



City Hall and Court House
15 West Kellogg Boulevard

City of Saint Paul

651-266-8560

Minutes - Draft

Charter Commission

Chair Richard Kramer
Vice-Chair Deborah Montgomery
Commissioner Brian Alton
Commissioner Kathi Donnelly-Cohen
Commissioner Bridget Faricy
Commissioner Amy Filice
Commissioner Matthew Freeman
Commissioner John Paul Kirr
Commissioner Joyce Maddox
Commissioner David Maeda
Commissioner Gladys P. Morton
Commissioner Virginia Rybin
Commissioner Gary Unger
Commissioner Rick Varco
Commissioner Carrie Wasley

Monday, February 11, 2019

4:30 PM

Room 220, City Hall

ROLL CALL

Present 9 - Bridget Faricy, Brian Alton, Amy Filice, Richard Kramer, Carrie Wasley, Kathi Donnelly-Cohen, John Paul Kirr, Matthew Freeman, and Deborah Montgomery
Absent 5 - Gladys Morton, Joyce Maddox, Rick Varco, Gary Unger, and Virginia Rybin

APPROVAL OF AGENDA

APPROVAL OF THE MINUTES

1 **CCI 19-8** Approving the December 4, 2018 Charter Commission meeting minutes.

Attachments: [December 4, 2018 Charter Commission Minutes](#)

Approved

Yea: 9 - *Faricy, Alton, Filice, Kramer, Wasley, Donnelly-Cohen, Paul Kirr, Freeman, and Montgomery*

Nay: 0

CITIZEN COMMENTS

CCI 19-11 *Comments posted to the February 11, 2019 Charter Commission agenda.*

Attachments: [Feb. 11, 2019 Charter Commission Comments](#)

Patricia Heartmen 1294 Jefferson expressed concerns about City Council RES 18-1962 proposing to amend City Charter section 6. She believes this grants very broad powers to the City Council to enforce penalties and violations as the City already has escalating penalties. Ms. Heartman is worried that the City Council would abuse the use of the penalties.

Commissioner Freeman asked if Ms. Heartman had a particular worry for abuse.

Ms. Heartmen is worried that the wording is so broad and vague that it could be used in many different situations, DIS, Human Rights violations, or anything else. It seems like an open-ended ability to impose financial fines on City residents

Commissioner Alton points out that the reasons DSI wants to have these assessments is that they would not be charged against the property, that the assessments would be placed on the person.

Ms. Heartmen is worried that the language is too open-ended

Dr. Bara Berg, 956 Laurel - Concerned that each violation should be addressed individually. Dr. Berg talked about trash billing issue and how unpaid balances would be assessed to property taxes. She is also worried that these fees would give too much power to the City Council and feels that each situation should be handled on a case by case basis.

Bruce Clark asked what they need for RES 18-1962 and feels that the language use leaves it too open for all departments across the City. Mr. Clark is also worried that the City will use this for people who do not pay their trash bills. He would like to see the language changed so that it would be more specific for DSI. Mr. Clark would also like to have the City post more information about their Council Meetings

Dave Bertiful, 2208 Sargent - stated that he spoke with landlords and many of them are worried because they think if they speak out against trash collection the City will target them. He is also worried that the wording of RES 18-1962 is too broad and give the City too much power. Mr. Bertiful asked the commissioner to vote against the item.

Received and Filed

REPORTS OF THE STANDING COMMITTEE

Communications Committee

Charter Review Committee

CCI 19-9 January 14, 2019 Charter Review Committee Minutes.

Attachments: [Charter Review Committee Minutes 1 14 19](#)

Received and Filed

UNFINISHED BUSINESS

- 2 CCI 19-1** *Recommending the amendment to Chapter 4.04 of the Saint Paul Charter pertaining to City Council business meetings.*

Attachments: [RES 18-1727](#)

Commissioner Freeman is concerned about the time frame and would it be appropriate for notifications to the public. He would like to have parameters set for Council to cancel meetings to allow proper notification to the public. Commissioner Freeman would also like to set appropriate reasons for canceled meetings so that meetings cannot be canceled on a whim. He would like language to be less broad. Through research Commissioner Freeman found that a few years ago that City Council did change the Charter to remove fifth Wednesday of the month. He does not worry that current Council will cancel meetings whenever they feel like it, but he does worry about future councils doing so and would like to have more restrictive language. Commissioner Alton stated that there may be an option to place a time limit on notification for canceled meetings.

