

Mayor:
David Grant

Councilmembers:
Brenda Holden
Emily Rousseau
Tena Monson
Kurt Weber

Address:
1245 W Highway 96
Arden Hills MN 55112

Phone:
651 - 792 - 7800

Website:
www.cityofardenhills.org

**City Council Work Session
Agenda
February 9, 2026
5:30 p.m.
City Hall**

City Vision

Arden Hills is a strong community that values its unique environmental setting, strong residential neighborhoods, vital business community, well-maintained infrastructure, fiscal soundness, and our long-standing tradition as a desirable City in which to live, work, and play.

Members of the public may attend a meeting in-person at City Hall or they may view the meeting remotely on the City's website using the below link. Meetings are also broadcast on Cable Channel 16 for those that live in Arden Hills.

<https://cityofardenhills.org/320/Watch-City-Meetings>

Some Councilmembers may be participating in this meeting by interactive technology/remotely.

This meeting will be streamed live on local Cable Channel 16 and available for playback on our website.

CALL TO ORDER

1. PUBLIC INQUIRIES/INFORMATIONAL

This is an opportunity for citizens to respectfully bring to the Council's attention any items which are relevant to the City. In addressing the Council, you must first state your name and address for the record. Comments shall be limited to three (3) minutes or less. Written documents or other materials should be handed to the City Clerk for distribution to the Council prior to or during the meeting. Council will generally not respond at the same meeting where an issue is initially raised by a member of the public but the Council may refer the issue to staff for further research and possible report or action at a future Council meeting.

2. RESPONSE TO PUBLIC INQUIRIES

3. AGENDA ITEMS

3.A. 3499 Lexington Avenue Apartments Concept Plan

Jake Reilly, Community Development Director

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)
[ATTACHMENT C.PDF](#)

3.B. Booster Station Aesthetics

Bolton & Menk

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)

3.C. Affordable Housing Policy Discussion

Jake Reilly, Community Development Director

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)

3.D. Code Of Conduct

Jessica Jagoe, City Administrator

Documents:

[MEMO.PDF](#)
[ATTACHMENT A.PDF](#)
[ATTACHMENT B.PDF](#)
[ATTACHMENT C.PDF](#)
[ATTACHMENT D.PDF](#)

3.E. Rice Creek Commons/TCAAP Discussion

Jessica Jagoe, City Administrator

Documents:

[MEMO.PDF](#)

3.F. Agenda Planning

Jessica Jagoe, City Administrator

Documents:

[MEMO.PDF](#)

[ATTACHMENT A.PDF](#)

[ATTACHMENT B.PDF](#)

4. COUNCIL/STAFF COMMENTS

ADJOURN

AGENDA ITEM – 3A



MEMORANDUM

DATE: February 9, 2026

TO: Honorable Mayor and City Councilmembers
Jessica Jagoe, City Administrator

FROM: Jake Reilly, Community Development Director

SUBJECT: Planning Case 26-004 – Concept Plan Review
Roers Companies multifamily development – 3499 Lexington Avenue

Budgeted Amount:
\$

Actual Amount:
\$

Funding Source:

Council Should Consider

Council should consider a request for a Concept Plan Review for a proposed 167-unit mid-rise apartment development on the property owned by Trusted Fraternal Life at 3499 Lexington Avenue N. The Applicant is seeking feedback from the City Council on the concept plan in advance of the full submission which would include a land use application for items such as a Conditional Use Permit, Planned Unit Development, and may include application for amendments to the Comprehensive Plan and Zoning Code.

The Concept Plan Review process is an opportunity for the City Council to provide comments and questions regarding proposed developments. A concept review is considered advisory and is nonbinding to the City and Applicant (Section 1320.14, Subd 4 of the Zoning Code). No formal action can be taken at a Work Session. A formal application will be subject to the full review process, including a public hearing with Planning Commission and City Council review.

Below is a description of the project, the unit count, and an evaluation of the proposal against the existing zoning code. Staff seeks recommendations from the Council on the density of the site and methods to address increasing density on this site and potentially others in the B-2 district as well as for the Community Mixed Use future land use classification.

Background

Roers Companies is proposing a 167-unit mid-rise market rate apartment development with a mix of one, two, and three-bedroom units. The proposal also includes underground and surface parking, pickleball courts, a dog exercise area, an outdoor patio space, and pedestrian connectivity to the retail/commercial properties to the north.

Roers Cos was founded in 2012 by two brothers with more than 20 years of experience each in real estate, finance and accounting and is now the largest private for-profit multi-family developer operating in the Twin Cities. Roers develops, builds, and operates/manages buildings in 16 states. The majority of Roers Cos properties are market rate developments, including mixed commercial/residential projects. Recent examples in the Twin Cities Metro include the 250-unit Terra Residences in Maple Grove, the 214-unit market-rate Wicklowe in Rosemount and the 182-unit market-rate Lexi Apartments in Blaine. The company has also produced affordable rental housing using low-income housing tax credits (LIHTC), tax increment financing, and funding associated with federal and state-designated opportunity zones.

3499 Lexington Avenue North was constructed in 1974 and is a 34,799 square-foot two-story office building with a lower level laid out for tenant amenities with a footprint of approximately 11,500 square feet. The parcel is approximately 446 feet deep by 550 feet wide and approximately 5.66 acres in size. It is zoned B-2 – General Business and is guided for CMU – Community Mixed Use in the 2040 Comprehensive Plan.

The Hunters Park Condominiums built in 1982 occupy the parcel immediately to the west at 4 Pine Tree Drive. This parcel is zoned R-4 – Multiple Dwelling District and guided as HDR – High density residential in the 2040 Comprehensive Plan. Shannon Square Shoppes is located to the north and single-family residential properties are located to the south, across Harriet Avenue.

Discussion

Existing Conditions

Catholic United Financial, a fraternal benefit corporation has owned and operated the offices. In January 2025 Catholic United Financial merged with Trusted Fraternal Life. The property was listed for sale in late 2025. There is a large (189 space) surface parking lot west of the building, and two driveways on the property. The eastern driveway provides access to the loading dock and lower level and the west driveway – the principal access - provides access to the surface parking lot and the main entrance. The remainder of the site is grassy and includes some trees and stormwater infrastructure required for the existing development. There is no access to the site from Lexington Avenue.

Aerial Map of Subject Property



Existing zoning and future land use

	3499 Lexington	North	South	East	West
Zoning	B-2 – General Business	B-2 – General Business	R-3 – Townhouse & Low Density Residential	N/A	R-4 – Multiple Dwelling
Future Land Use	Community Mixed Use	Community Mixed Use	Low Density Residential	Right-of-way	High Density Residential

Concept Plan Proposal

For this project, Roers Companies would be the developer, project manager, construction company and long-term operator of the project. As described in the materials provided by Roers, the firm is stated to have a number of years of professional experience in development within this market and would be ownership partners for this project.

Roers Cos. plans to purchase the entire property, demolish the existing structure and revise the layout on the site to include a driveway on Lexington Avenue for access to proposed structured parking in the building and a driveway on Harriet Avenue for access to a surface parking lot.

This parcel would be developed with approximately 167-unit market rate rental apartments in one building with rents targeted to those who make between 80% and 100% of the region’s area median income (AMI). For context, this could mean that a one-bedroom apartment would be approximately \$1,405/month and a three bedroom would be about \$2,244/month.

The proposed building is a four-story building with basement garage parking and 142 surface parking stalls on the south side of the building, which is proposed to be located in the NW portion of the site. The location of the building is set back from both streets to locate the building closer to the retail/commercial uses to the north than to the residential uses across Harriet Avenue. That portion of the parcel is also the most buildable area. Other proposed amenities include an outdoor play and recreation area, sidewalk and trail connections and convenient access to the shopping center to the north. Amenities proposed within the building envelope include a clubhouse/party room with access to outdoor games and a pool.

The developer has not yet developed design documents to show the exterior of the building design. Given that, the City Council is directed in Section 1325.05 – Design Standards, Subd. 6, for Aesthetics to evaluate the impacts on surrounding area due to the proposed design, scale, massing, materials, height and other aspects of the subject matter as to whether the appearance will cause a substantial depreciation in the property values in the surrounding area or to unreasonably detract from the appearance of the area or the city as a whole, the developer will take feedback given today, and provide additional information about the exterior finishes of the building materials prior to initiating the required community meeting and applying for other city entitlements.

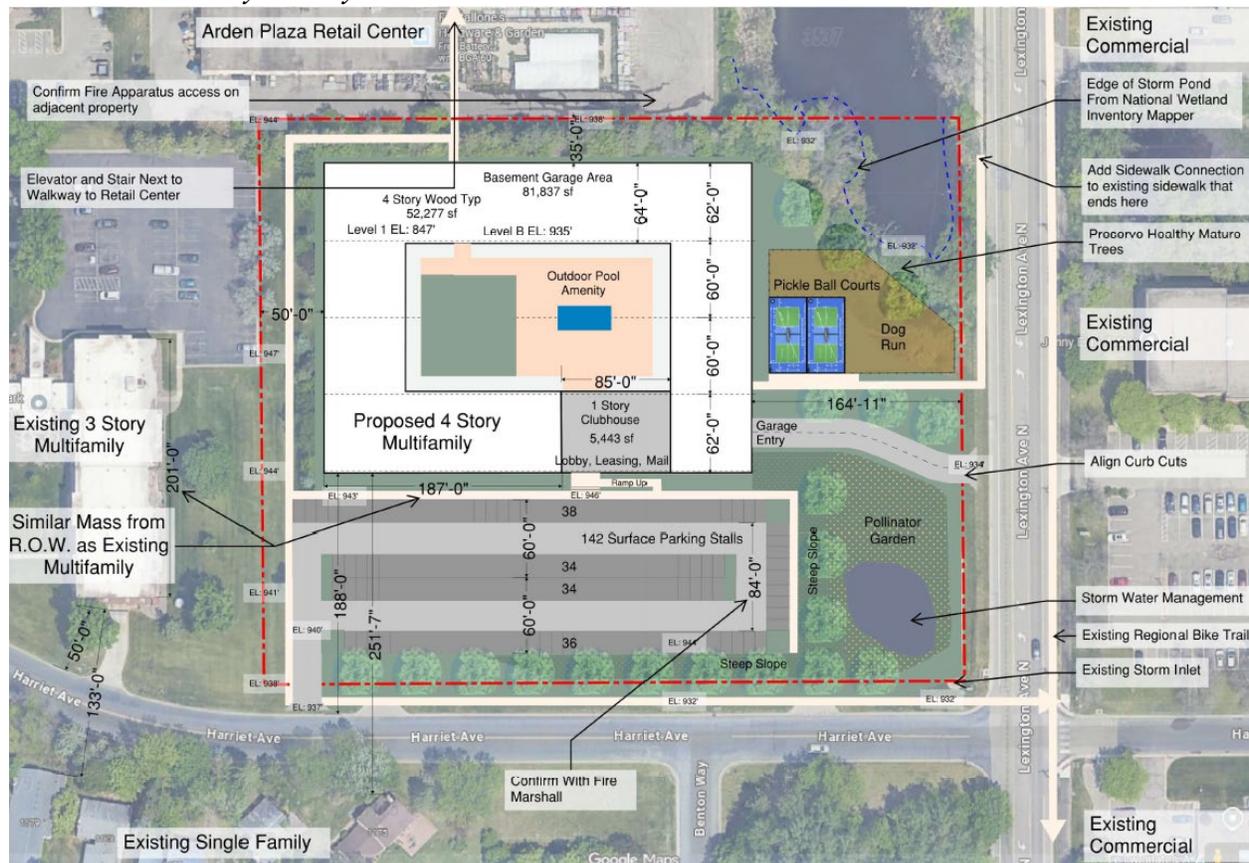
The maximum density allowed with a Planned Unit Development or Special Use Permit within the B-2 District and Community Mixed Use (CMU) District is 20 units per acre. The apartment building as proposed is approximately 27 units per acre and would trigger a request to amend the zoning code and the comprehensive plan. Staff is seeking feedback regarding density increases. One option is to amend the zoning code to allow for a greater density by right in the B-2 district

and would require a Comprehensive Plan amendment to address the maximum density for CMU which is 20 units per acre and floor area ratio which is .0.8.

The building will include one level of structured parking with 221 spaces and an additional 142 surface parking spaces as shown on the site plan submitted. A table included in the submitted materials shows an approximate breakdown of units by number of bedrooms. Based on the table and the city code requirements for off-street parking (1.1 parking space per bedroom and 2 parking spaces for each unit with two or more bedrooms) indicates that they would need to establish approximately 275 parking spaces. Furthermore, Section 1325.045 for Multi-family Dwelling Units Additional Conditional Use Permit Criteria states that “A *minimum of one enclosed parking stall shall be provided per dwelling unit. Enclosed parking structures shall be attached to at least one of the principal structures to which parking is being provided.*” The plan as proposed meets this additional requirement.

The surface parking will be located on the south side of the building with curbing and landscaping around the perimeter to create a separation of parking areas from Harriet Avenue and the residential properties to the south. The structured parking has one primary access point to and from Lexington Avenue in order to minimize traffic on the lower traffic Harriet Avenue. A secondary access point to the surface parking is on Harriet Avenue. The developer has indicated that the team is investigating and evaluating potential fire access either from the abutting retail property to the north, or if the project has to shift in order to accommodate an access around the rear of the building for emergency service needs.

Preliminary site layout



Lastly in review of the proposed building, City Code Section 1325.045 includes additional criteria that would be evaluated as part of the Conditional Use Permit review such as a lighting plan, security plan, and bicycle parking. With the intent of this application only to seek initial feedback from the Council on the proposed concept, the Applicant has not finalized all of these items at this stage in their development planning. The Applicant would be required to submit all of the requirements as referenced in this section as part of a future land use application for a PUD.

Based on an initial review, staff believe the proposal could require the following land use requests:

- A Comprehensive Plan amendment to address a proposed increase in density and floor area ratio (FAR).
 - Council should provide comment to the applicants regarding an increase in the Community Mixed Use land use from 20 units/acre to something greater.
 - Similarly, Council should provide comment to the applicants and staff regarding an increase in the maximum FAR allowed in the Community Mixed Use future land use.
- A zoning code amendment to address an increase in the maximum density for the B-2 district and the maximum FAR or a variance from the maximum FAR (0.8).
- Conditional Use Permit for Multiple Family Dwelling in the B-2 District
- Planned Unit Development

The table below provides the performance standards for the B-2 District and the preliminary analysis for the proposed development:

	B-2 District Standards	Roers Companies Proposal
Minimum Lot Area per Unit	2,178 s.f./unit	Approximately 1,562 s.f./ unit
Maximum Building Height	50 feet	Complies
Maximum Floor Area Ratio	0.8	Approximately 1.2
Maximum Structure Coverage	45% of lot area	Complies (31%)
Minimum Landscape Lot Area	20% of lot area	Not specified, but not seeking flexibility
Maximum PUD Density	20 units/acre	Seeking approximately 27 units/acre
Minimum Front Yard Setback	50 feet	Complies
Minimum Rear Yard Setback	20 feet	Complies
Minimum Side Yard Setback	10 feet (min)/20 feet (total)	Complies
Off-Street Parking	1.1 stall/1 bedroom 2 stall/2+ bedroom CUP 1 enclosed/unit	221 +/- enclosed 142 +/- surface Flexibility not requested

Stormwater & Wetlands

Based on the existing site conditions, the stormwater retention pond to the northeast side of the proposed development may be able to accommodate the planned development. Additionally, there may be the need to construct an underground retention system due to constraints of the site. At this time, the Applicant has indicated no other details are known on the scope of this work, but as the project progresses they will develop those engineered plans for the City Engineer to review.

Traffic Analysis

For the Concept Review submittal, the Applicant has not included a traffic study for the proposed project area. The Applicant would be required as part of the full submission to include a traffic study in order for the application to be considered complete for City Council consideration.

Budget Impact

N/A

Attachments

- A. Land Use Application
- B. Preliminary Concept plans
- C. Roers Companies Company Overview brochure

Attachment A



1245 West Highway 96
 Arden Hills, Minnesota 55112
 Telephone (651) 792-7800
 Fax (651) 634-5137
 www.cityofardenhills.org

For Office Use Only	
Planning Case No.	26-
Submittal Date:	
Application Complete:	
Accepted by:	
Receipt Number:	
Council Decision:	
Council Decision Date:	

2026 LAND USE APPLICATION

Applicant Information

Applicant:	Roers Companies		
Address:	2 Carlson Parkway, Suite 400		
Phone No.:	763.283.7821	Other:	
Email Address:	sam.schroeder@roerscompanies.com		

Property Information

Property Owner:	Trusted Fraternal Life D/B/A Catholic Aid Association		
Owner Address:	3499 Lexington Ave N - Arden Hills, MN 55126		
Phone No.	651-490-0170	Other:	
Site Address:	3499 Lexington Avenue North, Arden Hills, MN 55126		
Legal Description:	section 34 town 30 range 23 e 586.6 ft of n 445.66 ft of s 600.5 ...& esmts) in sec 34 tn 30 m 23		
Property ID (PIN):	343023110005		
Type of Use:	Office		
Zone:	B-2 General Business District	Property Acreage:	5.66

Type of Request

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Comprehensive Plan Amendment (Fee: \$600 + Escrow: \$2,500) <input type="checkbox"/> Conditional Use/Interim Use Permit or Amendment (Fee: \$500 + Escrow: \$1,500) <input type="checkbox"/> Preliminary Plat (Fee: \$600 + Escrow: \$2,500) <input type="checkbox"/> Final Plat (Fee: \$400 + Escrow: \$1,500) <input checked="" type="checkbox"/> Concept Plan Review (Fee: \$400 + Escrow: \$1,500) <input type="checkbox"/> Master Planned Unit Development or Master Special Development Plan (Fee: \$600 + Escrow: \$2,500) <input type="checkbox"/> Final Planned Unit Development or Final Special Development Plan (Fee: \$400 + Escrow: \$2,000) <input type="checkbox"/> Planned Unit Development or Special Development Plan Amendment (Fee: \$400 + Escrow: \$1,500) | <ul style="list-style-type: none"> <input type="checkbox"/> Site Plan Review (Fee: \$600 + Escrow: \$1,500) <input type="checkbox"/> Rezoning or Rice Creek Commons Regulating Plan Amendment (Fee: \$500 + Escrow: \$1,500) <input type="checkbox"/> Zoning Code or TCAAP Redevelopment Code Amendment (Fee: \$500 + Escrow: \$2,000) <input type="checkbox"/> City Code Amendment (Fee: \$500 + Escrow: \$2,000) <input type="checkbox"/> Lot Split/Minor Subdivision (R-1 and R-2 Districts Only) (Fee: \$400 + Escrow: \$1,500) <input type="checkbox"/> Variance or Permitted Adjustment (Fee: \$400 + Escrow: \$1,500) <input type="checkbox"/> Vacation of Easement or Right-of-Way (Fee: \$200 + Escrow: \$1,000) <input type="checkbox"/> Appeal of Administrative Decision (Fee: \$200 + Escrow: \$1,500) <input type="checkbox"/> Land Use Requests – Not Already Specified (Fee: \$150 + Escrow: \$1,000) |
|---|--|

Brief Description of Request (Include a legible, detailed letter explaining the project):

Roers Companies, in partnership with JLG Architects, is proposing a 167-unit mid-rise
multifamily project. With a mix of one, two, and three bedroom apartments, this project will
provide an attractive amenity package, including pickleball courts and a luxury outdoor patio
space. We are requesting a Concept Review of our proposed site plan so that we can better
understand and address what city council would like to see in this project.

IMPORTANT

- Certain applications are subject to review and approval by the Rice Creek Watershed District. Contact RCWD directly at 763-398-3070 for additional information.
- The land use application fees do not cover building, sign, or other permit fees that may be required upon approval of a land use application.
- All applications will be subject to additional fees for reimbursement of consultant costs associated with filing, reviewing, and processing of application in the form of an escrow to the City.

Filing & Information Requirements

The City requests that you make a pre-application meeting with the Community Development Director to discuss the application process, requirements, and deadlines. Unless waived by the Community Development Director or Planning Commission, a certified survey of the property is required for all applications. A checklist with additional application requirements can be found at www.cityofardenhills.org/landuseapplications.

Complete/Incomplete Applications

Under Minnesota Statute, Chapter 15.99, cities have 15 business days to review all plans and application materials to ensure they satisfy City requirements. During the 15 day review period, planning staff will provide written comments on the application and may request plan revisions. If the application is determined to be complete, Minnesota State Statute then requires the City to approve or deny the application within 60 days, up to 120 days. If not complete, the City may require plan revisions and/or additional information before the application is scheduled for Planning Commission review and/or City Council action. Project will not be scheduled for any meeting until the application is found to be complete by the Community Development Director.

Payment of Fees and Escrows

The undersigned acknowledges that before a land use application can be deemed complete, all required fees and escrows must be paid to the City. The applicant is responsible for all costs incurred by the City related to the processing of this application. Each separate land use request shall be charged a separate administrative fee and escrow even if submitted on the same application. Costs expended in reviewing and processing an application will be charged against the cash escrow and credited to the City. Charges to the escrow may include planning and engineering staff time, City Attorney and consulting fees, and mailing costs. If, at any time, a required cash escrow is depleted to less than 20 percent of its original amount, the applicant shall deposit additional funds in the cash escrow account as determined by the City. The City may withhold final action on a land use application, withhold building permits, and/or rescind prior action until all fees have been paid. Unused portions of an escrow are returned to the applicant upon successful implementation of an approved plan. The escrow may be reduced or increased by the Community Development Director on a project by project basis.

Notice of Meeting Attendance

In order for the Planning Commission and the City Council to consider any application, *the applicant or a designated representative must be present at the scheduled meeting.* If not, the matter may be tabled until the next available agenda.

Meeting Schedule

Planning Commission meetings are typically held on the first Wednesday after the first Monday of each month at 6:30 PM. Please contact City Hall to verify the meeting date and time. Planning cases are typically reviewed by City Council on the last Monday of the same month at 7:00 PM. Meetings are held in the Council Chambers at the City of Arden Hills, 1245 West Highway 96, Arden Hills, Minnesota 55112, unless otherwise stated. The schedules below are for reference purposes only. Project will not be scheduled for any meeting until the application is found to be complete by the Community Development Director.

2026 Planning Commission and City Council Schedule (*subject to change)

TENTATIVE PLANNING COMMISSION MEETING DATE* (Generally the first Wednesday after the first Monday at 6:30 p.m.)	TENTATIVE CITY COUNCIL MEETING DATE* (Generally the fourth Monday at 7:00 p.m.)	DEADLINE FOR LAND USE APPLICATION SUBMISSION (1 st day of the preceding month)
January 7	February 9	December 1 (2025)
February 4	March 9	January 2
March 4	April 13	February 2
April 8	April 27	March 2
May 6	May 26*	April 1
June 3	June 22	May 1
July 8	July 27	June 1
August 5	August 24	July 1
September 9	September 28	August 3
October 7	October 26	September 1
November 4	November 23	October 1
December 9	January 11 (2027)	November 2

Acknowledgement and Signature

I hereby apply for the above consideration and declare that the information and materials submitted with this application are complete and accurate per city code and ordinance requirements. I fully understand that I am responsible for all costs incurred by the City related to the processing of this application.



Property Owner Signature (Required)

1/29/26

Date



Applicant Signature (If different than the property owner)

1/27/2026

Date

Please contact the Community Development Department at 651-792-7800 if you have any questions regarding this application.

