

CITY OF CLOQUET

COUNCIL HANDBOOK



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INTRODUCTION

As a Cloquet City Council member, you are one of a seven member board of a public entity with an annual budget ranging from \$12-18 million. Council members jointly establish policies for the community, establish spending limits, and provide leadership for the community. Policies are established through City Council action by resolution, ordinance or motion. A Council member's scope of duties, responsibilities and services are extensive. Countless hours of discussion at work sessions, committee meetings, staff research and public input from neighborhood meetings and public hearings demands the Council member's time.

There are resources available to assist Council members in defining their duties and responsibilities. This handbook is one: the *League of Minnesota Cities Handbook for Minnesota Cities*. The City of Cloquet Policy and Procedure Manual (still in development) and the Cloquet City Code are others. These publications are available for review in the City Administrator's Office.

The League of Minnesota Cities (LMC) is an organization which assists cities by lobbying, providing training and is a resource for issues and questions a city may have. The LMC Handbook is a comprehensive document available to all prospective and current Council members. The LMC Handbook provides information on the roles and responsibilities of Council members, laws regulating Council action, and special requirements of the Council. All new members would find it beneficial to review the handbook and clarify any issues, which are not clear. The LMC Handbook is a very extensive document; however, you may review the City's copy by making arrangements through the City Administrator's Office or going to the LMC website at www.lmc.org.

SOURCES OF CITY AUTHORITY

The United States Constitution does not mention cities. However, cities are influenced by the Federal Government, indirectly through the state government and directly through participation in federal funding of programs.

The Minnesota State Constitution authorizes the Minnesota Legislature to provide for the "creation, organization, administration, consolidation, division and dissolution of local government units and their functions, for the change of boundaries thereof" (Minnesota Constitution Article XII, Section 3). Hence, legislation provides for the general formation of cities but more specific details are included in the City Code. Additional powers of the City may be broadened or restricted by State Statute. The legislature does provide cities some discretion over policy areas as long as they are consistent with State Statutes.

Cloquet is a statutory city of the third class, as authorized by Minnesota Statutes Chapter 412. Further it operates as a Plan A statutory city which simply means that it appoints a City Administrator (Clerk-Treasurer) to manage the day-to-day activities of the city. Under City Code, Section 2.1.04, these positions have been combined into the City Administrator position. A statutory city operates under Chapter 412 of Minnesota Statutes, the City Code, and a number of other statutes that cover special cases. Although all statutory cities have the same basic powers, the City Code allows them to select one of several optional forms of organization. The Minnesota Legislature may, at its discretion, change any part of the City Code.

The topics and issues generally addressed in a City Code include: officers and employees, Council powers, taxation and finance, utilities, parks and parks commission, and optional plans of government. The City Code is a collection of ordinances that establishes the City of Cloquet laws and regulations. Chapters 2 and 3 of the Cloquet City Code describe administration, city organization, and management of the City. Section 2.1 addresses the roles of the officers and administrative departments; Section 2.2 of the Code establishes the statutory boards of the City; Section 2.3 establishes the non-statutory boards and commissions of the City; and, Sections 2.4 and 2.5 address the code of ethics and incompatibility of city offices. In addition, the Cloquet City Code addresses utility rates, licensing requirements and regulations, public safety, planning and zoning and City financing.

Cloquet City Code is also available for review at the Cloquet Public Library and on the City's website www.cloquetmn.gov. If you have any questions about the Code, please consult the City Administrator.

MAYOR AND COUNCIL

The Council is composed of a Mayor and six Council members. The Mayor and one Council member are elected At Large and the remaining five Council members are elected from five Wards. Council members must reside in the Ward which they represent.

The Mayor serves as the Chair at all Council meetings. If the Mayor cannot participate at a meeting, the Acting Mayor, appointed annually at the Council's first meeting of the year, assumes the Mayor's duties. At any meeting where the Mayor and the Acting Mayor are not present, the most senior Council member will be appointed by the remaining members of the Council to preside at the meeting.

The terms of the Council members are staggered so that only three Council members are on the ballot at any one time. The term for a Council member is four years and expires the first Tuesday in January after the November election. The number of terms a Council member chooses to participate in is unlimited. The position of Mayor is also a four year term. Candidates may file for election or reelection in the even numbered years.

Duties and Responsibilities

The Mayor is the presiding officer of the Council and is a regular member of the City Council. All powers of the City are vested in the Council, except as otherwise specified by law or the Cloquet City Code.

The Council's duty is to ensure that all obligations and duties imposed on the City by law are implemented. The administrative duties of the City are the responsibility of the City Administrator. **The Council must make any inquiries or investigation through the City Administrator. Neither the Council nor any single Council member can or should give orders to any officer, or employee of the City. Individual Council members cannot act on behalf of the City. The Council can exercise its authority or take action only as a body.**

The Council is the legislative body of the organization. The members of the Council approve the tax rate, the budget and determine the vision of the City. The Council provides leadership for the community by identifying issues and then implementing goals and strategies to solve the issues. The focus of the Council member should be on the policy of the City and the Council's vision for the City, enforcement of ordinances, managing of the City's financial affairs, and conducting the City's intergovernmental affairs. Some of the ways the Council focuses on these goals is, land use development, comprehensive planning, capital improvement projects, capital financing and strategic planning. In order to implement their plans, the Council gives the City Administrator the authority and direction to execute the plans.

A good way for any citizen, and particularly you as a prospective Council member, to gain insight and information about the City Council and the City is to attend Council meetings or watch them on Public Access Television (CAT7). Once you are elected, be prepared to spend time reading about current issues, past issues, legislation, and any other information which would assist you in your new position. Council members receive a lot of information from a variety of sources. A key to your success would be to organize a place in your home just for City information, start a filing system and keep the information in an organized manner. It is important for the Council members to know what the City does and how it performs its duties. It is essential that Council members make an effort to attend the many City functions and events to which you will be involved.