Rachel Tierney advised that Charter Commission can made an amendment, but they need to get back to the City in a timely manner. The Commission needs to accept, reject, or modify. Most items need to 2 readings with Charter Commission, but they can choose to wave the 2nd reading.

Commission Freeman would like to add a 90-day notification time frame for canceled meetings and would not be comfortable passing this without a timing restriction.

Rachel Tierney suggests adding "for such meetings that Council provides minimum of 90 days' notice of cancellation under a procedure outlined by ordinance."

Commission Freeman feels that is sufficient and asked if there needs to be specific reasons added to this as well so that Councilmembers would need to provide valid reason to cancel meetings.

Commission Montgomery stated that when she was on City Council they were worried about having a quorum at meetings.

Commissioner Alton suggests that Charter passes this with the understanding that Council would understand and can make the change for 90-day notification on their end.

Commissioner Freeman would like to have the 90-day notification language added to protect against random Council Meeting cancelations

Rachel Tierney outlines options to Charter about amendment.

(Commission discusses options)

Commissioner Freeman moved to amend with 90-day language.

Commissioner Donnelly-Cohen seconded

Amendment Vote - Adopted

Yea: 8 – Chair Kramer, Vice Chair Montgomery, Commissioner Donnelly-Cohen,

Commissioner Faricy, Commissioner Maeda, Commissioner Freeman, Commissioner

Kirr and Commissioner Wasley
Nay: 1 Commissioner Alton

Commissioner Faricy moves to accept as first reading and to wave need for second reading

Commissioner Kirr would like to debate options, to vote up, vote down, send back to committee, or take it back up at the next Charter Meeting. Commissioner Kirr would like to discuss the language and maybe send back to Council to rewrite.

Commissioner Faricy states the motion was made to fix the language to include 90-day requirement.

Commissioner Freeman states he is comfortable passing with the amendment.

Motion adopted

Yea: 9 - Chair Kramer, Vice Chair Montgomery, Commissioner Alton, Commissioner Donnelly-Cohen, Commissioner Faricy, Commissioner Maeda, Commissioner Freeman, Commissioner Kirr and Commissioner Wasley
Nay: 0

Adopted as amended

Yea: 9 - Faricy, Alton, Filice, Kramer, Wasley, Donnelly-Cohen, Paul Kirr, Freeman, and Montgomery

Nay: 0

Absent: 5 - Morton, Maddox, Varco, Unger, and Rybin

3 CCI 19-2

Recommending the amendment to Chapter 11.03 of the Saint Paul Charter pertaining to the City of Saint Paul's tax authority.

Attachments: [RES 18-1958 with attachment](#)

Commissioner Alton states that this was also discussed at the Charter Review Commission Meeting and that this is updating language in Charter 11.03 to match State Law.

Commissioner Alton moves to amend
Commissioner Donnelly-Cohen seconded motion

Motion adopted

Yea: 9 - Chair Kramer, Vice Chair Montgomery, Commissioner Alton, Commissioner Donnelly-Cohen, Commissioner Faricy, Commissioner Maeda, Commissioner Freeman, Commissioner Kirr and Commissioner Wasley
Nay: 0

Adopted

Yea: 9 - Faricy, Alton, Filice, Kramer, Wasley, Donnelly-Cohen, Paul Kirr, Freeman, and Montgomery

Nay: 0

Absent: 5 - Morton, Maddox, Varco, Unger, and Rybin

4 CCI 19-3

Recommending the amendment to Chapter 6.03.1 of the Saint Paul Charter pertaining to the imposition of civil penalties for violations of city ordinances .

