

**POLICIES & PROCEDURES COMMITTEE MEETING  
PAYNESVILLE CITY HALL  
APRIL 20, 2016  
9:00 A.M.**

**AGENDA**

- I. CALL TO ORDER
- II. CONSENT AGENDA
  - A. Minutes (page 1)
- III. NEW BUSINESS
  - A. Job Descriptions Review/Hiring (page 4)
  - B. Blue Cross Blue Shield Coverage Waiting Period (page 20)
  - C. Council Rules of Procedures – Bylaws (page 21)
  - D. Liquor Store Staffing Options (page 67)
- IV. OLD BUSINESS
  - A. Employee Performance Appraisals - **CLOSED SESSION PURSUANT TO MINNESOTA STATUTE SECTION 13D.05, SUBDIVISION 3** – To evaluate the performance of individuals who are subject to Policies & Procedures Committee authority:
    - 1. Liquor Store Clerks (5)
- V. INFORMATIONAL
- VI. ADJOURN

**Please contact Renee Eckerly at 320-243-3714 ext. 227 or at [renee@paynesvillemn.com](mailto:renee@paynesvillemn.com) if you can't attend the meeting.**

**Members: Kay McDaniel, Donovan Mayer & Renee Eckerly**

This agenda has been prepared to provide information regarding an upcoming meeting of the Policies & Procedures Committee. This document does not claim to be complete and is subject to change.

**BARRIER FREE:** All Policies & Procedures Committee meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall (320) 243-3714 early, so necessary arrangements can be made.

**REQUEST FOR COMMITTEE/COUNCIL ACTION**

**COMMITTEE/COUNCIL NAME: Policies & Procedures Committee**

Committee/Council Meeting Date: April 20, 2016

Agenda Section: Consent

Originating Department: Administration

Item Number: II - A

**ITEM DESCRIPTION: Minutes**

Prepared by: Staff

**COMMENTS:**

Please review the minutes from the March 23, 2016 and March 25, 2016 Policies & Procedures Committee meetings.

**ADMINISTRATOR COMMENTS:**

**COMMITTEE/COUNCIL ACTION:**

Motion to approve the minutes from the March 23, 2016 and March 25, 2016 Policies & Procedures Committee meetings.

**MINUTES  
POLICIES & PROCEDURES COMMITTEE**

**MARCH 23, 2016**

Chairperson Donovan Mayer called the meeting to order at 3:00 p.m. Members present Kay McDaniel, and Renee Eckerly, City Administrator. Paul Wegner, Police Chief was also present.

**Motion was made by McDaniel to approve the minutes from the January 14, 2014, August 19, 2015 and September 18, 2015 Policies & Procedures Committee meetings. Seconded by Mayer and unanimously carried.**

**ELECTION OF OFFICERS**

**Motion was made by McDaniel to elect Mayer as Chair, McDaniel as Vice Chair, and Eckerly as Secretary. Seconded by Eckerly and unanimously carried.**

**MEETING SCHEDULE**

It was decided to continue to meet on an as needed basis.

**POLICE OFFICER POSITION SECOND ROUND OF INTERVIEWS**

Wegner reviewed the interview questions and the Committee interviewed three applicants. One applicant had a family emergency (death/funeral) so that applicant will be interviewed on March 25, 2016. The Committee discussed the candidates and will make a decision on Friday.

There being no further business, the meeting was adjourned 5:00 p.m.

**MINUTES  
POLICIES & PROCEDURES COMMITTEE**

**MARCH 25, 2016**

Chairperson, Donovan Mayer, called the meeting to order. Members present were Donovan Mayer and Renee Eckerly, City Administrator. Kay McDaniel was absent. Paul Wegner, Police Chief was also present.

There were no minutes presented for approval.

**POLICE OFFICER POSITION SECOND ROUND OF INTERVIEWS**

The Committee interviewed one applicant.

**Motion was made by Eckerly to hire Nathan Johnson for the police officer position pending passing the physical exam, physical test, psychological evaluations and background investigation and recommend such to the City Council. Seconded by Mayer and unanimously carried.**

**Motion was made by Eckerly to place Tom Fread on an eligibility list for one year and recommend such to the City Council. Seconded by Mayer and unanimously carried.**

Wegner will call the applicants and make them aware of the recommendations.

There being no further business, the meeting was adjourned 10:15 a.m.

## REQUEST FOR COMMITTEE/COUNCIL ACTION

**COMMITTEE/COUNCIL NAME:** Policies & Procedures Committee

Committee/Council Meeting Date: April 20, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: III - A

**ITEM DESCRIPTION:** Job Descriptions Review/Hiring

Prepared by: Staff

**COMMENTS:**

In the 2016 Budget, there is \$30,341.11 or \$14.59 per hour for Payroll Specialist position (Grade 4/Step 2) and \$17,526.33 or \$16.85 per hour for a part time (1040 hour) Maintenance Worker Senior.

Ron Mergen, Public Works Director/Airport Manager would like to propose to hire a full time Maintenance Worker (Grade 4/Step 1) at \$29,430.88 or \$14.15 per hour. Historically, the City has hired at the Maintenance Worker position and then allowed the employees to go to school to get their Water & Wastewater Licenses, which will move them to higher pay grades (Grade 6 & 7). The recommendation could be to advertise for an eligibility list and hire the by June 1, 2016 which would keep the wages (\$14,716.00) in budget for 2016. The job description is included for your review.

Renee Eckerly, City Administrator would like to propose to hire a full time Finance Technician (Grade 4 /Step 1) at \$29,430.88 or \$14.15 per hour. This would be a new position and job description replacing the Payroll Specialist position. The recommendation would be to advertise for an eligibility list. The new job description is included for your review.

Eckerly would like to propose a change to the Administrative Assistant/Zoning Specialist job description to Administrative Assistant/Zoning Administrator. This would allow the City to have two staff members (City Administrator and Administrative Assistant) that could verify zoning and sign off on permits. The job description is included for your review.

Eckerly would like to discuss changing the Financial Specialist to Treasurer. Eckerly has contacted the League of MN Cities for research on the impact of separating the Clerk Treasurer position. The job description is included for your review.

**ADMINISTRATOR COMMENTS:**

**COMMITTEE/COUNCIL ACTION:**

Motion to recommend to City Council to start the hiring process and creation of an eligibility list for a full time Maintenance Worker at \$14.15 per hour (Grade 4 /Step1).

Motion to recommend to City Council the job description for the Finance Technician position.

Motion to recommend to City Council to start the hiring process and creation of an eligibility list for a full time Finance Technician at \$14.15 per hour (Grade 4 /Step1).



PROPOSED Appendix A for AFSCME - City Hall Contract Jan. 1, 2016 to Dec. 31, 2018 - Draft 9-16-15

2016 cost of living adjustment 1.5% each step  
 % Between Grades: 6%  
 % Between Steps: 3.0%  
 Starting midpoint: 6  
 Range: 26.68%

2016 New SAFE Step Scale											
Pts	Grade	1	2	3	4	5	6	7	8	9	
0	120	1	24,710.74	25,474.99	26,262.87	27,075.13	27,912.50	28,749.88	29,612.37	30,500.74	31,415.76
121	141	2	26,193.38	27,003.48	27,838.64	28,699.63	29,587.25	30,474.87	31,389.11	32,330.78	33,300.71
142	164	3	27,764.98	28,623.69	29,508.96	30,421.61	31,362.49	32,303.36	33,272.46	34,270.63	35,298.75
165	188	4	29,430.88	30,341.11	31,279.50	32,246.91	33,244.23	34,241.56	35,268.81	36,326.87	37,416.68
189	214	5	31,196.73	32,161.58	33,156.27	34,181.72	35,238.89	36,296.05	37,384.94	38,506.48	39,661.68
215	240	6	33,068.54	34,091.28	35,145.65	36,232.62	37,353.22	38,473.82	39,628.03	40,816.87	42,041.38
241	268	7	35,052.65	36,136.75	37,254.38	38,406.58	39,594.41	40,782.25	42,005.71	43,265.89	44,563.86
269	296	8	37,155.81	38,304.96	39,489.65	40,710.98	41,970.08	43,229.18	44,526.06	45,861.84	47,237.69
297	326	9	39,385.16	40,603.26	41,859.03	43,153.64	44,488.28	45,822.93	47,197.62	48,613.55	50,071.96
327	360	10	41,748.27	43,039.45	44,370.57	45,742.85	47,157.58	48,572.31	50,029.48	51,530.36	53,076.27
361	397	11	44,253.16	45,621.82	47,032.80	48,487.43	49,987.04	51,486.65	53,031.25	54,622.18	56,260.85
398	437	12	46,908.36	48,359.13	49,854.77	51,396.67	52,986.26	54,575.85	56,213.12	57,899.52	59,636.50
438	480	13	49,722.85	51,260.68	52,846.06	54,480.47	56,165.43	57,850.40	59,585.91	61,373.49	63,214.69
481	523	14	52,706.23	54,336.32	56,016.82	57,749.30	59,535.36	61,321.42	63,161.06	65,055.90	67,007.57
524	566	15	55,868.60	57,596.49	59,377.83	61,214.26	63,107.48	65,000.71	66,950.73	68,959.25	71,028.03
567	609	16	59,220.72	61,052.28	62,940.50	64,887.11	66,893.93	68,900.75	70,967.77	73,096.80	75,289.71
610	652	17	62,773.96	64,715.42	66,716.93	68,780.34	70,907.57	73,034.79	75,225.84	77,482.61	79,807.09
653	698	18	66,540.40	68,598.35	70,719.94	72,907.16	75,162.02	77,416.88	79,739.39	82,131.57	84,595.52
699	744	19	70,532.82	72,714.25	74,963.14	77,281.59	79,671.74	82,061.89	84,523.75	87,059.46	89,671.25
745	790	20	74,764.79	77,077.10	79,460.93	81,918.48	84,452.05	86,985.61	89,595.18	92,283.03	95,051.52

January 1, 2016											
Starting January 1, 2016											
Place on SAFE Scale											
Position	First Name	Last Name	Grade	Step	2016 Wage	2015 Wage	Amt Increase				
Administrative Assistant/Zor	Jennifer	Welling	6	9	\$42,041.38	\$41,420.08	\$621.30	1.4778%	increase		
Maintenance Worker	Lee	Schleper	4	9	\$37,416.68	\$36,863.72	\$552.96	1.4778%	increase		
Maintenance Worker, Sr	Bob	Wander	7	8	\$43,265.89	\$41,384.94	\$1,880.95	4.3474%	increase		
Finance Specialist	Belinda	Ludwig	7	8	\$43,265.89	\$41,384.94	\$1,880.95	4.3474%	increase		
Motor Vehicle Specialist	Alice	McColley	5	9	\$39,661.68	\$39,075.55	\$586.13	1.4778%	increase		
Payroll Specialist	(vacant)		4	2	\$30,341.11	\$28,995.94	\$1,345.17	4.4335%	increase		
Customer Service Specialist	(new)		3	2	\$28,623.69	\$27,354.66	\$1,269.03	4.4335%	increase		
26w @ 40h	Maintenance Worker	Brad	Mehlhop	7	4	\$19,203.29	\$18,351.92	\$851.37	4.4335%	increase	1040
26w @ 40h	Building Inspector	Brad	Mehlhop	12	2	\$24,179.57	\$23,107.57	\$1,072.00	4.4335%	increase	1040
35w @ 32h **	PT - Maintenance Work	John	Loven	1	3	\$14,145.60	\$13,518.40	\$627.20	4.4339%	increase	1120
35w @ 32h **	PT - Maintenance Work	David	Schwandt	1	2	\$13,720.00	\$13,115.20	\$604.80	4.4082%	increase	1120
52w @ 24h	PT - Social Media Specist	Jolyn	Lindquist	3	3	\$17,709.12	\$16,922.88	\$786.24	4.4397%	increase	1248
52w @ 32h	PT - Liquor Store Clerk	Josh	Mergen	1	3	\$21,016.32	\$20,084.48	\$931.84	4.4339%	increase	1664
52w @ 32h	PT - Liquor Store Clerk	April	Mathies	1	3	\$21,016.32	\$20,084.48	\$931.84	4.4339%	increase	1664
					<b>\$395,606.54</b>	<b>\$381,664.76</b>	<b>\$13,941.78</b>				

**POSITION:** Maintenance Worker

August, 2008

**DEPARTMENT:** Public Works

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**DESCRIPTION OF WORK:**

**General Statement of Duties:** Water and wastewater treatment plant operator and also performs routine to skilled maintenance work with municipal buildings, grounds, streets, parks, airport and equipment; and performs related duties as required.

