



1. Call to Order

Mayor Bradford called the meeting to order at 5:00 p.m.

Present: Mayor Chuck Bradford

Councilmembers:

Jessica Bradford
Lyle Hoaglund
Jeffrey Ingalls
Greg Rud

Absent: None

Others Present: City Clerk-Treasurer Shirley Bueckler
Deputy City Clerk Gretchen Lohrbach
City Attorney Dave Anderson; Kennedy & Graven

2. City Council Training Session

Mayor Bradford introduced City Attorney Dave Anderson of Kennedy & Graven.

Attorney Anderson said Kennedy & Graven has 35 lawyers and they do primarily government work. Mr. Anderson is City Attorney for nine cities in Minnesota. Seven of his cities are non-metro cities. The vast majority of their clients are in greater Minnesota.

Training was provided for Council on the following topics:

Open Meeting Law

Triggering Criteria – The Open Meeting Law applies when each of the following are present:

- Gathering;
- Of a quorum or more of the City Council (three or more); and
- At which the members discuss, decide, or receive information as a group on issues relating to official City business.

When the Open Meeting Law does **not** apply:

- When all of the triggering criteria are not present;
- Social gatherings **but only if** no business is discussed;
- Attendance at training sessions or seminars when City business is **not** being discussed;

- Use of social media if limited to exchanges with all members of the general public. Does not include email. Minnesota Statutes, Section 13D.065.

Open Meeting Law: Potential Landmines:

- Serial meetings
 - Reply-all to emails
 - Email or call chain
- Circling up before or after meetings
- Closing meetings that should not be closed or not following required procedures
- The public packet requirement should be strictly followed (staff handles this)
- Social gatherings can be problematic

Open Meeting Law Violations

- Violation can result in litigation
- Personal liability and civil fines
 - Fine up to \$300 per member which CANNOT be paid by the City
- Forfeiture of office (three or more intentional violations)
- Costs and attorneys' fees

Data Practices Act

- The Act governs **all** data maintained by the City
- Unless otherwise specified, City data is presumed public
 - Includes data on personal cell phones, computers and other electronic devices
- Correspondence between Elected Officials and constituents is private data but can be made public by either the Elected Official or the constituent
- The identity of someone who registers a complaint with the City concerning violations of state laws or local ordinances concerning the use of real property is private data
- Emails and text messages are presumed public

Conflicts of Interest

- City Council members may not participate in matters in which they have a personal financial interest
- Examples:
 - A Council member owns property abutting a public street proposed to be vacated cannot participate in the street vacation proceedings
 - A Council member's spouse owns a business and there is a proposed contract for the City to purchase goods from the business – unanimous vote of remaining members required for approval
- Council members may also choose to recuse themselves from proceedings and voting if only to avoid the appearance of an impropriety even if there is no official conflict

Gift Law

- A City Council member cannot accept a gift from someone who has an interest in a matter involving the City
- A “gift” includes money, real or personal property, a service, a loan, forgiveness of a loan, or a promise of future employment
- Exceptions
 - Campaign contributions
 - Items costing less than \$5.00
 - Gifts given to a group, the majority of which are not Local Officials
 - Gifts given by family members

Meeting Participation Tips


- Come to meetings with a positive attitude
- Be on time
- Read meetings packets in advance
- Think about what is best for the City as a whole
- Visit agenda locations in advance
- Allow group participation
- Be a good listener
- Ask questions
- Contact Staff if you have questions or concerns before meetings
- Contact Staff if you cannot attend

Mayor Bradford thanked Dave Anderson for coming and providing this training for Council.

3. Adjourn

The meeting was adjourned at 6:24 p.m.

Approved: March 13, 2023.



Shirley R Buecksler
City Clerk-Treasurer