Additional copies of this application form are available on the City's website:
www.cityofardenhills.org/landuseapplications



3499 Lexington, Arden Hills, MN

EXISTING CONTEXT SITE PLAN

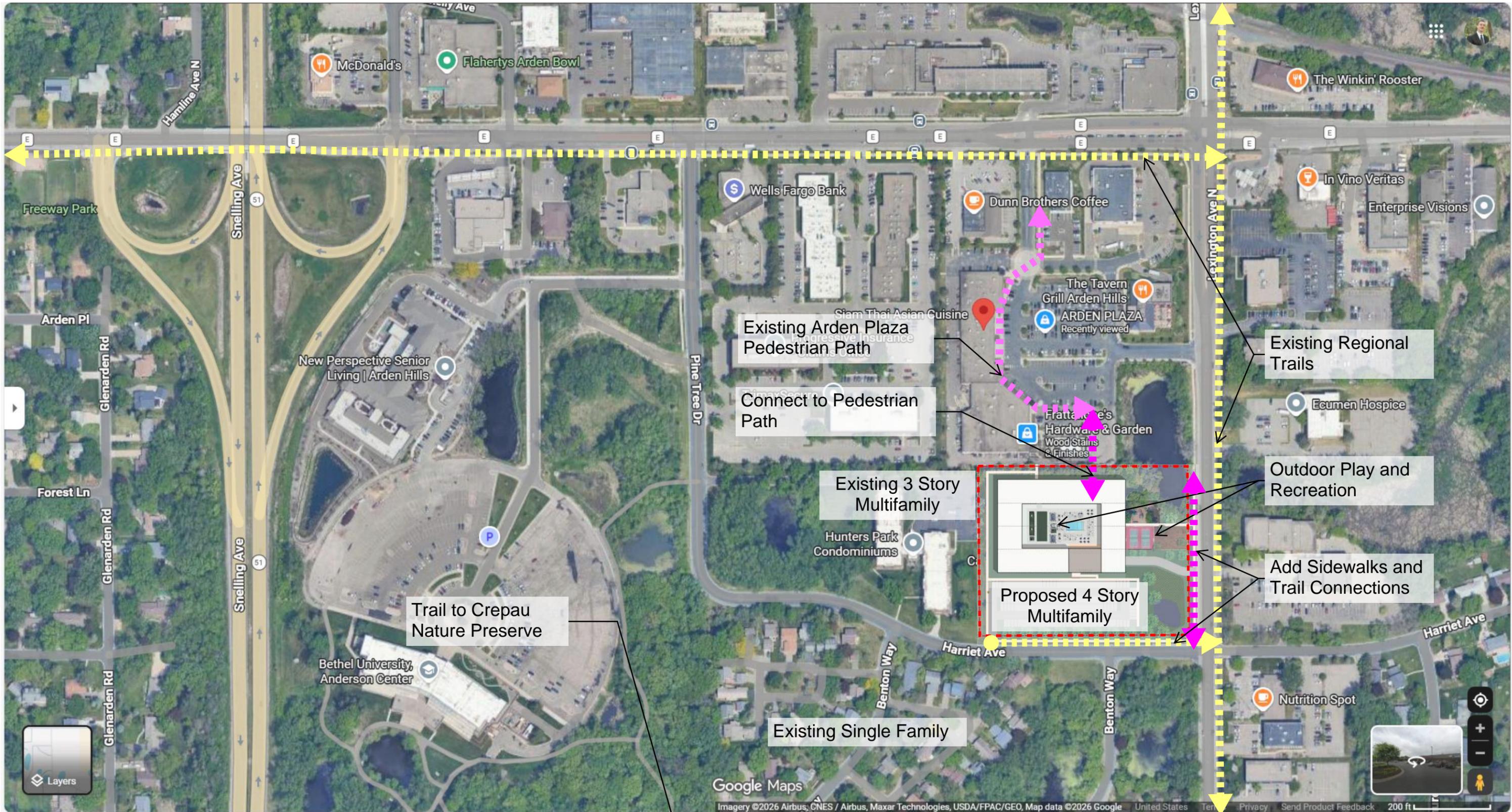
JANUARY 30th, 2025 | JLG 250296 | © 2026 JLG ARCHITECTS



DESIGN FOR LIFE



ROERS
COMPANIES



3499 Lexington, Arden Hills, MN

PROPOSED CONTEXT SITE PLAN

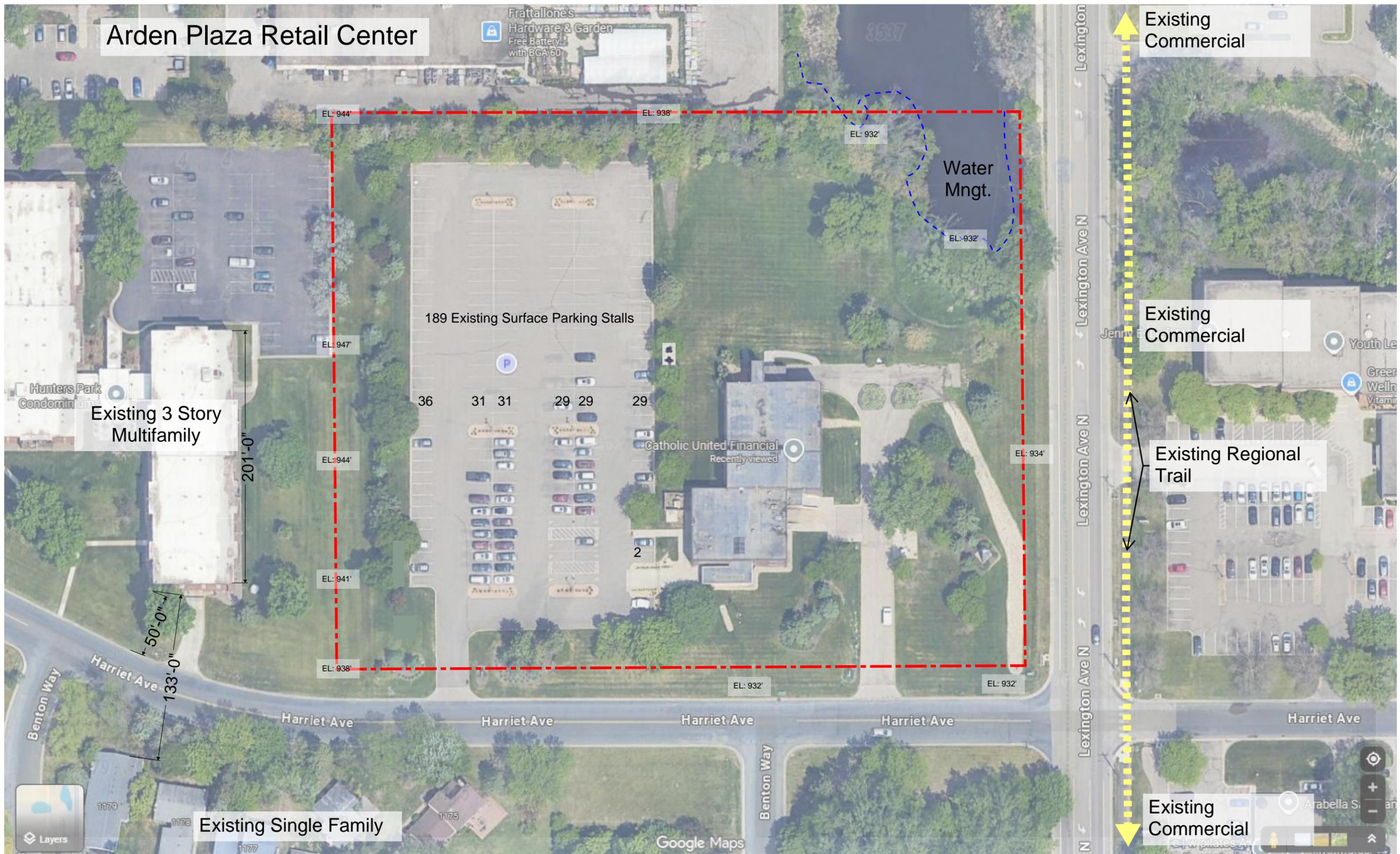
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DESIGN FOR LIFE



ROERS
COMPANIES



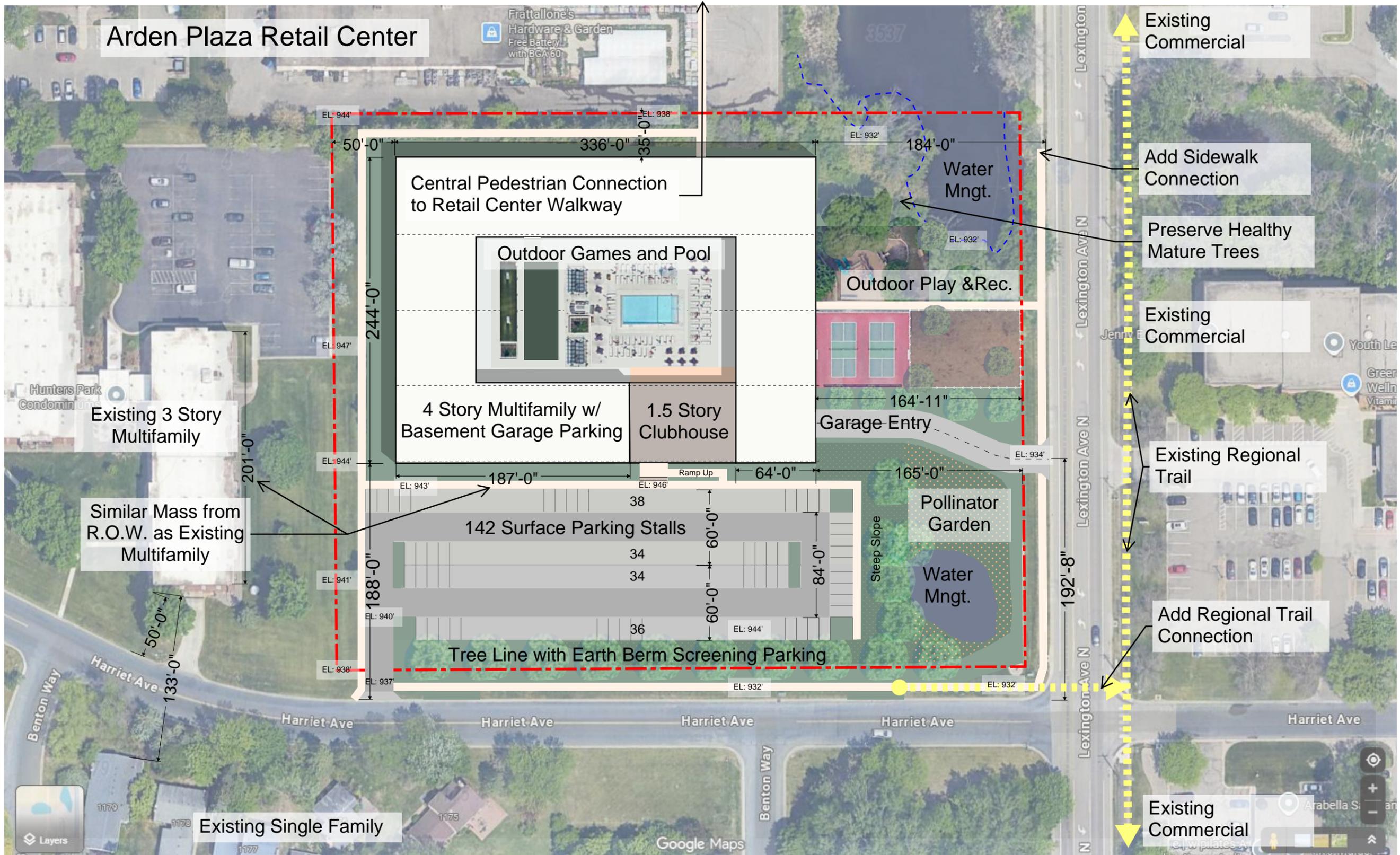
3499 Lexington, Arden Hills, MN

EXISTING SITE PLAN

JANUARY 30th, 2025 | JLG 250296 | © 2026 JLG ARCHITECTS



ROERS
COMPANIES



3499 Lexington, Arden Hills, MN

PROPOSED SITE PLAN

JANUARY 30th, 2025 | JLG 250296 | © 2026 JLG ARCHITECTS



ROERS
COMPANIES



Company Overview

Rooted Values. Proven Results.





About Roers Companies

Roers Companies is a multifamily real estate firm powered by in-house development, construction, and property management. We partner with private investors to build institutional-scale apartments in high-demand neighborhoods. We also bring quality affordable housing to under-supplied markets. Roers Cos. has emerged as a national multifamily leader because of the efficiency of our fully integrated in-house expertise.

Our Story

Roers Cos. started small by developing and operating a handful of apartment buildings in rural North Dakota. Through hard work and tenacity, we helped those properties survive the boom-to-bust market. We rallied to add new product types in new locations to diversify and grow the business.

Today, Roers Cos. is a nimble and dynamic commercial real estate company that develops, builds, and manages a nationwide portfolio of multifamily and mixed-use properties.

Company Milestones



NO OFFER OF INVESTMENT, LEGAL OR TAX ADVICE. The material contained herein is general information for educational purposes only. Information is based on data gathered from what we believe are reliable sources. It is not guaranteed as to accuracy, does not purport to be complete and is not intended to be used as a primary basis for investment decisions. Nothing contained in this material is intended to constitute legal, tax, securities or investment advice, nor an opinion regarding the appropriateness of any investment. Prior to making any investment you should consult with a licensed investment, financial advisor, legal and tax advisor.

Capabilities

Roers Cos. facilitates sustainable development, designing each property to align with the community's unique needs to generate the most widespread benefit with each project.

Our Core Services

— Investment

We partner with private investors to build our market-rate projects, bringing them opportunities to add institutional-level assets that diversify their portfolios.

— Development

We identify and analyze opportunities to create new properties that will elevate local markets, diversify our portfolio, and deliver value for all parties involved.

— Construction

Our construction management and general contracting teams work with trade partners to ensure on-time and on-budget project completion.

— Property Management

Our full-service property management group is a finely tuned leasing and operations engine that accelerates occupancy and meets the everyday needs of our residents.

Company Milestones

100+

Properties completed
or underway

14,700+

Units completed or
under construction

4B+

Construction
completed

Awards & Acolades

Roers Cos. is ranked among the most successful, private companies in the Twin Cities and even across the nation. Here's a snapshot of some of our most recent company and individual accolades.

2025

- Ranked as largest developer in the Twin Cities by Minneapolis/St. Paul Business Journal
- Named a Top Workplace by USA Today
- Among the top 25 in National Multifamily Housing Council's NMHC 50 Top Builders
- Ranked No. 20 in National Multifamily Housing Council's NMHC 50 Top Developers
- MN Multifamily Property Management Company of the Year at the Minnesota Real Estate Awards

2024

- Named as the No. 1 fastest-growing private company in the Twin Cities
- Ranked No. 344 on the Inc. 5000 list for fastest-growing private companies in America
- Ranked No. 12 in National Multifamily Housing Council's NMHC 50 Top Developers
- Joined National Multifamily Housing Council's NMHC 50 list as a Top Builder (#21)
- Ranked as second-largest developer in the Twin Cities by Minneapolis/St. Paul Business Journal
- Named a Top Workplace by USA Today and Star Tribune
- Selected as Property Management Company of the Year at the Minnesota Real Estate Awards
- Ranked No. 10 on Affordable Housing Finance's list of Affordable Housing Developers

2023

- Ranked as second-largest developer in the Twin Cities by Minneapolis/St. Paul Business Journal
- Joined National Multifamily Housing Council's NMHC 50 list as a Top Developer (#25)
- Selected as Developer of the Year in the 2023 Minnesota Real Estate Awards
- Named a Top 200 Workplace by Star Tribune

2022

- Ranked as fourth-largest developer in the Twin Cities by Minneapolis/St. Paul Business Journal

2021

- Ranked among Inc. 5000 Fastest-Growing Private Companies in the U.S. (#2351)
- Carlton Lofts named Finance & Commerce Top Projects of 2020

Executive Leadership



Kent Roers

Owner and Co-Founder

Co-founder and owner of Roers Cos., Kent has over 20 years of experience in real estate and finance. In that time, he has been involved in almost every aspect of residential properties, from leasing single-family homes to developing luxury multifamily complexes.



Brian Roers

Owner and Co-Founder

Brian is a co-founder and owner of Roers Cos. He started his career in real estate purchasing single-family homes, duplexes, and student housing. After gaining his CPA license, Brian co-founded Anderson & Roers CPAs, in which he held 50% partnership until launching Roers Cos. in 2012.



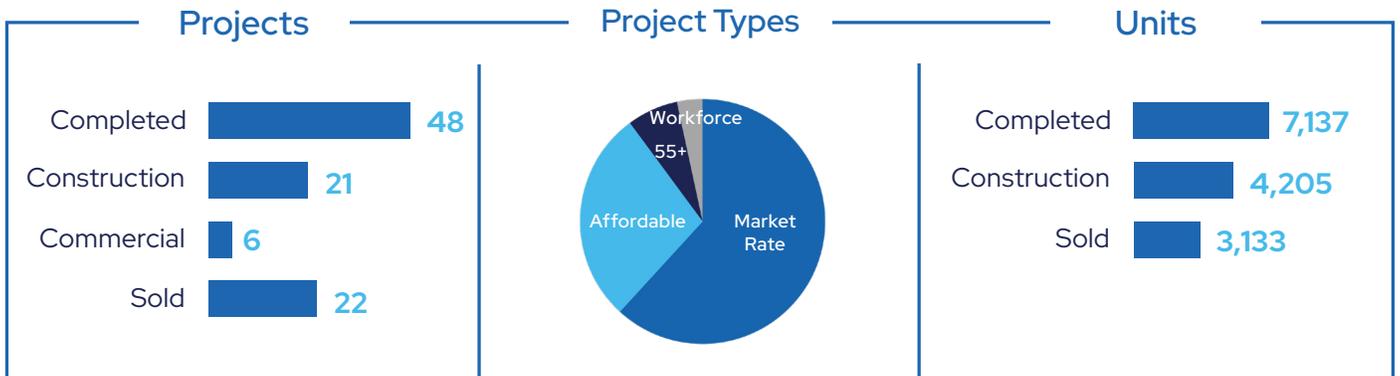
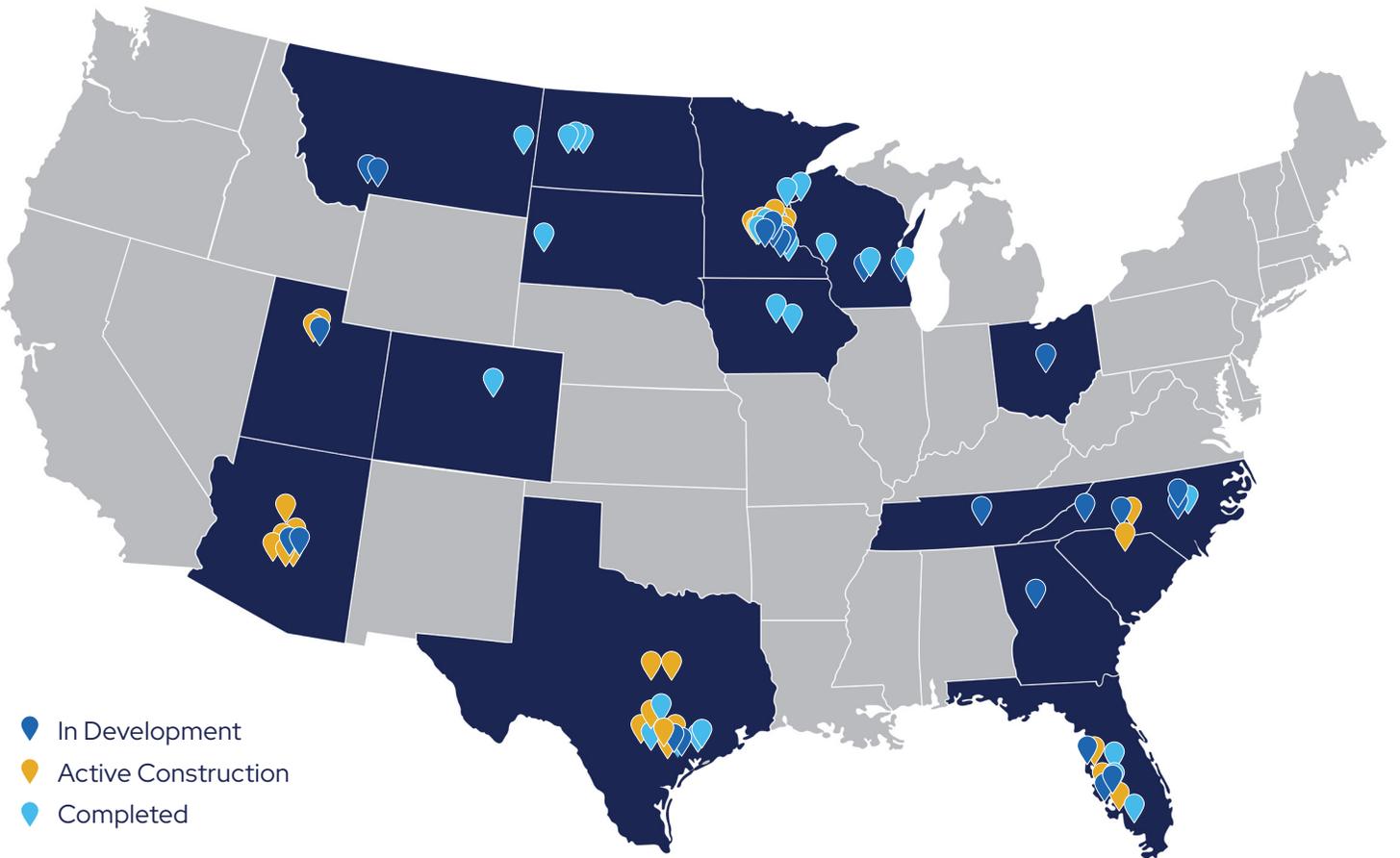
Shane LaFave

Chief Operating Officer

Shane has been in the real estate development field for more than 18 years. As Chief Operating Officer, Shane leads the development, construction, property management, and human resources teams, ensuring each project moves smoothly from concept to completion while maintaining an exceptional resident experience.



Our Portfolio



Market Rate & Mixed Used

Market-rate and mixed-use developments make up the foundation of Roers Cos. experience and expertise. Our team pursues new opportunities in growing neighborhoods with strong economic fundamentals.

Terra Residences

Maple Grove, Minnesota

Terra brings 250 serene luxury market-rate apartments to the growing northwest suburban city of Maple Grove. Terra infuses wellness into its natural interior design finishes and invigorating outdoor relaxation and recreation spaces. The building offers residents a mix of apartment sizes ranging from 515 sq. ft. studios through sprawling 1,526 sq. ft. two-bedroom floor plans.



Completed Winter 2023

Square Feet:
346,000

Architect:
Kaas Wilson

Contractor:
Bauer

Cost:
\$51 million



Revel Clearwater, Florida

Revel is a 184-unit market-rate apartment complex located in the growing Tampa area that offers a mix of apartment sizes ranging from studios through two-bedroom floor plans. Amenities include a fitness center, yoga room, pool deck, co-working rooms, private workspaces, game room, club room, skylounge, skydeck, and more.

Opening Fall 2025

Square Feet:	Contractor:
212,294	RGC
Architect:	Cost:
BKV Group	\$56.5 million



Lexi Apartments Blaine, Minnesota

Lexi Apartments' convenient Blaine location near the intersection of Lexington Avenue and 109th Avenue delivers dozens of options for shopping, dining, and recreation. Featuring 182 market-rate apartments that range from studios to two-bedrooms, Lexi offers a premier selection of finishes.

Completed Fall 2023

Square Feet:	Contractor:
218,038	CBS
Architect:	Cost:
Cole Group	\$39 million



Wicklows Rosemount, Minnesota

Wicklows is a market-rate property that brings 214 chalet-inspired units to the growing southeast suburban city of Rosemount, MN. With a mix of unit types ranging from studio to three-bedroom, Wicklows boasts high-end finishes such as luxury vinyl plank flooring, stainless steel appliances, and tile kitchen backsplashes.

Completed Fall 2024

Square Feet:	Contractor:
235,400	RGC
Architect:	Cost:
Kaas Wilson	\$55.2 million



The Whitney Salt Lake City, Utah

The Whitney is located in Salt Lake City, Utah near beautiful mountain vistas, dozens of restaurants and coffee shops, and endless opportunities for entertainment and recreation. There are 264 homes at The Whitney along with a premier selection of amenities throughout the community.

Completed Summer 2025

Square Feet:	Contractor:
222,930	RGC
Architect:	Cost:
JZW	\$83 million

Affordable & Tax-Credit Housing

Roers Cos. has a wide background of leveraging numerous financing sources including low-income housing tax credits (LIHTC), historic tax credits, TIF, and utilizing the benefit of opportunity zones. With the help of these vital financial partnerships, we are committed to building housing for low-income renters nationwide.

Solis at Jackson Station Salt Lake City, Utah

Solis at Jackson Station, a 363-unit affordable housing community marks Roers Cos.' first venture in Utah. With a development cost of more than \$105 million, Solis at Jackson Station is one of Roers Cos.' largest projects to date.



Completed August 2024

Square Feet:
291,749

Architect:
JZW

Cost:
\$105 million

Website:
solisatjackson.com



Mural Apartments Aurora, Colorado

Mural Apartments, a 216-unit affordable housing community in Aurora, a Denver suburb, marks Roers Cos.' first project in Colorado. Amenities include a fitness center, community room, playground, pool, and dog park.

