member contacting the applicants, asking each applicant specific questions about their background and interest in serving and then reporting back to the Commission about the discussions with each candidate. The Commission then voted on the applicants and the ones with the most votes resulted in a slate that was recommended to the Chief Judge.

STAFF RECOMMENDATION:

Discuss reappointments, as well as the selection process for the one open seat on the Commission. If comfortable, forward any recommendations to the Chief Judge of the First Judicial District.

ATTACHMENTS:

- 2020 Charter Commissioner Listing
- Applications of Commissioners Seeking Reappointment
- Message from Commissioner DeVore
- New Applications
- Charter Commission Bylaws
- Minutes of May 22, 2018 re Process

WEST ST. PAUL CHARTER COMMISSION

NAME OF COMMISSIONER	PHONE	EMAIL	TERM EXPIRES	WARD NUMBER	TERM NUMBER
DeVore, Wendy	(651) 492-7346	wdevore@careerventuresinc.com	2/28/2020	2	
Friesen, Andrea	(651) 457-4008	afriesen.wsp@gmail.com	2/28/2022	3	1
Fromm, Douglas (Vice Chair)	(651) 453-1511	dougfromm@comcast.net	2/28/2021	1	
Haubrich, Tim	(612) 209-8571	timhaubrich@comcast.net	2/28/2020	3	
McKie, James	(651) 248-6534	papamckie@earthlink.net	2/28/2022	2	
Probst, James	(651) 230-0084	jimwstpaul@aol.com	2/28/2022	2	1
Schempp, Matthew	(651) 307-7485	mschempp@gmail.com	2/28/2021	3	1
Tessmer, Mark	(612) 910-1018 (651) 457-2909 (Camelot Cleaners)	mtessmer1467@comcast.net	2/28/2020	2	
Valento, Tim	(651) 457-9140	t.valento@comcast.net	2/28/2020	3	
VanMoorlehem, Aaron (Chair)	(651) 455-8444	aaron.vanmoorlehem@edmn.org	2/28/2022	1	
Vavreck, Karen	(651) 253-8278	obsobor@yahoo.com	2/28/2021	2	1

COUNCIL LIAISON

Councilmember
Anthony Fernandez
(612) 978-4461

afernandez@wspmn.gov

**RECORDING
SECRETARY**

Attorney Kori Land

COMMISSION MEETS

As Called

TERM LIMIT

None

Print

**Application for Appointment to Commissions, Boards, Committees and Task Forces -
Submission #3274**

Date Submitted: 12/2/2019

First Name*

Timothy

Last Name*

Haubrich

Address1*

Address2

City*

WEST SAINT PAUL

State*

MN

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.

Home

Cell

Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

26

Ward

3

Precinct

Employment / Job Title*

Self employed

Employer Name & Address*

62 TERESA DR

List your past and present civic activities or memberships which may be helpful to this committee.*

Planning Commission and comity of adjustments.
City Council 2000 - 2004
Charter Commission 2017 - current

List two or three goals that you would like to see accomplished during your term on a commission.*

Improve city awareness. Increase property values. Increase park and rec opportunities and resident use.

How did you become interested in serving on a committee?*

Previous and ongoing involvement.

Print

**Application for Appointment to Commissions, Boards, Committees and Task Forces -
Submission #3316**

Date Submitted: 1/27/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Mark

Last Name*

Tessmer

Address1*

Address2

City*

WSP

State*

Mn

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.

Home

Cell

Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

Over 40

Ward

2

Precinct

2

Employment / Job Title*

Dry cleaning/laundry

Employer Name & Address*

Camelot Cleaner 984 Smith Ave WSP

List your past and present civic activities or memberships which may be helpful to this committee.*

Former WSP Council member
Former President WSP EDA
Former President South Metro Fire Board
Member SRSBA
Was very active in the old WSP Neighborhood Associations
Was and still am active in many other work groups and task forces
Current member of the Charter Commission and Past President twice

List two or three goals that you would like to see accomplished during your term on a commission.*

The WSP Charter Commission is a group that works very hard and takes their role very seriously. I have enjoyed being a part of the group and doing what I could to make sure the group maintains and enhances the excellent local government we have. Make sure the mechanics of our local government run efficiently, smoothly, and our citizens are represented and heard.

How did you become interested in serving on a committee?*

I have served on the Charter Commission and am currently on the Charter Commission. I believe in good governance and that we function best when our residents have faith in their government. The Charter Commission is responsible for maintaining, enhancing, and updating the infrastructure that was put in place for that purpose.

Print

**Application for Appointment to Commissions, Boards, Committees and Task Forces -
Submission #3272**

Date Submitted: 11/27/2019

First Name*

tim

Last Name*

valento

Address1*

Address2

City*

WEST ST PAUL

State*

MN

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.

Home

Cell

Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

44 years

Ward

2

Precinct

2

Employment / Job Title*

retired pilot

Employer Name & Address*

State of Minnesota

List your past and present civic activities or memberships which may be helpful to this committee.*

member of West St. Paul Charter commission since 2011

List two or three goals that you would like to see accomplished during your term on a commission.*

Act quickly on issues given to the Charter Commission.

Be open to all suggestions given to the Commission.

How did you become interested in serving on a committee?*

I talked with a council member about the Charter Commission,

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3551

Date Submitted: 10/13/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Douglas

Last Name*

Fromm

Address1*

Address2

City*

WEST SAINT PAUL

State*

MN

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.

Home

Cell

Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

Charter, as I am on it.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

20

Ward

1

Precinct

1

Employment / Job Title*

Software Engineer

Employer Name & Address*

HPE - Hewlett Packard Enterprise
4400 W 78th St, Bloomington, MN 55435

List your past and present civic activities or memberships which may be helpful to this committee.*

- Current member of the Charter Commission (7 years?).
- Served on Park and Rec Commission for 5+ years.
- Serve as a Head Election Judge

List two or three goals that you would like to see accomplished during your term on a commission.*

- Help diversify the membership of the board wrt gender/race.
- Continue updating the charter to reflect modern times (much was written a long time ago).
- Help fix some issues such as the the case were a council vote of 3-3 could pass with Mayor vote, but a 3-2 vote would fail. And other such issues.

How did you become interested in serving on a committee?*

Currently on it. But, originally, the Mayor and both of my council representatives encouraged me to apply.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3549

Date Submitted: 10/13/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Matthew

Last Name*

Schempp

Address1*

Address2

City*

WEST SAINT PAUL

State*

MN

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.

