City of Ramsey
Agenda
City Council Work Session
Tuesday, June 28, 2022
5:30 pm
Lake Itasca Room, 7550 Sunwood Drive NW

Remote Attendance available at www.cityoframsey.com/meetings.
Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. Call to Order

2. Topics for Discussion

1. Provide Direction on 2023 City-Led Project to Extend/Reconstruct Riverdale Drive East of Sunfish Lake Boulevard
2. Review Pavement Condition Rating Systems
3. Discussion Regarding Staffing for City Communications
4. Discuss Park & Recreation Commission Council Liaison Appointment
5. Organizational Culture - Roles and Responsibilities

3. Topics for Future Discussion

1. Review Future Topics/Calendar

4. Mayor/Council/Staff Input

5. Adjournment*

***Note: the City Council may motion to recess this Work Session meeting and reconvene after the regular City Council meeting if items on the agenda are not completed.**

CC Work Session **2. 1.**

Meeting Date: 06/28/2022

Information

Title:

Provide Direction on 2023 City-Led Project to Extend/Reconstruct Riverdale Drive East of Sunfish Lake Boulevard

Purpose/Background:

Anoka County requests that the City consider leading the portion of the Ramsey Gateway Highway 10 Improvements project involving construction/reconstruction of Riverdale Drive east of Sunfish Lake Boulevard in the summer of 2023 to reduce the project construction schedule. Figure 1 (attached) shows the proposed scope of work.

Anoka County is requesting the City to advertise for bids using the associated plans and specifications being prepared by Bolton & Menk, and for the City to administer all aspects of construction of the proposed improvements via an agreement with Anoka County.

If the City is agreeable to this proposed plan, Anoka County would draft the agreement and send it to the City for review, then both parties would execute the agreement in advance of advertising for bids.

Staff from Anoka County and Bolton & Menk will be in attendance to discuss the purpose and benefits associated with this request, estimated project costs, the agreement process, and potential funding scenarios.

The current estimated construction cost is $1.5M.

Construction of this segment of Riverdale Drive is currently proposed to start no later than September of 2023. If the agencies prefer, there would be flexibility to start construction earlier, perhaps in July or August. The construction start date will depend on the timing of right-of-way and property acquisitions, which are currently anticipated to be complete in April of 2023. Based on this timeline, the preliminary project schedule would be as follows;

Title & Possession – April 2023
Approve plans and specifications – May 2023
Advertise bids – June 2023
Open bids – July 2023
Start construction – August 2023

<u>Open House #3 Reminder</u>

- Public open house #3 will be held Wednesday, June 29th, in the Alexander Ramsey Room. During these open houses, project design updates and other project-related information will be presented to locally impacted businesses and property owners from 7:00 – 9:30 AM, then to residents and the general public from 5:00 – 7:00 PM.

The attached open house information is posted on the City's website, on the project website at AnokaCountyRamseyGateway.com, and is being posted on social media on the dates indicated.

Timeframe:

Staff anticipates 25 minutes will be required to present and discuss the case.

Funding Source:

To be determined based on ongoing discussions.

Responsible Party(ies):

City Engineer Bruce Westby will introduce the case, then Anoka County and Bolton & Menk Staff will review the purpose and benefits associated with this request, estimated construction and project costs, timelines, and potential funding scenarios.

City Administrator Brian Hagen and Finance Director Diana Lund will be available to respond to questions.

Outcome:

City Council concurrence is requested as to whether the City should lead the construction/ reconstruction of Riverdale Drive east of Sunfish Lake Boulevard in the summer of 2023 as requested by Anoka County to reduce the project construction schedule.

Attachments

Figure 1

Social Media Posts OH #3

Dates Times OH #3

Follow Up OH #3

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	06/23/2022 01:57 PM
Form Started By: Bruce Westby		Started On: 06/20/2022 03:53 PM
Final Approval Date: 06/23/2022		

STAGING LAYOUT LEGEND
PROPOSED CONSTRUCTION
PROPOSED DRAINAGE
TEMPORARY SIGNAL
SUNWOOD DR NW
VETERANS DR
BNSF RAILWAY
10
169
RIVERDALE DR NW
LEGRO AVE NW
JAGERS ST NW
KARNEY AVE
EMORY ST NW
ASHLEY ST NW
MCKINLEY ST NW
SUNFISH LAKE BLVD NW
CITY OF RAMSEY
MISSISSIPPI WEST REGIONAL PARK
TAURINO ST NW
10TH LN NW
FELDSPAR ST NW
TURNSTILE ST NW
MISSISSIPPI RIVER
DRAFT
5/5/2022
Anoka County
MINNESOTA
Responsible. Innovative. Fiscally Responsible.
CITY OF RAMSEY
GATEWAY
DEPARTMENT OF TRANSPORTATION
BOLTON & MENK
US 10 - CSAH 56 (RAMSEY BLVD) AND CSAH 57 (SUNFISH LAKE BLVD)
RIVERDALE DR NW - SEPARATE CONTRACT

Ramsey Gateway Highway 10 Open House Social Media Posts

Post #1 – June 15

[pair with **Hwy 10_OH SM Graphic 1.png**]

Anoka County, in partnership with MnDOT and the City of Ramsey, invite you to attend an Open House to review the final project layout and provide your feedback on design aesthetics and construction staging plans for the Highway 10 improvements at Sunfish Lake Boulevard and Ramsey Boulevard.

If you are unable to attend the open house, materials and feedback opportunities will be posted to the project website. Visit the website to learn more: AnokaCountyRamseyGateway.com.

Post #2 – June 22

[pair with **Hwy 10_OH SM Graphic 1.png**]

Don't forget, the Ramsey Gateway Highway 10 project Open House is next week!

Join us to review the final project layout and share your feedback on design aesthetics and construction staging plans for the Highway 10 improvements at Sunfish Lake Boulevard and Ramsey Boulevard. Visit the project website to learn more: AnokaCountyRamseyGateway.com.

Post #3 – June 28

[pair with **Hwy 10_OH SM Graphic 1.png**]

The Ramsey Gateway Highway 10 project open house is tomorrow!

Don't miss out on this opportunity to review the final project layout and share your feedback on design aesthetics and construction staging plans with Anoka County and project partners! Visit the project website for more information on the open house: AnokaCountyRamseyGateway.com.

Post #4 – July 6

[pair with **Hwy 10_OH SM Graphic 2.png**]

Thank you to everyone that attended last week's Ramsey Gateway Highway 10 open house!

Couldn't attend the open house? Review the open house materials and provide your feedback on design aesthetics and construction staging plans on the project website! Feedback opportunities will be open through this Friday, July 8 – share your input today: AnokaCountyRamseyGateway.com.

Ramsey Gateway Highway 10 Open House

Business & Property Owners Meeting

Wednesday, June 29

7:00 - 9:30 a.m.

Ramsey City Hall

Public Meeting

Wednesday, June 29

5:00 - 7:00 p.m.

Ramsey City Hall

Learn more at **AnokaCountyRamseyGateway.com**

Anoka County
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City of RAMSEY

DEPARTMENT OF TRANSPORTATION

GREATER MN GATEWAY

Ramsey Gateway Highway 10

Share your feedback by Friday, July 8 at
AnokaCountyRamseyGateway.com

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DEPARTMENT OF TRANSPORTATION

GREATER MN GATEWAY

CC Work Session **2. 2.**

Meeting Date: 06/28/2022

Information

Title:

Review Pavement Condition Rating Systems

Purpose/Background:

The purpose of this case is to receive Council consensus direction on whether Staff should further explore converting from the Pavement and Surface Evaluation Rating (PASER) system to the Pavement Condition Index (PCI) system to rate pavement conditions of City streets in the future.

The PASER system is a subjective or opinion-based pavement condition rating system where the pavement condition of a street segment is assigned a whole number from 1 to 10 by someone visually observing the pavement from behind a windshield of a moving vehicle. A PASER value of 1 indicates a pavement in complete disrepair, while a PASER value of 10 indicates a new pavement section. The PASER system is more commonly used to rate pavement conditions of trails, and is less widely used for rating pavement conditions of streets. Attached is a manual that describes the PASER system and provides graphics showing what the pavement condition looks like for each PASER value from 1 to 10.

The PCI system is an objective or fact-based pavement condition rating system where the pavement condition of a street segment is assigned a whole number between 0 and 100 by someone physically measuring the existing pavement distresses within a representative section of the street, then calculating a PCI value based on these measurements. A PCI value of 0 indicates a pavement in complete disrepair, while a PCI value of 100 indicates a new pavement section. The PCI method is widely used in transportation engineering and asset management, and many municipalities use it to measure the performance of their street infrastructure and their levels of service.

Other systems exist such as pavement condition surveys where a motorized vehicle equipped with cameras drives along streets at normal operating speeds to digitally capture surface distresses and rut depths, as well as roughness measurements and digital images of the right-of-way, for use in analyzing pavement conditions. This method is commonly employed by State DOT's and counties due to the large number of lane miles they must evaluate.

Staff will present more information on costs during the meeting. At the time this case was prepared, Staff was awaiting a proposal from WSB and Associates. If this proposal is received before noon on Monday, Staff will attach it to the case. If the proposal is received after, Staff will present it during work session.

Timeframe:

Staff anticipates 15 minutes will be needed to present this case and respond to questions.

Funding Source:

To be determined based on discussion.

Responsible Party(ies):

City Engineer Bruce Westby will present this case and Public Works Superintendent Grant Riemer will be available for questions.

Outcome:

Staff is seeking consensus direction from the City Council on whether Staff should further explore converting from the Pavement and Surface Evaluation Rating (PASER) system to the Pavement Condition Index (PCI) system to rate pavement conditions of City streets in the future.

Attachments

PASER manual

Form Review

Inbox	Reviewed By	Date
Grant Riemer	Grant Riemer	06/23/2022 02:44 PM
Brian Hagen	Brian Hagen	06/23/2022 03:03 PM
Form Started By: Bruce Westby		Started On: 05/31/2022 01:59 PM
Final Approval Date: 06/23/2022		

Pavement Surface Evaluation and Rating

PASER Manual

Asphalt Roads

Transportation Information Center
University of Wisconsin–Madison

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This manual is intended to assist local officials in understanding and rating the surface condition of asphalt pavement. It describes types of defects and provides a simple system to visually rate pavement condition. The rating procedure can be used as condition data for the Wisconsin DOT local road inventory and as part of a computerized pavement management system like PASERWARE.

The PASER system described here and in other T.I.C. publications is based in part on a roadway management system originally developed by Phil Scherer, transportation planner, Northwest Wisconsin Regional Planning Commission.

Produced by the T.I.C. with support from the Federal Highway Administration, the Wisconsin Department of Transportation, and the University of Wisconsin-Extension. The T.I.C., part of the nationwide Local Technical Assistance Program (LTAP), is a Center of the College of Engineering, Department of Engineering Professional Development, University of Wisconsin–Madison.

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Printed on recycled paper.

Pavement Surface Evaluation and Rating

PASER Manual

Asphalt Roads

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Transportation Information Center
University of Wisconsin–Madison

Pavement Surface Evaluation and Rating

Asphalt PASER Manual

A local highway agency's major goal is to use public funds to provide a comfortable, safe and economical road surface—no simple task. It requires balancing priorities and making difficult decisions in order to manage pavements. Local rural and small city pavements are often managed informally, based on the staff's judgment and experience. While this process is both important and functional, using a slightly more formalized technique can make it easier to manage pavements effectively.

Experience has shown that there are three especially useful steps in managing local roads:

1. Inventory all local roads and streets.
2. Periodically evaluate the condition of all pavements.
3. Use the condition evaluations to set priorities for projects and select alternative treatments.

A comprehensive pavement management system involves collecting data and assessing several road characteristics: roughness (ride), surface distress (condition), surface skid characteristics, and structure (pavement strength and deflection). Planners can combine this condition data with economic analysis to develop short-range and long-range plans for a variety of budget levels. However, many local agencies lack the resources for such a full-scale system.

Since surface condition is the most vital element in any pavement management system, local agencies can use the simplified rating system presented in this ***Asphalt PASER Manual*** to evaluate their roads. The PASER ratings combined with other inventory data (width, length, shoulder, pavement type, etc.) from the WisDOT local roads inventory (WISLR) can be very helpful in planning future budgets and priorities.

WISLR inventory information and PASER ratings can be used in a computerized pavement management system, PASERWARE, developed by the T.I.C and WisDOT. Local officials can use PASERWARE to evaluate whether their annual road budgets are adequate to maintain or improve current road conditions and to select the most cost-effective strategies and priorities for annual projects.

PASER Manuals for gravel, concrete, and other road surfaces, with compatible rating systems are also available (page 29). Together they make a comprehensive condition rating method for all road types. PASER ratings are accepted for WISLR condition data.

Asphalt pavement distress

PASER uses visual inspection to evaluate pavement surface conditions. The key to a useful evaluation is identifying different types of pavement distress and linking them to a cause. Understanding the cause for current conditions is extremely important in selecting an appropriate maintenance or rehabilitation technique.

There are four major categories of common asphalt pavement surface distress:

Surface defects
Raveling, flushing, polishing.

Surface deformation
Rutting, distortion—rippling and shoving, settling, frost heave.

Cracks
Transverse, reflection, slippage, longitudinal, block, and alligator cracks.

Patches and potholes

Deterioration has two general causes: environmental due to weathering and aging, and structural caused by repeated traffic loadings.

Obviously, most pavement deterioration results from both environmental and structural causes. However, it is important to try to distinguish between the two in order to select the most effective rehabilitation techniques.

The rate at which pavement deteriorates depends on its environment, traffic loading conditions, original construction quality, and interim maintenance procedures. Poor quality materials or poor construction procedures can significantly reduce the life of a pavement. As a result, two pavements constructed at the same time may have significantly different lives, or certain portions of a pavement may deteriorate more rapidly than others. On the other hand, timely and effective maintenance can extend a pavement's life. Crack sealing and seal coating can reduce the effect of moisture in aging of asphalt pavement.

With all of these variables, it is easy to see why pavements deteriorate at various rates and why we find them in various stages of disrepair. Recognizing defects and understanding their causes helps us rate pavement condition and select cost-effective repairs. The pavement defects shown on the following pages provide a background for this process.

Periodic inspection is necessary to provide current and useful evaluation data. It is recommended that PASER ratings be updated every two years, and an annual update is even better.

SURFACE DEFECTS

Raveling

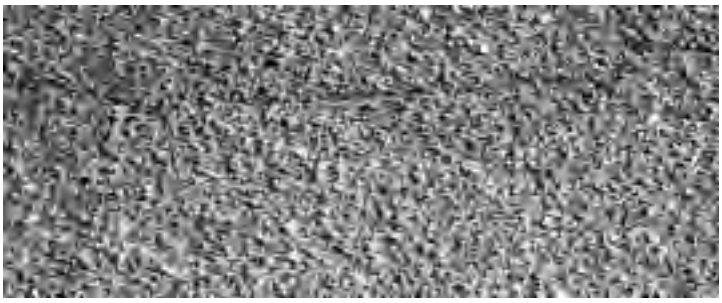
Raveling is progressive loss of pavement material from the surface downward, caused by: stripping of the bituminous film from the aggregate, asphalt hardening due to aging, poor compaction especially in cold weather construction, or insufficient asphalt content. Slight to moderate raveling has loss of fines. Severe raveling has loss of coarse aggregate. Raveling in the wheelpaths can be accelerated by traffic. Protect pavement surfaces from the environment with a sealcoat or a thin overlay if additional strength is required.

Flushing

Flushing is excess asphalt on the surface caused by a poor initial asphalt mix design or by paving or sealcoating over a flushed surface. Repair by blotting with sand or by overlaying with properly designed asphalt mix.

Polishing

Polishing is a smooth slippery surface caused by traffic wearing off sharp edges of aggregates. Repair with sealcoat or thin bituminous overlay using skid-resistant aggregate.



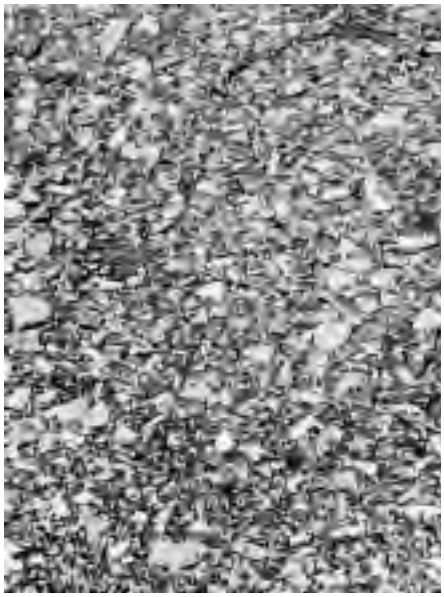
◄ **Slight raveling. Small aggregate particles have worn away exposing tops of large aggregate.**

◄ **Moderate to severe raveling. Erosion further exposes large aggregate.**

◄ **Severe raveling and loss of surface material.**

Polished, worn aggregate needs repair. ▼

► **Flushing. Dark patches show where asphalt has worked to surface.**



SURFACE DEFORMATION

Rutting

Rutting is displacement of material, creating channels in wheelpaths. It is caused by traffic compaction or displacement of unstable material. Severe rutting (over 2") may be caused by base or subgrade consolidation. Repair minor rutting with overlays. Severe rutting requires milling the old surface or reconstructing the roadbed before resurfacing.

◄ **Even slight rutting is evident after a rain.**

◄ **Severe rutting over 2" caused by poor mix design.**

◄ **Severe rutting caused by poor base or subgrade.**

Distortion

Shoving or rippling is surfacing material displaced crossways to the direction of traffic. It can develop into washboarding when the asphalt mixture is unstable because of poor quality aggregate or improper mix design. Repair by milling smooth and overlaying with stable asphalt mix.

Other pavement distortions may be caused by settling, frost heave, etc. Patching may provide temporary repair. Permanent correction usually involves removal of unsuitable subgrade material and reconstruction.

▼ **Heavy traffic has shoved pavement into washboard ripples and bumps.**

► **Severe settling from utility trench.**

► **Frost heave damage from spring break-up.**

▼ **Widely spaced, well-sealed cracks.**

CRACKS

Transverse cracks

A crack at approximately right angles to the center line is a transverse crack. They are often regularly spaced. The cause is movement due to temperature changes and hardening of the asphalt with aging.

Transverse cracks will initially be widely spaced (over 50′). Additional cracking will occur with aging until they are closely spaced (within several feet). These usually begin as hairline or very narrow cracks; with aging they widen. If not properly sealed and maintained, secondary or multiple cracks develop parallel to the initial crack. The crack edges can further deteriorate by raveling and eroding the adjacent pavement.

Prevent water intrusion and damage by sealing cracks which are more than ¼″ wide.

◄ **Sealed cracks, a few feet apart.**

▲ **Tight cracks less than ¼″ in width.**

▲ **Open crack – ½″ or more in width.**

▲ **Water enters unsealed cracks softening pavement and causing secondary cracks.**

▲ **Pavement ravels and erodes along open cracks causing deterioration.**

Reflection cracks

Cracks in overlays reflect the crack pattern in the pavement underneath. They are difficult to prevent and correct. Thick overlays or reconstruction is usually required.

► **Concrete joints reflected through bituminous overlay.**

Slippage cracks

Crescent or rounded cracks in the direction of traffic, caused by slippage between an overlay and an underlying pavement. Slippage is most likely to occur at intersections where traffic is stopping and starting. Repair by removing the top surface and resurfacing using a tack coat.

► **Crescent-shaped cracks characteristic of slippage.**

► **Loss of bond between pavement layers allows traffic to break loose pieces of surface.**

Centerline crack (still tight). ►

Edge cracking from weakened subbase and traffic loads. ▼

Longitudinal cracks

Cracks running in the direction of traffic are longitudinal cracks. Center line or lane cracks are caused by inadequate bonding during construction or reflect cracks in underlying pavement. Longitudinal cracks in the wheel path indicate fatigue failure from heavy vehicle loads. Cracks within one foot of the edge are caused by insufficient shoulder support, poor drainage, or frost action. Cracks usually start as hairline or vary narrow and widen and erode with age. Without crack filling, they can ravel, develop multiple cracks, and become wide enough to require patching.