City Council Values Statement

The Cloquet City Council is expected to govern with a commitment to the preservation of the values and integrity of representative local government and democracy. The City Council shall be dedicated to the promotion of efficient and effective governing. To further these objectives, certain values based principles shall govern the conduct of every Council member, who shall:

- Operate openly, honestly, ethically, and with integrity.
- Encourage engagement and increased participation of the City Council and the community.

- Make decisions after prudent consideration of their financial impact, taking into account the long term financial needs of the City.
- Treat all people fairly, equitably, and respectfully.
- Make decisions consistent with the community’s vision and its adopted plans and goals while considering the “big picture of the City”.
- Encourage open and free communication.
- Respect differences of opinion.
- Prepare for all issues coming before the Council and respect the decisions made.
- Operate in a safe and environmentally sound manner.
- Seek to continually improve in all areas of our business.

Communication and Information

There are several ways a Council member can receive information from City Hall. City Council members can be connected to City Hall via computer, faxes and telephone. The Internet can be used for email and other related services.

Cloquet’s web page can be found at www.cloquetmn.gov.

The City of Cloquet maintains a general information line. Information can be accessed by calling 218-879-3347. Direct dial for City departments are as follows:

Administration	218-879-3347		
General Information	218-879-3347	Library	218-879-1531
CAT-7 TV	218-879-1814	Licensing	218-879-3347
		Parks & Recreation	218-879-6758
City Attorney	218-879-3363		218-879-7762
Cloquet Area Fire District	218-499-4274	Planning & Zoning	218-879-2507
Community Development	218-879-2507	Police Department	218-879-1247
Engineering Department	218-879-6758	Public Works Garage	218-879-7762
Finance Department	218-879-3347	Utility Billing	218-879-3844

City of Cloquet Council Meetings

The Cloquet City Council convenes at least twice in every month. At the first meeting of the year, the Council, at a minimum, takes the following action:

- Elect Acting Mayor.
- Review rules of procedure.
- Designate an official newspaper.
- Select official depository.
- Assigns Committee duties to the members.
- Establishes the regular meeting dates for the year.
- Reviews operational policies and guidelines and makes necessary changes.

The Council decides the times and the places of their public meetings. Currently, the Council meets the 1st and 3rd Tuesday of each month beginning at 7:00 p.m., with a work session immediately preceding the regular meeting at 5:30 p.m. Meetings are held in either Conference Room B or in the Council Chambers at City Hall. If a legal holiday should occur on one of these Tuesdays, the Council meeting is rescheduled for another business day. All meetings are held in compliance with the Minnesota Open Meeting Law. (see page 12)

Special meetings of the Cloquet City Council may occur. The Mayor or two Council members can call them. These meetings could be to address additional business, budgets, or other pending issues, which the Council was unable to discuss at a regular meeting or needs to be addressed before the next regular meeting. Any special meeting must be held in conformity with the Minnesota Open Meeting Law and all other state or local laws that apply.

The Cloquet City Council may meet in a closed meeting to discuss labor negotiations, threatened or pending litigation, and to evaluate the performance of the City Administrator. The City Council must follow the procedure to close meetings according to the Open Meeting Law.

Work sessions of the City Council are called by the City Administrator. Work sessions are scheduled on a regular basis as noted above or any other day agreeable to the Council. The purpose of a work session is to give the City Council information on an issue, which may be a future agenda item. These sessions are conducted for informational purpose only and they are open to the public.

The Council also has the authority to hold emergency meetings because of special circumstances in order to protect the public health, safety, and welfare from harm that would be caused by a delay. The procedure for notifying Council members is the same as special meetings; however, the public notice is different. The Council must notify the media and follow the statutory requirements to hold such meeting.

When holding meetings, the Council needs to have a quorum in order to conduct business. A quorum is the number of Council members needed to legally transact business. A majority of the Council is at least four members, which constitutes a quorum. If the membership of the Council would be less than seven members, the Council may appoint members to fill the vacant positions.

For operational purposes, the Council can decide its own rules and order of business for its meetings. The City Administrator keeps a permanent record of the proceedings which is available to the public. The official proceedings of the Council can also be found on the Internet at: www.cloquetmn.gov under the heading "Agendas & Minutes-City Council."

All regular and special meeting dates and times will be posted on the bulletin board in the City Hall lobby and other locations designated by the City Council or City Administrator.

Also, all regular and special Council meetings and the Truth-In-Taxation meeting will be video taped and broadcast on CAT7.

Agenda

The City Administrator physically prepares the agenda for the City Council meetings. Items are scheduled on the Council agenda with the approval of the City Administrator. A Councilor can request that the City Administrator consider adding an item to the agenda or at a meeting ask the Council if an item can be added. However, an individual Councilor cannot arbitrarily add items to an agenda. In preparing the agenda, the City Administrator holds a regular meeting the Monday before the Tuesday Council meeting. At this meeting, the Department Heads and City Administrator completely review each item on the proposed agenda. After the meeting, the City Administrator prepares the agenda and it is then ready for the Council meeting. Agendas are included with each packet. Packets are typically mailed and/or emailed out to the Council or are available via the Internet the Thursday before the Tuesday Council meeting. The Council packet will contain the agenda information on each agenda item for you to review before the meeting.

Procedure for Meetings

Order of Business

The Mayor presides over the Council meetings and the Acting Mayor performs the duties in the absence of the Mayor. The following is an outline for Council meetings.

1. Roll Call.
City Administrator takes the roll of the Council members.
2. Pledge of Allegiance.
3. Approval of the Agenda.
This action makes the agenda official for the meeting.
4. Approval of the Council Minutes.
 - *This is an official action of the Council. A careful reading for accuracy should have been accomplished prior to the meeting and any changes should be made before Council approval.*
 - *Approved minutes become the official document of record of the Council meeting they address.*
5. Public Comments - Items on Agenda.
 - *The Council allows time for members of the public to address any topic of public business.*
 - *Council listens to input and refers questions to the City Administrator for response at a later time.*
6. Consent Agenda.
 - *These are routine non-controversial items approved with one action.*
 - *Items can be pulled for further discussion and separate action.*
7. Public Hearings.
This is the point for public hearings when necessary.
8. Presentations.
This is an opportunity for someone who has made a formal request to address the Council prior to the meeting, to be on the agenda to review their issue.
9. Council Business.
10. Council Comments, Announcements and Updates.
11. Adjournment.