Home

Cell

Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

14

Ward

3

Precinct

1

Employment / Job Title*

Teacher

Employer Name & Address*

BlueSky School
2051 Killebrew Drive
Suite 500
Bloomington, MN 55425

List your past and present civic activities or memberships which may be helpful to this committee.*

Board Member of BlueSky School
2015-present
Odyssey of the Mind Coach 2015-2019
Recruitment coordinator/Den leader of Cub Scout Pack 9037 2017-present

List two or three goals that you would like to see accomplished during your term on a commission.*

Continued strong charter governance of West Saint Paul.
Transparency and citizen input through any necessary redistricting process.

How did you become interested in serving on a committee?*

Served on Charter Commission starting in 2018. Invited to reapply.

Print

**Application for Appointment to Commissions, Boards, Committees and Task Forces -
Submission #3550**

Date Submitted: 10/13/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Karen

Last Name*

Vavreck

Address1*

Address2

City*

West St Paul

State*

Minnesota

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.

Home

Cell

Work

Mark up to 3 committees you are interested in serving on*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

20

Ward

Ward 2

Precinct

1

Employment / Job Title*

Kohls

Employer Name & Address*

1229 Stryker Ave

List your past and present civic activities or memberships which may be helpful to this committee.*

On Charter commission, Election judge have volunteered for several events with the city

List two or three goals that you would like to see accomplished during your term on a commission.*

Make sure our policies fit our community needs.
Make sure we are following rules

How did you become interested in serving on a committee?*

Current member

Shirley Buecksler

From: Wendy DeVore <wdevore@careerventuresinc.com>
Sent: Wednesday, October 14, 2020 1:01 PM
To: Shirley Buecksler
Subject: Re: FW: Reappointment to Charter Commission

Hello Shirley-

Thank you for checking in with me. I will not be seeking reappointment at this time. It has been a pleasure serving.

I hope you are well.

Thank you again,

-Wendy

Wendy DeVore, M.Ed., RID:CI/CT, NAD: IV
Chief Executive Officer, Program Director

Career Ventures, Inc.

1821 University Avenue West, S-326

St. Paul, MN 55104

Phone: 651-492-7346

www.careerventuresinc.com



"For People In Transition. Finding Your True North."

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3282

Date Submitted: 12/8/2019

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

First Name*

Jay

Last Name*

DeLaRosby

Address1*

Address2

City*

West St. Paul

State*

MN

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*



Charter Commission



Parks & Recreation Advisory Board



Planning Commission



Environmental / Greening Committee



Lower Mississippi River Watershed Management Organization



NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

Parks, Planning, Charter

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

3

Ward

1

Precinct

2

Employment / Job Title*

Medical Imaging Supervisor

Employer Name & Address*

Allina Health - UNITY HOSPITAL - 550 Osborne Road, Fridley, MN

List your past and present civic activities or memberships which may be helpful to this committee.*

1) Lead organizer for the annual West St. Paul Bike Safety event. 2) Co-founding member of the West St. Paul Greenway Project advocacy group. 3) 10+ years in youth sports as coach, referee/umpire, & organizer 4) 10+ years in healthcare

List two or three goals that you would like to see accomplished during your term on a commission.*

1) I would like to see our parks as safe places for all ages to congregate. For residents and visitors alike. 2) I would like to ensure our parks are accessible. I would like to see safe passage for our residents to and from our parks by walking and biking. 3) I would like our various committees to be in conversation with one another. Reconcile what are the guiding documents for WSP's future and use those documents to achieve a shared vision, order priorities, and provide generational accountability.

How did you become interested in serving on a committee?*

I like to bike to work and go to the parks with my children. Soon after moving into the community in 2016 I noticed it was difficult to bike safely and there were no basketball hoops near me in my local parks. I was also challenged to step up and participate when I shared my frustration about a group of councilmen colluding to fire the former city manager at the taxpayers expense.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3300

Date Submitted: 1/8/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

Jason

Last Name*

Smock

Address1*

Address2

City*

West Saint Paul

State*

MN

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*

Charter Commission

Parks & Recreation Advisory Board

Planning Commission

Environmental / Greening Committee

Lower Mississippi River Watershed Management Organization

NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

11

Ward

Precinct

Employment / Job Title*

Senior Instruction Librarian

Employer Name & Address*

Capella University, 225 South 6th St, Minneapolis, MN 55402

List your past and present civic activities or memberships which may be helpful to this committee.*

Volunteer with ISD 197 as a mentor, tutor, and coach for 8 years. Board member for the Dakota County Historical Society. Hold an MBA degree and have consulted on entrepreneurship and small-business operations.

List two or three goals that you would like to see accomplished during your term on a commission.*

Establish and maintain my reputation for responsibility and fairness with an emphasis on achieving established commission milestones. Improve the quality of our community to make it one that draws positive change.

How did you become interested in serving on a committee?*

My family has a long history of civil service (i.e. my father served on a city council, was a mayor, was a county commissioner) and I've had similar interests, as demonstrated by my presence on the DCHS board, forever.

Print

Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #3305

Date Submitted: 1/13/2020

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

To be considered for seats set to expire March 2020 on the Planning Commission (3 seats), Environmental Committee (1 seat), and Park & Recreation Advisory Committee (3 seats), the application deadline is Wednesday, January 22, 2020.

First Name*

James

Last Name*

Heaney

Address1*

Address2

City*

West Saint Paul

State*

MN

Zip*

55118

Email*

Home Phone

Cell Phone

Work Phone

Public Commission Directory*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on*

Charter Commission

Parks & Recreation Advisory Board

Planning Commission

Environmental / Greening Committee

Lower Mississippi River Watershed Management Organization

NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

More Info

[Learn more about each Board and Commission here...](#)

How Many Years Have You Lived in West St. Paul*

2.5

Ward

2

Precinct

1

Employment / Job Title*

Software Engineer II

Employer Name & Address*

University of Saint Thomas 2115 Summit Avenue Saint Paul, MN, 55105

List your past and present civic activities or memberships which may be helpful to this committee.*

In other cities, I have served within local political party organizations as precinct chair / vice-chair / secretary, where I engaged in some Robert's Rules-driven floor fights. More recently, I served two years as statewide secretary of a very marginal political party managed to collect about 700 votes statewide in 2016. In the latter capacity, I played a key role in drafting the party's bylaws. The relationship between organizational rules and the people those rules serve (and shape) fascinates me, and, since I no longer have a home in any Minnesota political party, I'd like to contribute in other ways.