Filling and sealing cracks will reduce moisture penetration and prevent further subgrade weakening. Multiple longitudinal cracks in the wheel path or pavement edge indicate a need for strengthening with an overlay or reconstruction.

►

First stage of wheelpath cracking caused by heavy traffic loads.

Load-related cracks in wheel path plus centerline cracking. ▼

Multiple open cracks at center line, wheelpaths and lane center. ▼

Block cracks

Block cracking is interconnected cracks forming large blocks. Cracks usually intersect at nearly right angles. Blocks may range from one foot to approximately 10′ or more across. The closer spacing indicates more advanced aging caused by shrinking and hardening of the asphalt over time. Repair with sealcoating during early stages to reduce weathering of the asphalt. Overlay or reconstruction required in the advanced stages.

► **Large blocks, approximately 10′ across.**

► **Intermediate-size block cracking, 1′-5′ across with open cracks.**

▲ **Extensive block cracking in an irregular pattern.**

► **Severe block cracking – 1′ or smaller blocks. Tight cracks with no raveling.**

Alligator cracks

Interconnected cracks forming small pieces ranging in size from about 1″ to 6″. This is caused by failure of the surfacing due to traffic loading (fatigue) and very often also due to inadequate base or subgrade support. Repair by excavating localized areas and replacing base and surface. Large areas require reconstruction. Improvements in drainage may often be required.

◄
Alligator crack pattern. Tight cracks and one patch.

◄
Characteristic "chicken wire" crack pattern shows smaller pavement pieces and patching.

◄
Open raveled alligator cracking with settlement along lane edge most likely due to very soft subgrade.

PATCHES AND POTHOLES

Patches

Original surface repaired with new asphalt patch material. This indicates a pavement defect or utility excavation which has been repaired. Patches with cracking, settlement or distortions indicate underlying causes still remain. Recycling or reconstruction are required when extensive patching shows distress.

► **Typical repair of utility excavation. Patch in fair to good condition.**

► **Edge wedging. Pavement edges strengthened with wedges of asphalt. Patch is in very good condition.**

► **Extensive patching in very poor condition.**

Potholes

Holes and loss of pavement material caused by traffic loading, fatigue and inadequate strength. Often combined with poor drainage. Repair by excavating or rebuilding localized potholes. Reconstruction required for extensive defects.

◄
Small pothole where top course has broken away.

◄
Multiple potholes show pavement failure, probably due to poor subgrade soils, frost heave, and bad drainage.

◄
Large, isolated pothole, extends through base. Note adjacent alligator cracks which commonly deteriorate into potholes.

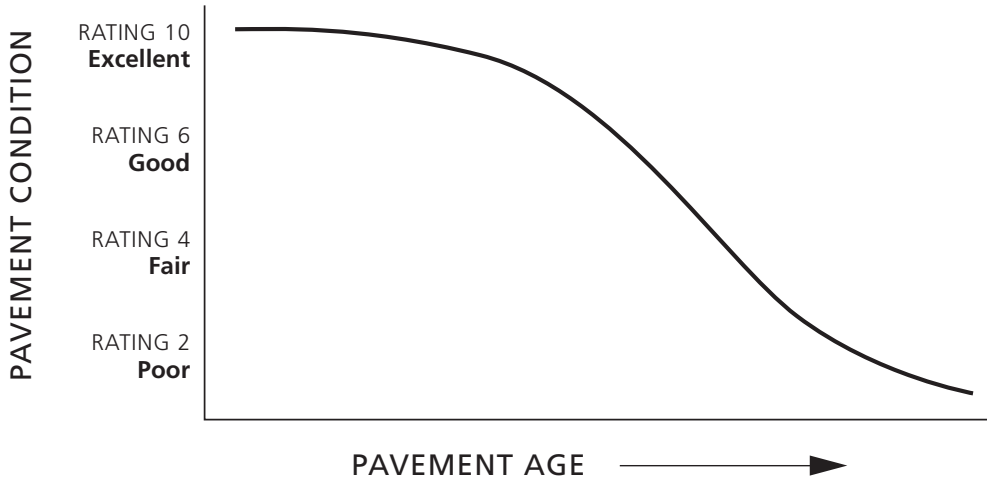
Rating pavement surface condition

With an understanding of surface distress, you can evaluate and rate asphalt pavement surfaces. The rating scale ranges from **10–excellent** condition to **1–failed**. Most pavements will deteriorate through the phases listed in the rating scale. The time it takes to go from excellent condition (10) to complete failure (1) depends largely on the quality of the original construction and the amount of heavy traffic loading.

Once significant deterioration begins, it is common to see pavement decline rapidly. This is usually due to a combination of loading and the effects of additional moisture. As a pavement ages and additional cracking develops, more moisture can enter the pavement and accelerate the rate of deterioration.

Look at the photographs in this section to become familiar with the descriptions of the individual rating categories. To evaluate an individual pavement segment, first determine its general condition. Is it relatively new, toward the top end of the scale? In very poor condition and at the bottom of the scale? Or somewhere in between? Next, think generally about the appropriate maintenance method. Use the rating categories outlined below.

Finally, review the individual pavement distress and select the appropriate surface rating. Individual pavements will ***not*** have all of the types of distress listed for any particular rating. They may have only one or two types.



In addition to indicating the surface condition of a road, a given rating also includes a recommendation for needed maintenance or repair. This feature of the rating system facilitates its use and enhances its value as a tool in ongoing road maintenance.

RATINGS ARE RELATED TO NEEDED MAINTENANCE OR REPAIR

Rating 9 & 10	No maintenance required
Rating 8	Little or no maintenance
Rating 7	Routine maintenance, cracksealing and minor patching
Rating 5 & 6	Preservative treatments (sealcoating)
Rating 3 & 4	Structural improvement and leveling (overlay or recycling)
Rating 1 & 2	Reconstruction

Rating system

Surface rating	*Visible distress**	*General condition/ treatment measures*
10 Excellent	None.	New construction.
9 Excellent	None.	Recent overlay. Like new.
8 Very Good	No longitudinal cracks except reflection of paving joints. Occasional transverse cracks, widely spaced (40′ or greater). All cracks sealed or tight (open less than ¼″).	Recent sealcoat or new cold mix. Little or no maintenance required.
7 Good	Very slight or no raveling, surface shows some traffic wear. Longitudinal cracks (open ¼″) due to reflection or paving joints. Transverse cracks (open ¼″) spaced 10′ or more apart, little or slight crack raveling. No patching or very few patches in excellent condition.	First signs of aging. Maintain with routine crack filling.
6 Good	Slight raveling (loss of fines) and traffic wear. Longitudinal cracks (open ¼″–½″), some spaced less than 10′. First sign of block cracking. Sight to moderate flushing or polishing. Occasional patching in good condition.	Shows signs of aging. Sound structural condition. Could extend life with sealcoat.
5 Fair	Moderate to severe raveling (loss of fine and coarse aggregate). Longitudinal and transverse cracks (open ½″) show first signs of slight raveling and secondary cracks. First signs of longitudinal cracks near pavement edge. Block cracking up to 50% of surface. Extensive to severe flushing or polishing. Some patching or edge wedging in good condition.	Surface aging. Sound structural condition. Needs sealcoat or thin non-structural overlay (less than 2″)
4 Fair	Severe surface raveling. Multiple longitudinal and transverse cracking with slight raveling. Longitudinal cracking in wheel path. Block cracking (over 50% of surface). Patching in fair condition. Slight rutting or distortions (½″ deep or less).	Significant aging and first signs of need for strengthening. Would benefit from a structural overlay (2″ or more).
3 Poor	Closely spaced longitudinal and transverse cracks often showing raveling and crack erosion. Severe block cracking. Some alligator cracking (less than 25% of surface). Patches in fair to poor condition. Moderate rutting or distortion (1″ or 2″ deep). Occasional potholes.	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of overlay.
2 Very Poor	Alligator cracking (over 25% of surface). Severe distortions (over 2″ deep) Extensive patching in poor condition. Potholes.	Severe deterioration. Needs reconstruction with extensive base repair. Pulverization of old pavement is effective.
1 Failed	Severe distress with extensive loss of surface integrity.	Failed. Needs total reconstruction.

** Individual pavements will not have all of the types of distress listed for any particular rating. They may have only one or two types.*

RATING 10 & 9

EXCELLENT —
No maintenance required

Newly constructed or recently overlaid roads are in excellent condition and require no maintenance.

► **RATING 10**
New construction.

► **RATING 9**
Recent overlay, rural.

► **RATING 9**
Recent overlay, urban.

RATING 8

VERY GOOD —
Little or no maintenance required

This category includes roads which have been recently sealcoated or overlaid with new cold mix. It also includes recently constructed or overlaid roads which may show longitudinal or transverse cracks. All cracks are tight or sealed.

◄ **Recent chip seal.**

◄ **Recent slurry seal.**

▲ **New cold mix surface.**

▼ **Widely spaced, sealed cracks.**

RATING 7

GOOD —
Routine sealing recommended

Roads show first signs of aging, and they may have very slight raveling. Any longitudinal cracks are along paving joint. Transverse cracks may be approximately 10′ or more apart. All cracks are ¼″ or less, with little or no crack erosion. Few if any patches, all in very good condition. Maintain a crack sealing program.

Tight and sealed transverse and longitudinal cracks. Maintain crack sealing program.

Tight and sealed transverse and longitudinal cracks.

Transverse cracks about 10′ or more apart. Maintain crack sealing program.

RATING 6

GOOD —
Consider preservative treatment

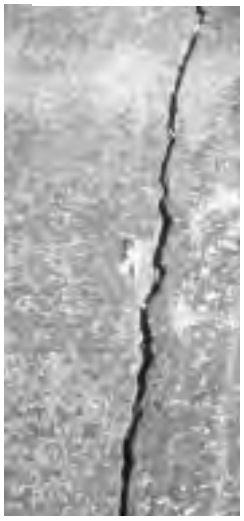
Roads are in sound structural condition but show definite signs of aging. Seal-coating could extend their useful life. There may be slight surface raveling. Transverse cracks can be frequent, less than 10′ apart. Cracks may be ¼–½″ and sealed or open. Pavement is generally sound adjacent to cracks. First signs of block cracking may be evident. May have slight or moderate bleeding or polishing. Patches are in good condition.

◄ **Slight surface raveling with tight cracks, less than 10′ apart.**

◄ **Transverse cracking less than 10′ apart; cracks well-sealed.**

▼ **Large blocks, early signs of raveling and block cracking.**

▼ **Open crack, ½″ wide; adjoining pavement sound.**



▼ **Moderate flushing.**

RATING 5

FAIR —
Preservative maintenance treatment required

Roads are still in good structural condition but clearly need sealcoating or overlay. They may have moderate to severe surface raveling with significant loss of aggregate. First signs of longitudinal cracks near the edge. First signs of raveling along cracks. Block cracking up to 50% of surface. Extensive to severe flushing or polishing. Any patches or edge wedges are in good condition.

▼ **Block cracking with open cracks.**

► **Moderate to severe raveling in wheel paths.**

▼ **Severe flushing.**

▲ **Wedges and patches extensive but in good condition.**

Severe raveling with
▼ extreme loss of aggregate.

Load cracking and slight
▼ rutting in wheel path.

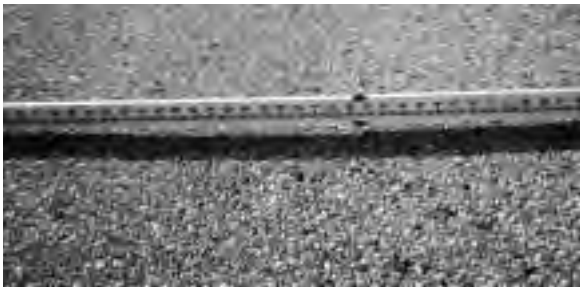
RATING 4

FAIR —
Structural improvement required

Roads show first signs of needing strengthening by overlay. They have very severe surface raveling which should no longer be sealed. First longitudinal cracking in wheel path. Many transverse cracks and some may be raveling slightly. Over 50% of the surface may have block cracking. Patches are in fair condition. They may have rutting less than 1/2″ deep or slight distortion.

◄ **Longitudinal cracking; early load-related distress in wheel path. Strengthening needed.**

▼ **Slight rutting; patch in good condition.**



▼ **Extensive block cracking. Blocks tight and sound.**

◄ **Slight rutting in wheel path.**

RATING 3

POOR—
Structural improvement required

Roads must be strengthened with a structural overlay (2" or more). Will benefit from milling and very likely will require pavement patching and repair beforehand. Cracking will likely be extensive. Raveling and erosion in cracks may be common. Surface may have severe block cracking and show first signs of alligator cracking. Patches are in fair to poor condition. There is moderate distortion or rutting (1-2") and occasional potholes.

► **Many wide and raveled cracks indicate need for milling and overlay.**

► **2" ruts need mill and overlay.**

► **Open and raveled block cracks.**

RATING 3

POOR — (continued)
Structural improvement required

◄ **Alligator cracking. Edge needs repair and drainage needs improvement prior to rehabilitation.**

▼ **Distortion with patches in poor condition. Repair and overlay.**

RATING 2

VERY POOR—
Reconstruction required

Roads are severely deteriorated and need reconstruction. Surface pulverization and additional base may be cost-effective. These roads have more than 25% alligator cracking, severe distortion or rutting, as well as potholes or extensive patches in poor condition.

► **Extensive alligator cracking. Pulverize and rebuild.**

▲ **Patches in poor condition, wheelpath rutting. Pulverize, strengthen and reconstruct.**

▲ **Severe rutting. Strengthen base and reconstruct.**

► **Severe frost damage. Reconstruct.**

RATING 1

FAILED —
Reconstruction required

Roads have failed, showing severe distress and extensive loss of surface integrity.

◄
Potholes from frost damage. Reconstruct.

◄
Potholes and severe alligator cracking. Failed pavement. Reconstruct.

◄
Extensive loss of surface. Rebuild.

Practical advice on rating roads

Inventory and field inspection

Most agencies routinely observe roadway conditions as a part of their normal work and travel. However, an actual inspection means looking at the entire roadway system as a whole and preparing a written summary of conditions. This inspection has many benefits over casual observations. It can be helpful to compare segments, and ratings decisions are likely to be more consistent because the roadway system is considered as a whole within a relatively short time.

An inspection also encourages a review of specific conditions important in roadway maintenance, such as drainage, adequate strength, and safety.

A simple written inventory is useful in making decisions where other people are involved. You do not have to trust your memory, and you can usually answer questions in more detail. Having a written record and objective information also improves your credibility with the public.

Finally, a written inventory is very useful in documenting changing roadway conditions. Without records over several years it is impossible to know if road conditions are improving, holding their own, or declining.

Annual budgets and long range planning are best done when based on actual needs as documented with a written inventory.

The Wisconsin DOT local road inventory (WISLR) is a valuable resource for managing your local roads. Adding PASER surface condition ratings is an important improvement.

Averaging and comparing sections

For evaluation, divide the local road system into individual segments which are similar in construction and condition. Rural segments may vary from ½ mile to a mile long, while sections in urban areas will likely be 1-4 blocks long or more. If you are starting with the WISLR Inventory, the segments have already been established. You may want to review them for consistent road conditions.

Obviously, no roadway segment is entirely consistent. Also, surfaces in one section will not have all of the types of distress listed for any particular rating. They may have only one or two types. Therefore, some averaging is necessary.

The objective is to rate the condition that represents the majority of the roadway. Small or isolated conditions should not influence the rating. It is useful to note these special conditions on the inventory form so this information can be used in planning specific improvement projects. For example, some spot repairs may be required.

Occasionally surface conditions vary significantly within a segment. For example, short sections of good condition may be followed by sections of poor surface conditions. In these cases, it is best to rate the segment according to the worst conditions and note the variation on the form.

The overall purpose of condition rating is to be able to compare each segment relative to all the other segments in your roadway system. On completion you should be able to look at any two pavement segments and find that the better surface has a higher rating.

Within a given rating, say 6, not all pavements will be exactly the same. However, they should all be considered to be in better condition than those with lower ratings, say 5. Sometimes it is helpful in rating a difficult segment to compare it to other previously rated segments. For example, if it is better than one you rated 5 and worse than a typical 7, then a rating of 6 is appropriate. Having all pavement segments rated in the proper relative order is most important and useful.

Assessing drainage conditions

Moisture and poor pavement drainage are significant factors in pavement deterioration. Some assessment of drainage conditions during pavement rating is highly recommended. While you should review drainage in detail at the project level, at this stage simply include an overview drainage evaluation at the same time as you evaluate surface condition.

Urban drainage.

RATING: Excellent

Good rural ditch and driveway culvert. Culvert end needs cleaning.

RATING: Good

High shoulder and no ditch lead to pavement damage. Needs major ditch improvement for a short distance.

RATING: Fair

No drainage leads to failed pavement.

RATING: Poor

Consider both pavement surface drainage and lateral drainage (ditches or storm sewers). Pavement should be able to quickly shed water off the surface into the lateral ditches. Ditches should be large and deep enough to drain the pavement and remove the surface water efficiently into adjacent waterways.

Look at the roadway crown and check for low surface areas that permit ponding. Paved surfaces should have approximately a 2% cross slope or crown across the roadway. This will provide approximately 3" of fall on a 12' traffic lane. Shoulders should have a greater slope to improve surface drainage.

A pavement's ability to carry heavy traffic loads depends on both the pavement materials (asphalt surfacing and granular base) and the strength of the underlying soils. Most soils lose strength when they are very wet. Therefore, it is important to provide drainage to the top layer of the subgrade supporting the pavement structure.

In rural areas, drainage is provided most economically by open ditches that allow soil moisture to drain laterally. As a rule of thumb, the bottom of the ditch ought to be at least one foot below the base course of the pavement in order to drain the soils. This means that minimum ditch depth should be about 2' below the center of the pavement. Deeper ditches, of course, are required to accommodate roadway culverts and maintain the flow line to adjacent drainage channels or streams.

You should also check culverts and storm drain systems. Storm drainage systems that are silted in, have a large accumulation of debris, or are in poor structural condition will also degrade pavement performance.

The T.I.C. publication, ***Drainage Manual: Local Road Assessment and Improvement,*** describes the elements of drainage systems, depicts them in detailed photographs, and explains how to rate their condition. Copies are available from the Transportation Information Center.

Planning annual maintenance and repair budgets

We have found that relating a normal maintenance or rehabilitation procedure to the surface rating scheme helps local officials use the rating system. However, an individual surface rating should not automatically dictate the final maintenance or rehabilitation technique.

You should consider future traffic projections, original construction, and pavement strength since these may dictate a more comprehensive rehabilitation than the rating suggests. On the other hand, it may be appropriate under special conditions to do nothing and let the pavement fully deteriorate, then rebuild when funds are available.

Summary

Using local road funds most efficiently requires good planning and accurate identification of appropriate rehabilitation projects. Assessing roadway conditions is an essential first step in this process. This asphalt pavement surface condition rating procedure has proved effective in improving decision making and using highway funds more efficiently. It can be used directly by local officials and staff. It may be combined with additional testing and data collection in a more comprehensive pavement management system.

Transportation Information Center Publications

Pavement Surface Evaluation and Rating (PASER) Manuals

- **Asphalt PASER Manual,** 2002, 28 pp.
- **Brick and Block PASER Manual,** 2001, 8 pp.
- **Concrete PASER Manual,** 2002, 28 pp.
- **Gravel PASER Manual,** 2002, 20 pp.
- **Sealcoat PASER Manual,** 2000, 16 pp.
- **Unimproved Roads PASER Manual,** 2001, 12 pp.

Drainage Manual
Local Road Assessment and Improvement, 2000, 16 pp.

SAFER Manual
Safety Evaluation for Roadways, 1996, 40 pp.

