

MINUTES
WEST ST. PAUL CHARTER COMMISSION
Tuesday, January 12, 2021
6:30 P.M.
MUNICIPAL CENTER
COUNCIL CHAMBERS

AND
WEB-EX DUE TO COVID-19 PANDEMIC LOCAL EMERGENCY DECLARATION

MEMBERS PRESENT IN COUNCIL CHAMBERS:

Chair Aaron VanMoorlehem, Commissioners Mark Tessmer, Doug Fromm, Jim McKie, Karen Vavreck, Jim Probst, Tim Haubrich

MEMBERS PRESENT VIA WEB-EX:

Andrea Friesen, Matthew Schempp, Tim Valento

MEMBERS ABSENT: Wendy DeVore

OTHERS PRESENT IN COUNCIL CHAMBERS:

City Attorney Kori Land, City Manager Ryan Schroeder, Councilmember Liaison Eng-Sarne. Councilmember John Justen and Robyn Gulley were also present via WebEx

1. CALL TO ORDER

Chair VanMoorlehem called the meeting to order at 6:30 p.m.

2. ROLL CALL

3. ADOPT AGENDA

Motion by Haubrich/Probst to adopt the agenda. Motion passed 10-0.

4. OLD BUSINESS

A. Interviews to fill vacancy and Reappointment of Commissioners Fromm, Schempp and Vavreck

Interviews were conducted of applicants to fill the vacant seat left by Wendy DeVore in the following order:

- 1) Jay DeLaRosby (W1)
- 2) Chris Gevara (W3)

- 3) James Heaney (W2)
- 4) Carol Keyes-Ferrer (W2)
- 5) Kimetha Johnson (W1)
- 6) Constance LaCombe (W3)
- 7) Sally Spreeman (W2)
- 8) Ann Osendorf (W3)
- 9) Andrew Olson (W2)

All candidates were asked the same list of 6 questions by Chair VanMoorlehem. Following the interviews, Chair VanMoorlehem opened the discussion to the Commission to fill the open seat. Commissioner Fromm was enthusiastic about the quality of candidates. He mentioned that the number of members on the Charter Commission had been reduced in the past because of lack of interest. He wants to consider increasing the number of seats to 13. Commissioners Vavreck and Friesen supported the increase in membership. Commissioners Haubrich and Valento stated they are comfortable with 11 members. Commissioner Probst complimented the candidates who applied. He would like to study the expansion issue but thinks 11 is a good workable number. Commissioner Tessmer is excited to see so many candidates, but he does not think he would support increasing to 13 members at this time. There was discussion about not making a decision on appointment for the vacancy until the Commission decides how many members should be on the Commission. Chair VanMoorlehem wanted to discuss voting on finalists. Commissioner McKie wants to fill the seat that is vacant and pick 2 alternates. Attorney Land clarified that the process of a Charter amendment would cause a 4-5 month delay in the appointment. The Commission then decided to move ahead with appointing one person to fill the vacancy by ballot. The votes were verbally read at the meeting and the written ballots, with the exception of those participating on Web-Ex, were retained for the official record. The votes were as follows:

Kimetha Johnson: Commissioners Friesen, Schempp, Fromm, Van Moorlehem (4 votes)
Ann Osendorf: Commissioners Valenta, Haubrich, Probst (3 votes)
Carol Keyes-Ferrer: Commissioners Vavreck, McKie, Tessmer (3 votes)

Motion failed for lack of majority vote for one candidate. Commissioners Fromm and Friesen spoke in favor of recommending Kimetha Johnson.

Motion by Vavreck/Friesen to recommend to the Chief Judge that Kimetha Johnson be appointed to the Charter Commission. Motion passed (8-2) (Valento and Haubrich voted no)

It was discussed that the issue of increasing the membership of the Charter Commission should be discussed as an agenda item at the next meeting with a draft Charter Amendment.

Reappointment

Motion by Tessmer/McKie to recommend reappointment of Commissioners Fromm, Schempp and Vavreck to the Charter Commission. Motion passed 10-0.

B. Charter Language Regarding Conflicts of Interest and Number of Votes Needed to Pass Actions by the Council

Attorney Land reviewed the background on the conflicts of interest and vacancy situation from the previous meeting and updated the Commission as to her findings. Commissioner Friesen does not think we need to add the conflict language in the Charter since it already exists in the Council's Code of Ethics. Commissioner Tessmer agreed but added that we could address the vacancy issue by the allowing the Mayor to vote when there are only 3 yes votes. Commissioner Tessmer would like to let the Mayor vote on everything. Commissioner Fromm is concerned that an amendment that allows the Mayor to vote on everything would likely fail based on the history of attempts to amend the Charter in this manner. Commissioner Probst likes the alternative of allowing the Mayor to vote in limited situations.

Chair VanMoorlehem said that the conflict of interest language appears to be unnecessary in the Charter. Secondly, he would like to see language to allow the Mayor to vote in the 3-vote situation AND an option to let the Mayor vote in all actions. In addition, the Charter Commission would like to see language that states what happens in a Councilmember conflict situation and how that impacts the makeup of the Council.

5. ADOPT MINUTES

Motion by Probst/Vavvreck to approve the minutes. Motion passed 10-0.

6. ANNUAL REPORT

Reviewed the Annual Report. No one had any comments.

7. SET NEXT MEETING DATE – January 26, 2021 at 5:30

Topics for the next meeting

- Consider Charter amendment to Section 1.06 and Bylaws Article II to increase the numbers on the Commission from 11 to 13
- Consider Charter amendment to allow Mayor to vote when there are 3 yes votes (so it would otherwise fail) and a Charter amendment to allow Mayor to vote in all Council actions
- Consider Charter amendment to address how a conflict of interest changes the votes on the Council
- Discussion on whether there should be more input in a police chief hiring process (City Manager form of government discussion)
- Discuss Charter Section V regarding Initiative/Referendum petitions

8. ADJOURNMENT

Motion to adjourn by McKie/Probst. The meeting was adjourned at 9:10.