Completed September 2024

Square Feet:

259,158

Builder:

Ironmark Builders

Cost:

\$79.8 million

Website:

liveatmural.com



The Narrows Apartments Hutto, Texas

The Narrows, a 300-unit affordable housing community brings much-needed affordable housing to the growing Austin area. The property includes a resort-style pool, community lounge, fitness center, and more.

Completed September 2023

Square Feet:

318,791

Builder:

Rampart

Contractor:

Rampart

Website:

thenarrowsapts.com



Solana Villas Buckeye, Arizona

Solana Villas is a 200-unit community located in Buckeye, AZ, just 40 minutes west of Phoenix which provides residents with urban conveniences near all the outdoor recreation options this region offers. The Solana community includes a mix of studio, one-, two-, and three-bedroom apartment homes with abundant amenities.

Completed September 2024

Square Feet:

270,385

Architect:

Todd + Associates

Contractor:

Ironmark

Website:

wildwoodatmain.com



Contact Us

763.285.8808

Two Carlson Parkway | Suite 400
Plymouth, MN 55447

roerscompanies.com

AGENDA ITEM - 3B



MEMORANDUM

DATE: February 9, 2026

TO: Honorable Mayor and City Councilmembers
Jessica Jagoe, City Administrator

FROM: David Swearingen, P.E. Public Works Director / City Engineer
Ryan Peterson, Bolton & Menk - Project Manager

SUBJECT: Proposed Booster Station (TCAAP/RCC) - Aesthetics

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should consider the different options for the proposed booster station aesthetics.

Background/Discussion

Ramsey County has moved forward with a project to complete plans and specifications for construction of Rice Creek Boulevard (a.k.a. the “Spine Road”) through the TCAAP property/Rice Creek Commons Redevelopment Site (RCC). Kimley Horn, with Bolton & Menk as a sub-consultant, was contracted to complete these plans and specifications and all associated tasks necessary to provide a biddable contract documents plan set. One of the tasks in the scope of work requires the final design for the proposed Booster Station.

Following the recommendations in the recent Preliminary Design Report (2025) which was shared with the City Council on May 27, 2025, the new west booster station will be constructed along Old Highway 10 (Old Snelling Ave N) and on the north side of I-694 entirely within existing Ramsey County Right-of-Way. The report indicated that the Booster Station could also be constructed on the south side of I-694, but as the project moved further into design, the north side of I-694 was deemed more feasible due to topography concerns on the south side. Ramsey County also recommends locating the building on the north side of I-694. A draft site drawing has been provided in Attachment A.

The purpose of discussion for this item is for Council to provide direction on how the building should look. From the 2015 Preliminary Design Report, there is a section that says “The booster station building will be a brick building with garage door access. The dimensions will be roughly 20’X30’. The roof will likely be gabled or sloped to match the adjacent residential area. A

mobile emergency generator connection will be included and screened on the exterior of the building.”. Staff and the design team are considering not including garage doors in order to minimize the footprint of the building. Attachment B provides different aesthetic options for the Council to consider. Staff would note that design options 2-4 are generally more consistent with the recommendations of the MN Department of Health to encourage efforts to make utility infrastructure both functional and visually friendly in a neighborhood.

Budget Impact

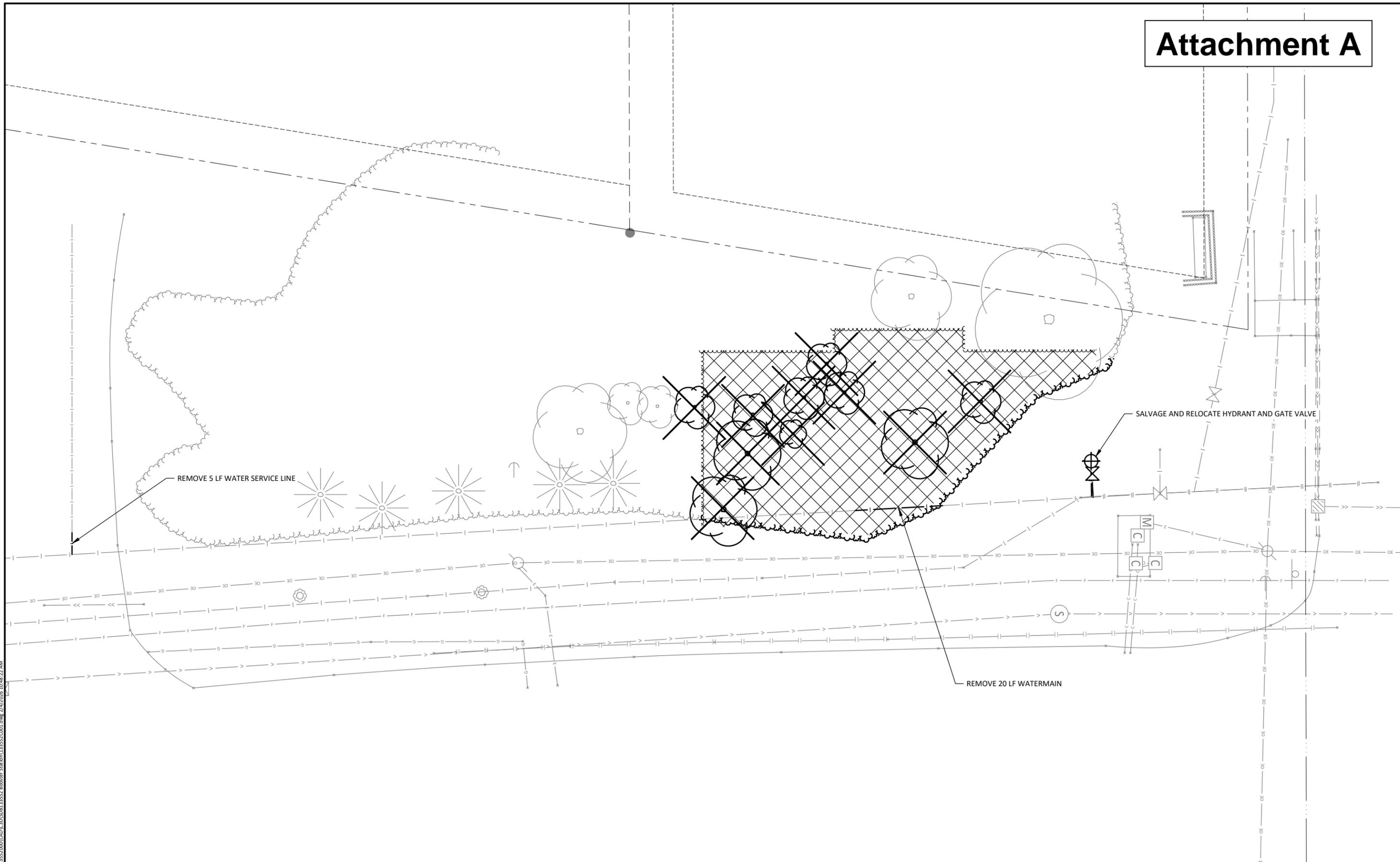
There are no direct costs to the City associated with the Booster Station as construction will be included in the Ramsey County’s Rice Creek Boulevard construction project related to the Rice Creek Commons development which is proposed as fully funded by Ramsey County.

Attachments

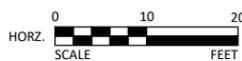
Attachment A – Booster Station site drawing

Attachment B – Booster Station aesthetic options

Attachment A



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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

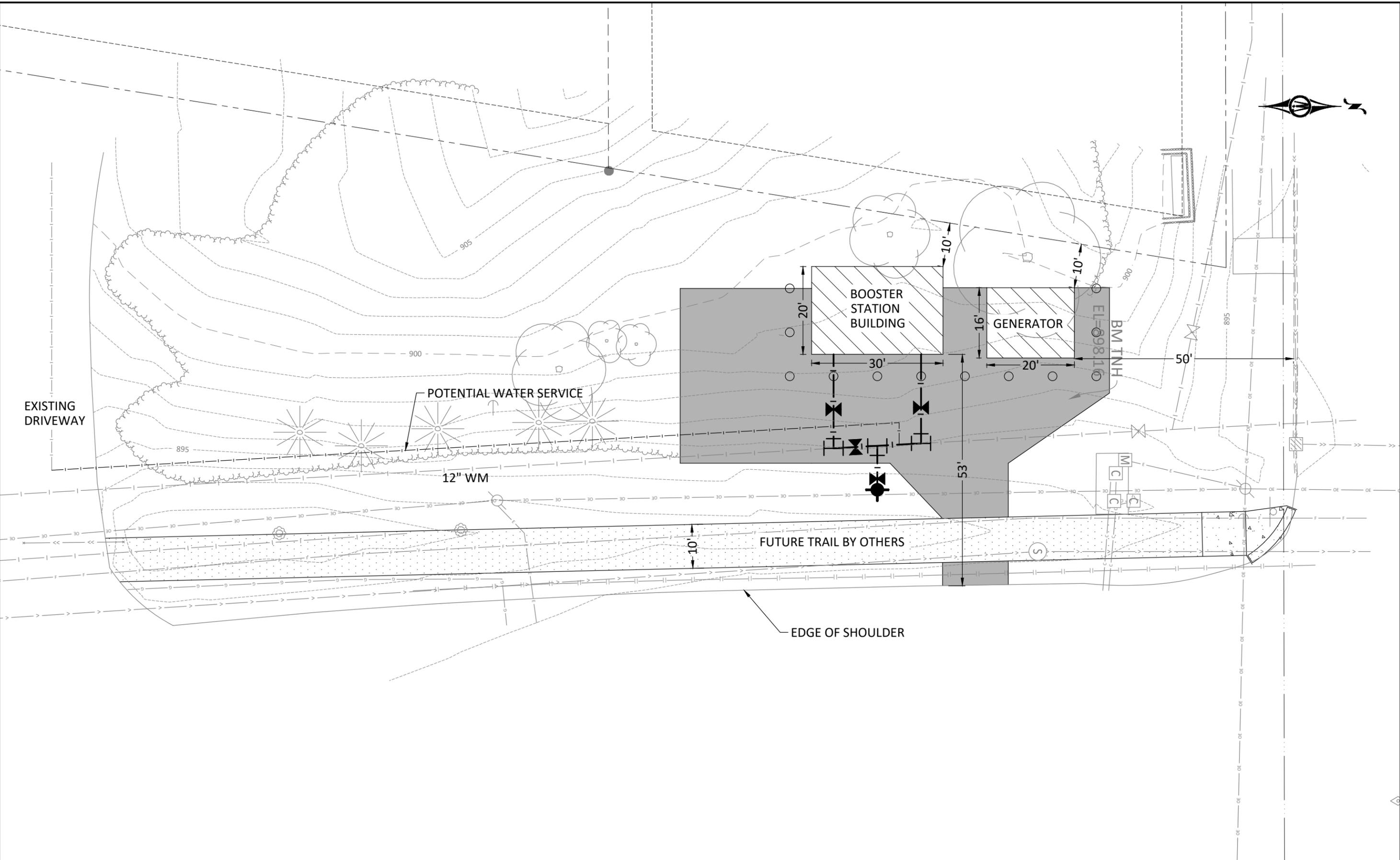
SIGNER'S NAME: _____
 LIC. NO.: XXXXX DATE: MM/DD/YYYY



DESIGNED	NO.	ISSUED FOR	DATE
1			
DRAWN	3		
CHECKED	2		
CLIENT PROJ. NO.			

RAMSEY COUNTY, MINNESOTA
 BOOSTER STATION
 REMOVAL PLAN

SHEET



EXISTING DRIVEWAY

POTENTIAL WATER SERVICE

12" WM

FUTURE TRAIL BY OTHERS

EDGE OF SHOULDER

BOOSTER STATION BUILDING

GENERATOR

BM
TNH
EL=988.10

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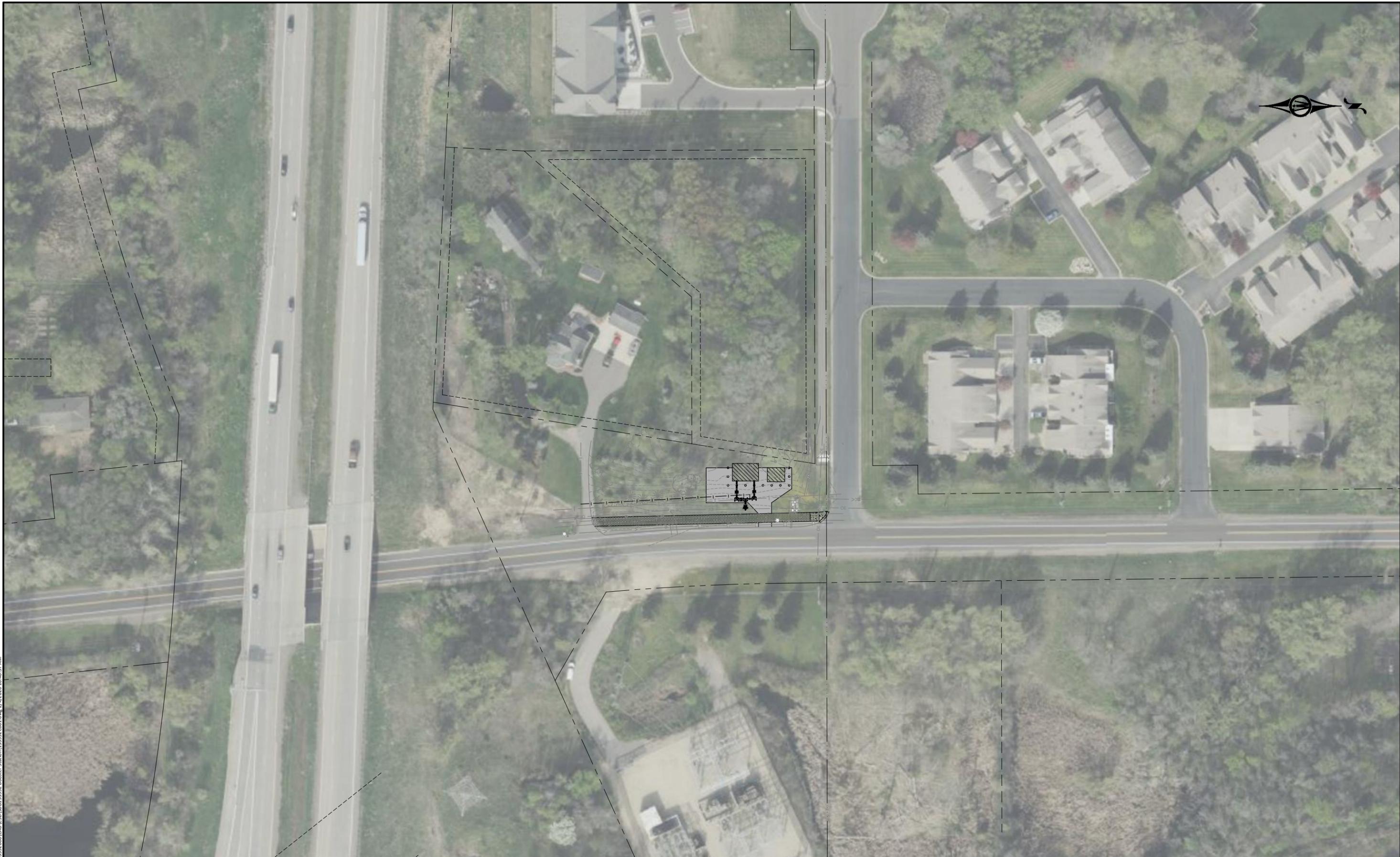
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SIGNER'S NAME: XXXXX
LIC. NO.: XXXXX DATE: MM/DD/YYYY



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DRAWN	3		
CHECKED	2		
CLIENT PROJ. NO.			

RAMSEY COUNTY, MINNESOTA
BOOSTER STATION
SITE PLAN

SHEET



© Bolton & Menk, Inc. 2026. All Rights Reserved. RAMSEY COUNTY BOOSTER STATION CAD (3/31/2026) 133552 001.dwg 2/2/2026 10:48:37 AM



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SIGNER'S NAME _____
 LIC. NO. XXXXX DATE MM/DD/YYYY



DESIGNED	NO.	ISSUED FOR	DATE
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CLIENT PROJ. NO.			

RAMSEY COUNTY, MINNESOTA
 BOOSTER STATION
 SITE PLAN

SHEET

BOOSTER STATION

ARDEN HILLS

- BOOSTER STATION INTERIOR DIMENSIONS FOR ALL OPTIONS 30'X40'
- ALL OPTIONS 12' 0" FROM TOP OF SLAB TO ROOF BEARING

3-D VIEWS

01/27/26



- TOP OF PARAPET : 15' - 0" FROM TOP OF SLAB

1 OPTION 1
3D N.T.S.



- TOP OF ROOF RIDGE : 19' - 0" FROM TOP OF SLAB / ROOF SLOPE : 4" : 12"

2 OPTION 2
3D N.T.S.



- TOP OF LOW ROOF RIDGE : 16' - 4" / LOW ROOF SLOPE : 2-1/2" : 12"
- TOP OF HIGH ROOF RIDGE : 23' - 6" / LOW ROOF SLOPE : 4" : 12"

3 OPTION 3
3D SCALE:



- TOP OF ROOF RIDGE : 21' - 4" FROM TOP OF SLAB / ROOF SLOPE : 2" : 12"

4 OPTION 4
3D SCALE:

AGENDA ITEM – 3C



MEMORANDUM

DATE: February 9, 2026

TO: Honorable Mayor and City Councilmembers
Jessica Jagoe, City Administrator

FROM: Jake Reilly, Community Development Director

SUBJECT: Affordable housing policy

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should consider and provide feedback on the attached language for addressing affordability in Arden Hills in relation to the included draft proposal for an inclusionary housing ordinance designed to address affordability of new residential construction.

Background

At the October 27, 2025, work session, the City Council received information about affordable housing in Arden Hills and the relation to the housing market nationwide. At the December 8, 2025 work session, the City Council received additional information about local housing market dynamics and discussed various approaches to increasing the supply of affordable places to live in Arden Hills. At the January 12, 2026, City Council work session, direction was to bring back a draft ordinance or policy to address including required affordable units in project proposals. A draft ordinance is included as Attachment A.

As established in earlier memos on the subject, housing is considered affordable when it costs the owner or renter not more than 30 percent of their income, including taxes, utilities, and related fees. In today's rental market, separating out different fees from the rent has been a mechanism for multi-family property owners to both right size the cost of living to the tenant and recoup as much of the cost of the development and maintenance of a multi-family property and its amenities as possible, including addressing future property maintenance needs. In some cases, renter and/or homeowner insurance is included in that bundle of costs.

There are key factors in ensuring people of all kinds can live in a place, two of which are supply and perception. On the supply side, when there is a sufficient supply of homes available to renters or owners of any kind, scarcity isn't driving up the cost of a place to live. When it comes to

perception, both how “easy” a developer perceives a locality is to develop in and neighborhood perception all influence whether a developer of any kind will find a place desirable to build in.

Ultimately, supply of housing will come when the cost of land plus the cost of construction is of interest to a developer. Higher density buildings are profitable in the locations that support them. Lexington Avenue is a prime example of a place where higher density buildings are able to be built. Not only because the cost of land is lower but also because people can walk to and from major employers and many services and businesses. Some of this supply (relative to the cost of land) can be addressed through zoning code reforms.

Discussion

Inclusionary housing ordinance

Attachment A is a draft inclusionary housing ordinance that considers the previous discussions with the Council about affordable housing, tools described as acceptable and stated concerns about negative impacts to the tax base and/or accepted community standards. Attachment A offers an Arden Hills-specific and market-sensitive approach to affordability in new construction as well as rehabilitation of existing homes and attempts to address concerns raised during previous conversations about affordable homes such as design elements, need for municipal subsidy, lack of enforceability, and addressing maintenance-related concerns about affordability for existing residents and their homes.

Staff is seeking feedback on Attachment A and will begin processing this ordinance through consultation with the city attorney following feedback.

Zoning code reforms

Direction from the council on January 12 was also clear that the list of zoning code reforms to establish standards, reduce regulatory barriers and become more in line with provide and accepted professional practices around minimum standards for parking, lot size, and housing types. As staff evaluates the drafted updates to the zoning code, based on the conversations with Council about affordable housing, we intend to address the following items discussed with council in those updates. These include:

Reducing Required Parking:

Eliminating parking minimums continues to be the proven way to positively increase not only the number of homes constructed and also positively influence outcomes for small and large businesses alike. When parking and the land use are “unbundled” the developer can use their robust knowledge of the target market to determine how to right size the parking. If cities didn’t require parking, the market would supply it only when profitable. There would be fewer spaces, and spots that were frequently empty would be redeveloped. This is as true in large cities with transit options as it is for smaller cities with limited transit opportunities yet strong connections for people who walk or roll to parks, schools, businesses, services, and jobs, like in Arden Hills.

Selectively Increase Maximum Densities:

The cost of building housing has two components: the cost of land and the cost of building. There is a “sweet spot” that addresses the comprehensive plan goal to complement and preserve the character that is Arden Hills and the demonstrated need to build more places for people to live.

Allowing for mixed-income developments with sufficient density to move forward without subsidy while at the same time adding more options to add units to existing lots is the lowest cost option for cities to address housing affordability and a mix of housing types.

Looking at the adopted 2040 Comprehensive Plan, two directions with multiple solutions stand out:

- Encourage the incorporation of affordable and life-cycle housing into new development and redevelopment where feasible.
- Identify programs, policies, and strategies that encourage aging in community for senior citizens.

Related solutions are included in Attachment A. Based on the current market and the location of available sites for housing in Arden Hills, changing the overall density allowed in specific zoning districts such as R-4 Multiple Dwelling and B-2 General Business or in the High Density Housing and Mixed Use future land uses is more likely than not to yield success in the private market without requiring subsidy from the city.

Staff would also like feedback on pursuing two more options designed to generate successful affordable housing and businesses:

Create an Affordable Housing Fund

This statutory tool created by the Minnesota State Legislature offers a municipality an opportunity to save money directed specifically to creating or preserving housing and to do so in a way that is context sensitive and addresses all scales and aspects of housing from ownership to rental, including new construction and rehabilitation/repair. No tax levy is required. Council should provide feedback if this should be added to the agenda planning list for future work session discussion to receive more information on this topic.

Collaborate with Ramsey County

Ramsey County Community and Economic Development (CED) has a number of tools designed to help with housing affordability including technical assistance and dollars. The recently approved creation of a County Housing and Redevelopment Authority will allow for additional flexibility in the use of county funds to address housing needs at all scales. CED will be rolling out those programs over the next year. Programs offered by the county can also support initiatives important to Arden Hills such as supporting the business environment, helping older folks stay in their homes and/or in the community, and helping more new families move into Arden Hills and buy or rent homes. Staff will continue to collaborate with and promote appropriate county programs to Arden Hills residents and business owners.

Budget Impact

N/A

Attachments

Attachment A: Draft Inclusionary Housing Ordinance

CITY OF ARDEN HILLS

INCLUSIONARY HOUSING ORDINANCE LANGUAGE

DRAFT

1. PURPOSE AND FINDINGS

1.1 Findings

The City Council of Arden Hills finds and declares the following:

- a. The health, safety, and economic welfare of present and future residents of Arden Hills depends on the availability of housing choices affordable to people and families at various income levels, including those earning less than 80% of Area Median Income (AMI).
- b. Stable, safe, and affordable housing provides measurable health and economic benefits for individuals, families, and the community as a whole.
- c. There is a demonstrated need to encourage the development of affordable housing for Arden Hills' workforce and families.
- d. New residential development can accommodate existing demand for affordable housing for service workers, teachers, public safety personnel, and other essential community members.
- e. The preservation of naturally occurring affordable housing (NOAH) is critical as market pressures increase rents and threaten the displacement of existing affordable units.
- f. Economic integration of affordable housing within market-rate developments creates diverse, stable neighborhoods and prevents the concentration of poverty and the concentration of wealth.

1.2 Purpose

The purpose of this ordinance is to:

- a. Maintain a balanced community that provides housing opportunities for households at all income levels;
- b. Ensure housing opportunities for employees of businesses located in Arden Hills and the surrounding region;
- c. Implement affordable housing goals and policies contained in the City's Comprehensive Plan;
- d. Promote economic integration by including affordable units within market-rate developments;
- e. Create affordable housing without requiring public subsidies or tax increment financing.