Flagger's Handbook (pocket-sized guide), 1998, 22 pp.

Work Zone Safety, Guidelines for Construction, Maintenance, and Utility Operations, (pocket-sized guide), 1999, 55 pp.

Wisconsin Transportation Bulletins

#1 Understanding and Using Asphalt
#2 How Vehicle Loads Affect Pavement Performance
#3 LCC—Life Cycle Cost Analysis
#4 Road Drainage
#5 Gravel Roads
#6 Using Salt and Sand for Winter Road Maintenance
#7 Signing for Local Roads
#8 Using Weight Limits to Protect Local Roads
#9 Pavement Markings
#10 Seal Coating and Other Asphalt Surface Treatments
#11 Compaction Improves Pavement Performance
#12 Roadway Safety and Guardrail
#13 Dust Control on Unpaved Roads
#14 Mailbox Safety
#15 Culverts-Proper Use and Installation
#16 Geotextiles in Road Construction/Maintenance and Erosion Control
#17 Managing Utility Cuts
#18 Roadway Management and Tort Liability in Wisconsin
#19 The Basics of a Good Road
#20 Using Recovered Materials in Highway Construction
#21 Setting Speed Limits on Local Roads

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PASER

Asphalt Roads

Transportation Information Center
University of Wisconsin–Madison

CC Work Session **2. 3.**

Meeting Date: 06/28/2022

Information

Title:

Discussion Regarding Staffing for City Communications

Purpose/Background:

The purpose of this discussion is to seek City Council direction, by consensus, as to how to proceed or how to further refine the position and role of the vacant Communications and Events Coordinator. Staff proposes splitting events from Communications to better align employee duties with the respective compensation levels.

Before talking in depth about Ramsey's program, staff would like to provide an overview of our neighbors in Elk River. Over the last few years, staff has received a lot of feedback from a few members on the City Council regarding how impressive the City of Elk River's communications program is and conveyed how nice it would be if the City of Ramsey could mirror some of their work.

As a result of this feedback, Administrative Services Director Lasher and City Administrator Hagen visited with the communications staff at the City of Elk River on Thursday, June 23rd. There are some key differences between our two cities, which can be discussed on Tuesday evening, but, for the most part, Ramsey and Elk River are comparable cities.

Elk River's communications personnel include the following: a full-time Senior Multimedia Specialist, a full-time Multimedia Specialist, a fulltime Senior Communications Coordinator and a full-time Communications Coordinator. The communication staff do not handle events; events are handled by the Park and Rec. Department. With regard to the two multimedia employees, it should be noted that Elk River does its own broadcasting (they do not have QCTV-type services like Ramsey does). Even so, of the two full-time employees, it was stated that just one would still be needed if they were more like Ramsey. This boils down to three full-time employees handling just communications, without events.

By comparison, Ramsey has (had) one full-time employee handing communications, which included coordinating the Happy Days festival, along with some other minor events.

A summary of some of Elk River staff comments include:

- Getting ahead of key messages really engages the community and diffuses resident frustrations
- Having a communications team member trained in Graphic Design is very important and has proven to be very effective and efficient
- It is really nice to have multiple trained eyes on their work prior to it going public
- The use of their drones (operated by licensed drone pilots) has increased resident engagement and understanding
- Communications staff try to meet with each department each year to get ahead of the upcoming goals and determine an approach for communicating with the residents
- One communications employee meets weekly with MNDOT and then passes on updates to residents as it relates to the Highway 169 project.
- Their two multimedia specialists produce about 70 videos/psa’s a year and also take pictures and capture drone footage for various projects

Staff has more information and ideas to share regarding Ramsey's future communications role. Additional details will be added as time allows, or verbal updates will be provided Tuesday evening.

Timeframe:
At least 10 minutes

Funding Source:
Not applicable at this time.

Responsible Party(ies):
Colleen Lasher, Administrative Services Director
Brian Hagen, City Administrator

Outcome:
Based on discussion.

Attachments

No file(s) attached.

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	06/23/2022 04:13 PM
Form Started By: Colleen Lasher		Started On: 06/21/2022 02:30 PM
Final Approval Date: 06/23/2022		

CC Work Session **2. 4.**

Meeting Date: 06/28/2022

Information

Title:

Discuss Park & Recreation Commission Council Liaison Appointment

Purpose/Background:

Due to Councilmember Heineman's attendance capabilities the remainder of 2022, consideration on appointing a new Councilmember Liaison to the Parks and Recreation Commission is being requested.

Timeframe:

Up to 5 minutes.

Funding Source:

Not applicable.

Responsible Party(ies):

Brian Hagen, City Administrator

Outcome:

For the City Council to direct staff to prepare a resolution for the July 12, 2022 City Council agenda, revising the current committee appointment, or to direct staff on an alternative action based on discussion. The next Park & Recreation Commission meeting is scheduled for July 14, 2022.

Attachments

No file(s) attached.

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	06/23/2022 04:19 PM
Kathy Schmitz (Originator)	Kathy Schmitz	06/23/2022 04:27 PM
Brian Hagen	Kathy Schmitz	06/23/2022 04:28 PM
Form Started By: Kathy Schmitz		Started On: 06/23/2022 12:10 PM
Final Approval Date: 06/23/2022		

CC Work Session **2. 5.**

Meeting Date: 06/28/2022

Information

Title:

Organizational Culture - Roles and Responsibilities

Purpose/Background:

Direction was given to bring a discussion to the June 14, 2022 Council Work Session regarding organizational culture. The request specifically was to outline the roles and responsibilities of the public, City Council, advisory boards, and staff as a first step in the process. City Attorney Knaak will lead the discussion.

Timeframe:

Estimated 30 minutes.

Funding Source:

Responsible Party(ies):

Outcome:

Council may desire to expand on this exercise to include additional outside resources.

Attachments

League Materials 1

League Materials 2

League Materials 3

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	06/08/2022 10:37 PM
Brian Hagen	Brian Hagen	06/23/2022 01:52 PM
Brian Hagen	Brian Hagen	06/23/2022 01:52 PM
Form Started By: Brian Hagen		Started On: 06/01/2022 04:03 PM
Final Approval Date: 06/23/2022		

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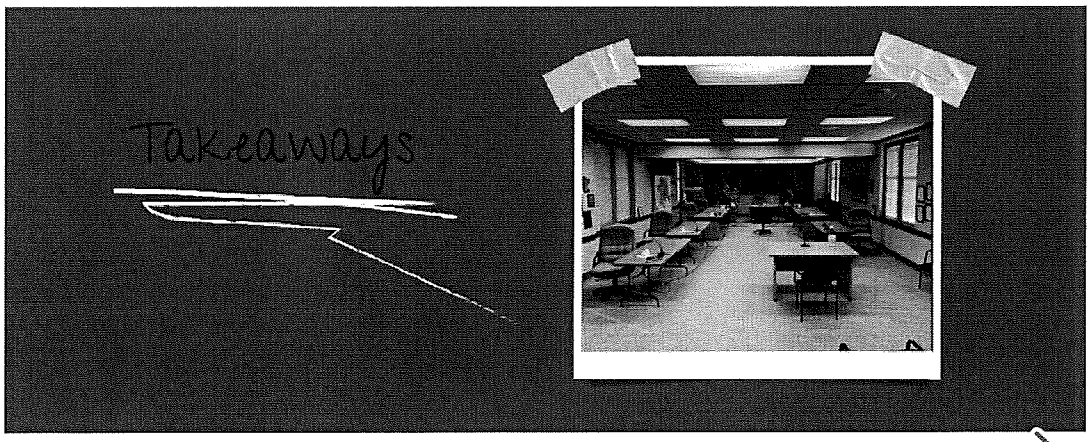
LEAGUE OF MINNESOTA CITIES

Roles and Responsibilities for Elected Officials

Takeaways

Section 6 / 9



Know your type of city government	✓
If you live in a charter city – check your charter for details on structure and administration	✓
Remember that council governs a city as authorized by law	✓
Individual councilmembers have no authority to act alone unless granted such authority by the rest of the council	✓
As the perceived ceremonial head of a city, the mayor is often asked to speak on behalf of the city and the community as a whole.	✓
Mayors only have any additional authority as granted by the council as a whole	✓

The clerk is a central figure in any city government but the duties of a clerk will vary from city to city	✓
Beyond basic record keeping and election functions, the duties and responsibilities of the clerk will depend on the ordinances or job description you have adopted for the position	✓
Clerks can help mayors by educating them on the relationship between staff and council, helping them manage meetings, suggesting policy changes and by providing info on the long-range impact of decisions	✓
Clerks can help city council by educating them on the relationship between staff and council, providing info on issues, reminding council to be prepared for meetings and by providing info on the long-term impact of financial decisions	✓

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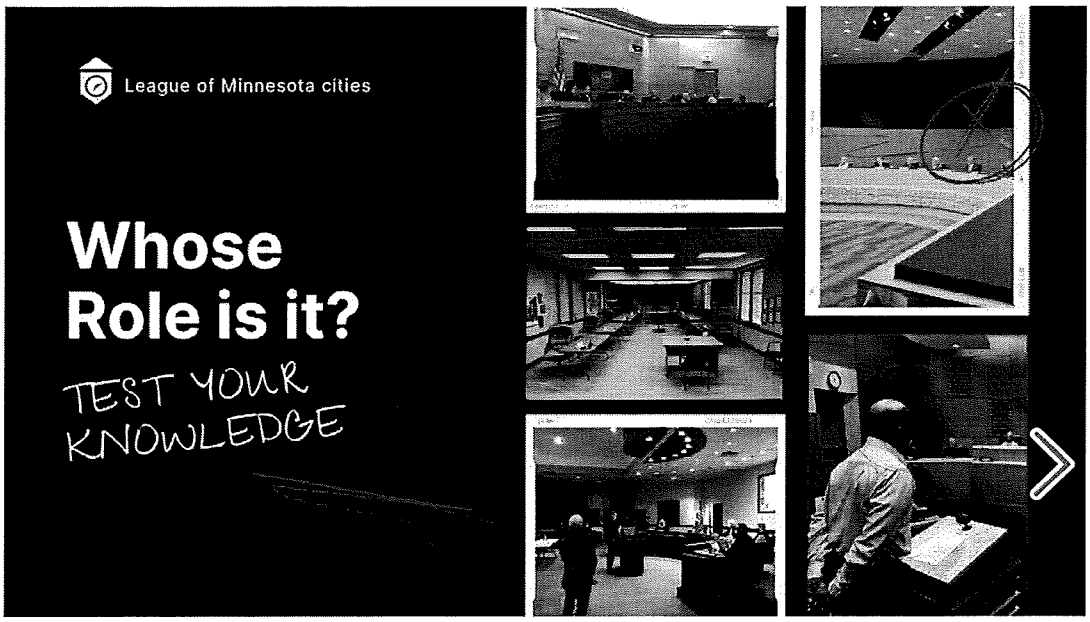
Roles and Responsibilities for Elected Officials

Whose Role Is It?

Section 7 / 9



So far, we've learned about some of the duties of city councilmembers, the mayor and the clerk.

One challenge can be understanding and respecting the differing roles of these positions. It is easy to step over the boundaries in ways that cause confusion, which can lead to frustrations for everyone.

Below, see what you've learned by determining 'whose role is it?'...

Before proceeding to the course Conclusion, please answer these 10 Knowledge Check questions by

choosing the best answer...

Knowledge Check

✱ Required

"Keeper of records"

- ○ Councilmembers
- ○ Clerk
- ○ Mayor

Check Answer

Knowledge Check

✱ Required

Can declare a local emergency

- ○ Clerk
- ○ Mayor
- ○ Councilmembers

Check Answer

Knowledge Check

✱ Required

Legislates for the city

- ○ Clerk

- ○ Councilmembers
- ○ Mayor

Check Answer

Knowledge Check

✱ Required

Runs and presides over meetings

- ○ Mayor
- ○ Clerk
- ○ Councilmembers

Check Answer

Knowledge Check

✱ Required

Exercises all the powers of cities that the law does not delegate to others

- ○ Mayor
- ○ Councilmembers
- ○ Clerk

Check Answer

Knowledge Check

✱ Required

Directs the enforcement of city ordinances

- ○ Councilmembers
- ○ Clerk
- ○ Mayor

Check Answer

Knowledge Check

✱ Required

"Election Facilitator"

- ○ Councilmembers
- ○ Clerk
- ○ Mayor

Check Answer

Knowledge Check

✱ Required

Executes official documents

- ○ Councilmembers
- ○ Mayor
- ○ Clerk

Check Answer

Knowledge Check

✱ Required

Investigates fires

- Clerk
- Mayor
- Councilmembers

Check Answer

Knowledge Check

✱ Required

Conducts the city's intergovernmental affairs

- Mayor
- Clerk
- Councilmembers

Check Answer

LEAGUE of MINNESOTA CITIES

City Council

The city council is a representative body that establishes a vision for the city and implements it as a group using the powers granted to the city by the state. The council works closely with its city clerk, administrator or manager to conduct its business and administer its policies.

Topics

- City Structure
- Council Meetings
- Regulations and Licensing
- Roles and Powers

LEAGUE of MINNESOTA CITIES

City Administration

Each city has a chief administrative officer such as a clerk, administrator, or manager. This position works closely with the City Council and with city staff to implement council policies.

Topics

- Data Privacy
- Roles and Duties
- Technology

LEAGUE of MINNESOTA CITIES

Public Works

Public works are a broad category of infrastructure projects that are financed and constructed by the city for public use or enjoyment, such as streets, sidewalks, water and sewer facilities, and other utilities.

Topics

- Other Utilities
- Parks and Recreation
- Streets
- Water and Sewer

LEAGUE of MINNESOTA CITIES

Human Resources

Successful human resources practices take into consideration both legal requirements and best management practices. City employees are a valuable asset: they are the face of the city to its residents, and employee compensation takes a significant portion of the city budget.

Topics

- City Career Advantage
- Compensation
- Discipline and Termination
- Employee Benefits
- Hiring
- Labor Relations
- Personnel Policies and Working Conditions

LEAGUE of MINNESOTA CITIES

Community Development

Cities must constantly respond to a changing environment. To create vibrant places for residents to live, work and play, cities regulate the use of land within their boundaries, use tools to assist in ensuring housing stock for residents, and to attract and support business for economic growth.

Topics

- Economic Development
- Housing
- Land Use

LEAGUE of MINNESOTA CITIES

Finance

The city council has full authority over the city's financial affairs such as levying taxes, adopting a budget, auditing and settling accounts, safekeeping and disbursement of public money, borrowing money, and designating depositories.

Topics

- Grants Guide
- Contracting
- Expenditures
- Fiscal Management
- Revenues

LEAGUE of MINNESOTA CITIES

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Topics

- City Career Advantage
- Compensation
- Discipline and Termination
- Employee Benefits
- Hiring
- Labor Relations
- Personnel Policies and Working Conditions

LEAGUE of MINNESOTA CITIES

Public Safety and Health

State law gives the city broad powers to provide for the government and good order of the city, including protection of public and private property, the prevention of crime, and the promotion of health and safety.

Topics

- Public Safety Mental Health
- Emergencies and Disasters
- Fire and First Response
- Nuisances
- Police

LEAGUE of MINNESOTA CITIES

Public Works

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Topics

- Other Utilities
- Parks and Recreation
- Streets
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LEAGUE of MINNESOTA CITIES

HANDBOOK FOR MINNESOTA CITIES

Chapter 6
Elected Officials and Council Structure and Role

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This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

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LEAGUE of MINNESOTA CITIES

HANDBOOK FOR MINNESOTA CITIES

Chapter 6
Elected Officials and Council Structure and Role

Understand the council's role in city governance, including eligibility for office, council powers versus individual council member roles, and delegation of council power. Learn about the special roles of the mayor and clerk and use of both independent and advisory boards and commissions.

RELEVANT LINKS:

I. Elected officials in general

The cornerstone of city government in Minnesota is the elected city council. The council fashions the policies that determine a community's present and future well-being. Because people look to their local government for leadership, much of the responsibility for community development falls on the shoulders of city council members.

Minn. Stat. § 412.02, subd. 1. Minn. Stat. § 412.191, subd. 1.

Although not all statutory cities have the same elective offices, all must have a mayor and at least three council members. Whether a statutory city elects other officers depends on several factors, including the form of government under which it operates.

See Handbook, *The Statutory City,* for more information about the different forms of statutory city government.

The mayor is a member of the council in statutory cities and the clerk is a member of the council in Standard Plan cities. The mayor and clerk in all cities have some special duties. This chapter discusses the duties of these positions and the council's role in city governance.

For home rule charter cities, the city's charter specifies the type and number of elected officials.

A. Eligibility for office

Minn. Const. art. VII, § 6. Minn. Const. art. XII, §§ 3, 4. Minn. Stat. § 201.014. Minn. Stat. § 204B.06. See also, *Jude v. Erdahl,* 296 Minn. 200, 207 N.W.2d 715 (1973). Minn. Const. art. VII, § 1.

The Minnesota Constitution and state statutes set the qualifications for elective office. To hold elective city office, individuals must be qualified city voters, at least 21 years of age on the date of taking office, U.S. citizens, and residents of the city for at least 30 days before the election. An individual who has been convicted of a felony under either state or federal law cannot hold elective office in Minnesota unless the individual's civil rights have been restored.

Minn. Stat. § 351.02(6). Minn. Stat. § 412.02, subd. 2a.

If an individual fails to qualify for elective office within the allotted time, the city council may, by resolution, declare a vacancy and proceed to fill it by appointment. Individuals appointed to fill vacancies must also satisfy the requirements for elective office.

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RELEVANT LINKS:

Minn. Stat. § 10A.01, subd. 26. Minn. Stat. § 10A.07. Minn. Stat. § 10A.09, subds. 1, 6a.

Elected and some appointed local officials of cities with populations over 50,000 located in the seven-county metropolitan area must comply with reporting requirement regarding conflict-of-interest disclosure and economic-interest reporting. Candidates for local elected office in these cities must submit statements of economic interest to the city council within 14 days of filing an affidavit of candidacy.

See LMC information memo, *Official Conflict of Interest.*

Persons accepting employment as public or local officials in these cities must file the disclosure statement within 60 days of accepting employment. In both cases, the law requires the filing of annual statements.

B. Terms of office

Minn. Stat. § 412.02, subd. 2. Minn. Stat. 351.02. Minn. Stat. § 205.07, subd. 1a.

A.G. Op. 471-M (Nov. 23, 1999).

Terms of office in statutory cities begin on the first Monday in January following the election. The terms of the old officers in statutory cities end at this time, or as soon after that as the newly elected officers qualify by taking an oath and filing a bond, if one is required. If the newly elected officer refuses or fails to qualify, the incumbent officer continues to hold office until the council declares the office vacant and appoints a successor. The terms of all city council members in charter cities expire on the first Monday in January of the year in which they expire. All officers of charter cities chosen and qualified shall hold office until their successors qualify. The length of the various terms of office is provided by statute. The attorney general has advised that a person elected to fill a vacancy is eligible to qualify and assume office upon receipt of an election certificate.

C. Oath of office

Minn. Stat. § 358.05.

Whether or not public officials need a bond, they must take and sign an oath of office before exercising any of their powers. This includes members of councils, boards, commissions, and administrative officers. This applies to appointed as well as to elected officials.

Minn. Stat. § 358.05. *State v. Schram,* 85 N.W. 155 (1901) (concluding that the position of village marshal was a public office for purposes of an oath requirement).

It is not clear whether appointed city clerks or individuals holding other appointed city positions are required to take and sign an oath of office. The answer will depend on whether a particular appointed position would be considered a "public office" within the meaning of the statute requiring the oath. There are no administrative opinions or court decisions that address the issue of whether an appointed city clerk holds a public office for purposes of the oath requirement. A city should seek a legal opinion from its city attorney to determine whether an individual holding a particular appointed position must take and sign an oath.

RELEVANT LINKS:

See Minn. Const. art. V, § 6. Minn. Stat. § 358.06.