**Supervision Received:** Works under the general and technical supervision of the Public Works Director.

**Supervision Exercised:** Assist in providing some technical direction to lower level maintenance workers.

**TYPICAL DUTIES PERFORMED**

The listed examples may not include all duties performed by all positions in this class. Duties may vary somewhat from position to position within a class.

\*Operation of Water Treatment Plant - which includes, but it not limited to, filter backwash, pump, motor and well inspections, trouble shooting and repairs. Working with, testing, adjusting and sampling hazardous chemicals; chlorine, fluoride, and potassium permanganate.

\*Operation of Collection/Distribution System - which includes but not limited to the operation, maintenance and repair of meters, valves, hydrants, sewer jet, camera systems, lift stations, pumps, & locating equipment. Will be required to enter into confined spaces. Repair water/sewer main breaks. May have to make repairs in emergency situations.

\*Operation of Wastewater Treatment Facility - which includes, but is not limited to the operation, trouble shooting, maintenance and repair of the equipment at the main lift station, preaeration pond, stabilization ponds, irrigation pump station, and center pivots.

\*Streets - which includes the operation, maintenance, and repair of street sweeper, dump truck with plow and sander; patching streets, blading alleys, and painting and sign repairs as necessary.

\*Parks, Beach, Airport Municipal Building, Trees and Compost – Inspect and repair of equipment, buildings, and grounds and tree inspection and removal as needed.

\*Miscellaneous - perform minor welding, carpentry, and janitorial duties as needed.

### KNOWLEDGE, SKILLS AND ABILITIES

#### \* Considerable ability and skills

- to read, understand, and follow all safety policies and procedures.
- to lift, carry, and move heavy objects weighing up to 80 pounds.
- to deal courteously with the public.
- operate tractors, street sweepers, and plows.
- to follow oral and written instructions and to read and follow technical manuals and guides.
- to read, repair, or replace meters and gauges, be able to detect when problems are occurring, and respond appropriately.

#### \* Working knowledge

- of building and equipment maintenance.
- of the operation of tractors, street sweepers, plows, mowers and attachments.
- of water treatment (i.e. Iron and Manganese removal process).
- of wastewater treatment process and land application of wastewater.
- of street and water/sewer main and service line repair.
- of street repair, painting, and building and equipment maintenance

### MINIMUM QUALIFICATIONS

Minnesota Class B Driver's License or equivalent out-of-state driver's license. One year of experience maintaining buildings and equipment. Must be able to obtain CPR certification.

### TOOLS AND EQUIPMENT USED

Dissolved Oxygen Meter, PH Meter, Water Analysis Kit, hand tools, locators, skid loader, dump truck with plow and sander, tractor with blower, program dialers, meters and general lawn care equipment.

### PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to walk; use hands to finger, handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move up to 80 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet to moderately quiet.

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The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

\*Job duties with an \*(asterisk) are essential duties necessary to fulfill the job requirements.

**POSITION:** Finance Technician

DRAFT April 2016

**DEPARTMENT:** Administration

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**Description of Work**

**General Statement of Duties:** Performs skilled accounting/clerical work documenting and maintaining work task manuals for each Administration position, being the backup for each Administration position, processing payroll, sales tax reporting, processing daily deposits, assisting the public with various transactions and assisting the City Administrator with all elections.

**Supervision Received:** Works under the general and technical supervision of the City Administrator.

**Supervision Exercised:** None.

**Duties and Responsibilities**

- \* Backup duties to all administrative position (Administrative Assistant/Zoning Specialist, Motor Vehicle Specialist, Finance Specialist, Customer Service Specialist, Social Media Specialist) to perform their job duties in their absences.
- \* Balance daily liquor store receipts for accuracy and records receipts in RITE software; completes State sales tax report and makes payments to State.
- \* Process, create and track Compost Site permits including an annual report.
- \* Answering telephones and providing customer service to the city counter, Driver's License, Motor Vehicle and DNR customers.
- \* Provides clerical support to the Public Works Director/Airport Manager.
- \* Prepares, reviews and process timecards for payment, verifies addition, verifies all information is complete, print checks and compiles overtime reports.
- \* Maintains payroll information on all employees including accrual of benefits.
- \* May completes federal, state, FICA, Medicare withholding, PERA and MSRS deferred compensation plan reports.
- \* Prepares estimated payroll, fringe benefit and workman's compensation projections for annual budget.
- \* Prepares and maintains all city license and permit including insurance verifications and reports to state agencies on city licenses issued.
- \* Verify and process all types of zoning and building permits.
- \* Assist the City Administrator for primary, general and special elections.
- \* Acts as a notary public.
- \* Responds to complaints and/or refers as appropriate.
- \* Other duties as assigned or apparent

**Essential Knowledge, Skills and Abilities**

***Communications:*** Must have the ability to actively listen to others for understanding of their needs and situations; ability to speak and write English clearly. Must be able to assertively control conversations in order to quickly and accurately gather pertinent information and be able to communicate this information professionally and precisely to the proper recipient. Be able to read and understand correspondence, memoranda, and directives.

***Decision Making:*** Must act in a decisive manner, using good judgment. Must be able to assess problems and situations, able to anticipate needs and evaluate alternatives. Must have knowledge of the utilization of appropriate resources and the willingness to initiate use of available resources.

***Interpersonal Relationships:*** Must be consistent in dealing with people; must have the ability to accept criticism and/or discipline; must have tact and diplomacy; must strive to promote a cooperative atmosphere in the department; must have a positive attitude.

***Professional Attitude:*** Must have commitment to the organization; willingness to take initiative; dependability; maturity in relationships with others; and self-confidence. Must represent the organization to other agencies and citizens with a courteous, helpful, accurate and professional attitude.

***Quality of Work:*** Must be able to produce quality, accurate work. Must be able to detect and correct errors. Must be able to prioritize and perform multiple tasks simultaneously. Must be able to utilize work time properly and productively. Must be able to coordinate and follow through on projects to completion. Must be able to work independently on a wide variety of projects and assignments.

***Physical Abilities:*** Must have the ability to read and discern visual images on a variety of media. Must have the ability to remain seated or standing at the same work station during the work period with appropriate breaks within that time frame. Must have the ability to type accurately on a computer keyboard. Must have ability to record names and numbers accurately (e.g., not transpose numbers and/or letters). Must have ability to hear while answering telephone and receiving visitors at counter. Must have ability to bend to file items regularly. The employee must occasionally lift and/or move up to 50 pounds.

**Desirable Training and Experience**

- Experience documenting and creating training material.
- Experience in bookkeeping or working with numbers.
- Experience with payroll practices and procedures.
- Experience with the operation of a computer, credit card machine, computerized cash register, and 10-key adding machine.
- Experience in dealing with the public.
- Experience with Microsoft Office Professional or Tyler Incode applications.

**Minimum Qualifications**

Minimum job requirements include an Associates degree or two years of bookkeeping or accounting experience including public contact or equivalent.

Key job characteristics include ability to be extremely detail and organizational skills, accuracy with number/calculations; spreadsheets, and database skills; customer service skills; payroll and tax filing, ability to keyboard at least 40 wpm; ability to multi- task and prioritize work; ability to work effectively with others; and good grammar skills.

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The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

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**POSITION:** Administrative Assistant/Zoning Specialist~~Administrator~~  
DRAFT April 2016  
June, 2013

**DEPARTMENT:** Administration

**Description of Work**

**General Statement of Duties:** Performs secretarial/administrative work assisting the City Administrator, Department Heads, Mayor, Council Members, and Committee Chairpersons.

**Supervision Received:** Works under the general and technical supervision of the City Administrator.

**Supervision Exercised:** None.

**Duties and Responsibilities**

- \* Answering telephones.
- \* Receipt in and distribute the mail.
- \* Prepare meeting agenda packets for the City Council and all City Committees, Boards and Commissions which includes ordinances, resolutions, contracts and agreements.
- \* Attend City Council meetings (and other Committee, Board & Commission meetings as needed) record and transcribe minutes.
- \* Process ordinances, resolutions, agreements and contracts and record all necessary documents with Stearns County.
- \* Prepare and process all publications for the city including, ordinances, public hearing notices.
- \* Order documents from the City Attorney on behalf of the City Administrator, Department Heads, Mayor, City Council and Committee Chairpersons.
- \* Maintain Official Minute Books for the City Council and all City Committees, Boards and Commissions.
- \* Verify and process all types of zoning and building permits.

Serves as zoning administrator; interprets zoning and subdivision ordinances; may attend Planning Commission meetings; provides reports, recommendations, and advice as appropriate on subdivision plats, zoning permits, variance requests, conditional use permits, and other matters related to planning and zoning; oversees building permit process; responsible for maintaining Comprehensive Plan and updating as directed by Planning Commission and City Council.

- \* Work with the ~~Payroll Clerk~~Finance Technician to maintain in house Building permit reports and ensure final inspections.
- \* Provide customer service to the public.
- \* Maintain the City Ordinance Book including applications and fees and distribute updates.
- \* Prepare letters, notices, reports and assist with platting and development processes for the City Administrator.
- \* Track the Steps for Local Improvements – Chapter 429, order and process documents, including verifying special assessments.

- \* Provide clerical support to the Chief of Police and Liquor Store Manager for correspondence and event planning and serve on the Municipal Off-Sale Retail Liquor Board.
- \* Maintain the city map files and the administrative filing system including implementing the records retention schedule.
- \* Assist with hiring of new employees including advertising, reviewing job descriptions and interviewing process. May coordinate with Payroll Clerk Finance Technician to explain benefits and complete necessary paperwork.

**POSITION:** Administrative Assistant/Zoning Specialist

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- \* Maintains city personnel policy.
- \* Administer the city phone system.
- \* Conduct research of city archives for information when requested.
- \* Develops and updates the City Meeting Schedule/Calendar.
- \* Acts as a Notary Public.
- \* Responds to complaints and/or refers as appropriate.
- \* Other duties as assigned or apparent

**Essential Knowledge, Skills and Abilities**

***Communications:*** Must have the ability to actively listen to others for understanding of their needs and situations; ability to speak and write English clearly. Must be able to assertively control conversations in order to quickly and accurately gather pertinent information and be able to communicate this information professionally and precisely to the proper recipient. Be able to read and understand correspondence, memoranda, and directives.

***Decision Making:*** Must act in a decisive manner, using good judgment. Must be able to assess problems and situations, able to anticipate needs and evaluate alternatives. Must have knowledge of the utilization of appropriate resources and the willingness to initiate use of available resources.

***Interpersonal Relationships:*** Must be consistent in dealing with people; must have the ability to accept criticism and/or discipline; must have tact and diplomacy; must strive to promote a cooperative atmosphere in the department; must have a positive attitude.

***Professional Attitude:*** Must have commitment to the organization; willingness to take initiative; dependability; maturity in relationships with others; and self confidence. Must represent the organization to other agencies and citizens with a courteous, helpful, accurate and professional attitude.

***Quality of Work:*** Must be able to produce quality, accurate work. Must be able to detect and correct errors. Must be able to prioritize and perform multiple tasks simultaneously. Must be able to utilize work time properly and productively. Must be able to coordinate and follow through on projects to completion. Must be able to work independently on a wide variety of projects and assignments.

***Physical Abilities:*** Must have the ability to read and discern visual images on a variety of media. Must have the ability to remain seated or standing at the same work station during the work

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period with appropriate breaks within that time frame. Must have the ability to type accurately on a computer keyboard. Must have ability to record names and numbers accurately (e.g., not transpose numbers and/or letters). Must have ability to hear while answering telephone and receiving visitors at counter. Must have ability to bend to file items regularly. The employee must occasionally lift and/or move up to 50 pounds.

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**Desirable Training and Experience**

- Experience with time management, organizational skills, typing with speed and accuracy and excellent grammar.
- Experience with the operation of a computer, credit card machine, computerized cash register, 10-key adding machine, and scanner.
- Experience in dealing with the public.
- Experience with Microsoft Office Professional and Adobe Acrobat.

**Minimum Qualifications**

Minimum job requirements include a Bachelor's degree or four years of executive secretarial experience including public contact or equivalent.