List two or three goals that you would like to see accomplished during your term on a commission.*

Electoral reform seems to be on the Charter Commission's brain right now. That's something I would very much like to see happen, but with care taken to ensure that we are adopting the *best* elections process, not simply a faddish one. I'm very interested in the idea of equitable taxation and exercise of power. The City Council and Charter Commission have recently been thinking a lot about equity when it comes to assessments (esp. sidewalk assessments), and that's been great. I think there's room to consider whether the City's zoning and general-fund revenue authorities are also based on fair and impartial principles -- although the Charter currently has very little to say about the former.

How did you become interested in serving on a committee?*

I read the City Council minutes pretty religiously (or, at least, I did until the West St. Paul Reader started posting recaps) and noticed how important the committees are to municipal governance. A Facebook Neighbors group discussion of ranked-choice voting made me suspect I might have some value on the Charter Committee. (I'd be useless on several of the others.)

**CITY OF WEST ST. PAUL
CHARTER COMMISSION
BYLAWS**

**ARTICLE I
NAME AND PURPOSE**

The name of this organization shall be the West St. Paul Charter Commission. The purpose and responsibility of the West St. Paul Charter Commission (Charter Commission) shall be to consider the form of municipal government which best meets the needs of the people and to frame and amend a charter for the City of West St. Paul (City) in furtherance of those purposes as provided by law.

**ARTICLE II
MEMBERS**

The Commission shall consist of eleven (11) qualified voters of the City.

**ARTICLE III
APPOINTMENTS, TERMS, VACANCIES**

- A. Appointments. All appointments shall be made by order of the Chief Judge of the First Judicial District.
- B. Term. Members of the Charter Commission are appointed for a term of four (4) years. Members shall hold office until March 1 of their expiring terms or until their successors are appointed and qualify.
- C. Vacancies. A vacancy may occur by expiration of a term, death, resignation, disqualification, disability or removal. A member with four (4) or more absences in a year or who fails to perform the duties of office shall be subject to removal by the district court upon certification of the facts to the court by the Charter Commission. When a vacancy occurs, the Charter Commission shall review applications and make a recommendation for appointment to the Chief Judge of the First Judicial District.

**ARTICLE IV
OFFICERS**

The Charter Commission will elect a chair and vice-chair from among its members for a term of one year. The chair, or in the absence of the chair, the vice-chair, presides at meetings so as to keep them moving as rapidly and efficiently as possible and shall remind members and guests to only address the subject matter on the published agenda.

ARTICLE V DUTIES

The Charter Commission shall have all powers and duties as provided by law.

ARTICLE VI STAFF

The Charter Commission may employ attorneys, consultants, a secretary and other persons as necessary to assist the Commission in its work. Funding of Charter Commission expenses shall be taken care of as provided by law.

ARTICLE VII MEETINGS

- A. Regular Meetings. The Charter Commission shall meet at least once during each calendar year to hold an annual organizational meeting. Prior to June of every even-numbered year, the Charter Commission shall meet to review the salaries of the Mayor and City Council pursuant to Charter Section 2.07 subd. 2.
- B. Special Meetings. A special meeting may be called by the chair or any three (3) members of the Charter Commission.
- C. Notice of Meetings. Written notice of any special meeting stating the time, place and the purpose shall be posted at least three (3) days in advance. Charter Commission members shall be provided at least eight (8) days' advanced notice of the time, place and purpose of the meeting.
- D. Minutes of Meetings. The Charter Commission shall keep minutes of its meetings. Copies of all minutes, motions and resolutions shall be available to the public upon request, unless such information can be considered nonpublic data pursuant to the Minnesota Government Data Practices Act.
- E. Quorum. A quorum of six (6) members must be present to conduct business.
- F. Voting Requirements. There must be an affirmative vote of no less than six (6) members to pass action on matters that would result in a Charter amendment, to adopt or amend bylaws or to suspend a specific rule of the bylaws. For all other matters, an affirmative vote of no less than a majority vote of the members present is required.

**ARTICLE VIII
RULES OF PROCEDURE**

- A. Roberts Rules of Order. The most current edition of Robert’s Rules of Order shall govern the conduct of Charter Commission meetings so long as they are not inconsistent with these bylaws.

- B. Amendments to Bylaws. The Charter Commission may make, amend or repeal bylaws at any regular or special meeting by an affirmative vote of no less than six (6) members, provided, that the proposed amendment was sent to the Commission not less than eight (8) days in advance of the meeting at which action thereon is to be taken.

- C. Temporary Suspension of the Bylaws. In special circumstances, the Charter Commission may suspend a specific rule of the bylaws by 2/3 vote of the members present, or by 6 votes, whichever is more.

**ARTICLE IX
ANNUAL REPORTING REQUIREMENTS**

On or before December 31 of each year, the Charter Commission shall submit to the Chief Judge of the First Judicial District and to the Clerk of the City an annual report outlining the Charter Commission’s activities and accomplishments for the current calendar year.

Section 5.01 Amended 2/13/97
Sections 4.00 and 5.01 Amended 5/18/99
Section 3.00 Amended 10/14/04
Section 3.00 Amended 2/3/05
Section 4.02 and 5.04 Amended 3/12/08
Section 3.00, 4.02 and 5.04 Amended 5/3/12
Section 3.03 added 12/1/15
Section 3.02 Amended 5/22/18
Complete Revision 9/11/18

MINUTES
WEST ST. PAUL CHARTER COMMISSION
TUESDAY, MAY 22, 2018
5:30 P.M.
MUNICIPAL CENTER
ADMINISTRATIVE CONFERENCE ROOM

MEMBERS PRESENT: Chair Mark Tessmer, Commissioners Aaron Van Moorlehem, Doug Fromm, Tim Valento, Tim Haubrich, Wendy DeVore

MEMBERS ABSENT: Jim McKie

OTHERS PRESENT: Council Liaison Ed Iago, City Attorney Kori Land, City Manager Ryan Schroeder

1. CALL TO ORDER

Chair Tessmer called the meeting to order at 5:30 p.m.

2. ROLL CALL

3. ADOPT AGENDA

Chair Tessmer requested adding approval of the July 25, 2017 minutes.

Motion by Haubrich/Valento to adopt the agenda as amended. All ayes.

4. Adopt Minutes

A. Approve Minutes of July 25, 2017 Meeting

Motion by Fromm/Van Moorlehem to approve the minutes as amended. All ayes.

5. New Business

A. Interviews

Interviews were conducted of the following applicants to fill the Charter Commission vacancies:

- 1) Andrea Friesen
- 2) Marv Karth
- 3) David Meisinger
- 4) James Probst
- 5) Thomas Vavreck
- 6) Karen Vavreck
- 7) Matt Schempp

B. Bylaws Amendment

Attorney Land outlined the changes to the Bylaws and how they differ from the current Bylaws.