Sample Oath of Office and Acceptance, Minnesota Secretary of State.

The required oath is: "I, (name), do solemnly swear to support the Constitution of the United States, the Constitution of the State of Minnesota, and to discharge faithfully the duties of the office of (insert brief description of office) of the city of (insert city), Minnesota, to the best of my judgment and ability, so help me God."

Minn. Stat. § 358.08.

If the officer objects to an oath on religious grounds, the word "affirm" can substitute for the word "swear," and the phrase "and this I do under the penalties of perjury" can substitute for the phrase "so help me God."

Minn. Stat. § 358.09.
Minn. Stat. § 358.10.

Minn. Stat. § 358.52, subd. 6.

Minn. Stat. § 358.11(3).

Any person with authority to take and certify acknowledgments may administer the oath, including the city clerk, a justice of the peace, a notary public, or a register of deeds. The candidate taking the oath must lift his or her hand while reciting the oath. The candidate qualifying for office must take the oath and sign a copy of the oath in the presence of the administering official. The signed copy should go to the city clerk for filing. City assessors should file their copy with the county auditor.

LMCIT Property, Crime, Bond, and Petrofund Coverage Guide, Section VII-A, Bond coverage.

If an officer must also submit a bond, the oath should be attached to the bond and both documents should go to the council for approval and then to the clerk for filing. The LMCIT memo linked at left contains information on which public officers must or may be bonded.

D. Term limits

Minn. Const. art. VII, § 6.
Minn. Const. art. XII, §§ 3, 4. *Minneapolis Term Limits Coalition v. Keefe*, 535 N.W.2d 306 (Minn. 1995).

The Minnesota Constitution establishes the eligibility requirements for public office without authorizing the adoption of additional requirements. Therefore, a charter city may not enact term limits as an eligibility requirement.

E. Vacancies

Minn. Stat. § 351.02.

Vacancies in an elective office in a statutory or home rule charter city may occur for the following reasons:

1. Death

Minn. Stat. § 351.02(1), (8).

The vacancy exists as of the date of death. If the elected officer has not yet begun the term of office, the vacancy exists from the date the term would have started.

2. Resignation

Minn. Stat. § 351.02(2).
Minn. Stat. § 351.01, subd. 1.

A resigning elected public official must submit a written resignation to the council. After receiving a resignation, the council should pass a resolution stating it has received and accepted the resignation, and declaring that a vacancy exists.

RELEVANT LINKS:

Minn. Stat. § 351.01, subds. 2, 3, and 4. See informal A.G. letter opinion dated Mar. 3, 2003 (advising that Minnesota law does not require that a written resignation be "received" by the council during a formal meeting in order to be effective).

Unless the resignation expressly states it is to take effect at a future date, the resignation will be effective when received by the council. If the resignation states it takes effect on a specified date, the vacancy occurs on that date if it has been received by the council or other official authorized by the council to receive documents on its behalf even if the council has not formally accepted it at a council meeting. To withdraw a prospective resignation, the resigning officer must submit a written statement of withdrawal in the same manner as the resignation. In order to be effective, the withdrawal must be received before the council accepts the resignation by resolution or before an officer authorized to receive it has issued a written acceptance.

3. Removal by operation of law

In most situations, it is not possible to remove statutory elected officials before the end of their terms, for cause or otherwise. Cities should consult with their city attorneys before attempting removal of any elected official.

Statutory city voters have no recall authority. Some home rule charters, however, give voters this option, but there remains some question as to whether this type of charter provision is constitutional.

Minn. Stat. § 351.02(5). A.G. Op. 490D (Nov. 18, 1952). Minn. Stat. § 609.02, subd. 2. Minn. Stat. § 609.42.

In certain situations, removal by operation of law can occur. A vacancy occurs if an elected official is convicted of any "infamous" crime. An infamous crime is a felony, that is, a crime for which a sentence of imprisonment for more than one year may be imposed. For example, bribery is a felony. Thus, a bribery conviction would result in the elected official's immediate removal from office. In addition, any public officer convicted of bribery is forever disqualified from holding public office.

Minn. Stat. § 609.43. Minn. Stat. § 609.02, subd. 4.

Misconduct of a public officer or employee, as defined by law, is a gross misdemeanor. Therefore, a misconduct conviction is not an infamous crime, and does not automatically result in an elected official's removal from office.

Minn. Stat. § 351.02(5). Minn. Stat. § 358.05. Minn. Const. art. V, § 6. See, Minn. Stat. §§ 609.415-.475.

A vacancy does occur, however, when an elected official is convicted of an offense involving a violation of the individual's official oath. Many offenses that are not felonies or "infamous" crimes may involve a violation of an individual's oath and may result in a vacancy upon conviction.

Minn. Stat. § 13D.06, subd. 3. *Brown v. Cannon Falls Twp.*, 723 N.W.2d 31 (Minn. App. 2006); *Funk v. O'Connor*, 916 N.W.2d 319 (Minn. 2018).

A vacancy also occurs if a council member is found to have intentionally violated the open meeting law in at least three separate court actions. If a court finds a third separate, intentional violation, it must declare the position vacant and notify the appointing authority or clerk.

RELEVANT LINKS:

4. Termination of city residency

Minn. Stat. § 351.02(4). A.G. Op. 126-h (Oct. 19, 1955).

A vacancy occurs when a city council member ceases to be a resident of the city. Residence is a factual question the council must determine in each case. Voting in the city is only one indication of residence. The office holder's intent and availability to perform official duties are additional criteria that should be considered. A council member becomes a non-resident when the property where the council member lives is detached from the city.

5. Failure to qualify for office

Minn. Stat. § 351.02(6).

An elected official may fail to qualify for office by refusing or neglecting to take the oath of office, to give or renew an official bond, or to deposit such oath or bond within the time prescribed by law. This type of vacancy is not automatic. A newly elected official may qualify at any time prior to the council declaring the office vacant.

6. Abandonment

A.G. Op. 99 (Aug. 26, 1920).

Whether an abandonment of office actually occurs is difficult to determine. The intent of the office holder is the controlling factor. The attorney general, while cautioning that this is a question of fact, has indicated that failure to participate in council activities for three months is sufficient grounds for declaring an abandonment of office.

7. 90-day absence rule

Minn. Stat. § 412.02, subd. 2b.

A vacancy in the office of mayor or council member may be declared by the council when the office holder is unable to serve in the office or to attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings. If any of the preceding conditions occur, the council may, by resolution, declare a vacancy and then fill it at a regular or special council meeting. The appointed council member will serve for the remainder of the unexpired term, or until the absent council member is again able to resume duties and attend council meetings, whichever is earlier. When the absent council member is able to resume duties and attend council meetings, the council shall, by resolution, remove the temporary office holder and restore the original office holder.

8. Qualifying for a second or incompatible office

See LMC information memo, *Official Conflict of Interest* for more information.

If an officer accepts a second office that is incompatible with the first, the first office is automatically vacated. (Section J of this chapter discusses incompatible offices in more detail).

RELEVANT LINKS:

9. Expiration of elected term

Minn. Stat. § 412.02, subd. 2. Minn. Stat. § 205.07, subd. 1a.

Generally, the vacancy occurring at the conclusion of an incumbent's term of office is filled immediately by the successor. If no one has been elected, the incumbent fills the office until the council appoints a successor and that person qualifies for the office.

10. Habitual drunkenness

Minn. Stat. § 351.07.

State law provides that the habitual drunkenness of any person holding office is good cause for removal from office.

F. Filling vacancies

Minn. Stat. § 412.02, subd. 2a.
A.G. Op. 59a-30 (July 24, 1996).

See *Accepting Council Member Resignation and Declaring a Vacancy*, LMC Model Resolution.

While a council might identify and declare the facts giving rise to a vacancy, for all practical purposes they occur automatically and are not based upon any removal action. Because the council must fill vacancies in elective offices, it should determine whether a vacancy exists. After investigating the facts, the council should pass a resolution declaring a vacancy and then fill it as soon as possible.

Minn. Stat. § 412.02, subd. 2a.

A.G. Op. 471-M (Oct. 30, 1986).

State law provides that statutory city councils make the appointment to fill a vacancy, except in the case of a tie vote when the mayor makes the appointment. That means all members of the council, including the mayor, can vote on the appointment. And as long as at least a quorum of the council is present, a majority vote of those present is sufficient to make the appointment.

Minn. Stat. § 412.121. Minn. Stat. § 471.46.

State law does not place any limitation on a mayor's ability to make an appointment in the case of a tie vote. As a result, the mayor can appoint any qualified person willing to fill the vacancy even if that person was not the subject of the original appointment vote. If the vacancy is for the mayor's office and the council casts a tie vote, the acting mayor should make the appointment. The acting mayor may not, however, appoint himself or herself.

Minn. Const. art. VII, § 6.

The council may appoint any individual who is eligible for election to that office. Generally, to be eligible a person must be a U.S. citizen, a resident of the city, a qualified city voter, and at least 21 years old. The council is not obligated to appoint any candidate previously defeated in an election for the office.

Minn. Stat. § 415.15.
A.G. Op. 471-M (Dec. 27, 1977).

A resigning council member may not vote on the appointment of the successor to that vacancy. A council member who is elected mayor, however, may participate in the appointment vote to fill the vacancy in his or her former council position.

RELEVANT LINKS:

Minn. Stat. § 412.02, subd. 2a.

Under certain circumstances, individuals appointed to fill council vacancies serve on a temporary basis, and the city must hold a special election to elect a permanent replacement to fill the vacancy. Two factors determine whether an election is required: first, whether filing has opened for the next regular city election, and second, the length of the unexpired portion of the term at the time of the vacancy.

Minn. Stat. § 412.02, subd. 2a.

If the vacancy occurs on or after the first day to file as a candidate for the next regular city election or if less than two years remain in the unexpired term, the city does not need to hold a special election, and the appointed person can serve out the remainder of the unexpired term. In the alternative, if the vacancy occurs before the first day to file as a candidate for the next regular city election and more than two years remain in the unexpired term, the city must hold a special election to fill the council vacancy at or before the next regular city election, and the person elected will serve out the remainder of the unexpired term.

Minn. Stat. § 412.02, subd. 2a. See LMC information memo, *City Special Elections*, for more information.

If the council chooses to hold a special election to fill a vacancy at a time other than at the regular city election, it must first adopt an ordinance specifying the circumstances under which such an election will be held.

Minn. Stat. § 412.02, subd. 2. Minn. Stat. § 205.07, subd. 1a. A.G. Op. 471-M (Nov. 23, 1999).

State law generally provides that the terms of elected city officials begin on the first Monday in January following the election. However, the attorney general has advised that a person elected to fill a vacancy is eligible to qualify and assume office upon receipt of an election certificate.

G. Council members ineligible to fill certain vacancies

Minn. Stat. § 471.46.

City council members, including mayors and elected clerks, may not be considered to fill vacancies in other city elective offices if the council has the power to make the appointment to fill the vacancy. This rule applies even if a council member resigns the position on the council before the council makes the appointment.

An exception to this rule is that the council may appoint one of its members to the office of either mayor or clerk. In such a case, the council member being considered for the appointment may not vote.

H. Gifts

Minn. Stat. § 471.895. Minn. Stat. § 10A.071, subd. 1. Minn. Stat. § 471.895, subd. 1(b).

Elected and appointed "local officials" are generally prohibited from accepting gifts from "interested persons." A "gift" is defined as money, real or personal property, a service, a loan, a forbearance or forgiveness of debt, or a promise of future employment, that is given and received without the giver receiving something of equal or greater value in return.

RELEVANT LINKS:

Minn. Stat. § 471.895, subd. 1(d).

A "local official" is defined as an elected or appointed official of a city, or of an agency, authority, or instrumentality of a city. The gift prohibition clearly applies to all members of a city council and to appointed officials on city boards, commissions, and committees. However, it is not clear whether city employees like city managers and administrators would also be considered local officials under the gift law. Because so many city employees can be involved in a city's decision-making process, some cities have decided that the safest course of action is to assume that the gift law applies to all city employees.

Minn. Stat. § 471.895, subd. 1(c).

An "interested person" is a person or a representative of a person or association with a direct financial interest in a decision the local official is authorized to make.

An interested person under the gift law likely includes anyone who may provide goods or services to a city, such as engineers, attorneys, fiscal advisors, contractors, and sales representatives.

In addition, virtually every resident of the city and anyone doing business in the city could at some time have a direct financial interest in a decision a city official is authorized to make and thus could qualify as an interested person. The following are possible examples where a resident or business owner's financial interested could be affected:

- The levying of property taxes.
- The levying of special assessments.
- The valuation of property for tax purposes.
- The issuing of a license.
- The zoning of property
- The granting of a land-use permit.

As a result, any person doing business or residing in the city is potentially an interested person as far as a city council member is concerned. Whether a resident or business owner is an interested person, as far as members of boards and commissions are concerned, depends on the types of decisions or recommendations the boards or commissions are authorized to make.

It is important to note that under the gift law the decision or recommendation a city official is authorized to make does not have to be pending. If an individual could at any time have a direct financial interest in a decision or recommendation that a city official would be authorized to make, that individual would likely be considered an interested person.

Minn. Stat. § 471.895, subd. 3. Minn. Stat. § 211A.01, subd. 5. See MN Campaign Finance and Public Disclosure Board relating to some of these exceptions.

There are a few limited exceptions to the gift law. For example, the following types of gifts are permitted under the gift law:

RELEVANT LINKS:

- Political contributions.
- Services to assist an official in the performance of official duties.
- Services of insignificant monetary value.
- A plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause.
- A trinket or memento costing $5 or less.
- Informational material of unexceptional value.
- Food or a beverage given at a reception, meal or meeting away from the recipient's place of work by an organization before whom the recipient makes a speech or answers questions as part of a program. (This exception probably permits only the principal speakers at meetings to receive gifts of food or beverage).
- Gifts given because of the recipient's membership in a group, a majority of whose members are not local officials, if an equivalent gift is offered to or given to the other members of the group.
- Gifts between family members, unless the gift is given on behalf of someone who is not a member of that family.
- Food or beverages given by a national or multi-state organization of governmental organizations or officials at a reception or meal to attendees at a conference sponsored by that organization if a majority of the dues to the organization are paid from public funds and an equivalent gift is given or offered to all other attendees.

Minn. Stat. § 465.03. *Kelly v. Campaign Finance and Public Disclosure Bd,* 679 N.W.2d 178 (Minn. Ct. App. 2004).

The law prohibits gifts to city officials, not to cities. Thus, an interested person can give a gift to a city. If the giver has no control over who will receive the gift and the gift was not targeted to a specific person, perhaps a city official could benefit from that gift. If the person who benefits from the gift has any control over its use, the gift would likely be prohibited. For example, if an interested person gave a city five tickets to a football game, the council members probably could not decide to use the tickets for themselves.

Minn. Stat. ch. 10A. See LMC information memo, *Official Conflict of Interest* for more information.

Metropolitan cities with a population over 50,000 are subject to additional regulations. Under the Ethics in Government Act, local officials in these cities are also prohibited from receiving gifts from "lobbyists" and "principals" although there are exceptions similar to those for the gift law.

Minnesota Campaign Finance and Public Disclosure Board.

The Minnesota Campaign Finance and Public Disclosure Board issues advisory opinions regarding the lobbyist gift ban. These opinions may be relevant to any Minnesota city struggling with the application of a gift ban to a particular situation.

RELEVANT LINKS:

I. Conflicts of interest

There are two types of conflicts of interest that a council member may encounter: those involving contractual decisions, and those involving non-contractual decisions.

1. Contracts

Minn. Stat. § 471.87. Minn. Stat. § 412.311.
See LMC information memo, *Official Conflict of Interest*, for more information about the exceptions.

Public officers are generally prohibited from having a personal, financial interest in any sale, lease, or contract they are authorized to make in their official capacity. There are limited exceptions to this law.

City council members, who knowingly authorize a prohibited contract, even though they do not benefit from it, may be guilty of a crime. The council member who would benefit from the contract could also be guilty of a crime if that person entered into it knowing it was prohibited.

A.G. Op. 90-E-5 (Nov. 13, 1969).

A.G. Op. 90e-6 (June 15, 1988).

The attorney general has advised that the conflict-of-interest law applies to any council member "who is authorized to take part in any manner" in the making of the contract. Simply abstaining from voting on the contract is not sufficient. The attorney general reasoned that if the Legislature had only wanted to prohibit interested officers from voting on the contract, it would not have used the word "authorized."

2. Non-contractual situations

See LMC information memo, *Official Conflict of Interest*, for more information on non-contractual conflicts of interest.

There are also situations where council members may find that they have an interest in a non-contractual decision the council will make. This type of interest does not have to be of a financial nature. These non-contractual matters may include such things as council decisions on zoning, local improvements, and the issuance of licenses.

Although not generally prohibited by state law, an interested council member most likely should abstain from participating in the council discussion and from voting on these issues.

J. Incompatibility of offices

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

Whether a city official can also serve the city or other government entity in some other capacity is a complicated issue. State laws generally do not prevent a person from holding two or more government positions. However, without specific statutory authority, government officials cannot hold more than one position if the functions of the positions are incompatible.

RELEVANT LINKS:

McCutcheon v. City of St. Paul, 216 N.W.2d 137 (Minn. 1974).

"Compatibility of Offices," House Research, Rev. July 2012.

The common law doctrine of incompatibility applies to the functions of two inconsistent offices. However, there is no clear definition of what constitutes an "office" for the purpose of the law. Certainly, it would include all elected offices and the Minnesota Supreme Court has reasoned that it would also apply to those appointed positions that have independent authority under law to determine public policy or to make a final decision not subject to a supervisor's approval. As a result, the incompatibility law might also apply to appointed positions such as city administrators, managers, and police chiefs.

1. Public employment

a. Federal employment

5 U.S.C. §§ 7321-7326.

Federal employees are generally prohibited from being candidates in local partisan elections. An election is considered "partisan" if candidates are elected as representing political parties.

b. State employment

Minn. Stat. § 43A.32. Minnesota Management & Budget.

State employees generally can run for and hold elected office as long as there is no conflict with their regular state employment. The commissioner of Minnesota Management and Budget will determine whether a conflict exists.

c. City employment

Minn. Stat. § 410.191. Minn. Stat. § 412.02, subd. 1a.

State law prohibits the mayor and council members in both statutory and home rule charter cities from being "employed" by their city. The term "employed" is defined as "full-time permanent employment as defined by the city's employment policy." This law applies to persons elected or appointed to serve as mayor or city council members on or after August 1, 2010. For part-time positions, it must be determined if the positions qualify as offices and if the elements or responsibilities of the two positions are incompatible with one another.

2. Incompatible offices

A.G. Op. 471-M (Dec. 11, 1957).

Unless otherwise limited by law, an individual may apply for a job or run for an office that is incompatible with a current position without resigning from the current position. When the individual is elected or appointed to an incompatible office, the individual is considered to have resigned from the first position.

See, for example, Minn. Stat. § 410.191. Minzn. Stat. § 412.02, subd. 1a.

Generally, positions are incompatible when a specific statute or charter provision:

RELEVANT LINKS:

- States that one person may not hold two or more specific positions.
- Requires that the officer may not take another position.
- Requires that the officer devote to the position full-time.

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

In addition, positions may be incompatible if the holder of one position or the group or board of which the person is a member:

See LMC information memo, *Official Conflict of Interest,* for more information on incompatible offices.

- Hires or appoints the other.
- Sets the salary for the other.
- Performs functions that are inconsistent with the other.
- Makes contracts with the other.
- Approves the official or fidelity bond of the other.

K. Codes of Conduct

Some cities have adopted their own policies on ethics and conflicts of interest. These policies must be consistent with state law. They generally take one of two forms: either a values statement expressing core principles for ethical conduct or a formal code of conduct. State law does not require cities to adopt an ethics policy.

ICMA/MCMA Code of Ethics.