Voting

Actions of the Council pass or fail by majority vote of the Council. Majority is determined by the number of Council member's present at the meeting. Certain actions such as City initiated street improvements require an extraordinary majority or 4/5 of the whole Council. Council members may abstain from voting on a particular agenda item; however, abstentions have the same effect as a "no" vote.

Principal Rules Governing Motions

- **Motions** - These are a formal method of bringing business before the Council and for stating propositions on which the Council will have to make a decision. The list contains the more common motions. Motions can be made only by the Council members, Clerk, or Mayor.
- **Requires a Second** - Motions which have a "yes" after them in this column must be seconded by a Council Member before they can be considered. The maker of a motion may not second his own motion. By seconding a motion, a person does not necessarily indicate that he is in favor of it.
- **Can Interrupt a Speaker** - Motions which have a "yes" in this column can be

made at any time during a Council meeting. They may be made even while another has the floor and is speaking.

- **Debatable** - A “yes” in this column means that the council can discuss the merits of the motion. A “no” in this column means that no discussion is allowed and that the motion must be voted on as soon as it is made and seconded.
- **Amendable** – Motions which an affidavit mark in this column can be changed by amendment. Motions with a “no” in this column must be voted on in the same form as the motion was originally made.
- **Vote Required to Pass** - This tells whether the motion requires a simple or a two thirds majority for passage.
- **Can be Reconsidered** - This indicates whether or not a motion that was once passed or defeated by the council can be considered again later in the meeting.

Motions	Requires a Second	Can Interrupt a Speaker	Debatable	Amendable	Vote Required to Pass	Can be Reconsidered
I. PRIVILEGED MOTIONS						
To adjourn	Yes	No	No	No	Majority	No
To recess (to take a recess)	Yes	No	No	Yes	Majority	No
To ask for a question of privilege	No	Yes	No	No	No Vote	--
II. SUBSIDIARY MOTIONS						
To postpone temporarily (lay on the table)	Yes	No	No	No	Majority	No
To postpone to a definite time	Yes	No	Yes	Yes	Majority	Yes
To postpone indefinitely	Yes	No	Yes	No	Majority	Only a positive
To vote immediately on the question (previous question)	Yes	No	No	No	2/3	No
To place a limitation on debate	Yes	No	No	Yes	2/3	Yes
To refer the motion to a committee	Yes	No	Yes	Yes	Majority	Yes
To amend a motion, ordinance or resolution	Yes	No	Yes	Yes	Majority	Yes
To substitute one motion, ordinance or resolution for another	Yes	No	Yes	Yes	Majority	Yes
III. MAIN MOTIONS						
Any general motion, resolution, or ordinance	Yes	No	Yes	Yes	Majority	Yes
To reconsider a motion already passed or defeated	Yes	Yes	Yes	No	Majority	No
To consider an action previously postponed temporarily or laid on table (to remove from the table)	Yes	No	No	No	Majority	No
To appeal or challenge a ruling by presiding officer	Yes	Yes	Yes	No	Majority	Yes

CITY STRUCTURE

City Administrator

Many City Administrators either have degrees in Public Administration, Urban Studies, or other formal training or government employment. A Masters Degree is not required to be a City Administrator in Cloquet. Many City Administrators belong to the International City Manager Association (ICMA) which was founded in 1914 and is a professional and educational association for city administrative officers. ICMA's mission is "to strengthen the quality of local government through professional management." The City Administrator is subject to the ICMA Code of Ethics and the twelve ethical principles of personal and professional conduct of the ICMA organization.



The City Administrator is appointed by the City Council and serves at the pleasure of the City Council. The Council establishes policy and programs and the City Administrator executes the actions of the Council. The role of the City Administrator is to serve the Council and the community, to bring local government projects and programs to the citizens on behalf of the Council. The City Administrator prepares the budget, recruits, hires and supervises the Department Directors of the organization and serves as the Council's chief advisor. Under this form of government, the City Council still retains the responsibility for hiring, discipline, and related actions. The citizens and Council members count on the City Administrator to provide them with unbiased and objective information, while presenting both sides of the issue and the long term consequences. It is the duty of the City Administrator to keep the Council informed and to be sensitive to issues of the Council, just as Council members need to keep the City Administrator apprised of constituent concerns and future issues.

All direction to City staff MUST be from the City Administrator and not individual Council members, unless otherwise authorized by the City Administrator.

An annual performance evaluation of the City Administrator is completed by the Cloquet City Council. This evaluation helps to assure the goals of the City are being accomplished and provides direction and guidance to the City Administrator. The City Administrator may be evaluated in the following areas: leadership, judgment, problem solving, communications, interpersonal/community relations, and the ability to accomplish the goals and objectives. The City Administrator communicates in a variety of ways with the Council: work sessions, retreats, and one to one contacts via either telephone or in person, and in writing.

All Council members are treated fairly and equally by the City Administrator. The need for regular communication between the City Administrator and Council is essential to maintain open communication with the organization. The organization and structure of the City is an important aspect for you to understand.

The flow of authority is from the citizens to the City Council, from the City Council to the City Administrator, and from the City Administrator to the City organization. Within the organization, the flow of authority is from the City Administrator to the Department Heads and then to the subordinate staff. Any complaint or question should be directed to the City Administrator. The City Administrator then will alert the appropriate Department Head about the concern or question. In the absence of the City Administrator, a Council member may contact the Assistant City Administrator or directly to the Department Head, only if the City Administrator is made aware of the contact with any questions or concerns. Depending upon the issue, the City Administrator may authorize direct contact between the Councilor and a department head.