There was discussion on how the appointment process could be articulated so that it is fair for the Council and the Commission. There is concern that the Council is not bound by the Bylaws so they have no requirement to comply with the process. Van Moorlehem would like to only worry about what the Charter Commission will do and he would like to see a recommendation going to the Council for a period of time (45 or 60 days) and if no movement is made by the Council to appoint, then the Charter Commission will automatically submit the names to the Chief Judge.

Attorney Land confirmed that state law allows recommendations of appointments to be made by either the City Council, the Charter Commission or both.

Commissioner Haubrich would like the Charter Commission to submit the names to the Chief Judge without the Council's approval. *Motion by Valento/Haubrich to approve an appointment process whereby the Charter Commission considers applications and makes recommendations for appointment directly to the Chief Judge.* All ayes.

Van Moorlehem does not want to see a shortened time frame for notice of a meetings. He does not want to have a provision to suspend the bylaws. Would like to see a redline of the existing Bylaws versus the proposed Bylaws and discuss it at a future meeting with the 4 new members being present. Fromm agrees that we need more time to digest the bylaw changes and include the new members.

Haubrich does not agree that there is a need to wait for the new members. Valento agrees that there is no reason to prolong it, however, would like to see the 8 days' notice of meetings retained.

Tessmer agreed that there is no urgency to change the Bylaws.

Motion by Tessmer/Van Moorlehem to continue the Bylaws discussion to the next meeting, with direction to Attorney Land to retain the 8 days' notice provision and provide a redline showing the changes from the existing Bylaws to the new Bylaws. 5-1 (Haubrich)

Attorney Land reviewed the Committee Members' Expectations document. Van Moorlehem disagrees with the document since there is language that is objectionable and clearly does not apply to the Charter Commission. He suggested we look to the LMC to see if they have a document for respectful conduct of councils, public bodies, volunteers, etc. The recommendation was made to continue the discussion to the next meeting and ask the members to come back with suggestions.

C. Council Salary Review

Attorney Land explained that the Charter Commission has been charged with reviewing the Council's salaries in even-numbered years.

Chair Tessmer would like to see a 5% increase in Mayor and Council salaries based on the 2018 general employee increase.

Motion by Valento/Haubrich to increase the Mayor and Council's salaries by 5%. All ayes.

6. **Old Business**

A. Filling Vacancies

Tessmer indicated his desire to approve the names that were previously adopted in 2017: K. Vavreck, Friesen, Probst, Schempp.

Motion by Valento, Haubrich to move the slate of candidates that were approved in 2017 and immediately submit those names to the Chief Judge. All ayes.

B. 2017 Annual Report

Motion by Van Moorlehem/Fromm to approve the Annual Report and authorize its execution and submission to the Chief Judge. All ayes

7. **Set Next Meeting Date**

The Commission generally discussed scheduling an orientation and while all commissioners would be invited to attend, to make sure the new members can attend. The Commission was able to schedule its next business meeting for September 18, 2018.

8. **Adjournment**

Motion to adjourn by Van Moorlehem/Haubrich. All Ayes.

The meeting was adjourned at 7:30 p.m.

To: **Charter Commission**
Through: **Ryan Schroeder, City Manager**
From: **Kori Land, City Attorney**
Date: **October 19, 2020**

Councilmembers as Election Judges

BACKGROUND INFORMATION:

A question was raised about Councilmembers or candidates serving as Election Judges. Here are a few relevant factors to consider:

Pursuant to Minn. Stat. §204B.19, a portion the list of the people who are not qualified to be an Election Judge, includes:

- The spouse, parent, child, or sibling of a candidate in that election (includes “step” variations – e.g. step-parent);
- Anyone who is domiciled with a candidate on the ballot; and
- A candidate in the election.

However, the Minnesota Secretary of State has said that candidates can be moved to another Ward and not be in violation of the statute. In addition, the City of West St. Paul has this provision about City Councilmembers holding incompatible offices:

Charter Section 2.04. Incompatible Offices. No member of the Council shall be appointed City Manager, *nor shall any member hold any other paid municipal office or employment* under the City during the term of office for which he or she was elected. (emphasis added)

Election Judges are paid through the City’s payroll system, so they are employees. If not paid, and instead they chose to volunteer, then *perhaps* they would not be considered employees. If not employees, and they were not an Election Judge in the Ward that they represent, I think it is possible for a seated Councilmember who is a candidate in the election to be an Election Judge.

STAFF RECOMMENDATION:

Discuss

To: **Charter Commission**
Through: **Ryan Schroeder, City Manager**
From: **Shirley Buecksler, City Clerk**
Date: **October 15, 2020**

Discussion and Update on Ranked Choice Voting

BACKGROUND INFORMATION:

During 2019, a member of the Charter Commission had requested that the Commission review Ranked Choice Voting. After a presentation received by the Executive Director of Fair Vote Minnesota, the Commission deferred action. Instead, the Commission suggested that input be received from the City Council. Council received that recommendation on January 21, 2020. Council requested that staff schedule an opportunity for a presentation for the Council late spring or early summer. Given COVID-19 impacts, followed by scheduled election activities, this opportunity had not presented itself until September 28 when Council heard a presentation from Jeanne Massey, Executive Director of Fair Vote Minnesota.

Attached for the Charter Commission's review are the Charter minutes from September 25, 2019, Council minutes from September 28, 2020, and the presentation from Fair Vote Minnesota.

STAFF RECOMMENDATION:

Discussion and review.

Presentation to the
West St. Paul City Council
September 28, 2020



What is Ranked Choice Voting?

- **Simple change to the ballot that lets voters rank candidates on the ballot in order of their preference.**
- **The rankings are used to conduct an “instant runoff” to ensure winners with a majority of support in a single, decisive election.**

Sample Ballot

Fill in the ovals by ranking candidates
in order of preference

	1st Choice	2nd Choice	3rd Choice
 Candidate A	(1)	(2)	(3)
 Candidate B	(1)	(2)	(3)
 Candidate C	(1)	(2)	(3)