In addition, many professional organizations have adopted rules of conduct to guide individuals working in particular fields. For example, the International City/County Management Association (ICMA) as well as our state's affiliate (MCMA) has adopted a code of ethics that defines a city manager's core set of values and a city manager's ethical obligations to the city council, other staff, the general public, and the profession itself.

L. Ethics in Government Act

Minn. Stat. ch. 10A.

The Ethics in Government Act (Act) regulates campaign financing and requires certain local officials to make public disclosures of certain information. The Act only applies to local officials of cities in the seven-county metropolitan area with a population over 50,000.

Minnesota Campaign Finance and Public Disclosure Board.

The Minnesota Campaign Finance and Public Disclosure Board administers the Act. Individuals subject to the Act may request an advisory opinion from the Board to guide their compliance with it.

Minn. Stat. § 10A.01, subd. 22.

The Act defines a local official as a person who holds elected office or is appointed to public position in which the person has authority to make, recommend, or vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

RELEVANT LINKS:

Minn. Stat. § 10A.09. Minn. Stat. § 10A.071, subd. 2. Minn. Stat. § 10A.07. For more information about these requirements see LMC information memo *Official Conflict of Interest.*

Local officials subject to the Act must comply with three main requirements. First, they must file statements of economic interest. Second, they are prohibited from accepting gifts from lobbyists or principals. Third, they must file conflict-of-interest statements in certain circumstances.

M. Publications and websites

Minn. Stat. § 10.60, subds. 2, 3.

The purpose of a city website or publication must be to provide information about the duties and jurisdiction of the city or to facilitate access to public services and information related to city responsibilities or functions. A city website or publication must not include pictures or other materials that tend to attribute the website or publication to an individual or group of individuals instead of to the city. A city publication must not include the words "with the compliments of" or contain letters of personal greeting that promote an elected or appointed official of a city.

Minn. Stat. § 10.60, subd. 3.

A city website may not contain a link to a blog or website maintained by a candidate, a political committee, a political party or party unit, a principal campaign committee, or a state committee.

Minn. Stat. § 10.60, subd. 4.

A city website or publication may include biographical information about an elected or appointed official, a single official photograph of the official, and photographs of the official performing functions related to the office.

There is no limitation on photographs, web-casts, archives of web-casts, and audio or video files that facilitate access to city information or services or inform the public about the duties and obligation of the city office or that are intended to promote trade or tourism. A city website or publication may include press releases, proposals, policy positions, and other information directly related to the legal functions, duties, and jurisdiction of a city official or organization.

Minn. Stat. § 10.60, subd. 5.

Cities may adopt more restrictive standards for the content of city publications or websites.

II. City council and its powers

It is the duty of the mayor, clerk, and council members to ensure that the city is fulfilling its duties under the law and lawfully exercising its powers.

See Handbook, *Liability*.

City officials can sometimes be held personally liable for failing to act or for taking unauthorized actions on the part of the city. To avoid personal liability, city officials should gain a working knowledge of the laws that regulate city government. Whenever there is any doubt about the validity of an action or procedure, city officials should consult their city attorney.

RELEVANT LINKS:

A. Role of the individual council member

Council members' statutory duties are to be performed, almost without exception, by the council as a whole. For example, it is the council and not individual council members that must supervise administrative officers, formulate policies, and exercise city powers.

Council members should devote their official time to problems of basic policy and act as liaisons between the city and the general public. Council members should be concerned, not only with the conduct of daily affairs, but also with the future development of the city.

The most important single responsibility of a council member is participation at council meetings. In statutory cities, each council member, including the mayor, has full authority to make and second motions, participate in discussions, and vote on every matter before the council.

Minn. Stat. § 412.191, subd. 2. Minn. Stat. § 13D.04.

In a statutory city, the mayor or any two council members of a five-member council or any three council members of a seven-member council may call a special meeting. Care should be exercised to give proper notice, however.

As individuals, council members have no administrative authority. They cannot give orders to or otherwise supervise city employees unless specifically directed to do so by the council. The council, however, has complete authority over all administrative affairs in the city. In Plan B cities, this authority is generally restricted to conducting investigations and establishing policies to be performed by the manager.

Minn. Stat. § 412.101 (repealed by Laws 2001, ch. 135, sec. 3).

Under state law that was repealed in 2001, all members of the council, including mayors, were "peace officers." Council members were authorized to suppress any "riotous or disorderly conduct" in the streets or public places of the city. The mayor and individual council members no longer have peace-officer authority.

B. The council's authority

Van Cleve v. Wallace, 216 Minn. 500, 13 N.W.2d 467 (1944).

The city council is a continuing body. New members have no effect on the body except to change its membership. This means that all ordinances and resolutions remain in effect until the council alters or rescinds them, or until they expire through their own terms.

At any time, the council can change any resolution, ordinance, or administrative order whether or not the individuals presently on the council are the same as those serving when the council originally took action.

RELEVANT LINKS:

Minn. Stat. § 306.41. *Reed v. City of Anoka*, 85 Minn. 294, 88 N.W. 981 (1902). *Ketterer v. Indep. Sch. Dist. No. 1*, 248 Minn. 212, 79 N.W. 2d 428 (1956).

There are exceptions to this rule. For example, the council cannot dissolve a perpetual cemetery-maintenance fund. In addition, the council cannot rescind or unilaterally alter any valid contracts. This means the law of contracts applies to the council as it does to any other party. Whether a contract was validly made is a question of fact.

The following information outlines the major areas of council authority and responsibility.

1. Judging the qualification and election of its own members

Minn. Stat. § 412.191, subd. 2.

The council evaluates the credentials of individuals who are, or who claim to be, members of the council. This power includes certifying election results, determining whether an individual has the necessary qualifications to hold office, and deciding whether a council vacancy exists.

2. Setting and interpreting rules governing its own proceedings

Minn. Stat. § 412.191, subd. 2.

The council has the following powers:

- To preserve order during its own meetings.
- To establish rules of procedure.
- To compel the attendance of members at meetings and to punish non-attendance. The council does not have the power to remove members from office, but it may punish members by fines or by deducting a part of the absentee's compensation for failure to comply with attendance orders.

See Minn. Stat. § 43A.17, subd. 10 (prohibiting the reduction of council members' salaries because of absences from official duties because of vacation or sickness).

3. Exercising all the powers of cities that the law does not delegate to others

Except for powers that the statutes delegate to a specific official or independent board or commission, the council has the authority to exercise all powers given to the city.

4. Legislating for the city

Minn. Stat. § 412.191, subd. 4.

The council may enact ordinances by a majority vote of all its members except where a larger number is required by law. The power to legislate also includes setting administrative policies and otherwise establishing public policy for the city.

RELEVANT LINKS:

Minn. Stat. § 412.231.

The council has the power to declare that violations of any ordinance are a crime and may prescribe penalties for ordinance violations. The statutory city code limits the penalty for ordinance violations to a fine of up to $1,000 or up to 90 days in jail, or both.

5. Directing the enforcement of city ordinances

The council directs the enforcement of city ordinances by determining the level of law enforcement, setting qualifications for the police chief and police officers, purchasing certain types of equipment for police use, and by directing and supervising the work of police officers. The city council also directs all departments and employees responsible for the administration of its policies and ordinances in the general administration of their duties. The city council generally should not direct the enforcement efforts of its employees as to particular situations.

6. Appointing administrative personnel

In Standard Plan and Plan A cities, the council has the sole authority to appoint all city employees.

Minn. Stat. § 412.661.

In Plan B cities, the council appoints a city manager, who in turn appoints all city employees. The council may not dictate that the city manager appoint a particular person to city employment. Additionally, the council may not give any orders to employees hired by the manager.

7. Transacting city business

See Minn. Stat. § 412.201.
Minn. Stat. § 412.211.

The transaction of city business includes a wealth of activities, such as purchasing, executing legal papers, taking bids, letting contracts, making discretionary administrative decisions, and evaluating the work of the administrative departments and personnel.

8. Managing the city's financial operations

Minn. Stat. § 412.241.

The council has full authority over the city's financial affairs, including but not limited to:

Minn. Stat. § 412.251.

- Levying taxes.

Minn. Stat. § 412.701.

- Adopting a budget

Minn. Stat. § 275.065.

- Auditing and settling accounts.

Minn. Stat. § 412.241.

- Safekeeping and disbursement of public money.

RELEVANT LINKS:

Minn. Stat. § 412.241.

Minn. Stat. § 118A.02. Minn. Stat. §§ 427.01-.02.

- Borrowing money.
- Designating depositories.

Councils should seek the advice of their staff and of consultants in making many of these decisions.

9. Appointing members of the boards

Minn. Stat. § 412.111.

The council may create departments and advisory boards and appoint officers, employees, and agents for the city as deemed necessary for the proper management and operation of the city.

10. Conducting the city's intergovernmental affairs

Minn. Stat. § 471.59. Minn. Stat. § 465.58.

The council may make agreements for the joint exercise of powers through agreements with other units of government, appoint people to serve on intergovernmental bodies, conduct city business with state and federal agencies, and participate in intergovernmental programs and the work of municipal associations, such as the League of Minnesota Cities.

11. Protecting the welfare of the city and its inhabitants

Minn. Stat. § 412.221, subd. 32.

Elected officials must formulate policies that will help the city solve future problems and adjust to social and economic trends. This requires long-range planning regarding city facilities and needs.

12. Providing community leadership

In addition to participating in civic events, city officials must provide leadership by promoting new ideas and suggesting new programs to improve the community and its surrounding areas.

13. Other specific powers

The city council also has specific powers in the following areas:

Minn. Stat. § 412.221, subds. 3, 28.

Buildings. The council has the power to construct or acquire structures needed for city purposes, and to control, protect, and insure public buildings, property, and records. The council also has the power, by ordinance, to regulate the construction of buildings.

Minn. Stat. § 412.221, subd. 5.

Actions at law. The council has the power to provide for the initiation or defense of actions in which the city may be interested. The council may employ attorneys for this purpose.

RELEVANT LINKS:

Minn. Stat. § 412.221, subd. 6.

Streets. The council has the power to lay out or change streets, parks, and other public grounds. By ordinance, the council may regulate the use of streets and public grounds.

Minn. Stat. § 412.491.

Parks. A statutory city may establish, improve, maintain, and manage parks and recreational facilities and, by ordinance, protect and regulate their use.

Minn. Stat. § 412.221, subd. 8.

Trees. The council has the power to provide for and, by ordinance, regulate the setting out and protection of trees, shrubs, and flowers in the city or upon its property.

Minn. Stat. § 412.221, subd. 9.

Cemeteries. The council has the power to acquire, hold, and manage cemetery grounds and to sell and convey cemetery lots. By ordinance, the city may regulate cemeteries and the disposal of cadavers.

Minn. Stat. § 412.221, subd. 11.

Waterworks. The council has the power to provide for and, by ordinance, regulate the use of wells, cisterns, reservoirs, and other types of water supply.

Minn. Stat. § 412.221, subd. 16.

Hospital. The council has the power to establish hospitals.

Minn. Stat. § 412.221, subd. 17.

Fire prevention. The council has the power to establish a fire department, appoint its officers and members, and prescribe their duties. The council also has the power, by ordinance, to prevent, control, or extinguish fires.

Minn. Stat. § 412.221, subd. 18.

Naming streets. The council has the power, by ordinance, to name or rename the streets and public places of the city and to number or re-number the lots and blocks of the city. The council may make and record a consolidated plat of the city.

Minn. Stat. § 412.221, subd. 21.

Animals. The council has the power, by ordinance, to regulate the keeping of animals, to restrain their running at large, and to authorize their impoundment and destruction.

Minn. Stat. § 412.221, subd. 22.

Health. The council has the power, by ordinance, to provide for the disposal of solid waste, sewage, garbage, and other unwholesome substances.

Minn. Stat. § 412.221, subds. 24, 25.

Noise and nuisances. The council has the power, by ordinance, to regulate and prevent noise and to define and provide for the prevention or abatement of nuisances.

Minn. Stat. § 412.221, subd. 25.

Amusement. The council has the power, by ordinance, to prevent or license and regulate billiard tables, bowling alleys, gambling devices, circuses, theatrical performances, amusements, or shows of any kind.

Minn. Stat. § 412.221, subd. 26.

Vice. The council has the power, by ordinance, to restrain and punish vagrants, prostitutes, and individuals guilty of lewd conduct.

RELEVANT LINKS:

Minn. Stat. § 412.221, subd. 27.

Dances. The council has the power, by ordinance, to license and regulate the operation of public-dance halls and the conduct of public dances.

Minn. Stat. § 412.221, subd. 30.

Restaurants. The council has the power to license and regulate restaurants and public-eating places.

Minn. Stat. § 412.221, subd. 31.

Sewer and water connections. The council has the power, by ordinance, to require the owner of any property that is abutting or adjacent to any street in which sewer and water mains have been laid to install a toilet in such buildings and connect it with the sewer and water mains.

Minn. Stat. § 412.221, subd. 32.

General welfare. The council has the power to provide for the government and good order of the city, the prevention of crime, the protection of public and private property, and the promotion of health, order, and convenience through the enactment of ordinances.

Minn. Stat. § 415.01.

Township powers. The council has all the powers given to towns in chapters 365 and 368 of the Minnesota Statutes.

C. Council committees

Although the statutes do not require the use of committees, some councils find they are helpful in reducing workload. By dividing their membership into several committees, a council enables its members to devote most of their time to specific areas of the city's operations. Each council member becomes a relative specialist in these areas and that council member's services become of greater value to the council as a whole.

Council action is necessary to establish committees either in the council's bylaws, by special resolution, or through a motion. The council may set up special and standing committees. The council appoints special committees to deal with a single transaction or project. For example, the council might appoint a special committee to study the advisability of purchasing land for a new park. Standing committees concentrate on work that is continuous or repeated from time to time during the year. Many cities, for example, have a standing committee on finance.

Sometimes councils set up their committees on a functional basis. Such committees deal with fire, police, health, public works, welfare, or public utilities. This system encourages council members to handle administrative details and, consequently, does not make full and proper use of the city's administrative officers. Thus, councils should try to limit their work to special policy problems or to certain staff or public-relations functions that are not the responsibility of administrative personnel. Examples include committees on auditing, personnel, budget, public reporting, purchasing, and licensing.

RELEVANT LINKS:

See LMC information memo, *Meetings of City Councils,* for more information.

Committees may exercise all duties the council has legally assigned to them. They can have authority to conduct investigations and to make recommendations. Committees, however, may not make decisions on behalf of the council. Committees of the council are subject to the same rules as the full council under the open meeting law.

In many cities, it is routine for the council to approve a committee's recommendations if it has done a thorough and competent job. It is important, however, for all council members to be aware of their independent obligation to the city when considering whether to adopt a committee's recommendation. It is only the council's final decision, and not the committee's recommendation, that can bind the city. For example, committees may not enter into contracts or employ workers even if a specific motion of the council delegates such power to them.

D. Delegation of council power

A.G. Op. 624a-3 (Nov. 2, 1998). *Muehring v. School Dist. No. 31*, 224 Minn. 432, 28 N.W.2d 655 (1947). *Jewell Belting Co. v. Village of Bertha,* 91 Minn. 9, 97 N.W. 424 (1903). *Minneapolis Gas-Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (1886).

Absent specific statutory or charter authority, a city council may not delegate its legislative or quasi-judicial power. In addition, a council may not delegate any administrative power of a discretionary nature. Merely ministerial functions, however, may be delegated to an officer or committee.

1. Discretionary and ministerial powers

The courts have not been explicit in describing the meaning of discretionary administrative power. They have, however, provided several rules that offer some basis for distinguishing which powers the council can delegate.

Johnson v. State, 553 N.W.2d 40 (Minn. 1996).

Discretionary powers or functions are those that involve the exercise of judgment. Ministerial functions are absolute, fixed, and certain so that no judgment is necessary in fulfilling them.

For example, the approval of a budget is a discretionary function while the signing of legal papers is a ministerial function. There are many tasks, however, for which the difference is largely one of degree. The courts, in these cases, generally differentiate by using a test of reasonableness.

2. Administrative standards

Courts generally permit the delegation of administrative power when the council establishes a fixed standard or rule to guide the subordinate.

RELEVANT LINKS:

The courts usually permit delegation when the subordinate has reasonable discretion in administering an established standard or rule. Administration of land-use ordinances, building codes, and many other ordinances are examples.

3. Making vs. executing the law

Finally, the courts sometimes recognize a distinction between the power to make the law and the authority to execute it. A council cannot delegate the power to make a law, but the council can delegate the authority to execute it.

E. Salaries of mayor and council members

Minn. Stat. § 415.11.

The city council in Second Class, Third Class, and Fourth Class cities establishes, by ordinance, the salaries of the mayor and council members in an amount that the council deems "reasonable." Generally, no change in salary shall take effect until after the next succeeding regular city election. An ordinance changing council salaries should specify the date when the changes will take effect.

Minn. Stat. § 415.11, subd. 3.

A city council, however, may adopt an ordinance to take effect before the next city election that reduces the salaries of the mayor and council members. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the reduced salary reverts to the salary in effect immediately before the ordinance was adopted.

Salaries may be an annual or monthly sum, or a per-meeting rate. The ordinance should specify whether the per-meeting rate applies only to regular meetings or to both regular and special meetings.

Minn. Stat. § 43A.17, subd. 10.

Cities are prohibited from including provisions for vacation or sick leave in the compensation plan for council members. Cities are also prohibited from reducing the salaries of council members because of absences from official duties because of vacation or sickness.

Minn. Stat. § 415.10.

Iron Range cities have special legislative authority to make per-diem payments to council members up to $25 per day, not to exceed $250 per year, for absences from the city while on official city business.

See IRS Publication 2020-2021 Special Per Diem Rates. IRS Publication 463—Travel, Entertainment, Gift and Car Expenses. IRS Publication 15—Circular E, Employer's Tax Guide.

Some non-Iron Range cities have sought to pay their councils using per-diem rates. Cities should be careful in this area. A per diem is an expense allowance or an advanced reimbursement for business travel away from home. The IRS has strict guidelines for per-diem pay, including dollar limits above which the per diem must be treated as wages for tax purposes.

RELEVANT LINKS:

Cities wishing to establish per-diem rates for council members should consult with their financial advisors or the IRS for further guidance.

Minn. Stat. § 211B.10, subd. 2.

An employer must allow a council member to take time off from regular employment to attend council meetings. The time off may be without pay, with pay or made up with other hours as agreed to between the employee and the employer. When the council member takes time off without pay, the employer must make an effort to allow the employee to make up the time with other hours when the employee is available. No retaliatory action may be taken by the employer for absences to attend meetings necessitated by reason of the employee's public office.

III. Mayor

Minn. Stat. § 412.191, subds. 1, 2. For more information about the office of mayor see the Minnesota Mayors Handbook.

As the head of the city, the mayor officially speaks for both the council and the community as a whole. In all statutory cities and in most charter cities, the mayor is the presiding officer and a regular member of the council. The mayor has all the powers and duties for the office of council member in addition to those of mayor.

In a home rule charter city, the charter spells out the duties and responsibilities of the mayor. This chapter, however, deals with mayors of statutory cities.

Many mayors belong to the Minnesota Mayors' Association (MMA), which is affiliated with the League and holds an annual conference on issues of interest to mayors. Contact the League for more information about the MMA.

A. Official head of the city

As the official head of the city, the mayor has three important responsibilities.

First, the mayor usually serves as the city's representative before the Minnesota Legislature, federal agencies, and other local governments.

Second, the mayor performs ceremonial duties on behalf of the community. The mayor usually greets important visitors, gives formal and informal talks, and takes part in public events. Because local civic groups frequently ask the mayor to speak, the mayor must be prepared to explain and defend city problems and programs.

A third responsibility is to exert leadership in city affairs. Because the mayors of statutory cities lack significant individual authority, this responsibility frequently calls for tact rather than overt acts of direction or supervisory control.

RELEVANT LINKS:

B. Executing official documents

Minn. Stat. § 412.191, subd. 4. Minn. Stat. § 412.201. A.G. Op. 61-J (June 2, 1966).