Organizational Structure

The organizational structure within the City of Cloquet has the City Administrator at the top of the organization. The City Administrator provides supervision to the organization through the Department Heads. There are six departments, which are as follows:

Administration

The Administration Department is responsible for Human Resources, risk management, licensing, insurance, elections, agenda preparation, and policy implementation. The City Administrator is appointed by the City Council and can be reached at 879-3347. The Assistant City Administrator/Human Resources Director and can be reached at the same phone number.

Community Development

The Community Development Department consists of housing, building inspections, planning and zoning, and economic development. State law authorizes a city to create zoning and subdivision ordinances to regulate the type of land use in a city. State law encourages a city to develop a comprehensive plan, which Cloquet has done, to outline its future growth needs, goals, and objectives. The Community Development Director can be reached at 879-2507.

Engineering

The Engineering Department plans, designs, and inspects the new construction and reconstruction of the sanitary sewers, water mains, storm drains, streets and sidewalks. The City has a full-time City Engineer to oversee this department. The City Engineer can be reached at 879-6758.

Finance

The Finance Department is responsible for the City's finances, accounting, investments and insurance. It oversees accounts payable, accounts receivable, utility billing and payroll. The City's Finance Director also acts as the City Treasurer and manages all City investments. The Finance Director can be reached at 879-3347.

Police

The Police Department provides police protection as well as a variety of programs to prevent crime in the Cloquet area through a 19 member department. The City works cooperatively with Carlton County, State Highway Patrol, and Fond du Lac Tribal law enforcement on all aspects of crime prevention. The department is managed by an appointed Police Chief who can be reached at 879-1247.

Public Works

The Public Works Department is comprised of the following divisions: streets, parks, Lake Superior Waterline and utilities. The City Engineer also serves in the capacity of Public Works Director for the City and can be reached at 879-6758.

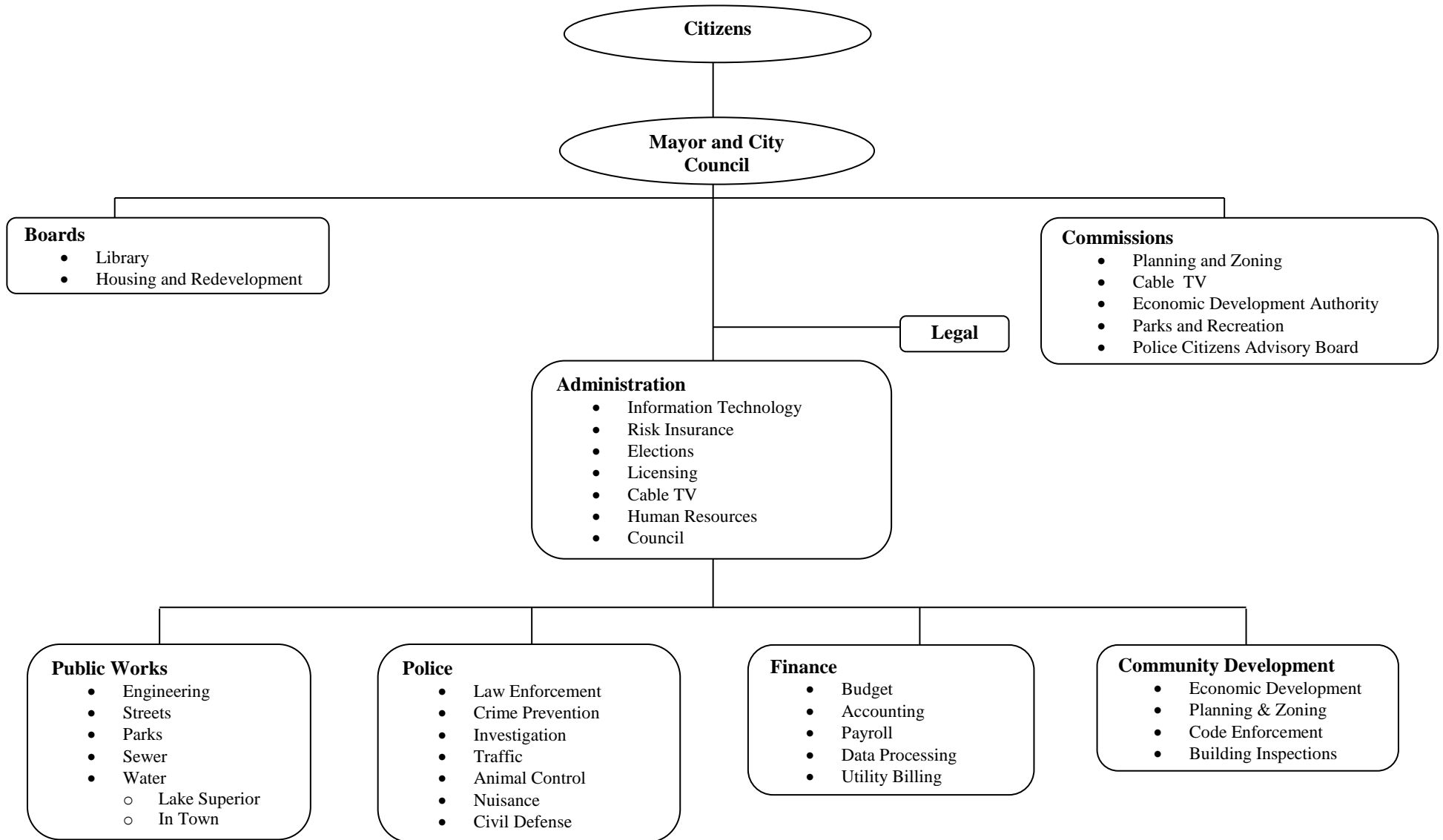
Library

The City also provides library services under different supervision. The Library staff reports directly to the Cloquet Library Board and are responsible for all aspects of managing and operating a public library. The Library Director and can be reached at 879-1531.