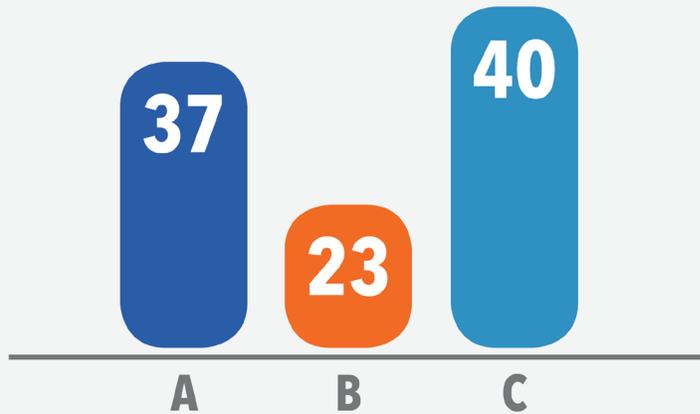
How Your Vote Counts

Number of voters: 100

Winning threshold: $100/2 + 1 = 51$ votes



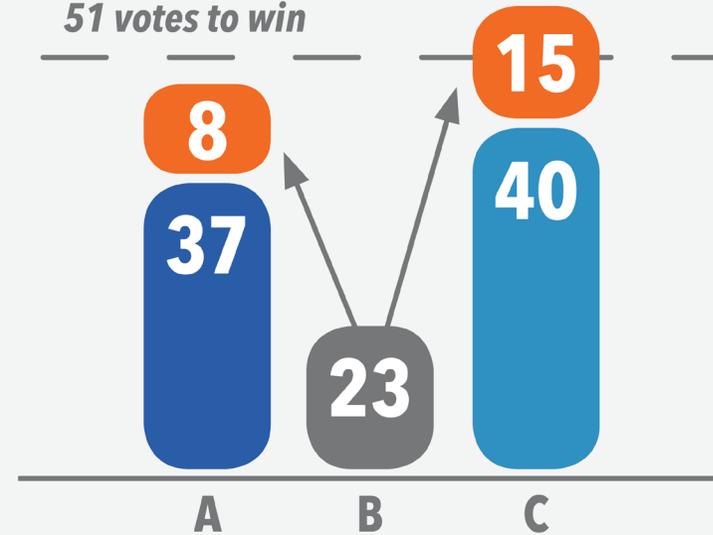
51 votes to win



Tally Round 1

No candidate reached the winning threshold. Candidate B has the fewest votes and will be eliminated in Tally Round 2.

51 votes to win



Tally Round 2

Candidate B's votes are reallocated based on those voters' 2nd choices. After Tally Round 2, Candidate C reaches the 51 votes threshold and wins.





How RCV is Helpful to Municipalities

- ✓ Eliminates the need for low-turnout local primaries when there are more than two candidates running.
- ✓ Allows all the candidates on the ballot in a single, decisive election in November.



Primary vs General Election Participation in West St. Paul

Year/Election	Primary	General
2012 (W3)	19%	65%
2016 (Mayor)	20%	74%
2016 (W1)	14%	61%
2018 (W3)	40%	74%
2020 (Mayor)	27%	

Other Benefits

- ✓ Gives voters more choice and more voice
- ✓ Winners earn a majority of support
- ✓ Fosters more civil campaigns
- ✓ Increases voter participation
- ✓ Eliminate spoiler and wasted vote dynamics

What Voters Say About RCV



Ranked Choice Voting is Successful

88%

**OF MINNEAPOLIS
VOTERS RANKED
THEIR BALLOTS
FOR MAYOR**

99.96%
VALID BALLOT RATE

92%
THINK RANKED
CHOICE VOTING
IS SIMPLE

84%
WANT TO KEEP
USING RANKED
CHOICE VOTING



RCV Around the Country

CITIES/COUNTIES:

- **Colorado:** Basalt, Carbondale, Telluride
- **California:** San Francisco, Berkeley, San Leandro, Oakland, Palm Desert
- **Michigan:** Eastpointe
- **New Mexico:** Santa Fe, Las Cruces
- **Maine:** Portland
- **Massachusetts:** Cambridge, Amherst, East Hampton
- **Minnesota:** Minneapolis, St. Paul, St. Louis Park
- **Maryland:** Takoma Park
- **New York :** New York City
- **Oregon:** Benton County
- **Utah:** Payson, Vineyard

STATES:

Maine: For all state and federal primaries and federal general election including president.

Alaska and Massachusetts:
2020 ballot measures

2020 POTUS PRIMARIES:

Alaska, Nevada, Hawaii, Kansas, Wyoming

FOR MILITARY & OVERSEAS:

Arkansas, Alabama, Louisiana, Mississippi, South Carolina
Springfield (IL)



2020 Ballot Measures

CITIES

- Bloomington and Minnetonka, MN
- Boulder, CO
- Eureka and Albany , CA

STATES

- Alaska
- Massachusetts

How Charter Cities Can Adopt RCV

**Unanimous
Vote of the
City Council**

**Ballot
Measure**

Administrative Questions

1. Ballot conformity in even-year elections
2. Voting equipment
 - WSP has Dominion equipment, which is used for RCV elections in New Mexico and California
3. RCV software options



RCV Local Options bill

- Give the choice to all **cities, school districts and counties** to adopt Ranked Choice Voting if they wish.
- Reduces administrative barriers for cities that hold elections in even years concurrently with state and federal elections
- Endorsed by League of MN Cities



THANK YOU!

FAIRVOTEMN.ORG

@FAIRVOTEMN

INFO@FAIRVOTEMN.ORG



**City of West St. Paul
Open Council Work Session Minutes
September 28, 2020**

1. Roll Call

Mayor Napier called the meeting to order at 5:00 p.m.

Present: Mayor Dave Napier
Councilmembers Wendy Berry, Lisa Eng-Sarne,
Anthony Fernandez, John Justen, and Dick Vitelli

Absent: Councilmember Bob Pace

Also Present: City Manager Ryan Schroeder
City Attorney Kori Land
Police Chief Brian Sturgeon
Finance Director Char Stark
Parks & Public Works Director/City Engineer Ross Beckwith
Community Development Director Jim Hartshorn
City Clerk Shirley Buecksler

Jeanne Massey, Executive Director – Fair Vote Minnesota

2. Review and Approve the OCWS Agenda

Motion was made by Councilmember Justen and seconded by Councilmember Eng-Sarne to approve the OCWS agenda, as presented.

Vote: 5 ayes / 0 nays. Motion carried.

3. Review the Regular Meeting Consent Agenda

Motion was made by Councilmember Justen and seconded by Councilmember Eng-Sarne to approve the Consent Agenda, as presented.

Vote: 5 ayes / 0 nays. Motion carried.

4. Agenda Item(s)

A. Presentation on Ranked Choice Voting

Jeanne Massey of Fair Vote Minnesota provided a presentation on ranked choice voting. She said ranked choice voting is currently under consideration at the state level in other states.

Councilmember Fernandez questioned if cities with higher populations are more likely to consider ranked choice voting and asked if Ms. Massey knew which city is the smallest using ranked choice voting. Ms. Massey was unsure about the smallest city but listed other cities that are using it. She said the process can be valuable to your community.