2. AUTHORITY

This ordinance is adopted pursuant to:

- a. Minnesota Statutes § 462.358, subd. 1a, which authorizes municipalities to adopt ordinances for the purpose of increasing the supply of affordable housing using land use mechanisms;
- b. Minnesota Statutes § 462.358, subd. 11, which authorizes municipalities to enter into agreements requiring affordable housing with established pricing and long-term affordability controls; and
- c. Minnesota Statutes § 473.859, which requires municipal comprehensive plans to promote creation of affordable housing for low- and moderate-income individuals and families.

3. DEFINITIONS

The following terms shall have the meanings indicated:

AFFORDABLE. Housing is affordable when a household pays no more than 30% of gross household income for housing costs, including rent or mortgage payment, utilities, fees, and charges.

AFFORDABLE HOUSING UNIT. A dwelling unit that has income and rent restrictions pursuant to this ordinance to ensure affordability for eligible households.

AREA MEDIAN INCOME (AMI). The median household income as most recently determined by the U.S. Department of Housing and Urban Development (HUD) for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, adjusted for household size and number of bedrooms.

DEVELOPMENT. A new residential or mixed-use development, including construction in phases or stages, for which city approvals are being or have been sought.

DWELLING UNIT. One or more rooms designed for residential use by a single household, containing cooking, living, sanitary, and sleeping facilities.

ELIGIBLE HOUSEHOLD. A household with annual income at or below 80% of AMI for rental units, or at or below 110% of AMI for ownership units.

MARKET-RATE UNIT. A residential dwelling unit not subject to affordability restrictions under this ordinance.

NATURALLY OCCURRING AFFORDABLE HOUSING (NOAH). Existing rental housing that is affordable to households at or below 60% of AMI without public subsidy, typically constructed between 1940 and 1990 and classified as Class B or C property.

SUBSTANTIAL REHABILITATION. Improvements to a property where the cost exceeds 20% of the property value (excluding land) after improvements.

WORKFORCE HOUSING. Housing affordable to households earning between 60% and 80% of AMI, typically needed by teachers, public safety personnel, healthcare workers, and other essential workers.

4. APPLICABILITY

4.1 Developments Subject to Requirements

This ordinance applies to the following development types:

- a. New multifamily residential developments creating 20 or more dwelling units;
- b. Mixed-use developments with a residential component of 20 or more dwelling units;
- c. Substantial rehabilitation or reconstruction of existing buildings containing 20 or more dwelling units;
- d. Conversion of non-residential buildings to residential use creating 20 or more dwelling units.

4.2 Calculation of Units

For phased developments, the affordable housing requirement shall be calculated based on the total number of units in all phases. Affordable units shall be provided proportionately across phases.

When calculating the number of affordable units required, any fraction of 0.5 or greater shall be rounded up to the nearest whole number; fractions less than 0.5 shall be rounded down.

5. AFFORDABLE HOUSING REQUIREMENT

5.1 Percentage Requirements

Developments subject to this ordinance shall provide affordable housing units according to the following standards:

Affordability Level	Income Target	Minimum % of Units
Very Low Income	50% AMI	5%
Low Income	60% AMI	7.5%
Workforce Housing	80% AMI	10%

Developers may choose any one of the three affordability options listed above.

For ownership housing (condominiums, townhomes/twin homes, duplexes, triplexes, rowhouses, and four-plexes), at least 10% of units shall be affordable to households at or below 110% of AMI.

5.2 NOAH Replacement Requirements

If a development demolishes or converts NOAH units, the new development must replace those units at a minimum rate of 20% of total units affordable at 60% AMI, in addition to meeting the standard inclusionary requirement. Replacement units shall be comparable in bedroom size to the demolished units.

6. INTEGRATION AND DESIGN STANDARDS

6.1 On-Site Location

Affordable housing units shall be located within the same development as market-rate units. Off-site construction of affordable units is not permitted under this ordinance.

6.2 Distribution and Integration

Affordable units shall be:

- a. Distributed throughout the development and not concentrated in any single building, floor, or section;
- b. Proportionately distributed across all unit types (studio, 1-bedroom, 2-bedroom, 3-bedroom, etc.);
- c. Indistinguishable from market-rate units in terms of exterior appearance and quality of construction.

6.3 Comparable Quality

Affordable units shall:

- a. Have the same design, materials, and construction quality as market-rate units;
- b. Have comparable square footage and room sizes to market-rate units of the same bedroom count;
- c. Have comparable furniture, fixtures and equipment to market-rate units;
- d. Have access to the same amenities, facilities, and services as market-rate units;
- e. Have proportional access to parking, including both surface and enclosed parking if available.

6.4 Family-Sized Units

Developments of 60 or more units shall include a minimum number of 3-bedroom or larger units. The following table establishes minimum requirements:

Total Development Units	Minimum 3+ Bedroom Units
60-99	5
100-150	8
150+	10% of total

Age-restricted developments (55+) shall include at least one 3-bedroom or larger unit per floor, for floors of the structure(s)/building(s) that are at least 40 percent leasable residential space.

7. AFFORDABILITY CONTROLS

7.1 Rent Limits

Maximum rent for affordable units, including utilities and all mandatory fees, shall not exceed 30% of the applicable AMI level adjusted for household size and bedroom count. Rent limits shall be based on HUD Fair Market Rents or Minnesota Housing income limits, whichever is more restrictive.

7.2 Income Qualification

Tenants of affordable units must be income-qualified at initial occupancy. Income verification shall follow HUD or Minnesota Housing guidelines.

A household whose income rises above the qualifying level may continue to occupy the unit provided household income does not exceed 140% of the applicable AMI. Upon vacancy, the unit must be re-rented to an income-qualified household.

7.3 Period of Affordability

Affordable units shall remain affordable for a minimum of 20 years from the date of initial certificate of occupancy. Affordability shall be secured through a recorded covenant or deed restriction approved by the City Attorney.

7.4 Non-Discrimination

Owners and managers shall not discriminate against prospective tenants on the basis of source of income, including Housing Choice Vouchers or other rental assistance programs.

8. REGULATORY INCENTIVES

To offset the costs of providing affordable housing without public subsidy, developments meeting the requirements of this ordinance are eligible for the following regulatory incentives:

8.1 Density Bonus

Developments providing affordable units at or below 60% AMI may receive a density bonus of up to 25% above the maximum density otherwise permitted, provided the increase does not negatively impact surrounding properties or conflict with comprehensive plan goals.

The density bonus shall not increase the number of required affordable units.

8.2 Lot Size and Width Reduction

Minimum lot size and lot width requirements may be reduced by up to 25% for developments meeting affordability requirements, subject to site plan approval and findings that public health, safety, and welfare are protected.

8.3 Lot Coverage Increase

Maximum lot coverage may be increased by up to 10% for developments meeting affordability requirements, subject to adequate stormwater management and site design review.

8.4 Expedited Review

Applications for developments providing affordable units shall receive priority review by city staff and may be placed ahead of other applications in the review queue.

8.5 Parking Flexibility

The City may consider parking reductions of up to 25% for developments meeting affordability requirements, provided adequate parking is demonstrated through a parking study and subject to conditions ensuring affordable unit residents have equitable access to parking at no additional charge.

9. AFFORDABLE HOUSING PLAN

9.1 Required Submission

All developments subject to this ordinance shall submit an Affordable Housing Plan as part of the final development plan application. The plan shall be approved by the City Council prior to issuance of building permits.

9.2 Plan Contents

The Affordable Housing Plan shall include:

- a. Total number of units and number of affordable units by AMI level;
- b. Unit mix showing bedroom counts for both market-rate and affordable units;
- c. Site plan and floor plans showing location and distribution of affordable units;
- d. Proposed rent levels for affordable units demonstrating compliance with affordability limits;
- e. Management plan describing marketing, tenant selection, income verification, and annual reporting procedures;
- f. Phasing plan showing proportional development of affordable and market-rate units (if applicable);
- g. Draft affordability covenant or deed restriction in form approved by the City Attorney.

10. AFFORDABLE HOUSING AGREEMENT

10.1 Required Agreement

Prior to issuance of building permits, the developer shall execute an Affordable Housing Performance Agreement with the City. The agreement shall incorporate the approved Affordable Housing Plan and set forth all commitments and obligations of both parties.

10.2 Recorded Covenant

The developer shall execute and record with the County a covenant or deed restriction, in form approved by the City Attorney, that runs with the land and ensures continued affordability of designated units for the required period. The covenant shall be recorded prior to issuance of certificates of occupancy.

10.3 Right of First Refusal

The agreement may include a right of first refusal providing the City or designated affordable housing organization with the option to purchase the property before it is offered on the open market, to preserve long-term affordability.

11. MONITORING AND COMPLIANCE

11.1 Annual Reporting

Property owners shall submit an annual report to the City Administrator or designee by February 1 of each year, containing:

- a. List of all affordable units;
- b. Current rent for each affordable unit;
- c. Income verification documentation for new tenants;
- d. Vacancy information;
- e. Certification of compliance with all requirements of this ordinance and the Affordable Housing Agreement.

11.2 Monitoring and Inspection

The City reserves the right to inspect records and properties to verify compliance with affordability requirements. Inspections shall be conducted upon reasonable notice and during normal business hours.

11.3 Phasing Compliance

For phased developments, certificates of occupancy for market-rate units shall not be issued until a proportionate number of affordable units in that phase have received certificates of occupancy and are available for occupancy.

12. ALTERNATIVE COMPLIANCE

The City Council may approve alternative methods of compliance that provide equal or greater public benefit than strict application of this ordinance. Any alternative proposal must:

- a. Provide at least as many affordable units at the same or lower income levels;
- b. Maintain or exceed the quality and design standards required by this ordinance;
- c. Demonstrate compelling circumstances justifying the alternative approach;
- d. Be recommended for approval by city staff with detailed findings supporting the public benefit.

13. ENFORCEMENT

13.1 Violations

Failure to comply with the requirements of this ordinance or the Affordable Housing Agreement constitutes a violation subject to enforcement action. Violations may result in withholding of certificates of occupancy, revocation of permits, civil penalties, or other remedies available under law.

13.2 Remedies

The City may pursue any remedy available under law or equity to enforce this ordinance, including specific performance, injunctive relief, monetary damages, or civil penalties. Remedies are cumulative and not exclusive.

13.3 Affordable Housing Trust Fund

Civil penalties and damages collected under this ordinance shall be deposited in the City's Affordable Housing Trust Fund and used exclusively for affordable housing programs and initiatives.

14. ADMINISTRATION

14.1 Guidelines and Procedures

The City Administrator may adopt administrative guidelines and procedures to implement this ordinance, subject to approval by the City Council. Guidelines shall be published and made available to developers and the public.

14.2 Annual Evaluation

The City Administrator or designee shall provide an annual report to the City Council by October 1 of each year evaluating the implementation and effectiveness of this ordinance, including the number of affordable units created, compliance rates, and recommendations for amendments.

14.3 Periodic Review

The City Council shall review this ordinance at least every five years to ensure it remains responsive to local housing needs, market conditions, and regional housing goals. Amendments may be adopted following public hearing as required by state law.

15. SEVERABILITY

If any section, subsection, paragraph, sentence, or clause of this ordinance is held to be unconstitutional or invalid, the remaining portions shall remain valid and in force. The City Council declares that it would have passed each provision independently.

16. EFFECTIVE DATE

This ordinance shall take effect upon publication as required by law. Applications submitted prior to the effective date are not subject to these requirements unless the applicant voluntarily elects to comply to receive available incentives.

CITY OF ARDEN HILLS

INCLUSIONARY HOUSING ORDINANCE LANGUAGE

DRAFT

1. PURPOSE AND FINDINGS

1.1 Findings

The City Council of Arden Hills finds and declares the following:

- a. The health, safety, and economic welfare of present and future residents of Arden Hills depends on the availability of housing choices affordable to people and families at various income levels, including those earning less than 80% of Area Median Income (AMI).
- b. Stable, safe, and affordable housing provides measurable health and economic benefits for individuals, families, and the community as a whole.
- c. There is a demonstrated need to encourage the development of affordable housing for Arden Hills' workforce and families.
- d. New residential development can accommodate existing demand for affordable housing for service workers, teachers, public safety personnel, and other essential community members.
- e. The preservation of naturally occurring affordable housing (NOAH) is critical as market pressures increase rents and threaten the displacement of existing affordable units.
- f. Economic integration of affordable housing within market-rate developments creates diverse, stable neighborhoods and prevents the concentration of poverty and the concentration of wealth.

1.2 Purpose

The purpose of this ordinance is to:

- a. Maintain a balanced community that provides housing opportunities for households at all income levels;
- b. Ensure housing opportunities for employees of businesses located in Arden Hills and the surrounding region;
- c. Implement affordable housing goals and policies contained in the City's Comprehensive Plan;
- d. Promote economic integration by including affordable units within market-rate developments;
- e. Create affordable housing without requiring public subsidies or tax increment financing.

2. AUTHORITY

This ordinance is adopted pursuant to:

- a. Minnesota Statutes § 462.358, subd. 1a, which authorizes municipalities to adopt ordinances for the purpose of increasing the supply of affordable housing using land use mechanisms;
- b. Minnesota Statutes § 462.358, subd. 11, which authorizes municipalities to enter into agreements requiring affordable housing with established pricing and long-term affordability controls; and
- c. Minnesota Statutes § 473.859, which requires municipal comprehensive plans to promote creation of affordable housing for low- and moderate-income individuals and families.

3. DEFINITIONS

The following terms shall have the meanings indicated:

AFFORDABLE. Housing is affordable when a household pays no more than 30% of gross household income for housing costs, including rent or mortgage payment, utilities, fees, and charges.

AFFORDABLE HOUSING UNIT. A dwelling unit that has income and rent restrictions pursuant to this ordinance to ensure affordability for eligible households.

AREA MEDIAN INCOME (AMI). The median household income as most recently determined by the U.S. Department of Housing and Urban Development (HUD) for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, adjusted for household size and number of bedrooms.

DEVELOPMENT. A new residential or mixed-use development, including construction in phases or stages, for which city approvals are being or have been sought.

DWELLING UNIT. One or more rooms designed for residential use by a single household, containing cooking, living, sanitary, and sleeping facilities.

ELIGIBLE HOUSEHOLD. A household with annual income at or below 80% of AMI for rental units, or at or below 110% of AMI for ownership units.

MARKET-RATE UNIT. A residential dwelling unit not subject to affordability restrictions under this ordinance.

NATURALLY OCCURRING AFFORDABLE HOUSING (NOAH). Existing rental housing that is affordable to households at or below 60% of AMI without public subsidy, typically constructed between 1940 and 1990 and classified as Class B or C property.

SUBSTANTIAL REHABILITATION. Improvements to a property where the cost exceeds 20% of the property value (excluding land) after improvements.

WORKFORCE HOUSING. Housing affordable to households earning between 60% and 80% of AMI, typically needed by teachers, public safety personnel, healthcare workers, and other essential workers.

4. APPLICABILITY

4.1 Developments Subject to Requirements

This ordinance applies to the following development types:

- a. New multifamily residential developments creating 20 or more dwelling units;
- b. Mixed-use developments with a residential component of 20 or more dwelling units;
- c. Substantial rehabilitation or reconstruction of existing buildings containing 20 or more dwelling units;
- d. Conversion of non-residential buildings to residential use creating 20 or more dwelling units.

4.2 Calculation of Units

For phased developments, the affordable housing requirement shall be calculated based on the total number of units in all phases. Affordable units shall be provided proportionately across phases.

When calculating the number of affordable units required, any fraction of 0.5 or greater shall be rounded up to the nearest whole number; fractions less than 0.5 shall be rounded down.

5. AFFORDABLE HOUSING REQUIREMENT

5.1 Percentage Requirements

Developments subject to this ordinance shall provide affordable housing units according to the following standards:

Affordability Level	Income Target	Minimum % of Units
Very Low Income	50% AMI	5%
Low Income	60% AMI	7.5%
Workforce Housing	80% AMI	10%

Developers may choose any one of the three affordability options listed above.

For ownership housing (condominiums, townhomes/twin homes, duplexes, triplexes, rowhouses, and four-plexes), at least 10% of units shall be affordable to households at or below 110% of AMI.

5.2 NOAH Replacement Requirements

If a development demolishes or converts NOAH units, the new development must replace those units at a minimum rate of 20% of total units affordable at 60% AMI, in addition to meeting the standard inclusionary requirement. Replacement units shall be comparable in bedroom size to the demolished units.

6. INTEGRATION AND DESIGN STANDARDS

6.1 On-Site Location

Affordable housing units shall be located within the same development as market-rate units. Off-site construction of affordable units is not permitted under this ordinance.

6.2 Distribution and Integration

Affordable units shall be:

- a. Distributed throughout the development and not concentrated in any single building, floor, or section;
- b. Proportionately distributed across all unit types (studio, 1-bedroom, 2-bedroom, 3-bedroom, etc.);
- c. Indistinguishable from market-rate units in terms of exterior appearance and quality of construction.

6.3 Comparable Quality

Affordable units shall:

- a. Have the same design, materials, and construction quality as market-rate units;
- b. Have comparable square footage and room sizes to market-rate units of the same bedroom count;
- c. Have comparable furniture, fixtures and equipment to market-rate units;
- d. Have access to the same amenities, facilities, and services as market-rate units;
- e. Have proportional access to parking, including both surface and enclosed parking if available.

6.4 Family-Sized Units

Developments of 60 or more units shall include a minimum number of 3-bedroom or larger units. The following table establishes minimum requirements:

Total Development Units	Minimum 3+ Bedroom Units
60-99	5
100-150	8
150+	10% of total

Age-restricted developments (55+) shall include at least one 3-bedroom or larger unit per floor, for floors of the structure(s)/building(s) that are at least 40 percent leasable residential space.

7. AFFORDABILITY CONTROLS

7.1 Rent Limits

Maximum rent for affordable units, including utilities and all mandatory fees, shall not exceed 30% of the applicable AMI level adjusted for household size and bedroom count. Rent limits shall be based on HUD Fair Market Rents or Minnesota Housing income limits, whichever is more restrictive.

7.2 Income Qualification

Tenants of affordable units must be income-qualified at initial occupancy. Income verification shall follow HUD or Minnesota Housing guidelines.

A household whose income rises above the qualifying level may continue to occupy the unit provided household income does not exceed 140% of the applicable AMI. Upon vacancy, the unit must be re-rented to an income-qualified household.

7.3 Period of Affordability

Affordable units shall remain affordable for a minimum of 20 years from the date of initial certificate of occupancy. Affordability shall be secured through a recorded covenant or deed restriction approved by the City Attorney.

7.4 Non-Discrimination

Owners and managers shall not discriminate against prospective tenants on the basis of source of income, including Housing Choice Vouchers or other rental assistance programs.

8. REGULATORY INCENTIVES

To offset the costs of providing affordable housing without public subsidy, developments meeting the requirements of this ordinance are eligible for the following regulatory incentives:

8.1 Density Bonus

Developments providing affordable units at or below 60% AMI may receive a density bonus of up to 25% above the maximum density otherwise permitted, provided the increase does not negatively impact surrounding properties or conflict with comprehensive plan goals.

The density bonus shall not increase the number of required affordable units.

8.2 Lot Size and Width Reduction

Minimum lot size and lot width requirements may be reduced by up to 25% for developments meeting affordability requirements, subject to site plan approval and findings that public health, safety, and welfare are protected.

8.3 Lot Coverage Increase

Maximum lot coverage may be increased by up to 10% for developments meeting affordability requirements, subject to adequate stormwater management and site design review.

8.4 Expedited Review

Applications for developments providing affordable units shall receive priority review by city staff and may be placed ahead of other applications in the review queue.

8.5 Parking Flexibility

The City may consider parking reductions of up to 25% for developments meeting affordability requirements, provided adequate parking is demonstrated through a parking study and subject to conditions ensuring affordable unit residents have equitable access to parking at no additional charge.

9. AFFORDABLE HOUSING PLAN

9.1 Required Submission

All developments subject to this ordinance shall submit an Affordable Housing Plan as part of the final development plan application. The plan shall be approved by the City Council prior to issuance of building permits.

9.2 Plan Contents

The Affordable Housing Plan shall include:

- a. Total number of units and number of affordable units by AMI level;
- b. Unit mix showing bedroom counts for both market-rate and affordable units;
- c. Site plan and floor plans showing location and distribution of affordable units;
- d. Proposed rent levels for affordable units demonstrating compliance with affordability limits;
- e. Management plan describing marketing, tenant selection, income verification, and annual reporting procedures;
- f. Phasing plan showing proportional development of affordable and market-rate units (if applicable);
- g. Draft affordability covenant or deed restriction in form approved by the City Attorney.

10. AFFORDABLE HOUSING AGREEMENT

10.1 Required Agreement

Prior to issuance of building permits, the developer shall execute an Affordable Housing Performance Agreement with the City. The agreement shall incorporate the approved Affordable Housing Plan and set forth all commitments and obligations of both parties.

10.2 Recorded Covenant

The developer shall execute and record with the County a covenant or deed restriction, in form approved by the City Attorney, that runs with the land and ensures continued affordability of designated units for the required period. The covenant shall be recorded prior to issuance of certificates of occupancy.

10.3 Right of First Refusal

The agreement may include a right of first refusal providing the City or designated affordable housing organization with the option to purchase the property before it is offered on the open market, to preserve long-term affordability.

11. MONITORING AND COMPLIANCE

11.1 Annual Reporting

Property owners shall submit an annual report to the City Administrator or designee by February 1 of each year, containing:

- a. List of all affordable units;
- b. Current rent for each affordable unit;
- c. Income verification documentation for new tenants;
- d. Vacancy information;
- e. Certification of compliance with all requirements of this ordinance and the Affordable Housing Agreement.

11.2 Monitoring and Inspection

The City reserves the right to inspect records and properties to verify compliance with affordability requirements. Inspections shall be conducted upon reasonable notice and during normal business hours.

11.3 Phasing Compliance

For phased developments, certificates of occupancy for market-rate units shall not be issued until a proportionate number of affordable units in that phase have received certificates of occupancy and are available for occupancy.

12. ALTERNATIVE COMPLIANCE

The City Council may approve alternative methods of compliance that provide equal or greater public benefit than strict application of this ordinance. Any alternative proposal must:

- a. Provide at least as many affordable units at the same or lower income levels;
- b. Maintain or exceed the quality and design standards required by this ordinance;
- c. Demonstrate compelling circumstances justifying the alternative approach;
- d. Be recommended for approval by city staff with detailed findings supporting the public benefit.

13. ENFORCEMENT

13.1 Violations

Failure to comply with the requirements of this ordinance or the Affordable Housing Agreement constitutes a violation subject to enforcement action. Violations may result in withholding of certificates of occupancy, revocation of permits, civil penalties, or other remedies available under law.

13.2 Remedies

The City may pursue any remedy available under law or equity to enforce this ordinance, including specific performance, injunctive relief, monetary damages, or civil penalties. Remedies are cumulative and not exclusive.

13.3 Affordable Housing Trust Fund

Civil penalties and damages collected under this ordinance shall be deposited in the City's Affordable Housing Trust Fund and used exclusively for affordable housing programs and initiatives.

14. ADMINISTRATION

14.1 Guidelines and Procedures

The City Administrator may adopt administrative guidelines and procedures to implement this ordinance, subject to approval by the City Council. Guidelines shall be published and made available to developers and the public.

14.2 Annual Evaluation

The City Administrator or designee shall provide an annual report to the City Council by October 1 of each year evaluating the implementation and effectiveness of this ordinance, including the number of affordable units created, compliance rates, and recommendations for amendments.

14.3 Periodic Review

The City Council shall review this ordinance at least every five years to ensure it remains responsive to local housing needs, market conditions, and regional housing goals. Amendments may be adopted following public hearing as required by state law.

15. SEVERABILITY

If any section, subsection, paragraph, sentence, or clause of this ordinance is held to be unconstitutional or invalid, the remaining portions shall remain valid and in force. The City Council declares that it would have passed each provision independently.

16. EFFECTIVE DATE

This ordinance shall take effect upon publication as required by law. Applications submitted prior to the effective date are not subject to these requirements unless the applicant voluntarily elects to comply to receive available incentives.

AGENDA ITEM – 3D



MEMORANDUM

DATE: February 9, 2026
TO: Honorable Mayor and City Councilmembers
FROM: Jessica Jagoe, City Administrator
SUBJECT: City Council Code of Conduct/Norms of Behavior Discussion

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should review Resolution 2016-022 for City Council Norms of Behavior and provide direction to Staff on next steps.