Cloquet Area Fire District

Fire Protection is provided by the Cloquet Area Fire District. The District Board oversees all fire and ambulance issues within a multi-jurisdictional area. The District Fire Chief and can be reached at (218) 499-4274.

CITY OF CLOQUET
ORGANIZATIONAL CHART
(BY FUNCTION)



Advisory Boards and Commissions

Boards and commissions are used by the City Council to advise them in a variety of areas. The City has several boards and commissions which advise the Council in its decision process. There are over 50-community volunteers that serve in an advisory capacity on these boards and commissions. The members of these advisory boards or commissions are recommended for appointment by the Mayor and approved by the City Council.



Boards and commissions in the City are organized for a variety of reasons. Some of the committees are created by ordinance or by policy. Some are required by State Statute. City Council members pay dues to belong to some organizations and this automatically makes them a delegate to the organization. They can also be appointed to be a liaison to a committee or assigned to a task force. The following are the different boards/committees/ and commissions.

Committees by Ordinance/Statute

Committees established by ordinance are included in the Cloquet City Code. Examples can be found in Section 2.2.01 through 2.3.02 of the Cloquet City Code.

Planning Commission - consists of seven members, all appointed citizens of the community. This commission makes recommendations to the Council in areas of planning and the maintenance of the comprehensive plan (Section 2.2.01 of the Cloquet City Code).

Economic Development Authority - consists of seven voting members who currently are two members of the City Council and five at-large citizens or business people appointed by the City Council. This Board encourages economic development within the City and provides assistance to businesses whenever necessary.

Housing & Redevelopment Authority - consists of five members, all appointed citizens of the community. The Board shall develop and implement programs to strengthen city neighborhoods and housing, including the city's Section 8 housing program.

Library Board - consists of seven members who should be residents of the City.

Cloquet Area Fire District - currently consists of six voting members with two Cloquet Council members appointed as part of a multi-community board. The Cloquet Area Fire District will endeavor to continually improve the safety and quality of life of the public and our members.

Non-Statutory Committees Created by Local Policy

These are committees which are created because of City Council action or to establish public policy. The following are examples of committees created by policy:

Cable Commission Advisory Board - is comprised of nine members with three who shall be residents of the City and two each from the City of Scanlon, the City of Carlton and the Town of Thomson. This board serves to advise the City Council on franchise issues related to the cable television provider.

Parks Commission - consists of seven resident members of the community. This advisory commission is responsible for the oversight of all park operations including land acquisition, development, improvement and use, and maintenance.

Shaw Memorial Public Library Foundation - is a 501(c)3 non-profit, tax-exempt foundation organized for the purpose of improving the library services of the Cloquet Public Library. This Board is appointed jointly by the Cloquet City Council and Cloquet Library Board and consists of seven members for three year terms and meets on an as needed basis.

Liaison

A liaison to a committee is appointed to enhance communication between the City Council and another organization. The purpose of being a liaison member is to provide a connection with an organization and the City. An example is the Council member appointed to serve as a liaison to Cloquet Chamber of Commerce Tourism Committee. Other non-City committees or boards that the Council liaison with are as follows:

ED Partnership, ARDC, WLSSD.

On average, a City Councilor will be required to attend approximately 6 hours of committee meetings per month. Some Councilors will attend more and some less. Meetings will require attendance both during the working day and in evenings.

Task Forces

A task force is established by the City Council to address a specific issue. Once the issue has been addressed, the task force usually is disbanded or becomes inactive until needed at another time.

Committees or Associations of Others

The City of Cloquet belongs to organizations which provide services to local units of government. As a member of the organization, the City of Cloquet can share in the benefit and services available through the organization. Further, by pairing with other government entities, the City can have a larger voice in issues affecting the City of Cloquet and the surrounding region.

Arrowhead Regional Development Commission - is a multi-disciplined planning and development organization whose jurisdiction encompasses the Northeast Minnesota counties of Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, and St. Louis.

The mission of ARDC is to serve the people of the Arrowhead Region by providing local units of government and citizens groups a means to work cooperatively in identifying needs, solving problems and fostering local leadership.

In accordance with the Minnesota Regional Development Act, the Commission serves as an advocate for local governments in Northeast Minnesota, provides leadership in the development of projects that benefit the Arrowhead Region and serves as a catalyst to identify needs and seek solutions to issues of regional significance. This role is especially important with regard to problems and opportunities that are multi-jurisdictional in scope or impact. Throughout its existence, ARDC has developed numerous planning and implementation programs aimed at meeting the needs of the Arrowhead Region.

ARDC also serves as an umbrella agency for a wide variety of local, state, and federal initiatives. These programs include services to aging, human services, transit, transportation, metropolitan planning, economic development, community development, and natural resources. Other responsibilities of ARDC include the development and maintenance of resource data to support the preparation of comprehensive development plans for units of government.

www.ardc.org

League of Minnesota Cities - is an organization in which the Council pays dues. This organization provides technical support to the Council and City Administrator.

www.lmc.org

WLSSD - The Western Lake Superior Sanitary District (WLSSD) provides solid waste management and wastewater services for an approximately 500 square mile region around Duluth, Minnesota that includes the cities of Duluth, Cloquet, Hermantown, Proctor, Carlton, Scanlon, Thomson and Wrenshall, and the surrounding townships. WLSSD operates a wastewater treatment facility, organic composting site, a hazardous waste collection site and solid waste transfer station in the Lincoln Park neighborhood of Duluth, Minnesota. WLSSD is a special purpose unit of government created by the Minnesota Legislature in 1971 to address serious environmental pollution problems in the lower St. Louis River Basin. It is governed by a nine-member citizen Board of Directors.