Councilmember Justen asked about candidates with less funds and how that helps on the smaller city level. Ms. Massey said they hear from candidates that they don't want to run because the Primary is expensive. Councilmember Justen said that the cost savings, then, is on running twice or in two elections.

Mayor Napier said the big thing is education. Ms. Massey said Fair Vote Minnesota raises money to help with education.

Council thanked Ms. Massey for providing her presentation.

B. Moreland Avenue Street Reconstruction CP 21-1

The 2021 Street Improvement Project includes reconstruction of Moreland Avenue from Delaware Avenue to Robert Street. St. Paul Regional Water will also be replacing their watermain as part of the project.

There are currently three different road widths of 32-feet, 36-feet and 42-feet along Moreland Avenue as shown on the Moreland Avenue Existing Widths attachment. It is proposed to reconstruct Moreland to a 32-foot wide section for the most part. One exception is through the commercial area near Robert Street where the width would remain at 36-feet like other commercial areas. The second area, Delaware Avenue to Smith Avenue, will be dependent on what ultimately is constructed through this sidewalk gap area. A 32-foot street allows for two 12-foot driving lanes and an 8-foot parking lane. The south curb line would remain in the same location and the north curb line would shift south, resulting in a slightly wider boulevard on the north side. Benefits of narrowing the roadway to 32-feet include:

1. Reducing impervious surface by 8%
2. Decreasing project costs
3. Reducing future maintenance costs
4. Providing natural traffic calming
5. Providing a wider boulevard on the north side to better separate pedestrians from the roadway and increase area for boulevard trees
6. Reduce the distance needed for bikes/peds to cross the street

Currently, parking is allowed on one side of Moreland Avenue, mainly the north side, with the exception of Galvin Avenue to Charlton Street where it is on both sides. A 32-foot roadway section would include an 8-foot parking lane on the north side. There would be no parking on the south side. The existing sidewalk on the north side of the

road also complements parking on the same side. In addition, Moreland Elementary is on the north side so they would continue to have parking along the street.

The majority of the existing sidewalk on the north side is 4-foot wide. The Americans with Disabilities Act (ADA) requires a minimum 5-foot wide sidewalk. It is proposed to remove and replace the existing walk with a 5-foot sidewalk. The one-foot widening would be to the south, which fits with a wider boulevard created by narrowing the roadway.

We also explored the option of adding an additional sidewalk on Moreland Avenue along the south side. The boulevard on the south side is narrow and temporary easements would be needed from 12 properties between Charlton Street and Smith Avenue. There are also a significant amount of private utility poles that would need relocating and retaining walls to construct. The estimated cost of a sidewalk on the south side is \$380,000 plus the cost of the 12 temporary easements.

There is currently a sidewalk gap on Moreland Avenue between Smith Avenue and Delaware Avenue. The current City and County Capital Improvement Programs show Delaware Avenue reconstruction in 2025. That project will bring trail to one or both sides of Delaware Avenue. It is proposed to close this pedestrian gap with this reconstruction project. Both sides of Moreland were analyzed for feasibility of construction, impact to adjacent properties and cost. After a thorough review, the north side is more feasible as the south side would require more property acquisition and larger retaining walls with geo-grid reinforcement that would extend well into private property.

The current roadway width between Delaware Avenue and Moreland Avenue is 32-foot wide. The side slopes are steep and the overall right-of-way is narrower than the rest of the corridor. If a sidewalk were added and the road stayed 32-foot wide, some of the driveway grades would be more than double from their existing slope to greater than 20%. That is not practical. There would also be retaining walls running down the majority of these blocks in entirety. The two most realistic options for this stretch are:

1. Re-construct a 32-foot wide roadway with parking on the north side and not build any sidewalk.
2. Construct a 26-foot wide roadway, which eliminates on-street parking, and add a 5-foot sidewalk on the north side. See the Delaware Ave. to Smith Ave. North Side Sidewalk Concept attachment.
3. Between Ottawa Avenue and Smith Avenue, a 32-foot roadway and 5-foot walk is buildable, but it would be invasive and expensive. It would entail property easements of 500 square feet and large retaining walls all the way up to (and possibly connecting with) two houses. A structural analysis would be required on the two houses prior to moving forward with this option.

Fortunately, these three blocks are short and the houses have side streets to park on, with the exception of the two on Delaware Avenue. A 26-foot roadway would significantly decrease the amount of retaining walls and temporary easements needed along this section.

Similar to the 2018 Street Improvement Project on Bernard Street, boulevard trees will be impacted throughout the Moreland Avenue corridor. Many of the roots will be disturbed with the roadway excavation and sidewalk widening and staff reviewed each tree on the corridor. As a result, 23 trees are proposed to be removed from City right-of-way. If not removed with the project, it is likely they will die within the next few years due to the root impacts. Of the 23 trees identified, 15 are ash trees. Removing and replacing (with different species) boulevard ash trees is part of the adopted 2012 Emerald Ash Borer (EAB) Management Plan. Typically, reconstruction projects do not include tree replacement. However, a wider boulevard on the north side allows more room to replant, and diversifying our tree varieties aligns well with our EAB plan. Tree planting also coincides our Greensteps Program Best Practice #16 for Community Forests and Soils. A 2-inch tree costs about \$400-\$500 installed depending on the variety.

The easternmost block of Moreland Avenue as it approaches Robert Street is a commercial area. Staff has met with these property owners to discuss the project and possible changes. It is intended to keep the existing 36' wide street through most of this commercial area, which is consistent with other areas in the city and allows truck turning and queuing in the roadway. There are seven driveways along the Signal Hills shopping center on the north side of Moreland Avenue. It is proposed to close two of these and relocate others to better serve the needs of their property. There is also a driveway further west for Signal Hills, which connects an alley to the Kmart building. Signal Hills has asked to keep that access in place for the time being. On the south side of Moreland Avenue, business accesses and on-street parking changes are not proposed. See the Property Impact Summary Gorman Avenue to Robert Street attachment.

Currently, the boulevards on both sides are mostly impervious concrete or asphalt as shown below.

Greensteps Best Practice #17 is Stormwater Management, which promotes the reduction of impervious surface and this project allows the opportunity to make such changes. With the recent construction of More Space at 68 Moreland Avenue came landscaping rock with shrubs and trees in the front of their property. This low maintenance option increases infiltration and brings some 'green' to this stretch of Moreland Avenue. In discussions with the property owners along this stretch, they were open to something similar which would only require pulling weeds on occasion. There was not much interest in a grass boulevard, as it would require frequent maintenance and watering. Estimated costs of different options for the boulevard in this commercial area include:

- Topsoil (6") and sod \$11,000
- Topsoil (24") and rock mulch (4") with perennials \$42,000 (similar to More Space)
- Concrete (4") \$52,000

With a sidewalk proposed on the north side throughout the corridor, there is no intention of having any sort of sidewalk/hardscape on the south side of the commercial area. The businesses on the south side are not the type that attract foot traffic and therefore do not support the need for hardscape.