Key job characteristics include knowledge of Microsoft word; spreadsheet, and database skills; ability to keyboard at least 50 wpm; ability to multi-task and prioritize work; strong detail skills; accurate filing skills; ability to work effectively with others; and excellent grammar skills.

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The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

**POSITION:** Finance Specialist

June, 2013

**DEPARTMENT:** Administration

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**Description of Work**

**General Statement of Duties:** Performs skilled accounting work preparing the cities monthly financial status and assisting the public with various transactions.

**Supervision Received:** Works under the general and technical supervision of the City Administrator.

**Supervision Exercised:** None.

**Duties and Responsibilities**

- \* Manages the maintenance and development of accounting records and supervises the processing of accounting transactions, including reconciliation and closing of accounting records.
- \* Posts accounts receivable, tax settlements, creates amortization schedules and assessments; reviews assessment computations and certifies unpaid assessments and other bills to the County Auditor; computes and records interest on assessments.
- \* Assists outside auditing firm with annual audit and TIF reporting.
- \* Prepares financial and accounting reports as required; conducts year-end closing; verifies accuracy of reports.
- \* Performs the computation of monthly and annual trial balances; posts journal entries to the ledger; analyzes monthly expenditures and revenues; adjusts accounts.
- \* Calculates interest and fair market value for all interest bearing accounts and investment interest; enters into computer and prepares monthly investment report.
- \* Prepares various City and State financial reports and summaries.
- \* Work with Deputy Registrar/Accounts Payable on maintaining fixed assets records for insurance purposes and GASB 34 compliance.
- \* Prepares budget worksheets for City Administrator and department heads; enters new budget information into computer; prepares budget comparison reports; and types final budget.
- \* Prepares Truth in Taxation Agenda and State compliance reports.
- \* Prepares publications necessary to comply with State Budgeting guidelines.
- \* Prepare and process monthly and quarterly water/sewer accounts for billing.
- \* Prepares public hearing notices and letters for delinquent utility and refuse bills to be certified to County Auditor.
- \* Assists Public Works Director with several monthly water/sewer reports, preparing rate study documents for Council and determining appropriate charges for sewer, water and irrigation.
- \* Work with Deputy Registrar/Accounts Payable to prepares daily reports for driver's license, motor vehicle and DNR including insuring all transactions are entered correctly

- \* Reconcile cash daily, prepare deposits of state and local fees; makes daily bank deposits.
- \* Answering telephones and providing customer service to the public.
- \* Provides staff support for Fire Department meetings; prepares agenda, takes and types minutes, answers questions, and maintains records.
- \* Calculates charges for contract cities and townships receiving fire service by applying a formula to County valuations for contracted areas and bill.
- \* Prepares monthly fire call report for contracted cities and townships.
- \* Updates City Maps to include current zoning changes, annexations, census data and maintain safety deposit box documents spreadsheet.
- \* Assists in maintaining the City Ordinance Book.
- \* Verify and process all types of zoning and building permits.
- \* Maintain amortization and payment information for EDAP's revolving loan fund and prepares EDAP loan report to the board.
- \* Acts as a notary public.
- \* Responds to complaints and/or refers as appropriate.
- \* Other duties as assigned or apparent.

**Essential Knowledge, Skills and Abilities**

***Communications:*** Must have the ability to actively listen to others for understanding of their needs and situations; ability to speak and write English clearly. Must be able to assertively control conversations in order to quickly and accurately gather pertinent information and be able to communicate this information professionally and precisely to the proper recipient. Be able to read and understand correspondence, memoranda, and directives.

***Decision Making:*** Must act in a decisive manner, using good judgment. Must be able to assess problems and situations, able to anticipate needs and evaluate alternatives. Must have knowledge of the utilization of appropriate resources and the willingness to initiate use of available resources.

***Interpersonal Relationships:*** Must be consistent in dealing with people; must have the ability to accept criticism and/or discipline; must have tact and diplomacy; must strive to promote a cooperative atmosphere in the department; must have a positive attitude.

***Professional Attitude:*** Must have commitment to the organization; willingness to take initiative; dependability; maturity in relationships with others; and self confidence. Must represent the organization to other agencies and citizens with a courteous, helpful, accurate and professional attitude.

***Quality of Work:*** Must be able to produce quality, accurate work. Must be able to detect and correct errors. Must be able to prioritize and perform multiple tasks simultaneously. Must be able to utilize work time properly and productively. Must be able to coordinate and follow through on projects to completion. Must be able to work independently on a wide variety of projects and assignments.

***Physical Abilities:*** Must have the ability to read and discern visual images on a variety of media. Must have the ability to remain seated or standing at the same work station during the work period with appropriate breaks within that time frame. Must have the ability to type accurately on a computer keyboard. Must have ability to record names and numbers accurately (e.g., not transpose numbers and/or letters). Must have ability to hear while answering telephone and receiving visitors at counter. Must have ability to bend to file items regularly. The employee must occasionally lift and/or move up to 50 pounds.

**Desirable Training and Experience**

- Experience with accounting practices and procedures and ability to perform mathematical calculations with accuracy.
- Experience with the operation of a computer, credit card machine, computerized cash register, 10-key adding machine, and scanner.
- Experience in dealing with the public.
- Experience with Microsoft Office Professional, T-Value Amortization and Tyler Incode applications.

**Minimum Qualifications**

Minimum job requirements include a Bachelor's degree or four years of accounting experience including public contact or equivalent.

Key job characteristics include knowledge of accounting practices, knowledge of processing utility payments, spreadsheets, and database skills; ability to keyboard at least 40 wpm; ability to multi-task and prioritize work; strong detail skills; extreme accuracy; ability to work effectively with others; and good grammar skills.

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The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

## REQUEST FOR COMMITTEE/COUNCIL ACTION

**COMMITTEE/COUNCIL NAME: Policies & Procedures Committee**

Committee/Council Meeting Date: April 20, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: III - B

**ITEM DESCRIPTION: Blue Cross Blue Shield Coverage Waiting Period**

Prepared by: Staff

### **COMMENTS:**

Renee Eckerly, City Administrator will give verbal report.

In the past, the City elected to have a 30 day waiting period from the date of hire before medical insurance was available.

Currently with the Affordable Care Act, the City elected to have the insurance active the first of the month after the 30 day waiting per from hiring. Example: Employee hired on October 15<sup>th</sup>, health insurance would not be available to the employee until December 1<sup>st</sup>.

With the policy renewal in June, Eckerly would like to present two other options:

1. Health insurance available same day as hired.
2. Health insurance available the 1<sup>st</sup> of the month following hiring date. Example: Employee hired on October 15<sup>th</sup>, health insurance available November 1<sup>st</sup>.

### **ADMINISTRATOR COMMENTS:**

### **COMMITTEE/COUNCIL ACTION:**

## REQUEST FOR COMMITTEE/COUNCIL ACTION

**COMMITTEE/COUNCIL NAME:** Policies & Procedures

Committee/Council Meeting Date: April 20, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: III – C

**ITEM DESCRIPTION:** Council Rules of Procedures - Bylaws

Prepared by: staff

### **COMMENTS:**

Donavan Mayer, Council would like the Committee to discuss and review some options. Chapter 2 of the City Ordinance would be the location for procedures or bylaws, currently the City has not adopted either.

Attached is excerpts from the Minnesota Mayors Handbook, April 2013, that address this subject and gives an example.

There is the book The Standard Code of Parliamentary Procedure by Alice Sturgis which is a simplified procedure for Robert's Rules of Order, which is also an option.

### **ADMINISTRATOR COMMENTS:**

### **COMMITTEE/COUNCIL ACTION:**

# *Minnesota Mayors Handbook*

April 2013

**MMA** Minnesota  
Mayors  
Association

*Produced by the League of Minnesota Cities  
for the Minnesota Mayors Association*

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## Chapter 3: Meeting management

Meetings of city council are where the business of the city is conducted and vital decisions for the city's future are made. Meetings are often also the principal place where citizens interact with their governing body and form an impression about their city. As a result, meeting management is one of the most important components of a mayor's duties.

### I. Role of the mayor in managing meetings

Minn. Stat. § 412.191, subd. 1.

The mayor of a statutory city is a member of the council, and has the same right to vote and make and second motions at meetings as the other councilmembers. Charter cities may have a different role for the mayor specified in their charter.

In addition to participating in meetings, mayors have two additional roles to play. They preside over the meeting to facilitate discussion and they preserve order.

#### A. Role of presiding officer

Minn. Stat. § 412.191, subd. 2.  
Minn. Stat. § 412.121.

The mayor is the presiding officer of the meeting. In the absence of the mayor, the acting mayor must perform the duties of the mayor. The acting mayor is sometimes also called the mayor pro-tem and is usually appointed by the council.

See Section II – *Bylaws : policies on meetings management.*

See Minnesota Mayors Association Sample City Council Bylaws.

Rules of procedure may vary from city to city, depending on the council's bylaw or policies. Typically, however, the presiding officer at a meeting is the person vested with the authority to:

- Call a meeting to order and propose adjournment.
- Recognize and call upon speakers.
- Call for debate and vote on motions.
- Clarify or request clarifications of motions made by members.
- Rule motions out of order.
- Interpret and enforce any meeting management policies, bylaws, or rules of procedure.
- Call members to order if they disregard rules of procedure or decorum for the meeting.

See Minnesota Mayors Association Sample City Council Bylaws.

As the presiding officer, the mayor has a great deal of control and influence over how a meeting progresses—for example, who is heard and not heard and which topics are brought forward for discussion. However, this power is often not absolute. Most rules of order provide some method for members of the council to question the presiding officer’s decisions and, on some occasions, to overrule them by a vote.

See Minnesota Mayors Association Sample Rules of Order for City Councils.

Because presiding officers have such influence over the meeting, most council bylaws or rules of order emphasize that presiding officers should strive to be fair and impartial. This often means listening more than speaking—even on contentious issues—and allowing councilmembers with opposing viewpoints to each have an opportunity to speak. A fair and impartial presiding officer protects the rights of all members to participate in the meeting.

Minn. Stat. § 412.191, subd. 2.

### 1. Role in preserving order

A statutory city council is authorized to preserve order at its meetings. The mayor, as the presiding officer, is also vested with some authority to prevent disturbances.

See Minnesota Mayors Association Sample City Council Bylaws.

City bylaws may vary from city to city. Typically, however, the presiding officer at a meeting is the person vested with the authority to preserve order by:

See Section III-A and IV-D.

- Following the council’s approved agenda and limiting discussion to current agenda items.
- Ruling on questions of procedure and entertaining appeals to rulings.
- Calling members of the council or public to order if they are being unruly or disruptive.
- Declaring meetings recessed or adjourned if they become too unruly.
- Requesting the removal of unruly or disruptive persons from the meeting room. The mayor may request the assistance of law enforcement if unruly persons refuse to depart the meeting rooms.

Minn. Stat. § 412.191, subd. 2.

## II. Bylaws: policies on meeting management

See Minnesota Mayors Association Sample City Council Bylaws.

A statutory city council has the power to regulate its own procedures. Home rule charter cities may have similar provisions in their charters. Councils often regulate their procedures through the formal adoption of bylaws. Councils are not required to adopt bylaws for meeting management, but they are highly recommended for the following reasons:

- Rules set common values and expectations for interactions among councilmembers.

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- Rules can provide structure to a meeting, promoting timeliness and efficiency.
- Rules can help resolve conflicts in a positive way that promotes the best interests of the city, rather than allowing conflicts to grow, potentially disrupting city operations and slowing vital council decisions.

Many cities have adopted Robert's Rules of Order as a component of their bylaws. There is no legal requirement to use Robert's Rules, but it is common practice. Using Robert's Rules of Order has benefits and drawbacks for a city. Some of the benefits of using Robert's Rules are:

- They are familiar to many people who attend council meetings, including councilmembers, citizens, and others.
- They are readily available in many guides in various formats.
- They promote a level of formality, which some believe encourages courteous discourse.

There are, however, disadvantages to adopting Robert's Rules in its entirety to govern procedure at council meetings. Some of the disadvantages of using Robert's Rules are:

- They were not crafted with Minnesota law in mind and sometimes diverge from legal requirements for Minnesota cities.
- They were crafted to govern large bodies of assembly (such as a parliament), and are sometimes unwieldy for smaller bodies.
- While shorter condensed versions of Robert's Rules exists, typical volumes of the rules are 200 pages or longer. This can be difficult for new members to learn. Councilmembers who are unfamiliar with the intricacies of Robert's Rules may feel silenced by their unfamiliarity with technical points or outmaneuvered by councilmembers who are more familiar with the rules.