Background

At the April 14th Work Session, the City Council reviewed Resolution 2016-22 which is the City Council Norms of Behavior. Council requested that staff verify if the League of MN Cities had a template Code of Conduct policy that could be a starting point for this discussion. Additionally, there was a reference to the Elected Officials Guide that LMC also produces. Staff were asked to gather some of these resources together and share those with the Council for future discussion.

LMC states that generally policies will take one of two forms: either a values statement expressing core principles for ethical conduct or a formal code of conduct. Included as Attachment D is a template Code of Conduct created by the League of Minnesota Cities Ethics Advisory Panel from the Minnesota Mayors Handbook. A suggestion within the handbook is:

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

For Resolution 2016-22, the City Council should review to determine if this remains sufficient or provide Staff with direction on updates for the Norms of Behavior.

Budget Impact

N/A

Attachment

Attachment A: Resolution 2016-22

Attachment B: January 3, 2024 Special Work Session Minutes

Attachment C: April 14, 2025 Work Session Minutes

Attachment D: LMC Minnesota Mayors Handbook Template Code Of Conduct



**CITY OF ARDEN HILLS
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION NO. 2016-022

RESOLUTION ESTABLISHING CITY COUNCIL NORMS OF BEHAVIOR

**BE IT RESOLVED BY THE ARDEN HILLS CITY COUNCIL THAT THE NORMS OF
BEHAVIOR ARE HEREBY ESTABLISHED AS FOLLOWS:**

1. Speak only for yourself, not for other Councilmembers – unless specifically tasked by your colleagues to speak for the group.
2. Don't question motives. Assume others have positive intentions, even when you disagree.
3. Be respectful of one another, and the public process, at all times. Do not criticize Staff or others in public.
4. Aim of consensus, but accept decisions of the majority once made.
5. Stay focused on the elected official role – policy, prioritization, and citizen representation.
6. Work primarily through the City Administrator or a Department Head, and through line staff with prior arrangement. May work with the writer of a memo in a packet to request information for clarification. Refrain from attending staff meetings, trainings, "rides-along" or group staff functions unless specifically invited or cleared by the City Administrator.
7. Respect Staff and the fact that they work for the Council as a whole. Don't expect or ask them to engage in the fray (secrets, gossip, triangulation), make your individual case (to take sides), or to be your "insider" (informant).

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARDEN HILLS THIS 27th
DAY OF JUNE, 2016.**

David Grant, Mayor

ATTEST:

Julie Hanson, City Clerk



Approved: February 12, 2024

**CITY OF ARDEN HILLS, MINNESOTA
SPECIAL CITY COUNCIL WORK SESSION
JANUARY 3, 2024
5:30 P.M. - ARDEN HILLS CITY HALL**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Mayor Grant called to order the Special City Council Work Session at 5:30 p.m.

Present: Mayor David Grant, Councilmembers Brenda Holden, Emily Rousseau, Tena Monson and Tom Fabel

Absent: None

Also present: City Administrator Dave Perrault and League of Minnesota Cities Insurance Trust (LMCIT) Collaboration Services Manager Aimee Gourlay

1. AGENDA ITEMS

A. Council Discussion with LMCIT Collaboration Services

Ms. Gourlay said the goal is to give them the opportunity to discuss what they might like to do or change about the Norms of Behavior/Code of Conduct, and what the process would be for moving forward. She reviewed the items they hope to achieve; productive and efficient Council meetings, improved teamwork and agreement on process. She asked if anyone wanted to add anything else.

Council also requested to talk about respect and decency.

Ms. Gourlay said she would add that under meeting management. She explained the agenda and said she had brought a short Code of Conduct summary from the League of Minnesota Cities. She said the League doesn't have a standard code as they are specific to each community. Some cities have very detailed codes and Duluth has one paragraph. She expanded on the items they would be discussing. The idea was to share and hear others ideas and incorporate as many considerations as they could. The goal of a Code of Conduct is to increase their ability to have positive conflict that helps get good outcomes, and decrease the likelihood of interpersonal negative conflicts that can detract from making good decisions.

Ms. Gourlay explained the Norms of Behavior 2016 could be a starting point because it already exists. Discussion was probably more important than the paper at this point.

Council discussed issues in the past related to processes and how they have or have not come to agreement on items.

Ms. Gourlay said it was about perceptions and how you're feeling about the discussion. What they seem to agree on the need to balance the meeting efficiency with making sure everyone's voice is heard and making sure the conversation is appropriate to the topic. They could talk about how to move on when all opinions have been voiced. If they feel like they're hearing the same thing and want to move on for efficiency sake, how does the Mayor know?

Council discussed how side comments or underhanded remarks affect decorum.

Ms. Gourlay said you're probably not listening well if there are side comments, and people will shut down if they're hearing things as attacks. That is a part of meeting decorum. It can be difficult if Councilmembers are speaking for long periods of time. So how do they balance making sure everyone has a voice? Maybe everyone says their initial thoughts and has longer to speak after that.

Ms. Gourlay thought there was already a divide about how they were feeling about respect. She wondered if only some people were experiencing that or if it was a council-wide consideration.

Council discussed past issues or events that they have felt contributed to feelings of disrespect or mistrust.

Ms. Gourlay thought getting to a point of understanding that could be another piece of the code. And whatever code they come up with everyone has to be willing to go along with. She watched a video of a meeting but she didn't see much of this dynamic.

Ms. Gourlay said there may be a need to address some of the past hurt in some way however, something that can be helpful is to look at places they've been more successful and see how they can take what is working and build on that.

Council discussed teamwork and their perspectives on information sharing.

Ms. Gourlay stated they're talking about Code of Conduct, but it really keeps coming back to this one issue. She asked what they needed to move forward.

Council discussed better communication moving forward and past issues, also discussed looking forward not at the past when making decisions.

Council discussed adding agenda items to formally report back to Council, such as, Committee/Commission updates.

Ms. Gourlay said one thing they were talking about was committee reports and separating that from Council Comments. They also talked about agreeing to disagree about the past and not bring it up going forward. They talked about annual committee updates and sharing City goals.

Ms. Gourlay commented that one of the things she's observing is that it's hard to get to consensus because what they're talking about keeps shifting.

Ms. Gourlay reiterated they wanted efficient meetings, to stay on appropriate topics, everyone's voice be heard, and to avoid personal comments. Some of the items they are considering would address some of that list.

Ms. Gourlay said sometimes councils have struggles with how to get things on the agenda, what's the complaint process, or the process for taking something off the consent agenda. Oftentimes it has to do with how things get heard. She wondered what's the process for assigning committees, is there an assumption that everyone gets a committee and similar types of things.

Council discussed adding committee/commission reports to future agendas, and about tying it into committee/commission liaison responsibilities.

Ms. Gourlay recommended they have a work session item for discussion of committee updates before it be brought for a vote at a regular meeting so there is no misunderstanding of what the policy will be. She asked if this session was a useful conversation.

Council discussed not bring up past issues when making decisions affecting the present and future.

Ms. Gourlay said they should move forward with discussing the issues they talked about at work sessions and if they would like her to come back she could. She could also arrange for not full group discussions.

Ms. Gourlay said they remind her of good people with knowledge coming together from different places but the team can't come together.

Council thanked Ms. Gourlay for her time.

2. COUNCIL/STAFF COMMENTS

City Administrator Perrault said he had emailed two questions to the Council. The 2024 PMP was at 80% plan and was scheduled to be an item on the upcoming work session, did they prefer to leave it on that meeting. Also, did they want to schedule a retreat, if so he will find a date.

Councilmember Rousseau would rather do a special work session on January 22 for the PMP, and she would love to have a retreat in March or April.

Councilmember Monson was comfortable with having the PMP discussion on either date but she could make January 22 work.

Mayor Grant explained there's what they go in at and then there's the bid. So, 80% was probably close enough.

Councilmember Monson said then she was fine with it being on January 8 at 80%. She would like to have city goals at a retreat but didn't think they needed the personality piece.

Mayor Grant felt a retreat was the wrong way to approach it. He thought it would be better for the group to look at some strategic topics and discuss them. He didn't know if they needed

someone else to help them do that. He thought a facilitator would make it more touchy-feely and they would probably waste time with ice breaker type stuff.

Councilmember Fabel agreed.

Councilmember Monson said she found Ms. Gourlay to be valuable in these discussions.

Councilmember Rousseau asked if they were going to go through the list of work session topics at the next work session and prioritize them.

Mayor Grant was thinking more strategic than chickens or food trucks; he was worried more about bigger things like trails and the fire station.

City Administrator Perrault said he was planning to include the list of work session priorities on the next work session so Council can let staff know what they want to bring forward in what order.

Councilmember Rousseau explained that things they see on the list as a priority could be what they base a strategic plan on.

Councilmember Holden asked if they were going to update the Council Tracker.

City Administrator Perrault said past practice was they only removed things at Council direction.

Councilmember Rousseau asked how they were moving forward with a Code of Conduct for committees.

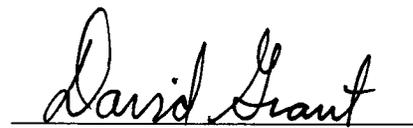
Ms. Gourlay said she had examples from other cities to send to the Mayor and Councilmember Rousseau.

ADJOURN

Mayor Grant adjourned the Special City Council Work Session at 7:09 p.m.



Jolene Trauba
Deputy City Clerk



David Grant
Mayor

regarding how PTRC are going to pay for the parks is a priority, above some of the other items on the list. We need to decide what is most important.

Councilmember Rosseau asked if it could be two Fridays vs. a Friday and Saturday.

Councilmember Holden can't do 14 hours. Back to back days doesn't work. In the past, it was nice to take a step back and think about what was discussed.

Councilmember Weber asked if it had to be consecutive days.

City Administrator Jagoe didn't ask that question. Her experience was the Friday/Saturday. She will ask if there is an option to do a Friday and then a second Friday a month later.

Councilmember Weber said he could support that, with Hue Life. He is not interested in the other proposal.

Councilmember Holden asked when it was decided it would be a Friday.

City Administrator Jagoe said she heard Council talk about a Friday.

Councilmember Monson said they did a similar session with the Fire Board. There were three months between sessions. We can't spread it that far because we will want this complete in time for budgeting. It was nice to have that space between sessions.

Mayor Grant said we should try to keep the hours down, maybe not two full days.

City Administrator Jagoe will follow up with the consultant to see about scheduling two sessions with some time between. She sought clarification if Council wanted to agree on availability and see if it works for the consultant, or should we schedule it when they can fit us in.

Councilmember Holden said everyone needs to be at the first one.

Councilmember Weber said we will probably have to have the consultant say when they are available and then move on it when we find a date that works for everyone.

City Administrator Jagoe said she will follow up on dates. She wanted to confirm that Council plus the Directors and City Clerk should attend. She asked if there was anyone else that should be included in the invitation.

Discussion ensued regarding start time, possible dates and what items will be focused on.

City Administrator Jagoe will discuss availability with the consultant and send out dates to Council.

C. Council Norms of Behavior

City Administrator Jagoe said on March 10th, this item was brought to the Work Session along with the Committee/Commission Code of Conduct Policy. The Council Norms of Behavior,

Resolution 2016-22 is being brought back for Council review. She asked Council if there are any updates or changes, they want to make.

Councilmember Monson thinks the Norms of Behavior is a good place to start but she feels that reading it, it was written in response to the dynamics that were happening at that time. She provided something previously that more broadly discussed honesty and integrity. She thought we could check with LMC to see if they have a template. She thinks the items are very specific.

Councilmember Weber said he went through all the chapters of the Elected Officials Guides on the LMC site. He thinks the information is very comprehensive guidance for elected officials and ethics guidance. He provided the information to **City Administrator Jagoe**. He requested she share that information with the rest of the Council.

City Administrator Jagoe said she will pass that along to the entire council.

Councilmember Rousseau asked if **City Administrator Jagoe** would share that along with **Councilmember Holden**'s notes, as well.

Councilmember Holden said in item #3, there is language regarding public testimony. She believes the word 'immoral' should be removed. We shouldn't use that word. We talk about being respectful of one another but we also have to include resident interactions.

D. Twin Cities Gateway Funding Discussion

Mayor Grant said there is just under \$20,000 plus some roll-over from the previous year. He is grateful the Visitor's Bureau allowed that. These funds need to be used to advertise and promote events that will bring people into Arden Hills to use hotels and patronize our businesses. He believes the ice swim event would qualify. We've used it for Rib Fest and Bethel Homecoming. He reminded that we have the 75th Anniversary of Arden Hills coming in 2026. He asked Council if they had any preference for prioritizing the list.

Councilmember Rousseau said she is interested in using half of the amount for Rib Fest and the other half for the ice swim. She would like John Connelly to talk with Al Stauffacher to help shepherd the process of the Regional Grant for the ice swim event. She understands they will do that for a newer event. Mr. Stauffacher seemed interested in the ice swim. She said it seems like we typically discuss this funding source in April. She wondered if the 75th Anniversary should be on the list for next year, with all of the 2026 funds going towards that event.

Mayor Grant said that is the Council's decision to make. He said the grant awards are based on a formula. He said the numbers are holding and we can probably expect about the same amount next year.

Councilmember Holden would like to use a little of the 2025 money to advertise a save the date for the 75th Anniversary. She thinks we should send out one big flyer. A mailing is \$2,000. She thinks we should send out a mailing announcing that 2026 is the 75th Anniversary. Something that advertises us as a City to all the residents and businesses. She isn't willing to give it to Bethel. They never even thanked us.

Mayor Grant isn't aware if Staff has received any communication.

***Minnesota
Mayors
Handbook***

October 2024

MMA Minnesota
Mayors
Association

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

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Chapter 1: Introduction

It's easy to understand why a person would be excited about becoming a newly elected or appointed mayor. It's a terrific hallmark in one's life. Serving a city says a lot about a person's sense of public responsibility! With conscientious leadership, the mayor is in a great position to help guide a city forward in policy and development.

But being a mayor isn't easy, and it's only natural that a new mayor would on occasion feel intimidated. The office of mayor requires commitment to service and a willingness to take on sometimes significant challenges for the benefit of the city. Even if the mayor and council do everything right, they may receive little gratitude, all the while being overworked and underpaid. When one realizes they have become the chair of a board for a corporation with assets of significant value, it is natural to feel overwhelmed by the responsibilities as well.

Enter the Minnesota Mayors Handbook.

I. Purpose

Being a mayor requires skills and knowledge not endowed by winning an election. While it is true there is a lot to know, it's also true there isn't just one way to be a successful mayor. No single source of information is enough to tell a mayor what to do and how to do it well, that being said, you are encouraged to use the Minnesota Mayors Handbook as a starting point.

This handbook starts with an overview of some of the most important laws every Minnesota mayor must be aware of as well as some general areas of law requiring careful consideration. Next, since the mayor is the presiding officer at meetings, the handbook discusses meeting and hearing management skills. The handbook then focuses on general leadership skills. Lastly, appendices include sample council bylaws and rules of order for meetings and hearings.

Again, this is merely a starting point for information. When it comes to municipal affairs, there are many places to find answers. One purpose of this handbook is to help a mayor know when to ask questions and where to find answers.

The [League of Minnesota Cities](#) is the secretariat of the Minnesota Mayors Association. Both can be reached at (651) 281-1200 or (800) 925-1122.

[Minn. Const. Art XII, § 4.](#)

[Minn. Stat. § 410.16.](#)

The Handbook for Minnesota Cities: [The Statutory City](#).

The Handbook for Minnesota Cities: [The Home Rule Charter City](#).

II. Scope and applicability

Since this handbook is not intended to be an exhaustive resource, finding additional places for information is a must. This handbook contains citations in the margins to Minnesota state statutes and other resources to help mayors find more information on a given topic. In addition to the city’s administrative staff and attorney, mayors will find state agencies often have answers to their questions. Always remember when a problem comes along, it’s likely someone somewhere in the state has run into the same sorts of issues. Don’t hesitate to consult fellow mayors of the Minnesota Mayors Association or the staff of the League of Minnesota Cities. They have decades of collective experience and are always eager to help.

This handbook is, of course, for mayors of Minnesota cities. As such, it’s written to generally describe the powers, authority, and responsibilities of mayors in most Minnesota cities. However, the state constitution allows for home rule charter cities, which can uniquely define mayoral roles and authority. On top of this, charter cities may have any administrative form of government “not inconsistent with [either] Constitution or statute.” Given the variables this creates, mayors of charter cities should review their city’s charter to see if their authority, powers, or responsibilities deviate from what is presented in this handbook.

Chapter 2: Legal requirements

This chapter is intended to provide an overview of legal powers and responsibilities of a mayor as well as some key areas of municipal law for mayors to know. There are some powers that all mayors possess by law but, many aspects of the office are affected by whether the city is a statutory city or a charter city. Additionally, a city’s administrative structure will determine the extent of authority the mayor and council have over day-to-day affairs.

I. Statutory or home rule charter

The legal powers a mayor possesses mostly depend upon whether a city is governed by state statute alone, or by a home rule charter as well as state statute. The central difference between home rule charter cities and statutory cities in Minnesota is the enabling documents under which they operate:

- Statutory cities derive their powers from Minnesota Statutes, primarily from Chapter 412.
- Home rule charter cities obtain their powers from both statute and a home rule charter.

The mayor of a charter city could have more limited or more expansive powers than those of a mayor of a statutory city, depending upon what the charter says.

II. Forms of city organization

Cities in Minnesota generally use one of three administrative formats in their internal organization: weak mayor-council, strong mayor-council, and council-manager. There's overlap as well; almost all cities with a council-manager form of organization simultaneously follow a weak mayor-council form.

A. Weak mayor-council

The weak mayor-council plan is by far the most common plan in Minnesota. Under the weak mayor-council plan, administrative as well as legislative authority is the ultimate responsibility of the council as a whole. The only exception would be if under authority of statute or home rule charter, a city has an independent board, such as a utilities commission, to handle one or more specific functions.

The mayor's powers in the weak mayor-council system are no greater than those of other members of the council, except that the mayor is the presiding officer at council meetings and has a few other legal and ceremonial responsibilities listed below. The weak mayor has no extraordinary power to individually make administrative decisions for the city.

B. Strong mayor-council

The strong mayor-council plan is rare in Minnesota and can only appear in a home rule charter city. Only four cities in Minnesota operate under this form of government including Duluth, Minneapolis, St. Cloud, and St. Paul. Under the strong mayor-council plan, the mayor is responsible for the operation of all administrative agencies and departments within the city. Typically, a strong mayor has the following powers.

- Can appoint and remove department heads and other subordinate staff, subject to civil service provisions where applicable.
- Is not a council member but can veto council legislation subject to the right of the council to override the veto by an extraordinary majority.
- Prepares and administers a budget that the council approves.

These and other features can vary under city charter provisions.

Minn. Stat. § 412.541, subd. 2.

Minn. Stat. § 412.611.

C. Council-manager

Some home rule charter cities and statutory cities have a council-manager form of government. Under this form, the council has policy-making and legislative authority, but administration of the government is the responsibility of the council-appointed city manager. The manager is directly responsible to the council. The manager appoints department heads, usually without council approval.

In this form, neither the mayor, nor any other individual member of council, nor council as a whole typically has any decision-making authority in day-to-day administration of the city. Again, a home rule charter can modify this.

III. Legal powers and responsibilities of the mayor

The powers and responsibilities of a mayor may vary depending upon whether the city is a statutory city or governed by a home rule charter. Below are the basic powers of a mayor in a statutory city. A city charter may add to or limit this list.

Ceremonial head of the city. As the head of the city, the mayor often has certain responsibilities not found in statute but based on custom or tradition. For instance, the mayor may represent the city before other governmental bodies such as the Legislature. The public and media also usually regard the mayor as the official spokesperson for the city and its policies.

Minn. Stat. § 412.191, subd. 2.

See Chapter 3: Meeting Management.

Presiding officer at council meetings. In most cities, the mayor's greatest authority is that of presiding officer at council meetings. Though not a legal requirement, the presiding officer clearly has a responsibility 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 the mayor expresses their opinion.

Minn. Stat. § 412.191, subd. 2.

Calling meetings. Mayors can call a special meeting. Two members of a five-member council or three members of a seven-member council, can also call special meetings.

Minn. Stat. § 412.191, subd. 4.
Minn. Stat. § 412.201.

A.G. Op. 61-J (June 2, 1966).

Executing official documents. 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 meaning the mayor may not refuse to sign if the purpose, approval, and form are legally correct and complete.

Power to make some appointments. While the power to appoint usually resides in the council as a whole, the mayor has authority to make the following appointments, subject to council approval:

Minn. Stat. § 412.501.

Minn. Stat. § 134.09, subd. 1.
Minn. Stat. § 134.195, subd. 2.

Minn. Stat. § 412.221, subd. 16.

Minn. Stat. § 44.04, subd. 1.

Minn. Stat. § 469.003, subd. 6.

Minn. Stat. § 469.095, subd. 2.

Minn. Stat. § 450.20.

Minn. Stat. § 12.25, subd. 1.

Minn. Stat. § 412.02, subd. 2a.

Minn. Stat. § 204C.07, subd. 3.
Minn. Stat. § 204C.31, subd. 1.

Minn. Stat. § 12.29, subd. 1.
Minn. Stat. § 12.29, subds. 2, 3.

Minn. Stat. § 18.80, subds. 2, 3.
Minn. Stat. § 18.81, subd. 2.

Minn. Stat. § 299F.04.

Minn. Stat. § 412.02, subd. 1a.

- Park board members (for a non-advisory park board).
- Public library board members.
- Hospital board members.
- Some civil service commission members.
- Housing and redevelopment authority members.
- Economic development authority members.

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

- City art commission members (First Class cities).
- Director of the local organization for emergency management.
- Filling a vacancy on council if the council vote to fill the vacancy is tied.

Election duties. Mayors of all cities have election responsibilities. At elections where residents 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. Also, the mayor of the most populous municipality in a given county (or the mayor's designee) serves as a member of that county's canvassing board.

Declaring local emergencies. Only the mayor can declare a local emergency. A local emergency cannot last for more than three days except with the consent of the city council. A local emergency must receive prompt and general publicity.

The next two powers, while still found in statute, are generally no longer powers exercised by the mayor.

Weed inspector. The mayor is the city weed inspector. The city may appoint one or more assistant weed inspectors to fulfill the mayor's statutory weed inspector obligations.

Fire investigator. 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.

All this without being a full-time employee! Neither the mayor, nor a council member, may be a full-time, permanent city employee.

But not so fast . . . In light of changes to state law and perhaps a myth or two, here are a few powers mayors do not have:

- Designation as the head of the police department (repealed).
- An automatic seat on the fire relief board (repealed).
- The duty of grasshopper inspector (repealed).
- The ability to marry people by virtue of the office (myth).

IV. Selected areas of law

There are a few major areas of municipal law of which every mayor should be aware simply because they are full of traps and easy to get wrong. Some include a particular role for the mayor, some do not, but they are all integral components to running a municipal corporation. This handbook is not intended to tell a mayor everything they need to know about the law, or even these areas. But it should give a mayor enough information to know when to be cautious and find out more.

A. Open Meeting Law

With only a few exceptions, all city council meetings or gatherings must be noticed and open to the public. This rule applies not only to meetings of council, but meetings of any committee or subcommittee of council, as well as any board, department, or commission formed under the city's authority.

The law does not define the term "meeting." The Minnesota Supreme Court, however, has ruled that under the Open Meeting Law, meetings are gatherings where a quorum or more of the council or other governing body, or of a committee, board, department, or commission of the city council or other governing body are present, and at which the members intentionally discuss, decide, or receive information as a group on issues relating to the official business of that body.

The Open Meeting Law does not generally apply in situations where less than a quorum of the council is involved. A quorum is a majority of the members of council (home rule charter cities may have different quorum requirements). However, serial meetings in groups of less than a quorum that are held in order to avoid the requirements of the Open Meeting Law may be found to violate the law, depending on the specific facts. As a result, while a mayor can call special meetings, in order to avoid the appearance of a serial meeting, the mayor should not call a special meeting by directly contacting other council members. Rather, best practice is to have the clerk or other city staff contact the council members to notify them of a special meeting.

In most cities, the mayor has the authority to lead meetings. Therefore, it's critical the mayor be familiar with the Open Meeting Law and its exceptions. Again, meetings of council must generally be noticed and open to the public. In two cases, however, the council must close a meeting:

Minn. Stat. § 13D.01, subd. 1.