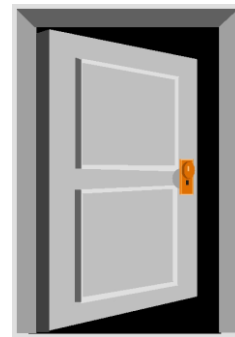
www.wlssd.duluth.mn.us

OPEN MEETING LAW

The Minnesota Open Meeting Law provides that all meetings of the City Council and any committee, subcommittee, board, department or commission thereof shall be open to the public. The reason for the Minnesota Open Meeting Law is to prohibit elected officials from making decisions without the public being fully informed. The law is enforced to assure the public's right to be informed of and participate in actions of the City Council. For purposes of the Open Meeting Law, a "meeting" is defined as a gathering of a quorum or more, where members intentionally discuss, decide or receive information as a group on issues relating to the official business of the City of Cloquet.

The opportunity should be available for the public to:

- Watch the meeting and be present
- See how the Council members vote on issues
- Obtain printed information the Council has at the meeting
- Obtain summary of Council minutes



Thus any scheduled gathering of the City Council or a committee must have proper notice and be open. This includes meetings where members receive information that may influence later decisions. Chance meetings and social gatherings are excluded; however, Council members cannot discuss or receive information on official business in private social settings. Further, even though gatherings of less than a quorum do not meet the definition of "meeting", serial gatherings of less than a quorum may be a violation upon the individual case.

There are few exceptions to the Open Meeting Law and very specific requirements regarding notice and subject of closed meetings. Strict adherence to these requirements is necessary to avoid violating the statute. The City Attorney should be consulted when the Council is considering conducting a closed meeting.

The provisions of the Open Meeting Law are often inadvertently violated by City Council members. Council members who intentionally violate the provisions of the Open Meeting Law are subject to personal liability for up to \$300 civil penalties per single occurrence. Government entities are prohibited from paying these penalties for Council members. Examples of potential violations are:

- Chamber of Commerce gathering with Council members
- Planning session with staff
- Neighborhood land use gathering
- Hockey association discussion with Council members

The use of internet and email to discuss issues with other City Council members can also be found to be a violation of the open meeting law. In using email, Councilors need to be careful that through “a chain of letters” they are not discussing City issues.

DATA PRACTICES ACT

The purpose of the Data Practices Act is to give the public access to records and data gathered and maintained by the City. Generally, all data collected and maintained by the City is public information. The Data Practices Act attempts to balance the public’s right to know with the respect for the individual’s privacy.

Data is classified into categories which are used to define “privateness” or confidentiality of the data. These categories assist the organization in deciding whether data can be released and to whom. This list is an example of data the City would gather or maintain and whether the information is public or private.

Elected Officials Correspondence

The information is private but can be made public by either the sender or the recipient.

Property Complaints

Complaints to the City of Cloquet, which are violations of ordinances, are confidential data. For example, if a neighbor reports that another neighbor is in violation of an ordinance, the name of the complainant cannot be disclosed.

Appraisal Data

Confidential until released or until the property is sold.

Elected Officials and Financial Disclosure Statement

Disclosure of financial information of elected or appointed officials required by statute, which are filed with the City, are classified as public data on individuals.

Arrest Data, Response Data, and Investigative Data

Is classified as public information once the investigation is closed and charges are filed.

Some personnel data of applicants for positions with the City of Cloquet, present and past employees, members of advisory boards and commissions, volunteers, and independent contractors is public.

The following list is public information:

- Name
- Gross salary & salary range
- Contract fees
- Pension
- Fringe benefits
- Expense reimbursements
- Job title and job description
- Education, training, previous work experience
- The terms of any administrative or judicial agreement
- Work location and work telephone number
- Time records
- City and county of residence
- Date of first and last employment
- The existence and status of any complaints or charges against an employee

NOTE: The actual circumstances of the complaint ARE NOT public data, whether or not the charge or complaint resulted in disciplinary action. The final disposition of any disciplinary action, with the reasons the action was necessary and data documenting the reasons, is public when final disposition is made. Final disposition occurs when the City makes its final decision about disciplinary action. Final disposition also includes resignation when the resignation occurs after the final decision of the City or arbitrator.

The following information is public and refers to former or current applicants; either for employment or an appointment to an advisory board.

- Veteran status
- Relevant test scores
- Rank on eligible list
- Job history
- Education, training, and work availability

Names of applicants are private except when certified as an eligible employee, ranked with other applicants for the position or as a finalist. A finalist may be someone who is called in for additional interviews but has not been chosen for the position.

The City Attorney should always be consulted when the Council is in question about what information is public and what is private. Releasing private information or refusing to release public information is a violation of the Data Practices Act. Violations of the Data Practices Act can result in a lawsuit against the City and/or against an individual City employee, Council member or public official. Willful violations of this act can also result in misdemeanor prosecution and penalties.

INCOMPATIBILITY, CONFLICTS, LIABILITIES AND ETHICS

Incompatibility

Cloquet City Council members cannot hold any other City office or City employment during his or her tenure as a Council member. City Council members cannot engage in business or transactions of a financial or personal nature, directly or indirectly, which would conflict with their official duties as a member of the City Council. Examples of specific conflicts of interests are incompatible employment, disclosure of confidential information, receiving gifts and favors, representing private interests before a city agency or court, or any contract with the City. A conflict of interest would occur if a Council member has an individual interest in the outcome of the decision by the Council.

These are a few questions you can ask yourself to help you determine if a conflict exists.

- The nature of the decision being made
- The nature of the financial interest

Some of the common areas which pose a possible conflict of interest for Council members are planning and zoning issues, public improvements, special assessments, licenses, land purchases regulations and vacation of streets. Some other areas to be careful of are church memberships, family associations and club memberships. Section 2.4.05 of the City Code identify other related conflict of interest issues.

NOTE: A copy of the Incompatible City Offices for the City can be found in the City Code under Section 2.5.

Liabilities

The City of Cloquet carries personal liability insurance policies on its elected officials, appointed officials, employees and officers. The City shall defend a person who is performing the duties of their job and is not guilty of malfeasance in office, willfully neglecting their duties or acting in bad faith.