For these reasons, city councils may prefer to adopt a more simplified policy than Robert's Rules. Several other models exist, or the council can draft its own policy to fit the organization and desired level of formality. Sample council bylaws and rules of order are in the appendices of this handbook.

Whatever policy the council adopts, it should follow it. Although the council can vote to change or suspend its rules, it is probably better to stick with the adopted rules except on rare occasions.

### III. Meeting decorum

Meeting decorum may be an aspect of the city council's bylaws or it may be a separate set of expectations and rules that may or may not be formally adopted in written form. Decorum is more easily enforced, however, when expectations are written.

See Minnesota Mayors Association Sample Rules of Order for City Councils.

See Minnesota Mayors Association Sample City Council Bylaws.

## A. Typical decorum requirements

Typical rules of decorum require councilmembers to:

- Refrain from private conversation while in the council chamber that interrupts the proceedings of the council.
- Refrain from the use of offensive words, threats of violence, or other objectionable language in or against the council or against any member.
- Limit speech to subject of current debate.
- Abide by time limits for speaking.

More modern policies on decorum may also emphasize:

- Refraining from the use of cell phones or other personal electronic devices during meetings. In addition to being a decorum problem, this may also create problems under the Open Meeting Law.
- Allowing the use of cameras, video, and other recording devices, but requiring them to be used in an unobtrusive manner that does not disrupt or delay the meeting.

Rules of decorum are often also established to govern the conduct of the public when participating in meetings.

## B. Enforcing decorum among councilmembers

Council meetings on important community issues may become contentious very quickly. Establishing rules of decorum before a controversy arises can prevent meetings from becoming unproductive due to conflict. On occasion, however, members of the council may not follow the rules. On these occasions, the mayor's role as the meeting's presiding officer is particularly important.

Bylaws may vary from city to city. Generally, however, when councilmembers violate rules of order and decorum, the presiding officer is authorized to:

- Not recognize a breaching councilmember's request to speak, limiting their role in debate until decorum is observed.
- Declare the councilmember's actions out of order.
- Order removal from the council chambers by law enforcement until the councilmember agrees to abide by council rules of decorum.

See Minnesota Mayors Association Sample City Council Bylaws.

In addition, if provided in the council's policy, generally any councilmember (including the mayor), may make a motion to censure a councilmember for conduct that breaches decorum. A censure often takes the form of a resolution adopted by council vote noting the councilmember's conduct and expressing disapproval of such conduct.

Minn. Stat. § 609.72.

State law also prohibits persons, including councilmembers, from disturbing public meetings, through fighting or threatening words and conduct. Councilmembers who engage in this unlawful conduct may be charged with a misdemeanor.

## IV. Citizen input and audience participation in council meetings

Audience members do not normally have a right to take an active part in the council's discussion at a meeting. Only the council can make motions and vote at a council meeting. Audience members may not speak unless they have been recognized by the presiding officer.

### A. Forums for public comment

Many city councils schedule a portion of each council meeting for public comment. These are often referred to as "open forums." During this part of the meeting, the presiding officer will recognize members of the audience to speak briefly on topics that concern them. These forums are different from formal public hearings required by law on specific issues.

It is a good idea to have a policy in place related to city responses to citizen input at meetings. Often it is a good idea to not respond immediately or to take direct action in response to citizen requests. Instead, the city should adopt a policy that refers most citizen comments or requests to city staff for further research and a written report back to council. This allows the city the opportunity to gather all the facts and make a measured and fair response.

While many councils recognize the value of citizen input, citizen comment can negatively affect meeting efficiency if not managed. For example, if a large number of audience members wish to speak, the meeting may not progress efficiently. Likewise, if one person spends a long time expressing his or her view, others may not get the opportunity to present their views. The following sections discuss ways to address some of these problems.

See Minnesota Mayors Association Sample City Council Bylaws.

See Section IV-C.

## 2. The mayor's role in long-term planning

Certainly mayors in statutory cities do not have the authority to initiate or engage in long-term planning on their own initiative. However, as an inspirational leader, mayors can advocate the importance of long-term planning for a community—particularly when short-term considerations seem overwhelming.

One of the most concrete ways that mayors can promote long-term planning is in their role as presiding officer at city council meetings. Mayors can suggest that debate consider the long-term implications of city actions or that city decisions be evaluated for their consistency with long term plans already in place.

### C. New programs and initiatives

A mayor's initiative project or program is a common way to create or revitalize interest in city services. Mayors in statutory cities must, of course, work closely with their city councils to gain approval for and financing of any new programs. However, it is important to stress that a mayor's initiative need not be a costly or expensive campaign. Some low cost mayor's initiative may center on promoting use of community parks and recreational opportunities or encouraging volunteerism. The mayor's role as ceremonial head of the city can often be harnessed to generate interest in valuable community projects.

## III. Ethical leadership

Ethical leadership on the part of the mayor is vital to the functioning of the city and to maintaining the public's trust and confidence in both the city and the democratic process. In their duties as ceremonial leader of the city and as presiding officer at city meetings, mayors can play a significant role in promoting ethical government.

### A. Key traits of ethical leaders

While most people agree that it is desirable to be an ethical person, deciding what is "ethical" in a given situation may be more difficult. Some common traits of ethical public officials are:

- *Ethical mayors recognize that ethical questions may be complex.* As a result, they are willing to seek out and accept the advice of knowledgeable officials such as the city attorney or senior city staff.

- ***Ethical mayors recognize that ethical conflicts are inevitable and should be dealt with forthrightly.*** Elected officials are human and citizens of their communities. On occasion, it is to be expected that they will have needs or roles in their private lives that conflict with the obligations of public office. Ethical officials are open about potential conflicts of interest and follow applicable rules for disclosing and dealing with the conflict (such as refraining from voting on a particular issue) to avoid even the appearance of impropriety.
- ***Ethical mayors are driven by fairness.*** The most ethical mayors recognize that many city decisions will have adverse as well as positive outcomes and they, therefore, strive to make the best decision as defined by its ultimate fairness to all concerned. This often means making impartial decisions on the merits of the issues alone, while disregarding personal allegiances. It can also mean taking into account interests of citizens who are not present or who have not otherwise commented, but who are nonetheless affected by a decision. Ethical officials try to make decisions in the best interest of all in the community, not just those who show up at a meeting or protest the loudest.
- ***Ethical mayors recognize the importance of conscientious and ethical government as a value in itself.*** Ethical mayors do not use their office or authority for revenge, prestige, or personal gain. Ethical mayors recognize that government is a human institution. As a result, the human motivations of those in government will determine if the government itself is effective or ineffective, good or bad, ethical or unethical. Ethical mayors care enough to make a positive difference and then act accordingly.

## B. Ethics laws and official conflict of interest

State law includes extensive regulation on the ethical behavior of city officials and criminalizes violations of the law. State law regulates—among other things—conflict of interest, incompatible offices, and gifts to elected officials.

### 1. Official conflict of interest in contracts

Generally state law prohibits public officers from having a personal financial interest in a sale, lease, or contract they are authorized to make in their official capacity. A “public officer” certainly includes a mayor, a councilmember, or an elected official.

An interested officer should disclose his or her interest at the earliest stage and abstain from voting or deliberating on any contract in which he or she has an interest. There are some exceptions to the general prohibition on contracting with city officials defined in state law. When the exceptions are used, generally the contract must be approved by unanimous vote of the council.

Minn. Stat. § 471.87.

Minn. Stat. § 471.88, subd. 1.  
*1989 Street Improvement Program v. Denmark Township*, 483 N.W.2d 508 (Minn. App. 1992).

There are detailed procedures that must be followed to use any exception to the conflict of interest law. State statute and the city attorney should be consulted on the procedures to follow.

**a. Statutory cities**

Statutory cities must consider an additional law. The law provides that no member of a statutory city council may be directly or indirectly interested in any contract the council makes, except for the limited exceptions discussed previously. This law may apply to some situations where the general law does not. For example, even though the actual contract is not made with a councilmember, the fact that he or she has an indirect interest in it could violate this law.

**b. Home rule charter cities**

Many home rule charters contain provisions on conflict of interest in contracts. Some of these go beyond the statute to include any city official, even though the official has no part in making the contract. These charter provisions may apply to situations where the statute does not. However, the exceptions discussed previously apply to all cities, despite any other statute or city charter. (Because charter provisions vary from city to city, they are not covered in this document.)

Some home rule charters contain provisions preventing all officers and employees from being interested in a contract with the city. Such a provision evidently applies to every city officer or employee whether or not he or she has a part in making contracts.

**2. Conflicts of interest in non-contract situations**

Conflicts in non-contractual situations, such as the approval of a license held by a councilmember or the determination of qualifications for office, may also arise. While conflicts in contractual situations are closely regulated by state law, unfortunately, there is little statutory guidance related to non-contractual conflicts. Guidance in these situations comes through Minnesota attorney general opinions and court decisions, including decisions of the Minnesota Supreme Court. This adds a layer of complexity to dealing with conflicts in non-contractual situations.

Generally any official who has personal financial interest in an official non-contractual action is disqualified from participating in the action. This is especially true when the matter concerns the member's character, conduct, or right to hold office. Another situation may be when the official's own personal interest is so distinct from the public interest that the member cannot be expected to represent the public interest fairly in deciding the matter.

Dealing with conflicts in non-contractual situations requires the advice and guidance of the city attorney.

Minn. Stat. § 412.311.

56 Am. Jur. 2d *Municipal Corporations* § 142. *Lenz v. Coon Creek Watershed Dist.*, 278 Minn. 1, 153 N.W.2d 209 (1967). *Township Bd. of Lake Valley Township v. Lewis*, 305 Minn. 488, 234 N.W.2d 815 (1975).

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*State v. Sword*, 157 Minn. 263, 196 N.W. 467 (1923). *Kenney v. Goergen*, 36 Minn. 190, 31 N.W. 210 (1886).

### 3. Incompatible offices

Generally all individuals in elected office are prohibited from holding incompatible offices. The question of whether a city official can also serve the city in some other capacity is quite complicated. One must look at both the statutory law and the common law that has been developed through Minnesota court decisions. The city attorney should be consulted on concerns about elected officials holding two separate offices.

Minn. Stat. § 471.895.

### 4. Gifts to elected officials

Elected and appointed “local officials” may not receive a gift from any “interested person.” An “interested person” is a person, or representative of a person or an association, who has a direct financial interest in a decision that a local official is authorized to make. This law applies to all cities in Minnesota.

Minn. Stat. § 471.895, subd. 3.

There are a few exceptions to the gift law. Some commonly encountered exceptions include lawful campaign contributions and food or beverages given at a reception, meal, or meeting the official has been invited to attend.

### 5. Other laws on ethical behavior

Various other state laws regulate the ethical behavior of elected officials. A non-exhaustive list of these laws includes:

Minn. Stat. § 15.054.

- ***Sale of government-owned property.*** In general officers and employees of the state or its subdivisions are prohibited from selling government-owned property to another officer or employee of the state or its subdivisions. However, the law does not apply to the sale of items acquired or produced for sale to the general public in the ordinary course of business. In addition, the law allows government employees and officers to sell public property if the sale is in the normal course of their duties.
- ***Gifts from lobbyists for officials in metropolitan cities with populations over 50,000.*** Metropolitan cities with a population over 50,000 are subject to an additional law related to gifts. Local officials in these cities are also prohibited from receiving gifts from “lobbyists.” A “lobbyist” is defined as someone engaged in lobbying in the private or public sector, or a city employee or non-elected city official who spends more than 50 hours in any month attempting to influence governmental action.

Minn. Stat. § 471.895. Minn. Stat. § 10A.071. Minn. Stat. § 10A.01, subd. 21.

Minn. Stat. § 10A.07.

Minn. Stat. § 10A.01, subd. 29.  
Minn. Stat. § 10A.09, subds.  
6a, 1.