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983). *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

Minn. Stat. § 412.191, subd. 2.

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

Minn. Stat. § 13D.05, subd. 2(b). Minn. Stat. § 13.43, subd. 2(4).

Minn. Stat. § 13D.05, subd. 2.

Minn. Stat. § 13D.03. Minn. Stat. § 13D.01, subd. 3.

Minn. Stat. § 13D.05, subd. 3. Minn. Stat. § 13D.01, subd. 3.

Minn. Stat. § 13D.05, subd. 3. *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002).

Minn. Stat. § 13D.05, subd. 3.

Minn. Stat. § 13D.05, subd. 3.

Minn. Stat. § 13D.05, subd. 1 (d).

Minn. Stat. ch. 13.

- Meetings for preliminary consideration of allegations or charges against an individual subject to the public body’s authority (unless the individual wants the meeting held open).
- Portions of meetings at which the council discusses data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults; internal affairs data relating to allegations of law enforcement personnel misconduct or active law enforcement investigative data; educational data, health data, medical data, welfare data, or mental health data that are non-public data, or; an individual’s medical records governed by the Minnesota Health Records Act.

And in the following five cases, the council has the option to close the meeting:

- Meetings to consider strategies for labor negotiations.
- Meetings to evaluate the performance of an individual subject to the public body’s authority (unless the individual requests the meeting held open).
- Meetings between council and its attorney to discuss active, threatened, or pending litigation when the balancing of the purposes served by the attorney-client privilege against those served by the Open Meeting Law dictates the need for absolute confidentiality.
- Meetings to determine the asking price for real or personal property to be sold, review confidential or protected nonpublic appraisal data, or develop/consider offers or counteroffers for the purchase or sale of property.
- Meetings to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in, or recommendations regarding, public services, infrastructure, and facilities.

Except for meetings closed under the attorney-client privilege, all closed meetings must be electronically recorded.

B. Data practices

Cities are often asked to release information. In doing so, every city in Minnesota must comply with the Minnesota Government Data Practices Act (MGDPA). Government data means all data collected, created, received, maintained, or disseminated by the city regardless of its physical form, storage media, or conditions of use. This would include data one receives or creates in the capacity of mayor.

Minn. Stat. § 13.02, subd. 16.
 Minn. Stat. § 13.03, subd. 2.
 Minn. Stat. § 13.05, subd. 13.

Minn. Stat. § 13.05, subd. 13.

Minn. Stat. § 13.072.

To request an advisory opinion, write to the [Commissioner of Administration, c/o Data Practices Office](#), 201 Administration Building, 50 Sherburne Ave. St. Paul, Minnesota 55155, (651) 296-6733 or (800) 657-3721.

DPO opinions.

Minn. Stat. § 13.08.

Minn. Stat. § 13.085.

Navarre v. South Washington County Sch., 652 N.W.2d 9 (Minn. 2002).

The Act presumes that government data are public and are accessible by the public for inspection and copying unless there is a federal law, state statute, or temporary classification of data classifying the data as not public or private.

If a city receives a request for government data, it is the role of the city-appointed “responsible authority” or their designee to respond. Unless the council decides otherwise, for statutory or home rule charter cities, the elected or appointed city clerk is the “responsible authority” by default. If a home rule charter does not provide for a city clerk, the “responsible authority” is the chief clerical officer for filing and record keeping purposes.

The “responsible authority” is responsible for the collection, use, and dissemination of any governmental data as well as other obligations of administering the MGDPA, including preparing a public document containing procedures that the official will use to administer the MGDPA. The “responsible authority” must appoint or also act as a “compliance official.” The “compliance official” responds to questions or concerns from persons who are attempting to access data or enforce their rights. The MGDPA is one of the most complex laws that a city has to comply with. Accordingly, all elected officials should consult with the city’s responsible authority before releasing any city data.

Cities may request advisory opinions from the commissioner of the Department of Administration on any question concerning public access to government data, rights of subjects of data, or classification of data. Advisory opinions are not binding, but a court or other tribunal must give deference to the opinion in a proceeding that involves the data in dispute. Cities that take action in conformance with the opinion will not be liable for compensatory or exemplary damages, awards of attorney fees, or penalties. Cities interested in requesting an opinion can contact the Department of Administration, Information Policy Analysis Division. The Department of Administration maintains an index to advisory opinions on its website. The Department of Administration’s Data Practices Offices is also responsible for providing free informal advice to members of the public and members of government who have questions about data practices.

It’s important to remember, there are significant administrative remedies and civil penalties for willfully releasing private and confidential data and for willfully refusing to release public data, including attorney’s fees. In addition, a city that violates any provision of the MGDPA is liable for any damage as a result of the violation. The person damaged may bring an action against the city to cover any damages, plus costs and reasonable attorney fees.

Minn. R. 1205.0400, subp. 2.
 Minn. R. 1205.0600, subp. 2.
 See Chapter 4, Section I-B-1.

Minn. Stat. § 13.601, subd. 2.
 DPO 97-002 (Jan. 15, 1997)
 and DPO 97-014 (Apr. 1,
 1997).

Minn. Stat. § 13.393.

Minn. Stat. § 13D.05.

Mayors may wonder what right of access they themselves have to data that isn't public. Whether a mayor, council member, or staff, the law says that access is limited to individuals "whose work assignments reasonably require access." Whether the mayor falls into that legal description is a question for each city to decide with the help of the city attorney because it likely depends on the specific situation. For this reason, mayors shouldn't be surprised if they don't get a key to the city offices just because the mayor of another city does. And of course, there's always a difference between whether one can access private or confidential data and whether one should.

Since the data a person collects, creates, receives, maintains, or disseminates in the capacity of mayor is government data, a mayor must exercise caution about where that data is created, collected, etc. Government data can easily, even accidentally, be created at home that is both public and subject to a retention schedule. Also, mayors may wish to take care in what they say in their official capacity within e-mails and even text messages.

The MGDPA states that correspondence between individuals and elected officials is private—though either party may make it public. However, correspondence between elected officials and city employees is public unless it contains information specifically classified as non-public. This even applies to the city administrator's status reports to the city council. The attorney-client privilege, however, would apply to documents created for the purpose of giving legal advice, such as a letter between the city attorney and a city official.

The Open Meeting Law doesn't allow the closing of a meeting solely to discuss private data (except in limited circumstances clearly listed in the statute), and provides that private data may be discussed openly at any public meeting without fear of liability or penalty as long as the release of the data is reasonably necessary to conduct the business the data relates to. If private data needs to be discussed at a public meeting, it is recommended that the city try to protect the information by assigning numbers, letters, or similar designations to it, and that those designations be used instead of the actual data.

Discussing private data in a closed meeting does not change the fact that it is private. Therefore, even though an open meeting might have just occurred in which private data was discussed, that data shouldn't be discussed with family, friends, or the media as if it is now public information.

While in most cases private data may be discussed in an open meeting without fear of liability, mayors should remember the seven situations mentioned in the previous section in which the Open Meeting Law requires a meeting to be closed.

C. Contracts

All cities contract for services and equipment, and laws govern many of those contracts. The most important contracting law to be familiar with is the uniform municipal contracting law.

If a city plans to enter an agreement with any party for the sale, purchase, or rental of supplies, materials, or equipment, or the construction, alteration, repair, or maintenance of any city property, there is a process (competitive bidding) cities must follow depending upon the estimated dollar amount of the contract. This is true regardless of the source of funds, the size of the city, and whether a statutory or charter city.

If the amount of the contract is estimated to exceed \$175,000, sealed bids must be solicited by public notice. Generally, the council must award the contract to the lowest responsible bidder. If a contract for supplies, materials, or equipment is estimated to exceed \$25,000, the city must consider the availability, price, and quality available through the state's cooperative purchasing venture (CPV) program. If the CPV is not used, cities may purchase the supplies, materials, or equipment from certain national municipal associations' purchasing alliances or cooperatives.

If the contract to exceed \$175,000 is for construction, alteration, repair, or maintenance work, and the city has received requisite "training," the contract may be awarded to the vendor or contractor offering the best value under a request for proposals described in statute.

If a contract subject to the law is estimated to exceed \$25,000, but not \$175,000, the contract may be made either upon sealed bids or by direct negotiation. If by direct negotiation, the city obtains two or more quotations when possible, and without advertising for bids or otherwise going through competitive bidding. The best value provision applies to these contracts as well, and, again, the CPV must be considered.

If the amount of the contract is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, whichever council prefers. If the contract is made upon quotation, it must be based, so far as practicable, on at least two quotations, which must be kept on file for at least one year after their receipt. Best value is again an option for certain contracts.

None of these provisions apply to professional service contracts, and there are many other exceptions out of the scope of this handbook. Mayors should simply remember these laws as a basic starting point as well as the fact that only a majority of council may approve a contract on behalf of the city.

Minn. Stat. § 471.345.

Minn. Stat. § 471.345, subd. 2.

Competitive Bidding
Requirements in Cities Memo

Minn. Stat. § 471.345, subd. 3.

Minn. Stat. § 471.345, subd.
15(a).

State CPV program.

Minn. Stat. § 471.345, subd.
3a.

Minn. Stat. § 471.345, subd.
15(b).

Minn. Stat. § 471.345, subd.
3a.

Minn. Stat. § 471.345, subds. 4,
4a.

Minn. Stat. § 471.345, subd. 5.

D. Budgeting

All cities must budget, and there are many technical requirements pertaining to city budgets. Cities have limited revenue streams coupled with annually growing expenditures. Cities have reporting requirements, publishing requirements, expenditure restrictions, funding obligations to fulfill, and often a requirement that citizens be allowed to participate in the budgeting process. And once again, council should rely on staff to help meet these requirements. But for the policy makers, budgeting is a critical annual exercise.

One thing the mayor was elected to do is to think about the city's goals and how to advance them. At budgeting time every year, the mayor can help focus council's discussion with the following sorts of questions:

- What does the city need and what are its goals?
- What can realistically be done about those goals and needs this year?
- What are the costs of the various options?
- How much does the city have and how will the city use its resources to fund the goals identified?

Having goals is always the city's starting point. From there, with a mayor's leadership, a city council can work with what funds it has, choose what it will fund, determine how much it will need, and thereby optimally manage citizen expectations and tax dollars.

E. Land use

Land use encompasses many legal areas, which are not easily described concisely, but it amounts to enormous power for cities. The Municipal Planning Act gives cities the authority to regulate how land is used. It is only through uniform procedures set by these statutes that the city council decides where residences are allowed, approves proposed developments, and determines every regulation of land use that best serves a city's own "comprehensive plan." Equally important to passing land use ordinances as a legislative body is the council's responsibility to apply those ordinances—much like a court—when a certain use of land is proposed to council.

Most areas of land use law are uniform to all cities and dictated by state law. One area of land use that may differ from city to city is its regulation of public nuisances. When a use of land interferes with the enjoyment of those nearby, it may be a public nuisance. If it is, ideally council has enacted a nuisance ordinance to address such situations through removal, otherwise called abatement.

[Minn. Stat. §§ 462.351 to 462.365.](#)

Minnesota law contains the procedures for zoning, subdivisions of land, and hearing requirements related to land use. It provides for a planning commission, an advisory group dedicated to helping council make land use decisions. It provides how cities may allow for uses of land upon certain conditions, and when approvals by the city must be recorded with the county.

As mayor, it's critical to be aware that a city has tremendous power to regulate land use, and that power itself is regulated by state law. The decisions the city makes must follow a dictated process and cannot occur without the authority and approval of a majority of council. Often individuals and organizations come to the mayor—as apparent head of the city—and propose a land use project. While the mayor may be an excellent first contact for requests to the city, whether a sophisticated development company or the lone resident looking for help, the party might need to be reminded that formal approval requires the consideration of the full council, if not a planning commission first. A mayor may understandably be eager to encourage developers with personal commitments to see a project approved, but this is something to avoid.

F. City as employer

As much law as there is governing land use, there are innumerable laws to know at the state, federal, and even local levels when it comes to employment. If the city violates employment laws or applicable union contracts, it can be held accountable, it exposes the city to liability. In short, there are many things to get wrong when it comes to employment.

Some employment laws where mistakes are commonly made are in the area of non-discrimination protections, laws affecting preference requirements for veterans, and leave laws such as the Family Medical Leave Act and the Minnesota Parenting Leave Act. Also of concern are employee benefits laws providing continuation of coverage rights and labor relations laws for cities with unionized employees. The League of Minnesota Cities has Human Resources Reference Manual with detailed information on these topics and more.

The most basic distinction mayors should know is the difference between having a city manager and having a city administrator or clerk. In the former, a city manager hires and fires the rest of the staff, and council hires and fires the city manager. In the latter, it is the council that hires and fires all staff. In either case, there are laws governing wages, leave, overtime, age requirements, unions, policies, and termination—to name a few areas. Ironically, the council must rely on staff as well as others to help the city be a legally compliant employer. This is one reason developing a healthy working relationship with the staff is critical.

MN Department of Labor and Industry.

Federal Department of Labor.

HR Reference Manual.

Handbook, *City Administrative Staff*.

See Chapter 4.

Mayors have no extraordinary authority when it comes to employment. Employment matters are likely to come up at council meetings, and the presiding member is wise to know when the meeting must or can be closed, and when it cannot in relation to employment issues. However, the mayor has no independent authority to hire or fire city staff, and decisions to do so must be the will of council as a whole.

Chapter 3: Meeting management

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

I. Role of the mayor in managing meetings

Minn. Stat. § 412.191, subd. 1.

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

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

A. Role of presiding officer

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

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

See Section II – *Bylaws and rules of order*. See Appendix A: Minnesota Mayors Association City Council Bylaws.

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

- Call a meeting to order and propose adjournment.
- Recognize and call upon speakers.
- Call for debate and vote on motions.

See Appendix A: Minnesota Mayors Association City Council Bylaws.

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

[Minn. Stat. § 412.191, subd. 2.](#)

See Appendix A: Minnesota Mayors Association City Council Bylaws.

See Section III-A and IV-D.

- Clarify or request clarifications of motions made by members.
- Rule motions out of order.
- Interpret and enforce any meeting management policies, bylaws, or rules of order.
- Call members to order if they disregard rules of procedure or decorum for the meeting.

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

Because presiding officers have such influence over the meeting, most council bylaws or rules of order emphasize that presiding officers should strive to be fair and impartial. This often means listening more than speaking—even on contentious issues—and allowing council members with opposing viewpoints to each have an opportunity to speak. A fair and impartial presiding officer protects the rights of all members to participate in the meeting. One way of looking at this is that while the presiding officer wields the most power to direct the meeting, they are also the person most a servant to meeting rules.

1. Role in preserving order

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

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

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

II. Bylaws and rules of order

[Minn. Stat. § 412.191, subd. 2.](#)

See Appendix A: Minnesota Mayors Association City Council Bylaws.

A statutory city council has the power to regulate its own meeting procedures. Home rule charter cities may have similar provisions in their charters. Councils often regulate their procedures through bylaws and rules of order. Rules of order are also commonly referred to as parliamentary rules of procedure, parliamentary procedure, rules of procedure or procedural rules. Councils are not required to adopt bylaws or rules of order for meeting management, but they are highly recommended for the following reasons:

- They set common values and expectations for interactions among council members.
- They can provide structure to a meeting, promoting timeliness and efficiency.
- They can help resolve conflicts in a positive way that promotes the best interests of the city, rather than allowing conflicts to grow, potentially disrupting city operations and slowing vital council decisions.

Within or separate from bylaws, city councils often have meeting rules of order. Many cities have formally adopted or informally observe some version of Robert's Rules of Order as rules of order. There are, however, disadvantages to adopting Robert's Rules to govern procedure at council meetings. Some of the disadvantages of using Robert's Rules are:

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

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

For these reasons, city councils may prefer to adopt more simplified rules of order. Several other models exist, or the council can draft its own policy to fit the organization and desired level of formality. Sample simplified rules of order (complete with a 2-page cheat sheet!) are in the appendices of this handbook.

It's very important to adopt written rules of order before there is a problem that rules of order could solve. If a meeting becomes contentious for whatever reason, it may be impossible to get back on track if there isn't already agreement on how the meeting should proceed.

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

III. Meeting decorum

Meeting decorum may be an aspect of the city council's bylaws or it may be a separate set of expectations and rules that may or may not be formally adopted in written form. However, written decorum rules usually provide for clearer expectations that everyone can understand. It also is usually easier to enforce expectations if they are written out. Appendix A of this memo has sample bylaws that cities may use to help create and adopt their own council bylaws.

A. Typical decorum requirements

Typical rules of decorum require council members to:

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

More modern policies on decorum may also emphasize:

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

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

B. Enforcing decorum among council members

Council meetings on important community issues may become contentious very quickly.

See Appendix A: Minnesota Mayors Association City Council Bylaws.

See Appendix E: Council Handouts

See Appendix A: Minnesota Mayors Association City Council Bylaws.

Establishing rules of decorum before a controversy arises can prevent meetings from becoming unproductive due to conflict. On occasion, members of the council may not follow the rules. On these occasions, the mayor's role as the meeting's presiding officer is particularly important. See Appendix E at the end of this memo for some helpful tips if/when certain situations arise during council meetings.

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

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

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

IV. Citizen input and audience participation in council meetings

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

A. Forums for public comment

While cities do not have to allow the public to speak at a meeting, many city councils schedule a portion of each council meeting for public comment. These are often referred to as "open forums." During this part of the meeting, the presiding officer will recognize members of the audience to speak briefly on topics that concern them. These forums are different from formal public hearings required by law on specific issues.

It is best practice to have a policy in place related to city responses to citizen input at meetings. Often it is helpful to have a policy to not respond immediately or to take direct action in response to citizen requests. Instead, the city should adopt a policy referring most citizen comments or requests to city staff for further research and a written report back to council.

See Appendix A: Minnesota Mayors Association City Council Bylaws and Appendix C, Summary Rules for Public Comment. See Section IV-C.

This allows the city the opportunity to gather all the facts and make a measured and fair response. You can find a sample Summary of Rules for Public Comment in Appendix C of this memo for your city to use.

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

1. Limiting time

Some councils have addressed this problem by placing a limit on the amount of time audience members are allowed to speak at a meeting. For example, the council may ask people to limit their remarks to no more than three minutes or allow only a specified amount of time for the whole comment period. Time limits should be adopted in a policy, applied equally and neutrally to all members of the public, and practiced consistently at every meeting.

2. Limiting topic

Another option may be to limit the scope of comments to those matters being addressed by the council at the specific meeting. While this may be a way to focus the meeting on the matters being addressed by the council, it might also keep people from making the council aware of any new issues. Cities considering this approach may want to consider other ways for people to bring up other topics. Limits on topic should also be adopted in a policy and applied equally and neutrally to all members of the public.

3. Advance written notice

As a third alternative, cities may choose to adopt policies that require advance notice of a person's desire to address council. The notice usually must be submitted in writing a few days before the actual meeting. The specific topic and the speaker's name are then put on the agenda. Such procedures are helpful in allowing the council to plan an efficient meeting. It also helps to remind the speaker that they may only address those issues listed on the notice.

B. Meeting disruptions and unruly citizens

A statutory city council is authorized to preserve order at its meetings. The mayor, as the presiding officer, is also vested with some authority to prevent disturbances. Home rule charter cities may have similar provisions in their charters.

[Minn. Stat. § 412.191, subd. 2.](#)

While council meetings must be open to the public, no one has the right to disrupt the council proceedings. When the council decides that a disorderly person should not remain in the meeting hall, the police may be called to execute the orders of the presiding officer or the council.

If the audience becomes so disorderly that it is impossible to carry on a meeting, the mayor has the right and duty to declare the council meeting temporarily recessed or adjourned to some other time (and place, if necessary). The members of the council can also move for adjournment.

If the mayor is not conducting the meeting in an orderly fashion, there is relatively little the other council members can do to control the action of the presiding officer. However, a majority of the council can force adjournment whenever the council members feel it is necessary. If the city council anticipates meeting disruptions or unruly citizens to occur at an upcoming meeting, the city should connect with their city attorney.

C. Public hearings

A public hearing is a special type of city council meeting (or a portion of a meeting) designed to solicit public input and allow members of the public to express their opinions on a designated topic. Conducting a public hearing can pose different challenges to a mayor than conducting a regular council meeting. Cities may find it helpful to adopt rules of procedure specifically for conducting public hearings and managing citizen comment.

There are two types of hearings: those that are discretionary, and those that are required by a specific statute, ordinance, or charter provision.

1. Discretionary public hearings

Many city councils will hold public hearings even when not legally required to do so. Generally, hearings of this type are for the purpose of allowing the public to comment on a specific issue of interest to the community. Such hearings can be helpful in raising concerns about an issue that the council may not have considered.

2. Required public hearings

On some matters, state statute requires that the council hold a public hearing before acting.

The following are common matters that require public hearings:

- Adoption or amendment of a zoning ordinance.
- Subdivision applications.

See Appendix A: Minnesota Mayors Association City Council Bylaws and

Appendix C: Summary Rules for Public Comment.

See Minn. Stat. § 462.357, subd. 3. Minn. Stat. § 429.031 subd. 1(a). Minn. Stat. § 429.061 subd. 1.

Minn. Stat. § 462.357, subd. 3.

Minn. Stat. § 462.358, subd. 3b.

Minn. Stat. § 462.3595, subd. 2.

Minn. Stat. § 412.851.

Minn. Stat. § 414.033, subd. 2b.

Minn. Stat. § 429.031.

- Granting of a conditional use permit.
- Vacation of any street, alley, public grounds, public way, or any part thereof.
- Annexation by ordinance.
- Public improvements that will be specially assessed.

There are numerous other instances where a public hearing is required by state statute. When a public hearing is a legal requirement, it is important that the specific statute imposing the hearing be read and all conditions related to notice of the hearing be followed carefully. Often there are special notice requirements that are more substantial than the notice that is needed for a simple special meeting. For example, hearings mandated for zoning ordinance amendments have special notice requirements that may obligate the city to mail individual notices to nearby landowners. While a mayor should be generally aware of these requirements, usually city staff will keep abreast of them and work with council to ensure compliance.

3. Conducting public hearings

The focus of a public hearing is different from a regular council meeting. A public hearing is a meeting where members of the public can express their opinions. The mayor presides at the meeting in order to regulate the hearing and make sure that people who want to speak on the issue get the opportunity. The council does not deliberate or discuss matters during the public hearing portion of this type of meeting; instead, it listens to the public. Once the public comment period is finished, the council will often wrap up the meeting or move to the next agenda item.

In order to recess or continue a meeting of this sort, the council should not formally end the public comment part of the hearing. If the city would like to continue a public hearing, there would need to be a motion to continue the public hearing to a specific time, date, and place.

V. Building an adequate record

Council meetings, including any special public hearings, are where city decisions are made, and city business is conducted. Because city business affects citizens in vital and sometimes personal ways, such as the approval or denial of a land use permit, cities are required to keep an adequate record of their proceedings. In addition, an adequate record can be a vital tool in defending the city's decisions should a lawsuit result.

Minn. Stat. § 15.17.

Minn. Stat. § 15.17.

Minn. Stat. § 138.225.

Minn. Stat. §§ 138.161-.21.

To get a copy of the General Records Retention Schedule, see “Records Retention Data” at www.mcfoa.org or contact the Research Department of the League of Minnesota Cities (651-281-1220 or 1-800-925 1122).

Minn. Stat. § 412.151, subd. 1.

Whalen v. Minneapolis Special Sch. Dist. No. 1, 309 Minn. 292, 245 N.W.2d 440 (Minn. 1976).

Minn. Stat. § 13D.01, subd. 4.
Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 15.17, subd. 1.

Minn. Stat. § 412.151, subd. 1.
Minn. Stat. § 412.191, subd. 3.
Minn. Stat. § 331A.01, subd. 6.

Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 412.151, subd. 1.
Minn. Stat. § 412.191, subd. 3.
Minn. Stat. 13D.01, Subd. 4.

Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 412.151, subd. 1.

Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 412.191, subd. 3.

Minn. Stat. § 13D.01, subd. 4.
Minn. Stat. § 331A.01, subd. 6.
Minn. Stat. § 412.151, subd. 1.
Minn. Stat. § 412.191, subd. 3.

A. Legal requirements for meeting records

Municipal officers must keep all records necessary to provide a full and accurate knowledge of their official activities. Keeping adequate records involves preserving through a records retention policy the documents that are considered by the council. These include such documents as bills, contracts, and correspondence. Another vital component of keeping adequate records involves taking meeting minutes.