Ethics

The issue of ethics and specifically gifts is addressed in Minnesota Statutes 471.895 and City Code Section 2.4. Elected officials cannot receive gifts from an interested person. The definition of an interested person is: “a person or representative of a person or association that has a direct financial interest in a decision that an official is authorized to make.” If a public official knowingly accepts a gift which is forbidden, the official may be guilty of a gross misdemeanor. A meal purchased by an interested party is considered a gift. A Council member may share a meal with an interested party as long as they pay for their own meal. If there is ever any question about accepting or declining a gift, the best option may be to decline.

RULES TO GOVERN BY

Land Use Laws

These laws provide the City with regulation authority of the land. The City adopts a zoning ordinance. This ordinance must comply “both in substance and procedures with state law.” Zoning has long been used as a regulatory tool for communities to use to control land use. This assists the City in planning for orderly growth and the extension of City services in a cost effective manner.



A zoning map is used to divide the community into different land uses to assist the City in planning and permitting of future growth. There are fifteen different categories for zoning and each has specific standards. There are two ways a person can vary from zoning standards; a “variance” can be granted or a conditional use permit can be issued.

A variance allows the individual property owner to “vary” from the permitted use of the land or from the required rules for the property.

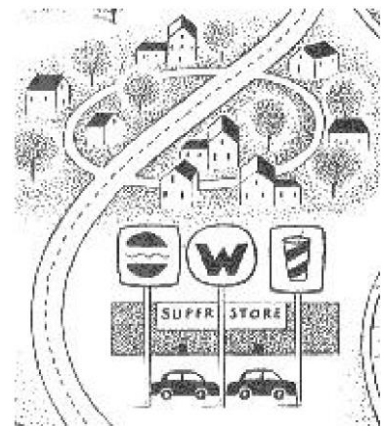
Conditional use permits are granted based on certain standards being maintained or established at the time of issuance. The permit is granted with a set of conditions that must be adhered to or the permit can be revoked.

Another tool the City of Cloquet uses is a subdivision ordinance. The state law allows for cities to adopt subdivision ordinances. These ordinances contain specifics regarding size of lots, public services, and streets when large tracts of land are involved. This assists the City in planning for future growth by keeping standards consistent throughout the City.

Public Improvements

There are two types of improvements; petitioned and City initiated. A petitioned project would occur when the citizens who own 35% or more of the affected property sign a petition asking the City to do improvements. A City initiated project would be an improvement, which has been identified in the capital improvement plan. A City initiated project requires a 4/5 vote of the Council where as a petitioned project only requires a simple majority. The process for these types of improvements is as follows.

- The City notifies all affected property owners.
- A meeting is held prior to the first formal Council meeting to provide information to the property owners.
- The first Council meeting is the project feasibility hearing.
 - It is at this time that citizens present their opinions about the project.
- The second Council hearing is the assessment hearing.
 - It is at this time that the cost of the project to the property owners is established.



If after the completion of the project the cost is less than the assessment, property owners are notified and the correct amount is assessed. No assessment is made until the project is completed. This is in accordance with Minnesota Statutes, Chapter 429, which explains in detail the complete process.

Actions Requiring Ordinances

Ordinances are another legal avenue in which Council direct policy. The following are example actions of the City Council which must be done by ordinance. Section 3.1.03 of the City Code addresses ordinances.

- Adopt or amend an administrative code or establish, alter or abolish any City department or agency.
- Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- Grant, renew or extend a franchise.
- Amend or repeal any ordinance previously adopted.

Ordinances in General

The form of an ordinance must be in writing and can pertain only to one subject. An ordinance can be introduced by any Council member at a special or regular Council meeting. Ordinances are generally in written form by City staff and filed with the City Administrator who provides copies to all Council members. Minnesota Statutes or City Code does not require the City to hold a public hearing prior to the City Council's consideration of an ordinance. The Council can reject, adopt or amend the ordinance. After adoption of the ordinance, the City Administrator shall have it published and a notice of adoption will also be published. The ordinance will typically take effect upon its publication or as otherwise noted in the ordinance.

Licenses and Permits

The City has the authority to license and require permits for activities within its jurisdiction. The purpose of licensing and permitting is to regulate the activities and provide oversight for inspection in the public's interest. A license is the granting of a special privilege within the City boundaries. The City is exercising its police power to protect and promote the welfare and safety of the public through the licensing process.

Applications for most City licenses are acquired from the City Administrator. Completed applications, together with the required fee and any other documents specified in the Code, must be returned to the City. The City Administrator is authorized to issue some licenses without Council action. Other licenses must be issued by the City Council. They are usually included in the consent calendar portion of the agenda.



Some of the areas the City of Cloquet licenses are:

- Liquor
- On Sale Wine Licenses
- Massage Therapy
- Pawnbrokers
- Public Dances
- Tobacco
- Transient Merchant/Peddlers
- Refuse Haulers
- Amusement Devices
- Charitable Solicitation
- Taxicab Vehicles
- Lawful Gambling Activities

More specific information about these licenses and the licensing process can be found in Chapter 6 of the Cloquet City Code.

FINANCIAL ASPECTS OF THE CITY OF CLOQUET

The City Council has delegated the fiscal responsibility to the City Administrator who is assisted in that responsibility by the Finance Director. Submission of the budget including a budget message must be accomplished on or before the fourth month before the beginning of the fiscal year, typically September. The budget is a financial plan for the City for the fiscal year. Any major changes from previous years should be highlighted and a summary of the changes prepared. The budget should explain each of the following areas: proposed revenues and expenditures, proposed capital expenditures, and debt payment schedule.

Budget and Tax Levy

On or before the first Council meeting in September, the City Administrator will present the next year's budget message and preliminary budget. This is accompanied by a preliminary property tax levy. The Council adopts the preliminary tax levy and sets the maximum property tax levy available to the City for the following year.