Attachments: [RES 18-1962 with attachment](#)

CCI 19-3 Recommending amendment 1.03.1 Charter for penalties for violations of City Ordances

Travis Bistodeau presents DSI's needs for administrative citations, these will be right sized and be added a new tool for DSI to use to bring properties into code. He hopes to have it drafted and ready for Council approval by June 1st.

Commissioner Faricy asked if there would be a way to draft this for more specific situations.

Mr. Bistodeau refers to the City Attorney as they have helped draft the amendment that was brought forth today.

Commissioner Freeman asks if each department would have to go through this process if they wanted to use the administrative fines. Ms. Tierney states that some ordinances already exist with these fines but the City does not yet have the authority to charge the fines.

Commissioner Kirr asks if this time line for this ordinance is only for use within DSI.

Mr. Bistodeau states that DSI is asking for this broad language to use across the City but each department would need to draft uses and explains that this would be as a starting point that DSI would then add to it to charge their fines.

Commissioner Freeman asks that Earned Sick and Safe and Minimum Wage have these fines written but can not charge them because this ordinance needs to be in place.

Ms. Tierney explains that this will allow the City to charge these fines but there will be sub chapters for each instance these fines would be used.

Chair Kramer asked for an example of how DSI would use these fines.

Mr. Bistodeau explains a large commercial structure that needs cosmetic fixes. Currently the City can use low cost reinspection fees and owners tend to see that as just the cost of doing business in St. Paul so fixes are not made. There are criminal citations but often time the party who would receive this would not be the one able to make the changes need. This is long laborious process that often times does not go anywhere. The last option DSI has a vacation of the property and this would be used if it were unsafe, not for cosmetic reasons. DSI is looking for another way to bring these types issues into compliance with City Code.

Commissioner Wasley expresses concern about putting commercial and residential properties together. Comments that were made were more for residential reasons and she does not feel that they should be put together with commercial. He asked what the plans are to distinguish between the two.

Mr. Bistodeau states that DSI would rather work with residents than to charge fines and this would be a tool to be used at the individual inspectors' discretion if violation meets set criteria.

Commissioner Wasley states that she sees residential and commercial as two very different situations. Mr. Bistodeau replies that commercial and residential properties often have very similar code violations.

Commissioner Kirr suggests that voluntary compliance is a fourth tool and in the “tool box” and asks why the City doesn’t just raise the fees they already have in place.

Mr. Bistodeau states the tools that DSI has now is mainly for life safety issues and many times they are not affective.

Commissioner Kirr asks if these are not for life safety only and these new fees would not be for life safety.

Mr. Bistodeau agrees but there are other City Codes in place that are not properly enforced such as peeling paint.

Commissioner Kirr asks what could be done if his house has peeling paint. Mr. Bistodeau responded he could be issued a reinspection fee or issue a criminal citation. Your home would not be vacated for peeling paint. There are many properties that do not respond to either of those.

Commissioner Kirr asks what would happen if he did not pay my trash bill. Mr. Bistodeau responded that the organized trash was not part of the conversation about the fees and he does not know if he can speak to that.

Commissioner Wasley asks if DSI can follow up on unpaid trash bills. Mr. Bistodeau responded it was never talked about, but it could possibly be added.

Commissioner Faricy asked about shoveling snow and the City Code that goes along with that. Would DSI use these fees as a fund-raising effort and issues a ton of fees to residents who do not shovel in the first 24 hours?

Mr. Bistodeau responded that the City already has an effective tool in place for shoveling and for DSI to issues these fines they would have to draft language to include unshoveled sidewalks.

Chair Kramer asks if there are notifications before fines are issued. Mr. Bistodeau replies with a yes, the first step would be a notice of incompliance and the City would ask that they fix whatever needs to be fixed before fees are charged. He would like to see the City have a procedure in place where there would be 2 requests made by the City to fix code violations and then a first level administrative fine would be assessed.

Commissioner Alton ask Mr. Bistodeau how these fines would prevent property vacations. Mr. Bistodeau responded that when a reinspection tool does not work, DSI needs to decide if a criminal citation will work or if it is a life safety issue and the property needs to vacate. Reinspection fees are pretty low and many times it is cheaper for property owners to pay those instead of fixing the problem with the property.