1. Records retention

Records that public officers are required to keep, and those that are necessary and appropriate to the proper discharge of the duties of an office, are government records. It is a crime to destroy such records without statutory authority.

The state has adopted a general schedule for the retention and destruction of a variety of city records. This is commonly known as the “Records Retention Schedule.” Cities that have adopted the general schedule have continuing authority to destroy listed records after keeping them for the prescribed time. A city must not destroy any government records that are not on the schedule without specific authorization from the State Records Disposition Panel.

2. Meeting minutes

A statutory city clerk must keep a minute book of all city council meetings. Generally, the clerk has wide discretion as to how to keep the minutes. A verbatim record of everything that was said is not normally required. However, the law does require that the following be included in the minutes:

- The members of the public body who are present.
- The members who make or second motions.
- Roll call vote on motions.
- Subject matter of proposed resolutions or ordinances.
- Whether the resolutions or ordinances are defeated or adopted.
- The votes of each member, including the mayor.

Home rule charter cities may have additional requirements in the charter.

Swanson v. City of Bloomington, 421 N.W.2d 307 (Minn. 1988).

Dietz v. Dodge County, 487 N.W.2d 237 (Minn. 1992).

See LMC memo *Taking the Mystery out of Findings of Fact*.

Minn. Stat. § 412.151, subd. 1.

Swanson v. City of Bloomington, 421 N.W.2d 307 (Minn. 1988).

Although not generally required by statute, several court decisions suggest that including certain information in the minutes can help to defend a city's actions should a lawsuit occur. The following types of data are examples of information that should be included in the minutes:

- Findings of fact. Case law requires them for land use decisions and some personnel decisions.
- The council's conclusions. Case law requires them for land use decisions and some personnel decisions.
- The specific reasons behind the council's conclusions. Examples would include such things as the economic, social, political, or safety factors that were considered when the council made a particular decision.
- Signature of clerk and mayor. Because minutes would likely be considered official papers of the city, they should be signed by the clerk. And although the law does not require it, in many cities the mayor also signs the minutes after they are approved by the council.

3. Adequate records and defending city decisions

City councils make two types of decisions—legislative decisions and quasi-judicial decisions. A typical legislative decision a council makes is to adopt an ordinance. Legislative decisions are made when the city exercises its general lawmaking authority in a broad manner that applies city-wide.

In contrast, quasi-judicial decisions involve applying standards found in an ordinance or policy to individuals. A typical quasi-judicial decision a council makes is to grant or deny a landowner's request for a zoning conditional use permit. Quasi-judicial decisions are made when the city exercises its authority over individuals to grant or deny their specific applications for privileges under existing city ordinance.

Both legislative and quasi-judicial decisions of the council may result in lawsuits against the city. When a reviewing court examines a city's decisions, it applies different standards of review to legislative decisions and quasi-judicial decisions.

a. Court review of legislative decisions

When reviewing a city's legislative actions, the court looks to see whether the actions were constitutional, rational, and in some way related to protecting the health, safety, and welfare of the public. This is known as the "rational basis standard," and it is a standard that is generally not difficult for cities to meet. The court may not always agree with a city council's decisions, but it will not substitute its judgment for that of the city council—if the council can establish through an adequate record that its actions met the rational basis standard.

Northwestern College v. City of Arden Hills, 281 N.W.2d 865 (Minn. 1979).

b. Court review of quasi-judicial decisions

In quasi-judicial situations, a reviewing court will more closely scrutinize the city's decision to determine whether they city has provided a legally and factually sufficient basis for its decision in an adequate record. This is especially true in the area of land use regulation such as zoning and subdivision.

In quasi-judicial situations, due process and equal protection are the main reasons for the more stringent scrutiny. Due process and equal protection under the law demand that similar applicants must be treated uniformly by the city. A reviewing court will overrule a quasi-judicial city decision if it determines that the decision was arbitrary (failed to treat equally situated applicants equally or failed to follow ordinance requirements).

Swanson v. City of Bloomington, 421 N.W.2d 307 (Minn. 1988).

c. Role of records in building the city's case

The public record is being increasingly reviewed by the courts to determine whether the city's action involved a reasonable means to a legal end. The law provides that cities have considerable discretion in developing plans, setting standards, and deciding applications. The public record, as a whole, must demonstrate that the city acted reasonably in enforcing its plans, standards, and regulations. It does not matter that the city acted reasonably if it is unable to prove its actions through the public record.

In reviewing the public record, courts look primarily to a city council's findings of fact. A city council must apply the facts to the law and find reasons upon which to base its decision. The reasons or rationale are referred to as findings of fact and need to be an adequate factual basis in the public record to support the council's decision. Inadequate findings may result in a reversal of the council's decision.

B. Mayor's role in building an adequate record

As the presiding officer at city meetings, the mayor can be essential to ensuring that an adequate record protects the city's decisions from being overruled by a court. Key ways to build a complete record include:

- Following rules of procedure that require formal motions for all council actions.
- Restating motions clearly for the minute taker prior to opening debate and voting.
- Announcing the vote clearly on city motions.

- Requesting that complex motions and all resolutions, findings of fact, and conclusions of law be reduced to written form.
- Allowing adequate time for public comment and participation at public hearings.

The mayor is not alone, of course, in working to build an adequate record. However, as presiding officer, the mayor can certainly provide necessary leadership to ensure that this important work for the city is accomplished.

Chapter 4: Mayoral Leadership

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

Leadership plays an essential role in successful city governance. However, pinpointing the characteristics of a successful leader is no simple task. One thing is certain—no one trait alone creates a leader. Instead, successful leadership depends upon a blend of several characteristics that can be pulled from the mayor’s “tool kit” when needed.

In addition, mayoral leadership not only depends upon having the right tools in the tool kit, but also upon knowing when to use them. For example, no leader is successful simply because they are decisive alone, or thoughtful and measured all the time. Rather leaders are successful, because they are decisive when needed and thoughtful and measured at the right moment in time.

I. Key traits of successful mayors

While there are many differences in mayors, there are many common traits in their approach to governing that seem to strongly influence their success as leaders. These traits include the following:

- Successful mayors have an attitude of humility. All mayors can be justifiably proud that they have been elected—it is a significant accomplishment and a reflection of the trust that others have they will be ethical and competent representatives. However, truly successful mayors are also humble; they realize they are no smarter than before their election, there is much to learn, and much is expected of them.
- Successful mayors reject an attitude of entitlement. Effective mayors expect to give more than they receive. They recognize their position is not one of entitlement, but rather one of responsibility to their constituents, council colleagues, and staff and—equally important—to the office they hold and will eventually pass on to others.

- Successful mayors are willing to learn. To have an open mind means to appreciate the value that comes from having one's opinions and ideas challenged. Successful mayoral leaders listen, respect diverse opinions, and realize the correct decisions might be different than they initially believed.
- Successful mayors recognize the difference between being responsive and responsible. Often the mayor is the most visible representative of city government in the community. As a result, mayors may spend a great deal of their time simply listening to the concerns of their constituents—who are often also their neighbors, friends, coworkers, and customers. However, it is important to recognize that the public's interest is often different than a particular constituent's desires and needs. Successful mayors know that while it is sometimes appropriate to respond to the needs of individual constituents, in other instances they must act for the betterment of the whole community, even when some residents may not like it. It is essential to evaluate each decision against both principles and having the courage to act appropriately.
- Successful mayors value partnership and teamwork. Effective governments are no more than effective teams. When the mayor, city council members, and staff view each other as resources and partners, they are more likely to be able to meet their community's needs, no matter how difficult. However, when the city's elected officials look for scapegoats and blame staff or each other it chills innovation and risk taking, leads to low morale and turnover, and ultimately to failure. Both elected and appointed officials must be held accountable even though mistakes will occur. Effective mayors spend their energy on learning from mistakes and how to avoid them in the future, and not on finding someone to blame.
- Successful mayors gather their facts before making decisions. Some issues that arise do require immediate action, even when all the facts or opinions have not been collected. However, successful mayors recognize that these rare situations are the exception rather than the rule. Mayors and city councils may at times feel enormous pressure from constituents to act immediately in response to a crisis or new event. Taking the time to plan a thoughtful, concerted response may not always be a popular decision. Nevertheless, it is important to recognize that, even in a crisis, better decisions invariably result when there is opportunity and effort to gather crucial information and thoroughly discuss alternatives.

II. Inspirational leadership

While mayors of statutory cities lack significant individual legal authority, their role as an inspirational leader of the city cannot be underestimated.

Mayors can provide important leadership by promoting citizen involvement in government, championing long-term planning for the city's future, and promoting new programs and initiatives.

A. Promoting citizen involvement

Many observers of local government strongly correlate the level of engagement between citizens and their government with the overall success and vitality of a community.

1. The value of citizen involvement

Increasingly, public officials are learning that one of the most effective ways to address challenging community issues is through citizen and stakeholder dialogue. When issues are discussed in citizen and stakeholder groups, people can more easily balance individual needs with the common good. Group interaction promotes civic skills—such as talking, debate, persuasion, negotiation, creativity, and compromise. When citizens with different viewpoints talk to each other to develop policy recommendations that serve the common good of the community, the participants:

- Learn more about the issues.
- Connect their personal experiences to the policy debate.
- Develop more detailed plans and policy recommendations.
- Are more likely to devote their own time and energy to implementing the action ideas they've recommended.
- Forge effective working relationships with others, including city elected officials and staff.

2. The mayor's role and citizen involvement

One of the easiest ways mayors can promote citizen involvement is by modeling compliance with the Minnesota Open Meeting Law—both the letter of the law and its intent—and other laws aimed at soliciting public input. For example, most changes to a city zoning ordinance will require a public hearing for citizen input. Modeling compliance and respect for the law builds trust in government, which in turn inspires greater citizen confidence, communication, and involvement.

Other ways mayors can inspire citizen participation in government include:

- Be an advocate for your city’s story. Mayors are often characterized as the ceremonial head of the city. As a result, they are often in the best position to communicate news about the city and city programs. Mayors often communicate the good word through communications with traditional media (such as the local newspaper and local cable television shows), through discussions at council meetings, in city hall forums, in city newsletters, and on city websites.
- Be honest with constituents. Effective mayors can separate what is desirable from what is possible and communicate this to constituents. It is important to communicate the dilemmas the city faces and real limits (budgetary or otherwise) that may hinder a much-wanted city project such as a new ball field or hockey rink. Honest communications prevent unrealistic expectations on the part of city constituents and encourage them to engage the problem as an active participant alongside the city.
- Model respect and civility. The mayor is in a unique position as the presiding officer at city council meetings to model meeting decorum, civility, and respect. The mayor should conduct meetings in a manner that encourages open discussion of issues and honest differences of opinion, without the use of personal attacks, name calling or scapegoating. For both council members and citizen participants in city meetings, the mayor can demonstrate that city hall is a safe place to voice one’s point of view.
- Share information freely. The mayor can set the tone for city communications with citizens by communicating in a language that citizens can easily understand. Avoid acronyms and language that only insiders can interpret. Encourage your city council to consider placing public information such as the city code, meeting minutes, council packets, and committee information on the city’s website. An informed and educated citizenry is an effective citizenry.
- Engage citizens as citizens. Cities often focus on providing courteous, prompt, and efficient customer service to their citizens. Employing concepts of customer service is a valuable tool in some instances. However, city residents are more than just customers of the city—they’re citizens. Treat them like citizens. The mayor can serve an inspirational role in challenging citizens to think about their own obligations to build and maintain the community. Mayors can advocate for city councils to use surveys to ask citizens for their input or to hold town hall meetings to talk about long-term plans for the city, projects, and priorities.

- Be an advocate for engaging youth and diverse communities with government. Engaging younger generations and diverse communities can be a difficult challenge. Mayors can advocate for inclusion by making efforts to meet with constituents in places where they are comfortable—such as coffee shops, community centers, places of worship, and athletic events—rather than city hall. Mayors can promote interaction with school age citizens and encourage city councils to institute youth commissions and advisory boards. Finally, mayors can be advocates for using the Internet and technology to reach new citizen groups.

B. Long-term planning

The day-to-day demands of local government can be challenging. However, while working on the problems of the immediate present, it is vital to remember the promise of the future. Many cities use long-term planning to guide daily decisions and to ensure that their communities stay on track with longer-term goals.

1. The value of long-term planning

Planning provides an opportunity for policymakers to consider the future impacts of today's decisions. Planning can take many forms, both formal and informal. Some planning may be mandated such as comprehensive land use planning for many cities in the metro area. Some formal planning that the city may be most familiar with include:

- Financial planning. A budget is a yearly plan for how the city will allocate its resources. In addition to budgeting, many cities have long-term financial plans for managing their cash flow, reserves, and investments.
- Capital planning. A capital plan sets priorities for city improvements and infrastructure such as a new city hall, recreational and community facilities, streets, and water and sewer facilities. A capital plan identifies the useful life of existing facilities, plans for their replacement or upgrading, and anticipates the need for new facilities in areas of growth.
- Land use planning. A land use plan anticipates and regulates future development of land within the city, establishing areas for growth or revitalization, and setting aside areas for preservation.

The formal plans discussed above help cities tackle specific concrete issues and challenges. Cities may also engage in broader planning or visioning process for their future. Cities may engage in planning processes with their citizens that ask broader questions such as: How can the city promote more inclusive democracy? How can the city create a more livable or equitable community?

Planning may address varying problems and goals. However, successful planning processes typically all have common beneficial secondary effects. Planning can also:

Minn. Stat. § 473.175.

- Promote a shared understanding of important and complex issues and potentially a shared consensus for tackling difficult issues.
- Highlight alternative strategies for meeting big challenges.
- Create an understanding of the relationships between issues and strategies for meeting challenges.

2. The mayor’s role in long-term planning

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

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

C. New programs and initiatives

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

III. Ethical leadership

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

A. Key traits of ethical leaders

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

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

B. Ethics laws and official conflict of interest

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

1. Official conflict of interest in contracts

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

[Minn. Stat. § 471.87.](#)

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

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

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

a. Statutory cities

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

b. Home rule charter cities

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

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

2. Conflicts of interest in non-contract situations

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

Minn. Stat. § 412.311.

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

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

Minn. Stat. § 471.895.

Minn. Stat. § 471.895, subd. 3.

Minn. Stat. § 15.054.

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

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

3. Incompatible offices

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

4. Gifts to elected officials

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

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

5. Other laws on ethical behavior

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

- Sale of government-owned property. In general, officers and employees of the state or its subdivisions are prohibited from selling government-owned property to another officer or employee of the state or its subdivisions. However, the law does not apply to the sale of items acquired or produced for sale to the general public in the ordinary course of business. In addition, the law allows government employees and officers to sell public property if the sale is in the normal course of their duties.

Minn. Stat. § 471.895. Minn. Stat. § 10A.071. Minn. Stat. § 10A.01, subd. 21, 24.

Minn. Stat. § 10A.07.

Minn. Stat. § 10A.01, subd. 22.

Minn. Stat. § 10A.09, subds. 1, 6a.

See Appendix F: Sample Statement of Values.

- Gifts from lobbyists for officials in metropolitan cities with populations over 50,000. Metropolitan cities with a population over 50,000 are subject to an additional law related to gifts. Local officials in these cities are also prohibited from receiving gifts from “lobbyists.” A “lobbyist” is defined as someone engaged in lobbying in the private or public sector, or a city employee or non-elected city official who spends more than 50 hours in any month attempting to influence governmental action.
- Conflict of interest and economic disclosure in metropolitan cities with populations over 50,000. Elected and appointed officials of metropolitan cities with populations over 50,000 must disclose certain information if they will be involved in a decision that will affect their financial interests. The law affects elected or appointed city officials, or city employees with authority to make, recommend, or vote on major decisions regarding the expenditure or investment of public funds. The law applies if the official or employee must make a decision or take an action that substantially affects their financial interests or those of a business with which they are associated. However, there is an exception if the effect is no greater for the interested business than for others in that business, occupation, or position.
- Statements of economic interest. City officials in cities within the seven-county metropolitan area with populations over 50,000 (as determined by the most recent federal census, a special U.S. census, an estimate by the Met Council, or the state demographer) must file a statement of economic interest. The statement must be filed with the local official’s governing body and the Minnesota Public Disclosure Board.

6. City values statements and ethics policies

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

a. Values statements

Values statements are written to reflect the core ethical values of the city. They are a way to compare preferred values against actual behaviors. Values statements may take many forms, but generally they contain four to six cardinal values surrounded by “I” statements and examples.

For example, “I serve the public interest when I recognize and support the public’s right to know the public’s business.” Values-based codes generally set aspirational “do’s,” while codes of conduct stress “don’ts,” as discussed below. You can find a sample Statement of Values in Appendix F at the end of this memo.

b. Codes of conduct

Codes of conduct are written more like bylaws or regulations for an organization. Generally, they prescribe explicit standards of behavior and provide for formal complaints, hearings, and censure. For example, a code of conduct might state, “No member may knowingly violate the Open Meeting Law.” You can find a sample Code of Conduct in Appendix G at the end of this memo.

c. Enforceability

i. Values statements

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

ii. Codes of conduct

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

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

IV. Mayor-council relationship

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

A. Meetings and the mayor-council relationship

See Appendix G: Sample Code of Conduct.

[Minn. Stat. § 410.20.](#)

See Chapter 3.

See Appendix A: Minnesota Mayors Association Sample City Council Bylaws.

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

- Presiding officers should not dominate discussion. In most cities, the mayor participates equally in council meetings. Generally, the mayor has the same right as any other council member to discuss issues, make and second motions, and vote. Since the mayor is also a presiding officer at meetings, this can create a difficult situation on issues where the mayor may have strong views. In recognition of their dual role as participant and meeting facilitator, mayors may choose to limit their comments or save their comments until all other members have had a chance to voice their views. However, this is not a legal requirement, just common practice. If the mayor has particularly strong views on an issue, some city policies on meeting management allow the mayor to step aside as presiding officer and for the appointment of a temporary presiding officer.
- Presiding officers should allow all participants to speak and present their views. The role of the presiding officer is to facilitate the discussion. Most city policies on meeting management prohibit speaking out of turn and require the presiding officer to recognize a council member prior to speaking. The reason for this requirement is to prevent the inevitable disorder and confusion of many voices speaking at once. It also greatly simplifies the work of the minute taker and allows an accurate record to be created. Mayors should not use this authority to silence political opponents or suppress views with which the mayor does not agree.
- Presiding officers should know and enforce applicable city policies on meeting management and/or rules of procedure. Successful meetings require leadership to keep participants on task. Most city policies on meeting management specify expected conduct for meetings that is essential to an organized meeting. For example, time limits on comments by participants, procedures for being recognized by the presiding officer before speaking, limits on public participation, formal language for making and amending motions, and procedures for voting. If the presiding officer is not familiar with or does not enforce the city policies or rules, often there is little recourse for other meeting participants to enforce the rules themselves. This may create frustration, delay, or unduly extend meetings, lead to confusion over actions taken, and potentially create embarrassment for the council as a whole.

- Presiding officers should model and enforce decorum. The mayor is in a unique position, as the presiding officer at city council meetings, to model meeting decorum, civility, and respect. The mayor should conduct meetings in a manner that encourages open discussion of issues and honest differences of opinion, without the use of personal attacks, name calling or scapegoating. Civility and decorum, perhaps more than any other factor—both inside meetings and outside – is the key to building successful relationships with council.

B. Keys to team-building success

Many observers of government have linked city success with the ability of the mayor and council to work together as a team. Both inside meetings and during one-to-one interactions, mayors can promote a team model of government by:

- Sharing information freely. Mayors sometimes play a unique role for the city in meeting with citizens, business representatives, and other governmental officials and dignitaries. In addition, mayors may have unique duties as meeting leaders, agenda setters, emergency managers, and public spokespersons, depending on each city’s policies. As a result, mayors often obtain vital information related to the city’s operations before other council members and even city staff. Timely sharing of information equally with all stakeholders and in an inclusive manner is a key to successful team building. It is important to stress, however, that information should only be shared in a manner that complies with all legal requirements such as the Minnesota Open Meeting Law.
- Communicating honestly. On occasion, bad news is both the hardest news to convey and the most vital. Not everything in your city will be a total success. While there may be a temptation to resolve a short-term dilemma by providing only partial information to fellow council members, this approach can have long-term and long-lasting negative effects. Failing to communicate honestly erodes trust and may damage the city council’s ability to make collaborative decisions.
- Working collaboratively to establish visions, goals, and priorities. When priorities and policies are set collaboratively, they often have greater stakeholder buy-in. Knowing that their position was at least considered often goes a long way in satisfying council members whose positions ultimately do not prevail.

V. Mayor-staff relations

Not all cities are alike. Depending on the city’s form of government, staffing structures will vary. It is important for a mayor to understand the city’s form of government and its corresponding staff structure.

See Chapter 2.

A. City staff and their roles

City staff positions and roles are created by a combination of state statute, local ordinance, and city policy. In addition, some charter cities may have provisions in their charter creating and defining staff roles.

1. City manager and city administrator

The terms “city manager” and “city administrator” are sometimes used interchangeably, but they are two legally distinct concepts. City managers can only exist in Plan B cities or home rule charter cities that provide for the council-manager form of government. No form of government requires an administrator position. It is most common, however, to see an administrator in a Plan A city. City managers and city administrators have very differently defined roles.

A. City administrator

The position of city administrator is usually created by ordinance or resolution. Sometimes the administrator position exists in addition to a separate city clerk position, but in smaller cities the duties are often merged into a combined clerk-administrator position.

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. The extent of the city administrator’s powers may be defined locally by a combination of ordinance, city policy, and job descriptions. In smaller cities, the responsibilities may essentially be an expansion of the city clerk’s duties. Other cities, typically larger cities, may give the administrator broader powers so that they essentially functions as a city manager with duties as discussed below.

b. City manager

The Plan B form of government is also known as the council-manager plan. It consists of the elected mayor, four or six elected council members, and an appointed city manager. There are 16 Plan B cities in Minnesota. Several home rule charter cities have also adopted the council-manager plan through their charters. An election must be held to become a Plan B city.

In Plan B cities, the council retains legislative and policy-making authority, but most administrative responsibilities, such as hiring and firing, are delegated to the city manager. The council’s control over these matters is indirect, essentially through its selection and retention of a manager.

Minn. Stat. § 412.611.

Unlike the position of city administrator, the duties of a city manager are clearly defined by state statute for Plan B cities. Charter cities should consult their charter for a listing of the manager's duties. In Plan B cities, state law establishes the city manager as the head of the administrative branch of government, and the person who is responsible to the council for the proper administration of all city affairs. As a result, city managers are vested with the power to appoint and remove city staff.

This includes the city clerk, all department heads, and subordinate officers and employees. Neither the council nor any individual council member may dictate the appointment of any person to office or employment by the manager. Council members 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.

City managers also have defined, and expansive powers related to budgeting, finances, and enforcement of city ordinances.

2. City clerk

All cities in Minnesota have the position of a city clerk. The clerk may be the city's only administrative official or may be supervised by a city administrator or city manager (in cities that have those positions). Minnesota cities have one of three types of city clerks: elected, appointed, or home rule charter clerks. Appointed clerks are the most common type of clerk. The duties of both elected and appointed clerks are defined by state statute. Further, the council may develop other ministerial duties specific to the city's needs. Charter cities should consult their charter for a listing of the clerk's duties.

A non-exhaustive list of the duties of clerks in statutory cities includes:

- Post and publish such notices, ordinances, and resolutions as may be required, including notices of meetings required by the Minnesota Open Meeting Law.
- Keep a minute book containing all city council proceedings, and an ordinance book recording all of the ordinances passed by the council.
- Act as a 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, the person from whom the money was received as well as all orders drawn upon the treasurer with their payee and object.
- Administer all city elections.

Minn. Stat. § 412.151, subd. 1.

B. Job direction and supervision

See Chapter 2–IV–F.

In statutory cities and most charter cities, mayors have no authority to directly supervise city staff or provide direction to city staff. Likewise, there is no authority for the mayor, acting as an individual, to appoint or terminate staff, to investigate or discipline employees, or to access employee data. The authority to supervise staff is delegated to the council as a group, not to any one individual on council. Charter cities may provide some authority for direct supervision.

In Plan B statutory cities and most council-manager charter cities, the city manager has all administrative authority over city employees. City councils as a whole may indirectly supervise staff through their ability to hire and fire the city manager and to set city policy.