Street lighting exists today between Hall Avenue and Robert Street. These poles will be replaced with City standard poles, like those on Marie Avenue, and will be converted to LED. The wiring will also be updated and installed into a conduit as it currently is direct buried in the boulevard.

For a project open house during COVID, staff is planning to mail each resident an information packet explaining the project and showing the proposed changes to their block. In addition, there would be a frequently asked questions sheet to address common open house questions for reconstruction projects like hours of work, construction timeline, mail delivery, etc. staff is always willing to meet on-site with any residents that are looking to discuss the project or their property in more detail.

Discussion included installing sidewalk to the curb to allow for on-street parking, whether to replace trees, ways to bring in green space by Signal Hills, and colored concrete.

Councilmember Justen said he is in favor of tree replacement if it's not a budgetary issue. He would support replacement because it would be a good gesture on the City's part.

Councilmember Fernandez agreed and said it would be a must to replace and that it has to be in the initial budget.

Councilmember Justen asked if there are any homes with no driveways or garage access. We wouldn't want to cause a significant hardship for any owners. Beckwith said most driveways are off of Moreland. Landscaping delineates where the driveways are.

Council suggestions included adding a bike lane from Delaware to Robert Street, coloring the concrete on the south side and sharing a lane. Beckwith said he will look into these, as well as the minimum width available.

Councilmember Vitelli asked about how we would deal with snow on Smith and Ottawa. Beckwith said we could either plow it to the south side or blow it ourselves.

Councilmember Fernandez recommended the City take care of sidewalks from Delaware to Robert.

Councilmember Justen agreed and said we need to make a concession for snow removal in that section, including the one driveway to the south. Blowing the snow would be best.

Councilmember Vitelli said a plow could drop a wing for that driveway but Beckwith said that opens up to damage.

Beckwith said he could send out information and put it on the website but it wouldn't be an in-person Open House. Councilmember Fernandez recommended holding a virtual Open House, as well as a formal presentation. Mayor Napier agreed and said homeowners deserve to be heard.

Councilmember Justen said he would like to see more pervious space at Signal Hills.

Mayor Napier said there needs to be sidewalk on the south side by Signal Garage, from Gorman to Robert Street, as they have no connections. Councilmember Vitelli suggested a crossing at Gorman and Mayor Napier added that it should have push button lights.

Mayor Napier said he is in favor of bringing this to the community for feedback.

C. 2021 Fee Schedule

At the Open Council Workshop on August 17, Stark said she brought forward several changes to the 2021 fee schedule. There are two additional fees to add to the schedule for consistency and complete documentation of fees charged.

Storm Water Review Escrow-this is a \$10,000 cash escrow to be paid by any developer doing work in the city which impacts storm water. The escrow reimburses third party review of storm sewer and storm water treatment systems to ensure they are designed in accordance with the City's Surface Water Management Plan. Typically, there is computer modeling involved in these storm water designs. The City is currently being reimbursed for this third party storm water review. Adding this to the fee schedule makes it more transparent. Unused escrow is returned to the developer.

Vacations - all costs to process the vacation of a property (survey, legal, etc.) is charged back to the recipient of the vacated property.

Stark said the 2021 Fee Schedule is on the Consent Agenda for Council approval this evening.

5. Adjourn

Motion was made by Councilmember Justen and seconded by Councilmember Vitelli to adjourn the meeting at 6:04 p.m.

All members present voted aye. Motion carried.

David J. Napier
Mayor
City of West St. Paul

DRAFT

MINUTES
WEST ST. PAUL CHARTER COMMISSION
Wed., Sept. 25, 2019
5:30 P.M.
MUNICIPAL CENTER
LOBBY CONFERENCE ROOM

MEMBERS PRESENT: Chair Mark Tessmer, Commissioners Aaron Van Moorlehem, Doug Fromm, Tim Valento, Tim Haubrich, Jim McKie, Jim Probst, Matthew Schempp, Karen Vavreck, Andrea Friesen

MEMBERS ABSENT: Wendy DeVore

OTHERS PRESENT: Council Liaison Anthony Fernandez (who left at 6:00 p.m. and was replaced by Lisa Eng-Sarne), City Attorney Kori Land, City Clerk Shirley Buecksler, City Manager Ryan Schroeder

1. CALL TO ORDER

Chair Tessmer called the meeting to order at 5:33 p.m.

2. ROLL CALL

3. ADOPT AGENDA

Motion by Probst/Haubrich to adopt the agenda. All ayes.

4. CONSENT

A. Approve Meeting Minutes of Sept. 11, 2018

Motion by Friesen/Vavreck to approve the minutes. All ayes.

5. NEW BUSINESS

A. Ranked Choice Voting

Chair Tessmer introduced the topic indicating there was a request made by Commissioner Schempp to learn more about Ranked Choice Voting.

Jeanne Massey & Liz Johnson (Executive Dir. and Dep. Dir. of FairVoteMN) explained that Ranked Choice Voting (“RCV”) is attempting to address the problem of low Primary voter turnout in nonpartisan local elections. RCV changes the ballot to let the voters rank candidates in order of preference. Rankings then allow an “instant runoff” instead of requiring a Primary plus a General Election. She mentioned in Minnesota, St. Paul, Minneapolis and St. Louis Park offer RCV in local elections because it is only available to charter cities.

Commissioner Vavreck is concerned about the length of time it takes to get results. For example, in St. Paul it took 4 days to get results. She likes having a Primary and a General Election. She is concerned that we are trying to fix something that is not broken. She said as an election judge she has seen many voters come in and just vote for state or national offices but never vote in the local elections so they do not read to the bottom of the ballot. Ms. Massey explained that there is an education piece for voters to go all the way down the ballot, but it is easy for voters to understand once given the opportunity to do it. As far as counting the ballots, Minneapolis and St. Paul's equipment was not updated to compile RCV quickly or easily. Dakota County has different voting equipment altogether, but it is capable of doing RCV but tallying the rankings would still require counting of ballots/names because there is no statewide certification process. Commissioner Vavreck pointed out there would need to be training for voters and for the election judges too. Ms. Massey said there could be community partners who could assist with the education process.

