



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 19

TO: Mayor and City Council

FROM: Kristina Handt, City Administrator

REVIEWED BY: Sarah Sonsalla, City Attorney

AGENDA ITEM: Amend Chap 31 of City Code

BACKGROUND:

The Council last updated Chapter 31 of the City Code related to the City Council at their August 16, 2016 meeting. Last summer and through the fall staff and council members had conversations with LMCIT staff and one suggestion to help improve interactions was to allow staff to place items on the agenda and not have Council driven items. Council members were reluctant to give up their ability to place items on the agenda as they wanted to be responsive to what they heard from constituents.

ISSUE BEFORE COUNCIL:

Should the City amend Chapter 31, Section 31.04 of the City Code?

PROPOSAL DETAILS/ANALYSIS:

As an alternative to only having items placed on the agenda by staff as previously suggested, staff is proposing a process similar to that used in other communities in which council members first have their item discussed at a work session before being placed on a regular agenda. This process will help ensure items are fully discussed and researched prior to being brought to the Council for adoption. It allows staff to hear the comments and concerns from the Council and prepare documents and motions consistent with Council request.

A redlined version of the proposed changes is included in your packet. If the ordinance is updated, staff would also recommend a summary publication ordinance be adopted.

OPTIONS:

- 1) Approve Ordinance No 08-161
- 2) Amend and then Approve Ordinance No 08-161
- 3) Do not approve Ordinance No 08-161

RECOMMENDATION:

Motion to approve Ordinance No. 08-161

Motion to adopt Resolution No 2017-004 Approving Summary Publication of Ordinance No 08-161

ATTACHMENTS:

- Ordinance No 08-161, An Ordinance Amending Chapter 31, Section 31.04 of the Lake Elmo City Code
- Summary Publication Resolution

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-161

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE CITY'S PROVISIONS RELATED TO THE CITY COUNCIL**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 31, Section 31.04 of the City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

§ 31.04 ORDER OF BUSINESS AT REGULAR MEETINGS.

(A) *Order established.* Each meeting of the Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the order determined by the Council at its first annual meeting or as thereafter amended by the majority vote of the Council.

- (1) *Order of Business.* The standard order of business for Council meetings shall be the following:
 - (a) Call to Order/Pledge of Allegiance;
 - (b) Approval of Agenda;
 - (c) Approval of Minutes from Past Meeting(s);
 - (d) Public Comment;
 - (e) Presentations;
 - (f) Consent Agenda;
 - (g) Regular Agenda;
 - (h) Report of the Council. Council Reports will not be part of the Order of Business for meetings falling three months before a local election;
 - (i) Reports from City Staff; and
 - (j) Adjourn.

(B) *Agenda.* An agenda will be prepared for all regular Council meetings by the city clerk/administrator or their designee. Agenda items may be placed on the agenda by the ~~Mayor~~

~~and a Council member, two Council members or~~ staff or recommendation of the Council at a work session. Members of the public wishing to place an item on the agenda must do so by contacting city staff or Council members, or by speaking during the public comment period. No member of the general public may add any items to the agenda.

- (1) *Special Meetings.* When a special meeting is called pursuant to applicable law, the agenda for the special meeting 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.
- (2) *Agenda Procedures.* Any Staff member, ~~the or~~ Mayor ~~and Council member or~~ two Council members wishing to add an item to any agenda pursuant to this Section shall do so by complying with the following:
 - (a) All requests from Council to place an item on the posted agenda must be received by the city clerk/administrator by 10 a.m. eleven days prior to the next Council work session meeting. For a regularly scheduled Tuesday ~~meeting~~work session, the deadline for agenda items would be 10 a.m. on the Friday preceding packet completion. All requests from the Mayor or Council must first be reviewed at a council work session before being placed on the agenda of a regular meeting.
 - (b) All requests to place an item on the posted agenda must be on the form prescribed by the city clerk/administrator. The form shall be completed with the goal of clearly describing the subject matter to be considered by the 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 posted agenda by city staff or Council members must be reviewed by the city clerk/administrator or their designee prior to being included in the agenda.
 - (d) The agenda, along with all related information materials, will be provided to all City Council members and the city attorney at least four days prior to the Council meeting for which it applies. For a regularly scheduled Tuesday meeting, the packet will be provided by 5 p.m. the Thursday preceding.

(C) *Consent Agenda.* A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows the Council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.