The mayor of a statutory city must sign ordinances, contracts authorized by the council, and written orders for payment of claims that have been audited and allowed by the council. These are ministerial duties, and the mayor may not refuse to sign if the purpose, approval, and form are legally correct and complete.

C. Power to make some appointments

The power to appoint usually resides in the council. The mayor has authority to make the following appointments subject to council approval:

Minn. Stat. § 412.501. (The council appoints the members of an advisory park board or commission created under Minn. Stat. § 412.111).

- Park board members.

Minn. Stat. § 134.09, subd. 1. Minn. Stat. § 134.195, subd. 2 (joint school and public library).

- Public library board members.

Minn. Stat. § 412.221, subd. 16.

- Hospital board members.

Minn. Stat. § 44.04, subd. 1. See Minn. Stat. § 419.02, subd. 1 (authorizing the creation of a joint police and fire commission with members appointed by the council).

- Some members of the police civil-service commission.

Minn. Stat. § 469.003, subd. 6.

- HRA members.

Minn. Stat. § 469.095, subd. 2.

- EDA members.

The mayor has authority to make the following appointments without needing council approval:

Minn. Stat. § 450.20.

- City art commission members (First Class cities).

Minn. Stat. § 12.25, subd. 1.

- Emergency management director

Minn. Stat. § 412.02, subd. 2a.

- The mayor also appoints to fill vacancies in elective offices if the council's vote to fill the vacancy is tied.

D. Presiding officer at council meetings

Minn. Stat. § 412.191, subd. 1.

Minn. Stat. § 412.02, subd. 6.

Plan A and Plan B statutory city councils are usually composed of five members consisting of the mayor and four council members. In a Standard Plan city, the council consists of the mayor, the clerk, and three council members.

RELEVANT LINKS:

Any statutory city, however, may adopt a council size of seven following adoption of a council ordinance and voter approval at the next general city election.

Minn. Stat. § 412.191, subd. 2.

The mayor serves as presiding officer at council meetings. The mayor generally recognizes speakers for debate and motions, and rules on questions of council procedure. The power to rule on council procedure is especially significant because once rulings are made they are binding on the council, unless the council votes to challenge them.

Minn. Stat. § 412.191, subd. 2.

A statutory city mayor can vote on all motions put before the council but does not have the right to veto council actions. The right of the mayor to make and second motions is implied from the mayor's privilege of voting and taking part in regular council deliberations. The mayor has an obligation to be impartial and objective in conducting the meeting. To maintain this objectivity, many mayors choose to minimize making or seconding motions, and to allow other members of the council to speak before expressing an opinion. Mayors may also call special meetings.

E. Weed inspector

Minn. Stat. § 18.80, subds. 2, 3.

The mayor is the city weed inspector. The city may appoint one or more assistant weed inspectors. An assistant weed inspector has the same power, authority, and responsibility of the mayor in the capacity of weed inspector.

Minn. Stat. § 18.81, subd. 2.

Local weed inspectors examine all lands, including highways, roads, and alleys, to determine if the landowner has complied with the rules regarding the eradication of noxious weeds. Weed inspectors also issue permits for the transportation of materials infested with noxious, weed-propagating parts. A claim for the expenses of performing the weed inspector's duties is a legal charge against the city.

F. Election duties

Minn. Stat. § 204C.07, subds. 3, 4.

Mayors of all cities have election duties. At elections where cities will vote on a question, the mayor, upon receiving a written petition signed by at least 25 eligible voters, must appoint one voter for each precinct to act as a challenger of voters in the polling place.

A challenger must be present in the polling place during voting hours, and must remain until the votes are counted and the results declared. Challengers cannot attempt to influence voting in any manner.

Minn. Stat. § 204C.31, subd. 1.

Mayors or chairs of the town board from the most populous municipality in each county serve as members of the county-canvassing board.

RELEVANT LINKS:

Any member of the canvassing board may appoint a designee to appear at a meeting of the board.

G. Investigating fires

Minn. Stat. § 299F.04.

In cities without fire departments, the mayor must investigate or have investigated the cause, origin, and circumstances of any fire where damages exceed $100. The investigation must begin within two days of the fire.

The mayor must report the fire to the state fire marshal. Within one week of the fire, the mayor must furnish a written statement to the state fire marshal.

H. Declaring local emergencies

Minn. Stat. § 12.29, subd. 1.

Only the mayor can declare a local emergency. A local emergency cannot last for more than three days except with the council's consent. A local emergency must receive prompt and general publicity. The clerk must promptly file any order or proclamation declaring, continuing, or terminating the emergency.

Minn. Stat. § 12.29, subds. 2, 3.

A declaration of a local emergency invokes the response and recovery aspects of any local or inter-jurisdictional disaster plans and may authorize aid and assistance. No inter-jurisdictional agency or official may declare a local emergency unless expressly authorized by an agreement. An inter-jurisdictional disaster agency must provide aid and services in accordance with the agreement.

IV. Clerk and treasurer

See Handbook, *City Administrative Staff*, for more information regarding the clerk position.

This section gives an overview of the positions of clerk and treasurer.

A. Clerk

Minn. Stat. § 412.191, subd. 1. Minn. Stat. § 412.02. Minn. Stat. § 412.151. See discussion of Part I-F *Filling vacancies*.

The clerk position in a Standard Plan statutory city is an elected office. The clerk serves as a member of the council, as well as fulfilling the other duties of a city clerk prescribed by statute or by the council.

Vacancies in the elected clerk position are handled in the same manner as council vacancies.

See Handbook, *City Administrative Staff*.

The clerk position in Plan A and Plan B cities is an appointed office. The clerk does not serve on the council but is responsible for the duties prescribed by statute and by the council.

RELEVANT LINKS:

B. Treasurer

Minn. Stat. § 412.141. Minn. Stat. § 412.02.
See discussion of Part I-F *Filling vacancies*.

The treasurer in a Standard Plan statutory city is also an elected position, but the treasurer does not serve on the council. Vacancies in the elected treasurer position are handled the same as council vacancies.

See Handbook, *City Administrative Staff*.

The treasurer in Plan A and Plan B cities is not an elected office. All treasurers are responsible for those duties prescribed by statute or their city councils.

C. Combination of clerk-treasurer

Minn. Stat. § 412.02, subd. 3. Minn. Stat. § 412.541, subd. 1. Minn. Stat. § 412.591, subd. 2.

In statutory cities operating under either the Standard Plan or Plan A, the council may, by ordinance, combine the offices of clerk and treasurer into the office of clerk-treasurer.

In Standard Plan cities, the council must adopt the ordinance at least 60 days before the next regular city election. The ordinance does not go into effect until the expiration of the term of the incumbent treasurer, or when an earlier vacancy occurs.

Minn. Stat. § 412.02, subd. 3. Minn. Stat. § 412.591, subd. 2.

In a Plan A city, the clerk-treasurer is an appointed official and the ordinance generally goes into effect immediately. A Plan A city can abolish the position of treasurer even if an appointed person holds the position.

Under either the Standard Plan or Plan A, the council may reestablish separate offices of clerk and treasurer by ordinance.

Minn. Stat. § 412.591, subd. 3. Minn. Stat. § 412.02, subd. 3. (After 2005, the threshold amount for requiring an audit is a base of $150,000, which is adjusted for inflation using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce.).
Minn. Stat. § 471.697. See Office of the State Auditor, Audit Revenue Thresholds. Office of the State Auditor Agreed Upon Procedures Guide for Small Entities

If the offices of clerk and treasurer have been combined in a Standard Plan or a Plan A city, the council must provide for an audit of the city's financial affairs by the state auditor or a certified public accountant in accordance with minimum procedures prescribed by the state auditor. According to the calculations of the Office of the State Auditor, a city with a population of 2,500 or less and a combined clerk and treasurer must have an annual audit for 2021 if its annual revenue is greater than $245,000 and must have an audit satisfying the OSA "Agreed-Upon Procedures" minimum requirements once every five years if its annual revenue is $245,000 or less. A city with a population over 2,500 must have an annual audit performed.

V. Citizen boards and commissions

One way to increase positive feelings about government is to promote citizen involvement.

RELEVANT LINKS:

Citywide or neighborhood committees, special-project-review committees, and even block organizations are some of the committees cropping up in many cities. In many cases, the council has formed or encouraged these citizen committees. The committees have saved time and have made contributions that could only occur through citizen participation.

Council members have found that ignoring citizen concerns can result in their removal from office at the next election, or in the defeat of a program or activity as a result of citizen opposition.

Although city officials cannot, in most cases, delegate decision-making authority to citizen groups, they can use citizens in advisory roles. This technique only works, however, if the council listens to the advice. If the council does not follow the advice of the committee, it should give understandable reasons for taking other action.

When a council forms a citizen-advisory body, it should also establish the ground rules for its activities. The council should also stress that in the absence of clear statutory authority to delegate responsibility, the council must, by law, make the final decisions. State law allows, and in some cases requires, city councils to delegate decision-making power to certain independent boards and commissions.

A. Independent citizen boards and commissions

A.G. Op. 624a-3 (Nov. 2, 1998). A.G. Op. 1007 (July 8, 1977). A.G. Op. 1001-a (Sept. 15, 1950). A.G. Op. 1001-a (Aug. 27, 1957). See *Muehring v. School Dist. No. 31*, 224 Minn. 432, 28 N. W.2d 655 (Minn. 1947). *Minneapolis Gas-Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (Minn. 1886).

The amount of discretionary power the council can give to independent citizen boards and commissions varies. Absent specific statutory or charter authority, local governing bodies may not delegate their discretionary powers and duties to other persons or bodies, including independent citizen boards and commissions.

Minn. Stat. § 412.621.

In Plan B cities, with the exception of civil-service boards, there shall be no independent administrative board or commission, except for the purpose of administering a function jointly with another city or political subdivision. The council itself shall perform the duties and exercise the powers of the board of health, and shall govern and administer the library, parks, and utilities as fully as any other municipal function. The council may, however, create boards or commissions to advise the council with respect to any municipal function or activity, or to investigate any subject of interest to the city.

The statutes specifically authorize various independent boards and commissions in other statutory cities.

RELEVANT LINKS:

The following is a list of the most common.

1. Airport board

Minn. Stat. § 360.038, subd. 2.

The council may establish, by ordinance or resolution, an airport board. The board shall be vested with authority for construction, enlargement, improvement, maintenance, equipment, operation, and regulation of the airport.

2. Civil service board and commission

See Minn. Stat. chapters 44, 419, and 420.

Civil service commissions can take several different forms depending on the state statute under which the council establishes them.

3. Hospital board

Minn. Stat. § 412.221, subd. 16.

The council has the power to provide hospitals and, by ordinance, to establish a hospital board. Hospital boards may exercise any hospital-management powers conferred by the council. The council may abolish the board by a vote of all five members of the council. The board shall consist of five members appointed by the mayor with council approval for overlapping five-year terms. The council may remove members for cause.

4. Housing and redevelopment authority

Minn. Stat. § 469.003, subds. 1, 2.

A housing and redevelopment authority (HRA) has been created in each city by the Legislature. The HRA may not transact any business or exercise any powers until the city council, by resolution, finds that the city: has substandard, slum, or blighted areas that cannot be redeveloped without government assistance; or, has a shortage of decent, safe, and sanitary low-income dwellings. The council may consider such a resolution only after holding a public hearing and meeting publication requirements.

Minn. Stat. § 469.003, subds. 5, 6.

An HRA consists of up to seven members who may be officers and employees of the city. The mayor appoints members with the approval of the council for overlapping five-year terms. In many cities, council members appoint themselves to serve on the HRA; so the council becomes the HRA.

5. Intergovernmental boards and commissions

Minn. Stat. § 471.59. See Handbook, *Intergovernmental Cooperation*.

The council may create intergovernmental boards and commissions. A mutual agreement of the cooperating governments will set up the organizational format, powers, and duties of such boards.

RELEVANT LINKS:

6. Library board

Minn. Stat. § 134.09.

When a public library is established, except in First Class cities operating under a home rule charter, the mayor of the city, with council approval, shall appoint a board of five, seven, or nine members from among the residents of the city. The number of members shall be determined by resolution or ordinance. The board members shall serve staggered, three-year terms and may be removed for misconduct or neglect.

Minn. Stat. § 134.10.

Library board members serve without pay but may be reimbursed for actual and necessary traveling expenses.

Minn. Stat. § 134.11, subd. 2.
Minn. Stat. § 134.13.

Once established, the board prescribes its rules of procedure, selects its officers, and controls the library fund. Besides appointing new members to the board, the council has approval of all purchases of land and proposals for the erection of buildings. The board must file an annual report each year with the city council and the Department of Education.

7. Park board

Minn. Stat. § 412.501. (Cities may also create advisory park boards and commissions under Minn. Stat. § 412.111).

The council of any city of more than 1,000 population may, by ordinance, establish a park board. The board shall consist of three, five, seven, or nine members as determined by resolution or ordinance. The mayor, with council approval, appoints the board members. Members serve three-year overlapping terms and may be removed by the mayor, with the council's consent, for cause after a hearing. Board members receive no compensation, unless the council authorizes it. The board may be dissolved by a unanimous vote of the council.

Minn. Stat. § 412.501. Minn. Stat. § 412.521.

The park board shall maintain, beautify, and care for park property and perform all other acts necessary to carry out its statutory powers. The board must make quarterly reports of its activities to the council and file an annual statement of receipts and disbursements with the city clerk.

8. Recreation board

Minn. Stat. § 471.15.

Recreation is usually a function that is administered by the city council, the park board, or the local school board. Any city may operate and expend funds for a public-recreation program and playgrounds, and acquire, equip, and maintain land, buildings, or other recreational facilities, including swimming pools.

Minn. Stat. § 471.16.

Generally, a recreation board refers to an independent commission that is established cooperatively by the city council, school board, and park board. The statutes specifically authorize the formation of an intergovernmental commission with representatives from all three bodies.

RELEVANT LINKS:

9. Utilities commission

Minn. Stat. § 412.321, subds. 1, 2.

Any statutory city may own and operate facilities for supplying utility service. No gas, light, power, or heat utility may operate until approval by five-eighths of the voters voting on the proposition at a regular or special election.

Minn. Stat. § 412.331. Minn. Stat. § 412.341, subd. 1.

By ordinance, a city may establish a public utilities commission. Utility commissions must have three council-appointed members who serve overlapping three-year terms. The council may appoint no more than one of its own members to the commission.

City residence is not a qualification for membership on the commission unless required by the council.

Minn. Stat. § 412.341, subd. 2. Minn. Stat. § 412.351. Minn. Stat. § 412.361.

The commission shall adopt rules for its proceedings but must hold at least one regular meeting each month. The commission may exercise all of the discretionary administrative authority necessary for the management of the utilities. The council may prescribe a salary for the commissioners and decide, by ordinance, which of the following municipally owned public utilities shall be within the commission's jurisdiction:

- Water.
- Light and power, including any system for the production and distribution of steam heat.
- Gas.
- Sanitary or storm sewer, or both.
- Public buildings owned or leased by the city.
- District heating systems.

Minn. Stat. § 465.70.

Additionally, some Third Class and Fourth Class cities may own and operate a television signal distribution system that shall be considered a public utility.

10. Municipal power agencies

Minn. Stat. §§ 453.51-.62.

Any two or more cities may form a municipal power agency if each city passes a resolution authorizing an agreement. The purpose of the agency is to secure an adequate, economical, and reliable supply of energy for cities that own and operate a utility for the distribution of electric energy. All agency powers lie with its board of directors and include constructing and acquiring generating and transmission facilities, the power of eminent domain, and the authority to issue bonds and notes. Any city council may, by resolution, exercise any of these powers as if it were a municipal power agency.

RELEVANT LINKS:

11. Municipal gas agencies

Minn. Stat. §§ 453A.01-.12.

Any two or more cities owning or operating a utility for the local distribution of gas may form a municipal gas agency if each passes a resolution authorizing the agreement. The purpose is to secure an adequate, economical, and reliable supply of gas for utility customers.

The board of directors exercises all agency powers. Any city may, by resolution, exercise any of the powers of a municipal gas agency as if it were an agency.

12. Special board of review

Minn. Stat. § 274.01, subd. 2.

The governing body of any city may appoint a special board of review. This special board of review serves at the direction and discretion of the city council. The council determines the number of members, the compensation and expenses to be paid, and the term of office of each member. At least one member of the special board must be an appraiser, realtor, or someone familiar with property valuations in the assessment district.

B. Advisory citizen boards and commissions

Minn. Stat. § 412.111.

Minn. Stat. § 462.354, subd. 1.

Another important link in city governing activities is the work of advisory boards and commissions. These entities are much like the independent or administrative boards and commissions. The city council may create and dissolve them by resolution, appoint people to serve on them, and exercise other powers of general supervision. The council must, however, pass an ordinance to create a planning commission.

There are several differences between independent boards and advisory boards. State statutes establish most independent boards and commissions and give them some discretionary powers. Advisory boards conduct studies and investigations on behalf of the council and submit reports and recommendations for council consideration. An advisory-board's recommendation does not take effect unless the council accepts it by passing an ordinance or resolution.

The council may organize advisory groups in any manner it deems appropriate. The council may find it wise to appoint people who represent various special-interest groups in the city.

An advisory commission may be created by the council for a special purpose, such as for conducting an investigation, and will cease to exist once the purpose of the commission has been achieved.

RELEVANT LINKS:

Minn. Stat. §§ 462.351-.364. See LMC information memo, *Planning Commission Guide*.

1. Planning commissions

Cities can establish planning commissions by passing an ordinance describing their organization and powers. City officials, such as the mayor, attorney, and engineer, frequently are advisory members.

2. Other advisory boards and commissions

Other advisory boards and commissions commonly established by city councils include industrial commissions, which have power to study the ways and means of attracting more commercial and industrial development to the city; safety councils, which advise the council on safety programs; and intergovernmental agencies, such as a joint-planning commission, which the city sponsors in cooperation with other units of government.

See Handbook, *City Administrative Staff* for more information about the manager and administrator positions.

As government has become increasingly complex, cities have used fewer independent or administrative citizen boards and commissions. Instead of diffusing authority for government administration over a number of different agencies, many cities place all authority in the city council. This decision centralizes responsibility for the proper direction of local government affairs and increases voter understanding of government. Frequently, this trend leads to pressures for greater simplification and centralization in administration as well. The council-manager form of government (Plan B) is an answer to this pressure. Administrators, whose duties and functions lie somewhere between those of a manager and those of a clerk, may also help to centralize government.

VI. How chapter 6 applies to home rule charter cities

Several sections of this chapter may be useful to charter cities.

Minn. Stat. § 410.20. Minn. Const. art. VIII, § 5. A.G. Op. 59a-30 (July 24, 1996). Minn. Stat. § 410.20.

In the section concerning elected officials, the discussion of statutory city officers does not apply to charter cities, but the portions on eligibility, removal, resignations, and vacancies generally do apply. It may be possible that a charter could specify the particular conduct that would result in removal of a council member for nonfeasance of office. The attorney general, however, has advised that a charter provision which provides that a council vacancy would occur if a council member did not attend a specified number of meetings would not be valid. A charter may provide for the recall of any elective municipal officer and for removal of the officer by the electors of the city.

RELEVANT LINKS:

If the mayor of a charter city presides at the council meeting, most of the section concerning the mayor applies to charter cities. Otherwise, only the portions dealing with weed inspection, election duties, and other duties apply.

The section concerning the statutory city council and its powers might prove interesting to charter city council members since many of their powers are similar to those of statutory city councils. The laws relating to conflicts of interest and prohibiting gifts to local officials also apply to members of charter city councils, but many charter cities have more restrictive provisions concerning both issues in their charters.

LEAGUE of MINNESOTA CITIES

HANDBOOK FOR MINNESOTA CITIES

Chapter 8
City Administrative Staff

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LMC
LEAGUE of MINNESOTA CITIES

HANDBOOK FOR MINNESOTA CITIES

Chapter 8
City Administrative Staff

Learn about the duties of various city officials, the requirements for qualifying for office, and the problem of incompatible offices.