The process of compiling the budget begins in early June. The City Administrator provides initial budget information to Department Heads who then prepare their requests and submit them to the Finance Department. The City Administrator and Finance Director then meets with each Department Head to review the proposed budget. Staff prepares a recommended preliminary budget to present to the Council. The middle of August is usually the first time the Council examines the proposed budget. The next step for the Council is to review each department or fund budget for the following year. The Council may make changes in the preliminary budget during this review process.

The City Administrator typically schedules time at each Council Work Session meeting throughout the months of July and August to allow for discussion and input on the budget. After the preliminary budget is approved in September, little action is taken in terms of the budget unless something unique or different occurs. During early December, the City holds its Truth in Taxation Hearing to present the final budget and proposed tax levy to the citizens for their comments. After the Truth in Taxation Hearing, time is allowed for input on the final budget and tax levy for the City Council. The final budget and levy for the new fiscal year must be adopted in early December.

Capital Budget

The annual budget process typically begins with Council input into future capital items and staff presenting the previous years adopted plan to the Council. The capital budget of the City combines the Capital Improvement Plan for major construction and acquisition projects and the information needed to implement the projects. These projects are prioritized and are consistent with the City's Comprehensive Plan and Strategic Plan. Capital improvement projects are frequently financed through the issuance of bonds. Funding requirements for bond funded projects include the principal and interest payments for those bonds.

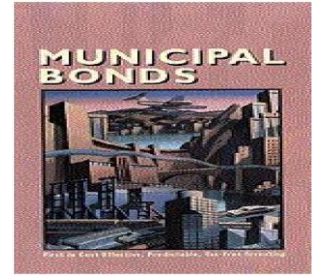
Financial Statement

City staff prepares the Comprehensive Annual Financial Report (CAFR). This financial report explains the financial status of the City and explains the sources of revenues and expenditures. It is reviewed and tested through an audit by a certified public accounting firm. The audit must be in compliance with all state requirements.

The audit preparation process begins in late January each year. The auditors are usually on site examining financial materials, for a two or three week period in March. The CAFR is prepared following this examination. After review by the auditors, the CAFR is usually presented to the City Council in early June.

Bonds

One of the ways in which the City finances projects is by issuing bonds. In general, a city can issue bonds for any authorized expense which is not a current expense. The use of bonds for acquisition, development, construction, or improvements of capital assets is allowable. A city can also issue bonds for public improvement in which they will gain revenue. They can purchase police, fire, and street equipment. This type of bond must be short term.



The following are examples of types of general obligation bonds the City has issued:

General obligation bonds are issued to provide funds for the acquisition and construction of major capital facilities. These bonds are direct obligation and pledge the full faith and credit of the City. These bonds are repaid primarily from the ad valorem taxes.

Tax Increment bonds are issued for redevelopment projects. The additional tax increments resulting from increased tax capacity of the redevelopment properties will be used to retire the related debt.

Improvement bonds are issued to finance various improvements and will be repaid primarily from special assessments levied on the properties benefiting from the improvements. Some issues, however, are partly financed by ad valorem tax levies.

Revenue bonds are issued to finance capital improvements to the enterprise funds. They are retired with the use of the revenue from the enterprise fund.

When the City issues bonds, the following procedure must be followed:

- Advertise for bids
- Set a date for hearing
- Hold a public hearing
- Open the bids
- Award bids



Other Tax Exempt Financing

Private business can approach the City of Cloquet and use the City as an avenue to purchase bonds. This provides for a lower interest rate and tax exempt status for the business. The bonds are issued on the full faith and credit of the business and not the City. This is called a "conduit issuance." The City of Cloquet is not responsible for the bonds in any manner.

A negotiated sale of bonds is when the City may need to expedite the process. The City would solicit a bond company and negotiate the terms of the bonds. This type of bond issuance is usually when the bond issuance is a small amount and the funds are needed quickly. The City of Cloquet does not have to advertise or go through the public hearing process for these bonds. The amount of the bonds cannot exceed standards which are established in Minnesota Statute 475.52.

Another avenue for purchase of large capital equipment can be by lease to purchase. This could be used for purchasing street equipment, computer system, and fire equipment or police vehicles. This option usually requires a down payment and then equal installments for a set period of time.

CITY COUNCIL COMPENSATION

Council salaries are set by ordinance. Any increase in salary does not become effective until the first meeting in January after the next November election. The ordinance must be adopted at least six months before the election. The adoption of the ordinance must occur before the month of May of the election year. Current salary amounts can be found in Sections 2.1.02 and 2.1.03 of the Cloquet City Code.

Council members can be reimbursed for expenses incurred while doing City business such as: mileage, meals, conference expenses and other miscellaneous items. The Council members must complete a voucher attaching receipts for specific amounts of the requested reimbursement. The voucher is then turned into the City Administrator for approval and forwarded to the Finance Department for payment. Conference expenses can be paid by the City, to the City Administrator's office for payment, if submitted far enough in advance.

VACANCIES

There are several reasons a vacancy may occur on the City Council such as; an election may be deemed to be invalid, a death, resignation, change of residence into a different ward, or removal from office. A Council member may move to another city. Also, medical reasons or illness could stop a Council member from attending meetings. When the absence extends beyond three months, the Council has the authority to remove the present Council member and appoint a new member. Another reason for removal would be any Council member who does not perform their duties and responsibilities in good faith.

The process for filing a vacant seat is established in Minnesota Statutes.

ADDITIONAL TRAINING AND RESOURCES

There is a variety of training sources available to new and present Council members. One of the sources is the League of Minnesota Cities (LMC). This agency provides information and training to elected officials and staff. In January, the LMC provides a refresher session and new Council member training. They educate the Council members on issues which are important at the time or they feel is necessary for new Council members. Every June the LMC has an annual convention at which there are many seminars and workshops. These conventions not only provide a training time for Council members but a time to converse with other member cities to find out how they have handled issues. Throughout the year LMC provides legislative updates on the upcoming session and the implication of any new legislation. They hold a risk management seminar every year and other seminars and sessions as needed.

If financial resources exist and personal schedules allow, Council members are encouraged to attend local and state conferences.