- **Conflict of interest and economic disclosure in metropolitan cities with populations over 50,000.** Elected and appointed officials of metropolitan cities with populations over 50,000 must disclose certain information if they will be involved in a decision that will affect their financial interests. The law affects elected or appointed city officials, or city employees with authority to make, recommend, or vote on major decisions regarding the expenditure or investment of public funds. The law applies if the official or employee must make a decision or take an action that substantially affects his or her financial interests or those of a business with which he or she is associated. However, there is an exception if the effect is no greater for the interested business than for others in that business, occupation, or position.
- **Statements of economic interest.** City officials in cities within the seven-county metropolitan area with populations over 50,000 (as determined by the most recent federal census, a special U.S. census, an estimate by the Met Council, or the state demographer) must file a statement of economic interest. The statement must be filed with the local official's governing body and the Minnesota Public Disclosure Board.

## 6. City values statements and ethics policies

Ethical expectations can be difficult to convey. In addition, the conflict of interest laws are scattered throughout many statutes and court cases, making them difficult to find and hard to interpret. As a result, some cities have developed and adopted their own policies on ethics and conflicts of interest. Policies must be consistent with state law. Generally these policies can take two forms: a values statement expressing core principles for ethical conduct, or a formal code of conduct. Cities may adopt a values statement or a code of conduct or both. However, it is important to note that state law does not require formal adoption of a city ethics policy.

### a. Values statements

Values statements are written to reflect the core ethical values of the city. They are a way to compare preferred values against actual behaviors. Values statements may take many forms, but generally they contain four to six cardinal values surrounded by "T" statements and examples. For example, "I serve the public interest when I recognize and support the public's right to know the public's business." Values-based codes generally set aspirational "do's," while codes of conduct stress "don'ts," as discussed below.

### b. Codes of conduct

Codes of conduct are written more like bylaws or regulations for an organization. Generally they prescribe explicit standards of behavior and provide for formal complaints, hearings, and censure. For example, a code of conduct might state, "No member may knowingly violate the Open Meeting Law."

See LMC Sample Statement of Values.

See LMC Sample Code of Conduct.

**c. Enforceability**

**i. Values statements**

Because of the aspirational and sometimes subjective nature of values-based codes, formal enforcement might be difficult and likely counterproductive. Compliance is better left to the individual's conscience.

**ii. Codes of conduct**

Charter cities may provide for recall of elected public officials in their charter. However, recall of public officials is not possible in statutory cities. In addition, there is no authority in state statute to provide for removal of a councilmember by vote of the council or through application of a city-based ethics policy. There is also no authority to levy fines for violations.

As a result, city codes of conduct for elected officials are generally enforced through censure. Censure is a formal resolution of council stating that a councilmember has violated the city's ethical rules and expressing disapproval of his or her actions.

Minn. Stat. § 410.20.

**IV. Mayor-council relationship**

Because the mayors of statutory cities lack significant individual authority, the key to a successful mayor-council relationship often lies in recognizing the mayor's role (and its limits) and working from there to build productive partnerships with fellow councilmembers.

**A. Meetings and the mayor-council relationship**

Because of the Minnesota Open Meeting Law, most interaction between mayor and council will occur in public during an open meeting where the mayor is the presiding officer. As a result, meeting management and meeting decorum are key to developing a successful mayor-council relationship. Some keys to success in this area include:

See Chapter 3.

## Appendix A

## Minnesota Mayors Association

**City Council Bylaws**

- I. **AUTHORITY.** City councils are authorized to adopt rules of procedure and provide for order at their meetings pursuant to Minn. Stat. § 412.191.
- II. **PURPOSE.** The purpose of this policy on city council meetings is to set the groundwork for orderly and respectful communications between and among councilmembers, city staff, and citizens to promote the efficient working of the public's business at city council meetings.
- III. **THE OPEN MEETING LAW.** The Minnesota Open Meeting Law, Minn. Stat. ch. 13D, generally requires that all meetings of public bodies be open to the public.
  - A. This presumption of openness serves three basic purposes:
    1. To prohibit actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies, or to detect improper influences.
    2. To ensure the public's right to be informed.
    3. To afford the public an opportunity to present its views to the public body.
  - B. The city council views providing and encouraging citizen access to city meetings as one of its most important duties. As a result, all council and council committee meetings, including special and adjourned meetings, with the exception of closed meetings, as provided by Minn. Stat. ch. 13D, shall be open to the public.
  - C. In calculating the number of days for providing notice under the Minnesota Open Meeting Law, the first day that the notice is given is not counted, but the last day is counted. If the last day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation and the following day is considered the last day (unless, it happens to be a Saturday, Sunday, or legal holiday).
  - D. In keeping with the intent of the Minnesota Open Meeting Law, city councilmembers shall not use any form of electronic communications technology, such as text messaging or e-mail, to communicate with one another or third parties during a public meeting in a manner that is hidden or shielded from the public view.
  - E. Pursuant to Minn. Stat. § 13D.01, subd. 6, at least one copy of the written materials made available to council at or before the meeting shall also be made available for inspection by the public, excluding any non-public data, attorney-client privileged data, or materials related to agenda items of closed meetings.

IV. **QUORUM.** A simple majority (\_\_\_\_\_) of the council shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

V. **COUNCIL MEETINGS.**

- A. **Location.** All meetings, including special, recessed, and continued meetings, shall be held in the city council chambers, unless otherwise designated, pursuant to Minn. Stat. § 13D.04, subd. 2.
- B. **Regular meetings.** A schedule of regular meetings shall be kept on file with the city clerk.
- C. **Special meetings.** A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two city councilmembers by filing a request for the meeting at least three days before the meeting. Days shall be counted as provided in III-C. Notice to the public of special meetings must be given pursuant to Minn. Stat. § 13D.04, subd. 2.
- D. **Emergency meetings.** An emergency meeting may be called by the mayor or any two city councilmembers. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. Posted or published notice of an emergency meeting is not required. However, the city will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.
- E. **Closed meetings.** The Minnesota Open Meeting Law allows some meetings to be closed to the public for defined purposes. When a meeting is closed, the presiding officer at the council meeting will state the reason for closing the meeting on the record and cite the state statute that permits closure.
- F. **Recessed or continued meetings.** When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd 4. The time and place shall be noted in the minutes. If the time and place is stated and noted in the minutes, no additional notice of the meeting is required. However, if the time and place is not stated, the notice procedures for special meeting shall be required.
- G. **Organizational meetings.** The council will conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:
  1. Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
  2. Select an official newspaper pursuant to Minn. Stat. § 412.831.
  3. Select an official depository for city funds. This must be done within 30 days of the start of the city's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd 1; 427.09.
  4. Review council's bylaws and make any needed changes.
  5. Assign committee duties to members.
  6. Approve official bonds that have been filed with the clerk.

- VI. PRESIDING OFFICER.** The mayor shall preside at all meetings of the city council.
- A. Role of the presiding officer.** The presiding officer shall preserve order, enforce the City Council Rules of Order and Procedure as adopted in VII, and determine, without debate, all questions of procedure and order, subject to the final decision of the council on appeal as provided in VI-D. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order.
  - B. Adjourning meetings.** If considered necessary, because of grave disorder, the presiding officer may adjourn or continue the meeting to another time or suspend the meeting for a specified time.
  - C. Designation of a sergeant-at-arms.** The presiding officer may request that local law enforcement designate a member to serve as a sergeant-at-arms at city council meetings. The sergeant-at-arms shall carry out all orders or instructions given by the presiding officer for the purpose of maintaining order and decorum at meetings.
  - D. Motions and voting.** The presiding officer may make motions, second motions, speak on any questions, and vote on any matter properly before the council.
  - E. Absences of the presiding officer.** In the absence of the mayor, the acting mayor shall preside. In the absence of both the mayor and the acting mayor, the city clerk/administrator shall call the meeting to order. The first order of business shall be to select a presiding officer for the meeting from the members present. The city clerk/administrator shall preside until the councilmembers present choose a member to act as presiding officer.
  - F. Appeals of rulings of the presiding officer.** Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
    - 1. **Procedure for appeals.** An appeal is made by motion. No second is need for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other councilmember may participate in the discussion.
    - 2. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
    - 3. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.
  - G. Temporary designation of a presiding officer.** The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. In the alternative, the council may by majority vote designate a temporary presiding officer to preside over the debate on a given matter. The presiding officer shall resume presiding as soon as action on the matter is concluded.
- VII. RULES OF ORDER AND PROCEDURE.** The proceedings of the city council shall be conducted in accordance with the Minnesota Mayors Association Rules of Order for City Councils.

### VIII. *DECORUM OF COUNCILMEMBERS.*

- A. *Aspirational statement:* All councilmembers shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.
- B. *Aspirational statement:* No councilmember shall engage in conduct which delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.
- C. *Aspirational statement:* City council meetings shall be conducted in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.
- D. To effectuate these aspirational goals, city councilmembers shall conduct themselves at council meetings in a manner consistent with the following:
  - 1. No councilmember shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the council.
  - 2. No councilmember shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.
  - 3. No councilmember shall use profane or obscene words or unparliamentary language or use language that threatens harm or violence toward another person during a council meeting.
  - 4. No councilmember shall speak on any subject other than the subject in debate.
  - 5. No councilmember shall speak without being recognized by the chair; nor shall any councilmember interrupt the speech of another councilmember.
  - 6. No councilmember shall disobey the City Council Rules of Order and Procedure adopted in VII or a decision of the presiding officer on questions of order or practice or upon the interpretation of the rules of council.
  - 7. No councilmember shall engage in disorderly conduct that disturbs or disrupts the orderly conduct of any meeting.

### IX. *VOTING.*

- A. The votes of the city council will be taken by voice vote. The presiding officer shall announce the results of all votes of the council.
- B. A clear statement of the matter being voted upon and the names of those voting for and against the matter shall be recorded in the official minutes.
- C. Councilmembers may ask for a roll call of the vote by the clerk/administrator on any motion or resolution.
- D. The clerk/administrator may ask for a verification roll call if the vote of a councilmember is not clear on the voice vote.
- E. A majority vote of the quorum present shall be sufficient for all matters before the council, unless otherwise provided by state law.
- F. Whenever a matter is put forward for a vote, every councilmember shall vote, unless a bona fide conflict of interest, as defined by state law, exists.

**X. MEETING SCHEDULE.**

- A. Each meeting of the council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.
- B. Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the council. The prepared agenda may also be altered by the presiding officer to accommodate the advertised time of a public hearing.
- C. The last item on the agenda will be commenced no later than \_\_\_\_\_ p.m.
- D. If all business has not been completed, the meeting may be continued to another date and time following the notice provisions in V-F.

**XI. ORDER OF BUSINESS.** The order of business for all council meetings shall be:

- A. Call to order.
- B. Call of roll.
- C. Approval of minutes.
- D. Public forum and correspondence.
- E. Consent agenda.
- F. Public hearings (when scheduled).
- G. Acknowledgement of receipt of board/commission minutes (if any).
- H. Board/commission/committee reports (if any).
- I. Staff reports (if any).
- J. New business.
- K. Unfinished business.
- L. Consideration of bills.
- M. Adjournment.

**XII. AGENDA.** An agenda will be prepared for all regular council meetings by the city clerk/administrator. Agenda items may be placed by city councilmembers and city staff. Members of the public wishing to place items on the agenda shall be directed to the public comment forum provided at the council meeting. When a special meeting is called, the agenda must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

- A. All requests to place an item on the agenda must be received by the city clerk/administrator by \_\_\_\_\_ a.m. \_\_\_\_\_ days prior to the next council meeting.
- B. All requests to place an item on the agenda must be on the form prescribed by the city. The form should be completed with the goal of clearly describing the subject matter to be considered by council and any action requested or required. Supporting information may be attached to the form as necessary.
- C. All requests to place an item on the agenda by city staff must be reviewed by the city administrator/clerk.
- D. The agenda, along with information materials, will be mailed or delivered to all city councilmembers and the city attorney at least \_\_\_\_\_ days prior to the next council meeting.

**XIII. CONSENT AGENDA.** A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.

- A. Items that require findings of fact or an explanation of council actions, such as land use matters and the consideration of license requests, should generally not be placed on the consent agenda.
- B. An item on the consent agenda may be removed from consideration by the request of any one councilmember. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

**XIV. MINUTES.** Minutes constitute a vital record of the city and are the best means of preserving city council intent, findings of fact, and action. Pursuant to Minn. Stat. § 412.151, the city clerk must keep a minute book.

