



MAYOR AND COUNCIL COMMUNICATION

DATE: 08/06/2012  
**CONSENT**  
ITEM #: 5  
**MOTION** *Consent Agenda*

**AGENDA ITEM:** Reschedule November 5, 2013 Council Meeting  
**SUBMITTED BY:** Adam Bell, City Clerk  
**THROUGH:** Dean A. Zuleger, City Administrator  
**REVIEWED BY:** Cathy Bendel, Finance Director  
Beckie Gumatz, Program Assistant

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**SUGGESTED ORDER OF BUSINESS (if removed from Consent):**

- Introduction of Item..... City Administrator
- Report/Presentation ..... Mayor Pearson
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**SUMMARY AND ACTION REQUESTED:**

As part of the Consent Agenda, the City Council is respectfully requested to officially reschedule the November 5, 2013 City Council meeting in order to comply with state law. **As part of the Consent Agenda, no formal motion is required.** If the Council wishes to further discuss this rescheduling, they can remove this item from the Consent Agenda and approve the rescheduling by taking the following action or amending as necessary:

*“Move to amend the 2013 Lake Elmo City Council Meeting Calendar by rescheduling the November 5 meeting to November 6, 2013.”*

**BACKGROUND INFORMATION:** Per MN State Statutes, a city is not allowed to conduct a public meeting between the hours of 6:00 PM and 8:00 PM on the day of an election. A special election has been called for ISD 834 (Stillwater), which includes Lake Elmo, and will take place on November 5, 2013. November 5 is also the date of a previously scheduled Lake Elmo City Council Meeting. In order to comply with Minn. Stat. § 204C.03, the City Council must either change the time of its meeting or change the date. Changing the meeting time is not a practical solution at this time. As with previous date conflicts, the Council has historically rescheduled the date of the meeting.

Staff initially solicited input from the Council as to what dates would be the best option for rescheduling. At the July 16, 2013 meeting it was recommended that the 11/5/13 meeting be rescheduled to 11/12/13 to allow the Election Canvassing Board to meet the same night. The Canvassing Board can only meet during a statutorily specified number of days to certify the election results. Staff later realized that this would

cause the 11/12 meeting to be only one week prior to the 11/19 meeting. This meeting on the 19<sup>th</sup> is necessary for several project timelines. This limited duration of time between meetings is not ideal and poses agenda management difficulties. To resolve that problem, staff instead recommends that the November 5 meeting be rescheduled to Wednesday, November 6 at 7:00 PM.

### **RECOMMENDATION**

Staff recommends the City Council officially reschedule the November 5, 2013 City Council meeting as proposed. **As part of the Consent Agenda, no formal motion is required.** If the Council wishes to further discuss this rescheduling, they can remove this item from the Consent Agenda and approve the rescheduling by taking the following action or amending as necessary:

*“Move to amend the 2013 Lake Elmo City Council Meeting Calendar by rescheduling the November 5 meeting to November 6, 2013.”*

### **ATTACHMENTS:**

None

### **AUTHORITY:**

**2012 Minnesota Statutes:**

**§ 204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.**

Subdivision 1. **School districts; counties; municipalities; special taxing districts.**

No special taxing district governing body, school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the special taxing district, school district, county, city, or town. As used in this subdivision, "special taxing district" has the meaning given in section 275.066.