In statutory, non-Plan B cities, the city council as a whole supervises employees by:

- Providing direct instruction to staff at a city council meeting. For example, making and approving a motion to “direct the city clerk to research grant opportunities for equipment in the city parks” or “direct the city clerk to work with the mayor to develop a job description for a utility billing secretary.”
- Adopting policies that govern staff behavior. For example, the city’s employee handbook may instruct staff to wear uniforms, punch in on a time clock, or follow explicit purchasing procedures. The city council may also establish policies on promotions, wage increases, benefits, etc.
- Establishing job descriptions listing staff duties. For example, the city clerk’s job description may require the clerk to supervise a deputy clerk, or a police sergeant’s job description may require the sergeant to act as a school liaison officer.
- Entering into employment contracts with specific conditions for employment. For example, a city administrator’s contract may set provisions for severance or performance goals, or a union contract may set criteria for benefit increases.
- Conducting employment reviews. In some cities, the city council directly conducts employment reviews for all staff, or merely for high level staff such as the city administrator. In the alternative, council may delegate this function to city staff such as the city administrator, or to an employee review committee.
- Conducting or authorizing investigations into employee conduct. For example, the city council may hold a closed meeting to discuss alleged conduct with a city employee. In the alternative, the city council may authorize the city administrator, attorney, or an outside investigator to investigate a specific issue and report back to council at a later date.

Elwood v. Rice County, 423 N.W.2d 671 (Minn. 1988).
Rico v. State, 472 N.W.2d 100 (Minn. 1991). *In re Alexandria Accident of Feb. 8, 1994*, 561 N.W.2d 543 (Minn. Ct. App. 1997) (snowplow driver). *Kari v. City of Maplewood*, 582 N.W.2d 921 (Minn. 1998) (emergency vehicle). *Kelly v. City of Minneapolis*, 598 N.W.2d 657 (Minn. Ct. App. 1999) (police officer).
 Minn. Stat. § 466.07.

Minn. Stat. § 13.43, subd. 1.
 Minn. Rule 1205.0400.

- Hiring and terminating employment. For example, the city council may make the decision to lay off classes of employees or terminate employment for misconduct.

Attempts to directly supervise or direct employees, without city council consent or direction, may create unintended legal liability for a mayor. Generally, the doctrine of official immunity protects public officials from lawsuits based upon discretionary actions taken in the course of their official duties. Additionally, state statute requires cities to defend and indemnify council members for any suit arising from their official duties. However, these doctrines may not protect a mayor if they are found to be acting outside the scope of their duties. In addition, it is important to note that neither official immunity nor the statute applies when a mayor or council member acts with malice or in bad faith.

Aside from legal liability, attempting to directly supervise staff may also have the effect of creating confusion for staff, who may receive conflicting direction from multiple sources. This confusion may delay important city actions, create unnecessary expense, or itself be a source of legal liability.

1. Access to employee records

Most employee data is defined as private data that is not accessible to the general public. As a result, access to employee files is limited to individuals whose job duties reasonably require access to private data. Since the mayor or individual council members do not have individual authority over city personnel, they cannot generally access this private information on their own initiative. However, the council could authorize the mayor or an individual council member to view the data for job-related reasons. For example, if the mayor is assigned to an employee review team.

VI. Conclusion

The Minnesota Mayors Handbook is a starting point for all you need to learn to be a successful mayor. The handbook is designed to highlight key areas of knowledge without being an exhaustive guide. Some sections pinpoint potential legal pitfalls for mayors or advise caution on common areas of liability. The purpose of this guide is to give you just enough information in these critical areas to help you recognize these situations and to know where to turn for more resources and assistance.

League of Minnesota Cities
*Handbook for Minnesota
Cities.*

League of Minnesota Cities *HR
Reference Manual.*

To join the mayor's listserv,
contact mhagenau@lmc.org

As you seek to increase your knowledge base, remember the Minnesota Mayors Association. Your fellow mayors can be among your most important resources! The Mayors Association offers a continuing education conference each spring and maintains a listserv for mayors on the League of Minnesota Cities website. In addition, never hesitate to ask city staff—these experienced professionals can be another critical asset. Finally, the League of Minnesota Cities has in-depth materials available on all the topics (and more) discussed in this handbook.

Finally, this handbook concludes with sample documents that have been referenced throughout the chapters. These are:

- The Minnesota Mayors Association Sample City Council Bylaws, Agenda Request Form, and Summary Rules of Public Comment (Appendices A – C).
- The Minnesota Mayors Association Sample Rules of Order with a Summary of Motions, Council Handouts outlining simple principles for making meetings work and problem-solving hints, and (Appendices D and E).
- A sample Code of Conduct and Statement of Values (Appendices F and G) created by the League of Minnesota Cities Ethics Advisory Panel.

Many city councils find that adopting formal bylaws and rules of order is the key to a successful working relationship between mayor and council. In addition, the sample rules of order contain tips for running successful meetings.

Minnesota Mayors Association

Appendix A: City Council Bylaws

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

V. **COUNCIL MEETINGS.**

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

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

VIII. DECORUM OF COUNCIL MEMBERS.

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

IX. VOTING.

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

X. MEETING SCHEDULE.

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

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

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

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

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

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

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

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

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

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

XV. PUBLIC COMMENT AT COUNCIL MEETINGS AND AT PUBLIC HEARINGS

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

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

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

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

time by members of the public will generally be referred to staff for further research and possible report or action at a future council meeting.

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

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

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

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

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

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

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

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

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

Appendix B: Agenda Request Form

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

Agenda Request Form

DATE SUBMITTED:

SUBMITTED BY:

DEPARTMENT:

ISSUE:

ATTACHMENTS:

JUSTIFICATION:

FINANCIAL IMPACT:

ACTION REQUESTED:

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

CITY CLERK/ADMINISTRATOR'S RECOMMENDATION

LANGUAGE FOR PROPOSED FORMAL MOTION TO BE CONSIDERED BY COUNCIL

Appendix C: Summary Rules for Public Comment

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

City Council Members

Mayor:

Council:

City Staff:

Clerk/Administrator:

City Attorney:

Public Works Director:

Police Chief:

Fire Chief:

Zoning Administrator:

Meeting Dates & Times: _____

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

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

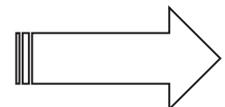
Council procedure: The council has adopted rules of procedure for all meetings. The rules are available for public inspection at the entrance to the meeting room. In order to take official action on items, the council will pass a motion by voice vote. Generally, a simple majority vote of the members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

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

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

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

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



During the public forum period, citizens must:

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

During forum period, the public is prohibited from:

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

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

The presiding officer may:

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

Council agenda/order of business:

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

Contact information for City Hall: _____

Hours of operation:

Minnesota Mayors Association

Appendix D: Rules of Order for City Councils

Preamble.

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

Rule 1. Motions.

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

Rule 2. Language for making a motion.

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

Rule 3. Procedure for consideration of a motion.

A motion does not need to be seconded. Once a motion has been made, the presiding officer shall restate the motion and (if applicable) open the motion up for debate, provided that the mayor determines that the motion is in order and no objections to the motion have been made pursuant to Rule 4. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on

decorum and civility, and is not made for the purpose of unduly delaying the proceedings. Debate shall follow the procedures in Rule 5. Once debate has concluded, the presiding officer shall restate the motion and call for a vote on the issue. A motion shall be considered passed if it receives a majority vote of those present at the meeting, unless otherwise required by law.

Rule 4. Objections to a motion.

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

Rule 5. Debate.

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

- a. For initial comments, all comments shall be limited to five minutes. For subsequent comments, all comments shall be limited to two minutes.
- b. The maker of the motion shall be permitted to speak first on the issue.

- c. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
- d. Everyone who wishes to speak on the issue must be permitted to speak once, before council members who have already spoken are permitted to speak again.
- e. Council members shall avoid repeating points already made in the debate or other duplicative conduct that may delay the proceedings. Where a point has already been made, council members may affirm agreement or disagreement.
- f. Generally, only one motion may be considered at a time in debate. Debate may only be interrupted by a motion to amend the original motion, a motion to take a brief recess, a motion to withdraw the motion by the motion's maker, a motion to divide a complex question, a motion to defer consideration to a later date, a motion to refer an issue to committee, motion for the previous question, a motion to limit debate, or a motion for a call to order. When debate is interrupted by any of these motions, the interrupting motion shall be resolved prior to resuming debate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- g. **Motion for call of the previous question** is not subject to debate. It may be used only after at least 20 minutes of debate on a single motion or when all members of the council

have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.

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

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

The appropriate language for making a motion to limit debate shall be substantially similar to, “I move to limit debate on this issue to ___ minutes per person” or “I move to limit council debate on this issue to no more than ___ minutes total.”

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

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

NOTE: Most secondary motions should not literally interrupt debate. They may not be made in the midst of the comments of a speaker duly recognized by the presiding officer, or silence the speaker’s speech. To make a secondary motion, the maker must be called upon and recognized by the presiding officer. There are two exceptions to this rule—a motion for a call of the previous question and a motion for a call to order. These motions may be made at any time—even in a manner that interrupts a speaker. However, these motions should be made only in the rare instance where a meeting has become out of control, strayed from the agenda, or become disorderly.

Rule 7. Appealing procedural decisions of the presiding officer.

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

Rule 8. Other special motions explained.

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

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

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

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

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

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

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

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

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

The appropriate language for making a motion to reconsider shall be substantially similar to, "I move to reconsider _____."

- f. **Motion to rescind or repeal** may be made at any meeting following the meeting where the issue was originally considered and voted upon. It may be made by any council member, whether or not he or she was on the prevailing side. It may not be made when

prevented by law or where substantial reliance on the council’s previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).

The appropriate language for making a motion to reconsider shall be substantially similar to, “I move to rescind/repeal the council’s previous action related to _____ as stated in resolution number _____.”

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

The appropriate language for making a motion to prevent reintroduction shall be substantially similar to, “I move to prevent reintroduction of this issue for _____ months.”

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

The appropriate language for making a motion to proceed informally shall be substantially similar to, “I move that we suspend the rules and proceed informally in discussing the issue of _____.”

Rule 9. Resolutions and ordinances.

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

The appropriate language for a motion for the adoption of a resolution shall be substantially similar to, “I move to adopt the resolution numbered ____.”

Rule 10. Robert’s Rules not applicable.

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

Summary of Motions

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

 **Means a motion is not subject to debate.**

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

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

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

“I move to _____”

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



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

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



“I move to take a brief recess for _____ minutes.”

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



“I move to withdraw my motion.”

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



“I move to divide the question into _____ parts. Part 1 shall be _____. Part 2 shall be _____.”

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



“I move to defer consideration of the main motion/this item until _____.”

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



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

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



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

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



“I move to limit debate on this issue to _____ minutes per person” or “I move to limit council debate on this issue to no more than _____ minutes total.”



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

“I move for a call to order by the presiding officer.”

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



“I move to adjourn the meeting.”

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

“I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law.”

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

“I move to open the meeting.”

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

“I move to revive consideration of _____ previously tabled/deferred/referred to committee.”

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

“I move to reconsider _____.”

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

“I move to rescind/repeal the council’s previous action related to _____ as stated in resolution number _____.”

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



“I move to prevent reintroduction of this issue for _____ months.”

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

“I move that we suspend the rules and proceed informally in discussing the issue of _____.”

Appendix E: Council Handouts

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

A. Simple Principles for Making Meetings Work-

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

B. Problem Solving Hints

Problem one: Meetings are taking too long.

Potential solutions:

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

Problem two: The minute taker and/or council members are confused about what has been approved or disapproved.

Potential solutions:

- a. All council action should be stated in a motion and voted upon. Even when the council has agreed by motion to discuss things informally, all decisions should be ratified in a formal motion that is put to a vote.
- b. Complex motions and their amendments can be put in writing. Resolutions should always be numbered, in writing, and adopted by a simple motion, “I move to adopt resolution number ____.”
- c. The presiding officer should state the motion being considered prior to opening debate and prior to voting. Once a vote has occurred, the presiding officer should state whether the motion carried or failed.
- d. Only one motion for council action may be considered at a time.
- e. Amendments to motions are limited to two amendments. These amendments should also be stated by the presiding officer prior to opening debate and voting.
- f. In making amendments, the proponent of an amendment should use concise language—preferably the model language identified in the rules, including:

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

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

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

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

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

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

Potential solutions:

- a. No person, including a council member, has the right to disrupt the council’s proceedings through fighting, threatening physical harm, or engaging in offensive, noisy, obscene or abusive conduct. *This is a crime pursuant to Minn. Stat. § 609.72.* Aggressive, threatening conduct cannot be tolerated. The presiding officer should follow the council’s adopted bylaws to issue warnings when such conduct occurs and then order removal of the person by the sergeant-at-arms.
- b. The presiding officer can remind the council member that the rules require all remarks to be addressed to the presiding officer alone. If the conduct persists, the

- presiding officer can rule the person out of order and follow the council’s procedures for discipline through censure and/or temporary removal from the meeting.
- c. The presiding officer can remind the council member that the rules require time limits on comments. If the conduct persists, the presiding officer can rule the person out of order and follow the council’s procedures for discipline through censure and/or temporary removal from the meeting.
 - d. Members of the council may request action by the presiding officer to curb another member’s conduct through a motion for a call to order. The motion may request a specific response to conduct by the presiding officer. For example, “I make a motion for the presiding officer to call Council member _____ to order and to desist from making personal attacks.”
 - e. Members of the council may make a motion for adjournment or for a brief recess, if a council member’s actions are so offensive as to disrupt the orderly process of the meeting.

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

Potential solutions:

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

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

Potential solutions:

- a. The presiding officer should insist that all members of council observe council bylaws and rules of order that speak to decorum. In particular, the presiding officer can remind council members that the rules require all remarks to be addressed to the

presiding officer alone. Rules should be enforced in a neutral manner applicable to everyone.

- b. The city council may wish to consider that application of rules of procedure alone may not solve the problem. Where divisions among council are particularly fractious, a skilled facilitator may need to be brought in to help council place their divisions in an appropriate perspective against the broader needs of the city.

Appendix F: Sample Statement of Values

Created by the League of Minnesota Cities Ethics Advisory Panel – October 2009; Revised December 2017

Preamble

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

The values

As a representative of the City of _____,

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

Value examples/expressions

1. **I serve the public interest. In practice, this value means that:**
 - a. I provide courteous, equitable, and prompt service to everyone.
 - b. I am attuned to and care about the needs and issues of citizens, public officials, and city workers.
 - c. I am interested, engaged, and responsive in my interactions with constituents.
 - d. I recognize and support the public's right to know the public's business.
2. **I fulfill the duties and responsibilities of holding public office. In practice, this value means that:**
 - a. I observe the highest standards of integrity in my official acts and undertake my responsibilities for the benefit of the greater public good.

- b. I faithfully discharge the duties of my office regardless of my personal considerations, recognizing that the public interest is my primary concern.
- c. I uphold the Constitution of the United States and the Constitution of the state of Minnesota and carry out impartially the laws of the nation, state, and municipality and thus foster respect for all government.
- d. I comply with both the letter and the spirit of the laws and policies affecting operations of the city.
- e. I recognize my obligation to implement the adopted goals and objectives of the city in good faith, regardless of my personal views.
- f. I conduct myself in both my official and personal actions in a manner that is above reproach.
- g. I do not use my position to secure for myself or others special privileges or exemptions that are different from those available to the general public.
- h. I understand and abide by the respective roles and responsibilities of elected and appointed officials and city staff and will not undermine them in their work.
- i. I am independent, impartial, and fair in my judgment and actions.

3. I am ethical. In practice, this value means that:

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am reliable.
- c. I am accountable for my actions and behavior and accept responsibility for my decisions.
- d. I make impartial decisions, free of influence from unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- e. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- f. I oppose all forms of harassment and unlawful discrimination.
- g. I extend equal opportunities and due process to all parties in matters under consideration.
- h. I show respect for confidences and confidential information.
- i. I avoid giving the appearance of impropriety and of using my position for personal gain.

4. I am professional. In practice, this value means that:

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive attitude, contributing to a supportive, respectful, and non-threatening work environment.
- c. I keep my professional knowledge and skills current and growing.
- d. I am respectful of all city staff, officials, volunteers, and others who participate in the city's government.

5. I am fiscally responsible. In practice, this value means that:

- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the city, especially its financial stability.

- b. I demonstrate concern for the proper use of city assets (e.g., personnel, time, property, equipment, funds), follow established procedures, and do not use public resources for personal gain.
- c. I make decisions that seek to preserve the financial capacity of the city to provide programs and services for city residents.
- d. I provide full disclosure of any potential financial or other private conflict of interest. I abstain from participating in the discussion and vote on these matters.
- e. I prevent misuse of public funds by establishing, maintaining, and following strong fiscal and management controls.
- f. I report any misuse of public funds of which I am aware.

6. I am conscientious. In practice, this value means that:

- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
- b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c. I am respectful of established city processes and guidelines.
- d. I prioritize my duties so that the work of the city may move forward.
- e. I prepare for all meetings by reviewing any materials provided ahead of time. When I have materials to contribute, I make sure all others involved have ample time to review these materials prior to the meeting.

7. I communicate effectively. In practice, this value means that:

- a. I convey the city's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded, and willing to participate in dialogue.
- c. I engage in effective two-way communication by listening carefully, asking questions, and responding appropriately, which adds value to conversations.
- d. I do not interfere with the orderly conduct of meetings by interrupting others or making personal comments not germane to the business at hand.
- e. I follow up on inquiries in a timely manner.
- f. I encourage and facilitate citizen involvement in policy decision-making.
- g. I am respectful in disagreements and contribute constructively to discussions on the issue.

8. I am collaborative. In practice, this value means that:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding to accomplish common goals.
- b. I share information with others in a timely manner so that, together, we can make informed decisions.
- c. I work toward consensus building and gain value from diverse opinions.
- d. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.

9. I am forward thinking. In practice, this value means that:

- a. I promote intelligent, proactive, and thoughtful innovation in order to advance the city's policy agenda and provide city services while considering the broader regional, statewide, national, and international implications of the city's decisions and issues.
- b. I maintain consistent standards, but am also sensitive to the need for compromise, creative problem solving, and making improvements when appropriate.
- c. I am open to new ideas and processes, adopting them as they conserve resources and provide efficient and effective service.
- d. I consider the potential long-term consequences and implications of my actions and inactions.

Appendix G: Sample Code of Conduct

Created by the League of Minnesota Cities Ethics Advisory Panel – October 2009; Revised December 2017

____.01. Purpose.

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

____.02. Standards of conduct.

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

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

Subd. 2. Except as prohibited by the provisions of Minn. Stat. § 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that

would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City Council under the circumstances described under Minn. Stat. § 471.88, if proper statutory procedures are followed.

___.03. Complaint, hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct in section __.02. The complaint must contain supporting facts for the allegation.

The City Council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the City Council determines:

- 1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally recognized conflict of interest, and
- 2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay.

The City Council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination.

At the hearing, the person accused must have the opportunity to be heard. If, after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

AGENDA ITEM – 3E



MEMORANDUM

DATE: February 9, 2026
TO: Honorable Mayor and City Councilmembers
FROM: Jessica Jagoe, City Administrator
SUBJECT: Rice Creek Commons/TCAAP Discussion

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

For Council Consideration

Council will have the opportunity to comment on any TCAAP related items they so choose.

Background

N/A

Budget Impact

N/A

Attachment

N/A

AGENDA ITEM – 3F



MEMORANDUM

DATE: February 9, 2026
TO: Honorable Mayor and City Councilmembers
FROM: Jessica Jagoe, City Administrator
SUBJECT: Agenda Planning

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should discuss its next Work Session agenda.

Background

Per Council's adopted policy on agenda setting, please find the proposed agenda below for the upcoming meeting.

March 9th Work Session

- State of the City Policy
- 2027 Park Improvements
- Proposed Trails in Ramsey County Right-of-Way
- Accessory Dwelling Discussion
- Volunteer Recognition Policy
- Agenda Planning (time sensitive)
- RCC/TCAAP Discussion

April 13th Work Session

- To Be Determined
- Agenda Planning (time sensitive)
- RCC/TCAAP Discussion

Attachment A is the list of topics that have yet to be discussed by Council and the 2025 ranking of priority topics. Staff will begin to work on the higher priority items into upcoming Work Sessions sooner while putting the lower priority items to later discussions. Please note, this does not reflect all items at Work Sessions as Staff will have necessary items for discussion, such as, budget discussions, concept plan reviews, or Public Works projects that need timely direction.

Council may want to discuss whether any items need to be added to this list for future discussion or assign a future meeting for some of these items. This would need to be done by a majority consensus of Council.

Below is a running list of things Staff brings forward to Work Session annually, in recent years, we have shifted away from bringing some items forward unless needed, such as, the Pavement Management Update from Public Works. Note, these timelines may shift year to year. Most items discussed at Work Sessions are one-off items that may require multiple meetings but are usually not recurring.

- January
 - Legislative priorities
- February
 - None
- March
 - Initial guidance on next year's Public Works projects
- April
 - None
- May
 - None
- June
 - Follow up on next year's Public Works projects
- July
 - Capital improvement planning
- August
 - Operating budgets
- September
 - Operating budget and levy discussion
- October
 - State of the City (if planned for early following year)
- November
 - City-wide budget and fee schedule
 - Follow up on next year's Public Works projects
- December
 - Committee and commission appointments

Budget Impact

N/A

Attachment

Attachment A: Council Priorities

Attachment B: Agenda Setting Policy

Attachment A

Topic for Consideration	Likely Responsible Department	Total	Average	Majority Next Steps
Short-term Rental Ordinance	CD/Admin	15	3.00	Council WS
Rental Licensing Program	CD/Admin	15	3.00	Council WS
Accessory Dwelling Units	CD	12	2.40	Council WS
Funding for Lake Johanna Boulevard Trail	PW/Fin	9	1.80	Council WS
Climate Action Plan	Admin	9	1.80	Council WS
Code of Conduct	Admin	8	1.60	Council WS
Encroachment Discussion (2025)/Adopt A Spot	PW	8	1.60	Staff Recommendation
Volunteer Recognition (to Personnel first)	Admin	8	1.60	Staff Recommendation
Cannabis Discussion	CD/Admin	8	1.60	Council WS
Energy Audit	Admin	7	1.40	Staff Recommendation
Temporary Goats/Buckthorn	Admin	7	1.40	Staff Recommendation
Buy Nothing Day/Clean Up Day	Admin	6	1.20	Staff Recommendation
Community Survey	Admin	6	1.20	Council WS
Committee/Commission Liaison Role Policy	Admin	5	1.00	Council WS
EV Fleet Analysis	PW	5	1.00	Staff Recommendation



CITY OF ARDEN HILLS

Agenda Setting Policy

The purpose of this policy is to establish a method for agenda setting that allows for Council to review and have control over its agendas and decide as a Council how it wants items for consideration to be brought forward.

For regular worksession agendas:

- Prior to concluding each regularly scheduled worksession, the City Council shall review its next regularly scheduled worksession agenda and direct Staff on any changes.
- Should an individual Councilmember want to raise an item for discussion at the next meeting or in the future, they would do so during this review period. The item would need at least one other Councilmember to agree to having the item considered for future discussion, and then Council, by majority, would direct to have it placed on a future agenda or not.
- Staff will have flexibility to add or remove items to the worksession as needed to maintain operational efficacy.

For regular City Council meeting agendas:

- Agendas will be largely Staff driven based on approvals needed for normal operations.
- Items coming from the City Council shall first be discussed at a worksession and can direct Staff at said worksession to bring items forward for formal approval if needed.
- In rare instances, if a Councilmember brings forward an item that needs approval prior to going to a worksession, they may request the City Administrator add the item to the agenda. The City Administrator shall have the discretion to determine if the issue should be added or not, but Councilmembers will make every effort to having the item first discussed at a worksession.

Special meetings and emergency meetings:

- Special meetings and emergency meetings may still be called at the discretion of the Mayor or any two Councilmembers, and the members calling the meeting shall set the agenda.

Attachment A

Topic for Consideration	Likely Responsible Department	Total	Average	Majority Next Steps
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Code of Conduct	Admin	8	1.60	Council WS
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Cannabis Discussion	CD/Admin	8	1.60	Council WS
Energy Audit	Admin	7	1.40	Staff Recommendation
Temporary Goats/Buckthorn	Admin	7	1.40	Staff Recommendation
Buy Nothing Day/Clean Up Day	Admin	6	1.20	Staff Recommendation
Community Survey	Admin	6	1.20	Council WS
Committee/Commission Liaison Role Policy	Admin	5	1.00	Council WS
EV Fleet Analysis	PW	5	1.00	Staff Recommendation



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