Commissioner Alton states that he was also referring to the consequence to a vacate order. Vacation of that property would leave citizens with nowhere to go.

Mr. Bistodeau states yes, we would be penalizing people who do not have control over the property and DSI does not take that lightly.

Commissioner Wasley asks if DSI separates complaints by residential and commercial and how many citations the City issues each year. Mr. Bistodeau responded that the City does maybe a dozen criminal citations a year.

Commissioner Wasley asks for overall citations. Mr. Bistodeau responded about fifty thousand complaints a year and about ninety percent of those come into compliance voluntary.

Commissioner Kirr asks what the extra language can help with and why is it needed.

Mr. Bistodeau provided another example of a residential property that runs a business out of their home and neighbors complain about it. The City does not see it as a life safety issue and the criminal citation is hard to do because complaints against the property change. Every 45 days, the City issues a reinspection fee and the property owner just pays it. With these fees there could be an escalating fee that would go up every time a fee is issued. Larger fees may help push these kind of properties into compliance.

Commissioner Kirr asked if there is current language that would allow the City to escalate the current fees. Mr. Bistodeau responded he does not feel comfortable answering.

Commissioner Kirr asks why that has not been looked into before asking for this change to the Charter. Commissioner Alton responded that Mr. Bistodeau referred to reinspection fees, meaning those are charged to recover cost for the City to do the reinspection. As a result of that, you cannot charge more because it costs the City the same each time.

Mr. Bistodeau agrees with Commissioner Alton.

Commissioner Freeman asks Mr. Bistodeau to talk about due process. Mr. Bistodeau responded that there will be an appeal process that would be part of the procedural process that would be developed

Commissioner Freeman asks about criminalizing poverty with escalating fees. He is worried about possible abuse of the escalating fees but finds that it would be part of the process to set forth. Commissioner Freeman also asks why now and not years ago are we looking to add these fees.

Mr. Bistodeau states that there is something missing from what the City has used to get properties into compliance.

Commissioner Montgomery asks that when this goes into the Charter it is much broader than DSI's needs. There is a concern about Council having full power over all the fees.

Mr. Bistodeau replies that the public will still have time to share their feelings about it and help shape it.

Commissioner Montgomery shares concerns about the broader issue and not the DSI side of it.

Mr. Bistodeau states that this is reserved for the tough cases where they have not been able to bring it into compliance. The administration wants to work more with City

residents.

Chair Kramer asks Mr. Bistodeau to introduce Ricardo Cervantes and ask Mr. Cervantes to speak.

Mr. Cervantes states that this will provide a tool where the City does not have a tool to use. He also says that he has experience working in Minneapolis where these fees were used and they helped bring large numbers of properties into compliance.

Commissioner Alton states that this matter was considered at the Charter Review Commission Meeting and would make a motion to adopt is this change to the Charter

Commissioner Donnelly-Cohen seconded motion.

Commissioner Wasley asks if it can be separated for commercial and residential. Chair Kramer responded each property is already zoned as such.

Commissioner Wasley asks if it can be changed for commercial properties only.

Commissioner Faricy worries that the language is too broad and that currently the Council has honorable members now, but this still could be abused. She states she would like them to start over and make more specific requests.

Commissioner Freeman states that Earned Sick and Safe and Minimum Wage would be other areas he would like to see these fees used if they move forward and does not share the same concern for possible abuse.

Commissioner Freeman is open to pass as it but would be open to changing language if someone has changes they would like to make.

Commissioner Kirr chooses to reject because of overly general language to be used in specific cases that have not been outlined.

Commissioner Montgomery plans to vote against it because it is too broad.

Commissioner Alton does not think that sending this back would be of any use and that they do not have to make the specifics, that is the job of the City Council to shape this. The Charter Commission is there to allow the Council to develop this and make it into what the City needs. DSI does a great job of working with residents and the Charter Commissions should give them the tools they need to do their job.

Commissioner Kirr states that he still plans to vote no because there are already ways that the City can charge fines and he feels that the City should review what tools they already have.