- A. The minutes shall contain at minimum:
  1. The city councilmembers who are present.
  2. Type of meeting (regular, special, continued, emergency).
  3. Date and place the meeting was held.
  4. Time the meeting was called to order.
  5. Approval of minutes of the previous meeting, with any corrections.
  6. The members who make or second motions.
  7. Roll call vote on motions.
  8. Subject matter of proposed resolutions or ordinances.
  9. Whether the resolutions or ordinances are defeated or adopted.
  10. The votes of each member, including the mayor.
  11. A statement of findings of facts and an explanation of council action, including specific reasons for approval and disapproval, on all land use and licensing matters.
  12. Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount.
  13. Approval of hourly rates paid for services provided, mileage rates, meal-reimbursement amounts, and per diem amounts.
  14. List of all transfers of funds.

15. Authorizations and directions to invest excess funds, and information on investment redemptions and maturities.
  16. Approval of minutes of the previous meeting, with any corrections.
  17. Identity of parties to whom contracts were awarded.
  18. Abstentions from voting due to a conflict, and the member's name and reason for abstention.
  19. Appointments of representatives to committees or outside organizations.
  20. Name and brief summary of subject matter of citizens appearing before council during public comment period.
- B. The minutes of each meeting shall be typed and signed by the clerk/administrator. Copies of the minutes shall be included in the agenda for the next council meeting.
- C. At the next regular meeting, approval of the previous meeting's minutes shall be considered by council.
1. The meeting minutes do not need to be read aloud.
  2. The presiding officer shall call for any additions or corrections.
  3. If there is no objection to an addition or correction, it will be made without a vote of the council.
  4. If there is an objection, the council shall vote upon the addition or correction by roll call vote.
  5. Council shall take formal action by vote to approve the minutes as distributed or as amended.
- D. Minutes shall be published as required by Minn. Stat. §§ 412.191, 331A.08, subd. 3, 331A.01, subd 10.

**XV. PUBLIC COMMENT AT COUNCIL MEETINGS AND AT PUBLIC HEARINGS**

- A. **Public participation and comment at council meetings.** City council meetings are the forum for the city council to conduct the city's business. While city council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in council discussion and debate without a specific invitation and/or formal recognition by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or action that may disrupt the proceedings of council.
- B. **Members of the public shall follow the direction of the presiding officer.** Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues, the presiding officer may ask the member of the public to leave the meeting room.

If the member of the public refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the person through any lawful means. In emergency situations, or where conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the person.

C. **Public comment period.** A limited forum for members of the public to speak with the council is provided on the agenda. Public comments during the public comment period are subject to these limitations:

1. Speakers must be recognized by the presiding officer before speaking and are limited to three minutes for comment.
2. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.
3. The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular council meeting or at a continued meeting.
4. Speakers must sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet will be available at the start of the city council meeting.
5. Speakers must direct their remarks toward the presiding officer.
6. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public.
7. Speakers are required to follow the direction of the presiding officer.
8. Speakers who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means. In emergency situations, or when conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the speaker.
9. Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Generally the matter will be

referred to staff for further research and possible report or action at a future council meeting.

D. A summary of these rules for public comment may be provided in the council meeting room.

**XVI. PUBLIC HEARINGS.** Public hearings are sometimes required by law to allow the public to offer input on city council decisions. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

A. **General procedure for public hearings.** The order of business for all public hearings conducted by council shall be:

1. Opening comments by presiding officer announcing the purpose of the public hearing.
2. Presiding officer opens the public hearing portion of the meeting.
3. Staff presentation (including clerk/administrator, attorney, engineering reports if any).
4. Developer/other presentation (if any).
5. Public comments.
6. Reading of written comments.
7. Presiding officer formally closes the public hearing portion of the meeting.

B. Speakers who wish to address the city council at a public hearing must follow the same rules in XV. However, the presiding officer may allow additional time for speakers, as required, to comply with applicable state law.

C. Speakers may also provide written comments to the city council before or at the meeting. Written comments shall be read aloud by the presiding officer or his or her designee as provided in XVI-A-6. Anonymous, unsigned communications will not be read.

D. The presiding officer may continue the hearing, if necessary, following the procedures in V-F.

**XVII. PROCEDURE FOR RESOLUTION AND ORDINANCE ADOPTION.** All resolutions and ordinances shall be in writing. Unless otherwise provided by law, all ordinances shall be adopted by resolution by a majority vote of councilmembers present at the council meeting. Unless otherwise provided by law, ordinances do not require multiple readings, and may be adopted as presented at the first available meeting.

- XVIII. BOARD, COMMISSION, AND COMMITTEE ASSIGNMENTS.** All assignments of councilmembers to serve on city boards, commissions, and committees shall be by a majority vote of councilmembers present at the meeting, unless otherwise provided by law.
- XIX. MAYORAL AND CITY PROCLAMATIONS.** Except as otherwise provided by law, all mayoral and city proclamations recognizing events, persons, and official observances shall be adopted by a majority of councilmembers present at the meeting where such proclamation is presented for adoption.
- XX. SEATING ASSIGNMENTS.** Councilmembers shall occupy the chairs assigned to them by the presiding officer, but two councilmembers may exchange seats by joining in a formal request to the presiding officer.
- XXI. SUSPENSION OR AMENDMENT OF THESE RULES.** Any or all of these rules may be temporarily suspended by a majority vote of the councilmembers present at the meeting, except as otherwise required by Minnesota law. These rules shall not be repealed or amended except by a majority vote of the whole council after notice has been given at a preceding council meeting.

# Agenda Request Form

Sample for use with Minnesota Mayors Association *City Council Bylaws*

## Agenda Request Form

**DATE SUBMITTED:**

**SUBMITTED BY:**

**DEPARTMENT:**

**ISSUE:**

**ATTACHMENTS:**

**JUSTIFICATION:**

**FINANCIAL IMPACT:**

**ACTION REQUESTED:**

**REVIEWED BY:**    \_\_\_ City Clerk/Admin.    \_\_\_ City Attorney    \_\_\_ Bldg. Insp.  
                         \_\_\_ Finance Director    \_\_\_ Public Works    \_\_\_ County  
                         \_\_\_ City Engineer    \_\_\_ Architect    \_\_\_ DNR

**CITY CLERK/ADMINISTRATOR'S RECOMMENDATION:**

**LANGUAGE FOR PROPOSED FORMAL MOTION TO BE CONSIDERED BY COUNCIL:**

# Summary Rules for Public Comment

Sample for Use with Minnesota Mayors Association *City Council Bylaws*

**City Council  
Members**

**Mayor:**

\_\_\_\_\_

**Council:**

\_\_\_\_\_

\_\_\_\_\_

**City Staff:**

**Clerk/Administrator:**

\_\_\_\_\_

**City Attorney:**

\_\_\_\_\_

**Public Works Director:**

\_\_\_\_\_

**Police Chief:**

\_\_\_\_\_

**Fire Chief:**

\_\_\_\_\_

**Zoning Administrator:**

\_\_\_\_\_

**Meeting Dates &  
Times:** \_\_\_\_\_

\_\_\_\_\_

**WELCOME** to this meeting of your City Council. Please take a moment to read our guidelines for public participation in council meetings.

**Agenda:** An agenda packet is available for public inspection at the entrance to the meeting room. Ordinarily the council will address items as they appear on the agenda.

**Council procedure:** The council has adopted rules of procedure for all meetings. The rules are available for public inspection at the entrance to the meeting room. In order to take official action on items, the council will pass a motion by voice vote. Generally a simple majority vote of the members present is needed to pass most motions.

**Public participation in meetings:** Comments from the public are restricted to the public forum period.

City Council meetings are the forum for the City Council to conduct the city's business. While City Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression.

Members of the public are not allowed to participate in council discussion and debate without a specific invitation by the presiding officer.

Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or actions that may disrupt the proceedings of council.



**During the public forum period, citizens must:**

- Sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet is available at the meeting entrance.
- Be recognized by the presiding officer before speaking. Comments are limited to three minutes.
- Direct their remarks to the presiding officer.
- Follow the direction of the presiding officer.

**During forum period, the public is prohibited from:**



- The use of obscene, profane, or threatening language.
- Threatening, loud, or boisterous conduct that disrupts the meeting or the security of the public.

**Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. If the conduct continues, the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means.**

**The presiding officer may:**

- Request the public to appoint a spokesperson when multiple speakers appear to speak on the same topic.
- Place a time limit on or defer the public comment period.
- Alter rules to meet legal requirements for public hearings required by law.

**Council agenda/order of business:**

1. Call to order.
2. Call of roll.
3. Approval of minutes.
4. Public forum & correspondence.
5. Consent agenda.
6. Public hearings (when scheduled)
7. Board, commission, & committee minutes
8. Board, commission, & committee reports
9. Staff reports
10. New business
11. Unfinished business
12. Consideration of bills
13. Adjournment

**Contact information for City Hall:** \_\_\_\_\_

**Hours of operation:** \_\_\_\_\_

## Appendix B

## Minnesota Mayors Association

# Rules of Order for City Councils

## *Preamble.*

- a. ***Purpose.*** The purpose of these rules is to foster debate and discussion in an orderly manner, not to suppress honest discussion with excessive formality. Without rules, confusion and disorderly proceedings would hamper all city action, no matter how well intended. Rules allow city business to be conducted as efficiently as possible, protect minority groups by giving every person a chance to be heard, prevent discussion of multiple topics at once, and allow decisions to be made by majority rule.
- b. ***Rights of councilmembers.*** All councilmembers are equal and have the same rights to make motions; object to motions in a timely manner; participate in debate; have their votes counted; and speak, when recognized, free of interruption.
- c. ***Obligations of councilmembers.*** The rights of individual councilmembers cannot be realized unless all councilmembers also recognize their obligations as members of the political body. Councilmembers are obligated to receive the recognition of the chair before speaking, except as otherwise provided by these rules. No one has the right to speak at whim. Councilmembers are obligated to speak directly on the subject being considered and observe time limits for comment. Finally, councilmembers are obligated to address all remarks to the presiding officer, avoid personal attacks, and refrain from using any insulting or demeaning language or indecent or threatening behavior.

## ***Rule 1. Motions.***

All formal actions of council must be by motion. A councilmember may make only one motion at a time.

## ***Rule 2. Language for making a motion.***

The appropriate language for making a motion shall be substantially similar to “*I move to*  
\_\_\_\_\_.”

## ***Rule 3. Procedure for consideration of a motion.***

A motion does not need to be seconded. Once a motion has been made, the presiding officer shall restate the motion and (if applicable) open the motion up for debate, provided that the mayor determines that the motion is in order and no objections to the motion have been made pursuant to Rule 4. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings. Debate shall follow the procedures in Rule 5. Once debate has concluded, the presiding officer shall restate the motion and call for a vote on the issue. A motion shall be considered passed if it receives a majority vote of those present at the meeting, unless otherwise required by law.

**Rule 4. Objections to a motion.**

- a. Any member of the council may make an objection to a motion if he or she believes the motion is not in order. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings.
- b. An objection to a motion must be made immediately following the motion and at no other time. The objector does not need to be recognized by the presiding officer in order to voice their objection. The appropriate language for making an objection shall be substantially similar to "I object to the motion as being out of order, and call for a ruling by the presiding officer."
- c. A motion may be objected to as not being made at a proper time if the motion was made by a person not called upon by the presiding officer to speak, or if it does not follow the agreed upon agenda for the meeting.
- d. The presiding officer shall determine whether the motion is in order.
- e. In determining whether the motion is in order, the presiding officer shall let the objector to the motion speak once explaining his or her position. Next, the presiding officer shall let the maker of the motion speak once to answer the concerns of the objector. Then the presiding officer shall make a formal ruling as to whether the motion was in order.
- f. If the motion is ruled out of order, the motion shall not be considered. If the motion is ruled in order, the presiding officer shall open the motion for debate (if applicable).
- g. The presiding officer's ruling may be appealed as provided in Rule 7.

**Rule 5. Debate.**

Generally only one motion may be considered at a time in debate. Once a motion has been made, the presiding officer shall restate the motion and open the motion for debate, if the motion is debatable. The presiding officer shall conduct the debate in accordance with the following:

- a. For initial comments, all comments shall be limited to five minutes. For subsequent comments, all comments shall be limited to two minutes.
- b. The maker of the motion shall be permitted to speak first on the issue.
- c. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
- d. Everyone who wishes to speak on the issue must be permitted to speak once, before councilmembers who have already spoken are permitted to speak again.
- e. Councilmembers shall avoid repeating points already made in the debate or other duplicative conduct that may delay the proceedings. Where a point has already been made, councilmembers may affirm agreement or disagreement.