Commissioner Probst is concerned about trying to educate the senior population and the process being so frustrating for them so that they will not vote. Ms. Massey said their education piece touches all demographics at a grass roots level. She said polling numbers show that 92% "get it." Commissioner VanMoorlehem was also concerned about educating the voters and asked if FairVoteMN offers education. Ms. Massey said they help fundraise, host tables at community events, door-knock and recommend newspaper ads but if the city sends out sample ballots, that is the most effective. Ms. Massey stated that St. Louis Park allocated a budget toward RCV elections, hiring outreach and education staff. Ms. Massey recommends that the City send out a sample ballot to every voter.

Commissioner Valento asked if there was any limit on the number of candidates on a ballot. Ms. Massey explained that sometimes it was only limited by the mechanics of the ballot as to how many candidates could be shown, but otherwise, no, there is no limit.

There was a question about whether RCV caused more ballot errors. Ms. Massey stated that ballots are rejected if people try to vote incorrectly and there is no difference when RCV is used. Commissioner Fromm confirmed that there are a lot of ballot rejections in primaries so he suspected it would be the same for RCV elections.

Ms. Massey explained the different methods for adopting a Charter amendment, which would offer general legislative authority to allow RCV and then the specific rules around RCV would be adopted by ordinance.

It was mentioned that cities have adopted it and repealed it (Burlington ,VT and Aspen, CO).

President Tessmer asked about the cost of changing the City's voting equipment and who pays for that. Ms. Massey said she does not know if there will be a community cost.

Andy Lokken, Dakota County Elections Director stated that the County Board has taken no position on RCV. He offered clarification that there will still be a Primary in West St. Paul for state and national elections, the local candidates would be the only ones not on it. City Clerk Buecksler suggests that if RCV is considered it should start at the state or federal level. As it

stands now, West St. Paul is already different from other cities in Dakota County because the County issues all of West St. Paul's absentee ballots. Processing of those ballots still comes back to the city; however, this step of the County issuing them makes West St. Paul different than other cities. City Clerk Buecksler said the most important thing to her about working with Dakota County Elections and other cities within this county is consistency. The County expects all of the City Clerks to be consistent with one another in procedures and election processes. By being consistent, all of the cities in Dakota County are able to stand by what they do and the procedures they take and support each another, should there ever be a recount or an audit. This is not the same in every county. If West St. Paul changes to RCV, City Clerk Buecksler said it would cause West St. Paul to become an island on its own, completely different from the other cities, and the County would not be able to support the city with this type of voting. There are only 3 charter cities in Dakota County and neither Hastings nor South St. Paul are considering it. The County trains all the clerks; the clerks train all the election judges but the RCV training would be a special component just to West St. Paul and there is no general training for that.

Commissioner Probst asked what burdens would be on the city clerk. City Clerk Buecksler said she has limited part-time help for counting absentee ballots. Right now, the County issues absentee ballots so RCV would change that. Dir. Lokken commented that absentee ballots would need to be manually counted. City Clerk Buecksler said if she has to do manual counting of ballots, she does not know how she would manage it with her small staff.

Commissioner McKie thinks we are a few years off before we could implement RCV until the state decides to adopt it. He is glad for the education but does not see this as an issue that the Charter Commission needs to decide today.

Pres. Tessmer asked Dir. Lokken about the cost of the machines. Dir. Lokken said that the software used by Dakota County is certified at the federal level and is unique so the equipment would have to be adapted for RCV and then the vendor would take it through the certification process and the vendor would likely charge the local jurisdiction for the special software and the cost of certification. There would be training costs for the Dakota County election software staff as well, since the machines would be different.

Commissioner Friesen asked if Dir. Lokken has been watching St. Louis Park to see how it is working there. Dir. Lokken said they are very different election software systems so you cannot compare them.

Commissioner Valento stated he is very happy for the education but since the City will have to hold a Primary anyway, there was no benefit for West St. Paul. He agreed that this is a few years off.

Ms. Massey stated St. Paul/Minneapolis decided to do it because they have odd-numbered year local elections and wanted to eliminate the Primary for those local elections.

Commissioner Haubrich asked about the interest at the legislature. Ms. Massey said there is an interest and there is a legislator from Bloomington supporting a bill for local elections ("local options bill").

City Clerk Buecksler said she sees the advantage for those cities with odd-numbered year primaries because it eliminates one election for them. For West St. Paul, however, it would not eliminate any steps in the process because West St. Paul only holds even-year elections. If West St. Paul changes the local races to RCV but the federal and state races are not, there would be two types of voting on the same ballot, which City Clerk Buecksler believes would confuse the voter.

Commissioner VanMoorlehem said he hears 2 question – is it right and is it right for West St. Paul? He is thinking it might be right but maybe not right for now. Maybe at a later time it will be ripe. The Commission supports educating the Council on RCV.

Motion by VanMoorlehem/Valento to table the consideration of a Charter amendment for RCV and refer the draft minutes to the Council and recommend that they bring in FairVoteMN to educate them on RCV. All ayes.

B. Potential Charter Amendment – Sidewalk Assessments

City Attorney Land explained the issue for sidewalk maintenance, specifically snow removal, and seeking legislative authority at the local level in the Charter for assessing these costs.

Commissioner Haubrich asked what IGH or Rosemount do for their portion of Robert Street sidewalk. City Manager Ryan Schroeder indicated every city is different so there is no uniformity.

Commissioner VanMoorlehem would like to see draft language to address the Robert Street snow removal situation specifically. Commissioner Tessmer suggested making the language generic to address maintenance of major commercial corridors that have significant pedestrian traffic. President Tessmer would rather see language such as “maintenance” so repair and snow removal could be added to the specific City Code provision if the City Council chooses to do so.

Commissioner Fromm agreed that the language should be broad so that the Council can take it the direction they want to in the City Code without having to amend the Charter with every change.

City Attorney Land was directed to come back with language for consideration at the next meeting.

C. Election of Officers

President Tessmer said he will step down as Chair. Commissioner VanMoorlehem said he would be willing to be Chair.

Motion by Commissioners McKie/Fromm to approve Commissioner VanMoorlehem as Chair. All ayes.

Commissioner Fromm offered to step in as Vice Chair.

Motion by Commissioners McKie/Friesen to approve Commissioner Fromm as Vice Chair. All ayes.

6. OLD BUSINESS

7. SET NEXT MEETING DATE

The Commission decided to set the next meeting date for February 26, 2020 at 5:30.

8. ADJOURNMENT

Motion to adjourn by Friesen/Probst. All Ayes.

The meeting was adjourned at 7:18 p.m.

DRAFT