RELEVANT LINKS:

I. Appointed officials and employees

Statutory city councils have complete freedom to create whatever positions they find necessary in addition to those required by statute. They may assign duties to these officials and employees as long as such actions promote the public welfare and are consistent with state law. This may also be true in a home rule charter city, depending on its charter provisions.

A.G. Op. 624-a-3 (Nov. 2, 1998). *Muehring v. Sch. Dist. No. 31*, 224 Minn. 432, 28 N.W.2d 655 (1947). *Jewell Belting Co. v. Village of Bertha*, 91 Minn. 9, 97 N.W. 424 (1903). *Minneapolis Gas-Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (1886).

Absent specific statutory or charter authority, a city council may not delegate legislative or quasi-judicial power. In addition, a council may not delegate any administrative power of a discretionary nature unless authorized to do so by state law or city charter. Councils may delegate merely ministerial functions.

Non-elective officers and employees in cities fall into two groups. The city often retains or contracts with independent contractors, such as an attorney, auditor, architect, and others. Their compensation is frequently on a retainer, a contract, or some other fee basis. The city also hires full-time and part-time employees to whom the city pays either a salary or a wage. Some cities employ these individuals on the basis of a merit system or under a civil-service system.

A. Statutory appointive offices

Minnesota statutes require that cities fill several positions. These include the following:

- Clerk
- Treasurer
- Manager (Plan B cities only)
- Emergency-management positions
- Data-practices-compliance positions
- Assessor

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RELEVANT LINKS:

1. Clerk and treasurer in general

Minn. Stat. § 412.581.
Minn. Stat. § 412.591.
Handbook, *The Statutory City*, for information on different plans of city government.

Plan A cities must appoint a clerk and a treasurer. State law also authorizes these offices to be combined by local ordinance.

Minn. Stat. § 412.681.

In Plan B cities, there must be a clerk, a treasurer, and other offices as the council may create by ordinance. The council may combine the duties of any offices, except the manager may not perform the treasurer's duties.

Minn. Stat. § 412.02, subds. 1, 3.

Handbook, *Elected Officials and Council Structure and Role.*

In Standard Plan cities, the clerk and treasurer (or the combined clerk-treasurer positions) are elected positions. Although the duties are similar to Plan A city clerks and treasurers, Standard Plan cities should also see the discussion in Chapter 6 regarding elected officials for further information.

2. Clerk

The clerk is a central figure in any city government and has a wide variety of duties and responsibilities. Not only does the clerk execute many of the city's governmental functions, the clerk also usually supervises the daily administration of city business.

a. Elected clerk

Minn. Stat. § 412.02, subd. 1.
A.G. Op. 471-M (May 26, 1960).

In Standard Plan cities, the clerk is an elected position and a voting member of the city council. Elected city clerks generally exist only in Standard Plan cities; however, charter cities may have an elected clerk if their charter so provides.

Minn. Stat. § 412.02, subds.1, 2a.
Minn. Stat. § 351.02.

The term of office for an elected clerk is four years. When a vacancy occurs in the elected clerk's office, it is filled in the same manner as any other council vacancy.

Minn. Const. art. VII, § 6.
Handbook, *Elected Officials and Council Structure and Role.*

Because the office is elected, the clerk must be a resident of the city in order to qualify for office. This requirement also holds true for persons appointed to this office to fill a vacancy.

Minn. Stat. § 351.02.
Handbook, *Elected Officials and Council Structure and Role.*

Since the clerk is an elected official, the council generally may not remove the clerk from office. An elected city clerk may only be removed under limited circumstances, such as the commission of a crime that would result in the officer losing qualifications for office, malfeasance in office, or termination of residency. Voters, however, may always choose to elect a new clerk when the current term expires.

Standard Plan councils seeking to remove their city clerk from office should consult with their city attorney before beginning this procedure.

RELEVANT LINKS:

b. Appointed clerk

Clerks in Plan A and Plan B cities are appointed to their positions.

Minn. Stat. § 412.591.

Plan A cities are required to appoint a city clerk, but may, by ordinance, combine the offices of clerk and treasurer into a single clerk-treasurer position. In Plan A cities, the clerk works under the direction of the city council. Since the position is not elected, the clerk's term is indefinite. As such, the council may retain a clerk for many years.

Minn. Stat. § 412.581.
HR Reference Manual, Chapter 3.

LMC information memo, *Veterans Preference in Discipline, Discharge or Job Elimination.*

The council appoints the clerk in a Plan A city. Similarly, the council also has power to remove the clerk. The council, however, should be aware of possible procedural requirements for termination. For example, if civil service rules are in place or if the employee is a veteran, certain procedures must be followed. City councils that are considering removing their city clerk should contact their city attorney for guidance.

Minn. Stat. § 412.681.

In Plan B cities, a clerk is also required. The clerk works under the direction of the city manager. As in Plan A cities, the council in Plan B cities may, by ordinance, combine duties of various officers, such as clerk and treasurer. The manager, however, may not perform the treasurer's duties.

Minn. Stat. § 415.16.
HR Reference Manual, Chapter 2.

Unlike an elected clerk, an appointed city clerk need not be a resident of the city. In fact, state law prohibits a city from requiring that the clerk live within city limits as a condition of employment.

Minn. Stat. § 412.651, subd. 3.

The city clerk in a Plan B statutory city is also an appointed office. The city manager, not the council, appoints the clerk. Similarly, the city manager has the power to remove the city clerk. The city attorney should always be consulted before removing a city officer.

c. Duties of the clerk

Handbook, *Election Procedures.*

The city clerk has numerous responsibilities. Some duties are found in general areas of law, such as state election laws. Others are scattered throughout the statutes, setting forth a specific process or procedure the clerk must follow.

Statutory city clerks have both duties specific to their type of city as well as general duties that apply regardless of city type. Further, the council may develop other ministerial duties specific to the city's needs.

Minn. Stat. § 412.151, subd. 1.

Standard Plan and Plan A city clerks have several specific duties. By statute, the clerk in a statutory city is required to:

RELEVANT LINKS:

- Keep a minute book containing all of the city council proceedings.
- Keep an ordinance book recording all of the ordinances passed by the council.
- Act as the bookkeeper of the city and keep an account book to enter all money transactions of the city, including the dates and amounts of all receipts, and the person from whom the money was received, as well as all orders drawn upon the treasurer with their payee and object.
- Give the required notice of each regular and special election, record the proceedings thereof, notify officials of their election appointments to office, and certify to the county auditor all appointments and the results of all city elections.
- Serve as the custodian of the city's seal and records.
- Sign all official papers.
- Post and publish notices, ordinances, and resolutions as required.
- Perform other appropriate duties as imposed by the city council.

Minn. Stat. § 412.201.

In addition to these duties, Standard Plan city clerks also serve as members of the council.

Minn. Stat. § 412.681.

Plan B city clerks are subject to the direction of the city manager and have the following statutory duties:

- Keep public records.
- Maintain custody of and disburse public funds.
- Administer city affairs as ordained by the council.

Minn. Stat. § 412.681.

The clerk in a Plan B city may also be designated secretary to the council.

In addition to the above duties, the clerk will also typically do the following:

- Provide notice of regular and special meetings.
- Handle all correspondence on behalf of the council.
- Draw up agendas and prepare or supervise the preparation of other working papers the council uses at meetings.
- Execute any duties the council assigns to the clerk. In many cities, the clerk also does this for administrative boards, such as the utilities commission.

d. Financial responsibilities

Handbook, *Financial Reports Accounting and Auditing.*

Except for those records the treasurer must keep, the clerk maintains all financial records. Where the city has combined the office of clerk and treasurer, the clerk generally performs all financial duties. In addition, the clerk is responsible for preparing financial reports.

RELEVANT LINKS:

LMC information memo, *Budget Guide for Cities*.

If the council makes appropriations or allotments under a budget, the clerk usually has the duty of administering the budget.

HR Reference Manual, Chapter 4.

As the general city administrative officer in charge of payroll, the clerk must withhold state and federal income taxes from the paychecks of all employees. In cities without a finance officer or department, the city clerk may also be responsible for monthly payroll deductions and reports for the Public Employees' Retirement Association (PERA), Social Security and Medicare contributions from each employee.

Minn. Stat. § 412.151, subd. 2.

By ordinance, the council may delegate all or part of the clerk's bookkeeping duties to another officer or employee. A copy of the ordinance must be sent to the state auditor. The officer or employee to whom the responsibilities are assigned must furnish a fidelity bond. If the bookkeeping duties are delegated to the treasurer, the city must have an annual audit.

Minn. Stat. § 412.591, subd. 2.
Minn. Stat. § 412.02, subd. 3.

The council can, by ordinance, combine the offices of clerk and treasurer into a clerk-treasurer position. In a Standard Plan city (where both the clerk and the treasurer are elected), the ordinance must be adopted at least 60 days before the city's next general election. The ordinance cannot take effect until after the expiration of the treasurer's term or when an earlier vacancy occurs. Separate offices of clerk and treasurer may be re-established by ordinance.

Minn. Stat. § 412.02, subd. 3.
Minn. Stat. § 412.591, subd. 3.

U.S. Department of Commerce – Bureau of Economic Analysis, 4600 Silver Hill Rd. Washington, DC 20233; (301) 278-9004.

There are special audit requirements for cities that have combined clerk-treasurer positions. Standard Plan and Plan A statutory cities that have a combined clerk-treasurer position must have an annual audit if city revenues exceed $150,000 adjusted for inflation using the annual price deflator as published by the U.S. Department of Commerce. If the city revenues are less than the threshold, the audit is required once every five years, with the person performing the audit selecting the year to be audited.

e. Filing official documents

It is the duty of the clerk to accept and keep on file the following official documents:

Minn. Stat. § 358.11.
Minn. Stat. § 574.21.

- The oath and bond of each city official.
- Claims against the city.

Minn. Stat. § 412.141.
Minn. Stat. § 6.51.

- The treasurer's year-end statement.
- Any state auditor's reports on city affairs the clerk may receive.

Minn. Stat. § 35.68.

- Proclamations stating that rabies exist in the city, and seeing that such a proclamation is published in a legal newspaper, or, if there is no legal newspaper in the city, posting a copy in three public places.

Minn. Stat. § 276.11, subd. 1.

- Tax-settlement receipts from the county treasurer.

Minn. Stat. § 412.871.

- Receipts from fines, forfeitures, and penalties paid into the city treasury.

RELEVANT LINKS:

The clerk, even though no longer the local registrar of vital statistics, like birth and death records, should keep records the city accumulated during the years when the clerk performed this duty. The clerk should answer inquiries concerning these records.

f. Certification

The clerk should certify the following information and attest to its validity:

Minn. Stat. § 645.021, subd. 3.
Minn. Stat. § 429.061, subd. 3.
Minn. Stat. § 505.176.
Minn. Stat. § 275.07, subd. 1.

- Local approval of special laws pertaining to the city.
- Special assessments to the county auditor.
- Plats of land within the city to the county recorder.
- Tax levies to the county auditor.

Minn. Stat. § 205.07, subd. 1.

- Immediate written notification of a change of regular city election date to the secretary of state and the county auditor.

Minn. Stat. § 206.58, subd. 4.

- Use of an electronic-voting system, within 30 days of adoption of such a system to the secretary of state.

Minn. Stat. § 204B.14, subds. 4, 5.

- Immediate notification of precinct boundary changes to the county auditor and the secretary of state. The clerk must file a map showing the new boundaries and provide a corrected precinct map to the county auditor and the secretary of state. In addition, notice of the change must be posted in the clerk's office at least 56 days before the change becomes effective.

Minn. Stat. § 477B.02, subd. 9..

Minn. Stat. § 477C.02, subd. 1(b).
Minn. Stat. § 340A.403.

- Existence of a municipal fire department or of an independent nonprofit firefighting corporation, and the fire personnel and equipment to qualify for fire state aid.
- Number of police officers in the city to the commissioner of revenue to qualify for police state aid.
- Issuance of a 3.2 percent malt liquor license to the commissioner of the Minnesota Department of Public Safety.

g. Other duties

In addition to the above duties, the clerk must:

Minn. Stat. §§ 358.09-.10.

- Take and certify acknowledgments and administer oaths.

Minn. Stat. § 347.09.

- Issue dog and kennel licenses and enforce county-licensing regulations if applicable.

Minn. Stat. § 340A.905.

- Receive notice and inform the council of convictions for liquor law violations involving people holding liquor licenses in the city.

Minn. Stat. § 412.851.

- After the adoption of a resolution vacating a street, alley, public ground, or public way, the clerk must prepare a notice of completion of the proceedings that must be presented to the county auditor.

RELEVANT LINKS:

h. Deputy clerk

Minn. Stat. § 412.151, subd. 1. A.G. Op. 470-c (Feb. 18, 1959).

State law allows the position of deputy clerk in any statutory city. With the consent of the council, the clerk may appoint and remove the deputy clerk. The attorney general has interpreted the statutory language "with the consent of the council" to mean the council has power to approve the clerk's appointee for the position but does not choose the appointee. Besides approving the appointment, the council should provide for payment of the deputy's salary from city funds.

Minn. Stat. § 412.151, subd. 1.

If the city does not have a deputy clerk and the regular clerk is absent from the city or is disabled, the council may, on its own authority, appoint a deputy clerk to serve during the absence or disability of the regular clerk.

Minn. Stat. § 412.151.

A deputy may perform all duties of the clerk, except for those duties of a Standard Plan clerk serving as a councilmember. While state law does not require the deputy position to be bonded, it is advisable to do so when the position requires handling money. The clerk is responsible for all official actions of the deputy.

3. Treasurer

Minn. Stat. § 412.141.

The treasurer must receive and safely keep all city money. This means prompt entry of all receipts in an account book, showing the date, source, kind, and amount of each payment, and the immediate deposit of all money in the city's official depository. To pay out city funds, the treasurer must draw up an order in writing, the council must audit and allow it, and the mayor and clerk must sign it.

Minn. Stat. § 412.141.

The treasurer must have the books and records available for inspection at any time. After the close of each calendar year, the treasurer must prepare and file a detailed account of that year's receipts and disbursements with the clerk.

Minn. Stat. § 412.141.

When leaving office, the treasurer must deliver all city papers, books, and money to the new treasurer as soon as he or she qualifies for office and begins the term. An outgoing treasurer should close the books completely before passing them on.

a. Duties of treasurer

In addition to these general duties, the treasurer must also:

Minn. Stat. § 427.09.

- Select one or more official depositories for the safekeeping of city funds, if the council fails or refuses to select a depository within 30 days after the beginning of the fiscal year.

RELEVANT LINKS:

Minn. Stat. § 484.90.
Minn. Stat. § 412.871.

- Receive fees, fines, and other payments due to the city, and give out receipts for them.

b. Deputy treasurer

Minn. Stat. § 412.141.

The treasurer may, with the consent of the council, appoint a deputy treasurer who is supervised by the treasurer and who may be removed by the treasurer. In case of the treasurer's absence from the city or disability, the council may appoint a deputy treasurer to serve during the regular treasurer's absence or disability. The deputy treasurer may discharge any of the duties of the treasurer. Since the deputy may handle money, the council should require a deputy treasurer to file an official bond.

4. Managers (Plan B cities)

Minn. Stat. § 412.611.

Plan B cities and some home rule charter cities have a city manager. The council exercises the legislative power of the city and determines all matters of policy. The city manager exercises the administrative power of the city and is responsible to the council for the proper administration of all city affairs.

Minn. Stat. § 412.541, subd. 2.

Only statutory cities with a population over 1,000 are eligible to operate under the Optional Plan B council-manager form of government. This does not apply to home rule charter cities.

The Plan B city manager has several duties and responsibilities set forth by statute.

a. Enforcement of statutes, ordinances, and resolutions

Minn. Stat. § 412.651, subd. 2.

The city manager in a Plan B city must ensure the statutes relating to the city and the laws, ordinances, and resolutions of the city are enforced.

b. City staff

Minn. Stat. § 412.651, subd. 3.

The city manager has the power to appoint and remove city staff. This includes the city clerk, all department heads, and subordinate officers and employees. If civil service rules or a labor agreement are in place, applicable provisions must be followed. The appointment and removal of the city attorney, however, is subject to the approval of the city council.

Minn. Stat. § 412.661.

Nelson v. City of Eden Prairie, No. A11-350 (Minn. Ct. App. Dec. 27, 2011) (unpublished decision).

The city manager has complete discretion to appoint or remove staff members within the limits of other applicable laws, such as the Veterans Preference Act, among others. Neither the council nor any individual councilmember may dictate the appointment of any person to office or employment by the manager.

RELEVANT LINKS:

Councilmembers may not interfere with the manager's judgment in appointing personnel. Likewise, the council may not give orders to any subordinate of the manager. Instead, the council's control is indirect, through its selection and appointment of the manager. It is common practice, however, for councils to have some interaction with city staff.

c. City departments

Minn. Stat. § 412.651, subd. 4.

The city manager has control over all departments of the administration. This includes both departments that are created under the Plan B form and by the city council.

d. Council meetings

Minn. Stat. § 412.651, subd. 5.

The city manager must attend all meetings of the city council. The manager has the right to take part in the council discussions but cannot vote. The city council may exclude the city manager from any meetings at which the manager's removal is considered.

e. Recommend ordinances and resolutions

Minn. Stat. § 412.651, subd. 6.

The city manager must recommend ordinances, resolutions, and policies to the council for adoption the city manager deems necessary for the welfare of the people and the efficient administration of city affairs.

f. City finances and budget

Minn. Stat. § 412.651, subd. 7.

The city manager must keep the council fully advised as to the city's financial condition and needs. The manager must also prepare and submit the annual budget to the council.

Minn. Stat. § 412.701.

LMC information memo, *Budget Guide for Cities*.

Plan B city managers must prepare the estimates for the annual city budget. The budget must be organized by funds and include all the funds of the city, except funds made up of proceeds of bond issues, utility funds, and special assessment funds, and may include other funds at the discretion of the council.

Minn. Stat. § 412.721.

It is the city manager's duty to enforce the provisions of the budget. The manager must not approve any order for any expenditure unless an appropriation has been made in the budget resolution. Likewise, the manager must not approve any expenditure covered by budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances.

RELEVANT LINKS:

Minn. Stat. § 412.741.

The procedure for disbursement of funds is similar to that in a Standard Plan or Plan A city except that the mayor and manager sign the orders instead of the mayor and clerk. The manager must specify the particular fund from which payment will be made on each contract. The council may, by ordinance, establish additional mechanisms for the safekeeping and disbursement of city funds.

g. Chief purchasing agent

Minn. Stat. § 412.691.

LMC information memo, *Procedures for Paying City Claims.*

The city manager is the chief purchasing agent for the city. All purchases and contracts that do not exceed $20,000 are made or let by the manager unless the council has set a lower limit. All claims resulting from these purchases and contracts must still be audited and approved by the council in the same manner as in other statutory cities.

Minn. Stat. § 412.691.

All other purchases and contracts are made by the council after obtaining the recommendation of the manager. Both the mayor and the manager must sign all contracts, bonds, and other instruments to which the city is a party.

h. Administrative code

Minn. Stat. § 412.651, subd. 8.

At the council's request, the city manager must prepare an administrative code for the council to consider for adoption. The code must incorporate the details of administrative procedure, and the manager must suggest amendments to the code from time to time.

i. Additional duties

Minn. Stat. § 412.651, subd. 9.

The city manager must perform any other duties that are required by statute for Plan B cities. Additionally, the manager must meet any other responsibilities set forth in city ordinances or resolutions.

Home rule charter cities with managers should consult their charters for duties.

j. Appointment and removal

The city manager is appointed and removed by the city council.

Minn. Stat. § 412.641.

The manager is chosen by the council on the basis of training, experience, and administrative qualifications. The manager is appointed for an indefinite period of time and need not be a resident of the city.

Minn. Stat. § 412.641.

The council may remove the city manager at any time. If the manager has served for one year or longer, however, the manager may demand written charges and a public hearing on the charges before the final removal takes effect.