- f. Generally only one motion may be considered at a time in debate. Debate may only be interrupted by a motion to amend the original motion, a motion to take a brief recess, a motion to withdraw the motion by the motion's maker, a motion to divide a complex question, a motion to defer consideration to a later date, a motion to refer an issue to committee, motion for the previous question, a motion to limit debate, or a motion for a call to order. When debate is interrupted by any of these motions, the interrupting motion shall be resolved prior to resuming debate.

**Rule 6. Definitions of motions that may interrupt debate (secondary motions).**

As explained in Rule 5, only certain motions may interrupt debate on a motion. These are called secondary motions. When a secondary motion is made, the presiding officer must follow the same procedures in Rule 3 to consider the secondary motion. A secondary motion must be resolved, either by being ruled out of order by the presiding officer or debated and voted upon by the council, before debate on the main motion can resume. Secondary motions may also be made outside of debate, where appropriate. For example, a motion to take a brief recess can be made before, during, or after a debate.

- a. **Motion to amend the original motion.** The maker of the motion does not need to consent to a motion to amend. However, he or she may vote against the amendment or withdraw their motion via a motion to withdraw prior to any amendment being approved. Only two amendments may be made to an original motion to avoid confusion. The amendments should be voted on in reverse order, with the last amendment being voted upon first. To avoid confusion, complex language should be put in writing. A motion may not be amended so substantially as to essentially reject the original motion, though different language may be proposed so as to entirely substitute for the original language.

*The appropriate language for making a motion to amend shall be substantially similar to "I move to amend the motion by inserting between . . . and . . ." or "I move to amend the motion by adding after . . ." or "I move to amend the motion by striking out . . ." or "I move to amend the motion by striking out . . . and inserting . . ." or "I move to amend by striking out the motion . . . and substituting the following."*

- b. **Motion to take a brief recess** is not a motion to adjourn or continue the meeting to another time or place. Instead, it is a motion to take a brief respite no greater than 20 minutes. If a motion to take a brief recess is granted, the presiding officer may set a time for the meeting to resume. In addition, the presiding officer is authorized to call for a brief recess on his or her own initiative, without a vote, to maintain order in the meeting.

*The appropriate language for making a motion to recess shall be substantially similar to "I move to take a brief recess for \_\_\_\_\_ minutes."*

- c. **Motion to withdraw a motion** is not subject to debate, and it can only be made by the motion's maker before a motion is amended.

*The appropriate language for making a motion to withdraw shall be substantially similar to "I move to withdraw my motion."*

- d. **Motion to divide a complex question** may be used for complex items of business. It allows the council to break larger questions into smaller parts, which are considered separately.

*The appropriate language for making a motion to divide a complex question shall be substantially similar to "I move to divide the question into \_\_\_\_\_ parts. Part 1 shall be \_\_\_\_\_ . Part 2 shall be \_\_\_\_\_ ."*

- e. **Motion to table or defer consideration to a later date** is not subject to debate. It may be used to defer or delay consideration of a matter.

*The appropriate language for making a motion to defer consideration shall be substantially similar to "I move to defer consideration of the main motion/this item until \_\_\_\_\_ ."*

- f. **Motion to refer an issue to committee** is not subject to debate. It may be used to refer an issue to a city committee, such as the park board or planning commission, for their report. The motion should contain an expected receipt day for the report.

*The appropriate language for making a motion to refer an issue shall be substantially similar to "I move to refer the main motion/this issue to the \_\_\_\_\_ committee for its consideration and recommendation. The committee should report back to the council in \_\_\_\_\_ days/weeks."*

- g. **Motion for call of the previous question** is not subject to debate. It may be used only after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.

*The appropriate language for making a motion to call the previous question shall be substantially similar to "I move to call the previous question" or "I move for an immediate vote on this issue."*

- h. **Motion to limit debate** is not subject to debate. It may be used to establish time limits for debate.

*The appropriate language for making a motion to limit debate shall be substantially similar to "I move to limit debate on this issue to \_\_\_\_\_ minutes per person" or "I move to limit council debate on this issue to no more than \_\_\_\_\_ minutes total."*

- i. **Motion for a call to order** is not subject to debate. It may be used to signal to the presiding officer that the councilmember feels the proceedings have gotten disorderly.

*The appropriate language for making a motion for a call to order shall be substantially similar to "I move for a call to order by the presiding officer."*

NOTE: Most secondary motions should not literally interrupt debate. They may not be made in the midst of the comments of a speaker duly recognized by the presiding officer, or silence the speaker's speech. To make a secondary motion, the maker must be called upon and recognized by the presiding officer. There

are two exceptions to this rule—a motion for a call of the previous question and a motion for a call to order. These motions may be made at any time—even in a manner that interrupts a speaker. However, these motions should be made only in the rare instance where a meeting has become out of control, strayed from the agenda, or become disorderly.

**Rule 7. *Appealing procedural decisions of the presiding officer.***

- a. Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
- b. ***Procedure for appeals.*** An appeal is made by motion. No second is needed for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other councilmember may participate in the discussion.
- c. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
- d. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.

**Rule 8. *Other special motions explained.***

- a. ***Motion to adjourn*** is not subject to debate. It may be used to suggest a conclusion to the meeting. The presiding officer may adjourn a meeting on his or her own initiative, without a vote, if necessary to maintain order.

*The appropriate language for making a motion to adjourn shall be substantially similar to "I move to adjourn the meeting."*

- b. ***Motion to go into closed session*** may be used to close the meeting pursuant to the Minnesota Open Meeting Law. When the motion is made, the basis for closing the meeting and the applicable law must be stated into the record. The presiding officer may also close the meeting on his or her own initiative, without a council vote, if closing the meeting is mandatory under the law or if directed by the city attorney.

*The appropriate language for making a motion to go into closed session shall be substantially similar to "I move to close the meeting in order to consider \_\_\_\_\_ pursuant to \_\_\_\_\_ of the Minnesota Open Meeting Law."*

- c. ***Motion to leave a closed session*** may be used to conclude a closed session and return to an open meeting.

*The appropriate language for making a motion to leave a closed session shall be substantially similar to "I move to open the meeting."*

- d. ***Motion to revive consideration of an issue*** may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

*The appropriate language for making a motion to revive shall be substantially similar to "I move to revive consideration of \_\_\_\_\_ previously tabled/deferred/referred to committee."*

- e. **Motion to reconsider** may be made only at the *same* meeting where the issue was originally considered and voted upon. It may be made only by a person on the prevailing side of an issue. In the event of a tie vote, those voting against the issue shall be considered the prevailing side.

*The appropriate language for making a motion to reconsider shall be substantially similar to "I move to reconsider \_\_\_\_\_."*

- f. **Motion to rescind or repeal** may be made at any meeting following the meeting where the issue was originally considered and voted upon. It may be made by any councilmember, whether or not he or she was on the prevailing side. It may not be made when prevented by law or where substantial reliance on the council's previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).

*The appropriate language for making a motion to reconsider shall be substantially similar to "I move to rescind/repeal the council's previous action related to \_\_\_\_\_ as stated in resolution number \_\_\_\_\_."*

- g. **Motion to prevent reintroduction of an issue for \_\_\_\_ months** is not subject to debate. It may be used to limit discussion of an issue that has been raised and/or moved for reconsideration several previous times.

*The appropriate language for making a motion to prevent reintroduction shall be substantially similar to "I move to prevent reintroduction of this issue for \_\_\_\_\_ months."*

- h. **Motion to suspend the rules or to consider a motion informally** should be used sparingly on issues likely to be uncontroversial. Complex motions and resolutions should still be put in writing. This motion may permit informal discussion of an issue (such as a roundtable discussion, brainstorming session, visioning session, etc.) where appropriate.

*The appropriate language for making a motion to proceed informally shall be substantially similar to "I move that we suspend the rules and proceed informally in discussing the issue of \_\_\_\_\_."*

**Rule 9. Resolutions and ordinances.**

Simple motions shall be used only for procedural and meeting matters. Substantive issues, such as the approval or disapproval of contracts, licenses, or permits; the censure of councilmembers; the hiring, termination, or promotion of employees; the appointment of board, commission, and committee members; and the adoption of city policies, rules, and ordinances shall be by resolution. An exception to this general rule may be made in instances where significant documentation of the council's decision exists, rendering an additional resolution repetitive (for example, where a written contract spells out all the terms that

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would be listed in the resolution). All resolutions shall be written and numbered in a manner consistent with the city's record keeping policies.

*The appropriate language for a motion for the adoption of a resolution shall be substantially similar to "I move to adopt the resolution numbered \_\_\_\_."*

**Rule 10. Robert's Rules not applicable.**

These model rules are designed specifically for Minnesota city councils. Further, these rules were drafted to be an appropriate level of regulation and formality for smaller governing bodies typically seen in Minnesota cities. Robert's Rules of Order is not assumed to apply or to supplement these regulations. Where a situation arises that is not addressed by these rules, the intent of these rules, as expressed in the preamble, should be effectuated by the presiding officer, in consultation with the city attorney.

# Summary of Motions

For use with Minnesota Mayors Association *Rules of Order for City Councils*

 Means a motion is not subject to debate.

 Means that motion may be made during active debate on a main motion.

 Means a motion can be made without recognition from the presiding officer or that it can interrupt other speakers.

1. **General motion for all council action:**

"I move to \_\_\_\_\_"

2. **Motion to amend the original motion.** The maker of the motion does not need to consent to a motion to amend. Only two amendments may be made to an original motion to avoid confusion.



"I move to amend the motion by inserting between . . . and . . ." or "I move to amend the motion by adding after . . ." or "I move to amend the motion by striking out . . ." or "I move to amend the motion by striking out . . . and inserting . . ." or "I move to amend by striking out the motion . . . and substituting the following."

3. **Motion to take a brief recess.** A motion to take a brief respite no greater than 20 minutes.



"I move to take a brief recess for \_\_\_\_\_ minutes."

4. **Motion to withdraw a motion.** This can only be made by the motion's maker before a motion is amended.



"I move to withdraw my motion."

5. **Motion to divide a complex question.** This allows questions to be considered in smaller parts.



"I move to divide the question into \_\_\_\_\_ parts. Part 1 shall be \_\_\_\_\_. Part 2 shall be \_\_\_\_\_."

6. **Motion to table or defer consideration to a later date.** This may be used to defer consideration.



"I move to defer consideration of the main motion/this item until \_\_\_\_\_."

7. **Motion to refer an issue to committee.** This may be used to refer an issue to a city committee.



"I move to refer the main motion/this issue to the \_\_\_\_\_ committee for its consideration and recommendation. The committee should report back to the council in \_\_\_\_\_ days/weeks."

8. **Motion for call of the previous question.** This may only be used after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.



"I move to call the previous question" or "I move for an immediate vote on this issue."

9. **Motion to limit debate.** This may be used to establish time limits for debate.



*"I move to limit debate on this issue to \_\_\_ minutes per person" or "I move to limit council debate on this issue to no more than \_\_\_ minutes total."*

10. **Motion for a call to order.** This is used to signal to the presiding officer that the meeting is disorderly.



*"I move for a call to order by the presiding officer."*

11. **Motion to adjourn.** This may be used to suggest a conclusion to the meeting.



*"I move to adjourn the meeting."*

12. **Motion to go into closed session.** This may be used to close the meeting pursuant to the Minnesota Open Meeting Law. The basis for closing the meeting and the applicable law must be stated into the record.

*"I move to close the meeting in order to consider \_\_\_\_\_ pursuant to \_\_\_\_\_ of the Minnesota Open Meeting Law."*

13. **Motion to leave a closed session.** This may be used to conclude a closed session and return to an open meeting.

*"I move to open the meeting."*

14. **Motion to revive consideration of an issue.** This may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

*"I move to revive consideration of \_\_\_\_\_ previously tabled/deferred/referred to committee."*

15. **Motion to reconsider.** This may be made only at the *same* meeting where the issue was originally considered and voted upon.

*"I move to reconsider \_\_\_\_\_."*

16. **Motion to rescind or repeal.** This may be made at any meeting following the meeting where the issue was originally considered and voted upon.

*"I move to rescind/repeal the council's previous action related to \_\_\_\_\_ as stated in resolution number \_\_\_\_\_."*

17. **Motion to prevent reintroduction of an issue for \_\_\_ months.** This may be used to limit discussion.