Commissioner Faricy states that this is a bad timing for all of this because the new trash roll out and tax changes. She does not feel Charter should be adding fees.

Adopted

Yea: 5 - Chair Kramer, Commissioner Alton, Commissioner Donnelly-Cohen, Commissioner Maeda and Commissioner Freeman,

Nay: 4 – Vice Chair Montgomery, Commissioner Faricy, Commissioner Kirr and Commissioner Wasley

Adopted

Yea: 5 - Alton, Filice, Kramer, Donnelly-Cohen, and Freeman

Nay: 4 - Faricy, Wasley, Paul Kirr, and Montgomery

NEW BUSINESS

- 5 CCI 19-6 Recommending the amendment to Chapter 8 of the Saint Paul Charter pertaining to petitions.

Attachments: [Mansky Memo Re 8.02](#)

[Butler Letter](#)

[Butler Letter CCI 19-6](#)

Joe Mansky explained the change and the way signatures will be counted and validated on petitions.

Commissioner Freeman asks if someone moves to a new home and votes on the election day but had signed a petition before, would their signature be rejected?

Joe Mansky suggests that voter registration be completed before they do the petition.

Commissioner Freeman asks if someone moves after petition is signed and then registered to vote at a different address, would the petition signature be rejected.

Joe Mansky states that if the addresses do not match, then the signature would not count because you become unregistered at the time of the move.

Commissioner Freeman states that he would like to see that aspect changed. Commissioner Kirr responded that it seems to be asking a lot for someone to do.

Joe Mansky states that when you sign a petition that you are stating that you live at that address and that is what we compare it to. It comes down to how long the petitioner holds the petition. More of these could come up. If petitioners fall short of the required signatures they are able to go back out and get more.

Commissioner Donnelly-Cohen states that she got a letter with rejected signatures and asks for clarification on signatures with legal names over nick names. Is this a human person making the decision to reject the signatures? Joe Mansky responded the last name need to match exactly. For first names, they are tolerant.

Chair Kramer asked about timeline for petitions. Joe Mansky responded it depends on what kind petition you are doing. Generally, no legal timeline but more so operational timelines.

Commissioner Kirr asked about voter fraud and if that standard applies to petitions. Joe Mansky responded that when you sign a petition you take an oath that you are that person.

Commission Kirr questions the moving and changing of addresses. Joe Mansky responded that they are only able to verify the information that they have on file on the day the petition was presented.

Commissioner Faricy asked if the address matters. Joe Mansky responded that yes it does, and that is one of the points they inspect. That is one of reason petitioners are given extra time to gather more signatures if needed.

Commissioner Alton asked if the discussion about the change of addresses would change with this change to the Charter. Joe Mansky responded no.

Commissioner Freeman ask if Ramsey County is practicing State Law. Joe Mansky answered that it is State Law.

Adopted

Yea: 8 - Faricy, Alton, Filice, Kramer, Wasley, Donnelly-Cohen, Freeman, and Montgomery

Nay: 1 - Paul Kirr

Absent: 5 - Morton, Maddox, Varco, Unger, and Rybin

OTHER BUSINESS

6 CCI 19-7 Staff report from Joe Mansky, Ramsey County Elections Manager.

(See CCI 19-6)

Received and Filed

7 CCI 19-10 Setting future meeting dates.

Chair Kramer states that there is no need for another meeting this year and will not be setting any future dates, as this meeting meets the requirement to meet for 2019. They will need a 2019 report.

(There was discussion about requirements to meet and committee creation.)

Motion from Commissioner Kirr to create a committee to review standing rules of the Commission.

Adopted

Yea: - 9 Chair Kramer, Vice-Chair Montgomery, Commissioner Alton, Commissioner Donnelly-Cohen, Commissioner Faricy, Commissioner Maeda, Commissioner Freeman, Commissioner Kirr and Commissioner Wasley

Nay: - 0

Received and Filed

ADJOURNMENT

For more information call 651-266-8560 or email CharterCommission@ci.stpaul.mn.us