- (1) Items that require findings of fact or an explanation of Council actions, such as land use matters and the consideration of licensing requests, should not be placed on the consent agenda.
- (2) An item on the consent agenda may be removed from such agenda for full

consideration by the Council upon request made by any member of the Council. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

(D) *Presentation, discussion and agenda item decisions.* The following is the order of business for presenting and discussing items on Council agendas:

- (1) Introduction of item;
- (2) Report by staff or other presenter;
- (3) Questions from Council members to the presenter in a round robin manner. The presiding officer will facilitate the round robin process by asking each individual Council member for one question and allowing for a response to the individual question. Then the presiding officer will ask the next Council member, in sequence, until all Council members have asked and received responses to a question. No Council member shall take more than three minutes to ask a question or comment on an item which is being presented before another Council member has a turn to question and comment on the same item;
- (4) Receive questions/comments from the applicant/requesting party to the Council, and allow each Council member to respond in the round robin process;
- (5) Allow questions from Council members to the applicant/requesting party, if applicable, using the round robin process;
- (6) Allow questions/comments from the public to Council members. Each member of the public shall state his or her comments in six minutes. Council shall not interrupt or interact until all public comments are completed;
- (7) At the conclusion of the round robin process, the presiding officer calls for a motion or discussion among the Council. Discussion on any presentation shall be kept to a minimum, and each Council member shall only speak twice on the issue. This action is not an indication that the motion on the table is the motion that will be approved in its current form. It is purely for discussion purposes;
- (8) Discussion among Council members using the round robin process with each member speaking no more than twice on a motion;
- (9) Action by the Council on the motion.

(E) *Meeting Schedule.*

- (1) Each meeting of the Council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.

- (2) Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the Council.
- (3) The last item on the agenda will be commenced no later than 12 a.m.
- (4) If all business has not been completed by 12 a.m., the meeting shall be continued to another date and time following the notice provisions contained herein.

(F) *Public participation and comment at council meetings.* Council meetings are the forum for the Council to conduct the city's business. While 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 actions that may disrupt the proceedings of the Council.

(G) *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 such 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 the 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.

(H) *Public comment period.* A limited forum for members of the public to speak with the Council is provided on each agenda. Public comments during the public comment period are subject to the following limitations:

- (1) Speakers must be recognized by the presiding officer before speaking and are limited to six 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 their name, address, and a brief summary of the subject matter which 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, insulting, 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; and
- (8) The Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Generally, the matter will be referred to staff for further research and possible report or action at a future Council meeting. If Council responds, Council shall not interrupt or interact until all public comments are completed.

(I) *Public Hearings.* Public hearings are sometimes required by law to allow the public to offer input on Council decisions. Unlike public comment periods, public hearings allow the public to speak on a matter currently before the Council. 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.

- (1) *General procedure for public hearings.* The order of business for all public hearings conducted by the Council shall be:
 - (a) Opening comments by the presiding officer announcing the purpose of the public hearing;
 - (b) The presiding officer opens the public hearing portion of the meeting;
 - (c) Staff presentation, if any (i.e. administrator/clerk, attorney, engineer etc.);
 - (d) Developer/other presentation, if any;
 - (e) Public comment (all individual comments limited to six minute maximum);
 - (f) The clerk/administrator shall make note of any submitted written testimony; and
 - (g) The presiding officer formally closes the public hearing portion of the meeting.
- (2) Speakers who wish to address the Council at a public hearing must follow the same rules as contained herein for public comment periods. The presiding officer may allow more time, where appropriate.
- (3) Speakers may also provide written comments to the Council before or at the meeting. Written comments shall be noted and provided to the Council and to anyone else as required by law.

(4) The presiding officer may continue the hearing, if necessary, following the procedures for continuing a meeting contained in this Section.

(5) Council shall not interrupt or interact until all public comments are completed.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance No. ____ was adopted on this ____ day of January 2017, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2017.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2017-004

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-161 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-161, an ordinance amending the City Code of Ordinances by amending the City's provisions related to the City Council; and

WHEREAS, the Ordinance is 6 pages in length; and

WHEREAS, Minnesota Statutes Section 412.191, subdivision 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the Ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-161 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-161, which amends certain provisions of Chapter 31 of the City Code. The Ordinance amends the order of business at regular meetings, agenda procedures by requiring Council requests to be heard at a work session.

The full text of Ordinance No. 08-161 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: January 3, 2017.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.