*"I move to prevent reintroduction of this issue for \_\_\_ months."*

18. **Motion to suspend the rules or to consider a motion informally.** This permits informal discussion.

*"I move that we suspend the rules and proceed informally in discussing the issue of \_\_\_\_\_."*

# Principles for Making Meetings Work

- Council Handout -

For use with Minnesota Mayors Association *Rules of Order for City Councils*

## ***Simple Principles for Making Meetings Work***

1. Let the presiding officer manage the meeting.
2. Wait to be recognized by the presiding officer before speaking.
3. Be courteous and civil. Limit debate to the discussion of ideas. Do not make personal attacks.
4. Maintain decorum in the chambers. Do not have side conversations or disrupt the meeting through words or conduct.

# Problem Solving Hints

## Council Handout

For use with Minnesota Mayors Association *Rules of Order for City Councils*

### **Problem one: Meetings are taking too long.**

Potential solutions:

- a. The presiding officer should follow the agenda and limit discussion and debate to the current agenda item. Councilmembers who speak on topics not related to the current agenda can be called to order by the presiding officer.
- b. The presiding officer should not open discussion and debate on an agenda item until after an actual motion for action has been made. This clarifies the discussion and makes the process more efficient. A line can be added to the council agenda for each item with staff's proposed motion language.
- c. The presiding officer should utilize the time limits established in Rule 5a. When individual councilmembers notice that the time limits are not being observed, they can make a motion to have the presiding officer call for order.
- d. When debate appears to be lengthy but unproductive, councilmembers can make a motion to limit the time for debate. Sometimes setting a deadline for making a decision can be helpful.
- e. When debate has continued for at least 20 minutes or everyone on council has had an opportunity to speak, a councilmember may make a motion to "call the question." If approved, the main motion must be voted upon instantly.

### **Problem two: The minute taker and/or councilmembers are confused about what has been approved or disapproved.**

Potential solutions:

- a. All council action should be stated in a motion and voted upon. Even when the council has agreed by motion to discuss things informally, all decisions should be ratified in a formal motion that is put to a vote.
- b. Complex motions and their amendments can be put in writing. Resolutions should always be numbered, in writing, and adopted by a simple motion, "I move to adopt resolution number \_\_\_\_."
- c. The presiding officer should state the motion being considered prior to opening debate and prior to voting. Once a vote has occurred, the presiding officer should state whether the motion carried or failed.
- d. Only one motion for council action may be considered at a time.

- e. Amendments to motions are limited to two amendments. These amendments should also be stated by the presiding officer prior to opening debate and voting.
- f. In making amendments, the proponent of an amendment should use concise language—preferably the model language identified in the rules, including:

*“I move to amend the motion by inserting between . . . and . . .”; or*

*“I move to amend the motion by adding after . . .”; or*

*“I move to amend the motion by striking out . . .”; or*

*“I move to amend the motion by striking out . . . and inserting . . .”; or*

*“I move to amend by striking out the motion . . . and substituting the following.”*

**Problem three. One particular member of council disrupts the proceedings, and insults and verbally attacks other councilmembers.**

Potential solutions:

- a. No person, including a councilmember, has the right to disrupt the council’s proceedings through fighting, threatening physical harm, or engaging in offensive, noisy, obscene or abusive conduct. This is a crime pursuant to Minn. Stat. § 609.72. Aggressive, threatening conduct cannot be tolerated. The presiding officer should follow the council’s adopted bylaws to issue warnings when such conduct occurs and then order removal of the person by the sergeant-at-arms.
- b. The presiding officer can remind the councilmember that the rules require all remarks to be addressed to the presiding officer alone. If the conduct persists, the presiding officer can rule the person out of order and follow the council’s procedures for discipline through censure and/or temporary removal from the meeting.
- c. The presiding officer can remind the councilmember that the rules require time limits on comments. If the conduct persists, the presiding officer can rule the person out of order and follow the council’s procedures for discipline through censure and/or temporary removal from the meeting.
- d. Members of the council may request action by the presiding officer to curb another member’s conduct through a motion for a call to order. The motion may request a specific response to conduct by the presiding officer. For example, “I make a motion for the presiding officer to call Councilmember \_\_\_\_\_ to order and to desist from making personal attacks.”
- e. Members of the council may make a motion for adjournment or for a brief recess, if a councilmember’s actions are so offensive as to disrupt the orderly process of the meeting.

***Problem four: Council keeps revisiting the same issue over and over again. It's a waste of time, but one member can't help but bring up their "pet" project at every meeting—even though the council has voted the idea down several times.***

Potential solutions:

- a. The presiding officer can rule out of order motions to reconsider or rescind council actions if they are not made at the appropriate time by the appropriate person, or where reliance on the council's previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).
- b. A councilmember may make a motion to limit debate.
- c. A councilmember may make a motion to table or defer the matter.
- d. A councilmember may make a motion to refer the matter to a committee.
- e. A councilmember may make a motion to delay consideration of the matter for a specified amount of time. Six months is recommended.

***Problem five: The councilmembers can't agree on anything, or are so deeply divided over one particular controversial issue that it has affected civil discussion on all matters.***

Potential solutions:

- a. The presiding officer should insist that all members of council observe council bylaws and procedural rules that speak to decorum. In particular, the presiding officer can remind councilmembers that the rules require all remarks to be addressed to the presiding officer alone. Rules should be enforced in a neutral manner applicable to everyone.
- b. The city council may wish to consider that application of rules of procedure alone may not solve the problem. Where divisions among council are particularly fractious, a skilled facilitator may need to be brought in to help council place their divisions in an appropriate perspective against the broader needs of the city.

## Appendix C

# Sample Statement of Values

### Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of \_\_\_\_\_ has adopted this Statement of Values to promote and maintain the highest standards of personal and professional conduct in the city's government. All (*select*: elected and appointed officials, city employees, and volunteers) are required to subscribe to this statement, understand how it applies to their specific responsibilities, and practice its (*number*) core values in their work. Because we seek public confidence in the city's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this statement.

### The values

As a representative of the City of \_\_\_\_\_,

1. I serve the public interest.
2. I fulfill the duties and responsibilities of holding public office.
3. I am ethical.
4. I am professional.
5. I am fiscally responsible.
6. I am conscientious.
7. I communicate effectively.
8. I am collaborative.
9. I am forward thinking.
10. I am \_\_\_\_\_.

### Value examples/expressions

1. **I serve the public interest. In practice, this value means that:**
  - a. I provide courteous, equitable, and prompt service to everyone.
  - b. I am attuned to and care about the needs and issues of citizens, public officials, and city workers.
  - c. I am interested, engaged, and responsive in my interactions with constituents.
  - d. I recognize and support the public's right to know the public's business.
2. **I fulfill the duties and responsibilities of holding public office. In practice, this value means that:**
  - a. I observe the highest standards of integrity in my official acts and undertake my responsibilities for the benefit of the greater public good.
  - b. I faithfully discharge the duties of my office regardless of my personal considerations, recognizing that the public interest is my primary concern.
  - c. I uphold the Constitution of the United States and the Constitution of the state of Minnesota and carry out impartially the laws of the nation, state, and municipality and thus foster respect for all government.

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- d. I comply with both the letter and the spirit of the laws and policies affecting operations of the city.
  - e. I recognize my obligation to implement the adopted goals and objectives of the city in good faith, regardless of my personal views.
  - f. I conduct myself in both my official and personal actions in a manner that is above reproach.
  - g. I do not use my position to secure for myself or others special privileges or exemptions that are different from those available to the general public.
  - h. I understand and abide by the respective roles and responsibilities of elected and appointed officials and city staff and will not undermine them in their work.
  - i. I am independent, impartial, and fair in my judgment and actions.
3. **I am ethical. In practice, this value means that:**
- a. I am trustworthy, acting with the utmost integrity and moral courage.
  - b. I am truthful, do what I say I will do, and am reliable.
  - c. I am accountable for my actions and behavior and accept responsibility for my decisions.
  - d. I make impartial decisions, free of influence from unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
  - e. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
  - f. I oppose all forms of harassment and unlawful discrimination.
  - g. I extend equal opportunities and due process to all parties in matters under consideration.
  - h. I show respect for confidences and confidential information.
  - i. I avoid giving the appearance of impropriety and of using my position for personal gain.
4. **I am professional. In practice, this value means that:**
- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
  - b. I approach my job and work-related relationships with a positive attitude, contributing to a supportive, respectful, and non-threatening work environment.
  - c. I keep my professional knowledge and skills current and growing.
  - d. I am respectful of all city staff, officials, volunteers, and others who participate in the city's government.
5. **I am fiscally responsible. In practice, this value means that:**
- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the city, especially its financial stability.
  - b. I demonstrate concern for the proper use of city assets (e.g., personnel, time, property, equipment, funds), follow established procedures, and do not use public resources for personal gain.
  - c. I make decisions that seek to preserve the financial capacity of the city to provide programs and services for city residents.
  - d. I provide full disclosure of any potential financial or other private conflict of interest. I abstain from participating in the discussion and vote on these matters.
  - e. I prevent misuse of public funds by establishing, maintaining, and following strong fiscal and management controls.
  - f. I report any misuse of public funds of which I am aware.
6. **I am conscientious. In practice, this value means that:**
- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
  - b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.

- c. I am respectful of established city processes and guidelines.
  - d. I prioritize my duties so that the work of the city may move forward.
  - e. I prepare for all meetings by reviewing any materials provided ahead of time. When I have materials to contribute, I make sure all others involved have ample time to review these materials prior to the meeting.
7. **I communicate effectively. In practice, this value means that:**
- a. I convey the city's care for and commitment to its citizens.
  - b. I communicate in various ways that I am approachable, open-minded, and willing to participate in dialogue.
  - c. I engage in effective two-way communication by listening carefully, asking questions, and responding appropriately, which adds value to conversations.
  - d. I do not interfere with the orderly conduct of meetings by interrupting others or making personal comments not germane to the business at hand.
  - e. I follow up on inquiries in a timely manner.
  - f. I encourage and facilitate citizen involvement in policy decision-making.
  - g. I am respectful in disagreements and contribute constructively to discussions on the issue.
8. **I am collaborative. In practice, this value means that:**
- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding to accomplish common goals.
  - b. I share information with others in a timely manner so that, together, we can make informed decisions.
  - c. I work toward consensus building and gain value from diverse opinions.
  - d. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
9. **I am forward thinking. In practice, this value means that:**
- a. I promote intelligent, proactive, and thoughtful innovation in order to advance the city's policy agenda and provide city services while considering the broader regional, statewide, national, and international implications of the city's decisions and issues.
  - b. I maintain consistent standards, but am also sensitive to the need for compromise, creative problem solving, and making improvements when appropriate.
  - c. I am open to new ideas and processes, adopting them as they conserve resources and provide efficient and effective service.
  - d. I consider the potential long-term consequences and implications of my actions and inactions.

## Appendix D

# Sample Code of Conduct

### \_\_\_\_.01. Purpose.

The City Council of the City of \_\_\_\_\_ determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of \_\_\_\_\_, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the City Council hopes to promote the faith and confidence of the citizens of \_\_\_\_\_ in their government and to encourage its citizens to serve on its council and commissions.

### \_\_\_\_.02. Standards of conduct.

Subd. 1. No member of the City Council or a city board or commission may knowingly:

- a. Violate the Open Meeting Law.
- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the City Council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.
- i. *Represent private interests before the City Council or any city committee, board, commission, or agency. (optional)*

Subd. 2. Except as prohibited by the provisions of Minn. Stat. § 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City Council under the circumstances described under Minn. Stat. § 471.88, if proper statutory procedures are followed.

### **\_\_\_\_.03. Complaint, hearing.**

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct in section \_\_\_\_\_.02. The complaint must contain supporting facts for the allegation. The City Council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the City Council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The City Council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

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## REQUEST FOR COMMITTEE/COUNCIL ACTION

**COMMITTEE/COUNCIL NAME:** Policies & Procedures

Committee/Council Meeting Date: April 20, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: III – D

**ITEM DESCRIPTION:** Liquor Store Staffing Options

Prepared by: staff

### **COMMENTS:**

Bill Ludwig, Liquor Store Manager will be present to give a verbal report. The Liquor Store's current staff:

- One 40 hours a week full time manager
- Two 32 hours a week part time employees
- Four 14 hours or less a week employees

**ADMINISTRATOR COMMENTS:**

**COMMITTEE/COUNCIL ACTION:**