



Mayor Elizabeth Olson
Council Member Durwin Tomperi
Council Member Dan Warmbold
Council Member Robyn Keranen
Council Member Art Huebner

City of Menahga
Special City Council Meeting
3:00 pm, Wednesday, October 20, 2021
City Council Chambers
115 2nd Street NE
www.cityofmenahga.com

The Menahga City Council will hold a special meeting at 3:00 p.m., Wednesday, October 20, 2021, for the following purpose:

1. To discuss the City Council's Roles and Responsibilities
 - a. League of Minnesota Cities Handbook for Minnesota Cities Chapter 6 Pg 15-16 City council and its powers
2. To discuss issues related to Council's Ethics
 - a. Minnesota Mayor Handbook – Sample Code of Conduct Pg 45-47
 - b. Minnesota Mayor Handbook – Values Pg 39-44
3. To revisit the city's bookkeeping software
 - a. This attachment will be available at the meeting
4. To discuss the proper way to read the city's financial reports
 - a. League of Minnesota Cities Handbook for Minnesota Cities Chapter 6 Pg 18-19 Managing city's financial operations
5. To discuss the Wadena County Sheriff's response to the City's request for 2022 contract coverage
 - a. Letter From Wadena County Sheriff

GoTo Meeting Link

Special Meeting - Wednesday, October 20, 2021, 3:00 pm
Wed, Oct 20, 2021 3:00 PM - 4:30 PM (CDT)

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RELEVANT LINKS:

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

Minn. Stat. § 383B.053.

Minn. Stat. § 10.60, subds. 2, 3.

Minn. Stat. § 10.60, subd. 3.

Minn. Stat. § 10.60, subd. 4.

Minn. Stat. § 10.60, subd. 5.

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

There are additional requirements for economic-interest disclosure for elected officials of cities in Hennepin County with a population of 75,000 or greater.

M. Publications and websites

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

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

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

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

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

II. City council and its powers

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

RELEVANT LINKS:

See Handbook, *Liability*.

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

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

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

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

A. Role of the individual councilmember

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

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

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

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

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

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

B. The council's authority

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

Appendix D

Sample Code of Conduct

____.01. Purpose.

The City Council of the City of Menahga determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of Menahga, 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 Menahga 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 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 the members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure the special privileges or exemptions for the person or for others.
- d. Use the person's public position so 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 council 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.

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 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 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, requested an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

Appendix C

Sample Statement of Values

Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Menahga 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 core values in their work. Because we seek public confidence in the city's service and public trust of its decision-makers, our decision 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 Menahga,

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 rights to know the public's business.

2. **I fulfill the duties and responsibilities of holding public office. In practice, the 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 and discriminatory.
- 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 other 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 the 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 of 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 process and guidelines.
- d. I prioritize my duties so that 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 the 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 options.
- 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 potential long-term consequences and implications of my actions and inactions.

RELEVANT LINKS:

[Minn. Stat. § 412.191, subd. 4.](#)

[Minn. Stat. § 412.231.](#)

[Minn. Stat. § 412.661.](#)

[See Minn. Stat. § 412.201.](#)
[Minn. Stat. § 412.211.](#)

[Minn. Stat. § 412.241.](#)

4. Legislating for the city

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

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

5. Directing the enforcement of city ordinances

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

6. Appointing administrative personnel

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

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

7. Transacting city business

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

8. Managing the city's financial operations

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

RELEVANT LINKS:

Minn. Stat. § 412.251.
Minn. Stat. § 412.701. Minn.
Stat. § 275.065.
Minn. Stat. § 412.241.

Minn. Stat. § 412.241.

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

Minn. Stat. § 412.111.

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

Minn. Stat. § 412.221, subd.
32.

Minn. Stat. § 412.221, subds.
3, 28.

- Levying taxes.
- Adopting a budget.
- Auditing and settling accounts.
- Safekeeping and disbursement of public money.
- Borrowing money.
- Designating depositories.

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

9. Appointing members of the boards

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

10. Conducting the city's intergovernmental affairs

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

11. Protecting the welfare of the city and its inhabitants

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

12. Providing community leadership

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

13. Other specific powers

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

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



WADENA COUNTY
SHERIFF

Michael D. Carr

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Fax 218.631.7699

Working For You, Working With You.

Menahga City Council,

October 15, 2021

This letter is to address the City Council of Menahga's request made after motion passed at the October 12, 2021 City Council meeting.

On behalf of the Wadena County Sheriff's Office, I would like to thank you for asking us to look into your request. We've always appreciated our working relationship with the City of Menahga and its residents. At this time we are going to respectfully decline this request.

As mentioned in previous conversations, or if anyone is unaware, Minnesota statute states a Sheriff shall provide police protection for a City in the absence of the City not having its own Police Force. We have and will continue to be available to assist the City's Police Department with emergent calls.

In past years, for all the cities of this county, our Office has put together financial numbers for what it would cost a city to contract for police protection. None of these cities have chosen this route and have kept their Police Departments active.

I understand there are a lot of moving parts which brought up this recent request. Majority of which is financial. I am willing to assist your Police Chief in looking over his budget, to only suggest ideas that may help him and the City move forward.

If the City Council or Police committee wishes to meet with our Office to look for ideas to help the City move forward for the betterment of the City as a whole, please feel free to contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read "M. Carr".

Sheriff Michael D. Carr