RELEVANT LINKS:

Minn. Stat. § 412.641.

The demand for written charges must be made within seven days of notification of the council's intent to remove.

Minn. Stat. § 412.641.

The council must set a date and a reasonable time for a public hearing, but it must be held within 30 days of the manager's demand. The hearing may not be recessed or reconvened until a further date unless approved by the council.

Minn. Stat. § 412.641.

Pending the hearing, the council may suspend the manager, with or without pay. The council may designate another qualified person to perform the duties of the manager during absence or disability.

Minn. Stat. § 412.641.

The council must notify the city manager within five days of the hearing of its decision to retain or remove the manager.

City councils that are considering removal of their manager should consult with their city attorney before beginning the removal process. The council should also consider any relevant employment contract language, personnel policies, and ordinance or charter provisions.

5. Emergency management

Minn. Stat. § 12.25, subd. 1. Minnesota Basic Code has a Model Emergency Management ordinance.

Every statutory and charter city must establish a local organization for emergency management. Each local organization must have a director, who is appointed by the mayor. Many smaller cities have designated their fire chief as the director of emergency management.

6. Data-practices positions

Minn. R. 1205.1000.

Minn. Stat. § 13.02, subd. 16. Minn. R. 1205.2000, subp. 2. LMC information memo *Data Practices: Analyze, Classify, Respond.*

A state rule requires the council to appoint a responsible authority. A "responsible authority" is the individual designated by the council to be responsible for the collection, use, and dissemination of the city's data. A sample resolution to appoint a responsible authority is found in the state rules. Until the city designates an individual as the responsible authority, the responsible authority is the elected or appointed city clerk for statutory and home rule charter cities. If the home rule charter does not provide for an office of city clerk, the responsible authority is the chief clerical officer for filing and record keeping purposes.

Minn. Stat. § 13.05, subd. 13.

In addition to appointing a responsible authority, all cities must appoint or designate a data practices compliance official. This is the person to whom people may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

Minn. Stat. § 13.05, subd. 13.

The data practices compliance official must be a city employee and may be the same person as the responsible authority. A sample resolution to appoint a data practices compliance official is available from the League.

RELEVANT LINKS:

7. Assessor

Minn. Stat. § 273.063.
Minn. Stat. § 270.50.

In counties having a city of the first class (except Ramsey County), the powers and duties of the county assessor within such city shall be performed by the city assessor.

Minn. Stat. § 273.063.
Minnesota State Board of Assessors, Mail Station 3340, 600 N. Robert St.
St. Paul MN 55146; (651) 556-6086.

In all other cities having a population of 30,000 people or more (except in counties having a county assessor on January 1, 1967), the powers and duties of the county assessor within such cities shall be performed by the city assessor. The city assessor performs both the duties of a local assessor and county assessor, except the county assessor retains supervisory duties. Assessors must be licensed by the State Board of Assessors.

Minn. Stat. § 412.131.

Minn. Stat. § 273.05, subd. 1.

In many Minnesota cities, the county assessor assesses property for tax purposes. But Minnesota state law authorizes all statutory cities to appoint city assessors. The assessor is appointed by the city council or as provided for by charter. The city assessor is appointed for an indefinite term and may be removed by the council for cause or on charges by the commissioner of revenue for inefficiency or neglect of duty. Vacancies must be filled within 90 days or the office is terminated, and the county auditor may appoint a new assessor. But the city assessor office may be reinstated by hiring a certified or accredited assessor.

Minn. Stat. § 273.05, subd. 2.
Minnesota State Board of Assessors, Mail Station 3340, St. Paul, MN 55146; (651) 556-6086.

All assessors must take an oath of office before they begin. Failure to take the oath means a refusal to serve. The State Board of Assessors is the source of information on the state-certification program.

B. Non-statutory offices

Minn. Stat. § 471.59.

Although the law does not require it, most cities appoint an attorney and a police chief. Other positions that many cities have are administrator, librarian, liquor-store manager, recreation director, street superintendent, engineer, and utilities superintendent. Small cities often hire several part-time employees, or one or two full-time employees to perform many duties. Sometimes, small cities share the services of an employee with other small cities under the Joint Powers Act.

While certain positions are common to large and small cities alike, the actual duties of these employees often depend on the size of a city and the complexity of its organizational structure. A supervisory administrative official may or may not devote some time to direct participation in the functional activities of the department. For example, police chiefs in smaller cities may spend a major portion of their time working in patrol cars, while devoting only a few hours per week to supervisory activities.

RELEVANT LINKS:

1. City administrator

Minn. Stat. § 412.111.

The city council may appoint employees for the city as deemed necessary for its proper management and operation. Standard Plan and Plan A city councils may establish, by ordinance or resolution, a chief administrative officer, often called the city administrator position. The city may assign coordinating duties of the city administrator to the city clerk, deputy clerk or special administrative officer.

The history of the city administrator position is less defined than the clerk and manager positions. In Minnesota, the city administrator position has typically grown out of the city clerk position. As a city's operations grow more complex, it becomes unrealistic for the elected body to personally oversee all day-to-day operations. In a move toward delegating some of these day-to-day functions, many city councils have chosen to create the position of city administrator.

A key issue in the creation of the city administrator position is the level of authority, particularly supervisory authority over other city staff that will be vested in the position. In some cities, the responsibilities may be essentially an expansion of the city clerk's duties. Other cities may give the administrator broader powers.

Minn. Stat. § 412.111.

Since state statutes do not specifically provide for a city administrator, or define the powers of the position, duties can vary greatly from city to city. Generally, the council delegates day-to-day responsibilities of city administration. But when the position is combined with that of the city clerk, the position will include all the duties of the city clerk as well.

A.G. Op. 471-F (Oct. 24, 1961). *Jewell Belting Co. v. Village of Bertha*, 91 Minn. 9, 97 N.W. 424 (1903).

Delegated duties must be ministerial. The courts will not permit the delegation of legislative discretion. The duties the council may delegate include the supervision of workers, accounting, preparation of reports, factual determinations, and execution of council policies. The administrator may not hire and fire employees or make purchases and allow contracts unless the council sets specific standards governing these actions.

The following responsibilities are among those often assigned to city administrators:

- ***Administration direction***. Direct the administration of the city as provided by council action, and state and federal statutes.
- ***City affairs.*** Coordinate with the city council in administrating city affairs.
- ***Policy recommendations.*** Recommend adoption of policies that will further goals of the city council and generally improve the quality of city administration.

RELEVANT LINKS:

- ***Local improvements and city projects.*** Prepare reports and summaries relating to proposed municipal projects/improvements and submit them with recommendations as may be required to the council for study and subsequent action.
- ***Budgets.*** Prepare a recommended budget for consideration by the city council.
- ***Financial statements.*** Prepare the annual financial statement and perform other duties as required by statute.
- ***Meetings.*** Attend and participate in all council meetings. Attend (at administrator's discretion or by invitation) other committee and commission meetings.
- ***City programs.*** Coordinate city programs and activities as authorized by the council.
- ***Financial reports.*** Submit quarterly reports to the council on the financial condition of the city's accounts.
- ***Elections.*** Supervise the administration of local elections in accordance with prescribed laws and regulations.
- ***Supervision.*** Supervise and have day-to-day oversight over the activities of all city department heads and administrative staff.
- ***Employment.*** Provide recommendations to the council regarding employment and removal of city staff.
- ***Cooperate with professional staff.*** Work in cooperation with the city attorney and city engineer.
- ***Public relations.*** Prepare news releases and develop and discuss public relations materials. Maintain effective public relations with the local media and general public.
- ***Consultation.*** Consult with appointed officials and other public or private entities as may be required.
- ***Other public programs.*** Stay informed of all federal, state, and county programs that affect the city.
- ***Labor negotiation.*** Negotiate or delegate the negotiation of the terms and conditions of employee labor contracts.
- ***Other duties.*** Perform all other duties required of administrator by ordinances or resolutions adopted by the council.

Cities should consult their city ordinances for a list of the administrator's job duties. Home rule charter cities with administrators should consult their charters for similar information.

2. Other offices

There are a number of other types of offices that city councils create to serve the needs of the city. These offices will vary in their responsibilities from city to city.

RELEVANT LINKS:

Handbook, *Elected Officials and Council Structure and Role.*

3. Boards and commissions

Many cities have various boards and commissions that advise the council in particular areas. These boards and commissions are generally established by ordinances that specify the board's responsibilities and duties. Some boards and commissions may have specific powers given to them by state statute.

4. City attorney

Although not a required position, most cities hire an attorney who acts as the legal advisor to the city council. The need for cities to make contracts, write and pass ordinances, deal with employment issues and land-use matters, as well as the potential for litigation in a variety of different areas, makes a good working relationship with a city attorney very important.

Here are some basic guidelines to help cities work with their city attorneys:

- ***Provide information.*** Keep the city attorney informed about the matters the city may be dealing with. Give the attorney all the facts that surround a specific situation. If you leave something out, it may affect the conclusion reached by the attorney.
- ***Include in meetings.*** It's a good idea to have the city attorney attend all the city council meetings.
- ***Give time to prepare.*** Give the city attorney advance notice of questions for which the council may want a legal opinion. This will allow the attorney to thoroughly research the question and provide a well-informed legal opinion. An immediate answer to questions with complex legal issues will not always be available.
- ***Ask questions.*** If you don't understand what the city attorney has said, ask for clarification. You can't follow advice that you don't understand. Ask the attorney why he or she has reached a particular conclusion if you don't understand the reasoning behind the opinion.

City councilmembers don't always agree with the advice they get from their city attorneys. While there is no obligation to follow the legal advice you receive, cities should exercise caution before disregarding it. If you disagree with the city attorney's opinion, the city should consider getting a second opinion from another attorney. Be sure to let your city attorney know you will be seeking an additional opinion on the matter. In some fields of law, such as employment and land use, an attorney who specializes in that particular field may be able to provide additional information that can assist the council in making a well-informed decision.

RELEVANT LINKS:

II. Qualifying for office

Minn. Stat. § 358.05. Handbook, *Elected Officials and Council Structure and Role*.

Qualifying for office means an elected or appointed official takes the official oath and files a bond (if necessary) for the position. This is not the same as qualifications for office that refer to an individual's abilities and characteristics.

Minn. Stat. § 351.02(6).

The act of qualifying for office should take place within the statutorily prescribed time limit. Failure to do so creates, upon declaration of the council, a vacancy in the office.

A. Official bonds

Minn. Stat. § 412.111.

State law requires the treasurer and clerk to furnish bonds. In addition, state law authorizes the council to require a bond from any other officer or employee.

The city should always require a bond for employees that handle substantial amounts of money or property that is readily convertible into money. In some cases, the city may find it desirable to bond major administrative officers as well, even though they do not directly handle money. Many cities bond the city manager, finance director, deputy clerk, department heads, and other similar administrative officials.

Minn. Stat. § 412.151, subd. 2.

In addition, if the council designates all or part of the clerk's bookkeeping duties to another officer or employee, that officer or employee must furnish a fidelity bond.

1. Premium payments

Minn. Stat. § 412.111.
Minn. Stat. § 412.151, subd. 2.

State law allows the council to pay the premium on the bond from city funds, although the council could require officers or employees to obtain the bonds and pay their own premiums.

2. Amount of bond

The law does not set a schedule of bond coverage for any particular class of officials or employees. The amount of bond coverage is up to the city council. A city may set the amount of bond coverage in several different ways. One way is to set the bond at an amount approximately equal to the largest amount of money on hand at any one time.

LMC information memo, *LMCIT Property, Bond, Crime and Petrofund Coverage Guide*, Section VII-A, Bond coverage.

The Minnesota Clerks & Finance Officers Association recommends using a formula to determine the officer's "exposure index." This formula takes 10 percent of the sum of the city's total annual revenue, adds it to the market value of negotiable securities under the official's control, and matches the resulting figure to a recommended bond amount.

RELEVANT LINKS:

Further information on this formula is available from the League of Minnesota Cities.

3. Kind of bond

Minn. Stat. § 412.111.

The bonds that the clerk and treasurer furnish must be corporate surety bonds. Bonds of all other officers or employees may be either corporate surety or personal surety bonds. Corporate bonds, however, are becoming more common.

Corporate surety bonds have the backing of an insurance company licensed to write the bonds. Personal surety bonds have the backing of individuals signing as sureties. They agree to pay any amount up to the amount of the bond, if the city is entitled to that amount due to improper actions on the part of the bonded person. Corporate surety bonds provide better protection because of the resources of the insurance company and the more rigid supervision they usually require over the handling of funds.

Minn. Stat. § 574.01.
Minn. Stat. § 574.12.

If the officer uses a personal surety bond, one or more people or sureties must, together with the officer, sign and acknowledge the bond. Personal sureties must also certify, by an affidavit attached to the bond, that each is worth at least twice the sum of the bond, over and above their debts and liabilities and exclusive of their exempt property.

4. Blanket bonds

Minn. Stat. § 415.18, subd. 1a.

Instead of individual bonds, the council may provide for blanket bonds furnished by a surety company to cover any officer or employee, including clerks and treasurers who must furnish a bond. The blanket bond must include all the obligations required by the law, charter, or ordinance.

Minn. Stat. § 415.18, subd. 2.

Councils may purchase blanket bonds regardless of contrary charter provisions.

5. Approval and filing

Minn. Stat. §§ 574.20-.21.

The bonds of all city officers and employees, except for a few exceptions, must be approved by the council and filed by the clerk. The council should endorse each bond. If the council decides that an official's bond is not sufficient, it may require a bond in a larger amount.

6. Form of surety bonds

The insurance company that writes the bond usually provides the forms for corporate surety bonds. The forms should comply with state requirements. Printed forms for personal surety bonds are available from legal stationers. The League can provide information on suggested forms.

RELEVANT LINKS:

7. Terms of bonds

Bonds may be for a specified period, such as for a year, or for an indefinite term, in which case they remain in effect as long as the person stays in office. The League recommends, however, that the council only accept bonds that are for a one-year period. Each bonded officer or employee would then furnish a new bond annually. This procedure protects the city against an accumulation of improper actions on the part of an individual.

8. LMCIT bond coverage

LMC information memo, *LMCIT Property, Bond, Crime and Petrofund Coverage Guide*, Section VII-A, Bond coverage.

The League of Minnesota Cities Insurance Trust (LMCIT) offers public-employee bond coverage as part of its overall package of coverage for cities. LMCIT's bond program makes available all of the fidelity and faithful-performance bond coverage and limits that is needed by cities and city officials and coordinates the bond coverage with a city's other coverage to avoid gaps, overlaps, and inconsistencies.

B. Examination of accounts

Minn. Stat. § 574.23.

The council must make, or arrange for another party to make, a thorough examination of an officer's financial accounts when:

- The official files a new official bond or other security.
- The officer's term expires.
- A vacancy results from the death, resignation, or removal of the official.

If there is any discrepancy in the accounts, the council must immediately notify the official and the official's sureties of the irregularity. The statement must be in writing. The council should mail the statement to the officer and sureties at their residences, if known. Failure to make the examination or give such notice does not discharge the sureties.

Such an examination of accounts should occur at the end of an official's term of office whether or not that official has been re-elected to serve another term.

III. Incompatible offices

State ex rel. Hilton v. Sword, 157 Minn. 263, 196 N.W. 467 (1923). *Kenny v. Goergen*, 36 Minn. 190, 31 N.W. 210 (1886).
Minn. Stat. § 410.191.
Minn. Stat. § 412.02, subd. 1a.

State laws generally do not prevent a person from holding two or more governmental positions. However, a state statute expressly prohibits the mayor and councilmembers in both statutory and home rule charter cities from being "employed" by their city. The term "employed" is defined as "full-time permanent employment as defined by the city's employment policy." Elected officials and some city employees cannot hold more than one position if one of the positions has responsibilities that are incompatible

RELEVANT LINKS:

Handbook, *Elected Officials and Council Structure and Role.*
LMC information memo, *Official Conflict of Interest.*
"Compatibility of Offices," House Research Information Brief (July 2012).

with the other. A public official may also be prohibited from holding more than one position if the different jobs give rise to conflicts between personal interests and official duties. It is important to realize that incompatible offices may occur with either elected or appointed offices. Thus, both elected and appointed officers may need to consider the nature of their offices if they will be serving the public in more than one role.

IV. Shared clerks or administrators

Minn. Stat. § 471.59.
Handbook, *Intergovernmental Cooperation.*

A.G. Op. 1007 (June 18, 1973).

Sometimes two or more smaller cities will share an administrator or clerk. Sharing the position allows cities that themselves do not need a full-time position to combine and create one full-time position, and hopefully attract and retain a more qualified candidate than they might for a part-time position. Cities are authorized to enter into a joint powers agreement for such services if the cities involved all have the same power to appoint such a position.

V. Clerk or administrator?

Cities sometimes ask whether they should have a city clerk or an administrator. The answer to this question will depend upon many variables unique to each city.

If the council spends a lot of time administering day-to-day activities, it may wish to delegate some responsibilities to city staff. Depending upon the number of responsibilities and the amount of time needed to adequately perform these duties, they can be assigned to an existing position, such as the city clerk, or to a new position, such as an administrator.

Generally, many small cities delegate responsibilities to the city clerk until it becomes obvious that an additional person is needed. At this point, many cities will either create a city administrator position or hire additional staff to help the clerk perform these additional responsibilities. In some cases, a city may have a specific issue with which it is dealing and may want someone with expertise in the area. For example, if the city is growing rapidly, the council may want someone who can oversee some of its land use matters.

VI. How this chapter applies to home rule charter cities

The section on *Appointed officials and employees* generally applies only to statutory cities. The other sections generally apply to both statutory and home rule charter cities.

CC Work Session **3. 1.**

Meeting Date: 06/28/2022

Information

Title:

Review Future Topics/Calendar

Purpose/Background:

Attached is the current list of future topics for work session discussion. Items are drawn from Council requests at meetings, or are related to topics that have been identified in the City's strategic plan. Tentative dates have been assigned.

Timeframe:

Funding Source:

Responsible Party(ies):

Outcome:

For Council review - no formal action necessary.

Attachments

Future_Topics_List

Form Review

Inbox	Reviewed By	Date
Colleen Lasher	Colleen Lasher	06/22/2022 09:07 AM
Brian Hagen	Brian Hagen	06/23/2022 01:51 PM
Form Started By: Katie Schmidt		Started On: 06/13/2022 08:42 AM
Final Approval Date: 06/23/2022		

	Tentative City Council Future Work Session Topics	
Proposed Date	Topic	Minutes (Estimate)
2022		
July 12	Begin 2023 Budget Discussions – Lund	60
July 12	Discuss Fire Department Restructure – Kohner/Lasher	10
July 12	Discuss Police Department Staffing – Katers/Lasher	10
July 26	Draft Trail Maintenance Policy – Westby/Riemer	30
July 26	Continue 2023 Budget Discussions – Lund	30
July 26	Discuss Water Treatment Plant and Funding – Westby and Lund	30
August 8	Continue 2023 Budget Discussions – Lund	30
August 23	Review Draft Stormwater Pond Maintenance Policy – Westby/Riemer	30
August 23	Continue 2023 Budget Discussions – Lund	30
Sept 13	Continue 2023 Budget Discussions – Lund	30
TBD	Communication's Update Q2 – Staff	15
TBD	Recycling Report (trends, costs, programs)	10
TBD	Highway 10 Ramsey Contribution Costs - Hagen	TBD
TBD	Rental Property Ordinance - Hagen	30
TBD	Review procedure/policy/best practice for introduction of resolutions/proclamations – Staff	20
TBD	Review Charter Commission Recommendations on Election Chapter 4 - Staff	
TBD	Discuss Council and B/C Remote Meetings Policy - Staff	15
TBD	Review Ordinance Requirements for Trash and Recycling Container Screening - TBD	TBD
TBD	Discuss Updating to the Employee Telecommuting Policy- Staff	20
TBD	Discuss Updating the Personnel Policy – Lasher	30